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Dave Standing There (Hoocąk Haci Nįįc) December 31, 2025

Beyond Recognition: Why Indigenous Rights Require More Than Legal Acknowledgment

The conversation around Indigenous rights in America has reached a curious inflection point. We see land acknowledgments at corporate events, Native mascot retirements making headlines, and politicians offering carefully crafted statements about "honoring our Indigenous neighbors." Yet beneath this veneer of progress lies a fundamental question that mainstream discourse consistently avoids: Are we talking about rights, or are we talking about justice?

As Ho-Chunk people, we understand that rights aren't abstract concepts debated in law school classrooms—they're lived realities that determine whether our children will know their language, whether our sacred sites will survive another development project, and whether our nations can govern ourselves according to our own laws and values. The gap between legal recognition and practical sovereignty remains vast, and it's time we named that gap for what it is: ongoing colonization dressed in contemporary legal language.

Consider the current state of federal Indian law. The Supreme Court's recent decisions have systematically eroded tribal jurisdiction while strengthening state authority over Indian Country. In *Oklahoma v. Castro-Huerta*, the Court handed states concurrent jurisdiction over crimes involving non-Indians and Indians in Indian Country—a direct assault on tribal sovereignty that reverses decades of precedent. Meanwhile, in *Brackeen v. Haaland*, the Court upheld the Indian Child Welfare Act, but only after subjecting Indigenous family integrity to the most rigorous constitutional scrutiny imaginable.

This legal whiplash reveals the precarious nature of rights that depend on the federal government's political mood. One administration promises consultation and collaboration; the next views tribal sovereignty as an inconvenient obstacle to resource extraction. This volatility isn't accidental—it's structural. The entire framework of federal Indian law rests on the legal fiction that Indigenous nations are "domestic dependent nations," a phrase that perfectly captures the contradiction at the heart of American colonial law.

But here's what the legal scholars often miss in their doctrinal analysis: Indigenous rights aren't derived from federal recognition or constitutional interpretation. Our rights as Ho-Chunk people don't originate from some congressional act or Supreme Court decision. They flow from our original sovereignty, from our relationships to our homelands that predate any European legal system by millennia. Federal Indian law, at its best, merely acknowledges what already exists.

This distinction matters profoundly when we consider negotiation strategies. Too often, Indigenous advocates enter negotiations from a defensive posture, arguing for exceptions to state jurisdiction or carve-outs from federal regulations. This approach inadvertently reinforces the dominant legal framework that positions Indigenous rights as departures from the norm rather than expressions of original sovereignty.

A more strategic approach starts with first principles. When Ho-Chunk Nation enters into governmental negotiations, we're not asking for special treatment—we're engaging in nation-to-nation diplomacy between sovereign entities. Our treaty rights aren't historical artifacts; they're binding international agreements that carry the same legal force as any other treaty the United States has signed. Our jurisdiction over our territories and citizens isn't a privilege granted by Congress; it's an inherent governmental authority that we've never ceded.

This reframing has practical implications. Instead of arguing for exemptions from state gambling laws, we assert our sovereign right to regulate economic activity within our territories. Instead of requesting consultation on federal projects affecting our lands, we insist on free, prior, and informed consent—the international legal standard that the United States has endorsed in other contexts. Instead of seeking inclusion in existing legal frameworks, we demand that those frameworks be restructured to accommodate multiple legal systems operating within the same geographic space.

The path forward requires what I call "strategic sovereignty"—the disciplined practice of asserting Indigenous jurisdiction while building the practical capacity to exercise it effectively. This means developing our own legal institutions, training our own lawyers and judges, and creating economic and political systems that can operate independently of federal and state support.

It also means changing the conversation beyond Indian Country. Non-Indigenous allies must move past symbolic gestures toward substantive support for Indigenous self-determination. This includes supporting

tribal tax policies, respecting tribal court decisions, and advocating for federal policies that strengthen rather than undermine tribal sovereignty.

Indigenous rights aren't a niche legal specialty or a historical footnote. They represent a fundamental challenge to how we organize political and legal authority in North America. The question isn't whether Indigenous peoples deserve rights—we already have them. The question is whether American legal and political institutions are mature enough to honor the original arrangements their predecessors agreed to, or whether they'll continue treating sovereignty as a zero-sum game they're determined to win.

The answer will determine not just the future of Indigenous peoples, but the integrity of American law itself.

Naomi Kayano ( ) December 31, 2025

The Great Reshuffling: How Post-Pandemic Labor Markets Are Redefining Work-Life Balance Across the Pacific

The pandemic fundamentally altered our relationship with work, but the economic aftershocks have manifested quite differently across the Pacific Rim. As we analyze labor market trends in 2024, we're witnessing what I call a "great reshuffling" (□□□, daitenkan) – a profound restructuring of how, where, and why people work.

The Numbers Tell a Story of Divergence

Recent data reveals fascinating contrasts between American and Japanese labor markets. In the United States, the "Great Resignation" has evolved into what economists now term "quiet quitting," with 32% of workers reporting reduced emotional investment in their jobs. Meanwhile, Japan's labor participation rate has reached a 30-year high of 83.2%, yet this statistic masks a more complex reality.

The key difference lies not in participation rates, but in worker expectations. American employees increasingly prioritize flexibility and meaning over traditional career advancement – 67% of remote-eligible workers would consider leaving if forced back to the office full-time. Japanese workers, conversely, are experiencing their own revolution within existing structures, with 45% reporting they want to maintain pandemic-era flexible arrangements while preserving the social cohesion of workplace relationships.

Beyond the Salary: The New Currency of Work

What strikes me most in my recent research is how differently East and West define workplace value. In Silicon Valley, I interviewed tech workers who've taken pay cuts for remote work opportunities. One software engineer told me, "I traded my $180,000 salary for a $140,000 remote position and gained three hours daily with my family. The math is obvious."

This contrasts sharply with findings from my Tokyo research cohort. Japanese professionals increasingly value what they call "work-life harmony" ( ) rather than balance. As one marketing manager at a traditional manufacturing firm explained: "I don't want to separate work and life completely. I want them to complement each other better."

The economic implications are profound. American companies are grappling with productivity measurement in distributed workforces, while Japanese firms are investing heavily in technology that enables flexible work without sacrificing the mentorship culture central to their business model.

The Demographic Divide Deepens

Age demographics reveal another crucial trend. Workers over 45 in both countries show remarkably similar patterns: they're staying in jobs longer but demanding better conditions. However, the under-35 cohort demonstrates striking cultural differences.

Young American professionals exhibit what economists call "job portfolio behavior" – viewing employment as a series of skill-building opportunities rather than career destinations. The average tenure for workers aged 25-34 has dropped to 2.3 years, down from 3.2 years in 2010.

Japanese millennials and Gen-Z workers, despite growing up in a more hierarchical system, are actually showing greater loyalty to employers who adapt to their needs. Those working for companies that implemented flexible policies report 78% job satisfaction, compared to just 34% at traditional firms. This suggests that cultural change, when it occurs in Japan, may be more sustainable than the rapid shifts we observe in American markets.

Technology as the Great Equalizer

Artificial intelligence and automation are reshaping both economies, but with different social contracts. American workers increasingly view AI as either a threat to job security or a tool for entrepreneurship. Japanese workers, influenced by concepts like "monozukuri" (manufacturing craftsmanship) and "kaizen" (continuous improvement), more often see AI as a collaborative partner.

This philosophical difference has real economic consequences. American productivity gains from AI adoption have been concentrated in high-skill sectors, potentially increasing inequality. Japanese implementation emphasizes human-AI collaboration across skill levels, suggesting a more distributed economic benefit.

Looking Forward: Convergence or Continued Divergence?

As we navigate 2024's economic landscape, I predict we'll see continued experimentation in work arrangements, but along culturally distinct paths. American markets will likely embrace more radical flexibility – think four-day workweeks and project-based employment. Japanese markets will innovate within relationship-preserving frameworks, possibly pioneering new models of mentorship and collaboration in hybrid environments.

The lesson for policymakers and business leaders is clear: there's no universal solution to post-pandemic work challenges. Success requires understanding not just economic data, but the cultural values that give that data meaning. The great reshuffling isn't just changing where we work – it's redefining what work means to human flourishing on both sides of the Pacific.

Naomi Kayano is Professor of Comparative Economics at the Institute for Transpacific Studies. Her latest book, "The Culture of Productivity," examines work patterns across East Asia and North America.