Encountered Limitations in Applying a Social Capital Based Community Development Framework Across Non-Conforming Social Spheres: A Case Study of an Indigenous Tribal Community

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ABSTRACT

Social capital engagement strategies for community-centric development have purported benefits of project efficiency, increased effectiveness and the structuring of an environment for continuous development. The transformational aspects of a community-driven development agenda, with the World Bank’s CDD construct as the representative form, are bold in their potential transformational outcomes but without a full understanding of this protocol’s complexities. This study explores this hypothesis: The continuation of a community’s collaborative-focused social capital expenditures along with the regeneration and expansion over time cannot compete with internal divisive social forces, dynamic external interfaces at the regional and national level, and the process transitions associated with institutionalization. A longitudinal assessment of a Native American tribal community, serves as the case study. While not a formal World Bank CDD project, the coincidence of the United States’ implementation of Indian self-determination policies and the federal recognition of the Penobscot Nation through a negotiated land claims settlement provides a parallel application of community-driven development principles over a 30-year period. Through a survey mechanism, current and historical perspectives on development, social capital, community and institutions revealed contractions to the CDD model that initiated in-depth qualitative examination.

The data reflecting the perceptions internal to the community are largely positive and conform to the projected outcomes of CDD. Community cohesion was maintained throughout this period with strong positive ratings on development achieved, and institutionalization resulting from formalizing this development approach produced high levels of local governance legitimacy. However, there was a paradoxical increased valuation of social connectedness in spite of decreasing associational participation, and a noted deviation from CDD projections was the lack of economic expansion and income generation as development of this period continued to rely on external donor resourcing. A clear boundary between intra- and ex-community relations was also evident over the entire period with only minimal illustrations of collaboration or consensus. While brokerage across community boundaries may provide opportunities for expanding development, the lack of closure derived from common norms limits the contribution of social capital in their successful actualization.

The juxtaposition of strongly positive and strongly negative indicators in this case reveals significant limitations to community-driven development. One supported interpretation is that this approach is effective to a point, but becomes of marginal relevance for continued
development and economic growth. A second possibility is that the energizing and engaging of the community is an effective tool for affecting development perspectives and perceptions of empowerment without truly addressing the structural deficiencies that continue to enforce underdevelopment. The last posited explanation is that community-driven development is indeed a step in the right direction, but still represents an uphill struggle with a multi-generational time horizon well beyond international development agencies’ execution frameworks.
Declaration

This is to certify that

i) the thesis comprises only my original work towards the degree of Doctor of Philosophy except where indicated in the Preface,

ii) due acknowledgement has been made in the text to all other material used,

iii) the thesis is fewer than 100,000 words in length, exclusive of tables, maps, bibliographies and appendices.

Edwin J. Ebinger
Preface

The design, data entry, analysis and thesis were conducted independently and under the sole direction of the author. Per the agreed upon Memorandum of Agreement with the Penobscot Nation (Appendix B), the printing and mailing of the surveys to tribal members was conducted by the Penobscot Nation Tribal Culture and Historical Department.

The paid assistance of a professional proof-reader and assistance in bibliographic entry conformed to the limits per the University's *Editing of Research Theses by Professional Editors*. 
Acknowledgments

The key statement that must be made under this heading is the tremendous appreciation and respect that I have for the Penobscot Nation and its members. Their contribution of time and willingness to permit me access to their thoughts is remarkable in its generosity. The trust afforded me by this access was extended further by their lack of demands or constraints with regard to data interpretation or presentation. As the reader will see from the discussion, this affording of trust to an outsider is not given lightly, nor was it received lightly. The singular demand was for integrity, and it is through a respect for this concept that the details of this case are provided. The outcome of this is a combination of both flattering and unflattering illustrations and comments on all parties examined, including the Penobscot Nation. It is hoped that no offence is taken, as my own personal appraisal of the Tribe and its members has only increased through this process. Any criticism stated or inferred should be attributed to the subject matter of the community-driven development process in this context rather than as a personal valuation of the Tribe. Conversely, any apparent compliment should not be attributed to my personal perspective, but rather as a result of the reader's recognition of the strength, determination and effort of a community in a challenging set of circumstances.

The opportunity to pursue this research would also not have been possible without the opportunity to participate within the Development Studies program of the University of Melbourne. It is with great appreciation that this school, department and leadership were willing to take a risk on me and this project. The exceptional level of risk accepted by my advisors must also be acknowledged. Beyond their willingness to commit to this endeavor, the remarkable support provided requires comment. Anthony Marcus' identification of and negotiation for the most appropriate advisor for my selected topic of investigation afforded me access to one of the leading researchers in this field. Thank you. Although I am sure that he had all of the answers already, the most remarkable advice received from Kirk Dombrowski over this period was not stated directly, but was effectively conveyed nonetheless. Rather than push or guide, he protected me at the boundaries and empowered me to investigate and engage in the discourse. The result was my own professional development and a worthwhile contribution to the greater development dialogue. Thank you.

Of course the one person who by far accepted the greatest risk was my wife Jane, both in her acceptance of my marriage proposal and my proposal to pursue a doctorate. Thankfully the marriage continues as does her acceptance of the huge risk of loving me, even as the uncertainty of ever completing this project finally comes to a close. Thank you and I love you.
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Chapter 1. Introduction

1.A. Community Development Constructs Reliant on Social Capital Expansion

Community-focused or community-delivered development has been used for several decades by external agencies within modern international development, but there is an emerging vision of a unified social and economic development approach generated from the micro processes of community-level collective action (Woolcock, 2000; Chase & Woolcock, 2005). Community vitality initiatives, applied by Cornell University’s Community and Rural Development Institute, assign the following principles for implementation and design:

1. Broad-based participation of community members in development
2. Informed citizenry with respect to issues, impacts and potential alternatives.
3. Acceptance of the diversity of ideas, cultures and interests represented by a community in the development process
4. Enhanced leadership
5. Long-term sustainability
6. Implication of community members in defining success and formulating a plan to evaluate progress (Grigsby, 2001, pg.2)

Within this perspective both the internal structure and the internal energy interact to mutually expand through a sustainable development process. Paralleling this concept of community vitality is Oxfam’s Asset-Based Community Development (ABCD) framework that is a: “community-building path which is asset-based, internally focused and relationship driven” (Kretzmann & McKnight, 1993; Goulet, 2008). The Asian Productivity Organization’s Integrated Community Development (ICD) Program is another similar framework that has been operating since 1996 “with the aim of assisting member countries to promote community-based productivity enhancement activities, including entrepreneurial development and employment generation” (2006). The World Bank’s Community-Driven Development (CDD), as an evolutionary refinement to its Community-Based Development (CBD), represents a significant commitment and the formalization of a process that targets, leverages and builds upon and increases internal community relationships to create continued and expanding development (World Bank, 2005a).

This approach is not insignificant to development practice in terms of commitment. In spite of the small focal point of the development effort (i.e. community) the proponents argue

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1 Sustainable development can be characterized as: “a process of change in which the exploitation of non-renewable resources, the direction of investments, the orientation of technological development, and institutional change are made consistent with the future as well as present needs” (Brundtland Report, 1987). While this term is now most frequently associated with environmental and resource sustainability, it includes the concept of an approach that is continuous over time.
that the potential impacts of community-energized development are significant, both in terms of scope and scale. Momentum for this strategic approach has been increasing at the large development banks and agencies: the World Bank shows an increasing commitment (Figure 1.1) and reports that $2 billion USD, or 10% of its lending portfolio, is engaged directly in CDD as of 2005 (World Bank Giving Communities Voice and Influence, 2005), and up to $7 billion USD of all World Bank lending contribute to an enabling environment for CDD (Manusri & Rao, 2004).

Figure 1.1. Trend for CDD & CBD Projects and Funding (World Bank, OED, 2005)

Mathie & Cunningham (2003) promote the fundamental transformational capabilities in “From Clients to Citizens: Asset-based Community Development as a Strategy for Community-Driven Development.” The merging of agency specific terms as a recognition of the common underlying principles is evident and illustrates the wide implication in scale as this developmental approach is employed by governmental and non-governmental organizations. The scope of impact, if social capital centric development can indeed live up to some of the initial claims of its transformational potential, ranges from the improved individual well-being to communities as energized, contributing components of the global economy (Conforti & Piga-Ciamarra, 2007). However, the lack of a full understanding of these complex social, economic and political components in isolation, let along as an interactive whole, presents a significant risk that unintended complications or directly contradictory outcomes might be realized through its application. As such, this study posits the following for consideration: The continuation of a community’s collaborative-focused social capital expenditures, regeneration and expansion over time cannot compete with internal divisive social forces, dynamic external interfaces at the regional and national level, and the process transitions associated with institutionalization.
1.B. World Bank’s CDD Example

The World Bank’s CDD is arguably the most comprehensively formalized and documented community-focused social capital development initiative, as well as the most prominent in terms of the theoretical and practical discourse. Therefore, a brief review of CDD’s tenets is worthwhile as a proxy for the approach in general. At its core, CDD purports to formalize a combination of participatory development within community-based initiatives to both improve project efficiency and effectiveness, and to capitalize on the ancillary benefits of the process. In many ways it is these ancillary benefits that are argued as revolutionary in nature, and differentiated from more established ‘community-based’ approaches which include participation, but are primarily controlled by external donor development agendas (Mansuri & Rao, 2004; Kuehnast et al., 2006). CDD relies on the beneficiaries not being solely the targets of the projects but rather fundamental assets in all of its stages, with (as the name implies) a level of control in decision-making and resources (Strand et al, 2003).

1.B.1. Project Benefits and Beyond

Practical project management enhancements are primarily envisioned through efficiencies in internal coordination, and more sustainable results achieved through maximizing stakeholder participation and establishing community ownership of objectives and outcomes. This participatory model, spread widely over the community’s formal and informal networks, also maximizes the development of human capital and organizational capacity building. Direct project capacity building components can initially reach a significant audience within the community, and can self-propagate through established intra-community networks (e.g. participatory skill development benefits in both the individual member and the community at large) (Rao & Ibanez, 2005).² Much of the excitement about CDD, however, is that this process will potentially not just improve project functionality, but will transcend the boundaries of project and sector to create a self-enriching and expanding environment of holistic development built upon the increased strength and institutionalization of community ties (Asian Development Bank, 2006). These are labeled as “rainmaker effects” because the energizing of community collective action and associational behavior has the potential to alter the climatic conditions for development (van der Meer, 2003). A service organization’s level of indigeneity to a community directly affects volunteerism (Omoto & Snyder, 2002), expands social networks, and promotes repetition of participation (1999). CDD is also argued to not only

² While noted as a positive outcome in their study, it was at a magnitude much less than projected by early CDD projections.
strengthen existing social capital but also to work in socially dysfunctional (e.g. elite capture and control) settings by generating social functionality: “The broader spin-off is the creation of a developmental society and polity” (Gupta et al, 2004, npg.). CDD’s intent is to move beyond the traditional focus on physical results and purposefully produce three distinct types of outcomes: physical, social and governance (Kuehnast et al, 2006). CDD also extends beyond traditional development in that for it to be effective, it needs to be of multi-year and multi-project duration (Goovaerts, 2005; Mercy Corps, 2004). CDD is not just the incorporation of social participation as a best practice form of project, physical-outcome-delivery, but as a shift in focus toward a program of social and governance outcome creation.

1.B.2. Articulated Simplification with Hidden Complexities

Each of the terms in the CDD chain reaction (i.e. inputs [development funds], community, social capital, participation/empowerment and institutionalization), has a positive connotation within the CDD construct, and their combination has immense powers to effect high levels of development in a broad range of settings. Yet each of these key terms also has a complexity that belies its common, everyday employment. (Grandvoinnet et al, 2004). Frequently CDD is presented as a fairly straightforward concept built upon best-practices and lessons learned from previous development experience (Owen, 2004): those that are best positioned to know the environment are empowered and resourced to develop it, thereby improving effectiveness and efficiency in project conduct while simultaneously building the capacity of the social structure through the process. As Fonchingong notes, however, there is a need to disaggregate the elements that are too frequently blended in unscholarly generalizations by development practitioners (2005). Both Mansuri & Rao’s and Wassenich & Whiteside’s CDD literature reviews, commissioned by the World Bank, come to similar conclusions: the level of understanding and evaluation of CDD and its underlying principles lag well behind the practical applications of CDD (2004, 2004). Even though CDD was presented as the most formalized and documented of these approaches, a concise and consistent list of assumptions, components and relationships has not been promulgated that has withstood the test of time.⁢ For example the World Bank’s 2003, Community Driven Development: A Study Methodology lists five key assumptions to CDD that are not replicated in future discussions.
spin on the concept. In that vein, the following three foundational assumptions of CDD are presented as a valid interpretation:

- Generating social capital correlates with increased development, and at some point becomes causal to community health and development
- Inherent in community, as evidenced through its survival at present within its particular context, is the ability to maintain cohesion as it positively develops with this being the likely outcome if resourced and minimally assisted through selective external engineering
- Institutionalization of community development processes provides efficiencies to enable sustainable development

Yet even if these generalized concepts are met with a degree of recognition and acceptance (i.e. gentle head nodding), the next step of mapping out an executable process that improves the lives of all, both target communities and linked externalities, quickly becomes complex and confused.

### 1.B.3. A Closer Look at the Process Components

To accomplish CDD, a number of social concepts are combined to provide a mix of practical tools for implementation. Key among these concepts (e.g. World Bank, 2003) are community, social capital, collective action, and empowerment. The exact ordering of importance and interaction varies significantly within the broader discourse, but the articulated principles of CDD rest within this mixture: a communal focal point is encouraged and supported in forms of collective action, and in the process social capital is increased, providing empowerment for both group and members. A follow-on key component for the maintenance of a chain reaction is the institutionalizing of the decision-making processes (Hoddinott, 2002). A repeatable process of collective decision-making is instrumental to the CDD concept of sustained development. While CDD seeks to maximize the use of all community networks, both formal and informal, it also attempts to transition informal elements to formal institutions to codify efficient decision-making processes for increased effectiveness, efficiency and expansion (World Bank, 2006; Gillespie, 2004). A simplified model of the key components and iterative nature of the process is presented in Figure 1.2.

**Figure 1.2. CDD Chain Reaction**
CDD’s equation repeats in the same pattern, but with each iteration there is a ‘scaling-up’ of each of the components which produces ever greater magnitudes of development effects in the process. The Asian Productivity Organization’s 7D process and Gillespie’s table of CDD’s increasing scale (Figures 1.3. and 1.4., respectively) illustrate that this recursive equation is intended to extend impacts well beyond simple project delivery by fundamentally reshaping the community and its position within the region:

Figure 1.3. Asian Productivity Organization Overview of the Seven D Approach
(Dhamotharan, 2009, pg.95)

![Figure 1.3. Asian Productivity Organization Overview of the Seven D Approach](image)

<table>
<thead>
<tr>
<th>Quantitative scaling up (or scaling out)</th>
<th>Functional scaling up</th>
<th>Political scaling up</th>
<th>Organizational scaling up</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spread</td>
<td>Horizontal</td>
<td>First generation</td>
<td>Internal management</td>
</tr>
<tr>
<td>Replication</td>
<td>Vertical</td>
<td>Second generation</td>
<td>Financial viability</td>
</tr>
<tr>
<td>Maturity</td>
<td></td>
<td>Third</td>
<td>Institutional diversification</td>
</tr>
<tr>
<td>Integration</td>
<td></td>
<td>Fourth</td>
<td></td>
</tr>
</tbody>
</table>

Spread
Increasing numbers of people spontaneously adhere to the organization and its programs, prompting them to serve their interests/preferences.

Replication
A successful program (methodology and organizational model) is repeated elsewhere.

Maturity
A well-studied and well-funded outside agency, using a specific incentive-based methodology, nurtures local initiatives on an increasingly large scale.

Integration
A program is integrated into existing structures and systems and, in particular, government structures which have demonstrated potential.

Horizontal
Unrelated new activities are added to existing programs, or new programs are undertaken by the same organization.

Vertical
Other activities related to the same chain of activities as the original one are added to an existing program (i.e., upward or downward linkages are made).

First generation
Essentially service delivery.

Second generation
Comm unitory capacity development for self-sustained action. Through better information and mobilization, an organisation’s members or local communities are stimulated to participate in the body politic.

Third
Beyond the community, influence policy refers to foster an enabling environment. This may involve networking and aggregation of organizations into federative structures designed to influence policy.

Fourth
Beyond specific policies, catalyze social movements, and/or direct entry of grassroots organizations (or their leaders) into politics (either through creating or joining a political party).

Figure 1.4. Taxonomy of Scaling Up (Gillespie, 2004)
1.B.4. Applicable in Non-Optimal and Challenging Environments

The optimal outcomes of CDD are not limited to optimal settings; just as the benefits of CDD expand beyond tangible project outcomes, the benefits of applying CDD include counteracting poverty and underdevelopment in even the most challenging environments. In 2006 the Nobel Prize for *Peace* was awarded to Muhammad Yunus and Grameen Bank “for their efforts to create economic and social development from below” (Nobel, 2006). Barnett’s synthesis of Galtung’s and Sen’s respective peace and freedom constructs includes the conceptualization of development as an internal expression and action rather than an external structure and implementation (2008). The positive impact of CDD on peace generation is also proposed in the context of conflict and post-conflict aid and development interventions (e.g. UNDP strategy for Afghanistan [Aziz & Shotton, 2002]). It is posited not only as a functional model to effect development in conflict prone areas (World Bank *Conflict, 2006*), but it is hoped that the CDD approach can serve to resolve conflict as well (Strand et al, 2003).

In a parallel vein, poor governance or no governance (e.g. post-natural disaster), impedes attempts to address poverty and directly contributes to the deepening of existing poverty (World Bank *Exploring Partnerships, 2005*). The challenges of implementing development processes within poor governance regimes can be addressed via CDD: CDD gets to poverty in spite of poor governance conditions and starts correcting the governance deficiencies in the process (UN, 2004; World Bank, 2008; World Bank, *Number 58, 2010*).

Central governments, as the negotiating counterpart occasionally question the ‘all-positive’ sell of CDD, mainly centering on the issue of control through state governance institutions, but this is primarily viewed as a comment on the state’s need for further development and maturation rather than as valid concerns about the CDD approach (Platteau & Gaspart, 2003; World Bank, 2005b; Helling et al, 2005). At the project level, one of the commonly enunciated risks is that of local elite capture of development resources, with specific recommendations in Platteau to mitigate its effects by incorporating “leader-disciplining mechanisms (LDM)” into the project plan (2003, pg.3). In spite of elitism, whether external or internal, the motivation for access to

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4 *Peace* is emphasized to highlight that this economic project was exceptional in its ancillary affects rather than its contribution to economics (i.e. there is a Nobel Prize for Economics which was not the selected award to note his contribution).

5 This micro-finance initiative was not in conjunction with the World Bank, nor did it utilize the term CDD, but it arguably employed and demonstrated many of the principles upon which CDD has been built.

6 With phraseology like that, it is not surprising that there are also examples of claims of external elitism truly controlling the development agenda, regardless of any empowering nomenclature (Marti, 2002).
funding to realize any positive outcomes against the baseline condition often meets with approval by all parties even with the noted reservations (e.g. Rao, 2005; Dasgupta & Beard, 2007). The resulting successes from repeated CDD projects with external safeguards (e.g. transparency and accountability) will eventually shift the internal norms and formal structures to overcome and replace the debilitating shortcomings to development through the process (Platteau, 2003).


The authors of CDD and proponents of similar approaches at international development agencies and large NGOs may be idealists, but they are not idealists locked away in ivory towers. On a daily basis they are in direct interface to those in horrendous conditions of poverty, and implementing programs that impact millions of people worldwide. And while there is a definite theoretical basis (e.g. Woolcock, 1998; Chase & Woolcock, 2005), there is a focus on practical applications and implementation methodology. Similarly, the self-assessments by these institutions center more frequently on framework effectiveness and efficiency rather than a theoretical critique of the underlying concepts (e.g. Davis, 2004). This approach is understandable given the purpose of the World Bank; on a daily basis they are engaged in field work programs so incremental improvements to existing practice is of current value with the hoped-for potential and added bonus in the longer term. The espoused learn-as-you-go approach (Wassenich & Whiteside, 2004) certainly makes sense under these conditions, but requires a fundamental buy in to these concepts without robust prior critical scrutiny. Not surprisingly, individual community development case studies are a mix of successes, failures, and break-evens (World Bank, 2005a).

While community-driven development may represent a step forward in externally supported development policies, the tension and conflict inherent in all social processes, especially during periods of transformation, necessitates critical evaluation of this approach (Fragoso & Lucia-Villegas, 2010). Incomplete understanding of complex social interactions singularly and as composite processes means that the possibility of contradictory social contributions (e.g. promoting inequality) and negative outcomes (e.g. creating conflict) also exists (Barron et al, 2004). There are indeed criticisms of social capital energized community-centric development. Much of the criticism and analysis, both practical and theoretically

7 Schuller et al (2000, pg 13-14) essentially posits these questions (in different order) at the start of their review of social capital, without coming to an absolute conclusion.
focused, primarily addresses the lack of fidelity of the CDD model and its inconsistent performance to date. A challenge to the learn-as-you-go approach, of incorporating feedback from practical applications into the model, is the lack of a realistic timeframe:

Many large-scale CDD projects, including those implemented through loans by the World Bank and providing technical cooperation to Governments of developing countries, have still not completed their project cycles, thereby hindering any accurate assessment of impacts and outcomes. This is particularly the case in terms of evaluating such core objectives as sustainability, empowerment and capacity, all of which are central to CDD and the underlying vision of development beyond material well-being and income levels. (ESCWA, 2004, pg.4)

The body of research along these lines is growing but the short existence of CDD coupled with the rate of social change means that data collection and analysis on initial projects is just recently providing critical insights.

Initially, the belief that a community’s continued existence in a particular geographic, historical, cultural, economic and political setting was a sufficient precondition to enable community development under this approach. As a corollary, since the community would be empowered to make and execute development decisions, the context would be seamlessly factored in without the need for exhaustive deconstruction and/or reconstruction ex ante to CDD. Even at this early stage of CDD review, the contextual setting and its understanding are increasingly being recognized as key determinants in the success or failure of the CDD cycle (e.g. World Bank, 2005a; Woolcock et al, 2010). Possibly aiding the relative speed of this finding, and greater attention being paid to it, is the use of CDD in post-conflict settings. In these cases the contextual setting was obviously significant enough to physically and socially challenge even the continued existence of a community. And while CDD was specifically engaged because of its purported transformational approach, there was increased focus on the interplay between community transition and context adjustment (e.g. Kuehnast et al, 2006; Goovaerts & Gasser, 2005; Barron et al, 2004; Strand et al, 2003; Mosoetsa, 2005). What comes from this is an increased appreciation for the relational stresses between community, context and development that are not necessarily structurally pre-determined or completely discretionary (Woolcock, 2011b). Put quite simply, no matter how great an idea, it will not always work the same way, or maybe not at all.

Beyond the issue of model maturity, timeframe for effective analysis, and incremental improvement, is a questioning of the fundamental intent and motivations behind CDD’s insertion into international development agencies (Georghagan & Powell, 2008). Regardless of what can be learned-as-you-go, should CDD be going at all? This counter-dialogue posits
social capital as a Trojan Horse within the development discourse in an attempt to insert a social component into neo-classical asocial economic models (Mansuri & Rao, 2004; Fine & Green 2000). While in effect breaching the walls of the predominantly economically focused development institutions (note the composition of the term itself), it nevertheless is still only a hollow, lifeless construct. The optimistic view this as an opportunity, as yet unfulfilled, to reengage the social element into development (Dhesi, 2000; Woolcock, 2002). The cynical would argue that regardless of its level of animation, it still represents a horse to be ridden, directed by the dominant global economic powers to enthrall the underdeveloped world as a beast of burden: e.g. Mowbray (2004); Wann, (1995); Blaxter & Hughes,

…the concept of social capital is in accord with profit, loss and accumulation as dominant ways of understanding social relations. Within such understandings the social world is primarily ordered around market-based individual exchange. In this way social capital does not challenge the hegemony of economics but rather contributes to its maintenance (2000)

As the continuation of the CDD approach and its expansion are under consideration for the future (e.g. Asian Development Bank, 2006), it is necessary to expand the critical discourse.

1.C. Way Forward

The foundational hypothesis of this dissertation is that CDD is overly optimistic in its envisioned social capital effects: The continuation of a community’s collaborative-focused social capital expenditures, regeneration and expansion over time cannot compete with internal divisive social forces, dynamic external interfaces at the regional and national level, and the process transitions associated with institutionalization. This hypothesis is stated broadly for two reasons. The first is that the novelty of the construct is such that the interdependencies and causal relationships between the components are not well enough understood at present to selectively target individual facets and still provide a level of comprehensive evaluation. The second is because CDD is built upon the recognition that a full cognitive comprehension of the dynamics is impossible, and that the best way to overcome this gap is through engaging the inherent self-balancing capabilities of community. Ergo, the focus on a specific shortfall can be countered by the argument of a compensating action (Haynes, 2009): e.g. the local capture of resources by internal elites might be compensated for by an internal bonding component that values any internal benefit based on a greater distrust of external elites. For these reasons, the hypothesis is cast as an anticipated lack of stability of the entire construct over a

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8 This example is not merely hypothetical as illustrated through empirical findings (e.g. Rao & Ibanez, 2005)
community’s development profile. Specifically, it is postulated that posited combinative components (i.e. social capital & institutionalization; community & development) have significant variance in trajectories that will likely be degenerative to the process.  

To test this hypothesis a case study evaluation is presented on a selected community over a 30-year development period since the initiation of a community empowered development agenda. The Penobscot Nation, an indigenous North American tribal community, is the target case against which the hypothesis is examined. The 30-year development profile does not fall under a formal World Bank sponsored CDD initiative; the 1980 initiation of community empowered development well predates the articulation and consolidation of concepts into what is currently labeled CDD. However, as will be expanded upon in Chapter 5 (Methodology) and Chapter 6 (Contextual Introduction of the Penobscot Nation), a watershed event transformed a protracted period of disempowerment and underdevelopment into an opportunity for the community to chart and progress along a path of self-determined development through direct control of sizeable assets and the long-term sponsorship of an institutional donor.

To assist in the creation of the investigative design a literature review was conducted along three categories: social capital, community and institutionalization. In advance, however, it is acknowledged that the identified components themselves, and their sub-elements, are arguably complex compositions and could be categorized by alternative labels, taxonomically re-organized, as well as readily supporting further disaggregation. Since this thesis’ hypothesis is critical of an enduring, expansive cohesive force throughout the process, the presented literature review in Chapters 2, 3 and 4 will primarily focus on the stresses to the development process by these components’ internal paradoxical and contradictory tendencies, and will not attempt to present the full breadth and depth of the respective discourses. Insight from these reviews is then applied to the data collection schema and analytical approaches to discover the prevalence and magnitude of divisive effects. Additionally these following three chapters, as well as the methodology chapter, will also serve as a common framework for concepts and terms used herein.

This examination of CDD employs a survey, a common component in both community and social capital examinations. The lack of a singularly accepted survey within the

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9 A similar line of thought is expressed by one of the key founders of social capital, Coleman, who saw disintegration of ‘primordial ties’ through their positive leveraging and a replacement “where economic incentives took the place of vanishing social capital” (Portes, 2000).
10 As stated earlier, the World Bank’s CDD is used as a representative example of this approach. The intent of this study is not to critique CDD per se, but rather to examine the foundational principles of social-capital energized community-directed development beyond the project execution lens.
development discipline as well as the challenges of simultaneously addressing individual, community, regional and national levels complicated the selection of a survey device. The World Bank’s SCI-IQ basic questionnaire (Grootaert et al, 2004) is employed with significant modification as generally representative in approach and as for its intentionally adaptable design. The extension of interest beyond the local level, as well as the functional orientation of institutionalization, necessitates an expansion of data collection techniques. The identification of organizational reports, legislative records, and several written personal accounts serves as the companion to the survey data collection. The selection of target documents was informed through the literature review process, and these specific research design decisions beyond the survey are also noted in the following three chapters. The resulting framework for data collection, as well as analytical techniques and relevant project execution considerations are then consolidated in Chapter 5, Methodology. Before proceeding with the discussion and findings, the final preliminary step of introducing the reader to the contextual conditions of the specific case is conducted in Chapter 6 based on a literature review of political-economic and ethno-historical writings about the Penobscot Nation.

The discussion section is organized into two main chapters that correspond to internal community interfaces, and external interfaces (Chapter 7 and Chapter 8, respectively). Within each of these sections postulated concerns associated with the continuity of development, social capital formation and exchange, multiplicity of community constructs and associated social norms, and the transitional stresses of institutionalization are presented. The concluding chapter, paradoxically named Conclusion: A Step Forward but a Long Way to Go, consolidates the internal and external findings, and highlights the potential for continued investigation.
Chapter 2. Social Capital

2.A. Introduction

2.A.1. A Growing Body

There has been a significant increase in the true-believers in the concept of social capital (Halpern, 2005; Hooghe & Stolle, 2003). What also is evident, however, is that there are probably just as many beliefs of what social capital is as there are individual believers (Portes, 1996). While the broad public awareness of social capital can largely be attributed to Putnam based largely on his seminal 1993 publication (Fine, 2001; Field, 2003), most scholarly examinations attribute its modern formulation to Bourdieu and Coleman in the mid-1980s (Mansuri & Rao, 2004, Fine 2001), with sociological antecedents back through de Tocqueville and Durkheim (Halpern, 2005). Initially a metaphor for conveying the valuation of social ties, social capital now presents itself as a unifying theory of social interaction based on the presence of interconnections and the processes that affect the utility for the individual and the community (Field, 2006). However, as mentioned previously, while the intent is to further unify social-political-economic theory, it has not achieved a unified definition of term, components or relationships. As yet, social capital does not have a universally agreed definition or empirical methodology, but its increasing utilization within the development discourse (Isham, Kelly & Ramaswamy, 2002; Stone & Hughes, 2002) points toward its establishment as a lexiconical term in use with at least a generalized connotation. Lin’s characterization is a representative definition: “investment in social relations by individuals through which they gain access to embedded resources to enhance expected returns of instrumental or expressive actions” (1999), but by no means the only definition as illustrated by all who conduct literature reviews (e.g. Adler & Kwon, 2002; Lin, 2002; ad infinitum). If there is a coalescing of thought has not yet reached the level of singular terms or a universal model; at most it has come to a common conceptualization:

Over the last 25 years the concept of social capital has drawn increasing attention by scholars and practitioners across disciplines. Social capital serves to capture how people interact with each other, and how these social interactions in turn yield benefits for the individuals and collectively. (Brunie, 2009, pg.251)

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See Woolcock, 1998, for a robust mapping of multiple paths of sociological and economic antecedents to the consolidated ‘social capital’ introduced here.
2.A.2 A Divided Body

Within this expansive umbrella, there are some discernible lines of division. Most discussions break these down into two fundamental schools of thought as evident in Portes’ *The Two Meanings of Social Capital* (2000), and are closely replicated in most reviews (e.g. Halpern, 2005; Lin, 2001; Burt, 2005; Franceschetti, 2011). A major distinction can be discerned between those who view social capital solely in terms of networks and their mechanics and those that include both the networks and the outcomes (e.g. trust and civic mindedness) under the umbrella of the term (Gyarmati & Kyte, 2003). The focus on and the measurability of inputs, that is of networks and structure, is argued as the key to shifting social capital from a metaphor into a useful model: “Clearly, it would be impossible to build a theory where causal and effectual factors are folded into a singular function” (Lin, 1999).

Unfortunately the clarity is lost on some practitioners who do not recognize this impossibility when they propose that social capital encompasses both structural (inputs) and cognitive (outputs) dimensional components (Grootaert & Van Bastelaer, 2002); social capital is generated and expended through ongoing interactions so components such as trust are evolving and shifting roles from process outcomes to process inputs (Falk & Kilpatrick, 2000). The divide is also articulated in other contexts: in terms of ownership of capital -- whether it is an individual asset of a collective asset; at the functional level -- opportunities of application between the micro- to the macro-level (Halpern, 2005). In general the dividing line falls as represented in Figure 2.1, with most members falling into one of the two camps (Lin, 2001; Portes, 1998).

| individual trait | ←→ | collective trait |
| network mapped | ←→ | generalized norm |
| micro-level analysis | ←→ | macro-level analysis |
| inputs only | ←→ | inputs & outputs |

**Figure 2.1 Differentiation between Social Capital Conceptualization**

This differentiation is problematic for those who want to study across this divide, across scales and levels of socialization:

*For example, do the same social processes (1) facilitate Paul’s job search by motivating Paul’s social contacts to provide him with information on potential opportunities or to exert their influence on his behalf; (2) facilitate coordinated action in Paul’s neighborhood, thereby enabling a successful neighborhood crime watch scheme; and (3) create a shared social and civic conscience in Paul’s country that encourages people to give to charity?* (Brunie, 2009, pg.252)
While not precisely the same questions, the same problem is encountered in this study if the divide is real, either between two distinct constructs of social capital or through the lack of a recognized integrative mechanism, since the desire is to cross each of these boundaries multiple times.

2.A.3. Attempts to Connect the Parts

This brings us to a third group that is generally attacked by both parties in its indiscriminate use of the social capital metaphor without regards to any theoretical underpinning (Portes, 1998). R. S. Burt colorfully characterizes the overindulgence of the term’s appropriation by this undisciplined band and its impact on the discourse as a whole:

Clear-thinking observers can be frustrated with the vagaries of social capital left as a metaphor. Social capital is the Wild West of academic work. There are no skill or intellectual barriers to entry. Contributions vary from rigorous research to devotional opinion, from carefully considered to bromide blather. Research and theory in economics, political science, and sociology are distributed across loosely related perspectives and specialties, each a group of connected experts purporting to have a productive view across groups. The variety is as interesting and exciting as it is corrosive to cumulative work. (2005, pg.5)

It is possible to find a limited number (including Burt) who have promoted conceptualizations that attempt to connect the disparate perspectives rather further differentiate the approaches. This emerging perspective is that many of the definitions and descriptions are complementary rather than contradictory if a proper framing construct is employed that differentiates scale and unit of interaction (Grootaert & van Bastelaer, 2002). Woolcock’s early work started along these lines as seen in Figure 2.2.

![Figure 2.2. Synthesis Across Scales (Woolcock, 1998)]

While this figure is uncluttered in its presentation, it also is out of date with respect to the employed vernacular and the evolving recognition of complexity. Halpern draws from
Woolcock’s work to update a synthesis of social capital across scale, across basic types and social institutional types:

Figure 2.3. Integration of Social Capital Forms and Effects (Halpern, 2005)

Halpern further graphically expands on this theme with a three dimensional mapping:

Figure 2.4. Three Dimensional Mapping of Social Capital (Halpern, 2005)

These graphic representations are extremely helpful in promoting the concept that is possible to transition between the intra-disciplinary divides. However, as evidenced through the number of terms and increased dimensional imagery, they also present additional challenges in characterizing the sub-processes their interactions.
2.A.3.a. Bridging and Bonding  Halpern’s graphics also represent a move toward formalization of some applicable terms through the transition. The terms norms and networks are near universal\(^\text{12}\) in their employment throughout social capital literature. Closely following, the terms (and the concepts they embody) of bridging and bonding are also widely employed,\(^\text{13}\) and warrant some examination with regards to their utility in this endeavor.

Drawing largely on the network mapping social investigations that differentiated between strong and weak network ties (Granovetter, 1973), bridging and bonding social capital are distinguishable as having different foundational relationships and differing potential effects on social outcomes when leveraged (Putnam, 2000). This terminology is largely attributed to Woolcock\(^\text{14}\) who distinguishes them as:

(a) Bonding social capital, which denotes ties between like people in similar situations, such as immediate family, close friends and neighbours; and

(b) Bridging social capital, which encompasses more distant ties of like persons, such as loose friendships and workmates; and

(c) Linking social capital, which reaches out to unlike people in dissimilar situations, such as those who are entirely outside the community, thus enabling members to leverage a far wider range of resources than are available within the community.\(^\text{(2001, pg.13)}\)

The expansion of these sub-terms across the broad social capital discourse, however, does not maintain a common finding as to their relative impact. Varshney supports the perspective that bridging social capital is beneficial and bonding social capital is detrimental in terms of ethnic tension (2001), but Easterly points out that bonding social capital based on ethnicity, which is usually associated with ‘bad’ outcomes, at some phases in development is positive (2001). And even ‘good’ social capital (i.e. bridging in this case) that seems to lower crime in some situations has been shown by Browning et al to contribute to increased crime if leveraged by the criminals themselves (2004); the positive or negative effects are therefore referential to a morality within an accepted norm (either the internally accepted norm or from the norm of the external observer). But even the intent to build upon the strength of strong morals and strong ties does not guarantee strong positive results. Beyerlein & Hipp’s work suggests that bonding social capital, even that associated with an anti-crime mentality (i.e.

\(^{12}\) Sanctions as a term is not widely employed as the more common approach is to include it within the norms term.

\(^{13}\) Leonard and Onyx propose a different conceptualization and characterization of ties and their functionality (2003). The merits of their insights are significant, but the lack of their incorporation into the lexicon at present results in this discussion’s presentation of bridging and bonding terms. However, the arguments herein of the contextual nature of tie characterizations overlap substantially with their work.

\(^{14}\) The employed terms ‘bridging’ and ‘bonding’ are initially traced to Gittell and Vidal (1998), who reference back to Putnam for their designation of use (pg. 15). The annotation to Woolcock is based on the particular presentation.
evangelical Protestants’ moral norms), might contribute to higher crime rates in the community through its negative impact on “collective efficacy” (2005).

Current research is far from conclusive on causal linkages either for the creation of networks or the magnitude and direction of effects on the individual or community:

“Networks of association can therefore be double-edged swords. The kinds of grouping and voluntary associations which can generate social capital always also carry the potential to exclude others. As with everything in the world of human, affairs, voluntary association can have either beneficial or negative effects, from the perspective of the whole society or economy.” (Szreter, 2000, pg.57).

Sabatini’s revisiting of Putnam’s Italian stomping-ground armed with a methodology of examining effects of both bonding and bridging ties results in a:

confirmation of the multidimensional, dynamic and context-dependent nature of social capital, suggesting that the interpretation of results from any empirical investigations carried out in the field of social capital must be based on the following code word: “contextualizing”. (2005, pg.77)15

Even within each of the broad categorizations, regardless of scale, it is an obvious over-simplification that all connections within a genre, whether labeled as bonding or as bridging, are equal to each other; not all bridges are the same, not all bonds are the same, which might help explain the differences in empirical findings just mentioned. The third characteristic form of ‘linking social capital’ previously mentioned has thus far not gained widespread usage, but the recognition of power differentiation is an important consideration.16 As Gubbins et al, point out in a Foucauldian and Habermasian argument, there is an element of power differentiation in all social connections and exchanges. Therefore, this vertical component is present in all of the ascribed horizontally functioning bridging and bonding connections as well. Even when the connections are established and maintained by parties within the same social strata, the consideration to potentially engage these links in an economic process inserts a relative power component (Pantoja, 2002). The connections themselves may have been initiated due to similarity in social position, but their employment is a focus on a differentiation in positional power. Even though the capitalization of the social connection theoretically will only proceed if it proffers benefit (e.g. immediate profit, debt relief, or potential future profit) to both actors, the co-existence of profit maximizing tenets in economic theory means that the possibility of a competitive component is present even in an

15 This 2005 publication draws from and reaffirms his doctoral work (2001): the interpretation of results from any empirical investigations carried out in the field of social capital must be based on the following code word: “contextualizing”

16 Woolcock’s emphasis on not just the power differential but also on the cross-social network cluster component is also important, but will be incorporated as part of Burt’s ‘structural hole’ and exchange model in the following sections.
exchange process between friends and family. While terminology of social capital drives toward a functional conceptualization, a recognition of both the imbedded power differential component and the dynamic relationship between the capital and the social enables its applicability under the full spectrum of social theories. Part of its appeal, however, is as a reductionist model that seeks to simplify the complexities of interpersonal relations in the construct of bounded functional applications (e.g. finding a job, gaining favor in the eyes of a patriarch, negotiating a political settlement, etc…). Some of the failings attributed to social capital and its simplification are not truly the fault of the model, but rather the fault of the examination that fails to recognize the need to re-aggregate toward the more complex based on a recognition that a capital utilization (i.e. functional) of the social realm dynamically alters the social network, either through structural re-mapping or alterations to the characterizations of existing interconnections. Both of these in turn revaluates future capital potentials in the altered social networks. So while the term ‘linking’ is not considered critical to the discourse, a recognition that the principles that it labels are critical subcomponents within all bridging and bonding connections and all exchanges involving social capital.

Approaching this from a network centric perspective it theoretically should be possible to establish precise characterizations in terms of distinct levels of embeddedness, homophily, frequency of contact, cluster size or density, etc. And from a generalized norms perspective, the general characterization of link may be sufficient to discern a difference of impact. Combining or moving between these different focal lengths remains a methodological challenge. Brunie maintains a connection between the two forms of social capital but also posits that a singular methodological approach is not achievable. And indeed, the selection of a topically appropriate construct on a case by case basis is the current standard.

<table>
<thead>
<tr>
<th>Relational approach</th>
<th>Collective approach</th>
<th>Generalized approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of manifestation</td>
<td>Networks of individuals, groups, or organizations</td>
<td>Small, relatively homogenous, and exclusive groups</td>
</tr>
<tr>
<td>Aspect of social life</td>
<td>Relationships as actor develops and maintains with other actors</td>
<td>Quality of the relationships among actors within a group</td>
</tr>
<tr>
<td>Dimensions emphasized</td>
<td>Resources embedded in personal network/social relationships that provide access to resources</td>
<td>Density of interconnections</td>
</tr>
<tr>
<td>Core processes</td>
<td>Differential access to and ability to mobilize valued resources via the mobilization of social contacts</td>
<td>Social capital defined in relation to its function as factors that facilitate cooperation: - Structural embeddedness - Norms of reciprocity</td>
</tr>
<tr>
<td>Utility</td>
<td>Activities primarily benefit actor (individual or corporate)</td>
<td>Group-specific activity that cannot be pursued individually (e.g., collective action), but the features supporting social capital also facilitate individual benefits</td>
</tr>
<tr>
<td>Fungibility across domains</td>
<td>Limited because use value of resources and network characteristics is issue specific</td>
<td>Limited to activities that require similar patterns of expectation and organization</td>
</tr>
</tbody>
</table>

Figure 2.5. Social Capital Approaches (Brunie, 2009, pg.253)
2.A.3.b. Non-static Environments  Regardless of how the links and functions are characterized within a given approach, when a developmental component is introduced the characterizations may shift; social intercourse is dynamic, so a static characterization appears overly simplistic in application. The anticipated encounter with modernity, both its benefits and its challenges, is likely to fundamentally change the rules of the game and rebrand existing networks and ties beyond a singular connotation (Woolcock, 2011). All of this can take place within a community that shows no signs of change in its ethnicity, kinship or religion that earned it a stamp of bonding social capital; a successful development pathway might move a community toward integration with modern global political-economic, common service delivery and standard of living norms, that change the nature of its integral social framework. While an Ethiopian coffee ceremony might take several hours and be filled with discussion, the historic coffee salons that were a formative element of modernity were also modernity’s victims (Habermas, 1989; Georghegan & Powell, 2008). As a replacement to connected discourse, today’s coffee houses’ contribution can be reduced to a three panel comic strip that emphasizes disconnection rather than a rational discourse connected to shared norms.17

![Figure 2.6. The Evolution of the Public Sphere (Freeman & Yan, 2010)](image)

While the juxtaposition of a centuries-old ceremony with a self-admitted subcultural post-modern graphic commentary might appear glib and extreme, the management (or mismanagement) of long-duration community, ethnic and cultural identities as they interact with

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17 Beyond the obvious disconnect in the divergent interpretations of “simple”, the “complications” of interlaced social ties with occupational networks (i.e. bosses do not get along) further disconnect the opportunities for interpersonal connection. And as a continued extension of Habermas’ impersonal media’s dominance (and accompanying flattening of social nuance), the specific example is from an internet source that does not even require social exchange in a commercial transaction at the newsstand.
modern technologies and economies is not trivial in practice: e.g. the majority of indigenous languages are currently under threat of extinction (UN Economic and Social Council, 2008). The self-empowerment in CDD potentially avoids the loudly criticized corruption of society, culture and identity through the implementation of external visions of development, but the development profile may necessitate changes in the balance between cultural assimilation and diffusion regardless of ownership of the agenda (Ashraf & Galor, 2007). Against this potential for significant social reconfiguration through a development profile, an un-examined assumption of community social capital stability or singular characterization of ties is not warranted.

Similarly, the contextual setting in which the valuation of a network, individual links, or of norms is likely to invalidate a single characterization schema of bonding, bridging, beneficial, disruptive, etc…; the social, political or economic circumstances also serve to contextually define the link (Pantoja, 2002; DeSilva et al, 2005). A close bond between two ethnically similar individuals might exist when confronting an alien incursion into the community, but it might be the weakest of bridging ties when internally discussing the best location for a community public toilet. They are the same two individuals and all of the collective history of their connection remains the same, but the functional relevance to a specific field completely changes the capital valuation of the connection due to a relative repositioning of the players. These variations in discrete connections are not even limited to changes internal to a specific field, to only changes generated internal to a community for example. The internal cohesion in the face of an alien incursion construct mentioned above might shift dramatically depending on the specific ‘alien’. In the face of a nationalized entity that seeks access to territorial resources without community partnership based on supreme sovereignty arguments there might be a strong internal bond as a counter to the external negation of community relevance. However, the entry of a multi-national corporation that requires partnerships across multiple levels, including community (e.g. permits) and individuals (e.g. local workers), the bonds between internal actors may reconfigure and be divisive based on individual versus community valuation differences.

Even internal to the community, there may be a difference in the characterization of the link between the interpersonal connection within the social framework of a community political forum as between these same two individuals within the framework of a common religious group deciding on charitable activities. Ergo, it is not only the positions that shift, but the specific public sphere that emphasizes a particular vernacular more suited to the habitus of one
or the other. Again the people and the network are the same, but the social context could easily shift the attribution of linkage type across a wide spectrum.

<table>
<thead>
<tr>
<th>Topic #1: Discussion of the placement of a public toilet in the community</th>
<th>Forum: open community meeting held by elected council</th>
<th>Social format: civil but combative; champion position and attack alternatives; rational arguments; political weight linked to economic standing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person A: village merchant; on same church council</td>
<td>Perspective: will never personally use public toilet; center of village is center of commerce; maximizing economic sector is best for community</td>
<td>Direct Relationship: downplay any connections with Person B to center argument on rational argument</td>
</tr>
<tr>
<td>Person B: construction laborer, on same church council</td>
<td>Perspective: public toilet will have a personal impact; slum section is center of need; basic service delivery is obligation of community</td>
<td>Direct Relationship: highlight any connections with Person A to personalize decision</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Topic #2: Discussion of church charity project for the community</th>
<th>Forum: closed church council members chaired by external pastor</th>
<th>Social format: mutually supportive; offer inputs for consideration; consensus building; individual influence weight linked to time commitment to church; norms enforcer present (i.e. pastor)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person A: village merchant; on same church council</td>
<td>Perspective: money-based charity (e.g. buy and distribute functional gifts); reinforce internal status; single effort</td>
<td>Direct Relationship: maximize bond with Person B (e.g. church council, morality) to highlight sameness in proposal (e.g. material gifts could be focused on elderly as best way to improve quality of life)</td>
</tr>
<tr>
<td>Person B: construction laborer, on same church council</td>
<td>Perspective: personal-commitment (e.g. weekly elder care); attack closest felt need; extended timeframe</td>
<td>Direct Relationship: downplay shared moral connection from church and emphasize different view of the world</td>
</tr>
</tbody>
</table>

**Figure 2.7. Hypothetical Social Capital Valuation and Characterization Variations**

From this hypothetical illustration, it is evident that both the characterization of the interpersonal connections, their valuation and the governing norms for their utilization can vary widely, even utilizing the same cast of characters in the same community.

This variance in valuation based on particular social context can also be imagined beyond the individual relational level at the collective and generalized level. A diasporic community may have individuals widely dispersed that socially integrated at all levels in an external communal/national identity. On a daily basis the referential social spheres within which members operate has a network and norms characterization that may be completely turned on its head if some issue causes the contextual referent to be the ethnic or national community social space (Lahneman, 2005). The collective social capital dynamically responds to the context with both a surging strength of bonds between members far and near, and with a completely different valuation on members’ local ties that may be useful for the group in a bridging or linking manner. Similarly, a generalized level of social capital may permeate a society and support and legitimize a polity, as long as the context remains within the realm of economics. Relying on the same networks and norms as the generators of social capital, the resulting level of generalized trust might dramatically change if the political agenda shifts its focus to religion, ethnicity or morality. The underlying social framework might be ill adapted to
utilize existing capital in this realm, and the new focus might shift emphasis amongst various associational forms (e.g. religious versus secular groups), and require a completely new tabulation of capital.

2.B. Way Forward

At this point in the literature review of social capital, the lack of a universal model applicable to this study leads to two possible interpretations: 1) social capital is not a valid construct, or at least not valid within the community directed development application; 2) the lack of maturity of both the analytical construct and the target of inquiry (i.e. CDD) require an adaptive approach to social capital investigation. In order to proceed, two major steps are required. First, a selection of a basic framework and the articulation of its particular application herein must take place. This will be accomplished through the application of R.S. Burts' social capital metaphor of structural holes (2005, 2001, 1992). This decision was based on the intent to leverage six key characteristics of his framework: 1) the inclusion of a transactional economic component to connect, but distinguish, the 'social' from the 'capital'; 2) an inclusive perspective on the relative roles and contributions of both bridging and bonding social capital; 3) the scalable and contextual accommodation of social capital components based on their temporal exchange-specific functionality and a reintegration back into the socio-cultural and political framework; 4) the ability to selectively choose to integrate or not integrate outcome components (e.g. trust) of social capital exchange into the market's structure; 5) a respected pedigree across, and a wide ranging connectivity within, the social capital discourse. Second, the creation of term to address the shortfall in the application of a static labeling of a dynamic condition, i.e. the contextual alterations to (or perceptions of) a social framework interrelating networks and norms, will be presented. This second step will be accomplished through the introduction of the novel term social sphere, which will also serve as a segue into the following chapter on community and its disaggregation.

2.B.1. An Overview of Structural Holes, Brokerage and Closure

Burt’s work was originally developed as an extension of Granovetter’s perspective on the contribution of weak ties bridging gaps in networks, and his current work is still heavily weighted toward the valuation of bridging to access critical information flowing within the strong...
ties of the disparate nets. The existence of these knowledge gaps he terms as *structural holes*. The ‘hole’ imagery was aligned with his initial emphasis on the absence of connection being the limiting factor for exchange. The ‘structural’ component is based on a temporally and exchange-specific functional non-availability of recognized pathways to span or circumvent the gap. Therefore, communication was the key ingredient missing and interpersonal social networks and links could be utilized as effective bridges. The ability to leverage the social network to gain access to, process new information, and pursue initiatives is termed as *brokerage*, and resulting exchange represent the ‘capital’ component of social capital. His work has repeatedly demonstrated the entrepreneurial advantage this provides in free enterprise environments; brokerage across social networks can provide a competitive advantage by providing key data points to identify new opportunities, aid in the arbitrage of pursuing endeavors, and to negotiate from a strong position.

Burt’s utilization of ‘hole’ in his terminology stresses the absence of a critical component as the condition that inhibits effective interaction and the application of social capital. Within a corporate world community of interest construct wherein all parties have a common goal of effecting commercial exchange, it is understandable that a non-executable condition be attributed more to a lacking of some ingredient versus a lack of desire by one or more of the involved parties. However, this ‘hole’ could also represent an active impediment to permitting exchange. Tariffs, bureaucratic approval processes and legal precedence also are ‘holes’ even if they do not perfectly fit the physical analogy. Racial discrimination, religious persecution and gender bigotry are socio-culture that represent an active negative presence rather than a passive absence. The ‘structural’ modifier is also understandable given Burt’s strength in network analysis wherein the mapping of social relations produces a network structure. Unfortunately it also implies a formal, static organizational entity that is contradictory to the vernacular of informal socio-cultural interaction. The chaos of a family gathering rages against the conceptualization of structure, yet at the instant that a pre-teen calculates how best to gain permission to go out for a drive with her older cousins, a ‘structural’ component enters the calculation. The selection of which parent to ask may be influenced by the relationship of a particular parent with a particular ‘responsible nephew’ that is part of the pack. Or, the request might be best made to the father in the physical presence of his older sister, who also happens to be the mother of the ‘responsible nephew’. These considerations represent a structural mapping in a temporal, exchange-specific setting. If success is not achieved, the continued existence of this structural hole is attributed to there not being an identifiable linkage to remove the ingrained judgment of an adolescent’s lack of maturity to gain the desired parental
permission. This structural hole could exist either because no pathways are physically available (e.g. her parents are out on the lake having a go at waterskiing with wild Uncle Fred and are not accessible to even ask the question to) or the identified pathways are insufficient in comparison with the hole (e.g. the ‘responsible nephew’ is only 16-years-old himself and therefore his ‘responsible’ label does not rate entrusting the safety of an 11-year-old to him while unsupervised in a car). The structural hole terminology does have a traceable pedigree to Burt’s focus of investigation, but it does produce inconsistent imagery when applied in other settings. However, the principles behind the term are consistent with broad applications of social capital employment if the ‘hole’ is taken to be an impediment to exchange, either through an inhibitive presence or an omission of capability, and the ‘structural’ is viewed as the actual social network mechanisms and links to engage in the exchange.

With this high valuation on access to new information, the strong bonding ties resident within established networks positively contribute to social capital only in specific applications (such as the family gathering example above), and they frequently detract. In general, redundant bonds within this model have the deleterious effect of providing high levels of background static in terms of data, which obfuscates the truly valuable information by producing a low signal-to-noise ratio. Since information flows quickly and frequently across strong ties, there is very little new information available amongst an individual’s bonding nodes; a member receives redundant information as opposed to novel knowledge that can be turned to advantage. Rather than outward engaging, these bonding ties are inward directed and provide a form of closure, which is fundamentally anti- or a-entrepreneurial. Under this rubric, maximizing bridging social ties and applying the data a-socially as purely economic tools, is the maximizing of social capital. This perspective is supported by many single-exchange economic game theory experiments. However, when consideration is given to enduring nature of the marketplace and the probability of repeat exchanges between with the same parties, reputation and standing are durable outcomes that impact future exchange opportunities (Friedman, 1990; Burt, 2005; Mantovani et al 2011). Because of this durability, closure, the formation, presence and exertion of norms, does play a role in the accumulation and expenditure of social capital beyond merely providing internal organizational efficiency.19

The level of closure present also has implications to bridging communications. Over the years his research illustrated that structural holes were not always effectively bridged to provide

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19 Therefore, closure within a team is beneficial only when streamlined, and optimized when the team is only one-deep in critical skill areas but with maximum strong links between teammates. Closure provides a data flow efficiency and binds the team toward a common goal so that individuals will not go ‘maverick’ and seek individual profit-maximizing strategies that will be detrimental to the team as a whole.
brokerage opportunities even with the presence of a bridging conduit with potentially useful information. Thus, the importance of closure in Burt’s model increased over the years as its impacts on brokerage pursuits became more evident. In specific applications, the existence of an encompassing cross-network level of closure is critical to effective social capital utilization. Putnam’s generalization of trust built upon individuals’ repeated validation of trustworthiness within the citizenry through associational interaction (Siisiäinen, 2000) can be viewed as this type of benefit. An overarching umbrella of closure provides confidence in the presence of solid foundations across which bridging endeavors are considered. Also, the level of initial closure between the representative parties surrounding the structural hole had an impact on the level of communication conducted, regardless of the amount of actual data passed between the social nodes. If different languages are spoken (literally or figuratively) translation inefficiencies limit true communication. If conflict exists then structural holes might not merely be absences but also the presence of impediments (e.g. misinformation, rhetoric).

Burt’s model is largely built on a temporal specific condition wherein an exchange is contemplated or attempted, so closure is provided as a static component, a specific measure. But his selection of the word to act as this term is illustrative of his recognition that movement together is involved. Strong ties do not only securely link individual nodes, they can be tensioned cords that draw these networks inward and together. In an entrepreneurial sense this presents a level of weakness, but as force to accumulate and concentrate assets it can provide increased leverage within the marketplace. Thus, the strengthening of tribal cultural awareness as a social bonding phenomena might also increase the potential for its utilization as capital in an economic exchange model. Within this rubric, the essentializing of culture can be characterized as a form of closure around an encountered structural hole: e.g. a diasporic community’s lack of frequent contact and daily exposure to ethnic identity solidifying norms might accentuate the importance of traditional dance well beyond its historical cultural import, which in turn serves to solidify a social cohesion with the derivative production and accumulation of internal social capital. The dynamic component of closure is also present from the other direction; e.g. a group’s successful investment and expenditure of monetary capital can increase internal sociability and reinforce cultural norms of solidarity.

The level of closure internal to the various parties also can play a role in the communication process. Burt uses the term echo to denote the demonstrated tendency for individuals to forward information in a form biased toward the expectation of the listener. In a conversation between ‘ego’ and ‘alter’ about ‘other’, the relationship between ‘ego’ and ‘alter’ may shift the content of the communication to conform to the expectations of their shared
network bond: “I draw on a central point of etiquette in conversation content: it is rude to contradict the tone of the conversation. It is polite to raise topics on which speakers are likely to agree, and avoid topics that would ruin the social standing of the other speaker”(2005, pg.4.1.1). So if the bridge supplies external data about something or someone, a strong internal closure likely will shape the internal distribution of externally generated data toward internal conformity and away from novelty, which might have provided a brokerage response. The opposite can also be true when a weak bridging connection exists but only tenuously spans a structural hole. The value of that bridge under the specific conditions in which it was established may produce a form of echo that simultaneously builds upon the bridge as it widens the gap. Uncle Tom-ming, as a form of clientelism between the disparate economic access of African Americans and Caucasians, accentuates the divide through use of accommodating language directed to the empowered even as it is being used as a manipulative bridge by the disempowered. In a functional perspective, trust is being generated within both parties in terms of their confidence in the outcome of exchanges, but the interpersonal trust necessary to bring higher levels of closure is being countered by echo.

The last introductory point to Burt’s model notes his approach to trust, an ubiquitous term in the social capital discourse. Like most others in the field, he recognizes its importance. In the specific case of social capital leveraged market activity, the risk associated with acting on a social, tangential relationship to effect a direct commercial enterprise, requires an element of trust. Burt’s analysis specifically supports the correlation of closure within a system that permits punishment or expulsion to unsuccessful brokerage activities (ibid). Like most others in the field, he does not have a simple, singular way to factor it directly into his calculations. The punishment example can be addressed through the evaluation of the structural and normative level of closure; in an environment wherein “paybacks are hell” is the norm and enforceable, then the risk of an individual occurrence of ex-norm behavior is lowered. His model’s functional emphasis on communication, which includes not only data flow, but data processing across and within networks, does provide an avenue to address trust. One of these ways was just discussed, echo; there is a level of trust associated with willing to be the bearer of bad news or the messenger of a tale outside of expectations. Also touched upon above was the possibility

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20 Continuation in original text includes references to Grice, 1975; Goody, 1978; Brown & Levinson, 1987.
21 Tangential relationship here refers to its initial establishment and existence based upon factors not directly linked the potential enterprise at hand.
22 In fact, he provides a multi-page footnote in Brokerage and Closure (pg. 98-99) that relates a colleague’s illustration of the compounding complexities of including even a very simplistic trust calculation.
of pre-existing conflict or reputation; the existing levels of trust impact both the valuation and assigned validity of the flowing information as well as the brokerage negotiations that do proceed based on information that is accepted as valid. In this way trust remains an acknowledged input and output component with a means to examine role in the process, but without directly confronting the daunting task of direct calculations.23

2.B.2. A Fabricated Term: Social Spheres

As included in the title of this thesis, the term social sphere is used to reference the discrete, distinguishable frameworks for membership and interaction that exist both through externally imposed taxonomy and self-proclaimed identity. The need to organize the multiple constructs of community as they react with individuals, each other, and with the CDD process is met through a heuristic approach building on existing theory and terminology. The term, itself, is a melding of Bourdieu’s social space with of Habermas’ public sphere. From Bourdieu the two key pieces are the structural relational positioning within social space construed through the layering of various fields, and the genesis of discrete groups based on select principles of division as determined by an authoritative power (1989). From Habermas, or more accurately from the relational and institutional school’s interpretation of Habermas (Crossley & Roberts, 2004), the two key pieces are the communicative exchange and “a patterned matrix of institutional relationships among cultural, economic, social and political practices” (Somers, 1993, pg.595). This creates a social sphere definition of: a participatory site in which actors with overlapping experiential identities (e.g. citizen, family member, profession, group representative) engage in negotiations based on a contextually-prescribed identity and their relative positions within that structured framework.24 The creation of this novel term is motivated by the lack of a discovered term that addresses this multiplicity of social constructs that are alternatively invoked based on topical context within a recognizable stable social unit (e.g. family, group, community, nation).25 The hypothetical example presented in

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23 Regrettably, this thesis is not able to offer a wholly satisfying resolution on defining trust nor on clearly characterizing its role. This is issue is further complicated by the additional technical use of the term ‘trust’ within the Native American political-economic discourse which is critical to the specific case study. To even further exacerbate the problem, the definition of ‘trust’ within Native American policy is itself a topic of animated discourse on its lack of a singular meaning. As such, the word will be used throughout the discussion with annotation as to its approximate meaning in site-specific context, but with the recognition that it has a high degree of variance in its usage and interpretation.

24 Much of the wording comes directly from Somers’ definition of public sphere: The public sphere denotes a contested participatory site in which actors with overlapping identities as legal subjects, citizens, economic actors, and family and community members, form a public body and emerge in negotiations and contestations over political and social life (1993)

25 Ranco’s use of ‘semi-autonomous field’ (drawn from S.F. Moore, 1973) is similar in both concept and application in his case study (2000).
Figure 2.7. illustrates one such manifestation as both a public political-economic citizenry social sphere (i.e. city council meeting) and an enclosed shared morality social sphere (i.e. church council meeting) are present. The discussion in the following chapter on community, and the multiple connotations of community that can exist simultaneously or dynamically, will further illustrate why a naming convention is required to differentiate this concept from the social capital terminology of network, group, and community.

2.B.3. Practical Methodological Implications

2.B.3.a. Survey Tool As an empirical tool to ground social capital examinations beyond a solely analogous discussion, social capital surveys are frequently employed, especially when target sets are too large to enable mapping of individuals’ discreet networks. And even when network structures are known, determining their utilization and valuation requires either protracted and wide ranging close monitoring or data input from the networks’ members. Due to the size and distribution of the target population a social capital survey was selected as the collection method.26 The World Bank’s Social Capital Initiative- Integrated Questionnaire is representative of a community scale survey with six core dimensions collected: 1) Groups and Networks; 2) Trust and Solidarity; 3) Collective Action and Cooperation; 4) Information and Communication; 5) Social Cohesion and Inclusion; 6) Empowerment and Political Action. Additionally, its creators recognize the existence of the two fundamental approaches to social capital discussed above and attempted to design a mechanism for broad use (Grootaert et al, 2004). Based on lessons learned from target applications by the World Bank (e.g. Albania), there is a recognition of the need for tailoring to local context (ibid). Due to the need to expand the survey in other directions (e.g. longitudinally) the employed questionnaire utilized the SCI-IQ short form built on the identified core questions. A 16-question demographic section was included to permit additional analysis when combined with the questionnaire’s inquiries into relative valuations of types of networks as they relate to community decision-making to help identify internal structural holes as well as valuation and perceptions associated with different network ties and groups. The resulting social capital survey structure and content will support analysis through Burt’s structural hole construct through the indications of significant perceptual differences. Detailed individual or designated group network mapping is not possible within this study’s constraints, but the process of brokerage and closure (or the lack thereof) can be examined by the inclusion of a longitudinal component. This longitudinal aspect will also enable insight into the social capital

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26 See Stone (2001) for an excellent discussion of social capital measurement selection considerations.
profile over the development profile both as it functionally reacts to structural holes and as it reflects the internal dynamics of the community.

2.B.3.b. External Sources Since a goal of this study was also to examine the role of this community’s social capital wholly, and since there are both internal and, external interacting components, each of dimensions included questions to investigate both intra- and inter-community connections and perspectives. However, both the respondent pool and the community level questionnaire format provide a much higher fidelity insight internal to the community than externally. In order to augment the survey, an examination of external records that included social comments and perspectives was also conducted. In alignment with Burt’s communication-based exchange model, inter-community records that included first-person narration and direct quotations were chosen to permit examination of brokerage and closure both through provided commentary and deconstruction. Four main sources were identified: 1) minutes, testimony and reports from the Maine Indian State Tribal Commission; 2) published personal memoirs of a tribal representative to the state legislature; 3) reports from the Wabanaki Studies Commission and first-person accounts by one of its members; 4) commentary and in newspapers surrounding specific inter-community brokerage negotiations.
Chapter 3. Community(ies)

3.A. Limited Objectives

Just as in the preceding chapter, the theoretical complexity and range of the active discourse on the topic of defining and exploring ‘community’ is of far greater scope and scale than can be covered in an introductory chapter. However, the central position that community plays in this study, and within the broader discourse, requires comment. The following chapter is presented with the limited objectives of: 1) exposing the existence of multiple physical, sociological and political connotations of community that are frequently undifferentiated in its use; 2) designating a terminological and organizational framework for this examination; 3) identifying complexities and inherent contradictions within the conceptualizations relevant to community’s employment in CDD.

3.B. Multiple Conceptualizations

From multiple perspectives the word community frequently used as a label to designate a singular, idealized entity, but this simplification belies its inherent complexity and the discordant differences between the perspectives of those embracing it (Brent, 2004; Colclough & Sitaraman, 2005). And like the social capital there appears to be an expanding application of the term in spite of a consistent complaint that it is ill-defined and commonly misappropriated:

Why does community continue to be employed so routinely and casually in academic parlance given its excoriated past? Whether fieldwork is rural, urban, multisited, transnational, or virtual, most contemporary anthropologists define their foci as communities, and they do so with almost no specification of what that means. Scholars seem to assume that past criticism legitimates contemporary usage, as if earlier efforts thoroughly and permanently redeemed the term. This assumption denies the power of language and discourse, especially when pervasive popular usage continually threatens to reappropriate the term. (Creed, 2004, pg.57).

The range of use does not confine itself to various shades of gray; researchers have used it in a romanticized fashion to represent the positive culmination of social harmonious interaction while others have argued that it represents expressions of power and conflict that destroy individual freedoms and a globalized peace. The sharp contrast is also applicable to its substance, with those that lock community into a physical form upon which social, political and economic layers are placed and those that posit that community only exists in the imagination as a mechanism to bind the disparate processes in an approachable construct.27 The key

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27 The above views are based on the literature review conducted across both community construct specific studies (e.g. Creed, 2004; Frazer, 1993) and topical material ranging from CDD theory and
position that community plays in CDD requires some manner of differentiation while still capturing the full spectrum of community constructs. This will be attempted through an initial disaggregation of community into distinct representations, followed by a reconsolidation within an integrated typology.

3.C. Community Disaggregation

A standard dictionary entry reflects its multiplicity of use that is contraindicative of the desired simplification and coalescing of concept:

1) body of people living in one place, district or country.
2) body of people having religion, ethnic origin, profession, etc., common.
3) fellowship (community of interest).
4) commune.
5) joint ownership or liability.

In traditional dictionary format, the possible connotations are presented separately as independent possibilities. In the case of community, it is hard to find a real world example that exemplifies a singular connotation rather than a presentation of simultaneous multiplicity of concepts, and resulting multiple boundaries (Summers & Seiler, 1974). And Frazer points out the lack of available theoretical models to account for how "individuals cross and recross the boundaries from ‘community’ to ‘community’ in the course of their daily lives and across their lifecourses" (1999, pg.4).

The label’s delineation of a single form in the first context, e.g. “one place, district or country”, may provide a convenient shorthand for reference; but risks obfuscating the coexistence of compound forms. Even internal to this initial entry is another such codification into a singular form, a ‘body’. This anthropomorphic employment implies a level of animation that transcends a simple aggregation of elements (James, 2006). Indeed, it is this vitality and dynamism that engenders this entire form of development under discussion. But it also confuses its analysis. And as a ‘body' there is an implication of a Durkheimian unification of purpose of its internal organs. However, in this case the organs are not genetically coded with a specific functionality to contribute to the body at large. Having pointed out the implied simplicity resident in a dictionary description, this discussion will nonetheless revert back to it as an organizational framework to highlight some key principles.
3.C.1. Community of Locality: body of people living in one place, district or country

This is probably the most common usage, the easiest to conceptualized, and the most prone to over-simplification (Creed, 2004); put a pin in a map, draw a circle around it, and call it a community.29 The challenges to defining the spatial boundary, however, are hinted at in the presented options spanning orders of magnitude of scale (e.g. “place, district or country”). While each of these scales may indeed permit appropriate application of the term, the employment of the word ‘community’ evokes widely different meanings in each setting (ibid).

CDD and community development constructs do not usually specifically address size, but the common connotation is small, at least in comparison to state and regional infrastructure, political units and economies. This spatial variation is not limited to population size, as distribution of residences and workplaces within the geometries of the borders also vary widely between communities. Rarely is a constant radius around a reference point representative of the reality, and even the conceptual approach or a singular, discrete center is frequently flawed. Natural terrain features that impact man-made borders and boundaries do not conform to simple geometric shapes (e.g. Karakasidou, 1997).

The concept of locality and its tie to a geographic reference system also includes an implication of permanency which may not conform to reality. There is an implied temporal component in the gerund ‘living’ in the dictionary entry that contradicts the static perception of geologic formations (e.g. hills, valleys and plains). In addition to landscaped-based temporal concepts (e.g. geologic and climatic time), there are also important community locality processes that rely on vastly different time scales: e.g. political time, legal time, economic time, agricultural time, generational time, etc…. Therefore, if historical context is important, the multiplicity of involved timescales hints at the complexity in attempting to determine a singular community history. In addition, while it is fairly straightforward that the current existence of a population in a particular geographic locality is based on precursor events, an examination of the antecedent conditions is not merely an exercise in phenomenology. Within a community development construct that seeks to establish enduring positive pathways, the understanding of the existing development and counter-development historical processes that extend into the present is a form of siting that goes well beyond a geographic positioning.

29 Helling et al (2005), argue the logic for a spatially centric provision, and appropriately emphasize the term local rather than community, but this differentiation appears to be the exception rather than the rule.
3.C.2. Community of Identity: body of people having religion, ethnic origin, profession, etc., in common

The unifying concept inherent in the examples listed is that of a shared identity amongst members. Each of these examples focuses on a singular characteristic that can be represented in a subset of the general population. However, the mere possession of a characteristic does not directly equate to an identity. A recognition of the characteristic, whether internal to the individual or from an external observer, must occur as part of the translation from possessed trait to articulated identity. Also required in the equation is an evaluation of the noted characteristic, again either internally or externally conducted, that posits it as the dominant trait within the context of the examination. The selection of an ethnic category on a retail store’s customer satisfaction survey may be an example of a transient state of contextual dominance that is quickly replaced by a more relevant dominance of the trait of satisfied or unsatisfied customer. A more durable manifestation of dominance of trait can be illustrated with the designation of favored or unfavored religious, ethnic, gender, etc. characteristics in discriminatory applications, with ethnic cleansing an example of absolute permanence (Le Vine, 1997). Even when a particular identity is self-designated under positive motivation, there is still an element of objectification of self in the application of a label (Wieseltier, 1996). This presents a paradox in that the act of positive affirmation of identity through the selection of a label is the diminishing of the multi-dimensionality of self. The utility from leveraging the identity-objectification-reduction linkage is obvious in a discriminatory context. In supposed positive affirmations of categorical identity, this effect would appear as a cost, which implies that other significant benefits exist to offset this cost; membership in the collective outweighs the reduction of self. (Buchanan & Tullock, 1974).

3.C.3. Cultural Expression

The anthropological community in large part has abandoned the Boasian cultural construct that it effectively convinced the international development community to adopt (Coombe, 1999). While the phraseology of siting culture is common in recent anthropology, a workable generalized cultural model to be used by other fields has not been effectively packaged or articulated (Hastrup & Olwig, 1997). Even beyond the challenges of generalizing the complexities of culture into a model; the relationship between the study and appreciation of a condition to the formulation and execution of practical methods for its modification adds to the

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30 Both a constructivist-structuralism and contractarian reference is provided in this discussion as an illustration that the presence of this duality is not restricted to a specific philosophic perspective.
complexity, as shown in the title of Ferguson’s article, *Anthropology and Its Evil Twin: ‘Development’ in the Constitution of a Discipline* (2004). The following points are presented with the objective of illustrating some relevant complexities beyond the simplification of equating a culture to a community.

Many ethnohistorical studies have illustrated that cultural identity and historicity is a political process (e.g. Dombrowski, 2001; Sturm, 2002). An extension of this is that the right to culture (United Nations, 1948) which translates to the right to a political struggle for power. The pragmatic implications of culture are magnified when faced with a struggle for survival; ethnic identity focuses on continuity of existence rather than tradition (Sider, 1993). Cowen et al term this an essentializing of culture to only those elements that contribute to the current struggle (2001). In fact, a Boasian respect for traditions might completely misinterpret “tradition” as its observable manifestation might be through reappropriation as a tool in the struggle for sovereignty and self-determination (Merry, 2001). Cowen’s study of the development of Macedonian ethnic identity in Greece argues that there is a specific refinement of cultural forms to enable ownership and demonstrate distinctiveness and separation (2001). While this process, based on external conflict, does provide a mechanism for defining a community’s boundaries, it illustrates that it is a result of multi-party interactions rather than simply the expression of a genetically determined phenome. While Clifford recognizes the presence of intent in the formation of cultural identity, he cautions that no single vocabulary, no single process of politically motivated invention, can account for all modifications and transformations (2004). Internal political processes, cross-generational pressures, and economic realities are all factors that interact with culture, both in its expression and in its formation. Culture is not only the expression of identity, it is also the creation of identity. Therefore, its alignment to community definition brings with it an expansion of complexities and mutability rather than a reduction to a simplified static form.

3.C.4. Fellowship (*community of interest*)

In spite of its prevalence of use, the qualifier, *community of interest*, is a misnomer of sorts; a collection of interested parties does not equal a community. A shared interest may provide motivation for connectivity, but the establishment of networks and their enlivening are required steps to forming a community. Interaction between interested parties is a required step, with these interactions possessing some level of repeatability to enable network extension
and multi-nodal communication. It is the linkage beyond the first order contacts\(^ {31}\) and a temporal connection beyond the specific exchanges that marks a change between group or unit to the conceptualization of a community (Klein, 2000).

The fellowship component of the definition hints at an additional component beyond the existence of a mappable set of connections; a community needs a shared subject of focus with the power to transcend the specificity of topic and create the recognition of self in the other participants (ibid). Networks are connections between distinct nodes (e.g individuals), and their utilization may be for the purpose of exchange, which is a recognition of differentiated conditions between node. But these connections can also serve the purpose of illustrating the connection, itself, as independent of the content passing through the connection (e.g. intellectual discourse versus social chatting between two nodes). This component of fellowship, the pleasure of engagement with others as a like expression of self through the recognition of a level of similarity (Napier & Gershenfeld, 1985), beyond the topically limited context of the specific shared interest is a necessary component of community.

3.C.5. Commune

The words of community and commune are frequently used to invoke images of idyllic existence, harmonious balance, and utopian peace. As the etymological paradox of utopia (‘good place’ = ‘no place’)\(^ {32}\) forewarns, this ideal, represented in numerous planned communities throughout history, has few identifiable practical examples of achieved perfection. While belief in the utopian ideal can be evaluated as naïve, its persistence even among community development practitioners is relevant (Campfens, 1997). The expectation of the term is mirrored as a practical component in identifiable communities: a higher purpose/existence that should be achievable.

If witches are modernity’s malcontents—or at least the rapaciously destructive objectification of its discontents—it is moral community and its modes of reproduction that most consistently sustain its aspirants. Whereas a world of witchcraft is ultimately dystopian, a world of workable moral community is not so much utopian, perhaps, as eutopian. “Eutopia,” coined in a foretext to Thomas More’s Utopia, designates a place of happiness and order that is not a “no-place” or utopia—that is, not a phantasmic impossibility but a realizable ideal. True, the standardized practices through which social reproduction takes place tend to project an idealized world of generative and harmonious sociality and moral conduct, often in the face of contrary realities. Yet they also palpably produce such relationalities and dispositions, if only for the moment. In

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\(^{31}\) This is a very conservative delineation, and it could be argued that second order contacts are a better measure as an extension beyond individual-based frameworks to collective-based frameworks based on any individual node’s ‘potential’ to directly connect to second-order contacts and thereby negate the primacy of network connections over individual connections.

\(^{32}\) From Greek meaning no + place = nowhere
fact, one of the things they paradigmatically generate is precisely a sense of emplacement—of the social and geographical “topos” of moral personhood and collectivity—the very grounds upon which and aspirational futurity can be constructed. (Karlstrom, 2004, pg.596)

This inherent sense of development, of aspirational futurity, is an obvious draw toward community focused delivery, but the frequent lack of a truly consensus vision or an agreed upon articulation thereof, in spite of a desire for the same, is indicative of the challenges in employing this collective motivation (i.e. the witchcraft embodiment of discontentedness).

Many of the CDD cases to date have had an obvious critical need that has provided, at least temporarily, a unified vision for community betterment. Through a unified recognition of a critical need the obstacles to community development, such as ethnic heterogeneity impediments to collective action, have been managed effectively at the project level as evidenced in forestry management projects in Nepal (Adhikari and Lovett, 2006) and in urban service provisioning in Bangalore, India (Lall et al, 2004). The opportunity to gain access to absent resources to address these needs is argued to overcome inhibiting contextual components to cooperation and to energize existing lines of communication. The question of whether unifying motivations can be sustained and grow over time across the broader spectrum of community concerns remains unanswered. The lack of intense motivation derived from a recognized critical need and corresponding critical belief in an alternate positive reality, regardless of the availability of resources, can cause CDD to wither on the vine (Dhesi, 2000; Robinson,1994).

Even when utopian visions are shared the effort of their pursuit and achievement can be painfully disruptive. While Parsonian Action Theory is hardly a current headliner, Mayhew’s point that action for change is precipitated by the conflict between the normative and existent conditions remains valid (1968). Alinsky claimed that collective action is fundamentally confrontational, and it should be employed as such (1946). Tarrow, drawing upon Tilly’s repertoire of contention, notes that the historical pattern of variations in this level of contention occur both within the existing social structure and directly against it, but without apparent complete control by the collective (1994). Even when positive outcomes are for a perceived increase in prosperity, the process can be tumultuous as the UN Department of Economic Affairs notes as it quotes Escobar:

There is a sense in which rapid economic progress is impossible without painful adjustments. Ancient philosophies have to be scrapped; old social institutions have to disintegrate; bonds of caste, creed and race have to burst; and large numbers of persons who cannot keep up with progress have to have their expectations of a comfortable life
frustrated. Very few communities are willing to pay the full price of economic progress. (Measures, 1951, pg.15)

Frederick Douglas, himself an instrument of change, also keys on the fundamentality of struggle:

*If there is no struggle there is no progress. Those who profess to favor freedom, and yet depreciate agitation, are men who want crops without plowing up the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its many waters. This struggle may be a moral one; or it may be a physical one; or it may be both moral and physical; but it must be a struggle. Power concedes nothing without demand. It never did and it never will.* [1849](1991).

Ho argues that continued collective action over time intensifies the conflict between individual and group interests, but can be mitigated by cohesive communal themes (2005).

There is also a contingent that believes that community provides as an anti-harmony function in direct contrast to a homogenous and united whole. Thomas-Houston discounts the presumption that a racially homogeneous community will necessarily have an easier time acting as a collective based on the argument that individual intraracial identity construction precludes race as the main identifier and relies on some other intimate cultural group for the creation of normative standards, which may conflict with other intimate cultural groups within the community (2005). Secomb, drawing heavily from the work of Jean-Luc Nancy, posits the view in that a fundamental purpose of community is to permit alterity and diversity (2000).

Within the preceding discussion of Community of Interest, the concept of fellowship brought in the importance of commonality through the recognition of self in other, but rather the flipside of the coin is the recognition of other in other. From a philosophical communitarian perspective that community precedes individual, the creation of individual identity is difference directly juxtaposed to the normative group identity.

This alterity is not necessarily a contradiction to communal harmony as tonal diversity is a required element of harmony. But a precise modulation of difference is necessary to produce complimentary tones and eliminate dissonance. This modulation, this forced coalescence, can be in the form of external pressures that promote a defensive schooling response. Even in the presence of extensive internal differentiation and factionalism in a tribal fishing village, the community can appear to act as a unified whole upon the arrival of a fisheries warden, which threatened individual members (Dombrowski, 2001). What may appear as a communal idealistic bond emanating from the community may in fact be more of a combative defensive measure necessitated by a threat. Thus, the rarity of a truly unified vision,
the effort in its actualization and the disruption of change are practical realities that counter this idyllic, harmonious connotation of community.

3.C.6. Joint Ownership or Liability

From an external perspective, a group’s decisions and actions present themselves as jointly owned with shared liability across its members. Regardless of the individual components and their individual actions, there are circumstances under which there is a collective community of responsibility; decisions, actions and ramifications are singular. A community-wide vote is an example as the final tally shifts responsibility from a dispersed pool of perspectives to a central singular point, regardless of the distribution of the individual contributions. This singular voice speaks for the entity, whether a declaration of war or the proffering of an olive branch, and either engenders positive or negative reactions directed toward the group that are distributed throughout the community’s members equally regardless of their individual ballot.

Within a pure democracy, ownership and liability might align absolutely with equal distribution, but responsibilities and authorities within a collective are rarely evenly distributed; the actionable ‘collective’ is not the entire community in most cases. In addition, even when the ultimate action is demonstrated through wide participation there is a strong likelihood that its formative stages were centered on a small core of individuals prior to spreading to a wider constituency (Brinkerhoff & Azfar, 2006). Within corporate ownership structures, the democratic approach is skewed from the beginning as not all stockholders have equal numbers of votes; the distribution of authority and responsibility is frequently concentrated by a complex factoring not necessarily directly aligned with the impacts of the outcomes of the decision (Grabisch & Rusinowska, 2010). The elect, by choice or design, can be viewed as an internal community of responsibility within a larger context or group. Additionally, since community issues do not occur singularly, and rarely are all group issues equally important to all group members, the presence of simultaneous communities of responsibility (e.g. fund-raising committee, outreach committee, Spring Ball committee) are likely.

The legal tone within this particular definition also highlights an element of structure and process. In practice, a community is paradoxically organized and unstructured simultaneously; social relations are organized and spiritual relations are unstructured (Frazer, 2005). Articulated somewhat differently, an unstructured perspective is that all individuals are equally valued as community members, with an organized perspective that some members are more valuable because of their structural roles in the social relations. Both the external and
internal perspectives just addressed are impacted by the structure through which authority and responsibility are channeled. In the case of a sub-group formation of a community of responsibility, the institutional structure might make this prescriptive and limit membership (e.g. a specific caste or class). Alternately, it could be an open and encouraging structure with membership in the governing community based on individual commitment. However, even when everyone is permitted to vote, some do not. Rarely is it as simplistic as either of these: for example, a plurality voting scheme may permit all to vote but structural components such as districting, party affiliation, or polling location may produce a wide range of perspectives on who is really within the community of responsibility regardless of who casts a vote (Sider, 1993).

3.D. Challenge to a Re-aggregation: Competing Contradictory Claims to Ownership

While the possibility exists for re-aggregating these multiple conceptualizations into a term of series of terms that constitute community, at least for this foray into the community-driven development construct, there is an additional challenge based on competing philosophical parties for the ultimate ownership of community as relevant to empowerment, development and progress. This study has chosen the World Bank’s Community-Driven Development (CDD) as a proxy for the international development community’s embracing of its import, but the following excerpt illustrates that the communitarian agenda could be just as applicable:

Many social goals . . . require partnership between public and private groups. Though government should not seek to replace local communities, it may need to empower them by strategies of support, including revenue-sharing and technical assistance. There is a great need for study and experimentation with creative use of the structures of civil society, and public-private cooperation, especially where the delivery of health, educational and social services are concerned. (Responsive Communitarian webpage, 2006)

This sounds strikingly like CDD, yet the Washington Consensus is rarely partnered with this political philosophy (Fine, 2001). The absence of communitarian reference is understandable as the potential for conflict with predominant neo-liberal development agendas seems obvious (Miraftab, 2004; Fraser, 2005). Proceeding down this path illustrates a full range of possibilities between the two extremes. Aubert’s comparison of Eastern and Western perspectives seems to support the concept of incorporating local socio-cultural approaches into development.

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33. Selection of ‘community’ to describe the collection of practitioners is intentional to further illustrate the challenges of effectively singularly defining and narrowly applying the term in a proprietary manner, even internal to a single document.
34. This particular movement closely follows the intellectual leadership of Amitai Etzioni as seen by use reliance on his words (1994).
activity, thereby justifying a communitarian approach where communitarianism reigns, i.e. within the community itself, without applying it universally (World Bank, 2004). However, Jechoutek points out that the mixing of individualist-based social goals in a communitarian framework is a challenging task (Shutte, 2006). Similarly, Olson notes that group identity approaches within an individualized rights framework are problematic as they rarely express inter- and intra-group relations very well (2005). The complexities become directly confrontational in the oxymoronic neo-liberal led CDD by creating a “hypermasculine” state that is lean and mean while simultaneously feminizing welfare functions by embedding them in the community, with the engendered forms indicating the relative power between the neo-liberal (i.e. macro- & and meso-) and the communitarian (i.e. micro-) (Sharma, 2006, 2008). In essence the sense of community encourages participation, an approach rated as powerful by Hoddinott (2002) and O’Toole (2005), but is subject to external exploitation that may be anti-community in terms of both perspective and effect (Miraftab, 2004). Both camps espouse the power of community, sometimes for the same reason, and sometimes for opposite reasons (Shaw, 2007).

3.E. Ducking the Problem: A Focus on Social Spheres Within

3.E.1. Blurring the Line Between Social Capital and Community

The just noted complexities and contradictions within the term community by no means cover the full spectrum embodied in the word, but do illustrate that the objective of simplifying development processes and increased effectiveness is not necessarily straightforward. Pouley et al (2005) posit that many uses of community are actually articulations of social capital: sense of community is actually the valuation of the social connectedness and therefore social capital (2005). Colclough sees the two as separate but overlapping and related. Her approach is to hold one constant (e.g. community of locality) and permit the forms of social capital to vary (e.g. bonding-centric) and to classify them accordingly (2005). This approach could be expanded to create an extensive matrix of all of the various combinations, but the context-based transitory state of both social capital and community conceptualization between the discrete combinations makes this an unwieldy approach. Therefore, management of both the porous boundary between community and social capital, and the contextually determined domination of a singular form from the multiple existing connotations is addressed through the

35 This division into two camps is based on a neoliberal versus communitarian perspectives, but it represents only one example of the competing perspectives for authoritative use of the term and assignment of its attributes. As an example, Dixon et al, explores the “methodological prisms demarcation” that produce a “quadripartite reality” based on a combination of epistemological and ontological philosophies (2007).
employment of social spheres introduced in the preceding chapter. The following re-introduction and expansion of social spheres is intended to illustrate the theoretical and practical applicability of the term with respect to the complications of the multiple community constructs.

3.E.2. Plurality but Durable Rigidity of Form

The diverse structural manifestations of the various forms of community, as just discussed, have correspondingly diverse social implications and structural manifestations. The creation of the term drawing from Bourdieu’s social space also links this concept back to his recognition of the plurality of fields but with a rigidity of structure: “There are general laws of fields: even such different fields as different as the field of politics, the field of philosophy or the field of religion have invariant laws of functioning” (1993, pg.72). Within these social frameworks and their corresponding valuation systems, there are multiple associational and interpersonal interactions that operate within. The contextual variations of the numerous forms of communities produce contextual variations in the social construct that co-exist, overlap and are discrete.

3.E.3. Discourse and Engagement Within the Structures

Social spheres also draws from Habermas’ public sphere terminology (1989) alluded to in the previous chapter and can be considered as disaggregation of a specific community’s collection of coffee houses, with each social sphere being a particular coffee house, a chain of coffee houses, or even the defiant tea shop next door. They provide a contextual grouping and vernacular but with an indeterminant objective that promotes individual and group agency. While an individual is free to access each, there are different structural frameworks that impact the individual’s opportunities for discourse and social interaction. Ostensibly they are the same in their function, but with a particular acceptable vernacular at each (e.g. “iced single venti skinny mocha no whip” or “sling me a cup of joe”) indicates the particularities of each social sphere. And in crowded settings, the comfort within a particular social sphere may dictate whether an exchange occurs by asking to sit in an empty chair at an occupied table (i.e. brokerage) or whether to submit to burnt fingers through an overly thin, but environmentally friendly rapid-decomposing, recycled to-go cup,36 and forego any social interaction. While a difference in coffee house etiquette might appear as trivially benign, the transition from an

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36 The eco-friendly imagery here is to link both the relevance of the individual identity as well as the social construct identity as relevant (or even determinant) of the relative recognition and valuation of social connectedness.
analogy to reality of limited admittance and opportunity for open public dialogue based on race, caste, gender, religion or sexual orientation means that these distinctions impact fundamental levels of empowerment and disempowerment (Frazer & Lacey, 1993). It is within these distinct, but simultaneous, social spheres that the bridging and bonding links of social capital previously discussed are created and employed. Given an individual’s, a group’s and a community’s simultaneous presence and transient, contextual membership within these various social spheres, it is easy to imagine that the links, the strong-ness or weak-ness of ties is also contextual.37

3.D. Way Forward - Implications to the Study

The complications stemming from the existence of multiple definitions of community extends well beyond simply selecting a particular application of the term in a given instance. The multiple forms frequently co-exist simultaneously with overlaps of boundaries and constituents. The implications to social capital from this multiplicity are significant since individual identities, network ties, and social norms all vary across these social spheres. Thus far this chapter’s review has highlighted the complexities, and even contradictions, within the conceptual underpinnings of the terms that are in a large part meant to imply simplicity and uniformity. However, given this study’s hypothesis, this review also permits investigative focus by highlighting potential stresses to CDD’s reliance on community coalescence, common identity, and stable social framework. The community focus of the SCI-IQ survey device and many of the methodological considerations presented in the preceding chapter will assist in examining the multiple constructs of community. In addition to the core SCI-IQ questions, additional queries are included that specifically differentiate responses based on the tribal community, the physical community of the reservation, and the physical community wherein the respondent resides.

37 The issue of temporal coexistence of multiple social spheres is easily resolved when looking at the intersection of two separate and distinct groups and their engagement. It becomes problematic in a Bourdieuan sense when discussing an individual’s involvement in multiple spheres. While his layering of fields is more dynamic, the stability of the structure in the social space that delineates and orders attributes used in the social sphere construct requires more temporal stability. Taxonomically, the structural organization of multiple spheres/spaces can exist simultaneously, but at an instant the context determines the specific symbolic power that locks the specific field and the resulting referential positioning of its members.
Chapter 4. Institutionalization

4.A. Introduction

People are there and speak. Then comes the party official, and people come less often. And then there is an organization, which starts to develop a specific competence, a language all of its own. (Bourdieu, 1991, pg.218)

As posited by CDD, institutionalization represents a logical progression of repetition of success followed by prescription for success. Within CDD's application of institutionalization there appears to be an element of Parsonian structural functionalism (1961) in the institutionalization of repeated individual behaviors into roles for enduring utilization. This is not surprising given social capital's lineage to Coleman38, but Baxter & Hughes warn that an overly functionalist application of the concept (i.e. not considering social capital's Bourdieu heritage of class relations) creates an agenda of amelioration rather than radical repair (2000). The assumption of a natural transition from socially embedded process to a structural codification misses the possibility that it also introduces a struggle for the power to control the formal definition of the norm:

Codification goes hand in glove with discipline and with the normalization of practices. Quine says somewhere that symbolic systems ‘enlist’ what they code. Codification is an operation for symbolic ordering, or of the maintenance of the symbolic order, which is most often the task of the great state bureaucracies. (Bourdieu, 1990, pg.80)

Also, CDD claims to be a transformational approach that takes into account the dynamic social process's role in development, yet paradoxically includes the solidification of form as one of its key tenets:

Such concepts of [social] embeddedness imply a state of solidity and fixedness: the firm location of institutions in the social environment. Rather than seeing dynamic social relations and the changing cultural milieu as the very stuff of people's lives, they are seen as a social cement which can be consciously utilized to strengthen institutions. These rather mechanical views of social embeddedness clearly link with formalized arrangements preferred by institutionalists. (Cleaver, 2002, pg.15)

These introductory points presage the course of this chapter as it probes the proposed simple progression for its complexity and contradiction. However, as with the previous chapters, the topic of institutionalization can rapidly blossom into volumes and volumes of discussion. The following material will be severely restricted to address only the directly articulated levels of institutionalization mentioned within CDD literature and a highlighting of some of the counter-forces to the anticipated process and outcomes.

38 Coleman’s view is often view of social capital is frequently viewed as functionalist or neo-functionalist rather than by intent or agency (Baron et al, 2000)
4.B. The Two Forms of Institutionalization in CDD

CDD’s institutionalization component is a key distinguishing feature between its comprehensive approach and singular community focused development projects. Within the networks that generate this capital there is a form of preserved structured that is largely represented by the institution of ‘community’, but the desired institutionalism in CDD extends beyond these informal networks. The types of institutionalization envisioned by CDD generally fall under the two headings of project process (bureaucratic efficiency) and formal governance (decentralized decision-making) institutionalization. The formal governance institutionalization is further divided into bottom-up and top-down governance creation, adaptation and actions (Helling et al, 2005). The apolitical requirements for the World Bank’s conduct in its own governing Articles of Agreement limit the articulation on a desired governance form (e.g. democracy) by addressing corruption and empowerment under its socio-economic mandate. Many view this sidestepping of direct political engagement as more verbal gamesmanship than a true absence of political action (Marquette, 2004). With this interpretation it is easy to recognize that power and the authority to execute that power are directly related to this phase of CDD (ECWSA, 2004).

4.B.1. Project Process Institutionalization

4.B.1.a. Efficiencies This category of institutionalization has a primary objective of providing efficiencies. Rather than having to relearn lessons each time a project is undertaken, the codification of a largely repeatable process is understandably desirable (Gillespie, 2004). Baseline assessments, implementing information distribution frameworks, effecting community consensus, and mobilizing segments of the population all take considerable time and effort. The establishment of a formal bureaucracy provides technical proficiency and rules-based traceability. The Weberian bureaucratic ideal, however, has recognized risks in both the misapplication of positional power and creating inefficiencies through officious procedures. The usual lack of maturity of local institutions and bureaucracy in underdeveloped communities limits the likelihood of this occurrence in the early stages of CDD, but increasing institutional self-importance and a shift away from output importance is still a possibility over time.

39 Section V: Article 6 starts with: “The Association and its officers shall not interfere in the political affairs of any member…” (World Bank, 1989)
40 The recognition of these risks is noted by Weber, himself (1947)
**4.B.1.b. Safeguards and Anti-corruption**  A standard bureaucratic practice throughout international development agencies is the inclusion of safeguard reviews and accountability standards as part of project approval and delivery. Many of these prescriptive measures are directed inward toward the community to address marginalized segments and prevent corruption. In general, these measures fall into the three broad categories of protection, anti-corruption and empowerment (Gacitúa-Marió, 2009). Resettlement, cultural artifact preservation and indigenous peoples safeguards are examples of protective policies that seek to ensure that the change associated with development does not harm individuals or sub-populations (Jha, 2010). The inclusion of anti-corruption checks has the obvious contribution of addressing inefficiencies if resources are diverted from the project. It is also an enabling step toward broadened empowerment as rent-seeking and elite capture not only divert funds from growth but also further concentrates power within a society and represents a broader disempowering force (Platteau & Gaspart, 2003).

To counter these risks, safeguards also include active measures as in the removal of barriers such as gender discrimination (World, Bank, *Gender Dimensions*, 2011). Regardless of the external intent, the perceived fairness of these actions depends on the normative framework from which they are viewed. The reported prevalence of counterproductive and power centralizing practices in underdeveloped communities means that a fundamental shift away from the status quo will at a minimum create social stress through the transitional process, and possibly conflict and violence (Mitchell, 2005). And even with good intentions and balanced prescriptions, the successful implementation of these types of institutionalization steps is not a guarantee (Wilkes 2003). This in turn risks further underdevelopment and extending social stresses by formally institutionalizing a broken process, such as ensconcing elite empowerment (Platteau & Gaspart, 2003).

**4.B.1.c. Empowerment is a Redistribution of Power** The reference to the negative aspects of disempowerment/empowerment is not limited to obviously despotic governmental forms, as any level of empowerment and its redistribution introduces stresses. Societal gender differentiation is global and there is a near universal recognition that there are frequently unequal power distributions within communities strongly correlated to gender (e.g. Asian Development Bank, *Policy on Gender and Development*, 2011; OXFAM, *Gender Justice*, 2011). However, most collective action and participation leveraging development programs do not directly confront the possibility that empowerment also involves some level of disempowerment. Rather, they frequently espouse the alternative perspective that the increase in opportunities that accompanies development expands the playing field so that
encroachment on existing power structures is mitigated (Wang, 1999). Contradictory information in practice shows that the competition for external fiscal resources can serve as a focal point over which power struggles occur (Bebbington et al, 2004; Dahal & Krishna, 2008; Krishna, 2000). Even if some level of success is achieved in these struggles by disempowered sectors, the advances may not be enduring as progress is often beset by active backlash and reassertions of supremacy, made easier by the assimilation and diffusion of the resisting identity in response to the initial partial empowerment (Platt, 1997).

4.B.1.d. Effort Involved Even if the transformation from informal to formal process provides the optimal path for development, there is a level of effort required to accomplishing this. Meetings, studies and decisions are all required which are neither instantaneous or necessarily within the capacity of community organizations, leaders or populace (PIN, 1986). And with most endeavors that have a learning curve, initial products are less than perfect and required multiple iterations, which require additional effort, before they are stabilized. This may represent a costly endeavor and expenditure of energy for those already on shaky ground: collective action for change is frequently held to be the responsibility of the internally disempowered (Sharma, 2006). And while hope is that the process can effect change and improve effectiveness, failure can increase levels of disempowerment and challenge further effort (Drury et al, 2005).

4.B.1.e. Positions in Institutions Informal traditional process may contextually shift players, but formal institutions have fixed positions (Weber, 1947). According to classic bureaucratic theory, the positions are filled by an evaluation against qualifications of the position. As discussed at length in conjunction with social sphere terminology, there are multiply frameworks in place for characterizing and evaluating the ‘best’ candidate. The Weberian model boils this down to a rational decision process based on functional execution of duties, but paradoxically the CDD construct hopes to accomplish this through an extension of social embeddedness of the informal processes:

Overlapping social identities mean that people may call on a variety of attributes to justify institutional position of influence. These vary from economic wealth, specialist knowledge or official position, to kinship and marriage, or personal characteristics such as eloquence, strength and honesty.…(Cleaver, 2002, pg.19)

The absence of an existing effective institution may have been due to the lack of capacity of community members, which means that whatever the criteria, the alignment between individual and positional responsibility will be wanting, at least initially. Under the circumstances where the capacity does exist, the lack of an apriori institutional base might be an indication that the
informal processes and authorities are poorly suited for determining appropriate criteria for success.

4.B.2. Institutionalization of Decision-making

There is recognizably some level of decision-making involved in the bureaucratic process, itself: “At the top of a bureaucratic organization, there is necessarily an element which is at least not purely bureaucratic,” (Weber, 1997, pg.335). However, for the most part the purpose of a bureaucracy is to execute a defined process under a pre-approved and authorized set of conditions. However, institutionalization within CDD also entails the intentional formalization of decision-making processes. In order for the community to ‘direct’ its development, the community must be able to decide and to state its desires. Network structure might offer a strong potential in terms of assets available. Bridging communications might provide a missing bit of information that completes a puzzle. Bonding might enable supportive analysis for pursuing the endeavor. However, there ultimately must be a decision to close the deal. The pivotal nature of the decision-making is illustrated by pointing out that it frequently exists without some or all of the social capital based contributions. An institutionalized decision-making process can still speak for and impact the community in its entirety regardless of whether its members are even aware of there being a decision at hand; non-transparent governance is a widely distributed standard (World Bank, 2005). And from the opposite direction, even an extremely well-informed and cohesive local populace cannot drive its destiny without an aligned interface with the authoritative decision-making body (e.g. central government).

4.B.2.a. Legitimacy Characterizations  In theory CDD seeks to leverage the inherent strength and efficiencies through a community’s social capital to make the ‘directed development’ truly representative of the whole, but this raised the question of whether this approach fundamentally creates and maintains a legitimate governance result. Buchanan & Keohane provide a concise, cost-benefit based definition of the key term:

‘Legitimacy’ has both a normative and a sociological meaning. To say that an institution is legitimate in the normative sense is to assert that it has the right to rule—where ruling is promulgating rules and attempting to secure compliance with them by attaching costs to noncompliance and/or benefits to compliance. (2006, pg.1)

Buchanan & Tullock argued in their seminal work The Calculus of Consent, that it is possible to apply a rational actor model to the creation and sustainment of constitutional collective governance that produces such normative and sociological legitimacy (1962). Drawing largely from a social contract perspective, their emphasis on the constitutional development as the
basis for rational legitimacy highlights the criticality of the initial institutionalization process as its prescriptions apply both to acceptable social behavior and to acceptable institutional-changing behavior. Habermas’ postulated legitimate government includes both the institutionalization of prescriptive measure that embody the collective norms and the institutionalization of a process to adjust prescription to keep it in tune with social dynamics (1998). Under Suchman’s categorization, these two approaches would fall under ‘cognitive’ (based on comprehensibility) and ‘moral’ (based on normative approval), respectively. His third category is ‘pragmatic’ (based on audience self-interest) and accepts imperfections if outcomes and efforts are aligned with the constituency. None of these categories operates completely independently as there are arguably components of each in organizations with decision-making authority for a collective that maintain support from their constituencies (1995).41 And like social spheres, the context matters. The legitimacy of a government might be based on pragmatism with regards to external representation but on morality when addressing internal issues.

4.B.2.b. Legitimacy is Not Static  As just mentioned, the contextual realm of the decision will have an impact on the perceived legitimacy of the decision-making authority. However, the dynamic nature of constituent support also varies temporally. Maintaining legitimacy through process is similar to challenges of maintaining efficiency and relevancy through the bureaucratic process mentioned previously. In order to be able to maintain sustained legitimacy, regardless of the construct, there must be a built-in process adjustment component. These two elements, the initial decision-making process institutionalization of authority and the modification of process are not robustly detailed in CDD literature, but could put at risk the singularly positive predictions for institutionalization, which is a transformative process in support of an expansive transitional development profile:

A crisis of legitimacy is a crisis of change, and therefore its roots, as a factor affecting the stability of democratic systems, must be sought in the character of change in modern society. It may be hypothesized that crises of legitimacy occur during a transition to a new social structure, if (a) all major groups do not secure access to the political system early in the transitional period, or at least as soon as they develop political demands; or, if (b) the status of major conservative institutions is threatened during the period of structural change. After a new social structure is established, if the new system is unable to sustain the expectations of major groups (on the grounds of “effectiveness”) for a long enough period to develop legitimacy upon the new basis, a new crisis may develop. (Lipset, 1959, pg.87)

41 Evidence of this can be seen in Buchanan’s recognition of both an intellectual and normative component to legitimacy even though his teaming with Tullock distills the process down to demonstrate it through pure rationality.
4.B.2.c. Lack of Safeguards for Comprehensive Legitimacy  The dynamic nature of institutionalization, a process, means that the balance between the formal and the informal is in motion and interactive. Habermas’ model of legitimate governance accounts for certain level of iterative refinement. The will (influence) enables initial prescription (communicative power), then the experiential application of the rules (administrative power) interfaces with the societal norms and results in adjustments as necessary (reflexivity) (1996). This self-organizing and self-balancing approach between institutionalization and norm is based an assumption of a foundational consensual social norm within the population. Shabani points out that the opposite norm might exist for minority subpopulations, and their minority status might prevent significant accumulation of influence to provide a reflexive correction. Even if correction is eventually made, it is time-late to those who experienced illegitimate applications of power (2011). Whether the discourse is counter-corruption or pro-empowerment, the ability to effect change goes beyond the existence of a moral norm and requires the presence of an action-implementation norm: Useem & Useem’s analysis questions the capability to effect change without a manifested action norm as they illustrate multiple disillusion-discourse threads terminating without effect in the absence of a coalesced radical action movement on which to attach (1979). From these concerns, the dynamic and interactive movement between institutionalization and social norms cannot be presumed to provide a legitimate institutional authority at all times for all people.

4.B.2.d. Bottom-up is Not Necessarily From the Bottom  Many of the communities targeted for development lack a functional governmental institutional base entirely, so the only established structural entities are Community Based Organizations (CBOs).

![Diagram](image_url)

**Figure 4.1. Common Institutional Arrangements for CDD** (Doniger et al, Chapter 9, 2002)
Support for CBOs as the centerpiece is given as a balance between valid community perspective through their ties to social capital frameworks, and the task management practicalities of a recognizable structure (Ibid). From the tenets of the CDD model that call for codification of implemented processes, it is understandable that there has been an expansion of engaged CBOs in practice (Grandvoinnet et al, 2004). However, the representation of a comprehensive community perspective is not guaranteed in this model. The formation and existence of a CBO is frequently “conceived, developed, and continued to exist for purposes of community change” (Omoto & Snyder, pg.854) which may have an agenda that is counter or at least not in concert with all existing community goals. It is often noted that many pre-existing CBOs are not effective in providing an inclusive community perspective, and therefore need to be modified or completely circumvented (Doniger et al, 2001). An assumed legitimacy by external development agencies based on a CBO’s self-generation internal to the community will result in an increase in its informal authority through its role as conduit to additional resources, which have structural implications as community decision-making is formalized (Fernando, 2002). Similarly, the shoring up of established local governance, when it does exist, through the decentralization of decision-making that is promoted through the CDD approach, increases authority without necessarily fully evaluating its foundational legitimacy.

4.B.2.e. Top-Down and Bottom-up Do Not Always Meet in the Middle

The institutionalization of process, when that process represents the decision-making of the collective, is also the centralization of power. The risk of a struggle for control is not only from within, as regional and national entities’ might desire to exercise control in a community’s decisions (Sharma, 2006). Organizational advances at the grassroots level are subject to takeover by political power struggles not directly tied to the original development purpose: in addition to the current political struggle for control of the Grameen Bank (Abrams, 2011), the Gram Sarker form of participatory development in Bangladesh, and also a project that Yunus lists on his resume as a notable accomplishment (Yunus Centre, n.d.), has gone through numerous iterations, including the elimination of elected members and their replacement with members appointed by the ruling political party (Sarker, 2003).

Krishna argues that it is critical to promote positive links between community bodies and local/regional government, to ease conflict and in recognition that the larger political context plays as much of a role in long term sustainability as any efforts at the community level (2004). However, this outward integration might be difficult if communities focus initial empowerment gains to reinforce a non-integrative tradition (2002). This institutionalizing of community decision-making protocols with respect to its own development is also the
institutionalization of self-determination expectations which has ramifications with regard to the broader scope of regional, national and global authority and legitimacy balances. Coicaud points out that legitimacy is connected to “principles that give the community its specificity” (20024 pg.17), which also complicates the process regardless of any confrontation as the integration on larger scales likely will dilute the specificity of common principles (DeBardeleben & Hurrelmann, 2007).

One of the primary reasons that CDD has been pursued by development agencies is that higher levels of inefficient and corrupt government are bypassed. Removing this interference permits both the successful completion of the specific project as well as laying the groundwork for proper governance. Abject poverty conditions, limited infrastructure and inability to provide basic service delivery are strong motivations for controlling authorities (e.g. national and regional) to permit basic self-governance generation in return for external funds and expertise. However, as the community decision-making matures the passive acceptance of community self-determination perspectives may shift. One result may be the elimination of resource support to the community, impacting the progress of development regardless of the community’s internal motivation and capacity. Others argue that the reverse is possible and that community level development can facilitate external change and investment by demonstrating best practice (Helmsing, 2003; Shannon & Walker, 2006). However, Babajanian’s study of the Armenian Social Investment Fund found that CDD’s support for local level organizational and institutional development could not overcome the dominant external governance context, making it largely ineffective (2005). The magnitude of impact that the external parties’ demeanor toward community empowerment causes is not trivial. Haley’s comparison of oil extraction and indigenous collective action in Ecuador and the North America shows vastly different outcomes for the respective communities, largely dependent on the external entity’s course of action rather than the cohesiveness of the collective (2004). Passive eternal behavior also is controlling as most collective action that brings about development requires some resources beyond the collective; social capital might increase and process efficiencies may be formalized, but at the end of the day they are still poor unless outside inputs and outside opportunities change (Cleaver, 2005; Wakefield & Poland, 2005).

### 4.B.2.f. Institutionalization as Compliment or Replacement to Social Capital?

Even if all of the aforementioned landmines can be avoided, the institutionalization of process at a community level has the potential for denigrating\(^\text{42}\) the

\(^{42}\) The term ‘denigrate’ was intentionally utilized to apply the connotation of a demotion in stature and standing, rather than solely a diminishing of magnitude of affect.
relevance of the social capital through the very process that espouses its import. Habermas’
coffee salons that fueled the generation of norms that became institutionalized through
modernity are no longer relevant to the process.43 Ahlerup’s analysis of economic
development trends points to an inverse relationship that diminishes social capital impacts as
institutional strength increases, even to the point of its irrelevance (2009). However, Ralser
points out that institutions are an extension of human intent, even though they represent
constraints to political, social and economic exchange (1997). In addition, Akerlof attributed
worker action to a ‘sentimental’ connection with an institution (1982) through personification
(Suchman, 1996). Baliamoune-Lutz’s study of African development points that institutions and
social capital might be compliments, rather than substitutes for each other (2009). In a follow-
on study, while arriving at the same conclusion, she does acknowledge that the relationship
might be dependent on phase of development and scale (macro- or micro-) (2011). Similarly,
Crowe’s research shows that outward-institutional versus inward-social each have a role
depending on the particular type of economic development project being pursued, so both
forms should exist in a balanced development strategy. Conversely, latent collective memory
and wariness of power structures can instill a discontinuity, and possibly counteractive force
between social capital and civic capital (Schrader, 2004). CDD takes the approach that the two
are complimentary in its design, but without unambiguous empirical evidence and an ongoing
debate within the academic discourse.

4.C. Way Forward

The discussion started with the introduction of two main forms of institutionalization,
bureaucratic and decision-making. Within each process of institutionalization that are noted
obstacles to effectively creating and managing these institutions through a double
transformation process (i.e. the transition from informal to formal governance as the community
transitions through a development profile). In addition to the magnitude of the effort and the
challenges of the process, the impacts of the process itself on the very core of CDD (i.e.
community and social capital) are not well understood and could be counterproductive rather
than synergistic (Trigilia, 2001).

For these reasons, the issue of institutionalization has to be examined in some
manner. Rather than introduce yet another lexicon surrounding governance from the field of

43 Habermas does not discount that a new modern, post-modern, or post-post-modern social construct
and forum could potentially fill this void. And applying Akerlof’s early recognition that a sentimental
(and social capital?) relationship can exist between workers and institutional firm, modernity’s
replacement of the interpersonal discourse might be reconfigured through a social dialogue with an
institutional ‘other’.

53
political science, the current combination of terminology and concepts posited to support the social capital and community examination can also be applied to institutionalization. Social capital’s trust dimensions and levels of closure can be used to investigate and discuss legitimacy. Brokerage as well as communication paths are avenues to look at decisions-making as a form of exchange and bureaucratic efficiencies, respectively. The social sphere construct as it applies to joint ownership and liability and the resulting symbolic power to structure positioning criteria within the social sphere can address the political nature of the process. Even more important the benefit of the non-introduction of new terms, this application enables a continuum of dialogue across the boundaries of scope and scale of the case, as well as across the organization divides of social capital, community and institutionalization.

To specifically address the complexities of institutionalization in the data collection framework, the first person narratives and records of negotiations centered around formal decisions (e.g. legislative actions) will provide an intersection of social capital processes with institutional prescription. Taking a step back from the actual participants, questions are included in the survey that compare the perceived level of influence of select entities on decision-making (i.e. authority) with the desired level of influence (i.e. legitimacy.). Already embedded within the SCI-IQ survey are questions regarding trust, and the field of inquiry is expanded to include institutions where questions of legitimacy may be present. Since this is a progression of informal to formal, a time component is necessary. Most questions are further subdivided into 20-25 years ago, 10-15 years ago, and now to also capture the direction and magnitude of trends.
Chapter 5. Methodology

5.A. Investigational Approach

5.A.1. Research Focus

This investigation focuses primarily on the transition from project to sustained community development that is proffered as an ideal outcome of properly engaging and nurturing a community’s inherent social capital through a resourced local-empowered development protocol. This study hypothesizes that an expectation for continuous sustained development reliant on the self-realized codification of community decision-making achieved as a result of the activation and energizing of social capital is unrealistic: *The continuation of a community’s collaborative-focused social capital expenditures along with the regeneration and expansion over time cannot compete with internal community divisive social forces, dynamic external interfaces at the regional and national level, and the process transitions associated with institutionalization.* This is an admittedly expansive spectrum of postulated causative factors, with each of the individual factors being broad topics of study. This wide scope is deemed appropriate given both the alignment of the investigation with the tremendously broad and sweeping scope assigned to this form of development, as well as the limited maturity of the approach and its accompanying discourse. Certainly, each of these components mentioned are substantial enough to support extensive inquiry into their individual nature. However, one of the appealing factors in embracing a community-driven development construct is that it provides a level of internal self-compensation for balancing different factors; the existence of community is the existence of moderating the impact of divergent forces while accentuating the cohesiveness from supportive correlation. Therefore, a study that wishes to examine the comprehensive construct as its goal needs to ensure that it encompasses all of the components at play (Haynes, 2009). Sufficient coverage of this scope while still providing critical insight beyond merely highlighting inconsistencies and complexities necessitates a balanced data collection and analytical methodology (Denscombe, 2001).

5.A.2. Case Study Considerations

A case study approach is utilized here to provide a level of depth of examination and to gain insight into the ‘how’ and ‘why’ of the effects of community-driven development. The enabled fidelity of investigation through a singular case brings with it the risk that its specificity might limit its applicability to the broader discourse (Yin, 2009). Bamberger cautions that integrated quantitative and qualitative approaches, like this one, that pursue qualitative paths
based on initial quantitative data rather than a pre-planned qualitative schema risk producing project-specific, non-comparable results (2000). As an acknowledged risk, if this inability to transition from the specific to the general does occur, the examination will still produce an important analytical contribution (beyond the target community); CDD and its counterparts are presented as practical development tools with the expectation of distributed and replicated applications. If there are not significant levels of commonality between cases, then this will also provide insight into the validity of the comprehensive model. A careful choice of the particular case also reduces the risk if selection criteria encompass contexts noted as relevant to a breadth of communities. Based on the claims for social capital-focused community development constructs, the complexity and potentially contradictory nature of foundational principles, and the specific concerns under investigation, it should be possible to construct an ideal target population, with the goal of “enriching the understanding of an experience, it needs to select fertile exemplars of the experience for study” (Polkinghorne, 2005). Table 5.1. provides a brief discussion of the applied criteria for determining an optimal target population.
## Notional Community Characteristics

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Multiple ‘community’ constructs</strong></td>
<td>The presence of recognizable differences in population composition between applications of term in spite of frequent, undifferentiated usage is sought as a starting point. While it is postulated that this multiplicity issue is omnipresent, the advanced recognition aids in targeting data collection and analysis to observe their divergence or convergence over the ‘community’ development profile. Additionally, these sub-population boundaries provide a window to internal social capital bridging processes within a presumed predominantly bonding network (i.e. enables a level of fidelity moving from the community meso-scale to the individual micro-scale).</td>
</tr>
<tr>
<td><strong>An assumed strong bonding component</strong></td>
<td>Ethnicity, geographic isolation, religion, and tribalism are examples frequently assigned to bonding-centric networks. Given the duality of impact reported in the literature to date, the selection of this component is in keeping with the investigation of social capital complexities within an assumed unifying component.</td>
</tr>
<tr>
<td><strong>Notable Underdevelopment</strong></td>
<td>This component is necessary both as a provision for the motivation for development and as a relational context that necessitates some level of reliance on external beneficence. Relative poverty and conditions are more important than absolute poverty/conditions in this case, as the pre-cursor conditions that produced a disparate level of development might conceivably impact the course and success of a new level of community empowerment.</td>
</tr>
<tr>
<td><strong>Extended Timeframe for Development Efforts</strong></td>
<td>Since this framework is presented as an ongoing process beyond individual project delivery, and even beyond the mere sequencing of individual projects, a substantial time period is necessary to assess envisioned climate change (development) trends from within the shorter cycle weather phenomena (projects). A multi-generational timeframe is also sought to assess differences between perspectives of those with formative years, predominantly pre-CDD, formative years spanning the transition into CDD, and formative years post-CDD implementation. Since experiential development and social outcomes feed back into the process as inputs, the objectification of change components will be different (e.g. the transmission of advantage (Halpern, 2005;251) meaning that youths will never see their condition as an output from a previous condition).</td>
</tr>
<tr>
<td><strong>Evidence of a transition from informal to formal process decision-making</strong></td>
<td>Over the course of the CDD initiative, evidence of either a pre-cursor reliance on informal processes or of fundamental changes to existing institutional organizations and procedures will ensure that this second-stage component of CDD is available for inspection.</td>
</tr>
<tr>
<td><strong>Access</strong></td>
<td>Willingness to participate and share as well as logistical access within time and resource constraints are necessary to perform a robust case inquiry.</td>
</tr>
</tbody>
</table>

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As noted in the table, a key limiting factor is the duration of community-driven development implementation necessary to investigate trends over an extended time period. As already discussed, this is a relatively new development approach which limits the number of candidate communities under this formal banner of CDD. And even more limiting are those communities that have had multi-project delivery within this construct as a sustained development approach (World Bank, 2005). However, the past 30 years of existence of the Penobscot Nation, a Native American tribe, closely aligns with the desired circumstances for this inquiry. The following chapter, appropriately named A Brief Introduction to the Penobscot Nation, will sit this Native American tribe in relation to social capital, community and institutionalization that illustrates a community composition and a development context that well meets the listed criteria.

5.B. Data Collection Approach

5.B.1. Survey Mechanism

A community social capital assessment device applied longitudinally (i.e. retrospective and recapture components) to a target population represents a practical core framework for this project’s data collection. This form of assessment, generally in survey form, regularly encompasses community identity perceptions, development measures and the status of social capital. The frequent application of surveys in community development and social capital investigations, however, has yet to generate a universally recognized standard. The World Bank’s Social Capital—Integrated Questionnaire (SC-IQ) is employed as the basis for this survey based on its ability to be adapted to local context, modified based on research application and compared against external data sources while still providing a coherent organizational structure (Grootaert et al, 2004). This structure is based upon six dimensions: 1) Groups and Networks; 2) Trust and Solidarity; 3) Collective Action and Cooperation; 4) Information and Communication; 5) Social Cohesion and Inclusion; 6) Empowerment and Political Action. While the SCI-IQ survey provides a solid foundation, it must be expanded to address other community factors relevant to the hypothesis (Asia Productivity Office, 2006). In this instance the adjustments need to be made to include communities’ social capital interaction at multiple scales over a development profile and in the face of institutionalization. In order to keep the questionnaire completion time between 30-40 minutes, not all of the

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45 One of the few exceptions to this is a ten-year longitudinal study of a CDD campaign in Indonesia that did show significant empirical measures of success (Voss, 1998). A similar long term study in Brazil had generally positive but less conclusive findings (Binswanger et al, 2009; Coirolo & Lammert, 2009).
questions from each section of the SCI-IQ survey appeared in the delivered version. In recognition that context and analytic intent could vary, the creators of the SCI-IQ also provided a shortened core-question edition as a sample of a reduced format that still captures key measures. This researcher tailored the questions to fit the context of the target community and the delivered questionnaire for this case in general doubled the number of core questions for each dimension. In addition to the six dimensions, sections were added

1) to address the purported generative and self-sustaining nature of engaged social capital processes, a longitudinal component is incorporated in each section.\textsuperscript{46,47} 
2) to evaluate achieved development in terms of service delivery, infrastructure and economy, a section is added to record members’ perceptions of development progress.
3) to examine the relevance of social capital to the development process and the purported benefits of process institutionalization, a significantly expanded focus on community decision-making is included.\textsuperscript{48} 
4) to permit a level of analysis below the community level to potentially distinguish key subpopulations within the greater community through demographic profiling
5) to address the complexities of simultaneous constructs of community for the respondents (e.g. tribal community, reservation community, actual residence community).

\textsuperscript{46} Optimally pre-existing data would exist collected a priori to development efforts with intermediate re-engagements, which would allow this survey singular focus on the current status. The relative novelty of this development approach, however, does not present a large longitudinal data pool, so historical recollection is used in an attempt to capture previous conditions. Widely noted is the imprecision in memory, and the increased movement over time from discrete factual elements toward generalized perception of historical conditions’ influence on later events (Lynn, 2009). Much of this inquiry is, however, focused on individual perceptions (e.g. trust outcomes, conceptual dimensions) so recovered data is still largely reliable for these purposes. The re-creation of an accurate structural representation of the past (e.g. precise network mapping) is not projected to occur through this data collection schema. However, relative orders of magnitude and trending directions over time should be reliable.

\textsuperscript{47} The longitudinal component covers a 30-year time frame, which offers benefits in trend identification as well as challenges through its incorporation into the survey device. The survey divides the time period into three non-continuous periods to capture the initial, transitional and established phases of the process as well as gain insight into multi-generational perspectives (e.g. majority of adulthood prior to Settlement Acts; both adult prior and following Settlement Acts; adulthood only after Settlement Acts).

\textsuperscript{48} The SCI-IQ does include an Empowerment and Political Action dimension, which does align with an inquiry into decision-making. The individual-household focus of the survey approach, however, does not provide adequate fidelity into the decision-making at the community level, as recognized by the SCI-IQ designers who recommend integration of complimentary community level empowerment data (Grootaert et al, 2004).
Following the instructions, a sixteen-question section covering personal demographics starts the survey. After the demographic questions, the six dimensions are covered in a total of 80 questions. Embedded within 36 of these questions is a longitudinal component broken into three time periods: now, 10-15 years ago, and 20-25 years ago, which expands the requested data inputs to over 150 entries for these sections. The additional sections of General Impressions of the Tribe, Community Services, Tribal Priorities, Influences on Tribal Decisions, and Additional Comments expand the survey by an extra 100 data entries required of each respondent. This is not a trivial concern, as the test case for this survey administered to members of the Cultural and Historic Preservation Department staff required over 30 minutes for each participant to complete and a significant amount of mental concentration. The required level of effort demanded by the survey was further evident through the inclusion of write-in comments to this effect by 5% of the respondents during the survey proper. The willingness to extend this level of effort was expressed by one respondent: “I also hope that this survey will bring more attention from the world regarding statistics of the Penobscot Nation and other similar indigenous communities. I am honored and humbled to be a part of this survey and offer some of my personal knowledge regarding my home Indian Island Penobscot Nation Reservation.” The full version of this “difficult cumbersome survey” is provided as Appendix A.

5.B.2. Additional Data Resources

Since there are common noted complexities inherent to self-reported data (e.g. “Although self-report evidence is necessary and valuable for inquiry about human experience, it is not to be misconstrued as mirrored reflections of experience. People do not have complete access to their experiences. The capacity to be aware of or to recollect one’s experiences is intrinsically limited” [Polkinghorne, 2005, pg.139]), augmentation of the dataset from additional sources is also necessary. Also, in order to examine the external community interfaces with higher fidelity beyond the limited number of outward focused questions in the community survey, an in-depth examination occurs of first-person narrative and testimony-laden reports from joint committees. Examinations of the professional memoire of a Penobscot Representative to the Maine legislature, the public records of the Maine Indian State Tribal Commission, and the academic work of a tribal representative to the Maine Native American Studies Commission serve as the core resources. Additionally, constitutional initiatives and statewide referenda applicable to Maine Indian development serve as a source of qualitative and quantitative reporting on non-Indian perspectives. The lack of access to extensive primary source material pertaining to internal deliberations on legal actions and federal compact
negotiations\textsuperscript{49} led to strategic evaluation of national level interface based on public record policy, legislation, court and conference documents. This approach provides a level of methodological triangulation consistent with the juncture of multiple disciplines around the nexus of a complex social, economic and political topic (Denscombe, 2001).

However, while this combination of sources and methodology provides relevant and critical analysis, it does not claim to provide a complete analysis. This unattainable goal of completeness, either across breadth or within depth in the study of human interaction, always requires there to be a compromise within the data collection and analytical methodology. Two notable omissions from the employed approach are direct observation and iterative interpersonal communication (e.g. conversation, structured interview). The inclusion of these components would have provided significant benefits, especially in the pursuing higher fidelity examination of a subset of topical issues. Unfortunately, the practicalities of project execution did not provide the opportunity for their application.\textsuperscript{50} The data presented is sufficiently rich and the level of analysis herein is substantive, but with an admitted emphasis on identifying and linking critical content across multiple community constructs and interdisciplinary comment across social, economic, cultural and political realms. Therefore, it is acknowledged that many of the discovered contradictions and anomalies warrant further targeted investigation beyond the capabilities of the available data set, just as more narrowly focused and single-discipline studies engender questions of their findings’ intersection across a broader interdisciplinary context.

5.C. Analysis Methodology

5.C.1 Initial Data Analysis

Following the literature reviews, survey data collection, data entry, and basic descriptive statistics were examined for each question. In addition to the numerical presentation, data were graphed to quickly assess trend directions and magnitudes, both for rapid initial data assessment (Chatfield, 1995) and for later incorporation into the presentation to aid in communicating the large amount of collected data (Kastellec & Leoni, 2007). From this level of analysis, the search for contradictions and anomalies progressed. The first pass through the results looked for elements that did not align with the CDD projections. Contradictory results and trends were then sought out within each of the multi-component

\textsuperscript{49} The very nature of contested negotiations (e.g. court cases) does not support transparency and open access. Additionally, several court issues during this time period relating to public access to tribal records has made information ownership a key issue in the conceptualization and implementation of tribal sovereignty.

\textsuperscript{50} This point will be expanded further in section 5.E.
questions (i.e. variations between longitudinal elements) and within each section. In recognition that there is significant overlap between the discreet SCI-IQ dimensions and the added material, related questions (e.g. those that involved perspectives on non-tribal Maine citizens) were compared across sections. In addition to these direct contradictions in direction, anomalies in magnitude were also identified (e.g. if within the same positive trending of indicators a severe lag in a subset was also noted). The memoire and narrative source material was then examined to see if direct commentary was provided on these issues. The material was also closely read to see if these contradictory occurrences were also present within the text without direct authorial acknowledgement or awareness.

5.C.2. Investigation of Anomalies and Contradictory Trends

Armed with this list of problems, concerns and complexities, a largely qualitative process with targeted quantitative investigation is conducted to examine the deviations from the CDD projected process paths and development outcomes. While a shift at this point from quantitative analysis recognizably does not fully explore all of the relationships within this vast dataset, the questionnaire’s creators specifically suggested this move to a more in-depth qualitative examination similar to this dissertation: “It is likely that the process of creation (and destruction) of social capital will be understood better by means of a variety of qualitative in-depth studies” (Grootaert et al, 2004, pg.17);51 is an employed methodology in practice (APO, 2006); and is recommended as an effective strategy for identifying and exploring complex social issues (Bamberger, 2000; Durlauf, 2002). As mentioned previously (and will be discussed further in section 5.E.), the inclusion of a qualitative analytical approach proceeds upon existing data (e.g. interpretation of first person narratives) rather than through the generation of a study-specific qualitative data collection scheme (e.g. follow-up interviews).

Organizotionally, the noted instances of anomaly or contradiction in responses were grouped into the key areas of investigative focus (i.e. development, community, social capital and institutionalization) and further segregated under over-arching categorizations of internal interface and external interface discussions.

Burt’s brokerage and exchange model is used in a largely metaphorical manner52 to provide a common terminological and functional framework across the wide spread of social

51 The SCI-Q’s creators’ recommendation is based on the significant gaps in current understanding of social capital that would present a significant risk of selection bias for analysis with social capital as a dependent variable.

52 Burt’s own application of his model is more frequently individual-focused with substantial network modeling and analysis. However, he does intentionally provide his model to be used in a broader sense
capital, decision-making and institutional processes. While this provides an effective tool for this interdisciplinary perspective, it does produce the need for a level of translation into the various discipline-specific terminologies. The introduction of Burt’s construct included some of this translation through a Bourdeauian sociological discussion, and its selection as a unifying approach is supported by its incorporation of a strong economic component (e.g. exchange) which also aids in this cross-discipline translation. Also available, but not as explicit, is consistent mapping to anthropological and political conceptualizations and lexicons. As a linguistic anthropological example, Burt’s ‘echo’ maps to kinesics and paralanguage as key components in culturally determining the listener’s expectation and response, and to contact language and syntax alterations from the original data source to its retransmission form. And this communication component, primarily discussed under Burt’s model in terms of its effect on data processing, can also be linked to socio-cultural implications: depending on the intended audience, modulation of form and emphasized content (e.g. Uncle Tom-ming) impacts the level of closure achieved through associational contact. An exhaustive transliteration across disciplines is impossible but a listing of key terms and meanings as applied herein is provided in Table 5.2 to serve as referents for this discussion and to aid in the cross-domain mapping process.

53 Much of this dissertation’s effort to this point has been focused on the examination of the multiplicity of definitions and uses of these listed terms. The presented list is not meant to imply that this process has distilled the discourse down to absolute meanings; their re-aggregation into a singular term-to-meaning presentation is solely intended to provide a generalized conceptualization to enable the narrative progression.

and with expectation of a more generalized adaptation. However, he does express his belief that there is a limit to generalization (2005).
**community** | a collective body with a common, shared characteristic around which interpersonal interaction occurs and from which group identity is demonstrated
---|---
**community construct** | the basis upon which the collective is cohesive
**social sphere** | a discrete inter-relational set of norms and network modalities construct of or within a collective body
**community-directed development** | a form of localized progress that significantly involves membership in the visualization of outcomes, prioritization for the allocation of resources, and project execution
**social capital** | the leveraging of interpersonal networks, in specific or in general applications, to effect desired outcomes
**trust, reputation** | an evaluation of risk for future undefined encounters mixing both objective and subjective measures within a specific social context
**bandwidth** | a measure of the volume of raw data flow
**echo** | a measure of the level of alteration from incoming data to outward expression based on the anticipated reaction by the recipient
**structural hole** | a social network discontinuity resulting from either lack of pre-existent contact or encountered obstacles to connectivity
**brokerage** | an exchange across, or the consideration of an opportunity to, span structural holes
**closure** | a functioning, stable connection either through traceable links or common social norms
**institutionalization** | a transition from undefined novel procedures or non-prescriptive informal processes to a rules-based input-to-output characterization

**Figure 5.2. Summary of Key Terms**

**5.C.3. Results Bias**

The mixed qualitative-quantitative approach should help to reduce selection bias in examining correlations between recorded variables (Grootaert et al, 2004). However, the stated hypothesis is a prediction for a significant level of dysfunction within the social capital centric community development process. As such, the analysis of data just discussed makes an intentional effort to look for indications of dysfunction and to further pursue lines of inquiry into these possible problem areas. Therefore, the majority of analytical effort and presented discussion will have a negative component. The analytical methodology and an awareness of the potential bias toward criticism does provide a certain level of counter-balance back toward center as the lack of dysfunction, or the lack of disruption caused by complexities, will certainly be within the analytical window. However, it is acknowledged that many of the smoothly operating processes may be undetected and not included in the presentation. Since there also was limited effort given to evaluating attempted process optimization initiatives or a structured evaluation of potential opportunities for process improvement, the achieved versus potential degrees of positive performance are not extensively evaluated. Trend data that clearly shows positive process and outcomes will be evident and reported, but the analytical methodology
employed shifts focus away from these occurrences rather than delving deeper to enable focused attention on contradictory and dysfunctional elements. The data set is rich and these positive trends are of incredible interest, but the limitations of this study unfortunately do not permit an equally robust examination of both the positive and negative indications and outcomes.

5.D. Narrative Presentation

The case analysis is presented in two chapters. The first analytical chapter focuses at the community and its subpopulation level. It is further subdivided into development, social capital, community and institutionalization subsections, with a concluding subsection that notes key insights from the internal exploration. The second of the analytical chapters delves into the external interface at the regional and federal levels. This chapter is also formatted similarly to its preceding chapter. In both these chapters the organization into the subsections is logical and assists with the examination, but it is also binned with the recognition of significant overlap between categories and a level of selective narrative perspective to investigate items of interest (i.e. many of the points discussed could be presented in multiple categories if approached from a different angle or sequencing).

The key insights presented at the end of each chapter are summations of findings, but Chapter 7 limits its remarks to internal findings and Chapter 8 to external findings. This topical organization does produce some artificialities that cannot be wholly eliminated but should be addressed to ensure that they are viewed as artifacts of the narrative structure rather than as conceptual content. Significant discussion has already been provided on the multiplicity of social spheres and their overlap, so it follows that the reading of analysis presented on a specific sphere is always to be read in the context of both reader and participants’ awareness of parallel co-existing levels of social constructs. Much less emphasize to this point, but equally important is the awareness of dynamic interrelation and casual interaction between internal and external community processes. The existence of community boundaries was discussed earlier, and these boundaries do support both an organizational differentiation between internal and external as well as a conceptual interpretation of ‘insider’ and ‘outsider’. However, the porosity of these boundaries and their re-drawing based on interpretation of community means that they are not as distinct and defined as might be implied by delineation of Chapter 7 for one and Chapter 8 for the other. Additionally, even when a distinct boundary is evident and acknowledged, the impacts of external processes shape the internal processes, and impacts of the internal processes shape the external processes. This relationship is not
trivial or at the margins; the existence of any level of community social cohesion (presented herein as an ‘internal’ characteristic) may indeed be primarily created from an external social reality of complete non-cohesion or even targeted aggression. In this case study, there are examples of both external non-integration and conflict. Therefore, all readings of internal conditions must be cognizant that Chapter 7 is not truly in isolation from Chapter 8, and that the sequential presentation does not imply causal primacy to internal community conditions as the community interacts with its surroundings.

Following these case-specific analytical chapters there is a brief summary and presentation of key findings. As stated earlier, all of the lines of differentiation just discussed are recognized as porous and reconfigurable. This compartmentalization is instituted for organizational reasons, but with the hope that the narrative presents a unified holistic discussion of all of these interrelated points. Chapter 9, in conclusion, will seek to summarize the key findings from this case as they apply to the general theoretical and practical construct of CDD as a proxy for social capital engagement strategies for community-centric development.

5.E. Project Management Impacts

Like all projects, this endeavor was shaped by practical management concerns both in its design and in its execution. Because of the endemic presence of these universal logistic constraints, especially the generalized laments of not enough time, money or manpower, the discussion of methodology rarely mentions their occurrence. However, there are a number of notable points that are relevant to the methodological discussion since they could have had impact to the collected (or non-collected) data and may provide topical insight through their manifestation. Specifically, the single mode survey delivery issues, the limited availability for direct contact on data collection and analysis, and the tribal governmental authorization requirement are viewed as significant.

5.E.1. Population and Respondent Rates

The SCI-IQ base construct, as envisioned by its authors, is built around a personal interview approach primarily for literacy concerns and to manage completion time requirements. The anticipated English language literacy rates within the target community are sufficient to eliminate this necessity based on communication. However, the personal contact with the interviewer provides a level of motivation for completion of an extensive survey

54 This expectation of adequate literacy was expressed by the Historical and Cultural Preservation Director, supported by American Community Survey data question: “speak English less than ‘very well’”(2005-2009), and consistent with existing Tribal communication norms (e.g. newsletters).
and maintains respondent focus and level of effort (Groves, 2009). As already noted, the developed survey is both lengthy and complex. The distribution of the target population, which is comprised of both a geographically-centered community and an ethnically-centered distributed population introduces significant logistical challenges to a personal interview approach. The extensive length of the survey and the complexity of longitudinal relational data are problematic for phone and internet-based deliveries (ibid). A hardcopy mailed survey is effective for long and complex surveys, but its lack of a direct personal connection to help manage and maintain the incentive to continue the prolonged and laborious process of filling in page and page of data needs to be compensated. The employed method was to provide a non-trivial cash incentive. A $250.00 USD cash award was announced for one survey respondent, as determined by lottery, as well as a $250.00 USD cash contribution to a tribal charity of choice. This approach of both personal gain and community contribution was selected to provide the broadest appeal for the target population, but with the recognition that the combination of limited incentive funding, the significant time demand, and the lack of direct personal contact might provide data collection gaps. A survey was mailed to each adult tribal member, 1,871 individuals per official rolls. A total of 221 surveys were returned, which represents 12 percent of the population. While this is not a tremendously high respondent rate that produces an unquestionable statistical accuracy, it is significant given the demands of the survey, the lack of an established relationship with an external researcher investigating internal tribal perspectives, and sufficient to gain insight into the discussion at hand. Indeed, the returned surveys did not perfectly align with full population demographics, but nearly all indicators were largely representative of the tribal population as comparison checks consistently showed acceptable alignment (e.g. age in Figure 5.1).

55 Since the survey was restricted to the legal adult population (>18 years old), retrospective questions during which the respondent would not have been of legal age were treated as a missing value, regardless of whether an entry was submitted. Because the retrospective periods covered multiple years for time periods wherein the respondent was an adult for any portion, the supplied responses were included in the data set.

56 The time and concentration demands have already been mentioned. Additionally, due to a miscommunication during the survey mailings, postage-paid envelopes were not provided to the recipients and necessitated an actual cash outlay of $0.76 USD to procure the privilege to be included in this data set.
Figure 5.3. Respondent Alignment with Population - Age\textsuperscript{57}

Coverage of the full population was deemed sufficient with enough fidelity and differentiation to support this investigation.\textsuperscript{58}

5. E. 2. Limited Availability for Direct Contact

Neither the principal researcher nor any of the academic advisors had any previous relationship with the Tribe or its members. The selection of this community was based on a mapping of desirable characteristics (Figure 5.3) within a literature review of eastern seaboard Native American communities. Since this research was self-funded, travel distances were a consideration, but the key dictating factor was the health condition of an immediate family member. This initial regional focus was tied to a research desire to include direct contact components into the study plan. The original project plan was still built primarily around the social capital survey, but with a follow-on component of personal contact using a semi-open interview format based around survey-produced items of interest (e.g. kinship valuation). Unfortunately, further medical complications precluded my on-site presence. The plan was modified by engaging a local undergraduate research assistant who was also a member of the Tribe to conduct interviews. Unfortunately for the research, and more importantly for the individual, the death of a family member eliminated her contribution to the study prior to any interviews being conducted. At this point, the already collected survey data were extensive and fully supportive of a doctoral level of analysis. It was necessary, however, to decide on shifting the analysis to a wholly quantitative basis (e.g. factor and statistics based) or to proceed with a

\textsuperscript{57} Respondent population profiles also closely align with a 20-year advancement of Penobscot Nation census data (PIN, 1988). However, there is a notable age offset as compared to the 2008 tribal census data (TSWG, 2008). A combination of an increasing trend in birth rates, and a postulated correlation between lower youth volunteering rates (Bureau of Labor Statistics, 2011) and volunteering to complete this time-consuming survey likely account for this discrepancy.

\textsuperscript{58} Reported data in this dissertation are unweighted unless otherwise noted. Significant trends or issues presented that indicate divergence or strong internal sub-populations were further investigated (e.g. crosstabs) to ensure that respondent versus population profile differences were taken into account.
quantitative-qualitative mix. The decision was made to utilize existing records of first person narratives in combination with submitted free form comments from the survey to provide the qualitative component. While this has proven to be an effective approach, remnants of this mid-project adjustment can be seen in the analysis. Since the survey was created with the expectation that further targeted data collection would follow, it was primarily design to provide for identification of anomalies rather than the detailed investigation of some of the hypothesized likely contradictions that led to this research in the first place. The reliance on existing qualitative records meant that specific topics, such as kinship ties that are commonly not publically discussed and documented, could not receive a fully nuanced evaluation as both a generative cohesive force under a tribal perspective and juxtaposed with their potentially anachronistically divisive force in the face of capitalistic development and modernity. The resulting impact being not a lack in value or complexity of the presented analysis, but in a slight movement away from individual component topical depth and toward an expansion in the breadth of factors considered and evaluated.

This explanation is provided as methodologically relevant since the research deals with topics (e.g. culture and inter-personal relationships) and across fields of study (e.g. anthropology) which are usually associated with higher levels of direct contact data and analysis than presented herein. None of this background material is provided either as an attempt to gain sympathy or as an apology for the research and analysis presented. The incorporation of the originally envisioned (or even modified) direct contact with tribal members certainly would have altered this thesis from its current form, but that would merely have provided some level of alternative content, not necessarily better content.

5.E.3. Affiliation Implications

The aforementioned cash incentives presumably had some impact, but the level of participation can also be related to the level of topical import and the association of the Tribal Government with the survey. Indicators from the survey regarding the importance of tribal affiliation will be discussed in greater detail in Chapter 7, but a brief discussion of the authorization from and participation by the Tribal Government is necessary for data integrity concerns and for its shaping of subsequent analysis. Common to most academic research requiring human participation, this project applied a set of prescribed ethical standards to its design and conduct, which a Human Research Ethics Committee of the University of Melbourne approved. In this case, in addition to the protection of individual participants’ rights was a requirement for a protection of the composite group; research involving indigenous
peoples requires approval from a group authority prior to the individual contact phase. This ethical protection of a group requirement was mirrored within both of the Maine Indian communities with which negotiations were conducted, the Penobscot Nation and the Passamaquoddy Tribe at Pleasant Point. While only the Penobscot Nation had a formal research request evaluation process, both tribes required similar information on the conduct, design, intent and publication of the research:

*The Penobscot Nation is the guardian and interpreter of the Penobscot culture and its arts, knowledge system, and spiritual traditions – past, present, and future. We have the right – and obligation – to protect our intellectual property and its strong connection to our ancestral lands and territories* (Penobscot Nation Cultural & Historic Preservation Department, *Research Nation*, n.d.).

An extensive review pertaining to the protection of individual rights had already been conducted through the university’s process, which appeared to satisfy both tribes without notable concern. However, even though the proposed study fell within the National Congress of American Indians Research Agenda (NCAI, 2006) also conformed to their research Policy and Practice Considerations (Sahota, 2008), the specific measures to ensure the protection of the group identity required extensive assurances and negotiations. The import of this protection is illustrated by the fact that the final decision was not delegated to a subordinate office, as the Chief and Governor (Penobscot and Passamaquoddy, respectively) personally issued the decisions.59

The government’s assigned import to this data was an encouraging sign for the value of the study, but also highlighted the risk that control of that data also might represent a political tool of power with the intention of exerting its control for its own ends. In recognition of this, the agreement with the institutional representative was crafted to both ensure protections to individual participants from their own government (e.g. assured anonymity measures) as well as independent academic integrity.60 Identifying information for participants was not shared with the Tribe. And while the agreement does permit joint ownership of the data and future publication limitations beyond this dissertation, there was no review or approval of this work prior to its publication. The tribal Government was offered the opportunity to include items of interest into the survey questionnaire to take advantage of the tribal-wide mailing in recognition that the effort and exposure to outside examination would require some level of assured

59 The Penobscot Nation, under the authority of the Chief, provided approval as documented in a Memorandum of Agreement (Appendix B). The Passamaquoddy Tribe at Pleasant Point declined to participate based on the proposed research window due to competing tribal priorities during this period.

60 It must be noted that none of these issues of individual protection or academic integrity were ever disputed by the Tribe.
positive contribution (Clifford et al, 2004). However, this offer was declined and Department Heads reported that the topics covered in the proposed survey were sufficient across the spectrum of tribal administrative services. Their review of the survey questionnaire was limited to a test case of the final draft by the members of the Historical & Cultural Preservation Department. The only adjustments made were for clarification of wording regarding the different time periods and on questions that differentiated between the community on Indian Island and the community where the respondent actually resided. For these reasons, it is firmly believed that the applied methodology does not represent participatory or activist research. However, the participation by the Tribal Government (e.g. logo on survey), might have appeared as such to some contacted members. Even with stated assurances for their individual protection, it cannot be ruled out that this might have impacted some responses, or resulted in a non-submission of the survey, especially given the survey content asking for evaluations of governance institutions and competencies. The possible negatives of this association just mentioned also were likely to produce a positive reaction in a portion of the potential respondent pool. From a project management perspective it likely contributed to the achieved level of response through the government’s endorsement since there was no pre-existing relationship between the researchers and the Tribe’s members from which loyalty or trust motivations could be derived. However, from an analytical perspective it potentially skews data toward the positive. Respondent’s current and historic affiliation with the Tribal Government housing service and its commercial enterprises was queried to enable a check against perspective weighting in this regard. Based on the emplaced safeguards and the voluntary association of individuals as members of the Penobscot Nation, it is believed that this methodology provides data largely representative of the population not overly influenced by this level of formal affiliation with the Tribal government.

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61 See Hale (2006) for an extensive discussion on politically engaged research. However, as there is an acknowledged level of ‘applied research’ intent as it applies “toward the policy sciences” (Hackenberg & Hackenberg, 2004), so depending on the perspective on specific policies it may represent a second order categorization of activist research.
Chapter 6. A Brief Introduction to the Penobscot Nation

Figure 6.1. Seal of the Penobscot Nation

“...the oldest continuous government in the world...”

6.A. Historical and Geographical Context

The current official website of the Penobscot Nation greets viewers with a self-identification as “the oldest continuous government in the world.” (Penobscot Nation, Official Website, 2011). Bourque’s comprehensive review of archeological and historical data, titled Twelve Thousand Years: American Indians in Maine, does not attribute the Penobscot presence to the full period, but does offer strong evidence that a governance continuum from first European contact62 to the various treaties signed by Penobscot leaders existed in the Penobscot River watershed (2001). Archaeologist Dean R. Snow postulates that Bashabes, a great charismatic leader called out by name in the earliest of contacts, was positioned in the geographic region traceable to the Penobscot Tribe (1980). However, the extreme population loss due to epidemic prior to colonization and the lack of detailed records makes it difficult to specifically trace the specific lineage of Penobscot tribal governance through this period (Speck, 1997; Snow, 1976). This direct link is further complicated by the post-contact creation of the current tribal nomenclature and the fluid movement of these semi-nomadic populations.

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62 Omitting the possibility of Norse contact in this specific region of the Northeast Maritimes.
The published work of Penobscot elder Joseph Nicolar in 1893 draws from an oral history that plausibly intersects European and colonial writers to assert the continuum, but again the naming convention leaves much still open to interpretation as to the precise date and locale of the institution of the Penobscot government and its exact form. To add one more complication, the lack of a western recognized form of institutional governance during contact and colonial periods (e.g. tribe of band), wherein authority was not asserted by leaders but granted by followers’ willingness to accept their advice (Speck, 1997), added to the recorded anarchical generic groupings rather than distinct tribal organizational designations (Calloway, 1991). Even without the precision of a specific, confirmable date, under the definition of an Indian tribe as "a body of Indians of the same or a similar race, united in a community under one leadership or government, and inhabiting a particular, though sometimes ill defined, territory" (United States v. Candelaria, 271 US 432 (1926)), the Penobscot Nation has been in existence for centuries, at least.

Before discussing the specific history of the Penobscot Nation it is important to note that it is both a part of and apart from the broader colonial and evolving U.S. federal Indian policy. It is almost universal to all presentations of individual tribal histories that a contextual discussion of broader federal policy history is included. It is equally as near-universal that comment is made that both the volatility and the lack of universal applicability of policies to individual tribal circumstance (e.g. specific treaty wording) means that that the sitting of the specific case precludes easy application of generalized policy trends:

The political relationship among tribes and between individual tribes, the federal government, and the state governments has an evolving and complicated history, one which is riddled with contradictory evidence that makes a normative, unified narrative problematic. Furthermore, for each distinct tribe, that history can be just as varied and unique as the history of sovereign relations between the United States and different foreign nations. Because of the numerous contradictions and variations, sovereign relations between a tribe and the United States, or individual states like Utah, are best understood by analyzing the specific historical developments between the parties in question. (University of Utah’s American West Center, 2009, pg.99)

And in many cases, through startling court decision or groundbreaking settlement, the individual tribal history is the specifying action of broader policy. In this specific case, the Penobscot Nation’s history has had periods of all three conditions: a derivative of federal policy, independent of federal policy and generative of federal policy. For the sake of efficiency the presentation of U.S. federal Indian policy over the last couple of centuries will be summed up in a single quote: “The utterly inconsistent and fluctuating history of federal tribal legal affairs is well documented. Federal policy toward Indian tribes has moved in various decades from
physical extirpation, to measured separatism to removal to assimilation to self-determination – sometimes at the same time” (Fletcher, 2006, pg.135). This briefest of summaries is not intended to dismiss the importance of this context, but only an acknowledgement that its complexity and magnitude are beyond the scope of a few background paragraphs. The introductory Penobscot-specific material following will illustrate the common theme of inconsistency and fluctuation as well as the common approach of disaggregating the centuries into labeled categories based on the pre-dominant political-economic condition between Tribe and external sovereign and the resulting general policies.

6.A.1. Pre-Colonial: Pre-history to pre-settlement

Regardless of the exact date of origin of their formal governance structures, the Penobscot Indians are federally recognized descendants of the indigenous peoples of the Maine Maritimes dating back to the Ceramic Period (Dept of Interior, 1995). As such, they have a generalized pre-contact existence of local subsistence from hunting, fishing and limited horticulture; seasonal migrations along waterways; regional trade and regional conflict prior to contact (Bourque, 2001). Archaeological records and early missionary reports indicate that just prior to and immediately following contact with Europeans (first reported by Verrazano in 1524), there was sufficient carrying capacity within the environment and established group survival skills to comfortably support the substantial indigenous population in relative abundance through most of the year, with periodic stresses due to the seasonal winter extremes of this latitude (AFSC, 1989).

Political-economic policy in both directions across the eastern seaboard during this period was heavily weighted toward economic maximizing from all parties. In spite of relatively little reported conflict with Europeans until the later part of the 1600s, there were dramatic internal tribal and inter-tribal transformations (MacDougall, 1995). There are differences in perspectives and calculations on the role of indigenous epidemic-induced population fluctuations prior to sustained European contact, but collaborative reporting in the 17th Century clearly shows the devastating results of epidemic throughout this region (MacDougall, 2004) from introduced strains (Marr & Cathey, 2010). The dramatic change in populations and in economic competition through the growing fur trade with Europeans likely increased inter-tribal conflict and altered political interactions between the regional tribes. Christianity also spread throughout the region with significant cultural, political (and therefore military) implications (Calloway, 1991).

The chaotic transitions of the previous period stabilized to a degree after 1675 for the next century, but this stabilization under more identifiable European settler policy was neither peaceful nor beneficial to the indigenous communities. The chaos of initial interaction between Native Americans and European counterparts from a level based largely on local parity (political, economic and military) shifted to an increasingly demonstrated power of colonial settlement and of the European political agenda. Over this period, the relative power of individual tribes diminished with respect to colonial expansionism, but with increasing entanglement in colonial conflict and European power swings. The establishment of the Wabanaki Confederacy enabled the remaining Maine Tribes, the Abenaki, Penobscot, Passamaquoddy, Maliseet and Micmac, to maintain their separate identities, but to present a unified front (Prins, 1999). By this point, the objectives even of the coalesced confederation were not to directly counter colonial existence or expansion, but rather to manage its impact and enable continued tribal survival (Luckhardt, 1985; AFSC, 1989).

Penobscot leaders frequently played named roles in the negotiations with French and English representatives as well as within the strategic discourse of the Wabanaki (Calloway, 1991; Prins, 1999; Bourque, 2001). There are numerous examples of experienced difficulties in common interpretation and understanding, such as illustrated by Loron’s request to have English peace negotiations in 1727, presented in written French to eliminate past mischaracterizations or intentional misrepresentations of agreed upon terms (MacDougall, 2010). The reading of the preserved English text includes an agreement by the Penobscots to join the English in pacifying any resistance or rebellion by other Wabanaki tribes against the English and differed significantly from Loron’s recollection of the discussion:

I said to him only, and I understand him to say to me, that if any one wished to disturb our negotiations of peace, we would both endeavor to pacify him by fair words, and to that end would direct all our efforts (Calloway, 1991, pg.117).

The accommodation approach did continue by both sides for over a decade; however, dissatisfied colonists with expansionist views and the inevitable warfare between European powers once again sparked conflict in the maritime region during King George’s War and rolled almost immediately into the Seven Years’ War. The initial attempts by the Penobscot Tribe to maintain the peace actually placed them at the center of attention by both the French and the English. By refusing to actively side with the English as called out in the text of Drummer’s Treaty, the Lieutenant Governor of Massachusetts, Spencer Phips declared war on them and issued a bounty on their scalps. (Bourque, 2001).
The direct hostilities ceased without a new peace accord ratified by the Penobscots or the Wabanakis. But the elimination of the French presence in the region meant that English settlement could enter a new stage of expansion and that English colonial power was self-assured in the prospect of rendering the remaining presence of the Indian Tribes moot to these plans. The Maine Indians were indeed moot to these plans, but the colonists themselves were not. The American Revolution usurped the Crown and its goals, and the Penobscot’s actively participated in this change of authority (Bourque, 2001).

6.A.3. State Tribe: subordination to policy at the state level

Calloway sums up the continuation of the previous circumstance following the establishment of the United States of America:

In Maine, Penobscots and Passamaquoddies, who supported the American cause during the Revolution, appealed to Congress for justice as their former allies invaded their hunting territories. But, in defiance of the Indian Trade and Intercourse Act of 1790, which prohibited transfer of Indian lands without congressional approval, first Massachusetts and then, after 1820, the new state of Maine made treaties that gobbled up huge areas of Indian land. In 1794, the Passamaquoddies ceded more than one million acres to Massachusetts. Two years later, the Penobscots ceded almost 200,000 acres in the Penobscot Valley; in 1818 they relinquished all their remaining land except the islands in the Penobscot River above Old Town and four six-mile-square townships. In 1833 the State of Maine bought the four townships for $50,000. By midcentury, the Penobscots were confined to a “ghetto community” on Indian Island at Old Town…. (Calloway, 1997, pg.5).

Eventually, a trust fund was established by the State of Maine and an Indian agent assigned to oversee the Tribe’s welfare. From this point on, even the concept of parity or sovereign separation, weakly displayed through State-to-Tribe treaties and land transactions (first Massachusetts then Maine), evaporated as authority by the State of Maine was formally asserted and the Tribe was designated as a ward. This pattern of eroding parity (e.g. treaties negotiated on equal terms), diminishing effort to maintain instruments of even the appearance of parity (e.g. statutory regulation versus negotiated treaty), and formal designation of ward repeated itself through western expansion but with the direct colonizing interface being the federal government rather than states for the most part (University of Utah’s American West Center, 2009). Therefore, while relatively unique in its specific external interface, the Indians of Maine do still share with the wider Native American condition the historical sublimation of their supreme sovereignty to a formal external political entity.

Maine history does record efforts to provide care and assistance to the Tribe, but many times it was paid for with Tribal assets such as the sale of timber (MacDougall, 2004). Under-motivated, passive, or incompetent management of the provision of tribal needs in the fashion
of the white society rather than as desired by the Penobscots became a consistent theme. (MacDougall, 1995). Forced from their former means of living and thriving, Penobscots became a mixture of specialty-skilled labor (e.g. snowshoe lacing, log-driving), subsistence hunting, woodland and river guides, migrant labor, making and selling native handicrafts, military service, and many others. The lack of a stable enduring economic base meant that movement out of the community regularly occurred, but with frequent temporary and permanent returns back to Indian Island (Ranco & Marvel, 2007). Thus, Indian Island very much remained the homeland for the Tribe even if it was not home for a period of time or even ultimately for its members in spite of the challenges to persevere as a community:

Roy Dana Sir., for example, grew up on Indian Island during the 1930’s. When asked if his parents had urged him to go to school, he replied, “Well, it was more important that we ate. Just to survive, in those days, we burned firewood, and we had kerosene lamps, most of the time it was rough.” Roy helped his family from about the age of eight. “I was around sawing wood, shoveling snow and stuff like that to help out. Really rough in them days, we was lucky to have enough to eat at times, really, really, rough.” (MacDougall, 1995)

The maintenance of this connection to and the defense of the remaining pieces of land were not from an actual or idealized vision of the reservation as a manifestation of the perfect community. Both internal accounts and external accounts paint a picture of a challenging existence: discrimination and denial of opportunity, unsanitary living conditions and endemic poverty, poor health and substandard housing. As a community, the Penobscots endured these struggles, but not without evidence of strain. A leader committing suicide, followed by his successor in a knife fight with his Lieutenant Governor over an adulterous affair was reported “as hideously tragic as a Greek play” (Eckstorm, 1904). The ensuing departure of the Lieutenant Governor to an area down river was accompanied by about half of the Tribe (Rolde, 2004). While this particular tragedy may have been initiated by individual egos and personalities, there were underlying cross-community conflicts that kept the factionalism in place for decades. Life-term positions versus term elections, French or English-based education, traditionalism versus trade skills, new arrivals to Indian Island versus established families: all were issues that divided the community into at least two competing parties with simultaneous claims to legitimate empowerment to represent the community (MacDougall, 2004). The disruption that the internal conflicts caused was enough to motivate the legislature to enact election rules, and further amend them to establish a turn-taking election (Eckstorm,

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63 In addition to Indian Island, several of the other smaller islands were occupied by Penobscot families throughout this period, but Indian Island remained the only continuously inhabited island (MacDougall, 1995).
Thus, the institutionalized form of internal governance was as a result of external prescription, as was the overall administration under an Indian Agent. Over time the factionalism shifted into political parties; Frank G. Speck’s extensive ethnohistory drawn from personal observation in the early 1900s did not comment on perceived internal strife in the change of governments (1998), and the party system formally ended in 1931 (Penobscot Nation, *Modern Chief Line*, n.d.).

Over time, into the 20th Century, the paternalistic management of the Maine tribes shifted to being increasingly autocratic with even the limited participation rights within the State of Maine were cut back in the removal of Penobscot and Passamaquoddy representative speaking privileges in the legislature (Loring, 2008). In the discourse in the post-World War II period (a war in which Penobscots served in significant numbers and with distinction [Prins & McBride, 2009]), topics such as whether the reservation system should be abolished (i.e. termination) and the continued denial of voting rights were at the forefront of Indian issues (Bourque, 2001). So, it is not surprising that the construction of a a single lane bridge between Indian Island and Old Town was not necessarily an end to segregation; as reported by a visiting educator in the early 1970’s, the separation remained:

*From the first time I crawled up to it, honked my horn and craned my neck to see if the coast was clear, the bridge struck me as a barrier as much as a conduit—a New England counterpart to the border checkpoints of the West Bank or Baghdad. It discouraged two-way commerce or communication between Indians and whites. And I was never sure which side of the river wanted me to think twice about traveling between cultural realms, or wanted me to know that I was being watched and that I’d best be off—or on—the island by sundown.* (Nabokov, 2006, pg.3)


The thrilling knife-fight scene between cuckolded Governor Attean and adulterous Lieutenant Governor Neptune provided by Eckstrom (a non-eyewitness to the events) in her folkloric writings has some basis in fact, but assuredly also contains some amount of added dramatic flair. Amazingly, the legal manoeuvres and proceedings that changed the status of the Penobscot Nation in the late 20th century surpass this tale with regards to drama, passion and suspense. Unlike Eckstrom’s work, however, the thoroughly engaging story does not primarily fascinate its reader with literary prose or lyricism. Rather, Paul Brodeur’s narration primarily relies on the improbable sequence of events, the unlikely cast of characters, and the
nearly incomprehensible magnitude of potential impacts for its excitement (1985),\textsuperscript{64} and is substantiated by all participants during this period:

In 1973 in one of the I guess in retrospect amusing notes in history -- in 1973 the ag [Attorney General] went to the legislature and asked for a special appropriation so we could hire outside council and special consultants and anthropologists and the legislature said nah there's nothing to this case you don't need it and denied us the appropriation, not amusing at the time I suppose it's amusing in retrospect in January 1976 I inherited the case from a colleague of mine that left the office and I think it's fair to say that all hell broke loose in the state of maine. The doj [Dept of Justice] announced it intended to pursue the case against the state of maine and look into whether to sue others in the claim area. What followed over the course of the next six months to a year was a period of chaos unlike anything I'd ever seen before. -Statement by John Paterson, former Attorney General of Maine before the Tribal State Working Group, 2007. (TSWG, 2008)

The basic sequence of events loops back to passage of the Indian Intercourse Act passed by the U.S. Congress in 1790 that included this prohibition:

\textit{SEC. 4. And be it further enacted, That no sale of lands made by any Indians, or any nation or tribe of Indians the United States, shall be valid to any person or persons, or to any state, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States.} (United States of America, United States Congress)

Based on this, the land sales and agreements between the Passamaquoddies & Penobscots and the State of Maine (and Massachusetts prior) were in violation, and therefore restitution was required. Before the case went to trial, President Jimmy Carter appointed a task force to investigate the issue, with a recommendation of a negotiated settlement.\textsuperscript{65} It was very much a game of brinksmanship against do-or-die propositions for all parties; this settlement represented a compromise, not a victory. The agreement was accepted by the Penobscot Nation as a "forced choice" with a strong dissenting opinion centered on Indian Island (PIN, 1988). Even the federal government had second thoughts up until the eleventh hour when the actual appropriations were made (Brodeur, 1985). The lack of clear cut winners and losers, of right and wrong, of open or shut, is readily evident in the cast of characters and their unusual relationships throughout the various acts and scenes to this drama, and frequently publically stated by the Penobscot Nation (e.g. PIN, 1988). The relationships between local, state and federal branches, between executive, legislative and judicial arms, were not hierarchical or hierarchical or

\textsuperscript{64} This comparison is not intended to denigrate the considerable writing skills of P. Brodeur, but rather to emphasize the remarkable level of drama not normally found in legal histories.

\textsuperscript{65} The first recommendation by an appointed advisor (retired Justice Gunter) was for a 'coerced resolution' for both the State of Maine and the Indian Tribes, but was not directly acted upon in this fashion (Brodeur, 1985).
functionally aligned throughout the strategic positioning or the collaborative negotiations. The turmoil did come to a settlement of sorts when on December 12, 1980 President Carter signed an appropriations bill for $81.5 million USD to complete the Maine Indian Claims Settlement Act (Brodeur, 1985). The magnitude of the decision at $81.5 million USD in 1980 is significant, but pales in comparison with the potential liability in billions of dollars if the case had gone to court and been decided in favour of the tribes. But equally significant in the other direction, a negative ruling would have eliminated any future opportunity for the tribes to contest their condition with the likely elimination of any continued State of Maine support (Brimley, 2004). The Penobscot portion of this settlement was $13.5 million USD trust fund and a $26.8 million USD land acquisition fund (Scully, 1995; PIN, 1988). Whether the appropriate amount or not, it represented resources and opportunity for land-based development under the control of the community.

6.B. Federal Recognition and a Devolving Governance Landscape

An additional outcome of this process was federal recognition, which also included access to significant and sustained development resources. Coincidental with the Maine Indian Land Claims was an increasing solidification of a federal policy for American Indian administration based on devolution of decision-making and increased Indian self-governance (e.g. Indian Self-Determination and Education Assistance Act of 1975). Gerald Ford, the U.S. President at the time closed his official announcement upon signing the bill with:

_The enactment of this legislation marks a milestone for Indian people. It will enable this Administration to work more closely and effectively with the tribes for the betterment of all the Indian people by assisting them in meeting goals they themselves have set_ (1976, pg.12).

This act along with over a dozen major pieces of legislation over the course of this study period have expanded the scope and scale of tribal self-determination (Dept. of Health & Human Services, 2010; Self-Governance Communication And Education, 2010; Kempers, 1986). Figure 6.2 illustrates this for programs internal to the Bureau of Internal Affairs.66

66The Self Governance Communication and Education consortium reports similar trends for other federal agencies: Within the Department of Health and Human Services - Indian Health Service – Office of Tribal Self-Governance (DHHS-IHS-OTSG), there are 78 Title V compacts, funded through 100 Funding Agreements, totaling approximately $1.4 billion. These compacts represent 332 Tribes – more than half of all the federally recognized Tribes (2011).
Figure 6.2 Increase in Self-Governance under Bureau of Indian Affairs (DOI/SCGE, 2008)

Similarly, the level of direct consultation and interaction with tribes has increased through these laws and as codified in executive orders and presidential memoranda (e.g. EO 13175, 2000; Presidential Memorandum, Tribal Consultation, November 5, 2009). At least on paper all of the key ingredients of decentralization, political, fiscal and institutional, have been established to produce the benefits of local development (Schneider, 2003):

6.C. Way Forward

The rising levels of sovereignty and local control have not been universally successful as illustrated by large-scale comparative studies under the Harvard Project on American Indian Economic Development (e.g. Cornell, 1989). However, the project’s focus also permitted a finding that:

…twelve years of research at the Udall Center and Harvard Project emphasizes that tribal control over tribal affairs is the only policy that works for economic development. We have been unable to find a single reservation where major decisions are controlled by outsiders—the states, the federal government, of special interests—where successful economic development has taken root. (Cornell and Taylor, 2000, pg.4).

As such, the federal recognition can be interpreted as an empowering development donor in a form of community-directed development. The Settlement Acts’ provisions for integrated relationships with the State of Maine, an exception to most direct federal-to-tribe relationships at this time (Brimley, 2004) means that development context extends beyond solely the internal community to include its (potential) regional integration (Ganter, 2004). And as Cornell and Kalt postulated in 1991, the effective power of these tribal decision-making efforts was not solely manifested in formal institutional processes, but was achieved through a cultural and normative match, a ‘glue’ to hold them together. While the term social capital is not applied, it appears more of an issue of time period than lack of attribution of the generative and sustaining
component of this glue, as both Bates and Coleman’s contemporaneous works are cited as references. A more recent study directly does employ the term *social capital* as it examines development amongst several western Native American tribes, both demonstrating its role and its variability between subject communities (Pickering et al, 2006). The selection of the Penobscot Nation as a case study is appropriate both for its employment of the fundamental concepts of social capital-energized community-directed development, as well as its particular siting and composition that include features hypothesized to strain a continuous development profile.
Chapter 7. Internal Community Examination

This chapter focuses on the community itself, primarily as seen through its members’ eyes. The analysis of the survey makes up the core of the narrative with augmentation from outside data (e.g., federal funding records, tribal documents in the public domain) when there are indications that perceptions are conflicting internal to the Penobscot Nation or when unified perceptions do not clearly align with external signs. To provide this analysis with some measure of order, this chapter is organized into four subsections aligned with the introductory chapters: development, social capital, community, and institutionalization. As mentioned in the chapter on methodology, but worth reiterating, this approach is biased toward the identification of strains, dysfunction and failure. While this is appropriate for this endeavor, it is entirely inappropriate to apply this bias as a judgment on the Tribe, its members, or its efforts. To further emphasize the point, the expectation going forward with this research was that there would be fundamental and obvious breakdowns within the community through this development period. Even with this biased methodology, the strength, resiliency and importance of the collective identity that constitutes the Penobscot Nation is clearly evident in spite of the strain of transformation, the continued challenges to maintaining a development path and the experience of failures along the way.

The concepts of structural hole, brokerage and closure discussed previously serve as an effective connection across the individual subsections as well as an explanation for the outcomes of this internal analysis. At the strategic level, the Structural Hole is the underdevelopment of the Penobscot Nation. At the operational level, individual structural holes are those perceived obstacles to closing the gap between a current condition and a desired development outcome. Brokerage is the examination of opportunities, and their pursuit, in effecting these desires when resources beyond the individual, sub-group or group are required. Closure is both the availability of internal assets prior to and throughout the effort, as well as the level of group cohesiveness, stability and magnitude at the conclusion of each redress to the structural hole. Within the CDD construct, this social capital-centric approach is postulated to balance brokerage and closure to provide maximum effectiveness and efficiency.

Foreshadowing the summary of this chapter, the balance appears to be maintained through this process but with questionable attribution to empirical effectiveness and efficiency. There is notable progress with an accompanying community appreciation for infrastructure and service delivery measures. However, the lack of economic development to self-resource initiatives for continued progress counters the model’s design expectations. The challenges to self-sufficiency arise from internal capacity limitations, structural constraints (e.g., access to equity-
based commercial financing), and the omnipresent uncertainties in navigating commercial enterprises toward profitability. The resulting mix of successes, stalled attempts and failures, has required adaptation and adjustment internal to the community. While these stresses are notable through presence of brokerage attempts, so too are the counterbalances by the closure within the community. Even in the presence of multiple social spheres (e.g. on-reservation and off-reservation members) and differences of opinion on specific issues (cultural or economic development initiatives), the data reveal high levels of closure through the presence of a consensus prioritization of the Penobscot Nation’s collective welfare and cohesiveness that countered the initial pessimistic expectations of this examination.

7.A. Development

7.A.1. Infrastructure and Services

From a modern development perspective’s examination of tangible changes, there is significant progress demonstrated at Indian Island since the Maine Indian Claims Settlement Act and federal recognition. In late 2001, the Penobscot Nation’s hosting of the Annual Maine Rivers Conference provided an opportunity for guests to witness both indicators of completed development through their accommodation in the “cavernous space” of the Bingo Palace as well as the continuous progress underway:

_Across from the Bingo Palace, large-scale construction was in evidence. This turned out to be a $1.4 million Tribal Office Facility, financed by the Rural Housing Service of the U.S. Department of Agriculture. Next to the Bingo Palace, itself, was a modern sewage treatment plant and a little beyond that, a handsome school complex._ (Rolde, 2004, pg.337)

Descriptions of the community prior to the Settlement Acts (e.g. Tantaquidgeon, 1935; Proctor, 1942; Maine Advisory Committee to the United States Commission on Civil Rights, 1974) were of a severally depressed condition and can be well summed up by a life-long Indian Island resident: “Like I say life was tough, it was tough for everybody” (Penobscot Nation, _Elder Newsletter_, 2007). The juxtaposition of reported conditions illustrates a tremendous change in status, and these views are generally shared by current tribal members:
For each of these infrastructure concerns, a majority of the respondents give a current positive appraisal (i.e. ‘pretty good’ and ‘fantastic’ categories), and represents a full doubling of positive ratings over this period. Importantly, it also halves the number of negative ratings. Therefore, the shift is not solely a movement from the neutral perspective to the favorable, which might suggest a large disenfranchised subpopulation that does not perceive any benefits from this development. This consideration of the trend of ‘negatives’ is especially relevant given the significant level of below poverty line and lower income sectors of the population (Figure 7.3.) that is traditionally an at-risk portion to not realize broader development benefits (Kakwani & Pernia, 2000).\(^67\)

\(^67\)However, the increased skewing over time does illustrate an anchored presence of a negative perspective that might indicate a disenfranchised subgroup or merely reflect a portion of the tribe that is persistently negative in its evaluations in a general context and reflects this in item-specific questions. These possibilities and the recurrent profile will be discussed throughout the chapter and specifically in 7.C. Community Cohesion.
Figure 7.3. Tribal Current Tribal Individual Income Levels

Similar to the infrastructure trends, service delivery ratings showed a continuous positive trend with current levels rated positive by two-thirds majorities in five out of the six categories (and well over a simple majority in the last case). And again, the decrease in negative evaluations coincides with the level of increase in positive marks.
7.A.1.a. **A Comparative Check** These infrastructure and service ratings paint a strong picture of classic development throughout this period, and this section started with a personal comment on positive community growth that is corroborated by the survey. However, it is worthwhile to investigate if objective measures conform to the subjective perceptions, whether the structured survey results align with external data pertaining to Indian Island infrastructure and service delivery. For this purpose, a brief examination of objective housing measures shows that the status of Indian Island housing still lags well behind regional and national norms:
Figure 7.10. Comparative Housing Figures

Census data with this fidelity for these localities is not available in the 1980 or 1990 decennial censuses, but appraisals throughout the twentieth century (e.g. Maine Advisory Committee, 1974) rate Indian Island housing standards as extremely subpar in terms of physical condition with an assumed subpar status in value. Complementary to the poor physical structure of the pre-Maine Indian Settlement Claim Act, poor housing conditions were structural deficiencies in the housing finance processes. The lack of land ownership on trust lands does not conform to normal commercial financing constructs (Ellis & Seneca, 2004). Even with improvements from the enactment of the Native American Housing Assistance and Self-Determination Act of 1996, securing sufficient capital for new construction is frequently challenged and delayed by the need to combine multiple resource streams in complex arrangements (Government Accounting Office, 2010). Considering the entry point for this development, both from a physical condition and structural process perspective, the held opinion of dramatic improvement in this sector by tribal members still appears valid even in the presence of continued shortfalls. However, despite internal efforts rated as “outstanding”68 and innovative (USDA, blog, n.d.), and even with increasing resourcing opportunities and efficiencies (e.g. The Native American Home Ownership Opportunity Act of 2007; USDA Rural Development’s One Stop Mortgage), a significant gap remains without an identified method for its correction:

This reservation population has tripled since I was a child. While housing has doubled it has not increased enough. There is plenty of land for housing. Finding the finances seems to be the problem as it appears to be everywhere. Most of our people are not capable of paying for the high costs of maintaining a home under our current housing authority, who are mostly funded by HUD [Housing & Urban Development] or some other off-reservation controlling organization. (Survey comment)

The financing challenges are not restricted to the single-family or multi-family home actual construction phase as significant infrastructure investment is required to prepare available land

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68 Survey comment: Director of Housing -- “outstanding.”
(Garland, 2002), or even to access it in the case of the Tribe’s Orson Island that has no connecting causeway or roads (Brimley, 2004).

The positive perspectives on trending and status portrayed in the survey results do have a basis in realized quality and progress from the initial baseline, but they do not appear overly critical in the context of housing status compared to external conditions. A similar situation exists with regards to Tribal education. The dropout rate is lower than national Native American averages, but still a sizable 25% (Edu World Heritage, n.d.). The Indian Island student scores are near the norm on the Maine Education Assessment standardized tests, but this only places them in the “partially meeting the standard” category (Edu World Preserve Cult, n.d.).

7.A.1.b. Process Ownership and Closure A possible interpretation of this effect is a positive boost achieved through the lens of closure. The time period within the survey reviews these development sectors while under the guidance of the community’s administration and government. A key postulate of community-directed development approaches is that there is a greater buy-in by the populace, and this may reflect a level of ownership that tempers the critical evaluation. This possible shading of perspective is not an accusation of an erroneous evaluation as tangible changes are notable with concrete examples of improvement. Rather, it is suggested that the survey measures might shift the focus to the progress made, and away from the gap remaining, due to the closure between the designers, administrators and recipients; the positive responses might reflect the inclusion of ‘bonus points’ for progress occurring through a level of self-achievement (Suchman, 1996; Crowe, 2010).

The striking similarity between these profiles, with a noticeable deviation in healthcare, can also be interpreted as supporting this line of reasoning. The services and infrastructure sectors with the common profile are those frequently achieved through block grants or recipient generated proposals with local project management (e.g. the school Board is composed entirely by Tribal members [Indian Island School, n.d.]), whereas the healthcare sector’s approach has traditionally been more externally controlled (Indian Health Service, 2011). In

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Students</th>
<th>Participation Rate</th>
<th>Rate %</th>
<th>Proficient %</th>
<th>Advanced %</th>
<th>Proficient + Advanced %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>45</td>
<td>100.00%</td>
<td>44.15%</td>
<td>22.93%</td>
<td>2.13%</td>
<td>22.93%</td>
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<tr>
<td>2004</td>
<td>45</td>
<td>100.00%</td>
<td>44.15%</td>
<td>22.93%</td>
<td>2.13%</td>
<td>22.93%</td>
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Indian Island School reading performance continues to improve annually, but these results (BIE, 2004) showing continued positive change were not available to community members prior to the survey. So the discussion above attributing some of the positive inputs to a closure rather than objective analysis remains valid.
addition to the large external program administration component, the human capital requirements for care providers and medical accreditation are not usually resident within the underdeveloped community. Also, the full provision of needed healthcare cannot be provided within IHS program for population sizes such as Indian Island and requires access to external facilities with limited funding for such access (Penobscot Handbook, 2008). While the profile reports a positive level of service and some improvement over time, the lack of local control might be part of the cause for the differentiation in trend rates with the other sectors. Also contributing to this interpretation is the identification of the two sectors that have the highest level of “fantastic” ratings. Natural Resource Management and Common Space Management are the most representative of decision-maker perspectives (i.e. ‘management’), as opposed to being reliant on external processes or resource-constrained in the cases of large-scale projects. With the community itself (or at least its government) in the driver’s seat, it might explain why the pathway is strongly endorsed.70

7. A. 2. Finance and Culture

The development indicators and discussion thus far has centered on the local community of Indian Island, but those living and working on Indian Island are a minority within the broader tribal community. While these different community constructs and their effects will be discussed in a later section of this chapter, the issue of whether development has occurred and continues needs to be considered beyond its manifestation on Indian Island itself. A means of doing this is through the lens of stated community-development objectives that are not directly tied to Indian Island infrastructure or community residents. Resounding through the tribal discourse on development are two predominant issues: economic and cultural development.71 More accurately, the dialogue could be characterized as having three main issues: 1) economic development; 2) cultural development; 3) balancing issues 1 and 2 appropriately.72

70 This interpretation of a positive impact to perspective resulting from being in the driver’s seat is based on the assumption that the driver is heading in the direction as agreed upon by the passengers. While this is supported at this point by the few questions reviewed, the alignment between formal decision-maker and the collective community, population segments and individuals will be addressed in more depth in the section on institutionalization as an inquiry into the presence of a critical voice of a backseat driver.

71 Self-determination is also a strongly constant theme, but it will be discussed under the guise of institutionalization rather than development. This arrangement is based on organization of the narrative rather than an implication that self-determination components of development are only relevant in follow-on phases.

72 This concern is not isolated to the Penobscot Nation or the Maine Indians, as it is a frequent topic in the broader Native American discourse (e.g. “many tribal members we talked with found themselves
The third point is very evident in the candidates’ statements during in the latest election for Chief of the Penobscot Nation. A former Chief, Barry Dana, had a key message that the current prioritization between economics and culture is not appropriately balanced:

It is time for me to come back and once again make our tribe proud of our rich culture and traditions (Dana, Tribe First, 2010). In these times if our leader is too focused on chasing money and not consulting tribal membership on matters of sovereignty and homeland protection, I fear the state will once again take what is ours. Our current Chief has spent much time and attention on economic development through PINE [Penobscot Indian Nation Enterprise]. I have the heart and experience and understanding of what our river and homelands mean to us. A solution to our overall tribal needs would be that if I am elected he remains working for the tribe under PINE’s charter. (Dana, campaign, 2010)

The incumbent Kirk Francis put forth a message that argued for a more economic-centric approach:

In 2006 I ran on a strong economic platform, I believed then as I do now that it is critical to have resources to protect and enhance the things that are extremely important to us such as our Culture, Sovereignty, our Elders, Youth Programs, Health Care, Public Safety, Family Services, Housing, Natural Resources and overall opportunities for our people. It truly does take a holistic and balanced approach to effectively lead our Nation (Penobscot Nation, Primary Election, 2010).

The fact that both candidates acknowledge a balance, but with a fundamental difference in the selection and weighting of the primary concern, illustrates that these issues are not just being expressed as electoral ideological rhetoric completely eliminating any common ground within the concept of development. The relevance of the concern over time, rather than solely as an election issue, is apparent in the 1995 Wabanaki: A New Dawn video. As the title indicates, it presents the Maine Indian Tribes as setting out on a new course since the Settlement Acts, but with as much time and consideration given to the ill-defined vision for what the daylight will actually bring. The summary on the DVD case establishes an ultimate importance of the endeavor: “Wabanaki: A New Dawn shows the quest for cultural survival by today’s Wabanaki…the Maliseet, Micmac, Passamaquoddy, and the Penobscot People [emphasis added].” This theme is strongly articulated by the Penobscot representative, Dana Mitchell, throughout the film:

We are at a time of survival of the native cultures. In other words, that in the final days of all of the struggles, there has to be that final push through to resurrect or bring back the cultural ways.

and,

torn between the economic and financial success of a tribe, and the emerging threat of cultural alterations” [Econ & Housing Study] and beyond (e.g. Matarasso, 2007).
Survival means that there must be a revival. There must be a reawakening of things that are still remembered by people. There has got to be a reconciliation or reaffirmation of their values. There has got to be a time of confrontation, a time of healing, a time for moving on. If we don’t go through the processes of each of these there will be no survival. I don’t mean that we won’t be here as a people. We will not be a distinct people with a distinct contribution. (1995)

As an illustration that these expressions go beyond rhetoric or just a generalized concern about the challenges of modernity, a brief look at the development project level clearly shows this interrelation is evident in the case of the harvesting of wind energy. Protests against wind farm development based on the desired retention of a natural setting is a frequent part of the normal wind development hurdles (Rhoda, 2011). As pointed out with regards to the battle over the cleanliness and alteration of the Penobscot River’s natural flow, the Penobscot Nation’s perspective is frequently viewed as being in tune with the natural order (Ranco, 2000). This attribute and responsibility is also articulated by the tribal leadership and its members (Partners in Penobscot River, 1998; Penobscot: a People and their River, 1995). Yet in practice it is more complex as the Penobscot Nation is both pursuing wind farm development on its land (Penobscot Nation, Energy Strategy, 2006) as well as expressing concern that an adjacent wind farm proposal has not fully considered the negative cultural impacts that its disruption of the natural environment has on the Penobscot Tribe (LURC, 2011). This of economic actor and personal identity. Within the self-recounted history of Fred Ranco balancing act and associated discomfort with the instability is also occurring at the individual level, the intersection, Muskrat Stew and Other Tales of Penobscot Life, there are multiple examples of commodification of culture, including the selection of which traditional crafts were retained based on their commercial viability (e.g. war clubs), an elimination of luxury cultural pursuits in response to subsistence demands, and a devaluation of native language and learning based on practical workplace utility (2007).

The earlier alluded to recent Penobscot election may have yielded an apparent mandate in its results and clear-cut winner:

*Francis garnered 372 votes in the election, easily besting the 154 votes cast for his challenger, former Penobscot Chief Barry Dana, who led the tribe from 2000 to 2004. Dana’s campaign stressed a return to tribal governance and traditional lifestyles in contrast to Francis’ more aggressively political approach.* (Haskell, Election, 2010)

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73 There are examples of clear delineations of acceptable development within this context as the Penobscot Nation did not pursue opportunities for a proposal to construct a high-level nuclear waste repository near Bottle Lake that would have reportedly generated annual payments of $100 million for ten years (TSWG, 2008).
However, based on the historic trends and the post-election examples (e.g. wind farm), it is doubtful that this issue is completely resolved and will not continue to play a significant role in the development decisions of this community. This is important because it means that they cannot truly be separated, as recognized by the recently formed Penobscot enterprise for business development:

*Like all other tribes, Penobscot citizens live to maintain traditional cultural ways, while living in an ever modernizing world. We have had a number of commercial ventures, some successful for many years, others not so.* (Penobscot Indian Nation Enterprise, n.d.)

While these two perspectives may represent two distinct lenses or social sphere paradigms through which to regard development, the driving construct of development means that they must continuously interact, and not always in a non-confrontational manner. The Harvard Projects’ study of over 100 Indian nations supports this internal view, and its application to the broader indigenous condition (e.g. Cornell et al, 2005). Even when a forum generates a discussion on a singular topic in isolation (e.g. finance, health, education, etc.), there is another side (i.e. culture and tradition) that it must be weighed against it at some point. Such is the case with regards to the survey. There was not a specific investigation of the relational perspectives between culture and economic development in the questionnaire design. As such, the following discussion addresses cultural development and economic development individually, but with the analytic intent of discovering related development themes.

**7.A.2.a. Financial Development** The reported trends for the Tribe’s financial status and management are significantly different than what was reported for community infrastructure and services presented previously.
Figure 7.12. Tribal Financial Management Trends

As a direct comparison to the financial status and management measures, the maximum level achieved and the overall rate of change are both in the lowest quartiles.

Figure 7.13a. Comparison of Development Indicator Trends
Figure 7.13b. Comparison of Development Indicator Trends
This non-conformance to a notable positive development trend is surprising given the expected importance of fiscal resourcing as a component to all of the other development efforts that are shown to be progressing. A part of the answer may lie in the multiple structural layers that constitute tribal finance. The Tribe is simultaneously a recipient, generator, and disburser. As a recipient, the Penobscot Nation receives significant amounts of Federal money. As a generator, the Tribe is a business entity seeking profit. As a disburser, the Tribe uses its discretionary authority to channel and expend assets.

In the recipient mode, the Penobscot Nation received an initial, significant lump of funding as part of the Maine Indian Land Claim: $12.5 million USD in trust; $1.0 million USD in trust for the elderly; $26.8 million USD for land acquisition (Brimley, 2004). As part of the federal recognition that occurred through the pursuit of this legal action, the Penobscot Nation also gained access to federal funds. This funding included external administrated contracts and services (e.g. trust administration [BIA budget, 1982]), a transition to increasing level of sector aligned block grants and locally administered disbursements based on equalization distribution formulae (e.g. Indian School Equalization [J. Millett Statement, in BIA Budget Hearing, 1982]), and access to competitive grant programs (e.g. EPA Environmental Justice Small Grant, 2002). These transitions were not instantaneous or invariable, as evidenced by a lack of an immediate Bureau of Indian Affairs budget increase to include the newly recognized Maine Tribes (BIA Budget Hearing, Statements of S. Harjo and of T. Love, 1982) and fluctuations of the overall BIA funding profile.

![Figure 7.14. BIA Funding Profile (1996 constant dollar) (from NCAI, 2011)](image)

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74 Technically, the Tribe and its enterprises are classified as non-profit corporations, which will be discussed further. However, as used in this context, the point of fiscal transactions is to get back more than what is put in, to realize a profit.

75 In 1981 year dollars.

76 Embedded tables present the Penobscot 1982 funding request as compared to funds actually budgeted, which was included as Exhibit A in the Congressional Committee Hearings.
This profile shows a modest increase in BIA total obligating authority during the period from 1982-2010. However, when compared to average federal program spending per capita, the resourcing for Native American programs has not kept pace.


**Figure 7.15. Comparison Between Government Expenditure Trends for General Population and Native Americans** (U.S. Commission Human Rights, 2004)

The afore-referenced 2004 study by the U.S. Commission on Human Rights that reviewed the “adequacy of funding provided via programs administered by these six agencies and the unmet needs that persist in Indian Country” found the following impact of these trends on overall development:

> This study reveals that federal funding directed to Native Americans through programs at these agencies has not been sufficient to address the basic and very urgent needs of indigenous peoples. Among the myriad of unmet needs are: health care, education, public safety, housing, and rural development. (pg.iii)

Within these national trends, the BIA allocations to the Penobscot Nation actually decreased by 33% using constant dollar valuation during this time frame. Admittedly, the BIA is not the sole federal agency that provides funding for recognized Native American tribes, but as it does bear the primary responsibility for the provision of federal services, it does not represent a positive trend.

In contrast to the decreasing trends in allocated federal resources, there has been a marked increase in utilization of funds through local tribal governments in the form of grants,

77 Department of the Interior (BIA), Department of Health and Human Services, Department of Housing and Urban Development, Department of Justice, U.S. Department of Education, and U.S. Department of Agriculture.
comparts and contracts to a level of 62 percent in 2011 (BIA budget Testimony, 2011), up from 42 percent in 1995 (BIA, 1995). The application of local execution methodologies has also spread beyond BIA to programs throughout the six key federal agencies. The Penobscot Nation has been an early participant of this approach (PIN, 1987) and an active proponent, as evident in their submission to U.S. Department of Health and Human Services in the shaping of the Tribal Self-Governance Demonstration Feasibility Study (2003) by endorsing a demonstration, calling for its expansion, and suggesting process attributes based on experience (PIN, letter dated 2002).

This aggressive drive to maximize local management of externally allocated funds provides a perfect segue into the next function of the Tribe’s fiscal management, that of a generator of funds. In addition to programmatic disbursements based on calculated fair-share of federal resource allocations, there are numerous federal, state and charitable competitive grants available. It is impossible to tell with precision the effectiveness of fund generation as awareness of opportunity, alignment of the Penobscot Nation’s situation with respect to grant intent, level of competitiveness and quality of grant proposal submissions, as these each vary widely between individual grant evaluation process. However, there are several indications that the Tribe is both aggressive and creative in its pursuit of these resources. One indicator is the utilization of multiple grants for singular organizations and enterprises: the Penobscot Nation Boys & Girls Club is listed as a grant recipient of greater than $20,000 USD by both the Wal-Mart Foundation (Wolfe News Wire, 2008) and from the Good Shepherd Food-Bank’s Feeding Maine Youth program (Haskill, 2009). Another indicator is the novelty of the projects; federal grants from the Department of Justice, the Department of Environmental Protection and the Bureau of Indian Affairs to upgrade Indian Island Reservation police vehicles is newsworthy in that the outfitting is with green-energy vehicles (Haskill, 2009) and was likely more competitive because of this aspect. Another example of non-standard pursuits can be seen in the negotiation with CITGO (a Venezuelan oil company) to provide discounted to free heating oil (PIN, Energy Strategy Plan Tech, 2006). A third indicator is the diversity of projects supported by a single sponsor: Department of Agriculture (USDA) Rural Development Water and Waste Disposal Grant for $562,500 USD to replace sewer lines (Maine Business Press, 2011); USDA Rural Development grant of $499,915 USD to the Penobscot Indian Nation Enterprise to convert and renovate the Olamon II facility on Indian Island to make accessible

78 The Penobscot Nation does have a central administrative department for grants that does have a wealth of data. However, without grant-by-grant analysis with access to each of the prospective grant provider’s internal data, as well as an exhaustive review of all potential grants, an objective scoring of the Penobscot Nation’s grant capitalization effectiveness is limited.
for new business (News Watch Native America, 2008); and a USDA Rural Business Opportunity Grant for $63,790 USD to conduct a commercial feasibility study of a cultural center (Bangor Daily News Staff, 2004). Finally, the sponsorship by unexpected grantors is another indicator of an aggressive approach to resource access. Many of the examples above are rural development grants for projects on the Indian Island Reservation, despite the fact that it is categorized as urban by all three of primary rural-urban designation methodologies used by the federal government.

Figure 7.15. Indian Island Positioning in Rural Determination Schemes

The RUCA designations are from an office within the U.S. Department of Agriculture, agency listed as providing the grants, but application of rural designations in program eligibility are varied throughout agencies (What is Rural?, 2008).

There are no indications that any of the rural grants received by the Penobscot Nation, noted or otherwise, were inappropriate or nonconforming to regulation. However, this accessing of grant funds on the very border of eligibility parallels other resource generating activities by the Penobscot Nation. The Penobscot Nation, with the State of Maine’s blessing and a $400,000 USD grant, created a mail-order pharmacy (PIN Rx) to provide low-cost drugs as a business enterprise, a savings to low-income Maine residents and a savings to the State of Maine’s administration of its medical insurance programs. As originally envisioned, this enterprise was going to literally flirt with borders, as the bulk procurement of Canadian lower-cost drugs was a business design consideration (Haskell, 2005). According to the findings of the Maine Board of Pharmacy, the interpretation of boundaries also varied with regard to state boundaries within the U.S. as PIN Rx soon began to fill internet prescriptions across state lines.80 The interpretation of legal boundaries also varied: e.g., Rockport Group assessment, an employed pharmacist’s statements, and ultimately the Pharmacy Board’s determination in its revocation of PIN Rx’s license and assessment of fines (Gracie v. Maine Board of Pharmacy, 2008). It is important to note, that the burden of responsibility for dispensing drugs falls squarely on the trained and licensed pharmacist:

As the pharmacist in charge, Mr. Gracie was legally and professionally responsible for all activities related to the practice of pharmacy within PIN Rx, and for PIN Rx’s compliance with the Maine Pharmacy Act, the rules of the Board, and the federal laws and rules specified in Board Rule, Chapter 29. (ibid, pg.3)

Additionally, the aforementioned Mr. Gracie was also employed to conduct day-to-day business operations and business development, a key point in light of his 27-count criminal indictment filed by the U.S. Department of Justice (Press Release, 2011). At the time of the Pharmacy Board inquiry and in his role as Penobscot Chief, Kirk Francis stated that PIN Rx was an incorporated business and was dissolved, with no internal tribal knowledge of, assistance to, or responsibility for any wrongdoing. (WLBZ2 News, 2007).

A similar at-the-border business approach within a highly governmental regulated industry, and involving federal funds, can be seen in the federally insured home loan down payment assistance enterprise named Grant America Program. While the landscape for home

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80 There are no indications that internet deliveries were originally envisioned in the business model. However, the occurrence of significant operating losses coincided with rapid expansion in this market.
financing in the U.S. was changing (specifically nonprofit seller-financed down payment assistance), a business enterprise was established by the Penobscot Nation (PINFHA, 2007). Shortly thereafter, the U.S. Department of Housing and Urban Development summarily eliminated seller-funded grants, a needed mechanism for the business model. The Penobscot Nation filed civil suit contesting inappropriate administrative processing in determining the elimination of the program. As part of the Stipulation to Resolve Remaining Claims and Dismiss Action (Case No.: 07-1282) the Penobscot Nation was permitted to continue this program. However, changes to federal law in the Housing and Economic Recovery Act of 2008 later that year largely eliminated any profit motive for down payment assistance programs (H.R. 3221, 2008).

Both of these examples involve federal and state government agencies and funds. Both of these involve a Penobscot business enterprise with an external business technical expertise. Both of these examples had business models specifically targeted at boundary interpretation or identified loopholes. Both of the examples appear to be high-risk based on their limited duration and level of resulting judicial conflict. Many of these elements are common in the broader portfolio of the Tribe’s business endeavors, in its role as an economic generator. Gambling, from its existing high stakes bingo to its attempts at establishing a casino, is an easily identifiable example that will be discussed in more depth in the following chapter, with a focus on the Tribe’s regional interface with the State of Maine.

An obvious question arises as to whether the Penobscot Nation is only interested in get-rich-quick-schemes. A brief look at the Tribe’s more mainstream endeavors gives a much more diverse portfolio. The Maine Indian Claims Settlement Act provided funds for land procurement, with the current holdings at over 128,000 acres (~3% Reservation islands, 75% Trust lands and 22% Fee lands). Approximately 69,000 acres are under timber management with a primary product of soft wood (Wang, 2006). This produces a relatively stable annual income that pays for staff and still provides “a nice profit to the tribe” (Peterson, 1998). Notable large-scale ventures, although still classified as small business, early on included the Sockalexis Ice Arena and the manufacturing of audio cassettes (PIN, 1987). Both were in financial trouble throughout their existence (Mahoney, 2010). The ice skating stopped in 1993 and after the dissolution of the joint venture in cassette manufacturing, Olamon Industries’ attempts to hold on through a diversification into plastics molding came to an end in 2001 (Seavey, 2001). These ventures both had viable business plans, diverse funding, and technically professional management. In fact, as late as 1998, Olamon Industries was doing well enough in its transition and rebranding that its leader was named Maine’s Minority Small
Business Person of the Year (Bangor Daily News Staff, 1998). Throughout the United States small businesses have only a 30% survival rate at the 10-year point (Shane, 2008), so these traditional business attempts and ultimate closure have much in common with normal market performance rather than solely a reflection of poor business acumen by the Penobscot Nation. Additionally, the construct of the settlement did not provide capital for direct economic investment beyond land acquisition related revenue possibilities, so economic development opportunities were not unbounded as creative partnerships and funding were always required (PIN, 1987). To this point, the ability to generate income through standard business approaches has not resulted in bountiful success. Recent manufacturing and professional services initiatives balance the earlier presented high-risk regulation-challenging ventures. Leveraging their preferential contracting status within the Federal Acquisition Regulations\(^1\) while seeking out industry leaders for project teaming\(^2\), PINE continues to pursue business plans that place them as competitive in the defense industry sector.

Taking all of these together it presents a much more rounded picture in terms of endeavors to generate revenue. The inability to tax property due to reservation and trust land status, the diminishing federal government appropriations, and the limited potential for significant timber revenue growth means that the Penobscot Nation must be entrepreneurial, focusing on income growth rather than income replacement at this phase of its development. Additionally, entrepreneurial ethical perspectives tend to focus more on rapid returns and profit rather than a longer term, broad beyond-the-company view (Finkle and Mallin, 2011).

Penobscot Indian Nation Enterprise (PINE), the main business entity, was established as a holding company owned by the Penobscot Nation under a Section 17 Federal Corporate Charter. This holding company construct utilized for PINE greatly expands opportunities beyond the human capital resident in the Tribe as well as increases potential avenues of rapid market entry. However, the accompanying lack of specific technical business expertise and legal limitations of liability limit the ethical compliance oversight and the generation of an ethical corporate culture through existing closure around common norms of conduct. Add to this an historical lack and continued low levels of legitimacy attributed to external sovereign

\(^1\) HUBZone Empowerment Contracting Program was published on June 11, 1998. The interim Federal Acquisition Regulation (FAR) FAC 97-10, FAR Case 97-307 was published on December 18, 1998 to give effect to the contracting component of the program on January 4, 1999. The comment period for the FAR expired on February 18, 1999

\(^2\) VSE Corporation News Release of participation through the Small Business Administration’s Mentor-Protégé with the Penobscot Indian Nation Enterprise (PINE).
prescriptions\textsuperscript{83}, and it is not surprising that confronting the risk and uncertainty of entrepreneurial brokerage often produces outcomes that do not fit well in any singular participant's core experiential comfort zone.

In the role of a disburser one of the regular actions is the quarterly disbursement of Settlement Act Trust Fund returns. However, the order of magnitude of this payment is less than $1000 USD per annum (Survey comment, 2009), which is not a trivial amount of money, but it does not impact the Tribe or its members in the same fashion as other business and governmental financial activities that pay salaries or provide community services. In the role of disburser of financial gains other than the established trust, the Tribe is limited by its not-for-profit status. While it is a corporate entity, proceeds are not directly distributable to individual stakeholders (i.e. members). This is not to say that there is not a significant disburser component to tribal finance. The infrastructure and public goods within the Penobscot Nation are based on its execution of the aforementioned financial roles of recipient and generator. Additionally, the paid positions within the Tribal Government and its enterprises are a form of distribution of corporate financial accumulation. It is a recognized component of PINE that: “strives to generate revenue and create jobs for its people through participation in the global economy” (PINE, n.d.). The maintenance of these employment positions appears to have played a major consideration in business strategies even as the endeavors struggled in profitability (e.g. Olamon Industries & Sockalexis Ice Arena). So while the entrepreneurial brokerage situation might have highlighted the presence of structural holes external to the Tribe that are not easily bridged, the business model also displays a high level of internal closure and corresponding import of aligned corporate ethics and decision-making with the Tribe.

The Tribal Government currently employs approximately 130 full time and 40 seasonal/part-time personnel, which provides a significant payroll in a very difficult employment locale (PIN, Catalogue, 2010). Employment preference based on tribal membership is legal and applied in hiring practices: Penobscot Nation is an Equal Opportunity/At-Will Employer and practices Indian Preference to qualified Native Americans in accordance with Public Law 93-638. (PIN, Job Announcement, 2011), so job generation has a reinforced positive impact on disbursement back into tribal membership. Circling back to the housing component of the Tribe’s development, the self-generated economic environment to permit increased local habitation is also required in partnership with affordable housing and infrastructure availability.

\textsuperscript{83}This overall theme is carried throughout Rolde’s work Unsettle Past/Unsettled Future (2004) and MacDougall’s Dance of Resistance (2010). Additionally, latter chapters in this examination will discuss survey results that support a current view of illegitimacy of external entities with respect to tribal activity.
The high percentage of tribal members below or near the poverty line means they are less likely to take on increased financial commitment, even for the opportunity to live in their desired neighborhood (National Association of Realtors, 2011). This is reflected in this comment from the survey: “I hope to move onto the reservation some day, but at this time my family needs more employment options.” For those employed by the Tribal Government or a business enterprise, the level of earnings and provisions appear adequate; an examination of the current self-evaluated standard of living between those working on Indian Island and those working elsewhere shows that tribal employment is comparable to external job markets.\(^{84}\)

Figure 7.16. Standard of Living Comparison

This excursion into the financial roles of the Tribe was intended to provide insight into its anomalous presentation as compared to the other development indicators. As the above discussion illustrates, the financial dealings of the Tribe are convoluted and complex. This is, however, a valid insight delivered by the survey and analysis. Just as there does not appear to be a straightforward, singular bottom-line financial index, there is not a bottom-line explanation for the stable value, but a disappointing development profile. When mapping the discussion back onto the financial profile curves, several possible explanations appear plausible:

1) The stability of the financial status is not representative of the stability of the financial avenues or strategies of the Tribe. Under this interpretation, the slow-paced improvement of the management capability in comparison to other management proficiencies may more strongly reflect the challenges of navigating the financial complexities rather than the effort and competency of the managers.

2) The stability of the financial status is indicative of the continued primary reliance on external safety-net resourcing. As these baseline resources have slowly eroded, the

\(^{84}\) The small subset of respondents reported as ‘working on Indian Island’ (22 individuals) means that the graphed advantage to those working on Indian Island is within the margin of error and should not be interpreted as a definitive advantage.
expansion of resource pathways (e.g. competitive grants) has enabled the maintenance of the financial status. Providing effective if not revolutionary revenue generation, a corresponding minimal credit has been given to the enabling management activities.

3) The stability of the financial status centered on a neutral evaluation is as much an acknowledgement to the complexities that challenge a precise codification status. Under this reading, the slightly positive management increase could either be recognition of improved skills of managers (but within a minimal-opportunity-for-brokerage environment), or evidence of closure in the support of ongoing brokerage attempts, based on the endorsement of effort and ingenuity rather than on results (i.e. even the failed PIN Rx and GAP are positive steps since they pursued potential high-payoff entrepreneurial approaches leveraging recognized external market loopholes).

Unfortunately, the available data in this study are not focused enough to definitively determine the answer, or mix of answers, that underlay the financial profiles. However, the examination into this anomaly does provide some interesting possible factors and forces that will contribute to understanding the broader picture, in conjunction with the following subsections. Regardless of the particular causes, the continued positive development, in spite of this lack of financial status change, does support the contention that money is not the sole answer to development in this construct. While fiscal resources are necessary, other forces within the community-driven development construct can support continued progress, or at least the continued perception of progress.

**7.A.2.b. Culture** The standard approach used within this dissertation upon the introduction of a word is to expose the obfuscation of complexity through the application of an ubiquitous term without a precise contextual definition. In this instance of focusing on ‘culture,’ the exact opposite approach will be used. This is done in full recognition of the multiplicity, complexity and paradox wrapped in the term (Boggs, 2004). Since the methodology of this study already approaches issues from the multiple perspectives inherent in social capital energized community development, many of the constructs for considering culture will occur through this approach without a targeted disaggregation, or the posting of a single universal conception of culture. In essence, the diverse community constructs, social capital formation and utilization, longitudinal development profile and institutionalization components align almost precisely with Fischer’s example of methodological relativism:

*exploring cultural contestations within societies (Fischer 1980, 1982, 1986, 2004), struggles to form public spheres in different sociopolitical contexts and historical*
horizons (Anderson 1983; Appadurai 2006; Fortun 2001; Habermas 1989; Lynch 2006), and cross-cultural and cross-nation-state networks and alliances, including efforts to negotiate across “enunciatory communities” (Fortun 2001) and civic epistemologies (Jasanoff 2005). (Fisher, 2007, pg.40)\(^85\)

Ergo, even without dissecting and sectionalizing the examination around the multiple interpretations and applications of culture, a well-rounded investigation should occur. Additionally, in keeping with the focus of this case study, the discussion is not an evaluation of the Penobscot culture, but about its role in development. While much of this will be incorporated as a component in the processes of social capital, community and institutionalization, the literature reviews highlighted a notable concern for the deficit of culture (e.g. lost traditions), the lack of resources to sustain culture (e.g. land and water for hunting and fishing), and deciding on the best pathways for developing culture (e.g. language instruction approaches). MacDougall contends that an identifiable Boasian approach to recapture and restore culture as a form of political and economic capital is present within the pre- and post-Maine Indian Claims Settlement Acts (2004). Hustedde and King postulate that these demonstrations and manifestations maintain a linkage with the soul of the community as it adapts through the development process (2002). In response, specific questions were included in the survey treating culture\(^86\) and native language as public goods in a similar fashion to community services and infrastructure as a means to investigate development progress.

The reported strength of tribal culture appears at least stable with a slight increase over time, and the Cultural & Historic Services show a definite increasing quality profile, although not as strong as most other development measures.

\(^85\) The internal references within the quote are included in the bibliography for reader reference. However, credit for the extensive review and interpretation of these works is solely attributed Fisher. This researcher’s exposure to the discourse does include a cursory level examination of works by each of these authors, and Fischer’s statement is consistent with my own readings, but credit should appropriately be directed to Fisher for this valuable insight.

\(^86\) No definition of the term was presented in the survey, leaving the connotation up to each individual respondent. While this introduces a level of variability through imprecision (Dunscombe, 1995), it has the advantage of not limiting responses through an overly narrow or mischaracterized definition.
Considering the numerous stresses to maintaining a cultural identity over much of the Penobscot history (e.g. economic survival, intentional attempts at cultural assimilation, extensive population growth, dispersed population, etc…), these results show a remarkable resilience and recovery. However, they do not immediately illustrate the level of crisis of cultural survival repeatedly articulated by several candidates in the last Penobscot elections (PIN, Election, 2010), survey comments (e.g. "In the 1980's & 90's I was involved in just about everything: Sweat lodges, vision quest, tribal seminars both on the Island and elsewhere. Things have changed over the years.... The "New Generation" did not listen to [elder generation]....Now all the knowledge that they had is gone with them") and by the interviewed Penobscot elder in the Wabanaki: A New Dawn documentary video (1995). This disconnect between reported cultural health and articulated concern is also evident within some of the manifestations of culture recorded in the survey.

Within the previously mentioned video there are multiple narratives pointing out the importance of collective events: “Values are expressed through a connection of past and present, and a rebirth of ritual and ceremony” --Narrator; a spiritual run to Mt. Kathadin, “It’s a special event. It’s very much an old tradition taking on new form” --Wayne Newell
Passamaquoddy in New Dawn (1995).87 However, when queried as to the number of tribal cultural events attended annually, the majority of the respondents had no participation and less than 15% of the respondent pool attended three or more events in a year.

**Figure 7.19. Participation in Cultural Events**

Since event attendance requires a physical presence, it is understandable that hurdles to that presence are demonstrated based on the residence distance from Indian Island:

**Figure 7.20. Cultural Event Participation by Residence Distance**

Similar comparisons against most of the other demographic characteristics (e.g. age, income, education, etc…) did not reveal a notable relationship on participation, but gender crosstabs did demonstrate a higher percentage of women than men that had zero participation:

**Figure 7.21. Cultural Event Participation by Gender**

87 While this quote is attributed to a member of the neighboring Passamaquoddy Tribe, the shot video of the event focuses on a Penobscot runner, and his on-screen interview parallels the theme of the presented quotation.
However, in spite of these participation differences, the reported strength of tribal culture profiles does not vary similarly by either gender or distance:

![Figure 7.22. Strength of Tribal Culture by Residence Distance](image1)

![Figure 7.23. Strength of Tribal Culture by Gender](image2)

In apparent contradiction to the projections in the documentary, it appears that the low attendance at cultural events is not a form of infrastructure red flag in terms of cultural development. These data support an interpretation that the formation and valuation of tribal culture is not solely reliant on these events, on these outward manifestations. However, at least one respondent came to the conclusion through the process of completing the survey that perhaps this lack of cultural event relevance is not the correct direction: “This survey shows me that I really need to get involved with tribe’s gatherings.” There were also comments from distant members lamenting the logistic and financial challenges of attendance, as well as recommendations to keep existing events energized. The respondents do not express disdain or devaluation of cultural gatherings, but the data do not show a corresponding import to individuals that necessitates actual attendance.

This envisioned importance of ceremonial and spiritual events’ non-alignment with practiced importance also appears with regards to the role of cultural leaders. While articulated strongly in multiple sources (e.g. “The greatest support for a Wabanaki cultural revival is the underlying spiritual strength being passed on by tribal elders and leaders” --Narrator, New Dawn (1995), the reported practical manifestation of this is not strongly evident. The profile
presented here for rating elders as a reliable source of tribal information neither represents a primary role nor a unified valuation:

Nor is the leadership role of elders strongly claimed in a number of this survey's comments:

"Older women living on the Rez are still invisible"

and,

"People talk about respecting elders but don't include them in discussions that affect their lives - "professionals" plan for us but don't include us"

None of these indicators clearly position elders in strong leadership roles, but these may be skewed based on aligning leadership roles within the practical community management, rather than as comments on the cultural leadership. However, when applied against a strongly recognized cultural need for native language expansion (e.g. survey comment: "I believe we need to keep our language and heritage alive at all cost."), the reliance on, or effective utilization of, an elder cultural core is also not strongly evident. From the earlier presentation of data the initial quality of Native Language Education is in the lower quartile of tribal services, but over time it has the largest reported improvement of any tribal service. However, an aggressive initiative to enhance language does not rely on the elder population, but rather employs a non-native academic to conduct youth-focused language training. With a high level of irony, the reported reason for one of the student’s participation in the program is to be able to converse with an elder relative, yet the source of the language knowledge occurs from an indirect route (Bonin, 2001). The explanation for this break down in generational flow is also provided in the article:

His grandmother told him she was "always whipped by the nuns" in school for speaking Penobscot when she was growing up on the reservation, Gabe said. Because of that, she didn't pass the language down to his mother.

......

Usually when grandparents and parents speak Penobscot, it is "real broken up, just expressions," said Maulian, 16, who attends John Bapst Memorial High School in Bangor.

......
Amanda said that at first she didn’t want to learn Penobscot from someone who wasn’t of the tribe but “because the language is very slim and few people speak it, I looked past that.” (pg.C4)

Within the article is also a proclamation by one of the teenagers that shifts the emphasis from the elders to the youth: “The only ones who can bring it back now are the kids…” (ibid). Among the respondents, however, language skill trends for the younger age group, who would have been exposed to an improving language education approach, are not robust.

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Figure 7.24. Native Language Skill by Age

These data should not be taken as a denigration of the effort as the Penobscot language can already be classified as a ‘Stage 8’ where only a few elders speak the language (Fishman, 1991; MacDougall, 1995) and categorized as on the verge of extinction as an active language (Reyhner, 1999). There is also the possibility that positive trend in language education is not reflected due to the age limitations of the survey delivery, and significant youth improvement is occurring. However, the anecdotal and referential material points more toward an increased level of native language awareness rather than achievement of fluency or basic use competency by large percentages of the emerging generation. This last point, that value may be ascribed to the awareness and examination of cultural elements rather than solely valuing the embodiment of those attributes, provides a good explanation for the positive profiles, the limited tangible measures and the level of consternation over cultural survivability. A number of comments from the survey clearly show a belief that true culture is being supplanted by development’s movement toward modernity:

Reliance on trust - cultural spiritual tradition of tribalism is most important to survival and continuation. Newly residence members - not born and raised on reservation - lean to non-native ways - non-Penobscot. Hence, short cuts to decision making - corrupt tribalism. Newcomers compromise tradition, devalue tribalism. Academics become dangerous when not spiritual - family values - bring traditional/tribal is tribe-family-person/individual. There is no place for personal ego.

and,

The culture and traditions have taken a back seat. Today’s tribal culture is doing survey’s, having pizza parties and paying the youth to “talk” about culture. No survey,
no matter how cleverly crafted will accurately pin point the loss of traditional values. What the whites started 500 years ago we now continue.

Other indicators within the survey do not indicate a quantitative alignment with the stated importance of culture or its positive trending. The written inputs regarding the need for more economic development and independence (15 comments) outnumber those calling for a return or immersion in previous cultural perspectives (2 comments). Importantly, there are also more calls for continued and improved cultural engagement, but within a framework of execution (e.g. web based language studies) linked to current demographic dispersal and current development endorsements (6 comments). The majority of the respondents approve of the current course of development with the inclusion of a cultural connection rather than a development defined by an intentional return toward tradition, spiritualism and ceremony.


"Boy, this was a hard old life over here, years ago, we didn’t have the bridge that we got now, we used to have a ferry boat that used to take us back and forth and they closed at 9 o’clock" - Gilbert Francis (PIN, Elder Newsletter, 2007).

Taking a step back and regarding all of the service and infrastructure measurements, it would appear as there is a strong majority opinion that tribal development has followed a consistently upward trend, and has produced at least acceptable levels of current development status in all categories and positive rankings for most categories. As noted in the methodology chapter, this examination is not designed to precisely ascertain whether the experience development profile represents the optimum possible development profile. And given the limited pool of communities utilizing this construct for this period of time, it is impossible to definitively compare against alternative realities. However, considering the historical record of decades and decades of unrealized Penobscot tribal development prior to the Maine Indian Claims Settlement Act and federal recognition, the progress achieved through this approach is remarkable.

Potentially even more important within the community-driven development discourse than an objective measure is the perception of development by the tribal membership themselves. For all management, infrastructure and services categories save one (i.e. financial status), there is notable positive trending of the mean and an accompanied reduction in negative evaluation residuals. Even the brief foray into a discussion on finance illustrates the complexities of the topic and the challenges to effectively increasing financial independence. The accompanying positive, if somewhat guarded, trend for financial management ratings in spite of a stagnant overall financial status and several notable troubled brokerage ventures
does introduce the possibility that any negative evaluations are tempered by positive closure internal to the Tribe. However, as an apparent stress within the bonds of the community, there are vocalized concerns that the current course of development is not a strengthening of tribal culture through a convergence on a cultural core. These concerns appear to be somewhat overstated as most indications are that the large majority of the population supports a development path that is outwardly engaging, but that incorporates and respects cultural attributes and guards against purposeful divergence. Bound together, the overall evaluation provides a positive internal endorsement of the ongoing development:

**Figure 7.25. Perspective on Tribal Development Path Trends**

These results are even more remarkable given the increase in negative perspectives on community development trends across the broader U.S. population:

*Among other factors, the economic recession of the last several years has taken a toll on Americans’ perceived quality of life. While half (53%) says that the quality of life in their community has remained the same over the last three years, a third of Americans (35%) reports that their quality of life has worsened, an increase of 12 percentage points over the last seven years (23%, 2004). Only one in ten (12%) says the quality of life in their community has improved over the last three years, down from 25% in 2004.* (Belden & Stewart, 2011, pg.6)

Underlying these positive development trends within the Penobscot Nation, however, is a repeatedly articulate concern that the current balance is not precisely in line with community goals:

*There is too great a dependency on state and federal assistance. Too much time and effort is expended on getting grant money. Grant monies are important only to the extent that the grant promotes a greater self-sustainability among tribal members.* (Survey comment)

**7.B. Social Capital**

As discussed in the literature review chapter, social capital is still debated even in its fundamental conceptualization as a form of capital (Grootaert et al, 2004). Once past that
threshold of acceptance, most literature discussing the concept points out two lines of thought: 1) a structural emphasis on network position and data flow, and 2) a conceptual and perceptual emphasis on associational life and attitudes toward trust (Mitchell & Bossart, 2007). The utilized core for the questionnaire, the World Bank’s SCI-IQ acknowledges these two approaches with its six dimensions intended to capture data relevant across the spectrum of emphasis. The six sections in this framework are: 1) Groups and Networks; 2) Trust and Solidarity; 3) Collective Action and Cooperation; 4) Information and Communication; 5) Social Cohesion and Inclusion; 6) Empowerment and Political Action. While different schools of thought may draw the line differently on what constitutes an input to or an output from social capital, the last two dimensions, 5 & 6, would near universally be considered an outcome measure (Gootaert et al, 2004), and they are treated as such in this work. Analysis drawing from Social Cohesion and Inclusion core questions and added targeted questions will be discussed in the next subsection labeled Community(ies) & Social Spheres. The data from the Empowerment and Political Action questions and additional topical queries are discussed in the subsection of this chapter labeled Institutionalization. The first four dimensions are discussed within this heading. As a reminder, Burt’s lexicon of structural holes, brokerage, closure, bandwidth and echo is utilized as a common framework, but within a broader conceptual approach to social capital than he routinely applies within his own work.

7.B.1. Groups and Networks

Immediately recognizable is divergence between the importance to the Tribe ascribed to groups, both in its overall ranking and in its trending over time, and the level of actual participation in groups by the Tribe’s members.
Further breaking this down, level of participation in tribal groups is only a small percentage of this already low level of group membership:

To put this in terms of actual individuals, these percentages reflect 159 members with zero group affiliation, 25 with one group affiliation, 11 with two group affiliations, 3 with three group affiliations, and 1 with four group affiliations. This lack of focused group attendance within the subset of Tribal Groups is further diluted through the lack of consolidation within a few specific Tribal Groups, as the write-in group affiliation blanks did not identify a clear core of either Tribal Group or Groups in general. The disparity is extreme, and the juxtaposition of a strong
conceptualization of associational relevance against the extremely small structural actualization demands additional effort to explain.\textsuperscript{88}

The level of disconnect between actual participation and import of groups to the individual is not as extreme, but still appears mismatched both in magnitude and in its positive trending.

![Figure 7.29. Group Importance to Individuals Trends](image)

Not surprisingly, the level of importance generally increases with increased membership; the continuation of voluntary associational activity would understandably be linked to some valuation construct. The figure below does show that some of this value is based on individual participant valuation mechanisms, which does parallel the quantity of engagement by the individual.\textsuperscript{89}

![Figure 7.30. Group Importance to Individuals Based on Group Membership](image)

\textsuperscript{88} Recognizing the limitations of statistical analysis based on the size of the subpopulation, the following presentation of data is primarily afforded value as a means to illuminate opportunities for discussion rather than as robust correlations or definitive causations.

\textsuperscript{89} The inclusion of respondent data from the subpopulation not affiliated with any groups is relevant and not reflective of erroneous data. Not being a member of a group does not mean that benefits cannot be realized from the existence of groups (e.g. recipient of charity; free-riding).
Three broad components of valuation for groups can be categorized as: 1) social; 2) direct gain; and 3) altruism.\textsuperscript{90} In the first case, regardless of the stated purpose of the organization, the act of association itself has worth. As self-reported in the survey, the tribal membership on average has 3.65 close friends (median of 3.0), which closely aligns to national levels and profile distribution (NORC, GSS, n.d.). Slight variation is noted in the percentage of the population having zero close friends: nationally is 5.2%, whereas 9% of the Tribe reported having zero close friends. While not strikingly out of balance with expected levels, it is still enough of a deviation and a big enough pool that lack of individual connection might measurably impact (positively or negatively) the level of associational participation. Figure 7.31 does illustrate a consistent lack of social connection between individual-close-friendships measures and group participation, as well as increasing levels of participation by those with higher levels of close interpersonal connection.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{group_membership.png}
\caption{Group Membership based on Number of Close Friends}
\end{figure}

From both the lesser valuation and lesser participation in groups by individuals with fewer close friends, it would appear as though association is not reflective of compensation for lack of individual sociability. Within the context of Burt’s brokerage and closure model, the social component of these groups aligns more with closure in the form of an expression of sociability rather than an avenue of brokerage to bridge a structural hole for access to social intercourse.

The survey also included a question as to whether the respondent received more from a group than he or she contributed. Plotting this against respondents replying in the affirmative, there does appear to be a notable attribution of value to the organization based on what it provides to the member.

\textsuperscript{90} These three categories represent a very simplistic aggregation of membership motivations, but enable first-cut differentiation for cross tab comparisons. For a much more robust and nuanced examination of associational membership motivations see Napier & Gershfenfeld, 1985.
In addition to direct immediately tangible benefits, membership also may provide the potential for future benefits. Looking at the profile created by a cross tabulation of the respondent categories of ‘group membership’ and ‘ability to borrow money,’ those with associational affiliation report potential access above the tribal mean.

From these data, an inference can be made that tangible brokerage, either immediate or potential, plays a role determining levels group participation.

The third category, altruism, would primarily represent an expression of closure from the participants. The maintenance and solidification of a shared norm provide the motivation for effort. To examine this facet, the type and function of the group is relevant. The lack of
specificity in the data prohibits precise group differentiation, but an assumption that 'Tribal Groups' might provide an increased level of shared norms within a respondent pool made up entirely of tribal members provides an interesting profile when compared against the report benefit of membership. Overall, the ratio between members who get more than they put in to a group versus those whose contribution is greater than the return is fairly stable:

Figure 7.35. Benefit From Group Membership Based on Membership in Groups (General)

However, 'Tribal Group' membership returns to members are significantly less than in 'Non-Tribal Groups':

Figure 7.36. Benefit From Group Membership Based on Membership in Groups (Non-Tribal)

Figure 7.37. Benefit from Group Membership Based on Membership in Groups (Tribal)
From this limited data there would appear to be a greater level of non-benefit-based motivation (e.g. altruistic or expressive) for membership in tribal groups, which would support an interpretation of affiliation as an expression of closure.\textsuperscript{91} As shown below, the lack of robust amounts of data exchange or particular valuation of it through groups, and the desire to further reduce an already limited level of group influence on tribal decision-making are also indications within Burt’s model that these associations’ functionality is not brokerage-centric.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{Role_of_Groups_in_Information_Flow.png}
\caption{Role of Groups in Information Flow}
\end{figure}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{Influence_of_Social_Groups_on_Tribal_Decision-Making.png}
\caption{Perceived and Desired Role of Groups in Tribal Decision-Making}
\end{figure}

This examination into the role of groups has provided insight into individual motivations. Since these individual motivations tend more toward expressions of closure rather than expansion through brokerage; the high level of value given to group importance to the Tribe by extension might also be the recognition of the importance of tribal closure and its

\textsuperscript{91} It should also be noted that affiliation in Tribal Groups is also an expression of ‘closeness’ as distance from the Reservation (the assumed seat of the majority of ‘Tribal groups’) is correlated with level of participation. This point will be discussed in more depth in the subsection on Community(ies), but is mentioned here both as a recognition of the potential for selection bias in the analysis of a limited scope of related variables and to highlight the needed overlap between conceptual social capital and structural social capital perspectives.
expression. Figure 7.40 shows a near negligible impact of actualization (i.e. group membership) to conceptualization (i.e. group valuation):

![Figure 7.40. Importance of Groups to the Tribe Based on Group Membership (Total)](image)

Perhaps the emphasis here is on continued awareness of tribal closure rather than on a call for its generation. As noted earlier, extreme caution should be taken given the small subpopulation reporting any form of group affiliation, and particularly any tribal group affiliation. Additionally, the simplistic categorizations and general alignment to brokerage or closure motivations sweep aside much of the complexity within the discourse on associational formation, functioning and import (see Napier & Gershenfeld, 1985). While it is critical to annotate these limitations of analysis, the indications from the data do support a common thematic interpretation of primacy of closure within this ethnically homogeneous small society, while simultaneously highlighting the challenges of structurally maintaining the density and strength of the network bonds in practice.

### 7.B.2. Trust and Solidarity

Within social capital studies, ‘trust’ is probably the most frequently utilized proxy measure, yet the most mystical of social capital constructs in both its nebulous origins and transformational powers (Kramer & Lewicki, 2010; Falk & Guenther, 1999). The generalized trust recorded by this survey represents a much higher level than that recorded for the U.S.: 61.8% of tribal members believe people can be trusted in comparison to the national average of 38.8% in the General Social Survey (NORC, 1972-2006 trends) and 49% in the SOCAP (2006). This is an unexpectedly high level of general trust, but is not given in ignorance of danger as 48.1% of tribal members simultaneously believe that people will take advantage of them if given the chance. This number more closely conforms with a more recent U.S.-wide GSS question that provides a level of conditional judgment:
Figure 7.41. Reported Levels of Contextual Trust (GSS, 2006)

The figure below sandwiches the general trust question between the results of willingness of people to help and willingness of people to take-advantage-of queries.

Figure 7.42. Bracketing of Trust with Perceptions of Others’ Ethical Standards

As expected there are correlations between positive general levels of trust and positive evaluations of others’ character traits as well as negative-to-negative correlations. However, the ranges of the responses obviously require some level of negative-trust respondents supporting a belief in the presence of a helpfulness character trait in others, as well as some level of positive-trust respondents supporting a belief in the presence of a shadiness character trait in others. Layered cross-tabulations show a wide distribution of trust attributions across positive and negative boundaries:

### Subset Mix

<table>
<thead>
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<th>Positive Belief</th>
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<td>Trusting &amp; Absence of Active Positive</td>
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<td>Absence of Active Negative 71.4%</td>
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### Subset Mix

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<tr>
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<td>Absence of Active Negative 71.4%</td>
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<td>Absence of Active Negative 37.0%</td>
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<td>Not Trusting &amp; Presence of Active Positive</td>
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<td>Absence of Active Negative 37.0%</td>
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Figure 7.43. Matrix of Trust based on Willingness to Help and Willingness to Take Advantage
Because the involved questions provide a 'yes' response for both the potential of assistance from others (a positive) and the potential to be taken advantage of by others (a negative), the standard cross tab format has been modified to more clearly discern between positive and negative components and their relative valuations:

- ‘Active Positive’ = perceived ‘Others Willing to Help’
- ‘Active Negative’ = perceived ‘Others Take Advantage’
- ‘Passive Positive = perceived ‘Others NOT Take Advantage’
- ‘Passive Negative’ = perceived ‘Others NOT Willing to Help’.

This convention is utilized to permit the like alignment amongst positive components and amongst negative components while affording some level of distinction between a positive that is a receipt of benefit and a positive that is maintaining the status quo and merely avoiding a degradation.

Also notable within these data is the level of swings between positive and negative beliefs of others’ behavior outcomes depending on the initial level of generalized trust. One third of the pool of non-trusting respondents could swing between a positive perspective on others (i.e. ‘others willing to help’) and a negative perspective on others (i.e. ‘others take advantage if given the opportunity’). This compares to a full one-half of the trusting respondent pool. This is counter-indicative of trust primarily relying on a morality-based judgment of others. The more trusting do not display a stronger conviction or belief in the goodness of others; this pool is also capable of swinging to a strongly negative view of others’ intent. These levels of transition between positive and negative evaluations do, however, align with the conceptualization of trust as a measurement of acceptable risk. A proposed cross-discipline definition of trust is “a psychological state comprising the intention to accept vulnerability based upon positive expectations of the intentions or behavior of another” (Rousseau et al, 1998, pg.395). Revisiting earlier sandwiching of generalized trust, the average level of general trust is a balanced risk approach. Its conservative position with respect to others’ expected level of beneficence might limit the opportunity to access help, and an aggressive stance with respect to others’ expected level of maleficence might incur attempts to exploit.

![Figure 7.44. Generalized Trust as a Balance of Positive and Negative Risk](image)
The multitude of unknowns in the trust equation (e.g. character of ‘others,’ level of observation and monitoring of behavior; enforcement and punishment methods available) mean that opportunities for brokerage (to span a gap) as well as reliance on closure (to avoid a gap) are likely both at play.

The survey reports that trust within the Tribe is generally stable and slightly improving over time. This represents a level of presumptive trust,

“a diffuse expectation, in so far as its object or target is a perceived social aggregate encompassing the generic features of all the members of that collective. In this sense, it is also a bounded social expectation, in so far as it applies only to those individuals who are considered “ingroup” members” (Kramer & Lewicki, 2010, pg.259).

As measured through the survey, 55% of respondents trust fellow members of the Tribe more than others. While not a negative response, it is not overwhelming when considering the overlap reported between ‘others willing to help’ and ‘others willing to take advantage of’ expectations. Discussed previously, the level of trust mapped against the variance of expected behavior by others provided insight into the level of risk acceptance of the respondent. In addition, the overlap provides a picture, or more precisely possible pictures, of other: pure-helper, pure-advantager, and mixed helper-advantager. In the most broadly generalized trust of a notional other, the ability to precisely categorize other is limited by lack of information (bandwidth), valuation and processing of novel data (echo), and by the absence of a unifying norm (closure). As the more generalized moves toward the more specific, the increased contact through repeated brokerage and the increased recognition of commonalty/differentiation (closure/active structural hole) should shift the level of trust. Kramer posits that movement from general to specific is not just an expansion of the same form of trust, but that the balance between quantitative and qualitative valuation schemes shifts (e.g. rule-based trust; role-based trust; identification-based trust) (2010; Stone, 2001). This is extremely important to consider while interpreting the trend from the general to the specific since the initial examination of general data pointed out that the higher levels of trust were more aligned with the individuals’ comfort in accepting risk rather than the expectation of a consistent normative behavior. The dramatically increasing trends under this stage-based trust construct, therefore, are not solely an expansion of willingness to roll the dice. Rather, there is a progression based on experience and calculation that eventually produces a condition of faith.
Figure 7.45. Differentiation of Trust\textsuperscript{93}

The inclusion of data regarding an external community category (i.e. ‘State Elected Officials’) as an example of more specificity in the external direction provides a sharp contrast in trend to the increasing levels of trust internal to the Tribe. This further reinforces the interpretation that closure internal to the Tribal community is significant, and that internal brokerage actions pose a fundamentally different level and type of risk than external brokerage. Referring back to the discussion on economic development, the seeming disconnect between the level of external risk-taking and notable examples of lost bets as compared to the continued support and trust in decision-makers and their approach can be better understood through this profile of internal trust.

7.B.3. Collective Action and Cooperation

In terms of questions asked on the survey, this is the shortest of the SCI-IQ dimensions. However, the challenges to understanding collective action and the transition from conceptualization to actualization has been a challenge to social scientists since the topic first came under discussion (e.g. Heckathorn, 1996). Not surprisingly, even within this small subset, a striking anomaly is present. Figure 7.46 illustrates the frequency of participation by tribal members in community work that produces a mean of 5.82 times per year.

\textsuperscript{93}The clear distinctions presented in the above graphic are not meant to imply the exclusion of the different forms of trust constructs within the respective shaded area, but rather are intended to highlight the inclusion of more layered forms of trust calculation as specification increases.
Figure 7.46. Current Participation in Community Work

The initial impression, especially following the discussion on group participation and cultural event attendance, is of a limited amount of voluntary participation. However, when characterized dichotomously the impression changes to an interpretation of an incredibly high level of participation.\textsuperscript{94}

7.47. Dichotomous Reporting of Participation in Community Work (Comparison #1)

\textsuperscript{94} The Community Profile Survey (CPS) data is based on a query worded with ‘volunteer’ rather than ‘community work/project.’ However, the SOCAP 2006 included both questions, volunteer and community work, and no significant variation in positive responses were revealed (42.2\% to 40.3\% respectively).
This participation level is even more striking given some of the key socioeconomic factors that generally apply to volunteer rates (e.g. minority volunteer rates are usually significantly lower: Whites 27.8%, Asians 19.6%, Blacks 19.4%, Hispanics 14.7%)\(^9\) (Bureau of Labor Statistics, 201x). However, in keeping with the pessimistic methodology, a questioning of this positive was undertaken, and results reveal that there is a wide variance in volunteer responses between survey participation and data capture approaches. The SOCAP 2006 survey asked both whether respondents volunteered and how many times a year they volunteered. Over 45% of those that answered “no” to volunteering question reported at least one event in which they did actually volunteer in the quantitative question.\(^\text{96}\) So using the same conversion from a continuous variable to a dichotomous variable, the comparison is not as extreme in Figure 7.48.

7.48. Figure Dichotomous Reporting of Participation in Community Work (Comparison #2)

Even if the same disparity between qualitative and quantitative queries in these self-reporting surveys is consistent across to this case, the level of reported community participation is at

\(^9\) The Bureau of Labor Statistics does not provide data on national Native American participation averages for the CPS supplement on volunteerism.

\(^\text{96}\) It is beyond the scope of this study to fully resolve the complexities of survey veracity relating self-reporting, quantitative versus qualitative (number of yes/no), and longitudinal recollection. However, the universal lack of resolution of these issues does not negate the value of data as long as its perceptual nature is recognized (Polkinghorne, 2005).
least on par with national averages if not above them. Recalling that minority participation is normally significantly less, the activation of volunteering spirit into a level of participation for the tribal members appears at this point more as a strength than as a noted weakness, with regards to overall levels of local community participation.

The question was also asked about levels of participation for the specific geographical community of the Indian Island reservation. As anticipated, the level of participation did generally decrease with increased residency distance, as seen in Figure 7.49.

Figure 7.49. Participation in Indian Island Community Work Based on Residency Distance

Notable, however, is that in spite of the logistical challenges to participation created by distance, an effort to support this specific form of the tribal community (i.e. reservation community) is present across the entire ethnic/membership community. With a smaller subpopulation involved the average decreased to 1.81 times per year. However as a reported trend over the time period of this study, Indian Island community work averages steadily increased while the broader community work averages declined:

97 Similar to earlier discussions on group and cultural event participation, the respondent subset is such that statistical power is limited. As such, the resulting trends and indications are taken more as points for further discussion rather than as definitive assessments across the full population.
This concern for the Reservation is also expressed in the nearly identical levels of reported ‘willingness to contribute time to the local community, if needed” (83.7%) and willingness to contribute time to Indian Island, if needed” (81.4%), with no appreciable decrease in percentage at even large distances that would require air or multi-day land travel to respond. This aligns with Klanderman’s findings that show that defense of group is strongly tied to group identification, rather than just personal interest in the specific collective action (2002).

The final question in the collective action section of the survey seeks to gain insight into the expectation of the respondents about others’ willingness to participate if necessary. The overall mean is only 2.75 as matched to the following Lickert Scale:

If there was a major problem with the local school building where you live, what portion of the community would get directly involved in fixing it?

- none
- few
- about half
- most
- nearly all

This is a surprisingly pessimistic score given the high self reported intent by individuals to contribute time if needed (83.7%). A comparison of means shows little variation with regards to an individual's decision to volunteer in non-emergency situations based on an expectation of others to help if needed, Figure 7.52.
The lack of optimism with regards to others’ participation might indicate that non-emergency volunteerism is based more on individual belief rather than a motivation to conform to a social norm. In brokerage and closure terms, this would equate to participating individuals bridging gaps within the community network rather than expressing existing community network bonds. In comparison, upon the occurrence of a confirmed community need the level of willingness to contribute time correlates to the anticipation that others will respond to the crisis.
From this, an alternative explanation might be that there is a broad range of interpretation of the “if needed” portion of the query. Within this interpretation, those that participate regularly have a lower threshold of envisioned need than others, and this is also reflected in their appraisals of others’ willingness to participate. Once the need becomes more evident, a similar level of volunteer effort occurs. Under this basis, the expectation to contribute if needed might be a valid norm and is demonstrative of closure, but with wide levels of individual variation of need interpretation obscuring the data. In order to investigate this further, a comparison of generalized community participation (i.e. local community) to specific community participation (i.e. Indian Island community) proceeds.

Figure 7.54 shows that those local to Indian Island have a slightly higher expectation for others’ participation, despite a mid-range level of reported current community work participation as illustrated in Figure 7.55.

![Figure 7.54. Expectation of Others' Level of Participation Based on Respondent Level of Contribution in an Emergency](image1)

![Figure 7.55. Participation in Community Work Based on Residency (Annotated)](image2)
Nationally, there is a larger proportion of participation by women than men, and this is also seen in the tribal respondents' profile for broad community work participation. However, Figure 7.56, also shows that gender does not correlate to participation in the specific case of Indian Island-specific volunteering.

![Bar chart showing participation based on gender.](image)

**Figure 7.56. Level of Participation Based on Gender**

Similarly, there are weak correlations to broader community participation consistent with national trends based on level of education age, but not evident when dealing with tribal specific participation.98

Again the statistical power is not robust enough to support a definitive conclusion, but these data do point to a higher level of closure with regards to tribal needs and the social norm of sacrifice than those applied to the geographic locality of residency. However, the existence of this greater closure with respect to the Tribe’s physical community may have originally been linked to an actual physical membership in the Indian Island locality, at least at one point in their lives, as both current participation and willingness to participate are correlated to whether the member ever resided on Indian Island (Figures 7.57. & 7.58.).
The majority of indications point toward a positive level of volunteer spirit within the tribal population and an increase in these levels with respect to tribal group identity concerns. However, the linkage to a direct exposure to the Tribe’s physical community at Indian Island during some portion of the respondents’ lives may be of concern given the expanded membership of the Tribe and the corresponding expanded distribution of the tribal membership. As the new and future generations mature based on current membership distribution, the lack of a common linking residency experience may impact willingness to actualize the conceptualized community membership through active participation. This issue of locality and if it represents a differentiated social sphere will be looked at in more detail, but the above data point toward a social sphere construct for members based on ethnicity/group membership.99

**7.B.4. Information and Communication**

The reported sufficiency and reliability of Tribal information, as well as its steady improvement over time as presented in Figure 7.59 should make this a short and straightforward section.

**Figure 7.59. Tribal Information Trends**

99 An examination of the possible distinction between ethnic identity and group membership will also be introduced shortly.
However, in keeping with the established methodology, an attempt to find contradiction or anomaly within this positive profile proceeds. The first point of discussion is based on a presentation of source of information data (Figures 7.60., 7.61. & 7.62.).

These graphs show a balance between the valuation informal and formal data sources, which makes sense given the wording of the question. It combines both reliability and source access of information into a single term. The relationship between positive percentages of
respondents providing positive rankings for electronic media, print media and all others is provided in Figure 7.63.

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<th></th>
<th>Reliability &amp; Source (State/National)</th>
<th>Reliability &amp; Source (Local)</th>
<th>Reliability &amp; Source (Tribal)</th>
<th>Color Key</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic Media</td>
<td>74%</td>
<td>49%</td>
<td>13%</td>
<td>Low Effort</td>
</tr>
<tr>
<td>Print Media</td>
<td>26%</td>
<td>40%</td>
<td>53%</td>
<td>Low Topical Focus</td>
</tr>
<tr>
<td>Friends</td>
<td>30%</td>
<td>55%</td>
<td>52%</td>
<td>Medium Effort</td>
</tr>
<tr>
<td>Gov’t Meetings</td>
<td>9%</td>
<td>11%</td>
<td>18%</td>
<td>Medium Topical Focus</td>
</tr>
<tr>
<td>Elders</td>
<td>9%</td>
<td>10%</td>
<td>19%</td>
<td>High Effort</td>
</tr>
<tr>
<td>Groups</td>
<td>7%</td>
<td>12%</td>
<td>9%</td>
<td>High Topical Focus</td>
</tr>
</tbody>
</table>

Figure 7.63. Table of Information Sources with Effort and Topic Overlays

Overlaying the percentages are color keys that indicate the level of effort required to access the information and topical focus of the medium in general.\(^{100}\) Within this construct the rankings very strongly value the information through a direct social connection. On one level this speaks highly of the importance and continued relevance of social networks within this community. However, the relative lack of weighting to participation in broader perspective social forums (e.g. government meetings, groups) means that valued informal information comes from those already closely affiliated with each other.

The reliance on direct interpersonal communication with someone with whom an established relationship exists leaves itself very susceptible to echo, the conscious or subconscious recognition of the predominant norms that might shape the tone and timber of how a new issue or concern is initially articulated to align with perceived listener expectations. This initial shading predisposes the process toward a pre-existing norm rather than as a neutral or even conceptually challenging input. The closure of bonding network ties, according to Burt’s model, means that relatively little novel information or perspective is brought into the discussion by its members. Rather than providing a forum for comparison of diverse perspectives or the interjection of supplemental topical knowledge, the discussions serve as

\(^{100}\) Focused national television news programs and focused local news programs are abundant and only require a passive viewer, so are green effort/green focus. Newspapers are generally dual purpose, both local and regional/national, and require some time and effort to read, so are colored yellow effort/green focus. Note, the singularly-focused tribal newsletter that is only published monthly, so is colored red effort/green focus. The active effort to engage others and participate in a discussion is high effort for all information through friends. The myriad of topics possible for discussion combined with the relative level of direct topical knowledge created the assigned focus colorations.
reinforcements to process the information in a familiar process (closure) rather than externalize the epistemology beyond the routine (brokerage).

The potential for this recursive process is presented as neither a weakness nor a strength in this case. The benefits of a stable reference from which to interpret additional information provide efficiencies and reduce overly reactive shifts in actions. The reinforcement of existing beliefs through this process can also be beneficial when those beliefs are under direct external attack, so any external information needs to be screened for malicious intent. And even without external attack, the maintenance of minority identity might require a process mechanism to appropriately weight the minority information against the magnitude of information (bandwidth) representing majority perspectives. The negative aspects are readily available from pivoting on this balancing of bandwidth and echo, and thereby discounting an opportunity for an expanded perspective; that is, closure reinforcing or expanding a structural hole and eliminating opportunities for beneficial brokerage. The apparent balance in informal paths of communication (closure/echo) and formal modes of information flow (brokerage/bandwidth) evidenced in Figure 7.63 above points more toward a counteracting tactic with regards to national and local media. However, given that the tribal print media is not an independent journalistic production, the level of closure with respect to tribal information has a potential for being overly weighted toward pre-existing perceptions and interpretations. Indeed, a review of newsletters publically available through the Penobscot official website reveals that the predominant entry is an announcement rather than opinion, debate or critique on internal matters.

A potential indicator of this effect can be seen in the weak but negative correlation between sources of information and residence distance from Indian Island.

<table>
<thead>
<tr>
<th>Kendall's tau_b</th>
<th>Residence distance from Indian Island</th>
<th>Reliable source of Info from friends?</th>
<th>Reliable source of Info from local from friends?</th>
<th>Reliable source of Info from friends?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.000</td>
<td>- .240</td>
<td>-.061</td>
<td>-.147</td>
<td></td>
</tr>
<tr>
<td>Sig (2-tailed)</td>
<td>0.001</td>
<td>0.373</td>
<td>0.007</td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>213</td>
<td>219</td>
<td>207</td>
<td></td>
</tr>
</tbody>
</table>

Figure 7.64. Correlations Between Residency Distance and Role of Friends in Information Provision

In this case, the test shows no significant correlation with reliance of friends for local information across the geographic distribution of the Tribe. However, as specified topics move closer to geographic coincidence with friends, a small to moderate correlation becomes significant. While it is understandable that friends are likely to be more conversant on topics that are within an experiential context and therefore friends who live closer to the Tribe or the
State of Maine are more relevant to those topics than friends hundreds or thousands of miles away, the risk is that closure and echo will skew information processing toward a predetermined outcome. The noticeable correlation between those who rely strongly on friends for tribal information and a lack of trust with the State of Maine is illustrative of this effect (Figures 7.65., 7.66. and 7.67.). The highlighted blocks point to deltas in mean levels based on trust measures, and show a correlation between lower trust levels of outside entities with a reliance on information from closely trusted network insiders for tribal issues.

<table>
<thead>
<tr>
<th>Trust Tribe administration?</th>
<th>Reliable source of info on Tribe from friends?</th>
<th>Reliable source of info on ME &amp; fed from friends?</th>
<th>Reliable source of info on local from friends?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>3.44</td>
<td>2.99</td>
<td>3.57</td>
</tr>
<tr>
<td>N</td>
<td>160</td>
<td>158</td>
<td>157</td>
</tr>
<tr>
<td>Std. Deviation</td>
<td>1.363</td>
<td>1.226</td>
<td>1.081</td>
</tr>
<tr>
<td>No</td>
<td>3.58</td>
<td>2.75</td>
<td>3.48</td>
</tr>
<tr>
<td>N</td>
<td>48</td>
<td>48</td>
<td>48</td>
</tr>
<tr>
<td>Std. Deviation</td>
<td>1.381</td>
<td>1.361</td>
<td>1.414</td>
</tr>
<tr>
<td>Total</td>
<td>3.48</td>
<td>2.93</td>
<td>3.55</td>
</tr>
<tr>
<td>N</td>
<td>208</td>
<td>206</td>
<td>205</td>
</tr>
<tr>
<td>Std. Deviation</td>
<td>1.365</td>
<td>1.259</td>
<td>1.165</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trust Maine govt officials?</th>
<th>Reliable source of info on Tribe from friends?</th>
<th>Reliable source of info on ME &amp; fed from friends?</th>
<th>Reliable source of info on local from friends?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>2.98</td>
<td>2.98</td>
<td>3.55</td>
</tr>
<tr>
<td>N</td>
<td>47</td>
<td>47</td>
<td>47</td>
</tr>
<tr>
<td>Std. Deviation</td>
<td>1.437</td>
<td>1.207</td>
<td>1.100</td>
</tr>
<tr>
<td>No</td>
<td>3.65</td>
<td>2.97</td>
<td>3.57</td>
</tr>
<tr>
<td>N</td>
<td>155</td>
<td>154</td>
<td>153</td>
</tr>
<tr>
<td>Std. Deviation</td>
<td>1.293</td>
<td>1.283</td>
<td>1.174</td>
</tr>
<tr>
<td>Total</td>
<td>3.49</td>
<td>2.98</td>
<td>3.56</td>
</tr>
<tr>
<td>N</td>
<td>202</td>
<td>201</td>
<td>200</td>
</tr>
<tr>
<td>Std. Deviation</td>
<td>1.354</td>
<td>1.263</td>
<td>1.154</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trust Fed govt officials?</th>
<th>Reliable source of info on Tribe from friends?</th>
<th>Reliable source of info on ME &amp; fed from friends?</th>
<th>Reliable source of info on local from friends?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>3.10</td>
<td>2.92</td>
<td>3.57</td>
</tr>
<tr>
<td>N</td>
<td>49</td>
<td>49</td>
<td>49</td>
</tr>
<tr>
<td>Std. Deviation</td>
<td>1.447</td>
<td>1.256</td>
<td>1.119</td>
</tr>
<tr>
<td>No</td>
<td>3.59</td>
<td>2.94</td>
<td>3.56</td>
</tr>
<tr>
<td>N</td>
<td>160</td>
<td>158</td>
<td>157</td>
</tr>
<tr>
<td>Std. Deviation</td>
<td>1.338</td>
<td>1.278</td>
<td>1.184</td>
</tr>
<tr>
<td>Total</td>
<td>3.47</td>
<td>2.94</td>
<td>3.56</td>
</tr>
<tr>
<td>N</td>
<td>209</td>
<td>207</td>
<td>206</td>
</tr>
<tr>
<td>Std. Deviation</td>
<td>1.376</td>
<td>1.270</td>
<td>1.166</td>
</tr>
</tbody>
</table>

Figure 7.65. Trust with Tribal Administration Point Biserial with Source of Information
Figure 7.66. Trust with State of Maine Point Biserial with Source of Information
Figure 7.67. Trust with Federal Government Point Biserial with Source of Information
This reasoning behind this interpretation of a closure-echo linkage is based on the ongoing troubled relationship between the Tribe and the State of Maine, and the federal government, introduced in Chapter 4 and to be discussed in depth in Chapter 8, which might illustrate censured data flow and restrictive information processing based on the level of reliability and sourcing attributed to friends based on a pre-existing shared topical perspective. This analysis is reinforced by minimal variation in means solely based on geographic friend distribution to topic overlap, which more closely aligns with an interpretation of using friends as a balancing component with the formal information inputs. Even the slight but negative variation of trust internal to the Tribe, highlighted in Figure 7.68 below, supports this since the formal media source is a direct output from the tribal administration; those that engage friends in the sourcing and processing of tribal information appear more likely to question its absolute veracity through closure reinforcement.

<table>
<thead>
<tr>
<th>Trust Tribe administration?</th>
<th>Reliable source of info on Tribe from friends?</th>
<th>Reliable source of info on ME &amp; fed from friends?</th>
<th>Reliable source of info on local from friends?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Mean</td>
<td>3.44</td>
<td>2.99</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>160</td>
<td>158</td>
</tr>
<tr>
<td></td>
<td>Std. Deviation</td>
<td>1.363</td>
<td>1.226</td>
</tr>
<tr>
<td>No</td>
<td>Mean</td>
<td>3.58</td>
<td>2.75</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>48</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Std. Deviation</td>
<td>1.381</td>
<td>1.381</td>
</tr>
<tr>
<td>Total</td>
<td>Mean</td>
<td>3.48</td>
<td>2.93</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>208</td>
<td>206</td>
</tr>
<tr>
<td></td>
<td>Std. Deviation</td>
<td>1.365</td>
<td>1.259</td>
</tr>
</tbody>
</table>

**Figure 7.68. Trust with Tribal Administration Point Biserial with Source of Information (Annotated)**

The data are far from definitive, but they do provide an indication that *echo* is a part of the equation when dealing with external information streams.

This discussion on the informal data streams as a balancing force against formal modes assumes a level of information flow that can be compared. Taking the positive trending of sufficiency of information and the high levels of reliance on both informal and formal sources from the majority of the respondents and the lack of a strong negative correlation to sufficiency of information based on residency distance (based on a Kendall’s tau_b correlation), this assumption appears to be substantiated for the majority. However, characterizing the data in a dichotomous fashion based on those living within the ‘local area’ and those living beyond the ‘local area,’ a step function becomes evident.
Figure 7.69. Sufficiency of Tribal Information by Residency Distance

Also, a review of the write-in comments includes a large percentage of notes of concern pertaining to the availability of information to off-site members. Thirty-six comments out of a total of ninety-eight included either an acknowledgment of the lack of enough information or a recommendation for additional modes of communication of Tribal issues. The combination of substantial room for continued improvement in communication, even for those living local to the tribal headquarters and the step drop-off for those outside the local area, the level of tribal information reaching all members is of some concern.\textsuperscript{101}

7.C. Community(ies)

Due to their unique sovereign status, tribes often conduct their business, whatever it may be, within distinct boundaries. Some of these boundaries have discernable margins, tangible borders that can be seen and accepted, such as Indian reservations and rancherias. But other times these boundaries are invisible to the naked eye. They cannot be outlined on a map or built around a plot of land. They are rooted in the psyche and defined only by the conscience. And yet, these boundaries, these silent lines of demarcation, are evident in Indian country. (Ellis & Seneca, 2004, pg.4)

When the question was posed to the members of the Penobscot Nation of whether the Tribe was developing in the right direction, a positive picture emerges in terms of trend and current level of positive evaluation.

Figure 7.70. Perspectives on Tribal Development Trends

\textsuperscript{101} The abrupt ending without a summation or conclusion is due to the inclusion of the SCI-IQ Social Cohesion & Inclusion and the Political Action dimensions as part of the following sections of this chapter. The intent is to cover all of these overlapping topics individually and then draw them together at the conclusion of this chapter with a short summary and key insights.
The lack of acceptance in anything positive at face-value of this study’s methodology also sees a stable and extremely negative evaluation portion of the population. It could be that this small, stubborn subset is a normal element of a healthy community, but it could also represent a level of alterity that strains the cohesion of the collective. And since a glass is both half-full and half-empty, it bears noting that there is still an equal number of neutral to negative respondents as there are positive perspectives. The movement in the positive direction might indicate that a significant percentage of those in the neutral category are at present facing toward the positive in the expectation of continuation of the trend, but level of skewing might indicate the presence of a high level of pessimistic perspective within the half-good/half-bad subpopulation. That is, there may be more of an anchor toward the negative that challenges the assumption that there will be a continuation of movement in the positive direction; the realized shift of this portion of the Tribe from bad to neutral acknowledges a climb out of a hole, but does not presage a hike up to the mountain-top.

As discussed in the earlier part of this chapter on development, the advances over the past decades have been notable in almost every area of measurement. However, the rates and levels of achievement have varied. The relative importance of these different areas will likely also vary across the tribal population. Therefore, a future positive normalization of the profile should not be presumed without a fuller exploration into the likelihood of maintaining unity versus accentuating division amongst the various community constructs of the Penobscot Nation. The initial discussion in Chapter 3 divided the community into five conceptualizations: 1) body of people living in one place, district or country; 2) body of people having religion, ethnic origin, profession, etc., in common; 3) fellowship (community of interest); 4) commune; and 5) joint ownership or liability. This will serve as a useful organizational tool for looking to see if these separate constructs serve as divisions or if they fit together within a comprehensive whole.

**7.C.1. Body of People Living in one Place, District or Country**

The geographically centered community of the Indian Island Reservation has already been introduced, and differences in perspective and participation based on relative distance have also been illustrated. Examining the data, the initial indications are of a locale with a strong sense of a collective spirit.
However, the anchoring and expansion of negative sentiment means that additional exploration is required. Figures 7.72, 7.73 and 7.74 show a shifting trend over time from the more positive perspective from actual residents of Indian Island as compared to off-reservation members to a much more negative rating of community by those actually living it.

### Figure 7.71. Sense of Community on Indian Island Trends

![Graph showing sense of community trends on Indian Island](image)

As can be seen, at the time of the survey the respondents living on Indian Island reported nearly an equal amount of negative ratings to positive ratings, as compared to offreservation members who gave positive ratings at an over 3-to-1 ratio to negative ratings. The
presentation of feelings of safety in home and public space reveals a very positive rating for the Indian Island area, so the lack of daily security does not appear to be a factor.102

![Figure 7.74. Perception of Home Safety Based on Residency](image)

![Figure 7.75. Perception of Public Safety Based on Residency](image)

Similarly, the near parity in standard of living (last column), but the consistently lower means (excepting language education) in ratings of tribal characteristics do not point toward a lack of personal welfare associated with this location as being a factor in the more pessimistic outlook.

<table>
<thead>
<tr>
<th>current resident Indian Island</th>
<th>Quality of tribal decision-making now?</th>
<th>Financial status of Tribe now?</th>
<th>Strength of tribal culture now?</th>
<th>Sense of community on Indian Island now?</th>
<th>Tribe developing in the right direction now?</th>
<th>Native language education now?</th>
<th>Personal standard of living now?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>3.05</td>
<td>2.63</td>
<td>3.03</td>
<td>3.51</td>
<td>3.05</td>
<td>3.31</td>
<td>3.46</td>
</tr>
<tr>
<td>No</td>
<td>3.47</td>
<td>2.95</td>
<td>3.43</td>
<td>3.45</td>
<td>3.37</td>
<td>3.03</td>
<td>3.45</td>
</tr>
</tbody>
</table>

![Figure 7.76. Comparison of Select Perceptions Based on Residency](image)

Adding on one more column to see if this change in ratings is based solely on the access to information, Figure 7.77 shows very little difference between on- and off-reservation members in this regard:

<table>
<thead>
<tr>
<th>current resident Indian Island</th>
<th>Quality of tribal decision-making now?</th>
<th>Financial status of Tribe now?</th>
<th>Strength of tribal culture now?</th>
<th>Sense of community on Indian Island now?</th>
<th>Tribe developing in the right direction now?</th>
<th>Native language education now?</th>
<th>Personal standard of living now?</th>
<th>Rule sufficiency (appropriate level of authority) now?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>3.06</td>
<td>2.83</td>
<td>3.09</td>
<td>2.61</td>
<td>3.09</td>
<td>2.31</td>
<td>2.45</td>
<td>2.26</td>
</tr>
<tr>
<td>No</td>
<td>2.47</td>
<td>2.95</td>
<td>2.49</td>
<td>3.46</td>
<td>3.27</td>
<td>2.09</td>
<td>2.45</td>
<td>2.20</td>
</tr>
</tbody>
</table>

![Figure 7.77. Comparison of Select Perceptions Based on Residency (+ Information)](image)

102 The dramatic dip within Figure 7.75 can be understood by the band of urban concentration along the northeast Boston-New York corridor that fits this distance profile.
Whether the on-reservation experience is a depressing force or the off-reservation experience is an optimistic force is impossible to tell at this point, but the importance of location to community spirit and perspective is obviously important in this case.

Within the context of decision-making for the Tribe, location also matters, but in the opposite direction than the level of satisfaction with the community:

![Graphs showing influence of tribal members living on or off the reservation](image)

**Figure 7.78. Perceived and Desired Levels of Influence of Indian Island Residents**

**Figure 7.79. Perceived and Desired Levels of Influence of Non-Indian Island Residents**

Given the distribution of the tribal population, the relative weightings of influence preference between on- and off-Reservation members must include a positive endorsement of geographic residency even by those who would lose empowerment through this outcome (i.e. off-Reservation members articulating a preference for on-Reservation members’ increased influence). Figure 7.80 clearly illustrates that this is indeed occurring.103

<table>
<thead>
<tr>
<th>Current Resident of Indian Island</th>
<th>Preferred Influence of On-Reservation Members</th>
<th>Preferred Influence of Off-Reservation Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>4.65</td>
<td>3.65</td>
</tr>
<tr>
<td>B1</td>
<td>3.65</td>
<td>4.65</td>
</tr>
<tr>
<td>Past Resident of Indian Island</td>
<td>A2</td>
<td>B2</td>
</tr>
<tr>
<td>4.34</td>
<td>3.71</td>
<td></td>
</tr>
<tr>
<td>Never a Resident of Indian Island</td>
<td>A3</td>
<td>B3</td>
</tr>
<tr>
<td>4.20</td>
<td>3.62</td>
<td></td>
</tr>
</tbody>
</table>

**Figure 7.80. Preference of On- and Off-Reservation Residents Based on Residency**

103 Numbers provided are the means of the listed populations based on a five-point Lickert scale.
In Figures 7.81 and 7.82 below, the A1, A2 and A3 blocks clearly show an increased preference based on personal exposure to the Indian Island community through residency. However, A3 to B3 show that even those living off-Reservation, with no experiential connection to the geographic community, still give preference to those specific members of the Tribe who reside at its geospatial center.

<table>
<thead>
<tr>
<th></th>
<th>Preferred Influence of On-Reservation Members</th>
<th>Preferred Influence of Off-Reservation Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Resident of Indian Island</td>
<td>A1 4.65</td>
<td>B1 3.65</td>
</tr>
<tr>
<td>Past Resident of Indian Island</td>
<td>A2 4.34</td>
<td>B2 3.71</td>
</tr>
<tr>
<td>Never a Resident of Indian Island</td>
<td>A3 4.20</td>
<td>B3 3.62</td>
</tr>
</tbody>
</table>

**Figure 7.81. Preference of On- & Off-Reservation Residents Based on Residency (A-Column)**

**Figure 7.82. Preference of On- & Off-Reservation Residents Based on Residency (A3-B3)**

The B1,2,3 column highlighting in Figure 7.83 shows that those off-Island residents who do have personal recollection of their on-Island residence desire the strongest absolute measure for off-Reservation members, while still providing deference to those in-place on Indian Island (A2). Framing this in relative terms, however, weighting of Indian Island residence is once again in an ordered pattern.

<table>
<thead>
<tr>
<th></th>
<th>Preferred Influence of On-Reservation Members</th>
<th>Preferred Influence of Off-Reservation Members</th>
<th>Preferred Influence of On-Reservation Members</th>
<th>Preferred Influence of Off-Reservation Members</th>
<th>Relative Levels of Preferred Influence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never a Resident of Indian Island</td>
<td>A3 4.20</td>
<td>B3 3.62</td>
<td>A3 4.20</td>
<td>B3 3.62</td>
<td>A3-B3 0.58</td>
</tr>
</tbody>
</table>

**Figure 7.83. Preference of On- & Off-Reservation Residents Based on Residency (B-column)**

**Figure 7.84. Preference of On- & Off-Reservation Residents Based on Residency (A minus B)**

This high level of desired empowerment by on-reservation members is not in conflict with all other members as the other perspectives also provide a positive weighting in this direction, just of a slightly lesser scale. So while there is alignment, there is a distinguishable separation between these social spheres, both in their recognized positions of authority and in their operative norms (at least in terms of optimistic/pessimistic magnitudes).
A qualitative example of the role of location is clearly evident in this Facebook dialogue during the run-up to the 2010 Penobscot Nation elections. Barry Dana, a former Chief of the Penobscot Nation only six years prior (PIN, *Chief Line Modern Era*, n.d.), hosted a site to promote his candidacy and platform. As discussed previously, he was critical of the over emphasis on economic development, and that topic engendered comment. However, the reasoning of the respondents and the course of the exchange (Figure 7.85.) illustrates the significance of location:

![Figure 7.85. Barry Dana for Penobscot Tribal Chief Facebook Thread (2010)](image)

Although living in Maine and pursuing a daily industry of creating Native crafts, the pulse of the Indian Island community (and the implied larger Penobscot Nation community) cannot be felt. The physical dislocation, despite growing up on Indian Island, going to school there, working there in multiple positions for multiple years (Dana, *Who Is*, 2010), is enough to generate a connotation of ‘other.’ This deconstruction is not purely academic and detached, as P. Hoffman’s recognition of its presence demonstrates. This is a ‘national’ election, yet the
physical community is both claimed and recognized as the heartbeat. The concern is not so much the existence and placement of the organ, but its connection beyond the physical boundaries of a community of locality.

The relative percentage of tribal members living on Indian Island has decreased over the last thirty years from nearly one-third to below one-fifth at present. The twofold increase in overall Penobscot Nation population is a large reason for this trend, but the limitations on available housing on Indian Island have restricted residency opportunities significantly (Garland, 2002). The divergent trends of sense of community local to Indian Island based on residency and level of influence over the broader tribal community show significant complexity to and the presence of different social spheres based on geospatially referenced experiential habitation. The expansion of permanent tribal housing to the acquired Trust lands in Argyle, approximately nine miles north of Indian Island, may increase opportunity, but will also inject a new dynamic into the construct of community as referenced to this locale.

7.C.2. Body of People Having Religion, Ethnic Origin, Profession, etc., in Common

Attaching two more columns to the tables presented above to explore whether these residential patterns have an impact on recognition of an individual ethnic identity reveals some fascinating results. Comparisons internal to the C1,2,3 and the D1,2,3 columns reveal a shift in patterns that place those without on-Reservation experience as highest in both categories, with those that had mixed residential experience and currently living off-reservation with the lowest in both categories.

<table>
<thead>
<tr>
<th></th>
<th>Preferred Influence of On-Reservation Members</th>
<th>Preferred Influence of Off-Reservation Members</th>
<th>Similarity to People Where You Live</th>
<th>Similarity to Other Tribal Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Resident of Indian Island</td>
<td>A1 4.65</td>
<td>B1 3.65</td>
<td>C1 3.03</td>
<td>D1 2.88</td>
</tr>
<tr>
<td>Past Resident of Indian Island</td>
<td>A2 4.34</td>
<td>B2 3.71</td>
<td>C2 2.88</td>
<td>D2 2.77</td>
</tr>
<tr>
<td>Never a Resident of Indian Island</td>
<td>A3 4.20</td>
<td>B3 3.62</td>
<td>C3 3.30</td>
<td>D3 3.09</td>
</tr>
</tbody>
</table>

This stable ordering appears to indicate that residency in the ethnically concentrated Indian Island community has an impact on long term perspectives on both other tribal members and on those outside of the Tribe.
The uniform pattern of higher scores in the C1,2,3 column as compared to the D1,2,3 column implies greater opportunity to initiate entrepreneurial brokerage\(^{104}\) based on locality rather than ethnicity. This interpretation is reached through attributing the recognition of similarity with ease of initiating contact. The existence of common ground (both figuratively and literally in this case) produces a level of initial pre-brokerage closure of greater magnitude than that of a common ethnicity. This interpretation is further supported when looking at the various mixes of experiential contact between ethnicity and locality. It is important to point out that the C1 box is distinct from C2 and C3 in that it is measuring similarity based on both geographic neighbors and within shared-ethnicity neighbors, as opposed to geographic neighbors of diverse ethnicity (i.e. the local community of Indian Island is also an ethnic community). With this in mind, the C1 to C3 comparison points toward a higher level of initial closure based purely on locality rather than with the additive factor of ethnicity, even when shared. The relative ranking of the C2/D2 boxes against their column-mates indicates that the overlap causes a suppression across all perspectives of similarity to fellow community members. The increased awareness of the interplay between ethnicity and locality that the past Indian Island residents bring to the table through their exposure to a ethnicity-centric locality and a locality-centric devoid of obvious ethnic ties, appears to illustrate that increased exposure to the complexities of real-life actualization of ethnic intra- and inter-relation leaves a residue of alterity. The highest ranking for tribal similarity in D3 also points toward this as the lack of experiential exposure that allows a more idealized recognition of ethnic similarity.

The above interpretation is not a claim that the ethnic identity of the Penobscots is detrimental to this initial closure, but rather the increased awareness of the complexities that ethnic identity brings to bear on interpersonal expectations within a locality. This complexity is not removed by local immersion and it also promotes the recognition of alterity internal to the group. As just presented, this simplification of group expression through ethnic awareness does not directly translate in this case toward an acknowledgment of internal interpersonal sameness. Indeed, similar to many ethnic enclave examinations that assume a level of ethnic homogeneity and bonding (Kenyon & Carter, 2010; Boussoroy, 2011; Bisin et al, 2010)\(^{105}\), the following chapter that examines extra-community social capital will show an internal unifying force based on this shared ethnicity when interfacing with external entities. Once the emphasis is shifted from personal to group identity measures, however, the internal ambiguity is largely

\(^{104}\) Brokerage here is used very generally in the sense of brokering a new social network connection or brokering a social capital exchange opportunity utilizing existing social network ties.

\(^{105}\) These referenced, themselves, do not make this assumption, but commonly note the frequency of the erroneous assumption in the broader discourse.
removed and ethnicity is clearly a defining Community (with a capital “C”) characteristic, but ethnic identity is not so clearly delineating between individual interactions internal or external to the collective that it is the dominating characteristic. Under the ethnic enclave model (e.g. Berger, 1978), those who remain geographically bound would have the strongest sense of ethnic identity, but a comparison between C1 and D3 does not demonstrate this for the Penobscot Tribe.

The above analysis is not intended to completely discount ethnicity, but rather an attempt to characterize it with respect to other possible social spheres, and the following example illustrates that it plays a critical role in some conditions. When overlaying non-shared ethnicity individuals’ presence within the geographically relevant community of Indian Island, a dramatic exclusion is obvious.

![Figure 7.87. Perceived and Preferred Influence of On-Reservation Non-Tribal Members](image)

Some of these individuals, these non-members, are spouses of tribal members and have worked for the Penobscot Nation in positions of authority (e.g. Chief of Police) for years, yet their desired role in affecting the community is minimal. The preferred influence of the ethnically linked other Maine Tribes is much greater than the day-to-day participants in the geographic community.

![Figure 7.88. Perceived and Preferred Influence of Other Maine Tribes](image)
The delivery of this survey closely corresponds to this ethnic-based definition of community; every member of the Penobscot Nation has a shared ethnicity.\textsuperscript{106,107} As a result, the quest for division internal to the Tribe based on ethnicity is short lived and without obvious straining factors (e.g. \(\frac{1}{2}\) blood-quantum versus \(\frac{1}{4}\) blood-quantum members). By legal definition the determination for membership in the Penobscot Nation is discriminatory based on ethnicity. While it provides a high level of closure, it also maintains structural holes for many individuals participating in other social spheres that compromise the Penobscot Nation (e.g. non-Indian family members, non-Indian government employees, etc…). Since the survey did not include input from these non-ethnic, but partially internalized participants in some of the social spheres of the Penobscot Nation, it is difficult to assess whether structural bridges are in-place and sufficient to mitigate this tribally discriminating characteristic in exchanges where it is not relevant (e.g. access to residency-based community services, non-hostile workplace environment, etc…). The extremely high level of desired exclusion from influence, however, might warrant concern that even if discrimination in its negative connotation against non-Indians within its communities is not present, there still might be a loss of opportunity to leverage these nodes for increased internal contribution, or for external brokerage opportunities for the community as a whole.

7.C.3. Fellowship (Community of Interest)

This construct of community is built upon the engagement for both the pleasure of the engagement itself and with the recognition of others as a like expression of self, at least surrounding the context of the specific shared topic of interest. For the purposes of this survey the shared interest was in the ‘Tribe.’ The previous discussion covering groups and networks in the social capital subsection provided a significant amount of relevant information with regards to collective participation, so the emphasis here will be more on the recognition of self in others. In keeping with the methodological theme, rather than focus on the positive manifestation, the series of targeted questions examined were purposefully constructed to point

\textsuperscript{106} Membership in the federal recognized Penobscot Nation is voluntary and requires a level of effort though the submission of an application. There undoubtedly exist individuals of shared ethnicity that are not included on the official rolls. However, in all connotations of community there is a degree of individual integration/interaction with a collective so excluding these individuals from this discussion under shared ethnicity is justifiable.

\textsuperscript{107} Speck does point out that in the period between 1840-1915 as many of the recorded marriages were between both parties being Penobscot as there were with one party being from a neighboring Tribe. This leads him to opine: \textit{“The constituency of the tribe is so blended with other Wabanaki communities through extensive intermarriage that the tribal groups can be little more than social or dialectic units”}(1998).
toward lines of divergence as potential impacts to fellowship. A series of eight questions was asked, all based on a five-point Lickert scale with 1= ‘none’ and 5= ‘a tremendous amount,’ to rate differences based on a number of factors. The perceived correlation to cohesion by tribal members based on these discriminators is presented in Figure 7.89.

![Tribal Attitudes Influenced by Different Factors](image)

**Figure 7.89. Comparison of Levels of Internal Difference Based on Several Factors**

Both ‘Kinship’ and ‘Other’ stand out both in their magnitude and in their linear presentation rather than as a bell shaped curve, as seen in Figures 7.90 and 7.91.

![Kinship Differences on Tribal Attitudes](image)

![“Other” Differences Impact on Tribal Attitudes](image)

**Figure 7.90. Impact of Kinship Differences on Tribal Attitudes Trends**

**Figure 7.91. Impact of ‘Other’ Differences on Tribal Attitudes Trends**
The question regarding ‘Other’ differences permitted a ranking as well as an opportunity for a write-in definition of ‘Other.’ Only 41 respondents replied, and only 30 provided a write-in answer. Of those that did answer, 43% responded that the ‘Other’ that was creating the difference was based on residency on Indian Island or not (the next highest was only 6% for blood quantum). Since the on- and off-Reservation issues have been discussed already and the low respondent rate is likely to have skewed the data significantly based on the reasoning that the vast majority saw no or limited contribution from this ‘Other’ category, it will not be examined in any greater detail here. In contrast, however, the differences in attitudes based on the kinship question did have high respondent rates and a significant rating of differentiation. The high levels of trust with regards to family members versus the limited increase in trust of tribal members or the limited reported similarity to tribal members are all consistent with this line of differentiation. Also notable is the lack of variation over time of the importance of this factor in delineating alternative perspectives internal to the Tribe. Familial ties are strong bonding ties, but they appear to create clear boundaries internal to the greater community.

However, when asked to examine these kinship differences with respect to functional community impacts (i.e. decision-making), the members responded with near conformity between the levels that currently exist and the hypothetical preferred levels:

![Influence of Kinship Ties](image)

**Figure 7.92. Perceived and Preferred Influence of Kinship Ties**

While there is a slight expression of desire to lessen the kinship applications, the relatively high level of desired impact on the greater community from this internal differentiation means that the reported high mean impact of kinship difference in attitudes appears to be accepted more as a form of community diversity, rather than internal community divisiveness. However, there is significant risk in accepting this interpretation as absolute, both because of the limitations of the data and also due to the magnitude of ramifications on the community if kinship loyalties conflict with community cohesion priorities and necessitate a prioritization between two
incompatible constructs of group membership and allegiance. The combination of afforded trust to family and the high level of its influence on the community as a whole, even if currently endorsed as a positive condition, nevertheless represents a potential to serve as a significant structural hole internal to the community.

Even the recognition and valuation of a “Family member” with a capital ‘F’ as a differentiation from the ‘tribal family member’ with a lower-case ‘f’ is significant within the context of a tightly cohesive, strong-bond community. Given both the small tribal population of under 500 individuals just prior to their federal recognition and the historical intermarriages across the Maine tribes (Speck, 1998), longstanding familial lineages with distinct bloodline separation among the current tribal population is unlikely. In spite of this, kinship is identifiable and potent. At present this valuation is positive, but as discussed in Chapter 6, Penobscot history includes a multi-generational period of significant tribal factionalism, manifested in parallel governments each claiming primacy (MacDougall, 2004). Underlying economic, political and territorial issues are often articulated as the cause, but just as tribal formation is reliant on kinship, its dissolution also follows kin rather than kith (Beaucar, 2003). A contemporary example can be found in the Eastern Pequot Tribe\textsuperscript{108} that shows this phenomena even when ‘tribal’ social and political-economies are not considered as active (Williams, 2006). The request for federal recognition over the last decade included complex and contentious claims of divergence and complete separation of two tribal entities submitting individual applications. While both of these examples of internal differentiation and group identity schisms can be presented as centered on issues and differences of foundational principles, the alignment of parties along kinship lines within the Eastern Pequot and Paucatuck Eastern Pequot communities is indicative of the continued importance of these imbedded consanguineous social spheres, even to the point of being the defining characteristic of a community’s structure (US Dept of Interior, 2005). Although not evident from the data collected through this study’s survey, the historical and analogous cases of kinship ties playing a central role in community divisions, coupled with the reported potency (e.g. influence of and trust afforded to family ties) justifies a more nuanced analysis. Unfortunately, the fidelity of available data for this study (e.g. levels of consanguinity, the cultural norms for kinship alignment and the relative strength of bonds within and between familial degrees of separation) is not sufficient to fully explore the depth and breadth of family ties under current conditions, or to precisely

\textsuperscript{108} As a northeastern seaboard indigenous population, there are many similarities in their histories and their complex relationship between State (in this case the State of Connecticut) and federal agencies.
identify potential triggering factors that might actuate this potent force along a disruptive trajectory in the future.

Age differences being related to attitude differences is also important given its position above the neutral mark, but also due to its longitudinal shift in profile:

![Graph: Age Differences Impact on Tribal Attitudes Trends](image.png)

Figure 7.93. Impact of ‘Age’ Differences on Tribal Attitudes Trends

While the overall average over this entire period has remained nearly constant (3.27 ‘20-25 years ago’; 3.25 ‘now’), the presence of a dip (3.21 ‘10-15 years ago’) also sets it apart as a non-unidirectional trend. Interpreting this data is further complicated by two significant age-related changes over this period. The first is the dramatic demographic shift with significant increases in the younger portion of the population (U.S. Census, 2010) with the associated stresses of adolescent development and ethnic self and group identification (Kenyon & Carter, 2010). The second transition being the leadership positions that elders have played in the community has changed to a younger demographic in the institutional forums. As this survey was not specifically designed to detangle these components, there is no easily accessible description of the process displayed in the chart. However, given its rated impact on internal differentiation and its persistence over time, the management of community cohesion with respect to age appears to be an ongoing concern for the Tribe, especially given the aforementioned challenges to maintaining traditional cultural values and the massive wave of young tribal members significantly shifting tribal demographics.

The only other measures that had any trending over this period were gender and religious differences, and they both had a continuous decrease in magnitude:

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109 The wealth of information within this data set that remains untapped is expansive, and it is possible that extensive manipulation could reveal further insight into this specific issue. However, the scope of this study does not permit the allocation of time to examine this point to the level of detail necessary to present findings beyond those presented.
Figure 7.94. Impact of Gender Differences on Tribal Attitudes Trends
Figure 7.95. Impact of Religious Differences on Tribal Attitudes Trends

Even though the changes are not huge, the historical social sphere differentiation from these two measures was tremendous in both Penobsocot and the encompassing U.S. society (e.g. suffrage, catholic versus secular Indian Island schools, etc…). The decrease in religion-based differentiation on tribal attitudes could be both a result of underlying changes to the population’s religiosity as well as the level of impact that differences in these religions possess within the context of Tribal attitudes. More straightforward to interpret is the level of difference attributed to gender. A dichotomous variable stable in its distribution within the Tribe over this time period, this question shows a perception within the Tribe that collective attitudes are increasingly less impacted by gender than previously. This homogenization of outlook does not absolutely translate into increased community health, as the possibility that this lack of gender differentiation is a result of modernity and the loss of a culturally valued commodity (e.g. matriarchal kinship alignment). However, the multiple indicators that report a positive internal view on the Tribe’s development path and community health, likely represent a decrease in gender and religious negative bias rather than a loss of diversity.

Overall, there are reported categorical differences that might impede fellowship within the community of interest focused on the Penobscot Tribe. However, the valuation of some of these differences (e.g. kinship) in communication flow and decision-making serves as a
counterbalance to the loss of similarity; it is leveraged as much for the benefits of diversity as for its detractions from division. The analysis and implications of age differentiation are largely unsatisfying and therefore leave the door open for interpretation as an ongoing strain on community cohesion, but without any clear fractures or cracks evident at this point. As a cautionary note, however, the trend data does not preclude the existence of intense localized division, bias or bigotry. Individual comments from the survey did mention age, gender and kinship divisions and discrimination in strongly negative contexts. Additionally, just because they represent a minority opinion does not mean they do not have a majority impact on the individuals involved. As a collective entity, however, the cohesion does not appear fractured or torn.

7.C.4. Commune

This type of community is formulated around an ideal as the unifying tenet, a manifestation of a shared conceptualization of existence. The core of the collective is based on an as-yet-unrealized goal, with interpersonal relationship as a derivative of the unified attempt at actualization. One such expressed ideal within this study falls under the goal of ‘sovereignty.’ Despite challenges to provide a functional description of the term (Brimley, 2004; At Loggerheads, 1997), its usage persists as an ideal end-state. The current trend on members’ evaluation of levels of sovereignty is progressing over this period, but in a guarded fashion as compared to most other development indicators.

![Level of Tribal Sovereignty](image)

**Figure 7.96. Tribal Sovereignty Trends**

The correlations between increasing levels of sovereignty and indicators for community solidarity are notable:
Figure 7.97. Correlation Coefficients for Sovereignty Based on Sense of Community and Trust Trends

While still evaluated as significant, the lesser correlation to similarity between individual Tribal members (correlation coefficient of .252/Sig: .000) supports an interpretation that there is a community of coalescence attributable to this ideal. If trust is assumed to be a dependent variable (as is frequent in social capital examinations), then recognition of a common ideal appears as a strong unifying force in Figure 7.98.

Figure 7.98. Trust Correlations to Community Ideals

If native language is taken as an ideal, as a unifying concept rather than as a practical manifestation, the earlier emphasis and import given to it without a discernable objective measure can be better understood in this light. The shift in emphasis on language importance from the largely dismissed role as reported by MacDougall, who worked with the Tribe in the 1980s, to its resurgence of value also supports this interpretation:

*The community exhibited a mixed reaction to the project: some believed that it was important to preserve the language and even to try to revive it and teach it to the children; while the vast majority preferred to let it die as a remnant, like other cultural remnants such as stone-tipped arrowheads. The reasons for these attitudes can be understood, I believe, when one reviews the history of this community, in its struggles to modernize and be accepted by the larger dominant community.* (1995)

The period in which she was engaged in this language project was directly following the Maine Indian Claims Settlement Act and reflected a period of optimism for development and progress. Over time, the recognition and emphasis on community cohesion as part of the development profile re-energized a valuation for language. However this increased value was not based on its envisioned practical utility or even limited display of traditional, but rather on the belief that there is a cultural integrity of an idealized indigenous tribe. The idea of tradition, language, and
group connections all exist and contribute to the community cohesion, even if their manifestation does not clearly reflect the idealized vision.

The potential downside for the presence of this commune construct within the greater Penobscot Nation is that those that are not seen to have the same idealistic vision, a vision that may have little practical relevance to day-to-day existence within the community’s social norms, are separated by this distinction. That is, esoteric divisions exist as functional community divides. The reported intense vote between acceptance or rejection of the Maine Indian Claims Settlement Act by the Penobscot members that did not result in obvious divisions despite less than stellar outcomes from the decision indicate that tribal unity is not overly susceptible to this negative side of a focus on ideals.

7.C.5. Joint Ownership or Liability

Membership in the federal recognized Penobscot Nation is voluntary and additionally requires a level of effort though the submission of an application, and lack of at least some level of contact represents a voluntary removal from a level of ownership:

Figure 7.99. Excerpt from Tribal Newsletter (2011)

There undoubtedly exist individuals of shared ethnicity to an acceptable level of blood-quantum for membership that are not included on the official rolls.¹¹⁰ However, in all connotations of community there is a degree of individual integration/interaction with a collective, so excluding these individuals from this discussion under shared ethnicity has been justifiable. However, in

¹¹⁰ Penobscot Nation prohibits tribal membership for individuals with tribal affiliation under another recognized tribe. Given the high level of intermarriage reported in Speck (1997) there are likely qualifying individuals that are affiliated with one of the neighboring tribes.
the case of the ownership construct of community the inclusion or exclusion from formal membership requires closer examination.

The initiation of this community directed development was very much reliant on federal action as a result of federal recognition. This consideration for recognition is based on the existence of a group, not the existence of disconnected individuals regardless of shared ethnicity. Therefore, any access to federal benefits to an individual is not through the possession of any individual attribute; it is solely based on the termination of membership within the legally recognized group:

“We used to be a close knit group over here on the Island. There was about 300 of us I guess at one time. Now I don't know how many there is over here because we didn’t have all these houses. And when we got that Land Claim's Settlement, it was amazing how many people wanted to be Penobscots.” – Gilbert Francis (PIN, Elder Newsletter, 2007)

The total number of individual members does influence the level of federal funding available for group as a whole, but the decision authority for granting membership and rights internal to the collective resides within the recognized governance structure of the Tribe. Therefore, the decision to accept the Maine Indian Claims Settlement Act and proceed forward is a level of assumption of liability and responsibility. There is also a corresponding level of authority and status, however, as is evident in this excerpt from the Legislative Representative in a recent Penobscot Nation Community Flyer:

“A self identifying group calling themselves the Wes-gut-sipu, Fish People, from the Fort Kent area, had legislation submitted to receive the Native American tuition waiver at the University of Maine and to be recognized by the State as the four Tribes under the settlement act with all the same rights and privileges. They also tried to get a set aside of 200 moose licenses under the Native American lifetime hunting licenses for their group. I managed to organize enough Tribal people and to get our Chiefs to sign a joint letter to Governor LePage and the Judiciary Committee to stop this process and as a result their efforts died in committee. Further Rep. Soctomah and I discovered they were receiving the Native American lifetime hunting licenses so we co-sponsored legislation on an emergency basis that took that away from them. The legislation was reported out of committee with a unanimous out to pass report and was affirmatively supported in both chambers. As a result they are no longer allowed to issue those licenses. This matter was quite serious because this is a loose knit group of people in the St. John Valley claiming Native ancestry and being granted that status just by saying they are Native. We hope this is over but will keep a close eye on any attempts this group tries in the 2nd half of this session.” (Newsletter, 2011)

The main contestation is not centered on ethnicity by rather the ownership of specific benefits from a legally recognized community. This is consistent with the Mancari v. Morton ruling (1974) that specifies preferences afforded Indians are based on a political recognition, not a
recognition of race. However, the singular focus on the status issue, and the lack of ownership capability of a ‘loose knit group,’ from this internal tribal communication demonstrates a relative positioning between the legal community construct and the ethnic community construct.

Following a recent interview with the current Chief of the Penobscot Nation, a reporter expressed the ongoing effort to manage the challenges of that assumed liability: *Kirk Francis was still in grade school when his tribe signed the Maine Indian Claims Settlement Act. He didn’t understand exactly what it meant at the time, only that it divided his people* (Russell, 2010). As an illustration of the import of ownership, the juxtaposition between empowerment and liability were also evident in one of Chief Francis’ predecessor’s conundrums:

> On Saturday, Dana was inaugurated as governor [Chief] of the Penobscot Nation. On Thursday, unless a federal judge intervenes, he’ll be at a contempt hearing in Superior Court in Auburn. He and the two governors of the Passamaquoddy Tribe could be fined or imprisoned, or both, for refusing to turn over tribal documents to three paper companies in a bitter legal dispute over who should control water quality near tribal lands. "If that's part of this job," Dana said Friday, "then I'm glad to be the one to stand up for my people." (Scruggs, 1B, 2000)

From these leaders’ remarks it can be see that the ownership and liability construct of community play both a divisive role as a definable boundary and a motivating role for dedication and commitment. Many of the progressing trends and anchored negatives discussed in the development sections earlier may have their referential baseline influenced by this contractual construct of community, and raises concerns that the formalization of community can potentially be deleterious to the maintenance of community, at least initially. The implications and impacts of this internal ownership construct will be examined more fully in the next section on institutionalization through an examination of decision-making. The external component, the federal and regional role in the definition of community under this construct will examined extensively in Chapter 8. Even through this short illustration above, it is clear that the legal definition provides one of the most recognizable boundaries, both from internal and external perspectives, of any of the definitions of community. Additionally, within and without these boundaries are distinct social spheres that have defined and articulated structures, norms and valuations.


The follow-on sentences of the newspaper article quoted above are also relevant to this community construct discussion:
**Governing a tribe is not one job, it's a dozen. For the next two years, Dana will be town manager, financial officer, spiritual leader, personal counselor and chief referee for the 2,149 members of the Penobscot Nation. Dana will be the tribe's ambassador to the state, the nation and the world. He'll also be the one who sorts out whose dog got into whose trash on Indian Island. On the governor's desk land the tribe's problems -- big and small, internal and international.**

(Ibid)

In this newspaper article the issue of pulling it all together is about the individual job, but the challenges of pulling all of the communities together and resolving conflict between them are significant and pose constant challenges to the entire membership. Overcoming these challenges through a transformational process of community directed development is not a guaranteed outcome solely based on past successful maintenance of Community. The hypothesis put forth was that these challenges to Community integrity would be disruptive of development or that development would be disruptive of Community integrity. While are there definite delineations internal to the Community depending on the particular lens of community used, the positive coincidence of a cohesive Community throughout this transitional period of development implies the presence of an internal communities integration process. The effectiveness to this point is an acknowledged surprise, but stepping back from the initial expectation a pattern and methodology for successful Community cohesion starts to appear.

Looking first at the historical record, and the narrative of corporate survival through extensive periods of adversity and neglect, it is plausible that a robust skillset of managing the fluctuations between existing social, cultural and economic profiles has evolved and is applicable to this period. From this study’s data, a picture is developing that supports the presence of internal conflict-resolution mechanisms that prioritize components when competing perspectives intersect.\(^{111}\)

The strongly anchored negative minority illustrated through the skewing of many of the constructs over this period does not eliminate the presence of conflict (i.e. Community is not solely the additive communities of consensus), but the continuation of Community with a capital “C” indicates a consensus prioritization of perspectives that effectively maintain an inclusive nature to all members even while simultaneously excluding the incorporation of all members’ priorities. Figures 7.100, 7.101 and 7.102 graphically articulate the Community progress

\(^{111}\) See Lehto & Oksa for a similar finding through a case study of Sotkamo, where community ‘balancing’ was surprisingly effective through a transformation of the community (2003).
without complete individual concurrence, but with a stable high level of individual satisfaction.\textsuperscript{112}

Figure 7.100. Tribal Development Trends
Figure 7.101. Alignment of Personal and Tribal Priorities Trends
Figure 7.102. Individual Happiness Trends

\textsuperscript{112} As presented in this series of graphs and in the text, the correlation in positive trending between the tribal development and the individual happiness implies a level of related causation between group success and individual happiness. This interpretation is presented as supportable both through the survey data analysis and the qualitative discussion, but it cannot be ruled out that an individual factor, such as personal standard of living is not an exclusive or dominant component.
These data support an interpretation that group success and progress, as rated by the individuals, is evaluated more on the entity than an individual’s position within the entity. Ergo, there is a consensus that what is truly good for the group is an appropriate measure of group goodness valuations.

Since the next section on Institutionalization, with its focus on corporate decision-making, is directly relevant to this process (e.g. legal construct of community), postulating the hierarchical functioning of this Community integrity maintaining process will wait until it is presented. Similar to the challenge of pulling and holding the Community all together, a complete integration of the Development, Social Capital, Community and Institutionalization subsections will be attempted at its conclusion.

7.D. Institutionalization

This should be the shortest area of examination based on the long duration of Penobscot governance institutions: “…the oldest continuous government in the world” (see Figure 6.1.). Indeed the presence of a strong community institution does ease the challenge to a degree, but the use of the process-based term institutionalization is still appropriate across the time period of this examination since it represents a shift from a small institution with little resources and control to a full executive, legislative and judicial government, and a commercial corporate enterprise. The size of the section can also be reduced as much of the administrative functioning has been discussed in the context of service delivery. As expected, given the positive trends presented there, the trust rating of the Tribal Administration is extremely high (76.9% of respondents). Similarly the Tribal Courts, the judicial arm of the Tribal government, have shown a steady increase in performance since their inception:

Figure 7.103. Tribal Courts Service Trends
A slightly more extensive examination of the institutionalization of decision-making, given its key placement in the CDD construct is required. However, initial indications are positive as in similar profile to the bureaucratic administration and judicial processing, the decision-making functions of the Tribe have also increased throughout this process:

Figure 7.104. Quality of Tribal Decision-making Trends

The high agreement internal to the tribal membership of the appropriateness of institutional decision-making, and its high level of contribution is evident in Figures 7.105 through 7.108.

Figure 7.105. Perceived and Preferred Level of Influence of Tribal Laws
Figure 7.106. Perceived and Preferred Level of Influence of Tribal Committees
This coincidental alignment and high preference for influence of formal institutional powers is especially notable in comparison to the current level of power and desired level of power for informal, non-institutionalized means:
All of these measures indicate that institutionalization in this case has been successful, both in terms of execution (e.g. improving trends in service delivery) and in terms of community desire (i.e. alignment between actual and preferred levels of influence on decision-making). In a recent interview with John Neptune, a member of the Tribal Council, it is obvious that institutional norms are strongly embedded within the community:

*I don’t look at myself as a politician. ...My view on Council is always what’s best for the people. I always keep that in mind. I am lucky enough where I work in a place where I can talk to the community members and kind of bounce things off them and see what they want to do, or see what they think about this issue or that issue. And it helps me make my decision a lot easier, but we are always looking to go seven generations, always looking to the future, basing our decisions on that. What’s best for our people in the long run, what’s best for our kids, elders, keeping our traditions, and incorporating our traditions and our cultures, that philosophy into the modern day way we do business as a Tribe. We try to incorporate all that together.* (John Neptune, 2011)

The transition from informal to formal through this period appears to be more a question of form over content.

However, the success was far from instantaneous. The presence of a protracted capability trend during this period can in part be attributed to the time required to consolidate resources and execute projects (PIN, 1988). But just as telling, the rating of professional competency over this period shows a near exact profile to the reported institutional outcomes.

![Figure 7.111. Professional Capability of Tribal Officials Trends](image)

This measure strongly implies that human capital also played a major factor in the effectiveness of institutionalization. Nowhere in the survey are there indications that previous officials were not highly respected or capable leaders from the perspective of the membership. The issue seems to be more centered on the ‘professional’ capability alignment with the new responsibilities and priorities of the assignment than on a negative evaluation of character or dedication of the earlier officials. If there is a questioning of character and motivation, it
appears to be more attributable to the nature of politics with a good portion of the solution arriving through increased levels of professional competency:

Tribal politics are tough, downright vicious sometimes. I think that’s too bad. We should all be on the same side. But some people are less concerned with the tribe then they are with their own personal and family gains. The tribe will never move forward until it gets good professional people in office who want to serve the common good of the tribe (Loring, 2008, with emphasis added, pg.83)

The above quote from Loring, as well as the competing rhetoric of the last election cycle discussed earlier, also highlights an inherent measure of conflict in the political process. Elections represent a maximizing of differences between candidates, platforms and visions as opposed to full consensus building. The culminating vote is a winner-loser outcome based on competition, wherein the campaigning skill (i.e. who plays the game best) (Miller, 2004) may not translate into governance skill (i.e. who does the work best) (Failinger, 2005). These regular transitions of government that accentuate differences through the competitive election process have a periodic destabilizing impact on the formal decision-making process. Huntington (1976) argues that modernization and development periods can bring out the negative aspects of the political process (e.g. instability, conflict and corruption). Within a Native American development context, other studies have found that this instability has negative correlations:

Governmental Structure: Another key finding was the importance of governmental stability in the success of both tribal economic development and housing. Evidence from the research indicates that those tribes with stable governmental structures and organized, disciplined administrative staff members were more successful not just with maintenance and oversight of housing issues, but with the implementation of economic ventures as well. Conversely, the tribes whose governmental structures remained in a state of constant disruption tended to suffer from inoperative housing offices and sluggish economies. (Ellis & Seneca, 2004)

A number of studies from the Harvard Project on American Indian Economic Development found the same effect across most development sectors if institutions were not able to provide stability (Cornell & Kalt, 1989; Cornell, 2003). Indeed, the Penobscot Nation eventually reached the same conclusion for itself:

In 2006, the tribal chief and council formed PINE under Chapter 17 of the Indian Reorganization Act (IRA) of 1934. (48 Stat. 984, 25 U.S.C. §§ 461 - 479.) The first priority of this structuring was to avoid some of the organizational conflicts that can result from businesses run by tribal government. Penobscot citizens with business backgrounds, and professional advisory boards, including non-tribal help, are able to focus more time and experience on PINE than the previous model allowed. (PINE, Background, n.d.)
Again, evidence of progress is revealed in this case, but this recognition of progress is in conjunction with a questioning of whether the experiential learning curve represents the best institutionalization pathway. While the trends from the survey show improvement over time, the time period is considerable and significant institutional adjustments are still taking place decades after local empowerment. The challenges of managing this transition should not be discounted or minimized, but the multiple decades required to achieve these levels begs the question of whether the magnitude of required change and its management were accomplished through the most efficient means.

In keeping with the methodology of this study, the above discussion appears as highly critical of the institutionalization process, and that is the intent. However, it should not be interpreted as a negative commentary on the institutions themselves. The two complications to institutionalization just mentioned, namely the transition time taken to adjust to the incredible expansion of local authority and the politicized component of institutionalization that is disruptive to development, need to be put in context of the increasing levels of legitimacy that these institutions reflect. The juxtaposition of Figures 7.112 and 7.113 is a dramatic illustration of this extremely high level of legitimacy afforded tribal institutions by its members.

![Quality of Tribal Decision-Making Trends](image1)

![Alignment of Tribal Priorities with Your Personal Priorities Trends](image2)

Figure 7.112. Quality of Tribal Decision-Making Trends
Figure 7.113. Alignment of Tribal and Personal Priorities Trends
The positive change in decision-making that coincides with increasing levels of formal decision-making by itself is more a measure of competency than legitimacy. However, the truly remarkable aspect is the maintenance of a large delta between ratings of Tribal-Personal priority alignment as compared to the evaluation of the corporate, institutionalized process that develops a group decision. The positive ranking of group decision-making is not, therefore, due to perceived individual reward or personal satisfaction, but as a validation that legitimate concern is given for group norms and standards. The process is trusted and respected even if specific decisions do not align or benefit the individual. This legitimacy of interpretation is even further supported by looking at the reported levels of individual empowerment with respect to altering tribal and local community decisions.

Figure 7.114. Power to Make Decisions for the Tribe Trends

Figure 7.115. Power to Make Decisions for the Community Trends

The relatively low level of individual empowerment with regards to tribal matters as compared to levels of individual-to-local-community empowerment, again paints the picture that the quality ascribed to tribal decision-making is not based on the decisions’ alignment with individuals or a proprietary pride, but rather through a quality valuation of the institutionalized process.
7.E. Internal Community Summary and Key Insights

The above discussions, primarily following paths indicated by contraindications or anomalies within the delivered tribal survey, have admittedly revealed more complexity rather than successfully resolved the issues. This is in part because each of the major sections, and even many of the subsections, is complex enough to warrant individual focus well beyond that available in this holistic system perspective. In part, the lack of resolution is also due to the incomplete understanding of each of these sub-processes and lack of associated reliable proxy measures within the social science discourse. This inability was not unanticipated at the onset of this project. A fundamental premise of this research was that the state of understanding of the individual social processes and their interrelation produces risk in postulating solely positive results through their integration into a development framework. The first order of analytical success is to demonstrate the validity or invalidity of this belief. Every one of the sections just presented points toward a verification of this initial premise.

7.E.1. Summary

The section on development raises questions as to the universal acceptance of the balance between cultural preservation and modern economic development objectives. A notable contingent articulates a desire for a revision of development priorities and end-states. Within the stated objectives, regardless of the camp, financial-weighted or cultural-weighted, the approaches taken embrace a high level of risk with not-surprising instances of multiple failures. Although the confidence and optimism seems to be increasing in the majority of members, the continued lack of a comprehensive construct that could provide the desired self-sufficiency challenges the continued positive outlook. Similarly within the social capital section, there appears to be a disconnect between the perceived importance of frequently recognized social capital fundamentals (e.g. groups) and the actual investment in these mechanisms by individuals. The level of closure does remain high despite the strains of a changing demographic make-up and the low-level of reported associational input, but this closed-loop valuation of information might be suppressing the internal critical discourse and generating perspective based more on echo than data analysis. The multiple constructs of ‘community’ are clearly evident, with identifiable differences in outlook. While the cohesion of the Penobscot ‘Community’ (with a capital ‘C’) appears to have weathered these storms to date, the future distribution of members, the limitations of Indian Island expansion and the lack of an articulated consensus vision is likely to maintain or even increase these strains even further. The apparently firmly anchored opposition to the current path of the Tribe may shift under these
strains from being a discontented minority to an isolated sub-community. Evidence of a disconnect between the decision-makers and the members within the increasingly institutionalized formal decision-making is relatively small but present. In spite of championing the claim for the longest continuous government in existence, the longitudinal data show a lack of immediate competency upon federal recognition and increased group empowerment. The challenges of aggressive locally-empowered development, even with outside resources, does not directly translate to an expansion of resident institutions and human capital skill-sets, but rather requires a significant transformation.

This analysis shows these as valid concerns and worthy of note within the context of community directed development, but it would be inappropriate if these negative concerns were not placed into some level of perspective against the numerous positive results to date. An omission of this level would compromise the intellectual and academic credibility of the work as well as my personal integrity. It is valid to focus on the weaknesses within the development construct, but trends and magnitudes presented out of context to the overall status lose meaning. At the personal level, during the direct negotiations with the tribal leadership in gaining access for this study, there were no attempts to restrict access to members’ perspectives or to shape the analysis in order to promote a positive report on the Penobscot Nation. However, the justifiably repeated concern was that the Tribe not be utilized solely as an object to further a research agenda without respect for the collective and its members. The hypothesis and methodology intentionally attempt to find and exploit chinks in the armor of community-directed development, and there are numerous effective penetrating thrusts presented for this case. However, this specific case, as embodied in the Penobscot Nation, also clearly demonstrates an abundance of positive measures and outcomes in comparison to the negative components that are predominant in the narrative. As this chapter’s discussion moves to next level of examination of the key insights, i.e. a move beyond identification to possible causation, many of these positive features will be commented upon in their application as mitigating forces. The below listed key insights, while initiated by an exploration of problems, also serve as a bridge to understanding why they have not derailed the ongoing community development. These insights below are roughly organized along the subsections of this chapter in terms of central theme. However, this portion of the narrative also pulls the sectionalized components together as each of the insights discussed is based on the complete analysis of internal processes rather than solely a restatement of key points within the previous sections.
7.E.2. Key Insights

7.E.2.a. Self-Generating but Not Self-Resourcing  Development does not progress just on desire and motivation. Regardless of potential, a significant amount of resources external to the group are required, and required over a multi-generational timeframe. In this case, the initial capital outlay was over $40,000.00 USD per capita,\textsuperscript{113} and continues to be over $3,000.00 USD per capita per year (2010).\textsuperscript{114} While these figures appear to be high, especially in terms of underdeveloped country cost levels, within the United States it is not out of line with federal support to other segments of the population. In fact, Native Americans, per capita, receive disproportionately lower funding than the general population for federally administered services and programs (U.S. Commission on Civil Rights, 2003), and federal funding for items such as schooling that are usually locally funded are generally comparable to local norms (Government Accounting Office, 2003). Development results are not free, and CDD evaluations indicate that this approach increases project delivery costs (e.g. Araral & Holmeno, 2007). However, one of the arguments for taking this approach is the durability of the development progress and the generation of a continuous development environment, so these additional costs are deemed worthwhile. The economic equation still needs to be balanced at some point with self-generation, not only in development of ideas, but also in development of resources.

The status of the Penobscot Nation as an indigenous population means that many of the ‘usual’ development measures evaluated for community health (e.g. success of a locally funded school) are not applicable since education resourcing has a direct federal tie, so the assumption that development costs will eventually be largely self-generated under the guise of a successfully integrated local-regional-state-global economic construct is not well founded. The U.S. Indian self-governance approach and CDD are primarily process-centric, without a requirement for an articulated telos beyond the general expressions of “self-sufficiency” or “sovereignty.” The lack of an accompanying description, even in broad terms, of a structural blueprint to match this ideal, however, falls well short of a strategic end-state with internally defined progressive goals. Within the CDD construct it is fully understandable that the creation of an ‘x-year development plan’ is not a precursor component. Initially, reliance on core

\textsuperscript{113}Calculation based on MICSA total award to the Penobscot Nation (Brimley, 2004) and tribal census figures (PIN, 1987).
\textsuperscript{114}Figures based on tribal populations at the time of the initial Settlement funds and in 2010 as compared to federal funding to the Tribe. The current year federal funding figures are based on Department of Interior and Indian Health Services 2011 budgets. All dollar figures are based on 2010 constant year dollars.
shared-beliefs and priorities is sufficient to get the ball rolling. Measureable progress is made both in terms of project outcomes and the creation of a continuous development framework. Given the level of underdevelopment at the start, any progress is good progress, and a general heading versus a specific compass bearing probably does provide enough accuracy. However, as the points just above illustrate, there comes a time in the development profile in which greater navigational accuracy is necessary. CDD’s incorporation of the institutionalization component might be envisioned as providing this refinement through increased formal structure, but its process-based functionality tends toward bureaucratic efficiencies (e.g. project planning and execution) rather than course setting leadership. Even applying the more politically focused form of institutionalization championed by the UNDP of ‘democratization,’ there is still no dictate for expanding the development horizon beyond the present (e.g. term of office), and was noted after 20-plus years by the Penobscot Nation itself. The reticence to incorporate a telos is also reinforced by modern-day development’s grounding in capitalism with its systemic requirement for continuous growth that in some ways turns a ‘development end-state’ into an oxymoron; there can never be an end to development. This case seems to illustrate that at some point the community will reach a level of process maturity that it must expand its development horizon or risk chasing after opportunities and straying from its core beliefs or spiraling away from progress by attempting to enliven historic core beliefs with no viable pathway for attainment or sustainment. The lack of defined development construct that shifts costs of new development and sustainment of established services and infrastructure from external to internal, does not truly represent a self-generating or self-maintaining development process.115

**7E.2.b. Power to Fail** Empowering a community to make decisions means that they are empowered to fail as well as to succeed. There are tremendous successes in this case, especially in terms of service delivery, but there are also notable failures, especially in terms of economic development. The demands of engaging investors in this high-risk environment, even with incentives, are extremely challenging and become more challenging after failures. The historically high numbers of long term failures from purely externally envisioned and executed projects within the international development community and within this case (e.g. State of Maine reservation management and construction of reservation housing), means that these failures should not solely be attributed to their community empowered execution. Additionally, looking solely at infrastructure maintenance and service
delivery trends in this case, the level of success from community engagement and empowerment are incredible examples of the benefits of this approach over external-driven development. However, in the case of economic development, the challenges of small entities with unproven capability (or a record of failures) to mobilize capital are completely out of proportion to government of development institution access to capital. This case demonstrates that the difficulties in transitioning from a supported economy to a generative economic environment are not fully overcome through this process.

The initial lack of appreciation for the magnitude of the transition and sufficient levels of human capital internal to the community will manifest themselves and negatively impact development outcomes. Regardless of the desire, both internally and externally, to permit community decision-making, the lack of technical capacity specifically aligned to the development sectors will impact outcomes and take time to correct. Even well-established decision-making bodies (e.g. local government, community based organizations) in an underdeveloped setting are not necessarily well-prepared for development decisions and require a comprehensive re-examination of both structure and valuation paradigms:

"We got into discussions about how much different tribal positions should be paid," says Jill Shibles, a Penobscot, "and I remember one elder said, 'Well, a loaf of bread costs the same for the janitor as it does for the doctor.' And I said, 'Do you want the janitor operating on you?' But there's that sense everybody is the same; there's that equality." (Scruggs, 2000b)

This case illustrates that not all of these adjustments and decisions will be right the first time. However, this case also illustrates that this community-driven and social capital leveraging approach can be successful at maintaining cohesion throughout this bumpy transition, at least from an internal perspective. Economic success, public service delivery and good governance are hard; they are all challenges that the ‘developed communities’ of the world struggle with on a daily basis. Therefore, there is a baseline recognition that not everything will turn out perfectly every time. However, the confluence of several factors (e.g. underdevelopment as compared to neighbors, access to ‘other-peoples-money’, special status and loopholes, marginalized existence and focus on the margins, etc…) support an elevated tolerance for risk. This internal high-risk bias is as much a structural component to CDD as it is a reflection of a specific set of community norms. While the construct enables the community to weather the storms of inevitable failures with this high stakes gambling emphasis through high levels of closure that effectively combat the creation of a fault-finding and blame-assessment environment. The external tolerance for repeated failure over time, even if necessary within the epistemology of human capacity building, is less clear. In this case a
prescriptive external support (e.g. federal trust requirements) combined with a prescriptive transition to community empowerment (e.g. Indian Self-Governance Act) meant that this storm is being weathered one way or another. All indications point toward current competence of the Penobscot leaders and institutions, but still within a very challenging set of conditions. This semi-successful outcome in this case, however, does not necessarily represent an efficient path that could realistically be employed across the broader field of community development; a more efficient and better-charted course for capacity building is needed for some development sectors. As mentioned earlier, in some site-specific sectors the existing community capacity far exceeds the external capacity, but properly identifying capacity gaps, creating a consensus external-internal mutual decision-making transition plan, and having the patience and commitment to carry it through, appear as enduring challenges not efficiently resolved in this case.

7.E.2.c. Modernization and Modernity are Not the Same, but They Occupy the Same Space The lack of strong measures of social capital generative indicators, especially those that are self-articulated as critical to the well-being of the Tribe (e.g. groups, cultural events, spiritual practice), throughout this period of increasing modernization point toward an expanding challenge to rely on their contributions in the face of a forced, desired or inevitable modernity. The dual objectives of the maintenance of a distinct cultural-group identity and economic development encompassed within an individual-capitalistic society can be viewed as an irreconcilable schism, a contestation with one eventual winner, or some form of a structural, conjunctural transformation (e.g. Sahlins' *indigenization of modernity* (1999)).

The valuation of Penobscot language in light of both its external political-economic irrelevance and even its internal communication impracticality can be seen as an self-essentializing to maintain an internally-shared, externally-differentiated group identity. The data show that the intersection of this goal against the practicalities of the communities modern condition (e.g. distribution of the population) is objectively failing while a subjectively succeeding in the perception of the tribal members. Within Sahlins’ construct the apparent inanity of maintaining and empowering the importance of a dying language is as much representative of an authentic cultural identity as the existence of a language in communicative practice. In this case the imbedded cultural symbology is not reinforced from within the language’s employment, but rather is now reinforced through the group’s English-language discussion of the importance of this seemingly non-functional communication device. Thus, an argument can be made that the authenticity of culture is preserved even against the strains and
manifested changes of modernization: “in which symbols within their mythology and mythohistoric metaphors become manifest in ritual drama and fuse with quotidian knowledge and pragmatic action” (Whitten, 2008, p24). However, the increasing challenges to maintaining these symbolic threads as the fabric rapidly unravels is also present in these language trends as well as in the conflicting practical manifestations of group participation against the perceptions of group importance.

Even under the assumption and internal tribal desire that this ethnically uniform community primarily consists of strong bonds, there still must be the recognition that these bonds are not perfectly homogeneous or static. There is variation within these bonding network pathways with respect to the level of closure and brokerage that nodes are exposed to based on the structure and on the specific content of the transmissions/interactions, and each specific exchange represents a specific context. So even within this closed, bonded social capital community, the opportunity for and utilization of brokerage activity must be structurally accommodated. The reported lack of extensive group involvement means that the foundational networks are primarily family and established bi-party friendships. This intensification of closure internal to a high-closure environment raises the possibility that echo predominates in the case of injections of novel information and the majority of data is redundant to the established individual knowledge base. The combination of a lack of internal brokerage opportunities and increasing reliance on established close-connection pathways accentuates the strains from an increasing percentage of distributed members with a notable social prioritization of a geographic locale.

The recognized importance of groups and the common comment of a desire for increased social intercourse, points to a recognition that these more expansive network interconnections are important and lacking. Social capital configuration and valuation is still in a state of transition; the recognition of importance of social connection without accessible means of its maintenance is a challenge that will continue. In the absence of internal associational or exchange modes of generation, the reinforcement of social capital closure emphasis continues to be evident. This can easily be understood given the centuries of struggle for survival of the group during periods of direct attack and extreme neglect. This tribal-survival pulse as a key but mono-dimensional force, also explains the growing emphasis (e.g. group importance measures) on means to increase internal connections. A new type of structural hole internal to the community may be forming as a result of modernization through development as there is an increasing confrontation with modernity and trends toward atomization and away from social solidarity. The individual-centric view of modernity as a disruptive force to social
connectedness has a long history in the social science discourse with notable champions (e.g. Marx, Beck). These academic commentaries on the social condition are well represented in commentary from the tribal membership:

- cultural spiritual tradition of tribalism is most important to survival and continuation. Newly residence members - not born and raised on reservation - lean to non-native ways - non-Penobscot. Hence, short cuts to decision making - corrupt tribalism. Newcomers compromise tradition, devalue tribalism. Academics become dangerous when not spiritual - family values - bring traditional/tribal is tribe-family-person/individual. There is no place for personal ego. (survey comment, 2009)

and by observers of the Tribe:

White society supports individual achievement, celebrates innovation and encourages upward mobility. Indian culture is grounded in the idea of community, with decisions made by consensus and the contributions of each member valued equally. (Scruggs, 2000b)

There may be a viable pathway to cultural identity via indigenization of modernity, but it is not without transformational stresses that raise internal questions with regards to cultural authenticity. And this divergence of social intent further undermines the practical measures (e.g. group participation) that are under threat from modernity to collectively navigate this transformation.

7.E.2.d. Social Spheres Present, Managed Alignment  Multiple communities with slightly altered social norms and social positioning do exist within a singular target community. Even if the described community boundaries are generally agreed upon both internally and externally, the risk of optimistic oversimplification is present. In many ways the CDD construct creates a paradox with its geospatial concentration in terms of project delivery and its desired energizing of social connections not tied to the same time or spatial references. There are both potential positives and negatives from this non-conformal overlaying of communities. On the positive side, the resources available for development are also not limited by a time-distance equation from the center of a community, and participation and opportunity expand. On the negative side, the presence of tension between these social spheres may be exacerbated by an unequal development realization across the various community constructs and distribution of effects throughout the membership.

Much of the literature review material focuses on the internal winner-loser paradigm with attributed causation to some level of nefarious elite capture. Indications of elite capture within the Penobscot Nation, either through obvious income disparities or from membership’s self-appraisal, are small. While the occurrence of internally discriminatory procedures and decisions cannot be completely ruled out (e.g. prioritization of limited housing benefits to
friends and relatives), the lack of a universally positive win-win development outcome for all members likely contributes to the continued amplification of divergence among diverse perspectives as a development pathway becomes more concrete. Community Directed Development literature often references the universal acknowledgment of a critical need across the community as a unifying factor that reduces individual or subgroup profit-maximizing strategies for the sake of the greater benefit. Over a development profile, as the indisputable critical needs diminish and focus shifts toward some level of discretion in the prioritization of alternative projects and courses for development, the competition between perspectives increases. Even if the selected course of action provides measurable benefit to all, the relative alignment with desires may shift the assessment from a win-win to a win(more)-win(less), or even to a win-lose condition from some perspectives. Benefits for off-Reservation members, emphasis/de-emphasis on annual trust pay-outs, progressive development versus traditional culture development, are all examples within this case of articulations of competing vectors for development. However, the data show a continued strong support for the Tribe’s development path in spite of a significant offset for members’ own development priorities, pointing toward a mostly positive outlook (i.e. win-win or at least win(more)-win(less)) rather than high levels of internal competition with clear individual winners or individual losers. Adding to this, the lack of self-assessed recognition of similarity between members or frequent associational interaction does not diminish the willingness to contribute to the collective in time of need, quite strongly evidenced in the negative correlation between levels of recognized similarity and participation in tribal community work. The de-emphasizing of individual-centric valuation paradigms can also be seen in the self-referential language used; Penobscot Nation, Penobscot Indian Nation, and Tribe are ubiquitous whereas identification as a Penobscot or Penobscots is only rarely encountered.\textsuperscript{116} From this it would appear that the represented high levels of closure are primarily effected from a top-down valuation of corporate entity creating a valuation of links between individual members rather than a bottom-up coalescing of individual but connected attitudes that create a collective form.

The apparent lack of individual profit-maximizing perspectives does not eliminate the possibility of unbalanced and non-integrated social spheres. That being said, there also does not appear to be an obvious crumbling of social cohesion or trust. Rather than numerous strong bonds holding the collective together, as envisioned in the social capital model, there

\textsuperscript{116} There are key external factors that have likely influenced this word choice. The continued survival under the Maine administration and the key parameters of federal recognition are based on group rather than individual. Regardless of the generation of the term and its conceptual import, it does appear to be an imbedded attribute of the social sphere that links the members.
appears to be an adhesive substrate that serves as a glue; community-wide closure is a uniformly extremely high valuation to the belief in a collective identity regardless of any actual context-specific social structural manifestation. A consensus prioritization framework for managing the interfaces of internal social spheres effectively resolves potential conflict and fractionalization between the multiple community constructs within this case.

Multiple constructs of community internal to the Penobscot Nation community were identified and correlated to variations of perceptions. Given the magnitude of transformation experienced within the collective tribal community over this period, it is remarkable that the strains between these varied social spheres, and the different social roles that members play in each, have not caused fundamental fractures in a comprehensive community identity. The disaggregation of the broader Community does not dissolve its cohesiveness when confronted with contextual re-aggregation. The argument for an ordinal listing of the discussed social spheres was not presented as part of the Community subsection to enable further relevant examination in the Institutionalization subsection. At this point, it is postulated that the consensus process for maintaining Community is based on a prioritization process in the following order: 1) ownership & liability; 2) geographic center; 3) ethnicity; 4) fellowship; and 5) ideal. Figure 7.116 provides a simplistic representation with the Penobscot Nation positioned as the foundational tile with additional constructs layering on top based on relative ranking.

Figure 7.116. Tiling of Social Spheres within the Penobscot Nation (Simplified)

This is a bold claim without much prior discussion on the relative process values between these community constructs, and this is admittedly a largely qualitative assessment
rather than a comprehensive factor analysis. However, the sustained cohesiveness does point toward a consensus methodology for ordering social spheres when in conflict. While it is impossible to determine if the identified social spheres are accurate in their delineation or comprise the full complement within community, the presented order does have a basis in the data to produce a stable cohesive Community with a capital “C.” The extensive weighting by all members given to residency and the geographically identified community construct of Indian Island provides both support for the characterization of a conflict resolution process and as a lens to illustrate some of the ordering. The membership near-universally supports the strong conceptualization of Penobscot Nation with the Indian Island community and its waterways. However, imbedded presence within the community without ownership in the corporation (i.e. non-Tribal members living on Indian Island), is of negligible value as compared to far-flung members. The attribution of effect toward tribalism rather than ethnicity is based upon a lack of strong recognition of individual similarity with others of shared ethnicity, a lack of strong ethnic manifestations in daily life (e.g. cultural groups and ethnic based communication networks), as well as a lack of negative correlations to strength of membership based on demographic indicators (e.g. education, income, employment). This example presents the possibility of a conflicting interpretation and higher valuation of the ethnicity-based construct. However, as ethnicity is not solely the genetic genome or expressed physical phenotype, but rather is also inclusive of behavioral and ontological manifestations, the lack of a consensus characterization (e.g. low similarity recognition amongst tribal members) and the lack of robustly shared traditions (e.g. native language), the nod is given to formal membership as the key factor in this specific instance. This is also supported by the locality figures’ relative magnitude as compared to recognized similarity between tribal members (i.e. shared ethnicity). The lack of extensive associational behavior means that the direct traceable social connectedness is not as much generative of the collective as it is expressive of membership, locality and ethnicity (e.g. the annual tribal cultural event held at Indian Island). This supports it ranking below the other factors, but the high valuation of it in principle (i.e. ‘how important are groups to the Tribe?’) and the high levels of trust afforded community leaders indicate that it has a role in the process. Ranked last in this series is that of a prioritization of community spheres centered on an ideal. The lack of energetic displays of political action, the absence of identifiable slogans

117 This is identified as an exciting opportunity for follow-on analysis and is appropriate for this data set (Muthen & Kaplan, 1985), but the broad scope of this study does not permit every opportunity for increased fidelity of examination, no matter how enticing, to be immediately pursued.

118 See Bussuroy (2011) and Gonzalez & Bennet (2011) for excellent discussions on individual determinants of ethnic identity and solidarity.
or symbols, the ongoing discussion around the meaning of ‘sovereignty’ rather than the collective articulation of an envisioned condition, all point toward a de-emphasizing of unity as a result of a shared ideal. Certainly, the continued survival and existence of the Penobscot Nation is a strongly unifying and oft articulated ideal, but this case shows that it is more often manifested in practical terms (e.g. commodification of culture) that align more with the ownership and liability construct than with an idealized form of the group (i.e. practical focus predominating the determination of form necessary for survival versus the a desired form driving the practical steps of the process). Again, this represents informed speculation rather than a comprehensive model for processing the collective community cohesion amongst multiple social sphere interactions, but the findings here do align with research in Canada that show a suppression of internal social sphere differentiation, not because they are not present, but because there is a greater need for collective cohesion:

So they know cultural division among themselves but not cultural diversity. The diversity is a luxury of those who both know and feel they have a secure identity in the contemporary world of multiple intersections and overlappings. But for the Mohawks of Kahnawake — along with so many other Aboriginal peoples who see themselves as First Nations - it is exactly their identity that first has to be agreed upon and enacted anew, before diversity can be embraced and they let go of their necessarily adversarial essentialisings with their intermecine consequences. (Paine, 1999, pg.344)

Even if the hierarchical predictions are correct, the neat alignment is certainly an oversimplification and with more focused study would likely display more complex distributions and magnitudes:

![Image of social spheres](image)

Figure 7.116. Tiling of Social Spheres within the Penobscot Nation (Simplified)
Figure 7.117. Tiling of Social Spheres within the Penobscot Nation (Complex)

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119 This figure from a case study in Finland was discovered after the creation of the social sphere figures for this paper, but shows a strikingly similar visual articulation of the encountered effective
And regardless of the accuracy of the postulated internal-hierarchical-multiple-social-sphere-management-process, whatever is occurring seems to be working. The self-reported measures for development progress, cohesion and solidarity are positive and largely positively trending, while for the most part the divisiveness of internal difference is minimal and negatively trending.

**7.E.2.e. Maintained Legitimacy** Institutionalization in this case is not primarily manifested through the expansion of existing formal organizations or the codification of informal processes. The shift from a subaltern survival to an empowered development existence represents fundamental changes to collective decision-making that do not clearly align with antecedent processes. The continued reliance on the governmental organization under the leadership of the Chief and Tribal Council, but with a reprioritization of human capital alignment to these positions, appears more transitional than transformational. However, the eventual differentiation between business management and governance structures can also be considered transformational in light of the centuries of a precursor unified decision-making construct. While the extended period of time that it took to effect this change might imply transition, another interpretation is that the delay was caused more from a level of incomprehension of the magnitude of change rather than an incremental maximizing of efficiency or effectiveness. The rhetoric of the last Penobscot Nation election cycle lends credence to this as a fundamental shift in approach. The inclusion of a point to re-implement some of the prior consensus-building approaches by the handily re-elected incumbent demonstrates that a measurable amount of discomfort with the magnitude of change still exists even within the mandate to continue pressing forward with the transformation.

The continued movement toward a rules-based process through institutionalization was expected to cause severe strains and even fractures with those that believed in or benefited from traditional non-institutionalized means. The close alignment between current and desired allocations for internal community decision-making empowerment indicates a high degree of legitimacy in the existing form of governance. The lack of emphasis on rule generation for internal issue processes as compared to institutional effort in managing the interface between external entities and processes is likely a key factor in this outcome. The balancing of overlapping membership in sub-groups:

(Lehto & Oksa, 2003)
The aforementioned hierarchy of processing has been left as an informal social component rather than as an institutional codification (e.g. a constitution that weights members’ on-reservation participation). The challenges of managing the external interface will be discussed at length in the following chapter and are of such magnitude that institutionalized governance during this period represents more a challenging of external authority than of a managing of internal authorities. Within the public record, there is not a lot of evidence of internally divisive issues being acted upon since federal recognition and the Maine Indian Claims Settlement Act. The question still remains of whether the institutionalization across the Penobscot Nation’s political economy through this process is well suited to deal with a highly controversial internal tribal issue (e.g. a member taxation policy) that will fundamentally shift the structure of institutions and process.

7.F. Segue to External

In closing to this chapter, it was the original expectation that the weaknesses and strains internal to the community would be much worse with readily identifiable schisms, and I am truly amazed by the dynamically maintained unity of the Penobscot Nation through this transformational period. While there is much evidence that the community-directed development is overly simplistic and optimistic in its projections, as well as immature in its understanding of its components and their attributable contributions, the recognition that the inherent strength of community is a powerful force that can play a significant role in development is strongly supported thus far by this case. The next chapter examines whether this force of community directed development produces a positive integration with external entities and systems. At the end of that chapter a similar summation and key findings will occur in the same format, but based on this external perspective.

120 The agreement to the Settlement Acts itself is an example of a closely decided significant issue internal to the Tribe. Any resulting divisiveness is more frequently directed outward toward the State of Maine in the belief that it acted in bad faith versus a derision against those who supported its adoption internal to the Tribe.
Chapter 8. External Interfaces

8.A. External Interfaces and Intersecting Social Spheres

Normally within the United States of America, state governments do not have authority over tribal sovereign powers, as demonstrated in the modern era in *California v. Cabazon Band of Mission Indians* (1987) and traceable to the ‘Marshall trilogy’ of *Johnson v. M’Intosh* (1823), *Cherokee v. Georgia* (1831), and *Worcester v. Georgia* (1832). However, in this specific case the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. §§1721 et. seq.) transferred certain authorities to the State of Maine (Chavaree, 1998). This anomaly within United States Native American policy provides an emphasis on the importance of community to regional interface as a part of a community driven development agenda, but retains a level of complexity through a direct federal relationship based on indigeneity. And in this particular case it highlights the challenges of moving beyond the borders of community for internal initiatives as well as the porosity of the supposed boundaries of community self-determination by external activity (Brimley, 2004; Rolde, 2004; Ganter, 2004). Regardless of the formal political strictures of regional involvement, a community does not exist in absolute isolation from its surroundings socially, economically or politically, so an expanding development profile must at some point engage its surroundings; community driven development is not restricted to the internal roadways of a community, but also applies to the community’s journey as it interacts beyond its borders (Dale and Newman, 2008).

The introductory chapters informed the methodological approach in the selection and generation of key terms and concepts for this study. Burt’s functional model of social capital is built on the presence of *structural holes*. This is applicable to the CDD discussion through its grounding on the elimination of obstacles (i.e. *holes*) to permit the natural motivation for development, with *brokerage* and *closure* being the existing and respective potential social resources, to either counter or reinforce these structural holes. The heuristic formation of the term *social spheres* from Bourdieu’s *social space* and Habermas’ *public spheres* was presented to identify and contextually position agents around these structural holes. The preceding chapter, admittedly counter to expectations, did not portray and expansion of structural holes internal to the Penobscot Nation. The multiple social spheres within the collective that constitutes the ‘Penobscot Nation’ were identifiable, but the level of closure remained sufficient over this transformational period to limit divergence (i.e. structural hole expansion) and the need for compensating brokerage across these internal boundaries. While still within the same construct, the following chapter shifts its focus toward the other end of the
spectrum. The social spheres (e.g. the Penobscot Nation and the State of Maine) under examination are not easily envisioned as subsets within an encompassing collective construct. Rather they present themselves as separate and distinct, with an emphasis on boundaries and the specific lack of any mutually agreed upon broader integrating framework. Not surprisingly, this lack of closure means that the social capital discussion shifts from an emphasis on maintaining closure to an appreciation of the presence and dimensions of the structural holes, with a view toward the role that brokerage plays as these obstacles to development are encountered.

Similar to the organization of the preceding chapter, this investigation of external interfaces will examine development, social capital, community and institutionalization. However, this level of inquiry is not robustly supported solely through the use of the questionnaire due to design limitations and the restricted respondent pool (i.e. no external sources). As stated in the chapter methodology, an examination of first-person narrative material, official reports within the public record, and state-wide referenda will serve as the core with augmentation from externally focused survey questions. Within each of these data sources is information relevant to all phases of the discussion, development, social capital, community and institutionalization. Unlike the structured surveys, these sources do not segregate these topics to aid in organization of this narrative. As a general binning, with recognition of significant overlap and indistinct delineations, this chapter will conceptually align the sources under the headings of development, social capital, community and institutionalization. At the conclusion of the chapter key insights will be discussed drawing across all source material.

8.B. Development

![Figure 8.1. Perspective on Tribal Development Path Trends](image)

*Figure 8.1. Perspective on Tribal Development Path Trends*\(^\text{121}\)

\(^{121}\) Previously presented as Figure 7.25.
The above figure shows a strong positive trend in the perception of development internal to the Tribe over this case study’s period of examination. But as discussed at length in the previous chapter, the level of infrastructure and service improvements were, and continue to be, largely resourced through external federal funding specifically targeted for Indian programs. The extent of economic development as illustrated in Figure 8.2. conversely shows a level of stasis rather than progress.

![Figure 8.2. Financial Status of the Penobscot Tribe](image)

With regard to regional integration, which will be the focus of the next several subsections, the lack of movement in outcome trends will be evident. This lack of recorded progress, however, is not a result of a lack of brokerage attempts or opportunities. The following sections maintain a temporal perspective (e.g. a review of referenda over time), but the limited movement along this continuum de-emphasizes the temporal progression with a shift of focus towards the persistent condition and an impact of the structural holes. The first focal point, that of the role of gambling in both the Penobscot Nation’s development and the challenges to regional integration, is a prime illustration of this development discontinuity within the CDD construct as these distinct social spheres interact.

### 8.B.1. Casinos and Gambling

Throughout its history, gambling in the United States has had strong moral implications that continue to play a significant role in its legalization, with votes reflecting social beliefs as much or more than economic or practical civic ramifications (e.g. traffic issues or crime prevention). However, the review of opinion pieces and public marketing campaigns associated with these gambling measures frequently includes all of these components without clear distinction of their relative weights. Loring (2008) does recount a strong moral argument

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122 Previously presented as Figure 7.11.
against gambling during a Maine Senate debate, but in Willett’s review (2010), which included newspaper articles, political speeches, and personal interviews, the prevalence of the immorality argument was minimal and was not the resonating argument in the public discourse. While it likely played a significant underlying factor in many of the negative votes on all Maine gambling referenda, the most clearly articulated accusations of immorality were imbedded through the frequent practice of attaching a moral attribute to the destitution in the current Indian condition: “Indian gaming is not the product of greed or loose morals. It is the product of desperation on the part of Indian people neglected and abused by centuries of federal, state, and local governments” (Fletcher, 2007, pg.83). As the architect of the structural violence of underdevelopment, the immoral ‘abuser’ is the State through its historical policies and continued lack of partnership in more wholesome development: Former chief Timothy Love stated, “We have not reached the point where we can be choosy. Sure we’d prefer to manufacture” (Willett, 2010). Similarly, with regards to discrimination or non-discrimination, it is more frequently articulated in terms of formal political power relationships (e.g. sovereignty, special status, municipalities, equality) by both parties rather than as a form of ethnic discrimination (Lola, Apr 4, 2002, BDN). This is very evident with regards to the State’s reaction to ‘discovering’ that the Penobscot Nation was operating a highstakes bingo operation in 1982. Even though the Penobscot Nation had been conducting some level of publicly accessible bingo since 1973 without a license under the State’s Beano Law, it was determined that their newly defined status as a municipality clearly posited them outside the regulatory categories of either a ‘fair [carnival] association’ or a ‘nonprofit’(Willett, 2010), which was upheld by state court in Penobscot Nation v. Stilphen (1983). Cattelino labels this conundrum the ‘double bind of need-based sovereignty’ explained as:

> American Indian tribal nations (like other polities) require economic resources to exercise sovereignty, and their revenues often derive from their governmental rights; however, once they exercise economic power, the legitimacy of tribal sovereignty and citizenship is challenged in law, public culture, and everyday interactions within settler society. (2010, pg.235)\(^{123}\)

Public opinion and Governor’s office statements justifying these actions centered on equality arguments (i.e. that the Penobscot did not have ‘special status’ with respect to Maine laws) for

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\(^{123}\) There is incredible irony in the identification of the double bind condition at this juncture for the Penobscot’s when their ‘winning through the Settlement Acts’ based on the recognition of sovereignty results in actions that undermine their sovereignty as they attempt to apply it to gambling enterprises. This irony is reinforced since Cattelino formulates the construct from an examination of a tribe (i.e. Seminole) that was tremendously economically successful through gambling rather than litigation and legislation as it applied to the Penobscot Nation.
the next few years whenever the Penobscot Nation made attempts to introduce new legislation to permit their bingo operations (Willett, 2010). In 1985 the expansion of the Maine state-wide lottery to a tri-state jackpot (MaineStateLottery history) may have balanced the gambling equation enough to permit the reinstatement of highstakes bingo on Indian Island, but it more likely was a federal ruling in favor of the Cabazon Band of Indians on the other side of the United States in 1987. The Supreme Court decision did not provide an unquestionable precedence for the Penobscot situation due to the authorities granted the State of Maine within the Maine Indian Claims Settlement Act. However the combination of two considerations in the court’s opinion, the existence of licensing of non-tribal gaming enterprises within the state and the economic importance of this revenue stream to Native American tribes:

_The federal interests in Indian self-government, including the goal of encouraging tribal self-sufficiency and economic development, are important, and federal agencies, acting under federal laws, have sought to implement them by promoting and overseeing tribal bingo and gambling enterprises. Such policies and actions are of particular relevance in this case since the tribal games provide the sole source of revenues for the operation of the tribal governments and are the major sources of employment for tribal members. (CALIFORNIA v. CABAZON BAND OF MISSION INDIANS, 480 U.S. 202 (1987))_

was a definite challenge to the State of Maine’s stance. The weighting of the interpretation that the change was more a result of the pressure from the federal decision rather than a view of equal access to gaming profits from bingo-lottery level gambling, is based on the pattern recurrence when stakes are elevated to casino levels (e.g. slot-machine and table games) in addition to continued statements of ‘not believe in differential treatment’ by state officials as late as mid-1985 (Willett, 2010).

The federal Indian Gaming Regulatory Act of 1988 provided authorization for extensive gambling opportunities for federally recognized tribes. The successes of several Tribes utilizing gambling as a primary source of economic development has sometimes produced incredible results, such as the Seminole Tribe of approximately 3500 members that opened casinos in Florida and expanded these into resort complexes with revenues that permitted the recent $965 million dollar acquisition of Hard Rock International (Cattelino, 2011). However, this opportunity was not available to the Penobschts as the State of Maine’s interpretation that the negotiated wording of Settlement Act specifically excludes its applicability to Maine Indian tribes. The State’s ruling was upheld in Passamaquoddy Tribe v. State of Maine (1995). Therefore, any casino gaming would require approval through Maine statute. Under this process, Figure 8.1 does not provide clear indication of non-differential treatment, however, the
escalation of gambling levels has been denied to Tribes while permitted to commercial corporations.

<table>
<thead>
<tr>
<th>Year</th>
<th>Referendum</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>&quot;Do You Want to Allow a Casino to be Run by the Passamaquoddy Tribe and Penobscot Nation if Part of the Revenue is Used for State Education and Municipal Revenue Sharing?&quot;</td>
<td>Yes: 170,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No: 346,583</td>
</tr>
<tr>
<td>2003</td>
<td>&quot;Do You Want to Allow Slot Machines at Certain Commercial Horse Racing Tracks if Part of the Proceeds are Used to Lower Prescription Drug Costs for the Elderly and Disabled, and for Scholarships to the State Universities and Technocal (sic) Colleges?&quot;</td>
<td>Yes: 272,394</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No: 242,490</td>
</tr>
<tr>
<td>2007</td>
<td>&quot;Do you want to allow a Maine tribe to run a harness racing track with slot machines and high-stakes beano games in Washington County?&quot;</td>
<td>Yes: 130,164</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No: 142,458</td>
</tr>
<tr>
<td>2008</td>
<td>&quot;Do you want to allow a certain Maine company to have the only casino in Maine, to be located in Oxford County, if part of the revenue is used to fund specific state programs?&quot;</td>
<td>Yes: 333,685</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No: 389,251</td>
</tr>
<tr>
<td>2010</td>
<td>&quot;Do you want to allow a casino with table games and slot machines at a single site in Oxford County, subject to local approval, with part of the profits going to specific state, local and tribal programs?&quot;</td>
<td>Yes: 284,934</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No: 280,211</td>
</tr>
</tbody>
</table>

Figure 8.3. Gambling Related Referenda

Another possible interpretation of this table is that timing rather than the specific casino operator has been the primary factor in casino gambling record, especially over the last few years:

> Maine voters have been consistent on this issue, but the pin is moving," Cashman said late Tuesday. "People are warming up to the idea of gambling, in part because of the economy but also because Hollywood Slots [the first foray into casino-style gambling in 2003] has been so successful." (Russell, 2010)

Even if this is the case, and even if political special status or racial discrimination was not the cause of the tribes’ denial, the reinforcement of the existence of structural holes in both of these areas remains:

> But tribal members can’t help but feel resentment that they can’t build a casino when others can, Mitchell said. “We’ve lived through so much adversity, put up with so much racism and discrimination – economic discrimination – that we’re numb to that sort of thing now,” he said. (Canfield, 2008)

A reading of the final wording of the law signed by Governor LePage in July 2011, does include economic gain for the Penobscot, as 4 percent of the net profit from slot machines will be distributed to the Passamaquoddy and Penobscot Tribes. The lack of celebration over this ‘gain’, however, can be attributed to the tempering effect of the loss of any profit from other
gambling or resort income, as well as the perception of disempowerment and discrimination. Rather than an effective independent economic brokerage for the Tribe, rather than a successful economic brokerage for the Tribe and State, rather than a process that moved toward closure, the gambling has instead served thus far more as a dividing force that has increased the structural hole between the Penobscot Nation and the regional government. While there are certainly structural components at play (e.g. economic, legal, political), it also appears that the non-cohesion between the multiple social spheres within the broader Maine collective is significant, as seen here through the reverberation of a negative echo:

*When the tribe brings up something like this [gaming] you will have a group of people saying, “Special rights, special rights. Why should they get special rights?” We are looking at this as a business. When other organizations put forth this [gaming], they are not saying special rights. It’s only because we are Indians, they say we want special rights, but we are going about this just like everybody else.* - Donald Soctomah (Willett, 2010)

The presentation of the above quote as a form of negative echo is in both directions. The direct reading of the text is a record-supported appraisal that ‘special rights’ is almost a default response without due consideration that Indian involvement could be on equal terms. But the assertion that they are denied from proceeding ‘just like everybody else’ might also be interpreted as a form of echo, as an assessment to discrimination as the cause without objective processing of the data. The 4% profit to the tribes from the slots at the approved commercial casino is a special earmark. And the call for the next generation of casinos by a Maine Indian tribe certainly does not project an image of ‘just like everyone else’:

*Money generated by the casino would help the Passamaquoddy people provide schools for their children, where the Passamaquoddy language will be taught and cultural arts, ceremonies and ways of life will be honored. A casino could also help support cultural arts and tribal events that are open to the public.*

*The Passamaquoddy people are proud of their heritage and traditions and want to share it with others. If Maine people vote in favor of this casino proposal when it appears on the ballot, the entire region will benefit. It will be a win-win situation for Maine and the Passamaquoddy community. It is time for Maine to start supporting economic development in Wabanaki tribes. In giving something back to the Passamaquoddy community in Maine, we will receive something invaluable: a chance to preserve the culture and heritage of the proud Native American people who still call this place home.* (Sand, 2010)

This quote deals specifically with the prospect of a Passamaquoddy casino. However, the internal reference to the broader Maine Indian economic discrimination (i.e. Wabanaki tribes) is demonstrative of the shaping of communicative perspective that supports the respective forms of echo in both the tribal and non-tribal populace. While economic necessity plays a significant
role for the Penobscot Tribe, the State of Maine and the people of Maine and in their mutual and respective dialogues on gambling, it does so more frequently as a point of separation than as a form of closure.

8.B.2. Business Engagement

In the preceding chapter there was an examination of the short lived and ill-fated collaboration between the State and the Penobscot Nation business enterprise PINRx. While its focus was on the riskiness and targeting of the margins that was a prominent feature of tribal perspective, it provides an equal insight into the types of endeavors that the State considers appropriate to pursue with the Penobscot Nation. As an initiative to by-pass traditional public goods delivery costs the Governor pursued and defended it:

"The state has a Medicaid mail order program, and they've been doing it very successfully. The state has saved $268,000. We've done 6,000 prescriptions. So it has nothing to do with the state's business and the state's Medicaid mail order business they've been doing. It's a separate entity. And it's being reviewed by the state Board of Pharmacy," he said. (News 8 WMTW, 2007)

But even in the early days of its operation, before the Pharmacy Board and criminal investigations, some of the reaction was less than enthusiastically positive:

This isn't right. The penobscots' are doing an end around. Maine should not allow this kind of "special" treatment. The article quoted the Penobscot rep saying something like "This is just business, and we're making out."

That's crap, I'm tired of the Indian tribes getting (sic) break after break because we Mainers think we owe them something... They are taken this train too far!!! All around the country Indian tribes are playing this card and making a [k]illing(sic) at doing so. As for Baldacci, he's drowning in his own democracy. He's hoping this tidbit with the indian will save face... Not....(Your Maine View, 2005)

The criticism of Baldacci is in the face of his economic gambles to support his political position. Yet in comparison, he gets off lightly for envisioning a mutual development initiative with Indians. The clear lack of closure across major portions of the population with regards to a conceptualization of economic bridges across the 'special' status does not bode well for a smooth path to integrated regional development.

Indeed, as will be seen in the following examinations of Maine legislative focus with regards to the Penobscot Nation and the Maine Indian Tribal State Commission there is a marked absence of economic development discourse. This is not a result of topical selection in the review, but rather the paucity of dialogue:

"We needed to leverage some finances and create opportunities," Cleaves [Passamaquoddy Pleasant Point Chief] said. "But the opportunities that have been
there haven’t materialized. We haven’t created any real economic relations with the state. We’ve tried everything possible.”

Francis [Penobscot Chief] said the millions of dollars provided to purchase land were a mirage. Although much of the land remains owned by the tribes today, the chief said the act “provided a tool to put up economic barriers.” (Russell, 2010)

Even when the foundations are set for it, such as in the stated original intent for the inclusion of ‘municipality’ language into the Settlement Acts (TSWG, 1998), the persistence of active structural holes in regional economic development is frequently overshadowed by the political structural holes and their corresponding brokerage endeavors and failures. One reason for this may be a severe limitation to the lack of initial closure to facilitate examination and exploration of economic brokerage opportunities. The unique status of the Tribes does not directly conform to private industry, non-profit organization or governmental revenue generation mechanisms. The unique development intervention of the Settlement Acts and of Federal Recognition creates a unique economic construct for the Penobscot Nation that does not transition well to the regional context. Given these challenges in communication, the lack of a clearly articulated joint development plan means that each initiative requires extensive focus on the context rather than being able to immediately focus on the opportunity.

8.C. Social Capital
This next subsection will focus on the published memoire of former Representative Donna Loring during her time in the State Legislature as well as the records from the Maine Indian Tribal State Commission. Both of these sources, and the topics discussed therein, are focused on institutional process and interaction, and could just as readily be discussed under the institutionalization subsection (8.E). The material is presented in this section due to the analytical focus on these documents being the interpersonal connections and their role and valuation. Specifically, both the Legislature and the Commission represent social spheres for their membership, but as representatives of a group, populace or political party these individuals also operate within, outwardly express and dynamically manage their respective multiple social spheres. It is the intersection of these social spheres, albeit within an institutional setting, that dominates the analysis.

8.C.1. Individual Engagement as a Collective Representative
Permanently emplaced tribal representatives in the state legislature is unique to the State of Maine. Indian presence in the Maine legislature has a long history, but there is also a long history of the Penobscot Nation’s absence from the floor of the legislature. The most recent removal from representation in 1942, and it came right on the heels of the close
passage of L.D. 188 to give Indian Representatives actual ‘seating privileges’ in 1939. Almost as retaliation for the attempt, Public Law 1941, ch. 273 An act relating to Representation of Indian Tribes at the Legislature was enacted that changed the provisions from being “to the Legislature” to being “at the Legislature,” which paid a stipend for being at the State Capital but not entry to the House. In 1974 a House rule granted seating privileges, which re-opened the door and expanded their formal status (Starbird, 2011). Presence, however, is not synonymous with formal voice or vote. The determination of the “privileges of the Indian Tribal Representatives in the Maine Legislature are contained exclusively in the rules of the House of Representatives,” so even with the expansion of authority afforded the Indian representatives, such as the ability to sponsor legislation specific to Indian topics and co-sponsorship of any legislation, there are still significant institutional limits (Me. Op. Atty. Gen. No. 99-1). Indian representatives do not have a floor vote in the house, and there is no representation in the Senate. The formal limitations also extend to the informal processes of lawmaking (Loring, 2008).124

8.C.1.a. Social Capital as Legal Tender The Penobscot Nation’s representative to the Maine legislature for eight years was Ms. Donna Loring, and she chronicles this experience in her book, In the Shadow of the Eagle (2008). She shared the title of “Representative” with 151 other Maine House members, but the responsibilities and authorities were significantly different. Within the Maine State Constitution, the House provides representation from geographically compact districting based on criteria to achieve “as nearly as practicable equally populated districts.” (Maine Constitution 2006 assemblage). This populus representation generally provides like levels of aggregation to culminate into a single vote in the House chamber of a bicameral legislative structure (Maine Government, Legislature, 2011). The institutional setting of making laws is also, itself, governed by rules and procedures. As such, there might be a perspective that social capital is not a form of currency at play amongst the elected, that formal process supports a vote based process that in its pure form is a non-exchange format (Buchanan & Tullock, 1974 ), or in its practical application as a

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124 This section is largely an examination and deconstruction of a singular work, Loring’s Shadow of the Eagle, so noted attributes or statements will be annotated by page number. As an extended purposeful dissection of this valuable work, the reader is encouraged to consult the text in its entirety and not assume that this presentation covers the complete narrative or intent. Specifically, the deconstruction of text does not accept the narrative voice at face value, and creates a new sub-narrative or even a counter-narrative that should not be solely attributed to Loring, despite the referencing convention of the targeted text. This external manipulation of the text is executed with incredible respect for Loring’s work and her willingness to place this narrative in the public domain. There are also instances in the text where she recognizes the risks involved, so the hope is that this discussion is viewed as a constructive expansion of her work rather than as an insult or attack.
marketplace revolving around political capital (Casey, 2008). Whether it is from an existing social network exchange marketplace, or whether from the anomalous form of representation from the Indian tribes, Donna Loring’s narrative is replete with social interactions and their employment as capital.

While government and bureaucratic agencies are generally not considered entrepreneurial, at least in the same sense of the for profit marketplace in which Burt’s construct was created, the legislative branch’s ability and charter to create law is a leading edge brokerage opportunity in a development context. While not exclusive to prescription, the majority of laws are restrictive and limiting of action rather than power conferring (Coleman & Leiter, 1996), but involvement in shaping those restrictions is a potential competitive advantage for development and expansion. And there are activities (e.g. fiscal appropriations bills) that are generative of action versus restrictive of action. Representation in this forum can therefore be viewed as an expansion of brokerage, of opportunities to bridge across multiple structural holes. Loring recognizes this early on in her tenure as she quickly learns:

One of the most important lessons is that politics are fluid. What might be of crucial importance to me one day may not be so the next day or the next week or the next year. A legislator may be my worst enemy on one issue, but my biggest supporter on another. Representatives or senators that I did not like for one reason or another I later came to not only like but respect. “(page xxxii).

What is also evident in her recognition of multiple structural holes and multiple opportunities, is her belief that social capital plays a role in brokerage. Note that as a precursor to ‘support’ is ‘respect’, and a precursor to ‘respect’ is ‘like’. The emphasis on the social aspect of brokerage may be as a result of the lack of political capital afforded the Indian representatives in formal legislative process. But as Loring further observes, this time in the recognition of a denial to brokerage opportunities, there is a large social component in the political marketplace:

The two Indian representatives are treated cordially but when most bills are being discussed, they are discussed and decided upon in little groups and in small corners of the Statehouse. Indian representatives are not usually included in these discussions and are for the most part invisible bystanders. (ibid).

Cordiality as social protocol is not enough, a true relationship that supports huddling together and intimate communication requires sociality within an associational setting.

The mere presence of, or even the requirement for, sociability does not necessary prove that social capital exists (Lewandoski, 2007) or is a recognized form of currency in a setting. Loring’s recording of an exchange and brokered deal with Senator Benoit clearly
illustrates the valued capital that accompanies and interacts with social and political spheres (pgs 4-6). In this instance, Senator Benoit was already on a path to expend social capital that he had accumulated, as a retired judge and a sitting senator, he had established networks and an existing stores of capital, both political and social. Senator Benoit’s ability to have editorials printed in the press is a form a brokerage across the structural hole of access to a distributed audience, and he informed Representative Loring of his intent to do so with regards to the Offensive Name proposal that sought to address the inappropriate[d] utilization$^{125}$ of the term ‘squaw’ in Maine. The printed communication was intended to be a political act, and one not favorable to Loring’s position, but the advance notification of intent was as a social act. In turn, Representative Loring utilized her social capital within the social sphere of the legislative brotherhood. The term ‘brotherhood’ with its gender inappropriateness in this situation is utilized intentionally to acknowledge both the commonalty and the disparity in their connection. But even as a fresh Indian Representative without a vote, the network connection in this context was sufficient to serve as a social bonding link of sorts, even with the recognition of a political perspective structural hole. Using her social capital, in the form of an interpersonal communication with Senator Benoit, she was able to alter his perspective, which in turn had statewide network implications through the adjustments to his application of social capital (i.e. the ability to have his editorials published).

Employment of social capital approaches are numerous throughout Representative Loring’s narrative. If there is any question about social capital at play and multiplicity of social spheres within which it is utilized, the following excerpt should dispel all doubts:

I had dinner with Representative Jane Saxl (D) from Bangor and a few others. Jane is termed out in the house but is running for a senate seat. I gave her a copy of the study. She said she will be talking to her son Mike, the future speaker, about the study and some of the other things we discussed, such as the relationship between the state and the tribes and why there is such mistrust between the two. We talked about my summer projects…. (pg. 67)

Informal setting goes beyond the communal table and extends to the positional authority of the key actors; Representative Saxl and Representative Loring were non-voting members at this point (term-limit and Indian Representative, respectively). The initial closure is reinforced by shared gender, and serves as enough of a foundation to attempt bridging exchange. In this particular case, the brokerage attempt is clearly highlighted through the insertion of the ‘copy of the study’, a formal non-social element. But the nature of the exchange immediately transitions

$^{125}$ A further discussion in this chapter will expand upon the concept of ‘appropriate[d] use’ in terms of cultural symbols and language.
this portion of the bridge into a social connection (‘talking to her son Mike’) to connect to a structural foundation (‘future speaker’) to potentially span\textsuperscript{126} the structural hole of the troubled relationship between tribes and the state. And while the effectiveness of this approach in terms of informal relationships or in terms of formal outcomes (e.g. laws) can be debated without a clear answer, there are some clear examples of institutionalization of the social-capital laden processes since the reseating of the Indian Representatives, such as the ability to sponsor Indian legislation, co-sponsor all legislation, offer amendments on the floor, and vote on committee (Loring, 2008).

8.C.1.b. Recognized Similarities as Pre-Brokerage Closure; Recognized Dissimilarities as Pre-Brokerage Structural Holes  

The presence within the entrepreneurial forum of the legislative body, and the contextual circumstances that limit the available forms of capital for the Penobscot Nation in this marketplace, appear to support increased opportunity within Burt’s social capital brokerage construct. However, the significant differences between the numerous community definitions, the multiple social spheres, at play in this forum also illustrate the importance of closure, or lack thereof, to the employment of social capital. Referring back to a portion of an early quote from In the Shadow of the Eagle, “Representatives or senators that I did not like for one reason or another I later came to not only like but respect” (pg xxxii), the use of the word ‘like’ is significant. In the intended form\textsuperscript{127} the word is based on an appreciation of, an ‘attraction to’. However, if attributed its comparative connotation, the word ‘like’ means that any potential for ‘respect’ and follow-on exchange is based on some level of similarity, some level of pre-existing closure. This is certainly a deconstruction of the presented text, but the importance of likeness, commonality and closure is repeated throughout the narrative. From her initial entry into the legislative community, she aligns with and notes similarities:

I know now that I was fortunate to be elected at a time when Elizabeth (Libby) Mitchell, Maine’s first woman speaker, presided over the house and Joseph (Joe) Mayo was clerk of the house. They, along with Passamaquoddy Representative Fred Moore, and Representative Joe Brooks, helped me a great deal.(pg. 1).

This identification of mentors specifically brings attention to shared traits of gender, ethnicity, and trailblazer status that aligns like-attraction to like-similarity.

Even in the face of opposition, her processing leads her to an expectation of recognizable similarity:

\textsuperscript{126} 'Potentially span’ is relevant as latter sections in Representative Loring’s work question the support and connection with Mike Saxl during his tenure as Speaker.

\textsuperscript{127} The determination of intention is based upon its syntax
Paul Stern, who is from the attorney general’s office, are in league on this one. Paul Stern, a staff person from the Longley years, is famous for not giving an inch to any tribal issue. One would thing that Mr. Stern’s Jewish ancestry would help him understand issues of abuse and oppression (pg. 17).

This should not be viewed as solely an idiosyncratic trait of Representative Loring, as a cultural expression of her ethnicity, or even survival strategy of a subaltern class. It may be all of these to some level, but it appears to be more of a universal trait in practice: A Democratic senator, Anne Rand, was not much in favor of giving us anything. She finally, reluctantly came around, but said “I’m not voting for anyone who didn’t get here the same way I got here”, alluding to the Indian Representatives not being selected through the general election (pg. 10). The absence of recognizable shared social sphere has implications to even the possibility of closure.

Not only is this perspective internalized rationale that sometimes slips out, there are instances when Representative Loring actively seeks to highlight or establish this as a form of closure, as evident through these excerpts of an encounter related on page 33:

“Oliver is a new hire fresh out of law school. He is an African American, has a lot to learn about the Native American culture, and is usually the one that the AG sends to our meetings. I like Oliver and think that he usually gets it. 

.... And, “I told Drew and Oliver that I found Paul Stern’s strict stance toward the tribes puzzling—maybe if he remembered how the Jews were treated in Nazi Germany during the Holocaust, he would be a little more understanding. They found the comparison a bit extreme and that caused a little laughter.”

The initial introduction follows the same pattern in both the recognition of the minority status and the ‘fresh’-ness of their mutual participation in the government. And while this level of closure is ‘usually’ enough to permit brokerage across the structural hole of “has a lot to learn about the Native American culture,” it has definite limits. It is hard to imagine the laughter recounted here as social bonding through a shared joke, as it more likely represented an unshared perspective resulting in an uncomfortable social exchange (i.e. the oxymoronic “bit extreme”). This particular attempt at brokerage, to try to facilitate a change in the Attorney General’s Office’s stance on Indian related legislation and legal interpretation, sets its foundation on the anticipated closure from a shared bond of genocidal minority oppression. The proposed solution is through pointing out an overlap of social spheres (e.g. co-existence in the sphere of oppressed minority; recognition of oppressing nature of majorities; equal status of the individuals within the institution) to highlight commonalty. But differences between the individuals’ relative weighting of the force and importance of these and competing social constructs (e.g. active participant in a majority rule institution) create a disconnect and emphasize the structural hole rather than producing any movement toward closure.
Even when not trying to identify with others through ethnic or religious affiliation as a subaltern minority, Representative Loring is repeatedly amazed and frustrated by the lack of awareness and acknowledgement of the historical oppression of the Penobscot Tribe (e.g. pg. 93, 111, 193). Her hope is that this gap can be overcome: “through communication and education, the State of Maine will recognize and reconcile its past injustices and move forward to develop a beneficial partnership with Maine tribal governments.” (pg. xxxiii). Embedded in this positive outcome closure, are preconditions that at least initially require a focused recognition on separation and the acceptance of responsibility for the negative impacts of that separation. Even if the lack of conscious recognition by members of the majority is due to ignorance rather than avoidance due to some past complicit participation, the effort involves confronting unpleasantries that are not self-evident or experiential in their social context. The process of trying to achieve the closure of the structural hole resulting from the lack of a recognized shared history, could backfire as the shared history is of separation and distrust. Even a shared recognition of a painful past may not be sufficient to provide closure as it will only highlight the expectation for, and the inadequacy of, an apology; shared recognition does not necessarily equal reconciliation (Barken & Karn, 2006). However, it is also important to illustrate that the possibility of closure, in spite of a required painful phase of highlighting the true separation of diverse social spheres, can sometimes be actualized:

Chief Brenda Commander [Maliseet] gave a very stirring and emotional presentation. She mentioned how years ago her tribe had built shacks on the only land they were able to occupy, near the town dump. Then the town of Houlton bulldozed the tribe’s tarpaper shacks, without warning and in the middle of winter. She was more detailed and emotional than I can convey here. Many of the Maliseets who were at the hearing were in tears, remembering how the town of Houlton had treated them and still treats them.

I think every single one of the committee members was won over, including Senator Benoit, who promptly put Representative Sherman in his place, saying he didn’t care how the bill got before the committee, he was going to look at its merits. I know this doesn’t sound like much, but Senator Benoit is usually one of our biggest foes. (pg. 19)

As a note of caution, however, the emotional connection and resulting closure in this instance, may be the exception rather than the rule. In this case, its success might have been enabled because of self-distancing opportunities (i.e. the narrative related a bounded event in a specific time and place not overlapping with the audience members’ participation) and the ability to externalize the blame through a scapegoat ‘other’ (i.e. admonishing Representative Sherman).

Possibly more important than a shared perspective is a shared emotional connection. Once established and socialized through public displays, its strength in impacting structural,
institutional brokerage is related multiple times in Loring’s work. This example clearly illustrates both the power of the connection and the gap from non-connection across social spheres:

Sen. Bennett cried in the Senate [about the potential impact of legislation on his community]; his show of emotion was worth more than all our generations of grief and mourning combined. They heard him, they honored him and we were left with nothing but another broken treaty.

What about all the years we cried and begged and pleaded in those very halls for our lands? We did not get the respect and honor due us as a people -- a people who have been slandered, cheated, abused and murdered for our resources and our lands.

(Loring, 2008, pg.59)

The internal personal experience expressed publicly by multiple individuals not only illustrates closure around a topic, but a level of closure within the structure of the gathering; it illustrates insiders and outsiders.

8.C.1.c. Embeddedness: Sleeping with the Enemy? A Necessary Cross-Social Sphere Strategy? The Outcome of a Shared Bed? The initial assumption is that an individual Representative is an actual representative of the collective. In this case, the initial assumption is even further refined as the individual Representative is closely bonded to the collective’s members. Taking the results from the previous chapter, these assumptions appear valid. While this level of tribal embeddedness means that Loring’s motivations are truly representative of the Penobscot Nation, this level also produces a strong level un-embeddedness within the legislative body. Not only is she different (as shown above) she is often against. Throughout her entire tenure both her difference and contrary perspectives remain, but over the course of time a level of embeddedness in the social sphere of the statehouse becomes more evident. The legislators laugh and cry together, suffer and celebrate together, at least on occasion. Even as an outsider to a significant degree on both structural (non-voting) and social (cordial but not amicable) levels, it is evident within the narrative that Representative Loring does develop bonds and reside within the particular form of ‘coffee house’ social sphere that exists within the State House that include laughter and tears based on deeply personal feelings of connection and compassion (pg. 118, 164).

Representative Loring, recognizes this herself as she notes that the social bonds created through the structure of the Judicial Committee and the emotional investment of its members is similar to, but distinct from her tribal connections:

I went to the hearing, where there were two bills to be heard before ours [Penobscot 20-year extension on trust land acquisition]. The first one up, and the one getting the most publicity, was an act to remove the statute of limitations on sexual assault. (This was a direct result of the sexual abuse that took place at the Baxter School for the Deaf over a decade ago.) Penobscot Nation Council members and some staff were
waiting for the public hearing on my bill, and they had to listen to some pretty rough testimony while they waited. It gave them a glimpse of some of the horror stories we hear in our committee every day. At one point during a young man’s testimony Senator Longley started to cry, as did few others on the committee” (pg. 35-36).

This is also recognized externally. When Representative Loring cautioned against a specific strategy based on her concern that it might insult the significant egos of some legislators and therefore not be considered for its merits, the issue of her contextual identity and bonds was noted:

_He [Greg Sample, a Passamaquoddy] made the comment that my own ego must be just as big as everyone else’s because I was a member of the legislature as well. He laughed and then told me my face was turning red. I replied I didn’t think so._ (pg. 36)

Loring’s contestation that her level of personal affiliation within the institutional context was of only a limited level with the main purpose of effecting brokerage rather than establishing a robust, enduring component of her personal identity is substantiated through the sheer dominance of her pursuit of pro-Penobscot and pro-Indian legislation throughout her legislative tenure and her memoire. Recent work points to the predominance of cultural distinction mechanisms based on occurrences of negative encounters with the majority as stronger in identity formation over cultural conformity mechanisms resulting from positive demonstrations of shared traits (Bisin et al, 2010). If this is true, Representative Loring was in no real risk of losing her identity (or ability to represent a collective identity) through her emplacement in the legislative; the instances of internally and externally noted difference and negative response far outweigh the occurrence of inter-legislator connections dissolving obstacles.

While there was a predominance of recognition oppressive and exclusionary components in interactions compared to examples of seamless integration and shared perspectives, sociability does happen and social capital can be generated from it. The instances of demonstrated embeddedness, and the acknowledgement of connections through these, were often more effective than rational argument or looking for common ground. Feeling common ground prior to undertaking a potential exchange’s arbitrage is a key indicator for success. And when embeddedness is effective, it appears to be based on the latter two conditions (i.e. a strategy of similarity seeking, sociability from a shared bed) rather than out of political necessity (i.e. sleeping with the enemy because ‘politics-makes-strange-bedfellows’). In this specific community of interest (the State Legislature) there are still notable differences between the social spheres and limited avenues for even finding a common recognition of the structural holes between them, let alone coming to agreement on the design and level of effort
As representative of the Penobscot Nation to the Maine State Legislature, I represent a political bridge between the State of Maine and our tribal government. It is not an easy task. (pg. 99)

8.C.2. Sociability within an Institution vs. an Institution for Sociability

8.C.2.a. Establishment and Purpose of the Maine Indian Tribal-State Commission (MITSC) For purely practical reasons, such as its charter to document in reports (30 MRSA §6212, 1979), its bylaws that provide for public access and written minutes (MITSC, Bylaws, 2006), its theoretical non-partisan voice based on a balanced composition of its members (30 MRSA §6212, 1979), the MITSC provides a centralized repository of topically relevant information with regards to group relations, both internal to this commission and as issues between the Tribe and State are discussed and recorded. In addition, the institutionalization over time and as a result of social capital just mentioned above in terms of the legislative representation, is in direct contrast to the formative process of the MITSC which first institutionalized a forum from which social capital was expected to develop.

"AN ACT to Implement the Maine Indian Claims Settlement."

Responsibilities. In addition to the responsibilities set forth in this Act, the commission shall continually review the effectiveness of this Act and the social, economic and legal relationship between the Passamaquoddy Tribe and the Penobscot Nation and the State and shall make such reports and recommendations to the Legislature, the Passamaquoddy Tribe and the Penobscot Nation as it determines appropriate. (30 MRSA §6212, 1979)

The commission does have specific tasked authorities (e.g. fishing regulations), but many parties, and the MITSC itself (Bisulca, 2007), ascribe the most important responsibility, and the least defined, as that which pertains to the State-to-Tribe relationship:

Libby Mitchell tell us what you envisioned with mitsc?
John Paterson we didn’t exactly know the purpose behind it. -- the idea was to have a forum it had some discrete powers it had some specific powers with respect to fishing and gaming regulation on defined territories -- beyond that I think the goal was to have a forum in which issues could be aired (TSWG, 2008, pg.9)

Given the positional authorities of the individuals within the commission and the positional authorities of those with whom the socializing is occurring, the reliance and emphasis on social capital exchange is immense. In this self-assessment, these informal education activities were
valued to the level that they formed two-thirds of the justification for continued effort when confronted with multiple formal institutional failures:

MITSC members explored what would happen if there were no MITSC:

⇒ The State and Tribes would lose an effective mechanism for working together at the technical level (e.g. fisheries management and enforcement.)
⇒ The capital area’s only informal information and referral mechanism for information about Maine’s Tribes would disappear.
⇒ MITSC would not be available to help generate support for initiatives to educate non-native people about the Wabanaki. (MITSC, Year End, 2000, pg.17)

8.C.2.b. Effectiveness of the Maine Indian Tribal-State Commission (MITSC) The record on these social capital dependent processes, however, varies between ineffectual to abysmal, but with little incursion into the positive:

As a result of the 1980 Maine Indian Claims Settlement Act, the Passamaquoddy Tribe and the Penobscot Nation have a special relationship with the State of Maine. The relationship between the State and these two Tribes, in particular, is an uneasy one and is growing more so every day. Some people believe that the Act is clear and resolved many tribal-state conflicts; others heartily disagree. The State of Maine and the Wabanaki are at loggerheads. (At Loggerheads, 1997, pg.iii)

Baldacci stated at the May 8, 2006 Assembly of Governor and Chiefs:

“While we are doing what we are doing, we need to create a new foundation for us and future chiefs and governors. I don’t want to go to court. I want to get the relationship to a point without fear of what people are doing, why they are doing it.” (TSWG, 2008, pg.iii)

In these two assessments, ‘unease’ and ‘fear’ seem to be the key defining terms in the ‘special relationship’ between the State and the Tribes.

The two excerpts above were taken from two of the periodic directed assessments and explorations into the deteriorating relationship. This assessment was based on a review of the MITSC’s internal activities and evaluations of external indicators (e.g. legislation and litigation) for the period 1983-2008. Not only does it note a definitive lack of closure, it points to a negative trend that is increasing separation. Since the MITSC is charged with ‘continually’ reporting on the status of the relationship, there are numerous reports over the years from 1983 (“Being Taken Seriously—MITSC needs to figure out how to be taken seriously by decision-makers”) to 2008 (“Tribal-state relations, after experiencing a positive two-year trend of improvement, precipitously plummeted in April 2008”). While it is an oversimplification to say that they all say the same thing, they do in fact all say the same thing. If there is a discernable

128 While this study’s focus and arguments highlight the social capital component, it should be recognized that the assigned responsibilities with informal authorities are not necessarily exclusive to social interaction. The membership of the committee
difference from year to year, it appears most frequently in the tone of the preamble. Occasionally, there is an element of hope: e.g., MITSC members have welcomed his participation and hope it leads to a stronger relationship between MITSC and the Department of Attorney General (MITSC, *Year in Review*, 1999); but just as often a lament of despair: e.g., The year 2000 also included many major disappointments. These rocked not only MITSC, but also the broader relationship between the State and the Tribes (MITSC, *Year in Review*, 2000).

**8.C.2.c. Open or Closed Book; Purpose or Waste of Time.** Burt’s social capital model was initially built upon his recognition of structural holes (1992), so any potential application would likely require the presence of such a gap. While the comments presented above certainly illustrate separation, delving further into the documents illustrates that there are fundamental differences in the location and source of the structural hole. Did the *Settlement Acts* effectively close a structural divide or were they discrete bridges that permitted limited exchange as a first step toward further reduction? From the numerous earlier quotes there is still an obvious structural hole in some form, and any bridging thus far remains a bridge as there is the hole remains ‘active’ in its resistance to closure by all parties. But the nature of the hole still debatable: a remnant of the historical separation that is potentially mending at a historical (e.g. multi-generational) pace; a created hole by the refusal of the Tribes to accept the agreed upon settlement (Scruggs, 2000); or, an informal-to-formal institutional mismatch. An exploration of this question was directed by Governor Baldacci in his establishment of the Tribal-State Work Group to “study differences in the interpretation and understanding of the Settlement Acts (EO 19 FY 06/07).” In execution of this directive, the TSWG conducted interviews revisit genesis of the Settlement Acts’ language. The testimony of former ranking participants of the negotiations, as well as comments from TSWG members present, all point toward an expectation of a dynamic relationship with an ongoing discussions that represent an on-going negotiation and investigation of development opportunities:

> Contrary to what some people have asserted for the past two decades, the negotiators themselves designed MIA [Maine Implementing Act] to be a dynamic, living agreement with the flexibility to make adjustments in the jurisdiction and powers of each signatory and in the relationship between the Tribes and the State. This is supported by the statutory language of the Maine Indian Claims Settlement Act. (TSWG, 2008, pg.i)

This insight into the original intent of the Settlements’ framers is noted as lacking even to those charged with its execution:

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129 The shorthand ‘Settlement Acts’ is often used as a combinative reference to the Maine Indian Claims Settlement Act and the Maine Implementing Act (TSWG, 2008).
Angus [King, Governor of Maine 1995-2003] said he did not understand why we didn’t just join the majority and accept the laws and regulations like any other Maine citizen. (Loring, 2008, pg. 73)

The first question Bill [assistant attorney general] asked me was, “Why isn’t the Land Claims really settled? Isn’t it written in black and white?” (pg. 194)

And even after multiple discussions of open dialogue, a living document, and partnership the level of disparity in terms of content brought to the forum of the MITSC illustrates a fundamental difference in perspective on its role: Look at MITSC’s history. Ninety-nine plus percent of the issues presented for MITSC action have been brought by the Tribes. (TSWG, 2008, pg. 2)

A mutual appreciation of the nature of the hole represents a pre-brokerage closure, an overlapping of some portion of the social spheres critical to the relevance of social capital bridging methods. A common pre-brokerage closure, resulting from an understanding that cross-gap dialogue is required to recognize and reconcile differences in perspectives, supports a social capital exchange mechanism involving diverse social spheres. At the other end of the spectrum, a common closure that the differences in perspective are based on the black and white of a specific text, does not readily support social-capital brokerage as the key component (i.e. settlement contract) is specifically designed to eliminate the need for continued negotiation. And if dialogue is required under these circumstances, it is directed toward combative competition of perspectives in the form of arguments, and directed toward supposed asocial participants (i.e. judges) with the goal of ultimate-winner (self) and ultimate-loser (other). It can produce a bridge of a contextual structural hole, but in this case it does little to bridge the respective social spheres. These contending perspectives are evident from the very beginning of this case. The initial Special Advisor assigned by President Carter to investigate the Land Claims was a retired judge, who offered up a solution in the form of a negotiation-eliminating construct (i.e. force the parties to accept) (Brodeur, 1985). And as recounted by one of the eventual negotiators, on the genesis of the MITSC as part of the settlement, the concept of ‘judgment’ runs counter to sociable dialogue:

-- he said let’s form a commission or committee of state and tribal people to look at these disputes on these waters and from there it expanded -- this commission would be the liaison between the tribes and the state and they would listen to disputes and try to come up with some resolutions and if you recall we had an equal number of tribal members and state people and the chairman would be a retired judge -- big mistake -- I was the first acting chairman of that committee and my duty was to select a retired judge -- it was a big mistake -- and that was changed soon thereafter… 2007
From the other side of the original negotiations of the Settlement Acts, there is also agreement that the MITSC was not intended to function as a final authoritative body. But there are also mixed messages of open dialogue, consensus or majority-rule internal format:

--- at the time we created it, it was evenly divided between the tribal and state representatives with a chair person who I think initially it was to be a retired justice of the state supreme court -- that was the way it was originally crafted -- it was changed and that might have been an amendment to the act --I don't know how your chair is selected now ..

The idea was to try and find somebody who might be viewed as being a kind of neutral chair so that ties could be broken I haven't looked at the act in a long time in the end there was no dispute resolution mechanism, that is a party or a body with the authority to make decisions, to make reconcilement -- it was intended to be a forum in which agreements could be reached and then go back to the legislature and the tribes, and to recommend that they both adopt -- the tribes would have to adopt the change to the legislation and the legislature would do it too -- it was-- we didn't view it as an essential piece of a bill that there had to be a dispute resolution mechanism or body --we viewed this as more that as being helpful to have an advisory body and some method of ongoing communication in a formalized way --2007 Question & Answer, John Paterson, former Attorney General of Maine. (Dieffenbacher-Krall, 2008, pg.9)

The even split sounds as if majority-rule is at play, but the breaking of ties and a judicious chair shows an expectation of many win-lose situations with a judgment (versus a vote) being dominant. But both of these internal formal decision processes seem out of touch with the envisioned dispersal of individual actors to create consensus within their respective groups to supposedly effect MITSC decided outcomes:

The approach most likely to enhance tribal-state relations consists of honest, open discussions in which each party to the discussions identifies problems in the relationship and recommends solutions after genuinely listening and attempting to understand each other's point of view. Decision makers entering the process must also be willing to use the power of their offices to work for the approval of any recommended changes with their respective governments. (MITSC, Framework, 2006, pg.1)

And not surprisingly, the assessment of the results of this construct by its framers is met with disappointment and a realization that power is not directly aligned with this body:

- it sounds as though the mechanism has not worked well-- what you really are left with is a mechanism that allows the tribes and the state to come to a common ground on those issues so they can then go to the policy making bodies where the authority resides and formalize those agreements but you can never really transfer that power through a dispute resolution mechanism 2007 Question & Answer by Tim Woodcock, Former Senate Select Committee Staff, (TSWG, 2008, pg.12)
8.C.2.d. Even if for a Good Purpose, Can Good Will be Prescribed?

Loring goes further than an assessment of ‘not worked well’ by arguing that the construct actually provides unbalanced power to the State through this format. The representatives’ from the State participation on the MITSC serves to internally divide the commission, and then they network with other representatives from a position of ‘authority on Indian issues’, and then are entitled to cast an unconstrained vote to determine policy (2008, pg. 16). The following quote illustrates that a fundamental closure is also sometimes lacking with respect to tribal perspectives on whether consensus of contractual approaches are desired even after MITSC engagement:

*During its January meeting, MITSC reviewed the two approaches for regulating the use of tribal lands, a cooperative agreement or the revival of legislation from 1998. The Passamaquoddy Tribe continued to favor going the legislative route, while the Penobscot Tribal Council preferred the cooperative agreement approach*. (MITSC, 1999, pg.9)

There are also multiple examples of the respective Tribes choosing not to use the MITSC at all for pursuing their independent actions (e.g. initiating legislation *LD 2145*) that impact the ‘relationship’ with the State. And the lack of consultation from State agencies to the Tribes on potential policy impacts (At Loggerheads, 1998) clearly illustrate the TSWG discussion:

*MITSC does not have the power to compel negotiation. If any party does not wish to participate, negotiation doesn’t happen* (TSWG, 2008);

*When these big issues come up, everyone end-runs the Commission* (MITSC, 2008, pg.14);

*Early in the year and again in early November, MITSC encouraged the parties to have facilitated discussions in order to try to resolve their differences. However, this suggestion has not been accepted, and the dispute is being fought vigorously in the courts* (MITSC, 2000, pg.iv).

As one of their unanimously approved recommendations, the TSWG proposed making ‘good faith’ between parties prescriptive:

3. Institute mandatory mediation by MITSC for tribal-state disputes prior to going to court with deadlines and requiring all parties to act in good faith

As noted in the Rationale for the Creation of the Tribal-State Work Group, a major impetus for the creation of the body was to explore the resolution of issues before litigation involving MIA or the other settlement acts. The Tribes and State have spent large sums of money on litigation. Besides the high costs associated with it, litigation accentuates tensions between the parties and strains tribal-state relations. It

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130 The ‘legislative approach’ in this case aligns with the legalistic construct though designating specific words as the authoritative mechanism versus interaction amongst social spheres.
creates an adversarial relationship when all the parties express a desire to have cooperative and mutually beneficial relations.

Work Group members heard from MITSC Chair Paul Bisulca that MITSC has no statutory authority to compel parties with disputes involving MIA to submit such disputes to the Commission for possible resolution. Discussion ensued on how to compel parties with disputes involving MIA to come before MITSC before going to court. Mike Mahoney said a parallel provision exists in the Maine Rules of Civil Procedure, 16(b), Pretrial Order and Trial Management Conference. He explained a mediator has to certify to the court that a good faith effort has been made by the parties to settle prior to allowing the case to go to trial. Work Group members liked the idea of requiring MITSC mediation of disputes prior to going to court. It appears as recommendation number three. (Dieffenbacher-Krall, 2008, pg.3)

A positive social relationship ordered when the stakes are at their highest (i.e. initial stages of litigation) with a playground monitor to ensure civility appears to both demonstrate the extent of the structural hole and to raise questions as to the ability to formally direct the integration of social spheres through social capital. Contextual (i.e. issue specific) brokerage and even closure may result, but without a consensus identification of even a small shared social sphere closure, there is limited capital in interpersonal interaction. The 2010 editorial, co-authored by Penobscot Chief Kirk Francis, attempts to highlight a sliver of overlap within the context of separate social spheres by the multi-antecedent possessive pronoun ‘our’ in the closing sentence despite the advanced recognition of the failure to formally create a common social sphere to effect these ends:

What recourse do the Wabanaki have when the State so adamantly refuses to fix what is so clearly broken or respect decisions by MITSC that were set up in statute to address these areas of conflict?

Instead these conflicts are, unfortunately, always handled in state courts or through legislative fixes, and always in the State’s favor. We hope that the people of Maine will demand for their government to live up to its agreement with the Wabanaki and allow our governments to determine our own future and participate equally in shaping our great state. (Commander & Francis, 2010)

The predominance of frustration over achievement, and the lack of a discernable trend toward closure within MITSC, or between the parties it purportedly represents might lead to the expectation that its contribution would be rated poorly as well as the desire to have a continuing influential role. However, the Penobscot Tribe’s membership reported both a recognition of influence, and a near perfect alignment in the appropriateness of this influence (Figure 8.2).
The Tribe appears to essentially be happy with an organization that for the most part rates itself as dysfunctional. This raises the question of whether the perceived function and purpose of the MITSC by the Tribal members equates to that expressed in the institutions’ documents? Based on the past extended walk-outs by the Penobscot Nation in 2000, 2003 and 2008 (MITSC, 2000; MITSC, 2006; MITSC, 2008), a preferred graph heavily skewed toward the negative could be understood as desire to break completely with this as a failed attempt. Alternatively a profile skewed toward the positive could reflect the periodic hopefulness of the MITSC efforts coming to fruition: With a growing cautious optimism within Indian Country that the revived MITSC might prove more effective…(MITSC, 2006 pg.7). Even a split with divergent views bifurcating the curve would be more understandable based on the historical record’s mismatch between MITSC’s intent and MITSC’s accomplishments. The alignment of desire with dysfunction appears paradoxical. One interpretation that fits the data is of MITSC representing a ‘necessary evil’. Under this connotation, the existence of MITSC is a requirement within the broader picture of the Settlement Acts, so it is accepted despite its imperfections. For this interpretation to hold water, the overall positive evaluation of the Maine Indian Claims Settlement Act and its outcomes would have to be judged as worth the price of inefficiency and ineffectiveness. However, setting aside the federal recognition achieved as part of the contestation leading up to the Settlement Acts, the opposite perspective dominates the public record with the Penobscot Nation continuously questioning or opening decrying the appropriateness of the Settlement Acts (e.g. “I think it’s time to say this treaty is not working for us and they have not abided by their end of the treaty, and therefore we are voiding it” [Loring, 2008, pg. 176]).

Another plausible interpretation, then, is that the continued dysfunction of the MITSC is an actual desired outcome from the Penobscot Tribe. While the lack of closure achieved through the MITSC is an irritant to the Penobscot Nation, it provides a mandatory forum...
wherein the irritation must be shared with the State of Maine. In this scenario the recurrent reminder that the State cannot fully close the book on the Maine Indian chapter, means that the MITSC is performing its function fairly well. At this point in the larger context of the State-Tribal relations there is no desire for an effective execution of the Settlement Acts as written, there is rather a desire to revisit and restructure fundamental relationships. In a marriage-divorce analogy, the Tribes recognize that they are in an arranged marriage with the State of Maine for which they ‘willingly’ signed a prenuptial agreement. Now that they are experiencing the daily joys of this wedded bliss, they question whether the underlying sentiment between the parties is truly enough to make the marriage work. However, the option of divorce is not a liberating option due to the signed, witnessed and filed prenuptial. The mandatory marriage counseling of the MITSC is pain-inducing but also pain-inflicting, so it balances out in the curve above. Within Burt’s construct, this reading of the State-Indian Tribe relationship is not only a structural hole, but an active structural hole denying brokerage and closure by intent.

This discussion and interpretation of the MITSC as an illustration of an active structural hole was built upon gathered data from the Penobscot membership (i.e. survey data). It therefore may give the impression that that Penobscot Nation is an unwilling, unfaithful and untrustworthy spouse even in the presence of a dedicated, committed and caring lifelong partner of the State. The data within the historical record and the behavior since the marriage vows articulated in the Settlement Act by the State do not portray an innocent, victimized partner, however. The lack of adopting any of the unanimously agreed upon recommendations from the 30th Anniversary recommitment of marriage vows (i.e. the TSWG recommendations) lends to an interpretation that this is a tactic that both sides are playing with regard to the formal institution of MITSC and the informal process of attempting to align their diverse social spheres. Even if originally negotiated and sworn to in good faith, the lack of current good faith within a good-faith-based institution is antithetical to brokerage or closure.

The culmination of Loring’s *In the Shadow of the Eagle* is titled *Epilogue: The Struggle Continues*, and starts with the following entry:

*Today, almost a decade later, Maine tribal governments are facing the same issues. We struggle to gain economic sustainability and social equality. Today I am faced with the same opposition I was faced with almost a decade ago. I could literally take the same speeches I wrote back then and not change a word. They would still be pertinent and on target today* (pg. 245)

The last iteration of the cyclic MITSC relevancy started with an upbeat rededication to serving its ‘customers’ by setting goals, diligence and enthusiasm (MITSC, 2007). To this end it sought to form social connections:
Twenty-eight legislators, including two Senators and 26 House members, participated in the legislative tour to Indian Island held January 16, 2008. MITSC organized the event with the Penobscot Nation. Besides State Legislators, representatives from the Episcopal Committee on Indian Relations, Friends Committee on Maine Public Policy, Maine Council of Churches, Maine People’s Alliance, and Stockton Springs Historical Society attended the tour. MITSC heard anecdotal reports from both the legislators and NGOs who attended the tour that they greatly benefited from it. (MITSC, 2008, pg.35)

As in prior iterations, the benefits were short lived, as a few months later a complete breakdown illustrated the lack of any binding ties:

'Tribal-state relations, after experiencing a positive two-year trend of improvement, precipitously plummeted in April 2008. Though specific individuals and their actions caused a rupture in tribal-state relations in the early spring of 2008, these developments occurred in the context of a negative longer term trend of unilateralism. Both the State of Maine and the Tribes too often act unilaterally though the State does so from a position of political, legal, and economic advantage while the Tribes revert to unilateral action from exasperation that they cannot resolve their disputes with the State in what they believe to be a just manner. (MITSC, Oct, 2008, pg.i)

The pattern cannot help but be noticed, even by those most committed to breaking the pattern, and raises fundamental questions as to the viability of social capital in this context. From a resigning MITSC Director the sense of failure is evident without much hope for a substantive change in direction:

‘Despite the best efforts of some very capable people, MITSC never effectively played a role in guiding Indian policy in Maine in the last twenty plus years. The result has been what I and those previous MITSC chairs, who I mentioned, believe was avoidable litigation and tension between the Tribes and the State of Maine. (Biscula, 2007, pg.3)

8.C.2.e. New Institutions Create Institutional Conflict  Earlier in this section the reason behind continued presence of a structural hole was questioned along the lines of structural barriers, tactical intention, or an unrealistic timescale for real closure. The discussion thus far has focused on the first two possibilities. The following vignette ties these two together and illustrates that they both are probably playing a role. Regardless of the desire for sociability, structure repeatedly comes to the forefront. Not only is MITSC’s agenda the sole purview of the designated representatives (MITSC, 1999) but every other body that MITSC is intended to deal with and influence has similar boundaries:

Without any notice to the Wabanaki, MITSC, Governor Baldacci’s Office, or legislative leadership, the Judiciary Committee recommended rescinding the $38,000 increase MITSC had received for FY 2009 returning the State contribution to $34,277. MITSC did not learn of the $38,000 cut until April 7, a week after Governor Baldacci had signed the supplemental budget bill into law. Strangely, nobody on the Judiciary
Committee told MITSC about the cut despite MITSC’s extensive contact with them during this period as the Committee considered LD 2221 (MITSC, 2008, pg.10)

‘Strangely’ enough, a member of the Judiciary Committee was the Penobscot Representative to the State Legislature, Donna Loring, who responded with a countering view:

I have been a member of the Judiciary Committee for almost nine years. It is my feeling that the breakdown was fueled to a large extent by the aggressive and overbearing manner in which MITSC leadership has operated. It has served to alienate the Judiciary Committee, tribal chiefs, legislative leadership and commissioners…..MITSC leadership has been involved in all of the above and has made the legislative atmosphere hostile. (Loring, OP-Ed, 2008)

Yet in her journal, she uses the Judiciary Committee’s non-recognition of the MITSC’s authority to introduce legislation as a point of continued discrimination against its structural recognition (and by extension the government to government relationship with Penobscot Nation) of the MITSC, complete with double exclamation marks, face turning red in anger and storming out of the room (Loring, pg. 140-141). Not all of the tactical maneuvering was necessarily with the intent of obstruction through a passive-aggressive participation strategy as introduced earlier, but the viewing of the MITSC as a pawn rather than as a viable mechanism to address the content still reinforces the existence structural hole regardless of whether it was consciously or unconsciously tied to Loring’s eventual stance that the Settlement Acts should be voided (pg. 252). The mix between structure and specific individual tactical employment of structural and social relationships provides a challenging environment for success of institutionally cultivated social capital.

8.C.3. Education and Understanding as the Missing Piece

A third possibility was put forth earlier that the continued existence of the structural hole might be the lingering presence of centuries of separation that will require generations of closure. While the thirty years of this study may be too few, the process itself may still be correct. And there is evidence that there are those that hold onto this as a possibility. Loring both opens her book and closes it with a hope for ongoing change and a recognition of the level of effort required:

It is also my hope that, through communication and education, the State of Maine will recognize and reconcile its past injustices and move forward to develop a beneficial partnership with Maine tribal governments (pg. xxxiii)

closing with,

The struggle to educate and be educated continues (pg. 254)
It is quite likely that there are members of the citizenry of Maine that have never heard of the Penobscot Nation, the Wabanakis, or the Maine Indians. But the likelihood that a significant portion does not have some awareness of, and corresponding perspective on, the existence of “Indian” is very, very small. The interplay between 5-year-olds (pre-school) and 6 & 7-year-olds (kindergarten & first graders) illustrates the pervasiveness of the concept of indian-ness to the initial stages of each generation’s development:

In 2005, my daughter, a kindergarten student, reported that children were playing "kill the Indians" at recess at her school in Maine, and that she had chosen not to participate. In the game, the preschool children were Indians and the children in kindergarten and Grade 1 were pirates who chased and killed the Indians. As a kindergartener, my daughter could have been a pirate. However, she refused because, as she explained, she was a "for real" Indian, and that game was "not okay because it liked to kill Indians". Note that the younger children - those with the smallest bodies and the least power - played the Indians. (Sockbeson, 2011)

As a follow-up to the 6-year-old Penobscot girl recounting the playground game of Pirates killing Indians, her mother, "asked her why they were killing the Indians, and she responded by saying, 'Mumma, I don't know why they want to kill us. I think it is because they do not know enough about us.'" (Sockbeson, 2010, pg.15). This lack of knowledge as a causative factor in the uneasy relationship between the Maine Indians and the State is a recurring theme in the Penobscot discourse (e.g. Loring, 2008). It has also been articulated by just about every joint review and advisory committee (e.g. Scully, 1995; MITSC, At Loggerhead, 1998; MITSC 2001; Governor & Chief’s Council, 2006). It has even made it into the State’s announcements when addressing Indian related issues (e.g. Governor’s statement in Human Rights, Governor’s statement at Wabanaki Day).

Attempts to fill in this gap with information at the adult level, however, have been less than successful, as discussed already. Not discounting the amount of missing information or the level of scholarship required to process it, there is an accessible and fairly well consolidated body of Wabanaki information (e.g. the bibliography associated with Chapter 6) that should not take a lifetime to process, at least not a lifetime to process intellectually. And there have been notable attempts to bridge communication divides and make the information more accessible: e.g. MITSC commissioned 1989 documentary Wabanaki: A New Dawn was initially released in 1995 and re-released in 2006 (MITSC, 2008) and still available as free streaming video on the web (Wabanaki Studies, 2009). Consolidation of, nor access to information do not appear to be limiting factors in the limited results desired from a removal of ignorance through the addition of information.
Merely providing bandwidth of data cannot overcome the ingrained epistemology that limits the transition from knowledge to understanding. Representative Loring’s evaluation of the importance of LD 291, *A Law to Teach about Maine’s Native Americans*, is also insightful in that it does not limit the impact purely to the potential closure of a knowledge gap, an informational structural hole, but to the elimination of active structural hole improperly energized by reputation:

*I knew that bill would be more important than the land claims settlement act. I knew that when I watched the governor sign it into law, that it would be more important than the land claims settlement act. I knew that Indian and non-Indian kids would grow up knowing that we were not invisible, respect who we are, know our history and recognize us as human beings and value us as people. Hopefully, the result will be equal partnership. The paternalistic way will end. (Though) it is a goal that will not be achieved in my lifetime (Loring Interview, January 17, 2010 in Sockbeson, 2010)*

The ending of the ‘invisibility’ represents the information structural hole; the end of the ‘paternalistic way’ is the elimination of echo that colors the information flow and perpetuates the active structural hole of reputation.

*LD 291* gathered support, achieved consensus and was passed into law. Seemingly all of the parties that are failing to achieve understanding and effective brokerage in the present, are at least being exposed through these social encounters to the fact that a gap exists, and reacting with a willingness to expend social capital to bridge it through long term education that “…will not immediately impact the government-to-government policy discussions of the signatories, [but] over time it can greatly enhance the non-Indian population’s knowledge and understanding of the Wabanaki.” (MITSC, 2008, pg.2). MITSC is proud of its contribution and takes credit for putting its implementation on the fast track through its early support (MITSC, 2001; Wabanaki Studies Commission Rpt, 2003), and accelerating the implementation of this law. This strong support is also expressed by the Penobscot Nation and recounted extensively in Loring’s recollections of the legislative process (2008). Her acknowledgement that the bill did not receive any substantial opposition (Sockbeson, 2010) appears to illustrate a consensus closure among Indians and non-Indians that a gap does exist and it is worth bridging. The continued commitment to and effective execution of this education initiative, along with any observable results, however, will not be available for quite some time.


Despite 30 years of process, the word loggerheads is still a very descriptive word concerning state and tribal relations. Despite evidence of embeddedness and resulting social
capital accumulation and expenditure, neither the legislative record nor Loring’s personal opinion are clear on the level of progress made through a subaltern engagement strategy (Loring, 2008, pg. 245). She does, however, become clear on her opinion of the first attempt at an equitable marriage as she calls for its annulment (ibid, pg. 252). The capability of the MITSC, a social-capital based mechanism, to effect positive development is called in question from within and without. Are there elements of poor execution within the MITSC? Certainly, but is there evidence of gross incompetence or negligence? Incompetence is not really evident in the record, and the determination of negligence is difficult because it needs to be based on the level of effort as measured against the motivations of the members (e.g. non-attendance might not be non-engagement in a tactical maneuver to cripple the effort). Is the structural divide posed by the legal strictures that define the relationship too large to permit significant impact from social capital exchange? This is a real possibility given the limited authority with respect to the immense responsibility of managing a complex inter-governmental, multi-cultural relationship. Or, is it working perfectly and the error is applying an evaluation of effectiveness timescale measure in years or even single digit decades? Again, this cannot be ruled out as a possibility given the generations of experience on all sides that developed the perspectives demonstrated by the parties today. But based on the lack of closure between collective entities regardless of the social connections across their constituencies over the centuries, there is also the possibility that it is not an issue of striking the right strategy and impatiently waiting for it to bear fruit; it might be that not-conforming social spheres can only be organized in a hierarchical fashion (i.e. closure equals domination and submission).

8.D. The Meeting of Communities

The 1,053,390 separate opinions from the adult population of Maine (U.S. Census, 2010) present a challenge for examination in that access to the respondent pool necessary to gain meaningful insight extends well beyond the practical reach of this study. However, wide reaching regional surveys are periodically conducted in the form of votes on referenda. The votes themselves, as well as the campaigning, analysis and commentary provide a window into a good percentage of these individual opinions. The initiatives themselves can be viewed as a form of brokerage that should shed light on the acknowledgement and importance of these non-shared-understanding structural holes. And through the brokerage processes that move forward, interactions that work at defining content should also provide insight.

131 This is based on the 824,000 registered Maine voters as of 2004 (StateMaster, n.d.).
8.D.1. Referenda

A listing of state-wide referenda since the early 1900's and proposed constitutional amendments dating back to 1820 shows 5 ballots directly noting Indian or tribe in the title or summary. These 5 state-wide votes address three topics: suffrage (1); housing (1); gambling (3). As many of the Tribal members are residents of Maine, arguably all of the measures have some level of pertinence to the tribal community. And even beyond the abstract linkage through the duality of citizenship, many of the topics of other referenda (e.g. authorities of municipalities, hunting and fishing regulations, discrimination) are potentially applicable to tribal-state interaction as the terms and concepts overlap with codified authorities and relations in the Settlement Acts. However, the narrowing of scope to those that have clearly articulated impact on Maine Indians through specific allusion on the ballot is employed since the purpose of examining these issues is to ascertain public opinion, rather than a technical analysis of a given law’s impact, with regards to the Penobscot Nation.

8.D.1.a. Suffrage (1) The State of Maine has the distinction of being one of the last states in the union to grant suffrage to Indians for national elections even after the Snyder Act in 1924 granted full U.S. citizenship to Indians (Library of Congress, 2011). This was accomplished through constitutional amendment, approved through a statewide referendum, “Shall the Constitution be Amended as Proposed by a Resolution of the Legislature Permitting Indians to Vote?” The amendment was overwhelmingly approved by nearly 4-to-1 (MSL&LL, Amendment, 2011). At one level, Maine’s inclusion of Indians in the electoral process predates Federal suffrage as evident in its 1820 Constitution:

Every male citizen of the United States of the age of twenty-one years and upwards, excepting, paupers; persons under guardianship, and Indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall he an elector for Governor, Senators and Representatives, in the town or plantation where his residence is so established; and the elections shall be by written ballot (Maine Constitution, 1820).

From this, the eventual amendment might be viewed solely as an administrative clarification to remove the ‘not-taxd’ exclusion, and in keeping with similar amendments in this timeframe “clarifying” voting rights of members of the military: 1951 -- “Shall the Constitution be Amended as Proposed by a Resolution of the Legislature to Re-affirm the Right to Vote of Citizens Absent in the Armed Forces and Others Absent or Physically Incapacitated?” approved by a 4-to-1 margin; 1955 -- “Shall the Constitution be Amended as Proposed by a Resolution of the Legislature to Clarify Voting by Persons in Military Service?” approved by a 5-to-1 margin

132 Based on compilations provided by the Maine State Law & Legislative Library (MSL&LL)
(MSL&LL, Amendment, 2011). However, to the likes of the “feisty lady” Florence Nicola Shay who wrote to President to express her discontent at being able to vote in 1928 as a resident of the State of Connecticut but denied when she moved back to Maine in 1930 (Rolde, 2004); and to Henry Mitchell:

...[T]he Indians aren't allowed to have a voice in state affairs because they aren't voters. .... Just why the Indians shouldn't vote is something I can't understand. One of the Indians went over to Old Town once to see some official in the city hall about voting. I don't know just what position that official had over there, but he said to the Indian, 'We don't want you people over here. You have your own elections over on the island, and if you want to vote, go over there. (Library of Congress, 2011).

the “administrative oversight” argument would likely have been a tough sell.

Even the eventual rewording of the constitution that permits the vote, still characterizes the Indian as separate and distinct from ‘every citizen...having his or her residence established in this State' by making an additional entry: “Indians. Every Indian, residing on tribal reservations and otherwise qualified, shall be an elector in all county, state and national elections.” (Maine Constitution, 2003). While the legal intent might be to provide a mechanism to conform to the Snyder Act, the structuring of it reflects multiple, and contrasting perspectives, on the status of Indians. The section heading of “Indians.” presents the definitive plurality of ‘all Indians’, yet only addresses the subset of those living on reservations and not paying taxes. The interpretation that all Indians are the same without contribution to the state as expressed in Henry Mitchell’s quote above still seems to be present. Yet also potentially within this structure is an endorsement of sovereignty, of reservations being geographically within, but distinct from the state. Under this reading, there is an empowerment to the tribe both in its recognition of current status, and in the extension of additional powers (i.e. to vote beyond the limits of their ex-state entity). This second interpretation is not strongly supported, however, from the assessed condition of the particular ex-state reservations and their absolute dependence on the state for basic sustenance (Rolde, 2004, Bourque, 2001). And even with the vote, the utter dependence, rather than sovereignty, is still the assessed situation two decades later (Maine Advisory Committee, 1974).

The perception that the Indian suffrage enactment is not merely a wiping away of the historical incorrect denial of rights, is also evident when reviewing other suffrage referenda. The prior suffrage vote in Maine was in 1919 and passed by a 3-to-1 margin (MSL&LL, 2011). This overwhelming public endorsement of suffrage for women, appears much less robust when considering that the federal suffrage for women was ratified prior to this vote (Maine Historical Society, n.d.) and that a Maine referendum in 1917, just two years prior, to give women the
vote failed in a 2-to-1 margin in the all-male state-wide consideration of the issue. The female suffrage movement in Maine was contentious and lasted over 4 decades. Many of the arguments centered on the aptitude of women and their capability in the political realm (Maine Historical Society, n.d.). Subsequent referenda dealing with voting rights were:

<table>
<thead>
<tr>
<th>Year</th>
<th>Referendum</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>Shall the Constitution be Amended as Proposed by a Resolution of the Legislature to Eliminate Voting Restrictions on Paupers?</td>
<td>Yes: 28,233 No: 18,630</td>
</tr>
<tr>
<td>1970</td>
<td>Shall the Constitution be Amended as Proposed by a Resolution of the Legislature to Grant Adult Rights to Persons Twenty Years of Age and to Reduce the Voting Age to Twenty Years?</td>
<td>Yes: 167,660 No: 117,668</td>
</tr>
<tr>
<td>1971</td>
<td>Shall the Constitution be Amended as Proposed by a Resolution of the Legislature to Reduce the Voting Age to Eighteen Years?</td>
<td>Yes: 144,949 No: 99,274</td>
</tr>
<tr>
<td>1979</td>
<td>Shall the Constitution of Maine be Amended to Remove the Literacy Requirements for Eligibility to Vote?</td>
<td>Yes: 84,971 No: 170,267</td>
</tr>
<tr>
<td>1997</td>
<td>Do You Favor Amending the Constitution of Maine to Remove the Language Providing that All Persons under Guardianship for Reasons of Mental Illness are Disqualified from Voting?</td>
<td>Yes: 141,654 No: 196,662</td>
</tr>
<tr>
<td>2000</td>
<td>Do You Favor Amending the Constitution of Maine to End Discrimination Against Persons under Guardianship for Mental Illness for the Purpose of Voting?</td>
<td>Yes: 250,729 No: 379,964</td>
</tr>
</tbody>
</table>

Figure 8.5 Table of Voting Rights Referenda

In each of these cases, there is a consideration whether those excluded for reasons of a perception of incompetency (e.g. lack of social contribution, lack of maturity, lack of intelligence) by the electorate could be recognized as meeting a minimum threshold of the electorate. The insertion of Indian suffrage into this pattern does not necessarily present a strong picture of rectification of discrimination and exclusion, even with its overwhelming favorable vote. This interpretation is further supported by the State of Maine being the last of all states to grant Indians suffrage in State elections in 1967 (AFSC, 1989). This amendment, its wording and the State suffrage delays, which pre-date the Settlement Acts, could arguably be an anachronistic presentation without current effect, but its recurrent mention today (e.g. Toensing, 2008) illustrates a continued feeling of resentment from the minority and the expectation of acceptance by the majority (Toensing, 2008).

8.D.1.b. Housing (1) The 1972 referendum “Shall the Constitution be Amended as Proposed by a Resolution of the Legislature Pledging Credit of the State for Guaranteed Loans for Housing for Indians?” was approved by a 2.5-to-1 ratio (MSL&LL, Amendments, 2011) and appears in the Maine Constitution as:

Section 14-C. Authority to insure mortgage loans for Indian housing. For the purpose of fostering and encouraging the acquisition, construction, repair and remodeling of houses owned or to be owned by members of the 2 tribes on the several Indian reservations, the Legislature by proper enactment may insure the payment of mortgage loans on such houses not exceeding in the aggregate $1,000,000 in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid.
As pointed out in the (Maine Advisory Committee, 1974), the State of Maine was caught in conundrum with respect to Indian housing on reservations. The condition of existing housing was very poor. Much of this housing was originally constructed by the State using trust funds. From the State’s perspective, maximizing private and federal investment in the repair, upkeep and new acquisition of housing costs on reservations would decrease the state governmental burden. However, the State of Maine’s absolute authority, coupled with the designation of reservation land as tribal, meant that collateralized private property based loans could not be employed, nor could federal funding be easily leveraged for private housing. Like the first measure, this amendment can be viewed as presenting two distinct and contrasting perspectives. The moving toward closure perspective is in its recognition of a responsibility of the State to provide mechanisms to enable equal access to homeownership as part of a shared American dream. Another perspective is that this represented a relatively pain free way to dodge ongoing responsibilities to the tribes by shifting the burden toward the Tribe without fundamental corrections to the tribal-state relationship. This second perspective is reinforced in the Statement of the Honorable Kenneth Curtis, Governor of Maine to the Maine Advisory Committee to the U.S. Commission on Civil Rights, when he concludes with this less than optimistic outlook:

Whatever the outcome of these various steps, I’d just like to say again it is the intention of my administration to continue to work to guarantee that the Indians of Maine have equal access to the quality of life to which all Maine people aspire, but until that access is fully opened and free of obstructions, there is no question that the “trail of tears” will go on and its specter will haunt us, and Maine and the nation will have failed to fulfill their just obligations to the Indians of this state. (pg.viii)

The “guarantee” was less than guaranteed at this point as the “various steps” and “access fully opened” and “nation will have failed” all relate to the issue of federal recognition which would alleviate the regional burden through federal funding.

The recognition and access to federal housing funds, as well as federally provided trust funds, did come shortly thereafter, easing the burden. But the framing of the Settlement Acts meant that the authority for determining the appropriateness of Indian housing initiatives was not relieved as a burden from the tribes:

The Penobscot Nation Housing Authority had requested the bill so that it could build 50 much-needed housing units on reservation land. The housing director had all the contracts approved and was told by MITSC the best thing to do was to put in a bill to change the status of the land to reservation land. The governor’s office agreed to put in

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133 “poor” is defined on around page 46-55 in report
134 “trust funds” during this timeframe refer to State of Maine established appropriations for Maine Indians
a bill to accomplish this at the last minute. This bill came before the committee when tempers were high and distrust was rampant.

I knew, given the failing relations on both sides, that this bill had little to no chance of passing. The committee first voted to pass this bill, but members then sought to reverse the vote after a rumor surfaced that the tribe was going to use this land for their slot machines. This was a ridiculous and incredulous rumor but nevertheless committee members and other legislators believed it. (Loring, Op-ed, 2008)

The land use approval process continues to be one of the most contentious issues between the State and the Tribes (Loring, 2008), so the public opinion expressed by the vote is not necessarily an indication for support for Indian development and opportunity, as it also could portray a desire to alleviate a fiscal burden while still maintaining authority.

8.D.2. Inside Looking Out

Based on the referenda record it is not surprising that Tribal members have a desire to limit the influence on Tribal decisions in brokerage events that require Maine voters’ approval.

Figure 8.6. Perceived and Preferred Levels of Influence of Maine Voters

In each of these votes there is an issue on the ballot as well as generalized social perceptions that contribute to the casting of votes. Figure 8.7. shows an increasing perception, by the members of the Penobscot Nation, that the general standing of the Tribe is increasing within the minds of the people of Maine, which should reduce the negative impact of echo as part of their electoral arbitrage.

Figure 8.7. Outsiders’ View of the Tribe Trends
The reported levels of recognized similarity to non-tribal members discussed at length in the previous chapter also indicates that individual to individual attitudes are becoming less problematic. Therefore, the lack of desire for engagement and participation appears to be more of a governance structural issue than a huge social structural hole between the social spheres of tribal members and non-members at the interpersonal level or even at the conceptualization of social group legitimacy. The survey data show that tribal members increasingly believe that the Maine voters, the surrounding population, is capable of doing the right thing with regards to the Penobscot Nation while simultaneously illustrating a belief that they should not be afforded the authority to do so.

Given the history of the Maine Indians, a desire for increasing Tribal sovereignty would also likely equal a desire for decreasing amounts of influence from the State of Maine and from the Maine Courts, and this is what is reported in the survey:

![Influence of State of Maine](image1)

![Influence of State Courts](image2)

**Figure 8.8.** Perceived and Preferred Levels of Influence of State of Maine  
**Figure 8.9.** Perceived and Preferred Levels of Influence of Maine Courts

Unlike the relationship between individuals and the Tribe that showed increasing levels of social sphere overlap, but still did not evoke a desire for participation, the lack of desire for
State institutional involvement is also accompanied with a low and decreasing level of social compatibility.

Figure 8.10. Trust the State of Maine
Figure 8.11. Trust between the State of Maine and the Tribe Trends

In addition to this current, extremely low level of trust, Figure 8.11. shows that the majority of the population believes that trust with the Maine government is on a decreasing trend. These results reveal a striking difference from the reported trust held by the Penobscot members to their own Tribal government (78% “Yes”; 22% “No”) and a positive trend in tribal trust and solidarity (“3.23”; “3.08” means). This negatively skewed trend in trust is especially insightful given a slight increasing trend in perceived Tribal members’ empowerment within the State of Maine in influencing relevant regional issues to their local community (not Indian Island specific).

135 The wording of this question incorporates trending perspectives, so this assessment of a worsening trend is based on the overall mean versus the difference between time-period levels.
This is a notably modest increase in empowerment, and is based upon a extremely low baseline level. Since this is empowerment at an individual-level to impact multi-party, large-scale concerns, this is an expected low magnitude measure. This relative order of magnitude between individual and region as a depressing of the mean with regard to empowerment is supported by the similar mapping of perspective levels of regional empowerment as they apply to the specific tribal community.

What appears to be occurring when comparing these two graphs (Figures 8.12. and 8.13.) is an alignment in the ability of tribal members to impact State influence on the Tribe with the level of impact on State influence consistent with municipalities in general. However, when comparing these data to those of tribal members living in other states (over 50% of the tribal population) the rate of empowerment change and levels of individual empowerment are substantially different:
Some of this difference in perceived empowerment may be accounted for based on the overall satisfaction with the State of Maine government as compared to other states (i.e. the issue is the State of Maine overall, not specifically with the issue of individual ethnicity or tribal community). Data from The Pew Center on State Governments does not rate Maine particularly high, but it also is not completely out of line with many of the states in the Northeast that have a high percentage of the out-of-state tribal members. (The Pew Center on the States, 2008). Delving further into the data by specifically isolating those members that were residing on Indian Island reservation, and therefore the tribal community of the Indian Island reservation served as the measurement of local community for the survey questions, the graph below shows that this small population feels significantly disempowered in this relationship:

If there is a positive to be taken from the graph, there is some slight positive trending away from feelings of utter disempowerment.

Combining the increasing trend in Tribal sovereignty, and the increasing trend of individual empowerment within the Tribal community (Figures 8.16. & 8.17), there would
logically be a corresponding decrease in the relevance of the individual’s level of empowerment within the Maine government as it applies to the Tribe.

Figure 8.16. Level of Tribal Sovereignty Trends

Figure 8.17. Power to Make Decisions for the Tribe Trends

From these data that illustrate a simultaneous increase in individual empowerment at all levels and a decreased relevance of the regional entity, the decreasing trend measuring trust with the State is doubly intriguing. Despite the small level or individual to regional influence, the opposing directions of change of empowerment versus trust over time indicate that the experiential process of access, engagement and even success have produced a decrease in a key social capital indicator, trust.

The reputation of the Maine government under Burt’s model can be considered through two distinct processes, bandwidth and echo (2005). In the first case, the negative perspective is a reactive response to increased information about and experience with the external party. In the second case the increasing trend is an amplification of existing internal perspective as a proactive expressing of an established perspective or agenda. These two processes are not mutually exclusive, and the reality is most likely a combination of both. The mere title of MacDougall’s ethnohistorical record, “Dance of Resistance (2004)”, indicates an environment ripe for echo, with Burt’s work suggesting that echo is usually the predominant
input in communication processing (2005). Regardless of the specific mix of causal factors at play, this trend indicates a widening of the structural hole, limiting both bridging opportunities and further isolating social spheres rather than promoting regional integration.


As we enter the new millennium, I have hope for a better relationship between the Native population and the State of Maine. In order for us to achieve this improved relationship, we must end 400 years of hurt and discrimination. We must learn to live together peacefully, by honoring and respecting each other. This hope was the motivating factor, when introducing legislation, that would put an end to the use of a demoralizing and dehumanizing term within the State of Maine. This bill would remove the word “Squaw” from place names... (Donald Soctomah, Passamaquoddy Tribal Representative, guest editorial, 12/99, (MITSC, Proposal, 2000, pg.16)

8.D.3.a. Legislation After many years of discussion, the bill to amend Maine Revised Statute Title 1, Chapter 27: NAMES OF PLACES reportedly passed without contention, but with multiple examples of challenges to the initial recognition of a wound, let alone the need to prescribe treatment (Loring 2008, MITSC, Proposal, 2000). And even when enacted, it is presented in national non-native media as ‘much ado about nothing’ (e.g. Barbara Walters’ comments on 20/20 [Loring, 2008]). The level of disparity between a proliferated word used by many without knowledge of its etymologic roots (like most words) and more importantly without common experiential reaction to its employment (i.e. ranging from pride in the naming of a school sports team to being publically labeled a cunt on a routine basis [MITSC, Proposal, 2000]) is immense. Herein is a clear example of different social spheres, and the negotiations, law and reaction offer valuable insight into the process of non-conforming social sphere interaction.

After the passage of the bill into law, one of the localities in question, Stockton Springs, made changes that it argued met the letter of the law, but were regarded by others as an insensitivity to the underlying concern (Carrier, 2010). The resolution in this controversy is reported as a successful navigation and interaction of obviously non-conforming social spheres:

*Update on complaints filed with ME Human Rights Commission against Stockton Springs, Washington County for violation of ME’s Offensive Place Names Law*

Paul Bisulca stated what MITSC did to effect the changes by the Town of Stockton Springs is a case study of how to do it. Standish came along quickly, Washington County took a little longer. Stockton Springs initially changed from squaw to squa. A

136 The referenced report does not use the term cunt. Rather it chooses more socially acceptable words such as ‘female genitalia’ and reports of others’ use in an inappropriate fashion. The distinction and importance of this choice of term will be discussed at length in this section.
Bangor Daily News article published in September gave us a clue that some additional effort might persuade Stockton Springs to move away from any form of squaw. MITSC effectively used the press, generating editorials criticizing the action of Stockton Springs in the Kennebec Journal, Morning Sentinel, Portland Press Herald, Sun Journal, and Times Record. MITSC used its connections with NGOs, especially Maine People’s Alliance, to exert pressure on the town’s leaders. We met with the Stockton Springs Selectpeople on October 16 and convinced them to work more amicably with their Indian neighbors. It worked. (MITSC, 2007)

However, in 2009, the Stockton Springs’ residents put to vote a proposal to change the name again to include the letters without crossing the threshold of a separate syllable: i.e. Squall Road (Shiskin, 2009). Not surprisingly, the reaction was less than favorable from the Penobscot Nation:

“We believe that word is equivalent to the n-word," says Penobscot Chief Kirk Francis. The dispute over naming, he adds, is "part of a bigger picture" of conflict between Maine and its indigenous peoples.

"There’s a real insensitivity in this state to native issues," says Mr. Francis, whose office is in the back of a gym on Indian Island, a reservation in the Penobscot River accessible by a single narrow bridge. On his office wall, there’s a poster saying "Indian wars never ended." (ibid)

The measure was voted down by Stockton Springs’ residents, but in a close vote of 39-32 (Fuller, 2009). Before this gets listed solely as another clear example of the continuing divide between the tribal and non-tribal social spheres, there is evidence that part of the motivation for the continuing debate deals with sovereignty (an overlap) rather than cultural interpretation (a divide): “This is guaranteeing a right," Cosmano said. "By voting no, you are saying you don't have a right to take care of what you own"(ibid). The sponsor of the bill cast the issue in the light government over-control since the claim was that this was a private road. So at the end of this, the vote still illustrates the ongoing divide, with maybe a little progress, but even more complication than the already complex challenge of managing the intersection of social spheres from a singular context.

8.D.3.a. Appropriate[d] Terms There is also a counter reading that might be labeled as “much ado about nothing in order to do a little about much’: the elimination of the word squaw from a few road signs and maps might in actuality be the insertion of the concept of ongoing oppression in the regional discourse. The evidence of an anti-racism strategy rather than the desire for a non-racist environment as an expression of resistance, can be seen through the appropriation of the recognized meaning of the word ‘squaw’ and its continued widespread distribution in its official form as the predominant purpose, rather than its under fifty instances of actual elimination from circulation. It has importance in its articulation as a
message sent to illustrate the continuation of conflict, rather than just the desired absence of
the issue. Support for this interpretation can been seen through the willingness to use the word
by those who reportedly despise the word. The power behind the insult in terms like *nigger or
faggot*, is recognized by all so the terms become contested property. Both the struggle for
ownership, itself, and the repeated use in the appropriated fashion after eventual victory
illustrate the power in the opposition voice of the minority (Jacobs, 2011). The lack of active
insult or offence taken when *squaw* is used appropriately (i.e. as an illustration of ongoing
insult) by the Indian population is not matched by the careful treading around of words not
under their ownership: e.g. *n-word* versus *nigger; genitalia versus cunt* (Shiskin, 2009; MITSC,
Proposal, 2000).

In the larger realm, this strategy’s pursuit, if actually present under this *squaw* non-
elimination interpretation, might be through a genuine motivation for healing through a
structured truth and reconciliation methodology (AFSC, 2011; Maine TRC, n.d.). However,
even with this ultimate closure motivation, the potential for widening structural holes and
eliminating the viability for social capital exchange is possible if not managed properly. In
Burt’s terminology this presents an active structural hole that resists closure either due to the
vast distance that needs to be spanned between viewing the issue as the “ridiculous” or as an
“insensitivity” as portrayed by opposing parties in Shiskin’s article (2009), or due a perceived
functional purpose realized through the maintenance of the divide through claimed ownership
of a word. In a parallel vein, this represents the authority to designate, describe and assign
responsibility for the structural holes upon which social capital must be expended. Without an
initial level of closure that results in some level of joint ownership, there is little hope for
brokerage and the lack of structural hole recognition and acknowledgement of responsibility is
a social capital structural hole in and of itself. Along these lines, it could be argued that
“Settlement Acts” is an offensive name similar to ‘*squaw*’ but without the achieved success in
forcing its recognition as a structural hole.

8.E. External Institutionalization – Federal Indian Policy

*This land claim was characterized by the U.S. Justice Department as “potentially the
most complex litigation ever brought in the Federal courts with social and
economic impacts without precedence and incredible litigation costs to all

137 The follow on iteration of this logic (ala Sider) is that each use in opposition is in reality a
solidification of the very dominance against which the oppressed are struggling.
parties." (from the US Senate Select Committee Report as quoted in the prepared

This specific case’s complexity is within the context of overall U.S. indigenous policy that “is
almost inversely related to the size of the Indian population, which constitutes one of the
smallest groups of minorities in America today” (Chaudhuri, 1985, pg.15). Rather than
providing greater refinement and fidelity with each additional law, court decision or program,
the expansion represents increasing conflict between individual policy components or
unanticipated context that needs a specific fix but creates overall policy confusion (Holm, 2005;
Deloria, Evolution, 1985):

To Americans of many eras, this ambivalence has been of a piece with the anomalous
status of the tribes in our legal and political system. Indians, quite simply, stick in the
throat of the American body politic: Unable to absorb them or expel them, white
America keeps trying to “solve the Indian problem” with one all embracing policy after
another. Like stratigraphic layers, however, each of these policies, once laid down, is
never eradicated, each new approach being simply piled on top of its predecessors
with little regard for the inconsistencies thereby created. (Rosen, 2004, pg.33)

According to Deloria, the resulting collection of individual policy components falls under the
highly technical and organized term of “bunch” (Deloria, Introduction, 1985). Each new addition
goes beyond the introduction of new policy references, but adds increasing complexity as
illustrated by the growing length of each new individual entry (Prucha, 2000). Appropriately,
Pernoff posits that complexity theory is the best way to examine Indian policy in the recognition
that Tribes represent nested Complex Adaptive Systems (CAS) within the larger CAS of
America (2007). Adding to the sheer magnitude and complexity are the “inconsistency,
indeterminacy and variability” of their application and interpretation (Wilkins & Lomawaima,
2001). Rosen comes to an increasingly non-integrated perspective:

The result is an environment in which, as Justice Sandra Day O’Connor recently said,
the law relating to Native Americans is all but incomprehensible even to specialists.
The ambivalence and contradictions (as they appear to many whites) in the “special
status” of native peoples is only intensified, and the fear of a backlash to every
advance is felt by most Indians as a premonitory threat. (2004, pg.33)

Perhaps the best way to sum all of this up into a singular construct is with Strickland’s
connection between American Indian policy and the artistic freedom of defining reality: 138

On a recent visit to the National Gallery of Art in Washington, D.C., I was particularly
struck by a painting that I encountered. Quite accidentally I came upon an Henri
Rousseau primitive painting of a tropical landscape, in which, amidst abundant, lush
foliage, was a tiny American Indian wrestling a giant ape. The plate identifying the work

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138 In the same article, Strickland also offers up this telling imagery: Present Indian policy resembles a
great patchwork quilt—the stitching together of bits of new perceptions and scraps of previous policies
into a cloth of striking color but very little design. (pg.219)
read: "’Tropical Landscape: An American Indian Struggling With An Ape,’ Henri Rousseau, 1910." At that moment it occurred to me that this artist had captured an essential theme underlying the history of American Indian law and policy. (1979, pg.213)

Figure 8.18  Tropical Landscape: American Indian Struggling With An Ape (Rousseau, 1910)

Rather than assuming the role as an art historian and attempting to trace all of the contributory factors to provide a rational explanation for Rousseau’s congruent framing of incongruous elements, the following section will present select magnifications of the Indian policy painting as isolated discussion points. This is done with the full acknowledgement that these individual fragments will not provide a unifying comprehensive perspective, as well as the recognition that the patchwork of isolated fragmentation is, indeed, the elusive unifying comprehensive perspective. The discussion needs to be limited for the purposes of this thesis. Legal references and examples dominate but the intent is not to provide a judicial treatise or a full legislative review, but rather to conceptually and practically link the process of integration to the concepts of ‘trust’ and ‘sovereignty’ as they apply to the Penobscot Nation and their relationship with the federal government. Specifically, the following three subsections will examine: the intersection of sovereign constructs and the challenges created through policy and process change; the dependence of a sovereign on an external entity for the resources to
execute its sovereignty; and, the conflict resolution method between differing interpretations of sovereign powers and territory.

8.E.1. Many Players, Many Voices: process and policy change in a complex organization

Aside from the intent of institutionalization to codify empowerment through a continuum between local, regional and national levels, another goal of institutions is to provide efficiencies. Figure 8.19. represents a progression to the process:

![Figure 8.19. Program Learning Curves (Gillespie, 2004)](image)

The figure does note some level of decreased efficiency with expansion, but the idealized expectation is that efficiency will remain at high levels. From a bottom-up perspective, from the construction of repeatable successful practices, the transition from typification to institutional codification can be seen as an assurance of time-saving ready-references for agents. From the top-down perspective, however, devolution represents a transition from non-typification to institutional codification and introduces the potential for conflict between habitus and structural prescription which may extend the magnitude and duration of loss of efficiency. According to Skeat, the etymology of ‘devolve’ is from de=down + volvere=roll (1882) and fits nicely with CDD’s utilization of devolution of a rolling-down of power and authority. But as a prefix it is used and recognized in many words (e.g. deconstruction) with “the function of undoing or reversing a verb’s action” (Harper, n.d.). Indeed, there is evidence within this case that the process of devolution has hindered the hoped for progress through institutionalization.

The lack of a clearly articulated Indian policy, as previously discussed, provides added complication when the responsibility for interpreting and executing it is dispersed. This point has already been brought out multiple times with regards to the Maine Indian Claims
Settlement Act’s delegation of authority to the State of Maine for primary administration of nation-to-nation relations (while the federal government retained direct continuous duties of administering the Trust responsibilities). In addition to this devolution, there has also been a decentralization of authority within the federal level (e.g. *Presidential Executive Order 13175*) that has added numerous individual voices to the choir, but without evidence of a conductor at the podium aligning the vocalizations to create music rather than dissonance. It could be argued, that the purpose of EO 13175 was to serve as the conductor (e.g. agencies must submit consultation processes and compliance reports for review), but a more appropriate assignment within this metaphor is that it represents the orchestral score. And even at this level, it is only provides the melody (i.e. *Section 2: Fundamental Principles*\(^\text{139}\)) and requires each agency to write its own sheet music for its part. While the analogy is this author’s the sentiments are also expressed by the National Congress of American Indians in their recommendations for improving federal consultation under this EO and as reinvigorated by President Obama through an *Executive Memorandum* (Jackman, 2010). A clear example of this comes from the Department of Health and Human Services’ approach to executing the objectives. There is an initial recognition in the absence of a complete integrated score with regards to the symphonic intent:

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This special relationship is affirmed in statutes and various Presidential Executive Orders including, but not limited to:

- Older Americans Act, P.L. 89-73, as amended;
- Indian Self-Determination and Education Assistance Act, P.L. 93-638, as amended;
- Native American Programs Act, P.L. 93-544, as amended;
- Indian Health Care Improvement Act, P.L. 94-437, as amended;
- Presidential Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, November 6, 2000; and
- Presidential Memorandum, Government-to-Government Relationship with Tribal Governments, September 23, 2004
- Presidential Memorandum, Tribal Consultation, November 5, 2009

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\(^{139}\) *a. The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes.*

*b. Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights.*

*c. The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination.*
And this is followed by a further delegation down of both the interpretation and implementation of these principles into policy and practice to subordinate staffs:

**Figure 8.21. Further Delegation of Policy Formulation (HHS tribal consult policy 2010)**

There is an obvious question as to the efficiency with the ever expanding procedural implementation, but more importantly there appears to be a large risk that the actual interpretations at each of these levels creates divisions in application. The case regarding the control of discharge limits into the Penobscot River illustrated this when the Bureau of Indian Affairs’ opined that federal trust responsibilities needed to be considered and was rejected by the Environmental Protection Agency’s evaluation (Land Claims Indigenous Peoples, 2008).

And even within the federal courts there is a recognition that multiple voices are particularly unhelpful, but with an avoidance of undertaking the challenge whenever possible:

*Because of such uncertainties, we are reluctant (despite the urging of the district court that we clear up the matter) to decide in advance of necessity whether a federal claim can be conjured out of a lawsuit by the Tribes asserting that the threatened actions violate the internal affairs limitation contained in Maine law and purportedly ratified by a federal statute.† Perhaps there is not even a single answer to this question--it could conceivably turn on the circumstances. See Penobscot I, 106 F. Supp. 2d at 83 n.4. In all events, no answer is needed in this case because, either way, the federal court can grant the Tribes no relief beyond what the state's highest court has decreed. (254 F.3d 317, 2001)*

In terms of maintaining development trajectories, there are strong indications that a more strategic orientation is needed in a movement “away from a firefighting, band-aids, and factional conflict approach to governance, focusing their energies less on crisis management and more on developing sustainable solutions to problems” (Cornell et al, 2005, pg.5).

Additionally, culture-difference transaction costs are increased through regional specific
approaches (Schild & Wrede, 2010). The default position that decentralization is a positive step relies on a threshold presence of all capacities and their integration before it actually is beneficial (Barrett et al, 2007)

8.E.2. A Soloist’s Duet: the paradox of a supreme sovereign without ownership of resources

The multiplicity of voice just discussed was based on the presence of multiple vocalists. But a major problem with American Indian policy is that even when it is performed by a soloist it becomes a duet:

There is a tension in federal Indian policy between tribal sovereignty and independence on the one hand, and the federal trust responsibility and oversight on the other. This tension was addressed over 40 years ago, when Presidents Johnson and Nixon established the federal policy of Tribal Self-Determination. This policy has guided federal-tribal relations for two generations without significant changes. Rejecting the historical extremes of termination and paternalism, it established the twin pillars of modern federal Indian policy—deference to tribal autonomy and respect for the federal trust responsibility to support tribal communities. (NCAI, Issue Federal Tribe, 2010, pg.3)

The duality is present in this quote not just through the inclusion of two distinct components but also through its reception as both positive (e.g. deference and respect) and negative (e.g. tension) as well as in temporality (e.g. “is a tension” and “tension was addressed”). Regardless of who is empowered as the decision-maker for an issue, there are two fundamentally contradictory philosophies140 that must be considered. The current legal consideration of the Trust relationship is based upon a trusteeship rather than guardianship:

…the tribal-federal relationship has sometimes been described as that of a “trustee” (federal government) to a “beneficiary” (indigenous group), but on the other hand, the same relationship has been characterized as that of a guardian to a ward. These are very different legal relationships. A “trusteeship” is a relationship that limits the property rights of the trustee, who is the beneficiary’s servant; a guardianship relationship is one that limits the personal rights of the ward. (Wilkins, 2002, emphasis in original, pg.47)

Since the request by the Penobscot Nation to the EPA was denied, the appearance of the federal government (trustee) as a servant to the Penobscot Nation (beneficiary) in relation to the specific property rights (i.e. permits as a proxy for real property within the Mitchell context of “when the Government assumes such elaborate control over forests and property belonging to Indians”), there is the question under the fiduciary trust responsibilities whether the power

140 A simultaneous desire “to have one’s cake and eat it too” is Rosser’s articulation of conundrum (2005)
relations between trustee and beneficiary are actually realized in this construct (Wilkins & Lomawaima, 2001). Additionally, the “undisputed existence of a general trust relationship between the United States and the Indian people,” from United States v. Mitchell, 463 U.S. 206, 225 (1983), along with the lack of clearly defined definition or delineation of this general trust (Long, 2000) reintroduces the possibility of an implied or inferred guardian-ward relationship (Pevar, 2009).

Within the context of the guardian-ward construct, the status of ward is based on a determination of competency, or more accurately the determination of incompetency. There is arguably a component of that determination that is not necessarily prejudicial to the capability of the ward; a structural condition (e.g. the displacement from an economically viable locale to a confined reservation) can require a guardian with the power to make reasonable accommodation for the imposed disability. However, there is also a component that justifies a protracted guardian-ward relationship rather than an award of damages or injunctive relief that is based on an evaluation of incompetency. Self-determination is an acknowledgement of competency whereas the guardian-ward trust relationship is a recognition of incompetency.

Given the directed administration of much of the statutory and fiduciary trust responsibilities to the State of Maine in the Maine Indian Claims Settlement Act, it is the conceptual argument of general trust with its linkage to incompetency that the Penobscot Nation must promote to engender federal intervention. The discharge permitting case regarding the Penobscot River alluded to earlier clearly has elements of this tension; the reliance on the legally binding nature of the Settlement Acts is based on a competency determination that the Penobscot Nation possessed in its right to self-determination as displayed through its ratification of the Settlement Acts. Yet the Tribe’s request for the federal government to apply the general trust interpretation, even with the rationalization that it is the structural failing of the agreement (e.g. Gantor, 2004) also includes a level of admission to incompetency, or at least past incompetency based on arguing its own inability to make that commitment a priori to its full governance maturation:

"The favorite phrase people liked to use was, 'A deal is a deal. The tribes were represented by counsel and they knew what they were signing. This act will never be changed': which is ridiculous because a negotiated act is a living agreement that they knew would be changed over time as different understandings came and as the capacity of the tribes increased," Dieffenbacher-Krall [MITSCH Director] said. (Toensing, n.d.)

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141 Ironically, Wilkins & Lomawaima use the Maine Indian Claims Act as an example of the legally binding nature of the beneficial trust responsibility (pg. 72-74), yet the results of the Maine v. Johnson case above is more illustrative of ‘nonbeneficial’ application of trust (i.e. absolute power) (pg. 69-70).
Embedded within this reasoning of a need to mature, a need to learn, is a return to a request for the paternalistic aid offered by Marshall in *Cherokee Nation v. State of Georgia*:

*They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases—meanwhile they are in a state of pupillage. Their relations to the United States resemble that of a ward to his guardian. They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their great father.* (1831)

This reliance on the guardian-ward trust is a fundamental incompatibility with the conceptual foundations of sovereignty: *supreme authority within a territory* (Philpott, 2010). Even within a trustee-beneficiary interpretation (Wilkins & Lomawaima, 2001), there is a lack complete structural supremacy if the term ‘sovereign’ is applied to the beneficiary. Similarly, equally incompatible with the concept of sovereignty is a fiduciary trust, a commitment to be the servant of another sovereign: “During the Middle Ages, manifold authorities held some sort of legal warrant for their authority, whether feudal, canonical, or otherwise, but very rarely did such warrant confer supremacy.” (Philpott, 2010). Modernity’s conceptualization of a sovereign polity that addresses the incompatibility of a structural ‘limited supreme’ (i.e. corporeal) and a conceptual supreme (i.e. mystical) supreme is through the willful assignment of trust by the subjects to the ideal with the commensurate granting of authority to the corporeal (Kantorowicz, 1997). This condition, however, is not evident as the reported ‘trust’ in the Federal government from the survey, despite the pillar of a legal ‘trust’ in their institutionalize relationship, represents something less than a firm foundation:

![Figure 8.22. Trust Federal Government](image)

*Figure 8.22. Trust Federal Government*
8.E.3. The Conductor as Librettist: conflict resolution between differing interpretations of sovereignty

Within the United States, one of the principle institutional processes for resolving differences of perspective is through a judicial decision that theoretically brings closure through a final black and white statement of a singular interpretation. However, the recent case involving the role of various parties to discharge pollutants and to regulate those discharges into the Penobscot River adjacent to and within the tribal reservation illustrates that this forum for supposed multiple perspective transformation into an integrated acceptance of a singular perspective is problematic for elimination of barriers between parties. From preliminary discussions and consultations to the final execution as directed by the courts, the issue lasted about a decade and involved the courts, federal and state executive branches and the Tribe. The formal resolution of this conflict and path forward, as well as a concise historical record of key actions was published for public review in an entry in the Federal Register: 142

State Program Requirements; Proposal To Approve Maine’s Base National Pollutant Discharge Elimination System (NPDES) Permitting Program

SUMMARY: On August 8, 2007, the U.S. Court of Appeals for the First Circuit vacated EPA’s October 31, 2003 decision to withhold the permitting of two tribally owned and operated treatment works from the Agency’s approval of the State of Maine’s NPDES permitting program under the Clean Water Act. Today, EPA is responding to the court’s order by proposing to approve Maine’s NPDES program to include the permitting of all discharges within the Indian territories of the Penobscot Nation and the Passamaquoddy Tribe.

SUPPLEMENTARY INFORMATION: On December 17, 1999, EPA determined that the State of Maine had submitted a complete application to administer the NPDES permitting program in the state under the Clean Water Act (CWA), 33 U.S.C. 1251, et seq., see 64 FR 73552 (Dec. 30, 1999). Maine’s application included an assertion of authority to implement the program in the territories of the federally recognized Indian tribes within the state, based on the jurisdictional provisions of the Maine Indian Claims Settlement Act (MICSA), which ratified the Maine Implementing Act (MIA). 25 U.S.C. 1721, et seq. and 30 M.R.S.A. section 6201, et seq., respectively.

On January 12, 2001, EPA approved the State of Maine’s application to administer the NPDES program for all areas of the state other than Indian country. At that point EPA did not take any action on Maine’s application to administer the program within the territories of the federally-recognized Indian tribes in Maine. EPA published notice of its action on February 28, 2001. 66 FR 12791. As described in the Federal Register, EPA approved the state’s application to administer both the NPDES permit program covering point source dischargers and the

142 The duration, complexity and number of parties of this case makes a concise summation nearly impossible, and the single page summation is thus lacking in many respects (e.g. no mention of an adjunct court case involving access to tribal documents [Loring, 2004; 254 F.3d 317, 2001]). However, even within the simplified presentation there are sufficient data to illustrate shortfalls in this conflict resolution methodology.
pretreatment program covering industrial dischargers into publicly owned treatment works (POTWs). EPA did not authorize the state to regulate cooling water intake structures under CWA section 316(b) (33 U.S.C. 1326(b)). 66 FR at 12792.

2003 Partial Approval of Program in Indian Territories: On October 31, 2003, EPA approved the State of Maine’s application to administer the NPDES program in the Indian territories of the Penobscot Indian Nation and the Passamaquoddy Tribe, with the exception of any discharges that qualified as “internal tribal matters” under MICSA and MIA. 68 FR 65052 (Nov. 18, 2003). This action generally authorized the state to administer the NPDES program in the territories of the two largest Indian tribes in the state, finding that the combination of MICSA and MIA created a unique jurisdictional arrangement that granted the state authority to issue permits to dischargers. EPA did not approve the state’s program to regulate two small tribally-owned and operated POTWs. EPA determined that these POTWs qualified as internal tribal matters and, therefore, fell within an enumerated exception to the grant of jurisdiction to the state in MICSA and MIA. EPA did not take action on the state’s application as it applied to the territories of the two smaller federally-recognized tribes in the state, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmac Indians. These two tribes are subject to jurisdictional provisions separate from those that apply to the Penobscot and Passamaquoddy tribes. EPA’s 2003 action did address all the Indian territories that included existing point source dischargers covered by the NPDES program.

Appeal and Decision in Maine v. Johnson: Several parties petitioned for judicial review of EPA’s 2003 decision partially approving Maine’s NPDES program in the Penobscot and Passamaquoddy Indian territories. The Penobscot Nation and Passamaquoddy Tribe challenged EPA’s decision to generally approve the state to administer the program in their territories. The State of Maine and a coalition of public and private NPDES permit holders challenged EPA’s decision to disapprove the state’s program as to the two small tribal POTWs based on the finding that permitting those discharges qualified as an internal tribal matter. On August 8, 2007, the U.S. Court of Appeals for the First Circuit issued its opinion in Maine v. Johnson. 498 F.3d 37. The court held that EPA had correctly determined that MICSA and MIA granted the state sufficient authority to administer the NPDES permit program in the territories of these two tribes. The court disagreed with EPA’s finding, however, that permitting the two small tribal POTWs qualified as an internal tribal matter. It found that discharging pollutants into navigable waters is not of the same character as tribal elections, tribal membership or other exemplars [of internal tribal matters] that relate to the structure of Indian government or the distribution of tribal property.

The court affirmed EPA’s approval of Maine’s NPDES program, but vacated EPA’s decision to withhold permitting of the two tribal POTWs, and remanded the matter back to EPA to amend the program approval consistent with its opinion. Id. at 48-49. The court’s mandate was issued on October 2, 2007. (Federal Register /Vol. 76, No. 99 /Monday, May 23, 2011 /Notices, p. 29747-29748)

Tracing the various initial perspectives culminating in the final imposed determination, the process eventually resulted in a decision that basically said: “In the end, everyone is wrong, even the winner” or “No one got it right, and this is what you will live with.”143,144 A positive

143 Quotations are the author’s reading of the case and its resolution, but with similar thematic content in Dieffenbacher-Krall (n.d.).
interpretation of the final court decision and the EPA’s implementation is that this process demonstrated that a just solution integrating multiple perspective can be accomplished, even if painful in its formulation. A negative interpretation is that the process itself did more to obstruct integration along the way and resulted in increased perspectives of injustice by multiple parties as compared to any combinative component in the final outcome. A singular authoritative voice was eventually found or asserted (depending on perspective), but this symbolic power within this social space is divorced from the field of participants and is based on the continued non-conformity of the respective social spheres:

As noted in the Rationale for the Creation of the Tribal-State Work Group, a major impetus for the creation of the body was to explore the resolution of issues before litigation involving MIA or the other settlement acts. The Tribes and State have spent large sums of money on litigation. Besides the high costs associated with it, litigation accentuates tensions between the parties and strains tribal-state relations. It creates an adversarial relationship when all the parties express a desire to have cooperative and mutually beneficial relations. (TSWG, 2008, pg.3)

The emphasis on avoiding litigation is certainly tied to its high monetary cost, but the selection of a social capital format as an alternative also suggests that the combative structured process of a court case is counterproductive to structural hole closure: “in litigation and negotiation, the process is always to hide, to process internally. How do you get beyond this conventional wisdom to enter negotiation with candor and honesty?” (Eileen Gauna in Water Crossing Cultural Boundaries, 2005, pg.4)

Theoretically, the courts do not create policy, only interpret the law. Thus, the court’s approach is predominantly historical, both in the historicity of the case and the perspective of jurisprudential precedence (Rosser, 2005). This contrasts sharply with both the future-focus of development, and even the transformation of federal Indian policy through decentralization and empowerment, in that it relies on what was apparently a flawed precedence that generated the original underdevelopment. And while a retrospective and interpretative methodology is used, the policy implications are future effective and generative. Rather than solely acting as a conductor, as an authoritative interpreter of an established score, the courts’ decisions are actually generating additional material that must be performed by the participants. The structural division of the authority limits this forum’s authority to fundamentally rescore the established melody, but creative liscence is granted to rewrite the libretto:

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144 See Barnum’s award winning paper (2010) that offered potential avenues for not having to merely “live with” the court decision. But even she was not optimistic in either their pursuit or their successful outcome.
Program Approval To Address the Court's Remand: EPA is proposing to implement the court's order by modifying its approval of Maine's NPDES program to include the permitting of all discharges within the Indian territories of the Penobscot Nation and Passamaquoddy Tribe. Additionally, EPA does not plan to undertake a case-by-case analysis of any new discharges to determine whether they qualify as internal tribal matters under MICSA and MIA. As a result, the state would assume responsibility from EPA for issuing and administering the permits for the Penobscot Nation Indian Island treatment works (EPA NPDES Permit No. ME 0101311 and MEPDES License No. 2672) and the Passamaquoddy Tribal Council treatment works (EPA NPDES Permit No. 1011773 and MEPDES License No. 2561). Neither tribe has applied to EPA to implement the NPDES permit program, so this proposed action would not address the question of either tribe's authority to implement the program. (Federal Register /Vol. 76, No. 99 /Monday, May 23, 2011 /Notices, pg. 29747-29748; emphasis added)

Appropriate traceability of legislative, executive and judicial authorities can be argued as the court only directed the EPA (executive branch) to implement procedure consistent with this authoritative interpretation of the legislative action (i.e. MICSA), but from the perspective of Tribal empowerment this finding practically creates both a descoping of federal trust responsibility and a limitation on the Penobscot Nation’s sovereignty. Additionally, the lack of a clear and stable universal federal Indian policy, the temporal and tribal specificity of unique treaty wordings, and the current individual tribal self-determination approach means that Federal Indian law is dynamic and moving at a rate that outraces the procedural pacing of the Congressional process. This further empowers the courts to act as the critical generative force in policy-making (Fletcher, 2006). The paradox created by adjudicated integration is that any structural advancement in policy must be precipitated by insult upon one of the participants by another, and processed through combative argumentation. Thus, the specific non-integrative processes (i.e. litigation) and specifically non-authorized forums for development (i.e. courts) provide the setting for conflict avoidance and resolution.

8.F. Key Insights: Bottom-up and Top-Down Do Not Meet in the Middle, They Collide

8.F.1. No Connection without Common Intent

"Indians and whites, when they come together to make agreements . . . have never had the same set of assumptions about what they're engaged in," (Scruggs, 2000c). As mentioned in the introductory section, social capital is discussed at many levels, ranging from the individual to the nation-state scale. The contextual variations are obviously immense.

145 See Wilkins and Lomawaima’s discussion on the prevalence and critical relevance of court actions as a political generative force through U.S. Indian policy formulation with reference to the executive and legislative authorities rather than adherence to them (2001, pg.143-175).
There is a point, not too far from the confines of a community, wherein the individual-centric model of social capital cannot mathematically be supported as a social network relevant exchange mechanism; the probability of common links, or discovered overlap in individuals’ networks, diminishes as ranges from community centers increases. Initiation of opportunity for exchange based on recognized connections becomes less relevant as scale increases. At some point, space and time constraints\textsuperscript{146} limit this mode of social-first network expansion. This is not to say that social networking stops at this point, but that new network connections are created by structural intersections of social spheres. Invitations to seats around the table are based on representation of the social sphere rather than an individual identity. A salesperson from a corporation has a business meeting with a potential buyer. A community group delegate attends a national conference. Once at the table, they are recognizable as individual people beyond their institutional representation, and their interactions are interpersonal and social. New opportunities are not presented by expansion of existing social networks, but rather by structural exposure to new nodes and clusters. Through structural embeddedness a level of sociability ensues, followed by individual personal connections with the ensuing generation of capital.

Much of Burt’s demonstration of the importance of social capital has taken place within the workplace, and the conference table seating the individuals from diverse communities might be considered a ‘workplace’ that generates and utilizes social capital internally. This new social sphere, however, does not necessarily directly connect and expand across the pre-existing network structures. While the possibility exists for new individual social connections and for broader group expansion and overlap, there is no guarantee that this will occur as the existence of structural holes, the lack of any recognized pre-existing commonalty (\textit{closure}) or benefit from exchange (\textit{brokerage}), may counteract this institutionalized interconnection. Within the Loring close-reading and deconstruction, it becomes clear that merely the commonalty of being at the workplace rarely produced enough of an initial closure to rapidly generate brokerage across and into networks. The structural difference (non-voting), political agenda isolation (a third wheel in a two-party system) and a different political ontology all were evident as barriers. Nearly all of her reported successful bridges resulted from human connections at a primal level (e.g. laughing, crying, eating, gender) and then could be used as

\textsuperscript{146} Time constraints reflect the limited relevance of spatial separation in virtual social networking constructs.
initial closure to create bridges to generate capital, etc.... An uncomfortable acceptance\textsuperscript{147} of the social sphere and the extensive operation in a subaltern position was a necessary component to enable her humanization in the eyes of others.

From this, there were examples of not just social capital generation, but also social capital exchange and institutional change:

"Representative Jacobs wrote, “Donna, Excellent speech! You absolutely convinced me to vote to kill that environmental bill. Bravo!” (Loring, 2008, pg. 164, emphasis in original)"

"Representative Waterhouse sent me a note right after the vote saying, “Donna, thanks! I really appreciate it! Paul (P.S. You carry great weight here!)” (pg. 168)"

But these were infrequent and limited:

"I am really feeling like we don’t matter much to people anymore. I guess I’m starting to feel discouraged. It seems we are losing all the really important rounds, the rounds that would give us visibility—such as committee vote and the chance to address the legislature. I guess I’ll just take a deep breath and move on." (pg. 148)

In part the limited success can be explained through the huge structural divides of her position in the institution, but some of this can also be seen through the inability to communicate across structural holes even when there was opportunity and willingness for brokerage from all parties. The lack of communicative closure, of a fundamental Saussurean disconnect of underlying systems, is evident throughout. The education of other (e.g. Squaw Law, LD 291) is a recognition of this, as well as a recognition that the current discourse is based upon tautology that cannot be broken in the near term and requires a back to basics approach to develop enough of a commonality of language structure that translation can be meaningful to both parties:

"The State of Maine and the Wabanaki tribes have a history together and this needs to be recognized through education. It is only through education and communication that we can build a foundation of trust and partnership." (Loring, 2008, pg. 127)

The dismal performance of the MITSC seen in the same light is readily understandable since no opportunity for humanization across the structural hole occurs. Within the MITSC and for the external interfaces of MITSC there are nominally no power structures, so all interaction is based on its creation rather than on any social interaction within the institution that can bridge to external clusters in the tribes and state government. It is an irony that the institution created to enable social capital is the least effective in its generation or use. Loring is

\textsuperscript{147} Loring’s frustration and never-ending struggle to balance the working-from-within and the sense of being a disempowered outsider are clearly evident throughout the entire journal.
marginally successful specifically because she is marginalized and seen as a minimal threat. Within this context, other can be seen as an expression of self (i.e. fellowship) and connections can be made. Without a defined social space, even with the presence of a public sphere institution, the focus is on the contest for the symbolic power to construct the structure, which can then enable social connections (even for those in disadvantaged positions) and the generation of social capital. MITSC’s failure is an illustration that social capital can only be generated within a defined social sphere (i.e. a structure proceeding a forum that interconnects the agents), even if its currency is still recognized as legal tender across discrete social spheres. From a Chomskian point of view: “To dehumanize people is to turn them into objects with functions” (Education, Power Systems, 2009); the irony just increases. The argument just made posits that humanization of other agents only occurs after their function within the power structure is defined (i.e. ‘tracklaying’ [Mann, 1988] ) which in turn enables the desocializing of society by giving it a function in the generation and expenditure of capital within the dominant power-defined structure: first comes power, then comes structure, then comes agency, then comes sociability, then comes social capital, that feeds back into power. This iterative equation actually overlays nicely with the CDD model:

\[
\text{Input} + \text{Community} + \text{Participation/empowerment} + \text{Social Capital} + \text{Institutionalization} = \text{Output}
\]

\[
\text{Output}/\text{Input} + \text{Community} + \text{Participation/empowerment} + \text{Social Capital} + \text{Institutionalization} = \text{Output}
\]

**Figure 8.23. CDD Iterative Equation**

but still leaves the question unanswered as to whether development (i.e. the feed back into power) actually impacts the nature of the power (i.e. changing the gauge of the track) or merely reinforces the power (and therefore the structured disempowerment) already in existence.

**8.F.2. Tensions from Duality**

**8.F.2.a. Development Boundaries** An obvious insight from this section is that there is a strong sense of dualism in the ‘us’ and ‘them’ between the internal community and its external interfaces, and the obvious and relevant tension that this produces as they interact. The lack of developmental integration is a clear manifestation of this within the construct of CDD, especially in light of the shared economic challenges of the region. The bridge of increased development for the whole is not a natural progression in this case from the initial community development or from an external encounter with ‘special status’ development. In Loring’s terms, if there is brokerage across a structural hole it produces a monofilament link rather than a causeway for mass exchange, with a high cost for failure:
We are like a tightrope walker who is doing a balancing act between two worlds with a fiery pit below. If we make it across we will have a bright and productive future as tribes; if we fail we will burst into flames and cease to exist. (2008, pg. 208)

Based on the high level of perceived risk, both from a high probability of failure and a high consequence from failure, the willingness to attempt brokerage is low and confined to marginal versus core activities.

The recursive construct of CDD may reinforce these boundaries if the weighting of community identity and empowerment overshadow the expected increasing coefficient of development in an economic (and therefore exchange-based) perspective. While the preceding chapter did illustrate development with an economic component, the generation of fiscal resources was not predominantly through exchange but rather through external beneficence (e.g. federal programs and grants [PIN, 1988]). While this does represent an external exchange component, both the structured ‘self-determination’ and the flip-side discomfort in the recognition of the lack of true self-determination through this external reliance, however, do not position this form of exchange as a bridge to be expanded or expounded upon. Instead, this approach further focuses efforts internally, which Edwards and Onyx do not arbitrarily classify as ‘bad social capital’ since it serves as ‘good social capital’ in the protection of the community in face of a perceived threat (2007). While the equation maximizes the inherent power within, its developmental expansion has built up a replication of closure and familiar processes. As a mathematical analogy, the recursive equation produces a fractal. Over time the entity grows and expands, but at all levels the expansion is a replication of community rather than a transition or integration:

Figure 8.24. Von Koch Snowflake Fractal Progression (Bourke, n.d.)
In the above figure, each of the lobes can be considered as a development progression, and the reproduction of form is obvious. But equally important is the reproduction of boundary, which continues the exclusion of the external but also limits the opportunities for gain from the next iteration of the fractal development process. So while the exposed surface area for integration is immense, there is also an incursive resistance in the process. The question is still unanswered in this case, after 30-years of iterative development, as to whether the gains from boundary maintaining functions are at a point of diminishing returns that justify a high-wire attempt over a burning pit. The economically successful Seminole Tribe mentioned earlier has both a policy of reinvestment of economic gain through casino enterprises strongly focused toward sovereignty and social distinctiveness, but with a complementary strategy of successful external integration into capital investment markets. However, even within this success, Cattelino’s work illustrates the complexities and paradoxes in these endeavors:

*The project of protecting business from the polluting forces of governance obscures two issues of special importance for indigenous peoples. First, one could flip the terms and worry that standard business practice pollutes tribal governance and thereby endangers indigenous forms of political legitimacy when, for example, profit motives conflict with political values of redistribution. Second, many businesses—including all gaming enterprises—are built on indigenous peoples’ status as nations, which in turn often is key to indigenous identity. (2011, pg. S142)*

From the outside looking in, the produced duality is of an individual equality/similarity and a group inequality/dissimilarity. There is an increasing acceptance that no two snowflakes are alike, but extremely limited acceptance that one patch of snow is different from another; a municipality is a municipality. The requirement to not only accept, but to endorse a duality (e.g. that an Indian patch of snow is different than a Maine patch of snow; that an Indian piece of land is different from a Maine patch of land; that a river passing over an Indian reservation is different from the same river passing over Maine territory), as part of the development integration process has thus far been too great a cost against any potential benefits.

**8.F.2.b. Obfuscated Fulcrums** Much of Indian policy and social sphere interaction over the past centuries, and continued throughout this 30-year examination of the Penobscot Nation, can be found in court proceedings. Standard reference to cases, and more importantly their ultimate decisions, is through the *Entity A v. Entity B* format. The ‘v.’ is presented lower case and a contraction that minimizes its significance through the minimalizing of the reference annotation. However, the ‘v.’ is the significance beyond the specific antecedent case; it is the significance of institutionalization and represents competing positions and the requirement to adjudicate to a singular result.
The *Johnson v. Maine* case regarding water discharge permitting rights is a perfect example of the obfuscation of the significance of the small, contracted *v.*, as it avoids the implication that it involves anything against (i.e. versus) the Penobscot Nation. In spite of the titular absence of *Penobscot*, nearly all of the examinations of the decisions focus squarely on it representing a decision against the Tribe (e.g. Walstad, 2007; Barnum, 2010). Beyond the omission of their interest, the format implies an ongoing contest. It also provides the impression of balance through its symmetry (the justification for its reduction to a single plaintiff). While the difference of opinion between parties may continue, the true nature of the reference is the elimination of contestation. A winner is declared and so is a loser, arguably on the objective comparison of merits with a neutral fulcrum positioning. However, within the patchwork of American law, the case decision is just as likely to be decided based on the court’s selection and weighting of legal precedent as to the weight of the respective arguments. Thus, a more appropriate symbol than the *v.* would be its inversion to illustrate a fulcrum $\Lambda$, with some indicator of its relational placement by an external hand.

This encountered institutionalized elimination of duality has not been beneficial for the Penobscot Nation over this period. The preceding section discussed the limitations of maintaining duality, but the resolution mechanism available is potentially even more limiting and only achieved through a complete abandonment of sovereignty (i.e. bow to the decision of an external power). Even when absent and avoided, it makes its presence felt as its position as ultimate arbitrator means that its specific rules of play must be considered at each step along the way (e.g. eventual disclosure motions and internal tribal matters determinations). A positive interpretation is that it encourages all potential litigants to pursue all other available resolution means and thus serves to expand open dialogue. The negative is that those best positioned in negotiations are also those best positioned to be advantaged from the court’s reliance on precedence, so a pervasive distrust at all stages predominates.

**8.F.2.c. Asocial versus Social (Trust versus Self-governance)**

During the 2010 White House Tribal Nations Conference summaries published by the National Congress of American Indians and the White House made reference to the articulated need to demonstrate respect for the nation-to-nation relationship in the language they choose, referring specifically to tribal *nations* and “*take out of our lexicon*” the phrase “*tribal communities*” (NCAI, 2010).

The inclusion of the term community throughout the subcommittee reports by both

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148 The word play of ‘titular absence’ is based on the presence of Johnson (Administrator of the EPA) in the title despite the fact that his personal (or even organizational) losses in the case were negligible.  
149 Similar acknowledgment of the topic is included in the White House official summary (2010).
administration and tribal representatives illustrates that this is an attempt to shift weighting but without a complete elimination of the value of the social. The fact that it came during a highly social setting is no coincidence; social is extremely important but it should be as peers (i.e. national leaders) rather than paternalistically. More so than most of the recognized tribes due to the distancing of the Tribe-Federal relationship through the Maine Indian Claims Settlement Act, the challenges of managing this paradoxical juxtaposition of principles for the Penobscot Nation/Tribe is a current noticeable strain:

A number of tribes entered into settlement agreements whereby they gave up large land claims in return for federal acknowledgement. The states often had the upper hand in these settlements and successfully insisted on restrictions which limited tribal sovereignty, including criminal, civil, and regulatory jurisdiction; the application of aspects of the Indian Self-Determination and Education Assistance Act (P.L. 93-638); and the application of the Indian Child Welfare Act (P.L. 95-608), among others. The federal government should consult with tribes to develop a framework for tribes and states to work together to eliminate excessive and unnecessary restrictions on tribal sovereignty. (NCAI, Issue Papers, 2010, pg.13)

The lack of a clear path forward combined with a lack of a clearly understood relationship with federal and state entities further serves to isolate rather than integrate the Penobscot Nation.

**8.F.2.d. Devolution and Decentralization Does Not Equal Progress in the Absence of a Clear Path Forward** The last sentence from the preceding paragraph could just as easily be the lead into this key insight. The Constitutional consolidation of responsibility for American Indian policy at the federal level, is in practice being filled across all branches of government (e.g. most policy scholars pursue a court-focused investigation rather than legislative or executive). The complexity and variability of this approach has impacted Indians nationwide. The specific devolution of authorities to the State of Maine in this case represents an additional wrinkle to already twisted fabric. The inability to clearly and solidly articulate the nature of the trust responsibility at the federal level means that any devolution of power to subordinate entities (i.e. states) will further exacerbate the already problematic duality between trust and sovereignty components by adding an interpretive layer. This is compounded in this case as only a portion of authority (and potentially none of the beneficence responsibility) is delegated. The reasoning does not appear sound to involve an additional vertical dimension, even if it appears to close the geographical gap, when there are still such high levels of uncertainty and imprecision of responsibilities horizontally within the ultimate authority. The below response to a $3.4 billion USD compensation directly juxtaposes reactions of the executive branch and the legislative branch to the judicial branch’s criticism of
their failures, and provides a crystal clear example of the complete lack of clarity in a cohesive way forward:

The Act provided funding and other authorities to handle agreements resulting from settlements of the Cobell v. Salazar lawsuit and the Pigford II lawsuit brought by African-American farmers.

“While I am pleased that this Act reflects important progress,” said President Obama, “much work remains to be done to address other claims of past discrimination made by women and Hispanic farmers against the Department of Agriculture as well as to address needs of tribal communities.”

Sen. Byron Dorgan (D-ND), chairperson of the Senate Committee on Indian Affairs, commented, “This is historic legislation. It not only closes the books on a shameful period of history for the federal government, it provides some long delayed justice to hundreds of thousands of Native Americans.” (McKie, 2010, emphasis added)

The Penobscot Nation’s centuries-old history with the State of Maine certainly falls under a categorical heading of ‘conflict’. Yet the settlement that supposedly closed the conflict had within it an underlying assumption that animosity, institutional racism and barriers were instantaneously removed at the stroke of a pen. It is surprising given that pen was wielded by the same President that two years earlier had recognized that frameworks-for-peace, rather than settlements, were the only viable way forward. Even then, they were of high risk (i.e. two frameworks for peace constituted the Camp David Accords, and only one of them moved forward). While the inclusion of the Maine Indian Tribal-State Commission might have been in recognition that additional work was required within the framework of the Settlement Acts, the disengagement from the peace building process by any federal representative does not conform to best practices of successful peace process mediation (Nakaya, 2006). The devolution to State of federal authorities and primacy of interface may have been premature: mediation seems to be a central instrument in preventing or resolving conflict. It is therefore fundamental to integrate the processes of local development (Fragoso & Lucia-Villegas, 2010, pg.78). Even if a State-Tribe relationship is a desired goal in American Indian policy, its implementation needs to be considered in the context of conflict resolution and peace building, and therefore a determination of the type and maturity (e.g. self-enforcing peace building; mediated peace building; conflictual peace building [Chr. Michelsen Institute, 2004, pg.3-4]) of conflict resolution should determine the devolution and disengagement process from conflict management (O’Brien, 2005). In addition to devolution efforts (both to the Tribe and to the State), there has been an increasing trend of decentralization within the executive branch. Again, this might represent the desired configuration, but the capacity of all parties and the ability to maintain a coherent strategic vision need to be considered prior to implementation.
Chapter 9. Conclusion: A Step Forward, But a Long Way to Go

9.A. A Return to the Beginning

9.A.1. Hypothesis

The purported transformational aspects of adopting a community-driven development agenda, with the World Bank’s CDD construct presented as the representative form, are bold in their potential outcomes and commonsensical in their logic:

- Generating social capital correlates with increased development, and at some point becomes causal to community health and development
- Inherent in community, as evidenced through its survival at present within its particular context, is the ability to maintain cohesion as it positively develops with this being the likely outcome if resourced and minimally assisted through selective external engineering
- Institutionalization of community development processes provides efficiencies to enable sustainable development

The level of resource commitment to this approach is significant in spite of the lack of definitive proof of effectiveness. While this buy-in is as much a result of the definitive proof of ineffectiveness of past methodologies, the rapid expansion of its implementation requires a concurrent expansion of its theoretical and practical evaluation. This study contributes to this exploration by positing the following hypothesis: The continuation of a community’s collaborative-focused social capital expenditures, regeneration and expansion over time cannot compete with internal divisive social forces, dynamic external interfaces at the regional and national level, and the process transitions associated with institutionalization. Specifically, it is postulated that the posited combinative components (i.e. social capital & institutionalization; community & development) have significant variance in trajectories that will likely be degenerative to the process.


A case study approach was chosen to provide a focus of study that is challenged by the broad interdisciplinary nature of the CDD construct and the large temporal component needed to evaluate the process. The novelty of the CDD construct restricts the use of this approach for projects conducted by the World Bank, but the coincidence of the federal recognition of the Penobscot Tribe with the implementation of Indian self-determination policies provides a parallel conceptual application of community-driven development principles over an extended period. In order to gain insight into this case, a micro- to meso-scale social capital
survey was employed to capture current and historical perspectives on development, social capital, community and institutions. Anomalous or conflicting results from this survey then initiated a predominantly qualitative examination and expansion of data sources to include records and first-person expressions in the public domain. The analysis was segregated initially into an internal examination (from the community boundary looking in), and an external examination (from the community boundary looking out).

9.A.3. Tying the Pieces Together

The presentation of the data and findings was organized into two main chapters that corresponded to the internal and external facing perspectives. Within each of these chapters a further organizational disaggregation into the subsections of development, social capital, community and institutionalization occurred. In the recognition that the boundaries between the concepts was not nearly as differentiated as implied through discrete terminology, each chapter concluded with a set of key findings that attempted to re-aggregate the parts. However, even these more holistic chapter conclusions maintained a delineation between internal and external perspectives, so this final step of integration is conducted at this point. The straightforward approach produces an accounting against the hypothesis of one wrong (internal divisiveness), one right (external interfaces), and one tie (institutionalization). While there are some noted seams and anomalies identified with the potential for divisiveness (e.g. local populace and distributed members, kinship empowerment, and cultural association valuation without a corresponding participation) within this complex community, the dominant outcome is the continued maintenance and strengthening of a group identity. The posited negative impact on successful development from external interfaces is answered with numerous examples of actions that stymied the development desires of the community (failed casino ballot measures, high-risk business adventures and partnerships, legal action enforcing municipality standards versus tribal sovereignty perspectives). It is likely that the practical failings are between the Tribe and external entities are distributed amongst all parties, but even if the fault lies entirely with the Penobscot Nation, even if their community generated agenda was fatally flawed, this still represents a failure to the community-driven development construct and its inability to productively merge development across all levels of local, regional, national and global. This case does not illustrate locally generated social capital’s ability to significantly close structural gaps outside of the community even if interpersonal and social gaps improve (e.g. greater acceptance of ethnic ‘other’ and improved trust between neighboring communities). The tie occurs in terms of institutionalization. The transition from limited authority governance to
capable institutional decision-making and administration did progress internally but only over an extended timeframe. As a measured positive, this internal institutionalization success was offset by the dismal institutional failing of the MITSC, with an occasional step forward in legislative engagement (e.g. *Offensive Place Names Law*). So in the end a tie for institutionalization and tie score for the three components of the hypothesis. This scoring methodology is certainly defensible, but the complexity of the case as illustrated by the incompatibility of the internal and external measures indicates that a straightforward conclusion is too simplistic.

On the surface, the difference in this case’s outcomes between those internal to the Penobscot Nation and those beyond the Tribe’s borders, separate the equation into two parts without the appearance of overlap or dynamic interrelation. However, within the context of social capital engaged development they do illustrate the same process, but with critical differences in the components that cause the development equation to veer off in opposite directions. The maintenance of community solidarity and cohesion appears as the polar opposite of the deepening frustration in terms of economic integration and mutually acceptable political interface. They are opposites in direction, but they are linked phenomena through the community-driven development experience of the Penobscot Nation. As such, it is potentially foolhardy to label one a success and the other a failure. The outcomes may be the robust demonstration of the success of the CDD approach but with the encountered limitation that community-centric development can only maximize development within the existing exogenously dictated boundaries that maintain underdevelopment. Another possible interpretation is that the two dominate but divergent outcomes are counterbalances to each other: the level of internal solidarity is inversely proportional to the level of external integration with bi-directional causation.

As a means to pull the internal and external, and the success and failure of contrasting views together, a revisiting of the example in Chapter 8 of the children playing ‘Kill the Indian’ on the school playground juxtaposed with the education initiative for these schools to ‘Save the Indian’ provides an effective focal point through which many of the facets of this study can be viewed. In the terminology of this study, there is an evident structural hole between the various perspectives’ valuation of ‘Penobscot’. In response to this lack of closure a state-wide education initiative (i.e. LD 291) is being undertaken as a form of brokerage across significantly distinct social spheres. This sounds as a classic approach to multiculturalism, the pervasive and repeated recognition and solidification of difference in a positive light (*prejudice reduction* [Banks, 1993]) through the expansion of curriculum (*content integration* [ibid]) to include under-
represented groups (Gorski, 2010). However, there is a significant difference between tolerance (i.e. prejudice reduction) and actual acceptance across cultural lines (whether from a lack of assigned value to ‘other’ or just due to the limitations of students to handle integrative complexity in the recognition of multiple perspectives separate from one’s own perception [Rivera et al, 2010]). And even if there is an initial recognition and acceptance of difference, the question of whether the intent of the process is to maintain or remove this focus on diversity has fundamentally different social implications. Hughes’ examination of an accepting intercultural education approach toward conflict resolution in Northern Ireland reveals a pedagogy for social cohesion:

Government advocates the development of opportunities for shared and intercultural education at all levels – nursery, primary, secondary and tertiary. In pursuit of this, all schools should ensure through policies, structures and curricula that pupils are ‘prepared for life in a diverse and inter-cultural society and world’ (ibid, 2.4, p. 24). In addition, education should encourage understanding of complex historical issues and teachers should be ‘prepared and trained’ to educate young people to be ‘effective and responsible members of a shared society.’ (2009, pg.26)

The actual process at school integration has been of ‘avoidance’ [of difference] policies rather than confronting and recognizing of the boundaries. The results have been mixed with success shown through limited school violence and failure through a lack of demonstrated build-up of trust (ibid). Dalley & Bagley’s work in Canada points to critical differences between multiculturalism as a fragmentary force of society and interculturalism as a cohesive force of society (2011). The multicultural challenges epitomized in the ‘Quebec’ context are argued as simple in comparison to applying the concept to aboriginal peoples (Paine, 1999).

Thus, the complexities of the proposed solution to create closure over a generational process of knowledge sharing still confronts the same challenges of creating a broader development profile that maintains (and relies upon) community cohesion while enabling a conformable external integration. The desired outcome from this social exchange initiative is an environment which self-generates a positive and continuous development. In essence, it is a microcosm of the community-driven development framework. While the questions of commitment to and results from this effort can only be answered in the future, a reflection on its underpinnings and its initial stages of implementation serve as an excellent case to thematically fuse the two sections of this study together.
9.A.3.a. Overlaps of Social Spheres  “Friendship is almost always the union of a part of one mind with the part of another; people are friends in spots.”150 --George Santayana

The commission created to advise on the content and implementation methodology of the Wabanaki Studies across all school grades articulated its mission as:

*The underlying purpose of LD 291 is to educate Maine’s school children about—and increase the public’s understanding of—the Wabanaki people of Maine. As a required component of Maine Studies, Wabanaki Studies must address the following topics:*

- Maine tribal governments and political systems and their relationship with local, state, national, and international governments;
- Maine Native American cultural systems and the experience of Maine tribal people throughout history;
- Maine Native American territories; and
- Maine Native American economic systems. (WSC, 2003, pg.3)

The prescriptive inclusion in the curriculum is a recognition of a structural hole that does not provide sufficient levels of overlap for effective exchange across boundaries. The emphasized differentiation between ‘education’ and ‘understanding’ is also a recognition that awareness of ‘other’ is not the same as comprehension of ‘other’. There are studies that suggest that educational engagement and social networking at school is advanced by the inclusion of accurate cultural minority topical content (e.g. Freng et al, 2007), so this application does not appear detrimental to the objective. However, it is questionable whether in practice the shared spots in a formal educational setting are actually achieved through course content or are dominated by other aspects of a shared experience (e.g. physical activities [MacDonald-Wallis, 2011]) or through the level of organizational contact itself (Moody, 2001). Even internal to the Penobscot Nation, the disconnect between the increasing rating of importance of groups to the health of the tribal community and the low levels of actual participation in groups points to a concern that ‘awareness of’ does not equal ‘comprehension of’. Also, the prescriptive institutionalization of the Maine Indian Tribal State Commission provided a definite venue for access and exposure to the key curriculum points within LD 291, but little progress was evident in creating any meaningful closure, or even increasing brokerage efforts. The expansion of a common experience through a shared curriculum may increase shared knowledge, but it might not represent a shared valuation of that knowledge.

150 Within an American framework, George Santayana articulated an early acceptance of multiculturalism with a valuation scheme that permits non-judgmental alterity (i.e. an aesthetic journey provides the appreciation [Seaton, 2009]) while simultaneously recognizing the particular American norm that reduces diversity’s relevance over time: characters are moulded by contagion and educated by democracy. The sphere of unanimity tends to grow larger, and reduce the margin of diversity… (Santayana, 2009). His naturalistic approach also provides a level of pragmatism to the investigation that will be helpful since LD 291’s projected results can only be theorized at this point. Santayana quotes are taken from Mancur (n.d.) and BrainyQuotes (n.d.)
The correlation of 'Indian' to despised 'other' and disempowered concepts is clear in the incident on the playground, but there are also empowering, respectful connotations attributed to Indian-ness, such as a conceptualization of 'Indian' equaling closeness and harmony with nature (Ranco, 2000). The data presented in Chapter 7 looking internal to the Tribe clearly show a pride in this difference even in the recognition that a maintenance of a distinct Penobscot identity incurs costs. Regardless of the positive or negative connotation ascribed to Indian, in an external context it represents 'other' and difference from the pervasive cultural, social and political-economic norm. It is this difference that has been used to justify their dispossession and lower status in some contexts (Caldbick, 1997), as well as the difference that today justifies the support for their continued existence under federal recognition and internal claims of sovereignty. This last point, the internal claim to sovereignty, is a critical distinction, because internal to the Tribe, regardless of the true level of 'otherness' in fellow tribal members, the term 'Penobscot' represents a pervasive cultural, social and political-economic norm that de-emphasizes individual difference. There are distinct social spheres internal to the Penobscot Nation, but the valuation and sequencing of the overlapping 'spots' create an incredible amount of closure. However, even these shared spots that permit a connection with other might not be enough to counteract the spatial difference between perceptive starting points on issues:

“Of course, I like agreement, it warms the heart, but I don't expect it; and I like disagreement too, when it is intelligent and carries a thought further, rather than contradicts it a priori, from a different point of departure. These different points of departure make discussion futile and unpleasant.” – George Santayana

The normative sequencing within the social spheres that comprise the Penobscot Nation does provide a level of initial closure that enables at least a constructive discourse when structural holes are encountered and permits focus on the spots rather than the space between the spots (e.g. economic development versus cultural focus). Externally, the lack of this pre-brokerage closure means that parties are not even facing in the right direction to see the existing shared spots to envision them as a structural foundation on which to build opportunities for brokerage.

9.A.3.b. An Appreciation of the Observed Difference. “To be interested in the changing seasons is a happier state of mind than to be hopelessly in love with spring.” -- George Santayana. The aesthetics of difference can compensate for the requirement to defend self-identity and self-preference through a valuation hierarchy centered solely on self; the paradigmatic recognition of diverse social spheres does not necessitate hierarchical ordering, at least beyond the self-preference mode for individual identification. What is shared
here is an understanding of boundaries, but a shared recognition of the beauty in the texture, form and coloration of those boundaries. While this might be able to be imagined with respect to accoutrements (i.e. cultural displays that provide uniqueness benefits), the more functional the differences (i.e. cultural displays that provide status benefits) become in their manifestation in ordinal social norms (e.g. income), the less aesthetically appealing difference is for difference sake (Shavitt et al, 2011). 151 Within the curriculum, the alternate historical economies and political constructs are non-competitive or non-functional in the modern setting. 152 Therefore, when the daily lesson plan shifts topics to biology and survival-of-the-fittest discussions on the natural selection progress, it may be difficult to not address difference in the context of dominant, successful and superior.

Internal to the Penobscot Nation the necessities of survival have emphasized the aesthetic appreciation of boundaries, due to these discernable boundaries critical position in maintaining a stable identity even while the internal core has a high level of mutability of form (e.g. cultural practice, economic activity, etc…). But this appreciation of difference by the Tribe is mostly unidirectional; it provides a boundary within which identity is secure and valued (i.e. special status) but with little articulation of appreciation for any beauty in the external difference. Even when there is a recognition of the power and might in the form of other, it is regarded more for its functionality (e.g. economic development as a means) rather than its beauty or elegance. From the outside looking in, the predominant theme is not of distaste to the boundary, but rather of inattention to its presence (Loring, 2008). On the occasions when the boundary is visible and noticed, the reaction tends more toward a labeling of vandalizing graffiti than artistic masterpiece. This is not to say that there appears to be high levels of active bigotry or racism at the individual level, but rather that the conceptualization of a group boundary as art is the anathema to the dominant social sphere that adheres to the symbolic power of individualism. 153

9.A.3.c. Active Participation “Habit is stronger than reason” –George Santayana. The lack of increasing assimilation of the Penobscot Tribe and its members over time has been called into question for its lack of rationality within the U.S. political-economy on

151 From Shavitt et al, the following excerpt provides further clarification between status and uniqueness valuation: In vertical individualist societies (VI; e.g., U.S., Great Britain, France), people tend to be concerned with improving their individual status and with distinguishing themselves from others via competition. In contrast, in horizontal individualist societies (HI; e.g., Sweden, Denmark, Australia), people tend to view themselves as equal to others in status, and the focus is on expressing one’s uniqueness and self-reliance. (pg.5)
152 The difference in views of historicity will be discussed shortly.
153 The paradoxical presentation of a social sphere (i.e. group boundary) being the structural precursor to individual denial of group value is intended.
several occasions since the MICSA and federal recognition based on the reasoning that difference has secured a resource but assimilation could maximize efficient application of that resource (Loring, 2008). Even when there has been some level of acculturation:

*Progress is the word now for the younger generation and they are beginning to realize it. The time of the war paint and scalping Indian is gone forever and if they hope to exist they must compete with the white man, so they are acquiring all the education they can.* (Florence Nicola Shay 1942, as quoted in Rolde, 2004, pg.281).

the adaptation of means has not changed the ultimate valuation of ends, which is maintaining difference (MacDougall, 2004). The lack of full assimilation, resisted through oppositional culture induced negative schooling behaviors, is also credited with significantly negatively influencing educational outcomes for minorities (Harris & Robinson, 2007). Even if not fully culturally assimilated (i.e. hybridity or segmented), the twentieth century experience for ethnic immigrant subpopulations shows incorporation educational valuation by the third generation with corresponding levels of socioeconomic success (Sassler, 2006). In spite of a significant amount of evidence to justify assimilation, the habit of resistance has outweighed rational reasoning and confounded the objectives of a melting pot form of cultural integration (Schlesinger, 1991). This track record of non-assimilation by the minority over time, in the face of significant incentive, juxtaposes the apparent expectation that the majority white population is going to some degree be cross-acculturated by a reason-based epistemology.

Sockbeson’s recent thesis is fundamentally about a divide in epistemological approaches between indigenous and the dominant society. In her 2009 lecture *Weaving Waponahki Policy toward Decolonization*, she notes the immense power of controlling not just the information (i.e. bandwidth) but also the epistemological context (i.e. echo). Sockbeson does not present this perspective solely as an academic, she was a sitting member on the Studies Commission that crafted the implementation tenets following the passage of LD 291 (ibid). Her use of the weaving imagery (2010, 2011), and common multi-cultural diversity discussions (e.g. Abbe Museum, 2006; Koya-Vaka’uta & Frances, 2002; Almeida, 1996) provides an alternative vision of LD 291 that does not expect the creation of a new shared singular perspective:

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154 Rolde also makes the same assessment of the non-assimilation component (pg. 283)
155 These figures are solely the creation of this study’s author as an expression of the discussion with the visual application of the weaving analogy.
The objective is not to eliminate threads or break them, both out of respect for their individual continuity and out of understanding that the strength of the composite fabric is reliant on the integrity of the individual threads. However, the warping and weaving in the process still requires some level of external manipulation, either incentive or prescription, to adjust trajectories. The Studies Commission also recognized this and advocated for not just the presentation of novel information but the incorporation of novel curricula generation and exposure techniques as evident in three of the key principles of their vision statement:

- **Wabanaki people must be involved centrally in designing curricula and in teaching about Wabanaki Studies. It is important to compensate Wabanaki people for their involvement in educating others.**
- **Teaching Wabanaki Studies should occur using a kaleidoscope of teaching approaches in a culturally competent manner both in and beyond the classroom.**
- **Training and support are essential to enable non-Native teachers** to provide accurate, culturally competent information about the Wabanaki people (2003, pg.5)

Each of the three points goes beyond merely providing additional information within the current knowledge-based approach and seeks to increase understanding through the habitualization of cross-cultural epistemological practices.

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156 Even absent the specific fabric imagery, these principles are key components to many nations’ multicultural policies (e.g. Principles 1 & 3, Government of Australia, 2011).
157 This training goes beyond a presentation of knowledge within the current rational epistemological perspective: “Commission members have noted that there is a tendency to look at Wabanaki Studies primarily as a cognitive activity. However, the fact that there are many feelings and emotions that are part of this reinforces the importance of teacher training and other means of supporting teachers in the classroom.”
While the law states that the new subjects needed to be incorporated into the classroom by the 2004-2005 school-year, the Wabanaki Studies Commission's weaving of the fabric started well before that with its formal publication as they changed their name and the re-branded the required education component:

**Sec. 2. Maine Native American History and Culture Commission.** The Maine Native American History and Culture Commission, referred to in this section as the “commission,” is established to help prepare for the inclusion of Maine Native American history and culture into the required course in Maine studies…(LD 291, emphasis in original)

and,

LD 291 requires Maine schools to teach **Maine Native American Studies** (referred to in this report as **Wabanaki Studies**) by school year 2004-2005. (Wabanaki Studies Commission, 2003, emphasis added, pg.1)

The “Wabanaki Studies” nomenclature has practical curriculum integration justification for approaching the subject from a collective history and collective social sphere in recognition of limited classroom hours to meet all of the prescribed Maine Learning Results. But the consolidated approach under the term ‘Wabanaki’ might also be viewed as a form of collective empowerment, of a broadening of scale through unity.

This renaming as a manipulative struggle for control applies equally in the other direction as a reading of the wording chosen in the law, **Maine Native Americans**, could also be interpreted as an active weaving, from the dominant majority perspective. The bracketing of the Indian identification component, **Native**, by non-Indian identifiers has the effect of minimization of distinction within a broader collective. This containment of the **Native** is reinforced in the Maine Learning Results direct juxtaposition of the description of the unique identities with the thematic principle that gives primacy to unity, that diversity exists within the larger ‘common’ and ‘shared’ foundations of “our democratic way of life”:

**Maine Native Americans** - The phrase Maine Native Americans refers to the four Maine Native American tribes – the Penobscot, the Passamaquoddy, the Micmac, and the Maliseet

**Unity and Diversity** - The Civics and Government, Economics, Geography, and History Standards all include performance indicators that address individual, cultural, international, and global connections. It will be up to the SAU to determine whether they use these performance indicators as an opportunity to integrate across the disciplines of the social studies or address them separately. In whatever manner the SAU addresses the instruction related to these performance indicators, it is critical that schools understand the importance of addressing the issues that both unify and divide. The following should help to provide clarity about the ideas related to unity and diversity that are contained in these performance indicators.
Unity and Diversity - The concepts of "unity" and "diversity" apply to the Civics and Government, Economics, Geography, and History Standards in Social Studies. Unity and diversity have long been valued in the United States as foundations of the unique character of our society. People throughout our nation's history have come from distinct and varied cultural, political, and religious backgrounds and perspectives. They have helped to shape and have participated in our national life based on the shared democratic values represented in our founding documents. We build common bonds of unity based on the democratic values, processes, and institutions that support our democratic way of life. At the same time we recognize the unique contributions, traditions, and perspectives of various groups and cultures. (Maine Dept of Education, 2007)

The lack of “democratic values, processes, and institutions” applied to the Maine Native Americans over much of their existence since colonization, means that diversity has also historically meant divisiveness and exclusion for the minority Native from the dominant identifiers of Maine and Americans. The further disaggregation to the distinct four tribes that have survived into the present immediately upon the introduction of the term is also a marginalization as the indigenous population native to the Maine region of the Maritimes that was larger in numbers of tribes and numbers of individuals than currently exists (Calloway, 1991; Bourque, 2001).

With this reading of an apparently amicable and agreeable communication from both sides in these early weaving stages as a paradoxical “confrontational and incorporative dialogue” (Sider, 1987), there is a continued focus on the structural hole rather than a full acceptance of closure and movement toward integration. Even though the law’s intent appears to be the expansion of perspective, there appears to be a challenge for the assigned ‘weavers’ in creating a novel integrated design for the desired tapestry. The patchwork quilt of U.S. Indian policy, with its unresolved duality of design, produces the same tensions and maneuvering even with an apparent cooperative spirit. The lack of an agreed upon telos, both within the specific context of U.S. policy and within the construct of CDD means that development paths will be largely grounded in habit, even if there is a conscious desire for an alternative condition. As a telling example, in the following passage from Loring, that is set in a highly contentious hearing, the direct juxtaposition of incredulity over the perceived other’s social norms (i.e. white children present, native singing) lends support that fundamental changes need to occur within all parties’ understanding-habits if this desired appreciation and leveraging of diversity is expected:

Would you believe that these people from Albany and Bethel brought their children with them into this atmosphere? The sub-chief had sung a song for the committee when she testified at the beginning. She felt the negativity in the room and knew it was not a good atmosphere for children. During the traditional song the Albany people were
starting to grin. Some of the Native people sensed this and were ready to jump in and start a riot right there. (2008, pg.49)

The words above are the words of Donna Loring, the sponsor and champion of this bill (and a source of inspiration for Sockbeson [2009]), yet they demonstrate her own inability to fully cross-culturally comprehend ‘other’ despite her desire to create a future such understanding; it is easier for her to see the structural hole than the design of a bridge across it.


“The truth is cruel, but it can be loved, and it makes free those who have loved it.” --George Santayana. Sockbeson’s thesis argues that an elimination of racism cannot occur solely through a passive approach by merely providing non-racist perspectives. Her thesis also reports that in her role as a policy advisor as a member of the Wabanaki Studies Commission, she actively supported this perspective (2011). The inclusion of unpleasantries might serve to perpetuate bad feelings and present itself as an impediment to the objective of a common appreciation for cultural and ethnic diversity (Bennett, 1995). However, Razack contends the opposite: “Encounters between dominant and subordinate groups cannot be ‘managed’ simply as pedagogical moments requiring cultural, racial or gender sensitivity.” This quote comes from her appropriately titled book Looking White People in the Eye: Gender, Race and Culture in Courtrooms and Classrooms, that calls for a direct confrontation with the stratification of difference (1998). Under a Foucauldian argument, the risk of omission is that history is not history, that oppression continues into the present without its attribution in the past: When you want to make a people invisible, you don’t want to talk about their history (Loring, 2008, pg. 110). This flows quite nicely into the most famous of Santayana’s quotes: “Those who cannot remember the past are condemned to repeat it;” which, in the case of the descendants of the white colonizers, is not necessarily a bad thing, but a situation to be avoided from an aboriginal perspective. In brokerage and closure terms the reasoning to actively incorporate anti-racism pedagogy, which is initially a focus on the structural hole, is necessary to counter racist learning methods that process theoretically neutral data (i.e. bandwidth) through knowledge paradigms that rely on non-neutral reputation (i.e. echo). Brokerage achieved through bridging the ignorance structural hole is identified as a required step, but it relies on a level of pre-existing closure (e.g. common or overlapping epistemology) to move toward a more comprehensive closure that eliminates the structural hole, or at least permits brokerage without a further ensconcing of an inequality based structural divide.
The translation of the above discussion into Burt's social capital terminology is appropriate given the focus of this study, but is also interjected at this particular point because of the role that social capital played in anti-racism's actualization as a component of the Wabanaki Studies program. Sockbeson reports that an internal debate surrounding the possible inclusion in the curriculum of the examination of exclusion, oppression and genocide did not center on whether it was supported by the historical record. At issue, rather, was whether its inclusion was relevant to effecting more enlightened student perspectives; it may be historically accurate but does that particular piece of history contribute to a current appreciation of Maine Indian culture, presence and acceptance? In her 2009 lecture as part of the Donna Loring lecture series Sockbeson recounts that, as a mother, she experienced the pain of a parent not being able to protect her child from the world's dangers in reaction to her exposure to hurtful Indian stereotypes at school. Sockbeson, as an academic, evaluated its relevance beyond its familial phenomenology to understand its social and educational relevance. Sockbeson as a board member leveraged the common closure with fellow board members, as peer and as fellow parents, to illustrate the currency of the structural hole (i.e. historically embedded active racism) through the sharing of this emotional and intellectual charged personal account. Her leveraging of a recognized common closure enabled her to effectively bridge multiple social spheres as a means of brokerage within the Commission; the Wabanaki Studies Commission's Final Report includes the following as one of eight principle recommendations:

*Thorough study about the Wabanaki people involves consideration of ethical issues. It is important to make it safe to discuss stereotypes, racism, genocide, and other things that make people feel uncomfortable* (2003, pg.5)

And two resulting lesson plans on current events have the following stated goals:

1) educate students that prejudice is real and ongoing
2) empower students to recognize their ability to change not only themselves, but our communities and society, and
3) to provide materials for use as a guide to further conversations about stereotyping and racism in the classroom and beyond. (Abbe, 2009, pg.2)

The structural adjustment necessary in the education initiative first requires an acknowledgement of racism, followed then by a consensus effort across multiple social spheres to make adjustments for its elimination. In a parallel vein, the correction for

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158 In her lectures and her writings she is the first to acknowledge the ‘innocence’ of all of the children involved. In her mind none of the incidents were the result of malice, but rather resulted from ignorance of the hurtfulness. The proposed corrective action was not intended to punish, but rather to break the structural process that perpetuated pain without hurtful intent.
underdevelopment is not solely through resourcing and empowerment to catch up as envisioned by the community-driven development model. Without an acknowledgment that there are contextual factors that contributed, and will continue to contribute, to muted development, there is little hope that self-energizing will fully be self-enabling. While CDD does note the need for corrective action external to the community, it is articulated with the emphasis of proper execution of institutional structure rather than either a political-economic restructuring. This case neither provides a clear pathway for integration without restructuring, nor a desire to integrate without restructuring.\(^{159}\)

9.A.3.e. A Reliance on a Shared Norm of Conflict-Minimalizing

“So I believe, compulsorily and satirically, in the existence of this absurd world; but as to the existence of a better world, or of hidden reason in this one, I am incredulous, or rather, I am critically skeptical; because it is not difficult to see the familiar motives that lead men to invent such myths.” --George Santayana. If part of the premise for this corrective epistemological action and forced awareness of flawed character is based on the inability of the dominant class to accurately self-assess within a constantly reinforced social norm of superiority, then the possibility also exists that the belief by the oppressed that they are envisioning positive closure solutions is self-deluding. Under this alternative interpretation the Wabanaki Studies Commission is an opportunity to display the habitualization of resistance to domination and subordination, rather than as a rational processing for effecting closure. Similarly, the demand for anti-racism subject matter inclusion is the demand for validation and reinforcement for internal social norms rather than a mechanism to alter norms across social spheres to effect a broader social cohesion. This formal epistemology justifies the continued resistance to integration and any further assimilation; the point is not to alter others, but to justify self.

According to Sider, one illusion is the existence of cultural, ontological and temporal differences no matter how strongly proclaimed:

*It is rooted, rather, in the domain of social organization, in which words and symbols are contextualized in a struggle to harness emergent differentiation or, from below, to develop and redevelop autonomy.* (1987, pg.22)

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*The central symbolic issue remains social organization itself. At stake throughout the colonial and colonizing confrontation, and in the midst of whatever collusions may emerge, is not simply the creation of ethnic identities within domination, but the creation and self-creation of peoples who genuinely stand apart, outside-as well as within.* (1987, pg.23)

\(^{159}\) This desired restructuring is evident both by the State of Maine (e.g. municipality designation) and by the Penobscol Nation (e.g. casino gambling).
A similar thought is expressed by Currier following his focused pre-settlement examination of the Maine Indians:

It is concluded that identity is less attuned to a specific cultural content as it is to the ideology of separation which is exemplified through the core symbols of opposition, namely, land and the resources which land represents, law and legally sanctioned distinctions, and the commonsense views of the people of Maine based on somatic and cultural norm images…(1978, pg.xii)

Identity need not be based on any objective cultural difference, although the cultural content of a group of people may provide supporting symbols as diagnostic cues to that identity. It is within the ambience of conflicting meanings, of symbols, that the dialectical nature of identity is generated and sustained. (1978, pg.152)

Although not overtly discussed, but a fundamental requirement nonetheless, the presumption within the community-driven development construct is that there is an underlying desire to effect cohesion and minimize conflict. The internal community perspectives in this case appear to strongly support this, but even this high level of maintained closure throughout this period cannot be taken in isolation from the extreme lack of external closure. The stresses and strains postulated in the hypothesis did not materialize as cracks or fractures within the Penobscot Nation, but it is conceivable that the level of closure inward was as much from a repulsion to the external alternative as a cohesive attraction to the core. The lack of clear mechanisms for social capital generation and community building (e.g. group, event or political participation levels) and the levels of perceived similarity between members juxtaposed with the confrontational external interface supports an interpretation that conflict, rather than solely a desire for harmonious relations, was a significant contribution to cohesiveness and closure.

**9.A.3.f. An Opportunity to Succeed is Also an Opportunity to Fail, and Failure Might Even be a Prerequisite to Success**  
*Wisdom comes by disillusionment* --George Santayana. In many ways the passage of LD 291 was the result of disillusionment by all parties. The State had an expectation of a settlement, a conclusion. The Penobscot Nation had an expectation of a beginning and a journey. While the current active parties were not capable (either due to structural constraints to agency or through an inability to radically move beyond habitus) to define a conformable Social Sphere that accommodated their existing respective social spheres, their failure may have provided the wisdom to take a long-view and proceed one step at a time. This initiative for some level of shared understanding may represent a wise path for development, but the results of will not be realized for quite some time.
The presence of numerous failures and extended timeframes for measurable success in this case study, remove some of the illusion of an overly simplified and optimistic community-driven development approach. There is still the possibility of positive outcomes, and there are indications that this process can work through the challenges and progress (e.g. the tribal positive perspective on its development path). But there is also the possibility of abject failure, and there are indications that this process will crumble under the weight of the failures and setbacks (e.g. calls for an abandonment of the settlement agreements). Thus, appraisal of this approach remains elusive to both participants and observers, but its progression and examination can be of value whether in isolation this community-driven development construct is ultimately judged as a success or failure; the immutability of the structural holes may provide the missing insight for modification of approach to span the gaps (i.e. starting in kindergarten rather than the State House):

“When omniscience was denied us, we were endowed with versatility.
The picturesqueness of human thought may console us for its imperfection”
--George Santayana


At one point in the writing of this thesis, it was recommended by a reviewer to resist the creation of new hyphenated words. The current edition of Oxford English Dictionary has 171,476 full entries for words in use, so lack of ability to convey a thought clearly with these pre-existing tools needed to be scrutinized. The requirement to visually conjoin multiple distinct entities in order to promote their consideration as a single unit of meaning is a good indication that there is some level of existing resistance to a singular conceptualization. The prevalence of hyphens in the solution to the structural holes of development in this approach (e.g. community-driven development, self-determination, and learn-as-you-go) serve as warnings against the assumption of a stable and secure process. Indeed, that is evident in this case, even over a 30-year period. Therefore, it is still premature to determine if the bridging internal to these compound words can truly provide closure around a concept to effect positive development. The exploration of this case has indeed produced valuable insights, but admittedly the challenge remains in piecing these observations into a singular assessment. Three possibilities are supported by the analysis and are presented under the headings of Process Cap, Process Trap and Process Step. While listed as distinct entries with divergent vectors, the fourth possibility is that they are not alternatives to each other. Rather, they are
characteristics of the construct that co-exist and must be recognized and managed on a case-by-case basis.


Q. So the theory of the strategies of reproduction is inseparable from a genetic theory of groups, which aims at accounting for the logic which determines how groups, or classes, are made and unmade?
A. Absolutely. This was so evident, and so important, for me…. I had tried to show that groups, especially genealogically based units, existed both in the objective reality of established regularities and constraints, and in representations, and also in all the strategies of bargaining, negotiation, bluff, etc., aimed at modifying its representations. I thus hoped to show that the logic that I had discovered in genealogically based groups, families, clans, tribes, etc., was also valid for the most typical groupings of our societies… (Bourdieu, 1990, pg.75)

The dichotomy between the internal and external portions of this case was striking. While James spends much of his book arguing against the inappropriateness of the capitalization of the term, his entry point that there is the perception of "a Great Divide between structures of traditional tribalism and the structures of modernism…," (2006, pg.1) seems appropriate in this case. The word Tribe is used by all parties in this case, including this author, so it must be the correct term. Further evidence comes from its fit within the legal definition as provided by Justice Van Devanter "... a body of Indians of the same or a similar race, united in a community under one leadership or government, and inhabiting a particular though sometimes ill-defined territory." (United States v. Candelaria, 1926). This legal definition removes some of the anthropologic and political science confusion of defining a tribe based on a specific governance framework (O'Neil, 2006). Yet it is specifically this confusion that many claim should not be overlooked as it obfuscates the power relations (both internal and external) tied to the designation of ‘tribe’ (e.g. Rata, 2005; Friedman, 1994; Schroder, 2003). The historical continuum to an actual tribal governance is a falsehood, but the ability to create historical links is an effective tool of differentiation and resistance to assimilation (Sider, 1987), of the capitalizing of the Great Divide. Under this interpretation, the Penobscot Nation’s use of the term in their 2010 brochure (e.g. protecting the rights of the Tribe is listed as a responsibility of the Penobscot Nation Government), along with historical references that coincidentally emphasize separation (e.g. the front cover is a painting of a view across the river before the connecting bridge was erected; the back cover is an image of the infamous Spencer

160 Appropriate to the method and findings from this study the selected quotations are from Bourdieu, and specifically from the section of his collected essays entitled Confrontations (1990).
Phips scalp bounty proclamation, is less of a historical incursion into the present as it is a political statement of boundary. Due to the recursive property of the CDD approach the reproduction of ‘culture-and-identity-reproduction’ is compounded to emphasize boundary, which ultimately represents a cap on development as expansion without integration is not possible.

This interpretation is supportable within this case, but it is also relevant beyond a designated ‘tribe’. The increase in tribalism or its modified forms (e.g. neotribalism; reactionary tribalism) are not reliant on an historical antecedent as they can be applied to any insular resistance by community to modernity (Antonio, 2000). Both Duncombe (2007) and Ikeotunoye (2002) do not see this as a weakness to bottom-up development, but rather as its purpose. Arnell argues that Putnam’s assessment in a decline of American social capital is actually the increase in the social capital of minorities and their use of it not to be homogenized (2006).

While the World Bank’s CDD framework specifically states a desire for eventual integration (Chase & Woolcock, 2005), the unresolved duality of U.S. Indian policy that reserves absolute authority of tribes (i.e. absolute integration) but with the desire to maximize self-determination (i.e. non-integration), and the absolute choice of indigenous peoples to choose the level of integration in Article 5 of the United Nations Declaration on the Rights of Indigenous Peoples all have widely different perspectives on whether there is a discretionary cap within this approach. But if there is a motivation for community cohesion, which is the basis on which CDD is built, then its reproduction and expansion as part of the development profile may also limit the likelihood of scaling-up through regional, national and global integration.

The top-town component of CDD occurs through the discussion of bottom-up institutionalization in the acknowledgement that it requires a partnering top-down structural adjustment. This process is argued as beneficial and possible within a reasonable timeframe, but the lack of these actions can also serve as a process cap (DasGupta et al, 2003). And indeed this can be seen in this case study. The increasing levels of self-governance processes are limited by the structural rigidity of the Settlement Acts as interpreted from the top-down. It was a constructed agreement negotiated and ratified by a process involving people, yet it serves as a structural edifice of such imposing might that it is perceived as an inviolate and immutable monolith. While most of the attention is on the precise wording of the Settlement Act in this specific case, the fundamental structure of a single Sovereign within the nation-state construct will at some point cap the community sovereign and assert Sovereign’s Will. The delineation of property rights, of ownership of the land but not the minerals under it or the water flowing over it, might be a structural imperative to maintain a coherent nation-state but it will not
necessarily be the desired or beneficial configuration for a given community. Thus, it is ultimately not a question of whether there is a cap, but rather at what point the cap will be encountered.

9.B.2. Process Trap?

Although I am suspicious of big dualist oppositions (hot societies versus cold societies, historical societies versus societies without history), one could say that as societies become more highly differentiated and as those relatively autonomous ‘worlds’ that I call fields develop in them, the chances that real events (that is, encounters between independent causal series, linked to different spheres of necessity) will happen in them will continue to increase, and so, therefore, will the liberty given to complex strategies of the habitus, integrating necessities of different orders. It’s in this way, for instance, that as the economic field establishes itself in its own right by establishing the necessity that sets it apart, that of business, of economic calculation, or of the maximization of material profit (‘business is business’, ‘business is no place for sentiment’), and as the more or less explicit and codified principles that determine the links between relatives cease to apply beyond the limits of the family, on the complex strategies of a habitus shaped by diverse necessities can integrate the different necessities into coherent decisions. (Bourdieu, 1990, pg.73)

The cold hand of institutionalization and modernity were expected to tear at the fabric of the Penobscot Nation. Despite some evidence of strain the sentiment for community beyond the immediate family remains, at least thus far. There have been noticeable changes necessitated by the ‘opportunity’ to develop. Every step, from the initial ‘forced’ agreement (PIN, 1998), through its capitalistic mechanism of having to buy back land for tribal ownership, to the payment in lieu of taxes and designation as a municipality represent the traps behind the trappings of self-determination in this case. The stalled integration discussed above in this reading is a temporary condition and will be solved when the Penobscot Nation elects to choose between the single option on the table; avoidance of the choice delays the inevitable but does not introduce addition options for development. Even the Penobscot Nation’s explorations along the margins for big payoffs under the guise of a method to increase self-determination are self-limiting. They elevate economic capital, and accentuate that superiority by its complete disassociation from activity (i.e. the limited liability holding company model is a recognition of the power of capital as a detached entity rather than an as a subservient extension of their enterprise), which in turn provides it a superior position to their own sovereignty (i.e. capital as ‘other’ rather than capital as a derivative of ‘self’ is the authority

161 For example, Leshy notes the significant legal differences between the U.S. and Australian systems with regards to land claims and mineral rights that provide corresponding structural differences in indigenous community agency regardless of community desire (1985).
above their will). This Marxist reading surprisingly does not conflict with the World Bank’s vision of development:

The modernization of the economy—perhaps the defining goal of ‘development’—necessarily entails the concomitant modernization of the judiciary, the polity, and (most problematically) social relations, though rarely are such interconnections made explicit, and rarely does an orthodox sectoral development project (roads, health, education) conceive of itself as entering such a complex, ongoing process.

The ‘best’ CDD projects, however, do. Derived as they are from social (as opposed to economic) theory, they recognize that giving program participants a direct and overt stake in shaping decisions affecting their welfare means that the decision-making process itself, and the broader social changes to which it (intentionally) gives rise, are accorded greater legitimacy. (Chase & Woolcock, 2005, pg.6)

And true to its word, community-driven development enables the Penobscot Nation to express increasing levels of self-satisfaction as it maintains a cohesive community endorsement on its development path.

Oeser makes a parallel argument with regards to voting rights in ex-tribal elections as a similar Trojan horse illusion of self-determination enables the lodgment of a destructive cancer within (2010). A reading of Roman’s positivist underpinnings of international law on self-determination boils down to a dichotomy of either the right to secede or the absence of any self-determination as a collective (1999). Legal pluralism studies (e.g. Bond, 2008) frequently show that dual systems that seemingly offer minority legal empowerment also provide legitimized ultimate subjugation to the dominant power on any issues of conflict. Murdocca combines these two, both the political and legal, to illustrate how even steps of progress remain within the construct of structural violence in Canadian indigenous policy (2010). Therefore, the active participation in subaltern community development results in the resisted externally prodded assimilation becoming the pursued self-determined outcome: In an ironic twist, the assimilation resulting from economic enhancement had, in many respects, fulfilled the misguided aspirations of the earliest European colonists (Mika, 1992).

162 See Gibilisco (2005) for a parallel conceptualization of the third way social democracy in Australia: From his perspective, meritocracy only offers shifting patterns of inequality, unfairly exalting the rich, while condemning the poor to false hopes of individualized social mobility. His examination in the context of individual members of society with disabilities as an evaluation technique to test the validity of the concept can also be seen as a parallel to a structural group disability (i.e. change ‘people with disability’ to ‘indigenous community’) accommodation within the CDD construct: People with disabilities are to a large degree conceptualized as an exploitive product of the global meritocratic and market driven political economic system. This system is structured upon the ideal of profit making, not a dream that captures one interacting in the workplace with the so-called disabled body. In the long run, this will only permit the further exclusion of people with disabilities, promoting economic conditions that are necessary to get rich by putting profit before people.

This degree of indeterminacy, of openness, of uncertainty, means that one cannot depend on it entirely in critical, dangerous situations. One can formulate the general rule that the more dangerous the situation is, the more the practice tends to be codified. (Bourdieu, 1990, pg.78)

Bourdieu also gives an opportunity to consider this case in a positive light, even in the presence of a confrontation. The lack of internal tension is reflected in positive measures in nearly every measure within the Penobscot Nation. Even through an incredible level of transformation from complete disempowerment to the control of considerable resources, the lack of a perceived threat from gaining power and control permitted a collegial play between indeterminacy and habitus; it enabled a dialogue in the public spheres. And this non-confrontational accommodation between the two extremes of habitus and indeterminacy resulted in positive and increasing perceptions in nearly every dimension. The slight but notable strain between traditionalism and modern economic development prioritization both represent the desire to resolve and codify when the level of tension becomes threatening (e.g. “cultural survival at stake” [Wabanaki New Dawn, 1995]), as indeterminacy of transition undercuts the established ‘sense of the game’ of the most skilled traditional players. However, there is enough elasticity in the semantics, coupled by necessity to manage the transformation, that the symbolic struggle can occur peacefully with a result that traditionalism becomes a valuation for traditions rather than a display of traditions; native language becomes knowing about the importance of language instead of the importance of knowing language; fellowship becomes a valuation of group association rather than an association through groups.

The incredibly high levels of social conflict between the State, Tribe and federal government preceding and throughout the initiation of the Penobscot Nation’s community-driven development empowerment process, were not settled even if the political and economic structures of the Settlement were. Previously as subaltern, the position of Penobscot officials in the dominant social spheres was relationally weak and disconnected, but by necessity and domination the position of State officials within tribal social spheres was relationally powerful and connected. The Maine Indian Claims Settlement Act and federal recognition stated for the record that the social space was to be reordered. The ensuing symbolic struggle did not progress peacefully as evident in the dissatisfaction with and within the chartered body to define the new relationship, the Maine Indian Tribe State Commission. The continued struggles have continued to reinforce codified practice by each, especially in terms of their vision of sovereignty.
There has not been a lot of flexibility or freedom of agency afforded to any of the involved participants given the lack of trust, but there have been some. And potentially more important than the actual collaborative activities is that the successful examples have hinged on a level of sociability and a playing to the others’ habitus rather than through a destabilizing strategy, which aligns with the approach recommended by Boutilier and Svendsen for high conflict relationships (2000). The excerpt below from a recent Penobscot Newsletter (2011) provides a good example:

One of the most memorable moments of this last session was my ability to get Governor LePage to sign the **TRUTH AND RECONCILIATION ACT**, here at the Socialexis Bingo Hall. We had worked with the past administration for several months with promise after promise right up until his last few days in office and he left office with an excuse of tying another Administration’s hands. Governor LePage coming from the background he did, being in foster care having to leave his family and all the abuses that went with that type of care was overwhelmingly supportive and signed the document with our four Chiefs in attendance and co-signatories, it was truly an historic moment for the Tribes and a huge acknowledgement by the State of how they abused our Native children. They in essence agreed to work with us in the healing process and to make sure that it never happens again.

**Figure 9.3. Penobscot Newsletter Truth and Reconciliation Act Excerpt.**

This working together within the zone of flexibility does not mean that there is an absence of symbolic struggle. It still exists. Just as in the maneuvering for the proprietary rights to the naming of LD 291 (“Maine Native American” vs. “Wabanaki Studies”) or the official definition of *squaw*, the “Truth and Reconciliation Act” symbolically named and signed on the Penobscot Reservation was symbolically named elsewhere as the “Maine State-Tribal Child Welfare Truth and Reconciliation Commission” (Maine TRC, **Homepage**, n.d.). The signed Declaration of Intent was somewhere in between in actuality:

**Declaration of Intent to Create a Maine/Wabanaki Truth & Reconciliation Process**

This document is a statement that gives context to the Truth and Reconciliation Process being created by the State of Maine child welfare agency and the Wabanaki tribes. This process will illustrate what has happened, what is happening and what needs to happen. We commit to uncover the truth and acknowledge it, creating opportunities to heal and learn from the truth. We commit to working together, collaboratively focusing our efforts on activities that will move us forward as equal partners invested in promoting best child welfare practice for Wabanaki people of Maine.

**Figure 9.4. Title and Preamble of Declaration of Intent** (Maine TRC, **Documents**, n.d.)

Depending on the website, the article or speaker, the emphasis changes slightly between it being primarily about child welfare or about Tribal-State relations. If viewed as progress, the social settlement may require multiple generations to peaceably shape the symbolic struggle for the naming of the as yet non-existent Maine-Tribe conforming social sphere; a few baby-steps but a long way to grow and go.

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9.C. Moving Forward

9.C.1. A Step Forward in Understanding the Case

While largely ignored for much of its history, the Indians of present-day Maine have had a considerable amount of examination and commentary in modern times, especially given their relative population size. Within this corpus, sometimes within a collective sense (e.g. Wabanaki) and sometimes as the principle focus, the Penobscot Nation has been considered from ethnographic, political, economic and legal perspectives on multiple occasions. However there remains a continued lack of understanding of the development process to provide a reliable predictive measure of manifested outcomes over time, or irrefutable recommendations for adjustment. There is more appreciation of the condition than an understanding of it, even with these layers of examinations. This investigation and its attention to the Penobscot Nation’s condition adds to this body beyond a tautological expansion as it fills both a temporal and perspective gap. This study provides a small step forward, though there is still a long way to go.

9.C.2. Step Forward in Understanding the Process

9.C.2.a. CDD & Indian Self-Governance Approaches

Many of the studies to date on development within this construct, either through formal CDD or through Indian self-governance (e.g. Harvard Project’s work), have been on the initial stages of its application. The fascination with ‘will it fly?’ appears to evoke more attention than how well it flies (or if it should be up in the air at all). This is in part due to its novelty of application and the resulting limitations of example, but it also reflects the transient fascination with the new that challenges the credo of ‘learn-as-you-go’ applied to these development protocols. That is, there is a significant risk that the ‘learning’ part will diminish and the ‘go’ part will remain without critical refinement. Even if only a single step in the plodding along of understanding, the continued plodding is necessary given the real impacts that these methods have on individuals, communities and society.

The study does move the discourse forward. It provides a longitudinal demonstration that the CDD process can support a protracted and cohesive view of development within a community. Beyond a qualitative measure based solely on internal community effects, this study also took a step in highlighting the discontinuities encountered as the CDD process created increasing focus on the structural boundaries that both enable its effectiveness and challenge its continuation since the same form of social capital that empowers community
appears to constrain economic growth (Beugelsdijk & Smulders, 2003). Also, similar to the findings in Laos (HDSU, 2008) and Nigeria (Nkonya et al, 2009), these qualitative measures could not be matched by empirical findings of self-sustaining developed beyond the application of donor resourcing as envisioned in the progression from absolute poverty reduction external support to relative poverty reduction self-modulation.

**9.C.2.b. Social Capital Steps** The determination of progress with regards to clarifying either the presence or role of social capital is a challenge even after its central position in this project. Sociability is arguably present at all levels as repeatedly illustrated. Also repeatedly illustrated, both consciously and subconsciously, is a strong belief in its existence and import. Consciously, the valuation given to groups, the development of trust and the seeking to institutionalize interpersonal forums (e.g. MITSC, working groups and summits). Subconsciously, the constant seeking for personal connections that might enable structured connections to effect outcomes can clearly be seen throughout Loring’s journal. And at this individual level, the evidence provided through this examination largely supports its exchange value (i.e. status as capital). The transition to a group or collective social capital was much less evident. When applied to a group, it appeared to be applied through individuals and discrete nodal exchanges rather than as a generalized trust applied as or to a group. Admittedly, in this case the near complete lack of trust between collectives (e.g. Tribe and State) might have hidden the value in this form due to its absence. And, an interpretation of the tribal membership’s willingness to value the residing-on-Indian-Island collective over individual positions or other groupings, could be used to support the contention of the presence and importance of group social capital. However, the lack of clear demonstrations of an application of this valuation to achieve desired outcomes challenges its mapping to the conceptualization as capital: *investment and use of embedded resources in social relations for expected returns* (Lin, 2002).

Since neither the definition nor the measures of social capital are anywhere near stable, the assessment of social capital in a specific instance is doubly challenging as its absence or presence is as dependent on the model as it is on the specific instance of exchange as it relates to other forms of capital. The choice of Burt’s model of brokerage and closure around structural holes (largely in a metaphorical application) is put forward as a step in

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163 This is a repeatedly articulated belief that the absence of social capital between noted diverse group perspectives can be countered by institutional means such as forums and working groups (e.g. Kay, 2005), but this case illustrated that the opposite effect may occur through the focusing of confrontation in an institutional a contentious-policy centric dialogue.

164 See Defilippis, 2001 for an excellent exploration into the inapplicability of Putnam’s generalized social capital at the community level.
the right direction. Its ability to address the role of social connections across a wide spectrum of applications, diverse social constructs and scales in this case was a good demonstration of its utility. And within this framework, the contribution of this study to the critical importance of initial closure (or pre-brokerage closure) is considered a positive step.

**9.C.2.c. Community** Just as with social capital, there is a lack of an investigative construct that resolves its multiplicity of interpretation and contradictory application of community. In order to address this complexity, the heuristic solution of the utilization of the term of ‘social sphere’ proved effective in addressing the role(s) of community and of individual members within the community(ies) across a wide spectrum of applications and diverse social constructs. In this case it withstood the need to examine both the intersection of community boundaries through contextual juxtaposing and through internal nesting at the level of both subgroup and individual. One of Durlauf’s four calls for focused research to evaluate the utility of social capital in community development was for a method that could produce “a balanced assessment of intergroup as well as intragroup relations, so that the adverse effects of group identity on both members and others are properly assessed” (1999). This is not trivial in light of the core role that Community with-a-capital-C plays in this development paradigm despite the lack of understanding of all the communities and their interactions that serve to create the animating, binding force when the term is capitalized (consciously or subconsciously).

It is doubtful whether any of the members of the Penobscot Nation have ever uttered the phrase ‘non-conforming social spheres’, however the examination revealed that they both recognized the diversity of multiple fields that constituted their community(ies) and employed a consensus, or at least a ‘legitimate’, ordering principle when the fields and their relative positions came into conflict. Rather than creating repeated contestations for symbolic power, for the right to claim title to ‘Penobscot Nation’ and organize its fields and participants, the contextual encounters that emphasized the non-conformance of these social spheres were met with a cohesive prioritization and a willingness of individuals to accept their relative positions within the optimized group-benefit social sphere even if it meant a non-maximizing individual-benefit (e.g. on- and off-reservation influence). The extent to which this occurred internal to the Tribe was not expected throughout this transformational period, yet most measures revealed that it was still the default condition throughout the development profile. The importance of this level of closure was evident through its absence with regards to interactions with and within
external social spheres. Instances of displayed non-congruity were met with an emphasizing of difference and non-conformance. The lack of this closure inhibited all parties’ opportunity for brokerage even in asocial endeavors that could rationally be argued as beneficial for all (consistent with Easterly’s findings when ethnic tension is divisive [2001]).

**9.C.2.d. Institutionalization** The increasing formalization of decision-making internal to the Tribe was met with increasing levels of legitimacy. Again, it was an in-going expectation that this level of institutionalization would be disruptive to community cohesion throughout this lengthy period. While CDD proponents postulated that institutionalization from the ground-up could promote legitimacy, the associated distancing from the interpersonal interactions and responsibilities for guiding the community while maintaining social cohesion through an increasing reliance on an institutional framework could also be disruptive to social capital (Dhesi, 2000). The expectation in this case was that a plateau, or a peak with a noticeable decline, over time would be encountered; the balance between institution as an expression of accepted norms versus its role as the prescriber of acceptable norms was expected to shift toward the latter in this timeframe. However, if the internal results are fused with the low and decreasing levels of legitimacy afforded to external institutions, the high levels of support for the institutions as the frontline defenders of the collective (e.g. Chief Dana threatened with jail) might not be completely attributable to their bottom-up generation. The protracted and increasing ascription as just sovereign cannot be taken in isolation from the protracted and increasing ascription of unjust Sovereign with regards to the State and Nation.

The irony of the above situation is that it occurred over a period in which significant steps were taken at the national policy level to increase tribal self-governance. Yet somewhere in the middle the message got lost and did not reach the State of Maine or the Penobscot Nation. The devolution and decentralization of authority without a common interpretation of the governing principles represented a dilution of those principles rather than an extension and expansion of their expression. This dilution was further complicated by the presence of an uncomfortable duality internal to the present overarching tenets of U.S. Indian policy. The resulting confusion between opinions based purely on the complexity of the situation and governing framework, even without any accusation of maleficence or intentional corruption of interpretation, will not result in an alignment of perspectives by all parties. Add to that the suspicion of hurtful intent by one or both parties along the way, and collisions occurred rather

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165 The UNDP examination of Bosnia and Herzegovina as it recovers and develops following the cessation of open conflict emphasizes the need to create a conformal civic space wherein the high-closure communities can interact without conflict and develop trust across boundaries (Nixon et al, 2009)
than seamless integration. The default resolution to these collisions was a combative process external to the supposedly empowered community and part of the institutional construct of the oppositional other. The resulting issue resolution in this format does not include nor promote measures for the parties to achieve future integration beyond the incentive to avoid the cost (and complete loss of any decision-making authority) that occurs through litigation. The overall result in this case is a lack of institutional integration external to the community, and an atmosphere that stresses internal closure and an avoidance of brokerage.

9.C.3. “It's Just a Jump to the Left; And a Step to the Right”. Getting Development Moving Forward

The title of this chapter might be interpreted as an implication that this investigation has resulted in the belief that the community driven development construct (or the Indian self-determination approach) in this case has represented a step in the right direction, but with a long way to go. And that is a correct inference on Tuesdays and Fridays. On Mondays and Thursdays this study clearly supports the Process Cap conclusion. On Wednesdays and Sundays it obviously points toward it being a Process Trap. Saturdays are reserved for indeterminacy.

These three judgmental perspectives are presented in the summary under separate headings as separate possibilities, but they are also conjoined possibilities. Possibilities in the sense that the full story is not yet finalized and possibilities in the sense that they may not be separate alternatives but rather separate facets of the same thing. The singular step in the title, rather, addresses the understanding of the possibilities, of a small movement toward a more accurate assessment, rather than a positive endorsement of the interpretation that progress continues to be made in spite of the encountered growing pains. As much of an unsatisfying outcome as this may be, it represents a successful investigation of the hypothesis given the state of understanding of these complex processes in isolation and in combination: CDD is not always simple, continuous, nor positive. While it does not provide a singular

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166 This perspective was common to both parties when cases were brought to federal court as it represents ‘other’ in the federal construct. However, the majority of cases were heard and decided in state courts, with no record of a tribal court decision forcing acquiescence by the state.

167 Taken from the lyrics of the Richard O’Brien song, Time Warp. The indeterminacy in a judgment of progress implied from the horizontal bi-directional movement of the steps is further convoluted by a questioning of the fundamental temporal component necessary within the concept of progress. The difference in interpretation between the Settlement Acts as the closing of a book (finish) or as the initiation of relationship (start) are examples of the level of warping of time required to integrate these two parties.

168 Woodard’s work with community development and engagement in governance integration notes the possibility of each of these courses of action becoming dominant, but with the presence of each to some level within the process (2000)
determination on the appropriateness of the process embodied by CDD as a whole, it does highlight specific assumptions and sub-processes that resist simplification.

9.D. Concluding Remarks

This case and its study extend well beyond the words in this thesis. These data and this analysis are relevant to the Penobscot Nation, the Wabanaki, the State of Maine, federal Indian policy, community-driven development specifically, community development in general, indigenous studies, race and ethnicity inquiry, and governance and legitimacy fields of political science. As an interdisciplinary approach it lacks some of the precision possible in a single field or a collaborative multidisciplinary approach, but within its breadth it has uncovered rough gemstones that can bear the pressure of increased polishing. The data evaluation conducted and presented was methodologically appropriate for this study, but the ‘one step forward’ theme of the conclusion is also a recognition that there is much more to be learned from what has already been collected in this project, as well as the possibility for this work to shape and contribute to other research activities. It is hoped that the reader came to some of the same conclusions, at least on this point.
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WC-37


Tribal Survey on Community Development
A collaborative project between the University of Melbourne and Penobscot Nation

Please Participate
Your participation will hopefully aid both the Penobscot Nation and communities around the world. By giving us your views on the Tribe’s community development process, you can influence the future direction of your Tribe and the community at Indian Island. The results may help inform Penobscot members, Tribal officials, State and Federal officials of key development issues and shape policies. This academic study will also be of benefit to indigenous and developing communities around the world by learning from your experiences as the Penobscot Nation has struggled for and achieved so much through its focus on community and positive development.

Benefit your Tribe, and maybe win a $250.00 cash prize!

This is a comprehensive survey and it is designed to take around 30 minutes to complete. We know that this is a lot to ask, but your help is very important! As a way to say “Woliwoni - Thank you” everyone that completes the survey will be entered to win a $250.00 prize and $250.00 will be donated in their name to a Tribal organization of their choice (e.g. Boys & Girls Club, 8th grade class trip, Indian Women’s Mission, Language Revitalization Program, Penobscot River Restoration Trust, etc).

Encourage all your friends and relatives to complete their surveys, because if over 250 surveys are returned, an additional individual prize of $250.00 and $250.00 to a Tribal organization will be added. Drawing for the prizes to be held on 14 Nov 09

Instructions
- You MUST check the box on page 11 that you understand your rights and protections
- Please provide an answer for each question
- Some questions use a scale of 1-5; descriptions are included for each question
- Some questions cover different time periods (now, 10-15 years ago, 20-25 years ago)
  -- These are general time periods so mark down what your overall attitude or thoughts are about this period.
  -- if you were not at least 18 years old in during that period mark with an “X” or check the block marked “not an adult”
- Place the completed survey in the enclosed postage-paid return envelope and drop in a mailbox or at a post office.
- If you have any questions about the survey or need help completing it, please contact the
Demographic Data:

Education. Please mark the highest level of education completed and the year completed.
- Dr. (Medical, Dental, Legal)
- PhD
- Masters
- Bachelors or Associates
- Less than high school
- High School

Current Education Status:
- Student (Full-time)
- Student (Part-time)
- Not taking school courses

Current Annual Individual Income (do not include Trust payments):
- less than $10,000
- $10,000-19,999
- $20,000-29,999
- $30,000-39,999
- $40,000-49,999
- $50,000-59,999
- $60,000-69,999
- $70,000-79,999
- $80,000-89,999
- $90,000-99,999
- over $100,000

What best describes your current employment status:
- Full time
- Part time
- Unemployed
- Retired

How many miles from your primary residence is your current place of employment:
- Less than 5
- 5-10
- 11-20
- 21-50
- More than 100
- N/A

Do you currently work on Indian Island?  yes  no

Were you ever employed fulltime by the Tribal government?  yes  no
.... one of its enterprises/businesses?  yes  no

Marital status:
- single (never married)
- married
- divorced or widowed

Children:
- none
- yes, living with you
- yes, not living with you

Current Primary Residence on Indian Island?  yes  no

Have you ever lived on Indian Island for more than 3 years continuously?  yes  no
.... in Tribal owned or managed property?  yes  no

Native language skill:
- None
- Few words
- Basic
- Fluent

Primary instruction for your Native language skill:
- Family
- Community Program
- School
- Other
- N/A

Age at time of this survey:
- 18-26
- 27-33
- 34-40
- 41-47
- 48-56
- 57-63
- 64-70
- 71-77
- 78-86
- 87-96
- over 97
Membership and Participation in Groups & Organizations

For the purpose of this study, 'groups & organizations' are both formal and informal networks of people coming together for a common purpose. A good rule of thumb is that if it has a name then it qualifies as a group or organization.

How many groups or organizations do you currently belong to? □

How many times per year do you attend group religious and spiritual activities? □
(such as church service, sweat lodge, etc)

How many groups not associated with the Tribe do you currently belong to? □

What are the three most important groups that you belong to?
Group 1: □
Group 2: □
Group 3: □

How many of your co-workers live on Indian Island?
□ none □ few □ about half □ most □ nearly all

How many close friends do you have (can talk about private matters)? □

How many times per year do you attend Tribal Government meetings? □

How many times per year do you participate in Tribal cultural events? □

Have you been an elected member of the Tribal Government at any time? □ yes □ no

In terms of time, effort and money, do you personally get more support from the groups and organizations that you belong to than you put into the groups? □ yes □ no

If you needed to borrow money (over 1 week worth of wages) for an emergency, are there people or groups outside of your immediate family that would assist you?
now: □ yes □ no
10-15 years ago: □ yes □ no □ Not an adult 10-15 years ago
20-25 years ago: □ yes □ no □ Not an adult 20-25 years ago

How important are Groups & Organizations to your life?
(1=none, 2=Not much, 3=Some, 4=A lot, 5=very much)
now: □1 □2 □3 □4 □5
10-15 years ago: □1 □2 □3 □4 □5 □ Not an adult 10-15 years ago
20-25 years ago: □1 □2 □3 □4 □5 □ Not an adult 20-25 years ago

How important do you think Groups & Organizations are to the health of the Tribe?
(1=none, 2=Not much, 3=Some, 4=A lot, 5=very much)
now: □1 □2 □3 □4 □5
10-15 years ago: □1 □2 □3 □4 □5 □ Not an adult 10-15 years ago
20-25 years ago: □1 □2 □3 □4 □5 □ Not an adult 20-25 years ago
Trust and Solidarity

In general, would you say that most people can be trusted? □ yes □ no

Are most people where you live willing to help you if you need it? □ yes □ no

Will people where you live take advantage of you if you are not careful? □ yes □ no

In general, can you trust members of the Tribe more than non-members? □ yes □ no

Do you trust Tribal Government elected officials? □ yes □ no

Do you trust Tribal Administration employees? □ yes □ no

Do you trust State of Maine government officials? □ yes □ no

Do you trust federal government officials? □ yes □ no

Do you trust unofficial community leaders (e.g. elders, pastors)? □ yes □ no

Do you trust family members, friends and co-workers? □ yes □ no

If a project where you live does not directly help you (e.g. improve a playground), but is a good idea would you:

- □ yes □ no
- □ yes □ no

If a Tribal project does not directly benefit you, but is a generally good idea would you:

- □ yes □ no
- □ yes □ no

Do you think that Trust and Solidarity within the Tribe has changed over time? (1 = much worse 3 = same 5 = much better)

- 10-15 years ago: □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 10-15 years ago
- Not an adult 20-25 years ago

Has the Trust and Solidarity between the Tribe and the State of Maine Government changed? (1 = much worse 3 = same 5 = much better)

- 10-15 years ago: □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 10-15 years ago
- Not an adult 20-25 years ago

Has the Trust and Solidarity between the Tribe and the people of Maine changed? (1 = much worse 3 = same 5 = much better)

- 10-15 years ago: □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 10-15 years ago
- Not an adult 20-25 years ago
## Empowerment and Political Action

Do you feel that you have the power to make important decisions to change your life?  
- **now:** □ yes □ no
- **10-15 years ago:** □ yes □ no □ Not an adult 10-15 years ago
- **20-25 years ago:** □ yes □ no □ Not an adult 20-25 years ago

Can you impact important decisions that affect the community where you live?  
- **now:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult
- **10-15 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 10-15 years ago
- **20-25 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 20-25 years ago

- **Regional, state and national decisions affecting the community?**  
  - **now:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult
  - **10-15 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 10-15 years ago
  - **20-25 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 20-25 years ago

Can you impact important decisions that affect the Tribe?  
- **now:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult
- **10-15 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 10-15 years ago
- **20-25 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 20-25 years ago

- **Regional, state and national decisions affecting the Tribe?**  
  - **now:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult
  - **10-15 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 10-15 years ago
  - **20-25 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 20-25 years ago

Do you vote?  
- **now:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult
- **10-15 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 10-15 years ago
- **20-25 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 20-25 years ago

Do you participate in rallies, demonstrations, marches, etc for political action?  
- **now:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult
- **10-15 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 10-15 years ago
- **20-25 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 20-25 years ago

**...Focused on the local government where you live/lived?**  
- **now:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult
- **10-15 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 10-15 years ago
- **20-25 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 20-25 years ago

**...Focused on the regional, state or national governments?**  
- **now:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult
- **10-15 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 10-15 years ago
- **20-25 years ago:** □ 1 □ 2 □ 3 □ 4 □ 5 □ Not an adult 20-25 years ago
Information and Communication
(1=Not at all, 2=Very little, 3=Some, 4=A good amount, 5=A lot)

What are your most reliable sources of information about the Tribe?

... Friends, relatives and neighbors? □ 1 □ 2 □ 3 □ 4 □ 5
... Community bulletin board or newsletter? □ 1 □ 2 □ 3 □ 4 □ 5
... Government meetings? □ 1 □ 2 □ 3 □ 4 □ 5
... Radio, Internet or Television? □ 1 □ 2 □ 3 □ 4 □ 5
... Tribal elders? □ 1 □ 2 □ 3 □ 4 □ 5
... Religious or social groups? □ 1 □ 2 □ 3 □ 4 □ 5

What were your most reliable sources of information about state and national issues?

... Friends, relatives and neighbors? □ 1 □ 2 □ 3 □ 4 □ 5
... Community newsletter or newspaper? □ 1 □ 2 □ 3 □ 4 □ 5
... Government meetings? □ 1 □ 2 □ 3 □ 4 □ 5
... Radio, Internet or Television? □ 1 □ 2 □ 3 □ 4 □ 5
... Tribal elders? □ 1 □ 2 □ 3 □ 4 □ 5
... Religious or social groups? □ 1 □ 2 □ 3 □ 4 □ 5

What are your most reliable sources of information about issues where you live?

... Friends, relatives and neighbors? □ 1 □ 2 □ 3 □ 4 □ 5
... Community bulletin board or newsletter? □ 1 □ 2 □ 3 □ 4 □ 5
... Government meetings? □ 1 □ 2 □ 3 □ 4 □ 5
... Radio, Internet or Television? □ 1 □ 2 □ 3 □ 4 □ 5
... Tribal elders? □ 1 □ 2 □ 3 □ 4 □ 5
... Religious or social groups? □ 1 □ 2 □ 3 □ 4 □ 5

Overall, how do you rate the reliability and amount of information that you have access to that deals with:

(1=Bad, 2=Some problems, 3=OK, 4=Pretty good, 5=Great, X=Not an adult then)

... Tribal issues:  Now: □ 1 □ 2 □ 3 □ 4 □ 5  10-15 years ago: □ □ □ □ □  20-25 years ago: □ □ □ □ □
... State, and national issues: Now: □ 1 □ 2 □ 3 □ 4 □ 5  10-15 years ago: □ □ □ □ □  20-25 years ago: □ □ □ □ □
... Local issues where you live: Now: □ 1 □ 2 □ 3 □ 4 □ 5  10-15 years ago: □ □ □ □ □  20-25 years ago: □ □ □ □ □
Social Cohesion and Inclusion

1= None, 2= Not much, 3= Some, 4= A good amount, 5= Very much, X= Not an adult the
In general, how happy do you consider yourself to be?
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

Do you feel that most of the people where you live generally are similar to you?
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

Do you feel that most of the people in the Tribe generally have the same views as you?
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

Do differences in Tribal attitudes generally fall along lines of
....Gender
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

....Income
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

....Kinship/family
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

....Religion
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

....Political groups or views
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

....Married/single
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

....Age
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

....Other [write in]
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

How safe do you feel from crime or violence while in your home?
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

How safe do you feel from crime or violence while in public?
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

How many times a year do you have dinner with others in their home or a public place?
Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]

Of these dinners or drinks with others, how often per year are they with a different
....ethnic group? Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]
....economic status? Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]
....religion? Now: [ ] 10-15 years ago: [ ] 20-25 years ago: [ ]
### Collective Action and Cooperation
(mark “X” if not an adult during the period in question)

<table>
<thead>
<tr>
<th></th>
<th>Now</th>
<th>10-15 years ago</th>
<th>20-25 years ago</th>
</tr>
</thead>
<tbody>
<tr>
<td>How many times per year do you participate in unpaid community work where you live?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How many times per year do you participate in unpaid community work on Indian Island?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If there was a major problem with the local school building where you live, what portion of the community would get directly involved in fixing it?
- [ ] none
- [ ] few
- [ ] about half
- [ ] most
- [ ] nearly all

### General Impressions on the Tribe
Please provide your impression of the condition of the following to the best of your recollection. 1=Awful, 2=Poor, 3=Half-good/half-bad, 4=Pretty good, 5=Fantastic, X=Not and adult

<table>
<thead>
<tr>
<th></th>
<th>Now</th>
<th>10-15 years ago</th>
<th>20-25 years ago</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tribal community decision-making</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial status of the Tribe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strength of Tribal culture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sense of community (Indian Island)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tribe developing in the right direction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Standard of Living</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native language education</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Tribal individuals and communities’ view of the Tribe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level of sovereignty and self-determination of the Tribe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional capability of Tribal elected officials</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Community Services**

Please provide your impression of the condition of the following to the best of your recollection.  
1=Awful, 2=Poor, 3=Half-good/half-bad, 4=Pretty good, 5=Fantastic, X=Not asked

<table>
<thead>
<tr>
<th>Service</th>
<th>Now</th>
<th>10-15 years ago</th>
<th>20-25 years ago</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Safety and Security (Fire &amp; Police)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural Resource management</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial management</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance, infrastructure and transportation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child, youth and elder care</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Courts and legal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural and Historic</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Tribal Priorities**

Please provide what you think should be the top priorities for the Tribe:

How well do you think the actual Tribal priorities match up with your opinion of what they should be:  
1=none, 2=few, 3=about half, 4=most, 5=nearly all, X=not an adult

<table>
<thead>
<tr>
<th>Now</th>
<th>10-15 years ago</th>
<th>20-25 years ago</th>
</tr>
</thead>
</table>
## Influences on Tribal Decisions:
Rate the level of influence that the listed groups actually have on Tribal decisions (left column) and what level you believe that they should have (right column) (1=None, 2=A little, 3=Some, 4=A lot, 5=Tremendous amount)

<table>
<thead>
<tr>
<th>Group</th>
<th>Actual</th>
<th>Desired</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penobscots living on reservation</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Penobscots living off reservation</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Non-Tribal Residents of Indian Island</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Voters of Maine</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Family &amp; kinship ties</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Social Organizations and Religious Leaders</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Other Maine Indian Tribes</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Penobscot Tribal Council</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Penobscot Chief</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Penobscot Tribal Council committees and study groups</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Penobscot Administration processes and laws</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Neighboring Towns and Communities</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Maine Indian Tribal-State Commission</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>State of Maine Government</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Federal Government Agencies</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>State of Maine Courts</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Federal Courts</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>
Protections

[ ] yes, I understand my rights & protections for this survey described below.

Electronic Signature (type in Name): [ ]

(to be accepted, you MUST check this block and sign for your questionnaire)

Your individual rights are protected. A Memorandum of Understanding has been signed by the Chief and the Lead Researcher, which includes protection for the Tribe and its members. This document is available through the Director, Cultural and Historic Preservation Department ( ). Your individual rights are also protected by Ethical Standards of the University of

Melbourne as covered in the statement below:

Community Development Processes in the Penobscot Nation through a Social Capital Investigation

School of Anthropology, Geography and Environmental Studies

Principal Researchers: Ed Ebinger (PhD Student); [ ]
Dr. Anthony Marcus (Supervisor); [ ]
Dr. Kirk Dombrowski (Advisor); [ ]

Introduction: Your name and contact details have been with the permission of the Chief, Penobscot Nation. As member of this community, we would like to invite you to participate in our research project. This project will examine community development process and social capital since federal recognition. This project has been approved by the Human Research Ethics Committee of the University of Melbourne and is a collaborative project with the Penobscot Nation managed through the Cultural and Historical Preservation Department.

What will I be asked to do? Should you agree to participate, you may be asked to contribute by completing a questionnaire. The survey will focus on social capital related to community development over the past 25 years. Completion of the questionnaires usually takes between 15-30 minutes. A self-addressed stamped envelope is provided to return completed questionnaires to the research team.

How will my confidentiality be protected? We intend to protect your anonymity and the confidentiality of your responses to the fullest possible extent, within the limits of the law. Your name and contact details will be kept in a separate, password-protected computer file from any data that you supply. This will only be able to be linked to your responses by the researchers, in order to contact you for clarification in the event of difficulties in processing your questionnaire. We will remove any references to personal information, however, you should note that as the number of people in the community is small, it is possible that someone may still be able to identify you. The data will be kept securely by the principal researcher for 5 years from the date of publication, before being destroyed.

Will I receive feedback? Once the thesis arising from this research has been completed, a complete edition will be provided to the Tribal Government offices for reference by all members of the community.

How do I agree to participate? If you would like to participate, please indicate that you have read and understood this information by checking the block indicating your understanding of your rights and protections, and sign. Seal completed questionnaire and submit in the return address envelope provided.
Additional Comments: Please feel free to provide additional inputs in the space provided. Comments about the survey, social capital, community development, and the Tribe are encouraged. The fields expand so type in as much information as you desire.

Comment 1: 

Comment 2: 

Comment 3: 

If you would like to volunteer for a follow-on interview with a Researcher, please provide contact details and best time to call:

Name: 

Phone(s): 

Email: 

Time to call: 
Appendix B

Memorandum of Understanding (MOU)
Between the Ebinger Research Team and the Penobscot Nation

Ebinger Research Team
Mr. Ebinger is a doctoral candidate at the University of Melbourne in the International Development curriculum. He is designated as the Lead Researcher for this project to support his academic studies and contribution to the field of International Development. Mr. Ebinger, and all participating researchers, will strictly adhere to the academic and ethical standards prescribed by the University of Melbourne and this MOU.

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Ed Ebinger</td>
<td>Lead Researcher</td>
<td></td>
</tr>
<tr>
<td>Dr. Kirk Dombrowski</td>
<td>In-Situ Supervisor</td>
<td></td>
</tr>
<tr>
<td>Dr. Anthony Marcus</td>
<td>Primary Supervisor</td>
<td></td>
</tr>
<tr>
<td>Additional Committee Members*</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>Additional Research Assistants</td>
<td>Research Assistants</td>
<td>TBD</td>
</tr>
</tbody>
</table>

*the addition or deletion of names from this research team will be forwarded to the Tribe as they occur.

The Penobscot Nation
The Penobscot Nation is a sovereign nation existing as a federally recognized tribe, with additional capacities as a municipality and business entity. Herein, Penobscot Nation refers to elected governing representatives of the population determined by the tribal roles and the administrative departments and judicial offices with authority over tribal and trust lands, physical assets and records.

Basis of Relationship
This relationship commenced upon the request of the Ebinger Research Team to the Penobscot Nation for the purposes of conducting academic research as part of a doctoral program with the intent of examining the Social Capital of the Penobscot Nation since the enactment of the Maine Indian Claims Settlement Act (MICSA). This MOU is based on the Penobscot Nation’s endorsement of this research as beneficial to all parties. As such, a collaborative effort to be conducted by the Ebinger Research Team and the Cultural and Historic Preservation Department is formed with the following objectives:
- design of surveys and questionnaires to maximize analytical opportunities
- data collection efforts to maximize data available for analysis
- analytical processes to permit:
  - collaborative outputs
  - independent Tribal analysis and products
  - independent Ebinger Research Team products

B-1
The relationship is consensual and all monetary exchange between these parties will be accountable to direct costs and related standardized indirect cost percentages for the conduct of this project.

Roles and Responsibilities of the Ebinger Research Team and the Penobscot Nation for data collaboration

Ownership: All data provided by the Penobscot Nation and its members is the joint property of Ebinger Research Team and the Penobscot Nation with one exception: identification data matching a specific individual with collected data sets will remain the sole custody the Ebinger Research Team to preclude any possibility of retribution or favoritism based on respondents’ contributions. Individual participation in this study will be voluntary, and provided data will be purged upon the request of the individual in accordance with stated ethics provisions provided at the time of data collection.

Use: Data are to be used solely for the purposes expressed in this agreement. The Penobscot Nation has unrestricted authority to create and distribute products from the collected data. The Ebinger Research Team has the limited authority to produce an academic thesis for submission to the University of Melbourne without review or approval from the Penobscot Nation. Any other independent use of the collected data by the Ebinger Research Team (e.g. journal publications) will be approved in advance by the Penobscot Nation in writing, and specifically release the Ebinger Research Team from any requirements for review or approval. Joint products created through the collaboration of both parties are unrestricted.

Confidentiality: The data that the Penobscot Nation and its members provide are confidential. Subsequent reports will provide aggregate data and analysis solely for the purposes stated. Any potential transfer of raw data by the Ebinger Research Team to outside parties requires the approval of the Penobscot Nation.

Additional Guidance. The following are specific elements of the relationship between the parties of this MOU:

The Penobscot Nation:
- designates the Director, Cultural and Historic Preservation Department, to oversee the administration of this MOU
- will assign personnel and resources resident in the Cultural and Historic Department to:
  - coordinate Tribal input into the survey and interview design
  - distribute and administer surveys and interviews to Tribal members
  - provide governmental documents following Tribal adjudication for release for inclusion in the study with categorization as: 1) reproducible, 2) designated extracts reproducible, 3) for reference only
- will permit the presence of the Ebinger Research Team on tribal property for the conduct of this study
The Ebinger Research Team will:
-conform to ethical standards established by the University of Melbourne for the
conduct of research involving human subjects, and provide contact information
to a representative for direct access if there are any ethical issues or concerns
-notify in writing and additions or deletions to the Ebinger Research Team
-provide a copy of all academic or published articles resulting from this study to
the Penobscot Nation
-provide funds to the Penobscot Nation to offset costs directly, and indirect costs
based on the 2009 fixed-rate fee, related the project execution by the Cultural
and Historic Preservation Department, as mutually agreed upon by the Director,
Cultural and Historic Preservation Department and the Lead Researcher in
advance of any expenditure.

Formal Concurrence:

Edwin J. Ebinger
Lead Researcher

Kirk Francis
Chief, Penobscot Nation

The University of Melbourne
Author/s: 
Ebinger, Edwin J.

Title: 
Encountered limitations in applying a social capital based community development framework across non-conforming social spheres: a case study of an indigenous tribal

Date: 
2012

Citation: 

Persistent Link: 
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