



# **Comparison of Territoriality Systems and Common Pool Management**

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# Three assertions

- Because some characteristics of private property were present in Indigenous territoriality, a common mistake is to assume all the characteristics of private property were present.
- Common Pool resources were well managed in Indigenous societies, contrary to the image of “common property” as promoted by John Locke and others to describe America.
- The characteristics of territorial systems explains the success at common pool management.

# Examples of Common Pool Management

- Salmon and other fisheries on the West Coast
- Beaver hunting territories in the Fur Trade
- Many wildlife species: elk, deer, buffalo
- Open-access problems were a characteristic of the frontier, when no one governed effectively, not of Indigenous management when tribes could exclude others.

# One example

- I have studied fisheries management on the Northwest Coast.
- The digital materials have an article summarizing my work (It has just become my most cited article).
- I also have a book: *Resilience, Reciprocity and Ecological Economics: Northwest Coast Sustainability* (Routledge, 2009)

# NW Coast

- Exclusion and give instructions
- Contingent Tenure; knowledgeable chiefs
- Respect the land
- Reciprocity
- Public Accountability
- Chiefs' Councils

# Ownership

- Exclusion; right to manage
- Right to sell, bequest; who can purchase, gets
- No nuisance
- Keep all income
- Right to Privacy
- Police Power; legislature; courts

# “Complex Hunter-Gatherers”?

- NO: Anthropologists, like explorers and traders, have been challenged to try to classify the NW Coast
- At issue: a complex society existed based on managing common pool resources successfully: yet they appeared to be merely fishermen. A detailed look reveals cultivation! But not of annual plants.
- 7,500 years of success: How could the societies survive so long utilizing a common-pool resource?

# High technology, population

- The two usual objections are that the people could not have challenged the resource due to low technology and low population
- The technology was so efficient that it had to be outlawed when the settlers wanted the fishery
- The population was dense; and its level was under control – no increase in 1000 years
- Epidemics reduced population and control methods weren't observed because they weren't needed in the late 19<sup>th</sup> century when missionaries and anthros arrived.

# Six Characteristics on NW Coast

- Right to Exclude (“one part of property”)
- Contingent Proprietorship
- Environmental Ethics
- Reciprocity
- Public Accountability
- Leaders who facilitate



# Exclude Outsiders

- Northwest Coast House Territories
  - Titleholders could kill any person who entered a territory more than two times. The only required compensation was a feast for the family who lost a member
  - On the other hand, titleholders were obligated to give access to members of the House; those members had to follow the instructions of the titleholder.
  - The right to exclude supported the titleholders' authority

# Contingent Proprietorship

- Land control depends on proper land use
- Titleholders' position was also contingent on the quantity of returning salmon
- A titleholder could not sell the House territory; no market in land existed
- To obtain approval as titleholder, an eligible person had to demonstrate knowledge of the history of the land through accurate recitals of the oral histories, and
- The titleholder had to distribute wealth to the leaders of other Houses
- Proprietorship, not ownership: sale not allowed.

# Ethics: Respect the land

- Connections, Community, Humility
  - Other parts of ecosystems have rights to be treated respectfully
  - Community structure extended to animals of interest (“salmon people”)
- Rebirth and Cycling of Souls
  - People are reincarnated in their own lineage
  - Salmon reincarnation must be assisted: put the carcasses in the streams.
  - Long time horizon; descendants are us

# Reciprocity: Share the fruits of the land

- “Potlatch” = “Give-Away”: Titleholders were required to hold a feast upon receiving a title, from the Head titleholder down to all lesser titleholders
- Feasts constituted a cycle of sharing of wealth among the Houses, and also within the Houses
- Proprietorship was dependent on the ability to provide wealth to others.
- Removes the “tragedy” by making costs fall on other fishermen: if one took too many, his neighbors would not have as much wealth to share.

## Chief's Councils

- Feasts were times when titleholders met to resolve differences as well as to approve the succession of each other to the Named positions.
- Feasts also revealed how productive land had been: “resource rent” was observable.
- Rules existed to assist in resolving disputes
  - All were allowed to speak
  - Near unanimity required to make decisions

# Common Pool Management Requires cooperation

- The “prisoners’ dilemma” needs to be addressed at the individual level
- Other coordination issues also have to be addressed.

# Prisoners' dilemma model

- Initially, it was a model of how to extract confessions: separate the suspects; promise low sentence if the other did not cooperate.
- For a fishery, it's a model about purchasing “big boats” which are good for grabbing lots of fish but aren't efficient as a way to harvest fish when smaller equipment is carefully located (as at the mouth of rivers for salmon).

# Prisoner's Dilemma (one player's view)

	Other Player Cooperates	Other Player Defects
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I Cooperate	10	2
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I Defect	12	5
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# Prisoner's Dilemma (both players' payoffs shown)

		Other Player Cooperates	Other Player Defects
I Cooperate		10, 10	2, 12
I Defect		12, 2	5, 5

# What does a potlatch do to the prisoners' dilemma?

- A simple rule: divide the catch evenly among all who fish.
- More complicated: divide the “net returns” or the “surplus” evenly among all who fish.
- The figures in the previous model refer to net returns (not cooperating has expensive boats).

# Prisoner's Dilemma Solved

	Other Player Cooperates	Other Player Defects
I Cooperate	10, 10	7, 7
I Defect	7, 7	5, 5

# Why does this solution work?

- There are ways to force sharing of output: to fish, one must obtain approval of other titleholders.
- Harvesting occurred along rivers; monitoring was possible.
- This was not done in private; all feasts were public events and the exchanges were announced and counted.

# Results

- Complex Hierarchical societies on the NW coast used contingent proprietorship.
- The complexity of territoriality in other American Indian groups is probably misunderstood because “property” is used as if it were “private property.”
- Indigenous “property” systems have lessons for the management of common pool resources.

# Summary

- Right to Exclude
- Contingent Proprietorship
- Environmental Ethics
- Reciprocity
- Public Accountability
- Leaders who facilitate

# How wrong was Sen. Dawes?

- “The head chief told us that ... There was not a pauper in that Nation and the Nation did not owe a dollar. It built its own capitol...and it built its schools and its hospitals. Yet the defect of the system was apparent. They have got as far they can go, because they own their land in common. It is Henry George’s system and under that there is no enterprise to make your home any better than that of your neighbors. There is no selfishness, which is at the bottom of civilization. Till this people will consent to give up their lands, and divide them among their citizens so that each one can own the land he cultivates, they will not make much more progress.”
  - D. S. Otis, *The Dawes Act and the Allotment of Indian Lands* (Norman: U. of Oklahoma Press, 1973)

## Further Reading

- Sarah K. Campbell and Virginia L. Butler. 2010. “Archaeological Evidence for Resilience of Pacific Northwest Salmon Populations and the Socioecological System over the last ~7,500 years.” *Ecology and Society* 15(1): 17
- Ronald L. Trosper. 2002. Northwest Coast Indigenous Institutions that supported resilience and sustainability. *Ecological Economics* 41: 329-344.