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Territory, Sovereignty, and the Law: Defining Indian Country in Louise Erdrich's Fiction

Droit, territoire, souveraineté : définir le « pays indien » dans les romans de Louise Erdrich

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Territory, Sovereignty, and the Law: Defining Indian Country in Louise Erdrich's Fiction

Flore Coulouma♦

What is territory? Political philosopher Avery Kolers gives us the following working definition:

> In effect, territory is a manifest ethnogeography—that is, a conception of land made concrete through acts of bounding, controlling, and shaping space, and being shaped by it in turn, over time. A territorial right, then, is a right to manifest one's ethnogeography—to have one's ethnogeography made viable through political, legal, economic, and other institutions. […] So defined, a territorial right has no necessary link to sovereignty. (Kolers, 2009: 67)

Kolers grounds his definition on the notion of community, rejecting statist theories which define territory as the geographical remit of the state's sovereign authority (Moore, 2015: 90). The latter definition ties territory—via the concept of sovereignty—to the existence of the state, thus excluding stateless communities from territorial rights. Like Kolers, political philosopher Margaret Moore relies on a non-statist theory of territory, but she finds faults with Kolers' ethnogeographic group as defined by "(1) Its specific social ontology of land and (2) its distinctive pattern of land use", because it ignores the complexities of cultural communities (Moore, 2015: 72). Any given ethnogeographic group may host heterogeneous land-uses and ontologies, i.e., different understandings of what the land *is* and what it is *for*. These complexities are a recurring theme in Louise Erdrich's fiction, against the grain of colonial essentialism and one-dimensional "native" tropes.

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Territorial sovereignty and nation-building rely on a more general sense of belonging and identity in space, a "sense of place". Erdrich asks what it means to belong, to have a place in the world, but she does so from the perspective of indigenous land dispossession, a process that conditioned the very existence of colonial state-building in North America. If a community's attachment to land defines territory, what happens when the community's existence is under threat? What survives of a sense of (indigenous) territory in the face of ongoing dispossession? Conversely, what happens when the cultural community itself is legally defined by its attachment to a disappearing territory? Moore defines territory as jurisdiction, another crucial issue in Erdrich's novels: "Territory, on the jurisdictional authority view, is the geographical domain in which (ideally) the people express their will through institutions" (Moore, 2015: 27). Yet this definition brings us back to sovereignty as a form of possessiveness over the land, even as both Moore and Kolers reject property-based accounts of territory. As Ailleen Moreton-Robinson has argued, possession is a tenet of white colonization and indigenous dispossession in (British) settler colonies from the sixteenth century onward. The notion of territory is thus tied to the history of white colonization in those areas: there is an "inextricable link between white possession and Aboriginal sovereignty and its articulation through the possessive logic of white sovereignty" (Moreton-Robinson, 2015: xxi).

In the United States, because territory as a political and legal construct relies on native dispossession, it bears cultural and symbolical relevance in the struggle for native sovereignty and survival. Louise Erdrich depicts the consequences of colonization on native communities and individuals through the question of land, at different levels. Indian Country is what remains from the conquest of the north American continent: an ever-shrinking map, a flurry of legal papers and titles, and a constant struggle for political and jurisdictional recognition. Erdrich shows how these "leftovers" shape the lives of native communities, first as sites of forced displacement, then as spaces of self-government allowing a degree of physical and cultural survival. She asks what it means for native communities to "own the land" in the face of disempowerment and forced assimilation. Defining and protecting borders become a battleground, even as federal and international state lines bear little relevance to the vast expanses of historical aboriginal lands. Indian Country is also an ecosystem under attack, and Erdrich denounces the destruction and overexploitation of natural resources as another form of indigenous dispossession.

This study relies on two sets of texts: Federal Indian Law and literary fiction. Bringing the two into dialogue helps us comprehend the institutional violence of legal discourse, on the one hand, and the importance of legal sources and themes in Erdrich's fiction, on the other hand. Federal Indian law was created by and for the colonizer, to justify and naturalize native dispossession. Erdrich's fiction tells the same history from the perspective of the dispossessed. Her narratives bear

witness for those who are silenced by the law, and call for a geographically located political emancipation through a cultural and legal reclaiming of native territory.

Starting with the definition of "Indian country" in U.S. federal law, this article examines how the legal notion of territory informs the ongoing colonial perception of "Indianness". I explain how the Discovery Doctrine has been used to justify dispossession and genocide, based on the philosophical and legal concepts of ownership and occupancy. Turning to the recurring question of hybridity and *métissage* in Erdrich's novels, I then show how the policies of cultural assimilation go hand in hand with territorial dispossession. The apparatus of legal oppression leads Erdrich's fictional characters to use the tools of the colonizer, to reclaim their land and seek justice. In the face of absolute colonial domination, Erdrich recounts the survival strategies that enable her characters and their communities to endure in and outside the reservation, and retain, beyond the notion of territory, a sense of home and a sense of place. Finally, I propose a reading of Erdrich's texts as territories of the imagination, relying on a metaphorical view of territory to understand the emancipatory power of literature as both geographically situated and universal.

Defining "Indian Country": legal matters

Erdrich's novels present two conflicting yet entangled understandings of place: what her characters call "home", and the legal and administrative entity of the "reservation". A sense of home anchors the community, conditions its survival. Its bureaucratic counterpart results from a centuries-old enterprise of extermination-cum-dispossession. As a geographically rooted yet sociologically and politically constructed space, the Indian reservation is a site of antagonistic tensions, that Erdrich's characters struggle to reconcile.

Erdrich's first novel, *Love Medicine* (1984) starts with a geographical location.

> The morning before Easter Sunday, June Kashpaw was walking down the clogged main street of oil boomtown Williston, North Dakota, killing time before the noon bus arrived that would take her home. (Erdrich, 1984: 1)

Unpacking the geographical coordinates yields a multilayered map. The (non-fictional) town of Williston, in the north-western part of North Dakota, is wedged between two national and international borders, the Montana-North Dakota line, and the U.S.-Canadian border. Onto those state boundaries is superimposed a map of Indian country: looking west, the Fort Peck Indian Reservation; to the east, down the Missouri River, the Fort Berthold Reservation; astraddle between North and South Dakota, the Standing Rock Reservation. Finally, up north and

along the Canadian border, the Turtle Mountain Reservation, which inspires Erdrich's fictional universe.

The region bears the marks of territorial conflict. June Kashpaw, we are told in the second sentence, "is a long-legged Chippewa woman" and home, for her, is "on the reservation". The novel's first chapter describes the tragic circumstances that set the story in motion; June freezes to death in a snowstorm, after deciding, in a suicidal move, to "walk home instead of going back" to her bus stop in Williston (6). The chapter ends ominously: "The snow fell deeper that Easter than it had in forty years, but June walked over it like water and came home" (7) Her Christ-like sacrifice in the Easter snow announces her symbolic rehabilitation through the recollections of her relatives in the rest of the novel. It also introduces the question of home/land as a crucial theme in Erdrich's fiction.

Indian Country is defined in the U.S. criminal code, Title 18 Chapter 53, § 151. In 1948, "Congress codified existing federal common law regarding what constitutes 'Indian country' for purposes of federal criminal jurisdiction. The Supreme Court subsequently has applied the Indian country definition to determine the scope of tribal jurisdiction" (US Department of Justice, 2022: online). Criminal jurisdiction over a given territory is a core feature of sovereign authority in State-based societies. In 1923, American legal formalist Joseph H. Beale published a definition of criminal jurisdiction as a function of State sovereignty in the *Harvard Law Review* (Helenius, 2015: 23). A year later, the Indian Citizenship Act granted U.S. citizenship to the remaining Indians who had not already been forcefully assimilated into mainstream American culture following the General Allotment Act of 1887—a law through which Congress reaffirmed "individual ownership of land" as a central tenet of "any high degree of civilization" (Wilkinson, 1987: 8). The Allotment Act resulted in a "checkerboard pattern", with "tribal land, allotted trust land held by individual Indians, fee land held by individual Indians, fee land held by non-Indians, federal public land, and state and county land" drawing up a considerably reduced, fragmented map of Indian country (Wilkinson, 1987: 9). The period spanning the late 19th to mid-20th century, from the General Allotment Act of 1887 to the Indian Citizenship Act of 1924 and the 1948 codification, corresponds to the allotment and assimilation era in Federal Indian policy (Wilkinson, 1987: 19). The novels *Tracks* (1988), *Four Souls* (2004) and *The Last Report on the Miracles at Little No Horse* (2001), chronicle the same period, across three generations.

Although the assimilation policy, and then the termination policy of the 1950s and 60s, have now been discontinued, the 1948 definition remains today's reference in matters of both criminal and civil jurisdiction.

> Except as otherwise provided in sections 1154 and 1156 of this title, the term "Indian country", […], means (a) all land within the limits of any Indian reservation under the jurisdiction of the United

> States Government, […], (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished […]. (U.S. Code, Titles 18, Chapter 53, § 1151)

This definition brings together in a single unifying concept three different relationships to land which all presuppose 1. that land is subject to property law (public property of the Federal state, or private property of individual citizens), and 2. that Native communities, though distinct from the American mainstream, are not sovereign entities. The second presupposition reflects an evolution in Supreme Court doctrine, parallel to the colonial policies of land dispossession. In 1948, "the Supreme Court abandoned the notion that Indian country means sovereignty, […]. Instead, the Court held there is Indian country wherever land has been set aside for Indians under federal superintendence" (Matal, 1997: 285). This brings us to the notion of territory as property and to the question, "who owns the land?"

Colonial dispossession and land ownership: the Discovery Doctrine

Erdrich's novels weave stories of family love and community survival into broader questions of land ownership and territorial sovereignty, against a background of continued struggle for land claims and Indigenous rights. Whether they unfold in the historical past (*Tracks* in 1912, *The Night Watchman* in 1953) or in Covid-stricken America (*The Sentence*), all view land dispossession as an instrument for physical and cultural genocide.

The 1948 definition of Indian Country in federal law finds its roots in the 15th century doctrine of discovery—a doctrine which "continues to limit the human, sovereign, commercial, and property rights of Indigenous Peoples and their governments" today (Miller, 2019: 35). As European powers set out to conquer the American continent, they relied on legal and philosophical discourses to legitimize and organize their colonial enterprise through law. In the United States, Supreme Court Chief Justice John Marshall made the discovery doctrine the bedrock of the legal relationship between indigenous tribes and Euro-American colonists.

In *Johnson v. McIntosh*, 1823, the Supreme Court ruled that while Indian tribes had a continued right of occupancy after European discovery, they held no ownership rights to their land. In delivering the opinion of the court, Marshall stated as a legal principle that "discovery gave title to the government by

whose subjects, or by whose authority, it was made" (§4) and that the "original inhabitants"

> were admitted to [being] the rightful occupants of the soil […]; but their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil at their own will […], was denied by the original fundamental principle, that discovery gave exclusive title to those who made it. (§7).

Marshall distinguished *occupancy* from *ownership* while equating the latter with sovereignty. In his view, Indigenous tribes were not independent because they were not civilized, in a classically racist representation of the (non-Christian, non-white) objects of discovery as naturally devoid of the rights associated with the full agency of (white, male, European) subjects. The European powers' "ultimate dominion" conferred them the right to "grant the soil" (§ 8). Johnson's claim was rejected on the grounds that the land was owned by the Federal State and that his property title—acquired from Natives with no real ownership and therefore no selling rights—was void. *Johnson v. McIntosh* set the path to the future trust relationship between tribes and the Federal government, anchoring modern-day America to the medieval doctrine of discovery laid out in Pope Alexander VI's 1493 Bull, when he granted conquistadores the right to claim "discovered" land, including any "unclothed dwellers" to be found therein, as the Spanish Crown's.

Erdrich gives an account of the Marshall decision in her novel *The Round House* (2012). In the story, Tribal judge Bazil Coutts unsuccessfully seeks justice for his wife Geraldine after she is brutally raped by a white man. The novel addresses both territorial injustice (geographical jurisdiction is severely impaired by the fragmentary pattern of tribal land), and the racist logic of personal jurisdiction preventing tribes to prosecute non-Indian perpetrators. In Chapter 9, Bazil explains to his young son Joe the legal foundations of their predicament:

> Take *Johnson v. McIntosh*. It's 1823. The United States is forty-seven years old and the entire country is based on grabbing Indian land as quickly as possible in as many ways as can be humanly devised. […] Justice Marshall went out of his way to strip away all Indian title to all lands viewed—i.e., "discovered"—by Europeans. He basically upheld the medieval doctrine of discovery for a government that was supposedly based on the rights and freedoms of the individual. Marshall vested absolute title to the land in the government and gave Indians nothing more than the right of occupancy, a right that could be taken away at any time. Even to this day, his words are used to continue the dispossession of our lands. (Erdrich, 2012: 267)

Bazil's words echo with poignant relevance at the time of the novel's publication; the same year, the United Nations Permanent Forum on Indigenous Issues concluded its eleventh session with a statement denouncing "the enduring manifestations of the 'Doctrine of Discovery' and other morally condemnable, socially unjust and racist policies used for centuries by colonizers as legal justification to disenfranchise indigenous peoples and seize their lands" (UN Economic and Social Council, 18 May 2012: online). Calling for the "redress of such false doctrines", the Forum made recommendations based on the 2007 Declaration on the Rights of Indigenous Peoples, with particular attention to its articles 3 (the right to self-determination), 28 (the right to redress, including restitution and compensation for stolen "lands, territories and resources") and article 37 (the right to "the recognition, observance, and enforcement of treaties"). Unsurprisingly, the (non-binding) text of the Declaration was adopted by the General Assembly with four against votes from Australia, Canada, New Zealand, and the United States, who all cited concerns over provisions on self-determination, land, and resource rights (UN Department of Economic and Social Affairs: 2022).

In *The Round House*, Bazil's outrage is not so much about past trauma as about the fact that the injustice is ongoing and fueled by the same obsolete racist ideology.

> But what particularly galls the intelligent person now is that the language he used survives in the law, that we were savages living off the forest, and to leave our land to us was to leave it useless wilderness, that our character and religion is of so inferior a stamp that the superior genius of Europe must certainly claim ascendancy and on and on. (Erdrich, 2012: 267)

Indeed, Marshall, a slave-owning Virginian, "was very explicit that his decision to apply the Discovery Doctrine was based on the longstanding tradition of racism and ethnocentrism inherent in the laws dealing with native peoples" (Goetting, 2011: 2016), denying humanity to better justify land theft: "the Indians never had any idea of individual property in lands. It cannot be said that the lands conveyed were disjoined from their dominion; because the grantees could not take the sovereignty and eminent domain to themselves" (*Johnson v. McIntosh*, §4). In *The Round House,* Bazil cites *Lone Wolf v. Hitchcock*, the 1903 ruling which "announced the unilateral power of Congress to abrogate Indian treaties and to transmute tribal property rights into individual allotments" (Wilkinson, 1987: 24). That decision led to the dispossession of over two thirds of all Indian lands within the next three decades through the allotment system (Akee, 2020: 123).

In *Love Medicine*, first-person narrator Albertine Johnson laments the loss of Indian land as she drives back home from her student life in the city:

> At the end of the big farms and the blowing fields was the reservation. […] I grew up […] next to the old house on the land my great-grandparents were allotted when the government decided to turn Indians into farmers.
> The policy of allotment was a joke. As I was driving toward the land, looking around, I saw as usual how much of the reservation was sold to whites and lost forever. Just three miles, and I was driving down the rutted dirt road, home. (Erdrich, 1984: 11-12)

The late-19th century allotment policy relied on the general destitution of Natives to extort as much land as possible, so that Indian country today has largely become the private property of whites. In *The Sentence* (2021), bookshop clerk Tookie notes this with bitter irony:

> We are often approached by the owners of lake cabins in Minnesota. The cabin and its nearest towns are often the only contact that white Minnesotans have with Native people. Why? Because the cabins are situated on the most valuable land on the reservations, the lakeshore, which is always in various ways stolen land. (Erdrich, 2021: 74)

In Erdrich's novels, characters experience Indian territory largely as a ghost, leaving them doubting their very existence as a community.

Colonial dispossession and entanglement: not being "Indian enough"

The characters' helplessness in the face of land dispossession is often compounded with a fear of losing their own identity, in keeping with the colonial logic that associated land-grabbing with policies of cultural genocide to better undermine the relationship between spatial sovereignty and cultural nationhood. U.S. Federal law ties Indian identity to land possession, defining "Indian" at Title 25, Chapter 24, § 2201, in the "Indian Land Consolidation" section.

> "Indian" means—
> (A) any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner […] of a trust or restricted interest in land;
> (B) any person meeting the definition of Indian under the Indian Reorganization Act (25 U.S.C. 479) […]

Indianness is based on land occupancy or ownership, explicitly and implicitly—federally recognized tribes are defined in the same provision as any "band, group, pueblo, or community for which, or for the members of which, the United States holds lands in trust". Being Indian means being a real estate tenant of the Federal State. Dispossession is therefore what defines Indian identity in law, in a twisted logic that identifies Native people to the land while withholding their full land rights. At the individual level, we are sent to another provision from the 1934 Indian Reorganization Act, which defines "Indians" as

> all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, […] and shall further include all other persons of one-half or more Indian blood.

For the federal state, Native American identity is based on 1. Historical ties to land that is not fully owned. 2. Blood quantum. The second feature relies on anthropological racism to determine Indian identity. Although blood quantum was used from the early 18th century, "It was during the 'allotment period' that official tribal enrollment took form in support of the existing ideology of using blood quantum as a determinant of tribal affiliation" (Schmidt, 2011: 5). It follows from this circular reasoning that the state recognizes as Indian only those people who are affiliated (affiliation requiring quantum) or non-affiliated individuals who have enough "Indian blood". Beneath the racist logic of blood quantum is another ploy to acquire land, since many individuals within Native communities are *métis*—the result of intermarriage between indigenous and European populations. Genetic entanglement is another tool for cultural assimilation and the transfer of more land into white hands.

Ethnic, cultural, and affective entanglement make up a large part of Louise Erdrich's novels. She herself has explained how her mixed heritage informs her fictional universe:

> I'm a very mixed person. And yet, being a citizen of a nation [the Turtle Mountain Band of Chippewa Indians] within our nation gives one a certain sense of—it changes your life. It means that I care deeply about my people, my mother's people. And I grew up knowing who I was and accepting all parts of myself. (Erdrich, 2020).

In *Love Medicine*, Albertine Johnson's absentee father is a white man "from off-reservation", and her relatives often call her on it, as if to question her Indianness:

> I was light, clearly a breed.
> "My girl's an *Indian*," Zelda emphasized.
> "I raised her an Indian, and that's what she is."
> "Never said no different." Aurelia grinned, not the least put out, hitting me with her elbow. "She's lots better looking than most Kashpaws." (Erdrich, 1984: 24-25)

Entanglement is a constant thread in Erdrich's novel, because characters must deal both with a spatial sense of loss and with the frequent challenge to their sense of belonging, based on racial criteria. In *The Plague of Doves*, Antone Coutts describes his position as a

> clichéd mixed-blood […] dividing my time between my mother's family on the reservation, and the big house in Pluto. […] My father built our house on land he had inherited from Joseph Coutts, whose own survey stones the railroad company tried to search out and steal when they came through, named, and platted out the town. (Erdrich, 2008: 114)

Antone's grand-father Joseph, a white man, had taken part in an expedition "past the Dakota-Minnesota border to survey and establish claim by occupancy on several huge pieces of land" (97). Antone is acutely aware that his inheritance partly comes from stolen Indian land. Yet as his grand-father and father "both married Chippewa women we became a family of lawyers who were also tribal members, an unusual combination at the time, but increasingly handy as tribal law and the complications of federal versus state jurisdiction were just beginning to become manifest" (115).

Antone's family story reflects the entanglement that comes with complex identity, but that is also always connected to the land. Here, stolen land is returned to the Natives through marriage. In her novels, Erdrich's characters use this entanglement to redefine Indian territory and to seek justice.

Defending Indian territory: claiming the land

Erdrich pushes against essentialist visions of Native identity and territory, taking in the full complexity of hybrid identities in a colonial context. Her characters' individual and collective strategies of survival and resistance reflect the struggle between legality and legitimacy in their continued fight for recognition, justice, and territorial integrity.

Military destruction, the spread of disease and the immediate threat of starvation often forced tribal members to sign over their land during the allotment

period of late 19th-early 20th century. In *Tracks*, Nanapush and his family only survive thanks to the "government commodities sent from Hoopdance in six wagons" (171), but the fateful life-saving parcels come with another kind of death sentence:

> [Father Damien] pulled out the annual fee lists and foreclosure notices sent by the Agent and showed us how most families, at the end of this long winter, were behind in what they owed, how some had lost their allotments. […] The lands that were gone out of the tribe—to deaths with no heirs, to sales, to the lumber company—were painted a pale and rotten pink. (173)

Fleur Pillager, Nanapush's adopted daughter, refuses to surrender. When she is betrayed by her own tribe, her land is taken over by the lumber company and stripped bare of its primal forest. At the end of the novel, she leaves to seek revenge—this is told in *Four Souls* (2004). Fleur's strategy relies on the very entanglement she and her kin have found themselves in, pitted against one another, forcibly assimilated into the white farming communities that encroach upon the reservation, and finally denied any land claim when the tribe is deemed no longer to exist. Fleur wants revenge against the owner of the lumber company, who is responsible for ruining her and countless other lives and for the ecological destruction of a whole region. The white man, John Mauser, is a version of the cannibalistic, evil *windigo*, whose hunger is never satisfied in Annishinaabe mythology (Forbes, 2008), and a recurring figure in Erdrich's novels. In *Four Souls*, Mauser embodies the logic of colonial extractive/exploitative capitalism: "he had married young Ojibwe girls straight out of boarding school, applied for their permits to log off the allotment lands they had inherited. Once their trees were gone he had abandoned his young wives, one after the next" (Erdrich, 2004: 23).

Fleur, whose name evokes the land and landscape that made her, hires her way into the Mauser house—paneled with oak tree from her stolen land. John Mauser's housekeeper realizes early on that she has let the enemy in: "the savage woman I've recently hired to scrub clothes, bent over brother-in-law, […] like some kind of bird. Hawk-winged and territorial" (19). Once Fleur has taken possession of Mauser's body and soul, she proceeds to expropriate his wife, who is "served legally with papers […] Mauser was able not only to divorce Placide but to annul their marriage in the Holy Roman Church" (59-60). Fleur becomes Mauser's wife and has a child, born with fetal alcohol syndrome but gifted with an exceptional ability to "make lightning calculations somewhere in his puzzle box of a brain" (89). This son of the oppressor and the oppressed, who is not quite there in his head and has no Indian name, becomes Fleur's secret weapon. After teaching him "every kind of poker and gambler's trick when he couldn't yet recite the alphabet" (89), she leaves Mauser, comes back to the reservation, and wins her

land back in a poker game against the corrupt Indian agent, Tatro. In Nanapush's retelling of the story, she "got what she came back for" (200). Nanapush, Fleur, and their community have made the reservation a space of (however limited) indigenous autonomy, that they are ready to defend even if it means playing the colonizer's own game.

In *Tracks*, Nanapush explains to his granddaughter how mastering English, "the language in which we are, as always, deceived", and becoming tribal chairman made him another keg in the colonial machine, but how it was his only hope of bringing her back from the government residential school: "To become a bureaucrat myself was the only way that I could wade through the letters, the reports, the only place where I could find a ledge to kneel on, to reach through the loophole and draw you home" (225). Some 40 years after Nanapush's tribulations, Turtle Mountain reservation tribal chairman Thomas Wazhashk uses all his energy and skills to save his tribe from termination, following the 1953 House Concurrent Resolution 108 (*The Night Watchman*, 2020). In the novel's disclaimer, Erdrich pays tribute to her own grandfather Patrick Gourneau, who served as tribal chairman for the Turtle Mountain reservation, and who inspired fictional character Wazhashk. She notes that "the only other major character who resembles anyone alive or dead, is Senator Arthur V. Watkins, relentless pursuer of Native dispossession and the man who interrogated my grandfather" (Erdrich, 2020: "Author's Note").

When Wazhashk reads about the Termination bill for the first time, he knows that the existence of his tribe is at stake:

> In the newspapers, the author of the proposal had constructed a cloud of lofty words around this bill—emancipation, freedom, equality, success—that disguised its truth: termination. Termination. Missing only the prefix. The ex. (Erdrich, 2020: 93)

The Termination bill provided for the "removal from trust status, the end of federal supervision, and the dissolution of federal recognition of Indian tribes in the United States" (Finkelman, Garrison, 2009: 383). The abrogation of trust status meant that tribes would no longer be protected by the Federal "nation-to-nation relationship" against the predatory jurisdiction of individual states. Reservations would no longer exist as tribal land and could be sold to private interests, while their inhabitants would be "encouraged […] to relocate in urban industrial areas." It is estimated that more than 60 thousand such relocations occurred between 1950 and 1967 (Finkelman, Garrison, 2009: 106).

In the novel, Thomas has no alternative but to fight from inside the system, in the political and legal arena, jumping through bureaucratic hoops all the way to Congress. At the congressional hearing, he withstands interrogation by Indian-hater Senator Watkins, "buying time, instead of arguing the premise of

termination itself" (404), avoiding head-on confrontation, carefully toeing the line between humility and a firm stance of opposition in the face of the senator's patronizing racism. "Hold out. Don't get mad", the supporting ghost of his childhood friend tells him. "They don't like an Indian to have brains" (406). After the hearing, Thomas resorts to base flattery, thanking the racist senator for his "kindness" and "carefu[l] listening", all the while thinking how "I am and we are absolutely destitute and desperate […] willing to forgo my dignity to try to butter you up to the teeth. I hope it helps our cause" (410). The novel's one-sentence epilogue reads: "The Turtle Mountain Band of Chippewa was not terminated" (449). Erdrich refers to the termination policy in her other novels, as one instance in the many onslaughts by colonizers against Indian territory. Already in *Love Medicine*, Albertine tells how her grandfather Nector had come back from boarding school "knowing white reading and writing", and "had been an astute political dealer […] [who] kept the land from losing its special Indian status under that policy called termination" (Erdrich, 1984: 19).

Dexterous knowledge of the enemy's law, language and psychology helps salvage some territorial integrity, but it falls short where real sovereignty is at stake. In *The Round House* (2012), Bazil Coutts painfully experiences this when he is unable to prosecute his wife's white rapist. Despite his University of Minnesota Law School degree and his license to practice law "in places […] that went all the way up to the Supreme Court" (50), he has no jurisdiction over the reservation in criminal matters involving non-Indians. In a PBS interview surrounding the novel's publication, Erdrich stated how the "legacy of violence against native women has gotten worse and worse over time", partly due to problems of territorial jurisdiction and the "complex nature of the land tenure on native reservations" (Erdrich, 2012b: online). Because of its "checkerboard" pattern, it is very difficult to determine the geographical remit of tribal criminal jurisdiction in Indian Country (Casselman, 2016).

In the novel, Bazil explains how the fragmented map of the reservation hinders his ability to prosecute:

> There is nowhere to stand. No clear jurisdiction, no accurate description of where the crime occurred […].
> Here's the round house. Just behind it, you have the Smoker allotment, which is now so fractionated nobody can get much use out of it. Then a strip that was sold—fee land. The round house is on the far edge of tribal trust, where our court has jurisdiction, though of course not over a white man. So federal law applies. Down to the lake, that is also tribal trust. But just to one side, a corner of that is state park, where state law applies. (231)

As Bazil further explains, geographical jurisdiction is compounded with the issue of personal jurisdiction: tribal justice does not have jurisdiction "over a white man". When the infamous *Oliphant v. Suquamish* 1978 Supreme Court decision excluded non-Indians from the criminal jurisdiction of tribes, it "took from us the right to prosecute non-Indians who commit crimes on our land" (268). Indian tribes are not sovereign in their own "reserved" lands. Bazil's helplessness and the federal agent's apparent lack of interest in the case prompt Bazil's son, Joe, to seek his own form of justice. He kills his mother's rapist at the end of the novel.

The Round House denounces a criminal justice system rooted in systemic disempowerment of the tribes when the sovereign power to enforce law and order is denied indigenous communities even as they are recognized as self-governing entities with their own autonomous jurisdictional system. Racist violence is inscribed in the land, emboldening the perpetrator' sense of immunity: "[you] have no standing under the law […] I won't get caught" (189), he tells his victims. Erdrich does not provide any solution. Vengeance does not give Joe and his family justice. As in Erdrich's other novels, her characters are fated to survive with the leftovers of a life in ruins, and to "keep going", because "the sentence was to endure" (371).

Redefining Indian country: another view of territory

Characters describe the reservation as "leftovers", "scrap of earth", a truncated territory. Their relationship to the land is overshadowed by the awareness that the territory is deprived of any real sovereignty. However, their storytelling, and Erdrich's writing itself contribute to a redefinition of territory that rejects the colonially imposed notions of ownership, jurisdiction, and the state. In that, Erdrich follows in a similar tradition as Leslie Marmon Silko's *Almanach of the Dead* (1991), which states that "stolen land never had clear title" (Marmon Silko, 1991: 133). Like Silko's "five-hundred-year map" drawn "through the decipherment of ancient tribal texts of the Americas" (Marmon Silko, 1991: 14), Erdrich's maps are redrawn through the unsilenced voices of her sprawling narratives, adding historical depth to the flat, two-dimensional charts of colonial surveys. In her non-fiction *Books and Islands of Ojibwe Country* (2003), Erdrich provides an actual, visual map of Ojibwe Country, containing the physical geography of the landscape (northern lakes and woodlands), state-based political borders (United-States/Canada), and the current demarcations of indigenous reservations on either side of the Canadian border. This helps readers understand the irrelevance of state and administrative/reservation borders in the long-term

human geography of indigenous America. The existence of Indian territory is marked out on a scale far greater than the recent history of New World conquest.

This historical map is drawn by the spirit of the ancestors; it survives through transmission and collective memory. The colonial maps' destructive imposition of a patriarchal, white, exploitative order of knowledge barely hides their futility and fictitiousness. In *Tracks*, Fleur "spoke with contempt for the map […] the paper had no bearing or sense, as no one would be reckless enough to try collecting for land where Pillagers were buried" (Erdrich, 1988: 174). Although Fleur is wrong in this instance, she is right in the longer term, because her ancestors' spirits remain in the land. When she does regain ownership in *Four Souls*, she is handed a "signed agreement", a scrap of paper, but the land was always hers. The reservation map is a palimpsest, with colonial power structures plastered onto a canvas that has been—literally—scraped bare. But the map of long-time indigenous history radiates through the crudely sketched "lines and circles" of the colonial agent (173).

As the title *Tracks* suggests, indigenous geography is historically inscribed: "Land is the only thing that lasts life to life" (33). The reservation, though a site of exile, is marked with the memory that "the earth is limitless and so […] were our people once" (1). Nanapush's first words at the beginning of *Tracks* re-locate his North Dakota reservation within the broader map of a whole continent, as the indigenous name for America, "Turtle Island" (Bowra et al., 2021: 132) resonates within his familiar landscape of the Turtle Mountains. This metonymic relationship of the fragment to the whole is both geographical and historical, since for most elders in Erdrich's novels, earth and people, past and present, are one and the same.

In *Tracks*, "our long fight west to Nadouissioux land where we signed the treaty" (1) evokes the 1854 treaty by which Ojibwe tribes ceded vast tracks of land in exchange for guaranteed reservations and maintained occupancy, hunting and fishing rights on the ceded land. Following the treaty's repeated violations by the United States, Ojibwe tribes were forcibly relocated to reservations further west: "… and then a wind from the east, bringing exile in the form of government papers" (1). Again, the story mirrors other indigenous histories throughout the North American continent, such as the Cherokees' Trail of Tears, following the forced displacement of southeastern tribes to Oklahoma in the 1830s and 1840s (Saunt, 2022: 274-281). Nanapush's vision of Indian territory retains the endless horizons that matches his sprawling storytelling: a sense of belonging that resists the notion of property ownership; a natural landscape shaped by long-term geological and human history and peopled with the ghost-spirits of the ancestors. Like Nanapush and other storytellers whose digressive tales recreate the vastness of pre-conquest Indian land, Erdrich's own voice claims a symbolic territory within the landscape of American literature. "I have left behind my own tracks, too. I have left these words", says Nanapush at the end of *Four Souls*, even

as he acknowledges his own imminent passing (210). His elegiac tone is tinged with cautious optimism, the notion that something remains even through utter change: "we, the Anishinaabeg, can sometimes die, or change, or change and become" (210).

This idea is further developed in Erdrich's latest novel, *The Sentence* (2021), which plays on the legal and grammatical meanings of the word. *The Sentence* is set away from the reservation, in the urban environment of Minneapolis, Minnesota. In a meta-fictional twist, part of its action unfolds in Erdrich's real-life bookshop—another metonymic microcosm whose benevolent workers hold the door to boundless fictional universes. The first-person narrator, Tookie, has done 10 years for smuggling a corpse across state lines. When she gets out, she finds a job clerking at an independent bookstore, Birchbark Books. Louise Erdrich appears in the story as herself, owner of the bookstore. She hires Tookie after a cursory interview:

> 'What are you reading now?'
> '*Almanac of the Dead*. A masterwork' (Erdrich, 2021: 28)

Tookie cites Leslie Marmon Silko's gigantic opus, a literary and political call to indigenous restitution. In *The Sentence*, there is no separating language and fate—Erdrich builds a territory of letters, through embedded spaces whose building blocks are books. The books' imaginary spaces are nested in the Birchbark bookstore, an outpost of Indian Country within the settler city of Minneapolis. The city itself contains the whole world within its limits: "Hmong people, Eritrean people. Mexican. Vietnamese. Ecuadorian. Somali. Laotian. And a gratifying number of Black American people and my fellow Indigenes" (29).

The Sentence goes beyond territory to provide a sense of place that is inscribed in indigenous history—collective and individual—but also includes other identities, other stories, and other senses of place and space. This expanding universe is laid out in the novel through accounts of Tookie and her friends' voracious reading. Tookie warns at the beginning of the novel that "books contain everything worth knowing except what ultimately matters" (4), yet the books she reads create a new space of knowledge, a more complex understanding of reality. Books give voice to the voiceless, first helping an incarcerated Tookie find breathable space beyond lockup: "While in prison, I received a dictionary. […] [It] proved of endless use. The first word I looked up was the word 'sentence'" (3).

The second crucial book in the novel is the retrieved nineteenth century "antique bound journal" that sends white customer Flora to an early grave. "There was a sort of title page: The Sentence *An Indian Captivity 1862-1883*" (70-71). Tookie explains later that "a certain sentence of the book—a written sentence, a very powerful sentence—killed Flora" (161). In this sentence, Flora's ancestor is revealed as the Indian-hating tormentor and slave-owner of the indigenous

captive narrator, when she had dreamed herself Indian. Flora dies of shock, but her ghost haunts Tookie because she wants recognition for helping Tookie's addict mother in the past and thus saving her unborn child. Tookie, who hates the paternalistic hypocrisy behind white stories of Indian gratefulness, finds this hard to accept. The ghost finally leaves when both she and Tookie make peace with their complicated past: "in firm tones I said, *Ego te absolvo*. […] possibly she was haunting me out of a sense of entitlement. […] She needed me to be *grateful*. […] 'Miigwech aapiji, Flora'. […] 'Thank you for saving my life'" (356).

Beyond territory, the notion of title, *entitlement*, and possessiveness, remains. Characters must come to terms with it before they can too, move on and find their own sense of place. Erdrich/narrator Tookie map out an even wider universe in their reading list at the end of the book. "Totally Biased List of Tookie's favorite books" (375) is a bibliography, organized in thematic categories including "Indigenous lives", and the universal "Books for banned love", and "Sublime books". This is the final meta-territory that the novel provides, the last coordinates offering a sense of community, a sense of place in the world, as Tookie finally tells her grandchild: "I want this now to be the now where we save our place, your place, on earth." (374)

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