The Great Plains is my home. It is where my son was born and where my grandparents are buried. I have spent my career living on and teaching about the Great Plains. I own homes in Nebraska and Alberta, and perform my own annual migration north and west to a higher elevation every summer and south and east and down every fall. I want to live out my life in this region and to see it provide homes and lifework for my son and his children to be. Although issues relating to climate change may have a more disastrous effect on parts of the globe other than the Great Plains, I believe that at present, my region has neither a sustainable economy nor an aesthetic that will produce either a sustainable economy or a humanly satisfying way of living. This book has been about the choices we have made in the past and the implicit and explicit arguments behind those choices. Now, I believe, it is time to look at how we might think about constructing a plausible and positive future. Certainly, groups like the Parkland Institute, the Pembina Institute, the Center for Rural Affairs, the Land Institute, the Quivira Foundation, and others have done excellent work in examining
problems, testing solutions, and planning for positive change. I have enormous respect for them and for the education I have received from their publications and practices.

Trying to frame a satisfactory conclusion to this study, however, I have found myself drawn less directly to their work than to analogies based on studies of the failures in the provision of justice to Native persons. Looking at both the land of the Great Plains and the Indigenous people who lived there, European and Euro–North American observers, administrators, and settlers perceived deficiency where there was actual functioning sufficiency, and in both cases, the outside invaders overlooked and instrumentally suppressed both the existing systems and the innovations put forth by Indigenous societies. We have seen the deficiency theories of Thomas Flanagan, the events dealing with Native justice issues around the time of the Columbus quincentenary, and the kinds of solutions posed by *Windspeaker* authors and featured artists. Now let us use this background to try to understand what our lagging knowledge of Native justice issues might mean for this place, the Great Plains.

The events around Oka and the Columbus quincentenary led to a number of inquiries, both the artistic ones discussed in the last chapter and more formal ones that we have only mentioned in passing. What all the inquiries agreed upon was that the “justice” system was not providing justice for Aboriginal people in Canada; that from birth onward, Canadians of Aboriginal descent were more likely than other Canadians to be touched and badly served by everything from child protective services to employment services, and frequently by the police and court systems. Aboriginal people were more likely than other Canadians to be both the victims and the perpetrators of crimes, and more likely than other Canadians to be incarcerated. As the RCAP report documented, “In the Prairie region, Natives make up about 5 per cent of the total population but 32 per cent of the penitentiary population. . . . Even more disturbing, the disproportionality is growing. . . . Placed in a historical context, the prison has become for many young Native people the contemporary equivalent of what the Indian residential school represented for their parents.” For the last fifteen or twenty years (I cannot remember exactly when I began), I have been volunteering with Aboriginal groups in prisons in Nebraska and with ex-cons who have
served their time, so these questions are not only clearly in my consciousness and shaping my view of the world, but they also carry an emotional and moral imperative that is impossible to dismiss. Rupert Ross, a Crown attorney who was seconded to study Aboriginal justice in northern Ontario—a study he extended to the United States, Australia, and New Zealand—has published two books as well as various articles and position papers that serve as primers for understanding how an Aboriginal justice system can work, and in some places, is working. Ross’s description of how Aboriginal science studies things in context and thus can often provide better and more complex solutions to problems than more linear and technological science coincides with James Scott’s evaluations of the indispensability of informal, experiential land-based knowledge in any kind of development. Ross emphasizes the idea of wholeness in most Aboriginal societies, which means reconciliation, not punishment or retribution. Instead of dividing the “victim” and “victimizer” as opposing entities, Aboriginal justice sees both as parts of a wounded community. Neither can heal unless both are healed and balance is restored. Ross points out that an adversarial justice system intensifies anger rather than defusing it, and even the presumption of innocence, so basic to Western liberal democracies and enshrined in the United Nations Universal Declaration of Human Rights (#11), can lead to denial of guilt instead of one’s taking personal responsibility for harmful actions. Holistic healing circles have been used successfully in some Aboriginal communities to foster responsibility and restoration by engaging victim and perpetrator in the context of an understanding but also demanding community.

Despite all the studies, we are only beginning to identify what is broken in the rightly vaunted British justice tradition as applied to Aboriginal peoples worldwide. We have hardly begun to identify the problems, let alone offer possible solutions, for the increasingly unworkable Euro–North American perception of the Great Plains, where fewer and fewer people grow unmarketable crops—or crops that promise, a bit wishfully, to assuage energy dependence—at huge environmental cost. If we try to apply the restorative principles developed in the justice systems to the Great Plains, what might we see? We must acknowledge that the Great Plains is not so obviously broken. While some farmers and ranchers
feel that something is wrong with the system, others are quite pleased with their own successes or are confident that they will continue to expand and to succeed. Others see problems but internalize them, feeling that they are to blame for not keeping up the prosperity of the farm—especially if it has been in the family for a number of generations. We have agreed that mad cow disease, the most recent rural bogeyman, is acceptable on a low level as long as the more obviously whacko cows do not get into the food or feed chains. While some American ranchers strive to halt live cattle and beef imports from Canada, meat packers and government animal health experts insist that North American beef is all equally safe—and they are probably even right. We have only begun to address the effects of energy production on the Plains and the potential effects of global warming.

Although rural populations continue to decline, Euro–North American families losing the farm and moving to town are not as visible as Native people who are incarcerated. Many farmers are content to sell the land and move to town, and even those who have mixed feelings or are reluctant feel that they still have agency and at least some control over the decision. North American farm families blend into the cities culturally and educationally, and usually do not face ethnic or racial job discrimination. The supermarkets and fast food joints are stuffed with things to eat, and stuffed North Americans grow fatter and fatter, rarely noticing that the foods available to them are grown and produced far away and that much of the cost of food is for excessive processing or for transportation from halfway around the globe, not a payment to the farmer. Many farm people love and respect the land and value a way of life that allows them to be working outside and relying on nature to ripen the crop or feed the animals. Yet if all land is sacred, abandoned city lots are nature, too, and invasive English sparrows chirp quite endearingly. Prairie cities often have beautiful parks to comfort homesick farm folk, including the linear groves of the rivers (if one ignores the homeless people living under the bridges, another sign of the failure of the regional, as well as the national, economy to sustain all of society). Even street lighting can be directed downward so one can see the stars from the middle of the city, and besides, rural skies are polluted by various kinds of security lighting, especially if there are extractive industries nearby. Yet like the Aboriginal justice system, the mode of living on the
Great Plains is broken because it is based on a model of deficiency instead of a model of strength. The Great Plains does not have to be transformed to be useful or acceptable. Nor does the Great Plains of today have to be transformed back to Buffalo Commons to be viable, any more than Indigenous people have to recapture a lost and nostalgic past. As John Borrows says, to relegate Native rights only to aspects of life that have remained the same from pre-contact days is to deny the resiliency and flexibility of Native traditions to deal with post-contact issues.2

Humans exist, a fact of great importance to the humans, if not necessarily to the universe or even the particular biosphere we might call Earth or Turtle Island. If humans are to continue to exist, they will have to depend on an intact biosphere with earth, air, and water. Most current agriculture on the Great Plains is extractive and industrial, heavily dependent on petrochemical fuels, fertilizers, and pesticides. It relies on monocropping, which implies the extermination of biodiversity. Ironically, but not entirely coincidentally, prisons are also monocrops, requiring uniforms to designate inmates and to distinguish them from staff and visitors. As industries, prisons are very highly sought after by small Great Plains cities for the employment base that they provide. What are the models that all the studies have provided for Aboriginal justice, and how might we understand them in terms of the Great Plains? Let us list some qualities common to these models: (1) land-based; (2) restorative; (3) community-centred; (4) decentralized; (5) holistic. Obviously these are interlocking rather than separate, but let us look at them one at a time.

Except in science fiction, human communities have never existed without a particular land base. Most proposals for Aboriginal justice systems require community sovereignty of some sort, which implies a regional association, based on people living not only on a specific plot of land but with the land as a meaningful aspect of community. European systems of land use are not problem free, as one can see by problems of pollution in both Western and especially Eastern Europe, and by European rural depopulation. European Union agricultural policy has for the most part protected small (by Great Plains standards) farms and farmers, and has accepted agricultural surpluses to enable a cheap food policy. European animal rights groups have been more successful than those in the United
States and Canada in requiring adequate space and freedom of movement for food animals, and the bovine spongiform encephalopathy (BSE) and foot-and-mouth crises—and the subsequent widespread destruction of ruminant herds—have shocked Europeans even more than North Americans to move away from “unnatural” practices such as feeding sheep carcass renderings to cattle. Most important, despite bureaucratic attempts at control and uniformity, modern European agriculture developed in Europe in response to European land and climate, and was specialized by country and even by region, as can be seen in the European Union’s rather draconian product labelling. Names derived from place names—Dijon, Champagne, Newcastle—cannot be used as generics.

Great Plains agriculture, as we have seen, is imposed and is as often defined by wishful thinking as by a sober estimation of the land and climate. We need to ask what the land does well, how to work with its strengths, and what we would like to see. Buffalo Commons is one possibility—and one would have to be emotionally dead not to stir at the image of the shaggy rivers flowing again over hundreds of miles—but it is only partial. Wes Jackson’s experiments in re-establishing small communities in the Kansas Flint Hills and Nebraska’s School at the Center project are other, still largely unfulfilled, possibilities intended to teach people, especially children, how to live productively and successfully on the land. Although the perennial grains that The Land Institute has been breeding would still be grown as partially diversified monocrops (since the actual variety of the tallgrass prairie is not attainable), they would provide for better cover for both wildlife and the land itself than crops that must be planted and tilled each year. Repurchase of lands from Saskatchewan farmers by Saskatchewan First Nations bands attempting to re-establish a land base is successfully refloating some regional economies for the time being and represents another possibility, as do the various successful enterprises of Ho-Chunk Inc. in northeastern Nebraska. The Ho-Chunk or Winnebago people have used their casino earnings to invest in regional businesses, such as gas stations and motels on the nearby interstate highways, at the same time as they are building up their buffalo herds to offer employment and cultural inspiration to young people and to provide nutritious, low-fat meat to Winnebago people at risk for diabetes. Unlike Buffalo Commons, these latter solutions
envisage twenty-first-century humans living in a conversation with the land, neither leaving the area nor becoming solely guides for ecotourism—not that ecotourism should not be a part of the economic mix. It is easy to satirize all these movements as utopian anachronisms that merely seek to invert nineteenth-century ideas of “progressives” and “traditionals,” but none of these ideas is any more anachronistic than the twenty-first-century use of wind turbines to generate electricity.4 Because the Great Plains is not like Europe in either climate or soil, and because it has not co-evolved with European people, animals, or crops, a future land-use system has to be based on a close study of what this land does well, not on how it can be made to behave more like the well-watered eastern regions of North America or like Europe.

That brings us to our second principle, the restorative nature of the future of the Great Plains. Restoration is the major principle of all Aboriginal justice systems. The focus is not on accusation or retribution or even “justice.” Rather, it is on the restoration of balance to the community, of safety to the victim, of responsibility to the perpetrator, and of the strength to intercede in the community. As we learned from James Malin many years ago, restoration of the Great Plains or any other ecosystem to some past utopia or climax vegetation is not possible; it is not, in any particulars, even imaginable. Restoration here means, as it does in all the plans for justice, getting everyone to the point of working together for the future. How might federal and state/provincial tax and land-use policies promote population on the land? What kinds of plants have co-evolved with the land and how can they and their values be enhanced? What would happen if the grazing of domestic ungulates or captive buffalo were regulated to more closely resemble the grazing patterns of wild buffalo? What is the value of grass-fed cattle in preventing outbreaks of E. coli in beef? Can grass-fed free-ranging cattle avoid the pollution of feedlots and cut down on the ploughing, irrigation, pesticides, and possibly genetically modified seeds needed for feed crops? To what extent have grazing operations that can enhance grasslands become captives to the feedlots that are dumping grounds for the excess grain production that degrades grasslands? Does range feeding cattle enhance animal welfare? Range management that mimics the relationship of buffalo to the pastures is also labour
intensive; could such restorative ranching stimulate sustainable population
growth on the Great Plains and provide the basis for population elasticity
in the creation of regional business and communication networks? Could
increased labour costs be recouped by cutting the feedlot stage out of the
meat-producing process? Hay could replace feed grains and relieve some
excess production. Food grains, oil seed, and pulses such as wheat, canola,
and dried beans could fill horticultural niches. Petroleum extraction could
continue with safeguards for land, water, and air. Buffalo, elk, and other
animals could begin to re-establish parts of their historic ranges, as well
as their predators: wolves, cougars, and grizzly bears. Ecotourism would
become a feasible part of the mix, especially if its proceeds indemnified
ranchers who lost domesticated animals to the predators.

Humans are a large part of this mix, whether they be Native, non-
Native, or in the process of developing an ethic of place. This brings us to
the idea of community. Looking back to our models in the reinvention of
Aboriginal justice systems, we see that no one can be “cured” unless eve-
ryone is cured. This is exactly why we see Aboriginal justice form healing
“circles,” where everyone is vitally engaged in working out a problem. To
some extent, of course, our meaningful community is the entire globe. As
we well know, social injustice or bombings in Afghanistan or Iraq affect
the whole world, including the Great Plains. Depressed young people—
whether reluctantly signing up for the army in sparsely populated South
Dakota farm or reservation communities, or huffing gasoline on northern
reserves, or joining Asian drug gangs in Calgary, or exploding themselves
on London subways and buses, or simply feeling themselves unable to craft
meaningful lives within an engaged community—are not only a danger to
themselves and others, but also signal that something is terribly wrong,
that disengagement from land, community, family, and self call for a sys-
temic healing, not punishment or even rehabilitation that focusses only on
the individuals who are alienated.

Contemporary rhetoric extolling the “family values” of small rural
Great Plains towns seems to call on the idea of community, but as Thomas
Frank has shown, it tends to lead to political behaviour that actually destroys
community. A recent cbc radio exploration of small towns in Nebraska
clearly shows this dichotomy. A farmer points out that the economics of
farming have become untenable, with only one crop a year making a profit while three or four others offer a loss, and with farm prices not having kept up with inflation, particularly in inputs like energy. The farmer says that price supports only help out the largest farmers, while people like him are squeezed out of the business. Meanwhile, boosters in the small town of Superior put their hopes on their small-town moral values and their rock-ribbed Republicanism, not noticing that the leaders they elect are the ones forcing the family farms out of business and driving their potential market out of the local county. They tell the reporter that it is international markets and global progress that are putting the squeeze on the town, not recognizing that their elected officials, particularly on the national level, are the ones determining the rules of the markets and of international progress. This is exactly the political de-skilling that Roger Epp discusses. The enormously energetic, hopeful, and hard-working boosters focus on “values” that have little effect on their lives—gay marriage and even abortion are not likely to change Superior any time soon—and that are to some extent mythical, as the discussion of the rise of crystal methamphetamine production and addiction in the county, raised by the reporter, suggests. Planning based on doubtful premises and completely ignoring the mechanics of the economic squeeze is simply not going to work.

While it is clear that meaningful community planning must be an ongoing grassroots process, Prairie populism has never been particularly successful—with the partial exception of the CCF in Saskatchewan—usually because it has arisen from a single-minded ideology, whether it be the fettering of the railroads, grain elevators, and land speculators advocated by the Populists of the 1890s or the unfettering of private enterprise and government capitalism advocated by the Reform Party in the 1990s. The challenge of engaging a community that includes rural and urban areas, and Native, long-resident, and newly arrived populations, and that addresses issues from agriculture to child rearing is not only daunting but unheard of. The Royal Commission on Aboriginal Peoples (RCAP) spent five years and millions of dollars on a brilliant, if not perfect, study of one relatively small population in one country in response to fairly clear and definable stimuli such as Oka, the Aboriginal justice inquiries, and high rates of youth suicide. Even then the report has languished with no sustained attempt to
meet the ambitious schedule for innovation put forward. There is no evidence of a widespread will to attempt a study and redefinition of the Great Plains, though individual outfits such as the Center for Rural Affairs, the Parkland Institute, the Grassland Foundation, and Ho-Chunk Inc. are all supporting ongoing study and innovation.

My own sense, judging only from what has been published and from the people who pass through my classrooms or with whom I otherwise interact in Lincoln and Calgary, is that Aboriginal communities are more hopeful and innovative than non-Native rural communities, which are less likely to be propelled by a sense of absolute necessity and more likely to embrace whitestream norms of progress and the rational depopulation of the Great Plains. On the other hand, the rates of despair, substance abuse, violence, incarceration, and unemployment on many reserves and reservations are so high as to be almost life denying. Still, as we saw in the chapter on planning, innovation is most likely to come from those whose struggle to survive is precarious, not from those who are comfortable. And Native communities are definitely the most precarious. The small rural towns and farming populations are certainly willing to envision both smaller and larger versions of Great Plains community as the central focus for their own lives and for encountering the world.

While there is no particular point in large numbers of communities working separately to reinvent the wheel, the Aboriginal justice models we have been trying to follow do depend on a large degree of community autonomy and on decentralized planning and structure that includes centralized support but not governance. Again, as Scott and Ross point out, specific, contextualized knowledge that depends on gut feeling rather than on clear, articulable designs is crucial to positive change. In the justice studies, writers note that not only are urban and reserve communities very different, but there are different traditions of healing in different Aboriginal cultures. What is appropriate for a Cree may not be particularly appropriate for a Kiowa. A great deal of Plains intellectual history has focussed on rebellion against governments, whether they be in Ottawa or Washington, Edmonton, or Lincoln, or Bismarck or . . . Often, as Lorelei Hanson points out, these histories of rebellion are themselves romantcized. Albertans are delighted when author Aritha Van Herk calls them
Mavericks (and the Glenbow Museum develops a whole exhibition on the theme) and not eager to acknowledge to what extent “rebellion” is only a form of political “de-skilling.” As we have seen, Alberta’s furious dissent from the National Energy Policy and its long-cherished grudge against Ottawa and the Liberal Party primarily benefited—and benefits—American oil companies. Similarly, current opposition to gay marriage and to abortion, and support for the death penalty in the “red” states of the US Great Plains and among the supporters of Reform/Alliance/Conservative politics in Canada, as Thomas Frank pointed out in What’s the Matter with Kansas, however honestly intentioned, does serve to distract attention away from failures of economy, ecology, and social justice, a particularly pernicious form of de-skilling. Centralized agendas of dissent are as distracting from regional, place-based problem solving as are centralized agendas of assent. Yet at the same time that decentralized, community-based formulations of solutions are necessary, our guiding principle is still the interconnectedness of all things and thus the insufficiency of any but holistic solutions. Inability to perform one task at a time is, of course, a recipe for dithersing. Successful problem solving usually begins with defining what issue is the most bothersome, and then moving wider out, like ripples, to find the connections and to explore them. Aboriginal justice programs always begin with some limited jurisdiction, be it domestic and family court issues, juvenile justice, or the equivalents of municipal courts. Starting with communities, then, means that there will be many different “first problems,” including those usually denominated “personal morality,” “social justice,” “economic,” or “ecological.” The more specifically and passionately each can be articulated—traced backward and forward from origins to desired outcomes—the more apparent nodes of interconnection will become, just as the justice inquiries found linkages by looking closely at individual cases. Only then did underlying assumptions about what justice systems were supposed to do come into obvious conflict with both physical conditions and Aboriginal philosophy. The assumption that a child caught in vandalism should be remanded and charged, for instance, was simply impractical in northern communities remote from remand centres, and it contradicted Aboriginal emphasis on the individual’s taking responsibility for his or her own actions. Although the English justice system seems to set the greatest
value on personal responsibility, it actually negates that responsibility from the point of view of an Aboriginal system based on connectedness. Taking personal responsibility for one’s actions and working toward the mitigation of the harm one may have caused is diametrically opposed to being adjudged guilty by an outside source and punished for the harm one may have caused. Connections are hard to come by in an adversarial system. Think of the little warning printed on your insurance policy or on the proof of insurance card you carry in your car. It tells you to deny responsibility for a collision, even when you know you are in the wrong.

Great Plains farmers continue to leave the land. Those who stay manage larger and larger spreads dependent on government support that encourages consolidation and monocropping and on chemical fertilizers, pesticides, and genetically modified organisms. Or the farmers’ main income comes from leases and easements from petroleum companies—bringing risks of environmental degradation, sour gas wells, and the dangers of sharing small gravel roads with heavy drilling and exploration equipment. Rural Great Plains communities are losing their ability to organize for their own economic benefit and are instead railing against elites and framing their arguments in extremely black and white “moral” terms. Tellingly, these “moral” terms never include issues such as poverty or social justice. The communities that once passionately supported leaders like Tommy Douglas and George Norris seem estranged from their own roots, despite the research and leadership of organizations such as the Parkland Institute or the Center for Rural Affairs. Similarly, reserve and reservation communities try to establish workable sovereignty in the context of a larger political system that requires a different kind of “democracy” from that of Aboriginal tradition, while urban Native people are disproportionately alienated and stigmatized in a vicious circle that keeps turning upon itself. Sovereignty cannot be confined to reserves and reservations when almost all higher level political decisions are made at the state, provincial, or federal level.7

Most solutions proposed by politicians who perceive that something is wrong on the Great Plains maintain the point of view of nineteenth- and early twentieth-century mainstream politicians—to some extent replicated in the “Second Thoughts” of new right politicians of the early twenty-first
century—that Christian, Amer-European principles of economy, society, and culture are inherently superior to Indigenous principles of economy, society, and culture. James Malin maintained that the contriving brain of the human would always find ways of recognizing new layers of usefulness in any environment. Democracy and free market economics are not automatic utopias, as government scandals and market crises reliably remind us. Even their most ardent defenders can only claim that they are the least worst systems that humans have as yet devised. But if all alternatives are ruthlessly repressed, as they have been in the recent past of the Great Plains, how can new and better systems develop?

For most of the thousands of years of human home making on the Great Plains, human groups could move, like the buffalo herds, to utilize different environments, including riverine valleys and nearby mountains. They modelled a more sustainable form of agriculture than did the sedentary farmers who moved in and began ploughing and irrigating at the end of the nineteenth century. Obviously, the newcomers from the intensive monocultural agriculture and centralized states with their belief in the free market and their acceptance of fee simple ownership of square surveyed plots of land did not choose to find ways to share the land of the hunter/gatherer/horticulturalists with due respect for the integrity of those host societies. That does not necessarily mean that such sharing was either impossible or undesirable. We can continue to produce more and more surplus grain on bigger and bigger farms with fewer and fewer people and more and more water, herbicides, insecticides, and petroleum-sourced fertilizers and energy. And with federal subsidies in the United States and disaster payments in both countries. We can continue to burn corn as ethanol, to feed it to pigs in confinement sheds that create whole cities’ worth of excrement, to feed grain to cattle in feedlots knee deep in muck, or to demand that our federal governments sell our grain abroad. We can continue to depopulate our rural areas and eventually our regional towns and cities. We can lose the last vestiges of native grass prairie, even as we abandon human habitations for vast ecotourist theme parks.

Or we can do something else.