Justice in *The Round House*: Literary Language as a Tool for Social Justice

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Sophie Staires

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Accepted:

Jay Harrison, Ph.D.
Committee Member

Corey Campion, Ph.D.
Program Director

Terry Scott, Ph.D.
Committee Member

April M. Boulton, Ph.D.
Dean of the Graduate School

Amy Gottfried, Ph.D.
Capstone Adviser
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Abstract

This project explores the way literature functions as a tool for social justice by analyzing Louise Erdrich’s 2012 novel *The Round House*, a work that addresses the issue of sexual violence toward Indigenous American women. This project is not strictly a literary analysis; the focus is not on what is happening within the text, but what this text is doing in the world around it. In *The Round House* Erdrich is creating thoughtful, conscientious readers; she creates a space to feel, to think, and to imagine solutions so social problems. Readers of *The Round House* emerge armed with both the knowledge and sensitivity necessary to navigate issues of sexual violence in their own lives. This is the power of literature in a fight for social justice— it prompts mental and emotional engagement with issues one is otherwise distanced from, and it provides a space in which one is free to imagine different endings. Words hold the power to either allow for or inhibit justice. It is important to see how language has shaped the past so that we can use it effectively in shaping the future. It creates a sort of simulation, a world that is similar to ours but not bound by the same rules. In this world we can imagine the people we’d like to be, how we’d like to act, how we would like the world to change. The novel, at its best, is intended to provoke interaction with the reader. The reader has a responsibility to either approve of or condemn the actions within the text. Literature is entertaining and can distract us from the details of our own lives, but its real social value is in how it reflects reality. Literature gives us tools that we use to interact with the world around us. *The Round House* is a work of fiction but its value lies in its truth. This novel alone will not undo centuries of violence and oppression, and it will not undo the harmful legislation that is still affecting contemporary Native communities. What we learn and experience while reading literature is not limited to that sphere; we take it with us out into the world.
Introduction

If law has nothing to do with justice, if legal discussion is simply a struggle to gain power with words … rather than arms, then literature has no particular relevance for the law. If, on the other hand, the law has something to do with justice, and if legal studies involve reflection on human life as well as the manipulation of symbols for rhetorical effect, then those concerned with law have something to learn from literature.

-James Seaton, “Law and Literature; Works, Criticism and Theory”

It is all too easy to become detached from the social justice issues plaguing our communities. It often feels as if there is so much one must know before voicing an opinion, and it is therefore much quicker and easier, and infinitely comforting, to assume that “the people in charge,” i.e. our leaders and governmental officials, have it all in hand. After all, isn’t that why we live in a democracy? We elect officials who we trust to make decisions. But having faith in others can merely be a way of relieving oneself of responsibility. It can be dangerous to assume that someone else is doing the right thing, and therefore we don’t need to worry about it. Our leaders are not held accountable when we put blind faith in them and stop questioning. When faced with a stack of files on human rights violations many of us will gladly say that it’s not our field, and that we are in no position to weigh in on such matters. Yet, when we read a book or watch a movie that deals with human rights issues, suddenly we are weighing in. Whether or not one is well versed in the jargon or the history, it is clear to many of us that some rights must be defended if we are to retain our humanity. While legislative language is often crafted specifically to veil meaning and disallow interpretation, literature cuts through the minutia and lays bare the emotional elements of a situation. In his article “Law and Literature: Works, Criticism and Theory” for the Yale Journal of Law and the Humanities, James Seaton cites several thinkers on
the extent to which literature is useful both in society as a whole, and in the study of law. According to Martha Nussbaum, “literature’s great social function is that it encourages us to ‘imagine one another with empathy and compassion’” (in Seaton 483-4). That is, the novel teaches us to be empathetic to certain characters, and this in turn teaches us to be more empathetic to the people in our own lives. Richard Posner says that “in reading ‘we acquire experience vicariously’ and thereby ‘expand our emotional as well as our intellectual horizons’” (in Seaton 503-4). Both Nussbaum and Posner are suggesting that what we learn and experience while reading literature is not limited to that sphere; we take it with us out into the world. If that is true, then any field that is strengthened by empathy, compassion, emotional intelligence and experience, can benefit from the study of literature.

In this project, I am exploring the way literature functions as a tool for social justice by analyzing Louise Erdrich’s 2012 novel *The Round House*, a work that addresses the issue of sexual violence toward Indigenous American women. This project is not strictly a literary analysis; the focus is not on what is happening within the text, but what this text is doing in the world around it.

First, I will outline the plot and characters of *The Round House*. There will be several times throughout this project when a character or event is referenced, so a basic understanding of the story will be necessary to understand the arguments being made. Chapter One will provide a general history of the legal relationship between the federal government and Native tribes. Erdrich makes many references to important pieces of legislation in *The Round House*, and when analyzing this book (or indeed, analyzing any contemporary Indigenous issues), it is important to know what legislation is still in play. Chapter Two brings history up to the present with statistics of violence toward Native women. While many may agree that sexual violence is a problem in
contemporary society, few are aware of the scope of the issue, particularly as it applies to Native women. Chapters Three and Four are primarily concerned with the way *The Round House* addresses issues of justice. Chapter Three follows the pursuit of justice within a legal framework, and the roadblocks encountered in that pursuit. The language of legislation determines and limits what can be achieved, and how the problem is framed. In Chapter Four I address the inevitable pursuit of justice outside the boundaries of the law, once legal attempts have failed. In *The Round House* Erdrich does not try to disguise the brutality of both the initial crime, and the failure to achieve justice afterward. Her book is not based on one particular story but, in her own words “the events in this book are loosely based on so many different cases, reports, and stories that the outcome is pure fiction” (321). This hearkens back to Seaton’s assertion that “history deals with particular facts, while poetry (and literature) is concerned with universal truths about human life” (Seaton 506). In *The Round House*, Erdrich is using fiction to explore truths, and the truth of her story is what gives it such power.

*The Round House* opens with thirteen-year-old Joe Coutts and his father Basil, a tribal judge, prying out the young saplings growing into the foundation of their home on a reservation in North Dakota. Joe’s mother, Geraldine, has run out on an errand, and when she has been gone for some time they casually begin to wonder why she has been held up. When she finally arrives home she is in shock, bloody and bruised, and reeking of gasoline. At the hospital it is confirmed that she has been violently raped, but she cannot (or will not) say where, or by whom.

The book is narrated by Joe, as he, with the help of his friends Cappy, Angus and Zack, try to discover who attacked his mother and how to bring her attacker to justice. But when crimes are committed on Indian land, the first step is determining precisely where the crime took place,
as this affects whether the case will fall under tribal, state or federal jurisdiction. The next step is determining the people involved; both the race of the victim and the perpetrator may shift jurisdiction. Lastly, the nature and severity of the crime must be determined; crimes qualifying as either “minor” or “major” will fall under different jurisdictions. The boys eventually learn that Joe’s mother was raped at the round house, a place on the edge of the reservation where sacred ceremonies were held in past generations. The round house is at an intersection of tribal, state and federal land, where criminal jurisdiction is unclear. Her attacker, it is deduced, is Linden Lark, a white man whose family has a long history of animosity toward the tribe. Even with this information, Lark is not initially taken into custody because Geraldine was blindfolded during the rape and cannot say exactly where it took place. Therefore, they do not know whose jurisdiction it is under. Basil is desperate to see Lark imprisoned, but even if he could claim tribal jurisdiction he would be unable to prosecute because of the Major Crimes Act of 1885, which disallows tribal courts to prosecute non-Native individuals for “major” crimes, including rape. He must therefore rely on either state or federal law enforcement to act, but they are either unwilling or uninterested.

Joe goes to stay with his aunt for a few days while his mother is in the hospital. While there, he shares a bedroom with his grandfather, Mooshum. At first Joe is annoyed by his grandfather’s sleep talking, but he soon realizes that these are not the normal, scattered ramblings of a sleeping person; Mooshum is telling a story. Over the course of a few nights Mooshum, in his sleep, tells Joe the story of Nanapush and the wiindigoo. A wiindigoo is an evil spirit that in the winter, and during times of great hunger, would possess members of the tribe. Driven by starvation, the wiindigoo-possessed individual would become a cannibal. The only person who could kill the wiindigoo was a blood relative of the possessed, so when a woman named Akii is
accused of being possessed by the wiindigoo, her son Nanapush is ordered to kill her. Nanapush
refuses to kill her and he and his mother escape into the woods, but soon they, along with the rest
of the tribe, are dying of starvation. Akii sends Nanapush to find the buffalo that have not been
seen for many years. Nanapush finds an old woman buffalo, who instructs him to use her body to
feed his people, and her bones to build the round house. She says “the round house will be my
body, the poles my ribs, the fire my heart. It will be the body of your mother and it must be
respected the same way” (215). This story, told to Joe in nightly installments, provides the basis
for understanding the importance of the round house, the obligation of sons to defend and protect
their mothers, and the duty to defend the members of the tribe against the wiindigoo. Joe
internalizes this story and, perhaps subconsciously, uses it to guide his plan.

As the novel progresses, the reader sees two types of justice being attempted— Basil is a
judge, and he knows that jurisdiction on Indian land is difficult to determine, so he works with
state and federal officers to gather evidence and find a means of prosecuting Lark. Joe, frustrated
with his father’s lack of progress, begins working outside of the law. Geraldine recognizes the
spirit of the wiindigoo in Lark, whose hate and violence is destroying members of her family and
her tribe, one by one. Joe takes up the mantle and decides to stop Lark. Where justice has not
been achieved he pursues vengeance. He and Cappy devise a plan to murder Lark, to ensure the
safety of Geraldine and to restore peace in the community. By the end of the novel we see that
neither Basil nor Joe’s attempts have been successful, that justice is perhaps not possible at all.

The jurisdictional issues between tribal, state and federal governments are confusing, and
not intuitive. Erdrich takes time to educate the reader in these issues so that as the story
progresses, the reader knows how to read it, knows the weight of the struggle and the price of
each small victory. By learning how to read and understand this story, one learns something they can then take away and carry out of the fictional space into the real world. The effect is that one walks away from this book with an understanding of sexual violence toward Native women from both a legal and historical perspective, as well as a deeply personal one. Erdrich is creating thoughtful, conscientious readers; she creates a space to feel, to think, and to imagine solutions. Readers of *The Round House* emerge armed with both the knowledge and sensitivity necessary to navigate issues of sexual violence in their own lives. This is the power of literature in a fight for social justice— it prompts mental and emotional engagement with issues one is otherwise distanced from, and it provides a space in which one is free to imagine different endings.

The rates of sexual violence toward Native women far outweigh sexual violence toward any other group. And yet the pursuit of justice for these women often feels as fruitless as Joe and Basil removing the young trees from the foundation of their house. They will never be successful, never remove all of the roots, and even if they could they will never stop more from growing. But year after year they wage war in protection of their foundation. Where history shows centuries of injustice, where legislation reveals loopholes that allow further violence and injustice, literature brings us back to our foundation, to our shared humanity, and reminds us to keep moving forward. Literature is an important tool when working toward social justice precisely because it functions differently than legislative language. Seaton says that “literature’s importance to judges, lawyers and law professors follows from its importance to human beings in general” (Seaton 505). Justice cannot be achieved where individuals are beaten, raped and dehumanized, or where communities are torn apart and impoverished, so if the purpose of law is to bring about justice, legislators have something to learn from literature.
Chapter 1 - A Brief History of the Legislative Relationship Between the U.S and Indigenous Tribes

Throughout this novel, Erdrich has included references to pieces of legislation that govern Indian Country. Her story is built on a foundation of facts, allowing the reader to envision the way this legislation actually impacts daily life for Indigenous Americans. To understand why these pieces of legislation play such a crucial role in Erdrich’s story, we must first understand to some extent what these laws are, why they came about, and how they continue to function in the lives of Native peoples. While the novel is fiction, it is taking place in the real world, and it is the reality of the story that gives it so much power in the field of social justice. A brief understanding of the relationship between the federal government and Native tribes is necessary to know how to read The Round House.

When studying Native American issues, any question of “Why?” can always be answered with “Land.” Every battle fought and law passed has always been done in the pursuit of land. Patrick Wolfe writes in his article “Settler Colonialism and the Elimination of the Native,” “settler colonizers come to stay: invasion is a structure not an event” (388). The first step in understanding the relationship between the United States and America’s Indigenous tribes is un-learning the idea that colonization has ended; the colonization of North America and of Native tribes is ongoing, and it is still fueled by a desire for land.

Whether or not it is inherently genocidal, according to Wolfe, “settler colonialism is inherently eliminatory” because the colonized peoples are blocking unfettered access to land (387). He goes on to write “the primary motive for elimination is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory” (388). North American Indians were (and are) targeted not because they are Indian. Rather, their Indianness is defined by the fact that they are
blocking access to land. Whether they are considered Indian or white is determined by what the United States needs them to be, and the categorization of ethnicity according to the federal government has changed over time, depending on what is beneficial solely to the U.S. During slavery, blackness was defined by the “one-drop rule,” making slaves “black” even if they only had one (proverbial) drop of African blood. Native Americans are racially categorized by the federal government based on “blood quantum,” which works in the opposite way, depriving them of full Native status if there is any trace of whiteness in their ancestry. The intention behind these arbitrary racial definitions is clear: for enslaved people, “reproduction augmented their owners’ wealth, [while] Indigenous people obstructed settlers’ access to land, so their increase was counterproductive” (Wolfe 388).

To claim ownership over lands in “The New World,” European settlers would need first to establish that these lands were either uninhabited or not being used effectively. So a narrative has been established in which whiteness implies civilization, which implies progress. Alternately, Indianness implies savagery, which implies backwardness, incompatible with progress. At the time of contact, complex tribal governments were already in place and functioning, but, as Hart and Lowther say in “Honoring Sovereignty,” “Europeans viewed tribal governance structures through a monarchical, Western European lens” (196). Because they did not recognize or understand these governments, they assumed them to be inferior, or completely non-existent. These misguided understandings of Native peoples would be the foundation for legislation passed in the early 1800’s, which would in turn lay the groundwork for further legislation.

In the 1820’s and 30’s three cases brought under Supreme Court Justice John Marshall (known as the Marshall Trilogy) would establish the relationship between Indigenous tribes and
the United States. Ultimately, tribal sovereignty is defined through legislation, and the Marshall Trilogy went a long way in establishing the terminology for further legislation and defining what sovereignty would mean for Native tribes.

The first case was Johnson v. McIntosh, in 1823. The dispute, as almost all disputes regarding Indian country, was over land. In the 1770’s the Illinois and Piankeshaw had sold land to a Thomas Johnson. Later, this same land was also sold by the U.S. government to William McIntosh. For the sale of land to McIntosh to be valid, the initial sale to Johnson had to be rendered invalid. Therefore, the dispute was over whether or not Indian tribes could legally sell their land, which then begs the question of whether or not Indian tribes legally owned their land to begin with. Marshall ruled in favor of McIntosh, reasoning that under the “Discovery Doctrine” the title of the land goes to those who “discovered” it, i.e. European settlers. In other words, the Discovery Doctrine gives Europeans an “assumed right” over “discovered” land, regardless of whether that land is already occupied (cdn.loc.gov). Again, though the land was clearly already occupied, the European colonizers did not recognize the systems of governance, agriculture, and society of the inhabiting tribes, and viewed the presence of Indigenous peoples almost as though they were animals, rather than sovereign nations. At best, they were included in the property now owned by the U.S.; at worst, they were seen as an obstacle that must be obliterated. To colonizers, the British attained sovereignty over North American land, and the U.S. inherited this sovereignty after the American Revolution.

The original text of the court case reads as follows:

The whole theory of their titles to lands in America, rests upon the hypothesis, that the Indians had no right of soil as sovereign, independent states. Discovery is the foundation of title, in European nations, and this overlooks all proprietary rights in the natives…
Even if it should be admitted that the Indians were originally an independent people, they have ceased to be so. A nation that has passed under the dominion of another, is no longer a sovereign state. (cdn.loc.gov 567-8)

Making Indians officially occupants rather than owners of their land was the first step in chipping away at their sovereignty. In Wolfe’s words, “the distinction between dominion and occupancy illuminates the settler-colonial project’s reliance on the elimination of Native societies” (391). The result of Johnson v. McIntosh was to grant the tribes “right of occupancy,” which established that tribes did not have ownership over their land and could not sell it without government approval (thorpe.ou.edu). Dominion is something inherent to Europeans— or granted to “discovering” Europeans by other Europeans. Indians can only be granted the right to “occupy” if it is understood that they do not own the land (and never have). This is the first very important piece of language that future legislation will be built on— indicating that Indigenous peoples are not permanent residents, and do not own the land. This language, and the question of permanence, was especially useful a decade later when Andrew Jackson was pushing for the Cherokee removal.

The second case in the Marshall Trilogy is The Cherokee Nation v. Georgia, 1831. The Cherokee Nation was seeking federal support to overthrow state interference on tribal land. To determine whether federal government could legally intervene, it first had to be decided whether the Cherokee tribe was considered a foreign nation. In the end, this was the decision:

They may more correctly, perhaps, be denominated domestic dependent nations. 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 pupilage. 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. (supreme.justia.com)

The phrase “domestic dependent nations” is the next important established piece of language that would remain a defining feature of the relationship between the United States and the Native tribes. The Cherokee obtained the protection of the federal government from the state, but at the cost of another huge piece of their sovereignty.

The relationship between tribal nations and the U.S. eventually became known as a “trust relationship,” described this way by the American Indian Policy Review Commission (1977):

The trust responsibility extends beyond real or personal property which is held in trust. The United States has the obligation to provide services and to take other appropriate actions necessary to protect tribal self-government. The doctrine may also include a duty to provide a level of services equal to those services provided by the states to their citizens. These conclusions flow from the basic notion that the trust responsibility is a general obligation, which is not limited to specific provision in treaties, executive orders, or statutes. (fordlibrarymuseum.gov)

The outcome of Cherokee Nation v. Georgia was useful in that it required the U.S. government to provide services to the tribes, and an overthrowing of this case would rescind that obligation. However, it also established that the tribes were ill-equipped and incompetent to self-govern. Furthermore, by specifying that the federal government must provide Native tribes with
certain resources, it emphasizes the need to determine who is considered a Native person. A number of tribes were not (and are not) federally recognized at all. Under the blood quantum laws, individuals with a certain degree of white ancestry could be deprived of Native status and would then be ineligible for these federally-funded programs. Of course, once deemed non-Native, these individuals were not then welcomed openly into white society. They were simply Indians without federal protection.

The following year brought Worcester v. Georgia, 1832. This was another dispute over whether the state had authority over tribal land. Samuel Worcester, a Christian missionary, had been residing on Cherokee land, and the Georgia authorities attempted to order his removal on the grounds that as a non-Native man, he is not “licensed” to reside on Native land (oyez.org). Worcester claimed that he was under Cherokee jurisdiction, and had their permission to stay, and as they are a sovereign nation, the state of Georgia had no jurisdiction over him while he resided there. The court ruled against him and he was imprisoned for 4 years. Later, this ruling was overturned and it was ruled that the states had no authority over Indian land, Indian nations being strictly under the purview of the U.S. federal government, as determined by The Cherokee Nation v. Georgia.

While this seems a victory for the Cherokee people, it has had lasting negative effects. They were successful in overriding the authority of the state, but only by handing full authority to the federal government. From this point onward, jurisdiction over Native issues would be passed between the state and federal governments; there was no question of tribes fully and independently self-governing. Furthermore, because of this ruling, states do not have jurisdiction over non-Indians who commit crimes in Indian land, the tribal government cannot prosecute non-Indian offenders, and while the federal government can claim jurisdictional authority, it is not
required to. This leaves an enormous loophole for non-Indians to commit crimes on Indian land with no repercussions.

While the effects of these rulings have been hugely destructive, overturning them would be destructive as well. By pronouncing Native tribes as dependent on the federal government, it made them actually dependent. And with every protection or show of support by the U.S., more and more of what makes tribes sovereign has been eroded and pulled apart. But overturning these rulings would cost the tribes what little protection and social services the United States provides.

Now that the U.S. had solidified Native tribes in an inferior and dependent position, eradication and removal would be far easier. Immediately on the heels of the Marshall trilogy was the Cherokee removal from Georgia, resulting in the Trail of Tears. Removal was presented as a non-violent, reasonable, or even natural option. As Wolfe points out, “Natives are typically represented as unsettled, nomadic, rootless, etc., in settler-colonial discourse. In addition to its objective economic centrality to the project, agriculture, with its life-sustaining connectedness to land, is a potent symbol of settler-colonial identity” (Wolfe 396). Representing Natives as naturally nomadic makes them seem naturally removable, whereas the settler, reliant on agriculture, claims a greater need for land and stability.

In addressing what came to be known as “The Indian Problem,” the United States has gone back and forth many times between tactics of complete eradication of the tribes and assimilation into white culture. But when the Cherokee had gone so far toward assimilation, they were forcibly removed, rather than welcomed into white society. If they had appeared to be dying off, they would not have presented a threat to colonialists, but the narrative of settler-colonialism (that Indigenous tribes are not compatible with and cannot be a part of modernity) only works if the Indigenous peoples die off. One of the driving forces for the Cherokee removal
was not their supposed savagery, but their success within the settler-colonial lifestyle. They were thriving agriculturally, they had a written constitution and, contrary to the common romanticized notions about Indigenous peoples being gentle and peaceful, they even owned black slaves. Patrick Wolfe says that the reason the Cherokee’s agricultural success, slave holdings, and written constitution provoked their removal is because all these things signified permanence (Wolfe 396).

In his article, Wolfe makes a distinction between genocide and mass murder. He says that “there can be mass murder without genocide, as in the case of 9/11, and there can be genocide without summary mass murder, as in the case of the continuing post-frontier destruction, in whole and in part, of Indigenous genoi [or Indigenous life]” (Wolfe 398). This distinction is useful because when we look at legislation that has relocated Indigenous peoples, changed their tribal status, and changed the way they are able (or unable) to self-govern, it is easy to forget the violence of colonization. The language of legislation is crafted to sound reasonable and straightforward, even bland. But when we talk about genocide as a feature of colonization, and of colonization as an ongoing process, we better understand the traumatic effect that legislation continues to have on Indigenous peoples. For that reason, Wolfe deliberately avoids using the term “cultural genocide,” because when that term is used, “genocide emerges as either biological (read ‘the real thing’) or cultural—and thus, it follows, not real” (Wolfe 398). When we say “cultural genocide” instead of simply “genocide,” the meaning is softened, as though cultural genocide is less real, less violent, or less traumatic.

In Worcester v Georgia (1832) the Cherokee were deemed a sovereign nation. However, President Andrew Jackson completely ignored the supreme court decision, passing the Indian Removal Act that forcibly drove the Cherokee out of Georgia in 1838. Thousands of Cherokee
were rounded up and put in stockades, then eventually forced to march from Georgia to what is
now Oklahoma. An estimated 4,000 Cherokee died along the trail, and even this number is
believed by many to be too conservative (cherokeemuseum.org). The Cherokee were not the
only tribe to be forcibly removed, but their situation, and Andrew Jackson’s Indian Removal Act,
remain a strong reminder of the inadequacy of the United States government to protect Indians.
When laws deprive Native peoples of protection, and of their land, those laws seem to be set in
stone. But when they protect Native peoples, even at great expense, such as Worcester v.
Georgia, they can be swept aside in favor of new, harsher legislation. The Cherokee removal is
unique in that it was not technically legal but was still carried out with relatively little backlash.
Andrew Jackson knew that “if no one intended to enforce the Supreme Court rulings…then the
decisions would fall still born” (history.com). Now the Trail of Tears is looked back on as a
tragic and deadly pilgrimage, but little is said of the ideology that allowed for the removal to take
place, the same ideology that still produces extraordinary rates of violence toward Native
peoples. When looking at the history of the relationship between the U.S. and Native tribes it is
important to remember the intention and violence of these events. And when looking at violence
it is important to remember the perpetrator. Removal, like rape, does not simply happen—
someone drives that action.

The next major puzzle piece in tribal sovereignty is the Major Crimes Act of 1885, but
this grew out of a court case a couple of years earlier, known as Ex Parte Crow Dog. Ex Parte
Crow Dog refers to a case from 1883 in which a Native man, Crow Dog, murdered another
Native man on the Great Sioux Reservation. The Sioux tribal court ruled that, according to
traditional tribal law, Crow Dog should be made to provide financial support to the victim’s wife
and children. Whereas a life imprisonment of Crow Dog would leave two broken families, the
idea behind this solution was to bring wholeness and healing rather than further pain. The federal government attempted to intervene, claiming jurisdiction over all crimes on Indian land, and sentenced Crow Dog to death. The U.S. was not granted jurisdiction in this case, but the ruling became the impetus for the Major Crimes Act, passed in 1885, which gives the U.S. jurisdiction over all crimes considered “major” (as defined within this act) occurring between Native peoples and on Native land (justia.gov). In cases of major crimes (including rape, among other things) the United States shares jurisdiction when the perpetrator is Native and has sole jurisdiction when the perpetrator is non-Native. In other words, this Act means that the United States can always prosecute an Indian, but a tribal government can never prosecute a non-Indian. The only time a tribal government has full and exclusive jurisdiction is when both the perpetrator and victim are Indian, the crime takes place on Indian land, and is considered a “minor crime” (tribal-institute.org). Even then, there are caps put on how harsh a sentence the tribal court is allowed to give.

The U.S. Supreme Court ruled in United States v. McBratney, 104 US 621 (1881) and Draper v. United States, 164 U.S. 240 (1896) that state courts have jurisdiction to punish wholly non-Indian crimes in Indian country. This is important because, as will be discussed later, tribes understand sovereignty as being deeply tied to the land. But the U.S. gives them authority only over their own people (and only at specific times, in specific places); the land is still seen as belonging to the U.S., lent out for use of a tribe. This understanding is rooted back in Johnson v. McIntosh (1823). So by 1900, jurisdiction over crimes on Indian land was muddled, to say the least. When lands begin to change hands between members of the tribe, white settlers, state and federal governments, things get even more complicated. When a crime takes place in Indian
country, jurisdiction is determined by the race of each person involved, the severity of the crime, and the exact location of the crime. But, as we see in *The Round House*, these things are not always easily determined. For example, a plot of land belonging to a white family, or to the state, may later be deemed property of the federal government if it was initially sold by the tribe, and that sale was rendered invalid. And once jurisdiction is established, there is still a question of resources. Does the tribal government have the resources to prosecute a criminal, and to provide support to victims? Does the state receive additional funding, equipment, and man-power to deal with cases coming from Indian land? Does the federal government have any real incentive or interest in dealing with these cases, which are considered too major for a tribal court, yet too minor for the Supreme Court? All of these questions, brought up by Erdrich, arise out of a piece of legislation passed in 1885. In 1887 the passing of the Dawes Allotment Act would begin to break Indian land down into smaller and smaller pieces, making jurisdiction even harder to determine.

The Dawes Act took tribal land and divided it among the individuals belonging to that tribe, and then their descendants. For example, if the tribe, as a whole, owns 500 acres of land, perhaps your family owns 20 acres, and your parents have 5 children. Each of those 5 children then owns 4 acres of land, which will be divided among their children, and so on. Something communally owned becomes privately owned, and then gets broken down into smaller and smaller pieces, which then eventually can be sold. While the tribe as a whole would never sell their land, the individuals can, and many did. Driven onto smaller and less fruitful land, they quickly became desperate.
The United States has undergone many attempts to dissolve tribal identity, because individuals are easier to remove than tribes. According to Wolfe, after the removal of the majority of the Choctaw to west of the Mississippi River,

The reason that the remaining Choctaw were acceptable had nothing to do with their being Choctaw. On the contrary, it had to do with their not (or, at least, no longer) being Choctaw. They had become ‘homesteaders and American citizens.’ In a word, they had become individuals. What distinguished [the removed Choctaw] from those who stayed behind was collectivity. Tribal land was tribally owned- tribes and private property did not mix. (Wolfe 397)

The Dawes Act brought the notion of private property to the tribes, propelling them, in theory “from the collective inertia of tribal membership into the progressive individualism of the American dream” (Wolfe 400). In practice, however, land was absorbed by the U.S. faster than through any other, more violent means, and Indian numbers quickly plummeted to the lowest level ever recorded (Wolfe 400). By individualizing tribes, the remaining individuals do not get absorbed into white culture; they are isolated, without the protection of either the tribe or the federal government. The Dawes Allotment Act had a two-pronged effect, by using blood quantum to determine landholding rights, with each generation the blood quantum gets smaller, and also the land is broken into smaller and smaller pieces. This process is what Annette Jaimes calls “statistical extermination” (Wolfe 400). And as Wolfe points out, “though ‘softer’ than the recourse to simple violence…these strategies are not necessarily less eliminatory” (Wolfe 401). When we examine legislation regarding American Indians, it is important to remember that it is
all done with the intention of elimination. Theodore Roosevelt called the Allotment Act “a mighty pulverizing machine to break up the tribal mass” (Hart, Lowther 199).

In 1924 Congress passed the Indian Citizenship Act, which granted citizenship to all Native Americans born in the U.S. However, the right to vote was determined by the state, so states could still disallow Native Americans to vote, and many of them did until the late 1950’s.

In 1953 Congress passed Public Law 280 in 6 states: Alaska, California, Minnesota, Nebraska, Oregon and Wisconsin. This law gave jurisdiction to the state government over crimes occurring on reservation land. Prior to P.L. 280, the tribal government shared jurisdiction with the federal government in almost all criminal cases occurring on Indian land. As described by Jerry Gardner and Ada Pecos Melton in their article “Public Law 280: Issues and Concerns for Victims of Crime in Indian Country,” the history of the relationship between the United States government and Indian tribes has been marked by a pendulum swing between “Indian self-determination with an emphasis upon respecting tribal sovereignty and tribal self-government” and “Indian termination with an emphasis upon terminating Indian Nations in order to assimilate their members into the dominant society” (tribal-institute.org). The 1950’s were a time when the focus was on Indian termination and assimilation, and P.L. 280 was passed with clear intentions to dismantle tribal governments, and chip away at tribal sovereignty.

The tribes were against P.L. 280 because, in the states where it applied, it deprived them nearly entirely of their right to self-govern. The states were also largely opposed to the law because they were not receiving supplemental funding to deal with criminal cases occurring on Indian land. The outcome of P.L. 280 is precisely what Erdrich describes in her novel: even once a perpetrator is suspected, or even known, the tribal government does not have authority to prosecute, and the state has very little incentive. And, as Hart and Lowther point out, while the
state and local law enforcement agencies may lack the resources and motivation, “there is no federal safety net upon which tribes can rely should P.L. 280 states fail to comply with their jurisdictional mandate” (Hart, Lowther 208).

Legislation over the past couple of centuries has established that tribes have a “right of occupancy,” but are not owners of the land, and that tribes are not foreign sovereign nations, but “domestic dependent nations.” A narrative of Native peoples as impermanent and nomadic inspired Indian removal all along the east coast, with devastating results for the removed tribes. The Major Crimes Act and P.L. 280 continue to disarm and weaken tribal governments, while the Dawes Act continues to slowly dismantle tribal land and blood quantum laws erode tribal affiliation and membership.

The resulting relationship between Native tribes and the United States is a tangled web of jurisdiction that disproportionately impacts Native women. In cases of sexual assault against Native women, “sometimes the confusion and the length of time it takes to decide whether tribal, state or federal authorities have jurisdiction over a particular crime result in inadequate investigations or in a failure to respond at all” (Maze of Injustice 8). The following chapter will present statistics of violence toward Indigenous American women, and the way these pieces of legislation have created loopholes that allow for this violence to continue, unchecked.
Chapter 2 - Statistics of Sexual Violence toward Native Women

Armed with the knowledge of past legislation regarding the jurisdictional relationship between the United States and Native tribes, we now turn our attention to the problem at the core of *The Round House*: the rates of sexual violence toward Native women. The past 20 years have engendered numerous studies of violence toward Native women, but few measurable improvements. These studies generally analyze three different elements: violence, sexual violence, and rape. “Sexual violence” refers to cases that may or may not have involved penetration. It is often difficult to know where to draw the line between these types of violence, because a victim may not volunteer certain information, and the law enforcement may not ask certain questions, particularly in cases involving a Native woman, where each piece of information could potentially shift whose jurisdiction the crime falls under. While violence against women is a problem that many groups face, sexual violence toward Native women is a problem with four unique characteristics: the frequency, the risk of additional injuries requiring medical care, the race of the perpetrator, and the legal repercussions (or lack thereof).

The first element setting violence toward Native women apart from other types of sexual violence is the frequency of these attacks. According to a 2010 Department of Justice report, “Native American (and Alaska Native) women are more than 2.5 times more likely to be raped or sexually assaulted than women in the USA in general” (Maze of Injustice 2). That means more than one in three Native women (or approximately 34.1 percent) will be raped in their lifetime, compared to fewer than one in five non-Native American women. 56.1% of Native women have reported sexual violence, including but not limited to rape (Rosay 2). Most reports
estimate that these are conservative figures, and that incidents of sexual violence are actually far more common, but go unreported.

The second unique characteristic of this issue is the level of additional physical violence in a sexual attack. While rape is always an act of violence, it is estimated that Native women experience an additional element of violence, often requiring medical attention. For non-Native women, 30% experience added physical violence, whereas for Native women this number jumps to 50%. The increased level of violence is a reminder of the influence of colonization, in the past but also in contemporary society. The colonization of America is a colonization of Native land, as well as Native bodies; tribes, as well as individuals, are not viewed as sovereign entities. Hart and Lowther, in “Honoring Sovereignty,” look at the long-term repercussions of this violence:

Violence against Native American women does not only affect individuals in the usual sense that domestic violence affects its victims, but it also causes harm by stripping them of their identity as Native Americans. This is an integral part of the ongoing process of colonization facilitated by the direct failure of the federal government in depriving many tribes of the criminal jurisdiction necessary to create effective mechanisms for redressing violence against Native American women. (Hart, Lowther 193)

Native American women don’t just happen to get attacked more often than other women; they are attacked because they are Native American. Sexual violence is an attack on an individual’s personal sovereignty, per se. The inability of a Native woman to protect her own body is mirroring the tribe’s inability to protect themselves as a community. This is what Hart and Lowther mean when they say that violence toward Native women is an attack on their Native
identity; this violence is deeply rooted in settler-colonial ideals, and the rape of Native women is not unconnected to the rape of Native land.

The third characteristic important to understanding this issue is the race of the perpetrators. In cases of sexual violence in the U.S., the victim and perpetrator are nearly always of the same ethnicity. While 91% of white woman victims report a white perpetrator, 96% of American Indian or Alaska Native women who are victims of sexual assault report a perpetrator who is a non-Native man (Rosay 18). No other ethnic group experiences such extreme levels of sexual violence by individuals of another race. This factor is one of the most significant in understanding how jurisdictional issues between tribal, state and federal law enforcement allow for violence toward Native women. It is not a problem of Native people committing violence toward other Native people. As we see in The Round House, the jurisdictional gap has created an opportunity for sexual violence, which has been taken advantage of, largely by white men. Many white men seem to be fully aware that they can act more or less with impunity on tribal land, which leads us to the final important characteristic of this issue, the legal repercussions.

The final unique element of this problem is the punishment (or lack thereof) or perpetrators. As discussed in the previous chapter, Native women who are victims of sexual violence rarely see justice, due to complicated jurisdictional issues, a lack of interest on the part of state and federal governments, and the disempowerment of tribal governments. Tribal governments cannot prosecute a non-Native offender, states have little incentive and few resources, and federal courts have larger cases filling their time. There is no organized effort to compile data on sexual violence on Indian land, making it hard to get accurate information on prosecution rates.
However, Amnesty International found that from October 2002 to September 2003, federal prosecutors declined to prosecute in over 60% of sexual violence cases filed (Maze of Injustice 66). Of the 475 cases they declined, only 27 were prosecuted in other courts (these figures include Native and non-Native victims). A health official who performs sexual assault forensic exams said that in 90% of the cases she handled, she was not contacted again for questioning by either police or prosecutors (Maze of Injustice 62). As said by Dr. David Lisak, Associate Professor of Psychology at the University of Massachusetts, “to a sexual predator, the failure to prosecute sex crimes against American Indian women is an invitation to prey with impunity” (Maze of Injustice 61).

An estimated 84.3% of Native women have experienced some sort of violence in their lifetime (Rosay 2). Hart and Lowther deduce that “Native American women living in Indian Country experience violent crimes 50% more often than do young African American males,” yet their experiences rarely make it into the mainstream conversation on violence (Hart, Lowther 188). Even worse, these statistics of violence are based solely on what has been reported, but it is estimated that the majority of Native women victims do not report rape because of the (sadly reasonable) belief that nothing will be done. The legal processes of the U.S. are not, as we have seen, working in their favor.

In *The Round House*, Louise Erdrich is not creating a wildly inventive scenario; she is depicting what is an all-too-common occurrence. She not only puts a face and a family to these statistics, but shows that the reason for this violence is not a mystery to many of those affected by it. For some victims, their situation may seem like a random act. But for others, they know exactly how and why they were targeted, and even worse, they know exactly why they may
never see justice.

While this issue has, for the most part, gone unnoticed by the white mainstream population, there have been attempts, both legislative and social, to address sexual violence toward Native women. The Tribal Law and Order Act of 2010 allows certain tribes to request concurrent federal jurisdiction in cases where they are under state jurisdiction. This is reminiscent of the rulings of the Marshall Trilogy; while it potentially protects tribes from the control of the state, it does so not by empowering the tribal government, but by handing more control over to the federal government.

In 2005 the Violence Against Women Act was reauthorized to include more protections specifically over Native women because, as noted by Hart and Lowther, “in the eleven years between its passage and its renewal, the failure of VAWA to protect Native American women became woefully apparent” (Hart 221). The reauthorization of the Act noted that “Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women” (Hart 221). This act was reauthorized again in 2019 and included updated information about the rates of violence toward Native women under Title IX. Safety for Indian Women, Sec. 901:

(9) On some reservations, Indian women are murdered at more than 10 times the national average.

(10) According to a 2010 Government Accountability Office report, United States attorneys declined to prosecute nearly 52% of violent crimes that occur in Indian country.
(11) Investigation into cases of missing and murdered Indian women is made difficult for
tribal law enforcement agencies due to a lack of resources, such as:
A. necessary training, equipment or funding
B. a lack of interagency cooperation, and
C. a lack of appropriate laws in place.
(13) The complicated jurisdictional scheme that exists in Indian-Country
A. has a significant negative impact on the ability to provide public safety to Indian
communities;
B. has been increasingly exploited by criminals and;
C. requires a high degree of commitment and cooperation among tribal, federal, and state
law enforcement officials. (congress.gov)

Under Sec. 902 of this Act there are financial appropriations aimed at equipping tribal
governments:

(g) authorization of appropriations
$3 million each year 2020-2024 for purposes of enhancing abilities of tribal government
to access information from federal government.
$7 million each year 2020-2024 to provide training, technical assistance, data collection
and evaluation. (congress.gov)

It is encouraging to see the United States acknowledge the problem and propose
improvements. But even so, is this enough? And as always in legislation, as in literature,
wording is important. This act addresses the problem of “missing and murdered” Native women,
but it does little for survivors of violence. Also, the term “missing” Indian women is passive, as though they’ve been misplaced, or gotten themselves lost. It avoids terms like kidnapper, murderer, or rapist. There is no acknowledgment that this violence is not happening within Indian communities but is being carried out by white perpetrators. Typical legislation governing Indian country addresses problems as though they are exclusive to and enclosed within Native communities, and they tend to address the symptoms rather than the cause of an issue. At best, this legislation is like Basil’s casserole metaphor in *The Round House*. To explain his job as a tribal judge to his son Joe, Basil builds a structure of utensils atop a rotten casserole. The best he can do is try to balance solid individual pieces on a what will always be a rotten foundation.

The pieces of legislation addressed thus far provide examples of how the United States frames and understands Native sovereignty. The following chapters will investigate the way Native people understand their own sovereignty, and frame it in their own language.
Chapter 3 - Sovereignty

It is impossible to discuss Native issues as though they exist in a vacuum; Indian nations remain part of the larger American nation, and their experience is continually influenced by mainstream white culture. The term “tribal sovereignty” refers to the extent to which a tribe can self-govern, or their autonomy from the United States. While tribal sovereignty is not easily defined, nor easily understood, we can divide it into two categories: the abstract or theoretical idea of sovereignty, and the actual legal boundaries of sovereignty. In Chapter 2, I outlined the way Indigenous sovereignty has developed over time from the perspective of the United States federal government, and the pieces of legislation that have shaped the relationship between the U.S. and Native tribes. This chapter will focus on the way Native peoples define their own sovereignty, and how Louise Erdrich uses *The Round House* to illustrate how a theoretical definition of sovereignty does little to address the needs of tribal members who are regularly affected by their relationship to the rest of the United States.

One of the obstacles toward understanding sovereignty is that there are many definitions, and even more possible interpretations of these definitions both within and without Native communities. As Amanda Cobb points out in her article “Understanding Tribal Sovereignty: Definitions, Conceptualizations, and Interpretations,” the word sovereignty is commonly used among Native writers, “frequently in the same manner as terms like ‘freedom’ and ‘liberty’—passionately evoked but rarely accorded precise definition or practical meaning” (115-116). She cites Robert Warrior who defines sovereignty as a process, “a decision we make in our minds, in our hearts, and in our bodies—to be sovereign and to find out what that means in the process” (125). In the book *Every Day is a Good Day*, a document of discussions between Native women led by then Cherokee Chief Wilma Mankiller, one finds many “passionately evoked” but vaguely
defined explanations of sovereignty. Faith Smith (Ojibwe) writes that “sovereignty is the right to define the present and the future as a people” (76). Sisters Mary and Carrie Dann (Western Shoshone) add “the lands upon which we had our freedom before the coming of white people; the lands upon which our forefathers walked, cherished, and took care of—that is sovereignty” (76). Wilma Mankiller defines sovereignty as “the ability of the People to articulate their own vision of the future, control their destiny, and watch over their lands. It means freedom and responsibility” (82).

These thoughts, along with many others in the book, are inspiring and often poetic but lacking in concrete information. What does it mean, for example, to “control one’s destiny” or “define one’s future” in a practical sense? These definitions are of an inherent sovereignty; a group is born with the ability to “control their destiny,” but this right cannot easily be defined in legal terms, and is not something to be earned, or given. Cobb cites Ojibwe writer Scott Lyons, who writes “although a nation’s, state’s, or people’s sovereignty is inherent—that is, not given or granted by any external entity—its power in the world, or ability to fully exercise that sovereignty, is based on the recognition, acknowledgement, and respect other nations accord it” (117). In other words, a nation isolated from all other nations has no need to proclaim their sovereignty. Sovereignty only exists (in a technical, or legal sense) when it is acknowledged by others, because sovereignty is a question of power. David Wilkins (Lumbee) and K. Tsianina Lomawaima (Creek/Cherokee) argue that because Indigenous tribes existed before the United States, and tribal sovereignty pre-dates the Constitution, then tribal sovereignty exists “outside the Constitution,” and cannot be defined, granted, or withheld by the United States (Cobb 119). And yet, tribal sovereignty has no political or legal value if not recognized by the United States. In 2004 President George Bush answered a question about what tribal sovereignty means by
saying “you’ve been given sovereignty, and you’re viewed as a sovereign entity” (democracynow.com). By declaring tribal sovereignty to be a gift from the United States to Indigenous tribes, the United States denied the inherent quality of sovereignty, while also reinforcing the power imbalance between the U.S. and tribal nations. This attitude insists that tribal sovereignty is not implied, but rather, it is up for debate. While the national sovereignty of the United States is understood as obvious and inherent, tribal sovereignty is seen as something controlled by an outside force to be either given or taken away. Hart and Lowther, in “Honoring Sovereignty” say that “as western expansion progressed, Europeans viewed the autonomy of Native nations as constrained by ‘superior’ European sovereignty” (195). One might wonder, does sovereignty hold any meaning when one group’s sovereignty can be outranked by another? Does sovereignty exist without power?

If tribal sovereignty is, as many define it, “a nation’s power to self-govern,” and that power is either inherent or has been gifted by the U.S., then why are tribal governments still denied the power to prosecute non-Indians (Cobb 118)? Surely the power to prosecute individuals committing crimes on one’s own land would be a necessary element of “self-governance.” If the federal government has the power to determine what tribal governments can and cannot do, then tribal sovereignty exists only as a theoretical, or abstract idea.

As with nearly every issue between the United States and Native tribes, questions of sovereignty always come back to questions of land. For many Native writers and thinkers, sovereignty in large part involves being stewards of the land, and being free not to exploit the land, but to have some sort of relationship with it. For Mary and Carrie Dann, sovereignty “has always been about the land, our right to continue to use and occupy our lands for the benefit of our families and future generations” (Mankiller 88). For the federal government, sovereignty is
also closely tied to the land, and who has control over it. While the U.S. maintains a hold on tribal governments, they maintain a hold on tribal land.

Regardless of how Native peoples define their own sovereignty, their ability to self-govern has been determined by the legislation of the United States. Scott Lyons, again cited by Cobb, describes the way that the particular language used by U.S. lawmakers has worked to dismantle tribal sovereignty:

From ‘sovereign’ to ‘ward,’ from ‘nation’ to ‘tribe,’ and from ‘treaty’ to ‘agreement,’ the erosion of Indian national sovereignty can be credited in part to a rhetorically imperialist use of writing by white powers, and from that point on, much of the discourse on tribal sovereignty has nit-picked albeit powerfully, around terms and definitions. (Cobb 120-121)

There is a conflict between definitions of sovereignty as an abstract idea, and the real-life consequences of a lack of tribal sovereignty. While many, if not most, Native writers may argue that their sovereignty is not in question, that it is inherent and cannot be taken away, this belief only goes so far to obtain actual political and governmental autonomy. American Indian tribes have their own governments, but their right to self-govern is limited. Their governments have been de-fanged by legislation like the Major Crimes Act, and Public Law 280. A deeper understanding of sovereignty must combine the ideal and ethereal definition with one that is practical and rooted in legislation.

For many people, both Native and non-Native, art and literature provide a space to think through these disparate ideas, pinpoint areas of tension, and imagine new possibilities. Louise Erdrich in *The Round House* combines a traditional understanding of inherent tribal sovereignty
with an accessible and thorough discussion of what tribal sovereignty actually looks like, and how it is regulated by the federal government. While it is important to uphold this ideal, inherent sovereignty, it is equally important to establish a clearer definition of what sovereignty means for contemporary Indigenous tribes, because, as Amanda Cobb reminds us, “the terms and definitions of tribal sovereignty have real, tangible consequences in the everyday experience of Native Americans” (Cobb 121). When a Native woman is violently raped, a theoretical understanding of sovereignty does nothing to achieve justice for the victim. And a refusal to acknowledge the ways in which Native peoples are still not sovereign nations limits the abilities of others to fight for freedom to self-govern. In other words, the first step is admitting there is a problem; justice cannot be achieved if we do not first realize that it is not being achieved.

As discussed in Chapter 2, tribal governments have judicial autonomy only for certain crimes, involving certain people, in certain places. Many Native peoples see sovereignty as an inherent right, but the federal government sees it as something it can control, that can be granted or withheld. In The Round House, Erdrich illuminates where the tribe is lacking sovereignty, which makes it clear exactly why it is so important. Because of the Major Crimes Act of 1885 a tribal government only has sole jurisdiction when a crime takes place on Indian land, when both the perpetrator and the victim are Native, and the crime is considered minor. While determining each of these elements may seem straightforward, Erdrich explains in this passage how even determining whether or not an individual is Native can be fraught with complications:

From the government’s point of view, the only way you can tell an Indian is an Indian is to look at that person’s history. There must be ancestors from way back who signed some
documents or were recorded as Indians by the U.S. government, someone identified as a member of a tribe. And then after that you have to look at that person’s blood quantum, how much Indian blood they’ve got that belongs to one tribe. In most cases, the government will call the person an Indian if their blood is one quarter- it usually has to be from one tribe. But that tribe has also got to be federally recognized. In other words, being an Indian is in some ways a tangle of red tape. (30)

In an era of identity politics, identifying oneself as Native is not enough to gain tribal, state, or federal protection. The U.S. determines who is Indian using blood quantum, which functions deliberately to dissolve tribal affiliations. In opposition to the “one-drop rule” used to determine blackness and allow slaveholders to amass more slaves, blood quantum denies Native status to those who cannot prove generations of documented tribal affiliation. While it was in the best interests of the U.S. that more people be considered black, so that more people could be enslaved, it is against the best interests of the U.S. that more people be Native, because more Natives have access to tribal land, which the U.S. desperately wants. These arbitrary rules for determining race have historically changed to serve the purpose of the United States, not the people whose race is being determined.

Blood quantum is a distinctly Western idea; it is not the way that Indigenous peoples traced their heritage or determined tribal membership. It was common for tribes to intermarry, or to adopt between tribes; and tribal membership was determined in many cases by the matrilineal line. Blood quantum laws exist to exclude as many people as possible from an official tribal membership, reducing the number of people with a claim to tribal lands. So to be considered
Indian by the federal government, you must prove that generations ago your family compromised part of their sovereignty by adapting to a non-Native process of identifying Native-ness.

In Chapter 7 of *The Round House*, “Angel One,” FBI Agent Soren Bjerke comes to Joe’s house to question Geraldine following her rape, and to confer with Geraldine’s husband Basil, the tribal judge. Joe immediately understands why Bjerke’s presence is necessary:

That Bjerke was here anyway went back to Ex Parte Crow Dog and then the Major Crimes Act of 1885. That was when the federal government first intervened in the decisions Indians made among themselves regarding restitution and punishment. The reasons for Bjerke’s presence continued on through that rotten year for Indians, 1953, when Congress not only decided to try Termination out on us but passed Public Law 280, which gave certain states criminal and civil jurisdiction over Indian lands within their borders. If there was one law that could be repealed or amended for Indians to this day, that would be Public Law 280. But on our particular reservation Bjerke’s presence was a statement of our toothless sovereignty. (142)

The tribe’s “toothless sovereignty” becomes evident over and over again throughout the story. Basil and Joe learn new information about the crime, but it makes no difference; it does nothing to empower them to seek justice.

In Chapter 8, “Hide and Q,” Geraldine finally tells her story, and recounts the attack in terrifying detail. Several important things are brought to light through this retelling. Geraldine was targeted for a few reasons: she is an Indian and Lark openly hates Indians. She is married to a judge who, in the past, ruled against Lark’s family. And she is in possession, through her job with tribal enrollment, of a file naming the father of Mayla’s baby, who presumably isn’t Lark.
Quite simply, he feels embarrassed and emasculated that he could love a woman (Mayla) who does not love him back, and who has had another man’s baby. For all of these reasons Geraldine is lured into a trap where Lark violently rapes her and attempts to murder her by burning her alive.

In the case of Geraldine’s rape, it first matters that she is Native. The fact that she is Native means that the state does not feel particularly motivated to act. For white law enforcement, she is not necessarily seen as “one of their own,” and they would like to defer to the tribal government to take care of it. Then, it matters whether or not her attacker is Native. When Basil discovers that she was attacked by Lark, any hope he had of tribal jurisdiction is lost. Regardless of all the other circumstances, a tribal court cannot prosecute a non-Native. They must rely on state or federal prosecutors.

The next factor in determining who is responsible to investigate this rape is where it took place. The first time Geraldine opens up about the rape, Basil repeatedly asks her “where?” to her increasing frustration. “Uphill or downhill,” he pushes, “did you go through the woods?” (158-9) He explains to her “Three classes of land meet there…Tribal trust, state, and fee. That’s why I’m asking” (159). Later, Basil explains the importance of the round house’s location to Joe: “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…But just to one side, a corner of that is state park, where state law applies” (196). He concludes “We can’t prosecute if we don’t know which laws apply” (197). The complication of the location of the rape is endlessly frustrating to Basil, and in turn to the reader. It becomes known that Lark, the attacker, was aware of how his choice of the round house, and his race, would complicate the legal follow-up. According to Geraldine he brags “I won’t get caught, I’ve been boning up on law” (160). His confidence is chilling; the
rape is not a random act of violence, but a very deliberate manipulation of a legal and jurisdictional loophole.

In *The Round House* we begin to understand the question of jurisdiction not as a question of *who* will prosecute, but a question of whether anyone will prosecute at all. If the tribal court cannot prosecute, they hold little hope of a successful legal follow through. The state law enforcement in the book is hardly a presence at all; they may ask questions and make a file, but that have no incentive to pursue cases from reservation land. And the federal agent Bjerke, while a nice enough man, has no real connection to the tribe, and lacks motivation. As Joe explains, “the problem with most Indian rape cases was that even after there was an indictment the U.S. attorney often declined to take the case to trial for one reason or another. Usually a raft of bigger cases” (41). Even if Lark were a Native man, the tribe doesn’t have jurisdiction because rape is considered a “major crime,” (as defined by the Major Crimes Act of 1885) but once it goes to the federal court, it gets ignored because it isn’t major enough. The people for whom it is major are not allowed to take it to court, and those who can, don’t.

In Chapter 9, “The Big Good-Bye” Basil attempts to explain tribal sovereignty to Joe using a moldy old casserole, pulled from the back of the fridge, as a prop. The rotting noodles at the base, he explains, represent Johnson v. McIntosh, 1823:

It wasn’t the decision itself that stinks though, it was the obiter dicta, the extra incidental wording of the opinion. 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. 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.

(228)

Then Basil stacks some cutlery on top of the casserole, making a rough structure, which lacks stability because of its rotten base. The first utensil, he says, is Worcester v. Georgia, 1832. This, Basil explains, “would be a better foundation,” because it upheld the sovereignty of the Cherokee nation (229). He points out a particularly nasty bit of moldy casserole, Oliphant v. Suquamish (1978): “this one is the one I’d abolish right this minute if I had the power of a movie shaman… Took from us the right to prosecute non-Indians who commit crimes on our land” (229). This ruling decided that since Native tribes were dependents of the United States (based on the language used in the Marshall Trilogy), they could not prosecute non-Natives.

Basil knows that as a judge his hands are tied, their supposed sovereignty is, as Joe says, “toothless” (142). When Joe asks him “How come you do it? How come you stay here?” Basil replies, gesturing the cutlery construction atop the rotting casserole,

These are the decisions that I and many other tribal judges try to make. Solid decisions with no scattershot opinions attached. Everything we do, no matter how trivial, must be crafted keenly. We are trying to build a solid base here for our sovereignty. We try to press against the boundaries of what we are allowed, walk a step past the edge. Our records will be scrutinized by Congress one day and decisions on whether to enlarge our
jurisdiction will be made. Some day. We want the right to prosecute criminals of all races on all lands within our original boundaries. (229)

Tribal governments, within and without Erdrich’s book, lack true sovereignty because they lack the means to protect their people and their land. Freedom that is regulated by a stronger power is not freedom at all. As we see in *The Round House*, without tribal sovereignty there can be no tribal justice. And as Joe discovers, without a course to justice, there is only vengeance, which does not heal, but creates more brokenness.
Chapter 4 - Storytelling

In a 2012 NPR interview Erdrich asks “If a tribal judge- someone who has spent his life in the law- cannot find justice for the woman he loves, where is justice?” (npr.org). In many ways, The Round House is a question about justice: nothing can undo the harm that has been done to Geraldine, but what would justice look like for her? Who is responsible for finding justice? And as Erdrich says herself, “as he (Joe) sees that the adults cannot find justice, it becomes clear to him, and then it becomes clear to his best friend as well, that they may have to seek justice on their own.” Tribal, state and federal officials have all failed (some have not attempted at all) and their failure shifts the responsibility to Joe. But the desperate pursuit of justice by an individual, rather than a community, brings chaos. Joe cannot bring it about single-handedly; the best he can do is get revenge. Erdrich says that “in some locations and some situations, revenge is the only form of justice,” but it does not bring healing; “revenge is a sorrow for the person who has to take it on” (npr.org). In this chapter I will outline Joe’s quest for answers (which leads him to plot Lark’s murder) to show how vengeance works differently than justice in an individual, and in a community. Then I will explore why literature is an appropriate, even necessary place to confront these issues.

As Joe attempts to help his mother, he seems to have a clear idea of what that justice should look like; he says after Lark’s initial arrest, “if things could stay that way, safe and good, if the attacker would die in jail. If he would kill himself. I couldn’t live with the if” (210). The “if” is the fragility of tribal sovereignty. It is their inability to achieve justice due to lack of authority, resources, and jurisdiction. Basil and Joe are working together for justice, but as the
novel goes on we feel Joe’s frustration as he realizes that attaining justice will be impossible, and he forges a separate path for the nearest he can get: vengeance.

Joe wants Lark to die, but as long as Lark stays in jail, Joe will feel good, as if his mother is safe. Erdrich has walked us through the tangled web of jurisdictional laws and loopholes so that we understand why and how Lark’s imprisonment, and Geraldine’s safety, are tenuous at best. The workings of the law are making justice impossible. The informed reader shares Joe’s frustration with Basil, and Basil’s frustration with the law. Basil fully understands the laws that govern their nation, and yet he is forced to watch these systemic failures play out in his community while he and Joe scramble to find loopholes of their own, ones that would actually allow for a just solution.

In desperation, Joe and others in the community begin to look for new ways of understanding justice and reimagining how to achieve it. For the Hoopdance community, justice means safety from racially charged sexual violence, but it also means healing. The entire reservation is trying to heal but is unable to due to the ongoing presence of Lark. History teaches us that the presence of a white man on Indian land has at times attracted the attention of federal and state law enforcement. As discussed earlier in this project, in Worcester v Georgia, 1832, the state sought jurisdiction of tribal land in order to remove a white man (Samuel Worcester, a Christian missionary) from residing there, and jurisdiction was instead handed to the federal government. Yet, when unwanted white men, like Lark, cross into Native land both the state and the federal government seem to turn a blind eye. One must understand the history in order to grasp the absurdities of the current situation, and Erdrich is careful to spend time on these pieces of legislation, because she is placing her story in a real, contemporary world.
Jurisdictional issues on Indian land play a role in Geraldine’s attack, and they will also play a role in Joe’s vengeance. Long before Joe begins forming his plan, he mentions the golf course as a place where the lines in jurisdiction are unclear. He asks “did the tribal council have the right to lease tribal land to a golf course that extended off the reservation?” and more importantly: “who was responsible if a golfer was struck by lightning?” (188). Long before he is actively plotting murder, Joe has taken note of the spaces in and around his community where jurisdiction is unclear. He understands these “grey areas” of jurisdiction as places where crime may go overlooked and unpunished. He has seen the danger of jurisdictional loopholes that, in a sense, allowed for the attack on his mother, and that certainly hinder her quest for justice. Now he is starting to look at those loopholes as spaces he can work within to achieve his own ends. He decides to steal a gun from Cappy’s father and shoot Lark on the golf course, where jurisdiction will be unclear.

Lark’s actions have set in motion a pattern where violence can be performed without legal consequences. His crime is one that falls between the cracks of jurisdiction, and therefore, of justice. So the response to this crime, and the pursuit of justice, falls between the cracks as well. Joe says, after hearing his mother’s painful story, “it was poison in me” (165). This story is in many ways about a Joe’s coming-of-age. Erdrich gives us glimpses of typical 13-year-old behavior: sneaking a drink with his friends or stealing glances at Sonya’s breasts. But the thing that really changes Joe throughout the course of the novel is the knowledge of his mother’s attack. Like Adam and Eve in the garden, his innocence has been corrupted by knowledge of evil. Lark’s violence is the impetus driving Joe out of paradise, and safety, into the harsh, cruel world outside.
Joe encounters Lark while at work at his Uncle Whitey’s gas station. Through their conversation it becomes clear that Lark knows who Joe is; he says “I hear that you’re a real good kid” and as he’s leaving, “say what you will, you’re the judge’s son” (171). This is such a chilling scene because it shows that Lark is totally unafraid of getting caught for his crime. To go so far as to speak to his victim’s son shows how confident he is in the law’s protection. Erdrich is pinpointing something very important here- the problem with jurisdiction over Indian land is not something that occasionally works against Native Americans, or that occasionally functions to protect white perpetrators. Rather, the tangle of jurisdictional issues over crimes on Indian land has actually created a system that white perpetrators knowingly use to their advantage. A staggering 96% of Native women who are victims of sexual violence receive violence at the hands of a non-Native man (making them the only group who is more likely to be victimized by someone outside of their own race than within it). It is distressing that Lark does not get prosecuted, but most infuriating is the fact that he knows from the beginning exactly how to get away with it. He knows that by attacking an Indian woman, and in a place where criminal jurisdiction is unclear, he will not be held accountable.

In Chapter 10, “Skin of Evil,” Joe and his father go to the grocery store. This is an unusual event- Geraldine would always handle the grocery shopping. But they have learned (through Lark’s sister, Linda) that Lark is back in the area, and it is not safe for Geraldine. So she writes out a list for Basil and he takes Joe with him to help. At the store, they see Lark, and Basil attacks him with sudden ferocity. Joe quickly joins in, and says:

The thing was, Lark seemed to be smiling. If you can smile while being choked and can-beaten, he was doing it. Like he was excited by our attack. I smashed the can on his
forehead and opened a cut just over Lark’s eye. A pure black joy in seeing his blood filled me. Blood and cream. I smashed as hard as I could and something—maybe the shock of my happiness or Lark’s happiness—caused my father to let go of Lark’s throat.

(244)

Several things are happening in this moment. We see that Joe’s father is damaged; he acts with violence instead of his usual calm reason. Lark is smiling; he feels neither fear nor remorse. Joe has become violent and feels pleasure in the violence. There is an uncomfortable moment of affinity between Joe and Lark, a mutual, sick excitement. As Lark flees, Joe’s father has a heart attack, and an ambulance is called. This incident makes Joe aware that Lark’s actions have affected more than just Geraldine—they have affected the whole family. Joe and Basil have been poisoned by Geraldine’s rape, and it is this poison that makes them lash out in violence. Soon after, others in the community also find Lark and beat him up. The violence has spread from the family out into the community. The Ojibwe have stories about the wiindigoo, a spirit that, in times of hunger, possesses humans, making them into cannibalistic monsters until they are stopped. Geraldine recognizes the wiindigoo in Lark. She says, “Lark’s trying to eat us Joe. I won’t let him…I will be the one to stop him” (248). She doesn’t know that Joe has heard Mooshum’s story and has, perhaps subconsciously, also recognized Lark as the wiindigoo. But while Geraldine is plotting justice, Joe is plotting revenge.

Joe begins to be transformed by his hatred for Lark, and he recognizes and fears this transformation. He believes that if Geraldine had simply lied about the location of the rape, he may have been relieved of the obligation to work outside the law. If she had stated firmly that the attack had happened on tribal land, for example, the jurisdictional rules would have been clearer. Of course, under no circumstances would Basil have been able to prosecute Lark (because Lark
is white, and because the Major Crimes Act places rape under the federal government’s purview) but at least it would have been clearly under federal jurisdiction. At least there would be somewhere to point the finger, someone to pressure into prosecuting Lark. Joe looks at his mother and thinks “If you had lied, if you had changed your story, so what. You’re my mom. I’d love you. Dad would love you…If they could prosecute Linden Lark, I would not have to lie about the ammunition or practice to do what someone had to do” (261). But Geraldine did not lie, so Joe begins to lie, about his whereabouts and his intentions as he plots a murder. Joe recognizes that an ideal form of justice is not available; someone must lie, and if his mother won’t, it must be him. He asks Father Travis about a Catholic phrase he has come across: “Sins Crying Out to Heaven for Vengeance.” Father Travis tells him these sins include “murder, sodomy, defrauding a laborer, and oppressing the poor” (251). Joe’s internal response: “I thought I knew what sodomy was and believed it included rape. So my thoughts were covered by church doctrine” (251). Joe is looking toward authority figures almost as though he wants to be found out and stopped. He is looking for a way out, and instead finds more reasons to proceed. After all, he is terrified. He is not normally violent or bloodthirsty, and he’s hopeless with a gun. In his planning stages he says specifically “I was dedicated to a purpose which I’d named in my mind not vengeance but justice.” Then he re-words the Catholic phrase he had learned: “Sins Crying Out to Heaven for Justice” (260). It seems that if it were just a quest for vengeance, Joe could walk away. But in this case vengeance is the nearest he can get to justice, and justice is necessary for him; he cannot let it go.

A day or two later he finds himself alone in the kitchen at night, while his parents sleep, and he is completely overcome by fear. Up till now, he has protected himself from his own
thoughts, referring to his plan as justice. But suddenly he faces the fact that what he is planning is murder. He says:

The thoughts that protected my thoughts had fallen away. I was left with my real thoughts. My knowledge of what I planned. With those thoughts came fear…I had to do what I had to do. This act was before me. In the uncanny light a sense of dread so overwhelmed me that tears started in my eyes and a single choking sound, a sob maybe, a wrench of hurt, burst from my chest. I crossed my fists in the knitting and squeezed them against my heart. I didn’t want to blurt out the sound. I didn’t want to give a voice to this roil of sensation. But I was naked and tiny before its power. I had no choice. I muffled the sounds I made so that I alone could hear them come out of me, gross and foreign. I lay on the floor, let fear cover me, and I tried to keep breathing while it shook me like a dog shakes a rat. (264)

The structure of this passage mirrors its content; the short, simple sentences emphasize Joe’s youth, and his feeling of smallness in the face of a larger, more powerful force. The writing comes in short, painful gasps. This section reveals the extent to which “revenge,” as Erdrich put it, “is a sorrow for the person who has to take it on” (npr.org). Joe is eager to protect others from the sorrow he has taken on, so he stifles his emotional outburst. And yet, Erdrich does not say that one simply does take it on, but that one has to. And that is certainly how Joe understands his predicament. He says “I had no choice” (264). The wiindigoo spirit that he sees in Lark is consuming the members of the tribe, one by one, and there is no avenue through which justice can be achieved. Revenge remains the only hope for healing for his mother and for the community, but to achieve it Joe must be, in a sense, destroyed. Again, as Joe and Cappy form
their plan for the night of the annual summer powwow, Joe feels terrified and sick, but he says “I had to” (271). This phrase, “I had to” becomes almost a mantra. It is a way to defend his actions, but also to stay determined when he would rather forget the whole thing. The week leading up to the powwow he says “eavesdropping was a habit now. My sneaking came of needing to know that there was no other way, that I had to do this. If Lark moved or skipped out or was poisoned like a dog or caught for some reason, I would be free” (272). Joe is trapped by the necessity of revenge, and he longs to be free of its burden. But revenge is changing him, even before he has killed Lark. The knowledge of what he must do, like the knowledge of his mother’s rape, is poisoning him. Joe has become a sort of sacrificial lamb, allowing himself to be destroyed for the sake of the community, but with every step closer to his goal he searches in desperation for an alternative.

The morning of the murder, Joe goes alone to the golf course, and waits. When he sees Lark, he shoots from his hiding spot. But Joe is a terrible shot, and his shots wound Lark, but not fatally. Joe begins to panic:

Please, no, please, no. I thought I heard those words, but I could have said them. Lark was trying to get up again. He pedaled one foot in the air, rolled over, onto his knees, and rose in a crouch. He locked eyes with me. Their blackness knocked me backward. The rifle was lifted from my arms. Cappy stepped forward beside me. I didn’t hear the shot. All sound, all motion, had stalled in the sullen air. My brain was ringing. Cappy picked up the ejected casings from around my feet and put them in the pockets of his jeans. C’mon, he said, touching my arm. Turning me. Let’s go. I followed him uphill in the first drops of rain. (282-283)
Cappy takes on the burden when Joe has failed. It is an act of love, but it propels forward the chain of violence, begun by Lark, spreading the poison into Cappy. The book opens with an act of violence that was fueled by hatred, but the violence is then spread throughout the community by love. From Geraldine to Basil, and Joe, to Cappy. Violence is spread as justice is not achieved, and those closest to the event continue to try to find ways to heal. As Geraldine said, Lark is the wiindigoo, and he is eating them, one by one, planting a seed of anger within them, until it bursts out in violence.

At the end of the book Cappy, Zack, Angus and Joe all drive toward Montana to see Cappy’s girlfriend Zelia, with whom he has a forbidden romance, and with whom all of the boys are somewhat enamored. Zelia’s parents have forced her to break up with Cappy, and Cappy is heartbroken. He drinks excessively while driving, causing a terrible car wreck. All of the boys live but Cappy. Cappy’s death is in part prompted by his romance with Zelia, and it is in part a freak accident, but ultimately his death is the literary response to Lark’s murder. When Joe took on the burden of revenge, Cappy insisted on sharing it with him. When Joe’s shots failed to kill Lark, Cappy delivered the final, fatal, shot. It is often said that the act of murder, even for the noblest of reasons, damages the soul irreparably. Cain is driven into the wilderness after killing Abel; Macbeth is driven mad after killing Duncan, and Voldemort’s soul is actually torn apart with each murder. In literature, as in life, murder leaves a mark. Cappy would have eventually gotten over Zelia but he would never have gotten over killing Lark. Does Cappy’s death represent poetic justice- a life for a life? Perhaps his death at the end of the novel is an end to this cycle of violence begun by Lark- perhaps the poison of Lark’s actions die with him. But the community will not be healed by Cappy’s death, just as they were not healed by Lark’s. When
Lark commits violence with impunity he perpetuates a system in which damage builds upon damage, pain upon pain, because justice is never achieved.

One function of justice is to find healing, or at least closure, to a painful event. It may mean replacing a sense of fear and danger with a sense of safety. It may mean replacing confusion with answers. Justice cannot undo violence but it can perhaps close the door on it, stop it from building into further violence and further wounds. But where justice is unattainable people turn to vengeance, which can achieve none of these things.

Louise Erdrich is doing something very different in this book, compared to her other major works. Most novels by Erdrich have a few specific things in common: an element of magical realism, a non-chronological plot, a focus on community, and a focus on the things that carry on throughout generations. Compared to her other work, The Round House is remarkably straight-forward, and for good reason. She writes this book in a way that makes it very accessible to a wide audience, and she also favors real information over metaphor and magic. In her afterword she cites the Amnesty International report on sexual violence toward Native women and thanks multiple organizations aimed at restoring sovereignty and ensuring safety for Native peoples. This book, in other words, is not open to interpretation; Erdrich has made her motives clear.

The clarity of this narrative makes it a useful tool when looking at the points of crossover between social justice and literature. This book falls easily within a tradition of Native writings aimed at using stories to instruct and to work through difficult issues. Erdrich, like many Native writers, uses fiction to take legislation out of an inaccessible, hypothetical place, and puts it in a
place where we can imagine ourselves in relation to it, see the impact of it in our lives. Fiction takes the hypothetical and places it in reality.

Legislative language can be confusing; it is not very accessible to a wide audience, so what is done in legislation is not readily understood by the people it is impacting. But the language of law matters; it is not worded haphazardly. For example, The Major Crimes Act refers to Indian nations as “once-sovereign political communities,” which ensured that all following legislation was founded on the idea that Indian nations no longer held complete sovereignty. The implication of this hugely influential piece of legislation is that tribal courts are incompetent to effectively handle crime. Legislation is constructed specifically, carefully, in an attempt to control all possible interpretations of it, because each piece of law lays the foundation for the next, and the next, and so on. But authors also choose their words very strategically, perhaps to open up more possibilities for interpretation, rather than narrow them. In James Seaton’s article “Law and Literature: Works, Criticism and Theory” he references E.D. Hirsch’s “The Validity of Allegory,” in which Hirsch says,

Authors normally intend that readers should go beyond the author’s explicit intentions. Aware that their writing will be read by strangers distant in space and time, authors want their meanings to go beyond their own conscious intentions and the constraints on meaning that are imposed by what they and their contemporaries can conceive in their own time and place. (497)

If legal language has been a tool of oppression, robbing Native peoples of their land, their health and often their culture, perhaps literary language can be a tool of liberation, of safety, and of rewriting the contemporary Native woman’s experience. The English language has long been
a tool of power over Indigenous peoples. Native children were taken by force to boarding schools where they were forbidden to speak their own languages. Treaties were written in English, regardless of the tribes’ understanding of the language, therefore making the meaning of the treaties more flexible, more prone to manipulation. Indigenous oral traditions were overlooked in favor of written language. To work in literature is a way for many contemporary Native authors to take a tool of oppression and turn it back on their oppressors. Literature, according to Martha Nussbaum, is inherently subversive; it “leads (the reader) into certain postures of the mind and heart and not others…It has the potential to make a distinctive contribution to our public life” (Nussbaum 879). Many Native authors have taken what was used against them, then forced on them, and turned it to their will, using it to tell their own stories in their own ways. Native women are rising up in a field where their stories were not being included. And now many of them use that space to point toward and investigate their own oppression, and the violence done to them. Linda Tuhiwai Smith writes in her book *Decolonizing Methodologies*,

Having been immersed in the Western academy which claims theory as thoroughly Western, which has constructed all the rules by which the indigenous world has been theorized, indigenous voices have been overwhelmingly silenced. The act, let alone the art and science, of theorizing our own existence and realities is not something which many indigenous people assume is possible. (29)

Many Native thinkers, along with Smith, are exploring avenues through which they can begin to construct an understanding of Native-ness outside of the Western construct, and stories play a large role in this process. The United States has a recorded history in which Native
peoples are savages, unfit to self-govern, relying on the kindness of the “Great Father,” the president of the United States. Western society holds these texts as truth because they have been recorded in the language of power, while many Indigenous histories have been disregarded. The Native women American children learn about in school are the ones who aided white men (most notably Pocahontas and Sacagawea), and what we know of these women is how their stories have been told by white men. Indigenous peoples have been passing down their own stories for centuries but, as Smith points out, “many of these systems [of knowledge] have since been reclassified as oral traditions rather than histories” (33). All history is rooted in stories, but white stories have been granted an established place in history while Indigenous stories are relegated to the mystical, and to fiction.

While the Western world draws a very solid line between fiction and history, this has not historically been typical of many Native tribes. In her 1993 autobiography, former Cherokee Chief Wilma Mankiller begins each chapter with traditional stories from her people because of her belief that “the untarnished power and wisdom of these stories speak directly from the heart of all that is Cherokee” (xiii). These stories are essentially folklore, but they carry as much truth and meaning as any recorded historical document. Native writer Thomas King writes in his book *The Truth About Stories*, “the truth about stories is that that’s all we are” (92). There is not a separation between a people’s stories and their realities; our stories shape our realities. “Stories,” King goes on, “were medicine…a story told one way could cure, the same story told another way could injure” (92). If that is true, then it is stories which create a reaction, or an event, rather than simply narrate one. Stories hold power, and that is why a story can be a tool for justice; a story can be used as a weapon against, or in place of legislation. Leanne Simpson writes in *Dancing on our Turtle’s Back; Stories of Nishnaabeg Re-Creation, Resurgence and a New Emergence*:
Storytelling is at its core decolonizing, because it is a process of remembering, visioning and creating a just reality where Nishnaabeg live as both Nishnaabeg and peoples. Storytelling then becomes a lens through which we can envision our way out of cognitive imperialism, where we can create models and mirrors where none existed, and where we can experience the spaces of freedom and justice. (33)

The importance of Native storytelling is not in whether or not it can be fact-checked; it is important for the creative space it holds. Stories are not just told to entertain, but to educate, to explore, to grieve and to hope. Furthermore, stories provide a way to pass on culture, which is also an act of decolonization. Angela Cavender Wilson writes in “Rethinking American Indian History,” that “ours are not merely interesting stories or a simple dissemination of historical facts, but more importantly, they are transmissions of culture upon which our survival as a people depends” (111). Storytelling actively strengthens Native cultural identity, and a strong Native identity actively works against U.S. legislation that is geared toward dismantling tribes (and by extension, tribal ownership over land). In Native as well as non-Native cultures, women are understood as both the physical reproducers, and the reproducers of culture as well, because women are disproportionately responsible for child-rearing. This is perhaps partly why Native women have been so often targets of white violence. But this is perhaps also why so many Native women are responding to violence with storytelling—creating a decolonized space where they are free to think and explore ideas and strengthen a larger tribal identity.

The reading of Louise Erdrich, as with many Native authors, must first begin with some unlearning, or decolonizing of the way in which we approach literature. We must first
disentangle ourselves from the assumption that something is either true or just a story, that something cannot be both. Joe’s plan for revenge, like the novel as a whole, is not a fantasy to show the reader what can be—it is a cold, ruthless look at what is. The book does not end happily, because most of the real cases on which the book is based do not end happily. At the end of the novel, after the car accident and Cappy’s death, Joe sits at the police station in shock, and when his parents arrive:

There was a moment when my mother and father walked in the door disguised as old people. I thought the miles in the car had bent them, dulled their eyes, even grayed and whitened their hair and caused their hands and voices to tremble. At the same time, I found, as I rose from the chair, I’d gotten old along with them. I was broken and fragile. (317)

Numbly, they begin the drive home, not speaking. Joe says “the sentence was to endure” (317). And as they pass a familiar stop, the place that marked the final leg of their journey, Joe says “we did not stop this time. We passed over in a sweep of sorrow that would persist into our small forever. We just kept going” (317). In this final heartbreaking moment of the text Erdrich has illuminated a problem, but she has not given us a solution. Vengeance may be the only course, but it does not bring healing. Throughout the story is a search for healing, and the lack of it in the end leaves the reader feeling empty and unfulfilled. What are we to do with this ending? Where are our instructions? Where is hope? The brutality of the ending is intentional on Erdrich’s part; if we were left feeling soothed and comforted, if we were not haunted by this story, it would not hold the same power in the fight for social justice. The reader is left looking for resolution that cannot be found in the text, and the act of looking is important. In other words,
the reader does not walk away from this book feeling as if this issue has been resolved. Instead, we walk away feeling the way one should feel about sexual violence: devastated and searching for solutions. In the end, Erdrich provides a realistic close. There is no simple solution to this injustice, and everything we build, however strong, is built on a rotten foundation. But literature is the creative space where we needn’t be bound by rules, fears and limitations. Thomas King notes the way that Native writers use the Native present “as a way to resurrect a Native past and to imagine a Native future” (106). In this literary space we are free to boldly imagine, and it is perhaps in this space that others will forge new ideas, envision new solutions and carry them out of the fictional space into reality. It may be a hopeless battle, but like Joe and his father prying the roots from the foundation of their home, we must continue the fight day after day, year after year. We just keep going.
Conclusion

Whether legislative or literary, words matter. While a history of legislative language has helped shape, and even allow for, sexual violence toward Native women, literary language helps us connect to this issue and imagine solutions. Words hold the power to either allow for or inhibit justice. It is important to see how language has shaped the past so that we can use it effectively in shaping the future. Seaton says that “literature…does far more than merely report on the way things are in diverse locations, eras and milieus, though it surely does that. Literature, more than any other art, is a vehicle for moral reflection and discrimination” (Seaton 506). In other words, literature does not simply record facts and dates; it explores and reveals larger truths about the human experience. It creates a sort of simulation, a world that is similar to ours but not bound by the same rules. In this world we can imagine the people we’d like to be, how we’d like to act, how we would like the world to change. Martha Nussbaum says in “The Literary Imagination of Public Life” that

The text portrays [the audience] as social agents responsible for making a world that is either like or unlike the world depicted here…In imagining things that do not really exist, the novel, by its own account, is not being "idle": for it is helping its readers to acknowledge their own world and to choose more reflectively in it. (891)

Literature puts a responsibility on the reader to react to the text in some way- to approve of or condemn the actions within. It is worth noting here that Nussbaum is writing specifically about *Hard Times*, a novel by Charles Dickens written in the mid-nineteenth century. Nussbaum notes the ways in which *Hard Times* brings empathy and awareness to socio-economic disparities and the plight of working-class individuals. *The Round House*, written a century and a
half later, works precisely in the same way but draws attention to sexual violence toward Native women. The ability to fight for social justice is certainly not a feature one could ascribe to all works of literature, but perhaps one could say all literature has this potential.

The novel, at its best, is intended to provoke interaction with the reader. Literature is entertaining and can distract us from the details of our own lives, but its real social value is in how it reflects reality. Literature gives us tools that we use to interact with the world around us. *The Round House* is a work of fiction but its value lies in its truth. This novel alone will not undo centuries of violence and oppression, and it will not undo the harmful legislation that is still affecting contemporary Native communities. The function of this book can be divided into three steps: first, one must read the novel, engaging with it thoughtfully and thoroughly. Second, one must arm themselves with the knowledge required to fully understand the book. For example, Erdrich makes many references to the Dawes Allotment Act, the Major Crimes Act, the Marshall Trilogy, and many other important pieces of legislation. It would be easy to skim over these references, but a thoughtful reader seeks out information, and investigates why Erdrich has chosen to include these references. The third step is to take the message out of the novel and into the world. Part of what makes literature a useful tool for social justice is the way it plays on our expectations. We bring very different expectations to a work of fiction than we do, say, to a news report. *The Round House* ends with a heartbreaking lack of resolution. Nothing is resolved; no one is fulfilled. This instills in the reader a need for resolution, but it cannot be found within the text. We approach this story with an expectation that things will work out, one way or another. We keep waiting for something good to happen. By the end of the novel we are holding two stories in our heads simultaneously: the ending Erdrich has written, and the ending we were expecting. The subconscious action of creating a more just, hopeful ending to this story is where
we fight injustice. Up until this point, the novel has taken place in our own world, but now we find ourselves wanting to separate the two. We want to make a world that is unlike *The Round House* because we crave resolution. This resolution is not in the text, and maybe it cannot be found outside of the text either, but regardless, we must search for it. Progress happens in that space of interaction between the reader and the novel, a space in which the reader interrogates, experiments and imagines.

Legislation does not change of its own accord; it is written by individuals and can be re-written by individuals. The first necessity in fighting for social justice is simply noticing and caring about injustice. This novel teaches the reader how to feel about sexual violence, and how to empathize with those affected by it. It brings closeness instead of distance, tenderness instead of armor. Erdrich has presented a world of violence and heartbreak, and it is the reader’s responsibility to “make a world that is either like or unlike the one depicted here.”
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