

Changing relations of agricultural land tenure and access in the Canadian Prairies

by

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## **Abstract**

Amid trends of privatization, financialization, and decreasing access to agricultural land, there is a call for more sustainable and equitable land tenure and access. In response, I present four cases as interventions into the story of private property in the Canadian prairies, asking how stakeholders negotiate the multiple and sometimes competing functions of agricultural land in economic development, food production, conserving and enhancing ecological resources, recreation, and reconciliation. In qualitative studies of a) persuasive stories used by respondents to government consultations on land ownership to foster change b) public responses to changes in trespassing legislation, c) conflict and collaboration among stakeholders managing land for agri-environmental goals in alternative grazing land tenure models and d) a network of settler landholders sharing land with Indigenous land users, I employ critical realism to analyse interviews and secondary data. I consider questions of rights and responsibilities to land, mechanisms of inclusion and exclusion from land, the public good, and the discourse and actions that challenge or legitimize land access/tenure practices and related policies/legislation. Each case also explores the possibility of different futures for land regimes based on changing social relations as people work to challenge or further entrench private property rights. Alternatives to private land ownership cultivate diverse relationships in relation to, and with, land and people.

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### **Dedication**

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## Chapter One: Introduction

Secondary students in Saskatchewan in the 1990s probably could not graduate high school without reading at least one of the celebrated authors of Canadian ‘prairie literature’ – Sinclair Ross, W.O. Mitchell, Margaret Laurence, Guy Vanderhaeghe – and using the frame of analysis ‘man vs man, man vs environment, man vs self’ (Ross, 1993) to categorize the conflict that fuelled the plot and emerged through symbols. These stories of (largely white, male) pioneer history, struggle in a harsh environment, and loneliness contributed to a certain dominant characterization of the Prairies-as-region (Carter, 2005). The physical environment of treeless, wind-battered plains and isolated towns and farms was the setting for antagonistic relationships and failure, but also for tenacity in the face of adversity.

Yet to come was the upsurge in the study of literature written by and about Indigenous people, other women, and ethnic minorities. I began my high school teaching career in 2001 with colleagues informed by the latest literary theory and was able to provide my students with works by Canadian authors Richard Wagamese, Rohinton Mistry, Dionne Brand, Lawrence Hill, and Louise Halfe. My senior students in World Literature read Achebe, Szymborska, Ishiguro, Hosseini, and Tan. Together, we worked to understand Japanese literature with unfamiliar plot structure, cultural references, and imagery. We learned about the history and effects of colonization and exploitation through short stories from the Global South. We learned, in a visceral and emotional way through characters, about the ignored history of First Nations in the place we lived. The ‘non-traditional’ literature spoke to many of my students far more than the white male Western canon studied in previous decades.

Stories were a method I used to reach students, to expand their perspectives, to engage them in life’s big questions. Polkinghorne has argued that narrative is “the primary form by which human experience is made meaningful” (quoted in Bamberg, 2012, p. 89). A story is not just a product. Starblanket and Kiiwetinepinesiik Stark say of Indigenous knowledge, “Story is also a practice. It is rooted in relationality, in our relationships with one another and with creation” (2018, p. 179). It is an interactive process of understanding.

I spent more time in books than out of them as a child and then went on to teach English (and social sciences via literature when I could sneak it in) and fiction in particular structures my writing. In this dissertation, the writing could be seen as taking the form of the two fundamental plots, attributed to John Gardner (Morris, 1987): ‘a stranger came to town’ (colonization,

fieldwork) and ‘a person went on a journey’ (the history of Western property, fieldwork). However, it also may (no doubt to some readers’ dismay) mean that some things are suggested rather than stated outright, allowing the reader to put together pieces (as in a mystery novel) or build a world in their head as the work progresses (as in science-fiction) or relate to the text and explore meaning with guidance but not dictation. This, I would suggest, is also good pedagogy.

In this dissertation, stories function variously as motif, structure, method, and data. I present four cases as interventions into the story (myth, structuring framework) of private property in the Canadian prairies. Themes include individualism and collectivism, retrenchment and hope, rights and responsibility, and the importance of relationships. Each case also explores a possibility of a different future for land relations or potential for shifting land regimes, be it declensionist or ascensionist (Cronon, 1992a) or not so neatly categorized. Alternative and/or suppressed stories about the meaning of land and how to best live on its surface throughout. Regarding property relations, Nedelsky agrees that political action is required to transform culture, but argues that more than theory, we need “new symbols, myths, and metaphors to replace the old” (1990, p. 181). Rose agrees: “How do people change norms to accommodate different property arrangements that might enhance their well-being? Here is where narrative matters: stories, allegories, and metaphors can change minds” (1994, pp. 5-6). Hayes, speaking of a historical trespassing protest, says the action “challenged the power of ownership right at its narrative source...the myth of property” (2020, p. 21). This dissertation engages in demythification but also complicates easy narratives.

The story of how I began to think about land and property is unremarkable: it is an example of the ‘kids say the darndest things’ trope that any parent will recognize. In 2008, my 2-year-old son and I were going for a walk, and he strayed off the sidewalk onto a lawn. I told him reflexively that he couldn’t walk on it, and he asked, “Why?” I couldn’t think of a response that would make sense to him, and upon reflection, thought about the non-sense of prohibiting a harmless activity on a piece of the earth that served almost no function.

I thought a lot more, and read a lot more, through my Master of Art’s thesis on alternative agricultural land tenure in Saskatchewan and through my doctoral work. And at one point I found a reference in an article by geographer and property theorist Nick Blomley to “instructions to children not to cross someone else’s lawn” (2013, p. 16). My anecdote is not unique. But the complicated and contradictory nature of property still fascinates me.

Near the end of my master's research, in 2012, a signal event occurred in the history of farmland access in the Prairies: the ending of a 74-year-old federal managed grazing program, the Prairie Farm Rehabilitation (PFRA) Pasture Program. It resulted in the transfer of 2.3 million acres of federal public grazing land to the Prairie provinces to dispose of as they saw fit, including through privatization. This decision disrupted longstanding tenure arrangements, prompted resistance from stakeholders, and highlighted questions around public ownership and the common good. The PFRA pasture issue was made personal for me when I was asked to help coordinate a provincial forum in Saskatchewan in fall of 2012 that gathered stakeholders to organize for action against the federal government's transfer of PFRA pasturelands. I have subsequently remained involved with Public Pastures-Public Interest (PPPI), an advocacy group created from that forum.

Through that involvement and further study, my interest in the politics of public grazing land has expanded to consider the ecological sustainability of grazing lands, alignment with social movement theory, the role of stories in creating identities and framing and informing action, and the possibilities for alternative grazing land access/tenure models to contribute to elements of public good or collective interest such as environmental preservation, community sustainability, or support for young farmers. These diverse conceptions of the role of agricultural land in society show that land is more than a commodity; it is relevant to human rights and collective well-being (Geisler, 2015). The involvement in grassroots work also prompted me to look further into scholarship on scholar-activism. Thus, after I finished my master's thesis, I decided that if I went on to a doctoral degree, I would want to investigate – and contribute to – something more hopeful than earnest but largely ineffectual struggles against private property hegemony.

### **Research Objectives**

Based on my experience and knowledge of the PFRA issue, my original research question asked what factors contribute to the viability of alternative models of grazing land tenure and governance in Alberta, Saskatchewan, and Manitoba. I intended to explore how and what an understanding of how grazing land tenure and access models in the Canadian prairies are shaped, contested, and legitimized, can contribute to property literature.

However, like many other researchers coping with the impacts of the COVID-19 pandemic on their research program, I had to change my research plans mid-fieldwork. I originally intended to investigate 3-4 case studies of alternative grazing land tenure and access models in each of the three Prairie provinces, with 7-10 qualitative, semi-structured interviews per case study with participants in/advocates of the model. I had completed almost all of my interviews in Saskatchewan, some of the interviews in Manitoba, and had not yet begun interviews in Alberta when research-related travel was halted by the University of Manitoba in March 2020. My plan relied on interviewing participants during in-person research trips to the sites of the models and recruiting through contacts in the model sites/communities (e.g., via a rural municipality meeting in Consul, SK, and a Nature Conservancy of Canada meeting in Ogema, SK, that I attended in January 2020), in addition to snowball sampling. A halt to travel meant that it was much less likely I would achieve the interviews I needed and also that I would not have the first-hand knowledge of geographical context (everything from typical vegetation to distance from services) that helps with knowledge of referents when interpreting participants' meanings (Derickson & Routledge, 2015). Remote research can also make it more difficult to establish the rapport and ease of communication with participants that can be generated through in-person fieldwork and helps participants feel comfortable disclosing opinions and information (Roberts et al., 2021). Consulting with my advisors, we decided a change of plans was needed.

During PhD coursework, background reading for my research, and in my activist work, I had come across other issues involving agricultural land and property in the prairies that I hoped to examine at some point. The Government of Saskatchewan had published data from surveys on the question of who should own agricultural land online in 2015 and 2017, and I analyzed the data to learn a new coding software program and wrote a paper based on the analysis for a class. This paper later turned into an article published in *Geoforum* (Beingessner, 2021) and is the basis for Chapter Two of this dissertation. In 2018, the Saskatchewan government conducted a consultation on changes to trespassing legislation and they again published a collection of the data online; I immediately downloaded it for future use. Finally, I am a member of the coordinating committee of the Treaty Land Sharing Network that began in Saskatchewan in 2018. It remains a unique step towards decolonization in rural areas that inspired me as an example of a practical action towards changing ideas about land. Thus, in April 2020, I redesigned my research so that alternative grazing models – in Manitoba and Saskatchewan – are

one of four cases I investigate relating to the larger question of contestation and legitimation of property regimes of agricultural land in the Canadian Prairies. This did not necessitate a change in my methodology as such, but it did require additional methods for each case that I will further detail in the subsequent chapters. It also required some reworking of and adding research questions

My overarching question became: *How do stakeholders negotiate the multiple and sometimes competing functions of agricultural land in economic development, food production, conserving and enhancing ecological resources, recreation, and cultural heritage?* I also ask:

- Who has rights and responsibilities to land?
- What are the mechanisms of inclusion and exclusion, contestation and legitimization of land access/tenure practices?
- What are the key values policies around farmland are meant to protect and enhance?
- How is the private property regime defended against challenges?
- How do changing social relations induce/influence property regimes, and how do changes in regimes influence social relations?
- What role do property regimes and relationships play in visions of a rural future?

The following section provides a historical geography overview of the Prairie region focused on property relations, necessary to understand current issues with agricultural land. The literature review then discusses conceptual frameworks that informed my research. The review begins with a discussion of what land is then describes private property and criticism of it. Literature on the maintenance and perpetuation of successful property regimes is investigated in relation to settler colonialism in Canada. I offer a brief outline of property change via social relations. This is followed by an exploration of critical realist methodology, researcher orientation and scholar-activism, and methods employed in the research. The chapter concludes with a brief overview of the rest of the dissertation.

### **Historical Geography of Land Relations on the Prairies**

‘Prairie’ is a story that European settler/colonizers brought with them.  
(Calder, 2013, p. 170)

In a classic work, Jennifer Nedelsky says,

We need to take our traditional concepts like property and ask what patterns of relationship among people and the material world we want, what patterns seem true to both integrity and integration. Those questions do not necessarily preclude a concept of property, but they imply a focus not on limits but on forms of interaction and responsibility for their consequences. (1990, p. 184).

The questions, involving relationships and the material world, also must be located in time and place. Here is where geography steps in.

Alan Baker (2003) suggests that the concept of region is the main focus in a geographical approach to history. He sketches the contribution to the concept by Vidal de la Blache in the late 1800-early 1900s. The French geographer saw region as a distinct landscape and culture resulting from interactions of people with the environment over long periods of time (Baker, 2003). Traditionally, in geography, region “included an understanding of both physical and human geography and how the blending of those elements in an area produced regional character” (Widdis, 2006, p. 130). Although there is some debate regarding the value and validity of the concept, many geographers agree that regions are “based on socially constructed generalizations about the world, that their delimitation and representation are artefactual but not purely fictions” (Henderson, 2009, p. 630). Recently, engaging with centuries of geographic debates on regionalism and expounding on the concept of ‘plasticity’ as an addition to theory, Jones (2022) claims that regions “remain hyper-critical [to] the foundation of geography” (p. 43). The construct certainly looms large in politics and culture in the Western provinces.

While the Prairie region is colloquially defined by its dominant physical characteristics and European settlement history (Widdis, 2006), scholars see it in different ways. Historical writing on the West as region often constructs it politically, as the three prairie provinces, Alberta, Manitoba, and Saskatchewan. Innis’s 1939 essay on the wheat economy frames its development in terms of export reliance on Britain and Eastern Canada (Innis & Evenden, 2017), giving the Prairie region hinterland status. Breen's (1983) contribution demarcates the Canadian West’s ranching’s history from the ranching industry as it arose in the United States, arguing for regional distinctiveness. Through women’s history (Carter, 2005), a necessary intervention is to complicate and transcend traditional narratives and myths arising from masculine priorities and perspectives. In 2010, Carter, Finkel, and Fortna include worker, queer, and Indigenous histories in their discussion of the West as imagined region. Globalization features in writing about its effects on rural communities (Epp & Whitson, 2001). Globalization, however, has not

extinguished regions, according to Widdis (2006) who argues that borders will always matter since they delineate belonging, differentiating “here” from “there” as identity is manifested spatially.

Examining ‘region’ from another angle, the bioregion commonly thought of as ‘prairies’ in Canada does not coincide with political boundaries but shares many biophysical characteristics with the Great Plains region of United States. A bioregion reflects significant ecological elements of the area, - vegetation, topography, climate (see Binnema, 2006) - although as an entity it is a human construct (Stunden Bower, 2011). In Canada, the prairie “ecozone” comprises an almost right-angle triangle with the hypotenuse stretching from Winnipeg to Edmonton and the base being the American border (Sawatzky & Piwovar, 2019). Of course, vegetation and topography are not uniform within this bioregion and the environment is and has been in flux, changing in response to fire, wildlife, climate, and human activity (Thompson, 1998).

Much of the literature for this paper, when it refers to the Prairies, defines (sometimes implicitly) the region as a bioregion characterized by a bison ecology and economy (Colpitts, 2015) that was converted into an agricultural region by European settlers. The surveyor’s grid of settlement and subsequent wheat farming is a well-known Prairies story; Tough criticizes historical geography for “[having] long focused on multiculturalism and some spatial characteristics of agrarian settlement” (2017, p. 131). Region is, in its uses, a simplification; what is important is the work it does in people’s minds. For example, cultural elements of certain settlers’ histories have been touted as a common shared heritage in the West, such as agricultural pioneer experiences. A sense of “western alienation”, the idea that the western provinces are mistreated by the federal government in favour of Ontario and Quebec, has existed in the prairie provinces since Confederation (Banack, 2021). Pride in the region’s uniqueness even finds its way into children’s literature. In a popular picture book, *If You’re Not from the Prairie*, Métis author David Bouchard writes, “If You’re not from the Prairie, you can’t know my soul/You don’t know our blizzards; you’ve not fought our cold” (1998). However, Perry et al. (2013) argue that at the height of western Canadian studies in the 1960s, Indigenous roles and histories were largely overlooked as the region was assumed to be found in settler histories. A full accounting of colonization is a recent development, and essential to the study of property in land on the prairies.



Prior to European contact in the 17<sup>th</sup> century, Indigenous populations and cultural patterns had been stable since 1000 BC (Harris & Matthews, 1987). First Nations bison hunters - primarily Assiniboine, Cree, Chipewyan, Gros Ventre, and Blackfoot at the time of first European contact - predominated in the grasslands but moved in and out to the Parklands region (Harris & Matthews, 1987; Ray et al., 2002) and far south into what are now the American Great Plains (Cronon, 1992b). Prairie groups engaged in cross-continent trade, with close ties to farmers in the Missouri Valley, and innovations rapidly diffused (Carter, 2016; Harris & Matthews, 1987).

European fur traders' arrival in the Prairies in the 18<sup>th</sup> century initiated a number of changes. In *Pemmican Empire*, George Colpitts (2015) shows that pemmican, with much higher caloric levels than grains, fueled expansion into the area with the establishment of forts beginning in the 1770s. As trade expanded, so did the demand for bison for pemmican, to the extent that factory-like production by Indigenous women sprang up around forts. The two major fur trading companies, the Hudson Bay and North West companies, began to compete for control over food resources and warfare ensued in the early 19<sup>th</sup> century. By the middle of the century, as settler colonization began in Manitoba, the decades of overhunting meant that hunts began to fail. The last large bison herds in Canada were extinguished by 1879.

Prior to European incursion, First Nations on the prairies had a relatively high standard of living compared to European peasants (Thompson, 1998). There is little evidence of privation-related diseases, although some of bovine tuberculosis, and bison hunters were the tallest in the world in the nineteenth century (Daschuk, 2014). In addition to casualty from fur trade wars, however, Indigenous peoples were decimated by European diseases, beginning with the spread of diseases on transport routes in the 1730s and characterized by large outbreaks and mass fatalities (Daschuk, 2014), such as the smallpox outbreak in 1870 that occurred just before treaty-making (Ray et al., 2002). The 1869 Canadian acquisition of the Northwest came at the end of the economic era dominated by the fur trade and bison economy. To secure their future well-being, knowing an advance of settlers was inevitable, First Nations sought treaties with the federal government (Daschuk, 2014). The government, the only entity that could acquire Aboriginal title according to the Royal Proclamation of 1763, pursued treaties to legally facilitate the economic and political development of the region through possession of land (Ray, 2016). In

this way a much-reduced, often-starving Indigenous population was largely coerced onto reserves with the threat of withheld rations (Daschuk, 2014; Thompson, 1998).

Colonialism was motivated primarily by capital and settlers' interest in land (Harris, 2004). The Dominion Lands Act (DLA) of 1872 created a system of private, single-operator land ownership to facilitate an export-oriented agriculture. This Act was biased against multiple-operator, co-operative, and communal farming (Jaffe, 2003) that had been common on the prairies before the resettlement era and in certain European cultural traditions. Techniques such as the mapping of territory, surveying, settler recruitment, and building the railroads further facilitated, and solidified the commodification of land for agricultural settlement (Carter, 2016). Homestead lands were offered to individual male settlers who committed to establishing a residence and cultivating forty acres within three years. When settlement began in force in the late 1800s, the process was set up by the federal government to turn the Prairies into a captive market for Eastern industrialists, producing grain for export and importing manufactures (Conway, 2006). Clifford Sifton, Minister of Interior for the Liberal government from 1896, was a booster for the Prairie West, aggressively recruiting agricultural settlers to land he considered an underutilized resource and removing impediments to homesteading – including pressuring some First Nations to surrender reserve lands (Hall, 2007). As in the case of mining in Canada, the environment became an economic resource “available to all at the expense of some” (Peyton & Keeling, 2017, p. 117).

British settlers in the 1800s came from a system of private property that had largely destroyed common rights property regimes at home (Neeson, 1993). They perceived the land as unused because it was largely uncultivated, not individually owned, and therefore “unproductive”, reflecting Locke's argument that labor and improvement of land entitle one to property (Mackey, 2016). As Mackey (2016) and Rotz (2017) show, this went hand-in-hand with the notion that the land was unproductive because Indigenous people were incompetent and lazy, allowing colonizers to impute a moral element to the seizure of the land. Carter's (1990) research reveals that First Nations bands had wanted to provide for themselves through agriculture on reserves but were hindered by government lack of support and policies such as requiring passes to go off-reserve to market their produce and forbidding the use of machinery and all but handmade tools. After failure was induced by these restrictions, First Nations were cast as not capable of becoming farmers and as a simple, primitive people more suited to hunting, who

lacked initiative, were unable to adapt, and didn't think about the future (Carter, 1990). Carter (2016) describes how discourse and property relations during colonization served the British goal of imperialism. Through analysis of contemporary texts, Carter shows that the surveyor's grid obscured previous Indigenous land use and subsequent "improvement" of nature through homesteads was a material sign of the dominance and reproduction of empire (2016). This private property regime and its colonial-capitalist impetus laid the legal, ideological, and imaginative groundwork for the current dominant form of private agricultural land ownership by white settlers in the Prairie provinces.

### **Framing the Literature: What is Land?**

Land is not a self-evident concept. Derek Hall begins his 2013 book, *Land*, with a story about a Chinese investor's attempt to buy land in Iceland. In this situation, land was seen variously as an idle resource the investor could make productive and as national territory potentially being alienated by foreign ownership. Perceptions of land vary widely: land may be taken for granted when walked on or coveted when it contains valuable minerals, seen as an inert substance or one teeming with life. Understandably, definitions (when they exist and are not assumed) frequently involve either reducing it to only a few elements or being so encompassing they could apply to other phenomena.

Land has materiality – it can be known empirically and there is an actual referent regardless of human existence. However, it is also relational; it is brought into being (for example, as a productive resource) through actions, discourses, and other mechanisms. Certain elements distinguish it (compared to say, coltan or a hairbrush), such as its heterogeneity and (from a given scale) fixity. It is found almost everywhere but in such variation that overarching definitions (e.g., Hall, 2013) are culturally and temporally specific.

Based on her research in highland Indonesia with dispossessed and capitalist peasants, Tania Li has arrived at an expansive definition: land is "an assemblage of materialities, relations, technologies, and discourses that have to be pulled together and made to align" (2014, p. 589). In Li's context, alignment is necessary for land to be an investible resource, not just for legibility, but the definition can nonetheless encompass other conceptions of land. Dorondel adds a geographic component to the definition, proposing that land is "produced... in a certain place in a certain historical moment" (2016, p. 36). Land, here, is not a static 'thing' but is produced

through relations. In this dissertation, this definition will be employed for its usefulness in analysis of relations, power, meanings, changes, and thus struggles over land. However, at the same time, this definition is limiting. It would not allow, for example, Anishnaabe writer Akiwenzie-Damm to say, “We believe that this land recognizes us and knows us” (1996, p. 21). Therefore, throughout the research in this dissertation, other meanings of, and relations to, land are presented as essential for understanding the issues under study.

Although land can be seen as both a broader concept than “property” and a narrower one, the above conceptions of land are not incongruent with theorists’ ideas of property. Looking at nine definitions of property (excluding those few that have conflated property with private property) from scholars in philosophy, political science, anthropology, law, and environmental studies reveals commonalities (Blomley, 2014b; Bromley, 1992; Correia, 2013; Green, 1978; Keenan, 2015; Mackey, 2016; Macpherson, 1978; Mansfield, 2007; von Benda-Beckmann et al., 2009). Not one characterizes property as a thing or object. The most common claims are that property is a relation/ship and/or a form of authorization such as a right or societal agreement. C. B. Macpherson’s oft-cited definition combines the two: “to have a property is to have a right in the sense of an enforceable claim to some use or benefit of something” and because it is enforceable, it is therefore “a political relation between persons” (1978, p. 3-4). Mackey, quoting Hoebel, defines property as “a network of social relations that governs the conduct of people with respect to the use and definition of things” (2016, p. 44). This definition provides a simple way to typify property relations. A property regime, then, is the beliefs and practices around dealing with property (Mackey, 2016). To these definitions, Keenan (2015) adds the element of spatial contingency and Blomley adds a temporal element: property is a “relational effect, performed into being” (2014b, p. 1296). The literature on property that follows focuses on questions of authority/power and relationality.

#### *Land in a Private Property Regime*

The above definitions of property are clearly scholarly and legal conceptions, not the common-sense understandings of most people living in a Western liberal private property regime, a model that is increasingly exported throughout the world. Private property is commonly thought of as absolute ownership of some thing, typically granted to an individual. This includes entitlements to use it, exclude others from using it, transfer it, and be impervious to non-consensual harm or loss (Singer, 2000), and those entitlements are guaranteed and enforced

by the legal system. Consequently, most living under this dominant regime assume that owning land means de facto private, individual ownership of a thing one has absolute dominion over and the right to exclude others from (Mackey, 2016). In this conception, agricultural land is restricted to a productive (or speculative) resource.

This is a concept that stems from a long tradition of British law and practice (Blomley, 2017; Mackey, 2016; Macpherson, 1978). The legality of private property in land in Britain began in pre-modern England (Blomley, 2017). Until the 17<sup>th</sup> century, land was not seen as a thing one owned, but as something one had limited use-rights to (Macpherson, 1978). Blomley (2017) traces the evolution of land in Britain from something to manage relationships in relation to (land was 'held', not alienable, and one had negotiated/customary rights to certain uses) through 17<sup>th</sup> century enclosures of land, to its establishment as a bounded space that was individually owned and excluded others. The owner was endowed in a capitalist market economy with almost unlimited rights, land commodified to the extent it became a thing, and property thus conflated with things (Macpherson, 1978).

The equation of private property with absolute ownership is an ideal, not real, model; even in the United States private land ownership is limited by the state's power of eminent domain, as one example (Singer, 2000). However, it is a widely-accepted ideal with appeal. It is supported by both historical and modern proponents. John Locke's 17<sup>th</sup> century argument is still heard today in situations where people justify their ownership of property by referring to their hard work that earned it. Locke (1978) explains private property as originating with the application of labour to something, suggesting that the thing only gains value once labour has been applied. Therefore, private property is needed to secure to the worker the thing they have laboured on so that they might be motivated to labour more. If they are not secure in the result of their labour, they may not bother to work (Locke, 1978). The assurance of the property's status to the owner lessens conflict between people over in-demand resources and also makes it more amenable to trade, resulting in property accruing to the most productive user (Rose, 1994). Jeremy Bentham (1978), chief exponent of utilitarianism, agrees that private property motivates work. He also argues that the goal of societal happiness is best secured through security – private property in turn being the best way to guarantee security.

These ideas have influenced the West so much that for many, it is axiomatic that private property increases economic performance (even when it doesn't, as Kingston-Mann (2009)

shows in post-Soviet Russia), and privatization is seen as the cure to economic ills. Neoliberal arguments, promoting the free market as society's central organizing force, purport that individual private property creates the conditions for proper markets in land and labour (Dempsey et al., 2011) and that privatization increases efficiency and productivity (Wolford, 2007). The push beginning in the 1990s to secure property rights through land titling as part of land reform in the Global South, championed by the economist Hernando De Soto, promises to encourage investment, give security to peasants, and make credit more attainable (Broegaard, 2009; Dempsey et al., 2011; Wolford, 2007). Referring to De Soto's work in their quest to privatize First Nations reserve lands in Canada, Flanagan and Alcantara claim that "collective property is the path to poverty, and private property is the path to prosperity" (quoted in Dempsey et al., 2011, p. 234). Meshing with the liberal idea of a self-owning, self-determining individual, the philosophical idea that private property helps one develop freedom and full citizenship is traced back to Hegel (Green, 1978; Mackey, 2016). The right to act as a free personality through property ownership is invoked in Flanagan and Alcantara's claim that private ownership will increase liberty for First Nations people.

Neo-utilitarians argue that people will invest in something they own and thus improve it as labour is rewarded (Hoffman, 2013; Rose, 1994). This can be seen in the claim of resource economists that private property is "the most efficient way to incentivize conservation and sustainable production" (Campbell, 2015, p. 130). Conversely, as Hardin (1998) famously argues in his "The Tragedy of the Commons", a rational economic-maximizing person will exploit a commons resource to the maximum and since all users will act this way the resource will quickly become degraded.

Critics of these claims engage in a variety of critiques of private property to point out that the claims frequently do not stand up to evidence or analysis. They argue that private property proponents misrepresent how property actually works in the world, portraying ownership as more absolute than it is (Singer, 2000). They point out the often-negative environmental results of land management under a private property regime (Brent & Kerksen, 2014; Dorondel, 2016). They also criticize private property on ethical grounds: it doesn't necessarily fulfill its promises to increase economic performance, ensure security, reward labour, and provide people with more freedom (Broegaard, 2009; Kingston-Mann, 2009; Pasternak, 2015; Wolford, 2007). Exploitative social relations are quite evident in situations of private land ownership today (Brent & Kerksen,

2014; McMichael, 2015). Privatization and concentration of land is the single factor contributing most to global social inequality and is implicated in acute global crises (Anseeuw & Baldinelli, 2020; Geisler, 2015). Property rights organize and distribute social privileges and power (Blomley, 2017), and evidently do so unequally. Yet, the model is still promoted around the world as creating the conditions for proper markets in land and labour (Dempsey et al., 2011) and increasing efficiency and productivity (Wolford, 2007). Proponents of alternative tenure and access models are opposing a hegemonic institution, and critiques that reveal problems with the status quo may be a necessary first step in changing it (Massey, 2009).

The criticisms of dominant private property model in land and exposition of its drawbacks for many have led some scholars to explore alternative property models to help solve problems, provide tools, and create better (more accurate, more ethical) models (Geisler & Daneker, 2000c). Perhaps one of the most-researched recent examples of established common property models is that of community land ownership in Scotland. McMorran, Scott, and Price (2014) provide an overview of Scotland's land history, from concentration in the hands of very few nobles who displaced peasants to marginal areas to eke out a living from multiple sources (crofting) to the ad hoc community buyouts of estates starting in 1993. The Land Reform Scotland Act was enacted in 2003, granting communities first right of (collective) purchase of land on the market, and granting crofting communities the right to buy land pre-emptively (McMorran et al., 2014). The government encouraged, and communities took up, community land ownership for a number of reasons: to encourage the community development of resources that private investors might otherwise monopolize or ignore; to keep wealth in the community and distribute it evenly; to provide the community with services; to maintain the rural population; and to ensure resources are stewarded for the long term (Hoffman, 2013). McMorran et al.'s four case studies display the results: among community members the buyouts built confidence, self-determination, human capacity, and security; enhanced identity and cohesion; and helped lessen tension regarding environmental resources (2014). McMorran et al. (2014) cite other studies on community land ownership that show the emergence of small private enterprise, decreased out-migration due to increased security of tenure, infrastructural and rural housing projects, renewable energy schemes, enhanced community involvement, and improved land management in communities. Based on his work in Scottish communities, Shucksmith (2018) suggests that encouraging "collective imagining of alternatives" (p. 164) is necessary to dislodge

the status quo and assist radical, holistic thinking. He proposes that utopian thinking be incorporated in local, democratic planning processes for rural development.

Much of the literature on common pool resources<sup>1</sup> also challenges private property assumptions and describes the benefits of other property regimes, but also attempts to generate frameworks for success. In her ground-breaking work on governing shared natural resources for long-term viability (Ostrom, 1990) and later in applying models to management of global open access resources such as the climate (Ostrom, 1999), Ostrom challenges the inevitability of Hardin's tragedy. In her examples, including alpine meadows and forest in a Swiss village and groundwater basins in Los Angeles, CPRs are best governed communally for sustainability (Ostrom, 1990). As Ostrom shows, they avoid degradation, have generational longevity, and create and maintain equality and fairness of rights, duties, and appropriation levels among users. Currently, a sizeable field of study on CPR governance regimes engages with elements of Ostrom's models, finding support, extension, and changes to her claims (e.g., Berkes, 1987; Fleischman et al., 2014; Gruby & Basurto, 2013; Johnson-Freese & Weeden, 2012; Jordan et al., 2018; Sixt et al., 2019).

Other conceptions of land (and the waters, plants, and animals on and in it) may have even less in common with the private property conception. Before European colonization, Indigenous peoples of the Prairies had relationships with the environment based on reciprocity rather than control or domination. Indigenous peoples managed not the land, but their "behaviors in relation to it" (Morrison, 2011, p. 99) and to "other life relatives" – other species (Brass, quoted in Zink & Brass, 2017). Saskatchewan Elders stated that "the land belongs to their peoples as their peoples belong to the land. The land, waters, and all life-giving forces in North America were, and are, an integral part of a sacred relationship with the Creator" (Cardinal & Hildebrandt, 2000, p. 10). Dr. Amy Parent speaks of land as "a dearly beloved, revered relative" (*Land as Teacher*, 2021). Knowledge is produced through "relationships with the living entities that constitute this expansive space – the land, animals, spirits, and humans" (Starblanket &

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<sup>1</sup> A common pool resource (CPR) is "a natural or man-made resource system that is sufficiently large as to make it costly (but not impossible) to exclude potential beneficiaries from obtaining benefits from its use" (Ostrom 1990, p. 30) where "exploitation by one user reduces resource availability for others" (Ostrom 1999, p. 278), e.g., fishing ground, groundwater basin, common pasture, irrigation canals.



Kiiwetinepinesiik Stark, 2018, p. 191). Thus, despite settler assumptions, in Indigenous legal systems land was not property and could not be transferred or sold (Starblanket, 2016). Elder Danny Musqua from Treaty 4 territory said, “if any man owns a piece of the Earth, then he no more respects Mother Earth” (Cardinal & Hildebrandt, 2000, p. 62).

In Canada, settler food movement actors worry about degradation, concentration, financial speculation, and prohibitive land prices that come with private land ownership but have only begun to consider Indigenous rights and relations to land (Kepkiewicz & Dale, 2018; Kepkiewicz & Giacomini, 2019). However, Kepkiewicz and Dale consider the overlooked historical and ongoing dispossession of indigenous peoples by not only elite landowners but everyday settler farmers even more important. They argue that in order to meaningfully support indigenous struggles for land, allies must “challeng[e] the dominance of private property relations” (Kepkiewicz & Dale, 2018, p. 4). Agricultural land in Canada is entwined with a colonial and capitalist system of governance and white supremacy (Dempsey et al., 2011) which must be addressed together.

#### *Success of Property Models*

Blomley acknowledges the veracity of critiques of the private property model, but he is less concerned with the truth of models than with why they are successful (2013). Given the prominence of critics of private property such as Rousseau and Marx, the clear inequality of dispossession, the empirical evidence of unfulfilled claims, and the examples of successful alternatives, why does private property persist?

Insight into the persistent success of certain property regimes is assisted by the understanding of property as a network of relations (Macpherson, 1978). A key to the success of a regime is that property is not merely established, but, as Moreton-Robinson (2015) and Mackey (2016) claim, requires maintenance and reproduction. Property, constituted by social relations, is changeable and dependent on support for its existence. As a set of social relations, property must be enacted to exist (Blomley, 2013; Correia, 2013; Mackey, 2016). Using performativity theory, Blomley (2013) argues that “our representations do not simply describe a world; they may participate in enacting a world into being... Property claims are continuously remade and re-enacted” (p. 4). Conceiving of property as social relations allows us to consider property as changing, depending on “a continual, active ‘doing’” (Blomley, 2003, p. 122). Property regimes thus take discursive and material work to maintain through continual social engagement

(Blomley, 2013). Property regimes are evidenced in practice, materiality, and discourse. Private property in land may be evidenced as ploughing, paying taxes, erecting fences, posting a ‘no trespassing’ sign, installing burglar alarms, foreclosing on a mortgage, or debating heritage status of a property, among other “performances” (Blomley, 2013). In this sense, performing a legitimized action on a landscape makes property.

Property is a social product built from the emergence/convergence of differing perceptions and meanings and thus an arena for political struggle over meaning and the manifested materiality (Dorondel, 2016). Sikor & Lund (2009)’s edited volume explores questions around property and struggle, including why some actors benefit from property and others do not, and why some claims are recognized as property and some as access. Since social relations are often arrived at through struggle, it is wise to heed the advice that “property studies need to explore political economies of power and accumulation” (Peluso, 2009, p. 48) and incorporate discussions of property mechanisms into a broader examination of power. Some utilise a critique of the free market: “free market forces respond primarily to profit motivation, and are almost impossible to hold accountable” (Borras et al., 2015, p. 612). This contradiction to liberalism’s promise of freedom is pointed out by Macpherson (1978). He claims that law supporting exclusive use and disposal of property combined with liberal markets “leads to and supports a concentration of ownership and a system of power relations between individuals and classes which negates the ethical goal of free and independent individual development” (Macpherson, 1978, p. 200). Marx puts it more forthrightly: modern bourgeois private property “is based on class antagonism, on the exploitation of the many by the few” (Marx, 1978, p. 61).

The mechanisms creating and maintaining property may include violence, force, persuasion, negotiation, discourses and norms, the market, struggles, and authority (Blomley, 2003; Hall et al., 2011; Rose, 1994). While Rose (1994) focuses on persuasion, Blomley (2003) contends that violence is key to the formation of Western property regimes and the threat of violence, internalized, also enables self-policing and the maintenance of the regime. Harris (2004) shows that with settler colonialism in the mid-1850s, although violence was present in British Columbia in the previous fur trade and gold rush eras, a more rational and organized kind of violence was introduced with the British military, and a show of force such as shelling and destroying a few villages was often enough to ensure compliance in the broader Indigenous population. Correia argues that law itself is an inherently violent “site of social struggle” (2013,

p. 7) where claims are created and contested. In British Columbia, the state, with policy and law, created a framework for settlement and dispossession (Harris, 2004). Moreton-Robinson (2015) points out the absence of white women and Indigenous people from establishing Australian legal and political systems. Discrimination in law was also evident in the Canadian prairies where women and First Nations people were not allowed to take up homestead claims (Carter, 2016).

Harris (2004) argues that dispossession was motivated by settler and capitalist interests in land that displaced Indigenous peoples and set them aside in tiny reserves to enable farming opportunities for settlers (who often had experienced displacement in their own backgrounds in Europe) and to make forests, fish, and minerals available for capital. Mackey (2016) and Rotz (2017) also attribute private property's implementation in North America to the need to secure expectations for capitalist ventures; the security was ensured through violence and state support.

### *Settler Colonialism*

Scholars of settler colonialism contend that it is different from other forms of colonialism (Harris, 2004; Starblanket et al., 2020; Tuck & Yang, 2012; Wolfe, 2006). The objective of settler colonialism is to possess land, as a home and source of capital, transformed into property (Starblanket et al., 2020; Tuck & Yang, 2012). Tuck and Yang call this severing of Indigenous relationships to land “a profound epistemic, ontological, cosmological violence” (2012, p. 5). This does not only have historical repercussions; settler colonialism's dispossession must be continually maintained and legitimized – often reconfiguring itself – to retain supremacy (Tuck & Yang, 2012; Wildcat, 2020). Rotz (2017) provides examples of how Canadian farmers maintain their dominance of arable land through racial “othering” narratives and colonial logics. Moreton-Robinson (2015) speaks of racialization in Australia as more than legitimization but as a motivator for dispossession, “the process by which whiteness operates possessively to define and construct itself as the pinnacle of its own racial hierarchy...white possession disavows Aboriginal sovereignty through racist techniques, conventions, laws, and knowledges” (p. xx-xxi). The latter technologies, as disciplinary strategies, are used to manage people and land in a state of continued dispossession. Harris (2004) singles out the technologies of maps, numbers, common law, and new material geographies of settlement on reserves with boundaries prescribing Indigenous movement. These created a new geography of settler colonialism in British Columbia that largely persists to the present. For Carter (2016), the surveyor's grid of prairie homesteads was “not just lines...[but] a social ideology” (p. 38) of individual white male

property that obscured previous land use and tenure. Fences, for Mackey (2016) are likewise a signifier of white possession. Thus, as Moreton-Robinson explains (2015), (dis)possession includes values, beliefs, norms, social conventions, and legal protection; it operates ideologically, discursively, and materially. Property, in general, operates in the same way.

Because property is a network of social relations taking place in specific times and places, there is no single answer to the question of what types of property regimes in land are optimal. Although many make a case that CPRs are best governed communally, Bromley (1992) argues that there is nothing inherent in a resource that makes a certain type of management – state, common, or private – the best. A study of two groups of landless workers in Brazil who gain communal lands but value them differently – one group of small farmers farming communally and the other of part-time wage workers reproducing plantation relations – shows that the way property is held does not determine broader social relations of production or solidarity (Wolford, 2010). Borras et al. agree that even when the goal is social justice, “land property regimes will be necessarily diverse within and between communities from one society to another, depending on current structural and institutional situations conditioned historically” (2015, p. 613). The regimes and processes may include, for example, redistribution, restitution, community land banks, enlargement of community forests and pastures, and support for livelihoods on these lands (Borras et al., 2015; Geisler, 2015).

The question, then, is better framed as what sort of social relations enable a socially just property regime and how to bring them about. Nancy Fraser’s 2005 definition of social justice – challenges to inequity in power, equitable opportunities and access, right to community and self-determination – with the addition of people’s responsibilities to each other and the environment can inform this regime. The process, not just the end state, is key, in the creation of the regime as well as in its continual maintenance and responsive adaptation (Borras et al., 2015; Gibson-Graham, 2006). As well, shared characteristics can be drawn from examples of Scottish land reform and CPR management literature. Successful regimes had the effects of distributing rights, duties, and wealth fairly and equitably, building human capacity, and stewarding land for the long term. They centre self-determination, community, meaningful livelihoods, and traditionally/culturally meaningful practices. The struggle for inclusive, socially just property regimes is both internal and external, and requires confronting power and authority, and hewing

to a broad, inclusive definition of land and property as an ontological framework for relationships as desirable relationships are brought into being.

## **Research Methodology and Methods**

### *Methodology*

Considering various ontological and epistemological debates, I tend toward the subjective and interpretive, emphasizing the importance of the concepts that we construct in giving meaning to social facts. I believe there are realities existing outside our perceptions and interpretations, if not as singular, universally knowable things. This research project is informed by the philosophical framework and ontological orientation of critical realism, which tackles the conflict between realism and constructionism, between subjective experience and materiality. Fletcher describes critical realism as “[e]merging out of the positivist/constructivist ‘paradigm wars’ of the 1980s” (2017, p. 181). A basic tenet is that while our understanding of reality is socially constructed, there is a real referent that exists independently of us (Hoddy, 2019; Price & Martin, 2018). Critical realists posit three levels of reality: empirical (what one experiences and observes), actual (what occurs regardless of our observation or experience), and real (causal mechanisms). It is the third that critical realists particularly attempt to discover through the technique of retrodution. Retrodution identifies the conditions that induced the causal mechanisms/structures (e.g., gender ideology and corporatization in Fletcher’s 2017 research on farm women’s work) that resulted in the empirical data that was observed (Fletcher, 2017; Hoddy, 2019). Attempts to understand the real world through research and theory do not produce truth but competing explanations/knowledge of reality can be more or less accurate (Fletcher, 2017). Theory plays a role in selection of a particular problem or question, and in the recursive processes of coding and analyzing data and attempting to reconcile theory and practice (Fletcher, 2017; Price & Martin, 2018).

While I espouse critical realism’s ontology, especially its connection of hermeneutics and materiality, my research questions are not focused on determining causality. For this research project, then, critical realism has directed me to investigate perceptions through participants’ own words, also considering that there is a reality beyond discourse even though it’s mediated by it. Therefore, I look at structures of power, constraints, and context and their effects on beliefs, meanings, and actions.

### *Research Orientation*

The expansion of my research beyond alternative grazing models provoked a closer examination of engaged scholarship and scholar-activism as part of my methodology. I was no longer able to carry out a comprehensive, prairie-wide comparison of models of grazing land tenure to assist organizations and their members looking for ways to access, own, and transfer land outside of private property methods to meet goals of (variously) conserving land, providing it to young people, and supporting rural communities. So, I had to ask myself – again – for what purpose and for whom am I conducting research?

Karl Marx captured the purpose of academic scholarship for radical academics: “Philosophers have only interpreted the world, in various ways; the point, however, is to change it” (cited in Borras, 2016, p. 23). My hope to make a difference with my research, although modest, echoes that of Marx and many others who have taken up this call for change. I believe the best way I can do so is through engaged research that addresses the needs of actors working for ecologically sustainable, livelihood- and community-supporting, agricultural systems and the decolonized land tenure and access systems that they must be based on (Calo et al., 2021). My primary motivation is that my research be of some use in struggles for social justice.

With the change in research plan, while my intentions have changed regarding alternative grazing land tenure models, becoming more scholarly and less activist, my participation in the Treaty Land Sharing Network – initially as an activist – has caused me to question the value of scholar-activism (or perhaps, what I uniquely have to offer) in that case. As a graduate student, I have few institutional resources to provide to the Network, which is a major role for scholar-activists suggested by Derickson and Routledge (2015). I am not sure academia has given me any skills that the Network needs that couldn’t be gained through work with non-profit organizations, volunteering, or local organizing, all work I have done in the past, as have my fellow coordinating committee members. My interview participants, with lived experience as well as (often) formal higher or extensive self-education, employment relevant to the issues, and reflective natures, are frequently applying their own insightful analyses to questions, as I expected. While I hope to present critical analysis and offer new perspectives, approaches to, or understandings of issues and theoretical constructs, I want to avoid engaging solely in “luxury knowledge production” (Hale, 2008, p. 16), which is primarily for and of use to a scholarly audience.

Beaulieu, Breton, and Brousselle define engaged scholarship as “a true academic posture, rooted in values of social justice and citizenship, that prompts academics and universities, in their roles of teaching, research, and service to society, to work in ways that will build mutually beneficial and reciprocal bridges between university activity and civil society” (2018, p. 12). Reciprocity and mutual benefit are evident in practices such as partnering with implicated communities in formulation of questions and generating knowledge for the research, acknowledging multiple sources of knowledge (including the research participants) and focusing on research use and action (Bowen, 2015). Prominent engaged scholar Van de Ven sees value in engaged scholarship “obtaining the different perspectives of key stakeholders... in studying complex problems” (2007, p. 9).

Engaged academics may identify with other methodologies such as service research (Trauger & Fluri, 2014), movement-relevant theory production (Bevington & Dixon, 2005) or scholar-activism (Duncan et al., 2021; Rouse & Woolnough, 2018). These share the recognition that scholars should seek to make an impact with groups outside of academia. Importantly, these methodologies all require engagement with a community that inspires the formulation of research questions important to participants and requires accountability as well as service to that community in return. This service can include organizational assistance, joint strategy discussions, exchange of knowledge and contacts (Borras, 2016), collaborative training, or increased capacity for networking (Croog et al., 2018). Both participants and researchers have a stake in research outcomes, and Bevington and Dixon (2005) even argue that a researcher connected to a movement is accountable to both the movement and academy for producing accurate information and is thus incentivized to do so. Scholar-activist work in particular involves solidarity – through relationships, alignment, and/or identification – “with a marginalized group or emancipatory struggle” (Duncan et al., 2021, p. 878), where the work is not framed as ‘service’ as much as co-production of knowledge. The basis of the researcher-participant relationship goes beyond shared interests to relations of obligation and responsibility when considerations of power become essential to understanding (Brem-Wilson, 2014).

The commitment to these methodologies is not a neutral academic position. Croog et al. state outright: “we do not shy away from arguing that there is a moral urgency to conduct active and activist research. We feel that it is no longer appropriate or plausible to do research for research's sake and then merely hope that policy decisions or grassroots mobilizations will

incorporate our findings” (2018, p. 1041). Donna Haraway’s powerful critique of a disinterested objectivity in scientific research has made the belief difficult to sustain (Haraway, 1988). If not, Hale submits that decades of post-structural theorists have argued that “[a]ll knowledge claims are produced in a political context”: taking no position is taking the position of the norm, of the status quo (2008, p. 2). Therefore, to be transparent, a scholar must acknowledge their (non-static) subjectivity. As such, I believe it is necessary to question one’s positions throughout the research process and be clear about them, engaging in critical reflection as much as one would critically reflect on participant positions. To begin with, mine is a moral positionality, influenced from childhood by agrarian socialism, liberation theology, and social justice, and that informs my research questions, orientation and goals. I do not intend to engage in an exculpatory exploration of my identity to simply acknowledge my privilege – that of a white, middle-class, cisgender, able-bodied settler Canadian – and how it makes life easier for me as a researcher, from assuming my safety in visiting participants’ houses during research, to the institutional facilitation that enables me to travel, to the educational attainment of my parents that made graduate school conceivable. Understanding my positionality and the “logics of domination” (Smith, 2013, p. 265) that bear upon me helps me understand the economic, political, and institutional structures (Routledge and Derickson, 2015) that also bear upon the research participants and their struggles. In some ways, despite my privilege, I grew up on the periphery in the Prairies: on a small mixed farm in an era where farms were growing larger and specialized; from a lower-income family; shy in a society that values extroverts; and bullied in school because of much of the latter. I think these experiences (among other factors) have helped me develop a sympathetic perspective towards claims for justice. This perspective is not based solely on experience but has been expanded through a commitment to continual learning and reflection, including confronting my own discomfort.

Andrea Smith (2013) argues that while reflection in the aim of self-transformation is a necessary element of political projects, it is not an end in itself. From my positionality, the impetus to praxis is clear. This can be a disciplinary position as well. Trauger and Fluri point out that leading geographers in the United Kingdom and United States have recently explored the role of geographers in social change and making a difference “beyond the world of discourse and ideas” (2014, p. 32). Examples include Collard et al.’s “Manifesto for Abundant Futures” alliance with decolonial struggles (2015), Gibson-Graham and Cameron’s action research with



communities (2007), Heynen's plea for radical geographers to pay more attention to people's material survival in their research (2006), and Massey's focus on building alliances and solidarity (2009).

The four cases in this dissertation investigate different interventions into private property to assess the potential for changing relations in agricultural land property regimes. They address the questions of how and why property models in this time and place, with this historical legacy, get created, enacted, maintained, and contested. How are certain ways of understanding, accessing, relating to, and using property legitimized through discourse, material enactment, values, tradition, law, and other techniques, through what struggles, and toward what ends? These questions are worth asking for both scholarly and political reasons. Scholarship on alternatives to private land ownership mainly focuses on the Global South, whereas states and actors in the Global North rarely challenge the dominance of private property regimes (Beingessner, 2021; Borras Jr & Franco, 2010; Calo et al., 2021). Given the dominance of the production-oriented agricultural model across the world, and trends of farmland financialization, land consolidation, and large-scale land acquisitions, (Bjørkhaug et al., 2018), debates over land ownership and use in the Global North are growing. The debates are urgent given the added pressures of climate change, biodiversity loss, and the need for sustainable livelihoods in rural areas. Calo et al. argue that it is necessary to challenge dominant ideas about property in a way that takes power, agency, and politics into account in order to advance environmental land management practices such as agroecology (2021); this is work for both scholars and activists. This dissertation aims to contribute to both academic and grassroots work on property relations that support sustainable, equitable, and decolonized ways for communities to build and maintain access to land that can support livelihoods over many generations.

### *Methods*

Critical realist research is typically associated with qualitative methodologies (Price & Martin, 2018). Qualitative research understands reality as socially constructed and interpretive to some degree, not objective. The meanings people socially produce and share, then bring to phenomena, are revealed through interpretation (Denzin & Lincoln, 2011; Ruiz Ruiz, 2009); the stories a participant tells are not treated as “truth”, but as the participant’s (construction and) perception. The qualitative methods I have employed throughout my research are chosen with

those functions in mind: qualitative interviews uncover and investigate understandings of property relations, documentary analysis provides contexts for the meanings, and iterative descriptive and thematic coding assess the explanatory power of theory against data.

I planned my original research for the Prairie provinces. Not only do the Prairie provinces have multiple historical examples of alternative land tenure and access, but they are also a significant agricultural region. Manitoba, Saskatchewan, and Alberta together comprise more than two-thirds of Canada's agricultural land (Qualman et al., 2020). They have 87% of Canada's pasture (tame, seeded, and natural pasture), by acre, and 83% of Canada's cropland (Statistics Canada, n.d.-b). The Prairie provinces have 52% of the cattle farms, (Statistics Canada, n.d.-a) and 68% of the cattle in Canada, the largest category of livestock by far (Statistics Canada, 2017). The region is an important setting for investigating land access and tenure alternatives in a hegemonic, export-oriented industrial agriculture system based on private property.

Although agricultural land ownership in the Prairie provinces is dominated by the private property regime, challenges to aspects of that regime in the past decade show that the acceptance of hegemony is not necessarily equivalent to considering it legitimate (Scott, 2000). The issues studied evoked significant reactions, keying into something people thought was important. The studies in this dissertation draw from a range of concerned rural people, and although it is not a representative sample, it is a sample of highly motivated actors. The studies also concern important issues common to global land reform efforts and provide new empirical data to assess attempts at changing property relations.

Qualitative interviews, used in two of four cases in this dissertation, allow access to the subjective experiences and attitudes that shape behaviour (Hammersley & Atkinson, 1995; Peräkylä & Ruusuvuori, 2011). Because the topic of land ownership is imbricated with politics, power, privilege, and values, and in my cases there are multiple stakeholders with interests in land and complicated interpersonal relations, the interview topics have the potential to arouse sensitivities. However, the research participants are not a vulnerable population: almost all the interview participants were European-descended white Canadians who own property and/or are in positions of power or authority. Nonetheless, in accordance with Tri-Council Policy Statement (TCPS-2) and University of Manitoba Research Ethics Board guidelines, the following measures were taken to respect and protect participants. Participants gave their informed consent to

interviews and were provided with a length of time post-interview in which they could withdraw from the study. Interviewees had the choice of an in-person interview at a location of their choice or a telephone interview. All participants had the option of having their name or a pseudonym used in the research; almost all opted to use their real name. However, if identifying them by name would compromise the anonymity of someone else who had not consented to participation in this research, it was not done. Interviewees were occasionally asked to provide me with contact information for potential participants. This snowball sampling was only used if interviewee participants clearly identified an additional experience that would be beneficial to include in the study. Participants were also given the chance to review the transcript of their interview and respond with edits, changes, or additions, which helped in building trust in the process. I also undertook less formalistic actions to engage with interview participants in a respectful way, familiarizing myself as much as possible with their roles, organizations, involvement in issues, and local area before the interview, and seeking to connect through commonalities of rural experience.

As a researcher, I try to show myself as interested, objective, and approachable to receive information that interview participants share (as indeed I believe I am!). Participants have also constructed roles for me, reacting to me in ways that position me as someone they seek approval from, someone they are making an argument to, someone to educate, or someone who is a conduit to convey their ideas to the public or decision-makers. This doubtless (consciously or not) affects their choices of what to say and how to say it. Thus, I am led to also consider the positionality of participants and their role as narrators and constructors of meaning. Butz suggests seeing the primary data almost as secondary information with “a self-conscious perspective and purpose in the world” (2010, p. 140). The question is not whether the interview data is true or accurate, but what work it does for the participant and in the world.

Discursive practices both reflect and produce individual and socially shared beliefs and values (Ruiz Ruiz, 2009). These discourses must be related to their material settings and practical contexts (Sayer, 2000). Documentary analysis in this research includes critical examination of media articles, letters, videos, press releases, government statements, Hansard, stakeholder policies and communications, legislation, and consultation data.

I employed a deductive qualitative analysis approach to the data (Fletcher, 2017). While I took critical realism processes such as retroduction and abduction into consideration, I found

some of the data analysis methods employed by critical realists to be overly formalistic for my purposes, possibly foreclosing potential interpretations, and sometimes directed towards particular outcomes, such as identifying causality, that were not my aims. I drew up a list of provisional, initial codes drawn from literature, theory, and the data collection instruments involved. I used the qualitative software program Dedoose to organize and analyse the data through descriptive and thematic coding, testing the viability of the initial codes through an iterative process, discarding, supplementing, and adding new codes as they appeared significant. The last step was to identify key codes and connections to others, generating high level concepts and assessing theory in the light of these. Each case I studied required some additional literature and methods, which are outlined below and detailed in each chapter.

### **Dissertation Outline**

Each case of the four cases in the dissertation is allotted its own chapter, connected like puzzle pieces providing differing analyses of support of and challenges to private property in agricultural land. They can also be read optimistically as a narrative of uneven progress, from the first chapter that provides context for and evidence of an entrenched property regime to a last chapter that offers some hope for more socially just property relations.

Chapter Two was previously published in *Geoforum* as “Narrating values, persuading government: The unsettled stories of agricultural land ownership in the rural Canadian Prairies” and appears here with a few changes. Its subject is the Saskatchewan government’s 2015 and 2017 public consultations on changes in farmland ownership. Verbatim comments from the online consultations were published online by the Saskatchewan government. There were more than 14,000 comments and 3,000 respondents on the topic of farmland ownership rules, focusing on foreign and investor ownership, in 2015, and more than 2500 comments and 2000 respondents on the topic of ending a government-managed grazing program on public land in 2017. In the analysis, I used stories as the object of inquiry, but also as a method of studying values around property and attempts at persuasion, combining property theory on maintenance of property regimes with scholarship on storytelling. While the stories told cannot be taken as truthful expressions of beliefs, or even accurate narration of events, analysis is not solely based on my interpretation but are situated in the context of land conflicts within Prairie agricultural histories as well as in relation to global food system trends and their influence on Saskatchewan

agriculture. The stories are largely used to support and sustain the status quo in property relations, but some suggest that different social relations are possible.

Chapter Three considers the consultations and period leading to the 2019 amendment to Saskatchewan's *Trespass to Property Act*. The data includes contemporary news articles, farm organization policy resolutions and advocacy, over 1000 pages of submissions to Saskatchewan government consultations, Hansard, and the legislation itself. I use insights from property theory and legal geography to analyse the legislative response to issues raised by the public and situate it in the structure and practices of settler colonialism. An analysis of actors and their relative power shows that through discourse and commonplace understandings of law, the settler-colonial private property regime is bolstered through the trespassing amendment. In the outcome, the assumption that landowners should have absolute right of exclusion prevails, presenting domination and privilege as natural or inevitable.

Chapter Four is the case of alternative grazing land tenure and access models in Saskatchewan and Manitoba. The primary research method was qualitative, semi-structured interviews, mostly in-person but some over the telephone. I examined four types of models: collectively run (former PFRA) pastures, grazing cooperatives, conservation organization leases, and Crown land leases. I conducted interviews with 32 farmers and other stakeholders. I also carried out a documentary analysis of news articles, advocacy group policy and publications, legislation, and other government publications. While a private ownership regime contains no compulsion to provide common goods, alternatives often do but are under resourced and insecure. The models displayed tension over responsibilities to the public good, but an increasing acceptance of its importance and work to build alliances to carry out collective ethical commitments to society.

The final case in Chapter Five, the Treaty Land Sharing Network (TLSN), is based on eleven qualitative, semi-structured interviews with twelve settler landholders who have committed to sharing land with Indigenous land users through the Network. This fledgling Network is unique in Canada in as a coordinated group of settlers attempting to fulfil their responsibilities to the treaty relationship. The research also makes use of my personal notes and reflections as a coordinating committee member of TLSN. Literature on decolonization and allyship is used to understand the potential for land decolonization in Treaty 4 and Treaty 6. Connecting to concepts in Chapter One, myths about treaty that sustain the power and limits of

settler ownership are examined. The concept of a utopia of process, and the importance of relationships, underpins successful attempts to change relations around land.

## **Chapter Two: Persuading Government through Valued Stories of Agricultural Land Ownership in Saskatchewan**

Our land will be controlled by outside investors. [We don't] need to be conquered by invaders, they just will buy it up, our farm land, our lake fronts, our homes, our resources, our businesses. Experienced farm labourers will be serfs to investors, with no sense of pride in their accomplishments as they will be told what and where to seed and what to destroy if it is in the way of the land owners interests. Stewardship will be a lost way of life. (from Government of Saskatchewan, 2015a)

Kimi is the rare 14-year-old who likes getting up early in the morning. As a member of the junior youth group stationed on New Era Coop Farm, Kimi doesn't want to miss a thing. [...] Days in the junior youth group at New Era Coop Farm are filled with hunts for berries and nuts, milking the cows and exploring new technology. [...] Martha grew up on this farm when it was essentially a huge monoculture of wheat, spreading out as far as the eye could see. Kimi loves hearing her stories of planting 100 km of hedges and the importance of the hedges in attracting birds, deer, and moose, which look after the swales and wetlands." ("Kwayēskastasowin Wāhkōhtowin," n.d.)

The above story about investors appears in the text of submissions to a public consultation on changing farmland laws in Saskatchewan. The second story is part of a prize-winning submission from a group based in the Canadian prairies to the Rockefeller Foundation's Food System Vision Prize. Both stories seek to influence their audience's actions to bring about, or avoid, their vision of the future of agricultural land.

Why was narrative chosen as the method of persuasion in these disparate fora? American historian Hayden White suggests that "so natural is the impulse to narrate, so inevitable is the form of narrative for any report of the ways things really happen" (quoted in Ewick & Silbey, 1995, p. 197). Narrative is how we make sense of a chaotic and overwhelming world (Cronon, 1992a). Stories are also an effective way of finding common ground with others (Delgado, 1989). It is almost instinctive, then, to turn to narrative when communicating our hopes or fears of how the world might be ordered.

When the status quo is threatened, stories about property are often deployed "to handle situations where matters that were assumed as given can no longer be taken for granted" (Milner, 1993, p. 230). In the first story above, the storyteller is advocating the legal restriction of investor ownership of agricultural land in a context of increasing farmland prices, loss of family farms, and a perceived loss of control as farmers become labourers rather than owners of land. The

story serves as a warning to persuade the government to act. The second storyteller seeks to inspire actions to create a sustainable future in the context of the destruction of native grasslands and parklands, rapidly decreasing biodiversity, climate change, and scrutiny of agriculture's role in environmental problems. Both stories are told by people in Saskatchewan, the agricultural heartland of Canada, where concerns around investor ownership, privatization, and public rights to land suggest that agricultural land is not seen by all farmers and other citizens simply as an economic resource to be maximally exploited by private landowners.

This expanded understanding of land evokes global conflicts over land grabbing, financialization, and conservation that have generated resistance from diverse local peoples who insist that land must be more than a commodity and has social, cultural, and ecological value alongside its economic productivity (Desmarais et al., 2017). Different meanings of, and values embedded in, land, influence decisions around its governance, and produce and reinforce certain ideas about land as well as the material expressions of those ideas. Although beliefs about the appropriate property regime for Saskatchewan farmland are situated in a specific historical geographical context, insights derived from this analysis are relevant to broader conversations about hegemony and entrenchment of private property and the values that support or challenge the regime.

Significant upsets occurred to the status quo in agricultural land in the past decade in Saskatchewan. In the 2010s, rumors of Chinese nationals buying land in Saskatchewan despite the prohibition of foreign ownership of more than ten acres reached the media and spread through rural Saskatchewan ("Chinese Buy up Canada Farms; Is Beijing behind It?," 2013). In 2012, the Canadian government abolished the federal program that had administered and managed grazing for farmers on 2.3 million acres of Crown (public) land for more than seventy years, stirring fears of land privatization and degradation and provoking opposition. In 2014, the Canada Pension Plan Investment Board purchased 115,000 acres of farmland for \$128 million, the single largest farmland purchase in decades, prompting outcry in rural areas.

In the midst of controversy, then, the Saskatchewan government engaged in two separate public consultations. In 2015, they solicited public input into a review of farmland ownership rules, focusing on foreign and investor ownership. In 2017, the Saskatchewan government decided to end the Saskatchewan Pastures Program (SPP) of 51 pastures providing government-managed seasonal grazing for smaller and mixed farmers on 780,000 acres of provincial Crown



land. After their decision, they engaged in public consultation about what to do with the land through an online survey. The policy decisions made after these two sets of consultations generally corresponded with the wishes of the majority of consultation respondents: pension funds and larger trusts were to be prohibited from land ownership<sup>2</sup>, foreign ownership continued to be restricted to ten acres per citizen, and the pastures remained Crown land, to be operated by patrons on leases. However, the policy changes were not supported unanimously. The issues they addressed, and failed to address, are far from settled.

How, then, is agricultural land produced in Saskatchewan through responses to recent conflicts over ownership? What socio-cultural work do ideas of property do? To address these questions, I investigate the positions expressed by survey respondents in the Government of Saskatchewan consultations about how property should be held. Using property theory and scholarship on storytelling, I show how property is enacted through stories that serve as both object and method of my investigation. These stories reveal respondents' social values – socially collective beliefs and systems of beliefs that operate as guiding principles in life” (Tsirogianni & Gaskell, 2011, p. 2) – in other words, a broadly shared moral common sense. I consider a question posed by Desmarais et al. in their analysis of recent farmland concentration and investor ownership in Saskatchewan: “What are the key values farmland policies are meant to protect and enhance?” (2017, p. 164) – and whose values are they? Finally, I suggest the implications that respondent positions could have for social change. I argue that an exploration of social values expressed in the stories that respondents tell shows that the responses often work to define community and history in ways that reinforce dominant property regimes and justify colonial relations, but that also suggest that different social relations regarding land are possible.

## Methods

To address these questions, I analyze two separate sets of data consisting of written comments from the two Saskatchewan government online surveys: the first from the 2015 survey

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<sup>2</sup> The following was introduced in the amended Saskatchewan Farm Security Act:

(2) None of the following persons shall acquire a land holding in Saskatchewan:

(a) a pension plan;

(b) the administrator of a pension plan while that person is acting in that person's capacity as an administrator;

(c) a trust other than a trust that, in the trust instrument creating the trust, lists 10 or fewer individuals, all of whom are resident persons, as beneficiaries of the trust (The Saskatchewan Farm Security Act, 2015, p. 69)

on farmland ownership and the second from 2017 on the future of the SPP land. These verbatim comments were anonymized and published online by the Saskatchewan government on their website (Government of Saskatchewan, 2015a, 2017).

Because the individual comments were anonymized and dissociated from answers to other survey questions, it is impossible to assign reliable demographic data to any comment, and also impossible to tell how many questions a respondent commented on or which comments on each question belong to which respondent. However, this does not impede a qualitative thematic analysis. The 2015 data set consists of 14,848 comments to fifteen questions from a minimum of 1,325 respondents (the government gave the number of survey respondents as “more than 3200” [Government of Saskatchewan, 2015a] and 1,325 was the greatest number of respondents to answer any one question). The 2017 survey had 2016 respondents and 2628 comments on three questions, with at least 1,284 respondents. In 2015, 62% of respondents identified as farmers; 46% identified as farmers/ranchers in the 2017 survey.

I coded the data using a deductive qualitative analysis approach (Gilgun, 2011). Guided by the notions that resources are “becoming” (Bridge, 2009) and can be maintained by persuasion and stories (Rose, 1994), I investigated how respondents talked about the past, present and future, the values to which they appealed, and the justifications they deployed. I used the Dedoose qualitative software program to organize and analyze the data through descriptive and thematic coding, testing the viability of the initial codes arising from the theory and from survey questions, and discarding and adding new codes as they appeared significant. While the 2017 survey contained only three questions where open responses were possible, the 2015 survey had 15 questions where open comments were accepted. In the latter, I focused my coding on the three questions that were open-ended rather than the remaining questions, most of which offered limited options for answers, such as yes/no.

This mode of consultation was largely passive. While surveys offered space for comments, they also contained questions that directed respondents towards certain lines of thinking – largely away from past collective/government ownership and towards personal financial considerations. For example, among preferred land ownership options in the 2015 survey there was no option to select “government ownership”; no 2015 questions addressed environmental concerns; and retention of the SPP was not an option in the 2017 survey questions. However, it seems from the length of the comments and the often-tenuous link

between question and answer that respondents used the optional comment sections to say whatever they thought most important, even, as in the case of a 2017 respondent, to call the government “dishonest and irresponsible”. The sheer number of responses attests that respondents thought their positions were important and should be expressed, even in the cases where they expressed doubt that the government would use the consultations in good faith.

From the coded data, I focused my analysis on comments that employed stories. Narrative is thus the object of inquiry, but I also use it as the method to study values around property, examining the stories to see how they attempt to persuade. There are limitations due to the nature of the fora where stories were told. Values expressed cannot be taken as truthful expressions of beliefs, or even accurate narration of events. Aside from any responses that may have been cued by a member organization concerned with the issue, testimony may be more tactical than truthful in a political arena where the goal is persuasion (Milner, 1993). While stories are told differently according to context and audience (Ewick & Silbey, 1995), there was no guidance in the consultation preamble or questions as to the norms of open comments. The official consultation format may suggest a more formal writing style and format would be adopted, but the style of comments ranged from formal, scientific argument, to colloquial and profane. It is unclear whether stories are transgressing norms or are an acceptable cultural mode of expression in a consultation. The extent to which all of these are conscious, purposeful choices can only be surmised, but Ewick and Silbey argue that “[stories] are told with particular interests, motives, and purposes in mind” (1995, p. 206) – which analysis can help reveal.

### **Situating Respondent Positions**

Following from the historical-geographical context that I provided in Chapter One, a critical reading of the survey responses situates them within prairie agricultural histories as well as in relation to global food system trends. In the interests of capital and empire, the Canadian state dispossessed Indigenous peoples of their territories and turned the prairies into a captive market for Eastern industrialists, producing grain for export and importing manufactures (Conway, 2006). Harris argues that the philosophical impetus for colonization of Canada was secondary: while “the legitimization of the dispossession ... came from a cultural discourse that emphasized the gulf between civilization and savagery and the different land uses associated with each...[t]he impetus for such colonialism appears to be associated primarily with the

interest of capital and settlers in land” (Harris, 2004, p. 179). Capitalist relations required security of possession for land to become a market commodity (Mackey, 2016). To accomplish this, the Canadian state secured land by various techniques of power: legal, military, and economic. After the bison economy collapsed on the prairies in the 1870s, Canada signed treaties with First Nations, dispossessed them of their territories, and, often with the threat of withheld rations (Thompson, 1998), resettled them onto reserves where successful farming was inhibited (Carter, 1990). Consequently, homestead lands were made available to individual male settlers who committed to establishing a residence and cultivating a quarter section of land (160 acres) within three years. This ensured they were engaging not just in self-provisioning, but in capitalist production (Carter, 2016). Additional lands were available for purchase.

For well over a hundred years, agricultural land tenure in Saskatchewan has been based on private property rights designed explicitly to attract the productive, archetypal colonist, and then to reify his ownership and attachment to land. Although at various times in Saskatchewan’s history, alternative approaches to land relations have been proposed and/or put into practice, none have become dominant. These include a 1930s political party’s proposal to hold title to all land and grant usehold rights (Gidluck, 1996), a government Land Bank that lasted for a decade in the 1970s (Gidluck, 2003), and a couple of small agricultural land trusts (Beingessner, 2013). These alternatives have never established dominant forms of access or significantly challenged private ownership of agricultural land.

This private property regime and its colonial/capitalist impetus have laid the groundwork for the dominant form of large-scale, industrial agriculture in Saskatchewan and the increased consolidation and financialization of farmland. These trends have been accelerating in Saskatchewan and in many other jurisdictions over the past several decades (Fairbairn, 2020; Larder et al., 2015; Ouma, 2020; Visser, 2017) and may be endemic to capitalist agriculture. Farm size in Saskatchewan has been increasing for more than half a century while farmland prices increase along with investment in farmland. At the same time, the number of farms has been decreasing since 1941 (Statistics Canada, 2018) and land concentration has increased substantially (Qualman et al., 2020). Farmland prices in Saskatchewan, while on average less than those in the other prairie provinces, have increased 361.2% from 2006-2015 (Magnan & Desmarais, 2017). This is correlated with increasing corporate and financial investment in farmland (Magnan & Sunley, 2017). Farmers who stay in farming often have income from off-

farm employment, government support programs, and asset sales, while also acquiring high debt loads (Qualman et al., 2018).

Another influential trend, traced to the late 1960s when state supports for farming began to be eroded and eliminated, is the neoliberalisation of agriculture (Desmarais et al., 2017), accompanied by globalization through free trade agreements (Skogstad, 2008; Wiebe, 2012). These trends have persisted, and intensified, under the conservative Saskatchewan Party that has led government and held nearly all of Saskatchewan's rural seats since 2007. The framing of agriculture as a business like any other is evident in the Saskatchewan Ministry of Agriculture's published plans for 2019-22. The goals are wholly framed around economic growth, competitiveness and "productivity" and dependent on increasing global exports (Ministry of Agriculture, 2019, 2020, 2021, 2022). The financial pressures on farmers, inaccessibility of increasingly expensive land, and rationalization of farms were the backdrop to resistance to change, framed as shared identity and values, as farmers and interested publics responded to the two government surveys on land ownership and use.

### **Resources, Property, and Stories**

"From dams to mines to plantations and conservation reserves, resources 'become' only through the triumph of one imaginary over others" (Bridge, 2009, p. 1221).

Exploring land as a resource from a geographical perspective shows how resource-making logics, typically applied by geographers to extractive industries, can help bring new understandings to studies of agricultural land. It is a commonplace understanding that land differs from other natural resources such as coltan or timber: it is fixed in place, heterogenous, and essential to almost all human activity (Hall, 2013). However, Bridge (2009) directs us to a different meaning of land as resource. While resources appear to be natural, material things that can be known through the physical sciences, they are also a cultural category in which we place non-human things that we value in order to organize our relationships with them. Thus, what belongs to this category can change over time and space as society develops new uses or values for materials – for example, as coltan became a valuable resource with its use in electronics – and conversely, as biophysical qualities produce and shape human interactions with nature. Because societies are heterogenous, differing values regarding resources exist and can create conflict (Bridge, 2009). In a detailed example provided by Pasternak (2017), the Algonquins of

Barriere Lake opposed clear-cutting of their forests, resulting in a struggle for sovereignty that pitted an understanding of land as consisting of relations of care against the state's understanding of land as resource supplier. Dempsey (2016) shows how prominent conservationists have given up on persuading people to preserve biodiversity for its intrinsic value and instead have enabled markets for conservation credits, hoping for the same outcome. Thus, resources are “imagined, appropriated, and commodified”, organized and valued through political, economic, and cultural processes (Bridge, 2011, p. 821) – through social relations. An examination of social relations can reveal what is valued about a resource and how its future is imagined. These value systems can be exposed through conflict (Bridge, 2009), and studied in these instances of opposition to Saskatchewan government land ownership policy proposals.

This approach to resources has much in common with current scholarly understandings of property. Against the interpretation of property as a thing people have rights over or entitlement to, in 1913 Hohfeld argued that property could be analyzed as a field of relations among people regarding resources (cited in Rose, 1994). Any individual or common right to use or benefit from land is relational, as others may be excluded from, included in, or affected in other ways by that use or benefit. Considering property as social relations can also direct attention to not only the economic but also the social functions of property – for example, inclusion in a community or conferring or consolidating political power. Beyond this, conceiving of property as social relations also allows us to consider property as changing, depending on “a continual, active ‘doing’” (Blomley, 2003, p. 122), reflecting the “becoming” of resources through social processes. Property regimes thus take discursive and material work to maintain through continual social engagement (Blomley, 2013). In the survey responses under study, stories were employed to do the discursive work of both challenging and reifying the ‘imaginary’ of current property relations.

As well as from geographical writing on resources, my analysis draws on concepts from Rose's legal scholarship on property (1994). Rose argues that a coherent regime of property is reliant on persuasive strategies and arguments for acceptance and maintenance. She uses the “origin stories” about property in 18<sup>th</sup> century British common law cases that explain how things first get possessed. In this conception, possession involves the declaration of a property claim that is understood by an audience and is a reward of useful labor. Rose points out how these perceptions frame the colonial laws imposed on North America, whose audience was a

commercial and agrarian people who valued and understood significations of possession such as material markings on land (e.g., fences) and did not recognize Indigenous claims to land where possession/use was signaled differently or was perceived through a different ontological lens. Rose's approach directs our attention towards techniques and arenas of persuasion in the making and maintenance of resources.

Rose consequently argues that stories are a significant persuasive technique<sup>3</sup> and explores stories such as Locke's labor theory of ownership and Hardin's *Tragedy of the Commons*, in part to challenge conventional conceptions of property and reveal norms and assumptions that underlie property regimes and possibilities for alternatives (1994). Narrative analysis is thus suited to revealing insights into the social world that traditional methods do not and can transform social relations by unsettling power and giving voice to those typically silenced (Ewick & Silbey, 1995). Tactically, personal stories are used to establish the credibility of the narrator (Breeze, 2020), arouse emotions (Polletta et al., 2011) and induce the audience to care about the subject (Cronon, 1992a). Relying on cultural myths, they communicate social values (Polletta et al., 2011; Starblanket et al., 2020) and help sustain these meanings (Ewick & Silbey, 1995). Analysis of stories as enactment – whether bolstering or subverting property norms – and revelatory of social values, extending Rose's work on persuasion and property, can also add an empirical element to property theory; many historical and well-known property theorists are philosophers and legal scholars engaging with other theorists and legal cases.

Reading through the rich data emerging from the Saskatchewan survey respondents, the stories that are told stood out immediately as an object of analysis. Commenters responded to the government using types of stories they thought of as convincing: personal stories, economic rationality, appeals to emotion and morality and shared beliefs. They also may have employed these stories to persuade themselves and to justify their actions. Respondents also drew on common storied understandings, such as tales of pioneer ancestors likely familiar to any student in a Saskatchewan school or visitor to a small-town Saskatchewan museum (Mulholland, 2012) –

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<sup>3</sup> Cameron (2012) notes that the term 'story' in geographical literature is not used in a strictly defined way, and that some scholars use it interchangeably with 'narrative' and 'discourse'. I take this as license to do likewise, although many of the respondents' comments can also be understood as stories in Cronon's meaning as "describing an action that begins, continues over a well-defined period of time, and finally draws to a definite close" (Cronon, 1992a, p. 1367).

what Polletta et al. call “commemorative infrastructure (2011, p. 119). These stories appeal to a common understanding of rural life and land, a cultural narrative stemming from an assumed shared history of European colonization, settlement, and agrarian success (Herman, 2017).

### **Justifying Claims to Land through Social Values**

Taken as a whole, the majority of survey answers in 2015 and 2017 supported the status quo in the property relations under question: private, individual farmer ownership of farmland in 2015, and a Crown-owned and managed pastures in 2017. In 2015, when questioned whether they would prefer to own or rent land, 84% chose ‘own’ and only 0.5% chose renting. In 2017, 60% of respondents opposed privatizing the pastureland. However, while the survey answers may appear merely reactionary and resistant to change, in the stories told, respondents’ arguments were actually a mix of pragmatic and ideological that reveals more significant themes. The stories that were told explicate values that respondents perceived as shared by a community of rural peoples with a common history linked to particular types of land ownership and use. Along with property regimes, ideas of history and community need reinforcement and maintenance to be sustained. In the surveys, that maintenance takes place through discursive persuasion.

Stories of personal history are prominent in the data. One 2015 response exemplifies many such stories that oppose corporate and foreign ownership, with its reference to European ancestors, hard work, autonomy, and the future of farming:

For decades and maybe even centuries my family were peasants in Europe, my great grandfather came here and worked in the prairie for 2 years before his family could come here. Why? Because of the change, ability to control your life, working for yourself for long term investments, something impossible in Europe. He said never let landlords or companies control the land because then you lose everything, you’re just a peasant. If these young farmers get their way and just keep renting they may do fine, but what about their grandchildren? Can they say the same? History does repeat itself because we never learn the lesson the first time.

The many references to grandparents, or numbering of generations on the family farm, serve as a pedigree and a claim to the land. An SPP patron who noted that their family has been in Saskatchewan for 100 years said, “People like us...just want to continue what our fathers and grandfathers built and left for us” (2017). This is more than a recognition of past contributions; it has become part of identity for some. Protesting foreign land ownership, one respondent wrote,



“By changing these laws, you will cripple an industry that is built on honesty, hard work and dedication even in the bad years. Farmers are and will always be the back bone of any civilization; it’s a culture that can’t be explained; you’re born into it; it flows in your veins” (2015). Thus, Saskatchewan farmers are portrayed as the natural inheritors and owners of land their ancestors settled. This is seen as a legacy, a tradition to carry on, and an obligation to pursue. When asked in 2015 to rate the relative importance of factors when considering changes to land ownership policy, the one that respondents rated most highly (60.5% “very important”, 21% “important”) was “Maintain the tradition of farmland ownership in Saskatchewan” (Government of Saskatchewan, 2015a, p. 12). These farmers did not question the tradition being referred to although they did feel a need to remind the government of it.

These stories epitomize the concept of “relational place-making” that Davine et al. (2017) develop in the context of debates over the Canadian tar sands. In their conception, “relational place-making proceeds through place-framing (Martin 2003, 731), in which individuals or groups employ distinctive discourses depicting ‘the common experience of people in place’ to inspire action” (Davine et al., 2017, p. 430). In the survey comments, a shared history is a link to nation-building in the form of a white settler province. A 2015 respondent claimed, “This province was built by farmers’ blood, sweat and tears over many generations”. This process of relational place-making involves the social construction of what Benedict Anderson calls “imagined communities” – people who share an idea, if not the reality, of group affinity (Anderson, 1983). Progress is associated with hard work and independence for these commenters – and in the 2015 survey responses, with private land ownership. This is encapsulated by a 2015 respondent: “The pioneers who homesteaded this province including my own grandfathers believed the intrinsic value of their toil was rewarded by the ownership of their own land which was why they left ‘the old country’ to settle Saskatchewan. I don’t think these values have changed.”

Bridge (2011) also links resource struggles to ideas of citizenship and nation. Respondents evidenced this with declarations of provincial and national pride: “we are a proud province because of our roots and most of those roots came from rural Saskatchewan. Let us hold onto that and continue to be a proud province and good stewards of OUR land” (2015). However, it was also expressed through fears about losing control, primarily to a foreign country that might end up controlling land, food, production, and even governance. Overall, 86.8% of

2015 participants were against allowing foreign land ownership (Government of Saskatchewan, 2015a, p. 18). This comment unites many fears:

Worst case scenario: CEO's or Managers of Multi National Corps sit on RM's, WaterBoards, as MLA's and then who will own the Province of Saskatchewan? The people or the Corporations? Worst case scenario: Farmland is owned by Multi National Corp. or Large Foreign Investment groups who control the crops, the land base and how it is used (drained, burned, overfarmed, natural resources depleted) the markets, and we are all serfs, because we can't afford to farm and fight them too! (2015)

Many stories about outside investors take a “declensionist” form (Cronon, 1992a), describing either a fall from an idyllic past where European emigrants owned Canadian land that their descendants now cannot afford to buy, or a bleak future should current trends continue. “Every time another farm is bought up, that is one less family buying groceries, kids attending schools, etc., the rural infrastructure is fragmenting, with less people living out here (as being more apparent by out of province investors) the tax base continues to shrink, pretty soon there is no money to run the province” (2017).

The imagined communities of rural Saskatchewan are created through the assertion of other social values assisting with place-making. The value of mutual aid appears frequently in the data. Neighbors and volunteerism are juxtaposed with absentee landlords, foreigners, and corporations who own land. One 2017 respondent, “a resident of Saskatchewan for over 40 years,” accused the government of eroding “my Saskatchewan culture of trusting and helping our neighbors.” A 2015 respondent, lamenting the high price of land and its negative effect on opportunities for young farmers said, “There will no longer be the friendly neighbor that will help his neighbors out, now it will be just a corporation that wants you to fail so they can take your land also.” Continuing the theme of uncaring investors, another claimed, “

These investors will not donate to local charities, community projects and lastly contribute to developing the area's future. They suck it dry. I'm young with a family. We have got what we have today with hard work, help from our parents and work with other farmers to build a new community rink. (2017)

Corporations and absentee owners are also seen as incapable of environmental stewardship, another social value that is often asserted as inherent to working on the land. Respondents claimed that non-farmers do not know the land and are only interested in short-term profits. 2015 respondents in particular asserted that farmers – especially when they own the land – are the best stewards because they make decisions based on long-term, multi-generational

interests. While this argument supported private ownership by farmers in 2015, the reverse was often argued in 2017, suggesting a rancher-farmer divergence on the topic, perhaps due to different histories and purposes of land use. As this respondent claimed, “As a landowner and wife of a producer/farmer I have witnessed the practices of many neighbours, and have seen first hand the relentless [sic] draining of wetlands and tilling of native prairie. To leave some of the last remaining native prairie in the hands of farmers who put economics ahead of conservation is ludicrous.” Overall, the arguments from 2017 respondents for environmental stewardship are much more numerous, specific, and broad ranging than those in 2015. While some of these types of responses are likely attributable to the greater proportion of non-farmers responding to the 2017 survey, a full 75% of the 2017 respondents said, when asked if ecological opportunities on Crown land were more important than economic opportunities or deserving of the same consideration, that ecological management was more important. It is a situation ripe for declensionist stories, typified by this one: “The parkland is rapidly becoming a mono-culture wasteland. The scenery is being dramatically changed. Once this land is lost there is no getting it back” (2017).

Most responses imply, and some directly state, that agricultural land is a special resource and therefore restrictions on ownership are justified. Many respondents in 2015 distinguished it from other real estate because it produces an essential of life. One described farmland as “our heritage, our tradition and our land, to keep secure and reasonable for future generations to enjoy and harvest a bountiful life from.” 2017 respondents also emphasized the multifunctionality of the land and supported the concept of public land ownership and public access rights, as this respondent explained:

Sask pastures are important ecological lands as well as native habitat for many wildlife species. They also have been lands that were available to residents of Saskatchewan for important outdoor activities such as berry picking, hunting and bird watching. Privatization of such lands eliminates such opportunities and breaks down the sense of community that has shaped Saskatchewan identity. (2017)

Although valuing multifunctionality was unique to proponents of public pasture lands, respondents in 2015 and 2017 both shared an idea of community as a cohesive local people who help each other, enabling the continuity of social groups. They saw the maintenance and continuation of that community as dependent on continuing customary property relations. As one respondent reasoned:

Many people that are in my community, as well as me, rely on the pastures as grazing ground for cattle. Many close friends of mine also work in the pastures. These pastures provide job opportunities and allow small cattle producers a place to let their herds graze. [...] My grandfather, my father, and I have hunted in these pastures. They are beautiful lands that must be protected. I've always hoped I could take my children to these pastures. These pasture lands are a big part in small cattle producers lives. Taking them away would be detrimental to many communities. Is the loss of heritage, tradition, history, jobs, and opportunities worth selling to the highest payer? (2017)

Because investors and corporate owners were described unfavorably and farmers were proposed as the natural caretakers and owners of farmland due to their lineage on the land and valued actions such as hard work, most storytelling respondents argued against free alienability of land. Not only were farmers the justified owners, but positing farmland as a special resource means it merits special considerations. A few even claimed farming and farmland ownership as a right. However, the idea of restricting land ownership was seen as irrational by respondents who supported totally free markets in land – or claimed they did.<sup>4</sup> While these comments were outnumbered by those that supported restrictions on land ownership and public ownership of pastures, the arguments were largely confidently conveyed without the use of personal stories, e.g., “Let the market dictate itself and it will balance itself out” (2015). The confidence and commonsensical nature of these pro-free market opinions may partly stem from their reinforcement by powerful actors, such as investors, media (Magnan, 2018) and government (Brown, 2006). Writing about Canadian agriculture, Wiebe and Wipf claim that a neoliberal paradigm views agriculture as “an economic sector no different from any other” (2011, p. 11). In this frame, farmers are “producer-entrepreneurs of the highest order,” as Saskatchewan’s former Premier declared in the 2011 provincial election campaign (Mandryk, 2011). A 2017 respondent embraced this productivism and gave a declensionist warning:

The land must be kept productive. Only farmers should have an interest in this. Municipalities, First Nations, conservancy organizations etc wouldn't effectively produce from the land. They would be wasteful of the potential to raise cattle, hay, crops, and other tangible things that support our GDP.

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<sup>4</sup>There is more than one comment such as “Let the free market decide who owns land as long as they are Canadian” (2015).

Other economic arguments included the unfairness of the SPP program ‘subsidy’ to patrons who paid below-market (at-cost) rates and the simple admonishment to “sell [lands] to the highest bidder”. However, these producer-entrepreneurs do not seem to be the majority of survey respondents, who value economic stability but are not opposed to government involvement in farmland ownership regulation.

### **Missing Stories**

As may be apparent by this point, there is a lacuna in the discussion, due to a gap in the composition of the questions, and in respondents’ conceptions of history and current rural social relations. The informational booklet accompanying the 2015 survey does not acknowledge any Indigenous presence on the land (Desmarais et al., 2017). A search for “First Nations” or related terms in the data turns up only 28 mentions in 2015, or 0.2% of comments. Although the 2017 survey includes First Nations and Métis in one question as potential co-managers of land, only 97 of 2628 comments (0.3%) mention these peoples, and only 1.3% of respondents identify as First Nations or Métis (a question not asked in 2015). Indigenous people, who make up 16% of Saskatchewan’s population (Government of Canada, 2017), are conspicuously absent in references to heritage and history shared by farmers. Not only is their history in prairie agriculture erased, ignored or unknown, they do not appear as farmers in the present. In fact, many of the respondents described Indigenous people in terms that would likely seem familiar to their settler ancestors and even John Locke. A major claim, and concern, is that First Nations people do not use the land productively or put labor into it. One 2015 commenter claimed that “they do nothing with the land and it goes back to weeds or they rent it out”. One of the most-repeated claims was that First Nations do not pay tax to rural municipalities on land they own, and that this threatens the sustainability of rural communities. Similarly, some comments objected to the purported occurrences of the government giving land to First Nations (2017). Many simply rejected First Nations ownership without providing a reason, e.g., “don’t let the natives near it” (2017). However, though they were fewer, a handful of respondents also brought up the government’s obligation to consult with First Nations on farmland policy or suggested that First Nations should get first right of refusal on land or simply be given the land. Nonetheless, most did not seem to see the necessity of asking Indigenous peoples about the topics at all.

These responses are similar to those noted by Mackey (2016) in her ethnographic study of a settler-Indigenous land claim conflict in Ontario from the 1990s-2000s. Settlers assumed the Indigenous people who wanted to buy land in the area were dependent, didn't work hard, and didn't pay taxes. The similarity is not surprising considering the widespread acceptance of the private property regime, with accompanying beliefs, installed by colonizers all over Canada – and the fact that the regime legitimates settler possession of land, and must be maintained to keep possession. As Mackey shows, settlers feel that they labored and improved land, and along with their heritage that entitles them to property. While it is occasionally a stated argument, it is more frequently an assumed entitlement. Thus, it is not only the existence of Indigenous peoples in comments or as commenters that is absent. There is virtually no recognition that settler nations and legal systems are built on settler domination over Indigenous peoples, erasure of their ways of relating to land, and erasure in society. As Minister Stewart said, acknowledging social values in the survey responses, “[Land] is a connection to our history and who we are as people” (Giles, 2015) – a white settler “we”.

### **The Work that Stories Do**

The themes above are familiar from a prairie cultural narrative that elides the violent history of colonization and focuses on European agrarian settlement, establishing whiteness as the cultural norm (Herman, 2017; Starblanket et al., 2020). The socio-cultural work accomplished through repeating these ideas of property also maintains this historical narrative, shaping the way many survey respondents understand and act in the present. Whether due to respondent stories or not, the government responded as though they took the majority opinion seriously: the outcome of maintaining the status quo was achieved, at least within the narrow range of options allowed by the government in 2015 and 2017. The majority of comments by survey respondents reinforced social values that undergird current property relations, justify colonial relations, and define community in exclusive settler terms.

The social values expressed regarding entitlements to property – hard work, independence, tradition, mutual aid, stewardship, improvement, sustaining rural communities, and the importance of family lineage/heritage – are not unique to Saskatchewan. Milner's examination of written testimonies in a Hawaiian case of disputes between condo owners and lessees over potential changes to property laws shows that the writers also valued hard work,

independence, and improving property and bolstered their arguments with personal stories displaying how they exemplified these values (1993). Similarly, Brown (2007a), studying land reform in Scotland, shows how the values of hard work, tradition, and a shared heritage were espoused by interviewees; Warren & McKee (2011) add the value of stewardship, and Mackenzie (2006) and McMorran et al. (2014) show crofters' dedication to sustaining rural communities.

These are capitalist societies with some legal lineage in common and fairly robust systems of private property ownership, which may help explain shared values. However, the similar values have not resulted in identical property relations: there are significant differences in not only the discursive but material expression of values in Scotland's land reform. Brown (2007) and Mackenzie (2006) cite numerous examples of people prioritizing community benefit above individual benefit. "Developments that are of benefit to everyone, that's what people need," said one crofting community resident (Brown, 2007, p. 518). Community is valued by both Scottish and Saskatchewanian residents, but ideas about sustaining it are different. The North Harris Trust united community residents to establish a small wind farm development with profits going to a community trust (Mackenzie, 2010), but Saskatchewan respondents seem to think that increasing or retaining the number of individual farmers is enough: "when farms are owned by not local owners, there are less families, less people around to buy and build in small towns. This drives away services and business to the cities making a hard life tougher when the closest groceries are over an hour away" (2015). Despite valuing community, collective solutions are not proposed.

Warren and McKee (2011) claim that land reform in Scotland – the legal facilitation and financial support of community ownership of land – is unique to that time and place because of the context of an empowered post-devolution state and a population with a shared history and culture motivated by the injustice of dispossession. While both Saskatchewan and Scottish governments set store by economic opportunity, the Saskatchewan government does not include social justice as a motivation for land law changes, unlike the Scottish government (Brown, 2007). Mackenzie (2010) refers to a counter-narrative based on a collective identity that is created when unsettling neoliberal norms, a narrativity that has deep historical roots. She believes it creates the potential for rights to land to be re-visioned and remade.

Yet, there is potential for change in Saskatchewan. The historical roots of different relations to land are seen by some settlers in the Crown land pastures programs, albeit not as longstanding as Scottish roots. For example, referring to the work of the government remediating land through the creation of the pastures program after the catastrophic 1930s drought, the claim that “Best practices for stewarding the vulnerable Palliser Triangle were developed here long before environmentalism became a concern--a heritage that the people of Saskatchewan should be proud of” (2017) used the concept of heritage that many use to support the farmers’ ownership of private property. The usage is an unsettling of the conventional stories (Mackenzie, 2010), taking advantage of the ambiguity of ‘heritage’ (Polletta et al., 2011) to posit an ecological heritage owing to federal government involvement. This respondent, supporting the SPP, opposes the Saskatchewan government’s 2015 claim that “owning farmland is not a business the government needs to be in” (Government of Saskatchewan, 2015b). Other participants invoked past cooperative movements in Saskatchewan or referred to previous governments’ land ownership restrictions, casting Saskatchewan history in an alternative light.

Counterstories can also expose unfair, exclusionary, or uncaring aspects of beliefs (Delgado, 1989). Troubling the neoliberal value placed on economic growth by using irony as a tactic to reveal hypocrisy (Polletta et al., 2011), this respondent wrote:

I work for an ag inputs retailer and used to work at a grain elevator and am married to a 3600 acre farmer [...] When I see some of these foreign outfits coming to our area to farm, we are not seeing that business come through our door anymore. The farmers that previously owned the land did, but they have since sold and retired. [...] If this is the future, then where is my job in 10 years? There won't be a need for people like me if this is the case. So much for economic stimulus. (2015)

Polletta et al. (2011) suggest that successful narratives use “familiar symbolic oppositions”. There is a hint of David vs a corporate invader Goliath in this narrative, claiming the sympathy audiences feel for underdog David, and much more apparent in admonishments to government such as “Keep big companies or out of province corporations from squeezing out small farms. They are the backbone of this country” (2015). The failure of David without government intervention results in a future where “we are all serfs, because we can’t afford to farm and fight them too!” (2015).

The historical roots of the dominant property regime in Saskatchewan are thus both supported and challenged by myths familiar to descendants of white Europeans. However,



Saskatchewan possesses much deeper historical roots, elided by much commemorative infrastructure as well as the material enactments of property such as the fenced, bounded grid of homestead lands still visible in prairie fields. For Cameron, stories are “material, relational practices through which we order our relations with each other and with the land” (2015, p. 11). In this relational sense, stories provide a link between the definitions of property and the terms through which they are represented and reproduced. In *Far Off Metal River*, she argues that stories with a developmentalist narrative of “progression from tradition to modernity” have shaped the way the Canadian North has been opened to extractive capital, with material consequences to the present (2015, p. 109). She asks the reader to pay attention to “who wins and who loses” by telling these stories (p. 26). Clearly, in Saskatchewan as in the Canadian North, it is Indigenous peoples whose history, rights, and most often, their very existence is circumscribed or obscured within the dominant stories told about agricultural land. Developmentalist stories that centre white settlers are told not only in the surveys, but, as Mulholland (2012) points out in her work on anti-colonial teacher training, in Canadian literature, small-town museums, school history classes, and beyond. She argues that “White settlers have easy access to an idyllic rural mythology that interferes with social justice initiatives” (p. 204). In Saskatchewan, reminders of an idyllic, white, colonial past are pervasive, and they obscure, elide, and deny Indigenous claims to territory.

The following 2017 comment is rare in the data in that it acknowledged non-canon history, advocated different social relations with Indigenous people and also provided a hint of a hopeful, rather than dire, future:

With all the land under SPP jurisdiction now represent a unique opportunity to do something concrete about reconciliation with SK Indigenous people. This land was taken from them without compensation. As a matter of fact we basically cleared the plains from them through dishonorable practices (read *Clearing the Plains* by J. Daschuk). The right thing to do would be to give it back to First Nation Peoples as a sign of reconciliation instead of trying to make more money out of it.

Is there work that stories can do to increase the diversity of ideas and practices around landholding in Saskatchewan? How might different stories about property relations help decolonize rural Saskatchewan, support values such as stewardship, and create a more inclusive belonging? Rose believes that stories are not only a way that people learn about property, but that “stories, allegories, and metaphors can change minds” (2014, p. 6) and reveal new concepts

with resulting, if unspecified, “effects on understanding and action” (p. 287). Cameron (2012), in chronicling approaches to stories in geographic scholarship, describes stories’ role in social change as one of the major sites of investigation. Geographers such as Gibson-Graham and Pratt are more-or-less optimistic about the ability of stories to induce change (Cameron, 2012).

Cameron describes how Gibson-Graham’s 2006 work in Australia argues that performed stories expand ideas of what is possible and unite people in community, while Pratt’s work with Filipina caregivers in Canada uses stories to build relations between distant people (2012). However, Cameron tempers this hopefulness with a warning to beware of just-so stories as ends in and of themselves: “contemporary scholars are open to the critique that the role played by stories in social change is asserted rather than demonstrated” (2012, p. 580). The influence of survey stories on the Saskatchewan government’s decisions is as untraceable from given data as is the relative influence of the few commenters who were members of the Saskatchewan Wildlife Federation (which has 30,000 members) compared to the influence of the comments of the few hundred pasture patrons.

Legal geographer Blomley also questions the work that stories do in social change (2013). He acknowledges the value in critiques of the dominant Western (individual, private) ownership model and agrees with Rose that models – or stories – do not just describe something but help bring it into being. Yet Blomley moves beyond persuasion to question why some models of ownership are hegemonic even though, as critics point out, they may be inconsistent and not reflect an accurate version of reality. He argues that models become successful when they are connected to other ideas, laws, cultural norms, and resources, a connection that he terms “enrolment.” Cameron frames these connections differently: stories are not just about things but “are themselves composed of networks of relations between people, places, and things, and specific practices of stories matter” (2015, p. 21). It is thus important to pay attention to the discursive, ideological, and material support that property models have and how they are maintained through practices as well as acts and stories. As such, and as with stories, a model doesn’t have to be accurate, just ‘felicitous’ (Blomley, 2013).

A further exploration of recent agricultural property conflicts in Saskatchewan, then, could also include a consideration of enrolments and material practices, such as the actual property relations that survey respondents engage in (Do they fence their land? Welcome hunters to access it? Cropshare?), the financial contributions or lack thereof from agricultural investment

companies to the Saskatchewan Party, or the work done by the Saskatchewan Wildlife Federation to get their hunter members to engage in the 2017 consultation. For this chapter, however, the data examined is purely textual. I argue that a significant number of the survey respondents' stories aim to convince others to agree with their ideas of the proper role of agricultural land based on the social values they hold. The comments epitomize Rose's persuasive stories about property that are "aimed at getting others to agree on the kind of economic and political regimes that should be adopted, as well as the regimes that are to be rejected and why" (1994, p. 6). Whether or not these stories are successful is not discernible from the data, but it is reasonable to suggest that the respondents defaulted to storytelling – consciously or not – because it is perceived as persuasive and allowed them to appeal to a shared and public set of values, identities, and histories. There are also attempts to change social values – referring to an ecological heritage, for example – and a change in social values, according to Kay, can help "to change what counts as part of the metaphorical 'bundle of rights'" (2016, p. 511). The stories attempt to create or maintain particular values in a resource, i.e., to change or preserve property relations; the impact is yet to be evaluated.

## **Conclusion**

Recent conflicts over farmland ownership policy in Saskatchewan reveal widely held assumptions about property. The responses to government surveys asking for input on the issues largely (re)produce private ownership of farmland as the natural right of farmers, justified by a Eurocentric telling of history, ideas of productivism, and claims of environmental stewardship. Stories told in these responses also bring to light key values that support or challenge the status quo of farmland ownership. Respondents claim social values of mutual aid, environmental stewardship, tradition, and hard work. They argue that the special nature of land should be considered, supporting policies prohibiting foreign and/or corporate ownership on one hand but also allowing public ownership, access, and support in the case of public pastures and forbidding environmental harm. In many cases, these responses take the form of personal stories in their attempts to persuade government officials to act. Persuasion is the main tactic in this limited forum for engagement with decision makers. There is much at stake for many respondents – livelihoods, ecosystems, the future of the next generation – and stories, as I argue here, could be an effective strategy to build momentum for change.

How might this work? Can conservationists' stories about the value of non-human kin and the beauty of nature win more hearts and action to preserve Saskatchewan public pasture lands than enumerating the financial benefits to society of ecological goods and services in an appeal to rational economic self-interest? The story of agrarian movements in Saskatchewan does not feature in formal education in the province. If these stories were included, could they help to produce new enrolments and shape more just relations between the land and its human inhabitants? In light of an outpouring of public comments on the 2018 trial of a Saskatchewan farmer who shot and killed a First Nations teen on farm property, what stories about property could be told to support decolonization in rural communities to counter the elevation of the protection of private property over the sanctity of life? I suggest that there are ways to answer these questions, although there is less certainty about the efficacy of specific tactics taken – stories about shared values, stories that open up other possible ways of thinking and action, or stories of warning and threat.

But stories will be told. As Cronon (1992a) asserts about environmental history, an argument that applies equally well to all historical narrative, environmental or otherwise, narrative is the chief literary form that tries to find meaning in an overwhelmingly crowded and disordered chronological reality. When we choose a plot to order our environmental histories, we give them a unity that neither nature nor the past possesses so clearly. In so doing, we move well beyond nature into the intensely human realm of value. (Cronon, 1992, p.1350)

So, it is best to think critically about stories and how they are – and can be – put to use.

## Chapter Three: A Legal Geographic Approach to Exclusion in Rural Property

### Relations: The Case of Trespass Law in Saskatchewan

Since property was a thing, it became possible to define offences as crimes against things, rather than as injuries to men. This enabled the law to assume...the postures of impartiality: it was neutral as between every degree of man, and defended only the inviolability of the ownership of things. (E. P. Thompson, 2013, p. 195)

Legal geography is a cross-disciplinary area of scholarship that “proceeds from the premise that the legal co-creates the spatial and the social while the social and the spatial co-create the legal” (Layard, 2016). Sample subjects of inquiry include the precariously housed (Blomley et al., 2020), rural crime (Pruitt, 2014), coastal management (O’Donnell, 2019), and biodiversity law reform (Bartel & Graham, 2016). In this chapter, I begin analyzing the links between law, power, and space with guidance from Blomley (2014a). He conceives law’s power not as an external power imposed on people but as “something that makes things happen in the world” (p. 83), a capacity that actors can have. Law should not be seen or investigated as abstract, but “contingent and particular” (Blomley, 2014a, p. 79), not stable and rigid but – like property regimes – changeable, maintained and experienced in discursive and material ways. In studying the 2019 amendment to the Saskatchewan Trespass to Property Act, I ask not only in whose interests the law has been changed, but how the legal space of private property has been changed, made more or less stable, and manifested materially, and how it is experienced and interacted with.

The co-construction of space, social, and legal is materially – and very starkly visually – illustrated by the transformation of the land where I grew up, pre-1870s to now: southern Saskatchewan, the territory of the nêhiyawak, Anihšīnāpēk, Dakota, Lakota, and Nakoda peoples, and the homeland of the Métis Nation. This area was transformed by the creation of the reserve system and the Dominion Lands Act (DLA) in 1872 that applied to Western Canada to prepare it for European settler colonial agriculture. The DLA set out the form of cadastral survey to take place in the Prairies as well as homesteader requirements: any single male or female over the age of 21, or any head of a household, could file for a homestead (*An Act Respecting the Public Lands of the Dominion*, 1872). However, homesteads for women were limited to single mothers with minor children after 1876. Based on the common law of England, those granted land title did not have absolute ownership, but fee simple ownership limited by government powers such as taxation, expropriation, and escheat. Free land accompanied by extensive

government immigration recruitment campaigns over the turn of the century (Starblanket et al., 2020) resulted in a peak of 138,713 farms in Saskatchewan in 1941 (Statistics Canada, 2018).

Accordingly, a significant part of 62 million acres of land has been transformed from native, short-grass prairie with geographic features like potholes, coulees, and creeks, to monoculture fields of canola or grains devoid of these natural elements. Before European settlement, the land was surveyed in strict squares with road allowances regularly spaced, without regard to varying topography. Carter argues that “It was not just lines that the surveyors set down on the land, it was a social ideology” of imperialism and patriarchy manifested in individual male property ownership (2016, p. 38). Over time, the physical landscape has been reshaped in accordance with that ideology. As seen from the air, this is the vast checkerboard whose American equivalent is referred to as “fly-over country”. Today the land is increasingly homogenized with bulldozing of bush and filling in of wetlands (Amichev et al., 2020; Bartzten et al., 2010). Indigenous peoples were sequestered on reserves in the Parklands region largely north of the grasslands of the Palliser Triangle. Pre-colonial land uses have been obscured by the “material impress” of the farm (Casid, quoted in Carter 2016, p. 8).

As the Dominion Lands Act intended, the land in southern Saskatchewan is still primarily individually owned private property; the form of legal land ownership has not changed. Material evidence of possession is still palpable on the land. Besides the surveyed grid, it includes barbed-wire fences around land, crops in the growing season and crop residue left standing over winter, signs at farm site entrances often with the name of the farm/family and its date of settlement, commemorative signs where small one-room schools used to be, and shelterbelts (although those are decreasing as many farmers get rid of anything impeding maximum acreage use for crops (Amichev et al., 2020)). Locke’s idea of labour and improvement entitling one to property, present in the DLA as a requirement that homesteaders “mak[e] proof of settlement and cultivation” within 12 months (*An Act Respecting the Public Lands of the Dominion*, 1872, at 33) is still apparent in these property enactments. Possession, however, is not just legal and material. It operates ideologically and discursively through values, beliefs, norms, and social conventions. Eileen Moreton-Robinson, writing about “the white possessive” quotes Ruth Frankenburg: “The formation of specifically white subject positions has in fact been [the] key, at times as cause and at times as effect, to the sociopolitical processes inherent in taking land and making nations”

(Moreton-Robinson, 2015, p. 19). In Saskatchewan, the white landowner, reproduced by appeals to the past, is a significant actor.

The continuing reinforcement, legitimation, and enactment (and extension, in the case studied in this chapter) of this settler property regime of exclusive possessiveness is also evident in a recent case of a trespassing law amendment in Saskatchewan. Outside of Quebec, Canada's laws are based on English common law. In England, trespass first entered law records in the 13th century in order to establish reparations for damage (Hayes, 2020). There was no legal definition of property until around 1500, and still land was "held" rather than owned (Blomley, 2017). Absolute property rights were defined in the early 17th century and later extended to land. With that the requirement of damage disappeared from trespass and landowners became eligible for compensation for any breach of property (Hayes, 2020). Lord Coleridge proclaimed in 1874, "if the defendant places a part of his foot on the plaintiff's land unlawfully, it is in law as much a trespass as if he had walked half a mile on it" (*Ellis v Loftus Iron Co*, 1874). With a state monopoly on violence, expulsion of trespassers was legitimated and enforced.

Generally, trespass is a "relatively gross invasion by tangible objects – persons, cars, buildings and the like" (Merrill, 1985, p. 14) onto another's property. (Nuisance, in contrast, involves more indirect/intangible intrusions such as noise or odour.) In Canada, trespass laws are comprised of tort law, provincial legislation, and criminal law (The Charter of Rights and Freedoms does not include property rights). Torts deal with compensation, and provincial legislation provides an owner or tenant lesser or greater control over access to premises as well as penalties. Typically, legislation regulates recreational use of lands. The criminal code in Canada makes it an offence to "loiter or prowl at night on the property of another person near a dwelling-house situated on that property" (*Criminal Code*, 1985, s 177).

As Lord Coleridge's quote above shows along with the condition that the landowner does not need to prove damages, trespass is not typically a nuanced offense in law. Merrill (1985) argues that this is to make it relatively effortless to execute and prosecute. It is a mechanical law, one that "can be applied by laymen with little or no input from lawyers or judges" (p. 23). However, this rigidity and lack of nuance can mean the law may be seen as unjust or unfair (Merrill, 1985). Blomley (2005) argues that while property as a legal category is dependent on "clarity, order and fixity", lived experience is more complicated. The juxtaposition of the ideal and the real, as it were, is revealed in conflicts related to trespassing.

British author Nick Hayes argues that “the concept of property really is a bubble, a hallucination conjured by a history of privatization, whose hard, impenetrable border is in fact a flimsy meniscus – one foot over the line, you pierce its logic and the bubble bursts” (Hayes, 2020, p. 19). It is difficult to say exactly what the amendment to Saskatchewan’s trespassing law accomplishes that other laws do not – other than the reification (and enhancement in the cases of increasingly restrictive trespass laws) of private property rights. There is no direct victim if, as Coleridge visualizes, “a defendant places a part of his food on the plaintiff’s land”. Should damages to property or theft occur, criminal charges can be brought under the Criminal Code regardless of trespassing law<sup>5</sup>. Interfering with someone’s enjoyment of property is also in the Criminal Code, s. 430. Provincial laws against trespassing in Canada, which are based on defense of agricultural production lands/economic infrastructure from interference, stem from cultural mores, functioning to support and entrench private property and support white landownership. Although Hayes writes about England, his insight applies in Canada: “For such a small legal infraction, the notion of crossing a fence line, wall or invisible boundary is wrapped in a moral stigma that runs to the heart of English political and civil life” (2020, p. 17-18).

### **Political Context**

For decades, access to public and private land in Saskatchewan that didn’t fall under the Criminal Code was governed by three Acts specific to recreational users. The Snowmobile Act required landowners to erect signs (‘post’ land) indicating “no snowmobiling/trespassing”; otherwise, consent to access was implied (*The Snowmobile Act*, 1978, at 25(6)). The ATV Act (1988) required ATV users to receive permission to access private land. The Wildlife Act (1998), like The Snowmobile Act, required landowners to post land to prevent access. In 2009, The Trespass to Property Act was enacted requiring permission to enter enclosed or posted private land but not other land. However, it was subject to the aforementioned Acts with specifications for recreational activities. Thus, the onus under this Act was on the landowner to deny permission via fence/sign.

With the introduction of the 2009 Act, at the second reading, Justice Minister Morgan said, “The Trespass to Property Act seeks to balance the reasonable expectation of landowners

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<sup>5</sup> The initial amendment to The Trespass to Property Act did not involve damages, but a 2021 amendment to that amendment allows landowners to take civil legal action against trespassers (Mandes, 2021).



and those wanting to access privately owned property to enjoy the great Saskatchewan outdoors. To that end, Mr. Speaker, the Act is not applied to individuals engaging in lawful hunting, fishing, or trapping activities, and for the benefit of my mother, berry picking” (Saskatchewan, 2008a, p. 1595). Morgan stated the law was at the request of rural municipalities, shopping centres, and police forces (Saskatchewan, 2009, p. 336). The first question from the NDP Opposition was “Why do we need it and why do we need it now?” (Saskatchewan, 2008b, p. 1635). Without a response from government, the Opposition decided that the law was brought in to limit protest and addressed that in their speeches, along with other possible unintended consequences of the law for recreational users.

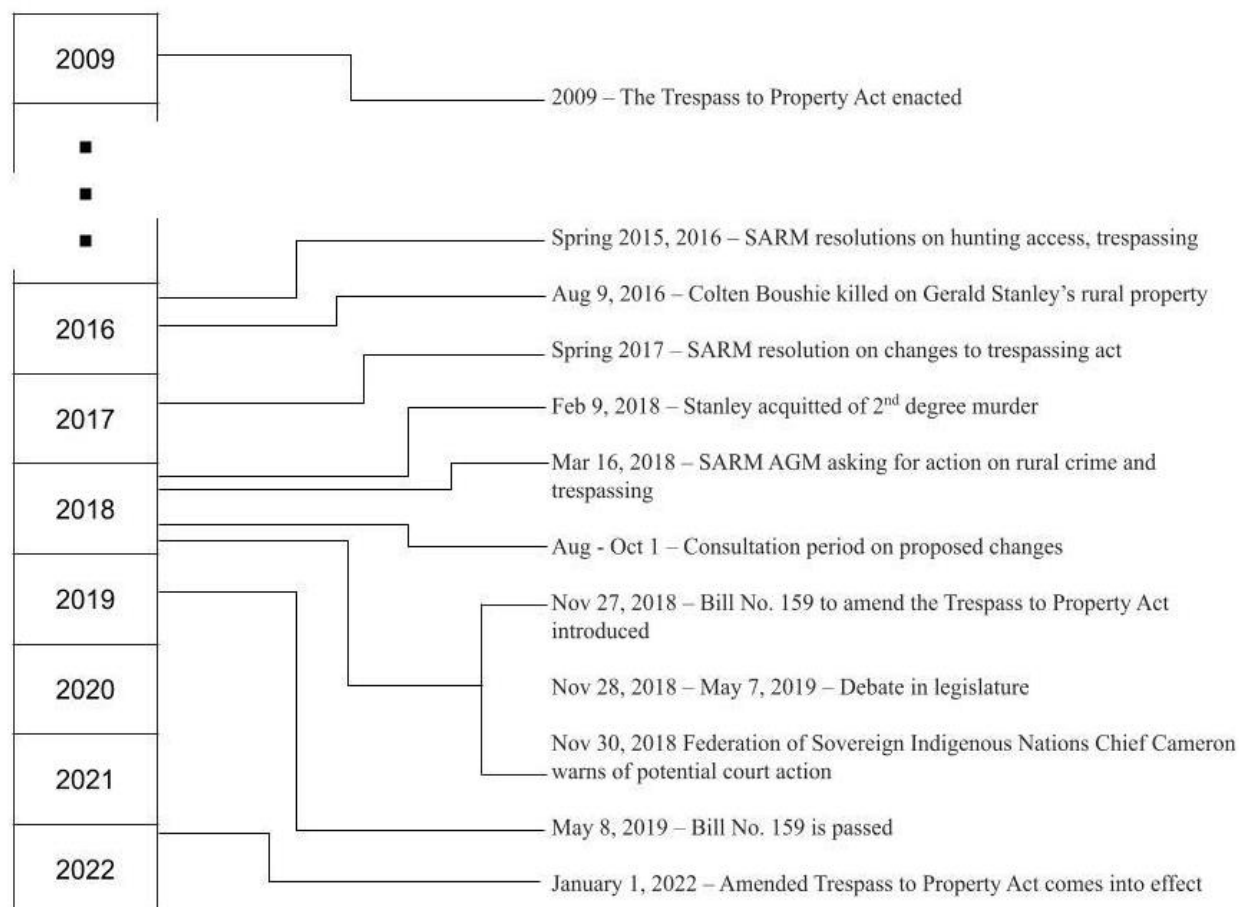
While these arguments dealt with the practicalities of enactment, there was one MLA with a significantly different take. Sandra Morin challenged the underlying assumptions and ideology behind the law. She argued, “it is clear that this Bill is based on the traditional notions of property and accordingly seeks to affirm the right of property owners without in any real way addressing the needs and rights of the general population to have access and to use property in an age and time where a large portion of private spaces are largely publicly used” (Saskatchewan, 2008c, p. 1845). She further elaborated, “we have expectations and rights as citizens to a public commons, a space or aspects of our lives that have remained in the public domain or through common use considered collective property” (p. 1846). This argument is notable for being completely abandoned in further NDP arguments. Indeed, the rights of the general population are never referred to in the very different arguments made by the NDP just nine years later when a Trespassing Act amendment was proposed.

The topic of trespassing has become a hot one. Since 2018, four Canadian provincial governments, those of Saskatchewan, Alberta, Manitoba, and Ontario, prompted by concerns of rural citizens, have proposed changes to their trespassing laws. Alberta, which had already prohibited entry without permission on enclosed land/land under cultivation, passed legislation in late 2019 to more than double trespassing fines and increase the potential of jail time (Simes, 2019), citing rural crime, biosecurity, and the threat of protestors (Carss, 2019). The new law also exempts landowners from most liability in cases of trespasser injury and allows landowners to respond to a ‘perceived threat’ (Carss, 2019), a less mechanistic law whereby courts will decide if landowner actions are reasonable in a confrontation (Simes, 2019). The Ontario government passed the Security from Trespass and Protecting Food Safety Act in 2020. The Act

increases fines in order to increase safety and biosecurity and decreases liability for landowners (Government of Ontario, 2019). Critics say it shields animal abusers by, for example, making it illegal for activists to access a farm or processing plant under “false pretenses” (Casey, 2021), resulting in a constitutional challenge by activists via freedom of speech (Burns, 2021).

Manitoba passed Bills 62, the Animal Diseases Amendment Act and 63, the Petty Trespasses Amendment and Occupiers’ Liability Amendment Act in 2021, making it illegal to enter a barn or processing facility without permission (Province of Manitoba, 2021). The amendments removed landowners’ duty to warn trespassers and fence off their land and lowers liability for trespasser injury. The government cited biosecurity of farms, food production sites, animal transport as primary motivations with a lesser mention of farm safety and crime prevention. Interestingly, the National Farmers Union opposed the Manitoba Bills, citing the right to protest, but the province’s Keystone Agricultural Producers supported it. These provinces show common themes of defending against animal rights activists, expressing concerns about biosecurity and rural crime, and strengthening landowners’ exclusion rights over property.

Saskatchewan was the first among the above provinces to pass legislation – an amendment to the 2009 Act – in this time. However, the Saskatchewan Party government’s expressed motivations differed somewhat from 2009. They did not mention protesters or activists (possibly reflecting a lack of, or no media attention to, activism against intensive livestock operations or for animal rights). Justice minister Morgan, in his introduction to Bill No. 160, The Trespass to Property Amendment Act, 2018, cited as motivations: biosecurity (preventing risks such as spread of noxious weeds, crop and animal diseases), rural crime, and clearing up any misunderstandings between Acts (Saskatchewan, 2018, p. 5057). There were several possible impetuses to the proposal of this legislation. It could have been prompted by increased/more prevalent biosecurity concerns, increasing/more serious rural crime, and more expressed confusion about situations of trespassing covered under the various other acts. Lobbying from interest groups such as SARM (Saskatchewan Association of Rural Municipalities) and trespassing-related events gaining national news coverage may have played a role. Working on this hypothesis, significant events leading up to the passing of the Trespassing Act amendment include:

**Figure 1***Significant Events in Trespassing Legislation History*

Passed in May 2019, the amendment to The Trespass to Property Act has shifted to entirely put the onus on the prospective land user to get the landowner’s permission to access privately owned land. It now prohibits access without permission to “a lawn, a garden, a yard site, land that is under cultivation, land that is used for grazing, [and] enclosed land” (*The Trespass to Property Act*, 2019, s 4(1)). This also necessitated amendments to The Wildlife Act, 1998 to ensure that hunters cannot access any land without consent from the landowner or occupant. In order to help address concerns about difficulties reaching landowners, the government agency Innovation Saskatchewan gave a private company a grant to develop an app where landowners can choose to post their land, designating it open to the public, off-limits, or permission-only (*SaskLander*, 2022; White-Crummey, 2019b).

The political players may have been largely the same in round two of the trespassing debate, but there was a significant difference in process with the 2018 Trespass to Property Act Amendment. In 2018, the government held an open consultation on the proposed amendment, providing the general public with an opportunity to share their thoughts, and by publishing the results on a government website, providing unencumbered access to public responses. If legal geography operates from the basis that “the legal co-creates the spatial and the social” and vice versa (Layard, 2016), the literature on legal consciousness explores how laypeople are creating/have created that dynamic. Ewick and Silbey define legal consciousness with refreshing simplicity as “ways in which ordinary people – rather than legal professionals – understand and make sense of law” (1992, p. 731). Illustrating the concept’s flexibility, Chua and Engel (2019) propose three main categorizations for the way the concept has been employed: to understand law’s connections to identity construction, law’s impact (or lack thereof) on social transformation, and legal hegemony and resistance to legal power. Critical legal consciousness analysis was originally developed to help scholars understand hegemony (Young & Billings, 2020), and deals with people’s beliefs, experiences, and practices in relation to law and legal systems (Chua & Engel, 2019). It looks at how laws and legal institutions support the status quo, presenting domination and privilege as natural or inevitable (Kedar, 2003). I have chosen to employ a critical approach to examine legal hegemony in a case of trespassing legislation. This is an approach that some might consider dated as legal consciousness studies have expanded into other areas, with one scholar recommending that attention turn to people’s alienation from the law (Halliday, 2019). However, the critical approach, understanding legal consciousness as “a relational phenomenon, shaped by collective social meanings”, can explore relations of power while focusing on the role of ordinary people in enabling but also resisting hegemony (Young & Billings, 2020, p. 35). Through a legal geography approach, I explore the co-creation of private property, trespassing law, and legal consciousness in Saskatchewan.

My research questions came from both personal and scholarly interest: from living in the place where this legislative change happened, being an owner of rural land, and being involved with organizations that are interested in maintaining and increasing public/Indigenous access to land. I wanted to continue examining discourses and enactments that create, maintain, and challenge different property relationships with agricultural land. Literature that helped generate

the questions includes property theory, legal geography scholarship, work on settler colonialism, and social movement scholarship. This chapter addresses the following:

- What issues were the legislation responding to and how were the issues and responses framed?
- How did the arguments presented and the legislation reinforce or challenge what it means to hold property in agricultural land? What do people see as the role of law in property rights and in their property relations?
- How can this legislation be viewed in the structure of settler colonialism rooted in violence that reproduces and maintains private property and the discipline it imposes?

## **Methodology**

There was a lot of publicly available data to work with when exploring the research questions. Like in Chapter Two, the government held an online consultation and published anonymized submissions on their website (Government of Saskatchewan, 2018). This data also helped spark my research questions and directed me to other publicly accessible data when I sought to understand the issue: contemporary news articles, farm organization policy resolutions and advocacy attempts, Hansard, and the legislation itself. The data were created and/or disseminated by various power holders, including ordinary people, who had the potential to influence decision making and beliefs. Of course, not all power is overtly wielded. I didn't access places of more hidden power e.g., "coffee row" talk in rural areas or behind-the-scenes networks of influence at farm organization meetings. However, the data I analyzed showed how tactical arguments were ignored or employed and the subsequent decisions.

The data were almost overwhelming in quantity. They included forty-three contemporary news articles from sources national to local, policy resolutions and advocacy from several stakeholder organizations, over 1,000 pages of submissions to government consultations, fifty pages of Hansard, and six pieces of relevant legislation.

I approached the data with codes informed by the government consultation questions e.g., 'biosecurity', 'rural crime', 'hunters' and familiarity with the issues from news articles. New codes were added after a cursory pass through the data, from other issues consultation participants and stakeholders brought up e.g., 'enforcement', 'safety', values or concepts such as 'respect' and 'rights' and from the forms of argumentation employed e.g., 'comparisons' and

‘economic rationale’. Rather than coding for concepts in legal consciousness literature, I discovered that some of the codes fit with the theory during analysis. I coded the consultation data to saturation and coded the entirety of the other data.

The consultation data, although generated by a self-selecting group, provides a way in to study the legal consciousness of those concerned with the issue who experience the law in their everyday lives. In a study of e-petitions to the Scottish Parliament, Breeze supports this approach, analyzing the legal consciousness of motivated petitioners negotiating “contradictions between abstract notions of justice and the impact of the law in their own lives” (2020, p. 3). However, a limitation of my examination is that I cannot verify claims about experiences. I have no access to their experiences other than through their words that are chosen for persuasive purposes, and I have no direct access to the materiality of their lives in place. Given the lack of demographic data in the consultation, I don’t even have access to knowledge about the place they are in to know whether it is near an urban centre, remote, agricultural, or forested. Given time and a less diffuse focus for this dissertation, I could have conducted interviews, participant observation in hunting season, and other methods, concentrating solely on trespassing. However, the data accessed offers a rich vein of discourse for analysis.

Practically speaking, the consultation data were unwieldy and messy. On August 7, the government released guidelines for public submissions to be emailed or surface mailed to the Ministry of Justice. On September 14 the Star-Phoenix, the first media outlet to announce the consultation, publicized an online government questionnaire on the issue (Postmedia News, 2018). Thus, consultation data included online survey responses published in chart form; written letters mailed in and scanned; emails sent in; and review guidelines printed off the website, written on and sent in. The latter three were consolidated into PDFs and all were anonymized and posted on a government website. Some emails referred to attachments, but there was no way to tell if the attachments were included in the assemblage. There were a few duplicates of submissions in the government collations – one with unique font sizes appeared three times and alerted me to the problem – but given the high number of pages, I didn’t weed out all the other duplications even though I would get a sense of extreme familiarity reading some of them. It was also impossible to get accurate numbers of, for example, respondents who were hunters vs landowners vs landowners who also hunted, because they were not asked to self-identify (although many did self-identify, enough that some trends could be observed because those

overall numbers were quite large). As well, unlike the surveys in Chapter Two, the respondents were not asked for any demographic information such as their stakeholder identity or region of residence.

The consultation does not seem to be a rigorous attempt to gather data to make decisions. In a comment to media, a social scientist from the University of Saskatchewan questioned the wording of the questions and said, “The data that's garnered from such an approach isn't really representative of the views and opinions of the population” (Taylor, 2018). There were a few critical comments in the consultation about the difficulty of answering the questions as well. So, “What is the problem being solved here?” as a participant asked. After the fact, political columnist Murray Mandryk, in a column in the province’s two major newspapers, asked, “Is there reason to suspect that the government is unaware that such surveys in this social media age can easily be swayed? Or could this be about a modern-day way of massaging public opinion by simply asking the kind of questions that draw a certain type of response?” (Mandryk, 2019).

### **Power and Framing**

Addressing the question of what issues the legislation was responding to, I chose to investigate the framing of the following actors due to their relative power, defined for this purpose as “the capacity of some actors to affect the practices and ideas of others” (Ribot & Peluso, 2003). In their seminal work “A Theory of Access”, Ribot and Peluso distinguish access – “the ability to benefit from things” (2003, p. 153) – from property, which is a right to claim benefits. In the case of trespassing legislation, these concepts are in opposition in some ways. Ribot and Peluso propose that different powers affect how people can or cannot benefit from resources. These powers may be employed through access to technology, capital, markets, knowledge, authority, social identities, and social relations (2003, p. 165). This framework is useful when describing the capacity of actors in the case of trespassing legislation amendments as public access rights are limited.

a) Rural interest group advocacy organizations: SARM, founded in 1905, represents the 296 rural municipalities in Saskatchewan. APAS (Agricultural Producers Association of Saskatchewan), established in 2000, is a voluntary, producer-run general farm organization with 134 rural municipalities as members. The Saskatchewan Wildlife foundation (SWF), established in 1929, is a non-profit charitable organization with over 32,000 members (many hunters) in 125

branches across Saskatchewan. The Saskatchewan Snowmobile Association (SSA), a member organization for snowmobile clubs, with 65 clubs in Saskatchewan, has been operating since 1971. These organizations are the ones featured in news articles on the legislation, with SARM and SWF providing the majority of content. Indicators of capacity may include number of members (authority, social capital, knowledge, social relations), media attention (identities, authority), longevity of organization (authority), frequency of consultation/interactions with government (authority, social relations, knowledge), economic impact (markets).

Missing from the list of significant affected advocacy organizations in Saskatchewan is the Saskatchewan Urban Municipalities Association (SUMA), which has not received any trespassing resolutions from members since 2006, did not comment in any media, and according to posted government data did not make a submission to the consultation. In media, government debates, and consultation submissions there is no mention of the effects of the legislation on or relevance of it to urban populations. Indeed, some consultation participants seem to think that urban areas already had more restrictive trespass laws (although some perceive any differences in behaviour as due to ‘culture’) when the 2009 law actually only prohibited unauthorized access on “enclosed lands” and “premises”<sup>6</sup>. Even though the law and amendment apply to urban dwellers as well as rural dwellers, there is no clear indication that, other than special interests in rural land like urban hunters, a significant number of urban people participated in the consultation. Of a certainty, no one in the consultation, advocacy groups, media, or government reflected on the amendment’s impacts on urban areas. The law and discourse around it are clearly focused on the concerns of rural people.

b) Official Opposition: The New Democrat Party, at the time of legislative debate, was the only other party in government, holding 13 of 61 seats in mostly-urban ridings except for two in the far north of the province. This limited presence erodes their authority somewhat although it grants them access to a decision-making forum. Other indicators of capacity are social relations, social identity, knowledge, and wealth.

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“**premises**” means lands or structures and includes the following:

- (i) water;
- (ii) ships and vessels;
- (iii) trailers and portable structures designed or used for a residence, business or shelter;
- (iv) trains, railway cars, vehicles and aircraft, except while in operation” (*The Trespass to Property Act*, 2009, s 2(e))



c) News media: For this study, data came mostly from local dailies but also some national news sources and an agriculture weekly. These included the Canadian Broadcasting Corporation (CBC); Postmedia papers such as the Regina Leader-Post, Saskatoon Star-Phoenix and the Globe and Mail; Global News; CTV; CKOM; and the Western Producer. Postmedia and CBC have the most capital resources as well as a local presence, extensive technology, and large markets. The Western Producer engages a specific concerned audience via social identity.

d) Indigenous spokespeople: The Federation of Sovereign Indigenous Nations (FSIN) is an elected body representing 74 First Nations in Saskatchewan. It is the only Indigenous organization whose position appears in the news media that I analysed. Doug Cuthand is an Indigenous journalist with weekly columns in the Star-Phoenix and Leader-Post.

Although I chose these actors to analyze because of their power and reach, this is not to suggest that others weighing in on the debate, such as consultation participants, were without power. Many undoubtedly belonged to one or more of the groups above, and even those who did not may have had the power inherent in private landownership in the province or varying layers of other privilege, whether acknowledged or not. However, they were not united in their public reach.

Two significant events influenced trespassing discourse and actions. In August 2016, Colten Boushie, a young Indigenous man, was perceived as a threat and shot and killed by a landowner when he and his friends drove into a rural farmyard (not an illegal action at that time) seeking either assistance or to commit theft, depending on whose and which evidence is believed. On February 9, 2018, the landowner, Gerald Stanley, was acquitted of second-degree murder. This case featured heavily in national and local media and narratives about private property rights and trespass played a significant role in media and public discourse (Van Wagner et al., 2018; see, for example, O'Connor, 2016). At the SARM annual meeting in spring 2018, Minister Morgan responded to delegate concerns about trespassing by suggesting that “the onus is on the property owner to say if you don't want hunters you have to sign the property...Maybe it should be the other way around that if you want to hunt on somebody's property you go and ask the homeowner first” (CBC News, 2018a). This foreshadowed the changes the government was to put in place.

The framing of issues in media, government, stakeholder and informal communications, and the presentation of certain issues and exclusion of others prepared consultation respondents

and ultimately justified the government's decision. In August of 2018, the government launched the consultation on the Trespassing Act amendment, prefacing it with 3.5 pages of preamble in the "Review of Trespass Related Legislation" (Government of Saskatchewan, 2018) that included the consultation questions. The preamble sets the stage by presenting four reasons that the Act should change to deal with unauthorized access: different regulations for different activities under other Acts are confusing, the public is concerned about rural crime, biosecurity is a concern (clubroot, invasive species, and outbreaks in intensive livestock operations), and access increases fire risk. The first three of those were taken up by the Star-Phoenix in a September 2018 article, the first one to announce the consultation (Postmedia News, 2018), and those three became the focus of government communications from that point forward. The preamble also spends 1.5 pages quoting Alberta's Petty Trespass Act, which at the time had slightly more restrictive regulations than Saskatchewan. The Act is used to argue that the "culture" of access in Alberta is more desirable. Unlike Saskatchewan's, it has not become "access unless expressly denied" but "access if expressly permitted" (Government of Saskatchewan, 2018, p. 3). Other language such as "reasonable public access" and "appropriate relationship" between interested parties supports this claim. The statement that no one is entitled under law to access others' private property is repeated twice. The document also spends half a page explaining the "[g]overnment's view" that First Nations and Métis hunting and fishing rights are not affected by the current act and will not change with proposed amendments. Appended to the document is a summary of other province and territories' legislation regarding trespassing (if any); Saskatchewan's ensuing amendment imposes stricter access rules than any other but is defended in legislative committee as "consistent with trespass legislation in Alberta, Ontario, Nova Scotia, and Prince Edward Island" (Saskatchewan, 2019d, p. 629).

In the legislature introducing Bill No. 160, Morgan said the amendment is "in response to increasing concerns regarding crime, property damage, and biosecurity... [and is] an additional tool to combat rural crime" (Saskatchewan, 2018, p. 5054). These concerns become the top concerns in the consultation data for proponents of the amendment. The very first email in the collated submission document sets out an opinion that may be shared by many: "I appreciate the well-written document on this issue that clearly lays out many of the issues around access to private land by the public." Those in opposition generally posit their stakeholder group as contributing little to these concerns and criticize the way the amendment limits access and

criminalizes a once-sanctioned activity. However, the topics the government introduced dominate the data.

## **Findings**

### *Rural Crime*

Rural crime was an issue brought up by all actors. SARM was active in linking trespassing to rural crime through their resolutions and comments in news media (Fraser, 2018a, 2018b). From 2015-17, SARM put forward several motions to lobby the government for change to the Trespassing Act to make permission mandatory because of property damage and biosecurity issues, which were mainly attributed to problems with hunters (Saskatchewan Association of Rural Municipalities, 2022). SARM's 2017 trespassing resolution was the first one to mention increased rural crime. At the 2018 annual meeting, SARM President Ray Orb said, "The rural crime rate in Saskatchewan was 36 per cent higher than the province's urban crime rate [in 2017] ... Tightening rural trespass laws will allow rural landowners and farmers precautions to protect their livelihood while increasing the sense of security and safety for their families" (CBC News, 2018b).

The government also mentioned the link between trespassing and crime in the legislature when introducing the bill, although they did not specify types of crime that were of concern other than property damage. The NDP, in contrast, talked about the roots of crime and asked how the legislation would actually address rural crime (Fraser, 2018c; Taylor, 2019). With the high visibility of the opioid crisis in the news, the NDP used the opportunity to attack the government on their opioid strategy, linking increased drug use to crime increase (Saskatchewan, 2019b, p. 5237). The government did not address the topic of roots of crime, but after the consultation in November Morgan told reporters, "I don't think people should assume that this is going to cure rural crime" (Fraser, 2018a). Safety is a related issue that appears in Hansard: the government said the law would promote the safety of both landowners and access seekers whereas the NDP, while acknowledging the issue of landowner safety, questioned how the trespass law will make things safer. Interestingly, safety as a motivation does not appear as much in the consultation comments as does property damage. When safety is mentioned, it is more often linked to hazards on the land that accessors would not know about than it is linked to landowner safety from

trespassers. On the other hand, personal safety was brought up by Indigenous commenters, as will be seen.

The majority of consultation participants who commented on rural crime referred to experiences (their own and occasionally others') of property damage such as cut fence wire and crop damage from vehicles, with fewer than one-third as many bringing up thefts. However, there are some more alarming personal experiences shared. One handwritten submission listed

[a]buses I have encountered under present system: fences cut, gates left open – cattle got out, animals (cattle) shot, hayland rutted up, crops driven over – loss of income, property stolen, my life (and family members) endangered by stray bullets from people shooting on my land when myself/family are in close proximity.

There were many comments on desired deterrents: “tougher” laws (“If we can get more strict laws in place then it would make people think twice before destroying property and trespassing”, “stiffer” fines (“there must be enough of a penalty or consequence for breaking the law to act as a deterrent”) and more enforcement. In contrast, the opinion that “criminals will find a way, always have” and “have more than proven that they do not care what the rules are” was expressed by several people. SWF Executive Director Darrell Crabbe echoed this opinion, saying “I don’t think anybody’s so naïve to think that adding trespass laws is going to change rural crime a great deal” (Baxter, 2018). Some added that the laws will only penalize law-abiding citizens and criminalize their actions. SARM, on the other hand advocated for increased fines both before and after the trespassing Amendment passed (Melnychuk, 2019).

The first reference relating increased rural crime rates to trespassing appears in resolutions passed at the annual SARM convention in 2017. Two resolutions refer to increased rural crime rates; one asked for increased penalties for trespassing and another asked the federal government to “expand the rights and justification for an individual to defend or protect himself, herself, and person under their care and their property” (Saskatchewan Association of Rural Municipalities, 2017). Another resolution that year mentioned the problem of agricultural thefts and asked for more RCMP resources to address it.

The news media, however, did not take at face value the claims that rural crime rates are increasing. A *Leader-Post* article, for example, says “[there is] a growing fear rural crime is growing worse” (Fraser, 2018b). Another reporter writes, “The amendments are in response to complaints of an increase in rural crime” (Risom, 2019). The *Western Producer* cites a Statistics Canada report that found crime is higher in rural than urban regions in 2017, but also points out

crime rates were lower in both regions than in 2009 (Briere, 2019). There is a question of how much of the focus on rural crime is due to threat or to perceptions, as this focus informed ideas of what law “should do”.

It is, of course, complicated to arrive at crime rate numbers. Statistics Canada utilizes crimes statistics from police and courts and also uses the GSS victimization survey that surveys Canadians about their experiences as victims of crime (Perreault, 2019). The latter is necessary because “Crimes that are not reported or recorded [...] account for the majority of criminal incidents” (Cotter, 2021, p. 4). However, perceiving incidents as minor or not important or causing no harm were the most common reasons for not reporting crimes to police (Cotter, 2021).

Rural legal geographer Pruitt (2014) shows that force of law is more difficult to maintain in areas with low population density that are physically and cognitively distanced from state agents. Complaints about lengthy police response times in rural areas are very common as RCMP detachments are far apart (CJME News, 2017) and support the idea that there is a lack of enforcement relative to urban areas. In 2006, when population statistics were last grouped regionally by the Ministry of Health, there were 2.8 people per square kilometre for the central region of Saskatchewan, and approximately 3 people per square kilometre for the southern regions (Saskatchewan Ministry of Health, n.d.). Nonetheless, Statistics Canada shows that rural crime, while greater than urban crime, dropped in Saskatchewan from 2009-17 (Perreault, 2019) and again in the southern half of the province from 2017-2021 (Risom, 2021). Property damage and theft were not outsized; “[t]he higher crime rates in rural areas were mainly due to high rates of physical assault, mischief and disturbing the peace” (Perreault, 2019, p. 4).

While Pruitt focuses on rural factors of isolation, distance, and density, this is in comparison to urban areas. In Saskatchewan additional factors must be considered when comparing different rural areas. According to the RCMP, crime rates were up in one of three rural districts from 2011-2017 – the central region – but down in the north and south districts (CJME News, 2017). This area of the province is not the least densely populated, nor are its communities the furthest from RCMP enforcement detachments. There are other possible correlates such as relative concentration of minority populations, greatest clubroot incidence, hunting pressure, and even tree cover. Unfortunately, the trespassing amendment consultation data has no geographical breakdown of responses to be able to compare regional attitudes about

crime – and in the end, the mechanical law put in place took no consideration of geographical distinctions.

The central district is also the area of the province where the creator of the now-defunct Facebook page Farmers with Firearms lives. This group, founded in 2016 shortly after Colton Boushie's death, asserted on its "About" page: "We will protect our belongings and fight if need be! If the RCMP response time is delayed in anyway we will take matters in our own hands!" (Out In The Open, 2017). This may illustrate the ethos of self-reliance that Pruitt (2014) attributes to those far from legal infrastructure. What Flynn and Van Wagner (2020) refer to as "poorly informed ideas about the [legal] right to defend private property using violence", a misunderstanding of Canadian laws and the influence of American 'stand your ground' cases, may also play a role. As well, there is a body of research on rural crime that argues that fear of crime is more about the extent of social change in an area and perceived threats to the status quo (Scott et al., 2012; Yarwood & Gardner, 2000). In this case, the status quo is the white settler cultural and spatial construction of rurality which is both material and imaginative. Challenging this construction, the past decade has seen the widespread acknowledgement of the Truth and Reconciliation Commission findings, the normalization of land acknowledgements, curriculum changes, and increasing recognition of treaty rights (Office of the Treaty Commissioner, 2022; Schick, 2014). Scott et al. (2012) also argue, which is borne out in much of the rural crime data in Saskatchewan, that fear of crime typically does not reflect but exceeds real risks. Strong emotions tend to influence beliefs, which allows people in positions of status, such as the president of the Prince Albert Rural Crime Watch, to argue that despite the RCMP statistics, he knows rural crime has increased because of personal reports on local social media (Risom, 2021). Interestingly, while many consultation participants deplore the lack of enforcement in their communities, and there is some alienation from the law and desire to take law into one's own hands as Pruitt expects (2014, p. 207), the majority advocate for law to become more present in their lives via stricter legislation and enforcement.

Despite the regional differences in crime rates, the mechanical law proposed applies to the entire province. This assertion of jurisdiction was not strictly necessary; municipalities have the ability to create their own bylaws around trespassing. However, private property regimes simplify complex relations (Van Wagner, 2017) and in this light a consultation participant argues, "it is immediately a responsibility of the government and the people to respect the

property boundaries that provide order to our rural environment”. Private property rights, properly legislated and enforced, are seen as the basis of a peaceful and orderly province.

### *Biosecurity*

Biosecurity was one of three main reasons for changing the legislation brought up by the government in the introduction to the bill. While SARM did mention biosecurity as a concern, it was a lesser focus than rural crime (CBC News, 2018b). In contrast, APAS had two resolutions about trespassing from 2012-17 and both focused on biosecurity, asking in 2017 for single legislation regarding trespassing, more restrictive access to private land, and an increase in fines for trespass (Agricultural Producers Association of Saskatchewan, 2020). Three quarters of APAS’s submission to the consultation focused entirely on biosecurity and the financial implications of the spread of disease and weeds. Their requests of the government were for legislation to require permission for access on all cultivated and enclosed lands, increase fines to a maximum of \$10,000 as a deterrent, and increase enforcement. Biosecurity is a common concern in consultation submissions as well, with the number of references slightly more than safety and slightly less than property damage. Many simply mentioned the issue, but a number linked it to livelihoods as in comments like this one: “Our future livelihood depends on being able to grow canola disease free and also prevent noxious weeds from spreading”. In particular, clubroot is singled out as a concern. It is a soil-borne disease affecting genus Brassicaceae, including the crop that is #1 in acreage in Saskatchewan, canola (Statistics Canada, 2021). Clubroot has been found in forty-six rural municipalities in Saskatchewan in 2021 (Agriculture Knowledge Centre, n.d.). Submissions largely blame recreational vehicles for the increasing risk, mainly all-terrain vehicles.

In Hansard, the New Democrat party challenged the government on whether a trespassing law would really help increase biosecurity. MLAs argued that diseases are spread by wild animals and that a prohibition on vehicles, rather than all accessors, would address concerns - arguments that a few consultation submissions and the SWF put forward as well. The Saskatchewan government argued that restricting soil movement is the best way to prevent and mitigate clubroot spread. Interestingly, the Government of Alberta, which is still dealing with an earlier and more widespread infestation of clubroot, stated that “Soil tillage equipment represents the greatest risk of spreading the disease...contaminated equipment is the predominant spread mechanism” and only 2 of its 12 management recommendations have to do with movement of

soil; at this point, they are focusing more on crop rotation and clubroot-resistant canola varieties (Government of Alberta, 2021). Again, Justice Minister Morgan framed the law as “a tool” not a “silver bullet” in the case of both biosecurity and rural crime (Saskatchewan, 2019d, p. 630).

Arguments about biosecurity frequently co-occur with an economic rationale for private property rights. There are frequent references to livelihood and the opinion that landowners should have absolute control over access to their land because they bought it and/or they pay taxes on it and work(ed) hard to do so. One respondent wrote, “The land our blood & sweat has paid for is ours!!! & may I suggest like homeowners yards in the city!!! I’ll repeat ours bought & paid for” and signed it “land owner & tax payer”. Another said, “I work two jobs to pay for my land. I bought it. I take care of it, I pay taxes on it every year but now I have to sit back and watch other people, that I have no idea who they are, have access to it.” These arguments suggest that income-generating agriculture is the highest land use – the labour input and ‘improvement’ of land that Locke felt entitled one to property (Locke, 1980). In an article on farmer responses to biodiversity law reform in Australia, Bartel and Graham show that farmers’ resistance to the law reform is based on an idea of private property rights that “equates land ownership with entitlement to its potential commercial profitability” (2016, p. 270). Indeed, they argue that the main function of land in Australia boils down to a phrase uttered by Lord Coke in 1628: “For what is land but the profits thereof?” (p. 272). Not only is property profit in this case, but also the entitlement to exclude others from access to the resource generating the profit. These consultation participants see the right to exclude as absolute – or thinks it should be and attempt to influence the law to grant them those rights.

### *Racism*

While the importance of a land-based livelihood is an idea that ties into settler conceptions and history of land use, there is another possible reason from the data that restrictions on non-owners are supported. Racism is notable for both its presence in some fora and its absence in different fora. At the beginning of legislative debate, the NDP linked the legislation to racism. In the first week after its introduction, Opposition MLAs said the legislation “calls to mind the death of Colten Boushie and the Gerald Stanley trial, and ... some very serious, unresolved racial tensions in our province” (Saskatchewan, 2019a, p. 5208) and that “It comes forward in a broader context ... of the division that comes with racism, the division that comes from this colonial legacy... from neighbours being set against neighbours”



(Saskatchewan, 2019c, p. 5289). However, while the NDP brought up the effect of the legislation on treaty rights<sup>7</sup> and lack of consultation with First Nations in almost every legislative session, they quickly shifted away from mentioning racism and added hunters to the list of stakeholders that weren't consulted. The government did not mention racism or tension at all. Minister Morgan insisted treaty rights would be respected in the law, FSIN was consulted, and FSIN could call the minister if they want to talk about it further (Saskatchewan, 2019d).

In several articles, the news media linked the proposed trespassing legislation explicitly to racism in rural areas. Headlines include “Trespassing legislation 'dog-whistle politics” (Fraser, 2018c), “Most support changing Sask. trespassing laws after Colten Boushie death” (Canadian Press, 2018), and “Indigenous people worry Sask trespassing plan may stoke racial tension” (Malone, 2018). In the latter, the Boushie family’s lawyer expressed worry that vigilante justice has received approval and Indigenous people aren’t confident that police will protect them. A couple articles do not make the link explicit, but bring up Boushie’s death, as in this sentence at the end of a CBC article about the government position on the possibility of the legislation infringing on treaty rights: “The trespassing legislation comes more than two years after Colten Boushie, a 22-year-old Indigenous man, was killed on a farm in rural Saskatchewan” (CBC News, 2018d). Doug Cuthand, writing a month after the consultation, drew the connection more closely. He wrote, “a closer look [at the legislation] reveals that it is problematic for hunters and contains the stain of racism”. He suggests changing demographics may also be playing a role in exacerbating racial tensions: fewer, bigger farms and an increasing First Nations population. He calls the consultation an “unscientific survey” and concludes that “This legislation is just one more attempt by the Saskatchewan Party government to appeal to its rural base and pander to the fear and racism that exist in this province” (Cuthand, 2018).

The Farmers with Firearms founder, while acknowledging racism exists, suggests the media stirs it up and makes more of it than it is. He says, "In our area, it don't matter what colour you are. There's theft for every ethnic group” (Out In The Open, 2017). *The National Post* begins a 2016 article on frustrated farmers arming themselves thusly: “Barry Kidd understands that you just can’t go around ‘shooting people,’ but he also knows that what is his, is his, and that he

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<sup>7</sup> According to the Saskatchewan government, treaty rights mean First Nations and Métis “may hunt, fish and trap for food purposes [not including sale] at all times of the year without a licence” in specified areas of the province. Treaty rights have been the subject of frequent court cases and the government’s interpretation is not uncontested.

works hard, and that people coming onto his farm in rural Saskatchewan and looking to steal something — or worse — are people he is not about to back down from” (O’Connor, 2016). The defense of property is a key theme in these narratives. The same article quotes a sociologist from the University of Saskatchewan who calls race in this issue the “elephant in the room”.

In the aftermath of the Stanley acquittal, some sympathetic farmers spoke to the *Star-Phoenix* (“It could have been me”, Purdy, 2018), positioning Stanley as a victim whose person and property were disrespected. One farmer said that if he or his family were in danger, he would take out a gun: “As a male, I have to protect my family” (Purdy, 2018). A SARM delegate’s call for changes to the trespassing legislation came a month after the Stanley acquittal and a year after SARM delegates voted 93 per cent in favour of a resolution to lobby governments for expanded rights to defend one’s self and property. Delegate Kurtz said the Stanley case was not the reason he asked the province to review the law, but “it’s in the back of everybody’s minds” (Bridges, 2018). Nonetheless, SARM president Ray Orb denied any links to the Stanley case, asserting that his membership had concerns about the original legislation when it was passed in 2009 (Bridges, 2018).

The FSIN’s position was communicated primarily through the media. In many news articles, the FSIN focuses on treaty rights, arguing that the legislation is “contrary to treaty” (Narine, 2020) because the changes to require permission could interfere with Indigenous people exercising their treaty rights. (CBC News, 2018c). As early as 2018, FSIN threatened legal action against the legislation and according to their website are still looking into it (<https://www.fsin.ca/lar/>). While treaty rights are the main concern, Chief Cameron and Vice-Chief Bear did bring up racism. In a *Windspeaker* article, linking the trespassing legislation to other challenges to treaty rights, Cameron said, “We’re living with certain governments who will appeal the killing of a moose or an elk, but they won’t appeal the killing of a young First Nation boy. That alone (shows) there’s something wrong with this society, something wrong with the justice system. And it’s pure racism is what it is” (Narine, 2020). In 2019, Bear called the legislation a “knee-jerk reaction” to the Gerald Stanley case (White-Crummey, 2019a). Despite the many articles about FSIN’s reaction to the amendment, very few looked more than superficially at treaty rights. The interpretation of treaty, common to Saskatchewan First Nations, of “sharing the land” rather than owning and accessing (Cardinal & Hildebrandt, 2000) did not get any mention in the media, which is the gatekeeper for publicly accessible FSIN comments.

Lawyers Gunn and McIvor (2018) point out that not only does the new legislation not seem compatible with past court decisions on treaty rights, such as *R v. Badger*, but also is at odds with “the purpose of treaties themselves”: Indigenous entitlement to use territories as they had previously. They suggest that the legislation will “contribute to misunderstandings” about treaty rights to hunt and “increase the potential for further conflict” (Gunn & McIvor, 2018). Cuthand concurs, stating that unless treaty promises to share land are taken up, First Nations people’s safety is threatened “as property rights trump human life and our treaty rights are ignored” (Cuthand, 2019).

The consultation data has almost no mention of racism or race-related topics. The concerns are framed around issues connected to recreational users. The primary reference regarding Indigenous people is to treaty rights: almost half of the comments that pertain to Indigenous people argue that the law should apply to Indigenous people as well. “This should also apply for First Nations and Métis no special conditions” and “make it law for all people that includes indigenous peoples too” are examples. This is posited as equality. One respondent went so far as to suggest that everyone following the same rules is in “the spirit of reconciliation which is a two way street”. There are also a few references to the Stanley case, outright such as “Just like the Stanley case they clearly were trespassing up to no good and the landowners pay the price life destroyed because no one respects private property”. Another is suggestive: “It is all too clear what rural families have to deal with when they are alone to protect their family & property... they become the criminal & the real criminals become the victims.”

In their book about colonial narratives in the Stanley trial, noting that race relations were not brought up in the proceedings, Starblanket and Hunt write, “In our interactions with non-Indigenous institutions and populations, Indigenous peoples often find that matters of race and colonialism are deliberately left out of the picture, despite the undeniable existence of racial tensions and ongoing colonial dynamics on the prairies” (2020, p. 64). Race is notable by its absence, or the denial of its relevance, in some fora. Also silent is the spatial violence of dispossession that undergirds the authority of settler landowners. Smith argues that “Racism materializes in social activity and thus we must remain attentive to social formations and material conditions within which ideas are promulgated” (2015, p. 870). The material manifestation of racism is evident in land ownership statistics. Reserves make up 2% of Saskatchewan’s land but the First Nations population is 16%. It is not difficult to imagine a

possible future where the freedom of movement of Indigenous people exercising treaty rights will be curtailed by the trespassing law that gives private landowners the ability to reject requests to access land. Perhaps, as Doug Cuthand suggests, emboldened landowners will police their lands and those of neighbours (2018). In Smith's article about opposition to migrant worker housing in Ontario, racism is shown to "solidif[y] what could be termed the racialized 'propertied citizenship' foundations of the regime and wider social relations" (2015, p. 898). Settler colonialism's legacy of private landownership and exclusion is strengthened through this trespassing law and requests and justifications for self-defence rights for landowners. While Nick Hayes says that in England, for private property supporters "It is not enough to draw a map, or put up a sign, or lay some hedges – the border must be defended" (p. 250), Saskatchewan trespassing law has gone even further. Private land is so protected from incursion that there is no longer a requirement for the material presence of fences or signs to delineate it; unless otherwise indicated, all land must be assumed to be private and access prohibited. In light of that, the requests for 'self-defense' take on an aggressive light.

### **Making Legal Consciousness Explicit**

The three elements of co-creation, the legal, spatial, and social, may be summed up: The amendment (legal) was supported and passed through social elements such as the consultation and stakeholder support for it cited by government, racial pressures, and interpretations/perceptions of rural crime. Social aspects influenced the legal decision of who is excluded from access and protection and who is not. Spatial elements influencing perspectives on the amendment include the emptying out of rural areas, the spread of clubroot, and the distances of rural citizens from law enforcement. The proposed amendment foreclosed more expansive property relations and removed the need for physical indications of ownership.

With both the government and the Opposition supporting the private rights of landowners in their discussion of the trespassing amendment, it is unsurprising that very few actors' arguments/positions challenged what it means to hold property in agricultural land. In the main, private property rights were reinforced and extended through legislation and discourse. When the amendment was challenged, it was almost always on less fundamental issues, by and away the largest being the practical difficulties of contacting landowners.

The consultation data is revelatory of what people see as the role of law in property rights and in their property relations. This was seen most clearly in comments about what the law *should* do. There was much insistence on bolstering the mechanical aspects of trespassing law. There are respondents who stressed that the law must be clear and simple, with no “room for interpretation (grey areas)” to “decrease confusion”. “Simple rule, not yours, get off”, one summarizes. When these proponents went into specifics, they indicated not wanting distinctions based on activity, type of land, or user status. Proponents arguing that First Nations people should be treated the same as other non-owner land users framed their argument around notions of equality, e.g., “I will also add that I see there will be no permission needed for aboriginal or matis[sic] peoples. That is completely unfair and bias. One set of rules for all.” A few argued that the police will be more likely to want to enforce a simple law and that a complicated law only helps the bank accounts of lawyers. These arguments are almost always used to support the trespassing amendment (a few suggest that “post it if you don’t want people to access it” aka the pre-amended law, is the simplest). They expect laws should be capable of addressing every eventuality and that enforcement will be consistent.

Landowners, however, were not to be equal with non-owners under the law. Many consultation participants took an owner’s right of absolute control over private property as a given. “If you dont own the land you have no right being on it for any reason what soever”, one asserted. Another self-identified property owner wrote, “I cannot believe the rural property owners have not had this right all along.” Others prioritized rights of landowners over recreational users: “why would their rights trump landowners. They have right to have fun, the landowner has the right to restrict use to preserve the natural state, keep contamination away, and many other reasons. And they pay the tax on the land, who else should have the right to access, and to grant it if not the owner.” There are many who clearly believe that the right to exclude any and all under private property is self-evident, illustrated in quotes that thoroughly link private ownership of property with absolute control such as the common response “private property is private property” and the singular response “It is a no brainer private property is private stay off!!!!”. This right is a non-negotiable, bedrock assumption beneath the trespassing law for these participants.

Discourse often contrasted rights with entitlement. In the case of many landowners, or those supporting the amendment, in consultation comments a “sense of entitlement” was used to

refer to recreational users who do not ask for permission to access land and who (it was assumed) think they inherently deserve special privileges. This is a fairly recent vernacular shift from the meaning of entitlement as “longstanding, structured, collective privilege...socially legitimized as a ‘right’” (Mackey, 2016, p. 9). In this light, it can be argued that recreational users indeed had a longstanding, socially recognized right of access to private lands. In the Snowmobile Act (1978), the first provincial Act regulating rural recreational activity, access is implied as this law requires landowners to post land to prevent access. Thus, the claim that “the culture in rural Saskatchewan has become one of ‘access unless expressly denied’” (Government of Saskatchewan, 2018, p. 3) actually refers to a change that occurred (if it did) many decades ago. However, much perception is, as this participant claimed, “society has changed so much from one of mutual respect for what is owned by someone else to what is now a sense of entitlement.”

Proposing an idea that is, under the amendment, counter-hegemonic, some consultation participants supported the idea of implementing a “right of public access” or “freedom to roam” as seen in many northern European countries. One argued for rights for the less-advantaged thus: “in Sweden the basic right is one of free access. This survey is starting from the assumption that the privileged (i.e., those holding property and economic power) have the rights” ending with a perhaps rhetorical question, “are those for whom the laws are written?” Another wrote, “this looks like erecting barriers, restricting the rights of citizens other than farmers and ranchers, and discouraging access even for compatible activities”. Addressing the idea of conflicting rights, one hunter asked, “What is appropriate right of access to provincial Crown resources [wildlife] on private property?” In the consultation data, while ‘responsibility’ was mainly paired with the idea that people should respect owners’ land, a lone voice argued, “The right to own land comes with responsibility as well as rights. There is no crying need to change the law; only the selfish cry of a few would-be kings!”

These challenging comments aside, most of the objections to the law did not contest private property rights but raise practical concerns regarding the law based on their experiences. They show that people “seem to live in much more complicated, fluid and hybrid worlds when it comes to categories such as property, which relies upon clarity, order and fixity” (Blomley, 2005, p. 294). The main concern is with the difficulty of gaining permission. There are numerous comments about the impossibility of contacting corporate/absentee/numbered company owners,

reaching owners who have cell phone numbers that aren't in a telephone book, or having to rely on outdated maps of rural municipalities that list owners. Unsurprisingly, these concerns were overwhelmingly raised by recreational land users and stressed by representatives from the SWF and SSA (CKOM News, 2018). They stated that the amendment would have a significant negative impact on their members' activities, substantiated by many consultation comments. Some hunters' personal stories referred to family tradition, the culture of being a good (respectful) hunter, and respect for the land. Equally, some landowners spoke of their stewardship of the land and care for living things on it. Along with practical concerns, these complex, grounded relations with land are not addressed by the simple binary of owner/non-owner in trespassing law (Van Wagner, 2017). That simple binary, in the end, won out; access is inhibited and the few challenges to private property rights did not gain any traction.

## **Conclusion**

The hegemony of the private property regime in rural Saskatchewan has not only been bolstered but enhanced through the process of the passing of the amended Trespass to Property Act in 2019. The public consultation, a scientifically unsound information gathering attempt, offers a veneer of democracy in order, as Kedar says of ethnocentric settler states, "to preserve the hegemony of the dominant groups" with a claim to fairness (2003, p. 437). It allowed Justice Minister Morgan to say in committee, "to those 1,600 people that participated, I recognize and I accept their democratic rights. I'm not prepared to throw them aside" without changing the amendment to address any concerns by the Opposition, SWF, or many consultation respondents (Saskatchewan, 2019d). The government ignored issues that were brought up such as racism, roots of crime, and inaccessibility of landowners, and minimized concerns about treaty rights.

A legal consciousness approach reveals the beliefs of ordinary people who engage with the tension between ownership and access rights/entitlements. Hot-button issues such as rural crime and biosecurity are employed to support restrictions on access in the name of safeguarding property, people (often in that order), and livelihoods. Actors reinforce private property through talk about rights with almost no acknowledgement that rights are limited and with the assumption that landowners should have absolute right of exclusion. As Kedar (2003) has described in other ethnocentric settler states, the legal system creates tools to erect barriers to non-

owners' interests in land – in his examples, procedural rules and burden of proof, in this case, requirement for permission and uncertainty over treaty rights.

Here we see as Harris (2004) does in his work on colonial dispossession in BC, law as a technology of discipline. It is also a simplification of a property regime. Land is less a network of relationships, more 'property as thing owner has rights to'. As Blomley (2017) points out, social privileges and power are distributed to those with property rights. Or in other words, as Kedar puts it, "By reconstituting settler's cultural biases and power relations into formalized rules such as property arrangements, law plays a significant role in the legitimation and endurance of ethnocentric settlers' regimes" (2003, p. 414). Data analysis shows that the settler-colonial private property regime is maintained and reproduced through regulation, legitimation via discourse and norms, authority, social identities and social relations, and violence or the threat of it. This case of trespassing amendment cannot be understood outside of the structure of settler colonialism rooted in violence that reproduces and maintains private property and the discipline it imposes; the system of private property set up in and maintained through settler colonialism, and its perpetuation through this trespassing law, cannot be anything but racist. Property does not only create a class of dispossessed, but an owning class that may be, by the nature of the regime, unethical. "Property's logic of severability [bounding and excluding] ... produces an ethic of dehumanization" (Blomley, 2011, p. 212) and helps us "imagine property as a space of individual autonomy, detached from broader ethical and practical entanglements" (p. 216). In the private property regime of Saskatchewan's agricultural land, increasingly, only the rights of the owner matter.



## **Chapter Four: Stakeholders Negotiating the Common Good in Alternative Grazing Land Access and Tenure Models**

We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect. (Aldo Leopold, Sand Country Almanac)

Land may be garden, field, forest, pasture, house site, beach, mountain, wetland, park, and mine. Land may be home, territory, nation, ancestor, relative, resource, means of production, soil, or dirt. To those who rely most directly on land for food and livelihood, it can be a resource for physical and cultural reproduction, a space, and a territory, the latter implying a cultural/historic link of belonging to a certain space (Borras et al., 2015). Others may see it as a resource to sustain the accumulation process of the dominant food system (Borras et al., 2015), a commodity (Mansfield, 2007), and in its most reduced conception, a portfolio asset (Brent & Kerksen, 2014; Gunnoe, 2014) where the relationship is simply one of absolute owner to object.

Growing up on a small mixed farm, my primary affective and sensual memories of land as a child involve the native prairie in the coulee below our farmyard (just out of sight of the house), between two of our fields. Finding the first crocuses in spring always on a particular hill, picking saskatoons, avoiding the prickly pear cactuses, sword fighting with and making arrows from cattail stalks, birdwatching, picking scarlet mallow and buffalo bean blossoms, hunting for bison bones or arrowheads, tobogganing down hills in winter, bringing the milk cow home in the evenings along the trail near the fence line. It was a far more multifunctional land for us children than the more extensive cropland holdings, which we went on to pick stones, or drove over to get to saskatoon patches, or – as we got older – helped harvest, driving the grain truck in dust and heat. As a child, I also took on my father's adversarial yet ultimately resigned attitude towards the climate. In the 1980s there was a prolonged drought in the prairies and in the 80s of my memory it never rained, crops were thin and barely a foot tall. Snowdrifts in winter (on the rare occasions we had significant snow cover) were blackened by dirt blowing off the fields. In some ways, the land became adversary; margins were tight, interest was sky-high, and the living, I understood, was meagre. Yet, the positive affect remains. Prairie, for me, is home, with all the customary associated complications.

This is the first chapter based on primary data which I collected via interviews and participant observation. This is also the first chapter where I viscerally experienced my research

environment – getting stuck off a grid road and requiring a tow in -40° weather, sitting at the kitchen table with interviewees with their ancient cat in my lap, and enjoying locally sourced food at several rural cafés. My farm background helped me feel more comfortable in these situations and perhaps helped interviewees feel a bit of a connection to me. Some wanted me to speak up and tell people about the positive effects of their farming operations, others connected through similar childhood experiences, and yet others through a mutual love of the prairie.

The multifunctionality I have attempted to illustrate above is a concept largely used in agricultural policy, whose roots Renting et al. (2009) trace to a number of different organizations in the 1990s-2000s such as the OECD, FAO, and the EU via its Common Agriculture Policy. Multifunctionality refers to the products of agriculture beyond food and fibre and “puts value on the non-commodity social, environmental, and rural development outputs of agriculture” (Skogstad, 2012, p. 23) that are generated by dynamic processes operating at different scales (Renting et al., 2009). The concept is often applied in “market regulation approaches” (Renting et al., 2009, p. S114) with a distinction made between public and private goods. The market-based approach to valuing ecological goods and services (EGS) is one example of an application of the concept. However, there are other approaches that look at a wider scope of functions in the context of changes in agriculture and society, such as social cohesion or quality of life, that are often overlooked or underdeveloped in policy evaluation. What Renting et. al (2009) call “actor-oriented approaches” use this wider scope to understand decisions actors make at the farm level.

This chapter takes up the private-public divide seen in unsettled debates between those who argue (bluntly put) that a system of private property rights allows human development to flourish (e.g., de Soto, 2003), versus those who argue that private ownership disregards shared responsibilities and broader community interests (e.g., Geisler & Daneker, 2000a) including environmental benefits. The research investigates alternative grazing land access and tenure models in Saskatchewan and Manitoba – those outside of private, individual ownership – through interviews with participants and advocates. An expansive concept of multifunctionality is employed in an actor-oriented approach grounded in the broader scale of the political economy of the livestock industry in the Canadian prairies in exploring the following primary question:

- How do stakeholders in alternative grazing land access and tenure models negotiate the multiple and sometimes competing functions of agricultural land in economic

development, food production, conserving and enhancing ecological resources, recreation, cultural heritage, and more?

## **Methods**

The research for this chapter took place in the agricultural regions of the Prairie provinces of Manitoba and Saskatchewan (the former truncated, and Alberta omitted, because of COVID-19 travel restrictions). Originally, I aimed to select 3-4 sites of alternative grazing land tenure (e.g., Big Grass Grazers Co-op, Lone Tree Pasture) in each province, conduct interviews with 7-10 participants or advocates for each site, and review grey literature and other documents related to the genesis and functioning of each. However, it soon became apparent as I conducted fieldwork that alternative grazing models were far more complex than I expected. Participants often participated in several models and had multiple roles, and categories such as “collective group using Crown land” not only involved both co-operative pastures and former PFRA pastures, but differing structures, practices, and goals within each of those two subcategories. In the end, I decided to classify the models by ownership type and use and investigated four models in several sites: Crown leases, grazing co-operatives, former PFRA pasture grazing collectives, and conservation land leases (see Table 1). Ownership types include private and public, neither of which were individual. Crown land is used both by individuals (Crown leases) and collective grazing organizations (grazing co-operatives, former PFRA pasture patron groups). “Third sector” ownership, a term used mainly in the United Kingdom but accurate here, is private ownership by non-governmental, non-profit organizations and in this study consists of conservation organization-owned land leased to individuals.

To recruit participants in these models, I began with contacts in industry and conservation organizations and employed snowball sampling. I also scoured news articles and contacted reporters who wrote about these models. To find stakeholders (those who state an interest in the models, have partnered with them in some way, or are involved with related industry or interest groups), I looked in news articles and for organization websites (e.g., grazing, conservation, ranching representatives, specific livestock groups). I had some ideas of who some of these would be from my involvement since 2012 in Public Pastures-Public Interest (PPPI) advocacy. Thus, I spoke with representatives from Nature Saskatchewan, Nature Conservancy of Canada (NCC), Community Pasture Patrons Association of Saskatchewan (CPPAS), the

**Table 1***Four Models of Ownership Type*

<b>Model</b>	<b>Ownership and Use</b>	<b>Examples</b>	<b>Lease length</b>	<b>Requirements of Lessees</b>	<b>Goal of Lessor</b>
<b>Conservation Ownership with Leases</b>	Fee simple ownership by organization, offer leases for grazing and haying	Nature Conservancy of Canada	1 year at first, then 3-5, have gone up to 10	Abide by stocking rates, use dates, other environmental goals	“conservation of habitat for all species in perpetuity” – Kylie McGregor, NCC
<b>Crown leases</b>	Province holds lands ‘vested in the Crown’, offers agricultural leases to individuals	Saskatchewan	Up to 33 years, right to renew	Actively manage land for agricultural purposes	“To provide a means to manage agricultural Crown land in a sustainable fashion” <sup>8</sup>
		Manitoba	Past: 50 year lease Present: 15 year lease, can transfer lease with farm sale within family	- must engage in agricultural production “in a manner that supports the long-term productivity and sustainability of the lands” <sup>9</sup>	“sustainable expansion of the livestock herd in Manitoba, [...] EG&S, and ... mitigation and adaptation to climate change” <sup>10</sup>
<b>Cooperative pastures</b>	Province holds title, offers agricultural leases to a cooperative	3 anonymous Saskatchewan cooperative pastures	Up to 33 years	Detailed annual reports (grazing, invasive species, livestock grazing allocations, schedule of maintenance repairs)	Not available in government documents
<b>Former PFRA pasture grazing collectives</b>	Province holds title, AMCP non-profit holds Crown lease	Association of Manitoba Community Pastures (AMCP)	AMCP management guaranteed by government		“enhancing and supporting the livestock industry by providing high quality grazing balanced with sustainable rangeland stewardship” <sup>11</sup>
	Province holds title, leases to collective entity	Saskatchewan pastures	15 years	Detailed annual reports like cooperative pastures	

<sup>8</sup> <https://publications.saskatchewan.ca/api/v1/products/100674/formats/111195/download>

<sup>9</sup> [https://web2.gov.mb.ca/laws/regs/current/\\_pdf-regs.php?reg=152/2017](https://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=152/2017)

<sup>10</sup> <https://www.gov.mb.ca/agriculture/land-management/crown-land/index.html>

<sup>11</sup> <http://pastures.ca/>

National Farmers Union, PPPI, Ducks Unlimited (DU), Manitoba Forage and Grasslands Association, Manitoba Association of Community Pastures, and four other anonymized organizations. Contact was made in two ways: 1) through publicly provided information and 2) through a snowball method - participants passed my contact information along to people they thought might be interested in participating so they could contact me. As Sadler et al. (2010) indicate, this purposive sampling method engenders trust, making it more likely participants will speak with a researcher, an effect that I experienced in my master's research with a population of prairie farmers.

The selection of models relied partly on who could be reached, as contact information was occasionally hard to come by. Former PFRA and co-operative pastures often did not have contact information publicly available. Despite that limitation, I attempted to prioritize model selection based on longevity, scope of its activities, number of participants, and extent of common good/public interest served (variety of stakeholders). The models were also chosen for their differences from each other in order to see differing approaches to issues. I attempted a geographical spread as models functioned differently based on the type of agriculture prevalent in the location and features of the bioregion (see Table 2). My fieldwork trips were located primarily in the southern and central parts of agricultural Saskatchewan and in southwest Manitoba, as my fieldwork was curtailed before I could visit the Manitoba Interlake region. The conservation organization lands were found in all arable regions of Saskatchewan and Manitoba although some had more of a presence in the areas that more naturally serve their interests (e.g., Ducks Unlimited has a smaller presence in the driest areas). One area, southwestern Saskatchewan, is overrepresented in number of ranchers interviewed. The agriculture there is primarily ranching because the area has a high concentration of Crown agricultural land and land under the Wildlife Habitat Protection Act, as well as the largest former PFRA pastures. In my fieldwork, people in that region were eager to connect me with others to talk to. Regional particularities have served as a caution against generalization.

I completed interviews with 32 participants: 24 in Saskatchewan and 8 in Manitoba. Fifteen primarily identified as ranchers. Four of these were women, a number that almost met Statistics Canada's proportion of 30% of farm operators, although in some participants' families while the couple clearly ranched and/or owned land together, the man still gave the interview and had a more formal role such as board member in an alternative model. Seventeen interviews

were with industry or conservation advocates or employees of grazing models. Interviews were carried out in a place of the interviewee's choice: in a public place such as a coffee shop or community centre, in an office, at the participant's home, or over the telephone. The provision of choice helps interviewees feel comfortable and can provide them with an element of privacy or safety.

**Table 2**

*Participants, Roles, and Models*

Name	Province	Primary Role	Models
Duncan Morrison	MB	Manitoba Forage and Grasslands Association employee	
Barry Ross	MB	AMCP employee	
Anonymous	MB	industry org employee	
Anonymous	MB	industry org employee	
Anonymous	MB	industry org employee	
Anonymous	MB	rancher	Ducks Unlimited lease
Matthew Atkinson	MB	rancher	Crown lease
Anonymous	MB	conservation org employee	
Anonymous	SK	conservation org employee	
Lorne Scott	SK	conservation org rep (multiple)	
Ian McCreary	SK	CPPAS rep	former PFRA pasture with NCC partnership
Michael Champion	SK	Ducks Unlimited employee	
Andrew Hak	SK	Ducks Unlimited employee	
Cathy Holtslander	SK	National Farmers Union employee	
Jordan Ignatiuk	SK	Nature Saskatchewan employee	
Krista Ellingson	SK	NCC employee	
Kylie McGregor	SK	NCC employee	
Trevor Herriot	SK	PPPI rep	
John Aitken	SK	rancher	NCC lease
Brooke Aitken	SK	rancher	NCC lease
Dean Tavanetz	SK	rancher	grazing co-op, Ducks Unlimited
Rita Tavanetz	SK	rancher	grazing co-op, Ducks Unlimited
Nick Schmidt	SK	(former PFRA) pasture manager	former PFRA pasture with NCC partnership
Dallen Hamilton	SK	rancher	former PFRA pasture
Anonymous	SK	rancher	former PFRA pastures with NCC partnership, Crown lease
Harold Anderson	SK	rancher	former PFRA pasture, Crown lease
Eve Erickson	SK	rancher	former PFRA pasture, grazing co-op
Ken Hasset	SK	rancher	former PFRA pasture, grazing co-op, NCC
David McLeod	SK	rancher	former PFRA pasture, grazing co-op, NCC
Randy Stokke	SK	rancher	former PFRA pasture
Larry Grant	SK	rancher	former PFRA pasture, Crown lease

As the interview guide was originally created to provide a comprehensive comparison of models across provinces, a considerable amount of resulting data delves into the nuts and bolts of

the models. However, I also engaged participants on topics such as contemporary agricultural land trends, sustainability, and public interest (interview guides are found in Appendix B). As in previous chapters, I used Dedoose to code the interview data, using codes arising from survey questions and adding new codes as their significance became evident in the data. As always with semi-structured interviews, unasked for information and perspectives were offered and enriched the data and analysis.

From my initial research question about stakeholders and multifunctionality came the following questions that evolved as I learned about the research context in preparing for fieldwork:

- What role does the ‘common good’ play in management of grazing land for multiple land functions?
- Whose responsibility is it to enable multiple functions of grazing land? Who benefits and who should pay the costs?
- What is the connection between forms of land tenure and land use/management for multiple functions?
- What are the tensions between and within individualist and collectivist positions in alternative grazing models? How are they resolved?

Exploring these questions first requires a brief overview of the history of grazing land tenure on the prairies and recent industry trends affecting the livestock sector. Ideas of the common good and progressive property theory are applied to the empirical data to draw conclusions about facilitating the common good in grazing land tenure in Saskatchewan and Manitoba.

### **Prairie Ranching History and Economy**

Prairie ranchers<sup>12</sup>, though never as numerous as crop farmers, have historically been more open to leasing land and/or grazing communally (Kaye, 2006). Evans et al. (2000) posit that ranchers need to access huge areas for grazing in marginal lands with low stocking rates, so most

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<sup>12</sup> There is not, historically and currently, a rancher-farmer dichotomy in terms of who owns livestock. Mixed farmers, although a dwindling group that doesn’t usually have significant livestock numbers, also use grazing lands and especially community pastures. When I use the term ‘ranchers’ I mean a group that may or may not also grow crops but rely predominantly on livestock for their living; I will use the term ‘mixed farmers’ if/when that segment becomes significant to an issue under discussion or if participants identify as such.

ranchers have been dependent on public lands, finding it hard to own all the land needed for their operation. Governments have often willingly facilitated access to public lands via leases and community pasture programs.

In the 1870s, after the passing of the Dominion Lands Act opening the prairies to colonial settlement, the federal government assumed cattle would be produced through mixed farming and legislated that pasture land could only be leased to homesteaders (Breen, 1983). However, land use in this era was not codified; much of the land was open range, governed by settler populations under vague personal agreements (Breen, 1983). In 1881, a new federal government grazing lease policy provided for leases of up to 100,000 acres for a maximum of 21 years, at one cent per acre (Jameson, 2011). This governance development began an era of big cattle companies taking advantage of secure leases, large land area, and low costs, and the expansion of the cattle industry on the prairies (MacLachlan, 2006).

However, this era did not last long. With an eroding British demand for Canadian beef, and a new belief that the Palliser Triangle was suitable for crop farming, the Liberal government that gained power in 1896 ended the no-settlement lease terms of 1881 to bring in farming settlers (Jameson, 2011). Ranchers often resisted the new restrictions on leases that came with the homesteaders' advance. For example, ranchers lobbied through the Western Stock Growers Association and in 1914 the federal government approved 10-year closed leases for up to 12,000 acres per person (Foran, 2000). Ranchers also created new forms of grazing land access. Isern (2011) details the history of the Scottish-owned Matador Ranch in Saskatchewan, which gave up its 117,000-acre lease in 1921 and was established as Western Canada's first community pasture in 1923. It still functions as a collective grazing organization today. Provincial community pastures were established in all the Prairie provinces during the middle decades of the 20<sup>th</sup> century, and co-operative pastures on Crown land in Saskatchewan at the same time. All the prairie provinces also lease Crown agricultural land to individuals. Thus, ranchers in the Prairies have a history of using – or advocating and attempting to use – leases that provide security for decades (Foran, 2000) rather than relying solely on private land ownership.

Openness to collective grazing was also reflected in the popularity and longevity of the PFRA community pasture program, established in 1935 in the middle of the decade-long drought that led to farmland loss due to erosion and degradation, and farm abandonment. The federal government created a Prairie-wide system of pasture managers, riders, and biologists on public



lands. For the duration of the program its mandate included a preference for leasing to smaller operators, often mixed farmers, to stabilize their livelihoods. The program contributed to farmers/ranchers' security of land access while rehabilitating and preserving the land (MacLachlan, 2006) with the mission "to manage productive, biodiverse rangeland and to promote environmentally responsible land use and practices" through expertise and services provided (Agriculture and Agri-Food Canada, 2007, p. 1). The pastures incorporated 5.5% of pastureland in the three prairie provinces. Five years before it shut down in 2012, there were approximately 3100 patrons in the PFRA community pastures, down from 7,000 in the 1950s but with the same number of cattle (Agriculture and Agri-Food Canada, 2007). These examples show that there is a legacy of successful public and collective land models on the Prairies, embraced by ranchers for their practical benefits and sustenance of rural communities. This legacy informs some attempts to preserve these models and initiate new ones.

As the decline in PFRA patrons since the 1950s suggests, the livestock industry in the prairies is subject to many of the same global trends in industrialized nations that result in the decline in number of farms and farmers and increase in farm size – an aging population, financialization of land, trade expansion, neoliberal restructuring resulting in deregulation and decreased government support for the sector and increasing land prices (Desmarais et al., 2017; European Commission, 2015; Government of Canada, 2016; Gunnoe, 2014; Magnan, 2015; Wiebe, 2012; Zagata & Sutherland, 2015). There are also industry-specific trends that have affected profitability for farmers, numbers leaving the industry, and land use. Livestock is a significant sector in agriculture in Canada: Approximately one third (21.1 million hectares) of agricultural land in Canada supports beef production, the dominant livestock commodity, through grazing, haying, or producing feed crops. It is particularly important on the Prairies: more than 80% Canada's beef herd is raised in the prairie provinces (in 2016, Alberta raised 46%, Saskatchewan 23.8%, and Manitoba 10.1%) (Statistics Canada, 2017).

The intensively researched 2008 National Farmers Union (NFU) report "The Farm Crisis and the Cattle Sector" explores five major factors that resulted in significant systemic changes to the livestock industry. These are the 1989 Canada-United States Free Trade Agreement (CUSTA), Cargill's 1989 entry into Canada's beef packing sector, corporate consolidation of packers and retailers, continental integration (overdependence on exports), and captive supply (a form of vertical integration where packers also own cattle in feedlots and finished cattle, using

them when cattle prices make it profitable). The NFU claims, “Everything changed in the period around 1989: the location of the packing plants, the owners of those plants, the distribution of cattle in Canada, the connection between packers and feedlot cattle, the ownership of cattle auction yards, the focus of Canadian marketing efforts, and our trade and regulatory frameworks” (p. 5). The result was a steep decline in prices farmers receive for cattle at market and in cattle farmers’ net income (National Farmers Union, 2008) and a cost-price squeeze where input and production costs go up even if income and farm-gate prices remain the same (Rotz et al., 2019). As the former CEO of agribusiness giant Archer Daniels Midland said, “The free market is a myth. Everyone knows that... You can’t have farming on a total laissez-faire system because the sellers are too weak and the buyers are too strong” (quoted in National Farmers Union, 2008, p. 20).

Since 2008, some of these trends have intensified in Canada. Three meat packing plants – two owned by Cargill, the world’s largest private company and one by JBS, the world’s largest meat company – process over 95% of Canada’s beef, almost \$3 billion worth of beef exports (National Farmers Union, 2020). Failures associated with corporate concentration in packing and intensive, export-oriented commodity chains include the *E. coli* outbreak in 2012 that resulted in Canada’s largest food recall and JBS’ takeover of the large XL plant in Alberta (Davidson et al., 2016). Other shocks to the cattle industry in the past few decades include the 2003 BSE (bovine spongiform encephalopathy) food-bone illness crisis which closed borders to Canadian cattle exports, the U.S. border only opening borders to older cull cattle in 2007. Farm prices dropped sharply and had not fully recovered by 2010 (Sarker & Ratnasena, 2014). From 2008, the industry bore the costs of U.S. mandatory country of origin labelling on cattle imports (Pouliot & Sumner, 2014) only removed as a requirement after a trade challenge in 2015.

Looking at one of these factors, Statistics Canada researchers Saha and Mitura conclude that there was a “strong and sustained negative influence of BSE on farm prices” (2008, p. 5) although industrial prices were less affected and retail prices recovered quickly. They suggest that there may be an “issue of probable market imperfection [...] Market power in the form of oligopoly or oligopsony may affect prices, and thus, contribute to asymmetric price responses” (Saha & Mitura, 2008, p. 29) but propose that more data is needed to be certain what is happening. Davidson et al. are more forthright about the industry: the oligopolistic-oligopsonistic markets and supply systems are dominated by a few corporations that “transpose their

imperatives for high volume processing onto producers at all points in the agricultural process....able to drive down prices at auctions and contract directly with cow-calf operators, favoring large corporate producers over family farms [...] these corporations ultimately control market access” (2016, p. 364). As the National Farmers Union report puts it, “Profits are created as a result of efficiencies; profits are captured as a result of power” (2008, p. 16). Since 2014, cattle prices have increased significantly (Statistics Canada, 2022). However, every rancher in my fieldwork mentioned current economic pressures such as increasing land/rental prices (also mentioned by industry representatives as the greatest pressure on farmers) that far outstrip income from production, tight margins, and the cost of increased expectations to provide common goods from the lands they grazed.

### **Affect and Values: Multifunctionality and Common Good**

In the interviews, many participants spoke about the value of the grasslands and the benefits of grazing. These ranged from references to personal experiences to more philosophical reflections. Rancher and Monet pasture board member Dallen Hamilton said, “I think we're holding on to something here that you'll never get back if you don't take care of what you got. [...] the kids love to go hunting and we all ride horses. So once the snow leaves in the spring we're out gathering deer sheds and all that kind of stuff. It's great.” Jordan Ignatiuk from Nature Saskatchewan listed grasslands benefits, “clean air, clean water, and it may be a berry picker, may just be a person out hiking, there's so many of those kind of intangible societal benefits to it that they're hard to put a value to it or have a total grasp on what they all are.” Others acknowledged the responsibilities to society that come with land ownership. Mixed farmer and CPPAS Director Ian McCreary pointed out that “the people who participate in agriculture have a set of land rights over a huge block of the Earth's surface in these provinces that have the capacity to either be net positive or net negative in terms of the contribution to greenhouse gases.” However, conservationists like Trevor Herriot with PPPI contend that this is not just the responsibility of landowners. Herriot said, “We all have a common shared interest in the heritage and the ongoing health of these lands and the human communities and economies they support.” The following benefits of grasslands were compiled from interviews:

- a livable climate
- ecological goods and services
- wildlife preservation

- wildlife habitat, including for species at risk
- flooding mitigation
- water infiltration
- water quality
- biodiversity
- soil conservation
- good food for people
- berry picking
- hiking
- clean air
- clean water
- heritage
- aesthetics

As Renting et al. (2009) show, the “public goods” concept is often employed as half of a binary with “private goods” by economic researchers valuing non-commodity agricultural outputs. Largely because of the environmental interest in the significance of grazing land management for environmental issues, there is a body of research on Canadian grasslands’ goods and services. In their research valuing the public and private benefits of the federal PFRA pasture system, Kulshreshtha et al. (2008) explain that the Government of Canada clearly outlined who was responsible for the monetary costs of various aspects of the program. For example, conservation activities (public goods) were paid for by Canada and services such as breeding (private goods) were paid for by the patrons who use them. To quantify the costs and benefits of societal expenditures on the pastures, and ensure the cost-recovery assessment was fair, they developed methodologies for arriving at the pasture system’s costs and benefits to society, resulting in a ratio of benefits to costs of 2.5. Kulshrethra participated in subsequent research to quantify the contributions of the AMCP pasture system in Manitoba (Gunn et al., 2018) and more broadly in prairie grasslands in Manitoba (Kulshreshtha et al., 2015). On environmental benefits, Cortus et al. (2011) add work on public and private benefit of wetlands in Saskatchewan and Gascoigne et al. (2011) on ecosystem services in the ecologically similar “prairie pothole” region of North Dakota. Pogue et al. (2018) contribute a comprehensive meta-analysis of positive and negative socio-ecological impacts of beef production on the Canadian prairies. The following list of public goods, tilting to the ecological, is derived from the above studies (some items may contain overlapping aspects):

- water management/regulation/purification
- carbon sequestration
- nitrogen fixation
- erosion reduction/control/soil retention
- soil formation/increase soil nutrients
- waste treatment

- pollination
- nutrient cycling
- biodiversity
- diverse habitat/area for species production and refuge
- genetic resource for breeding, biotech, substances with medicinal uses
- aesthetics
- recreation/hunting and wildlife viewing/hiking/photography
- heritage sites
- scientific research
- community/rural development
- tourism

Many of these items are identical or similar to ones mentioned by participants in interviews.

Interviewee Herriot suggested that there is a level missing in the talk about public and private interest: that of community interest. Speaking of tactics of the Public Pastures-Public Interest advocacy group, Herriot said,

I have to admit that PPPI, we don't have skin in the game, most of us are not ranchers, right? And that is one of our weaknesses. So we think of ourselves as "the public", but if we were living in the ranching area and we were from ranching families and had this same interest, were activists from that basis, I would think of us more as a community. And being a community force, we're recognized, we go to the potluck suppers, we know each other, our aunts and uncles are related. And we don't have that. And that's why, ultimately, I feel like that's what's missing from public interest activism.

Giving a talk on the former Manitoba Crown lease system, which in its lease applications allotted more points to ranchers for youth, fewer cows, and proximity to pastures, rancher Fred Tait explained the system that helped young people get into ranching also helped maintain communities (Tait, personal communication). Community goods mentioned in the interviews I conducted are:

- getting to know neighbours
- being part of something bigger
- population maintenance
- town survival
- public transportation
- internet access
- community schools and sports teams
- municipal revenue
- support for land access for young producers

The idea of the ‘common good’, sometimes used interchangeably with ‘public good’ or ‘public interest’, is, well, common – but often used in an undefined manner. Sociologist Amitai Etzioni discusses the roots of the concept in Greek, Roman, and early Christian philosophy (Etzioni, 2015) and Noam Chomsky references debates on it from John Stuart Mill to 20<sup>th</sup> century anarchists such as Rudolf Rocker (Chomsky, 2013). Etzioni’s definition is “those goods that serve all members of a given community<sup>13</sup> and their institutions [including] goods that serve no identifiable particularistic group as well as goods that serve members of generations not yet born” (2015, p. 1). The public may be seen as “no identifiable particularistic group” and its future members, where the community is at another scale. This also suggests that goods are invested in for moral/ethical reasons rather than personal benefit. As examples of common goods that may show no immediate or personal benefits, he gives environmental preservation and basic research. While the concept of common good can be/is employed by ruling classes to construct a specific idea of “the people” and what they want that may be exclusionary or suit certain agendas (Andrade, 2021), in this chapter those who speak about the common good do so not as a “grand abstraction” as Brown puts it (2007, p. 514), but in specificities enacted in this particular geographic context. ‘Common good’ will be used in this chapter to encompass both community and public benefits in accordance with how many participants speak about the purpose of grazing models and importance of grasslands.

#### *Effective Delivery of Common Goods*

There are, of course, many negative environmental impacts associated with the livestock industry such as air pollution and water quality degradation, but these can be affected by factors such as management practices and ecoregion (Pogue et al., 2018). In their study of the Association of Manitoba Community Pastures, Gunn et. al (2018) review an extensive literature to argue for the positive differences that management practices around grazing and stocking rates in the ACMP system make in enhancing EGS. While these are not practices that require a system – individual ranchers could and do employ them – the system makes them a requirement. The AMCP, a non-profit, producer-led organization overseeing management of 19 former PFRA pastures, is based on the PFRA system, which offered a layer of management for common goods

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<sup>13</sup> Etzioni notes the debate around the concept of community and notions that it is too vague and undefinable. He defines it, however, as a group of people with “a web off affect-laden relationships” who commit to shared values, norms, meanings, and identity (Etzioni, 2009, p. 115).

that was taken away when the pastures were devolved to the provinces. AMCP is “committed to enhancing and supporting the livestock industry by providing high quality grazing balanced with sustainable rangeland stewardship.” While General Manager Barry Ross speaks of the patrons being the primary clients, he considers the second client to be the Manitoba government, who doesn’t charge AMCP a lease fee in return for AMCP continuing the same environmental standards and protection as under the PFRA and providing grazing access for younger farmers. They employ a staff person to carry out range assessments, have partnered with NCC, and received grants from the Manitoba Habitat Heritage Corporation. Ross says, “I think being an umbrella-like group organization we’re able to capture some of those type of things and direct it more to what we want as far as benefits to grazing and the environment as compared to having other people tell us what to do.” An association allows costs to be spread around the system; for example, if some pastures are understocked in a given year. As well, some sort of structure facilitates the passing on of material knowledge such as grazing plans and maps and can offer cost-effective training for workers. While these are not common goods, they maintain and enhance a system that provides common goods.

When the Saskatchewan government declined to put a managed system in place for provincial PFRA pastures after their devolution, ranchers from forty of the sixty-two pastures organized to form the Community Pasture Patron’s Association, CPPAS. According to McCreary, they had three goals: to work with the government to ensure success, to represent patrons in discussions with external stakeholders, and to identify things better done collectively for members rather than individually. Giving pasture patrons a democratic, united voice is one example of a community good; another was the work CPPAS put into developing bylaws and business plans and negotiating a better insurance contract for all member pastures. However, even without a formal, government-supported organization like AMCP, Saskatchewan’s community pastures deliver common goods such as biodiversity and recreation opportunities.

Some ranchers I spoke with who were members of larger, managed community pastures attributed common goods to collectivism. Besides the obvious private benefit to clients that a trained professional looks after their cattle all summer, there were ecological common goods associated with management. One pasture patron and board member explained that the specialized knowledge of the manager, the time allotted to management, and the size of the pasture meant that

[Our manager] can hit just about every projected grazing pattern [conservationists] want for different birds every year. Because you're going to have pasture that he rests totally, pastures with a little bit of a sacrifice area around dugouts where you could see different environment you want to see, to pastures with average grazing. So on that many acres we are going to hit every targeted grazing they want to see for every species.

Krista Ellingson, an NCC contractor and partner of a pasture manager, theorized that environmental practices and protections are safeguarded when a collective is making decisions rather than an individual:

No one makes the short-term decision that's best for one person. You have to at least do it as good for the group. And there's still those same short-term pressures, but it's not on one person. It has to start to affect the whole group before the group will move in those directions, so I think it's a little more resistant to those types of factors than it is with an individual...the group's not looking to get rich. The group's looking to survive.

The community benefits of devolved pastures in some ways were less than those of the PFRA system. Individual pasture boards had control over who over who to admit as patrons and how to distribute shares, which meant that certain demographics, such as young farmers or local farmers who might support a local community, weren't necessarily prioritized. However, as Crown lands, the pastures were open to recreational users in a way not expected of private lands. Co-operative pastures serve a similar function for recreationalists, but the users of smaller co-op pastures (with 4-6 members) that I spoke to would rather have been able to buy the land than graze collectively. However, Dean Tavanetz said that the co-operative lease-rates, set annually by the government for Crown lands based on cattle prices from the previous year, were cheaper than renting privately in his area, and that current land prices discouraged buying land.

Interpersonal relationships were a topic frequently raised when discussing how the models worked, and feelings about the topic were mixed. Both Tavanetz and rancher Eve Erickson said the success of the co-operative model depended a lot on personal relationships between those involved. These small co-operative pastures did not have managers and required patrons to volunteer for management duties such as putting out salt, checking on cattle, and writing government-required reports. However, even with management, the community pasture patrons I spoke to still volunteered to assist the manager from time to time. Some saw this as a benefit. Both Ellingson and McCreary mentioned the community spirit engendered by the volunteerism required by the collective model. Ellingson said, "It's more fun, which is good. But I think it also decreases the chance that someone would want to take it all for themselves. People



don't want to disrupt something that feels good." McCreary reported that at their strategic planning meeting, their board agreed that "there's way too much hard work for this to not be about something bigger." He added, "I think everybody has to feel a part of something successful and in some ways there's been some good community building experiences out of it." On the other hand, one community pasture patron who left his board position attributed it to interpersonal difficulties and overwork:

[The board] hired a manager but I don't know how much control they are going to give him. [...] we've got a problem with one guy that never shows up in the fall to help sort cows. Everybody's getting tired of that. Who's going to enforce that? There's all those little things that we've been dealing with, and it all came to my plate as the chairman.

Ostrom (1990) characterizes successful commons governance regimes as maintained through trust, communication and conflict-resolution mechanisms, participation, and monitoring of agreed-on rules. In Ostrom's examples, these features are longstanding, having been typically developed in a group for years. In the case of pasture devolution, the group of people involved in the early governance attempts may not have had experience of these successful practices. The difficulty of decision-making in the case above may be partly due to lack of training and experience. A rancher told me, "Now our board, you've got seven guys with seven different ideas trying to run it but before you had the government running it, they had a policy. This was black-and-white and this was what to do. Now everything's open for interpretation." Sometimes, some participants suggested, the success of a model came down to "one passionate individual who wants it to be a certain way."

A bureaucratic system, with its level of distance, could be used not only to put conflict-resolution procedures in place. Rancher Harold Anderson, a former PFRA employee, suggested that the PFRA manager often acted in the necessary role of someone to take the blame and ease community tension. The manager role may be an example of what Hardin referred to when he suggested that the best management of a commons is "mutual coercion, mutually agreed upon" (quoted in Arbutnott & Schmutz, 2013, p. 5), or as rancher Lee Park<sup>14</sup> suggested, "you would need something to facilitate that degree of collaboration, someone who's not one of the producers, maybe not even the farm manager but maybe someone who's almost like a third party to really set up the terms." However, proponents of the community pastures agreed that the

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<sup>14</sup> This is a pseudonym.

PFRA system was not perfect. For example, pasture manager and rancher Nick Schmidt who worked in the PFRA system and after for another community pasture said, “when the government was running all these pastures there were [3-4] pasture managers that were doing a poor job too. And I mean, we all could see it. It was a joke. But that’s just how it was.”

After the Saskatchewan government decided that they did not want to operate the former PFRA pastures, Agriculture Minister Lyle Stewart said, “Saskatchewan farmers and ranchers are the best environmental stewards of our agricultural lands” (Saskatchewan, 2012, p. 1700). Some ranchers I spoke with were in agreement. Randy Stokke, a board member of Govenlock pasture who also had Crown lease land and privately owned land, said, “I would say probably private ownership ranchers do practice better stewardship than co-operative [...] The more people you have, the harder it is to make decisions. Whereas here on the ranch I can make quick decisions. Sometimes they're wrong but then I can fix it.” Others put forward the argument that since ranchers rely on the land for their living, good stewardship is essential. As Schmidt put it,

There are producers that run a very poor operation and I don’t know how they get by, but they get by. But the successful ones are always the ones that are looking after it. I mean, it would be no different than running a mechanic shop and not having the proper tools. You can’t do your job properly, and for us grass is number one. The growth of our cattle, the health of our cattle, all rely on the grass, the water, so we have to take care of the land.

Many ranchers were proud of the advanced management practices they used, and some compared their environmental results favourably to cropping. Matthew Atkinson talked about mob grazing pasture and achieving water infiltration rates twenty to thirty times higher than on the neighbouring field. John Aitken spoke about current grazing practices for cattle and sheep that “attempt to imitate how the grass evolved under native conditions” that he’d learned from his daughter Brooke. Others mentioned that using the land for grazing meant that it wasn’t ploughed up for crops, which many thought had negative environmental impacts. A rancher and conservation organization employee said, “in a livestock situation, biological diversity and landscape diversity, that’s all benefit. Grain producers are looking for monocultures. And the reality is that grain farming is still more profitable so is grazing land under threat of conversion? It sure is when you get spikes in commodity prices.” Rita Tavanetz commented on some crop farmers in the area, “it doesn’t matter whether it’s native prairie [...] if they can grow canola on it or something it’ll go [under the plough]”.

In southwest Saskatchewan, I met some ranchers who were upset about what they saw as overreach from the federal government into their sustainably managed private ranching operations. In 2013, the government put in place the Emergency Order for the Protection of the Greater Sage-Grouse (Environment and Climate Change Canada, 2013). The Order prohibited or heavily regulated actions such as constructing structures above a certain height, creating a certain level of noise, and destroying sage brush. I heard many stories of how sage-grouse and other at-risk species thrived on private lands under the landowner's care. Larry Grant told me, "The big problem is local people with local knowledge have no say in what Environment Canada does because that's all dictated out of Ottawa. And all the decision makers are biologists with a PhD or something. But in my opinion, they've got no actual common-sense knowledge." Several ranchers told me about how grazing was prohibited in Grasslands National Park for decades and rather than allowing diverse species to flourish, biodiversity declined. "You could look over the fence on Joe Blow rancher's place and here he'd have the Sprague's pipit nesting or there'd be burrowing owls or whatever and in the Park it would be nothing but old prairie wool growing up and then nothing growing underneath," Schmidt said. According to Stokke, Park employees noticed that bordering ranchers had more biodiversity and species at risk, and finally accepted that grazers were a necessary part of the ecosystem. The Park has contracted with farmers to graze parts of it for several years now and has had a bison herd since 2005.

For some, this skepticism about scientists extended to worries about the management of the groups of three former PFRA pastures taken over by Environment and Climate Change Canada, which was still in development at the time of my fieldwork. Stokke expressed concern about species protection affecting stocking rates and Grant accused city environmental groups of trying to "stop the government from releasing the pastures to the patrons". Some ranchers were quite sensitive about what they perceived as misunderstanding and disrespect for their competence, knowledge, and environmental practices by environmentalists. A long-time rancher expressed reservations about the management of former PFRA pastures by Environment and Climate Change Canada and offered me a conservative talking point: "It's Environment Canada and Climate Control, so people that are against fossil fuels and all of that - I get upset with some of the protests, they go protest there but then they turn around and jump in their hundred thousand dollar vehicle and drive for an hour and then fly home." Living hours from any urban centre that hosted protests, this rancher relied on caricature, lacking experience with

environmentalists. Many impressed upon me the need for ranchers' voices and experiences to be heard. Manitoba Forage and Grasslands Association's Executive Director Duncan Morrison had heard this from his members and understood. He told me,

I spoke on a grassland panel at the nature-based climate solutions in Ottawa in February. And that was one of my key points, that, we have to respect the producers' ingenuity, we have to respect the producers' understanding of that land. I think the grasslands can benefit from that directly from simply stepping back and saying, you know, I think he's got a pretty good idea there. Or, you know, he's been doing it for 30 years and look, we just had bobolinks running across the field there, what the heck.

However, a few participants suggested that economic pressures on farmers have forced short-term decision making that may not be good for the land. Park explained how the financial system rewards unsustainable behaviour: "if those people need to access additional capital because they've had a crappy year [...] they can increase the value of the land by plowing down the trees. So now you get rid of the bush, you've got arable acres increased and you can borrow against that." Ellingson worried that economic pressure could overcome good intentions:

No matter how much they value native prairie, they still check their bank account and know where they're at or know if they are going to lose the place. I think the lofty goal is to make these long-term management decisions that are good for the land and good for the long term but they're working under the same realities every other individual in society is, and that is that money matters. So they'll make short-term decisions that aren't good for long term sustainability of their operations, if they have to.

Discussing changes in Crown land leases in Manitoba – prior to 2019, leases ran for 50 years and with new legislation run for 15 years – Atkinson said, "if I had the complete choice of it [...] I don't want to own anything. My return on assets is so much better if I don't own it. But what I need is some sort of stable agreement that provides me the ability to run my cattle how they need to be and so that I can improve that land." He pointed out that the 15-year timeline doesn't incentivize investment into creating a long-term sustainable operation, especially since after the 15 years the land would go up for auction again<sup>15</sup>. Secure tenure is linked to better environmental stewardship in much scholarship (Rotz et al., 2017). Park proposed that long-term leases or land held in trust might provide enough security although trusts may be potentially uncertain depending on board governance. Although they lease land from Ducks Unlimited, they

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<sup>15</sup> After considerable rancher protest during consultations on Crown land lease changes, first right of refusal was granted in October 2019 to 'legacy' (pre-lease-change) lease holders who wish to renew, but does not apply to those who lease land for the first time after the changes

said, “It provides us an opportunity we wouldn’t otherwise have if we didn’t have it, but we only run cattle on it. I personally wouldn’t build the whole business around lease land that’s on a yearly lease.” Even with a 33-year lease on Crown land in Saskatchewan, Erickson said, “I just feel you always would worry that you wouldn’t be able to keep that land and lease it, that they would have other ideas for it, some different governments.” With land prices as they are, however, most ranchers felt they had no choice but to lease land or participate in a collective grazing model in order to have the number of cattle necessary to stay viable. Rental tenure in Canadian agriculture has been increasing for decades (Statistics Canada, 2018).

Some conservation organizations on the prairies were reluctant to allow grazing on their lands in the past, but this practice changed with growing recognition that grazing supports the ecosystems they are trying to preserve. Michael Champion, Head of Industry and Government Relations with Ducks Unlimited in Saskatchewan, said that grazing on their lands began with a set frequency in the mid 2000’s. He stated,

the livestock sector lends itself much better to keeping native prairie, keeping wetlands, keeping shrubs for windbreaks or for shade and keeping wetlands for a second source for stock water [...] It has the majority of the habitat types that breeding waterfowl are looking for. And so Ducks has tailored programs to help get more grass on the ground and then recognising that that grass needs to be managed, livestock.

Ducks Unlimited provides term agreements for grazing leases of up to 10 years and also tenders haying leases. An interviewee associated with the Saskatchewan Wildlife Federation told me it owns and manages approximately 71,000 acres of land and individuals graze about 5% of that each year. The Fish and Wildlife Development Fund, 166,000 acres of land purchased largely with the proceeds of hunting and angling licenses, is managed by NCC, SWF, and DU and offers one-year leases for grazing and haying that can be renewed for up to five years (Fish and Wildlife Development Fund, 2019). NCC also offers one-year leases that can be renewed for 3-5 years. Employee Kylie McGregor explained that NCC potentially helps those entering and exiting farming. NCC has had a few cases of farmers selling land to them who then lease it back for a few years as they transition into retirement. As well, McGregor said, providing lease agreements to farmers who are just starting out helps them lessen upfront costs.

The extent of monitoring done by conservation organizations varies, but leases can be lost or not renewed if lease requirements are not met (e.g., abiding by grazing dates, stocking rates). A formal assessment of public goods delivered in these models has not been done, but the

goods prioritized are suggested by the organizations' missions: "To conserve, restore and manage wetlands and associated habitats for the benefit of North America's waterfowl" (Ducks Unlimited Canada, 2022), "To ensure the wild life legacy we leave to our children surpasses that which we inherited" (Saskatchewan Wildlife Federation, 2022), "to manage, preserve and enhance fish and wildlife habitat" (Fish and Wildlife Development Fund, 2016), and for NCC, according to McGregor, "conservation of habitat for all species in perpetuity".

*Common Goods: Whose Responsibility?*

Employing current best practices in grazing management can require significant investments in infrastructure such as watering systems and cross-fencing as well as increased labour costs. McCreary spoke about CPPAS's advocacy with the environmental community and how they laid out the extra costs of managing community pastures for EGS. In 2014, Nature Conservancy of Canada committed to a pilot project with a former PFRA pasture in Saskatchewan. Speaking about meeting with an NCC manager in advance of the pilot, a rancher told me,

I said, 'You know [name], we're environmentalists too but we don't realize it. We look at it different. You want the same thing as what the environmentalists want. I want it the same 100 years from now as it is now ... I want it maintained, I want it preserved, I want it looked after. And how do we get there? How do we sell it? How do we get extra funding to help managers like [name] to be there so that we can make this work?'

NCC committed to funding half of a manager's salary and contracting biologist and pasture rider Krista Ellingson to do range health assessments, inventories of species at risk, and build relationships with patrons and managers to discuss challenges and opportunities and respond to pasture needs rather than imposing plans on them (Jennifer McKillop, personal communication). By 2021, NCC had extended the program to seven pastures covering 117, 493 hectares (Matthew Braun, personal communication).

I spoke to several participants in NCC-partnered pastures and every one spoke well of the partnership. One rancher said, "Krista is outstanding to deal with. If I've ever dealt with anybody that can bridge the gap from producer to biologist, she's probably as good as I've ever dealt with. She's got a really good way of coming in and talking to ranchers and not putting them on edge." McCreary appreciated Ellingson's expertise and commended NCC for the approach to the partnership:

NCC was careful about this in consultation with us - that the individuals they provided us had credibility. And so people went from saying ‘we are getting a little money and we have to put up with the environmentalist coming in’ to saying, ‘we are getting a little money and were getting a lot of value as well in terms of the expertise that this individual brings to us in helping us put together grazing plans and supporting our manager’.

Through her skills, experience, and approach to interactions, Ellingson built relations of trust and mutual respect with pasture patrons. Clearly, NCC is meeting its goals through their partnership, and interview participants feel the pasture patrons are benefitting as well.

However, the question of who should pay for common goods is not settled. When the federal government was responsible for PFRA pastures, it assumed the cost of ‘public benefits’ – paid by taxpayers – but governments differ on whether that’s their role. In their article on multifunctional agriculture, Renting et al. mention “the normative position that the management of public goods is essentially a responsibility of the modern state, which cannot be left to uncertain market outcomes or at least requires a prominent role of public institutions in structuring and regulating these” (2009, p. S117) but it is not clear who takes that normative position, nor does it align with a neoliberal government’s withdrawal of agricultural supports (Skogstad, 2008). In his study on the PFRA pastures transition, Phillips (2015) describes the Saskatchewan Ministry of Agriculture’s position that EGS on leased Crown land are the obligation of all lessees. Conversely, the Manitoba government leases pasture lands to ACMP at no fee, the same as with the PFRA, in return for environmental benefits and protections (the ACMP still pays taxes, employee salaries, and capital investment). The assumption of the Manitoba government seems to be that the pastures provide common goods to all Manitobans and as the land is owned by the province – or the citizens of the province, depending on the frame – all citizens should benefit.

Outside of collective models, some ranchers argue that they should be compensated by society for what they do not only on Crown lands but on private lands as well. A conservation organization employee asked, “should society not try to reward the fellows that are stewarding the land in a way that produces all kinds of ecological goods and services versus grain farm operation that for the most part I would think is a net negative to EGS?” Rancher Grant would like to see some compensation when an environmental management plan reduces stocking rates and impacts the rancher’s production levels. Some conservation organizations offer programs or funding to ranchers for specific objectives, such as DU’s forage conversion program that pays for

the seed to convert cropland to pasture. On the other hand, ranchers may be reaping private benefits when they provide public goods. Atkinson and Park pointed out that their beneficial land management practices increase soil, grass, and animal cattle health and thus production.

Atkinson said, “I know a lot of people saying that we shouldn’t be paid for carbon sequestration because at the point where you’re sequestering enough to really be worth paying, you are making a profit by yourself and don’t want the government looking over your shoulder at every turn.”

Farmer and conservation advocate Lorne Scott brought in an ethical element. Referring to a Saskatchewan funding program for ranchers to preserve landscapes that contain species at risk, he expressed understanding that ranchers expect to be paid. However, he said, “On the other hand, it's sort of managing it sustainably for grazing and biodiversity, so why should you be paid for doing the right thing? I likened it to someone [saying], ‘okay, the speed limit is 100. If I stay under 100, I want to be compensated instead of going over’.” Many ranchers I spoke with about their environmental practices or land they conserved did speak about the personal values that lead them to do so:

- “So why do [I] do it? Well, above all, respect for the land. I’ve been very passionate about it for many years, from a very young age. I always had an appreciation for the creek running through the property and natural landscape. Just born with it in the blood or whatever.” (Dean Tavanetz)
- “This a biodiversity emergency going on so that’s what’s motivated us. We wouldn’t be on the radar of the conservation easement people because our primary motivation isn’t the money, it’s to do the right thing.” (Holtslander)
- “My goal is to leave it the same or make it better in the time that we are on it.” (Atkinson)
- “What's nice about being on the land is you’re able to do it with your kids and grandkids and you teach them the value of the land and how important it is to look after it.” (Stokke)

Environmental organizations may have more specific goals than the broader common good, as with DU’s focus on waterfowl (which does have spinoffs in other directions but does not provide all of the common goods in the lists generated earlier in the chapter). When conservation organizations deploy funding, which in the case of Saskatchewan community pastures fills in for loss of government funding, certain functions are prioritized (and others may



be neglected) and, as every conservation organization told me, there is always more work they would like to do than resources to carry it out. Although grasslands have risen in profile in environmental circles recently with the discovery that temperate grasslands, including native prairie in Canada, are the most endangered ecosystem in the world (Kraus, 2016), donors' preferences and funding levels are often unpredictable.

Regardless of whether funding comes from interest organizations or society via taxes, participants raised issues with EGS payments. While a Manitoba livestock industry organization representative was supportive of recognizing producers who maintain grasslands, they said, "in terms of ecological goods and services, there doesn't seem to be a finalized methodology." Herriot agreed that he had not yet seen a good system and illustrated with the example of the Conservation Reserve Program in the United States where land use changes depending on market fluctuations: "Back and forth it goes, depending on what the Farm Bill does it flips, and millions of acres suddenly disappear for grassland birds in that area." Ignatiuk brings up the question of not only who the money comes from, but how much and how often.

At least some of the pilot programs have been annual payments. So where does the money continue to keep coming from? [...] Environment's benefiting, society is benefiting from that, long run a lot of times maybe their operations are as well. So who should be responsible for continuing paying that? Is it public money that has to encourage the farmer to do the right thing or the rancher to continue to do the right things? I mean, there is a place for the ecological goods and services but not an annual payment basis.

Jessica Dempsey (2016) demonstrates that prominent environmentalists and bureaucrats have given up on appeals to people to care about biodiversity for its intrinsic value and are now pursuing the idea of "enterprising nature" – creating the conditions so that nature can generate the resources (financial, political, etc.) that it needs to take care of itself – in the hope that markets will preserve nature for utilitarian reasons. She argues that the simplifications and distancing required to generate a "neutral, objective, efficient, and automatic relationship with nonhuman bodies and populations" (Dempsey, 2016, p. 5) to value them monetarily not only have not had a positive effect on conservation goals but obscure the power relations behind the decisions: who gets to decide and what goes on the list to be saved.

Unlike Dempsey's professional conservationists, some research participants are skeptical of EGS and are not willing to abandon the appeals to people's values. While stating that market mechanisms do not solve environmental problems, NFU Director of Research and Policy Cathy

Holtlander said, “There is really an error in thinking to think that you can manage complex human decision-making through price alone. It doesn’t work. There are more values to consider that matter than just income streams.” Whether this is a significant number of people at the moment is uncertain. Talking about the conservation easement he put on his land so future owners couldn’t break up the bush, Scott said a neighbour asked, “‘Why would you do that?’ I said, ‘because wildlife means more to me than money.’ And they just walked away shaking their head.” Rancher John Aitken, however, was heartened that “there’s lots of people, young people, who really love the prairie and really care about it.”

Interviewees from conservation organizations often spoke of wanting to reach more of the public. Herriot explains that PPPI was started to represent people who had “cultural interests, historical interests, biological or ecological conservation interests” in the pastures and to raise awareness of their importance.

We wanted to enlighten people and educate people that we all have a common shared interest in the heritage and the ongoing health of these lands and the human communities and economies they support[...] I think it is one of our greatest successes, that we got them on the radar, they can now talk about community pastures and know much more about them than they ever did [...]that was one of our most important jobs, to move the needle of public knowledge and expectation so that the governments would be on notice that these aren’t just pieces of land that they can do whatever they want with furtively, that enough of the public would be watching.

Both Andrew Hak from Ducks Unlimited and Jordan Ignatiuk from Nature Saskatchewan spoke about the difficulty of reaching people without personal experience of rural areas. Hak said, “I’m just speaking from my acquaintance in the city here – whether a wetland is drained or whether some grassland is plowed up doesn’t really affect them and they don’t see it. So if you asked them ‘do you want to protect the environment?’ ‘Absolutely.’ ‘How?’ ‘I don’t know.’” Ignatiuk talked about moving from a small town to the city where his children’s schoolmates don’t know where beef comes from and have no connection to the country. NCC’s McGregor and Ellingson saw distance on both sides to be overcome. McGregor said, “I definitely think we need to continue making positive relationships in the ranching community, for sure. But we can reach out to urban people and get them out on the ground and reconnecting with nature.” From her experience bridging the gap, Ellingson said,

Some [pasture shareholders] are interested in biodiversity but it’s not the most important thing to them by any stretch. It seems more like people in urban centres who value biodiversity more abstractly and may be don’t experience it on a regular basis the way we

do seem to value it more. So for guys here, they see people who are talking about what's the public good in pastures, they seem like environmental extremists to them. They don't see that they could work together. They're more concerned that they don't want to get too close to those people, because they'll want to push them to do things that aren't good for their business. So there's a discord there.

### **Effectual Change-Making?**

Dempsey (2016) proposes that people give up calculating the value of biodiversity conservation and attempting to have governance and business structures incorporate it. As part of this, she suggests a frame of “abundance” rather than scarcity (2016, p. 263). Some of the interview participants have suggested their own frames. Dean Tavanetz, from his holistic management background, described “a monoculture way of thinking” that was focused only on getting the best price for land. He said, “we need biodiversity in so many ways.” One conservation employee also focused on diversity, in his case biological and landscape. Another conservation organization employee said, “Us as the managers are seeking biodiversity and you say that word to some people and they'll look at you with a blank stare, not even knowing what that word means.” As Barnaud et al. (2021) show in their work on protected forest ecosystems in three European countries, the word ‘diversity’ may be employed to serve different ends even by those who care about protected spaces.

The most concerted effort to introduce and establish a new frame for looking at grasslands was done by PPPI through members such as Herriot and Scott as well as through informal alliances with other organizations such as CPPAS, APAS, Nature Canada, and Saskatchewan Environmental Society. In an environment dominated by private landownership, the attempted discourse of “public interest” and public lands” had an uphill battle. However, the focus on grasslands and their multifunctionality importantly takes into account the “ecological materiality” of the context (Barnaud et al., 2021, p. 3). Coming together in 2012 to discuss the importance and future of community pastures, ranchers and conservationists began to build relationships. Engagement with the PFRA pastures issue also generated enough resources and influence for PPPI to have some significant small successes: preventing the White Butte Natural Area from being converted to a golf course through a letter-writing and media blitz and relocating a proposed wind farm from a migratory bird route through a record number of submissions to the environmental impact assessment.

The aforementioned work by Barnaud et al. explores three influences on policymaking that they use to analyze power in the creation of discourses: ideas, interests, and institutions. All three are relevant to my study. PPPI's promotion of 'public interest' is an attempt to change common discourse by uniting social and environmental concerns and putting forward ideas about how the pastures should be managed. The wins in the White Butte and wind farm cases display, among other things, that an overwhelming show of support by stakeholders can tip the balance. While PPPI feel they and their allies in conservation won a concession when the Saskatchewan government decided not to sell the pastures after all but to lease them, institutional constraints were largely left unchanged. The conceptual divide still remained for many in rural areas; many ranching interviewees told me they did not think of Crown lands as "public land" and believed agriculture should be the priority use. Rancher Erickson said, "I do respect that lease land is government land but because it's in our [the lessee's] name [on the land title] I feel like it's up to us to look after it and if everybody comes in without respecting it, it's not good for anybody". Another rancher said, "I think as soon as you put 'public lands' on it, everybody thinks they own it" or as Grant said are "demanding 'I got the right to go there'".

Dempsey suggests those concerned about biodiversity ally with and learn from social movements, focusing on power and profits and incorporating a struggle for justice (2016). Barnaud et al. (2021) offer a way to do this through their description of three dimensions of justice. The first, which Barnaud et al. link to interests, is the equitable effects of changes and policies. This could, for example, lead conservationists to consider the demands on ranchers of policies requiring them to change practices and who should bear the costs, or ask ranchers to consider the potential benefits to their operations of providing certain common goods. The second dimension, recognizing diverse knowledge and values, is linked to ideas. This topic was brought up frequently in the research by ranchers who wanted their local, experiential knowledge taken seriously by scientists and others outside the community. McGregor suggests a method: "I would really like to see NCC go in that way and become part of the community and not be, you know, this nerdy scientist that's coming to walk around your land. I want to come and have dinner with you or have coffee with you and talk about how we can work together in conservation." NCC is taking rancher knowledge seriously in a few ways. At a workshop I attended in January 2020, they brought together local farmers and other stakeholders in the western area of the Missouri Coteau to discuss biodiversity targets, rank threats to them, and

suggest how NCC can work with them to help address them. Participation in decision making is the third dimension, linked to institutions. Both the Saskatchewan and Manitoba governments exhibited gatekeeping in their consultative processes, inviting only certain groups to participate as stakeholders at first, with the result of increasing tensions and opposition. A counterexample may be the patron board governance in community pasture models – with the caveat that depending on the exact structures and relations in place, not everyone may feel represented. Many of the models considered in this research were relatively new and evolving and participants were learning from experience.

## **Conclusion**

The previous chapter on trespassing legislation ended with a quote by Blomley that “Property’s logic of severability” helps us “imagine property as a space of individual autonomy, detached from broader ethical and practical entanglements” (2011). Geisler and Daneker, in their edited volume that explores the gray area between public and private ownership, argue similarly that the private property model is “crippled by its inattention to public rights and responsibilities” (2000a, p. 284). The argument is that this is structural: it is a feature, not a bug. In contrast, Geisler and Daneker describe “third sector” property that blends the best aspects of public and private, meeting both individual and social needs by sharing rights among multiple interests through localized control and decentralized management (2000b). Looking at alternative land models in Canada, Heisler (2010) searches for those that support the social economy, organizing space in ways that incorporate inclusivity and accommodate social, environmental, and cultural values. Conservation and housing land trusts are two examples showing how alternative property models could, or do, meet social values better than private models. Does this research on alternative grazing models display the same ability of alternatives to provide private and common goods?

According to its proponents, the PFRA community pasture system did an exemplary job of taking care of the common good (Arbuthnott & Schmutz, 2013; Gunn et al., 2018; Kulshreshtha et al., 2008; Sawatzky, 2018). Participants in the NCC model assert they are producing ecological results equivalent to or better than the previous PFRA system. Some ranchers believe they excel at delivering common goods on private lands. This could all be true, and it is not the aim of this research to come to a conclusion about those claims. The complexity

of various ecosystems, management practices, and constraints; the differing burdens of systemic and individual economic pressures; and the field of relationships make generalizations unwise. However, while alternative models often have features that compel them to take the common good into account – goals, funders’ requirements, stakeholders with access rights, community interest – there very little like compulsion in the dominant private property regime in Manitoba and Saskatchewan. Calo et al. (2021) argue that it is necessary to challenge dominant ideas about property in a way that takes power, agency, and politics into account in order to advance environmental land management practices such as agroecology. Here, and as seen in the previous chapter, private landowners have considerable institutional power; legal, cultural, and pragmatic. The use of public land can be at the whim of the government as seen in the Saskatchewan government’s proposal to sell the pastures and Manitoba’s drastic changes to Crown leases, and third sector organizations are under-resourced. The powers of participants in the alternative models primarily take the form of ideas and alliances, the strength of the collective. These alternative grazing tenure models may show an increased acceptance of collective ethical commitments and an acknowledgement of broader claims to the goods associated with land.

## **Chapter Five: Decolonization of Rural Land: A Case Study of the Treaty Land Sharing Network in Saskatchewan**

There is a tendency to think that what we see in the present moment will continue. We forget how often we have been astonished by the sudden crumbling of institutions, by extraordinary changes in people's thoughts, by unexpected eruptions of rebellion against tyrannies, by the quick collapse of systems of power that seemed invincible (Howard Zinn, *A Power Governments Cannot Suppress*)

In their edited volume *Prairie West as Promised Land*, Francis & Kitzan (2007) showcase utopian strains in Prairie settler history, from temperance advocates to social gossellers who envisioned the Prairie West as a place to create a perfect society with “moral and ethical values premised on the good of the community over that of the individual” (p. xi). This utopian leaning was found, for example, in the ideology of the early Alberta farm movement that in only a few decades resulted in the establishment of wheat pools and a United Farmers provincial government (Rennie, 2007). As well as a constructive image of the future, utopias offer a negative reflection of, and discontent with, the present. This discontent, when in the form of a critique, can challenge the legitimacy of “the dominant monoculture of mind ultimately sourced in Eurocentrist colonizing capitalism” and the lie that that “there is no alternative” (Gear, 2017), and foster an openness to alternatives, complexity, and dynamism that is essential to transformative change.

Indigenous Peoples were not included in these settler utopias. However, today a growing number of people in the current colonial moment in the Prairies are more open to transformative change of social relations. Significant developments helped this occur. The Truth and Reconciliation Commission of Canada (TRC) of 2008-2015 brought reconciliation into public discourse and countless groups committed to responding to its Calls to Action. The growing Indigenous-led Land Back movement seeks to dismantle white supremacy and restore Indigenous stewardship of land (Thompson, 2020). In this milieu, a small group of settler women created the Treaty Land Sharing Network in Saskatchewan to facilitate sharing rural land with Indigenous people.

Indigenous scholar Glen Coulthard suggests that land is “an ontological framework for understanding relationships” (quoted in Mackey, 2016, p. 46) in which humans are part of interdependent and reciprocal relations and obligations with land and animals (Kepkiewicz & Dale, 2018). For Indigenous Peoples in Canada, relations to land are a source of knowledge,

government, resource management, and spiritual traditions; these relations determine language, science, and cultural knowledge transmission (Grey & Patel, 2015; Lowman & Barker, 2015).

Philip Brass of Peepeekisis Cree Nation in Saskatchewan says,

Indigenous cultures, no matter where they are in the world, are deeply tied to the land. They are emergent from their land, and cannot survive without access to their land [...] For Indigenous peoples, this land is the foundation of our culture. Without it, our culture is reduced to spectacle. We recognize these lands as places that have spirit, and we have an ancient relationship with them. All of our spiritual, ceremonial institutes rely on the existence of the natural world. Addressing a lot of the crises that we have in our communities relies on restoring that relationship. (Zink & Brass, 2017, pp. 2, 4)

Settler colonization in the Prairies began the severance of Indigenous Peoples from access to land. The 1869 Canadian acquisition of the Northwest, a region encompassing the Prairies, came at the end of the economic era dominated by the fur trade. With bison herds decimated, and knowing an advance of settlers was inevitable, First Nations sought treaties with the federal government to secure their future well-being (Daschuk, 2014). The state, the only entity that could acquire Aboriginal title according to the Royal Proclamation of 1763, pursued treaties to legally facilitate the economic and political development of the region through possession of land (Ray, 2016). After the treaty signing, First Nations people were moved onto the small areas of land allotted as reserves. From 1885-1951, they could not leave their reserve without obtaining a pass from a colonial official.

Many Canadian settlers<sup>16</sup>, if they have any knowledge of treaties, see them as a historical way that Indigenous people ceded land and their rights to it to the Canadian state (Clark et al., 2016; Starblanket, 2016). Most settlers do not see themselves as partners in Treaty, or treaties as having current relevance. This common settler understanding of treaties has only begun to be changed in the past couple of decades, prompted by Indigenous organizations (Ray, 2016). For example, in 2008 in Saskatchewan, the Office of the Treaty Commissioner created a resource kit on the numbered treaties from Indigenous perspectives and sent it to every school in the province. Treaty education has been mandated in Saskatchewan curricula for over a decade.

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<sup>16</sup> In this chapter, the term settler does not just refer to the European immigrants of the late 19<sup>th</sup> and early 20<sup>th</sup> century, but to current non-Indigenous Canadians. The term evokes “our relationships with systems of power, land, and the peoples on whose territory our country exists” (Lowman & Barker, 2015, p. 1) and acknowledges that settlers and Indigenous Peoples share certain connections to land and place. Use of the term often provokes discomfort, as do the topics it refers to, and it thus functions as a tool for both understanding and confrontation.



However, even a study that exposes the Treaty misunderstandings of Saskatchewan students in teacher education refers to treaties as having ceded the land (Tupper, 2011).

Increasingly, Indigenous and some settler scholars are showing that this understanding of treaties is incorrect (Asch et al., 2018; Pasternak & King, 2019; Starblanket, 2016; Starblanket & Kiiwetinepinesiik Stark, 2018). A significant book, *Treaty Elders of Saskatchewan*, records the perspective of Saskatchewan Indigenous Elders on treaties and Treaty relationships in their own words (Cardinal & Hildebrandt, 2000). They clearly state that the intent of treaties was to share the land. Treaty Five Elder Jacob Bill said, “It was the will of the Creator that the White man would come here to live with us, among us, to share our lives together with him, and also both of us collectively to benefit from the bounty of Mother Earth for all time to come” (quoted in Cardinal & Hildebrandt, 2000, p. 7). The land could not have been ceded: as Elder Peter Waskahat said, “The sacred earth could never be sold or given away, according to the principles of the First Nations, but it could be shared. The First Nations decided that the earth could be shared with the newcomers and that it could be shared to the depth of a plough blade” (quoted in Cardinal & Hildebrandt, 2000, p. 31). Some settler documentation from the time supports this interpretation. For example, Treaty Commissioner Alexander Morris, one of the negotiators for Treaties 3, 4, 5, and 6, “tried to counter Saukteaux charges that the land had been "stolen" by the HBC and Canada with an argument that implied the government wanted to share the territory as First Nations had done earlier” (Ray, 2016, p. 112).

Cree and Saukteaux scholar Gina Starblanket (2016) writes that treaties are agreements that mediate an ongoing relationship and at the time that they were established, both the Crown and the First Nations understood themselves to be forming an ongoing relationship that would govern their descendants. Formal territorial sharing agreements had long been used between First Nations, who brought this knowledge forward to treaties with Canadian state representatives (Starblanket, 2016). The Treaty framework was intended to be “dynamic, relational, and contextual”, not static (Starblanket, 2016, p. 23). The relationship includes sharing responsibilities and caring for land (Cardinal & Hildebrandt, 2000), and offers an alternative model of human governance and organization of interpersonal and other-than-human relations (Starblanket & Kiiwetinepinesiik Stark, 2018). In effect, however, numbered treaties facilitated land theft and curtailed the exercise of inherent rights, a situation that continues today.

The idea of the Treaty Land Sharing Network (TLSN) emerged in a conversation between Valerie Zink, a “prairie settler from a farming family” and Philip Brass, “a Saulteaux and Cree artist, hunter, and land-based educator” from the Peepeekisis Cree Nation, about the difficulty and dangers facing Indigenous people wanting to access land to exercise Treaty and Inherent Rights (Treaty Land Sharing Network, n.d.). Two major occurrences impelled the creation of TLSN in late 2018. The first, relating to decreasing access, was the sale of Crown land in Saskatchewan which First Nations accessed for treaty rights.

Since 2007, the Saskatchewan government has sold 1.2 million acres of Crown land (M. Schaefer,<sup>17</sup> personal communication, July 13, 2021). Already 85% of land south of Saskatchewan’s forest fringe is privately owned or leased under terms that exclude public access (Ministry of Parks, Culture, Heritage and Sport, 2021). The amount of native prairie in Saskatchewan has been declining for decades due largely to cultivation for conversion to cropland (Sawatzky & Piwowar, 2019) and a recent report estimates less than 10% of native prairie remains (Marchand et al., 2020). People with Aboriginal identity (as the federal government census terms it) made up 16% of Saskatchewan’s population in 2016 (Government of Canada, 2017). Reserves, however, are 1.55% of land in Saskatchewan (Government of Canada, 2021), providing an inadequate land base on which to exercise treaty rights. Brass argues, “Our right to hunt is recognized in Treaty 4, and within the Canadian Constitution (1982), but most importantly [...] It’s an inherent Indigenous right to maintain our lifestyle, to hunt and to gather year-round. If we lose these Crown lands, the province is essentially extinguishing that right” (Zink & Brass, 2017, p. 2).

The second occurrence that spurred the creation of the Treaty Land Sharing Network was Colten Boushie’s death, the Gerald Stanley trial and acquittal, and the subsequent increase in expressions of rural racism (Edwards, 2018; Lindberg, 2018). The vitriol on social media in 2016 against the Boushie family and Indigenous people was striking (Paradkar, 2018; Sawatzky, 2021; Warick, 2016) and again in 2021 when a review of RCMP conduct in the case was released (Vescera, 2021). Indigenous people expressed increased concerns about being able to move about the province safely (Dinh, 2016). In this polarized atmosphere, some farmers did not want

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<sup>17</sup> Schaefer has the position of Director of Lands Management North in the Saskatchewan Ministry of Agriculture and provided the figure to TLSN. I was not able to confirm the figure.

to be lumped together with the vocal supporters of Stanley in the media and online and wanted to take action to support Indigenous peoples. TLSN member and farmer Rachelle Ternier said,

Even though I'm not personally responsible for this shooting, I am implicated because I'm a farmer, one of the groups of people with which the shooter identifies. In this context, systemic change is necessary. In addition, I'm also asking, "How am I going to show that I do not agree with this man, the perspectives he represents, and the broader system that continually denies justice to Indigenous peoples?" (Kepkiewicz & Giacomini, 2019, pp. 253–254)

In response to these occurrences, Saskatchewan resident Valerie Zink invited four women to discuss together the possibility of creating a network of rural landholders who would commit to sharing their privately held land with Indigenous people. These initial coordinating committee members, settlers who all grew up on the Prairies, had a variety of experiences in academia, non-profit work, government, social movements, and rural issues. As a longtime friend of Valerie who comes from a farm family, holds joint title to some farmland, and conducts research on land, I was also one of those people. We agreed that as settler partners in Treaty, our responsibility was to act.

I have been active on the coordinating committee of TLSN throughout my PhD work and decided to include the network as an example of an emergent social movement focused on changing social relations around land. As a scholar-activist, I hoped the research would help the coordinating committee learn about barriers and opportunities for the network. I also wanted to provide colleagues in academia with a (small and local) example of settler decolonization in practice to supplement the wealth of theoretical work (Bowness & Wittman, 2021; Curley & Smith, 2020; Denis & Bailey, 2016; Kepkiewicz, 2020; Kepkiewicz & Dale, 2018; Lowman & Barker, 2015; Mann, 2020; Whyte, 2018). While many suggestions and theoretical arguments are made for the decolonization work/land back needed to be done by settler landowners, there are no Canadian examinations of settler actions taken towards these goals. Finally, after writing about cases of property relations in the Prairies that largely supported or proposed less radical alternatives to the status quo, I hoped that this case would provide a fundamentally different view of property that would inspire hope in me, if no one else.

This chapter takes up several of the questions addressed in the previous chapters and does so through a deeper look at Treaties and settler colonialism:

- Who has rights and responsibilities to land?

- What are the mechanisms of inclusion and exclusion, contestation and legitimization of land access/tenure practices?
- How do changing social relations induce/influence property regimes?
- What role do property regimes and relationships play in visions of a rural future?

I also ask how change is brought about through the Treaty Land Sharing Network, aiming to make research useful both for activists and scholars of decolonization. Following a brief discussion of the methodology, I present TLSN's development and goals. I explore participants' perspectives on land ownership, creating change, and rural futures. Finally, I conclude with thoughts on the role of utopias in creating change.

### **Methodology and Methods**

Research carried out directly with those on the ground striving for change is important when asking empirically how and why change to property relations occurs, and is also important for accessing different forms of knowledge. Eschle encourages researchers to “get their hands dirty” by conducting more in-depth studies of activism which involves “talking to participants in movements to document their life histories and viewpoints and to reflect on what they tell us about the ways in which movements operate” (2001, p. 235). Grassroots participants offer “different knowledges and wisdom [that] emerge from, and are connected with, particular livelihoods, values and lifestyles” (People's Knowledge Editorial Collective, 2017, p. xix). Writing about social movement participants, Bevington and Dixon argue that their actions also include writing and conversing, reflecting, and contributing analysis and debating ideas in accessible fora (2005). The empirical data from interviews combined with participants' perspectives can be used to balance abstract/theoretical aspects and make connections from everyday actions to larger structures (Fischer et al., 2017). Throughout my research, I considered participants as actors with agency capable of engaging in strategic action and producing meaning.

Before deciding to include this case in my dissertation, I discussed the research's potential use to the network with other coordinating committee members. I hoped that an exploration of how members' relationships with land were formed, influenced, and may be changed through learning and experience, as well as what they considered barriers and

opportunities for TLSN's work, would help us understand how to reach a wider audience.<sup>18</sup> The coordinating committee agreed to send out an email to members and supporters<sup>19</sup> to recruit interviewees. I used the recruitment text approved by the Research Ethics Board. To preface the text, Val Zink wrote a brief introduction to the research project and how it would hopefully advance the network's understanding and goals. At the time the recruitment email was sent, there were around thirty members and committed supporters, and 12 people - six members and six supporters - agreed to be interviewed.

I conducted semi-structured interviews in late 2020-early 2021. (The interview guide can be found in Appendix B.) The interviewees range in age from their early 30s to early 80s. All but one own land in rural areas (one will inherit land), from all over the agricultural part of the province. At the time of interviewing, their participation in the network ranged from passive (expressed interest and commitment, are on an email list of updates and events) to very active (piloted sharing land, attended many events). Not all are farmers; four are non-farmers who inherited land or purchased land for other purposes. Ten of the participants interviewed had joined TLSN and were interviewed before its official launch and thus some of their references to network activities do not take its later activities and increasing presence into account.

Interviews were conducted over the telephone in the interests of safety during the COVID-19 pandemic. I was aware that remote research can make rapport and communication more difficult than in-person as well as distancing/disconnecting the researcher from the participants' environment (Roberts et al., 2021). Fortunately, I had already met five of the interviewees at TLSN events or through other connections. I endeavored to increase or create rapport by emailing with participants a few times before the interview, often finding people we knew in common. If interviewees lived in an area of the province that I was unfamiliar with (three fell into this category) then I familiarized myself with it before the interview. I did feel that there was less rapport with some participants – particularly older men – than I experienced in my in-person interviews on alternative grazing models. However, one benefit of interviewing TLSN members and supporters is that we all shared at least one thing in common and many of these early adopters were fairly motivated to talk about TLSN since it was important to them.

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<sup>18</sup> Not all of the data I collected made its way into this dissertation.

<sup>19</sup> Members are those who have land in the network and supporters are people who have participated in network events but who do not have their land signed up.

In addition to the interview data, during the research process I had access to coordinating committee meeting minutes, email and other discussions, advocacy/education/communications materials (and drafts). My status as a coordinating committee member also facilitated my attendance at (and co-organization of) six in-person events and seven virtual events (e.g., book club, speakers). While Hale (2008) is, in my experience, correct that “The very conditions of activist research place the scholar in an advantageous position to develop a deep, multifaceted, and complex understanding of the topic under study” (Hale, 2008, p. 20), how to respectfully use the material accessed must be approved by the activist group. As TLSN had not created research protocols at the time of my request, the interviews were approved but intensive use of internal materials was not considered. As a participant in TLSN, while I am party to a lot of insider knowledge and internal communications, I am cognizant of the need to be careful with internal information. While I am not using the behind-the-scenes material as data, I am using the triangulation to inform my recollections, reflections, and analysis. I have not quoted from any TLSN-created material unless it has already been shared with a wider audience or approved by committee members.

### **Network Beginnings**

With the basic idea of creating a network of landowners in Treaty Four and Treaty Six areas who would host Indigenous land users, the coordinating committee members began with the belief that we needed to “do the work before the work”, to educate ourselves (and our members) on Indigenous content and to engage in critical self-reflection (Ferland et al., 2021, p. 16). This is a ‘best practice’ clearly outlined in the framework and resources created by Ferland et al. (2021), based on their comprehensive consultations, to guide researcher engagement with Indigenous communities. The coordinating committee postponed the third element that Ferland et al. (2021) recommend, building relationships with Indigenous Peoples, until we had done the first work. Writing on white allyship stresses that “change must start with Settler people taking responsibility” (Lowman & Barker, 2015, p. 115) “for cleaning up our own mess” (Ariel, 2017). This means settlers must not expect marginalized people to take on the burden of education (Denis & Bailey, 2016) but take on the responsibility of educating themselves (Sullivan-Clarke, 2020). As Craft and Regan put it,

It is particularly important that non-Indigenous people, with critical thought and sustained kindness, engage in decolonial acts and processes of reconciliation in ways that do not place the burden of change or relationship building more heavily on Indigenous peoples. Non-Indigenous people must be responsible and accountable for undertaking their own decolonization. (2020, p. 3)

We wanted the network to be shaped by rural landholders and to be responsive to them, but also committed to honouring Treaty relationships and doing the work necessary to be good Treaty partners. Recruitment was first (and principally, until recently) via connections of the coordinating committee members – through organizations we belong to or have connections with, work, the local food movement, or other personal relationships. In February 2019, we held our first meeting with prospective members and pitched the idea of a network that would take concrete steps to show goodwill and start building relationships of trust and respect in rural communities. We stipulated that signs placed in fields, or a directory of properties in the network, or another visible, public indication of the network’s goals was necessary to counteract the very public racism Indigenous Peoples face. To educate everyone at this first meeting and start on the same page, one coordinating committee member prepared a presentation on treaties that framed them from an Indigenous perspective as land-sharing covenants rather than, as settlers often think of them, land surrender contracts. The presentation covered treaty rights and what it means to be a treaty partner. Anticipating that some people might object to Indigenous people exercising the treaty right of hunting on their land, we asked Matthew Braun from Nature Conservancy of Canada to talk about the positive role of hunting in conservation. Then we held a facilitated discussion of attendees’ ideas and concerns. Participants discussed logistics such as access guidelines as well as dealing with fellow settlers’ fears, insecurity and racism, with relationships and conversation proposed as solutions. The meeting ended by asking for suggestions for a mission statement to define the network and a name to replace the placeholder “Treaty Land Access Network” that the coordinating committee had come up with. Participants were enthusiastic about the concept of ‘sharing’ and decided it was a much better word to use in the network’s name than the mechanical ‘access’.

We continued education and planning at our first member gathering on rural land, the Aitken farm, in June 2019. Sheelah McLean conducted anti-racism training to assist members in developing the language and reasoning to engage in productive conversations around racism and colonialism with others and to facilitate reflection on positionality and privilege. McLean, a

descendent of Norwegian settler farmers in Saskatchewan, spoke about her ancestors' hard work but also about the benefits they had that were denied to Indigenous people at the time, such as the ability to move freely, to sell wheat freely, to procure personal loans, and to vote (McLean, 2018). Some research from Australia has shown that an awareness of white privilege is linked to positive attitudes towards reconciliation with Aboriginal people (Clark et al., 2016) and observationally, this seemed to be the case here. The solicited feedback about the session was overwhelmingly positive and the day ended with relationship building – a potluck and music.

By the end of the summer, members agreed on a mission statement and a new name: Treaty Land Sharing Network. The mission statement reads:

The Treaty Land Sharing Network is a group of farmers, ranchers, and other landholders who have come together to begin the crucial work of honouring Treaties. In the spirit of sharing the land, we provide safe places for Indigenous people to access land and exercise their rights. We are committed to implementing the Treaty relationship, engaging in ongoing learning together as we practice being Treaty people, and establishing a different way forward for rural Saskatchewan. (Treaty Land Sharing Network, n.d.)

At that point, we felt we had enough committed members – enough opportunities for access to offer significant access to land – for it to be worth bringing the project to a gathering of Indigenous people. The coordinating committee was still wary about the idea of relationship because we were aware, as Clark et al. (2016) caution, that Indigenous people might only want access to land, not also relationships with settlers whose motives might seem suspicious or engagement of little value. However, many of our members believed that connecting through relationships was essential to do the work in a good way – and others thought the relationships were an end in themselves. Many scholars and activists believe that relationships are central to reconciliation and assist people to see potential and actual commonalities with each other (Clark et al., 2016).

Coordinating committee members and Indigenous contacts reached out through the local Indigenous tribal council, band administration and social media to invite Indigenous people to attend a gathering with TLSN members in November 2019 at the Treaty Four Governance Centre in Fort Qu'Appelle. Approximately 35 people attended the day, one-third of them Indigenous. The purpose of the meeting was for settlers to listen and learn and receive guidance about the best way for the network to move forward with Indigenous land users. Here, Indigenous participants affirmed the Indigenous view of Treaty as land sharing – settlers using



land for agriculture ‘to the depth of a plough’ and Indigenous lifeways continuing on the land. Elders spoke of the sacredness of Treaty, and the importance of relationships to living in a good way. Settlers were also told of the importance of building trust with Indigenous people and that doing so would entail taking risks and the possibility of facing ridicule or pressure from other settlers.

The ensuing years of hard work on TLSN built on this foundation of a relational understanding of Treaty responsibilities. Although coordinating committee members altogether had extensive experience (if varying) in non-profit organizations, activist groups, and forms of governance, a lot of time was spent on process. We settled on roles and an agenda format for our biweekly meetings and engaged in strategic planning and evaluations. We worked through how to involve members in decisions (e.g., emails, surveys, a Facebook group with voting options for a logo that did not end up with consensus) and refined the consensus model used in coordinating committee meetings and when making major member-informed decisions. There is value in the diversity, difference, debate, and even conflict that are revealed through listening and discussion as accounting for them strengthens the solidarity of the collectivity (Desmarais, 2007). These processes are familiar to Gibson-Graham (2006), engaged in action research with community economies, who suggest that communities should be based not on values such as localism, sustainability, or self-sufficiency, but on principled processes: democratic negotiations about using resources based on needs, cooperation and participation, and collective knowledge and collective work. Similarly, Eschle (2001), in her work with social movements, describes processes of exploring differences in the construction of agreement through respectful yet critical dialogue. This is an ongoing, reflexive process for movements (Eschle, 2001) and one to which we dedicate significant time. We are continually reflecting and adjusting methods and goals.

Milestone events included: three gatherings in 2020 on land that members hold; attaining grant funding for TLSN signs and creating and distributing them; beginning, in ceremony, a partnership with the Office of the Treaty Commissioner (OTC); adding an Indigenous representative of the OTC and a farmer to the (still) all-women coordinating committee; spearheading a letter with thirty-three environmental, Indigenous, religious, and labour organization signatories to the provincial government to oppose Crown land sales, that subsequently occasioned public debate (Brown, 2022; Pearce, 2022); the creation of a website for matching users with land; a formal launch of the network with a pipe ceremony and extensive

media coverage on July 17, 2021 (e.g., DeKay, 2021; Global News, 2021; Narine, 2021; Sawatzky, 2021; Tait, 2021); and providing assistance to Alberta allies who are initiating a land-sharing pilot in Alberta areas of Treaty Six. As part of strategic planning in 2021, the coordinating committee determined several indicators of success: increasing the number of acres in the network, increased outreach to and involvement of Indigenous land users, evidence of unstructured land use (i.e. outside formal TLSN events) by Indigenous people, and increased Indigenous representation on the coordinating committee. The number of acres shared has increased from around 10,000 in July 2021 (Tait, 2021) to more than 18,000 a little over a year later. There are now four Indigenous women on the coordinating committee as well as an Elder in an advisory role. Committee members have met with representatives from Federation of Sovereign Indigenous Nations, First Nations including Beardy's and Okemasis, Poundmaker, and Thunderchild, and Oskayak High School and moved forward with outreach to land users and invitations to events through those organizations.

While some goals, such as whether members are engaging in ongoing learning, are difficult to measure, qualitative research offers a way to explore participants' changing ways of thinking, being in the world, and actions. From the first interview in October 2020, I have seen interviewees' roles change. Some have expanded as members recruit others and take on spokesperson roles for TLSN. Others have continued a more personal journey, actively participating in and reflecting on TLSN's educational events. Two interviewees have yet to become active in the network, and two others have hosted Indigenous land users on the land they hold title to. Interviews with members and supporters offer insight into the meaning that land holds for them, how their thinking has changed through their network membership, methods of creating change to social relations in the face of barriers, the significance of relationships, and possibilities for the future of Treaty/land relations in Saskatchewan.

### **Participant Perspectives**

Many interviewees described the meaning the land they hold title to has to them, which went far beyond that of an economic resource. Several mentioned ecological significance – the bird species seen, the wildflowers, other wildlife, and the scarcity and importance of native prairie. Many referred to their farming ancestors or family history on the land. For example, farmer member Wayne Charteris spoke about his immigrant grandfather arriving from Scotland

age 16 and homesteading in 1919, working with and hiring ancestors of Indigenous families in the area. Some recalled childhood experiences on the land such as farmer member Mitzi Gilroy's memory of going out with her grandfather to "check fence" in the spring. Some described an affective attachment. Supporter Pat Greene<sup>20</sup> spoke of a treasured photograph of a certain quarter section as "a source of calm and reassurance and a sense of something larger and more lasting than myself." Farmer member Joel Mowchenko spoke of the "quiet, calm peacefulness just from the landscape, from the wide-open spaces, from the grasses". He said,

it's kind of an unassuming beauty. It's not right in your face but it's still a powerful landscape. I don't want to overstate the connection to that piece of land, but it definitely is. Sometimes I'll stand and I'll look in a certain direction and I'll think, 'if I was just placed here would I know this landscape by memory?' And I don't know that I would, but it feels that way, that I would know it.

A couple of participants spoke of their responsibilities to the land and to society via the land. Tom Harrison, a cattle rancher member, said, "We're a grass-based operation, we provide benefits to society in terms of wildlife habitat, grass-finished beef... Personally I really think that just having this land base in permanent cover is a good thing for everybody." Michelle Sanche, an urban supporter, summed up many of these perspectives when she said of the land co-owned with friends, "I've just grown in my relationship with the land and it has so many layers, memories and adventures and so many plants and animals that I've seen. [...] And every year is different and it's just ever-changing. I have to say that I deeply, deeply love it and I deeply honour it." While the meanings were often quite personal, they were not purely transactional.

Writing about the history of Indigenous-settler relations in Battleford that framed the Plains Cree as a threat, as background to the Gerald Stanley case, Darcy Lindberg talks about conversations with his settler farmer friends, particularly women, who want to learn the history they weren't taught and engage in reconciliation. He sees a similarity in the attachment to and the meaning of land between these friends and Elders in his community:

As a mixed-rooted *Nêhiyaw* (Plains Cree) person who is engaged in research about how our laws and land are intertwined, I am often touched by how the land is talked about in these conversations, by how they speak about their lives being sown into it, a movement towards the way I hear *our kehteayak*, our old ones talk about our deeper stitchings into our territory. (Lindberg, 2018)

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<sup>20</sup> This is a pseudonym.

Sanche commented on a similar awareness during her attendance at the November 2020 meeting at the Treaty Four Governance Centre. “One other thing that I really took from this was when [Indigenous people] said ‘we belong to the land. We need to be on native prairie, that’s where our health is.’ And I’m like, I get that. I respect that.”

After the TLSN event in November 2020, settler attendees began to use the term “land holder” or “land title holder” instead of “landowner” – the latter a phrase objected to by some Indigenous people present. Rural dweller and member Kristen Martin talked about the change in her ideas about ownership as she educated herself about Indigenous and Canadian history: “I like to say, ‘the land where I live’ or ‘the land that I steward’ or ‘the land that I manage’. I try not to say ‘my land’ because I don’t think it is my land. I think of it as the land that I have a responsibility to take care of, but I don’t think that it belongs to me.” This was a realization that came to Mowchenko as he became involved in TLSN – “how anthropocentric it is to think that you could own land – I can own a book, I own this computer, but to think that you own a piece of land, something that’s been there since the dawn of time and will be there forever ... is so presumptuous and arrogant and false.” A few other interviewees identified as primarily landowners. Tom Harrison said, “I think we get caught up in titles and names and crap like that too much. [...] Am I a landowner? Well, yeah, potentially I am, I own land. So what? Am I willing to share access? Of course I am.” Landholder supporter Jake Buhler also did not problematize the concept of ownership in a decolonial way. He pointed out that private land ownership is not absolute – it does not include subsurface rights. The latter two, however, considered ‘manager’ or ‘steward’ of the land an important role they also identified with. Buhler said, “I would say yes, we have title, but we better take care of that. Whoever the creator is, we are speaking in symbols here, metaphorically, it was there before somebody invented titles. It’s sort of everybody’s land that I’ve been given permission to do some things on it.” The elements of owner control were still quite important to some landowners who considered themselves stewards, much as seen with some private landowners in Chapter Four. Access to land was granted rather than seen as an inherent right.

Starblanket (2016) believes erroneous Treaty narratives must be deconstructed and corrected to stop their reproduction and structural influence. Expanding or changing views of Treaty were significant shifts for some interviewees. Greene also felt increasingly uncomfortable

with the claim of ownership as they learned more about Treaties and the shaky foundation of Canadian land ownership:

That's not good enough for me to say, 'oh well, the government says I own it, so I own it.' That's not good enough. And I've come to long for a more grounded, respectful, thoroughgoing reason for my being there and I would be willing to give up quite a bit of what the land title claims to give me in preference for a deeper agreement with First Nations and the land itself as to why I'm there.

Supporter Rose Rogers, an immigrant to Canada, set out to educate herself on treaties when learning Canadian history to teach her children. She said, "We learned [...] they were only sharing it with us, they were not transferring ownership. And that was a total shift in thinking of what it actually meant. That's almost mind blowing – okay, so they never did transfer ownership." Greene, reflecting on a significant learning in the November 2020 meeting, said,

I was struck and kind of horrified to realize the inequity between the settler perspective that the Treaty is signed and done and the First Nations perspective that this is a sacred ongoing obligation. [...] And so they continue to honour their obligations even towards us, even while we ignore, don't even learn our obligations towards them, the land, the spirits, the witnesses. The gross inequity was what I came away with.

Coordinating committee member Mary Smillie, interviewed for *Eagle Feather News*, shared her realization that Treaties were not land-surrender agreements. "Once I learned that, then my husband and I wanted to take the opportunity to learn how to [share the land]. [...] If you just trust the simplicity of the need to share, and sharing being something we learned in kindergarten. We know it will have some hiccups but it's the right thing to do" (Raine, 2021).

Despite, or perhaps because of, their enthusiasm for the TLSN's work, participants found it easy to suggest barriers facing the network. Four interviewees mentioned the lack of trust between Indigenous people and settlers, "reasonably so" on the Indigenous side as Mowchenko said. Bradley Desjarlais, a hunter from Fishing Lake First Nations, told a reporter that when he came to the TLSN launch, "I had to slap myself because I was sitting with a bunch of white people and they're telling me I can access their land for hunting or picking medicine or berries? In rural Saskatchewan, what I'm used to is having the warden called on me" (Raine, 2021). He said he wondered what the catch was (Narine, 2020). Gilroy's experience connecting with Indigenous people during a struggle to preserve her pasture with First Nations' archaeological features granted her a revelation: "[Name] said, 'I come out here and I'm this Indian guy driving around in a van [...] if I'm lost or something I don't want to go into anybody's yard and ask for

directions or anything.’ And I never even thought of that. And he said, ‘it’s like you going to the reserve and driving around. You’re going to be uncomfortable.’” Gilroy also dealt with inaccurate gossip about a land gathering with Indigenous Peoples that she held:

There was a guy came up to me at a funeral and he said-oh I can’t use all the words he said, something about people in pastures making a mess and garbage all over the place and I looked at him and I said, ‘where did you get your information?’ I said, ‘it happened to be my pasture. I fed everybody lunch, we sat around and talked all afternoon, and it was a very pleasant day.’ And he just backed off right away. But that’s the way people are, they would rather make stuff up than actually find out the truth. But anyway, we put up with some crap over this, but it doesn’t matter, I’m sticking to my guns.

Five interviewees named racism as a barrier outright. One said of the local community, “it’s a very racist community. You can talk to them, and they’ll say ‘no, no, I’m not racist’. And they might go to a powwow or something in town. But when they turn their backs and start talking to some other friend, they’re putting down Indians again.” A few more alluded to racism more implicitly as, e.g., “attitudes in rural communities... hostility”, and the government's “atrocious” attitude towards First Nations that mirrors the societal viewpoint. However, what they attributed this negativity to differed, from fear to lack of awareness and understanding. Farmer supporter Cam Goff said, about people in his area, it was “a lack of knowledge and if that’s the general mindset, people don’t want to make waves. Most of this is knee-jerk, they haven’t given it a great deal of thought, that’s how their parents or neighbours think so that’s how they respond.” Some mentioned misconceptions: “A lot of people are under the assumption that if you let First Nations people in, they are going to take all your land away. They are going to come in and they’ll just say, ‘well we want this,’ and then it’s all theirs” (Gilroy), and “myths that the white folk cling to” (Rogers). Both supporter Marcella Pederson and member Martin suggested settler farmers have a protective attitude about land. Harrison said a reluctance to share land was based on “Just fear. Fear. They’re scared... I think they’re scared they’re going to lose some control.”

Those who suggested that education was the way out of ignorance described how they themselves had learned through books, documentaries, experiences like the Blanket Exercise or learning from organizations to which they belong. Gilroy, who watches Aboriginal Peoples Television Network with her partner, said, “last winter after we had locked down or whatever, we got a lot of books here and we have done a ton of reading on things, and it really opens your eyes at as to what has gone on with First Nations in this country.” Buhler gave the example of

the *Reserve 107* documentary made not far from his home that tells the contemporary story of Indigenous, Lutheran, and Mennonite people to support the land claim of a First Nation whose reserve was expropriated for settlement in 1897. Martin observed that schools today are better at teaching Indigenous content and perspectives than when she was a child: “What I remember [...] was all very basic descriptions and it made you think about Indigenous people as existing in the past. I think that they’re doing a much better job of teaching that Indigenous cultures are very much a part of life and alive today and it’s still a way of life. It’s being taught more respectfully as well.”

An internal barrier was acknowledged by several interviewees, as well as participants in the first TLSN meeting at Wanuskewin: discomfort. They spoke of worrying about being accidentally offensive, using the wrong language or not doing the right thing in interactions with Indigenous people; reluctance to participate in First Nations events without knowing protocols; and fearing backlash from settler neighbours for their participation in the network. This is a barrier the coordinating committee expected from the start. One of TLSN’s guiding principles is “It is critical for settlers to engage in ongoing learning together to deepen their practice of the Treaty relationship, even when this work requires them to set aside their own ways of doing things, challenge their perceptions, and feel uncomfortable” (Treaty Land Sharing Network, n.d.). I experienced discomfort myself when contemplating how to ask the cousins renting the land I co-own to put up a TLSN sign and delayed discussing it with them for months.

Thus, in the interviews I expected to hear about discomfort but I also expected to see two other things: Tuck and Yang’s ‘moves to innocence’, “strategies or positionings that attempt to relieve the settler of feelings of guilt or responsibility without giving up land or power or privilege, without having to change much at all” (2012, p. 12) and Lowman and Barker’s ‘moves to comfort’, centering one’s emotional reaction to confrontation/revelation about settler colonialism in hopes it will be alleviated (2015). However, for the most part when discomfort was mentioned, the research participant talked about trying, or succeeding in, working through it. This is also what I observed of members and supporters in in-person sharing circles at TLSN events who largely acknowledged past, if not present, culpability, and accepted current responsibility. Hunting is a case of settler discomfort where the coordinating committee, after many internal discussions and discussions with members, decided to insist allowing hunting was a criteria for membership. This has meant that at least one supporter has declined to become a

member and share their land. Philip Brass argues that Indigenous people should be able to hunt without asking permission, saying “Reconciliation isn’t about feel-goody, sitting-around kumbaya scenarios. It’s about simply relinquishing your power and privilege on land that you occupy” (quoted in Sawatzky, 2021). Allyship, for Algonquin scholar-activist Lynn Gehl, means that support is not “conditional on personal or ideological agendas” (quoted in Clark et al., 2016, p. 143). The approach of the coordinating committee to member differences is to ask members to commit to continuous engagement and education.

Although many interviewees suggested education as the best method to counter negative attitudes and ignorance, just as many claimed that the best way to make change was through relationships. Greene said,

It’s through our relationships that we actually learn. We can read about things, we can see promotional campaigns, we can even have some lifelong direct experiences but it’s not until we interact with someone who sees it differently and they help us to see what they see in relationship that those big shifts can happen.

Gilroy, who hosted a land-sharing event in October 2020, said, “the best way for people to understand each other is to actually be together. Just sitting around talking and stuff like that.” Martin and Harrison both unequivocally said that trust needs to be built through relationships and takes time. In their study of non-Indigenous participants in TRC proceedings, Denis and Bailey quote Anishinaabe journalist and politician Wab Kinew: “Reconciliation is not something realized on a grand level...when a prime minister and a national chief shake hands. ... Reconciliation is realized when two people come together and understand that what they share unites them and that what is different between them needs to be respected” (2016, p. 140). Relationships are fundamental to Indigenous philosophies and relations with all beings provide knowledge of how to live (Sullivan-Clarke, 2020). Relationships are thus not only for building understanding but informing changes to the way we live.

The idea here is that the reconnection of people with one another, and of individuals and the land isn’t necessarily transformative in and of itself, but that it is the proliferation of relationships of care and nurturance, in which we see ourselves having concrete roles and responsibilities, that have the greatest promise. Imagine the transformations that could occur when humans begin to realize that we are not neutral in the face of crises that surround us, but instead recognize that through our choices we have the potential to actively change the world we inhabit (Starblanket & Kiiwetinepinesiiik Stark, 2018, p. 177).



Mowchenko proposes a vision of such a transformation: “Bring people together, build trust, build relationships, encourage sharing, encourage knowledge of the vision of the treaties and facilitate dreaming and thought about how now, in 2020 and forward, we can move towards a realization of the vision that was painted in the treaties.”

### **Visions of Rural Futures**

Utopias, dismissed for many years, are being taken up again by some scholars studying or working for social change. David Harvey suggests that for radical change, we need “fantastic pictures of a future society” grounded in historical and geographical conditions (2000, p. 49). In the context of Scottish land reform, Mark Shucksmith proposes that encouraging “collective imagining of alternatives” (2018, p. 164) is necessary in order to disrupt the status quo and assist radical, holistic thinking. Regarding the food movement, Molly Anderson states that “Humans need vision to inspire, to mobilize, and to keep us on the track of constructive action” (2019, p. 2). Sippel and Visser speak specifically about visions’ role in driving land transformation (2020). They argue that imagining is not just a conceptual exercise but “a social practice of actively envisioning and working towards new worlds and realities” (Sippel & Visser, 2020, p. 274). In light of this, I asked the interview participants to imagine what TLSN would be like in 10 years, either realistically or ideally.

The answers turned out to be, for the most part, of limited scope – not fantastical or radical. Practical visions included Buhler’s – to have fifty TLSN properties around the province and know that land was safe and values were shared – and Gilroy’s, to have a regular group of Indigenous land users the landowner could get to know. Others were a bit vaguer: Martin hoped the network would still exist and more people would be aware of it, and Sanche hoped that people would “know so much about it that they’re bored of it”. Some focused on relational outcomes. Pederson hoped for more friendships and less racism, and Sanche hoped it would result in “more connections and more listening”. Mowchenko thought it was a strength of the network to not have a closed vision but be open and flexible. He also had the concrete vision of landowners accessing land on their own outside TLSN events and 10 members with land in one contiguous area. Greene had perhaps the most far-ranging vision, with the hope that TLSN would instigate transformative conversations, integrated with grassland conservation and climate change actors learning from First Nations how to co-exist.

How does this align with Indigenous visions of the future? Denis and Bailey (2016) point out that the meaning of reconciliation will differ for Indigenous people depending on various factors and Starblanket and Kiiwetinesiiik Stark caution against prescriptive processes that are restricted by “presumed universality” (2018, p. 178). Thus, Indigenous scholars and activists differ on what should be done with land. Alfred maintains that settlers must “mak[e] things right by offering us the dignity and freedom we are due and returning enough of our power and land for us to be self-sufficient” (quoted in Denis & Bailey, 2016, p. 142). Tuck and Yang (2012) stress that land repatriation is essential to decolonization. Craft proposes that there are different definitions of “land back” depending on where people are from, but that it involves displaced people returning to and educating young people on the land, focusing on the importance of relationships with and responsibilities to the land and each other (Baptiste et al., 2021). Boan says that the goal of land back isn’t an inversion of the colonial process to dispossess settlers, but a new way forward that may include repatriation, sovereignty, and honouring treaties (Baptiste et al., 2021). These last two perspectives incorporate the relational, dynamic, contextual nature of Treaties that TLSN espouses in its reflexive work with members and Indigenous land users.

## **Conclusion**

“[H]eartfelt affective ties between people and land may prove central to the success of broader social struggles, because they reinforce (and are reinforced by) affective ties between people and people” (Carlisle, 2014, p. 139)

The Treaty Land Sharing Network is still in a nascent phase, and this study reflects that it is growing, changing, and struggling. The mission and comprehension of Treaties employed by the network have remained the same, based on rights and responsibilities to land, but members’ understanding and use of these are inconsistent, although well-intentioned. Challenging Treaty myths has proven a valuable way for some to shift ideas about landownership and relationships with Indigenous peoples. These relationships are seen by many participants as key to changing property relations. TLSN’s coordinating committee remains dedicated to building relationships through education, outreach, advocacy, alliances, and sharing experiences on the land, to bring about change.

It is difficult to predict TLSN’s future. The network currently has the benefit of financial resources from institutional sources like the United Church of Canada, the commitment of many

dedicated people on the coordinating committee, and the practical incorporation of changes into land sharers' everyday lives. It has appeared in a time and place that are more conducive to its success than some previous decades, although, as Chapter Two shows, it faces ideological, legal, and personal barriers in the province. Its greatest strength, however, may lie not in its products but in its processes.

Many scholars believe that the goals of movements for justice need to be arrived at democratically and inclusively through struggle, dialogue, and acknowledgement of differences (Borras et al., 2015; Hoffman, 2013; Mackey, 2016; Shucksmith, 2018). This argues for a consideration of internal workings of collectives and the processes by which they achieve their goals. In this vein, Harvey (2000) discusses a "utopia of process" whereby values and goals are arrived at in a dynamic process, embodied in praxis and Gibson-Graham (2007) argue that communities should be based on principled, democratic, cooperative processes. In a discussion paper on the future of the food system, referring to the utopia of process, Dale et al. imagine not a static ideal but "significantly improved approaches that will always be under development, and wherein work will continually (and democratically) be needed to address flaws and ongoing inequalities" (2021, p. 3-4).

As I was wrapping up this dissertation, a land sharing event on members' farm near Saskatoon occurred on June 10, 2022, with traditional teaching about medicinal plants by an Elder and Knowledge Keeper and a workshop by Creeland Dancers. Four high school classes focused on Indigenous students and/or programming attended, as well as other local Indigenous people. The event received funding support from the provincial Ministry of First Nations and Metis Relations, the United Church of Canada, and the Nature Conservancy of Canada. Significantly, an Indigenous person described their experience on the land as "healing". This event, one of several this summer, illustrates the spread and the increased engagement of TLSN, accomplished through hard work, reaching out, and building relationships. The potential for greater success of this initiative is in its commitment to an open, democratic, process that is rooted in grassroots participation and in its work in education, communication, and building respectful relationships based on an Indigenous understanding of treaty rights and responsibilities.

There are, of course, tensions and contradictions. On one advocacy issue around whether TLSN should sign on to the Buffalo Treaty and support the reintroduction of buffalo, a couple of

members blocked consensus. This which led to a consultation with members on the issue, the coordinating committee's reconsideration of how to engage members in learning about issues, and a subsequent refinement of the consensus model. Recently, the Saskatchewan Ministry of Government Relations asked if TLSN would present to a group of ministry employees as an example of reconciliation work in Saskatchewan. The coordinating committee decided to participate but to make it clear that countering government actions is one of the major reasons for the Network's existence. Decisions like these may result in some backlash or loss of support but are likely to appeal to others as well. On the other hand, it is likely that TLSN's approach to sharing land will not be accepted by some proponents of Land Back who insist land must be returned, not shared, and that these concerns will have to be addressed by the coordinating committee.

Along with dedication to a principled process, decolonial allies need to commit to additional principles. Sullivan-Clarke, a scholar from the Muskogee Nation of Oklahoma, defines a decolonial ally as one who recognizes Indigenous self-determination, accepts that they benefit from settler colonial privilege, and has a relationship with Indigenous people that provides the framework for acting in support and solidarity (2020). This is the 'ideal' that TLSN strives for by providing learning opportunities, reaching out to members and land users for feedback, decision-making through consensus, being guided by Elders, and accepting the uncertainty and discomfort that are part of the decolonization process of radical change. It is my personal hope that TLSN will reach deep to uproot Western assumptions about property in land to transform social relations.

## Chapter Six: Conclusion

At the dinner table the other night, I informed my bemused younger child that I'd wanted to experiment on them as a baby by not using any possessive pronouns around them. "How would that work?" they asked. I responded, "Well, I'd say, 'go put on the red coat' instead of 'your coat'. Or 'Use the brush on... the hair?'" As I did when I decided not to experiment on them after all, I realized how difficult it is to change accustomed language. But I had really wanted to see how that would change thinking and the "social relations that govern the conduct of people with respect to the use and definition of things" (Hoebel, quoted in Mackey, 2016, p. 44).

This experiment might have gone against much Western thinking on child development. In "Law, Boundaries, and the Bounded Self", Jennifer Nedelsky (1990) references a child development book on self-esteem by Dorothy Corkville Briggs when discussing boundary metaphors. Briggs contends that toddlers need to develop autonomy and separateness from their parents, and that one way to do that is through ownership. She says, "To [toddlers], separateness *means* the right to possess. *To fully share, a person must FIRST fully possess.* None of us can share what we don't have" (quoted in Nedelsky, 1990, p. 172).

In Western thought, there is a similar line in private property theory that deals with personhood. MacPherson explains that Aristotle supported private property as essential for the "full use of human faculties" (1978, p. 9), but that common property systems at the time were subject to far less debate. It was with the spread of capitalism, MacPherson argues, that the need for (relatively) absolute private property rights for the functioning of capitalist markets led to the need for a moral justification of private property. Thomas Hill Green proposed that property ownership allowed one to realize one's will and potential that was necessary for forming a moral personality (ideally, in Green's view, directed towards social good). Along with Locke's argument that an individual's labour entitled them to property, MacPherson proposes Green's thinking as one of the formative influences on 20<sup>th</sup> century liberal justification of property.

What was happening with land in the seat of Western private property law during the development of justifications of individual, absolute property rights? Blomley (2017) describes the change in rural England in Locke's time, the late 16<sup>th</sup> to early 17<sup>th</sup> century, where, through enclosure and exclusion, "increasingly, property became disentangled from a localized nexus of collectively organized and policed relations, and was inserted within wider networks of

calculation and commodification” (p. 4). Through techniques of surveying and mapping, land was separated from the large landowner: it could be managed and evaluated from a distance (Blomley, 2017). The social relations regarding land were also distanced and formalized via law, with rights accruing more and more to the individual landowner and being taken from the collective. However, the resistance of commoners to enclosures in the 16<sup>th</sup> century, although ultimately unsuccessful, continued for centuries in England (Blomley, 2017; Neeson, 1993), with some still successfully claiming gleaning rights in the 19<sup>th</sup> century (Blomley, 2017). The transition to a private property regime was by no means smooth or natural, in England or in its settler colonies, as many scholars of property in settler colonial nations have shown (Carter, 1990; Daschuk, 2014; Harris, 2004; Moreton-Robinson, 2015; Pasternak & King, 2019; Starblanket, 2019; Tuck & Yang, 2012). As Mackey says, “A great deal of effort went into naturalizing the idea that culturally specific ways of relating to land and people was universal and proper” (2016, p. 54).

Responding to Briggs’ claim about the autonomy of toddlers, Nedelsky reflects on its “ideological”, “culturally specific” stance about ownership:

Suppose, by contrast, that the basic task were to communicate to a child that much of her environment is such that several people (and other creatures) have need of it and claims on it – that is, it is ‘shared.’ Here her selfhood would not be hammered out in possession, but developed in the context of the rules of reciprocal connection. (1990, p. 172)

To accomplish this would be more difficult in a context where one must caution toddlers not to walk on others’ lawns, but it is not unimaginable. In this dissertation, participants have accepted – and even claimed and advocated for – non-owner access rights to privately-owned land (Chapter Three), the use of private land for common goods (Chapter Four) and the moral obligation to share land with Indigenous peoples (Chapter Five). Even the concept of stewardship upheld by landowners often implies that humans, let alone owners, are not the sole stakeholders in private land (Chapters Two, Four).

Does the private property regime in the Prairies fulfill its early (Western) boosters’ promises? Bentham (1978) believed private property was the best way to guarantee security and thus societal happiness. Locke saw private property as motivation to labour, be productive, and “improve” land (Locke, 1978) and Hegel saw it as necessary for people to develop freedom and individuality (Mackey, 2016). More recently, Hardin posited secure private property rights as the

best way to ensure environmental stewardship (Hardin, 1998), Wolford (2007) shows how Market-Led Agrarian Reform proponents claim private property in land increases efficiency and productivity, and some Canadian proponents such as Tom Flanagan say it will provide First Nations with economic self-sufficiency (an idea critiqued by Dempsey et al., 2011 and Pasternak, 2015).

There are likely not many arguments to be made against the general value of societal happiness, although its definition and the means of arriving at it occasion fierce debate. Whether that value, and the values and desires expressed by participants and consultation respondents in the cases in this dissertation, are fulfilled by private land ownership is open to question. The private property regime does reinforce some widely held values. In more than one case study, people profess to value hard work (like Locke) and credit their ownership of land to the hard work that 'earned' it. (These are the stories, of course, told by survivors of the agricultural economy over the last decades; those who lost their farms may have worked hard but are not represented in the data.) There is a moral value of worth attached to this, especially when consultation respondents, for example, contrast it with the perceived laziness of Indigenous people who don't 'improve' the land. The trope of hard work justifies the ownership regime. Economic success is also a value that proponents of private property claim it best supports.

I outlined criticisms of these claims in Chapter One, especially those related to ethical, environmental, and empirical arguments against private property (Broegaard, 2009; Cohen, 1978; Geisler, 2015; Kingston-Mann, 2009; Rousseau, 1978; Salsich Jr., 2000; Tawney, 1978), many of which the cases in this dissertation support. The benefits of private property, when they exist, are mainly individualistic and do not necessarily aggregate into a societal good. Much of the data in this dissertation shows that people want more from agricultural land than simply productivity and efficiency. Those who support the concept of common good often argue that private property rights, facilitating individual control and decision making but not responsibility for the externalities of those decisions, often does not fulfil the public interest. For example, in the Canadian prairie provinces, private landowners are free to plough up native prairie for crops or remove trees that provide windbreaks, while the general public is impacted by the loss of water retention, biodiversity, and carbon sequestration. Thus, private ownership is not necessarily associated, as Green hoped it would be, with the development of a social good. In addition, for those who value or claim a right of free access, e.g., to common resources such as

wildlife or to lands for ceremony and food sovereignty, private property rights can be an impediment to fulfilment of that right. Despite its hegemony, the work private property does is not unfailingly supported or uncontested on the Canadian Prairies.

In Chapter Two, analyzing responses to two Saskatchewan government public consultations on agricultural land policy, I investigate social values through the stories told by respondents in the consultations. Drawing on work by Blomley (2013), Mackey (2016), and Moreton-Robinson (2015) showing that (and how) property regimes need to be maintained, I incorporate scholarship on storytelling to analyze purposive submissions on land policy. As survey respondents employ stories to influence policy decisions on agricultural land tenure and advocate for the status quo, they use social values that justify their entitlements. Alternative property relations, advocated or proposed by some respondents, provide more fundamental challenges to absolutist notions of private property rights and thus face ideological barriers to acceptance and implementation through policy. However, Chapter Two suggests that telling different stories can be a way to alter property relations. Importantly, stories from and about Indigenous peoples are almost entirely absent from the depictions of the status quo property regime and its benefits. This insight foreshadows the importance of Indigenous stories and ways of seeing to changing land relations with settler titleholders in Chapter Five.

Building on the maintenance of property, Chapter Three shows how private property rights in Saskatchewan are strengthened and made more absolute with the passing of the amended *Trespass to Property Act* in 2019. The *Act* is striking in that it has quite visible material effects: there is no longer a legal need to post signs or erect fences to exclude non-owners. Land will appear less restricted while being more so. The rationale is to provide protection from, and punishment for, perceived threats of antisocial behaviour (e.g., crime, biosecurity concerns) on the part of those accessing land. It accomplishes the elevation of primacy of landowner rights over any other claims or entitlements. Using ideas from legal geography and legal consciousness studies, the chapter also reveals ideas about the appropriate function of law in property relations in Saskatchewan in the context of settler colonialism: to support and enforce exclusive private property rights and protect property and owners' livelihoods. Despite their decreasing access to land, Indigenous people are again conspicuous for their absence in the consultation submissions, although some representatives' voices are heard in the media. Racism, inherent to the structure of colonial agricultural land ownership, is the elephant in the public room.



Consultation participants in both Chapters Two and Three claim good stewardship occurs in whatever type of land tenure system for which they are advocating. This brings up the question of whether private ownership tends more towards enabling human development (de Soto, 2003) or degrading community interests (Geisler & Daneker, 2000a). Despite the prevalence of privately owned agricultural land in Manitoba and Saskatchewan, established models of grazing access on public lands still exist. Third-sector ownership that allows grazing is a recent development, largely in response to environmental threats such as biodiversity loss. The multifunctionality of grazing land provides common goods, but there is debate about the most effective way to do so. While private ownership has no compulsion to provide common goods, alternatives often do but are under resourced and insecure. Collective ethical commitments and the common good provided by agricultural land are increasingly of interest in society but lead to the question of whose responsibility it should be – ethically and practically – to pay for and provide these goods. These alternatives to private ownership work well when alliances are built and the benefits of collectivity are taken advantage of. Participants propose reframing issues, uniting stakeholders, and embracing diversity and grassroots knowledge as best practices for successful grazing land models.

Chapter Five is in some ways the culmination of the cases – the release of a long-held breath as Indigenous relations to land are brought to the fore, and an exploration of the most radical departure from typical settler understandings of land in the prairies. Grey & Patel (2015) and Brass (Zink & Brass, 2017) describe an Indigenous cosmology in which social relations extend to non-human kin and land, where language, social organization, and science, are rooted. With this understanding, participants consider what kinds of relations with land characterize a more just, decolonized society, an ontologically different question that includes land as active subject and suggests our responsibilities to it. The case of the Treaty Land Sharing Network provides a concrete example of progressive change to social relations regarding agricultural land in Saskatchewan. Themes from other chapters are woven in: the importance of demythification, the multifunctionality/different meanings of land, and the precarious basis of the colonial private property regime. The case is explored from an insider perspective as I interview TLSN members to explore settler allyship and use information from my own work as an organizer to analyze social movement dynamics. The chapter concludes with a look at rural futures and the usefulness

of the concept of the utopia of process and the importance of on-the-ground relationships in bringing about social change.

One of the parts of writing that I struggle with most is giving the work a captivating title while encompassing its breadth. The best I could do for this dissertation was a double meaning on the word ‘changing’ – both adjective and verb. I have endeavoured to not only describe the relations at play but suggest how changes may be brought about. The four cases, set in the same settler-colonial context of private property in the Prairies, all examine notable changes or challenges to the status quo of property in agricultural land. The cases tackle big questions: who should own land? Who should access it? Who should be responsible for the various things it provides? In other words, how shall we conduct our relations to each other in regard to land, in this time and place?

The four cases in the dissertation interrupt the stock story of private property. Looking closely at ‘fly-over country’, the ‘checkerboard’ of fields farmed by ‘producer-entrepreneurs’, displays the complexity of beliefs and practices in what seems at first glance like a homogenous, stable property regime. The free market in land is problematized in Chapter Two and the stewardship assumed inherent in private ownership is questioned. In Chapter Three, perceived threats to the rights of property owners prompt a bolstering of the ability of owners to exclude. In Chapter Four, public and third-sector ownership with collective management and use provide opportunities and benefits that private ownership often does not. Chapter Five presents the most radical definitions of land and ownership and attempt to change property relations.

For many rural people, land is more than a resource and serves many purposes. When the meanings it holds for people are threatened, people take action, from speech acts to movement organizing. In Chapter Two, they respond to government consultations by elevating the values of mutual aid, citizenship, and tradition, and emphasizing the environmental significance of collective pasture management under public ownership. In Chapter Three, opponents of the trespassing legislation amendment advocate for Indigenous rights and recreational access rights on private land. Chapter Four shows NGO/civil society-farmer partnerships that form when government responsibility for environmental and social goods lapses. And Chapter Five depicts a nascent social movement that brings settlers and Indigenous people together around significantly different ideas around ownership and responsibility regarding land.

Even those who benefit from the regime and defend the status quo display nuance. The free market in land is challenged in Chapter Two by private landowners who see agricultural land as a special case to be owned by farmers and argue that corporations ignore the human and social elements associated with land – history, community support, and recreational opportunities, among others. In Chapter Three, private landowners who want their land secure from outsiders for economic reasons also attribute their ownership to hard work and show pride in it. In the four cases, most farmers and rural dwellers are unaffected or only slightly affected by challenges and changes to ownership and access. But for many land users, access is expanded or curtailed, and some landowners' responsibilities and relationships are increased with the collapse of government support or decreased with simplification of the trespassing law.

Through the struggles in the four cases, there are real effects on people's lives and on the materiality of land. There is no direct through-line of progress; for example, trespassing legislation penalties increase during the same time period as settler landholders join TLSN. However, the initiatives profiled contain elements of success that may bear further fruit. The property regimes in the cases extend backward through time and will doubtless continue to change in the future. The snapshots provided here aim to answer how and why property relations in this time and place, with this historical legacy, get created, enacted, maintained, and contested, and what hope that offers for change.

### **Goals of the Research**

There is an old chestnut that goes something like this: "A PhD is learning more and more about less and less until you know everything about nothing". The implication is that doctoral research is often on topics so specialized that they are trivial and meaningless. On the flip side is the dangerous appeal of universalistic claims: the provision of firm categories, easy answers, and certainty. These are caricatures, of course, but nonetheless I have at times struggled with tendencies too far one way or the other throughout my dissertation research. While being careful to avoid essentialism yet still employ broad concepts such as social justice in specific contexts, I have found this insight from Blomley helpful: the use of abstracted ethical categories is necessary in order to critically study "common human capacities for flourishing and suffering" (2007, p. 55). For scholar-activists working for change, Figueroa (2015) and Shattuck et al. (2015) argue, there is no blanket approach; change will be articulated in different ways in

communities with specific cultures, histories, and geographies. Yet, the actions these particular scholars are writing about are all carried out under the banner of food sovereignty, a global movement and concept that unites actors under common principles and practices. While solutions and actions are not prescriptive, as they respond to factors such as local cultural autonomy and environments, they share commonalities. People are building and living alternatives that centre self-determination, community, meaningful livelihoods, and traditionally/culturally meaningful practices, through the medium of democratic participation. They are informed by a critique of the industrial capitalist food system, using broader categories analytically and politically as well as to speak to people's lived experience.

My research thus aims to provide a historical, geographical, and political context for the current cases of private property challenges in the Canadian prairies, but does so in hopes that the cases, through analysis and implications, are useful to others in different contexts. Throughout this dissertation, I use the cases not only to say, "private property does not do what its advocates say it does", as others have already done well (Brent & Kerksen, 2014; Broegaard, 2009; Kingston-Mann, 2009; Pasternak, 2015; Singer, 2000; Wolford, 2007). I also show what private property does: the ideas and relationships and materiality it creates and supports. Rotz suggests that "critical scholarship on how white settler domination in specific spaces is maintained here and now" is needed (2017, pp. 161–162). In addition to writing about the current maintenance of white colonial private property in agricultural land, I show other ways of thinking about property – and more so, the ways of bringing that thinking, and subsequent changed practices, about more broadly. This is at the heart of my commitment to critical geography and scholar-activism.

I can still remember the feeling of having the top of my head lifted off and my mind opened up when I first read the phrase "land-based social relations" in Borrás & Franco's 2010 book chapter. Definitions of property that incorporate the essential aspect of social relations seem to me to hold the key to how property regimes may be changed. In the case of the trespassing law in Chapter Three, the change to the law – requiring permission to access land to be granted – is a more onerous requirement but is not in itself threatening. The material result of the change in the law and subsequently the land-based relations that Doug Cuthand (2019) predicts, the landowner threat to Indigenous people's safety, would occur because the law and discourse around it encourage the idea of absolute property rights, fear of crime, and mistrust of

the Other, leading to changing social relations and limited access. TLSN's partnered advocacy to oppose the law was spurred by a belief in differing relations to land informed by Indigenous peoples. Changing relations are an important step in changing structures. When the social relations are extended to non-humans, the concept of multifunctionality and common good become more important considerations in a property regime. Expanding the concept of property in agricultural land, making it more inclusive, and including responsibilities along with rights is not simply a discursive academic exercise, but an idea that can change society via changing social relations. And through stories, as one tactic, it can be made accessible to a wide array of people.

In the introduction, I quoted Marx's phrase "Philosophers have only interpreted the world, in various ways; the point, however, is to change it" (cited in Borrás, 2016, p. 23). Rather than being, on the surface, a dig at non-activist scholars, it draws attention to the need to dismantle dominant paradigms and systems on a material, not just a conceptual, level. Just as private property quickly generates material consequences when challenged – fences erected, law enforcement engaged, people dispossessed – it must be challenged materially as well. In the case of TLSN, this is via signs and physical presence on shared land along with a website, newspaper articles, and stories about the intent of Treaty. What specific roles can scholars play? Throughout my involvement with TLSN during my research, I have considered the goals, benefits, challenges, and limitations of scholar-activism.

My motivations and sense of responsibility align with scholar-activists who believe that "the ongoing economic, political, and ecological crises confronting humanity urgently necessitate engagement" (Derickson & Routledge, 2015, p. 4) and that "research can and should make material contributions to efforts at confronting such crises" (Croog et al., 2018, p. 1027). For many, the goals of scholar activism include addressing public issues, contributing to social change, producing knowledge useful to the community, and/or changing knowledge production and distribution (Duncan et al., 2021). From these stem principles that also suggest benefits to both researcher and community: reciprocity, mutual benefit, engagement with community to formulate questions, accountability and service to community, solidarity, and commitment to taking movement knowledge seriously. Participants in The Corporate Mapping Project, a collective of academics and community-based researchers largely based in Western Canada working on fossil fuel industry issues, provide an example of the concrete benefits of their

research. They expose hidden information, generate evidence-based data for citizens and activists, collaborate with investigative journalists, and create policy analyses (Carroll & Daub, 2018). While many of the skills I offered TLSN were gained outside academia, my position did offer some benefits to the Network. A webinar was planned incorporating my research on trespassing along with insights from an Indigenous lawyer, an example of co-production of knowledge. I shared contacts and knowledge gained through my institutional position and incidental research contacts. Primarily, my research offers information for reflective analysis on membership motivations and concerns.

As I suggested in the introduction, I encountered challenges conducting research as a scholar-activist. Routledge & Derickson (2015) outline many that researchers may face: institutional disincentives to the work, tensions between the goals of researchers and movements, logistical and positional issues with sites in each milieu, and navigating different types of knowledge production. While I was fortunate to have dissertation advisors (one of whom is a scholar-activist) who supported my research plan, there were some incompatibilities between goals and requirements of my degree and my involvement in social change. The time limits on the research phase – necessitating completion of the degree in a certain number of years – may or may not coincide with the research needs of participants. Much time is required to be devoted to producing academic work rather than popular work that is far more accessible. Participation in activist organizing, on the other hand, requires the ability to change course in response to emergent needs, which do not necessarily align with a predetermined research plan.

The benefits of activist involvement to my research, however, were also apparent. When I reflect that when I started my doctoral work I didn't think I would need to include contemporary Indigenous perspectives on land in my dissertation, I realize that my learnings from my involvement with TLSN are incalculable. Being introduced to the work of Gina Starblanket helped me understand Treaty relationships in a way I hadn't before, further motivating my participation and commitment to the principles of the Network. I collected richer data and made more robust connections to participants because of my multilayered relationships, through farm activism, environmental activism, and the connections of those I worked with, both to them and to the issues they cared about. A strength of the research overall was the willingness of many participants to engage both in in-depth and broad explorations of concepts and share personal

meanings. It is these types of generous relationships that underlaid the instances of social change in this dissertation.

After the launch of TLSN, the Network received five requests from researchers to incorporate coordinating committee or TLSN members in their research. This reinforced my commitment to engaged scholarship principles from the position of a potential research subject. The requests were of varying relevance to TLSN's mission and activities and required different amounts of work/commitment from participants. Three coordinating committee members spent time on formulating research protocols that would ensure research benefited the network and members/process of land sharing, respect participants' time and privacy, and give them some ownership over the research and media work. We decided we would not be party to 'extractive' research that did not offer any benefit to TLSN and would burden members. We ended up accepting two of the requests according to our protocols.

Scholarship has great potential to contribute to TLSN efforts. The Network may have need of both analytic and practical assistance: studying issues of interest to the movement, teaching, documenting, creating public policy, training in participatory research methods such as participant mapping or photovoice, and continuing to communicate to the various audiences to which academics have access. One of the coordinating committee members, an academic, has used her position to benefit the Network in many ways, from introducing the coordinating committee and TLSN book club to Gina Starblanket's work and providing institutional Zoom account access for meetings to connecting the Network with participants she worked with in previous research projects, all of which is related to her employment privilege.

The case of the Treaty Land Sharing Network prompts thinking about how attempts to decolonize land will differ in places with different frameworks for interaction with or understandings of land relations (e.g., two-row wampum). It also gives rise to other questions. What is the role of urban people in decolonizing land? Bowness & Wittman (2021), posing urban people as 'eaters', argue that they have a responsibility to support Indigenous food sovereignty on foodlands – which are overwhelmingly rural – by allying with Indigenous peoples. Decolonization of land should not just be a rural responsibility; to be significant, it would require large-scale social re-organization and should affect everyone. Another question is what could be learned by linking research on land concentration/accumulation (e.g., (Büscher & Fletcher, 2015; Desmarais et al., 2017) and attempts to ensure land access for Indigenous people, perhaps

comparing Canada to other sites where financialization or conservation have dispossessed (Dowie, 2009; Hackett, 2015).

*Limitations of the Research and Areas for Future Exploration*

The history and experiences of Indigenous peoples in the prairies is a significant aspect of land relations past, present, and future. However, after consideration, I did not include Indigenous participants in the empirical research. First, I did not want to be perceived as “speaking for” a group I am not part of, choosing rather to engage in the political work of seeking ways of amplifying Indigenous voices. Second, I see part of my scholarly and political work as troubling the assumptions and practices relating to property of the white settler population that I am a part of, which this research allowed me to do. However, I have attempted meaningful engagement with Indigenous scholarship and perspectives as “a counterpart analytic” (Kauanui, 2016, p. 33).

Other limitations included small sample sizes in some cases – that of the Treaty Land Sharing Network, which had few members at the time of data collection, and in certain alternative grazing land models. Because generalizability was not a goal, this limitation is less severe, but I have certainly missed some perspectives. Some of the secondary data also had limitations: consultation data in particular does not provide demographic or personal data about participants or allow further access to them. However, the qualitative methodologies employed offer clear guidelines about what can and cannot be inferred and concluded from this data.

I had originally intended to do one in-depth study and ended up with four wide-ranging cases. There are, of course, pros and cons to each approach: the risk of overspecialization and lack of accessibility vs superficiality; the reward of rich and comprehensive data vs synthesis and reflection on an idea manifesting in different contexts across cases. As with any research, ideas and questions had to be set aside for future investigations or writing.

Stemming from the choice to write about four cases rather than focusing more intensively on one, I found that data that would have strengthened my research did not exist. There is no comprehensive report on the Canadian livestock industry that analyzes and synthesizes the many factors of: feedlot, packer, retailer, and producer profits; trade/export regulations; cattle prices; feed prices and availability; and producer access to land and land prices. The research available is largely funded or conducted by industry for their own needs. For example, Canfax, a branch of the Canadian Cattlemen’s Association, puts out semi-annual reports on discrete elements such as



cattle prices, feedlot profitability and global demand for beef (canfax.ca). As well, Chapter Three would have benefited from more precise data on Crown lands. However, there is no public information from the past ten years that details the extent and type (vegetative cover) of Crown lands in Saskatchewan or tracks their sale. Research on these topics would inform those advocating for public access to land, trying to make the beef industry more profitable for farmers, studying neoliberalization of agriculture, and more.

As well as areas that would contribute directly to what I have written, a number of other questions and areas for research stem from the cases in this dissertation. In Chapter Two, my data was secondary and the analysis focused on discourse. A more in-depth analysis of power might investigate what powers (Ribot & Peluso, 2003) were employed by actors to influence decisions. And, what role do lobbying efforts by organizations or individuals play in property issues and legislation about agricultural land? Future research on trespassing could include a comparison of places with right of public access/freedom to roam place like Scotland or Sweden to Saskatchewan. What are the differences and similarities in regulations, enforcement, education, attitudes, and legislative changes, and how have these changed? It could also further investigate some of the cultural issues at play. For example, what is the influence of American cultural and legal productions, e.g., ‘stand your ground’ laws, media coverage about instances of firearms and property protection, on Canadian property regimes? (Flynn & Van Wagner, 2020). Participants in Chapter Four raise concerns about issues such as ways to bridge (perceived?) scientist-practitioner gaps in rangeland management. How might Indigenous knowledge be incorporated? What governance issues face small rural collectives in a context of individualist competition with a fading memory of agrarian collective organizing (Müller, 2008) and how might they be addressed? Psychological and physical distancing from food sources is commonly deployed in local food initiatives; what is there to learn or address regarding urban distancing from rural land?

### **A Concluding Observation**

Stories also demand interpretation; their normative, emotional, or moral effects are derived relationally, through interpretation, not directly conveyed. (Cameron, 2012, p. 574)

Story unites everything that I have been writing about. My dissertation is a narrative through Prairie peoples' relationships with land disrupted, replaced, individualized, abstracted, and broken, and healing. I have endeavoured to show characters' complexity and contradictoriness and let them speak for themselves to show their reality. I have attempted to draw an evocative and full description of the setting while avoiding alienating readers from other places. My purpose is, through story, to give a certain order to the world I investigate, arouse emotions, personalize issues for readers, and reveal what may be overlooked or hidden. I indulged myself by giving the dissertation a recognizable narrative arc with the possibility of happiness at the ending, a utopia of process and in-process, a lived struggle to something better.

Stories have functioned in the dissertation cases to maintain a cultural narrative and reinforce social values that undergird current property relations, justify colonial relations, and define community in exclusive settler terms. In the case of TLSN, these functions were challenged through demythification and alternate stories. These latter stories aren't just counterstories that expose a contradiction or falsehood (Delgado, 1989) but ones that propose new ways of being. They are more felicitous (Blomley, 2013) when enrolled in networks of other ideas, norms, relations, and occurrences that resonate. With Treaty education increasing, media stories about residential school graves arousing emotions, land increasingly inaccessible, and demographic change, the time is ripe for an emergent movement like TSLN.

If this dissertation is a story, I hesitate to draw more explicit 'lessons' from it, knowing that learners resist didacticism and bring their own valuable interpretations to texts. To the extent that it is not a story, however, I must more clearly offer some things of potential utility. This exploration of private property's hegemony in an agricultural region in the Global North, its entrenchment and intensification and manifold supports and justifications, may serve as a model of apex entitlement or a cautionary tale for others working for land reform and struggling against neoliberalization. The use of discourse in challenging this hegemony, through storytelling and reframing and demythification, is a common tactic and could be examined in other studies of social change in an attempt to demonstrate the (in?)ability of stories to induce change (Cameron, 2012). The wisdom and competence of the participants I interviewed may serve as a reminder of the value of listening to and learning from grassroots voices – particularly ones that may be written off or assumed not to exist. And finally, I hope that I have conveyed a more expansive idea of what land is, and can be, to serve as an inspiration for others effecting change together.

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## Appendix A: Consent Forms



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### Statement of Informed Consent

**Study title:** Beyond private and public: models of agricultural grazing land tenure and access in the Prairie provinces

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This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

#### Project Description:

This research project investigates the benefits, viability, and policy implications of alternative models of grazing land tenure on the Canadian prairies. In a situation with rising land prices, investors and speculators, and barriers for new/young farmers, this research will contribute to knowledge about the success of alternative property models that may be more sustainable and supportive of rural communities.

You are being asked to participate in a one-on-one, semi-structured interview on the topic of alternative grazing land tenure and access, based on your ideas and experience. With your permission, the interview will be recorded. Please initial here \_\_\_\_\_ if you grant permission to audio-record our interview. The

Risks to you from participating in this research are no greater than in everyday life. You will be entirely free to discuss issues and will not be coerced in any way into providing information that is confidential or of a sensitive nature. The only inconvenience or cost to you will be the time required for participation. It is hoped that the information from this research will assist participants if they wish to examine their models in comparison with others. Benefits may also include publicity for the models/programs through research dissemination.

**Withdrawal from Study:**

Participation is voluntary: you are free to withdraw from the study at any time, even after the interview, and /or refrain from answering any questions you prefer to omit, without prejudice or consequence. The latest time at which your information can be removed from the study will be May 1, 2020. Relevant data will be shredded by the researcher, if in paper form, and deleted if in digital form. If you choose to remove your data, please contact the researcher and upon discussion, all relevant data will be destroyed. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

**Consent:**

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time, and /or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

The University of Manitoba may look at your research records to see that the research is being done in a safe and proper way.

This research has been approved by the Fort Garry Joint-Faculty Research Ethics Board. If you have any concerns or complaints about this project you may contact any of the above-named persons or the Human Ethics Coordinator at 204-474-7122. A copy of this consent form has been given to you to keep for your records and reference.

*I have had an opportunity to ask questions and my/our questions have been answered. I consent to participate in the research project. A copy of this Consent Form has been given to me for my records.*

Participant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Researcher's Signature \_\_\_\_\_ Date \_\_\_\_\_

If you wish a summary of findings and written reports from this research, please provide an email or surface mail address to send them to:



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#### Project Description:

This research project investigates the benefits, viability, and policy implications of alternative models of grazing land tenure on the Canadian prairies. In a situation with rising land prices, investors and speculators, and barriers for new/young farmers, this research will contribute to knowledge about the success of alternative property models that may be more sustainable and supportive of rural communities. I am doing a case study on the Treaty Land Sharing Network, exploring members' ideas around land ownership and how they may have changed since becoming involved in the Network

You are being asked to participate in a one-on-one, semi-structured interview on the topic of alternative grazing land tenure and access, based on your ideas and experience in the Treaty Land Sharing Network.

With your permission, the interview will be recorded. Please initial here \_\_\_\_\_ if you grant permission to audio-record our interview. The researcher will also be taking notes in a notebook during the interview. The supplementary field notes, and, given your consent, the recording, will be used during the transcription process.

**Location and Time Requirement:**

Participation will take approximately 1 hour of your time and would take place at your convenience. Participation in this project is voluntary and you may decline to answer any question or stop the interview at any time.

**Confidentiality:**

The researcher will do her best to protect your confidentiality. All data will be kept in a locked filing cabinet in her office and in a password-protected file on a computer. Only the researcher and the research advisors will have access to the data. The recording of the interview will be destroyed after the interview is transcribed and approved by you, approximately two months after the interview. Information containing personal identifiers (e.g., this consent form and notes) will be destroyed as soon as it is no longer necessary for research purposes, approximately two years after the researcher graduates (06/23). Interview transcripts will be deleted and/or destroyed by shredding at the same time.

If you wish to be identified for your contributions to the research, we will (given permission, and where possible) identify you by name in any written documents resulting from this research. It will not be possible to identify you by name if this will compromise the anonymity of someone else who has not consented to participation in this research.

However, you may choose to remain anonymous, if you so wish. In that case, pseudonyms will be used throughout the transcripts and the written results, not only for the participants themselves, but for each person mentioned in the interviews. The researchers will do her best to maintain anonymity, but complete anonymity may not be guaranteed as there is a slight chance that direct quotes or stories may identify the participant to others in the Network, due to the size and nature of the organization.

If participants prefer that their name not be publicized, a pseudonym will be used to conceal the participant's identity. All participants have the option of having their name used in the research:

\_\_\_\_\_ I do not approve of the publication of my name; please use a pseudonym

\_\_\_\_\_ I approve of the publication of my name

The researcher will return the written transcript to you within 1 month of the interview. This is to verify your statements and correct any errors during the transcription process or identify details you feel could compromise your anonymity should you request it. Additionally, confirming the accuracy of the transcript is important to protect your information. If you agree to participate in research, your transcript will be made available to you for review within one month of this session for you to correct any inaccuracies or identify details you feel could compromise your anonymity should you request it.

**Dissemination:**

Results from this research will be disseminated through written reports, presentations at academic and industry conferences, scholarly publications, and possibly through policy briefs and recommendations made to policy-makers. Interested participants can obtain a summary of research upon request, available within six months of their interview. The results and analysis will also be disseminated in the form of a



dissertation. The dissertation will be published on the University of Manitoba's *Mspace* database per the graduate program standards.

**Risks and Benefits:**

Risks to you from participating in this research are no greater than in everyday life. You will be entirely free to discuss issues and will not be coerced in any way into providing information that is confidential or of a sensitive nature. The only inconvenience or cost to you will be the time required for participation. Benefits may also include publicity for the Network through research dissemination.

**Withdrawal from Study:**

Participation is voluntary: you are free to withdraw from the study at any time, even after the interview, and /or refrain from answering any questions you prefer to omit, without prejudice or consequence. The latest time at which your information can be removed from the study will be August 1, 2020. Relevant data will be shredded by the researcher, if in paper form, and deleted if in digital form. If you choose to remove your data, please contact the researcher and upon discussion, all relevant data will be destroyed. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

**Consent:**

Since the interviews will be conducted by telephone, there are two ways to consent to an interview. You may sign this form, scan the form, and email it to the researcher. Or, you can orally consent by stating, "I consent to participate in the research project" at the beginning of the interview, while being recorded. Your signature on this form or oral consent indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time, and /or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

The University of Manitoba may look at your research records to see that the research is being done in a safe and proper way.

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Participant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Researcher's Signature \_\_\_\_\_ Date \_\_\_\_\_

If you wish a summary of findings and written reports from this research, please provide an email or surface mail address to send them to:

## Appendix B: Interview Guides

### *Interview schedule for ranchers/farmers*

1. Which of the following best describes your situation today?
  - a. Actively farming
  - b. Semi-retired or retired farmer
2. How many years have you been farming? (Less than 10 years = early-career farmer; 11 years or more = established farmer). What is the history of your farm/farming background?
3. What are your main commodities? Are you solely livestock/mixed, and how long have you been?
4. Would you see farming as more of a business/industry or way of life? What do you like best about farming/rural life?
5. How much land do you currently farm?
  - a. Of this, how much land do you own? Is the land you own under your name, a spouse/family member's name, or both?
  - b. How much of your land is rented?
  - c. How much of the land you use is accessed under some other arrangement?
6. What factors encourage farmers to [own land/rent land/participate in other arrangements]? Probe: Policy/economics/regulation/incentives. What are the benefits and disadvantages of various ownership/access types?
7. What positive or negative trends have you observed in land tenure [in province/area] since you began farming?
8. Can you comment on the importance of land tenure to farming viability?
9. What is your personal experience with land tenure experimentation/advocacy for change? What are your reasons for involvement, what roles have you held, what length of time have you been involved?
10. How does the [alternative land model participated in] work?
  - a. How is access allotted, when and how is land accessed, how is it regulated?
  - b. How are rules made, monitored, amended, and enforced? Are there any informal rules or practices that you follow to ensure good management? How are conflicts resolved?
11. Are you involved in any other community/farming/industry organizations? What is your role?

12. Where do you think land is on the agriculture discussion radar, and why? What are some of the current issues around land in [Canada, province, area]
13. What do you think are some ways of making land accessible to new farmers?
14. What do you perceive as the governmental/societal attitude/policy towards land?
15. What changes would make land tenure arrangements more sustainable (any definition of sustainable – environmental, economic, social)? More secure?
16. What effect have crises or trends in the industry or markets had on your operation, since you began farming? E.g., BSE (bovine spongiform encephalopathy), trade agreements, cattle prices. Has this affected your land base/land uses?
17. What is the connection between environmental sustainability and forms of land access/tenure (if any)?
18. What do you see as the role of farming/ranching and related institutions in environmental stewardship?
19. What does ‘public’ land mean? What are rancher responsibilities to public land? Government responsibilities? Who else has an interest in public land, and how legitimate are those interests? What are some issues around it and how might they be addressed?
20. Has your experience with [land tenure alternative] changed the way you think or feel about food production/farming/land ownership/the environment? Has it changed or affected your actions?
21. Where do you see the land tenure alternative/yourself in 10 years?
22. (Optional) If there is anyone you would recommend I speak to on this topic, would you contact them to pass on information about this study?

*Interview schedule for conservation organizations/other land owning/managing bodies:*

1. Please tell me about your position and your organization. What does your department or unit do? What is your role in relation to [grazing land]?
2. Describe the [grazing land initiative].
  - a. What are your organization's goals in [doing what they do with land]
  - b. How is access and use granted?
  - c. Do certain user criteria need to be met?
  - d. Is the process different for pasture users versus other users?
  - e. Are your user and access rights clear to you?
  - f. How are staff chosen and hired?
3. For how long has your organization been doing [grazing land initiative], and what was the impetus for getting involved in it? How was the land used before your involvement?
4. How does it assist those looking to leave farming/enter farming?
5. Who do you perceive as your clients/stakeholders?
6. Do you have any partnerships with other organizations or groups? How do your organization and its users interact with other land users and interests in your community/your region/Canada/Internationally?
7. What policy factors currently encourage your work?
8. What do you see as key policy barriers to your work?
9. What do you hope to do in future to increase/maintain your impact/role? What are your biggest challenges to overcome/address to achieve this? (regulatory, resource, infrastructural, attitudinal?) What/whose assistance could you have?
10. What do you foresee in the future for your model?
11. (Optional) If there anyone you would recommend I speak to on this topic, would you contact them to pass on information about this study?

*Interview schedule for advocates/other stakeholders:*

1. Please tell me about your position and your organization. What is your role in relation to [grazing land alternative]?
2. How long has your organization been doing [whatever it does], and what was the impetus for getting involved in it?
3. Where do you think land is on the agriculture discussion radar, and why? What is the most important issue to you involving agricultural land?
4. What has been your involvement in any alternative land models/debates over what is/should be done with pasture land?
5. What factors encourage farmers to [own land/rent land/participate in other arrangements]? Probe: Policy/economics/regulation/incentives. What are the benefits and disadvantages of various ownership/access types?
6. What changes would make land tenure arrangements more sustainable (any definition of sustainable – environmental, economic, social)? More secure?
7. What is the connection between environmental sustainability and forms of land access/tenure (if any)?
8. What do you see as the role of farming/ranching and related institutions in environmental stewardship?
9. What does ‘public’ land mean? What are users’ responsibilities to public land? Government responsibilities? Who else has an interest in public land, and how legitimate are those interests? What are some issues around it and how might they be addressed?
10. What do you hope to do in future to increase/maintain your impact/role? what are your biggest challenges to overcome/address to achieve this?
11. (Optional) If there is anyone you would recommend I speak to on this topic, would you contact them to pass on information about this study?

*Interview schedule for members of Treaty Land Sharing Network*

1. Describe the land that you would bring to the Network. [probe: vegetation type, use, length of family possession]. What meaning does this land have for you?
2. Do you consider yourself a landowner, or do you use another term?

3. What is your personal experience with the Treaty Land Sharing Network? What are your reasons for involvement, what length of time have you been involved?
4. Are you involved in any related organizations? What is your role? What has influenced you to be a part of the network?
5. Where do you think land and reconciliation with Indigenous peoples is on the discussion radar, and why? What do you perceive as governmental/societal attitude towards land and reconciliation?
6. What are some of the current issues around land and treaty relationships in [Canada, province, area]?
7. What do you see as barriers to the work of the Network? What encourages it?
8. [How] Has your experience with the Network changed the way you think or feel about food production/land ownership/the environment/Indigenous peoples? Has it changed or affected your actions?
9. Where do you see the Treaty Land Sharing Network/yourself in 10 years? What would be an ideal situation, in your opinion?