LITERARY VOICE
An International Peer Reviewed Journal of English Studies
Volume 1, Number 1, January 2023. ISSN: 2583-8199 (Online)

https://literaryvoiceglobal.in/

Dismantling the Panoptical Narrative of the Doctrine of Discovery: A Critical Study of the Symbolic Misrepresentation of First Nations People

Dr. Rekha Batta
Assistant Professor
Department of English
Govt. PG College, Ambala Cantt. (Haryana), India.
rekhabatta85@gmail.com

Abstract

The present paper focuses on the panoptical narrative of the Doctrine of Discovery which has remained entrenched in the colonial discourse of Europeans in North America. The narrative of Doctrine, which has its roots in the early medieval period, has been used as a racist paradigm to violate the fundamental rights of the indigenous peoples. In the eighteenth century, the Doctrine became a legal document to assimilate and annex the lands of the First Nations in Canada. The Doctrine focused on assimilating the non-whites into the mainstream culture through their mythical fabrication. The symbolic misrepresentation of indigenous peoples in mainstream literary and cultural works has facilitated the oppression of the indigenous communities.

Keywords: Doctrine of Discovery, First Nation Peoples, Indigenous Peoples of North America, Survivance

In the past couple of decades, the discipline of indigenous studies has emerged as a significant branch to follow a line of investigation. The increasing consideration and awareness of various indigenous cultures and histories as well as a mounting commitment to their rights have brought this field to the forefront. Moreover, the twentieth-century has also witnessed numerous resistance movements by colonized communities against marginalization and oppression. The clashes between the colonized and the colonizer have piqued the interest of academia, which has spoken out about the colonized's plight. The indigenous intellectuals of the world avow that the 'Doctrine of Discovery,' being a racist paradigm to conquer the unknown world, has violated the fundamental rights of the indigenous peoples of America by eroding their culture and identity through mythical fabrication.

The United Nations Permanent Forum on Indigenous Issues has redressed the impact of 'Discovery Doctrine' on the indigenous communities of the world by debating and forcefully asserting that it "had been used for centuries to expropriate indigenous lands and facilitate

their transfer to colonizing or dominating nations." The representative members of the forum from different locales have insinuated that the indigenous peoples from different lands have continuously articulated against the usage of 'terra nullius' principle to overpower their lands. The principle is linked to the Regalian Doctrine, which states that while land does not belong to anyone, it can be obtained through occupation. This principle, which is based on unscientific and racist suppositions, has been used by the states to justify the theft of native lands and natural resources. Furthermore, it has its association with colonialism which in the words of Elleke Boehmer is "the settlement of territory, the exploitation or development of resources, and the attempt to govern the indigenous inhabitants of occupied lands." The phrase "the attempt to govern" indicates the strategies used by colonial powers to secure their aims, but met with acts of resistance from the indigenous inhabitants of colonized lands (2). However, this 'attempt to govern' has been sustained by maintaining positional superiority over the exotic 'other' artefacts of the colonized indigenous peoples. The colonizer always tries to construct and appropriate the culture and artefacts of the colonized by exalting the ability of colonizer to know the unknown, to uncover the unexplored, and to chart the uncharted. Not a single thought has been given to how the colonized cultures of indigenous peoples would survive the assault meted out to them. The same is true in the case of the indigenous peoples of America, who are one of those colonized indigenous cultures that have tolerated the continuous battering of the settler powers.

The indigenous peoples or First Nations people are the group of people who were the first inhabitants of the American continent. Anthropologists have claimed that their ancestors were Paleo-Indians who migrated to the continent during the last glacial period. They were nomadic hunters from the Asian continent who crossed the Bering Strait land bridge in pursuit of animals on which their livelihood depended. Later, this route was followed by the Aleut, Athabascan, and Inuit peoples. By the time European settlers landed on the continent, it was already densely populated by diverse indigenous tribes. Thus, because of their early settlement, natives had every right to claim and hold sacred full ownership of land, even though history shows that the indigenous population declined rapidly and steadily after European contact (Bastian and Mitchell 7). The decline of the indigenous population has a direct association with the colonial policies of European powers for whom the lands and resources of the American continent became a source of power. After European contact, natives became victims of the colonial powers because colonizers deprived them of their lifestyle and ownership of their lands.

The removal and erasure of indigenous peoples of America began with the exploratory journeys of European nations into an unknown world which ignited their spirit to explore the 'virgin soils' of America. The desire to explore the unexplored lands of America is rooted in the legal principle of the Doctrine of Discovery. Robert J. Miller aptly avows that the Doctrine of Discovery was motivated by the greed and personal interests of European nations to exercise power. The policy was formulated to acquire the ownership of lands and resources in the New World without getting involved in expensive wars. It is of no doubt that European nations had involved themselves in various quarrels over the possession of lands but they designed this policy to simplify the claims that helped them to control the explorations and colonize the subjects of new lands (*Native America, Discovered and Conquered* 11). The formulation of the 'International Law of Colonization' (Doctrine of Discovery) germinated in the early medieval period when the Crusades made attempts to recover 'Holy lands' by regulating church laws during the period 1096-1271. The writings of Pope Innocent IV during the 1240s influenced and shaped the process of the Discovery Doctrine. He considered it lawful and right to invade the lands of 'infidels' because the Crusades were 'rightful wars' for the defence of Christianity. The 'Doctrine of Discovery' solidified the cause for the Church to spread Christianity among infidels and to gain political and economic momentum (*Native America, Discovered and Conquered* 15). The 'Discovery Doctrine' developed its form as an exclusive option for European nations to acquire power and prestige.

It is explained in *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies*, that the discovery claims of two nations (England and France) had to face difficulties regarding possession and ownership of the discovered lands so they formulated the policy of 'symbolic possession' to claim the newly discovered lands by performing discovery rituals. The nations claimed possession of newly discovered lands by "hanging or burying plates, coins, and signs and engaging in discovery rituals such as planting the cross and their country's flag in the soil" (19). The nations also devised the new principle of 'terra nullius' (literally means a null or void land) or 'vacuum domicilium' to justify their claims for the ownership of discovered lands. Thus, the two nations justified their actions by giving legal shape to the law of discovery. The 'principle of discovery' was changed into 'law of discovery'. The two laws were thus determined to claim the possession of lands by England and France (*Native America: Discovered and Conquered* 21). However, the dispute between England and France remained unsettled and it ultimately resulted in the 'Seven Years War' which is also known as the 'French and Indian War' in America. Shortly after the war, the Royal Proclamation of 1763 set the framework for governing the areas in North America that

France ceded to Britain in the Treaty of Paris at the conclusion of the Seven Years' War. The Royal Proclamation also established the legal framework for treaty negotiations with Indigenous peoples who occupied a large portion of Canada. The areas north of the Great Lakes, which formed Upper Canada in 1791, saw the first organized efforts to enforce the Royal Proclamation's treaty-making clauses. The procedures for negotiating treaties that were developed in this royal colony were eventually imported into the regions that Canada later acquired from the Hudson's Bay Company in 1870. The newly annexed lands of the indigenous people in the western territory were acknowledged by Canadian government officials to have the same rights to their ancestral lands as the eastern First Nations did. There were a total of eleven numbered treaties that were negotiated in the Prairie Provinces, northeastern British Columbia, northern and northwestern Ontario, and the western Northwest Territories in the late 19th and early 20th centuries. They all adhered to the values set forth in the 1763 Royal Proclamation. The existence and scope of indigenous property rights were addressed in the case of *St. Catherine's Milling & Lumber Co. vs. The Queen* in which the judges addressed the legal rulings of *Johnson vs McIntosh* as well as the Royal Proclamation and recognized that aboriginal land rights were allowed only at the Crown's pleasure, and could be abolished at any time (Watson 532). Thus, the legal ruling adjudged that Indians had only the right to occupancy, while the crown possessed the legal right to occupancy of native lands.

Furthermore, the westward expansion of the United States prompted Canadian colonists to protect the west from American takeover. Canada's government had also promised to link British Columbia to eastern Canada with railway when British Columbia joined the Confederation. In order to fulfil the promise, it became a necessity for the Canadian government to negotiate treaties and agreements with the Cree, Nakoda and other First Nations residing in the west. The negotiation of treaties between Canada and the First Nations peoples resulted in the "Numbered Treaties" which legally gave the Canadian government 'ownership' of the indigenous lands (*Western Expansion and National Policy* 310). The indigenous peoples had recorded the 'Numbered Treaties' in their oral histories while the English colonizers had recorded them in a written manner. The First Nations people strongly hold the proposition that the negotiators of the treaties have skipped many promises that they had recorded in the written documents (*Western Expansion and National Policy* 311). The treaties were the way for the Canadian government to assimilate indigenous peoples into British culture, and the First Nations people eventually recognised it. The policies of assimilation focused on the annexation of indigenous lands and resources and in

order to assimilate the non-whites into white culture numerous tools were used. The Report of the Royal Commission on Aboriginal Peoples states that the legislative 'othering' of the indigenous peoples began with *the Gradual Civilization Act* of 1857, *the Indian Lands Act* (1860), and *the Gradual Enfranchisement Act* (1869) which provided a mechanism to assimilate and annex the lands of the indigenous peoples. *The Indian Act* which was first passed in 1876 and later adopted as *Indian Act* (1985) has remained in place to fulfil the unfinished policy of assimilation and displacement (236).

The hegemonic discourse of assimilation, which got embedded in the mainstream political culture, was also perpetuated through periodicals, news articles and literary artworks. Literature became a 'contact zone' for the writers to glorify the white ways and vilify the 'savage' or 'primitive' ways of the indigenous peoples. C. Richard King claims that the stereotypes of indigenous peoples have been recycled time and again to cater to the needs of the white audience. He postulates that the hegemonic agency of media was a major setback for propagating various stereotypes about the non-white ancestry. When considering indigenous peoples in an ethnocentric society dominated by Euro-Americans, it is critical to ask certain questions. What types of images and stories circulate about indigenous peoples? Who has created the images and authored these stories? What is the purpose behind circulating the narrative? Who owned the means to circulate the stereotypes? (5). The answers to these questions have been analyzed and it is inferred that the prejudiced racial dichotomy of 'us' and 'other' has always remained rooted in the metaphysics of racial discourse. The tendency of racial discourse in America was not new for the English colonizers as it was exploited by their predecessors to judge and evaluate the image of Indians. The persistent acts of colonial masters to subjugate 'wild savages' were rationalized through symbolic representations of Indian stereotypes in literature and other artistic forms. Stuart Hall has defined representation as "the production of meaning through language" (10). Hall has affirmed a constructionist approach to representation in which representations construct concepts and images through language. The association between concept and language enables to relate the objects, images and events of the real world with the fictional world. The representation of non-natives, thus, entails specific images and concepts invented by non-natives by playing an 'Indian' (Krauthammer xi).

During the eighteenth century, the literary works of English authors emphatically fantasised the image of natives for the white audience. The literary works of an American author, James Fenimore Cooper fantasized non-whites and helped establish a dichotomy of 'savagery' versus 'civilization' in the literary and political discourse of mainstream English society. The

literary discourse of Cooper exemplified all the negative traits endorsed to 'non-white others' by Euro-Americans and propounded the appellations of 'noble' and 'ignoble' savage. The tag of being a 'noble' or 'ignoble' savages was determined by the liaison of natives with the whites. The natives were considered 'noble savages' if they acknowledged white supremacy and their own extinction through assimilation. On the other hand, the tribes that hindered the white expansion and did not approve of the assimilation policies of the whites were stereotyped as 'ignoble savages' and were deemed as Satanic in accordance with Puritan standards. The characters of 'Uncas' and 'Chingachgook' in Cooper's *Leatherstocking Tales* represent the appellation of noble savage while the negative attributes of revenge and rage reduced 'Magua' to an ignoble savage (Krauthammer 6).

Besides the mythical construction of Indian stereotypes in the literary works of James Fenimore Cooper, the biased images of non-whites were also perpetuated by Mark Twain. Hellen L. Harris posits that Mark Twain went one step ahead in depicting Indians in more disparaging and ludicrous terms. Nevertheless, his description of Indians came from 'personal observations' rather than fictional works. In a letter addressed to his mother in 1862, he described a typical Indian called 'Chief' as a man who ate his own abundant lice. Besides this, he also portrayed Indian women as "ugly, dirty, stringy haired hags who ate soap, begged and gambled away their children" (496). The racist rhetoric of Mark Twain has also been reflected in *The Adventures of Tom Sawyer* in which he portrayed 'Injun Joe' as a brutish Indian.

Philip J. Deloria observes that "from the colonial period to present the Indian has skulled in and out of the most important stories various Americans have told about themselves" (5). The white stories became a medium for the mythic fabrication of indigenous peoples and to categorize them as racial 'others'. The stereotypical representation of natives moved easily from printed form to visual representation during the nineteenth-century as popular culture turned out to be a new medium to define the image of natives (Bataille 3). During the second half of the nineteenth-century, the theatrical productions of mainstream society repeatedly constructed native cultural imagery to demean and humiliate non-whites donning "feathers and war paint, animal tooth necklace, bow and arrow, chopping tomahawk" (Buken 49). The Wild West Shows, which began in the 1880s, were instrumental in the creation of visual imagery of natives. The Wild West Shows ignited the imagination of white society and diverted its attention from printed pages to visual representation. The shows of William F. Buffalo Bill depicted the West as a "wild region inhabited by wilder humans, some white and brown, but most red" (Moses 4). The reformers of the time claimed that the shows portrayed

indigenous peoples as ‘savages’ of the wild lands who were a serious threat to civilization. Through the shows, it was depicted that natives had become civilized by embracing progress through land allotments and boarding schools (Moses 5).

The twentieth-century witnessed the commercialization of Indian imagery through motion pictures which acted as “filmic cultural genocide.” Furthermore, the toy manufacturers also imitated the “mythic” Indians to misconstrue and petrify false images about them. The creation of toys left the indelible impression that all Indians wore feathered headdresses and beaded shirts with fringe. Even in the contemporary period, these toys mould the minds of the young into believing that natives are savage and bloodthirsty. The availability of the toys of the Apache warrior, Geronimo as an outrageous savage “masked with feathers and war paint, animal tooth necklace, bow and arrow” is one of the means of commercial exploitation that is beyond any humanitarian concerns (49).

Homi K. Bhabha in his essay “The Other Question” problematizes the idea of ‘other’ or ‘non-European’ by highlighting its production through ambivalence as the colonial discourse looks at ‘other’ not just as an inferior object/person but as a category that is persistently produced over and over again. He says that the discourse of colonialism constructs ‘ideological other’ through the ontological difference between fixity and repeatability. The ‘fixity’ represents a paradoxical mode of representation because on the one hand, the ‘other’ is considered to have ‘disordered demonic qualities’ by default while on the other hand, the demonic qualities of ‘other’ are anxiously and endlessly repeated for production of stereotypes. As a result, stereotypes about First Nations peoples are arrested and fixated forms of representation that are repeated over and over to suppress them.

The stereotypical portrayal of natives was rooted in the desire to eliminate the indigenous peoples of America from their lands which was a manifestation of the systemic genocidal policies of mainstream American society. The genocidal policies and acts of the colonizers of America were reflected in their political institutions which justified their cultural and political superiority. The systemic act helped colonizers expand their territorial invasion by dissolving tribal societies through deculturalization which was a process to eliminate and overpower the oppressed section (Spring 1). Cornel Pewewardy has examined the practices of white policymakers who constructed colonial Indian education to strictly control the cultural activities of indigenous peoples. He professes that Anglo-Americans, besides employing military and political strategies to remove and eliminate natives from their ancestral lands, also executed spiritual and cultural strategies to foster the ideology of white supremacy. Education remained an important tool in the second front of colonial conquest and

denigration of indigenous cultures (141). The theoretical rationale for colonial conquest was characterized by defining non-whites as “problems” or “cultural deficits”. The "deficit" mindset described the difficulties faced by indigenous learners in mainstream society, and it ultimately contributed to white intellectuals' perception that indigenous peoples possessed inferior mental and logical abilities. Moreover, the ‘White Architects of Indian Education’ had carefully formulated educational policies, which were mostly political rather than technical, to deculturalize and disconnect indigenous peoples from their tribal worldview. The fabrication of the residential boarding schools obscurely ensured that the natives became subservient to the new social order without any disruption (142). The boarding schools perpetuated the need to civilize natives; though the guiding principle of civilization was programmed for indigenous peoples to absorb white culture in order to strip them off from their tribal culture, customs and languages and to instill an innate feeling of ‘inferiority’ among them (147). Thus, the white educational ideology followed Richard Henry Pratt’s motto ‘Kill the Indian and save the man’ to assimilate them into Eurocentric attitudes which reshaped the military attempts to imprison the minds of natives through racial inferiority.

It is evident from the colonial legacy of Europeans that they have attempted to eradicate the traces of indigenous identity and culture through direct and indirect acts of coercion. Nevertheless, the mythical fabrication of the indigenous peoples to oppress and control their identity, culture and lands has been challenged in the contemporary period through resistance movements. Matthew Helmer has stated that during the early twentieth-century, indigenous peoples from different tribes began collecting resources to create a collective indigenous identity, known as the Pan Indian Movement. The Pan Indian Movement fought against the assimilation of indigenous cultures and lands under Anglo-American rule, and helped to ease the longstanding conflicts between different tribes. Indigenous writers began documenting the experiences and struggles of marginalised races in order to counter the mainstream's misconceptions and misjudgments about them. Literature became a powerful weapon for indigenous communities to counter the white society's culture of guns, pamphlets, and diplomatic delegations. The Nigerian proverb “Until lions produce their own historian, the story of the hunt glorifies only the hunter” was proved true when native historians, writers, poets and artists started articulating the experiences and conditions of Native American tribes through their own pen. Until now, the voice of the natives was not heard, and if at all, it was recorded by the pen of a white man. The native authors assumed the role of indigenous historians to rewrite and revise the version of indigenous history and it provided them an opportunity to challenge and subterfuge the hegemonic discourse with counter-narratives.

The counter-narratives have acted as the sources of survivance because they embody the "native songs, stories, natural reason, remembrance, traditions, customs" which are clearly observable in the narrative sentiments of resistance (Vizenor 85). The stories of natives are the sources of survivance because they are the comprehension and empathies of natural reason, tragic wisdom, and the provenance of new literary studies (Vizenor 88).

The U.N. Declaration on the Rights of Indigenous Peoples, which includes various articles that respect the rights of indigenous peoples to their lands, is considered to be the most significant development in recent years. Article 26 of DRIPS states that

> Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired…States shall give legal recognition and protection to these lands, territories and resources… (10).

Further, Article 28 emphasizes that

> Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent (10).

In spite of the opposition from Australia, Canada, New Zealand, and the United States, the Declaration was adopted by the U.N. General Assembly. Bolivia, nonetheless, ratified the Declaration on a national level, and Australia changed its mind and supported the Declaration in April 2009, saying that it "sets fundamental international ideals for governments to aspire to." On April 19, 2010, one year later, New Zealand said its attitude had changed and that it now supported the Declaration with conditions. The Canadian government officially endorsed the Declaration on November 12, 2010, many months later, saying that "Canada can interpret the ideas articulated in the Declaration in a manner that is consistent with our Constitution and legal system." Finally, President Barack Obama declared that the United States "is contributing its support" to the Declaration on December 16, 2010. There are signs that a movement to rethink indigenous land rights has started and that a new era is about to begin. Indigenous peoples, legal experts, cults, and non profit organizations have all pushed for the discovery theory to be officially rejected.

Works Cited

Bastian, Dawn E. and Judy K. Mitchell. *Handbook of Native American Mythology.* USA: ABC-CLIO, Inc., 2004.

Bataille, Gretchen M, ed. *Native American Representations: First Encounters, Distorted Images, and Literary Appropriations*. USA: University of Nebraska Press, 2001.
Bhabha, Homi K. "The Other Question: Stereotype, discrimination, and the discourse of colonialism." *Screen* 24.6 (1983): 18-36. PDF file.
Boehmer, Elleke. *Colonialism and Postcolonial Literature.* Oxford: Oxford University Press, 1995.
Buken, Gulriz. "Construction of the Mythic Indian in Mainstream Media and the Demystification of the Stereotype by American Indian Artists." *American Studies International* 40.3 (October 2002): 46-56. *JSTOR*. Web. 8 Dec. 2022. <https://www.jstor.org/stable/41279925.html>.
Campbell, Neil, and Alsdir Kean. *American Cultural Studies: An Introduction to American Culture.* London: Routledge, 1997.
Deloria, Philip J. *Playing Indian*. USA: Yale University Press, 1998.
Hall, Anthony J. "Royal Proclamation of 1763." *The Canadian Encyclopedia*. February 7, 2006. Web. December 12, 2022. <https://www.thecanadianencyclopedia.ca/en/article/royal-proclamation-of-1763>.
Hall, Stuart. *Representation: Cultural Representations and Signifying Practices*. London: Sage Publications, 1997.
Hanna, F. J., W. B. Talley., and M. H. Guindon. "The Power of Perception: Toward a Model of Cultural Oppression and Liberation." *Journal of Counseling & Development* 78.4 (2000): 430-441. PDF file.
Harjo, Suzan Shown. "Just Good Sports: The Impact of Native References in Sports on Native and What Some Decolonizers Have Done About It." *For Indigenous Eyes Only*. Ed. Waziyatawin Angela Wilson and Michael Yellow Bird. New Mexico: School of American Research Press, 2005.
Harris, Hellen L. "Mark Twain's Response to the Native American." *American Literature* 46.4 (January, 1975): 495-505. PDF file. Helmer, Matthew. "The Indian Civil Rights Act of 1968." *study.com*. n.d. Web. 2 Dec 2022. <https://study.com/academy/lesson/the-indian-civil-rights-act-of-1968.html>.
King, Richard C. *Contemporary Native American Issues: Media Images and Representations*. Philadelphia: Chelsea House Publishers, 2006.
Krauthammer, Anna. *The Representation of Savage in James Fenimore Cooper and Herman Melville.* New York: Peter Lang Inc., 2008.
Miller, Robert J. *Native America, Discovered and Conquered: Thomas Jefferson, Lewis & Clark and Manifest Destiny.* Westport: Praeger Publishers, 2006.
Miller, Robert J. et.al. *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies*. New York: Oxford University Press, 2010.
Moses, L.G. *Wild West Shows and the Images of American Indians, 1883-1933*. Albuquerque: University of New Mexico Press, 1996.
Peprnik, Michal. "Assimilating American Indians in James Fenimore Cooper's Novels?" *Prague Journal of English Studies* 5.1 (2016): 103-117. PDF file.
Pewewardy, Cornel. "Ideology, Power, and the Miseducation of Indigenous Peoples in the United States." *For Indigenous Eyes Only: A Decolonization Handbook*. Ed. Waziyatawin Angela Wilson & Michael Yellow Bird. Santa Fe: School of American Research Press, 2005.
Poupart, Lisa M. "The Familiar Face of Genocide: Internalized Oppression among American Indians." *Hypatia* 18. 2 (Spring 2003): 86-100. *JSTOR*. Web. 8 Dec. 2022. <https://www.jstor.org/stable/3811013.html>.
"Report of the Royal Commission on Aboriginal Peoples." *Looking Forward Looking Back.*

Canada Communication Group – Publishing, Ontario: Ottawa K1A 0S9. <https://data2.archives.ca/e/e448/e011188230-01.pdf>

Spring, Joel. *Deculturalization and the Struggle for Equality: A Brief History of the Education of Dominated Cultures in the United States*. USA: McGraw-Hill, Inc., 1994. Print.

"United Nations Declaration on the Rights of Indigenous People." United Nations. March 2008. <https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf>.

Vizenor, Gerald. *Native Liberty: Natural Reason and Cultural Survivance.*USA: Library of Congress Cataloging, 2009.

Watson, Blake A. "The Impact of the American Doctrine of Discovery on Native Land Rights in Australia, Canada, and New Zealand." *Seattle University Law Review,* Vol. 34, No. 2, April 1, 2011. 508-551.

"Western Expansion and the National Policy." N.p, n.d. <https://mrkohlenberg.schoolsites.ca/download/133543>.