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# INDIGENOUS PEOPLES: CONTESTED LANDS, CONTESTED IDENTITIES

## Contested Lands, Contested Identities: Revisiting the Historical Geographies of North America's Indigenous Peoples

*Douglas E. Deur*

“They say we “foraged.” Like wild animals. Like brother bear. They talked like we didn’t know how to use our own land... And then they took it all from us. [They acted] like we should be happy to still be alive... Today people talk like we’re still all “wild Indians” and need to be taught how to live... They don’t want to see us get our land back.”

—contemporary Klamath tribal member

In my work with the tribes and First Nations of western North America, I am told the same stories again and again. In intricate and sometimes gruesome detail, I am told how the white world, in its efforts to occupy and claim the western half of the continent over the last two centuries, employed myriad strategies—strategies of conquest—to separate indigenous peoples from their lands. And in these stories, tribal members, no matter their levels of education or backgrounds, recognize that the military conflicts, genocide, territorial dispossession and displacement, and enforced marginalization that has characterized Indian-white relations over this period cannot be understood without an appreciation of factors that are, at their core, deeply geographic. The land and its resources provided the arriving colonizers with motive; every conflict had its geographic locus and its geographic objectives. For the Klamath—whose reservation was repeatedly subdivided and ultimately eliminated during the 20th century, and whose contemporary elders were raised by a generation who could recall the infamous “Indian hunts” that were carried out by militias to clear the way for white resettlement—the history of territorial conquest is remarkably fresh in their collective memory. To discuss the cataclysmic effects of colonialism and conquest within the lives of aboriginal peoples

without acknowledging their emergence from the geographical desires of the Western world, they suggest, is nonsensical.

If the “strategies of conquest” that characterized this history were diverse, so too were they interdependent. Importantly for this issue of *Historical Geography*, the physical removal of indigenous peoples was in many ways contingent upon the textual removal of indigenous peoples (and perhaps vice versa). The ubiquitous presence of aboriginal societies in North America, in the wake of the Enlightenment, placed both physical *and* moral limits on the ambitions of European peoples. By crafting myths that depicted aboriginal societies as inferior, primitive, and brutal, the moral obstacles to displacement could be largely overcome. Thus, if conquest was propelled by the largely material desires of European peoples, it was supported by a host of relatively incorporeal racial and ethnic fictions. Tribal members, like critical scholars, are keenly aware that textual representation played an important role within the conquest of North America. Genteel racism, encoded in the utterances and writings of distant peoples, was as much to blame for the displacement of indigenous peoples as were rural militiamen, shooting at fleeing families from horseback. Clearly, the issues of representation and indigenous identity are inseparable from the larger debate surrounding aboriginal land and resource rights.

Currently, we are witnessing a time of revisionary work, addressing all aspects of the historical record as it applies to the indigenous peoples of North America. Yet, as scholars have come to appreciate the historical relationships outlined above, two research themes have become particularly central to this investigation—the study of contested indigenous lands and the study of contested indigenous identities. Unprecedented critical attention has been turned to how geographic factors have shaped and been shaped by the history of Indian-white interaction. And unprecedented critical attention has been turned to issues of the representation of native North Americans by the white world, with particular emphasis upon the causes and effects of these representations within the context of Indian-white interaction and territorial conflict.

While these two themes are sometimes studied separately, they are clearly and fundamentally interrelated. The epistemological unity of contested indigenous lands and contested indigenous identities can be demonstrated by events dating from the very earliest moments of colonial occupation in North America. As explorers mapped the coastlines of Atlantic North America, colonial powers began to make claims on the territory under the legal doctrine of *terra nullius*, which, within the courts of Europe, granted European powers the right to claim land that was not being utilized by another civilized people.<sup>1</sup> The inhabitants of North America, depicted as being devoid of true “civilization” on the basis of deeply Eurocentric criteria, did not hold rightful title to their lands, no matter how intensive or enduring their occupancy may have been. In turn, this legal doctrine became enshrined in the legal traditions of the colonies that were established on North American soil. In the United States, legal precedents on aboriginal land claims can be traced back to the doctrine of *vacuum domicilium*, as established in 1629 by Massachusetts Bay governor

John Winthrop. On the basis of ethnocentric principles similar to those used to justify *terra nullius*, Winthrop reasoned that most of the North American continent could be categorized as empty territory—*vacuum domicilium*. The Indians, he reasoned, had failed to meaningfully subdue the land; they could claim a *natural* right of possession, based on incontrovertible evidence of occupation since time immemorial, but could not claim a *civil* or legally binding right of possession.<sup>2</sup> Rather, only European peoples, who cleared the forests, planted large agricultural fields, and built roads and sizable towns, could claim a legally binding right to the land. The growing objections of Indians to the colonial reoccupation of their territories and the loss of lands and resources were simply not legitimate, no matter how long they had previously occupied the land.

Clearly, there were many fundamental problems with Winthrop's decision. That the outward trappings of European land use were held to be diagnostic of "occupancy" and prerequisite for the extension of property rights is revealing; it says much of the racialized logic and the territorial ambitions implicit in the colonial legal system of the time. Yet, his depiction of the indigenous peoples' inability to "subdue the land" seems equally misguided as a foundation for enduring legal precedents on the basis of material evidence alone. The civilizations of North America did indeed possess technologies that had allowed them to clear land, plant large agricultural fields, and construct villages of impressive scale, even by the standards of pre-industrial Europe.<sup>3</sup> The Eurocentric biases that girded the concepts of *terra nullius* and *vacuum domicilium* were rooted in a pervasive Western mythos, which geographers have variously termed the "myth of emptiness" or the "pristine myth."<sup>4</sup> The presumption of emptiness was in many respects a prerequisite for territorial reoccupation, and the "declaration of emptiness" was among the most powerful textual devices employed to both obliterate and obliterate the indigenous presence.<sup>5</sup> The continent was widely held to be a "wilderness," awaiting human occupation and husbandry, but the concept of "wilderness" was in many respects a colonizer's fiction; in time, the dialectic tensions inherent in this concept would reveal themselves, as contests over presumably "wild" spaces intensified.<sup>6</sup>

While the proclamations of John Winthrop may seem naive and misguided by contemporary standards, enduring myths about indigenous identity have served to perpetuate unjust power relations into the present day. Even those unbelievable Western tales of superstitious savages who did not "subdue the land" continue to undermine contemporary efforts to restore aboriginal rights to land and resources.<sup>7</sup> The 1991 decision by Canada's Chief Justice Allan McEarchan in the prominent aboriginal land case *Delgamuukw v. the Queen* provided a prominent case in point. Noting "the absence of an written history, wheeled vehicles ... beasts of burden" and other trappings of European life within the indigenous societies of Canada, McEarchan suggested that indigenous "civilizations, if they qualify for that description, fall within a much lower, even primitive order."<sup>8</sup> Any traditional claims that they may have made on the land, he reasoned, were therefore invalid. McEarchan's comments

shocked Canadian geographers into action, instigating a revisionary literature that continues to grow to this day. Meanwhile, largely on the American side of the border, a growing number of scholars have responded to these enduring issues of representation by seeking to demonstrate the extent and sophistication of indigenous technologies and land-use practices so long denigrated by the Western world. Such writing has served as an ennobling counterpoint to pervasive Western fictions. It has served to illuminate practices long suppressed or forgotten, and has helped to explicate the basis of interethnic conflicts over lands and resources that have long gone unexamined.<sup>9</sup>

Yet this revisionist trend in geography does not confine itself to retooling the historical record solely by recasting the peoples of the Americas as sophisticated stewards of the land. Clearly, the issues and implications of indigenous identity run much deeper than this. From the first moment that the European colonial gaze became fixed on the indigenous peoples of the Americas, these peoples have found their entire identity contested by alien discourses. Too often, the narratives emanating from the colonial world were dehumanizing and infantilizing. In the wake of Christopher Columbus, contracted debates—carried out within the courts, parlors, and churches of Europe—sought to ascertain whether these newly encountered beings were, in fact, human. Only with the issuance of the Papal Bull of 1537 did the Church declare that the indigenous inhabitants of the Americas were, in fact, human beings with souls—perhaps they were humans of a lower order, but they were nonetheless human beings and were therefore suitable targets for religious conversion.

The subhuman position of aboriginal peoples within the Western *weltanschauung* persisted, working its way into comparatively recent political and legal proclamations that colored the colonial experience. Too often, these representations had disastrous impacts on tribal lands and resources. As Umeek Richard Atleo notes in his commentary, “*What is an Indian?*” in this issue, the legal verbiage of the 19th century Canadian Indian Act (and other legislation of this time), which shaped all aspects of Indian-white relations in that country, still manifested these representations—“the term ‘person’ means an individual other than an Indian.” Thus, in the U.S. and Canada, indigenous peoples were assigned the legal status of children by the courts, being formally designated as wards of the state in the legal statutes of both nations. Federal agencies—the Department of Indian Affairs in Canada and the Bureau of Indian Affairs in the United States—largely forbade aboriginal participation in decisionmaking regarding the use of their own, dwindling resources on reservation and reserve lands through the 19th and most of the 20th centuries. Reservation and reserve lands were logged, mined, grazed, or sold at the pleasure of federal decision-makers with little tribal input. Many nominally “indigenous” lands were depleted of both economic and subsistence resources, undermining the long-term viability of indigenous communities in order to pay for these agencies’ short-term administrative costs.<sup>10</sup>

Constructions of aboriginal identity have been used as an important strategy of conquest in yet other ways. As I have suggested elsewhere, representa-

tions of the American Indian have served as the “Rorschach tests” of the Western world.<sup>11</sup> Somehow, the brutal savages of the 19th century became the noble savages of the late 20th and early 21st centuries. Only by looking at the changing agendas, values, and assumptions of the majority culture, rather than at the indigenous peoples themselves, can we understand how and why this transformation has occurred. In the Western imagination, the Indians who had been viewed as an impediment to westward expansion in one period of historical development became emblematic of the cultural and natural diversity that this expansion had served to eradicate in the next. Yet like the brutal savage of the past, this new and popular Indian is very much a caricature, a cartoon Pocahontas talking with the animals, a fleeing hero dancing with wolves. Each represents a harmonious nature-loving premodern, fabricated by the white world to feed its own moral hunger, its own craving for an antidote to the ills of modernity. Whether we speak of the brutal savages of the past or the noble savages of the present, we must recognize that both are mythical beings.<sup>12</sup>

While this new mythic Indian is considerably more sympathetic than its mythic ancestors who leered and whooped across the movie screen as they chased wagonloads of lily-white innocents, this postcolonial sympathy has well-defined boundaries. Importantly, this imaginary Indian is a being that is discussed largely in the past tense. Modern Indians, with their marginal economic status, pickup trucks, lawyers, federal associations, and enduring grievances, aren't nearly as sexy; indeed, they tend to be depicted as culturally degraded, having somehow fallen from grace into a state of poverty and dependence. They have deviated from the mythic ideal.<sup>13</sup>

The widespread empathetic reassessment of their ancestors has not significantly improved their treatment by the white world. The historical specificity of this empathetic reevaluation leads some tribal members to the conclusion that, as one Kwakwaka'wakw elder cynically joked, “the only good Indian is still a dead Indian.” This new stereotype is almost as bewildering and offensive for many aboriginal peoples as the one that it has replaced. As another Kwakwaka'wakw elder said to me, we are living in very strange times: “All the white kids want to be Indians. All the Indian kids [are poor and] want to be white...it's crazy!” Even today, indigenous identity continues to be shaped by the persistent stream of representations emanating from the (post)colonial world, a discourse in which indigenous peoples themselves have had little voice. In turn, this exposes aboriginal people to accusations of inauthenticity. Economic development, urban living, and other aspects of contemporary indigenous life that visibly deviate from the mythic ideal are commonly depicted as antithetical to cultural vitality and authenticity.

Two essays in this issue speak directly to this theme. In her article, “Our City Indians,” Evelyn Peters seeks to destabilize prevailing notions of aboriginal identity through an exploration of urban aboriginal populations in Canada. Likewise, Robert Bone's essay, “Colonialism to Postcolonialism in Canada's Western Interior,” examines the ways in which some First Nations have responded to changing economic realities while still seeking to retain important

aspects of their traditional culture. Both essays attempt to provide a pragmatic and demystifying account of what it means to be an aboriginal person today.

Meanwhile, other research currents have focused less upon representation, and more upon the precise motives and outcomes of tribal removal from the land. In the march of capital and nation-state across the continent, physical removal of tribes commonly preceded European territorial exploitation. Some elders with whom I work in the Canadian West recount tales of working in fish canneries as cheap wage labor, processing the fish taken in unsustainable numbers from the rivers to which they have hereditary claims; in the American West, I encounter elders who speak of trying to secure wage employment on ranches established only a few years before on land taken from their tribe. The irony is not lost on them. The only good Indian was not necessarily a dead Indian. Dead Indians only served to silence dissent, and to remove any strategic obstacles to the exploitation of the land. Rather, a good Indian was an Indian without territorial rights, on the social and spatial margins, an Indian made just hungry enough by their loss of home and territory that they might be made to assist in the exploitation of their own lands and resources.

True, indigenous peoples in both the U.S. and Canada were offered public support to provide for the sustenance lost when their lands and resources were taken, commonly under duress, through the treaty process. However, this modest amount of aid could then be turned off or on by federal agents to achieve myriad political objectives, including the acquisition of additional lands and resources, in the years to come. The resulting pattern of aboriginal economic dependence was the product of intentional federal policies in the U.S. and Canada. Such policies rested on the assumption that spatially containing aboriginal peoples on reserves and making modest compensatory payments would be considerably less costly than patrolling poorly consolidated national territories and provisioning standing militaries in the western and northern hinterlands.<sup>14</sup>

In this context, the function of the reservation and reserve systems of the U.S. and Canada were unabashedly carceral. Operating from reserves and reservations, federal authorities sought to reshape the identities of aboriginal peoples and to wean them from contested lands and resources. Through policies that were directed at the transformation of entire cultures and economies, it was hoped that the physical division placed between aboriginal peoples and their traditional territories could be made permanent. Reserves became the staging ground for enforced assimilation, by missionaries and Indian agents who controlled the minutiae of daily life. European agricultural practices were foisted upon reluctant hunter-gatherers. For many indigenous peoples, even a brief foray off the reserve required the written permission of the Indian agent, until well into the 20th century. Through forced relocation to reserves and residential schools, federal authorities could effectively fragment families, clans, and tribes that posed the greatest strategic threats.<sup>15</sup> These fragmented peoples, in turn, could be concentrated into spaces that permitted easy surveillance

and policing. Clearly, the history of the genesis and management of reserves raises many opportunities for investigation in light of contemporary theoretical currents, such as the works on incarceration by Michel Foucault and others.<sup>16</sup> Drawing from the ideas of Foucault, Cole Harris explores some of these carceral functions within the British Columbian reserve system in his essay, "Native Lands and Livelihoods in British Columbia," and explores the broader implications of removal within the lives and livelihoods of aboriginal peoples. Similarly, in his essay, "State Centrism, the Equal Footing Doctrine and the Historical Legal-Geographies of American Indian Treaty Rights," Steven Silvern explores the implications of forced removal. Here, Silvern focuses upon the legal conflicts between American Indian tribes and state and federal authorities over traditional tribal lands that were excluded from the reservation system.

The authors assembled for this issue were chosen for their ability to speak to the overarching themes discussed in this introduction. Cole Harris is an eminent historical geographer, with enduring personal and academic ties to British Columbia, and an abiding interest in the impacts of colonization upon the indigenous peoples of that province. Steven Silvern is a specialist in the legal geographies of American Indians, particularly as they relate to treaty-based land and resource rights in the Upper Midwest and elsewhere. Robert Bone, a scholar with considerable expertise in development issues in the Canadian north, has long sought to understand the changing identities and economies of contemporary Canadian First Nations. Evelyn Peters, meanwhile, has sought to destabilize prevailing images of Canada's indigenous population by exploring and seeking to validate the identities of aboriginal peoples within urban North American contexts. Finally, we have Umeek of Ahousaht, E.R. Atleo—a hereditary chief of the Nuu-chah-nulth of western Vancouver Island—an educator and a noted authority on western Canadian aboriginal land issues.

That so much of the content of this special issue centers on Canada was not the result of a premeditated editorial agenda. Rather, it is perhaps symptomatic of the high profile of aboriginal land issues within Canada's contemporary political debates, and the consequently high levels of attention that have been directed to aboriginal geographies by some of that country's most skilled researchers. We are all the richer for their findings, which, with time, will certainly come to inform work on indigenous peoples in the U.S. and throughout the world.

While many of the themes that I discuss in this introduction have been addressed in detail by geographers—including the geographers who contributed to this special issue of *Historical Geography*—others await scholarly treatment. Still, it is clear that geographical writing on aboriginal peoples and their relationships with the colonial world will continue to develop and proliferate in the decades ahead. To the extent that the empirical record on indigenous geographies dating from the last five centuries has served to encode the situated view of the colonizers, the entirety of what we *think* we know about this subject has been undermined. In this light, the entirety of the historical record



on indigenous lands and peoples can be viewed with skepticism. It is now open for critical reevaluation and is being revisited by a growing number of historical geographers. To be sure, it is an exciting time to be a scholar investigating indigenous geographies and the geographical dimensions of indigenous-white interaction.

Increasingly, native voices are included in these discussions of aboriginal geographies. Such voices have always represented an important form of dissent, and have provided a valuable critique of the colonial project. One need only consider the words of such figures as Black Elk, Chief Seattle, Chief Joseph, and many others to realize the antiquity and importance of this aboriginal critique. However, voices of dissent assumed new proportions through the final decades of the 20th century. Indigenous peoples, many for the first time, gained access to the educational and economic resources that allowed them to effectively enter the political arena and to engage and challenge hegemonic Eurocentric discourses. The challenges raised to the European worldview have been profound.<sup>17</sup> A growing number of indigenous writers have sought to resist erasure and to destabilize colonial discourses regarding aboriginal ties to the land as a means to both corporeal and incorporeal ends.<sup>18</sup> While geographers have perhaps not been as quick to incorporate the “native voice” as their peers in disciplines such as anthropology, aboriginal perspectives are becoming increasingly common in the literature of geography.<sup>19</sup> This can only serve to enhance the accuracy and the relevance of the literature of historical geography that addresses indigenous peoples. Taken in total, the future of geographical research on indigenous peoples therefore appears to be bright.

What might the future of Indian-white relations bring? Some tribes fear that total assimilation—economic, cultural, and racial—may be inevitable. They fear that, in a few generations’ time, as in the words of one Makah tribal member whispered to me in wide-eyed dismay, “people will come to our reservation and find nothing but a bunch of white Indians.” Such concerns are particularly common among indigenous peoples living in close proximity to large or rapidly growing centers of majority population. Still, among many tribes and First Nations, I encounter a pervasive sense that the people, and their ties to the land will persevere. They will persist and perhaps even thrive. The worst, so far as they can tell, is behind them. As one Klamath tribal member recently told me,

*“White people think that the land is theirs, but it isn’t ... they buy a piece of land or take it over, but in a few decades they have passed it on to somebody else or sold it.... The mountains will be here long after they’re gone, just like they were here long before they arrived. The Indians will be here long after they have moved on, too....”*

The whites, some say, are the “moving people” as described in the prophecies of some tribes of the West, arriving in unimaginable numbers, exploiting the land for a time, and then moving elsewhere to repeat the cycle. The white

presence on the North American continent is at once pervasive and transitory. Here and there, with time and persistence, its adverse effects on tribal lands and tribal identities might be overcome. With time, the horrors of the last five centuries might be meaningfully engaged, redressed in part, or faded to distant memories. With time, much may be rectified.

## Notes

1. See Alan Frost "New South Wales as *Terra Nullius*: The British Denial of Aboriginal Land Rights," *Historical Studies* 19 (1981): 513-23.
2. This concept is explored in detail in such works as Francis Jennings *The Invasion of America* (Chapel Hill: University of North Carolina Press, 1975).
3. See William Doolittle *Cultivated Landscapes of Native North America* (Oxford: Oxford University Press, 2000).
4. James Blaut, *The Colonizer's Model of the World: Geographical Diffusionism and Eurocentric History* (New York: Guilford, 1993); William Denevan, "The Pristine Myth: The Landscape of the Americas in 1492," *Annals of the Association of American Geographers* 82:3 (1992): 369-85.
5. Cole Harris, *The Resettlement of British Columbia: Essays on Colonialism and Geographical Change* (Vancouver: University of British Columbia Press, 1997). As Harris suggests, illusions of "emptiness" sometimes became quite convincing as epidemics diffused through tribal trade networks preceding European arrival. These epidemics sometimes largely eliminated indigenous populations, spontaneously creating "wilderness" from once-occupied territories and cleared the way for unfettered European reoccupation.
6. See Mark D. Spence, *Dispossessing the Wilderness* (New York: Oxford University Press, 1999); Richard White, *The Organic Machine: Remaking the Columbia River* (New York: Hill and Wang, 1995); Bruce Willemss-Braun, *The Intemperate Rainforest: Nature, Culture, and Power on Canada's West Coast* (Minneapolis: University of Minnesota Press, 2002).
7. Andrew Sluyter, "The Making of the Myth in Postcolonial Development: Material/Conceptual Landscape Transformation in Sixteenth-Century Veracruz," *Annals of the Association of American Geographers* 89:3 (1999): 377-401; Douglas Deur, "Rethinking Precolonial Plant Cultivation on the Northwest Coast of North America," *The Professional Geographer* 54:2 (2002): 140-57.
8. Chief Justice Allan McEarchan *Delgamuukw v. A.G.: Reasons for Judgment* No.0843, Smithers Registry, British Columbia Court of Appeals (1991).
9. Denevan, "The Pristine Myth," 369-85. See also Deur, "Rethinking Precolonial Plant Cultivation," 140-57.
10. See Klaus Frantz, *Indian Reservations in the United States* (Chicago: University of Chicago Press, 1999).
11. Robert Rundstrom and Douglas Deur, "Reciprocal Appropriation: Towards an Ethics of Cross-Cultural Research" in James Proctor, ed., *Travels in a Moral Terrain: Geography and Ethics* (London: Routledge, 1999).
12. Edward Said, *Orientalism* (New York: Pantheon, 1978).
13. Ward Churchill, *Fantasies of the Master Race: Literature, Cinema, and the Colonization of American Indians* (Monroe, ME: Common Courage, 1992).
14. Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln: University of Nebraska Press, 1983).
15. Likewise, children were removed to residential schools that largely served to acculturate the young within a carceral environment where aboriginal languages and cultural practices were severely punished. Tales of "jail breaks" from residential schools are a recurring theme in my contemporary ethnographic interviews with elders who escaped as children. Returning home, some lacked a common language with their own elders, thus severely disrupting the transmission of knowledge between generations. See Robert Bensen, ed., *Children of the Dragonfly: Native American Voices on Child Custody and Education* (Tucson: University of Arizona Press, 2001).
16. Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Pantheon, 1979); *Ibid.*, *Power/Knowledge: Selected Interviews and Other Writings* (New York: Pantheon, 1980). A number of geographers have explored this theme. See, for example, Michael G. Hannah, "Space and Social Control in the Administration of the Oglala Lakota ('Sioux'), 1871-1879," *Journal of Historical Geography* 19:4 (1993): 412-32.

17. See, for example, Vine DeLoria Jr., *Red Earth, White Lies: Native Americans and the Myth of Scientific Fact* (New York: Scribner, 1995).
18. Gayatri C. Spivak, "Can the Subaltern Speak?" in Cary Nelson and Lawrence Grossberg, eds., *Marxism and the Interpretation of Culture* (London: Macmillan, 1988).
19. Robert Rundstrom, Douglas Deur, Kate Berry, and Dick Winchell, "Recent Geographical Research on Indians and Inuit in the United States and Canada," *American Indian Culture and Research Journal* 24:2 (2000): 85-110.