

美國當代原住民文學中的信仰與社群之再現(II-II)
**The Representation of Religious Belief and Community in
Contemporary Native American Literature**

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中文摘要

五百多年來，美國原住民或因社會政治因素，或因外在環境影響，被迫放棄自己的土地，過著流離漂動的生活。長期被排拒於白人主流律法制定之外，但又承受歷代與白人統治者交涉苦痛抗爭經驗的美國原住民而言，維護捍衛其現有的生存空間與權利，並設法討回被白人移居者(settlers)侵占，挪用為己有的土地，尋回其有尊嚴且自主的生存權利，一直是奮鬥的目標，也是其抗拒主流司法與社會的緣由之一。在美國原住民眼中，白人移居者口中所謂的公理與正義，尤其是對土地所有權之解釋及所制定之政策，往往是如科羅拉州大學 Ward Churchill 教授所追溯與形容的，是曲解的正義(perversion of justice)。這曲解的正義，依據 Ward Churchill 之觀照，可遠溯於 1820 年代衍生與逐步推展的「馬歇爾信條」(Marshall Doctrine)。1831 年，居住於喬治亞州的契若基(Cherokee)部族，因不服聯邦政府制定所謂印第安人領域 (Indian Territory) 的觀念，強迫其將土地交出，搬遷至密西西比河以西，遂提出申訴抗議。當時

的最高法院的大法官 John Marshall，為滿足美國向西部擴張的野心，排除印第安人定居於其間，擁有領地權利所形成之障礙，重新詮釋且曲解了歐洲各國在哥倫布發現美洲新大陸時期，為因應發現領土而引發的所有權及合法性問題，所制定的「發現信條」(Discovery Doctrine)。「馬歇爾信條」和「發現信條」最大的差別在於後者至少能從國際法的基礎，視原住民為擁有自治主權(self-sovereignty)的實體，能尊重原住民居住於領地的權利，同時也約束移居者不得在未獲得原住民的認可下，以任何武力威迫，侵占原住民的領土，而若未有人居住的土地被發現，其土地所有權，依據歐洲羅馬教皇的諭令，是屬於能代表歐洲皇室的基督教發現者；然而，在「馬歇爾信條」中，美國聯邦政府所代表的地位，被解釋為遠高於原住民，而原住民被認定為是已失去其自治權，成為依附仰賴(dependent)於美國政府生存的內部族群(domestic nation)，因此，政府有「權利」(rights)徵收土地，原住民若因之抗拒反抗，則政府有權對原住民的侵犯的行為，

發動所謂的「正義」之戰(Churchill, 403-7)。

在此邏輯論證的基礎下，美國聯邦政府可以拒絕履行過去與印第安人所簽署的種種協約。然而，協約之訂定，原是歐洲入侵者視原住民為具自治權之相對實體，在為保持與達成彼此交易所制定出的某種契約，無論其所使用的文字為何，其中所隱含的是相互的信任，承諾等建立在道德層次上的許諾與認知層次上經由彼此認定所達成的協議。美國革命成功後，原住民和歐洲移民入侵者的政府所維繫的以兩個自治國家簽署協約的基礎被摧毀，「馬歇爾信條」更進一步給予美國聯邦政府依據來矮化原住民的政治地位。

長期以來，無論為迫使原住民交出蘊藏資源豐富的土地，或命其遷入政府歸劃的保留區，協約的簽署或多或少保障了原住民相當的權利(諸如部族自治，漁獵，水資源及博弈權等)，但 1871 年起，聯邦政府中止和原住民簽署任何協約，反而將原住民以立法的方式，納入國家管轄，在各方資源追逐與利益衝突的爭執中，不僅原住民原有的生存空間與權益受到壓縮，其宗教文化更面臨空前的挑戰。歷史上，美國原住民承受白人聯邦政府加諸於其部族種種不合乎正義的行為及政策，這除可如 Churchill 所指，追因於 John Marshall 之歪曲解釋外，另有原住民學者抽絲剝繭，將之遠溯於「發現信條」制定時，所挾帶的宗教歧視。Steve Newcomb 認為十五世紀羅馬教皇發佈之諭令，付予葡萄牙及西班牙遠征美非大陸，探尋新大陸，宣揚基督教信仰，馴服壓迫

異教徒之權利，乃種下今日美州原住民族群及文化近乎滅絕的主因。

歐洲殖民者所享有的征服權(the right of conquest)，係以另一族裔的幾近滅絕為代價。自 1830 年以降，美國聯邦政府的政治，道德與經濟論述，環繞在新/舊世界，文明國家/落後部族，優/劣道德的二元價值判斷。從發起屠殺牛隻動物，以消除被認為係阻礙新國家發展的原住民族群的「殲滅政策」(policy of extermination)，到同化政策，及原住民的再安置計畫，國家政策對原住民族群生存權利的壓迫及剝奪昭然若揭。以此歷史為背景，揭露 1830 年代以來的美國聯邦政府為鞏固國家論述及經濟意識形態，違背契約，壓迫原住民宗教文化生存空間及權利之美國原住民文學作品不在少數。反映契約論述的作品，如學者 Allen Chadwick 之研究所指，出現在諸如 Erdrich 及 Welch 等歷史小說中。而對政府法律的省思，原住民在白人社會權益(rights)之探討則更大量反映在 Erdrich, Welch, Silko, McNickle, Mourning Dove 的小說中。本研究中即企圖從倫理，正義等觀念切入，檢視諸如 Erdrich 的<<蹤跡>>，McNickle 的<<被圍者>>等歷史小說，及 Mourning Dove 的自傳性小說<<混血兒>>等，如何再現 1830 年代至 1930 年代中涉及的政府政策與文化，宗教的關係，探討原住民作家在文本中，如何處理原住民在歷史情境面臨龐大國家體制壓迫時，尋求法律正義或道德規範。

關鍵字

宗教 聯邦政府 契約 土地政策

二、英文摘要(Abstract)

Within 500 years, for whatever physical or socio-political reasons, Native Americans are compelled to give up their lands, involuntarily migrating from one place to another. Having been marginalized (or expelled) from the mainstream legal institutions, which write and enact the legal rights of the American citizens, Native Americans have been deprived of not only legal rights but land rights. For centuries, Native Americans have made it the ultimate goal of their tribes: to protest against the injustice inflicted on them and to fight back the legal rights to lands which they have possessed since "the time immemorial." This battle for rights and justice with the federal governments of the United States started as early as the establishment of the New Nation after the American Revolution. In the nineteenth century, Native Americans were legally denied the sovereign rights and status, because their occupancy of the land was thought to be a block to the Western expansion of the United States. The emergence of "The Marshall Doctrine" gives the federal government a legitimate status to wage a "just" war against the indigenous people if the latter refuse to give up their property or if they stand up to defend the land to be expropriated by the government. The Marshall Doctrine, which gives an "absurd" interpretation of the adopted

Discovery Doctrine to the advantage of the white land owners, is criticized by Native American scholars like Ward Churchill as an example of the "perversions of justice." And the Discovery Doctrine, which was formulated by the Pope Nicholas in 1492 to grant the rights of land only to the "Christian" discovers, was also condemned by scholars like Steven Newcomb to be the origin of injustice that carried "the legacy of fifteenth century religious prejudice." The encroachment of Christianity certainly shatters the traditional beliefs and social structures of the Native Americans.

Since the 1830s, the United States have enacted a series of land policies under the name of constructing a modernized New Nation. The drawing of Indian Territory, the quest for Manifest Destiny, the idea of Western Expansionism, the passage and the enactment of the Removal Act, the Allotment Act, and the relocation policy and so on all put the destiny of Native Americans into trial. After American Revolution, Native Americans faced not only the so-called "perversion of justice" but also the breach of treaty, which they used to sign as an "independent" sovereignty (or nation) with the government on the basis of mutual trust and friendship. The discourse of treaty, as Allen Chadwick studies, has been displayed in the historical novels of Louise Erdrich and James Welch. The search for justice also manifested in

series of Native American novels since the 1830s. This study thus intends to analyze the historical novels by Louise Erdrich (*Tracks*) and Scott McNickle (*The Surrounded*) and the autobiographical novel by Mourning Dove (*Cogewea*) to explore the issues concerning religion, land, policy, justice and the law. The objective is to examine the way in which Native American writers deal with the legal and moral problems created by the ideological and legal oppressions of the institutions.

Key words

justice legal rights
moral rights federal government
land policy treaty

三、緣由及目的

早於 1970 年代，學者 Vine Deloria, Jr. 在《上帝是紅人》*God is Red* 中即指出：「宗教不能被局限於傳道禮拜與聖經經典的範疇中。宗教本身是一股力量，需要將人與土地，和諧地融合納為一體。」Vine Deloria, Jr. 指陳出在原住民心中，宗教，土地，人的緊密關係。然而，在面對歐洲殖民者入境，聯邦政府以其強勢的政策手段破壞協約，或以保留區政策，或以同化主義，迫使原住民徘徊於白人現代世界與原住民傳統社群間，原住民承受與土地家鄉若即若離的折磨，在精神上無所依歸。作為規範原住民生活倫理，為其精神依歸的原住民宗教，其意涵隨著外在自然環境的變化，面臨挑戰。原住民立基於世的行為準則因此遭動搖。自殖

民時期以來，歐美殖民者以何種龐大的國家體制與政令操控原住民的生存，動搖其生活的準則與價值，而原住民在面臨龐大的國家體制壓迫時，如何尋求舒解或正義，乃是本研究企欲探討的問題。

四、成果自評

經過三年的持續性專題研究，對美國原住民文學無論在文學傳統，歷史政治文化脈絡，儀式典儀宗教，文本分析上皆有相當完整與系統的認識與心得。在美國原住民文學逐漸發展，展現其族裔文學獨特面貌之際，美國原住民文學教學應在本國學院中逐漸推展出來。預計將三年研究整理後以專書出版，並在學院中教授此類課程，以引導後進學子有進一步認識此一族裔文學之機會，以達拋磚引玉之效。

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