

Terra Nullius and the Doctrine of Discovery in New France

“Possession and Dispossession in Corporate New France, 1600-1663: Debunking a “Juridical History” and Revisiting Terra Nullius” by Edward Cavanagh examines settler colonialism in New France through the lens of corporate involvement in the St. Lawrence region. Cavanagh poses arguments about the concept of “Terra Nullius” as it applies to New France, the role of historians in depicting Indigenous property rights, as well as the significance of the Doctrine of Discovery in New France. Cavanagh concludes that our understanding of dispossession, the end of traditional property rights, and the introduction of “European-inflected systems of land tenure” (p. 125), relies on the exploration of corporate influence on French-Indigenous relations in New France.

Glossary

Algonquian language group – Indigenous peoples: Malecites, Abenakis, Mi'kmaq, Etchemins, Montagnais, and Algonquins, who occupied the land surrounding the St. Lawrence River

Crown – refers to the French monarchy

Dispossession – in the case of French-Indigenous relations: the act of depriving Indigenous people of land or property

Doctrine of Discovery – a right, issued in 1493, that allowed Christian explorers to claim Indigenous land as a means of expanding their religious empire

Iroquoian language group – Indigenous peoples: Hurons, Hochelagas, Stadaconas, Oneidas, Onondagas, and Mohawks, who occupied the land surrounding the St. Lawrence River

Prospectors – French professionals responsible for finding valuable natural resources; Cavanagh argues that their introduction to New France was the beginning of an era of corporate control over the land

Settler Colonialism – the arrival and permanent settlement of French explorers, merchants, and corporations to areas inhabited by Indigenous peoples, the displacement of Indigenous groups

St. Lawrence region – the largely inhabited (by Algonquian and Iroquoian language groups) area surrounding the 1200 km long St. Lawrence River in the region now known as Québec, which would become grounds for French settler colonialism

Terra Nullius – Latin for “the land of no one” or “nobody’s land.” As described by Cavanagh: “... settlers acquire title, improve, and alienate, in a colonized region where no purchases, cessions, or conquests takes place” (p. 124)

Historians of New France

- Cavanagh argues that historians are mistaken in identifying the St. Lawrence and surrounding region as “empty lands.”
- Many scholars have a shared assumption that the lives of Indigenous peoples were “minimally restricted” (p. 106) by early French settlers.
- Cavanagh reasons that historians of New France are largely responsible for belittling Indigenous sovereignty and land rights in place of French corporate settlement.

“...[sovereignty] has received its fair share of interpretive diversity and confusion at the hands of New France’s historians”
– Edward Cavanagh

Doctrine of Discovery

- The French Crown could not rely on the Doctrine of Discovery alone in order to claim Indigenous lands along the St. Lawrence.
- This thought leads to a shift away from the "... monarchocentric perspective of discovery" (p. 110).
- The result: French corporations became more powerful and influential than the monarchy in issues of land claims and settlement in New France.
- Corporations had physical possession of lands in New France, initiating their authority and control over matters of the land until 1663.

- Cavanagh argues that New France was treated as "Terra Nullius," meaning that Indigenous land rights were disregarded by French settlers and companies in New France.
- This idea is not accepted by all historians; some argue that Indigenous people of the St. Lawrence had "good relations" (p. 105) with French settlers, and therefore Indigenous groups were not victims of **dispossession**.
- Cavanagh disputes these notions and describes the writings of said historians as dismissive of Indigenous land possession along the St. Lawrence.

Terra Nullius

"...dispossession was a central process in New France history before 1663"
– Edward Cavanagh

Commerce and Property Rights

- French companies were highly invested in the **St. Lawrence region**. It was ideal hunting and fishing land, making it a sought-after commodity for companies involved in the lucrative fur trade.
- The St. Lawrence region was inhabited by two Indigenous groups either side of the river: the **Algonquian language group** and the **Iroquoian language group**. This is their ancestral land.
- Still, the region is wrongly depicted by many historians as a "tabula rasa" (p. 104), or otherwise, an area free of significant conflict. Both claims foster a similar explanation for the lack of land purchases and treaties in the St. Lawrence region: that the formal buying of land from Indigenous groups was unnecessary, due either to the region's supposed vacancy or a fabricated sense of amity between the Indigenous people of the St. Lawrence and early French settlers.
- Company rule in New France meant that Indigenous lands were not taken through conflict or surrender, but rather Indigenous groups' rightful ownership of the land was simply ignored.

Company vs. Crown

- From 1600 to 1663, New France was controlled by French merchants, missionaries, and settlers.
- These groups were not under the control of the **Crown**.
- However, the French king did have one authority: to grant merchants rights to maximum profits in a region by excluding competitors (i.e., to award monopoly rights).
- French commercial **prospectors** were introduced, initiating an era of corporate control.

Why is this important? Edward Cavanagh's article counters the longstanding narrative put forth by historians of New France: that Indigenous peoples of the St. Lawrence were not victims of dispossession by early French corporate settlers. Cavanagh offers powerful evidence to refute this, and insists that New France was, in fact, treated as "Terra Nullius." Cavanagh ultimately works to dismantle oppressive language and in turn, reintroduces the Algonquian and Iroquoian language groups as sovereigns of the St. Lawrence region.