

Dismantling the
DOCTRINE *of*
Discovery

STUDY GUIDE HANDOUTS

Using Circle Process

These are the agreements that help us to develop the habits that can sustain our shared work:

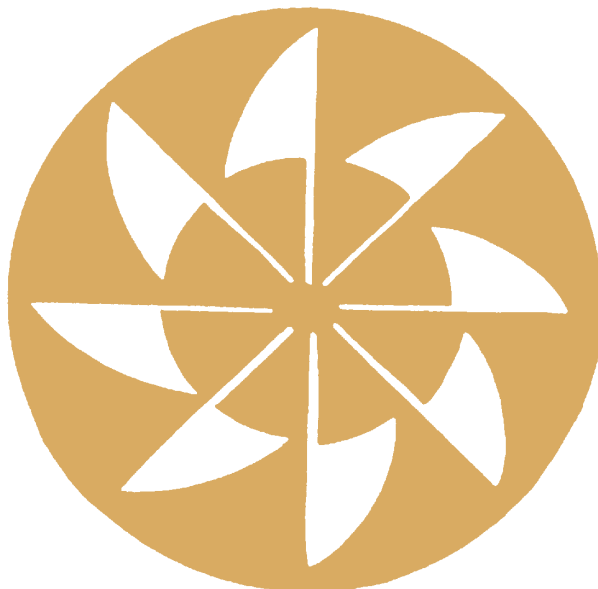
1. We *honor the trust* we place in each other when we share our stories;
2. We listen with *compassion* and *curiosity*, and *suspend judgment*;
3. We *speak with intention*, focusing on our shared work
4. We *ask for what we need* and *offer what we can*
5. From time to time, we *take a pause* to re-gather our thoughts or to honor a moment of vulnerability or emotion

One tool and one role for circle process:

1. *Talking piece*: The beautiful gift of the talking piece is that it clarifies and reminds us who is the speaker and who are the listeners. The talking piece can be a timer, so it can remind the speaker how much time he or she has to speak. This allows us to fully use our allotted slot and honors the reality that there are others in the circle we also want to hear.
2. *Guardian*: One circle member at a time volunteers to watch and safeguard group energy and process. The guardian rings the singing bowl to signal the group to stop, take a breath and rest in silence for a moment. After ringing the bell a second time, the guardian speaks the reason for taking the pause. While the guardian is the bell-ringer, any member may call for a pause.

For more information on circle process, see

<http://www.peerspirit.com/gifts/PeerSpirit-Circle-Guidelines2010.pdf>



MIMBRES

Common Circle Guidelines

1

Respect the Talking Piece.

7

Honor confidentiality.

Speak from your heart.

2

6

Remain in the Circle.

Members of each Circle agree on the guidelines they want in addition to #1, which is the basis of Circle. Numbers 2–7 are some examples.

Listen with your heart.

3

5

Listen with respect.

4

Speak with respect.

Restorative practices, including Circles, are derived from and build on Indigenous teachings and other wisdom traditions. Excerpted from *Peacemaking Circles: From Conflict to Community*, by Kay Pranis, Barry Stuart, and Mark Wedge. © Living Justice Press. Permissions: ljpress@aol.com Photo by Rod Waddington: Entebbe, Uganda; Share-Alike Lic. For educational and training purposes only.

FACT SHEET

Dismantling the DOCTRINE of Discovery

Q: What is the “Doctrine of Discovery?”

The “Doctrine of Discovery” is a philosophical and legal framework dating to the 15th century that gave Christian governments moral and legal rights to invade and seize Indigenous lands and dominate Indigenous Peoples. The patterns of oppression that continue to dispossess Indigenous Peoples of their lands today are found in numerous historical documents such as Papal Bulls, Royal Charters and U.S. Supreme Court rulings as recent as 2005. Collectively, these and other concepts form a paradigm of domination that legitimates extractive industries that displace and destroy many Indigenous Peoples and other vulnerable communities, as well as harm the earth.

The Doctrine of Discovery can be seen as a “power and principality” based on the following ideas that grew out of Christendom:

THEOLOGIES OF ENTITLEMENT

Three main scriptural texts undergird the Doctrine of Discovery: The Great Commission “Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything that I have commanded you.”—Matthew 28:19-20, the divine mandate to submit to government rule “Let every person be subject to the governing authorities; for there is no authority except from God, and those authorities that exist have been instituted by God.”—Romans 13: 1, and the narrative of a covenantal people justified in taking possession of land as described in the Exodus story. Manifest Destiny in the U.S. grew out of the latter.

JUSTIFICATION OF VIOLENCE

Christendom empowered European governments to use coercion and violence, including genocide and enslavement. The theologies of entitlement legitimized their conquest of both people and land.

TERRA NULLIUS

(empty land) Terra Nullius is the theological and legal doctrine that “discovered” lands were devoid of humans if the original people who lived there, defined as “heathens, pagans and infidels,” were not ruled by a Christian prince.

Q: What have been the results of the Doctrine of Discovery?

These three “E’s” summarize the destructive results of the Doctrine of Discovery

ENSLAVEMENT

Because the Doctrine did not consider Indigenous Peoples to be human if they weren’t Christian, conquering nations were allowed to make slaves of the people they encountered. For example the 1452 Papal Bull *Dum Diversas* says that Christian sovereigns are empowered by the Church to “invade, capture, vanquish and subdue... all Saracens (Muslims) and Pagans and all enemies of Christ... to reduce their persons to perpetual slavery... and to take away all of their possessions and property.”

EXTRACTION

In many places around the world, the Doctrine of Discovery has legitimated mining, fracking, logging, water theft, plantation agriculture, and other extractive industries that take resources from Indigenous communities to benefit the wealth of those descended from Europeans and colonial or post-colonial nations.

EXTINCTION

Before Europeans came to North America, there were as many as 18 million Indigenous Peoples living on the continent. By the end of the 19th century, they numbered fewer than 250,000. Millions of people died because they did not have natural immunity to European diseases, nor could they resist the technologies of war the Europeans used to overpower and decimate native populations. So when European settlers arrived on the scene the country often appeared to be nearly empty or devoid of significant human activity.

Q: What does The Doctrine of Discovery have to do with us today?

The painful truth is that 500+ years of international policies that unfairly took advantage of Indigenous Peoples continue to give advantage to us (North Americans, Christian, or those of European descent). This situation extends to other continents as well.

In the country of Suriname (South America), gold mining companies given access to Indigenous land have poisoned the watersheds with mercury, threatening the lives of all beings dependent on water for survival—from fish to human communities.

Currently, the U.S. senate is considering a land swap in Arizona that trades reservation land sacred to the Apache Indians for copper mining interests owned by an Australian company.

Fracking for oil and natural gas and the threat of tar sands oil pipelines on or near Native land holdings threaten groundwater in North Dakota.

The list is long and continues to grow.

Here are some questions to explore how our lives today may be connected to the legacies of the Doctrine of Discovery: enslavement, extraction and extinction:

1. Do you know how the land where you live was originally acquired?
2. Can you trace the gems or precious metal in the jewelry you wear?
3. Do you know where the rare metals used to produce your smart phone, iPad, or laptop come from?
4. Where does the water bottled in the drinks you buy come from?
5. Do you eat foods or use products made with palm oil?
6. Do you think about using alternatives to driving or consider using mass transit if it's available?
Petroleum extraction continues to displace Indigenous Peoples in many parts of the world.

Bibliography and suggested resources:

Websites:

- Interview with Sarah Augustine, from Seattle Mennonite Church: http://www.breathingforgiveness.net/2023/03/anti-slavery-campaign-interview-series_28.html
- "Five Hundred Years of Injustice: The Legacy of Fifteenth Century Religious Prejudice." by Steve Newcomb, Indigenous Law Institute: http://ili.nativeweb.org/sdrm_art.html
- UN Preliminary Study on the Doctrin of Discovery: <http://www.un.org/esa/socdev/unpfii/documents/E.C.19.2010.13%20EN.pdf>

Video clips

- Chief Oren Lyons (15 min.): <https://www.youtube.com/watch?v=yVZDbqh7WgM>
- Steve Newcomb at Parliament of the World's Religions '09 conference on the Christian Doctrine of Discovery Panel (7 min.) <https://www.youtube.com/watch?v=9bl9NAAIfock>

Books

- Vine Deloria, Jr. "Conquest Masquerading as Law," in *Unlearning the Language of Conquest*, (Texas University Press, 2006)
- Robert J. Miller, Esq., *Native America, Discovered and Conquered, Thomas Jefferson, Lewis and Clark and Manifest Destiny* (Bison Books, 2008)
- Steven T. Newcomb; *Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery* (Fulcrum, 2008)
- Blake Watson, *Buying America from the Indians: Johnson v. McIntosh and the History of Native Land Rights* (University of Oklahoma Press, 2012)



www.dofdmennon.org
www.Facebook.dofdmennon.org

Written by Sarah Augustine and Katerina Friesen. Produced by the Dismantling the Doctrine of Discovery Coalition.

HANDOUT 4:

Ten Elements of the Doctrine of Discovery

according to law professor Robert J. Miller:

1. **First discovery:** The first European country to discover lands unknown to other Europeans claimed property and sovereign rights over the lands and native peoples. Created only an incomplete title.
2. **Actual occupancy and current possession:** To turn first discovery into recognized title, a European country had to actually occupy and possess newly found lands.
3. **Preemption/European title:** Discovering European countries also claimed the sole right to buy the land from Indigenous peoples. The United States still claims this power over Indian lands today. 25 U.S.C. section 177 (2006).
4. **Indian or Native title:** After first discovery, Euro-American legal systems claimed that Indigenous peoples and nations had lost their full property rights and full ownership of their lands (“fee simple title”). Europeans claimed that Indigenous nations only had the rights to occupy and use their lands.
5. **Tribal limited sovereign and commercial rights:** After first discovery, Europeans considered that Indigenous nations and peoples had lost some aspects of their inherent sovereign powers and their rights to international free trade and diplomatic relations. Thereafter, they were only supposed to deal with the European government that had first discovered them.
6. **Contiguity:** Under Discovery, Europeans claimed a significant amount of land contiguous to and surrounding their actual discoveries and settlements in the New World. Moreover, contiguity held that the discovery of the mouth of a river gave the discovering country a claim over all the lands drained by that river, even if that was thousands of miles of territory. For example, refer to the boundaries of the Louisiana Territory and Oregon country as defined by the United States.
7. **Terra nullius:** This phrase literally means a land or earth that is null or void or empty. This element stated that if lands were not possessed or occupied by any person or nation, or even if they were occupied but were not being used in a fashion that European legal and property systems approved, then the lands were considered to be “empty” and available for Discovery claims.
8. **Christianity:** Religion was a significant aspect of the Doctrine of Discovery. Under Discovery, non-Christian peoples were not deemed to have the same rights to land, sovereignty and self-determination as Christians.
9. **Civilization:** The European ideals of civilization were important parts of Discovery and of ideas of superiority. Europeans thought that God had directed them to bring civilized ways, education and religion to Indigenous peoples and to exercise paternalism and guardianship powers over them.
10. **Conquest:** This element claimed that Europeans could acquire Indian title by military victories in “just” and “necessary” wars. In addition, conquest was also used as a term of art to describe the property rights Europeans claimed to have gained automatically over Indigenous nations just by showing up and making a “first discovery.”

Adapted from: Robert J. Miller, *Native America, Discovered and Conquered: Thomas Jefferson, Lewis & Clark, and Manifest Destiny*, (Praeger Publishers, 2006; paperback edition University of Nebraska Press, 2008), 3-5.





Created by the Indigenous Peoples Solidarity Movement of Ottawa

HANDOUT 7

Resources useful in research on land titles, treaties, and the peoples who lived where you now live before settlement:

1. **Any local title deed abstract** will give you some important dates. Here is the first item on the abstract for the farm where I live: “United States of America, to Seymour Moses... By Certificate of Entry, May 21, 1833, No. 2101.” The second item continues, “In consideration of full payment under Certificate No. 2101, Give and Grant the Northeast Quarter... of lands subject to sale at Fort Wayne, Indiana.”
2. Your **county historical society** may have most of the information you need. The Elkhart County Historical Society has a significant collection, maps, and a five-page paper on *Native American Culture in Elkhart County, Indiana*. Knowledgeable museum staffs are available to guide groups to local Indian sites. At the very least, you should be able to ascertain the names of the tribes that lived in your area.
3. Your **local library** may have reference books, books in circulation, or specific collections relevant to Indian inhabitants of your area. The Goshen Public Library provided useful materials in all of these categories. From the reference shelves, I was shown a *Handbook of American Indians* that listed 37 treaties with the Potawatomi land cessions by date and location, and in the “Indiana” room I found the *Journal of an Emigrating Part of Pottawattomie Indians, 1838*.
4. **Kappler’s *Indian Treaties***¹ contains the full text of every United States Indian treaty. Every treaty of cession includes a description of the land being ceded. From these descriptions I am able to locate all of Goshen, Indiana, (and my home) in the land ceded by the Treaty of Carey Mission, September 20, 1828.
5. If you are unable to locate Kappler’s *Indian Treaties* but you know what treaty you want, the **Avalon Project of Yale University** will put the text of any treaty on their website. Go to <http://avalon.law.yale.edu/default.asp>. From the home page of the Avalon Project, there is a link to “Major Collections” and then in an alphabetical listing to [“Treaties Between the United States and Native Americans.”](#) The treaties on-line are listed by date.
6. **The Bureau of Indian Affairs** (<http://www.bia.gov/>) maintains 12 area offices. Contact the area office for your region, or search their website for contact information for tribal leaders. Here I found addresses and phone numbers for leaders of the Pokagon Band of Potawatomi (Dowagiac, Mich.) and of the Sac and Fox Tribe of the Mississippi in Iowa. To do this, you will need to know the official name of a tribe; with 567 federally-recognized tribes, this is not simple.
7. **Internet search engines** are a powerful tool. Searching with a keyword ‘Potawatomi’ led me to websites for the Citizens Band and Prairie Band (descendants of the Trail of Death) and links led to the ‘Potawatomi Web’ (<http://www.kansasheritage.org/PBP/talk/home.html>), a rich site with history, language, culture, and contact information for eight related bands and first nations in the U.S. and Canada.

—Adapted with permission from Rich Meyer, “Why Don’t We Tell the Beginning of the Story?: Native Americans Were Here First.” *Mennonite Historical Bulletin*, Vol. LX, No. 3. July 1999, pp. 6-7.

¹Kappler, Charles J., LL.M., ed. *Indian Affairs: Laws and Treaties*, Vol. II (Treaties), Government Printing Office, Washington, D.C., 1904.