The Doctrine of Christian Discovery:
Understanding Its Origins and Eliminating Its Effects in the World Today

A Sermon Preached by John Dieffenbacher-Krall
at the Unitarian Universalist Church of Ellsworth, Maine, September 15, 2013

Good morning. Thank you for inviting me to preach today. I especially want to thank Ann Funderburk for suggesting me as your guest preacher this morning, undertaking the many tasks she assumed to prepare this worship service, and holding her deep commitment to act as a genuine ally of the Wabanaki and all Indigenous Peoples. I also want to acknowledge Penobscot Nation citizen Donna Loring for graciously agreeing to attend this service and offering her perspective on the topic of my sermon following the service. The title of my sermon is "The Doctrine of Christian Discovery: Understanding Its Origins and Eliminating Its Effects in the World Today."

Why does the Doctrine of Christian Discovery matter to the people living here today in Ellsworth and the surrounding communities? And why should a religious body with Christian roots focus on the Doctrine of Christian Discovery? It matters because it provides the legal foundation for the most important US Supreme Court decision ever decided affecting the Indigenous Peoples of this land, *Johnson v M'Intosh*. This legal decision says Indigenous Peoples have no legal title to the land they lived upon for hundreds or sometimes thousands of years, only a mere right of occupancy. Several provisions of the Maine Implementing Act, a law passed in 1980 as part of the Maine Indian Land Claims Settlement, reflect a Doctrine of Christian Discovery worldview. As people of faith, we should be concerned that a worldview that sanctions the taking of the land, property, and very lives of other human beings because of the difference in their religious beliefs originated from the spiritual leader of the Christian Church.

I was no different than many of you eight years ago in terms of knowing nothing about the Doctrine of Christian Discovery. I had never heard of it until my enlightenment at that time. Many years earlier I had learned about Manifest Destiny, which can be understood as an American application of the Doctrine of Christian Discovery, but I didn't understand the religious origin of the Doctrine of Christian Discovery, an essential understanding if an informed person wants to act to contribute to the effort of dismantling the Doctrine's effects in the world.

When I learned about Doctrine of Christian Discovery, I felt a sense of outrage that such an evil, unjust concept could be advanced in the name of the Prince of Peace, Jesus Christ, and form the foundation of Federal Indian Law. I felt moved to preach on the subject, which I did in October 2006 at my home parish, St. James' Episcopal Church in Old Town, challenging my fellow parishioners, the Episcopal Diocese of Maine, the entire Episcopal Church, and the worldwide Anglican Communion to repudiate the Doctrine of Christian Discovery. Working with the Episcopal Diocese of Maine Committee on Indian Relations, we persuaded our fellow Diocesan delegates at our 2007 Diocesan Convention to pass a resolution denouncing the Doctrine of Christian Discovery. In anticipation of presenting a resolution to the entire Episcopal Church at our General Convention in 2009, I worked with people in the Episcopal Diocese of Central New York in 2008 which passed a resolution similar to the one passed by Maine Episcopalians the previous year. And thanks to the work of many people the Episcopal Church adopted Resolution D035 in 2009 repudiating the Doctrine of Christian Discovery.

I want to examine with you the component words in the term "Doctrine of Christian Discovery" to help us better understand this concept. Searching on the Internet I found two definitions for doctrine, a "particular principle of a religion or government," and a "body of teachings." Christian refers to a follower of the teachings of Jesus of Nazareth. According to an

on-line dictionary, “discovery” means “the act of discovering.” When one looks up “discover,” part of the offered definition includes “gain sight or knowledge of (something previously unseen or unknown).” Focus your attention on the example given: “to discover America.” We have a term denoting the particular principle of a religion, Christianity, and a government, or in this case, a collection of governments known as Christendom, related to something previously unseen or unknown by them, in this context, the New World.

The Doctrine of Christian Discovery consists of the worldview that Christians have a right sanctioned by God to take non-Christian lands and property and assert political control over the Indigenous inhabitants residing in those lands solely based on their different religious identification. The Doctrine of Discovery emanates from a perverted understanding of God’s designation of a chosen people that has heavenly sanction to do un-God-like acts in the name of God. Columbus and a number of other European explorers relied on this concept to justify their invasion and taking of Indigenous lands.

Many people trace the origin of the Doctrine of Christian Discovery to the 1452 papal bull Dum Diversas. According to Wikipedia, “A papal bull is a particular type of letters patent or charter issued by a Pope of the Catholic Church. It is named after the lead seal (*bulla*) that was appended to the end in order to authenticate it.” The same Wikipedia entry notes “Papal bulls were originally issued by the pope for many kinds of communication of a public nature, but by the 13th century, papal bulls were only used for the most formal or solemn of occasions.”

Dum Diversas states in part:

> "We grant you [Kings of Spain and Portugal] by these present documents, with our Apostolic Authority, full and free permission to invade, search out, capture, and subjugate the Saracens and pagans and any other unbelievers and

enemies of Christ wherever they may be, as well as their kingdoms, duchies, counties, principalities, and other property [...] and to reduce their persons into perpetual slavery."

Steve Newcomb, one of principal leaders of the Indigenous movement to expose and rid the world of the Doctrine of Christian Discovery, has increasingly discussed the concept within a broader worldview of some people's continuing efforts, primarily Christendom and its successor colonies, of domination. The English word domination originates from the Latin word *dominatio* which means rule, dominion, despotism from *dominari*, to rule. How could any just moral code condone the domination of one people by another? Yet that is what the Doctrine of Christian Discovery embodies and sanctions.

Similar to what some of us might perceive as the cruelly absurd situation involving the extensive body of international law that has developed concerning war delineating when it is legal and illegal, some of the early colonizers instituted procedures before they could invoke the Doctrine of Christian Discovery. In 1513, Spain adopted the *Requerimiento*. A Wikipedia entry states "it was used to justify the assertion that God, through historical Saint Peter and appointed Papal successors, held authority as ruler *over the entire Earth*; and that the Inter Caetera Papal Bull, of 4 May 1493 by Pope Alexander VI, conferred title over all the Americas to the Spanish monarchs." The Catholic monarchs required those working on their behalf to read a statement to any Indigenous Peoples encountered by the explorers representing them. The statement was read in Latin and Spanish, languages spoken by none of the people the explorers encountered. In part it said to the Indigenous People:

> But if you do not do this (accept Spanish rule), and maliciously make delay in it, I certify to you that, with the help of God, we shall powerfully enter into your country, and shall make war against you in all ways and manners that we can, and shall subject you to the yoke and obedience of the Church and of their highnesses; we shall take you, and your wives, and your children, and shall make slaves of them, and as such shall sell and dispose of them as their highnesses may command; and we shall take away your goods, and shall do you all the mischief and damage that we can, as to vassals who do not obey, and refuse to receive their lord, and resist and contradict him: and we protest that the deaths and losses which shall accrue from this are your fault, and not that of their highnesses, or ours, nor of these cavaliers who come with us…

Most human beings find destroying other human beings difficult without some type of moral sanction or justification. One of the recurring things done in situations of violent conflict or exploitation is to assert that a certain group of human beings is less than human. This dehumanizing of the target group facilitates doing horrific things to them because their reduced status also removes the human rights protections in the view of the aggressor are normally afforded to all people.

Spain debated the moral validity of the Requerimiento. A debate took place between Bartolomé de las Casas, a defender of Indigenous Peoples, and Juan Ginés de Sepúlveda, a defender of the Spanish encomienda system, in 1550 - 1551. Las Casas argued that the Indigenous Peoples of the Western Hemisphere should be treated as free people and deserved the same treatment at other human beings. Sepulveda asserted “"in order to uproot crimes that offend nature" the Indians should be punished and therefore reducing them to slavery or serfdom

was in accordance with Catholic theology and natural law (Wikipedia)." No clear victor emerged from the debate. Eventually, the Requerimiento was abolished in 1566.

Are you stunned? Supposedly enlightened people, some of the leading intellectuals of the day, Church leaders, actually debated whether the Indigenous Peoples of the Americas were human. Before you judge the Spanish too harshly learn about our own Maine judicial system's attitudes toward the Wabanaki, the umbrella term for the culturally related Indigenous Peoples who inhabit Maine, the rest of New England, and a large portion of Eastern Canada. In an 1842 Maine Supreme Judicial Court decision *Murch v. Tomer*, the court finds, "Imbecility on their part [Indians], and the dictates of humanity on ours, have necessarily prescribed to them their subjection to our paternal control; in disregard of some, at least, of abstract principles of the rights of man" (CHARLES MURCH versus PEOL TOMER. SUPREME JUDICIAL COURT OF MAINE, COUNTY OF PENOBSCOT 21 Me. 535; 1842 Me. LEXIS 141 June, 1842, Argued 1842, Decided).

For 155 years, until the *Passamaquoddy v. Morton* decision in 1975, the State of Maine exerted jurisdictional control over the Passamaquoddy Tribe and the Penobscot Indian Nation. *Passamaquoddy v. Morton* was the lawsuit brought by the Dept. of Justice on behalf of the Passamaquoddy Tribe and Penobscot Indian Nation to return 12 million plus acres taken from them. The Houlton Band of Maliseet Indians achieved federal recognition five years later with the signing of the Maine Indian Claims Settlement Act. Eleven years later the Aroostook Band of Micmacs received federal recognition through the Aroostook Band of Micmacs Settlement Act. Though the Tribes believed through litigation and legislation that they had finally achieved political independence from the control of the State of Maine, considerable State domination of Wabanaki affairs remains.

How does the State of Maine continue to exert such a large degree of domination over Wabanaki affairs? Because of the political and legal legacy of the Doctrine of Christian Discovery that has allowed the US to claim certain powers over the Indigenous Peoples who live within its boundaries and the Federal Government's acquiescence to the State of Maine. In *Lone Wolf v. Hitchcock* decided in 1903, the Supreme Court found that the US Congress possesses plenary power over Indian Tribes. This means Congress commands complete power over Indigenous Peoples beyond judicial review. Under the plenary power doctrine, Congress can even unilaterally terminate its relationship with an Indian Tribe.

Congress ceded some of its plenary power authority over the Maliseets, Micmacs, Passamaquoddies, and Penobscots in the Maine Indian Claims Settlement Act by agreeing to allow State of Maine law to apply to the Tribes unless where otherwise specified in the Act. Maine would have little authority over the Tribes without this grant of Congressional power as the primary relationship under the US Constitution rests between Indian Tribes and the Federal Government, not the state governments. Maine obtained the power otherwise belonging to the Federal Government because it insisted that it must have it and the Maine Congressional delegation at the time backed the State in its demand.

The compromised self-determination of the Maliseets, Micmacs, Passamaquoddies, and Penobscots has produced, according to the Maine Indian Tribal-State Commission (MITSC), "structural inequities that have resulted in conditions that have risen to the level of human rights violations**."** In a letter to the UN Special Rapporteur on the Rights of Indigenous Peoples James Anaya, MITSC wrote on August 8, 2013, "The ways in which these provisions [referring to the settlement acts applicable to the Wabanaki Tribes within the State of Maine] have been interpreted by state and federal courts constitute the partial termination of tribal self-governance

and thus the Tribes' ability to provide for the protection of natural resources, the provision of an economic base, and preservation of their unique cultures."

How might we respond to a humanitarian crisis in our midst? I don't want you to feel guilty. I also don't want you to feel ashamed. I suggest that we feel concern and an obligation to do what we can as individuals and within various groups and institutions to which we belong to stop allowing the political domination of the Wabanaki in our name as Maine and US citizens.

The Rhodes Scholar, NY Knicks basketball star, and former US Senator Bill Bradley offers an insightful approach about how we might address our nation's relationship with Indigenous Peoples in his memoir *Time Present, Time Past*, saying "I know that an American living now is not responsible for wrongs committed more than one hundred years ago, but the nation itself is responsible. When governments commit crimes, they must make amends to those who are the victims of crimes. If they fail to do so, they live with guilt. Confronting the dark pages of our history is essential to getting beyond them. Americans cannot naively espouse ideals that our own historic actions refute. Failure to come to terms with having broken treaties and destroyed hundreds of thousands of people undermines our moral authority. How liberating it would be to escape the hypocrisy and become a society that lives by its professed ideals."

You know the seven principles which Unitarian Universalist congregations affirm and promote far better than me. Three of them strike me as especially applicable to this situation:

- The inherent worth and dignity of every person;
- Justice, equity and compassion in human relations;
- A free and responsible search for truth and meaning.

Ann Funderburk seems to agree that the first principle has some applicability as she chose it for the opening words of today's service. The Unitarian Universalist second principle

also applies to the effort to rid the world of the Doctrine of Christian Discovery. Not only should the US feel compelled to protect the right of self-determination of the Wabanaki from a sense of justice but also to comply with its international obligations. The US is a signatory to the International Covenant on Civil and Political Rights. Part I of the Convenant states:

> ***Article 1***
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> 1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
>
> 2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
>
> 3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Given what I have told you and what you may know about the situation of the Indigenous Peoples living within the State of Maine, is the US in compliance with the International Covenant on Civil and Political Rights?

Six years ago the world took a significant step in the quest to advance Indigenous rights. On September 13, 2007, the UN General Assembly overwhelmingly passed the UN Declaration on the Rights of Indigenous Peoples. Four countries voted against UN adoption of the Declaration – Australia, Canada, New Zealand, and the US. Responding to considerable domestic and international criticism, all four countries eventually issued statements expressing their support for the Declaration with the US the last nation-state in the world to do so in December 2010.

Donna Loring had the foresight to recognize the potential significance of the Declaration on the Rights of Indigenous Peoples in advancing Indigenous rights at the state level. She introduced a resolution in her capacity as Penobscot Tribal Representative to the Maine Legislature putting the Maine Legislature on record in support of the Declaration. The Maine Legislature unanimously passed the resolution on April 18, 2008, as far as I know the first North American government to take such action. The Maine Indian Tribal-State Commission has taken the position that given the Maine Legislature's official support for the Declaration on the Rights of Indigenous Peoples it should be used as the floor when considering the rights of the Wabanaki Tribes in their relationship with the State of Maine.

Article 3 of the Declaration on the Rights of Indigenous Peoples, similar to Article 1 of the International Covenant on Civil and Political Rights, states, "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

What can be done to ensure that the Maliseets, Micmacs, Passamaquoddies, and Penobscots can "freely determine their political status and freely pursue their economic, social and cultural development?" Unitarian Universalist principle four could form the foundation for an individual Unitarian Universalist member to answer that question. Most of us have learned little to nothing in our formal education about the Doctrine of Christian Discovery, Federal Indian Law, history of the Wabanaki, or Wabanaki-Maine relations. To advocate for change an individual needs to have a certain understanding of the subject matter in order to talk about it. A free and responsible search for truth and meaning might yield the understanding and insight to become an effective agent of change.