

## **Motion from the Right Relationship Monitoring Committee for the UUA Board of Trustees meeting January 2012**

*Moved: That the following section entitled "Report from the Board on the Doctrine of Discovery" be added to the 2012 Board report to the congregations of our Association, that the responsive resolution that follows it be placed on the agenda for the 2012 General Assembly, and that both this section of our report and the resolution be sent out to congregations with the Tentative General Assembly Agenda.*

### **Report from the Board on the Doctrine of Discovery**

In September of 2011, the UUA Board was asked by partner organizations with whom the UUA is working in Arizona to educate UU congregations about the Doctrine of Discovery and to ask the delegates of the 2012 General Assembly to repudiate this doctrine. We believe that the Doctrine of Discovery, as conceived in the 15th century and enforced to this day in U.S. law, is contrary to Unitarian Universalist principles, theology and values. Because of this, we recommend to our member congregations that they engage in education about the Doctrine of Discovery and we endorse the repudiation of the Doctrine of Discovery by the 2012 General Assembly. We further endorse measures that will help the United States be in full compliance with the United Nations Declaration on the Rights of Indigenous People, an agreement seen as reparative to the centuries of damage caused by the Doctrine of Discovery.

### ***Background Information***

The Doctrine of Discovery (DOD, also called the Doctrine of Christian Discovery) is a principle of law developed in a series of 15th century Papal bulls and 16th century charters by Christian European monarchs on the basis of which much of the rest of the world was explored and colonized by Europeans. It contained a theological justification of colonization that later became a nationalistic one. In an article in *Yes!* magazine, Gale Courey Toensing writes, "it was essentially a racist philosophy that gave white, Christian Europeans the green light to go forth and claim the lands and resources of non-Christian peoples and kill and enslave them--if other Christian Europeans had not yet already done so."

For more than five centuries, the interpretive framework of the DOD has been institutionalized and used to assert a presumed right of dominance over originally free and independent indigenous peoples. The DOD was used by European nations to justify their conquest of Africa, Asia, Australia, New Zealand, and the Americas. It was the justification--theological and political--for the appropriation of the lands and resources of indigenous peoples and efforts to dominate native nations and undermine the sovereignty of indigenous nations and peoples. Among other things, it formed the basis for the slave trade, the partition and colonization of the Near East, the colonization

of the Americas, and the genocides of the indigenous peoples of Africa and the Americas.

The DOD is the basis for United States policy regarding native peoples. After the American Revolution, the tenets of Christian Discovery were continued by the new United States. In the U.S. Supreme Court ruling in *Johnson v. M'Intosh* (1823), Chief Justice John Marshall wrote that "Christian people" who had "discovered" the lands of "heathens" had assumed the right of "ultimate dominion to be in themselves" and that this presumption of "dominion" had "diminished" the Indians' rights to complete sovereignty as independent nations, and had resulted in the Indians having a mere right of occupancy to their lands. This decision stripped native nations of any and all sovereignty agreed to in treaties with the U.S. Unlike many regretful decisions of the past, this decision has never been overturned, and is still referred to in legal decisions on a regular basis (as recently as 2010 in the Federal courts).

The DOD is also foundational in the ways in which our nation's policies on migration and immigration are formed and enforced. Preventing indigenous peoples from crossing the U.S.-Mexico border to inhabit lands that are historically theirs is justified in U.S. law by the DOD.

The United Nations Declaration on the Rights of Indigenous People, overwhelmingly passed in 2007 after two decades of work, repudiates the DOD and calls upon the nations of the world to respect the land claims of their indigenous peoples and treaties made with indigenous peoples. It is a positive and comprehensive international human rights instrument addressing the economic, social, cultural, political spiritual and environmental rights of indigenous peoples. Among other things, it recognizes the right of indigenous peoples to migrate in their own lands, even when national borders have been drawn by colonial powers through them.

The United States is one of only four countries in the world that voted against the declaration (the others being Canada, Australia and New Zealand). Since then, all four have claimed to endorse the Declaration without taking steps to implement it. In the United States, the Declaration has not been submitted as a treaty to the Senate, giving it no force in law. While the rights addressed in the Declaration are similar to the rights guaranteed for other groups through other international human rights agreements that the United States has ratified and is implementing, none of these existing agreements extend rights of self-determination and equality to the indigenous peoples of this continent.

Indigenous peoples from around the world are asking all religious faiths and their respective national and international organizations to repudiate the Doctrine of Discovery and related documents, and to call for the United States to fully implement the U.N. Declaration on the Rights of Indigenous Peoples without qualifications. As the

Declaration is described in its own preamble as “as a standard of achievement to be pursued in a spirit of partnership and mutual respect,” implementation of its standards needs to be done in accountable relationship with the indigenous peoples of our continent.

### *Unitarian Universalist Theologies and the DOD*

The Unitarian and Universalist religious movements were born in the midst of revolution. “We the people” established the state and federal governments of the United States. The notion that human communities could be established on a democratic and intentional basis had a profound impact on our religious heritage. The American values of equality and justice were directly tied to the Universalist and Unitarian theologies that declared everyone equal in the eyes of God and possessing of sparks of divinity within.

But the United States did not come into being with an inclusive understanding of who constituted “we the people.” Women, People of Color, working people, people of diverse sexual and gender orientations still have to struggle for equity and inclusion. Unitarian Universalists have joined in these struggles. This work of equality and justice continues and there is much to do before our country can call itself inclusive, equitable and genuine in its commitment to justice for all.

Unitarian Universalists have long been guided by the radical notion that the truth will make us free. But we are not free of the past, our nation lives a lie, and our people are taught a history based in denial. A theology of mutuality and equality rather than of privilege and dominance means challenging ourselves to understand this history. The indigenous people of this land were conquered by vicious force and the land was taken from them. These actions were rationalized with the arrogant notion that the natives were savages and the invaders were civilizing Christians. The first people of this land have contributed much to our national culture, our food, our music, and most notably to our impatience with hierarchy and patriarchy. Benjamin Franklin credited the Haudenosaunee Confederacy for the idea that a federal union could be created out of self governing states. Yet these contributions are forgotten and even denied and it offends the presumption of white privilege to admit how much the nation has been influenced by People of Color.

Unitarian Universalist congregations covenant to affirm and promote “respect for the interdependent web of all existence of which we are a part”. This, our seventh principle, has profound theological implications. It calls us to a deeply rooted relationship with all that is, realizing that we belong to this world and that the world does not belong to us. Once we take this stance, we realize that the dominant culture of Europe and North America propagates a fundamentally different orientation, one based on exploiting our planet and using it for immediate gratification. We hear claims that the land is a “resource” and the people of the land should “be employed” for “productive purposes” by enterprising people of privilege and power. More and more people are learning that

the world view of domination is profoundly alienating, estranging us from our essential human nature and from each other.

Unitarian Universalism is grounded in theologies that value relationship and reconciliation. We are taught that each of us has creative power that can be used to foster right relationship and build the beloved community. Conversely, that power can be used to dominate, oppress and harm others and make the beloved community that much further away from reality. 2010 Ware Lecturer Winona LaDuke, among others, teaches us that the continued domination of the indigenous people of North America is fundamentally in opposition to a theology of right relationship. By perpetuating centuries of injustice rooted in theologies of domination, we keep our culture alienated from the indigenous nations with whom we share the Earth.

There is a profound brokenness deeply embedded in our national identity that calls to us for healing and reconciliation. The Doctrine of Discovery is central to many painful legacies of American history, including the legacies of slavery, the forcible relocation and genocide of Native American peoples and the colonial partitioning of the continent. It is also central to the painful relationship that European-Americans have with their history. Healing is needed. We believe this resolution is a beginning step in the healing of this brokenness, a step toward restoring right relationship among the peoples of this land.

### *Why We Are Offering This Resolution at General Assembly 2012*

This resolution has been placed on the General Assembly agenda in keeping with our charge to be accountable to migrant communities and partner organizations in Arizona. In preparing for General Assembly, some of the partner organizations with whom we are working in Arizona asked us specifically to take up this resolution. Coalitions of indigenous peoples and their allies (including many Unitarian Universalists) have been working for many years to get religious groups to repudiate the DOD and to ask the United States to fully implement the tenets of the U.N. Declaration on the Rights of Indigenous Peoples. The Episcopal Church of the United States did so in 2009.

The DOD--and the legal ramifications of it to this day--have profound effects on the issues of migration, racial and economic justice, the focus issues of this Justice General Assembly. For example, laws restricting the migration of indigenous peoples across national borders are a direct consequence of a legal system that allowed European colonizers the right to draw those borders through the lands of others. The DOD is also central to the construction of the category of race--and thus the development of racism--in the Western world.

This resolution is being offered as a Responsive Resolution because the UUA By-Laws

prevent us from making justice statements through normal business resolutions (and because the 2011 General Assembly passed by-law amendments to remove Actions of Immediate Witness from the General Assembly agenda in 2012). The Board feels that this is an issue that our congregations will need to study and discuss prior to General Assembly, so we are taking the unusual step of submitting it to you in advance for this consideration.

## **A Responsive Resolution to the Report of the Board**

WHEREAS the delegates of the 2010 General Assembly instructed the UUA Board to create a “Justice General Assembly” in 2012, whose business is accountable to partner organizations doing human rights work in Arizona; and

WHEREAS the Unitarian Universalist Association has been asked by partner organizations working with the Arizona Immigration Ministry to educate our member congregations about the Doctrine of Discovery and to pass a resolution repudiating it; and

WHEREAS the UUA Board of Trustees has submitted to the member congregations a report explaining the Doctrine of Discovery and why the Board believes it to be contrary to Unitarian Universalist principles;

THEREFORE, BE IT RESOLVED that we, the delegates of the 2012 General Assembly of the Unitarian Universalist Association, repudiate the Doctrine of Discovery as a relic of colonialism, feudalism, and of religious, cultural, and racial biases having no place in the modern day treatment of indigenous peoples globally, and American Indians nationally; and

BE IT FURTHER RESOLVED that we call on the leadership of the Unitarian Universalist Association to make a clear and concise statement repudiating the Doctrine of Discovery and its current use in U.S. laws and regulations, and

BE IT FURTHER RESOLVED that we encourage other religious bodies to reject the use of the Doctrine of Discovery to dominate indigenous peoples, and

BE IT FINALLY RESOLVED that we call upon the United States to fully implement the standards of the U.N. Declaration on the Rights of Indigenous Peoples in U.S. law and policy without qualifications. In doing so, we support the establishment of commissions that include accountable representatives of American Indian nations.