

REPUDIATING THE DOCTRINE OF DISCOVERY IN PRACTICE

(Life and Mission Agency – Justice Ministries report, A&P 2021, p. 419–21, 38)

In 2019 the General Assembly voted to “repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*”. (A&P 2019, p. 377, 35) This report outlines some answers to the question of how The Presbyterian Church in Canada can follow our words of repudiation with meaningful actions that redress the legacy of these concepts.

The Doctrine of Discovery refers to concepts enshrined in a series of 15th century decrees from the Pope that provided theological and legal backing to European monarchs to seize non-Christian lands and enslave non-Christian peoples. To support such endeavours, European monarchs relied on the legal concept *terra nullius* – which is Latin for “empty land” – to treat land as available for European occupation and ownership even if it was already occupied by Indigenous peoples on the grounds that they were not putting it to “civilized” use.¹⁴ It is also important to note that with their dispensation to enslave non-Christian people, the decrees framing the Doctrine of Discovery were also used to justify the trans-Atlantic slave trade.

These concepts were underpinned by the notion that all peoples that were not Christian were sub-human and undeserving of the same rights afforded to Euro-Christian peoples. In the centuries following, these attitudes have manifested in different ways including enslavement, disenfranchisement of Indigenous peoples’ lands and resources and attempts at assimilation into the “majority” culture. As described in the 2019 report to General Assembly, both the blatant and casual racism that Indigenous people continue to face – in Canada and around the world – can be traced back to the attitudes that were enshrined in the Doctrine of Discovery. (A&P 2019, p. 368–69) Encountering these same attitudes of both blatant and casual racism is also true of the experiences of many Black people in the Americas, many of whom are descendants of the trans-Atlantic slave trade. Colonialism and its tenants can be traced in so many of the structures and relationships in society today. As we detailed above, in its final report, the National Inquiry into Missing and Murdered Indigenous Women and Girls makes connections that point to the lingering impacts of the Doctrine of Discovery and *terra nullius* in ongoing colonial violence against Indigenous peoples; violence that they found amounts to genocide.¹⁵

There are still many people in the church – and more broadly, many Canadians – who have never been taught the history of the Doctrine of Discovery or its contemporary impacts on the day-to-day lives of Indigenous peoples. To learn about and understand the role that the church has played in colonial systems that were established to violently take the lands of Indigenous peoples is a sobering process. Often, when Justice Ministries talks to Presbyterians about this history, reactions include shame, anger and sorrow. There is a desire for change but a sense of not knowing where to begin. For some who read this report, it may be the first time they have heard about the Doctrine of Discovery and *terra nullius*. It is Justice Ministries’ hope that while emotions that arise from learning about the history of colonialism and the Doctrine of Discovery are difficult to sit with, they can guide us to important questions, to seek more information and to work to repent and transform relationship where relationship has been broken. New social structures are needed. As The Presbyterian Church in Canada continues to repudiate the Doctrine of Discovery, such steps can set the foundation for faithful action towards reconciliation and justice alongside Indigenous peoples. Change is not only necessary; it is possible.

Moving from Words to Actions: What does reconciliation look like?

It is important to ensure that repudiating the Doctrine of Discovery is not treated as a one-time statement. One criticism of terms like “reconciliation” is that they are often given only partial interpretation.¹⁶ For example, while apologies from the federal government or confessional statements from the churches are important in recognizing the wrongs of the past, issuing such statements does not stop ongoing injustices directed at Indigenous peoples. The report presented by the National Indigenous Ministry Council and Justice Ministries about the crisis of missing and murdered Indigenous women and girls names the ongoing state of colonial violence in Canada as a matter of life and death for Indigenous peoples. Without meaningful actions to redress the legacy of the Doctrine of Discovery, Indigenous people will continue to be the targets of both systemic and personal violence.

One pathway towards repudiating the Doctrine of Discovery is advocating for all 94 of the Truth and Reconciliation’s Calls to Action to be implemented. However, a report by the Yellowhead Institute in December 2020 found that only eight of the Calls to Action had been completed, despite significant commitments from the federal government to reconciliation. In the 2019 report, the Yellowhead Institute report described the actions of the government as placing the “public interest” in opposition with the implementation of the TRC’s Calls to Action and

the full recognition of Indigenous rights. The 2020 report was blunter, stating up front, “It is not lost on us that if the Calls to Action had been properly addressed from their inception, the unique crises that Indigenous peoples face arising from the pandemic could have been mitigated.”¹⁷

According to the Assembly of First Nations, another important part of repudiating the Doctrine of Discovery is “ensur[ing] that the violation of First Nations’ rights to lands, territories and resources that were taken without their free, prior and informed consent are effectively redressed.”¹⁸ This applies to Inuit and Métis peoples as well. Max Fineday, Executive Director of Canada Roots Exchange, describes the important place of land in reconciliation by saying: “When I think about what reconciliation means for me, I think of freedom and prosperity and land back. It’s the idea that Indigenous people cannot build wealth or wellbeing without gaining back that which was unjustly removed from our care: the land.”¹⁹

The Doctrine of Discovery was instrumental in shaping policies that sought to remove land from the care and control of Indigenous peoples in order to benefit the Crown and later the Government of Canada. These policies disregard Indigenous sovereignty and disrupt the distinct relationships of Indigenous peoples to the lands and waters in their territories. Such policies have caused and continue to cause trauma in generations of Indigenous communities, resulting in loss of language and culture and disproportionate rates of poverty, incarceration and experiences of violence. A comprehensive understanding of reconciliation needs to actively address these issues.

What can The Presbyterian Church in Canada do?

Where there is injustice, the church is called to act, particularly in cases where we have misunderstood and misused the word of God and in so doing, caused great harm. In the 1994 Confession regarding Indian Residential Schools, The Presbyterian Church in Canada confessed: “In our cultural arrogance we have been blind to the ways in which our own understanding of the Gospel has been culturally conditioned and because of our insensitivity to Aboriginal cultures, we have demanded more of the Aboriginal people than the Gospel requires and have thus misrepresented Jesus Christ who loves all peoples with compassionate, suffering love that all may come to God through him.” At the national level, The Presbyterian Church in Canada has taken steps over the past several years to ensure that its practices are consistent with repudiating the Doctrine of Discovery and related concepts of European superiority. In 2018, a resource that demonstrates how the Doctrine of Discovery influenced The Presbyterian Church in Canada’s mission and ministry with Indigenous people between 1866 and 1969 was created. The KAIROS Blanket Exercise – an interactive workshop that outlines over 500 years of the relationship between Indigenous and non-Indigenous people in the lands that make up Canada – has been a helpful resource for Presbyterians across the country. Such training opportunities are provided to help bridge the knowledge gap identified by the Truth and Reconciliation Commission that serves to maintain colonial violence. Bridging this knowledge gap is one of the first steps in acknowledging how these doctrines have had and continue to have devastating consequences for Indigenous peoples. More about this can be read in “Dismantling the Doctrine of Discovery” by the Assembly of First Nations.

The national church has a history of advocacy for the self-determination of Indigenous peoples dating back to its involvement in Project North and the Aboriginal Rights Coalition in the 1970s. This advocacy work has continued through ecumenical organizing around the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. In January 2020, the Moderator wrote a public statement of support for Wet’suwet’en law and peaceful resolution to the ongoing conflict regarding pipeline development. In July of 2020, the church issued a statement regarding violent encounters between Indigenous people and policing agencies. And in January of 2021, the church signed on to an ecumenical letter of support for Bill C-15, on implementing the United Nations Declaration on the Rights of Indigenous Peoples here in Canada. Ecumenically, The Presbyterian Church in Canada is also involved in an ongoing dialogue about the legacy of Christian mission in Indigenous communities, what needs to happen to redress that legacy and how to prevent future harm and trauma.

Throughout 2019 and 2020, the church has also been considering how to respect the self-determination of the Presbyterian Indigenous ministries by exploring the possibility of creating the National Indigenous Ministry Council as a standing committee of the General Assembly and researching an overture about investing in Indigenous businesses. The 2019 General Assembly set aside \$200,000 a year (above current grants from the budget) for leaders of the Presbyterian ministries with Indigenous people to determine how to disburse independent of outside participation. Through The Presbyterian Church in Canada’s continued work as one of the parties to the Indian Residential Schools Settlement Agreement, the denomination has also been involved in responding to TRC Call to Action No. 46 regarding the creation of a national Covenant of Reconciliation. The parties of the Settlement Agreement hope that when such a covenant is ready, other groups will sign on and that communities will develop similar covenants on a local basis.

Additionally, the theological colleges are seeking to fulfil TRC Call to Action No. 60 regarding the training of all candidates for ministry on the need to respect Indigenous spirituality in its own right, the history and legacy of residential schools and the roles of the church parties in that system, the history and legacy of religious conflict in Indigenous families and communities and the responsibility that churches have to mitigate such conflicts and prevent spiritual violence. They will report the steps they have taken to the church.

The things named here represent some of the steps The Presbyterian Church in Canada has taken recently to live out its repudiation of the Doctrine of Discovery and *terra nullius*. Additional steps are in process and the following material and recommendation outlines next steps towards living out that repudiation.

What can congregations, presbyteries and synods do?

At the community level, there are many opportunities to repudiate the Doctrine of Discovery in action. The following offers a range of options intended for groups with varying levels of experience in advocating for Indigenous rights and reconciliation:

- Participating in the KAIROS Blanket Exercise is a good place to start.
- Learn more about the Doctrine of Discovery. A list of resources is available at presbyterian.ca/justice/doctrine-of-discovery.
- Arrange for members of your session and/or congregation to participate in anti-racism training. For instance, some friendship centres offer courses in Indigenous history and cultural competency.
- Build relationships with Indigenous communities or organizations near you. KAIROS' resource "Strength for Climbing: Steps on the Journey of Reconciliation" has suggestions for getting started (kairoscanada.org/product/strength-for-climbing-pdf).
- Meet with your elected officials about the importance of repudiating the Doctrine of Discovery and *terra nullius*.

Recommendation LMA-015 (adopted, p. 38)

That congregations, presbyteries and synods be encouraged to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius* by taking the actions suggested in this report.