

# Doctrine of Discovery: A Timeline<sup>i</sup>

**BCE:** The Roman Empire takes undefended or unoccupied land (*terre nulles*) for the emperor.

**4th century: The Church and Roman state merge.** Emperor Constantine establishes the orthodoxy of the Christian church in the Roman Empire. Christianity is decreed the exclusive state religion of the Empire in 380 CE.

**Middle ages: The Church asserts its strength.** The Church converts pagan kings in Europe and the British Isles, often by force of arms. The Church acquires vast tracts of land from them.

**11th–13th centuries: The Church launches Crusades, an attempt to control the Holy Land.** Lands not occupied by Christians are deemed vacant. The Church arbitrates land claims among Christian monarchs.

**15th century: The church provides religious and legal grounds for explorers to seize and occupy foreign lands if there are no Christians present.** Papal bulls (edicts) of 1452, 1493, and others come to be known as the Doctrine of Christian Discovery. They authorize Christian monarchies to claim lands not already occupied by Christians and to vanquish and place in perpetual slavery/servitude any heathens, pagans, Saracens, or other non-Christian peoples. In 1496, King Henry VII, as head of the Church of England, issues a Royal Charter to John Cabot to claim on behalf of England lands occupied by “heathens and infidels.”

**16th–18th centuries: Church-based claims to sovereignty by Spain, Portugal, and France became transferable to other Christian monarchies through treaty.** Great tracts of land—still occupied by Native Americans but claimed under the Doctrine of Discovery—are carved up through treaty among European powers.

**1783:** The Treaty of Paris between the British Crown and the United States of America recognizes the United States of America as a “sovereign” government—and becomes the successor to the land claims made under the Doctrine of Discovery framework.

**1823: The U.S. Supreme Court incorporates the Doctrine of Discovery into U.S. law.** In *Johnson v. M'Intosh*, the court relies on the principle that discovery gave title to lands regardless of possession by Indians. The decision gives Indians a limited right of “occupancy,” but one that can be forfeited if they cannot prove continuous occupancy.

**1845: Columnist and Editor John Louis O’Sullivan coins the term “Manifest Destiny”** (arguing that the United States should annex Texas). This is the first time the term appears in print, but the notion of the divine right of settlers to occupy the continent predates the term.



**1862: The U.S. Dakota War erupts, an event that leaves lasting scars here.** Sparked by broken treaty promises, the War leaves hundreds dead, brings about the largest mass execution in U.S. history, and leads to the expulsion of the Dakota people from Minnesota.

**1887: Congress passes the Dawes Act to push American Indian assimilation.** The Act encourages Indians to own their own parcel of land away from the tribe. It prohibits native religious ceremonies and practices. This policy stands for nearly 50 years. (In later years, Indians continue to suffer serious violations against their religious freedom.”)<sup>ii</sup>

**Late 19<sup>th</sup> to mid-20<sup>th</sup> Century: The Boarding School Era devastates Native communities.** First established by missionaries and later by the U.S. Bureau of Indian Affairs, boarding schools are created to assimilate Native American children into European culture.<sup>iii</sup> They break families apart and keep children from learning their language and culture. Only after schools closed do many reports of physical and sexual child abuse become public.

**1955: The U.S. Supreme Court decision in *Tee-Hit-Ton Indians v. United States* marks a contemporary use of the Doctrine of Discovery.** The court rules that because “Tee-Hit-Tons were in a hunting and fishing stage of civilization” they have only a limited right of occupancy, and therefore the U.S. is not required to reimburse the Tee-Hit-Ton for timber harvested from their land. [Tee-Hit-Ton are Tlingit people in Alaska.]<sup>iv</sup>

**1978: Congress passes the American Indian Religious Freedom Act.** It underscores and extends the basic constitutional principle of freedom of religion to Native Americans. A congressional report finds that state and federal laws continue to hamper and interfere with Native American religious practices. The Act ends “a dark era of American history that provided no protection for native religions and failed to recognize the suffering of native religious practitioners.”<sup>v</sup>

**2005: The U.S. Supreme Court decision in *City of Sherrill v. Oneida Nation of Indians* again relies on the Doctrine of Discovery,** this time limiting the Oneida Nation’s sovereignty. The Oneidas had documented their sovereignty through U.S. treaties. The court ruled that due to an interval of nonoccupancy, the land in question was not sovereign Oneida territory.

**2007-2013: Resolutions are adopted asserting Native rights.** In 2007, the U.N. passes its Declaration on the Rights of Indigenous Peoples. Starting in 2009, a number of religious denominations begin passing resolutions repudiating the Doctrine of Discovery: The Episcopal Church, the World Council of Churches, the Methodist Church, the Unitarian Universalist Association, the United Church of Christ, and the New York Meeting of Friends.

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<sup>i</sup> A big thanks to the website of the [New York Yearly Meeting of Friends](#): The Religious Society of Quakers. Much of this summary is quoted verbatim or lightly edited.

<sup>ii</sup> [Friends Committee on National Legislation](#) and [Wikipedia](#).

<sup>iii</sup> Wikipedia: [http://en.wikipedia.org/wiki/American\\_Indian\\_boarding\\_schools](http://en.wikipedia.org/wiki/American_Indian_boarding_schools)

<sup>iv</sup> See [http://www.utulsa.edu/law/classes/rice/USSCT\\_Cases/Tee-Hit-Ton\\_v\\_US\\_348\\_272.htm](http://www.utulsa.edu/law/classes/rice/USSCT_Cases/Tee-Hit-Ton_v_US_348_272.htm).]

<sup>v</sup> [Friends Committee on National Legislation](#)