

**12th Session of the UN Permanent Forum of Indigenous Peoples Issues**

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Special Session: Doctrines of Discovery

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Madame Chair, Members of the Permanent Forum and Indigenous Relatives,

I address you this afternoon to discuss how the Doctrines of Discovery has negatively affected Indigenous women throughout the Americas, particularly the North Region.

There is really no way we can know how our ancestors constructed gender prior to European invasion and colonialism, because the colonizers destroyed so many of our nations' peoples and records. Therefore, we have nothing to help us reconstruct this part of our past. However, we do know that women played a much larger leadership role in the past than we do today. This is because the survivors of this cultural genocide have, for the most part, incorporated patriarchal ideologies and institutions into our culture and the way we live our lives. Surprisingly, some Indigenous peoples even claim patriarchy as tradition. For example, some practice this patriarchal tradition in the (re)telling and (re)interpreting Creation Stories to verify and validate Indigenous Women's, so called, 'traditional' role within contemporary Indigenous patriarchal structures. This is done in spite of what existed prior to colonialism. Therefore, the Doctrine of Discovery effectively changed the fabric of Indigenous societies in ways that impact Indigenous women through legal institutions that affect private property and marriage.

The Western, patriarchal institution of marriage has been particularly harmful to Indigenous women, because it created and formed a 'class system' adapted from European feudalism. The foreign and alien institution of marriage rendered women subject to men under legal contracts written and approved by the colonizing structures of church and state. Furthermore, this foreign and alien institution disallowed women's direct ownership and management of property. As a patriarchal institution, marriage recreated Indigenous Peoples relationship with land. Land became private property, and only men could own private property. The definition of property also included any valuable natural resources. Consequently, men in their roles as husbands, fathers, brothers and sons, were given rights over women and any property, private wealth, or natural resources they might inherit. Women's inheritances also included the personal domestic space and the interior common space surrounding their homes. Many Indigenous societies considered personal and common spaces as women's spaces, which were under their direct control. Their loss of these spaces was another negative effect of the Doctrine of Discovery.

The Doctrine of Discovery created other rights and entitlements for men through the 'marriage contract.' In addition to the husband having power over his wife, he also had power over their children. Rights of inheritance would transfer to their male children. The

Doctrine of Discovery also created rights and entitlements for men over the spiritual as well as the physical life of elders, women and children. It disallowed the expression of women's leadership independent of men's authority in domestic matters (family, home, and community) and by extension matters of the Nation. Women were removed from the realm of politics, and the Doctrine of Discovery silenced their voices.

The Doctrine of Discovery's lingering effects on Indigenous women's authority and autonomy in her community is evident in the shortage of women who have a decision making capacity on Indigenous representative spiritual and governmental bodies such as tribal councils, tribal governments, and judicial, advisory and legislative bodies. The Doctrine created laws and institutions that determined and attached 'moral and legal' meaning to women's behavior according to European standards: including sexuality, gender expression, personal conduct, and spiritual practice. Women's proper place was not in the public space of politics. The binding and long lasting cultural effect has been the loss of leadership roles for women in sacred as well as civil matters of the nation(s). These became men's domain.

There has still not been an accounting for the individual privileges women lost after colonization granted them to men through the implementation of the Doctrine of Discovery. These restrictions and limitations on Indigenous women's rights to self-definition have continued from colonialism into the contemporary era, through their codification into 'tradition(s)' that continue to restrict women's self-determination over their bodies, minds and spirit. The Doctrine of Discovery continues to ensure that women **cannot** choose her own role in her pueblo/community without repercussion. Women are effectively bound by the duties and restrictions accorded her gender by men in their pueblo/community.

The religious codes imposed by the Doctrine of Discovery, as to what it means to be a man or a woman, also imposed particular gendered behavior and responsibilities that limit women's and men's ability to express or display gender that varies from the Judeo/Christian gender norms of masculinity and femininity. The threat of violence and restrictions placed on Indigenous women under the guise of 'tradition' prevent them from voicing their concerns and needs, making decisions, or meeting her full leadership potential. In addition to violence and restrictions, other methods such as gossip and shaming prevent women from stepping outside the boundaries of what "decent" women do. Neither do Indigenous women exercise complete control and autonomy over their bodies.

We ask the Permanent Forum to adopt these initial steps to begin the process of repudiating and reversing the six- hundred year- old Doctrine of Discovery. We request the Permanent Forum to adopt and implement the following recommendations:

1. We support the position and recommendations put forth in the Conference Room Paper 11th Session of the U.N. Permanent Forum on Indigenous Issues 7-18 May 2012. With particular mention of recommendation # 3: To advocate that all states review and review their laws, regulations, and policies impacting Indigenous Peoples and to repeal laws,

regulations, and policies which reflect the ethnocentric, feudal, religious, with special attention to the sexist and misogynist prejudices of the Doctrine of Discovery. Furthermore, states should undertake these reviews and incorporate in full consultation with Indigenous women within the Nations and Peoples and with their free, prior, and informed consent.

2. That a special study be conducted made as to the manner in which the Doctrine of Discovery has specifically impacted the lives and rights of indigenous women both within the laws of Indigenous societies and nations as well as within the nation/state.

3. We recommend that all states, including all government levels, of the world adopt the U.N. Declaration on the Rights of Indigenous Peoples as binding national law.