

S05E01: Bridging History and Today: Religion, Law, and Indigenous Influences in American Democracy  
with Winnifred Fallers Sullivan

Jordan Brady Loewen-Colón ([00:07](#)):

Hello and welcome to the Mapping the Doctrine of Discovery podcast. The producers of this podcast would like to acknowledge with respect the Onondaga Nation, Firekeepers of the Haudenosaunee, the Indigenous Peoples on whose ancestral lands Syracuse University now stands, and now introducing your hosts, Phil Arnold and Sandy Bigtree.

Philip P. Arnold ([00:30](#)):

[00:00:30] Okay, welcome back to another episode of Mapping the Doctrine of Discovery. My name is Phil Arnold. I'm faculty member in the religion department at Syracuse University, core faculty member in Native American Indigenous Studies and the founding director of the Skä•noñh Great Law Peace Center.

Sandy Bigtree ([00:53](#)):

And I'm Sandy Bigtree, a citizen of the Mohawk Nation at Akwesasne. I'm on the board of the Indigenous [00:01:00] Values Initiative and the Academic Collaborative of the Skä•noñh Center.

Philip P. Arnold ([01:06](#)):

This podcast, this whole series is sponsored by the Henry Luce Foundation and we're greatly appreciative of Henry Luce Foundation and they're continued support of this work in the Doctrine of Discovery. Today we're going to have a conversation with an old friend who I went to graduate school with in the University of Chicago, Divinity School, [00:01:30] Winnifred Sullivan, or Winni as we know her. Winni, I'll let you introduce yourself, but first I just want to say a couple of things, that I remember Winni was one of those amazing grad students that you always wanted to emulate.

Philip P. Arnold ([01:49](#)):

As I recall, you had already gone through law school and at some point were a practicing lawyer there in Chicago and decided you wanted [00:02:00] to go back and do a PhD in religion. And so, you're just kind of the perfect person to give us a really kind of wide look at the role of law and religion and those relationships, culturally speaking. But really a pleasure to see you here today. But why don't you introduce yourself, where you are now, and what you're doing.

Winnifred Fallers Sullivan ([02:25](#)):

Thank you, Phil, and thank you Sandy. So I teach at Indiana University in [00:02:30] Bloomington Indiana, which is a large public university in the middle of the country with a large religious studies department. I'm also affiliated with the law school and I run a center called the Center for Religion and the Human, and I've been at Indiana for 12 years.

Philip P. Arnold ([02:50](#)):

Thanks. Thanks for that. Maybe we could just start there. As a lawyer, or a lawyer at one time, an academic in [00:03:00] the academic study of religion, someone who is steeped in those different kind of disciplines. Can you talk about your new Center of Religion and the Human and how that's connected to your work in religion and law.

Winnifred Fallers Sullivan ([03:17](#)):

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Sure. And maybe I'll start by saying that we also have the Henry Luce Foundation to thank, our center, the Center for Religion and the Human [00:03:30] began five years ago with a grant from the Henry Luce Foundation. And so, we're enormously grateful to their support of our work. It comes out of the work, the grant to our center, an insight by Jonathan Van Antwerpen at the Luce Foundation that public universities who are a very important place in which to have a conversation about religion, about religious [00:04:00] freedom, about religion and public life, and that they were in a way very well suited to such a conversation. We think of what we do at the center as teaching religion in public. That is we are all employees of the state of Indiana and we regard our work as public work on behalf of the people of Indiana. We teach students largely [00:04:30] from schools, high schools, all over Indiana.

Winnifred Fallers Sullivan ([04:33](#)):

And we think it's a wonderful place to teach religion, a very open conversation that needs to take into account many, many perspectives and find ways to articulate what we do and talk about religion in a way that's accessible to everyone. So this is something we pride ourselves on. The center comes out of an insight. [00:05:00] The original founders of the center were Lisa Sedaris, who's now at the University of California at Santa Barbara, who's an environmental ethicist, Constance Fury, who's an early modern scholar at IU and myself. And the notion was that given the many contexts that we all live in, and this was before the pandemic, the pandemic in some ways and recent [00:05:30] wars and crises have deepened this context that we live at a time when what it means to be human is of particular interest because of climate change, because of social and political conflict, because of the pressure on the human from technology and the opening to the non-human, to the natural world, to [00:06:00] animals is creating a situation in which the human is a question.

Winnifred Fallers Sullivan ([06:06](#)):

Today is where we start from, and it's our argument that the human is essentially a religious question in a very broad sense. So here I use religion in the broadest sense. Maybe I'll say a couple more things about our center hosts a number of different projects, but what really they all have in [00:06:30] common is that they're all collaborative. We believe very strongly in collaborative work, and so much of what our center does is to convene, bring together different voices around different topics. I could go and I could talk more about the different projects, but maybe that's enough of an introduction for now.

Philip P. Arnold ([06:51](#)):

That's fascinating. Boy, I wish New York State would get this memo. I mean, it's always been a difficulty [00:07:00] for our students really to crack into SUNY schools for some reason or another because it's always viewed with suspicion that you're teaching religion at a public university would smack of certain kind of violation of the dividing line between church and state, but then you're frankly in a red state that you're able to do these kinds of investigations in a more kind of expansive [00:07:30] way on religion and the human. I mean, that's just fascinating what you've sort of developed there at IA.

Winnifred Fallers Sullivan ([07:39](#)):

Yeah, I think mean naturally there are those who are uncomfortable with talking about religion in a public university, but this department has been strong for-

Philip P. Arnold ([07:51](#)):

Oh yeah.

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Winnifred Fallers Sullivan ([07:52](#)):

... A very long time. And I think in a way it sells itself. When I first came here 12 [00:08:00] years ago to be the chair, I would meet people on campus from every department and they say, oh, the religion department, that's a great department. Everybody knew it. It is interesting. So we, in a way, made our own argument for ourselves. But I think partly one of the advantages of a public university, at least in our department, is that our department was never a seminary. There was never this sort [00:08:30] of bible theology, church history. We study and teach all the religions of the world and the peoples of the world through time and space. There's no remnant really of that version of religious studies here

Sandy Bigtree ([08:45](#)):

In this part of the country being so close to Onondaga and upholding their ancient traditions, they've not been violated by the US to how they live. It's a stark awareness [00:09:00] coming into this area and trying to use the term religion. Phil recently published his book on the Urgency of Indigenous Values because working with the Haudenosaunee it's very difficult to have this collaboration when you're talking about the category of religion, because religion played such a key role in undermining, trying to completely obliterate who we [00:09:30] understood ourselves to be as human. It's really changed the way Phil's done his work and how I do my work too.

Winnifred Fallers Sullivan ([09:41](#)):

I think that's very present with us as well. Of course, there are native communities in Indiana as well with whom we're working. We have a new indigenous studies program at Indiana, and actually in the center, our newest initiative is a being human Indigenously [00:10:00] project. So very much in conversation across those old divides, not in any way to discount what you say Sandy, for sure. The category of religion as a legal category as well as an intellectual category has been very problematic. I think there are ways in which it can still be useful. I'm not one of those [00:10:30] who would completely ban it. I think it's often problematic to just ban words, but I think that history has to come with it for sure, and I respect those for whom the word remains too problematic.

Philip P. Arnold ([10:47](#)):

Yeah. This really isn't about my book, but I did want to update history of religions. Right? I kind of wanted to challenge it a bit. I don't want to ban religion by any means. [00:11:00] I have admiration for those who taught us at the Div School at University of Chicago, and I want to be able to utilize those ideas that I learned there was inspired by and bring it into a conversation with indigenous peoples. So I think I'm with you on that. I don't want to ban religion, or the category of religion, I do [00:11:30] think we need to have a more sophisticated historical understanding of how it's been deployed. And in that regard, Winni, I wonder if you could just talk a little bit about, you're one of the foremost scholars on religion and law, and can you just talk us through those fundamental features of the American experience on the one hand, [00:12:00] freedom of and freedom from and how you see religion and law operating in the world today?

Winnifred Fallers Sullivan ([12:10](#)):

Those are very big questions.

Philip P. Arnold ([12:13](#)):

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Yes. That's what we deal with here.

Winnifred Fallers Sullivan ([12:16](#)):

Maybe one thing I would say as a sort of amendment to what I just said is that I do think that religion is, I'm inclined to think that religion should not be used as a word in law. I think it can be used in [00:12:30] academic and public conversations, but I don't think it has proved to be helpful as a legal category.

Philip P. Arnold ([12:39](#)):

Say more about that.

Winnifred Fallers Sullivan ([12:41](#)):

Well, one of the distinctive things about the US, of course, is that the way religion appears in the US Constitution, that the US Constitution in its first form did not mention religion at all. [00:13:00] And one of the reasons for that was that the US Constitution was understood to be creating a government of limited competency, of enumerated powers, but not plenary power. I would say that one of the things I've learned, I think that's most important, is how distinctive the US is compared to Europe, for example, where [00:13:30] most of the countries of Europe, most of the states of Europe as modern secular states, democratic states inherited their ideas of themselves, their sovereign power from kings, from the prior royal governments that governed them. And kings were understood to have all the power. There was sovereign plenary power, and they also were understood to have a kind of [00:14:00] paternal, in a good sense, care for their people, an obligation. Whether they actually did it or not, but that there was understood that the best kings, virtuous kings would care for their people.

Winnifred Fallers Sullivan ([14:15](#)):

The US is not that kind of state. The United States federal government does not have plenary power. The sovereignty in the United States is understood to rest in the people, we the people, [00:14:30] and originally had nothing to do with religion. A religion was not in the original plan because the federal government was only understood to have power over certain things that seemed necessary, treaty making with foreign powers, the rest of the power was left to the states individually. But over time, and particularly since the Civil War, the federal government became [00:15:00] more powerful, more and more powerful. And what happened with religion, and it's hard to tell this in a brief way because it's a complicated story.

Winnifred Fallers Sullivan ([15:13](#)):

The Constitution, in order to come into effect, had to be confirmed by each of the original colonies, the 13 Colonies. And the politics of that campaign led to people saying, "Well, you have nothing in this [00:15:30] constitution that says that the federal government can't do certain things to citizens. There's nothing about the rights of citizens in this constitution." And the answer of people like James Madison was, "We don't need to have those in there because the federal government has no power over those things. So we don't need to mention them because that's all left to the states." But it was impossible to have the Constitution [00:16:00] be confirmed without adding in those 10 amendments that we think of as the Bill of Rights. So that was a political-

Philip P. Arnold ([16:07](#)):

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Accommodation.

Winnifred Fallers Sullivan ([16:09](#)):

Accommodation, which was regarded as basically unnecessary by the others who said, this is not the business of the federal government. We'll put this in here, but that's not their job. And so, the two clauses, the free exercise clause and the no establishment [00:16:30] clause are addressed to Congress. Congress shall have no power, and they are addressed to the federal government. So in a way, they're what we would call jurisdictional. In their original form, they were just saying the federal government has no authority over religion. All of that was left to the States. And so, what happened is that then this gets complicated [00:17:00] at the time of the Civil War with the passage of the reconstruction amendments, the 13th, 14th, and 15th amendments that were passed after the Civil War to guarantee rights to the newly enfranchised enslaved persons, ban slavery, and give the right to vote to formerly enslaved persons and also to guarantee equal rights. What happened then between 1865 [00:17:30] and the first third of the 20th century, as we all know, is that the promise of those amendments was not met.

Winnifred Fallers Sullivan ([17:38](#)):

That through the resistance of the South and other parts of the country and entrenched racism and Jim Crow laws, in fact, African-Americans were not given the rights. By the beginning of the 20th century and into the beginning of the 20th century, the pressure [00:18:00] to enforce those amendments increased. And so as we know, eventually you're going to get to Brown vs Board of Education and the kind of insistence on equality between African-Americans and white Americans. Also, though, what happened is that when the Supreme Court finally gets to enforcing the 14th Amendment and the guarantee of equal rights to [00:18:30] all Americans, the question came up, well, what rights are these exactly? And they said, oh, we have them listed in them Bill of Rights.

Winnifred Fallers Sullivan ([18:42](#)):

So over the first half of the 20th century, those various elements from the Bill of Rights get changed from just being federal to also being applied to the states. This is called the Incorporation Doctrine. So as a [00:19:00] literary legal matter that these various parts of the Bill of Rights get incorporated into the 14th amendment such that the First Amendment no longer means Congress shall make no law, but neither Congress nor the states shall make any law. So beginning in the middle of the 20th century, 1940, suddenly the Supreme Court gets in the [00:19:30] business of deciding what religion is, and it comes about via the 14th amendment and through what we still know is a deep tension in American constitutional life between states' rights and federal rights between what is the matter of the states and what is the matter of the government.

Winnifred Fallers Sullivan ([19:52](#)):

Up until then, issues around religion are decided state by state, and each state [00:20:00] constitution has its own mini first amendment. They're not all the same, but each one has its own constitution. And that's the main way in which religion gets governed in the US up until 1940 when it suddenly becomes nationalized. And that creates a new politics. This is a very complicated story.

Philip P. Arnold ([20:26](#)):

Fascinating.

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Winnifred Fallers Sullivan ([20:27](#)):

It is very interesting. And Phil, [00:20:30] from the point of view of those of us who did degrees in religious studies, or in particularly for me in American religious studies, if you think about the religious makeup of the US at the end of the 18th century when the Constitution was written, the people who were present in the US were Native Americans and mostly white Protestants, some Catholics, some [00:21:00] Jews. But so if you think about that demography then, and we could talk about religion and law then, although then we would be talking very much state by state because different legal cultures in different states, different colonial histories at that point, very different colonial histories, different kinds of Protestants. Right?

Winnifred Fallers Sullivan ([21:27](#)):

But if you fast-forward now to 1940 and [00:21:30] 1950, which is when these, now we're talking about the second World War, we've had massive immigration in the US from all over the world, really. And so, now we have everybody. And so, this word religion, which is what we started talking about suddenly is, I think what happens is that it becomes [00:22:00] completely inadequate as a way to think about how really complex religious diversity might be accommodated, and how what we might call peaceable coexistence could work because they're stuck with a word that meant something at the end of the 18th century. Most people understood what it meant. It doesn't mean it included everybody, but everybody knew what it meant to a time when it [00:22:30] was bewildering to the Supreme Court to have this word.

Philip P. Arnold ([22:34](#)):

Yeah, I think that's one of the challenges that we all face in religion departments because it seems as if the media today knows exactly what religion means, but it's such a complicated history and complicated word. But I would like to go back to Johnson, our conference last December was focused [00:23:00] on Johnson v Macintosh and how the Doctrine of Discovery really enters US law, because interestingly, Marshall really doesn't talk about religion. Just listening to you, even though he's drawing on Catholic theological principles from the 15th century and really British colonial documents and justifications for colonialism, [00:23:30] doesn't really talk about religion, talks about civilization, talks about this project of the American project, and how then he incorporates the Doctrine of Discovery or the discovery doctrine as he calls it into US law. And I wonder then how that slots into your really important narrative about the problem of religion and [00:24:00] US law, or does it?

Sandy Bigtree ([24:03](#)):

Well, you also have to consider that the hierarchical structure was in place in Europe going from the line from popes to the monarchies and then being transferred to England during the Reformation, and it became English law through the Cabot Charter. And so, there's all these connections. Religion is embedded in these hierarchical structures [00:24:30] of domination before they even come here. Then there's the glimmer of encountering indigenous people here, and there's many orders that go to Europe, and like what you're saying, they observe, they're going, you talk about freedom, but you're only free under the umbrella of your monarch. You're not experiencing freedom. We experience freedom in the Americas or in our homelands. And then the founding fathers in the late 18th century, they're [00:25:00] talking to the founding fathers how to structure around their model of several entities unifying under the Haudenosaunee and being-

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Philip P. Arnold ([25:15](#)):

Great law of peace.

Sandy Bigtree ([25:17](#)):

... Under the great law of peace. But it's a whole other structure. It's not hierarchical at all. So that opens up new possibilities for establishing a new form of governance, which has indigenous roots [00:25:30] to this democracy that influenced the western world.

Winnifred Fallers Sullivan ([25:35](#)):

So I think what you bring up is really, really important, Sandy. And staying for a moment with this at the end of the 18th century, in spite of Marshall's really strong supremacist rhetoric. The fact is, at that point, the US is nothing. [00:26:00] Right? It doesn't have any power in the world at this point. And what you point to, I think, Sandy, and I think this is actually in some ways weirdly evident in Marshall's opinion far more than any later opinions in the sense that Marshall does acknowledge that Native American peoples are peoples with governments rights, ways [00:26:30] of living in the land, ways of living with each other.

Winnifred Fallers Sullivan ([26:33](#)):

He doesn't shrink them down to people who might have a religion or a this or that. He talks about, I don't know if you agree, but I think that's one of the strange things about the Johnson v. M'Intosh opinion is that he was a man of the frontier. He grew up in Western Virginia. He was not a Citified guy. So he had [00:27:00] some sense of the reality of the multiple governing structures and communities that existed at the time of the making of the Constitution.

Philip P. Arnold ([27:16](#)):

As did many of the founding fathers, I'll say. Yeah.

Winnifred Fallers Sullivan ([27:19](#)):

Yes. And so, I think this is really important to sit with because as you say, Sandy, there was a possibility then there were actually [00:27:30] coexisting robust structures for thinking about what it means to be human in community.

Sandy Bigtree ([27:37](#)):

But more than community. These are nations, they're indigenous nations, and all the treaties were drawn up as nation to nation agreements, and it empowered the federal government when it's having all this separation of the state, like pulling away and trying to have their own economy.

Winnifred Fallers Sullivan ([27:56](#)):

Absolutely.

Philip P. Arnold ([27:56](#)):

Yeah.

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Winnifred Fallers Sullivan ([27:58](#)):

No, absolutely. Absolutely. [00:28:00] And I think Marshall does not use the language of nations there, although other people did, and so-

Sandy Bigtree ([28:10](#)):

Constitution, it's the law of the land. Right?

Winnifred Fallers Sullivan ([28:12](#)):

Right. Absolutely. Absolutely. But I think that there's a way in which that is so much more real there than it's hard for Americans today to understand that or to see that. You bring up, Phil, the [00:28:30] way that media uses religion today, it's now almost a hundred years after the incorporation doctrine that I was talking about the, federalization, and 50 years since I was in law school. The change to the word religion in public life in the US is very dramatic in the last 30 years.

Winnifred Fallers Sullivan ([28:55](#)):

The word has shrunk in meaning in ways. And [00:29:00] I do think that there are ways to try to recover or to maybe find a way to invest this word as an alternative to certain highly secularist versions of what it means to be a human. And so, for me, on the one hand, there is the media today in the US, which largely understands religion in a very [00:29:30] binary way, so that the liberal media regards religion as being evangelical Protestants exclusively. And that makes it impossible to talk about anything. What we have in common, in my view, other than neoliberalism. That's what we have in common. Unless we can expand our understanding of what it means to be human, I really worry.

Philip P. Arnold ([29:56](#)):

That's fantastic.

Sandy Bigtree ([29:58](#)):

Yeah.

Philip P. Arnold ([29:59](#)):

I think, yeah. Well, let's talk [00:30:00] about that. You recently wrote this piece for the Marty Center on the immolation, who was the man's name, Aaron-

Winnifred Fallers Sullivan ([30:07](#)):

Bushnell.

Philip P. Arnold ([30:10](#)):

Bushnell. Yeah. And at one point in the piece you say, "I argue that protest invokes real law, law founded in religious understandings of the human and of human community as well as of conceptions of justice [00:30:30] and culpability, law that rivals the claims of modern secularist law. I wondered if you can talk a little more about that, because I think in that you're challenging both categories in a way, religion and law, and what that means for the meaning of being human today.



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Winnifred Fallers Sullivan ([30:53](#)):

So maybe for the hearers, I might just very briefly explain who Aaron Bushnell was. [00:31:00] Aaron Bushnell was an American airman who was stationed near the district of Washington D.C., and about two and a half weeks ago, he set fire to himself outside the Israeli Embassy, and he filmed himself, he live videotaped himself on a Facebook post before he did this. He said the following, he said, "What [00:31:30] would you do if your country was enforcing apartheid? What would you do if your country was enforcing legalized slavery? What would you do if your country was committing genocide?" And then the next sentence was, "You are doing it now." I found this very, very powerful. And then just before he [00:32:00] set himself a fire, he announced that he was protesting the genocide in Gaza and that he was, and as he burned, he shouted, "Free Palestine." So many things have struck me about this event. First, it was not reported very much.

Philip P. Arnold ([32:22](#)):

Right. I noticed, yeah, that you mentioned that.

Winnifred Fallers Sullivan ([32:25](#)):

Which I find kind of astonishing and scary, and there are many ways [00:32:30] we could talk about that. But I think one of the ways which I tried to address in my piece was that I think people are, I mean, even people that we maybe don't have a political view of this, the people are scared by this kind of thing, but also they don't understand it. And one of the strange things about the video is that in the video, as he burns, you see a law enforcement officer holding a gun on him, [00:33:00] pointed at him as he burns. So it's as if, and then there's another law enforcement officer comes up with a fire extinguisher.

Winnifred Fallers Sullivan ([33:09](#)):

But in the way that that act has been written about, it seems both from what the gun and other things that have been written in the press, that people assume either he was a terrorist or he was mentally ill. And that's been the main way that people have addressed it. Or for those who admire him, there's a sense [00:33:30] he's an individual conscience. He's a single person who somehow has a sort of saintly conscience and that that's all you can say about this. For me, this was, and Phil from History of Religions, this is not something that is individual. This is something that is communal.

Winnifred Fallers Sullivan ([33:51](#)):

And very importantly for me, it's legal. It is not just a question of conscience, but [00:34:00] that what he is doing, what he was doing, and what other people who have done acts like this were doing is making a legal claim on us, shifting the burden, and on of course the Israeli government and the US government, but also on us. And that there's a legal structure to what he does. This would be called in law a shifting of the burden of proof that now it's on us. [00:34:30] That's what he's done. And always for me now, and this is one of the projects we're doing in our center is called Unstately Religion, always we're interested in describing, lifting up, this connects of course to Sandy's earlier invocation of nations that preceded the US of alternative sovereignties and coexisting sovereignties, always there is legal pluralism, always.

Winnifred Fallers Sullivan ([35:00](#)):

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[00:35:00] If you listen to the nation states today, they act as if they have a monopoly on law and a monopoly on violence. They do not. But they do not ever. There's always multiple laws and every individual is responsible to multiple legal orders. Sorry, I got a little bit preachy there.

Philip P. Arnold ([35:22](#)):

No, no, no, that's great. I get a better sense of what you're talking about when you invoke law. [00:35:30] Now, it's not a plenary power of the state. Yes. It's that, but it's something else as well. I mean, one of the things that we've been talking about lately, or I've been talking about in my conquest class, is that indigenous people do diversity really well. They understand diversity, and they have protocols that have been in place for millennia to deal with [00:36:00] another nation that's a hundred miles that way down the path or through the woods or whatever. And there are all these protocols for other nations that will come. You receive them.

Philip P. Arnold ([36:20](#)):

It's called the edge of the woods ceremony for the Haudenosaunee. What they call, they brush them down, they acknowledge their difficulties, [00:36:30] their struggles, that sort of thing. There's food. But there's the acknowledgement that those nations have under their purview, their responsibilities are to those stories. They live in their places that have their own languages, their own customs, their own ceremonial [00:37:00] traditions that transact with other spiritual beings there. So there's always this acknowledgement of kind of radical plurality that's going on in indigenous nations. And that's one of the striking things when you're dealing with indigenous peoples, this tremendous plurality of different traditions and that sort of thing.

Sandy Bigtree ([37:27](#)):

But going back to the Haudenosaunee and the first treaty was [00:37:30] with the Dutch in 1613, known as the [inaudible 00:37:35]. And it's an agreement that shows two rivers, so to speak, where the Dutch would be sailing on one and the Haudenosaunee would be in their canoe on the other, and they travel down the river of life without interference with one another and respecting each other, understanding of what the river of life means. So it all got really lost in translation. Because the Haudenosaunee lived that way with their neighbors, they were welcoming to colonists coming in, so everyone could cohabitate in a new existence, but you have to be in proper relationship with the natural world. And that just went right over their heads. And that's very deep, very deep part of the culture and understanding of what it means to be human, because the natural world identifies each and every one of the Haudenosaunee as through their clan and who they are in relationship to the natural world.

Philip P. Arnold ([38:30](#)):

[00:38:30] And we have a kind of strange understanding of diversity, I guess, because when we're talking about diversity, we're not talking about this kind of level of radical diversity or diversity of geographies or landscapes. [00:39:00] Right?

Sandy Bigtree ([39:00](#)):

Right. Your identity comes from the land where you reside and the land is diverse and it's ever-changing, and the waters are always changing, and this regenerative energy we're just part of. And when you go outside of it and start disrupting it's just going to create mayhem.

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Jordan Brady Loewen-Colón ([39:23](#)):

Do you need help catching up on today's topic? Or do you want to learn more about the resources mentioned? If so, please check our website [00:39:30] at [podcast.doctrineofdiscovery.org](http://podcast.doctrineofdiscovery.org) for more information. And if you like this episode, review it on Apple, Spotify, or wherever you listen to podcasts. And now, back to the conversation.

Philip P. Arnold ([39:43](#)):

Does that coincide with some idea of the human or your reworking ideas of law, religion, and the human?

Winnifred Fallers Sullivan ([39:56](#)):

Absolutely. I hope you'll forgive me if I bring up [00:40:00] my favorite subject right now, which is Joan of Arc.

Philip P. Arnold ([40:03](#)):

Yeah, please.

Winnifred Fallers Sullivan ([40:05](#)):

My interest in Joan of Arc, I've been teaching her trial for many years. Joan lived before the creation of the modern state. She lived at the beginning of the 15th century. And my book is about her political theology, what I'm calling her political theology, but her ideas of governance, [00:40:30] which I think have been obscured by the ways in which she became a figure for nationalism in the 19th century. But this was not the world she lived in. There was no France at the time of Joan's.

Philip P. Arnold ([40:45](#)):

There was no Europe,

Winnifred Fallers Sullivan ([40:49](#)):

No, no. And what she sought was peace. What she sought was relief for the people of the French territories, [00:41:00] from the aristocratic wars that had been going on and ruining the land, principally the war between England and France, but also there were civil wars involved. This was an aristocratic politics, which was destroying the lives of ordinary people. She sought a restoration of a place in which people could live. This is in part what you're talking about, Sandy, an attention to the possibility for people living [00:41:30] in peace, in community, caring for one another at the level of the land and in places. One of my favorite discoveries was with a day I realized that she wasn't French, that this is all myth-making. So she came from on the edge of what now is France, but was not part of France then.

Winnifred Fallers Sullivan ([41:56](#)):

And the voices she heard as a young [00:42:00] girl said, "Go to France." And I don't know, I've been reading this for years. And finally I went, oh, right, she's not French. She's not in France. She went to France, which then was not anything like what we think of France today, but to the French court to help restore peace. And in a way, Sandy, you might say this is maybe a little fanciful. She went as a person [00:42:30] and she was not. She's often described as an illiterate peasant, as if she was brainless and just

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a dumb girl. Her family were farmers, well off farmers, very involved in local politics. She was a smarty pants girl who knew what was going on.

Winnifred Fallers Sullivan ([42:51](#)):

When she got to court, she knew what she was talking about. So she brings a very strong notion of what it [00:43:00] means to live in peace and to be responsible to your neighbors and to your place. And probably she expected to go back there after, but she gets captured. And as everybody knows, burned. But that's what they did. That was not her project. I sometimes get frustrated by people who only focus on her martyrdom and don't focus [00:43:30] on her political project, which I think is much closer to what we're talking about, something that was still possible before the invention of the modern state.

Philip P. Arnold ([43:42](#)):

That's interesting. Or she's mentally ill or something like that. She's just like a crazy person or something.

Sandy Bigtree ([43:50](#)):

Women, we're always-

Philip P. Arnold ([43:54](#)):

Right, right, right. Hysterical.

Winnifred Fallers Sullivan ([43:57](#)):

Yes, exactly. Exactly, exactly. But she's so smart. She's so funny. [00:44:00] And she was really beloved by the soldiers that she led,

Philip P. Arnold ([44:06](#)):

And evidently a threat.

Winnifred Fallers Sullivan ([44:06](#)):

She was a threat to the English for sure. They were very scared of her.

Sandy Bigtree ([44:15](#)):

Well, Jesuits first came into our territories. They were writing about the women being the firebrands of hell. I keep repeating this in so many of these interviews, so amazing. So they would target the women, but they came here [00:44:30] knowing how to do that. So obviously they had good practice and worked out that system of patriarchy takeover.

Winnifred Fallers Sullivan ([44:40](#)):

But it is important to notice that there were, until she got to the judges who persecuted her at the end, and for sure that was misogynist and motivated by misogyny. But the men captains who fought with her, [00:45:00] they respected her. There were people in the church who supported her too. So it was a complicated world, but she had many supporters and friends who really admired her and accepted that she cross-dressed. That's another thing. People often say, "Oh, well, she was condemned because the church condemned [00:45:30] cross-dressing." Well, those priests did. But before she got there, there

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were plenty of people who accepted it. It was just complicated. There was, as some historians talk about, the queer medieval. Joan, in a sense, belongs as a part of the queer medieval, in a very interesting way, politically. Queer in a very strong sense. So not just her clothes, but in her political sense as well.

Philip P. Arnold ([45:59](#)):

Well [00:46:00] I'll look forward to that book coming out. That should be great. I did want to mention too that you might be interested. So we're coming up on the what? 250th anniversary of the founding of the United States. And there are a lot of things planned, and one of the things that we've been working on at the Skä•noñh Center actually is this Smithsonian exhibit that's traveling [00:46:30] called Voices and Votes that is sort of a celebration of American democracy. It's very red, white, and blue, and it's this traveling exhibit. And the Museum Association of New York, which is managing this for the Smithsonian has specifically selected the Skä•noñh Center as one of the sites that they want to have this [00:47:00] voices and votes exhibit in. And the reason is because there's no mention of the Haudenosaunee influence on American democracy. And so Sandy, mostly Sandy and I have been involved in creating these banners, but I mean these banners of talking about the influence of the Haudenosaunee, the great law of peace.

Sandy Bigtree ([47:28](#)):

We get four banners to accompany the tour.

Philip P. Arnold ([47:28](#)):

Yeah. These kind of-

Sandy Bigtree ([47:29](#)):

As a [00:47:30] supplemental addendum to US history.

Philip P. Arnold ([47:35](#)):

And so it's going to be in, I think in 12 different places around New York State. It's already in Tennessee and other places. But so what we're doing is not pushing back, but I'd say supplementing that narrative, that kind of myth history that we all have to deal with.

Sandy Bigtree ([47:56](#)):

We're pushing a little.

Philip P. Arnold ([47:57](#)):

Yeah, we're pushing quite hard. But [00:48:00] from this point of view that this didn't just jump out of the heads of these white guys fully formed 250 years ago or whatever. They were putting together, modeling different ideas that of Haudenosaunee, but also other confederacies around what's now the United States. [00:48:30] This has pretty much been proven in a variety of ways in George Washington papers and things like that. So we're quoting, we're lifting some of these quotes right out of American history. And I mean, it's like this, we have to grapple with our own myth history too. I mean, not just Joan of Arc's, but it's like absolutely. How do we push back? [00:49:00] I think we're pretty well

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positioned in religious studies to think mythically and to think how we can re-narrate this story of America and all that.

Sandy Bigtree ([49:13](#)):

The local historical association sent out the first draft for each banner, and they had to be nearly completely rewritten using things like the Onondaga had to cede their territories to [00:49:30] Washington. Not exactly, they're still on unceded lands, and so it had to be its whole revision envisioning of this project. So it was interesting.

Philip P. Arnold ([49:43](#)):

Yeah, we don't know how it's going to, but if it lands in a town near you, just know that you've got these other kind of supplemental banners that we've been on. Maybe it's already in Indiana. I don't really know.

Sandy Bigtree ([49:58](#)):

I don't know.

Philip P. Arnold ([49:59](#)):

It's going all [00:50:00] over the place.

Sandy Bigtree ([50:00](#)):

Our banners aren't ready yet, though. They're final-

Philip P. Arnold ([50:03](#)):

Almost.

Sandy Bigtree ([50:04](#)):

Yeah, they're just about ready to go.

Winnifred Fallers Sullivan ([50:09](#)):

As we get our own indigenous studies project off the ground, we should find some ways to talk together. It's being led by my colleague, Michael Eng is a native Hawaiian and who's working on a native Hawaiian histories and philosophies and issues, and my colleague [00:50:30] Alexis McLeod, who's working with some Mayan elders in the Yucatan. So very much one of the objects of our center is to talk about America as a hemispherical project and really push against limiting the America to the US borders. And obviously the Haudenosaunee and the Onondaga are [00:51:00] way ahead of us on that. I know.

Philip P. Arnold ([51:02](#)):

Well, we're fortunate to be here. We used to live in Missouri and Chicago. I grew up in Michigan. Really didn't know anything about indigenous peoples there. In fact, when we were in Missouri, we discovered that it was illegal for, in terms of the state constitution, illegal for Native Americans to actually reside [00:51:30] in Missouri, because they'd all been removed, or that was the fiction that they were operating under. So the Midwest is a strange place here. There you are in Indiana, and then what does

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that mean? Can just kind of start there. But we're fortunate in New York, oddly enough, to be located near one of the last or few federally [00:52:00] recognized Native American nations that do not have a Bureau of Indian affairs government on their territory. They resisted that they have their own passports. They stick to this kind of sovereign sovereignty narrative. And so in a way, it's easy, in a way it's difficult because they're very mistrustful of people, just generally. [00:52:30] But we've been able to-

Sandy Bigtree ([52:32](#)):

Well, very protective maybe is a better word. Yeah.

Philip P. Arnold ([52:35](#)):

Yeah, that's right. You're right.

Winnifred Fallers Sullivan ([52:37](#)):

I got to see one of those passports when we were in Japan together. You may remember.

Philip P. Arnold ([52:42](#)):

Oh, that's right. Gosh, that was like '05, something like that.

Winnifred Fallers Sullivan ([52:48](#)):

Yeah.

Philip P. Arnold ([52:48](#)):

That's right. Yeah. So we are fortunate in a way, and with the Skä•noñh Center, we're able to share some of that. [00:53:00] They're not interested in sharing their language. They've got all the language programs and those kind of revitalization programs going on at the nation. But at Onondaga Lake, they wanted this to be much more of a public kind of effort that pushes out their story to others, all kinds of others. So yeah, it makes it a little bit easier than other territories that are surviving.

Sandy Bigtree ([53:30](#)):

[00:53:30] They're united on the front. They don't have a competing BIA government that silences their traditional people, which was the case at Standing Rock. The BIA leadership was not really entirely supportive of what the traditional people were trying to accomplish there in stopping the pipeline.

Philip P. Arnold ([53:50](#)):

Yeah, it's a long story-

Sandy Bigtree ([53:53](#)):

So there's great clarity here at Onondaga. They know who they are and they speak with a United [00:54:00] Voice. It's unique.

Philip P. Arnold ([54:02](#)):

So I'll be very interested in what you're doing there, Winni, at your center. It's very interesting. I got a better sense of it in this conversation.

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Winnifred Fallers Sullivan ([54:13](#)):

Well, I've enjoyed the conversation and great to see you too. Thank you.

Sandy Bigtree ([54:17](#)):

Great to see you.

Philip P. Arnold ([54:18](#)):

Thank you.

Sandy Bigtree ([54:18](#)):

Thanks.

Philip P. Arnold ([54:18](#)):

All right.

Jordan Brady Loewen-Colón ([54:20](#)):

The producers of this podcast were Adam DJ Brett and Jordan Loewen-Colón. Our intro and outro is Social Dancing Music by Oris Edwards and Regis Cook. [00:54:30] This podcast is funded in collaboration with the Henry Luce Foundation, Syracuse University, and Hendrix Chapel, and the Indigenous Values Initiative. If you like this episode, please check out our website and make sure to subscribe.