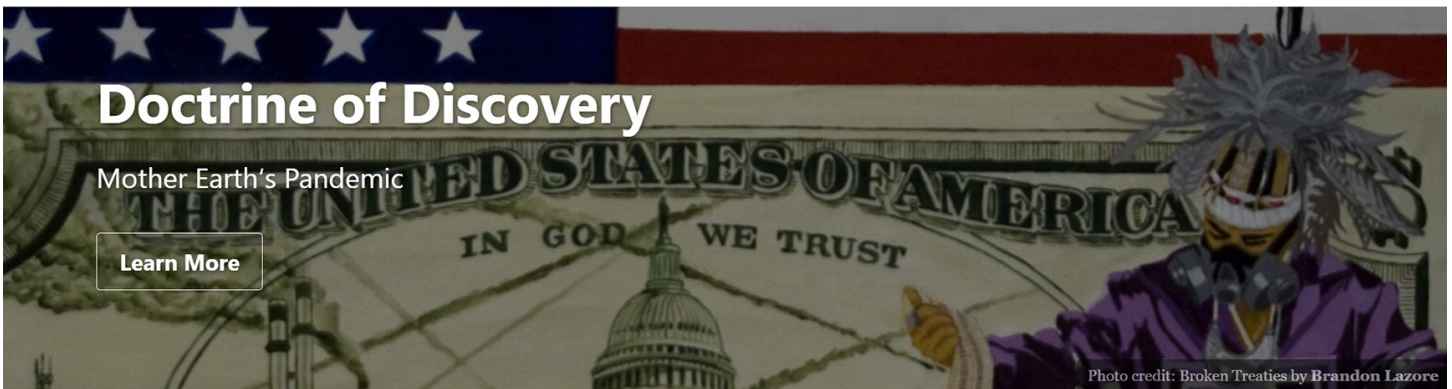




# The UN & You

BY TERESA KOTTURAN SCN – JUNE 2021

## The Doctrine of Discovery



The papal bulls of the 15th century gave Christian explorers the right to claim lands they “discovered” and lay claim to those lands for Christian monarchs. The underlying clause for “discovery” was that any land that was not inhabited by Christians could be claimed and exploited. If the pagan people were willing to be converted, they were spared; if not, they could be enslaved or killed.

Pope Nicholas V issued the Papal Bull Dum Diversas June 18, 1452 to authorize Alfonso V, king of Portugal, to reduce any “Saracens (Muslims), pagans and any other unbelievers to perpetual slavery.” It gave rise to the Portuguese slave trade from West Africa. As a follow-up to Dum Diversas, on January 5, 1455, the same Pope Nicholas V issued the bull Romanus Pontifex to Alfonso V. This bull extended to the Catholic nations of Europe dominion over discovered lands during the Age of Discovery. It sanctified the seizure of non-Christian lands and encouraged the enslavement of native, non-Christian peoples in Africa and the New World:

We [therefore] weighing all and singular the premises with due meditation, and noting that since we had formerly by other letters of ours granted among other things free and ample faculty to the aforesaid King Alfonso – to invade, search out, cap-

ture, vanquish, and subdue all Saracens and pagans whatsoever, and other enemies of Christ wheresoever placed, and the kingdoms, dukedoms, principalities, dominions, possessions, and all movable and immovable goods whatsoever held and possessed by them and to reduce their persons to perpetual slavery, and to apply and appropriate to himself and his successors the kingdoms, dukedoms, counties, principalities, dominions, possessions, and goods, and to convert them to his and their use and profit – by having secured the said faculty, the said King Alfonso, or, by his authority, the aforesaid infante, justly and lawfully has acquired and possessed, and doth possess, these islands, lands, harbors, and seas, and they do of right belong and pertain to the said King Alfonso and his successors.

When Christopher Columbus returned to Europe from the Caribbean Islands, at the request of Ferdinand and Isabel of Spain, on May 4, 1493, Pope Alexander VI issued the bull Inter Caetera for Spain to claim the lands discovered by Columbus. It also stated that one Christian nation did not have the right to establish dominion over lands previously dominated by another Christian nation, establishing the Law of Nations. These three documents provided the basis

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and justification for the Doctrine of Discovery, global slave trade and the Age of Imperialism in the 15th and 16th centuries.

These bulls were expanded by the Treaty of Tordesillas on June 7, 1494 – to settle the issue of possession of the newly discovered lands of the non-Christian world between Portugal and Spain. King Henry VII empowered John Cabot through a public document to investigate, claim and possess lands “which before this time were unknown to all Christians,” meaning that he could not capture Portuguese or Spanish discoveries. In 1514, King Charles I of Spain issued Requerimiento, to the Indians of the new world – to explain the legal and moral right of Spain to rule over the people of Latin America. It also contained the rationale for “just war.” The intention to enslave the people was clearly written into the document: “We will take you and your wives and children and make them slaves, and as such we will sell them, and will dispose of you and them as Their Highnesses order. And we will take your property and will do to you all the harm and evil we can, as is done to vassals who will not obey their lord or do not wish to accept him, or who resist and defy him.” A truly pre-meditated cruelty.

How is the Doctrine of Discovery playing out in the world? The United States, Canada, New Zealand and Australia have used the Doctrine of Discovery to support their legal systems. The U.S. Supreme Court Decision of 1823 on Johnson vs. McIntosh clearly shows the impact. It states: as a result of European discovery, the Native Americans lost “their rights to complete sovereignty, as independent nations, and retained the rights to occupancy” in their lands. The main reference to this decision was the commission given by Henry VII to John Cabot. In 2005, Justice Ruth Bader Ginsburg cited the Doctrine of Discovery, in a Supreme Court

opinion, denying a land claim by the Oneida people. The impacts of the Doctrine of Discovery continue to hold power over indigenous peoples today.

The Indigenous Law Institute initiated an appeal to repeal the Papal Bull “Inter Caetera” to the Catholic Church, especially to Pope John Paul II in 1992. A Declaration of Vision was drafted by 60 indigenous delegates at the 1994 Parliament of World Religions. In August 2018, [the Haudenosaunee held a gathering](#) with academics, attorneys and religious leaders to discuss the Doctrine of Discovery.

On May 4, 2016, indigenous leaders met with Pope Francis and Vatican representatives requesting an end to the Doctrine of Discovery. The initial response from Cardinal Tomasi was that the papal bulls are no longer in effect and have been superseded by other papal bulls, so there was no need for them to do anything. Later in the discussion, he agreed to consider making a statement.

In 2018, representatives from the Confederacy of Haudenosaunee, the Assembly of First Nations, Canada, Canada’s Truth and Reconciliation Commission, and the Yakima nation visited the Vatican to request a full retraction of all the papal bulls that have been interpreted to disenfranchise indigenous peoples. Up to now, the Vatican has not made a statement or repealed the Doctrine of Discovery.

During the United Nations Permanent Forum on Indigenous Issues in April 2021, the Episcopal Church at the UN had a side event on [“The Doctrine of Discovery and the Indigenous Ministries of the Episcopal Church.”](#) I found the event very helpful in understanding the impact the doctrine had on the lives of indigenous peoples. [Watch/listen to the Zoom recording of the event](#)

Doctrine of Discovery, an educational resource maintained by the Indigenous Values Initiative and the American Indian Law Alliance, has a web site, [DoctrineofDiscovery.org](#). The web site has a list of faith communities, including [Roman Catholic organizations](#), who have made statements repudiating the Doctrine of Discovery.

Online resources listed on the web site include published articles ([Two Kinds of Beings: The Doctrine of Discovery and its Implications for Yesterday and Today](#)) and a movie (available through Vimeo OnDemand): [“The Doctrine of Discovery: Unmasking the Domination Code,”](#) directed by Sheldon Wolfchild.

zoom

The Doctrine of Discovery and the Indigenous M... - Shared screen with speaker view

