

Doctrine of Discovery: Questions and Answers

Q. What is the Doctrine of Discovery?

The Doctrine of Discovery is a principle of international law dating from the late 15th century. It has its roots in a papal decree issued by Pope Nicholas V in 1452 that specifically sanctioned and promoted the conquest, colonization, and exploitation of non-Christian territories and peoples. Hundreds of years of decisions and laws continuing right up to our own time can ultimately be traced back to the Doctrine of Discovery—laws that invalidate or ignore the rights, sovereignty, and humanity of indigenous peoples in the United States and around the world.

Q. Why does the Doctrine of Discovery still matter when it is over 500 years old?

It is still in effect and is written into settled US law since 1823 about a land dispute between two individuals (Under Chief Justice John Marshall). It forms the basis for "Manifest Destiny," the expansion into Indian lands. It is used to justify legal and forcible takeover of indigenous lands, without just compensation.

The Discovery Doctrine is a concept of public international law expounded by the United States Supreme Court in a series of decisions, most notably *Johnson v. McIntosh* in 1823.

In this Supreme Court case, Chief Justice John Marshall's opinion in the unanimous decision held "that the principle of discovery gave European nations an absolute right to New World lands." In essence, American Indians had only a right of occupancy, which could be abolished." (Source: www.redlakenationnews.com/story/2017/06/15/news/doctrine-of-discovery-repudiated/61672.html)

It is used to interpret Indian Treaties in a way that has undermined treaty rights. It is used to force Indians off native lands and be confined to reservations. It is the basis for assimilation, and urbanization of Indians from their native lands. It is used to deny cultural expressions such as speaking native languages. Before that it was used to justify continental land acquisition, colonial expansion, and slave trade. This was done

by the Christian Church in the form of Papal Bulls: Dum Diversas is a papal bull issued on 18 June 1452 by Pope Nicholas V. It authorized Afonso V of Portugal to conquer Saracens and pagans and consign them to "perpetual servitude." Pope Calixtus III reiterated the bull in 1456 with Inter Caetera, renewed by Pope Sixtus IV in 1481 and Pope Leo X in 1514 with Precelse denotionis" (Source: Wikipedia). There were attempts by other Popes to rescind the Doctrine of Discovery but these were largely ignored.

This Doctrine has been used to dehumanize races, as a matter of policy to seek to assimilate cultures, and in the US, establish boarding schools, prevent native language speaking, and send children from their parents to live in foster homes.

"For more than five centuries, the Doctrine of Discovery and the laws based upon it have legalized the theft of land, labor and resources from Indigenous Peoples across the world. Because this Doctrine originated with the Christian church in the 15th century, it is now the church's responsibility to dismantle it.

Through this long, violent period of consolidation of control over much of Europe, Africa and the Americas, the rationale for conquest slowly secularized. At first, people were attacked because they were not Christian. Then, they were attacked because they were not reasonable, because any reasonable person would be a Christian. Finally, they were attacked because they were not civilized, because any civilized society would embrace Christianity and Christians' attempt to civilize them.

Native peoples in the Americas are still fighting to resist western colonialism and reclaim their land and sovereignty. The Doctrine of Discovery still stands in their way." (Source: <https://www.redlakenationnews.com/story/2017/06/15/news/doctrine-of-discovery-repudiated/61672.html>)

Q. I'm looking for background about the Doctrine of Discovery. What can I read?

An Indigenous Peoples' History of the day United States, by Roxanne Dunbar-Ortiz (Beacon, 2015) is a history of the United States told from the perspective of indigenous peoples.

This book explores how the Doctrine of Discovery impacted indigenous peoples of Canada and North America and South America. An extensive bibliography is included for further reading.

Q. Should the discussion of the Doctrine of Discovery in the Church be considered too political and off-limits?

The Doctrine of Discovery was promulgated by papal Bulls in the Church. It may have been part of the political workings of the time, but it was clearly an act of the Church that has had far-reaching consequences. The Popes drew a line that separated territories between Spain and Portugal which could then be acquired by Christian nations since the territory was deemed to be unoccupied "terra nullis" if not in Christian hands. Land occupied by "Saracens and pagans, etc" could be considered empty or undiscovered and could be invaded and conquered according to this Doctrine of the Church at the time then and now still in effect. Those who lived in these "undiscovered" lands could be enslaved, eradicated and their lands forcibly taken over. If they did not embrace Christianity they are held accountable for their own enslavement, death, and loss of lands. Demonstrably this has both a theological and a political impact that has lasted over 500 years.

Q. Why have some Church Denominations taken actions to repudiate the Doctrine of Discovery?

Repudiation is a strong word, but what does it mean? It means the Doctrine must be carefully studied, understood as a secular legal doctrine, and that church bodies must declare a response. In 2009 the Episcopal Church repudiated the doctrine. Other church bodies have done so as well: The Unitarian Universalist Association in 2012, the United Church of Christ General Synod in 2013, the Christian Reformed Church in 2016. Other religious groups—the Christian Church (Disciples of Christ), the World Council of Churches, New York Yearly Meeting of the Religious Society of Friends, the United Methodist church, to name a few—have also repudiated it.

Q. What is some additional historical background?

The Doctrine of Discovery, 1493

The Papal Bull (public decree) "Inter Caetera," issued by Pope Alexander VI on May 4, 1493, played a central role in the Spanish conquest of the "New World." The document supported Spain's strategy to ensure its exclusive right to the lands discovered by Columbus the previous year.

The Bull stated that any land not inhabited by Christians was available to be "discovered," claimed, and exploited by Christian rulers and declared that "the Catholic faith and the Christian religion be exalted and be everywhere increased and spread, that the health of souls be cared for and that barbarous nations be overthrown and brought to the faith itself." This "Doctrine of Discovery" became the basis of all European claims in the Americas as well as the foundation for the United States' western expansion.

The Doctrine of Discovery was promulgated by European monarchies in order to legitimize the colonization of lands outside of Europe. Between the mid-fifteenth century and the mid-twentieth century, this idea allowed European entities to seize lands inhabited by indigenous peoples under the guise of discovery. In 1494, the Treaty of Tordesillas declared that only non-Christian lands could be colonized under the Discovery Doctrine.

In 1792, US Secretary of State Thomas Jefferson declared that the Doctrine of the Discovery would extend from Europe to the infant US government. The Doctrine and its legacy continue to influence American imperialism and treatment of indigenous peoples.

Source:

www.redlakenationnews.com/story/2017/06/15/news/doctrine-of-discovery-repudiated/61672.html

Additional History:

1455 bull Romanus Pontifex, Pope Nicholas V gave Portuguese King Alfonso a license to "invade, search out, capture, vanquish, and subdue" the people in new lands of discovery. The bull encouraged the king 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.”

This was applied mainly to Portuguese discoveries along the coast of Africa and was meant to encourage King Alfonso in his battle against the Muslim Saracens.

By 1493 Pope Alexander VI had a broader scope of discovery to consider, courtesy of Christopher Columbus. Rather than going directly to enslavement, killing and vanquishing, he granted rights to the kings of Castile and Leon to establish dominions in most of the Americas, and the Portuguese to have the same rights in any lands east of a line from North Pole to South Pole 100 leagues west of the Azores and Cape Verde. That majestic line drawn by Pope Alexander is how Brazil ended up speaking Portuguese.

Within these New World dominions, Alexander made the respective kings responsible for baptizing the natives.

“We exhort you very earnestly in the Lord and by your reception of holy Baptism, whereby you are bound to our apostolic commands, and by the bowels of the mercy of our Lord Jesus Christ, enjoin strictly, that inasmuch as with eager zeal for the true faith you design to equip and dispatch this expedition, you purpose also, as is your duty, to lead the peoples dwelling in those islands and countries to embrace the Christian religion,” wrote the Pope.

European kings could exploit New World land and people, but they also had to convert them. Source:

www.catholicregister.org/home/international/item/18900-doctrine-of-discovery-first-repudiated-in-1537

In 1452, Nicholas V issued the papal bull “Dum Diversas,” granting the King of Portugal the right to reduce any “Saracens, pagans and any other unbelievers” to hereditary slavery. Dum Diversas legitimised the colonial slave trade that began around this time with the expeditions by Henry the Navigator to find a sea route to India, which were financed with African slaves. This approval of slavery was reaffirmed and extended in his Romanus Pontifex of 1455.

He was compelled, however, to add that the lustre of his pontificate would be forever dulled by the fall of Constantinople, which the Turks took in 1453. The Pope bitterly felt this catastrophe as a double blow to Christendom and to Greek letters.

Pope Nicholas V and slavery: Nicholas issued the bull "Dum Diversas" (June 18 1452) in response to a request from the Portuguese monarchy. King Alfonso V was conferred the right to "attack, conquer, and subjugate Saracens, Pagans and other enemies of Christ wherever they may be found." It gave title over all lands and possessions seized and permitted the Portuguese to take the inhabitants and consign them to perpetual slavery.

The geographical area of the concession given in the bull is not explicit but Richard Raiswell argues that the use of the terms "pagans" and "other enemies of Christ" indicates the scope of the bull was applicable to the newly discovered lands along the west coast of Africa and that the ambiguity of the text was such that it encouraged the Portuguese to extend their explorations further afield.

He further argues that the use of crusading language in the bull served to make the Christian-Muslim relationship the model for Africa.

The bull issued by Nicholas "Romanus Pontifex" (8 January 1455) reaffirmed "Dum Diveras" and also sanctioned the purchase of black slaves from "the infidel."

According to Raiswell (1997) he expressed enthusiasm when recalling the number of slaves that had been captured, brought back to Portugal, baptized and expressed his hope that the entire populations of these new found lands would be converted.

Stogre (1992) notes that this bull, perhaps in part due to misleading information provided by the Portuguese, introduced the concept of military force, rather than peaceful evangelization, for missionary purposes and that it applied to lands that had never previously been subject to Christian ownership, subsequently leading to the "brutal dispossession and enslavement of the indigenous population."

The bull also conferred exclusive trading rights to the Portuguese between Morocco and the Indies with the rights to conquer and convert the inhabitants. A significant concession given by Nicholas in a brief issued to King Alfonso in 1454 extended the rights granted to existing territories to all those that might be taken in the future.

It is argued that collectively the two bulls issued by Nicholas gave the Portuguese the rights to acquire slaves along the African coast by force or trade. The concessions given in them were confirmed by bulls issued by Pope Calixtus III "Inter Caetera quae" (1456), Sixtus IV "Aeterni regis" (1481) and Leo X (1514) and they became the models for subsequent bulls issued by Pope Alexander VI: "Eximiae devotionis" (May 3 1493), "Inter

Caetera" (May 4 1493) and "Dudum Siquidem" (September 23 1493) when he conferred similar rights to Spain in relation to the new found lands in the Americas.

Some historians view these bulls together as extending the theological legacy of Pope Urban II's Crusades to justify European colonization and expansionism, [4] accommodating "both the marketplace and the yearnings of the Christian soul." [8] Dum Diversas was essentially "geographically unlimited" in its application, perhaps the most important papal act relating to Portuguese colonization. [9]

Dum Diversas provided:

"We grant you [Kings of Spain and Portugal] by these present documents, **with our Apostolic Authority**, full and free permission to invade, search out, capture, and subjugate the Saracens and pagans and any other unbelievers and enemies of Christ wherever they may be, as well as their kingdoms, duchies, counties, principalities, and other property [...] and to reduce their persons into perpetual slavery."

In 1537 pope Paul III explicitly condemned enslaving non-Christians in Sublimus Dei. In 1686 the Holy Office limited the bull by decreeing that Africans enslaved by unjust wars should be freed.

Dum Diversas, along with other bulls such as Romanus Pontifex (1454), Ineffabilis et summi (1497), Dudum pro parte (1516), and Aequum reputamus (1534) document the Portuguese ius patronatus.

Pope Alexander VI, a native of Valencia, issued a series of bulls limiting Portuguese power in favor of that of Spain, most notably Dudem siquidem (1493). (Source: <http://www.ministers-best-friend.com/Colonization-Doctrine-of-Discovery.html>)

[Papal Bull Dum Diversas](#) 18 June, 1452

[English Quotations from Dum Diversas](#) and the [Latin original via google books](#)

[The Bull Romanus Pontifex \(Nicholas V\), January 8, 1454](#)

[The Legal Battle and Spiritual War against the Native People, The Bull Inter Caetera \(Alexander VI\), May 4, 1493](#)

Expansion of Papal Bulls

[Treaty of Tordesillas, June 7, 1494](#)

[Patent Granted by King Henry VII to John Cabot and his Sons, March 5, 1496](#)

[The Requerimiento, 1512](#)

See United Nations Declaration on the Rights of Indigenous Peoples
Resolution adopted by the General Assembly on 13 September 2007
Source: doctrinediscovery.org/united-nations-declaration-on-the-rights-of-indigenous-peoples/