



## Response

14th April 2023

### **Repudiating the Doctrine of Discovery**

“The subjugation and plunder of peoples through the use of force or cultural and political penetration is a crime... because there are no chances for peace in a world that discards populations and oppresses to loot.” – Pope Francis

On 30<sup>th</sup> March this year the Holy See formally repudiated the ‘Doctrine of Discovery’. This doctrine should not be understood as a religious doctrine, but rather as a particular jurisprudence which emerged in European and American legal thinking. However, it was built solidly on concepts articulated particularly in three 15<sup>th</sup> century Bulls (papal decrees), namely, *Dum Diversas* 1452, *Romanus Pontifex* 1455, (both issued by Nicholas V) and *Inter Caetera*, 1493 issued by Alexander VI, in which papal ‘*imprimatur*’ or permissions were given to colonial powers to take possession of lands not already settled by Christians, and regard them as their own; thus taking away from indigenous people the fundamental right to the peaceful occupation of their ancestral lands, and their sovereignty.

The doctrine eventually provided the basis for pernicious forms of colonialism, and in turn shaped the foundations of thinking on issues of private property. It also, by inferring the inferiority of indigenous people, provided grounds for centuries of dehumanisation of colonised peoples and callous disregard for their rights and liberties, setting the foundation for racist thinking and practices and justifying subsequent inequalities. Historians almost universally hold that these Bulls were used to justify the Atlantic slave trade, and their influence is still very present in contemporary prejudices embedded in various policies. It is not difficult, for example, to see this influence played out in current issues ranging from contested land policies to xenophobia and aspects of the extractive industry.

It is of special interest to those working in South Africa, where there is still contestation over many aspects of the land question, spatial apartheid, racism and xenophobia. In many parts of the country, relationships between indigenous communities and mining companies are difficult due to contested notions of the ownership of the land and its minerals. It is thus important to interrogate policies and legislation for traces of this outmoded mindset, as well as to propose alternatives that resist superiority, greed and the dehumanising of people.

The staggering arrogance of the papal claims can be seen in Alexander VI’s assertion that, not because of any particular requests by states, “but out of our own sole largess and certain knowledge and out of the fullness of our apostolic power, by the authority of Almighty God conferred upon us in blessed Peter and of the vicarship of Jesus Christ, which we hold on earth, do by tenor of these presents... give, grant, and assign to you and your heirs and successors, kings of Castile and Leon, forever, together with all their dominions, cities, camps, places, and villages, and all rights, jurisdictions, and appurtenances, all islands and mainlands found and to be found, discovered and to be discovered towards the west and south... no matter where the said mainlands and islands are found...” Alexander VI goes on to say, “Among other works well pleasing to the Divine Majesty and cherished of our heart, this assuredly ranks highest, that in our times especially 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.” The justification contained in the commendation of the

“overthrowing of barbarous nations” led to the genocide of indigenous peoples and the annihilation of cultures across the globe, and continues to be the impulse for many contemporary atrocities.

Speaking in Rome, Fr David McCallum reiterated that “the statement repudiates the very mindsets and worldview that gave rise to the original Bulls. It... strongly condemns any attitudes or actions that threaten or damage the dignity of the human person.” The Vatican document goes on to pledge solidarity with indigenous peoples and support for the UN Declaration on the Rights of Indigenous Peoples, which it says can help protect indigenous rights and as well as improving living conditions and development in a way that “respects their identity, language and culture.” It quotes Pope Francis’ words in Canada in 2022: “Never again can the Christian community allow itself to be infected by the idea that one culture is superior to others or that it is legitimate to employ ways of coercing others.”

On 11<sup>th</sup> April the UN Special Rapporteur on the Rights of Indigenous Peoples expressed the hope that other countries would follow the Church’s lead. He welcomed the Vatican’s recognition of the harmful effects of colonisation and Pope Francis’ call to “abandon the colonising mentality and promote mutual respect and dialogue.” This important repudiation is also a clarion call to ensure that our political, economic and social realities testify to different values, and that, in the Pope’s words “never again must such deeds or their contemporary manifestations be carried out in our name.”

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