

A Shared Inheritance: The Papacy, the British Crown, and the Enduring Architecture of the Doctrine of Discovery

Part I: The Genesis of a Global Ideology: The Doctrine of Discovery

The Doctrine of Discovery is not a single, monolithic text but an evolving legal and religious concept that provided the foundational justification for centuries of European colonial conquest. Originating in the 15th century, it constructed a theological framework that served the political and economic ambitions of Christian empires, advancing the idea that European peoples, culture, and religion were superior to all others. This ideology, once codified, transitioned from a set of religious decrees into a secularized principle of international law, creating a global architecture of dispossession and racial hierarchy whose structural legacies persist to this day.

1.1 Theological and Legal Foundations: The Papal Bulls

The bedrock of the Doctrine of Discovery is a series of 15th-century papal bulls—official decrees from the Pope—that granted religious authority for the invasion, subjugation, and seizure of non-Christian lands and peoples. These documents were not abstract theological treatises; they were specific political instruments issued to European monarchs to legitimize their expansionist campaigns. Three bulls are central to the formation of this doctrine.

The first, ***Dum Diversas***, was issued by Pope Nicholas V in 1452 to King Afonso V of Portugal. This bull provided a sweeping and brutal mandate, authorizing the king to "invade, search out, capture, vanquish, and subdue all Saracens and pagans whatsoever, and other enemies of Christ wheresoever placed". Critically, it granted the right "to reduce their persons to perpetual slavery" and to seize all their property and possessions. This document established the explicit and foundational link between Christian colonial expansion, conquest, and the institution of chattel slavery.

Building directly on this precedent, Pope Nicholas V issued a second bull, ***Romanus Pontifex***, in 1455, again directed to King Afonso V. This decree expanded upon the authorizations of *Dum Diversas*, extending Portugal's dominion over all "discovered" lands and sanctifying the seizure of non-Christian territories. It explicitly encouraged the enslavement of native, non-Christian peoples in Africa and the "New World," framing these acts as just and lawful. The bull affirmed that what benefited the European colonial powers would, by extension, benefit the Church. The third and perhaps most famous bull, ***Inter Caetera***, was issued by Pope Alexander VI in 1493, following Christopher Columbus's first voyage. Directed to the Catholic Monarchs of Spain, this document addressed the burgeoning rivalry between Spain and Portugal by establishing a demarcation line one hundred leagues west of the Azores and Cape Verde Islands. It granted Spain the exclusive right to acquire and trade in all lands west of that line,

provided they were not already in the possession of another Christian prince. The bull's stated purpose was to bring the inhabitants of these lands "to the worship of our Redeemer and the profession of the Catholic faith" and explicitly called for "barbarous nations be overthrown". From these foundational documents, two core principles emerged that would define the subsequent age of colonization. The first was the assertion of **Christian Superiority**, which posited that European Christian culture and religion were inherently superior to all others, providing a moral and divine justification for conquest. The second was the legal fiction of **Terra Nullius**, which translates to "nobody's land." Within the framework of the doctrine, any land not inhabited by Christians was considered vacant or empty, and therefore available to be "discovered" and claimed by Christian sovereigns. This principle willfully ignored the existence of an estimated 100 million Indigenous people inhabiting the Americas at the time, effectively defining them as non-human because they were not Christian.

Table 1: Key Papal Bulls of the Doctrine of Discovery				
Papal Bull	Pope	Year	Recipient Monarch/Nation	Key Provisions/Authorizations
<i>Dum Diversas</i>	Nicholas V	1452	King Afonso V of Portugal	Authorized the invasion of non-Christian lands and the reduction of "Saracens and pagans" to "perpetual slavery".
<i>Romanus Pontifex</i>	Nicholas V	1455	King Afonso V of Portugal	Extended the previous authorization, granting Portugal dominion over all "discovered" lands and encouraging the enslavement of native peoples.
<i>Inter Caetera</i>	Alexander VI	1493	Ferdinand and Isabella of Spain	Established a global demarcation line, granting Spain exclusive rights to "discover" and claim lands not already held by a Christian ruler.

1.2 From Papal Decree to International Law

The principles articulated in the papal bulls quickly evolved from religious edicts, initially designed to manage territorial disputes between the Catholic powers of Spain and Portugal, into a secularized framework of international law adopted by all European colonial powers. The doctrine's primary function shifted from advancing a religious mission to regulating the fierce competition for land and resources among European nations.

A key tenet of this new international law was that the "discovery" of lands previously unknown to Europeans gave the discovering nation title to that territory *against all other European nations*. This reveals the doctrine's essential purpose: it created an exclusive club of colonizing states that recognized each other's claims while systematically denying the sovereignty and property rights of the Indigenous peoples who already inhabited the lands. Indigenous nations were not considered members of this international legal community; they were objects of the law, their lands and lives subject to the agreements made among the colonizers.

This framework was built upon a set of interlocking principles that became accepted norms among European states:

- **First Discovery:** The first European country to "discover" lands unknown to other Europeans gained property and sovereign rights over those lands and their inhabitants.
- **Actual Occupancy:** To perfect this initial claim, the discovering nation had to establish effective occupation of the territory within a reasonable period.
- **Preemption:** The discovering European nation gained the sole right to purchase land from the Indigenous peoples, effectively extinguishing their right to sell their lands to any other party.
- **Diminished Indigenous Sovereignty:** Upon "discovery," Indigenous nations were deemed to have lost their rights to complete sovereignty. While they retained a "right of occupancy," their power to govern themselves and dispose of their land as they saw fit was "necessarily diminished".

This transformation of a religious concept into a secular legal doctrine was critical to its longevity and global impact. It allowed Protestant nations like England and France, which rejected the Pope's authority to grant lands, to nonetheless adopt the underlying principles to justify their own colonial ambitions, ensuring the Doctrine of Discovery became the universally accepted legal rationale for European imperialism worldwide.

Part II: The Papacy's Historical Culpability and Modern Reckoning

The Catholic Papacy, as the original architect of the Doctrine of Discovery, bears a unique and profound responsibility for its devastating legacy. From its 15th-century role in authorizing and encouraging colonial expansion to its 21st-century attempts to distance itself from this history, the Vatican's actions have been central to both the creation and the perpetuation of the doctrine's framework. A critical examination of its historical role and its contemporary statements reveals a pattern of institutional self-preservation that falls short of full accountability.

2.1 Architect of a Global System

The Papacy's role in the Age of Discovery was not that of a passive spiritual observer but an active enabler and legitimizer of colonial conquest. The papal bulls of the 15th century provided the explicit moral, legal, and theological justification for the brutal colonial projects of Spain and Portugal, which in turn set the template for global colonization and the transatlantic slave trade.

The language of these decrees was unambiguous. Pope Nicholas V's grant to King Afonso V to "invade, search out, capture, vanquish, and subdue all Saracens and pagans" and "reduce their persons to perpetual slavery" was a direct papal sanction for violence and enslavement. This relationship between the Papacy and the European monarchies was deeply symbiotic. The bulls were not unsolicited declarations of papal will; they were issued in direct support of the expansionist ambitions of monarchs who sought divine sanction for their political and economic projects. In return for this religious legitimization, the Papacy gained powerful secular allies who would carry its influence and "the Catholic faith" across the globe. The Church viewed the expansion of European empires as beneficial to its own mission, creating a powerful alliance between altar and throne. This co-production of religious and secular power demonstrates that the doctrine was not merely a religious idea imposed upon the world, but a political tool forged to serve the mutual interests of both Church and State.

2.2 The 2023 Repudiation: A Critical Analysis

On March 30, 2023, after decades of calls from Indigenous leaders, the Vatican issued a joint statement from the Dicasteries for Culture and Education and for Promoting Integral Human Development addressing the Doctrine of Discovery. While presented as a definitive rejection of the doctrine, a close analysis of its language reveals a carefully constructed position that has drawn significant criticism.

The Vatican's official position, as articulated in the statement, is that it formally "repudiates those concepts that fail to recognize the inherent human rights of indigenous peoples, including what has become known as the legal and political 'doctrine of discovery'". However, it simultaneously argues that the doctrine "is not part of the teaching of the Catholic Church". The statement characterizes the foundational papal bulls as "political" documents tied to a specific historical period, not as timeless expressions of Catholic faith. Furthermore, it claims that the contents of these documents were "manipulated for political purposes by competing colonial powers" to justify immoral acts, which were sometimes carried out "without opposition from ecclesiastical authorities". To support its claim of a consistent teaching in favor of Indigenous rights, the Vatican cites the later 1537 bull *Sublimis Deus*, which forbade the enslavement of Indigenous peoples.

This official narrative has been met with robust critiques from Indigenous leaders and scholars, who point to several major shortcomings:

- **Failure to Rescind:** A central demand from Indigenous delegations has been the formal rescission or abrogation of the 15th-century bulls themselves. The 2023 statement repudiates the *concepts* derived from the bulls but pointedly fails to nullify the foundational documents, leaving their historical status intact.
- **Shifting of Blame:** The argument that the bulls were "manipulated" by secular states is widely seen as an attempt by the Vatican to sidestep its own direct responsibility. Critics contend that the bulls were not manipulated but were, in fact, *written for* political entities precisely to provide the justification for their colonial actions. The statement frames the Church as a passive party whose words were misused, rather than as the active author of the legitimizing framework.
- **Limiting Legal Liability:** The careful distinction between a "legal and political 'doctrine of discovery'" and official "Church teaching" is interpreted by many as a legal strategy. By framing the issue this way, the Vatican appears to be shielding itself from legal and financial liability for land claims and reparations that could arise from a full admission of institutional culpability.

- **General Inadequacy:** While acknowledged by some as a positive first step, many Indigenous leaders have described the statement as "woefully inadequate". It fails to address the full scope of the harm caused by the doctrine and does not confront the reality that the Catholic Church continues to hold vast tracts of land acquired under the very framework it claims to repudiate.

The Vatican's position creates a fundamental paradox. It attempts to disown the consequence—the Doctrine of Discovery—while refusing to formally nullify the cause—the 15th-century papal bulls. This is more than a subtle theological distinction; it is a calculated legal and political strategy. It allows the Church to claim the moral high ground by condemning the doctrine's racist effects while simultaneously protecting the historical acts of the Papacy from being declared formally illegitimate. Such a declaration could have unpredictable and far-reaching legal consequences for land titles held by the Church and by states whose sovereignty is historically rooted in these documents.

Part III: The Crown's Secular Adaptation and Imperial Application

While the Papacy authored the foundational ideology of the Doctrine of Discovery, it was the English, and later British, Monarchy that became its most effective and globally significant secular implementer. In a complex process of rivalry, adaptation, and institutionalization, the Crown stripped the doctrine of its papal authority, embedded its core principles deep within the common law, and transmitted this legal framework to a global empire, including the successor states of the United States and Canada.

3.1 Rivalry, Repudiation, and Emulation

The English Crown's initial relationship with the papal-originated doctrine was one of rivalry, particularly after the Protestant Reformation severed England's ties to Rome. As a Protestant nation, England formally repudiated the Pope's authority to distribute the lands of the world among Catholic kings. In the 16th century, Queen Elizabeth I famously disputed Spanish claims based on papal grants, arguing that popes held only spiritual jurisdiction and had no right to grant territory to princes.

However, this rejection of papal authority was not a rejection of the doctrine's underlying colonial premise. The English Crown's objection was not based on a recognition of Indigenous sovereignty, but on its own desire to participate in the colonization of the Americas.

Consequently, the Crown engaged in a process of emulation, adopting the core principles of the doctrine while grounding their legitimacy in its own sovereign power rather than in a divine mandate from the Pope. This act of secular adaptation was crucial; it transformed the Doctrine of Discovery from a Catholic-centric rule into a generalized principle of European international law. By doing so, the English Monarchy made the doctrine more powerful and universally applicable among all competing colonizing nations, regardless of their religious affiliation.

3.2 From Royal Charters to Common Law

The institutionalization of the doctrine's principles within the British imperial system began with royal charters and letters patent. A clear example is the charter issued by King Henry VII to the explorer John Cabot in 1496, which granted him and his sons license to "conquer, occupy and

possess" any newly found lands in the King's name. This document demonstrates the direct appropriation of the doctrine's principles of discovery and conquest by the English Crown. These principles were subsequently used by both French and English colonial powers to claim vast territories in North America. The legal manifestation of this was the Crown's assertion of "radical or underlying title" to all land upon the moment of asserting sovereignty. This concept, a direct legal descendant of the doctrine, held that the Crown acquired ultimate ownership of all lands, which was then "burdened" by the pre-existing but diminished rights of Indigenous peoples, often referred to as "Aboriginal title".

This assertion of Crown title became the legal foundation for the systemic dispossession of Indigenous peoples across the British Empire. In Canada, it provided the legal justification for policies of cultural genocide, underpinning the creation of the *Indian Act*, the coercive reserve system, the tragedy of Indian residential schools, and the "Sixties Scoop". The doctrine's foundational racist assumption of European superiority provided the moral and legal rationale for these oppressive systems, which were designed to eliminate Indigenous governance, seize Indigenous lands, and forcibly assimilate Indigenous peoples.

3.3 The Unbroken Chain of Sovereignty

The British Crown's most enduring impact was its role as the legal and historical bridge that connected the 15th-century papal bulls to the modern property law of major post-colonial nations. Successor states like the United States and Canada did not invent a new legal basis for their sovereignty over Indigenous lands; they inherited it directly from the British Crown.

In 1792, shortly after the formation of the United States, Secretary of State Thomas Jefferson asserted that the Doctrine of Discovery was an established principle of international law that was fully applicable to the new U.S. government. This position was definitively enshrined in U.S. law by the Supreme Court in the landmark 1823 case *Johnson v. M'Intosh*. Writing for a unanimous court, Chief Justice John Marshall held that the principle of discovery gave European nations—and by extension their successor, the United States—an absolute right to New World lands, leaving Indigenous peoples with only a diminished "right of occupancy" that could be extinguished by the sovereign. The court's decision explicitly adopted the legal framework that had been established and applied by the British Crown.

Without the Crown's adaptation and institutionalization of the doctrine's principles into the common law system, the concept might have remained a historical artifact of Spanish and Portuguese colonialism. The British Monarchy made it a global common law principle, creating an unbroken chain of sovereignty that continues to define the legal relationship between Indigenous peoples and the state in countries around the world.

Part IV: Contemporary Positions: A Comparative Analysis of Crown and Vatican

An evaluation of the contemporary roles of the Papacy and the British Crown reveals that while they do not act in active collaboration, their parallel and complementary failures to take substantive action result in a de facto upholding of the Doctrine of Discovery's racist legacy. Each institution has adopted a distinct strategy for addressing its historical complicity, yet both strategies ultimately serve to preserve the colonial status quo and evade full accountability.

4.1 Vatican: Formal Repudiation, Limited Accountability

As detailed previously, the Vatican's contemporary position is defined by its March 2023 statement. This represents a formal, institutional step to repudiate the *concepts* associated with the Doctrine of Discovery. This act is significant as an official acknowledgment of the harm caused by these ideas. However, the repudiation is carefully qualified. By insisting the doctrine was never part of Church teaching and that the foundational papal bulls were "manipulated" political documents, the Vatican minimizes its own institutional culpability. This approach is one of historical reinterpretation and blame-shifting rather than a full assumption of responsibility. The refusal to formally rescind the original bulls remains a central point of contention for Indigenous leaders, who see it as a failure to fully dismantle the doctrine's origins.

4.2 British Crown: Personal Regret, Institutional Inertia

The British Crown's approach, particularly under King Charles III, is characterized by expressions of personal sorrow rather than formal institutional action. The King has spoken of his "personal sorrow" for the suffering caused by slavery and has expressed the "deepest regret" for the "abhorrent and unjustifiable acts of violence" committed during the colonial era, such as in Kenya. He has also signaled support for academic research into the monarchy's historical links with the slave trade. However, these gestures deliberately fall short of a formal apology from the Crown as an institution and, critically, do not include a renunciation of the Doctrine of Discovery. This is despite direct and public calls from Indigenous leaders in Canada for him to renounce the doctrine as his first official act. The King's rhetoric often emphasizes that the "past cannot be changed" and pivots toward a focus on future opportunities, a rhetorical strategy that effectively deflects pressing calls for reparatory justice and legal accountability for the Crown's role in colonialism. This personalization of regret frames the issue as one of historical reflection and individual feeling, carefully avoiding any commitment that would alter the legal and political status of the Crown as an institution. This strategy allows the monarch to appear empathetic while preserving the legal foundations of Crown sovereignty derived from discovery and avoiding the precedent-setting act of a formal state apology, which could open the door to legal claims for reparations.

4.3 Comparative Analysis: A Table of Two Responses

The distinct approaches of the two institutions—one of flawed institutional repudiation, the other of personal regret without institutional action—are best understood when compared directly. Their actions are not coordinated, but they are complementary in their insufficiency, ultimately leading to the same outcome: the preservation of the doctrine's legal and ideological legacy.

Table 2: Comparative Analysis of Contemporary Institutional Responses				
Institution	Key Action/Statement	Date	Core Message	Summary of Indigenous/Schol

Table 2: Comparative Analysis of Contemporary Institutional Responses				
				Early Critique
Vatican	Joint Statement repudiating the "concepts" of the Doctrine of Discovery.	March 30, 2023	The doctrine is a "legal and political" concept, not Church teaching; the foundational papal bulls were "manipulated" by colonial powers.	Fails to rescind the original bulls; shifts blame from the Church to secular states; seen as a move to limit legal liability; a "woefully inadequate" first step.
British Monarchy	Expressions of "personal sorrow" and "deepest regret" for colonial-era atrocities by King Charles III.	2022-2024	The "past cannot be changed"; focus should be on learning lessons and future opportunities; supports historical research.	Falls short of a formal institutional apology; no renunciation of the Doctrine of Discovery despite direct calls to do so; deflects calls for reparations and legal accountability.

Part V: The Enduring Architecture of Systemic Racism

The Doctrine of Discovery is far more than a historical artifact; it is a living principle whose racist logic continues to structure contemporary law, politics, and society in nations around the globe. Its persistence is the mechanism through which the legacy of 15th-century colonialism is actively upheld today, perpetuating systemic racism and the dispossession of Indigenous peoples.

5.1 Legal Persistence: The Doctrine in Modern Law

The principles derived from the Doctrine of Discovery remain foundational to property law and the concept of state sovereignty in many former colonies. In the United States, the 1823 Supreme Court decision in *Johnson v. M'Intosh*, which enshrined the doctrine into federal law, has never been overturned and continues to be cited as legal precedent. Its modern relevance was starkly demonstrated in the 2005 Supreme Court case *City of Sherrill v. Oneida Indian Nation*. In that decision, the court, in an opinion written by Justice Ruth Bader Ginsburg, invoked the doctrine's principles to deny the Oneida Nation's assertion of sovereignty over its ancestral lands that it had repurchased on the open market.

Similarly, in Canada, the doctrine's legacy persists in the legal concept of underlying Crown title. Even in landmark court victories that recognize Aboriginal title, such as the 2014 Supreme Court

ruling in *Tsilhqot'in Nation v. British Columbia*, the law maintains that the Crown holds the ultimate "radical" title to the land. This legal structure ensures that Indigenous land rights remain subordinate to Crown sovereignty. The doctrine's influence is not limited to North America; its legal manifestations are present in the laws of Australia, New Zealand, and nations across Latin America and Africa, often shaping conflicts over land rights and resource extraction. The doctrine persists in modern jurisprudence because it provides the "root of title"—the original, albeit unjust, legal explanation for how settler states acquired sovereignty and ownership of the land. To fully repudiate the doctrine would require a fundamental rethinking of the legitimacy of the state's own title, an act that could destabilize the entire foundation of property law. Thus, the doctrine remains a "ghost in the machine" of the legal system: an unspoken, often unacknowledged, but structurally essential premise that continues to inform judicial decisions and government policy.

5.2 Socio-Economic and Political Legacies

The legal persistence of the doctrine has profound and devastating real-world consequences for Indigenous peoples. The primary economic legacy is the historical and ongoing dispossession of land, which has led to widespread poverty, food insecurity, inadequate housing, and economic dependency. The legal framework derived from the doctrine continues to justify the extraction of natural resources from Indigenous territories by states and multinational corporations, often without the free, prior, and informed consent of the Indigenous nations involved.

Politically, the denial of Indigenous sovereignty perpetuates a colonial relationship. Indigenous nations are often treated as "claimants" petitioning the state for rights within their own ancestral lands, rather than as self-determining peoples with inherent rights to governance. This dynamic has been identified by the United Nations Permanent Forum on Indigenous Issues as the "shameful root of all the discrimination and marginalization indigenous peoples faced today". At its core, the doctrine's most destructive legacy is ideological. Its foundational premise of European cultural and religious superiority laid the groundwork for what is now understood as systemic racism. It created a false racial hierarchy that was codified into law, embedded in institutions, and used to justify centuries of violence, assimilation policies, and cultural genocide. This created a system of inherited disadvantage for Indigenous peoples and reciprocal inherited advantage for settler populations that continues to define social and economic outcomes today.

Conclusion: Evaluating the Thesis - A Shared but Differentiated Responsibility

The assertion that "The king of England and the Catholic pope uphold global racism together via the doctrine of discovery" is, upon extensive examination, substantively accurate. However, a nuanced understanding is required, particularly regarding the terms "together" and "uphold." The evidence does not suggest active, contemporary collaboration between the British Crown and the Papacy. Rather, they perpetuate the doctrine's racist legacy through parallel institutional failures, rooted in their distinct but interconnected historical roles.

The Papacy, as the doctrine's **originator**, provided the theological and moral justification for colonial conquest. Its contemporary response—a flawed and incomplete repudiation that seeks to reinterpret history and protect its institutional standing—fails to adequately address this foundational culpability. By refusing to formally rescind the 15th-century bulls that set this global

tragedy in motion, the Vatican leaves the doctrine's ultimate source intact.

The British Crown, as the doctrine's most effective **secularizer and implementer**, translated its principles into a global system of common law and imperial administration. Its contemporary response is one of personalized regret that avoids institutional accountability. By refusing to formally renounce the doctrine and its legal manifestations, such as the concept of underlying Crown title, the Monarchy preserves the legal architecture of colonialism that underpins its own sovereignty and that of many Commonwealth nations.

Therefore, they do not act "together" in concert, but their separate paths converge on the same outcome: the preservation of a colonial status quo. They "uphold" the doctrine not through active, overt promotion, but through a profound and consequential failure to take the necessary steps to dismantle it. This shared inaction and insufficiency allows the legal and ideological framework of the doctrine to remain embedded in legal systems and societal structures, thereby perpetuating the systemic racism it was designed to create.

The Pope and the King are the co-inheritors of a global system that their institutional predecessors jointly conceived and propagated. While their historical roles were differentiated—one as the author of the justification, the other as its most successful practitioner—their contemporary roles are marked by a shared reluctance to fully dismantle this inheritance. In this shared failure, they remain complicit in the Doctrine of Discovery's enduring legacy of global racism. Substantive progress toward genuine reconciliation and justice requires more than qualified statements and personal expressions of sorrow. It demands decisive action: for the Vatican, the formal rescission of the papal bulls of discovery; for the Crown, a formal renunciation of the doctrine and a commitment to reform the constitutional and legal principles that derive from it. Until these steps are taken, both institutions will continue to stand as pillars of an architecture of dispossession that they helped to build centuries ago.

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