

**Sunset for the Doctrine of Discovery**  
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<http://www.ecologia.org/news/29.SunsetDoctrineofDiscovery.mp3>



*Sailing into the Sunset<sup>1</sup>*

## **Segment One**

Randy Kritkauský: Greetings, or may I say Bozho in Potawatomi, to those joining us for today's Indigenous Perspectives show. I'm Randy Kritkauský, an enrolled Potawatomi tribal member, and the co-host of Indigenous Perspectives.

Carolyn Schmidt: And I'm Carolyn Schmidt, the other co-host. Indigenous Perspectives starts in Vermont in the United States. Vermont is part of N'Dakinna, the land that is the unceded traditional territory of the Abenaki people, who for thousands of years, have been stewards of the lands here and also across the border

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<sup>1</sup> Image credit: Jules Tidmarsh. <https://www.flickr.com/photos/24122805@N02/6268247168>  
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in Québec province in Canada. We start each show with this Land Acknowledgement to signal our respect for the Indigenous peoples of our region, whose many achievements over the centuries are now experiencing a revival and new growth.

Today I'm going to interview my co-host, Randy Kritkauskys, and ask him to reflect on a recent development that has huge implications for Indigenous peoples in the Western Hemisphere and indeed for Indigenous peoples around the world. We're calling this show "Sunset for the Doctrine of Discovery." Okay, Randy.

Randy : So on March 30th, 2023, the Vatican announced that it was renouncing what has come to be known as the Doctrine of Discovery -

Carolyn: Can you stop right there and explain exactly what the Vatican is?

Randy: Sure.

The Vatican is a sovereign city state inside of Rome; it's the center of the Roman Catholic Church organization worldwide. It's headed by the current Pope right now, Pope Francis I. So when we say the Vatican, it's shorthand for referring to the leadership of a worldwide Catholic Church. Official declarations coming out of the Vatican apply to Catholics all over the world. The most recent important declarations are called Papal Bulls, or Encyclicals.

Carolyn: Do these Vatican declarations apply to or even affect people who aren't Catholic?

Randy: Aha! That indeed is the question. When we answer it, we'll uncover the significance of today's show. You see, the Roman Catholic Church occupies, and has for centuries, a very important place in the world as a moral force. We'll return to that theme in a moment. But first, we need to travel back in time to what European-oriented history books refer to as the so-called age of exploration. As children, many of us were told that Columbus discovered the new world. In recent decades, those words have been challenged because Indigenous peoples have succeeded, finally, in making the claim that we were already here, and they - excuse me, that we discovered the Western Hemisphere 30,000 years ago. And so begins 500 years of confusion and argumentation about who has the right to occupy and who has the right to govern lands throughout the entire Western hemisphere based on being what is referred to as original occupants.

Carolyn: Well, isn't this something that there are supposed to be international laws about?

Randy: Well, it would be nice if there were, but we're in the 15th century here for a moment. In 1492 when Columbus set foot on a Caribbean island, there was little - virtually no - international law as we know it today. This fact set off alarm bells for the two Spanish monarchs who had just funded the voyage of Columbus. And also rather quickly for other European countries like Portugal, France, England, the Dutch, who wanted to enter the race to state claims in the vastness of the so-called New World. Into this absence of international law, Pope Alexander jumped with both feet. He issued a Papal declaration, a Bull called Inter Caetera, within one year of Columbus returning to Europe.

This Papal Bull, Inter Caetera, has made international news because the Vatican just rescinded or repudiated it. Before we discuss why this is big news, we need to explain what the papal declaration said. The Pope's declaration stated that Spain had exclusive claim to all newly discovered lands to the West. And if the Spanish monarchs brought Christianity to those lands and the peoples there, Spain would have an exclusive claim to rule the land with absolute and unchallenged authority.

Carolyn: Yes, I looked it up; it's easy to find on the web in an English language translation<sup>2</sup>. It's got a lot of formal sounding words. There's a lot of interesting stuff that jumps out, including there's this one phrase the Pope is telling the Spanish king and queen. He's giving them the sort of the right, he's giving them the encouragement and the right - as if he had it to give. But anyway, he says, quote, "to bring under your sway the said mainlands and the islands of the quote unquote New World with their residents and inhabitants, and to bring them to the Catholic faith." End of quote.

Randy: So the Pope did this not because of international law or his authority as an international law maker, but based on the church's moral authority, which was enormous at the time, and also the church's historic role as an arbiter of disputes among European nations.

Carolyn: I also want to add, there's a nice little gem of a revealing sentence in that Papal Bull about - it's a list of - we hear there's lots of gold and silver and gems and

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<sup>2</sup> <https://www.papalencyclicals.net/alex06/alex06inter.htm>

spices and all kinds of interesting things in these new lands. So obviously that's in the forefront of their minds as well.

Randy: So among these other European nations, they made immediate efforts to declare some other kind of legal doctrine because the Pope wasn't going to give them access to these lands, legal access. They [*other European nations*] wanted to find a way of explaining how they could occupy the same lands and get access to the resources that Carolyn mentioned.

So one of these other so-called doctrines stated “the principle of first discovery” - in other words, first discovery for Europeans bestowed the right to claim lands. So for example, England sent John Cabot to sail up the coast of what is today North America, essentially New England and Canada, and to eyeball it, and thereby like Columbus, to quote “discover” it. The French immediately declared that merely eyeing the new lands did not justify claims of control. The Dutch and the Portuguese argued that those who settled and developed the empty lands, as they were calling them, lands they referred to as unoccupied and undeveloped, had legal control. So under this new doctrine of discovery, discovery meant actual settlement and actual economic development.

So European countries fought wars for centuries over this disputed concept of what does first discovery mean. Unfortunately, Indigenous people of the western hemisphere were caught up in these wars, which had the effect of continually depriving them, I should say, us, of more and more of our lands. Now, if this is confusing, that's because it was then and still is.

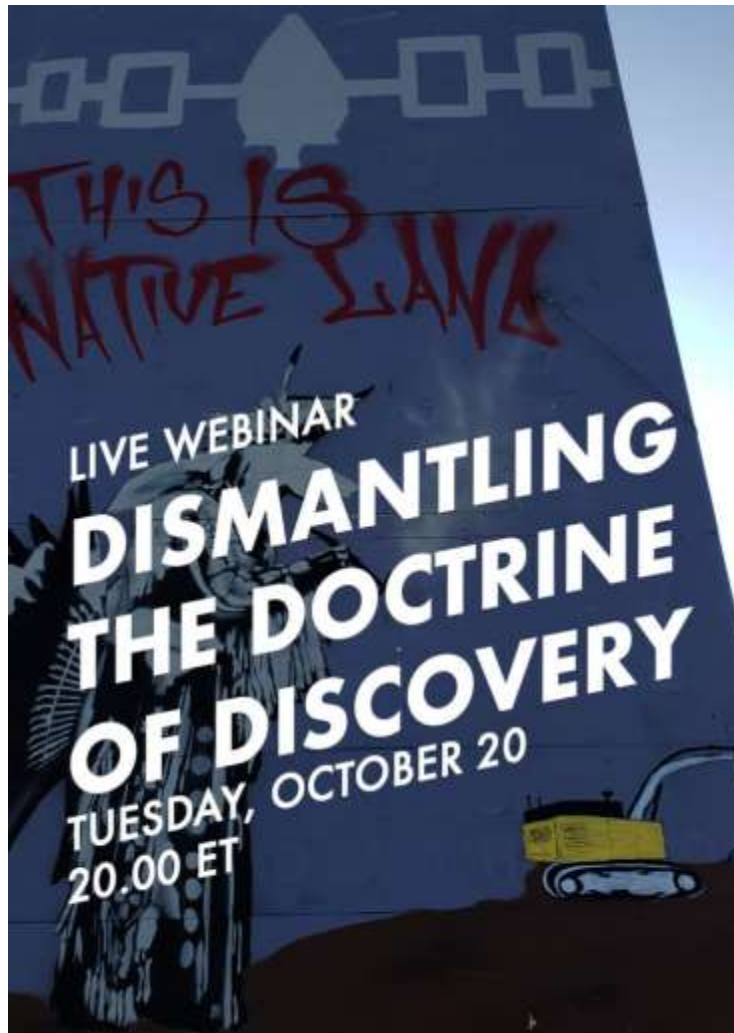
Carolyn: Okay. Is it fair to say that what we need to take away from this are the words discovery and doctrine of discovery? These words and an ever expanding concept of what constituted “discovery” became the legal rallying cry and foundation for a lot of these different European, and later countries like the United States and Canada, actions. And the foundation of what is now called in the United States Indian Law, or what one of our guests on a previous podcast, Peter d’Errico, called Anti-Indian Law<sup>3</sup>.

So let's circle back to March 30th of this year. The Vatican just repudiated its own doctrine of discovery. So isn't this the end of it? Isn't it a new beginning for

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<sup>3</sup> “Indian Law Turf Wars: Contesting Native Lands and History. Indigenous Perspectives show, October 2022, featuring Peter d’Errico. <https://www.ecologia.org/news/23.IndianLawTurfWars.pdf>

Indigenous peoples, who no longer will have land seized under some sort of fuzzy legal principle that's been kicking around for so long?



*Image credit: Community Peacemaker Teams [cptaction.org](http://cptaction.org)<sup>4</sup>*

Randy: Well, that's sort of been the wish of Indigenous people for centuries, and been the vociferously exclaimed wish of Indigenous advocates in recent decades. We could wish for such a simple and direct outcome, but the reality is a lot more complicated. I think that what we hope to achieve in this particular Indigenous Perspectives podcast is an understanding of how the doctrine of discovery took root in the laws in courts of the United States and Canada, and why it's been so challenging to uproot a twisted knot of legal precedents that took hold.

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<sup>4</sup> [cptaction.org](http://cptaction.org) Community Peacemaker Teams, Chicago Illinois US and Toronto, Ontario, Canada.  
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At the same time, I think today we can offer and perhaps set forward a challenging set of insights concerning how dwelling on the now defunct doctrine of discovery might unwittingly continue to disempower indigenous people.

Carolyn: Okay, so we're saying the Vatican just pulled the legs out from under this. So can you start to explain the whole bundle of legal fictions and assumptions that grew up around the Doctrine of Discovery? Because for me, at least, the whole point of this is trying to understand where we are today and where to focus our energy next.

Randy: Well, indeed. And the very term "Doctrine of Discovery", single Doctrine of Discovery, is a fiction that was created in part by American courts. And in part has been enhanced by scholars who use the singular notion of a doctrine, which implies that somehow it's this coherent principle.

Carolyn: It sounds scary too, you know, a doctrine - like you're supposed to obey it.

Randy: Well, as our guests on previous shows have pointed out, what we're actually dealing with is more appropriately, and Native Americans often refer to it as, the doctrines of discovery, and it's a muddle of legal fictions and inventions cobbled together and passed off by jurists, monarchs, and as I said, even U.S. Supreme Court justices as what is reasonable thinking. But they were just using these doctrines as justification for very self-serving actions, taking away Indian lands and the rights of Indians to have their own governance on their own land.

Carolyn: Okay. so far so good, I guess, as far as understanding that it's - it starts with this confusing muddle. So can you explain briefly the whole idea of how these ideas got put into U.S. Supreme Court cases, the sort of the legal precedents that you said got entangled?

Randy: Yes. Without making you feel like you're in a law school course looking at law school cases, let me just say that it's really ironic that one of the most famous and revered U.S. Supreme Court justices, John Marshall, is involved in this muddle. In 1823, he made - delivered, I should say - an opinion in something called the McIntosh case, which is like the grandfather or the grandmother of all subsequent cases referring to the Doctrine of Discovery, not just here in the United States, but for quite an extended period of time across the border in Canada.

Now, what Marshall was doing was pushing back against the legal recognition and acknowledgement in the United States Constitution of the validity of treaties with



Indians as sovereign nations. Very few people who read the Constitution see these words or understand this, but what I'm saying to you is a Supreme Court justice was using a fiction that was created out of a moral statement by a pope - to overturn the U.S. constitutional recognition of the rights of Native Americans. So once a Supreme Court justice delivers such an opinion, other courts refer to it and it becomes precedent. And every time they refer to this, the precedent grows deeper; its roots grow much more strongly into our legal system.

Carolyn: Okay, yes, I do understand that this McIntosh case was connected with the Cherokee nation losing their treaty-guaranteed rights to their own land in Georgia and being pushed off it and forced on their Trail of Tears to Oklahoma. And then I think your own people also got caught up in the same kind of relocation with this -

Randy: Yes - forced removal. As I've mentioned a few times on this show, my tribal homeland is Chicago - Chicago is the Potawatomi word for wild onions. And under the Indian Removal Act, which followed fairly quickly on Justice Marshall's opinion, it was decided to force Native Americans to move west of the Mississippi. And my tribe was marched at gunpoint, our leaders manacled and put in wagons and taken from the forest and lake region of the northwest to the prairies of Kansas. And a significant number of tribal members died on that journey. That's why it's known in our history as the Trail of Death. And this kind of action that was repeated across the colonial landscape can all be traced back to the so-called doctrine of discovery. That's why this has been so controversial and such a point of irritation and outrage in Native American communities for more than a century, and in recent decades been a primary concern that we have.

So again, as I said, even Canadian courts that were sometimes in the 19th century deferential to U.S. courts used this court case as precedent they cited. It's kind of like Marshall using a decree from a foreign nation as precedent in U.S. national law. The Canadians used U.S. legal precedent. However, since using this precedent in the 19th century, Canadian courts have moved continually away from this, and toward recognizing the validity of what they call First Nations - Indigenous peoples in Canada - to recognizing First Nations' rights to have, occupy, own and manage their own Canadian soil.

Carolyn: Okay. Well, that sounds like moving along in a good direction. Now, I know you want, before we have to take our first break, I know you want to make the point

about the Justice Ruth Bader Ginsburg footnote in a 2005 opinion that keeps being brought up. And as I understand, you're saying it's way exaggerated.

Randy: So - sorry, I'm taking you back to law school class for just a moment. The scholars and Indigenous advocates like to point to our beloved Ruth Bader Ginsburg, who was a very progressive voice on the Supreme Court and say, oh my God, even Ruth Bader Ginsburg cites the Doctrine of Discovery in this case where she ruled against the Oneida in upper New York State. And if you go and actually look at, actually read the court case that they're referring to, the Doctrine of Discovery is a footnote in the court case, and it is essentially irrelevant to the ruling in that case. But - and we're going to return to this point - the fact that this is constantly emphasized, this Ruth Bader Ginsburg footnote is emphasized as Ruth Bader Ginsburg deferring to the Doctrine of Discovery - points out how hard it is for Indigenous people to let go of the anger and the fear associated with the Doctrine of Discovery.

Carolyn: So what about the claim that there's - the Doctrine of Discovery provided a foundation of racism, anti-Indian racism, that encouraged their treatment as less than fully human citizens?

Randy: Well, that's actually what we should have been discussing in recent decades. And what I hope, now that the Doctrine of Discovery has had its moral legs pulled out from under it, I hope that we'll get back to recognizing that the underlying dynamic of the original so-called Doctrine of Discovery by the Pope and its use by our Supreme Court, reflects incredible intense racism and "othering" of Native Americans. And that is the issue that is before us, not some dying withering legal precedent.

Carolyn: So is the basic idea to get rid of any kind of fake justifications for racist based unfair treatment?

Randy: Well, this getting rid of the formal Doctrine of Discovery by the Vatican is taking down one of those pillars, but as we'll be discussing in a few moments many other pillars are still in place and some new ones are being erected.

Carolyn: Okay, time for a break. Stay tuned.



## Segment Two

Carolyn: Welcome back to Indigenous Perspectives; our program is titled “Sunset for the Doctrine of Discovery.” And Randy was just talking about the lasting cultural impacts of all of these doctrines of discovery.

Randy: So it's - it's easy to get into the legal weeds and look at the doctrine of discovery as a legal battle, a kind of nerdy thing. The fact of the matter is, as I was trying to explain at the end of the last segment, that the doctrine of discovery emerged out of racial attitudes in medieval Europe. You know, the doctrine of discovery was given *[by the pope at that time]* to the king and queen of Spain who had just expelled people they considered to be “inhuman heathens”, both Muslims who had been in Spain for centuries and then Jews. They were othered and treated as less than humans, just as the Spanish monarchs would treat the newly “discovered” Indigenous people in the new world.

So it's really important for us to understand that the roots of legal actions and legal principles, as we know from today in our own society, very often have roots that are deeply cultural and very much detached from good sound legal judgment.

Carolyn: So you're saying it's racial and religious prejudices getting all mixed in together?

Randy: I would - I like the way you phrased it. I would say more racial than religious prejudice, because the other confusion surrounding the so-called Doctrines of Discovery and the recent rescinding of it is that it is sometimes referred to by scholars as the Christian Doctrine of Discovery. I've never heard the word Christian appended to Doctrine of Discovery as a positive complimentary adverb *[adjective]*. It's always used in a manner that is somehow meant to even further discredit the Doctrine of Discovery. The idea being that Native Americans, indigenous people, First Nations people in Canada were victimized by bad law, but also by Christianity itself.

Now, the news has been full for several years of stories about residential schools. We knew that there was a collision, a tragic collision between Indigenous cultures and many missionaries who came and operated residential schools. They were cruel institutions.

Carolyn: Catholic and Protestant, but all Christian missionaries running these schools, right?

Randy: Correct, because the colonists were initially all Christians. So the notion has now developed that the doctrine of discovery grew out of Christianity itself, the very principles of Christianity. Now, you know, this is problematic in part because *[some]* theologians at the time immediately denounced the Doctrine of Discovery as having no roots in Christianity. And one must understand that the very practices that are being blamed on Christianity precede Christianity. As a historian, I can tell you, as someone who's taught courses on Greek history, Roman history, Islamic history - conquerors behave in a very similar fashion. They repress, they slaughter, they repress; they try to destroy the cultures where they are taking up residence. And, you know, they're brutal about it. So it - it is nothing unique to Christianity. It is part and parcel, unfortunately, of human behavior we know as imperialism and colonization.

Carolyn: Well, one of the things that's upset me since I started hearing these references to the Christian doctrine of discovery is the impact of calling it that on - there are many Indigenous people who are Christians themselves, and to hear that there's a Christian doctrine that justifies pushing them off their land, taking their land, their lives - it's setting up a lot of really upsetting conflicts and doubts.

Randy: Well, it has had unintentionally the exact opposite intent that the people who put this "Christian" in front of Doctrine of Discovery intended. Which is, as you say, it lends some legitimacy to the 15th century doctrine of discovery by making it appear as if it came from a moral institution. And it, as you said, puts Christians - and many, many Native Americans consider themselves to be Christians, self-identify as Christians - puts them in a really awkward place of having to struggle with holding onto belief systems which are both traditional and Christian. That's the very theme of our previous podcast, that many Indigenous peoples hold these two systems in some kind of harmony. So loading this doctrine onto the backs of Christians, makes them squirm and feel uncomfortable and asking the question, how do I reconcile these two parts of myself?

Carolyn: Well, I think one thing that a lot of churches, at least in the United States: the Lutherans, the Unitarian Universalists, the Methodists, a whole range of church groups at their meetings, did *[was to issue]* official rejections, denouncements, of the Doctrines of Discovery, starting in, I think 2009 and going along for the past decade.

So they obviously were saying, don't call it Christian, it's not our Christianity. I think those are positive things that didn't get a lot of press coverage.

Randy: So I, I don't mean to be flippant when I say this, but to some degree, some of what is written about the Doctrine of Discovery reminds me of kids on a camping trip telling one another's stories about the boogeyman and scaring each other witless. I'm not saying that the Doctrine of Discovery did not do untold harm, but when Indigenous people keep telling themselves stories about how powerful it is and how impossible it will be to uproot and get rid of it, what Indigenous people and our allies are doing is saying, oh, we're not going to be able to change things. This is just too rooted in the legal system.

So now at this moment in time, we have an opportunity to look and say, aha, the Vatican just pulled the moral legs out from under the Doctrine of Discovery. So my fantasy as an Indigenous person is that Indigenous people across the nation would go to federal courthouses and burn a miniature version of the Doctrine of Discovery in a shell like we do when we burn sema<sup>5</sup> and smudge<sup>6</sup> the courthouse, indicating that this now infamous doctrine has been rescinded by the people who issued it. And make it difficult for federal judges to ever conjure this boogeyman again.

Let's lay it to rest and end it now.

Carolyn: Oh, that's great way to end this segment. Stay tuned for the next one.

### **Segment Three**

Carolyn: Welcome back to Indigenous Perspectives. And Randy was just discussing the idea that the Doctrine of Discovery - let's have smudging, let's celebrate, it's officially over. So does that mean that this kind of thinking is going to be removed from our legal systems?

Randy: No, no, no. I should say my fantasy is a little bit of a fantastic fantasy. Just because the Vatican and the Pope have rescinded the moral basis, which was once used as the sort of fictitious quasi-legal basis for this thing, it doesn't end the train wreck and the series of principles that have made life difficult for Native Americans. For example, we are finding in 20th Century, 21st Century society, in Canada and the United States, new ways of accomplishing the same ends that the Doctrine of

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<sup>5</sup> traditional sacred tobacco

<sup>6</sup> smudging is a traditional cleansing ceremony, often done by burning herbs such as sage

Discovery did. Which is excuses, quasi-legal reasons, for taking away Indigenous rights to occupy and hold their land as guaranteed by treaty.

Let me give you an example. We go back to this notion of occupying land and developing it, being a claim by colonial societies to true ownership of the land. Okay? So in Canada, just north of us here in Vermont, the Canadian government has been building giant hydroelectric dams on Native lands without the required legal permission and consent of the people who live there. They are expelling these people from their land.

They're not using the doctrine of discovery as their legal pretext. They're using something called public benefit, which on this side of the border would be called an easement. The notion is that the interest of the broader public, that is the descendants of colonists, trumps - triumphs over - treaty rights of Indigenous people. So we'll remove them. Why do we do that? Because we're worried about climate change. As we should be. But we're going to stampede ourselves and them into building these dams using this excuse.

So what our colleagues that we had on this show previously<sup>7</sup> are saying is that we need to have something like the 1954 Supreme Court decision, *Brown v Board of Education*, or the Supreme Court itself, not just the Pope, that reverses- negates - any possibility of employing the Doctrine of Discovery. But what I'm telling you is that they [*the dominant institutions and people*] will find other excuses, and in fact, in the United States, we are using the climate emergency that we're in to triumph over and force Native peoples to give up their treaty rights and move off their lands.

Carolyn: Okay, I've got a question. I grew up learning about, in the U.S., the idea of eminent domain - that was the phrase that I learned - where the government can decide something is for public good, and they can take your land, but they have to pay you. When the interstates [*interstate highways*] were built, that was how - when they [*the U.S. federal government*] took people's private land, they would take it, but they'd compensate them for it. But the people couldn't - people couldn't really fight it. So it sounds like this new effort is worse because it's not just taking private people's land and giving them compensation. It's taking land that belongs to whole nations.

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<sup>7</sup> Honoring Indian Law land Treaties, Parts One and Two. Indigenous Perspectives podcasts featuring Steven Schwartzberg and Peter d'Errico.

<https://www.ecologia.org/news/14.IndianLaw.pdf> and  
<https://www.ecologia.org/news/15.PartTwoHonoringIndianLaw.pdf>

Randy: You used the key word, “nations.” When the interstate takes the land from private landowners, the private landowners are members of the nation taking that action. When Canada or the United States takes land away from Indian tribes and Indian people, they are violating the sovereignty of nations who are acknowledged as nations under treaties referred to in the U.S. Constitution. It's an entirely different issue.

Let me give you another example of creating new legal principles or employing other legal principles to get rid of Native Americans now, absent the Doctrine of Discovery. One of them is called the plenary power of Congress. And again, if you're not a law student - and even if you are a law student - you might not know what this is. It turns out that the U.S. Supreme Court, most recently in Gorsuch's decision on an Oklahoma case about Indian rights, invoked this notion of plenary power, which is the power of the US Congress to reverse at its will any law made by a state and to abrogate - to rescind, to negate - any treaty that it has previously signed with a foreign nation.

Carolyn: Well, this is really scary because it means that the Congress that changes every two years can just trample over agreements like treaties or other agreements?

Randy: Correct, correct. So, so we've gotten rid of, or we're in the process of getting rid of, the Doctrine of Discovery, but we're not out of the bushes yet because Congress and the courts have these other tools that they could use to deprive Indigenous people of their rights, their ability to occupy and live on their traditional lands.

So, this might sound like a rather gloomy, you know, ending to where we're trying to take our listeners, but I'm trying not to be wholly fanciful and celebrate prematurely the end of abuse of Indigenous rights and violation of Indigenous sovereignty. We've won, as they say, I hate using these metaphors, but we've won one battle, but the war is not over. The struggle will continue to assert Indigenous rights against what Peter D'rrico on one of our earlier shows referred to as anti-Indian law. We're still, - we're still moving into headwinds that are blowing back in our faces.

Carolyn: So we're still in a really unequal power and wealth situation. Looking at the rights of the Indian nations, First Nations peoples, I do see some cultural changes, like the most recent one: the U.S. “Forever” stamp issued in honor of Chief Standing Bear.



He was a Ponca Indian chief in the late 19th century, and it was his argument that he was a human being, who should be treated as a human being in the American legal system, that he made, and he won it. And that set an important precedent that they could no longer, in the court system at least, treat people who were Native Americans as less than fully human. So it sounds like a weird thing to be celebrating, but obviously it's a really, really important point.

Randy: Yes. So the reality check here at this point in our program is that we have an important victory, a hugely important victory, but we need to be careful to let our guard down because we face continuing challenges.

Carolyn: I think you mean **not** to let our guard down.

Randy: Excuse me, that is indeed the correction.

Carolyn: Okay. Stay tuned for our final segment, in just a minute.

#### **Segment Four**

Carolyn: Welcome back to Indigenous Perspectives. This is the last segment of our show on the sunset of the doctrine of discovery. So Randy, you want to pick it up?

Randy: Yes. I want to return to the theme that emerged at the beginning of our program, which is the moral authority of legal institutions in the modern world. We read and constantly dwell upon economic power and armies clashing, but we give far too little attention to moral authority. And there's something wonderful going on



out there across the face of the globe, which is a kind of shift in the thinking of a large part of the world's population, an embrace of an Indigenous worldview and respect for Mother Nature and respect for Indigenous people.

And I want to give credit where credit is due. The current Pope, Pope Francis, who took his name from Francis of Assisi, visited Canada more than a year ago. And he did so in what he called a Pilgrimage of Penance. He was the first pope from the Western hemisphere, and I believe that he did not want to die having not lifted the darkest chapters of the [Catholic] Church's legacy in this hemisphere.



*Pope Francis apologizes for the Roman Catholic Church's role in the residential school system, in Maskwacis, Alta., during his papal visit across Canada on July 25, 2022.  
(Jason Franson/The Canadian Press)<sup>8</sup>*

So he visited Canada and he visited residential school sites where horrible atrocities had happened. And he apologized and he listened to Indigenous people, and he called it his Pilgrimage of Penance. Popes don't do this kind of thing lightly. So during that visit, and after Indigenous people went back to the Vatican and

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<sup>8</sup> CBC, Canadian Broadcast Company, <https://www.cbc.ca/news/canada/edmonton/mounties-14-million-pope-francis-1.6759769>

reminded him that his work was just starting, that he needed to rescind the doctrine of discovery. Which he did.

Now, that's the story we've been telling today. But there is another part of the story that we haven't referred to that is equally exciting, and that is that the Pope had previously issued, I think it's in 2005, another encyclical called *Laudato Si'*. And in this encyclical, he describes the values that the church needs to embrace to lead in the 21st century. And they are profoundly Indigenous values of wealth sharing instead of wealth hoarding, and most importantly, the need to embrace the environment.

And in the spirit of St. Francis of Assisi, his namesake, to respect other-than-human beings as our kin. This is an astounding statement coming from a pope. Because remember, go back to the beginning of the program. The papacy in the 15th century was looking at other humans as less than human. And this pope is saying, we need to look at other creatures as our equals on this planet. So I see a moral institution rising and leading at a critical moment in world history with *Laudato Si'* and with rescinding the doctrine of discovery. Together, these actions and other actions by other moral leaders, religious leaders around the world, might be enough to push back on these other mechanisms, these other legal fictions we've discussed, that continue to deprive Indigenous people of their rights and their homelands.

Carolyn: Yes. And to any listeners, and also to myself, anyone who has a lot of doubts about any major institutions, including the Roman Catholic Church, knowing that they've done - they've had many problems and continue to have them today - to me, it's a good reminder that everyone, just like people, we have to look for the good and emphasize that and carry that forward, with every kind of mixed legacy or mixed power.

And to me, the impressive thing about *Laudato Si'* and this revocation of the Doctrines of Discovery is that we've got an institution whose current leadership, the Roman Catholic Church, is willing to take these steps even when obviously there's pushback and disagreement. But I think when Randy refers to the moral leadership, that's what he's talking about, it's taking a stand that is not going to be universally popular, but saying, this is important and we're going to throw our weight behind it.

Randy: Yes. And you know, there's a wonderful video that Carolyn and I saw recently. It was a film actually made by the Vatican. It's called The Letter<sup>9</sup>. And Pope Francis invites people, ordinary people, a handful of them from around the world, including Indigenous people, to come to the Vatican and to meet with him because he wants to talk not just to world leaders, but to ordinary people -

Carolyn: I interject about "ordinary" - They chose people - it's a whole mix of people from different parts of the world, different backgrounds, young, old, men, women - but they were all people who had been known in their own communities for environmental work and environmental efforts. So I think when you say "ordinary", I think that's undercutting the fact that these people were leaders in their own communities on environmental issues, and that's why they were asked for this meeting with a focus on environment.

Randy: I use the word ordinary because they're not elected national leaders with enormous political power and certainly not with, you know, economic clout. Some of them had difficulty getting together the money to get to the Vatican. So the point here is, and again, you know, I'm not a Catholic, you're not a Catholic, this is not an advertisement for the Catholic Church - but, we have a pope who drives a humble little car and lives in a humble apartment when he can. The church is going back to its roots. And as we said in one of our earlier programs when we were discussing Black Elk, what we see is something remarkable in the modern world, which is the ability of Indigenous people to call a moral institution back to its moral roots, to its deepest convictions. That, I think, even more than rescinding the doctrine of discovery, is a reason for hope.

And as we discussed in one of our shows more than a year ago, perhaps a moment for us - Indigenous people - to engage in an act of forgiveness. Not forgetting. But letting go of the anger and the hatred. Extending hands and working together to heal this planet and to heal our fractured and divided societies.

Carolyn: All right, Randy thank you.

Randy: So I hope this broadcast has given you time and space to reconnect with your roots in Mother Earth and with your ancestral roots, as well as - before your busy day distracts you from the moment, I encourage you to take a few minutes to reach out and feel the presence of living flora and fauna, and perhaps even that of

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<sup>9</sup> The Letter: a message for our earth. <https://www.theletterfilm.org/>

your ancestors. Allow yourself to touch their presence. Capture that moment and hold onto it. And also, if you will write to me and let me know about your experience, I can be contacted through my website, [www.randykritkausky.com](http://www.randykritkausky.com) where you can also find transcripts and supplemental materials for all Indigenous Perspectives shows, including today's. Thank you. Migwetch.

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