

The Doctrine of Discovery: How a 527-Year-Old Document Affects the United States Today

By Paul Swartz

Christopher Columbus didn't discover America. That shouldn't be news to anybody reading this. Thankfully, people now are well-versed enough in the history of America to know that. And yet, even with this knowledge, we have a day to commemorate him. People know that Columbus was an objectively horrible person and killed hundreds of Native Americans, but we still celebrate his name. Children get a day out of school in remembrance of a man that desecrated a culture, but the victims of the injustice are given a day that is not recognized with a day off, and forgotten about by most of the country's population.

Monday, October 12th will be Indigenous Peoples' Day in 2020. Most likely, October 12th will come and go, with little recognition or conversation, despite the injustice that occurred. Indigenous Peoples' Day should be one of the most important days to our history, but it goes mostly unrecognized every year. But instead of glossing over one of the more, shall we say, uncomfortable parts of our history, let's learn about it, and understand how the Doctrine of Discovery helped to create racism in an infant country.

The Doctrine of Discovery is a complicated piece of legislature. The foundation of it was introduced during the 1100's¹, but the most famous attribute was added in 1493, when Pope Alexander VI created a document that was used by explorers, such as the aforementioned Christopher Columbus, to stake claims to land they "discovered." The document's original purpose was to promote the expansion of Christianity. An added benefit of the document for the Spanish was sole ownership over the new lands. The document gave them, for all intents and purposes, a monopoly over the lands they explored.² They were free to do with these new lands as they chose.

You wouldn't have to be a detective to understand the problem here. There were people already there. To say that the Indigenous Peoples weren't thrilled about their land being taken without their knowledge or permission would be an

¹ "Doctrine of Discovery," Upstander Project, Accessed September 16, 2020.

² "The Doctrine of Discovery, 1493," The Gilder Lehrman Institute of American History, Accessed September 22, 2020.

understatement. Native Americans revolted, as they should have, but Columbus had superior manpower and technology. He began cracking down on rebellious Native Americans. He carried out brutal executions and paraded the dismembered corpses of the rebels down the streets to deter any future uprising.³ Not really somebody we should celebrate.

This brutality set a precedent of superiority over Indigenous Peoples by Europeans immigrating to the New World, and, unfortunately, this became the new normal. This process was repeated all around the New World with settlers from different immigrant countries. Settlers come in, defeat rebellious Native Americans, and claim the land. However, removal of Indigenous Peoples wasn't the only way the Doctrine of Discovery negatively affected people.

The Doctrine of Discovery was also instrumental in legitimizing the Trans-Atlantic Slave Trade. As the New World was mapped and "discovered," the need for manpower became more apparent. Interpretations of the document were used to expand European control to the continent of Africa as well. A similar process was carried out there, but instead of being killed, rebels and opposition were captured and sent to the lands that were being colonized, across the ocean. This was justified by the Doctrine of Discovery. This directly led to the use of slavery in the New World, and the beginning of racism in America, and issue that affects our country to this day. But slavery isn't the only way the Doctrine of Discovery has affected this country, and some of its problems remain with America now.

The Doctrine of Discovery has negatively affected Native Americans for centuries, and the sad part is, it still does. Surprisingly, the document is a part of U.S. law. The most recent reaffirmation of the doctrine in the United States was the 1823 Supreme Court case *Johnson v. McIntosh*. The case was what, at the time, seemed like an ordinary land dispute. However, the decision would affect Native Americans for generations. For background, the dispute arose when a Native American tribe in present-day Illinois sold land to Thomas Johnson. However, years later, the U.S. government sold the same land to William McIntosh.⁴ The court ruled in favor of McIntosh. The ruling itself wasn't the problem for indigenous peoples, it was the reasoning. Chief Justice John Marshall, in his

³ "Why Columbus Day Courts Controversy," History.com editors, History.com, October 7, 2019, Accessed September 24, 2020.

⁴ "Supreme Court rules American Indians do not own land," Native Peoples' Concepts of Health and Illness, Accessed September 25, 2020.

statement of the ruling, cited the Doctrine of Discovery, saying that, as England's successor, they had sole ownership of all claimed lands, and that, therefore, Native Americans were unable to own land.⁵ This, obviously, was very problematic for any Native Americans wanting to keep possession of the land they had had for centuries. This ruling set a precedent that Native Americans could be forced off their land at the convenience of the United States government. In fact, this case is still being used to settle land disputes involving indigenous peoples. The ruling has left a lasting effect on the rights of Native Americans. The ruling cannot be challenged without going back to the Supreme Court, and most people do not have the resources for that battle. Until the ruling is changed, Native Americans will have to live knowing that their land can be taken from them on a whim.

One of the most disheartening things about the entire history of the oppression of Native Americans is how little we are taught about it. Most of this information is unknown to the general public, and to me until I did research for this article, even though it is easily accessible through the internet. And yet, we still celebrate the name of Christopher Columbus, a man that invaded land, killed Native Americans, and brutally deterred rebellion, all while committing genocide. And then we gloss over Indigenous Peoples' day, which acknowledges the hardships they have gone through to get to this point. So, this year and in the future, acknowledge each day the way you should, Columbus Day with disgust, and Indigenous Peoples' day with regret, but admiration for the strides they have made and surviving as long as they have.

Author Bio:

Paul Swartz is a sophomore at Rochelle Township High School and a member of Rochelle United Methodist Church and the Justice Generation of the Northern Illinois Conference. He hopes to attend the University of Illinois and graduate with degrees in either astronomy, acting, or political science.

⁵ "The Doctrine of Discovery: Why it Still Matters Today," Velda Love, United Church of Christ, Accessed September 25, 2020.