

An Interview with Bishop Donald Bolen,
 Chairman of the Commission for Justice and Peace
 of the Canadian Conference of Catholic Bishops on Catholic Responses to the
 Truth and Reconciliation Commission's Calls to Action
 By Kiply Lukan Yaworski

March 24, 2016

Why is the Catholic Church in Canada issuing statements on the Doctrine of Discovery and the United Nations Declaration on the Rights of Indigenous Peoples?

The statements are both responses to Calls to Action of the Truth and Reconciliation Commission (TRC). Calls to Action #46 and #49 invite faith communities to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*. Call to Action #46 also invites the full adoption and implementation of the United Nations Declaration on the Rights of Indigenous Peoples. Call to Action #48 expands on that, drawing specific attention to the right to self-determination in spiritual matters, calling for internal reform where necessary, encouraging public dialogue and actions in support of the Declaration. Like many other Christian communities, the Catholic Church has supported the TRC process, and is eager to engage with its Calls to Action.

Why now?

The TRC specifically invited each religious denomination to issue a statement no later than March 31, 2016 indicating how they would implement the UN Declaration. Regarding the Doctrine of Discovery, the Justice and Peace Commission of the Canadian Conference of Catholic Bishops (CCCCB) has been working on a statement for over a year. Controversies about what the Doctrine of Discovery means, calls for its repudiation, and the request from some quarters for Pope Francis to revoke certain papal statements from the 15th century, invited both comment and clarification.

Regarding the UN Declaration on the Rights of Indigenous Peoples: is this the Catholic Church's first response to the Declaration?

No, both the Vatican and the Catholic Church in various countries - including Canada - have responded very positively to the Declaration. The CCCB wrote to the Government of Canada (with other Christian churches in 2010, and directly, in 2015) urging their support of the UNDRIP when some reluctance was expressed by the government.

The text published today deals at length with religious freedom for Indigenous Peoples and how that freedom was often lacking in Residential Schools. The tone seems apologetic in places. Why?

Well, we are mindful that the request to adhere to the UN Declaration and implement it comes out of a history that has included much suffering, the denial of legitimate rights and the exploitation of Indigenous Peoples and lands. In this instance, it also arises out of the TRC's

efforts to listen deeply to the suffering and hurt that occurred in residential schools. While the residential schools were funded by the government, 60% of the schools were administered by Catholics. While many who worked in those schools sought to serve generously and carried out their duties responsibly, we have come to a deeper understanding over the past seven years about how the overwhelming legacy of these schools was disastrous for Indigenous Peoples. Children were in many instances forcibly removed from their families, and were punished for speaking their own language. There was a shocking number of instances of sexual abuse. The TRC process also detailed physical, emotional and cultural abuse. This is the context in which we are being asked to affirm the UN Declaration - above all, it is a context of having been complicit in the deeply flawed policies behind the schools.

As the TRC process made very clear, many Indigenous students experienced their traditional beliefs and practices as being belittled, or worse. While Catholics uphold the right of each person to be free to make their own choices regarding religious faith and spiritual practice, we often didn't live up to our own convictions, and the experience of a lack of religious freedom is a part of that legacy of suffering. The text we're publishing today acknowledges that history and restates our commitment to work for and respect religious freedom.

The Catholic statement on the UN Declaration also contains a series of commitments in the fields of health, education and restorative justice. Can you comment on those?

The TRC Final Report wisely stressed that apologies and acknowledgements of past mistakes were an important step, but that they needed to be accompanied by constructive actions. Likewise, in asking churches to issue a statement on the UN Declaration on the Rights of Indigenous Peoples, the request was to indicate how we would implement the Declaration. Both texts published today urge Canadian Catholics to a deeper engagement with Indigenous Peoples, an examination of our past, and an effort to find better ways of walking forward together. These commitments are not a comprehensive list of how Catholics presently do and potentially could stand in solidarity with their Indigenous brothers and sisters, but they point to some important areas where walking together is needed. Some of these commitments indicate ways that the Church has long sought to reach out; others are relatively new. One of the commitments, for instance, deals with the way in which we tell our history, and the importance of being attentive to Indigenous versions of Canadian history. I'd offer a personal anecdote in that regard. Last Summer I learned that the oldest traces of settlement in what is now Saskatchewan date to about 8,500 years ago, and that site is less than a half hour from the farm where I grew up. Yet I had no idea of any of that growing up, and my telling of the history of the region began with my grandparents and great-grandparents. Thankfully our curriculum here in Saskatchewan schools has come a long way in terms of telling our history differently. No doubt, we can do still better at that in the future, also in our formation of clergy and future leaders in the Church.

There's an appendix at the end of the text. Why was that included?

Many of the themes addressed in the UN Declaration on the Rights of Indigenous Peoples have already been addressed by Catholic teaching. We wanted to show the resonance between the UN Declaration and recent church statements. Our hope is that these statements show our solidarity in the pursuit of a wide range of rights for Indigenous Peoples, from the right to the recognition and enforcement of treaties to rights pertaining to language, culture, educational institutions and

spiritual traditions.

Where do the apologies, commitments and church statements turn into action? Where does the 'rubber hit the road' in all of this for the Catholic Church?

The UN Declaration's recommendations and vision have the potential to be truly transformative. There's an enormous challenge being extended there to our society, our governance structures, our strategies for economic development, our educational system, our way of building up the common good. It's much easier to affirm the Declaration than it is to implement it, just as it is much easier to affirm the principles of Catholic social teaching (beginning with the dignity of the human person, the pursuit of the common good, justice and peace, solidarity, the need to attend to those on the peripheries of our society) than it is to implement them. On a national level, the Bishops' conference will continue to engage in justice issues, and as a part of that, we will continue to engage with other Calls to Action of the TRC Final Report. But the large majority of the Church's efforts are carried out on the local level. Our text encourages an engagement with the UN Declaration in our parishes, schools and communities. Relationships need to be built and strengthened there, there is much learning to be done, a thousand small steps to be taken. In Saskatoon we've established a Diocesan Council for Truth and Reconciliation; we're holding educational events and programs about treaties; we're entering into dialogue about Indigenous spiritual traditions, and trying to find new ways to support our parish for First Nations and Métis people. These are small but, I think, important steps in our local context. Likewise, I hope the present text is one such small step on a long journey towards reconciliation and a renewed covenantal relationship with Indigenous People.

Let's turn to the text on the Doctrine of Discovery. There's been an increasing amount of discussion about this doctrine and the need to repudiate it. What sort of a doctrine is it?

Usually we associate the term doctrine with religious teaching, whereas this 'doctrine' is a legal convention or principle, and goes back to a ruling of the United States Supreme Court in 1823. In the appendix of our statement, we offer a brief account of the history of the term, and the way it has been used.

What is the relationship between the Doctrine of Discovery and papal statements going back to the 15th century that are sometimes associated with it?

While there is no direct relationship, there were several papal bulls, issued in the late 15th century, which effectively granted to European countries the right to other peoples' territories. They were kind of like international arbitrations, trying to avert open conflict between Spain and Portugal, the two main maritime powers of the day. As a sort of *de facto* international leader - even though he had no military power - the Pope was often called upon to resolve disputes, and in two such bulls he gave Portugal jurisdiction over parts of Western Africa, even giving the Portuguese the right to enslave their captives who were thought to be hostile to Christianity. Another bull, issued just after Columbus returned from his famous voyage, gave Spain the right to territories west of an imaginary line in the sea, which would include the American continent, although no one knew it at the time. While the main point of this action was to ensure that European expansion would be peaceful and include provision for missionary efforts, it's clear

that the Spaniards interpreted it as permission to simply seize any land they came across. To the extent that these bulls are political, they're not part of Church teaching and they have been rejected. These papal bulls were, no doubt, deeply shaped by (and were a response to) colonial attitudes of the day. To us today, they appear deeply problematic and manifestly unjust: they make no mention of the rights of Indigenous Peoples, and they appear to transfer the ownership of land to European nations without the consent of those living on that land. They were seen as problematic soon thereafter. As political statements and not theological doctrines, they are subject to retraction and revision, and by the early 16th century they were countered by other papal statements. This history is also included in the appendix of our statement.

What is terra nullius?

Terra nullius means 'no one's land.' Our research suggests that the term wasn't actually used until the 19th century. However, it's recently been used in a sort of retroactive way to refer to the arguments many Europeans made before that time to bolster their land claims. This is probably what most people think of when they hear the words 'Doctrine of Discovery.' It's basically a misapplication of the idea of 'finders-keepers.' Most people throughout the world have long accepted that if you find something like an animal or a rock that doesn't already belong to anyone, you can claim it as your own. What Europeans started to do in the 16th century, however, was to claim that the land in North and South America had no owner. This was really an astounding claim, because it was obvious to everyone at the time that there were many Indigenous people living here. Therefore some Europeans came up with really convoluted explanations for why they could appropriate the land of the local inhabitants. For example, one theory was that if the land wasn't being put to agricultural use, according to European standards, then it was essentially abandoned and could be claimed by whoever found it. It is doubly to be grieved that the people making these terrible arguments - which were contrary to the Church's social teaching of the time (then as now) - were themselves Christians. The Catholic Church did not teach that Christians had the right to take land belonging to non-Christians, but that didn't keep colonizing powers from making arguments to the contrary.

In what way does your text repudiate the Doctrine of Discovery and 'terra nullius'?

I appreciate greatly the way that the TRC's Calls to Action ask faith communities "to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*" (#49; cf. #46). When we started looking at the concepts of the Doctrine of Discovery and *terra nullius*, we realized that simply repudiating those terms wouldn't go far enough. The European powers who unjustly seized Indigenous lands didn't announce "I'm claiming this land by virtue of the Doctrine of Discovery!" It wasn't a recognized legal doctrine until the 19th century. The same goes for *terra nullius*, which is an even newer term and would have been unknown to those who actually committed these historical injustices. Rather than simply rejecting two rather esoteric terms which don't have a clear, agreed-upon meaning, our intent in the 5 numbered statements at the start of the document is to repudiate all illegitimate concepts and principles used by Europeans to justify the seizure of land previously held by Indigenous Peoples. We hope they will be understood in that light.

Some groups are calling on Pope Francis to revoke some of these papal bulls? Do you support

this?

Well, I see the request as not getting to the heart of the problem, and not understanding the way in which Catholic teaching works. From a Catholic perspective, the political statements in those bulls were abrogated long ago. The statement *Sublimis Deus*, issued by Paul III in 1537, nullified any previous decrees that would deny the right of Indigenous Peoples in America to their freedom and their property. And in 2010 the Holy See observer to the UN announced that as far as the Church is concerned, they had been repudiated centuries ago. We trace that history in the appendix. Secondly, I think there is a temptation to conflate many of the evils in history and tag them onto the terms Doctrine of Discovery and *terra nullius* and draw a direct line to papal bulls of the 15th century. The papal bulls weren't the cause of colonialism; human greed was. Those papal bulls were addressed to a conflict between Spain and Portugal, not to those who colonized what we now know as Canada. It is true that the Spanish did cite one of these bulls early on in their "conquest" of land in what is now Latin America - and Popes John Paul II and Francis have both apologized for the Church's role in this - but the bulls did not create European colonialism. They were a reflection of it in some ways, and for that reason they are problematic and need to be addressed, and the Church has sought to do so. Regarding the revoking of the bulls, Pope Francis clearly makes his own decisions, for which I am most grateful. But I would rather see the approach taken by him thus far, and by our recent Popes: apologizing when appropriate for the Church's complicity in historical injustices, and continuing to reiterate the Church's teachings on the equality, dignity and rights of all human beings, and its summons to justice and integrity.

Would you say that the Catholic Church is taking the TRC's Calls to Action seriously?

The TRC process has brought about a painful awakening for many Catholics, and we see our culpability much more clearly than we did before. Both before and during the TRC process, many apologies have been offered. But we know that apologies don't heal all the wounds. We appreciate the way in which the TRC's Final Report has not given up on the churches, but rather, called us to integrity and to own past sins and mistakes. We know there's still much work to be done, both in our own coming to awareness of past offenses and in seeking reconciliation. These documents are a small step on a long journey; they aren't an end point. We will continue to work with the Calls to Action, and look for opportunities to be engaged in ongoing discussion with Indigenous Peoples as we seek to learn to walk together to build a better future.