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## THE EVOLUTION OF PAPAL SOCIAL THOUGHT ON INDIGENOUS PEOPLES

### Abstract

The aim of the paper is to present the evolution of papal social teaching on indigenous peoples' rights from a historical perspective. It seems possible to distinguish various phases of the Catholic standpoint based on the factual, historical background: medieval challenges of infidel peoples, the Indian question during the colonization period, the impact of modernity: class struggle and the Catholic social teaching, and finally, the contemporary globalization era during the present pontificate of Pope Francis. The common threads of papal teaching concern, firstly, the evangelizing mission of the Church to bring faith to overseas peoples and, secondly, human rights of indigenous peoples. The human rights perspective is inextricably linked with the principle of self-determination, understood as the foundation of good governance.

### KEYWORDS

indigenous peoples, Catholic social thought, canon law, self-determination, Innocent IV, Paulus Vladimiri

## SŁOWA KLUCZOWE

ludy tubylcze, katolicka myśl społeczna, prawo kanoniczne, samostanowienie, Innocenty IV, Paweł Włodkowiec

## 1. INTRODUCTION

The aim of the paper is to present the evolution of papal social thought on indigenous peoples and their rights. In order to accomplish the task, it seems necessary to elaborate on particular historical periods in canon law and the development of the Catholic doctrine. Hence, the analysis is comprised of four major parts dealing with: medieval heritage, colonial conquest, the modern period and contemporary challenges.

The topic of indigenous peoples' rights in the Catholic social teaching is an important, complex, interdisciplinary and often debated issue. Nevertheless, it seems impossible to provide a complete, exhausting and overall picture of the evolution of relevant papal teaching in a single paper, hence it would be beneficial to encourage the prospective readers to get acquainted with elaborate writings devoted to the subject matter.<sup>1</sup> The foregoing paper may thus serve as an introduction to the topic of indigenous peoples' rights, with a secondary aim of connecting the statements in the debate on papal social thought with the issues raised in the contemporary political discourse.

## 2. MEDIEVAL HERITAGE

Debate on indigenous peoples in medieval Europe arouse around the distinct categories of non-Christians (the class of peoples defined as staying outside the Church, *extra Ecclesiam*). Those groups were of a twofold nature: internal and external. From the internal perspective one may pinpoint schismatics and heretics, Jews and Muslims (Saracens). From the external perspective, the relevant groups were Tartars of Mongolia as a threat coming from Asia, Muslims of the

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<sup>1</sup> One can recommend the following publications on the topic of indigenous peoples: J. Muldoon, *Popes, Lawyers, and Infidels: The Church and the Non-Christian World, 1250–1550*, University of Pennsylvania Press 1979; M. Stogre, *That the World May Believe: The Development of Papal Social Thought on Aboriginal Rights*, Sherbrooke 1992; and S. F. Belch, *Paulus Vladimiri and His Doctrine Concerning International Law and Politics*, London 1965. The historical analysis presented in this paper is mostly based on the findings from the above books.

Middle East during the crusades, the native pagan populations of the Eastern boundaries of Europe, and indigenous peoples of newly discovered islands in the Atlantic Ocean and in North Africa during the preliminary conquests.

The medieval debate on indigenous (and non-Christian, *ergo* infidel) peoples concentrated on the just war theory<sup>2</sup> and the issue of *dominium*, understood as the political and property rights. The relevant question was whether infidels (and also indigenous populations) could legitimately possess things in private ownership and whether they were justified in holding independent public power in given territories. If the answer to those questions were to be negative, then another topic emerged, connected to a possible war (military conflict) and further consequences of the seizure of land and looting. If however, the answer was positive, in affirmation of infidels' rights, the topic left for deliberation concerned mutual relations between Christian and non-Christian societies, with the need to determine the scope of autonomy for evangelizing missions in infidels' lands.

A significant figure engaged in the pursuit of elaboration of infidels' rights was Pope Innocent IV, born as Sinibaldo Fieschi in 1195 to a noble Italian family in Genoa, a distinguished canonist who headed the Catholic Church from 1243 until his death in 1254. In his official documents he declared the following:

[L]ordship, possession, and jurisdiction can belong to infidels licitly and without sin, for these things were made not only for the faithful but for every rational creature as has been said: For He makes his sun to rise on the just and the wicked and He feeds the birds of the air (Matthew 5:26). Accordingly we say that it is not licit for the pope or the faithful to take away from infidels their belongings or their lordship or jurisdictions because they possess them without sin. (...) all men, faithful and infidels, are Christ's sheep by creation, even though they are not of the fold of the Church and thus from the foregoing it is clear that the pope has power and jurisdiction over all *de iure* even though not *de facto*.<sup>3</sup>

The pope was very careful in defining reasons for intervention in infidel societies. Firstly, it was possible for the pope to intervene in the pagan societies if they violated natural law (e.g. by practicing various perversions, committing the sin of idolatry or refusing missionaries entry into the land). Secondly, the pope could initiate hostile proceedings towards indigenous peoples in case of perturbations in evangelization, for instance, in the event the missionaries were refused entry, or to protect them against armed attacks.<sup>4</sup> Thirdly, a special competence of the pope was to overthrow the local infidel rulers if they persecuted their Christian subjects.

The above-presented doctrine of Pope Innocent IV should be evaluated positively; this vision was based on a mature, human-oriented pattern of mutual rela-

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<sup>2</sup> For a profound historical analysis of the idea of just war, see B. Heuser, *War: A Genealogy of Western Ideas and Practices*, Oxford 2022.

<sup>3</sup> Cited after: M. Stogre, 1992, *op. cit.*, p. 51.

<sup>4</sup> *Ibid.*, pp. 57–58.

tions of Christians and non-Christians, with clearly defined limits of benevolent action. Moreover, it should be stressed that one of the Pope's reasons to adopt this infidel-friendly attitude was Innocent IV's willingness to enter diplomatic negotiations with the Mongols, however eventually the mission was a failure.

The infidel-friendly theory of Pope Innocent IV was subsequently modified by his successors and interpreted differently, with weaker protection of indigenous rights. It was not until Paweł Włodkowiec (Paulus Vladimiri) that the ideas of Pope Innocent IV returned to the floor. Vladimiri – a Polish writer, lawyer, diplomat and scholar of the Kraków University – was born in Mazovia in 1370, pursued a religious scholar career and died in Kraków in 1435. His doctrine on infidels' rights was enriched with a new point brought into the discourse, namely the idea of religious tolerance.<sup>5</sup> Vladimiri argued for the right of every nation to existence, freedom, independence, its own culture and equitable progress, and wanted that right to be guaranteed.<sup>6</sup> Hence, he recognized the rights of non-Christians to their own state, property and family. Vladimiri argued for religious tolerance in the context of Poland's dispute with the Teutonic Order and his own mission to the Council of Constance. The disputes during the Council were described as follows:

[T]he striking clash of contrasting ideas on both sides. These three ecclesiastics and canon-lawyers, on one side Paulus Vladimiri, a Pole, and on the other side Ioannes Vrebach de Bambergia, a German, and Ardicinus de Novara, an Italian, were contemporaries; they were dealing with the same problem, and utilizing the same sources in order to defend the position each regarded as the just cause. And yet, each represented not only different but contrary currents of medieval thought concerning the great principles of international law, particularly regarding the relationship of Christian to non-Christian nations. Vrebach and Ardicinus represented and defended theories prevalent in their days as the *de facto* law of conduct of European nations. Vladimiri strove for common acceptance, in theory and in practice, of principles alive in the

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<sup>5</sup> There are many fine writings discussing Paulus Vladimiri's theory of religious tolerance; see e.g.: S. F. Belch, 1965, *op. cit.*; S. Belch, J. Domański, T. Graff et al., *Paweł Włodkowiec i polska szkoła prawa międzynarodowego*, Warszawa 2018; B. Díaz, *Just War against Infidels? Similar Answers from Central and Western Europe*, 'Studia Philosophiae Christianae' UKSW 2017, Vol. 53(3); L. Ehrlich, *Paweł Włodkowiec i Stanisław ze Skarbimierza*, Warszawa 2017; T. Giaro, *Medieval Canon Lawyers and European Legal Tradition. A Brief Overview*, 'Review of European and Comparative Law' 2021, Vol. 47(4); P. W. Knoll, *'A Pearl of Powerful Learning': The University of Cracow in the Fifteenth Century*, Leiden 2016; M. Kopeć, *Paweł Włodkowiec's Contribution to Development of the Polish Legal Profession*, 'Przegląd Prawno-Ekonomiczny' 2014, No. 26; K. Lankosz, *Paweł Włodkowiec (ok. 1370–1436)*, Kraków 2000; J. Łucyszyn, *Axiological Sources of Social Order According to Paweł Włodkowiec*, 'Politeja' 2016, Vol. 13, No. 5(44); D. Pietrzyk-Reeves, *Polish Republican Discourse in the Sixteenth Century*, Cambridge 2020; M. Płotka, *Permissive Natural Law and Its Scope in Paul Vladimiri's Philosophy*, 'Studia Philosophiae Christianae' UKSW 2020, Vol. 56(S1); W. Zyzak, *Der katholische Glaubensbegriff und Toleranz. Inspirationen von Paweł Włodkowiec*, 'The Person and the Challenges' 2016, Vol. 6(1).

<sup>6</sup> D. Pietrzyk-Reeves, 2020, *op. cit.*, pp. 26–27.

heart of the Church and expounded by her best representatives, and for the banning of contrary beliefs and practices which he classified as un-Christian and un-human. The former defended the dying order of thing without regard to the rising reality; the latter subjected what he regarded as erroneous custom to critical examination and tended towards reform before it was too late, before the Christian nations could become too much infected with what he defined as *toxicum pestiferum* of the *haeresis Prussiana*.<sup>7</sup>

According to Vladimiri, infidels and the faithful are equal to each other in their humanity. As for the seizure of land, neither imperial or papal grants to occupy lands of the infidels are valid, for this is contrary to natural and divine law. Natural law was emphasized by Vladimiri as law derived from God and an autonomous, specific human and natural order. Thus, it was independent of revealed law and was applicable to every society and state, without regard to whether the inhabitants thereof were Christian believers or pagans. Since all men have the same nature, they all enjoy the right to be treated in accord with that universal humanity.<sup>8</sup>

Nevertheless, the impact of Vladimiri's doctrine of tolerance alongside the need to undertake peaceful evangelizing missions part of ordinary diplomatic relations was relatively limited, due to its selected geographical application to pagan societies living at the outskirts of Central Europe. In particular, it was not adopted and applied when the colonial question arose in the following century.

### 3. COLONIAL CONQUEST

An adequate summary of the papal documents on indigenous peoples during the colonization era should be associated with the decisions issued by the following popes: Alexander VI, Eugene IV, Nicolas V, Paul III, Pius V, Gregory XIV, Urban VIII, Clement VIII, Benedict XIV, Gregory XVI.<sup>9</sup> The documents adopted by them focused on several topics, starting from jurisdiction over the territories newly discovered by the European nation states, Spain and Portugal.<sup>10</sup>

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<sup>7</sup> S. F. Belch, 1965, *op. cit.*, pp. 773–774.

<sup>8</sup> P. W. Knoll, 2016, *op. cit.*, pp. 429–446.

<sup>9</sup> The details of the papal activity are presented in: M. Stogre, 1992, *op. cit.*, pp. 64–124. The author refers to the notion of *terra nullius* that provided the justification for European sovereignty over the newly discovered lands: 'since the aboriginal peoples didn't cultivate the land like the Europeans did, or live in fixed settlements, the lands, especially in North America, were considered *terra nullius*'; see *ibid.*, p. 107.

<sup>10</sup> James Muldoon presented the figure of Juan de Solórzano Pereira (1575–1654) who was one of the finest lawyers in Peru and Spain. His work, *De Indiarum Jure*, was the most sophisticated defence of the Spanish conquest of the Americas ever written, and he was widely cited in Europe

First of all, the papal documents recognized those states' mandate to govern the American territories in return of the ecclesiastical mission to spread Christian faith to indigenous populations. Secondly, the documents focused on the ability of the Indian-American populations to receive baptism and specified the required procedures for them.

Thirdly, the documents dealt with the practices of slavery, maltreatment, tortures and murder of indigenous populations. This critical and negative standpoint of the papacy regarding the atrocities committed by the colonial powers was adopted after the protests of several missionaries, most notably bishop Bartolomé de Las Casas, OP.<sup>11</sup> The papal documents contained canon law penalties for maltreatment of the indigenous population, namely *latae sententiae* excommunication incurred by virtue of committing the act. However, their practical application was ineffective, and hence in general the penalties were inoperative.

Fourthly, the papal documents insisted upon respecting the *dominium* of indigenous peoples, albeit limited to their private sphere of possession and personal property. Indigenous rights to property and freedom were to be exercised within Spanish or Portuguese jurisdictions.

It can be concluded that the papal teaching on indigenous rights during the colonial conquest era was focused on missionary goals, with little attention paid to purely human rights of the native populations. In particular, the recognized entitlements involved private rights of freedom and property, with no public rights of self-determination (self-governance). One may critically evaluate the dependence of the papacy on the Iberian nation states exercising colonial power, considering numerous instances of atrocity crimes committed by them.

#### 4. THE BEGINNINGS OF CATHOLIC SOCIAL TEACHING

The Catholic social teaching, started in the pontificate of Leo XIII, provided for human rights as a primary and direct concern of the papacy. Slavery remained an unresolved issue for a relatively long time. Eventually, Pope Leo's line of argument against slavery focused on natural law and human dignity requirements alongside theological reasons: all people are created by the same Creator, all people are redeemed by the same Saviour, and all people are destined for eternal life and salvation.

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and the Americas; cf. J. Muldoon, *The Americas in the Spanish World Order: The Justification for Conquest in the Seventeenth Century*, University of Pennsylvania Press 2015.

<sup>11</sup> See A. F. Dziuba, *Pytania wokół władzy papieskiej w Nowym Świecie według Bartłomieja de Las Casas OP (+1566)*, 'Saeculum Christianum: Pismo historyczno-społeczne' 2000, Vol. 7(2).

The notion of *dominium* was broadened to include not solely private entitlements but also rights to hold political power. The papal documents contained more demands for actions of charity and justice.

In the decolonization era, the focus on indigenous peoples was shifted onto ethnic and national minorities in newly independent post-colonial states. Papal documents stressed the importance of the right of minorities to exist, live and flourish within a multicultural and multiethnic society and state. The task of governments is to safeguard minorities' rights, which are aimed at their peaceful coexistence and cooperation in the state.

The Second Vatican Council associated the notion of human rights and human dignity with theological reasoning. What it means to be a human can be fully understood solely through the person of Christ. Hence missionary activities, evangelization and human rights are interconnected and all aim at human flourishing. The mission methodology should, therefore, be based on inculturation initiatives.

More recent papal documents, especially those of St Paul VI and St John Paul II, focus on the role of justice, culture and the need of human 'integral liberation'. Missionary work and human rights actions have to be integrated in order to allow a person to flourish.<sup>12</sup>

The Catholic social teaching, especially during the pontificate of St John Paul II, stresses the rights of peoples and nations which are nothing but "human rights" fostered at the specific level of community life (...). The international order requires a balance between particularity and universality, which all nations are called to bring about, for their primary duty is to live in a posture of peace, respect and solidarity with other nations.<sup>13</sup> St John Paul II underlined the necessity for the appropriate protection of indigenous peoples' rights. In particular, one should stress the vital relationship between those peoples and their territory and resources, which is 'a fundamental expression of their identity. (...) These peoples offer an example of a life lived in harmony with the environment that they have come to know well and to preserve. Their extraordinary experience, which is of an irreplaceable resource for all humanity, runs the risk of being lost together with the environment from which they originate.'<sup>14</sup>

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<sup>12</sup> See M. Stogre, 1992, *op. cit.*, pp. 186–192.

<sup>13</sup> Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, Vatican 2004, p. 88.

<sup>14</sup> *Ibid.*, p. 267.

## 5. THE IMPACT OF THE PONTIFICATE OF POPE FRANCIS

The original feature of the pontificate of Pope Francis is a deepened understanding of various de facto reasons of indigenous peoples' contemporary misery, in particular in Latin America, due to his personal pastoral experience as Archbishop of Buenos Aires. Pope Francis also continues the line initiated by his predecessors, most notably St John Paul II, pursuant to which indigenous peoples' rights are identified within the fundamental right to existence, right to one's own language and culture, right to shape the collective life according to own traditions, excluding the abuse of basic human rights, and in particular the oppression of minorities.

The characteristic feature of the present pontificate may be associated with the inner and intrinsic inclusion of lines of reasoning which aim is to protect the environment, culture and vibrant social relations. A theological analysis is performed as a final stage of the papal argumentation, which seems to be focused primarily on the important characteristic features of the contemporary world. Pope Francis' original method of argumentation may be illustrated with the example of the document dealing with indigenous rights, i.e. the Post-Synodal Exhortation: *Querida Amazonia*, where he underlines social, cultural, ecological and ecclesial perspectives ('dreams').<sup>15</sup>

The social perspective on indigenous peoples is focused on past atrocities and their present consequences, such as: injustice, crime, broken institutions, and poverty. The document mentions in particular the negative impact of multinational global corporations, driven mainly by the urge to earn profit. The feeling of outrage should nevertheless be imbedded in the transformative culture of forgiveness, with the crucial role of dialogue. Efforts made to enter into and hold social dialogue could eventually lead to a restored sense of community for the people.

The cultural perspective pinpoints the need to preserve the Amazonian polyhedron, the obligation to protect endangered cultures and peoples at risk. The proposed method is similar to dialogue, as mentioned above, with the proposal of an 'intercultural encounter', embedded not solely in the present time but also considering the roots of a particular culture.

The ecological perspective focuses primarily on the necessity to protect the river, water and the whole of the Amazon region. This ecological drive is rooted not solely in the technical requirements of a clean environment and health-neutral factors but is also relevant in the spiritual sphere, to such ideas as purity, contemplation, and harmony. Ecology, apart from specific goals, should play a role in education and influence citizens' everyday habits.

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<sup>15</sup> The order of the four perspectives is original; cf. Pope Francis, *Querida Amazonia*, Post-Synodal Apostolic Exhortation, Vatican 2020.

The ecclesial perspective is based on the notion of inculturation facing the dilemma between ethnicity and theology (religion). Is the aspect of ethnic and national origin of importance in the Christian tradition? Is the content of faith well adapted to the specific features of particular cultures? What is the proper scope of inculturation: should it be based on theology, liturgy and other forms of ministry? How should social and spiritual inculturation be carried out? According to Pope Francis, there is a need to recognize ecumenical and interreligious characteristics of the population in Amazonia and a requirement of peaceful coexistence, acknowledging women's role in conflict avoidance.

Evaluating the above-presented perspectives in Pope Francis' *Querida Amazonia* Exhortation, one may emphasize the novelty in his line of reasoning. It seems that in various Vatican documents Pope Francis addresses 'integral human liberation', which extends beyond just human milieu of indigenous peoples to include broader, collective and general requirements of a clean environment and climate change.

## 6. CONCLUSION

The aim of this paper was to present the evolution of papal social teaching on indigenous peoples' rights from a historical perspective. It seems possible to distinguish various phases of the Catholic standpoint based on the factual, historical background: medieval challenges of infidel peoples, the Indian question during the colonization period, the impact of modernity: class struggle and the Catholic social teaching, and finally, the contemporary globalization era during the pontificate of Pope Francis. The common threads of papal teaching concern, firstly, evangelizing mission of the Church to bring faith to overseas peoples and, secondly, human rights of indigenous peoples.

The human rights issue can be encapsulated in the self-determination principle, which is related not only to the collective decision-making process (external and internal aspects of self-determination)<sup>16</sup> but also to the protection of human rights of the individual, in particular freedom of belief, social rights and protection of private property. Self-determination can thus be linked to freedom from external, both economic and political, interference and coercion.<sup>17</sup> Hence, the well-being of indigenous peoples depends not only on the awareness and involvement of the 'people of God' but also on the engagement of 'all persons of good will'.

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<sup>16</sup> The principle of self-determination and the requirements of good governance can be regarded as interconnected; cf. D. Bach-Golecka, *The Emerging Right to Good Governance*, 'American Journal of International Law. Unbound' 2018, Vol. 112.

<sup>17</sup> See S. Puig, *At the Margins of Globalization. Indigenous Peoples and International Economic Law*, Cambridge 2021.

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