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The Doctrine of Discovery: The Legacy and Continuing Impact of Christian “Discovery” on American Indian Populations

Tony Castanha

In southeastern Arizona sits Mount Graham, the state’s steepest peak and a place that for generations has been sacred to the San Carlos, White Mountain, and Chiricahua Apache, among other American Indian groups. As places of ceremony and prayer, the protection of sacred sites is vital to indigenous peoples, in part because they hold the histories, stories, traditions, and often cultural artifacts and human remains of their ancestors. Ola Cassadore Davis, whose family once lived at the base of the mountain, remembered the times when as a child her father, who was a medicine man, often took her there to do ceremony. Her aunt told her that Geronimo, the Bedonkohe Apache leader (1829–1909), would “come to our house and eat and talk about Mount Graham.”¹ When a proposed telescope development project atop Mount Graham threatened the sacred mountain, her father came to her in a dream. In a spiritual revelation, Davis realized that she had to take up the cause of opposing construction of the complex by the University of Arizona, including the world’s largest telescope. In 1989 she formed the Apache Survival Coalition to battle the university and its corporate supporters. Although the group filed a federal lawsuit claiming their religious freedom as American Indians was being violated, nonetheless the first two telescopes were dedicated in 1993.

The first telescope built on Mount Graham, an 1.8-meter, high-tech, honeycomb-shaped object, was named the “Vatican Advanced Technology Telescope.” That the Rome-based Vatican Observatory Research Group operates this instrument in a joint

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partnership with the University of Arizona seems curious. Why would the Vatican want to build and operate such a telescope? Having been thoroughly embarrassed by Galileo, could it be that they did not want to lose future debates over the function of the universe? In fact, the Vatican has been quite interested in scientific knowledge about the stars and solar system and has conducted significant astronomical research since the eighteenth century.² Moreover, as the lights of Rome became increasingly bright, in 1981 a second research center was established in the clearer skies of Tucson, Arizona. This has assisted our understanding of the universe as well as benefiting the Vatican Observatory Research Group's long-term survey programs and cutting-edge technologies.

A 2013 article in *America: The National Catholic Review* reports that the Vatican is also interested in extraterrestrial life and the possibility of converting aliens to Roman Catholicism, while an earlier *London Sunday Times* article also alludes to the Pope's astronomers' consideration of alien conversion. The act of converting aliens would free the Catholic Church from the dilemma of deciding whether the absolving of mankind's original sin through Christ's crucifixion was applicable to extraterrestrial nonhumans.³ Ultimately, the Vatican's support of this research seems to invoke what the Roman Catholic Church has partially been about since its inception: power, control, and dominion wielded through Christian conversion. Father Chris Corbally, then deputy director of the Vatican Observatory, explained, "If civilisation were to be found on other planets and if it were feasible to communicate, then we would want to send missionaries to save them, just as we did in the past when new lands were discovered."⁴

For many indigenous peoples, statements like these are clear reminders that the unbridled evangelism initiated in the Americas more than five centuries ago continues today, albeit in other forms. In building the telescope, the Vatican disrespected Apache spirituality and did not care that the desecration of their lands violated Native beliefs. Rejecting Native traditions and teachings, Roman Catholic Church leaders insisted that Mount Graham was "not sacred," thereby giving themselves and the university a green light to proceed with the project and signaling the persistence of a long-held religious intolerance and self-righteous belief in Christianity's superiority.⁵ As Cheyenne scholar and elder Henrietta Mann puts it, "the Vatican is still on track in terms of subduing the earth and having dominion over every living thing on it, but it has now extended this concept to space—thus, the telescope."⁶

With a focus on the Americas beginning in the fifteenth century, this article will first give a historical overview of Christendom's power and demonstrate how past Christian ideology, laws, and policies still influence contemporary laws, policies, and institutions, often with direct negative consequences for indigenous populations. Father Corbally's reference to the "discovery" of lands shows that the European discovery principle, or the "doctrine of discovery," based on Christian proclamations of dominion over lands and peoples, is contemporarily relevant. This is most poignantly present in how Western culture and society continues to disregard American Indian spirituality and desecrate sacred sites and ancestral human remains, violating Native religious freedom in the process. This disregard is apparent: while American Indian populations number in the millions in many regions of the hemisphere,⁷ insofar as indigenous peoples often continue to be seen as "vanishing," "extinct," or of little

significance, their rights and cultural representations are expendable. The notion of the “vanishing Indian” as grounded in educational systems and popularized through media advertising, television, and movies has significantly shaped this public perception.

This article will further draw an important historical link between ecclesiastical and capitalist globalization policies. The late fifteenth-century European voyages marked the dawn of the global economic system as we know it today. God and gold went hand-in-hand in the remaking of the world. Catholicism was not the only Christian denomination involved in the process; post-Reformation Protestantism and the shaping of the “Protestant ethic” also greatly fueled the development and economic viability of the world-capitalist system. As Max Weber explained long ago, the ethos of hard work, drive for economic success, and limitations on self-indulgence allowed a spiritual foundation for capitalism to prosper.⁸ Almost subconsciously passed down over time, today this ethic has been transcended to such an extent that it is displayed through the insatiable thirst for profits and material goods and, as a consequence, unending exploitation of world resources. While our shared planet and humanity appear to be in irreversible jeopardy, many American Indian and indigenous populations are often the least heard on issues of sustainability under capitalism despite being the peoples most immediately impacted.

In recent times, as important scholarship, critical advocacy, and governmental policy changes have been undertaken in efforts to remedy historical wrongs, indigenous peoples have made some progress in understanding and lessening the effects of religious discrimination against them. Yet too often many policies still disregard Native populations and development projects continue unimpeded with the support of national governments, international institutions, and transnational corporations. These players have been instrumental in shaping the plutocratic global system we live in today. The root laws established in the fifteenth century that helped allow this type of system to come to fruition still carry considerable weight. While the Catholic Church has said that the 1493 papal bull *Inter Caetera* (which gave validity to the discovery principle on a global scale) is juridically invalid, this edict continues to do immeasurable institutional harm.⁹ Because the past can strongly influence the present, formal revocation of the papal bull, which indigenous groups and peoples have been seeking for more than two decades, would be an important step toward undoing the systemic harm that Native peoples have experienced for centuries. In 2010, an observer for the Holy See told the United Nations Permanent Forum on Indigenous Issues that this decree had been “abrogated.”¹⁰ However, some of the reasons given for its repeal are disputed, as will be discussed later, and the statement did not seem to be genuinely given. In addition to a critique of the Holy See’s statement to the United Nations, the final section of this article discusses in more detail the movement to abrogate the *Inter Caetera* decree, and resistances to and educational awareness surrounding the doctrine of discovery.

ORIGINS AND DISCOVERY ERA

The early Christian meaning of the Western concept of “dominion” was to subdue and to possess supreme authority or control. The Book of Genesis is prophetic of

what became set in place: "Then God blessed them [male and female] and said to them, 'Be fruitful and multiply; fill the earth and subdue it. Have dominion over the fish of the sea, the birds of the air, the cattle and all the animals that crawl on the earth.'"¹¹ This definition is essential in understanding how the principle of discovery came to be formed. Because these words have been deemed without question to be divinely spoken, humankind thus becomes the dominant being on and against the earth and given the authority to do as it wills. We can see, as Henrietta Mann's words clearly point out, the Vatican's contemporary insistence on placing its telescope on Mt. Graham traces directly back to biblical scripture—now, "subduing" the earth and having "dominion" over everything on it is extended into space.

This philosophy of dominion became ingrained in the Christian psyche to the point where human beings, primarily non-Christians, could also be seen as animals and so justifiably could be subdued. The Spaniards rationalized that the Amerindian people they encountered were "so far from the reason common to all men, that they were not capable of governing themselves . . . they had no qualms in affirming that those men were beasts or almost beasts . . . and that, therefore, they could use them at will."¹² During the medieval Crusades era in the eleventh to the thirteenth centuries, infidels and heathens who rejected the pope's message of Christ's salvation could be subjected to war and colonization of their lands. This discourse, as Robert Williams Jr. has characterized it, "unquestioningly asserted that normatively divergent non-Christian peoples could rightfully be conquered and their lands could lawfully be confiscated by Christian Europeans enforcing their peculiar vision of a universally binding natural law."¹³ This natural law, or the Law of Nations as understood up until this time, was grounded in a Eurocentric vision of the world based on Roman law. The non-Christian way of life became qualified by what Christendom deemed as essential to the spiritual well-being of humanity.

Important laws and sanctions enacted during the thirteenth century set the precedent for the coming discovery era. For example, King Alfonso X merged into Castilian law *las siete partidas* ("the seven divisions" [of law]), with one division in part explicitly referring to the monarchical granting of political and territorial jurisdiction through "papal or imperial donation."¹⁴ This "right of donation" came to influence the granting of numerous fifteenth-century papal decrees, most profoundly the bulls of Alexander VI. Regarding "idolatry," Pope Innocent IV declared that a belief in any other than the one true God meant the papacy could intervene and punish perpetrators of such an act.¹⁵ As the "vicar of Christ," Innocent was the chief architect of the evangelistic marauding doctrine of the Crusades era. His work also influenced prominent international legal theorists such as Franciscus de Vitoria and Hugo Grotius, whose work pertains to imperial laws and policies established in the Americas.

In his book *Eurocentrism*, Samir Amin writes that the European colonization of the world beginning in 1492 marked a decisive break in world history. Up until that time, a capitalist system had not fully formed and certainly not on a global scale. This does not take place until "Europe becomes conscious of the universal scope of its civilization, henceforth capable of conquering the world."¹⁶ The European encounters in Africa, the Americas, parts of Asia, and the origin of the transatlantic slave trade

marked the inception of the global economic system. It was becoming capitalist and at times brutal. In regard to Portugal's colonization of Africa, for example, Pope Nicolas V confirmed the powers of the 1452 bull *Dum Diversas* when he instructed King Alfonso V in the 1455 bull *Romanus Pontifex* "to invade, search out, capture, vanquish, and subdue all Saracens and pagans whatsoever, and other enemies of Christ wheresoever placed . . . to reduce their persons to perpetual slavery, and to apply and appropriate to himself and his successors the kingdoms, dukedoms, counties, principalities, dominions, possessions, and goods, and to convert them to his and their use and profit."¹⁷ Many non-Christians became victims of this type of dehumanization, which was similar to the imperial sentiment as carried out by inquisitions like those in Spain. These papal decrees were the formal precedent for the 1493 Alexandrian bulls, along with others such as *Dudum cum ad nos* (1436), *Rex Regum* (1443), *Inter Caetera* (1456), and *Aeterni Regis* (1481).¹⁸

The Western concept of discovery, as viewed through Christian European eyes, provided the political, legal, and moral framework for the colonial system to be validated in the Americas. The colonial Spanish claimed that "the bulls gave them the right to use just war to convert local populations who had refused to immediately accept Christianity."¹⁹ Discovery also came to trump the "law of conquest," allowing for indigenous lands to be "legally" taken following warfare. However, among European nations this law originally governed and generally ensured the property rights of nations defeated in war.²⁰ Despite the impossibility and illogicality of the concept of a "European discovery," as elaborated on by numerous scholars,²¹ as well as the intense Native resistance to early Spanish colonialism and rejection of the bulls of Alexander VI,²² the large majority of European scholars, theologians, jurists, and monarchs upheld that they had a "god-given" right to establish legal title to non-Christian lands and convert local populations with whom they came into contact.

On his second voyage to the Caribbean, Christopher Columbus was not only well equipped with seventeen vessels, but also well armed juridically with four papal edicts. The most important of these was the bull *Inter Caetera* of May 4, 1493.²³ This decree partially restated the imperial sentiment of the May 3 bull *Inter Caetera* and added to it a demarcation line from the Arctic to Antarctic poles, one hundred leagues westward of the Azores or Cape Verde Islands, granting to Castile "the exclusive right to acquire territorial possessions and to trade in all the lands west of that line, which at Christmas, 1492, were not in the possession of any Christian prince."²⁴ Discovery and Christian domination went hand-in-hand as Columbus seized on the opportunity to claim all lands possible. Since the indigenous peoples present were obviously not Christians, Indian lands were thus seen as "unoccupied" and "vacant," or "*terra nullius*," the origin of the concept established in Roman law.²⁵ After Portugal protested what it saw as Spain's unfair territorial advantage as granted in *Inter Caetera*, the two powers signed the Treaty of Tordesillas in 1494, which shifted the demarcation line to 370 leagues west from the original mark.²⁶ This is how Portugal came to claim Brazil. Both countries apparently considered that the new line established "passed around the earth."²⁷

Pointing out the intensity of the theological debates taking place in Spain during its sixteenth-century expansion, Louis Rivera writes, "Those debates caused the ethical conscience of Spain to argue forcibly for a century over the justice of the military conquest of the native peoples in the New World."²⁸ While there was also a strong theoretical resistance to this view, many scholars such as Juan López de Palacios-Rubios, Fray Matías de Paz, and Juan Ginés de Sepúlveda used "God," Christian theology, and "natural slavery" to justify conquest and the just war theory. Rivera stresses that while the conquistadors were motivated by desire for "God, gold, and glory," the word of God or theology was the primary rationale for their avarice and ambition. It was not the other way around, but "religion that attempted to sacralize political dominion and economic exploitation."²⁹ Stuart Hall confirms that Christendom ultimately regulated political, economic, and social life during the early colonial era:

Political and class struggles, economic life and even wars were, to a degree, regulated by an unseen hand, not Adam Smith's but Jesus Christ's. . . . The community depended on the general recognition of norms regarding property rights and free exchange. These were guaranteed by a mixture of local customs and privileges, some judicial regulation by weak states, but above all by the common social identity provided by Christendom.³⁰

WESTPHALIA AND CONTINUED DISCOVERY

Christian dominion and influence were prominently employed throughout the sixteenth-century Americas. Like Rivera, Vine Deloria Jr. cites the theological importance of the Spanish debates in developing a theory or "new agreement" called the "doctrine of discovery," as well as the scholarly writings of the English, French, and Swiss. The agreement was essential to international law for several centuries, which afforded European nations "all of the advantages."³¹ The papal bulls and Christian discovery principle were important in regulating treaties, articles, trade, and other agreements, most significantly among Portugal, Spain, France, Great Britain, and United Netherlands. Many of these agreements and ones subsequently established are documented by Frances Gardiner Davenport in her exhaustive 1917 study of the judicial history of the United States.³² The fundamental peace treaty between Spain and France signed at Cateau-Cambrésis in 1559 and supplemented by a treaty signed at Vervins in 1598 was considered the foundation of European relations until the 1648 Treaty of Westphalia. Although France had attempted in the 1559 treaty to gain legal rights to sail to the Spanish Indies, Spain rejected this proposal. According to Davenport, "The Spanish commissioners based their claim to a monopoly of the western navigation on the bulls of Pope Alexander VI and Julius II and on the fact that Spain alone had borne the labor and expense of discovery."³³ Concerning trade within Europe, the nobility throughout the region sought to protect their entrepreneurial roles and status from formal impediments, and Spain even issued a papal bull in 1622 to set the law straight in protecting its trade and economic interests.³⁴ The sixteenth century had been "an era of the Church as a capitalist agricultural entrepreneur, especially in

Italy.”³⁵ Together with overseas expansionism and its imperial role in relation to the world economy, capitalism had sustained the Roman Catholic Church rather well throughout this period.

The treaties signed at Westphalia in 1648 were primarily the result of a peace process to end long-running wars in Europe. While Westphalia came to form the basis of the modern state system, these peace treaties did not revoke or abrogate the many papal decrees that had been implemented over time. Indeed, although ultimately denied, Pope Innocent X had issued the bull *Zelo Domus Dei* condemning the Peace of Westphalia as “null,” “void,” “damnable,” and so forth.³⁶ The “secularization” of the system had much to do with granting *Protestant* rights to worship, something the Catholic Church had vehemently denied. Christendom still reigned supreme. The treaty signed at Münster begins with the words, “In the name of the most holy and individual Trinity” and is dedicated, in part, to the “Benefit of the Christian World,” while the first article commences, “That there shall be a Christian and Universal Peace.”³⁷ In post-Westphalian European treaties, references to seizure of lands outside of Europe did not get their legal authority from Westphalia but invariably reverted back to the doctrine of discovery. Westphalia allowed for Christian European nations to establish a process of peace among themselves while maintaining their wars against indigenous populations globally for the next two hundred and fifty years.

While the language of Christian dominion became increasingly deemphasized in international law, among nation-states the discovery principle was clearly known and became institutionalized, continuing to be invoked whenever necessary. For the Spanish Crown, the juridical power of the Alexandrian bulls, as stated in the 1680 “Compilation of the *Leyes de Indias*,” maintained its status as the “first foundation” for the perpetual possession of the Americas.³⁸ In the Swiss scholar Emmerich de Vattel’s mid-eighteenth-century work *The Law of Nations or the Principles of Natural Law*, the “voyages of discovery” commissioned by sovereigns justified the taking of “uninhabited lands.” In regard to the indigenous inhabitants of the Americas, he wrote that their “uncertain occupancy of these vast regions can not be held as a real and lawful taking of possession; and when the Nations of Europe, which are too confined at home, come upon lands which the savages have no special need of and are making no present and continuous use of, they may lawfully take possession of them and establish colonies in them.”³⁹

For the nation that became the United States, it is acknowledged by the early nineteenth century that certain treaties established between European nations and “several of the bulls issued by the popes in virtue of their powers of international regulation” are fundamental to early parts of American history.⁴⁰ Indeed, Davenport’s chronology confirms this judicial relationship between the United States and early colonial powers. Taking over from where Vattel left off in the previous century, United States Chief Justice John Marshall’s extensive use of the discovery doctrine in both the *Johnson v. M’Intosh* (1823) and *Cherokee Nation v. Georgia* (1831) decisions was essential in justifying the seizure of American Indian lands and has long been known to form the basis of American federal Indian law. Marshall indicated in the *Johnson* case that the “exclusion of all other Europeans necessarily gave to the nation making the discovery the sole right of acquiring the soil from the natives, and establishing

settlements upon it.”⁴¹ Thus, despite the important gains that Native North American peoples have made in recent decades, United States federal Indian law today remains grounded in the “superior” rights of Christendom, a long-term debt that is largely concealed. As Rebecca Tsosie explains, “The jurisprudence of discovery continues in the present day, albeit masked in a set of ‘neutral’ constitutional ideals. ‘Justice’ in contemporary society is shaped according to the public interest and further defined by the categories of knowledge that respond to those interests.”⁴²

Also in the early nineteenth century, the papal grant was utilized “in perpetuity” to discredit the Latin American independence movement,⁴³ and at the end of the century, as Venezuela made its claim against Guiana (1894–1899), the discovery concept was still deemed to be relevant by virtue of the “great importance” of the 1493 bulls.⁴⁴ Writing in 1927, Paul Gottschalk points out that it had been said many times that the demarcation of the world as built into the Alexandrian bulls, specifically the second bull *Inter Caetera*, was the “foundation-stone” of the modern international system of law and colonial system of the time. Though he disagreed with this statement, Gottschalk notes that *Inter Caetera* and the Treaty of Tordesillas “still speak” the language and display the cultural influence of the early Europeans.⁴⁵

DISCOVERY TODAY AND GLOBAL CAPITALISM

The next two sections will discuss how the doctrine of discovery is still intricately woven into the fabric of contemporary society. This will partially be demonstrated in how the concept has been tied to economic power, past and present, and is carried out today through state, institutional, and corporate globalization policies that often have negative impacts on American Indian populations. Just as significantly, the spirit of discovery is alive and well in the ways in which Western society disrespects Native spirituality and continues to desecrate sacred sites and human remains. More specifically, when we contrast what Christianity and science deem as sacred and valuable to indigenous peoples’ interpretations based on their own traditions, epistemologies, and worldviews, a clear ideological divide often appears. The constant urge to make new discoveries in order to explain scientific or religious phenomena, sometimes couched as being for the “benefit of humanity” when Native communities are affected, indigenous peoples and supporters often see as excuses or justifications for continued plunder.

If a short while ago many believed *Inter Caetera* was the foundation stone of the international system, could it hold a similar validity today? The 349 members of the Christian-affiliated World Council of Churches recently issued a statement critiquing the “doctrine of discovery” and its continued negative influence on indigenous populations, which reads in relevant part: “Consequently, the current situation of Indigenous Peoples around the world is the result of a linear programme of ‘legal’ precedent, originating with the Doctrine of Discovery and codified in contemporary national laws and policies.”⁴⁶ While obviously the Christian domination and forced conversion taking place in many parts of the world four and a half centuries ago is not the norm today, contemporarily the doctrine of discovery can manifest itself in much more subtle ways—ideologically, institutionally, and legally. It can be discerned as an ingrained

attitude just as much as a physical tool of dominion. The doctrine of discovery can be seen in the attitude in which, as expressed in Roman law, everything can be owned, including intellectual property and DNA, and all life forms can be patented and profited from. It is an attitude of arrogance and egoism, and as displayed by continued exploitation of world resources and the cheerful undertaking of the conversion of souls, of material and spiritual greed.

Thus, there is an important link to be made between ideologies of the past and the present. Articulating this connection, Immanuel Wallerstein writes that the tradition of monotheism influences both “the origins of universalism as an ideology of our present historical system” and the ideology of universalism as “appropriate to a capitalist world-economy.”⁴⁷ Monotheism and capitalism have gone hand-in-hand over the past centuries as universalist ideology in relation to the exercise of economic power. This is also Max Weber’s central argument as to how Calvinism and the Protestant ethic became the spiritual foundation for capitalism to flourish. The idea of “the calling,” or tasks or work performed for God, was fundamental to the development of modern capitalism. This essentially led to the notion of the capitalist accumulation of wealth. Restraints on consumption and the impetus to save made possible the “productive investment of capital.”⁴⁸ While self-denial and restrictive consumption defined “Protestant asceticism,” the concept psychologically “broke the bonds of the impulse of acquisition in that it not only legalized it, but looked upon it as directly willed by God.”⁴⁹ Weber describes the evolution of this process:

The Puritan wanted to work in a calling; we are forced to do so. For when asceticism was carried out of monastic cells into everyday life, and began to dominate worldly morality, it did its part in building the tremendous cosmos of the modern economic order. This order is now bound to the technical and economic conditions of machine production which to-day determine the lives of all the individuals who are born into this mechanism, not only those directly concerned with economic acquisition, with irresistible force. Perhaps it will so determine them until the last ton of fossilized coal is burnt.⁵⁰

Written in the early twentieth century, this last statement identified the interweaving of past Christian ideology into modern capitalism and remarkably foresaw how it is often flagrantly performed through neoliberal globalization policies. There does not have to be conscious thought of subduing or having dominion over everything on earth because these beliefs are so ingrained in the subconscious that exploitation is merely an automatic response to the demands of the system. Amin confirms that “it is believed that Christianity carried the seeds of capitalist advancement within it from the beginning” because, compared to other religions, it favors the individual and the ability to dominate nature.⁵¹ The Western notion of the individual self as developed during the Renaissance and Enlightenment eras illuminates how indigenous group rights and familiar ways of life came to be suppressed, and how private property rights came to replace communal land tenure practices. The darker side of the Renaissance, as described by Walter Mignolo, underlines “the rebirth of the classical tradition as a justification of colonial expansion.”⁵² Thus, under the mantra of capitalist growth, the

concept of European individualism, combined with irreverence for nature, has resulted in the subjugation and elimination of many peoples and cultures and the subduing of the natural environment and creatures upon it over the past half-millennium.

Contemporary globalization policies, influenced by multinational corporations and intergovernmental organizations (IGOs) such as the World Bank and the International Monetary Fund (IMF), operate under an international system of law that, grounded in an ideology similar to that of the Christian Law of Nations, is blind to the rights of indigenous populations. In effect, indigenous peoples are invisible. IGOs pour millions of dollars into private corporations and development projects that often have adverse effects on indigenous communities and fail to take into consideration their interests and concerns.

In Guatemala, for example, the World Bank provided Glamis Gold, a Canadian company headquartered in the United States, with a \$45 million loan to develop and operate a gold and silver mine that was completed in 2005. These events took place although 98 percent of the people in thirteen communities, primarily Maya, rejected the project in a referendum. Their fears were realized when a leaked report revealed that social and environmental risks of the project were ignored.⁵³ Indeed, over approximately the past half century Guatemala has been dealing with foreign (primarily North American) corporate depredation that, tragically, has taken the lives of more than 200,000 people, primarily Native. Historically, since the coming of the Spanish, the Maya of Guatemala, as well as most indigenous peoples throughout Latin America, have endured a long legacy of Christian influence and dominion over their traditional rights, lands, beliefs, and culture. So in an important sense—the cultural destruction and toll on human lives—the ideologies of these time periods cannot be separated.

The Glamis Gold project is just one instance of how the corporate world typically deals with indigenous populations.⁵⁴ As sacralized during the sixteenth century, the thirst for profits and material greed continue as the dominant attitudes driving the current world economy, as mining for gold and silver remain vital processes. Documented modern-day abuses of indigenous peoples and subtle genocides taking place, such as the continued relocation of the Diné of Arizona onto toxic radioactive lands to make way for coal and uranium mining, are clear indicators that cultural violence is still strikingly prevalent when it comes to the “money god.”

Numerous links can be made between past and present Christian and corporate ideologies and policies and their effects on indigenous communities in the Americas. To consider one such linkage, an important event occurred on the day the North American Free Trade Agreement (NAFTA) went into effect—January 1, 1994. The trade agreement encourages foreign investment and commercial development at the expense of Native groups such as the Maya in particular. It is widely thought that NAFTA propelled the Mexican government to amend laws that allow foreigners and foreign corporations to buy up communal landholdings and exploit resources where indigenous peoples live.⁵⁵ In protest, members of the Mayan-based Zapatista National Liberation Army (EZLN) “lashed out against the poverty and injustice that each year kills thousands in Chiapas and grinds tens of thousands more into landless dependency” by capturing several towns in the southernmost Mexican state of Chiapas.⁵⁶

This uprising against loss of land was essentially a continuation of the resistance to the institutionalized system of forced labor and conversion, or *encomienda*, first implemented as foreign policies under the sixteenth-century Spanish and later by the state of México. Under the *encomienda* system, Indian peoples and their lands were partitioned out for labor to landlords and slaveholders (*encomenderos*) in exchange for the moral benefits of Christianity and ultimate salvation. The subsequent harsh treatment inflicted on workers often resulted in death.⁵⁷ The brutal government crackdown against the 1994 Zapatista uprising was also deadly, as evidenced by the testimonies of “summary executions, torture, disappearances, arbitrary detentions and indiscriminate bombings of civilian communities” that were collected by a number of human rights organizations.⁵⁸ Thus, while it may seem as if lethal exploitation and oppression are of the past—colonial Spanish atrocities justified under the Christian laws of discovery and carried out through the *encomienda*—offenses like these are still being committed today by the Mexican government and state-supported paramilitary groups.

It is apparent that institutionalized policies and attitudes of dominion grounded in the “doctrine of discovery” still have profound impacts on indigenous populations in the Americas. If Christian dominion was the overt order of the past, corporate domination is its heir apparent as the order of today. While modern-day policies affect many, indigenous peoples and those of the global South unevenly bear the brunt of them.

DISCOVERY TODAY AND ARCHEOLOGY OF DESECRATION

The discovery principle that justified the taking of indigenous lands in the Americas also paved the way for the anthropological study of Native cultures, sacred sites, artifacts, and ancestral remains. That a close historical relationship exists between Christianity and modern science, especially anthropology, cannot be denied, a point that is usually dismissed. As Barbara Alice Mann explains:

Although modern science does not like to admit it, to a staggering and ultimately comical degree, science relies upon preexisting Christian story frames that it pretends to have discarded ... most of today’s anthropological theories can be traced directly back to the first Christian chroniclers, puzzling their heads over how to square up what the Bible had told them of Adam, Eve, and Noah with the contradictory evidence of what their own eyes had seen in Africa, Asia, and, especially, the Americas.⁵⁹

The early belief that indigenous peoples were subhuman, and therefore basically “extinct,” meant that according to Western law and policy, Native land and everything on it came under the colonial authority and control of Euro-American institutions and society. The later idea that indigenous cultures were near extinction, or the “vanishing Indian,” provided scholars with the task of “preserving” these cultures and also contributed to the erasure of actual Native presence and influence. Consequently, this myth “alienates living Indian peoples from their pasts and persuades anthropologists, archaeologists, and historians that *they* are the inheritors of Indian pasts”—attitudes that

have resulted in a significant amount of destruction, desecration, and looting that violates the religious freedom of American Indian nations and peoples.⁶⁰

Historically, colonialism and anthropology have often supported each other ever since Columbus summoned the Jeronymite missionary, Ramón Pané, to do an ethnographical study of the beliefs and cultural customs of the Caribbean Indian people of Kiskeya (today Haiti and the Dominican Republic). This was done for the political purpose of gathering information as Columbus' inability to understand the people contributed to his difficulties in governing the island. Pané's mission was also to convert the indigenous peoples he encountered to Christianity, essentially denying them the freedom to maintain their own beliefs and philosophies.⁶¹ Similar attitudes of control and dominion can be seen today when we consider other ways in which the field of archeology often views and expropriates indigenous cultures, particularly its tradition that human remains may safely be considered as belonging only to the cultural past, which limits them in the present to strictly "material" objects of observation. This technical rationality "reduces the past and all else it examines to a simple 'dead' exteriority open to all manner of investigation and manipulation."⁶²

Such assumptions allow the coveting of human and cultural remains to persist, even though many anthropologists in the United States have become much more aware of and sensitive to Native concerns under the influence of works such as Deloria's critique of anthropology in *Custer Died for Your Sins*, eventually resulting in the 1990 Native American Graves Protection and Repatriation Act (NAGPRA).⁶³ Despite NAGPRA's assistance in repatriating cultural artifacts and skeletal remains, however, the law only applies to federal and Native American tribal lands and to federally recognized Native groups. Because it does not cover state or privately owned lands, NAGPRA's authority barely extends east of the Mississippi. As Mann explains, "These loopholes mount up to make enforcement of NAGPRA almost impossible in the east. The result is that archaeologists, collectors, dealers, and just plain hobbyists can dig, practically at will, through burial mounds and ceremonial sites, and eastern Natives cannot stop them. Buying and selling of grave goods continue apace, and the law does not halt the commerce."⁶⁴

Still rampant, archeological exploitation may often be grounded in the same belief in ownership and control as displayed in the past. Mann asserts that the will to "christianize and civilize the Indian" did not end but "morphed" into more subtle forms, such as how Western academics use their scholarly power to deflect and dismiss indigenous concerns.⁶⁵ This discursive power to deflect continues to be effective: many hundreds of Native skeletal remains are still unearthed every year, and as of at least 1991 the remains of hundreds of thousands of others are kept stored in American museums, universities, historical societies, and private collections, including "at least one-half million bodies" held in other countries worldwide.⁶⁶ The United States government in particular points its finger around the world at violations of religious freedom of ethnic peoples, yet within its own borders exhibits intolerance towards indigenous peoples' spirituality and is ultimately responsible for the acts of desecration previously described.⁶⁷

Disregard for indigenous peoples' beliefs and concerns surrounding these issues was recently exemplified in Borikén, or Puerto Rico. In 2007, when a major indigenous

site was uncovered at Jacana during the building of a dam, archeologists for the US Army Corps of Engineers indiscriminately excavated and shipped about seventy-five boxes of human remains, petroglyphs, ceramics, and rocks to the State of Georgia for analysis and study.⁶⁸ The shipment was carried out despite many weeks of protest by the local community, largely Indian descendants and cultural practitioners who did not want their cultural heritage sent off overseas, much less have the remains of their ancestors dug up from their eternal resting place. One indigenous cultural practitioner said of the sacredness of Native burials in Borikén, “Our ancestors carry the spirit of those who have come before, those who remain today, and those yet to be born. They should be kept in the ground where they were meant to be.”⁶⁹ Statements like these on the sacredness of burial sites are common among many indigenous groups; nevertheless, many archeologists fail to recognize that indigenous peoples consider the bones of their ancestors to be alive and sacred.

It is well documented that in many parts of the world looting and indiscriminate excavations of Native sites and remains are continuing, whether official (state-sponsored) or unofficial (non-state-sponsored). Controlled and clandestine excavations can be compared in terms of the time it takes to exploit a site. Legalized federal, state, or private operations, such as contract archeology, have the convenience of time, whereas “law-breaking” looters have to hit and run. The result is largely the same to many indigenous peoples who oppose any disturbance of their cultural remains. Yet remarkably, a Puerto Rican archeologist stated in 2008 that the type of looting that took place at Jacana is a thing of the eighteenth- and nineteenth-century past. “Nobody dares go to Mexico, do an excavation and just take the stuff. That’s officially sanctioned looting.”⁷⁰ In Puerto Rico, both the renowned Caguana and Tibes Indian sites were sacked in the last century along with numerous other excavations, and many archeologists have been fond of publically displaying skeletal remains, especially since the Amerindian Jíbaro population is continually rationalized to be effectively “extinct.” This type of neocolonialism gives Puerto Rican and American authorities and institutions carte blanche to perform their work and study for their own intellectual curiosity and concern without fear of retribution.

Native Bolivian writer Carlos Mamami Condori explains how in his country archeology has been a legitimizer of colonialism since early colonial times by promoting a nationalist identity that suppresses the majority Indian population and appropriates their sacred sites.⁷¹ For Condori, his ancestors not only once lived in these sacred places, but continue to communicate with living descendants in various ways. Because the past informs the present in a very real and spiritual sense, these time periods cannot be separated as anthropologists typically do in viewing the past as lifeless. As Larry Zimmerman argues, if the past and present are recognized as connected, “excavated human remains are not devoid of personality and must be respected as a living person should be.”⁷² If this is the case, it follows that human remains should not be excavated to begin with, whether for study or to build a dam or Wal-Mart. In the case of Christian burials and cemeteries, respect is given to the dead no matter what beliefs may surround the remains of loved ones. It is hard to imagine a Christian

cemetery being bulldozed to make way for a development project, although there are exceptions.⁷³

So why is it that respect for and protection of American Indian remains and cultural sites is so widely discarded and ignored? The primary answer that can be drawn from our discussion is that authorities often view contemporary Indian peoples as practically “extinct” or of little significance, and therefore their cultural patrimony is highly expendable. This view is precisely what the root ideology of the discovery doctrine has enabled and continues to influence—including the archeological objectification of indigenous cultural sites, artifacts, and human remains, which plays a key role in justifying continued excavations and looting. Thus, the religious freedom of American Indian peoples continues to be violated throughout the Western hemisphere today.

THE ABROGATION OF THE PAPAL BULL *INTER CAETERA*

This final section of the article discusses the continued impacts of and resistances to the doctrine of discovery. With the objective of helping to undo the ongoing systemic harm the doctrine causes, indigenous peoples have been making tireless efforts to bring the public’s attention to learning about certain papal documents. As the World Council of Churches pointed out, “The patterns of domination and oppression that continue to afflict Indigenous Peoples today throughout the world are found in numerous historical documents such as the Papal Bulls, Royal Charters and court rulings.”⁷⁴ Given that the concepts underlying the doctrine of discovery link past and present oppression, as outlined in this article, the dire social and economic conditions of contemporary indigenous groups warrant more concrete action to finally end the continuing viability of such documents.

Among the means by which such action is being undertaken is Native advocacy for the formal abrogation of the papal bull *Inter Caetera*. In 1992, the US-based Indigenous Law Institute initiated a campaign for its revocation, and in 1993 sixty indigenous delegates at the Parliament of the World’s Religions in Chicago drafted a “Declaration of Vision” that also calls for revoking *Inter Caetera*. It reads, in part:

We call upon the people of conscience in the Roman Catholic hierarchy to persuade Pope John II to formally revoke the Inter Cetera Bull of May 4, 1493, which will restore our fundamental human rights. That Papal decree called for our Nations and Peoples to be subjugated so the Christian Empire and its doctrines would be propagated. The U.S. Supreme Court ruling *Johnson v. McIntosh* 8 Wheat 543 (in 1823) adopted the same principle of subjugation expressed in the Inter Cetera Bull. This Papal Bull has been, and continues to be, devastating to our religions, our cultures, and the survival of our populations.⁷⁵

While a formal movement is currently under way, as discussed more fully below, it is important to point out that resistance to the bulls of Alexander VI began during initial contact. The Carib people who encountered Columbus in the northern Caribbean Antilles strongly resisted the Spanish encroachment and colonization process. When they found out about the issuance of *Inter Caetera*, they rejected it, saying, “The Pope

must have been mad when he did so, for he was giving what was not his.”⁷⁶ For the Native people, the Roman Catholic Church and Spanish Crown were without legal and moral right to take their lands or to promulgate “just war” against them when they refused to convert to a foreign religion. In his 1519 *Suma de Geografía*, Martin Fernández de Enciso explained the Indian reaction to the papal bulls when he read the *requerimiento* to them:

They answered me that regarding what it said about there being only one God who governed heaven and earth and who was lord of all, that seemed fine to them, but in so far as what it said about the pope being lord of the universe in God’s place, and that he donated the land to the king of Castilla, they said the pope must have been drunk when he did that because he gave what was not his to give, and that the king who asked for and took the grant must have been crazy because he asked for what belonged to others . . . and they said that they were lords of their land and did not need another lord.⁷⁷

The reaction of many indigenous nations to the European colonial process has been similarly indignant. Both active and passive forms of resistance to imperial laws and policies of the Catholic Church and Euro-American nations continued for centuries, as has been well documented in indigenous and American Indian literature and published scholarship over the past few decades. This work has led to growing awareness and indigenous resistance actions, including the current movement to have *Inter Caetera* revoked. Indigenous advocacy led to the first major Christian church to openly call for the revocation of papal bulls. In 1999, the United Church of Christ passed a resolution that concluded: “President Paul Sherry on behalf of the United Church of Christ urges and calls upon people of conscience in the Roman Catholic hierarchy and in other organized religions to persuade Pope John Paul II to revoke the Papal Bulls *Dum Diversas* of 1452 and *Inter Caetera* of 1493 by the year 2000.”⁷⁸

A year earlier, the pope had called “Christianity’s 2,000th anniversary a year of mercy,” saying “the church will seek forgiveness,” “atonement,” and that he “wants the church to enter the third millennium with a clear conscience.”⁷⁹ For their Jubilee Year, the Catholic Church was seeking forgiveness for past wrongs committed. Rather unexpectedly, the pope’s words were welcomed by a group of indigenous human rights activists in Hawai‘i. In 1997, they began an Internet-based educational campaign to build more public awareness of the “doctrine of discovery” and papal bulls and initiated an annual demonstration to counter “Columbus Day” or “Discoverers’ Day.” In protests similar to those of Martin Luther against Roman Catholic policies in the sixteenth century, demonstrators burn copies of the 1493 bull.

The group also took the pope’s message of seeking forgiveness and atonement in the year 2000 seriously: they organized a delegation of nine indigenous peoples and supporters and, with a formal request for an audience with Pope John Paul II endorsed by the bishop of Honolulu, went to the Vatican seeking the revocation of *Inter Caetera*.⁸⁰ The delegation thought there was no better time for the Church to address its dark past with the Native world, and that the formal abrogation of *Inter Caetera* would be an important first step in a process of reconciliation and healing. The

October 2000 delegation was also following up on the pope's public apology of March 2000, which for indigenous peoples was not nearly enough.⁸¹ While the audience with the pope was turned down, the delegation proceeded and gave numerous educational presentations in three cities, garnering significant news coverage. On meeting with the undersecretary of the Pontifical Council for Justice and Peace, they raised the issue of *Inter Caetera* and briefly discussed the pathway to its repeal.

As a result, the issue was formally studied by the Catholic Church for the first time in modern memory by a Pontifical Historical Commission of the Pontifical Committee for Historical Sciences. The commission concluded in early 2001, as stated by the president of the Committee for Historical Sciences, that the 1493 papal bull *Inter Caetera* was "no longer juridically valid."⁸² Given that *Inter Caetera* "might" no longer be valid and the horrific damage it has inflicted on indigenous populations, the delegation contended that to publicly abrogate the decree in a ceremony with indigenous representatives would be the least the Catholic Church could do. However, delegation members were essentially met with silence when they pressed for further details of the study and the Vatican clearly showed that it did not wish to pursue the issue of these papal bulls any further. In 2008 a delegation of thirteen indigenous grandmothers who also wanted the pope to rescind certain papal decrees pertaining to the discovery era went to the Vatican hoping to secure an audience with Pope Benedict XVI. Instead, Vatican police harassed the group in St. Peter's Square for conducting an indigenous prayer ceremony they said was "anti-Catholic" and "idolatrous."⁸³

In 2010, in a surprising shift, in a discussion session on the historical roots and ongoing violations of the doctrine of discovery on indigenous populations during the annual meeting of the United Nations Permanent Forum on Indigenous Issues, the Holy See's observer to the forum, Kuriakose Bharanikulangara, noted in a written statement that the bull "*Inter Coetera*" [*sic*] had been "abrogated."⁸⁴ A closer look at the ways in which the Holy See's statement justifies the decree's abrogation reveals a number of flawed assertions. The first point states that the 1494 Treaty of Tordesillas repealed *Inter Caetera* "as a source of International Law."⁸⁵ Yet as previously mentioned, in fact the Tordesillas treaty merely shifted the demarcation line of *Inter Caetera* further westward, and moreover, specifically recognized Portugal's colonial "right" to lands east of the line. In actuality, Tordesillas and *Inter Caetera* enhanced and built upon each other as an international source of law and, indeed, are often cited together. Most theologians and scholars of the 1500s clearly saw Alexander VI's papal grant as juridically valid and for several centuries it continued to be used in international treaties, articles, and custom, and rather recently in supreme and high court decisions.

The observer's statement then asserts that *Inter Caetera* had been repealed because of "the unsanctioned immediate expansion of the territory of Brazil to the west well beyond the Treaty of Tordesillas and by the colonization of North America and the Caribbean by the King of France."⁸⁶ This argument ignores language in both *Inter Caetera* and the Treaty of Tordesillas that stipulates and implies that both Spain and Portugal considered "all lands, both islands and mainlands" found beyond the demarcation line, extending to the north and south poles, and not under the jurisdiction of a Christian king or prince, to be of their possession and pertain to them "forever."⁸⁷

Clearly, the colonization by France would have violated the treaty, giving the other colonial powers a cause for war or other just penalty, but no cause exists for France having “abrogated” *Inter Caetera*.

The Holy See also stressed that the 1537 bull *Sublimis Deus*, which supposedly “freed the Indians,” had also repudiated the 1493 decree.⁸⁸ Yet scholarly studies do not support this view. In 1993 Gustavo Gutiérrez published a thorough study on Bartolomé de Las Casas, the Spanish friar who advocated on behalf of indigenous peoples, in which he specifically discusses the controversy surrounding the revocation of *Sublimis Deus* but never indicates that this had actually occurred.⁸⁹ Examining the issue more closely, in 1998 and 1999 international law expert Francis Boyle of the University of Illinois confirmed that *Sublimis Deus* had not abrogated *Inter Caetera*.⁹⁰ Indeed, when the “New Laws” of 1542 that had prohibited Indian slavery and banned the *encomienda* were revoked, at the urging of Spanish emperor Charles V, Las Casas reacted in disgust.⁹¹ The papal bull *Sublimis Deus* was certainly of no practical value as far as the indigenous peoples were concerned. As I have written previously, “history unequivocally shows [that] *Sublimis Deus* is purely a *theoretical* act since there would be no need for an accounting of those declared to be ‘extinct,’ nor for the tens of millions who *had* been eliminated by the end of the 16th century.”⁹² For these peoples, *Sublimis Deus* was merely words on paper.

The Holy See’s statement goes on to assert that *Inter Caetera* was abrogated “by Canon 6 of the Code of Canon Law of 1983 which abrogates in general all preceding penal and disciplinary laws,” and was further “overturned by the Second Vatican Council.”⁹³ In this regard, the bull *Inter Caetera* is not included as a source in the 1917 Code of Canon Law that was abrogated in 1983.⁹⁴ Further, whether Vatican II did away with the papal bull may be speculative; Catholic theologians and scholars themselves appear to hold controversial and divergent views as to exactly which canon laws may have been abrogated during the course of history. Yet despite its questionable assertions in support of the Holy See’s position that *Inter Caetera* has already been abrogated, the Roman Catholic Church seems to believe that the bull is no longer in effect and that it does not need to take any further action.

The participants at the Permanent Forum did not appear to be very impressed by the apparently abstract nature of the Vatican observer’s statement. Significantly, given its colonial history, the Forum member from Spain itself was reported as saying, in effect, “the Church believed that the bulls were manifestations of ‘divine right’ and they had not been overturned, whatever changes had been made in the canonical laws. At any rate, the ongoing and current impact of the discovery doctrine was an absolute fact.”⁹⁵

The Special Rapporteur of the Forum noted that the Permanent Forum held meetings on the doctrine with the Holy See but maintained that the historical dehumanization and suffering brought about by the system had been institutionalized.⁹⁶ The position was the result of a completed preliminary study on the effects of the doctrine of discovery on indigenous peoples that the Special Rapporteur presented at the 2010 meeting, which then became the special theme for the Permanent Forum’s meeting in 2012. The study’s language was clear and pointed:

This preliminary study establishes that the Doctrine of Discovery has been institutionalized in law and policy, on national and international levels, and lies at the root of the violations of indigenous peoples' human rights, both individual and collective. This has resulted in state claims to and the mass appropriation of the lands, territories, and resources of indigenous peoples. Both the Doctrine of Discovery and a holistic structure that we term the Framework of Dominance have resulted in centuries of virtually unlimited resource extraction from the traditional territories of indigenous peoples. This, in turn, has resulted in the dispossession and impoverishment of indigenous peoples, and the host of problems that they face today on a daily basis.⁹⁷

Similarly expressing equally strong sentiments, the large majority of participants at the 2012 UN Permanent Forum on Indigenous Issues overwhelmingly denounced the doctrine of discovery, with some calling for its repudiation along with national laws and court decisions based on the doctrine. Others stated that indigenous peoples were, for example, entitled to redress, return of lands, self-determination, and the rights and protections outlined in the 2007 Declaration on the Rights of Indigenous Peoples.⁹⁸ Both institutionalization of the doctrine at state and national levels and the ongoing legal power and precedence of the discovery principle were expanded upon, which, as previously noted, have informed important Supreme Court rulings like the 1823 *Johnson v. M'Intosh* decision and lie at the core of US federal Indian policy and law today. More recently, court cases in Canada, Australia, New Zealand, and the United States have repeatedly cited the *Johnson* ruling and "doctrine of discovery" as held to have established plenary power or ultimate authority over indigenous peoples including legal rights and title to their lands, clearly evidencing that the discovery doctrine still negatively impacts indigenous populations by means of its still-current legal and judicial authority.⁹⁹

When the doctrine of discovery is thus resituated in its contemporary context of institutionalized agency, unfortunately the Holy See's statement that the doctrine "has had no value whatsoever for centuries," and that moreover, the "refutation of this doctrine is therefore now under the competence of national authorities, legislators, lawyers and legal historians," seems to categorically dismiss the actual and apparent issues that yet surround it.¹⁰⁰ Remarks such as these indicate that the Holy See does not genuinely concern itself with the rights of indigenous peoples. Whether or not the bull *Inter Caetera* has been abrogated, many think that as purveyor and primary beneficiary of the "doctrine of discovery," the Catholic Church has an unquestionable moral obligation and responsibility to recognize and mitigate the continuing damage of this doctrine at national and international levels. To show the world that it has officially been repealed and as a gesture of good will, the church could also *formally* abrogate *Inter Caetera* in a public ceremony with indigenous leaders. This could be an important beginning in making amends with the Native world. It would also be in keeping with the promises made in the pope's apology issued during the lead-up to the Jubilee Year, which quotes a passage from the New Testament: "An act of worship on the part of one who has no desire beforehand to repair the damage to his neighbor

is not pleasing to God. What matters is changing one's own heart and showing in an appropriate way that one really wants reconciliation."¹⁰¹

CONCLUSION

In contrast to the more blatantly carried out policies of the past, the power of discovery today is usually more subtly indicated and realized. It can be expressed, for instance, as an attitude of arrogance, superiority, and dominion that underlies the assumption that everything can be owned or patented for personal profit. In northern Brazil and southern Venezuela Yanomami Indian people and lands are continuously encroached upon by illegal miners and mining activities. These types of cases are relatively unknown and rarely make headline news because indigenous peoples are still not taken seriously and seen to impede "progress" and the development agendas of multinational corporations. This can lead to modern-day atrocities: in addition to destruction of the rainforest, introduction of contagious diseases, and indiscriminate killings of indigenous peoples has prompted the director of the human rights organization Survival International to say, "The rule of law means nothing on the Amazon frontier, which is as wild and violent as the American West used to be. Anyone standing in the way of this aggressive colonization risks being killed in cold blood. These are not empty threats—indigenous activists are frequently assassinated for resisting the destruction of their land."¹⁰² It has been reported that more than six hundred indigenous peoples have been killed in Brazil over the past dozen years.¹⁰³

As this article has shown, despite the Holy See's justifications for finding that the papal bull *Inter Caetera* has been abrogated, the foundation of the discovery doctrine is the bull's political, legal, and judicial origins and powers that underpin certain contemporary laws, policies, court rulings, and attitudes of dominion that specifically target indigenous populations. The Christian "doctrine of discovery" that viewed American Indians as "barbarous" and less than human is apparent today and still relevant. It plays out not only in particular, important ways—such as the continuous violations of religious freedom occurring when Native descendants are chided and belittled when claiming Native burial remains and sacred sites—but also in how American Indian and indigenous peoples in general continue to be publically viewed and treated. Through activism, education, scholarship, the work of various church denominations, and the United Nations Permanent Forum on Indigenous Issues, these issues are being addressed at different levels of society. This work is vital for the continued survival and cultural continuity of many American Indian and indigenous groups and peoples.

NOTES

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4. Quoted in Leake.
5. John Dougherty, "Making a Mountain into a Starbase: The Long, Bitter Battle over Mount Graham," *High Country News*, July 24, 1995.
6. Henrietta Mann, "Earth Mother and Prayerful Children: Sacred Sites and Religious Freedom," in *Native Voices: American Indian Identity and Resistance*, ed. Richard A. Grounds, George E. Tinker, and David E. Wilkins (Lawrence: University Press of Kansas, 2003), 206.
7. See International Work Group for Indigenous Affairs, www.iwigia.org/regions.
8. Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons (New York: Charles Scribner's Sons, 1958).
9. The bull *Inter Caetera* of May 4, 1493 (Alexander VI) can be found in *European Treaties bearing on the History of the United States and its Dependencies to 1648*, ed. Frances Gardiner Davenport (Washington, DC: Carnegie Institution of Washington, 1917), 71–78.
10. "Statement by Permanent Observer Mission of the Holy See," United Nations Economic and Social Council, Ninth Session of the Permanent Forum on Indigenous Issues, April 27, 2010, <http://www.ailanyc.org/wp-content/uploads/2010/09/Holy-See.pdf>.
11. Saint Joseph "New Catholic Edition" of the *Holy Bible* (New York: Catholic Book Publishing Company, 1962), 16.
12. Bartolomé de Las Casas, *Del único modo de atraer a todos los pueblos a la verdadera religión* [1535], trans. Lewis Hanke, 1942, cited in Luis N. Rivera, *A Violent Evangelism: The Political and Religious Conquest of the Americas* (Louisville: Westminster/John Knox Press, 1992), 143.
13. Robert A. Williams Jr., *The American Indian in Western Legal Thought: The Discourses of Conquest* (New York: Oxford University Press, 1990), 13, 14.
14. Rivera, *A Violent Evangelism*, 28.
15. Williams Jr., 14.
16. Samir Amin, *Eurocentrism*, trans. Russell Moore (New York: Monthly Review Press, 1989), 71.
17. The bull *Romanus Pontifex* (Nicholas V), January 8, 1455, in *European Treaties bearing on the History of the United States and its Dependencies to 1648*, ed. Frances Gardiner Davenport (Washington, DC: Carnegie Institution of Washington, 1917), 12, 23; the bull *Dum Diveras* (Nicolas V), June 18, 1452.
18. Rivera, 28.
19. Bill M. Donovan, "Introduction," in Bartolomé de Las Casas, *The Devastation of the Indies: A Brief Account*, trans. Herma Briffault (Baltimore: John Hopkins University Press, 1992), 15.
20. Rebecca Tsosie, "Who Controls Native Cultural Heritage? 'Art,' 'Artifacts,' and the Right to Cultural Survival," in *Cultural Heritage Issues: The Legacy of Conquest, Colonization, and Commerce*, ed. James A. R. Nafziger and Ann M. Nicgorski (Leiden, The Netherlands: Martinus Nijhoff Publishers, 2009), 12.
21. For a comprehensive examination of the subject, see Edmundo O'Gorman, *The Invention of America: An Inquiry into the Historical Nature of the New World and the Meaning of its History* (Bloomington: Indiana University Press, 1961). Expanding on the attribution of the concept to lands already inhabited, Rivera writes in *A Violent Evangelism*, "To speak of a discovery, in an absolute and transcendental sense, would imply the absence of a prior human and cultural history in the newfound lands. This is absurd and reveals a deep-rooted and anachronistic ethnocentrism" (4).
22. I have recently documented and elaborated on these points in *The Myth of Indigenous Caribbean Extinction: Continuity and Reclamation in Borikén (Puerto Rico)* (New York: Palgrave Macmillan, 2011).
23. The bull *Inter Caetera* of May 4, 1493 (Alexander VI), *European Treaties*, 71–78.
24. *Ibid.*, 71.

25. Franke Wilmer, *The Indigenous Voice in World Politics: Since Time Immemorial* (Newbury Park, CA: Sage Publications, 1993), 173.
26. *European Treaties*, 84–85.
27. *Ibid.*, 2.
28. Rivera, xiv.
29. *Ibid.*, xv.
30. Stuart Hall, “The West and the Rest: Discourse and Power,” in *Modernity: An Introduction to Modern Societies*, ed. Stuart Hall, David Held, Don Hubert, and Kenneth Thompson (Cambridge, MA: Blackwell Publishers, 1996), 199.
31. Vine Deloria Jr., *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (New York: Delacorte Press, 1974), 85–86.
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33. *Ibid.*, 219, 220.
34. Immanuel Wallerstein, *The Modern World-System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century* (San Diego: Academic Press, 1974), 159–60.
35. *Ibid.*, 160.
36. Daniel Philpott, “The Catholic Wave,” in *World Religions and Democracy*, ed. Larry Diamond, Marc F. Plattner, and Philip J. Costopoulos (Baltimore: The Johns Hopkins University Press, 2005), 103.
37. *Treaty of Westphalia* at Münster, “Peace Treaty between the Holy Roman Emperor and the King of France and their respective Allies,” October 24, 1648, http://avalon.law.yale.edu/17th_century/westphal.asp.
38. Rivera, 32.
39. Emmerich de Vattel, *The Law of Nations or the Principles of Natural Law: Applied to the Conduct and to the Affairs of Nations and of Sovereigns* [1758], vol. 3, trans. Charles G. Fenwick (Washington, DC: Carnegie Institution of Washington, 1916), 84, 85.
40. J. Franklin Jameson, “Preface,” in *European Treaties*, iii.
41. *Johnson v. M’Intosh*, 1 US (8 Wheat) 573, 1823; *Cherokee Nation v. Georgia*, 30 US (5 Pet.) 1, 1831.
42. Tsosie, 14.
43. Rivera, 32.
44. *The Earliest Diplomatic Documents on America: The Papal Bulls of 1493 and the Treaty of Tordesillas Reproduced and Translated*, ed. Paul Gottschalk (Berlin: Paul Gottschalk, 1927), 15.
45. *Ibid.*, 9.
46. World Council of Churches, “Statement on the Doctrine of Discovery and its Enduring Impact on Indigenous Peoples,” February 17, 2012, www.oikoumene.org/en/resources/documents/executive-committee/2012-02/statement-on-the-doctrine-of-discovery-and-its-enduring-impact-on-indigenous-peoples.
47. Immanuel Wallerstein, “The Ideological Tensions of Capitalism: Universalism versus Racism and Sexism,” in Etienne Balibar and Immanuel Wallerstein, *Race, Nation, and Class: Ambiguous Identities* (London: Verso, 1991), 30.
48. Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons (New York: Charles Scribner’s Sons, 1958), 172.
49. *Ibid.*, 170–71.
50. *Ibid.*, 181.
51. Amin, 84–85.
52. Walter D. Mignolo, *The Darker Side of the Renaissance: Literacy, Territoriality, & Colonization* (Ann Arbor: University of Michigan Press, 1995), vii.

53. Benjamin Witte, "Multinational Gold Rush in Guatemala," in *Dispatches from Latin America: On the Frontlines Against Neoliberalism*, ed. Teo Ballvé and Vijay Prashad (Cambridge, MA: South End Press, 2006), 324.

54. Franke Wilmer records many issues and conflicts indigenous peoples have faced in relation to multinational corporations' development projects. Corporate titans like ALCOA, Chevron, Shell, Exxon, Conoco and British Petroleum have effected havoc on native populations in terms of relocation, loss of sacred lands, forced removal, random private violence, the spread of disease, flooding and mining of lands, and other negative environmental impacts. See Wilmer, *The Indigenous Voice*, 128–31.

55. José Luis Morín, "Chiapas Uprising: An Indigenous Peoples' Struggle for Justice," *Covert Action Quarterly* 48 (Spring 1994): 39.

56. *Ibid.*, 38.

57. While couched as a system to assist Native peoples, Rivera, among others, has interpreted the *encomienda's* true nature: "the meaning is unmistakable: the forced labor of the natives is legalized, and the *encomienda* is codified as a qualified servitude." See Rivera, *A Violent Evangelism*, for a detailed analysis of the system and its application to New Spain (México), 113–31.

58. Morín, 41–42.

59. Barbara Alice Mann, *Native Americans, Archaeologists, and the Mounds* (New York: Peter Lang Publishing, Inc., 2003), 9–10.

60. Randall H. McGuire, "Why Have Archaeologists Thought the Real Indians Were Dead and What Can We Do about It," in *Indians and Anthropologists: Vine Deloria, Jr., and the Critique of Anthropology*, ed. Thomas Biolsi and Larry J. Zimmerman (Tucson: University of Arizona Press, 1997), 63.

61. José Juan Arrom, in Fray Ramón Pané, *An Account of the Antiquities of the Indians* (c. 1498), trans. Susan C. Griswold (Durham, NC: Duke University Press, 1999), xiii.

62. Larry J. Zimmerman, "Anthropology and Responses to the Reburial Issue," in *Indians and Anthropologists*, 102.

63. For example, in his chapter titled "Anthropologists and Other Friends," in *Custer Died For Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1988), 94–95, Deloria writes, "Perhaps we should suspect the real motives of the academic community. They have the Indian field well defined and under control. Their concern is not the ultimate policy that will affect the Indian people, but merely the creation of new slogans and doctrines by which they can climb the university totem pole. Reduction of people to ciphers for purposes of observation appears to be inconsequential to the anthropologist when compared with immediate benefits he can derive, the production of further prestige, and the chance to appear as the high priest of American society, orienting and manipulating to his heart's desire."

64. Barbara Alice Mann, 240.

65. *Ibid.*, 3.

66. See H. Marcus Price III, *Disputing the Dead: U.S. Law on Aboriginal Remains and Grave Goods* (Columbia: University of Missouri Press, 1991), 1; and Stephen Moore, "Federal Indian Burial Policy: Historical Anachronism or Contemporary Reality?" in *Conflict in the Archaeology of Living Traditions*, ed. Robert Layton (London: Unwin Hyman, 1989), 201. As of September 2014, the remains of approximately 50,000 individuals in the US have been repatriated since the implementation of NAGPRA. See US Department of the Interior, National NAGPRA, "Frequently Asked Questions," www.nps.gov/nagpra/FAQ/INDEX.HTM#How_many.

67. Henrietta Mann points out that other countries would be shocked to learn that the United States violates the religious rights of Native Americans and that "this country's culturally distinct Native people are engaged in a struggle for their very existence" ("Earth Mother," 205).

68. Frances Robles, "Puerto Rico Archaeological Find Mired in Politics," *Miami Herald*, July 1, 2008.
69. Artisan and indigenous cultural practitioner Margarita Noguera-Vidal, interview with author, July 16, 2012.
70. Miguel Rodríguez, quoted in Robles, "Puerto Rico Archaeological Find Mired in Politics."
71. Condori writes, "This appropriation of the eloquent material remains of our past is nothing new; it has been occurring in different ways since the early days of Spanish rule." Carlos Mamami Condori, "History and Prehistory in Bolivia: What about the Indians?" in *Conflict in the Archaeology of Living Traditions*, 48.
72. Zimmerman, 103.
73. Currently there is a bizarre case in which, in order to make way for a multi-million dollar recreational center, a Christian Hawaiian church has, at last count, excavated more than six hundred sets of skeletal remains of Christian and, in all likelihood, ancient Kanaka Maoli (Native Hawaiian) burials. As reported by Joan Conrow in "Cultural Grounds: Uncertain Future for Remains at Kawaiahaʻo Church," *Honolulu Weekly*, January 2011, the pastor of the church, Curt Kekuna, has justified the project, saying it must move forward in order "to do the work of Ke Akua" (or "God"). It seems quite ironic, and perhaps blasphemous, that "in order to fulfill its mission," a Christian church would include the indiscriminate unearthing and disturbance of actual Christian remains.
74. World Council of Churches, "Statement on the Doctrine of Discovery."
75. "Declaration of Vision: Toward the Next 500 Years," from the Gathering of the 1003 Indigenous Peoples at the Parliament of the World's Religions, Chicago, Illinois, 1993, ili.nativeweb.org/dovision.html.
76. Indian comment, quoted in A. Garcia, *History of the West Indies* (London: George G. Harrap & Co., 1965), 23.
77. Martín Fernández de Enciso, quoted in Rivera, *A Violent Evangelism*, 36.
78. Resolution passed by Pacific Islander and Asian American Ministries (PAAM), United Church of Christ, Hawai'i Conference, February 19, 1999, <http://tempxyp2440ym0wn.blogspot.com/2012/10/united-church-of-christ-statement-on.html>.
79. *Associated Press*, "Catholics' Millennium Offers Opportunity for Forgiveness," November 28, 1998.
80. The delegation that went to the Vatican in October 2000 consisted of members from Hawai'i, Puerto Rico, Italy, the United States and Norway. The project director was Anthony Castanha, formerly of the Spark M. Matsunaga Institute for Peace at the University of Hawai'i at Mānoa, and the co-coordinator was Architetto Daniela Rocco Minerbi of Italy.
81. The public apology of March 2000 was based on a study by the International Theological Commission titled, "Memory and Reconciliation: The Church and the Faults of the Past," December 1999, http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_con_cfaith_doc_20000307_memory-reconc-itc_en.html.
82. This statement was given orally by Monsignor Walter Brandmueller, president of the Pontifical Committee for Historical Sciences, to Architetto Daniela Rocco Minerbi, February 2001.
83. Rod Capriccioso, "Indigenous Grandmas Nearly Kicked Out of Vatican," July 18, 2008, www.indiancountry.com/content.cfm.
84. "Statement by Permanent Observer Mission of the Holy See," <http://www.ailanyc.org/wp-content/uploads/2010/09/Holy-See.pdf>.
85. *Ibid.*
86. *Ibid.*
87. This language is specifically taken from the *Treaty of Tordesillas*, June 7, 1494, *European Treaties bearing on the History of the United States and its Dependencies to 1648*, 95.

88. "Statement by Permanent Observer Mission of the Holy See," <http://www.ailanyc.org/wp-content/uploads/2010/09/Holy-See.pdf>.

89. See Gustavo Gutiérrez, *Las Casas: In Search of the Poor of Jesus Christ*, trans. Robert R. Barr (New York: Orbis Books, 1993).

90. Cited in Anthony Castanha, "Adventures in Caribbean Indigeneity Centering on Resistance, Survival and Presence in Borikén (Puerto Rico)," PhD diss., University of Hawai'i at Mānoa, 2004), 344.

91. In *Aristotle and the American Indians: A Study in Race Prejudice in the Modern World* (London: Hollis & Carter, 1959), Lewis Hanke writes that in 1545 Charles V revoked the virtual prohibition of the *encomienda* system as stipulated in the "New Laws." He notes how Las Casas reacted "with horror" when he learned that some of the laws he had worked so hard for had been repealed (29). Gutiérrez also confirms the revocation numerous times in *Las Casas*.

92. Castanha, "Adventures in Caribbean Indigeneity," 344.

93. "Statement by Permanent Observer Mission of the Holy See," <http://www.ailanyc.org/wp-content/uploads/2010/09/Holy-See.pdf>.

94. Rev. Mark J. Gantley, JCL, judicial vicar and director of canonical affairs, Diocese of Honolulu, correspondence with the author, November 13, 2012.

95. Cited in "Preliminary Study Shows 'Doctrine of Discovery' Legal Construct Historical Root for Ongoing Violations of Indigenous Peoples' Rights, Permanent Forum Told," United Nations Economic and Social Council, Ninth Session of the Permanent Forum on Indigenous Issues, April 27, 2010, <http://www.un.org/News/Press/docs/2010/hr5019.doc.htm>.

96. Ibid.

97. Tonya Gonnella Frichner, "Impact on Indigenous Peoples of the International Legal construct known as the Doctrine of Discovery, which has served as the Foundation of the Violation of their Human Rights," 1-2 United Nations Economic and Social Council, Presented at Ninth Session of the Permanent Forum on Indigenous Issues, April 19–30, 2010, <http://www.un.org/esa/socdev/unpfi/documents/E.C.19.2010.13%20EN.pdf>.

98. Discussion on "Doctrine of Discovery, Used for Centuries to Justify Seizure of Indigenous Land, Subjugate Peoples, Must be Repudiated by United Nations," United Nations Economic and Social Council, Eleventh Session of the Permanent Forum on Indigenous Issues, May 8, 2012.

99. World Council of Churches, "Statement on the Doctrine of Discovery."

100. "Statement by Permanent Observer Mission of the Holy See," <http://www.ailanyc.org/wp-content/uploads/2010/09/Holy-See.pdf>.

101. International Theological Commission, "Memory and Reconciliation: The Church and the Faults of the Past."

102. Survival International, "Brazil: Gunmen Threaten to Assassinate Leading Amazon Shaman," July 29, 2014, <http://www.survivalinternational.org/news/10367>.

103. Ibid.