

# God, Gold, and the Indigenous “Other”

Pope Francis at the Maskwacis cemetery  
100 kilometers south of Edmonton, Canada.

## A church-state tragedy in three acts

BY LYNN NEUMANN MCDOWELL

The day after Pope Francis II made his historic July 25, 2022, apology to survivors of the residential schools for Indigenous children run by the Roman Catholic Church in Canada, the *New York Times* ran a front-page story and photo of the pontiff amid white crosses. They were grave markers in the Ermineskin Cree Nation cemetery in Maskwacis, Alberta, not far from where Canada’s largest Catholic residential school had loomed—a school from which many children never made it home.

Chief Randy Ermineskin, himself a survivor of abuse in the Ermineskin Residential School, sat on the pope’s left with level gaze as media captured the spiritual leader and head of state delivering his apology. As the pontiff exited the platform, a voice rang out from the mostly Indigenous crowd: “We need the Doctrine of Discovery repealed!”

It was a political and a religious statement, and yes, even a legal one. Regardless of how one answers the question “Was the United States of America founded as a Christian nation?” the inescapable conclusion regarding the law as it pertained to Indigenous peoples living in North America—and which continues to impact them—is based in theology.

It doesn’t much matter which brand of empire-enabling theology or which side of the Canada-U.S. border you look at.<sup>1</sup> The devastating results of legislators using theological views to buttress laws concerning Indigenous peoples is a centuries-long tragedy of intertwined church and state interests.







## Act 1

### *The Doctrine of Discovery as Legal Bedrock*

The 1493 bull “Inter Caetera” of Pope Alexander VI, issued in direct response to Columbus’s voyage of discovery, reflects the basis of pre-World War I colonial thought going back to the Roman emperor Constantine and his vision of the cross. The bull was a pragmatic response to a political-economic squabble between the Portuguese and Spanish, who vied for new trade routes and valuable commodities.

Alexander’s bull built on a series of earlier papal bulls that were part of church canon law connected to the Crusades authorizing the Christian kings of Portugal and Spain to conquer Muslim and non-Christian pagans, and “reduce their persons to perpetual servitude and convert their land to your use and the use of your successors” (fifth bull of Pope Nicholas V, 1452). Alexander’s 1493 bull gave both petitioners the right to *terra nullius* (empty lands) territories they might discover within separate geographical points defined in the bull. Although populated, they were defined as “empty lands” because they were not subject to a Christian overlord and the inhabitants were not Christian. The bull further granted the full and exclusive right to convert the discovered inhabitants to the “true faith.”

The papacy, widely accepted as heir of Constantine’s fabled “Holy” Roman Empire, upheld in these bulls the Constantinian tradition of ruthless conquest and proselytizing used by the emperor in his pursuit of a Roman Christian empire, combining political and religious ends. Part of the Requerimiento, a document Spaniards were required to read to native leaders prior to taking control of their lands (seldom read in the hearing of the inhabitants; sometimes read on board ship before seeing any inhabitant—and always in Spanish), reads:

*“I beg and require of you . . . to recognize the church as lady and superior of the universe and to acknowledge the Supreme Pontiff, called Pope . . . if you do not do it . . . then with the help of God . . . I will take you personally and your wives and children, and make slaves of you, and as such sell you off . . . and I will take away your property and cause you all the evil and harm I can.”*

Though the sovereignty of the Spanish over the Western Hemisphere and the bru-

ality of its conquest was protested within the church by fifteenth-century social reformer Bartolomé de Las Casas, a priest and contemporary of Luther, the motivating mixture of “God, Gold, and Glory,” as identified by de Las Casas, proved too attractive to overcome. The triune motivators of religion, profit, and empire power was confirmed by Cortes in his famous 1521 declaration that ends with “Let us go forth, serving God, honoring our nation, giving growth to our king, and let us become rich ourselves; for the Mexican enterprise is for all these purposes.”

Protestants decried Spain’s abuses as “popery,” but justified their own treatment of Indigenous peoples by essentially the same line of reason. The English, both Puritan and Pilgrim, had a slightly different take on the recognition of the pope but essentially came to the same conclusion—that colonialism (specifically British Protestant colonialism) was mandated by God. In 1620 King James I (of King James Version of the Bible fame) lost no time claiming the death of thousands of Native Americans from smallpox as evidence of God’s favor, and urging the colonists, with this evidence of God’s “great Goodness and Bountie towards Us,” to take all the land.

#### **A Pragmatic Shift with Lasting Consequences**

In a constitution-based America, viewing non-Christian inhabitants as less human (and therefore having lesser rights) evolved more along race lines, with less reference to religious practice. Race, which now included Black slaves, proved a more practical way to determine groups of people who were “Other” or “Not Settler-Colonists.” By the time Indigenous peoples started taking their cases to court—a true rarity for many reasons—the diminished rights of Othered peoples was so ingrained that the U.S. Supreme Court confirmed in the 1823 case of *Johnson v. McIntosh* (where the term “Doctrine of Discovery” is first used in jurisprudence) that once European settlers came ashore, the title in the land was vested in or moved to the British crown, “so the doctrine was a valid part of U.S. law,” as stated by the chief justice. As recently as 2005 the Supreme Court acknowledged the continued relevance of this doctrine to U.S. property law in an Indian land dispute case. *Johnson v. McIntosh* was adopted by Canada in the 1888 *St. Catherines Milling* case and thus became an integral part of Canadian law as well.



## Act 2

### *How the West Was Won*

With European settler title clearly established regarding land and the implied inhumanity and lesser rights of Indigenous peoples widely accepted, the stage was set for atrocities in both the United States and Canada.

Canada, observing the Trail of Tears and the high cost of the American Indian Wars (not officially ended by the U.S. government until 1890), opted for the alternative of forced starvation. The destruction of the bison was the first step, followed by a brisk cross-border business in emaciated U.S. cattle. The animals were driven north to provide rations in starvation quantities to be distributed (or not) by Indian agents on reserves—the area to which treaties now restricted Indigenous peoples on the Canadian plains. The God, Gold, and Glory formula was still intact: U.S. cattlemen and Canadian entrepreneurs had a new market, missionaries flocked to the new territories, and Sir John A. MacDonald, Canada’s first prime minister (aka “Father of Confederation”), was effectively clearing the plains in cooperation with them for the glory of a Christian empire.<sup>2</sup>

#### **Religion and the Management of the “Other”**

As an othered and subjugated group, Indigenous peoples struggled to retain individual and group identity. Exhibiting dominance by the creation of levels of rights that were conferred in legislation rather than assumed as inalienable rights conferred by God (as settler rights were) was a means of breaking Indigenous spirit on both sides of the border, making “the Indian



Problem” easier to manage. Indigenous lives, associations, and livelihood options became ever more prescribed. Separating Indigenous people from their spiritual beliefs was key if these Others were to fit into the Manifest Destiny that flowed from the Doctrine of Discovery and propelled westward expansion.

Indigenous religion was directly attacked. In 1884, for example, the Sun Dance, central to the spiritual practices of various Indigenous peoples across the plains, was outlawed in Canada and not allowed again until 1951. The lifting of the ban on Indigenous religious practices came about after World War II, when the Canadian public, sensitive to Nazi human rights abuses, began to hear about the valor of Indigenous soldiers in Canadian forces, and hints of residential school abuse.

Students at the Blue Quills residential school in Alberta.



## Act 3

### *Residential Schools—Killing the Indian and (Sometimes) Saving the Child*

Religious hope is perhaps the most tenacious and formative hope. Killing it early became part of the colonial mission.

“Beginning with the Indian Civilization Act Fund of March 3, 1819, and the Peace Policy of 1869, the U.S., in concert with and at the urging of several denominations of the Christian Church, adopted an Indian Boarding School Policy expressly intended to implement cultural genocide through the removal and reprogramming of American Indian and Alaska Native children to accomplish the systematic destruction of Native cultures and communities. The stated purpose of this policy was to ‘kill the Indian, save the man.’”<sup>3</sup>

The catchy policy slogan was adapted by Canada’s first prime minister, John MacDonal, in a parliamentary debate defending the residential school system. He is credited with saying, “Take the Indian out of the child,” a somewhat genteel avoidance of the word *kill* when discussing a policy and system that resulted in the deaths of thousands of Indigenous children.

Though residential schools in Canada date back to Catholic missionaries in New France, Canada’s first prime minister looked south for a modern model. The 1879 study of U.S. Indian residential schools, generally known as The Davin Report, concluded that if assimilation was to be successful—a primary goal of educating Indigenous peoples—children should be removed from their home communities and their mythology replaced by Christianity. Indigenous religions were ridiculed as well as forbidden at the schools.

In 1883 MacDonal authorized the creation of the residential school system and established three federal residential schools on the prairies. It was soon clear that children were dying, and Dr. Peter Bryce was commissioned to study the public health issues. Despite his efforts to publicize his findings, Bryce’s 1907 report was not released in his lifetime. By 1914 Duncan Campbell Scott, deputy superintendent of Indian Affairs, had to admit that 50 percent of admitted children died at the schools.

The residential school system tore families apart and devastated generations. In the U.S., more than 523 government-funded and often church-run Indian boarding schools operated across the U.S. in the nineteenth and twentieth centuries. Canada’s 130 schools (80 in operation at Canada’s highest point) took in at least 150,000 children over 120 years. By 1925, U.S. enrollment of about 61,000 represented close to 85 percent of school-age Indigenous children.<sup>4</sup>

“The goal of the schools was to ‘kill the Indian in the child,’” wrote Chief Dr. Bob Joseph, quoting MacDonal’s adaptation of the American maxim. “But tragically, it was the children themselves who died in overwhelming numbers at these schools. . . . The numbers are not precise because no one kept accurate records: not the schools, the churches that managed the schools, or the Indian agents.”

#### Effects of Religious Coercion

The Truth and Reconciliation Commission established by the Canadian federal government, which gave its report in 2015, revealed a very dark reality within the residential school

system. There was religious coercion and ridicule coupled with mental, sexual, and other physical abuses perpetrated by the Christians who often ran the residential schools in the U.S. and Canada. The trauma continues to affect the daily lives of not only survivors but also most Indigenous people as the devastation of families and injured parents continues to take its toll.<sup>5</sup> The 2021 discovery of 215 unmarked graves at the Kamloops, British Columbia, residential school shocked Canadians and triggered renewed trauma for residential school survivors.

Chief Ermineskin, barely 60 years of age, counts his longevity a rarity in his generation: 75 percent of his residential school classmates are dead.

#### Undoing the Gordian Knot: A Human Rights Paradigm Shift

It was public opinion after World War I that began to move the needle on the perception of some basic injustices rooted in the Doctrine of Discovery. Public empathy for the Indigenous U.S. soldiers in World War I who fought with distinction for a country that denied their basic human rights resulted in the Indian Citizenship Act of 1924. This law extended the right to vote to Indigenous veterans; in the same year Canada extended citizenship to World War I veterans as well. In the wake of World War II a broader awakening to basic human rights spurred a recognition of Indigenous people as “people,” which in Canada led to an overhaul of aspects of the Indian Act in 1951. In addition to the suspension of the ban on the Sun Dance and potlatch ceremonies, Indigenous individuals were also now included as “persons” whatever their status under the act, and all Indigenous individuals could now vote.

Fear of the implications of unwinding centuries of church-state intertwining concerning Indigenous peoples might best be illustrated by the 2007 United Nations vote on its Declaration on the Rights of Indigenous Peoples (UNDRIP). Only four members voted against it—all of them New World colonial countries where the Doctrine of Discovery is part of the common law—Australia, Canada, the United States, and New Zealand. They have since become signatories.

Just two years after the 2007 adoption of UNDRIP by the U.N., after decades of

unremitting advocacy by Indigenous leaders, Canada codified UNDRIP into federal law. It committed the national government to an ongoing process of working cooperatively with Indigenous leaders to implement the goals of the U.N. declaration.

#### Saying Yes to Religious Freedom for All

The response of the Ermineskin Cree Nation to the pope’s 2022 apology—which did not rescind the doctrine, as some had hoped—suggests a new direction for jurisprudence that separates theology from politics, one that respects freedom of choice in religion in opposition to the Doctrine of Discovery.

In response to the pope’s apology, Chief Littlechild placed a war bonnet on the head of Pope Francis. It was a symbolic act—an act of humanity and dignity that repudiates what the Doctrine of Discovery implies about human rights and equality. About eight months later, on March 30, 2023, the Holy See Press Office issued a statement on the Doctrine of Discovery that specifically underscored papal support for the principals of UNDRIP.

While UNDRIP may not have the legal force of *Johnson v. McIntosh*, it’s a yardstick for measuring existing laws and is being cited in court submissions. This may indicate a shift in thinking about the theo-political underpinnings of the Doctrine of Discovery—a shift akin to the 1951 Canadian amendment recognizing all Indigenous individuals as “persons.”

Whatever the court battles ahead, one thing is clear: The Indigenous Other is an equal.

<sup>1</sup> Kevin Burrell, “‘How the West Was Won’: Christian Expansion Before and After the Protestant Reformation.” *Andrews University Seminary Studies* 56, no. 1: 115–140. Burrell’s extensive review of scholarship on Catholic and Protestant theology respecting empire provides detailed citations for the thought leading to the British colonial activity in North America up to 1620 that is included in this review of events and documents.

<sup>2</sup> See James Daschuk, *Clearing the Plains* (Regina: University of Regina Press, 2013).

<sup>3</sup> The National Native American Boarding School Healing Coalition website.

<sup>4</sup> *Ibid.*

<sup>5</sup> My thanks to Wayne M. Schafer, Q.C., western head of the Residential School System Section of the Department of Justice, for his perspective as counsel on the effects of the residential system and treaty-based land claims in Canada, and his direction to materials on the Doctrine of Discovery from an Indigenous perspective.

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