



National Library
of Canada

Bibliothèque nationale
du Canada

Acquisitions and
Bibliographic Services Branch

Direction des acquisitions et
des services bibliographiques

395 Wellington Street
Ottawa, Ontario
K1A 0N4

395, rue Wellington
Ottawa (Ontario)
K1A 0N4

Votre loi - Votre référence

Our law - Notre référence

NOTICE

The quality of this microform is heavily dependent upon the quality of the original thesis submitted for microfilming. Every effort has been made to ensure the highest quality of reproduction possible.

If pages are missing, contact the university which granted the degree.

Some pages may have indistinct print especially if the original pages were typed with a poor typewriter ribbon or if the university sent us an inferior photocopy.

Reproduction in full or in part of this microform is governed by the Canadian Copyright Act, R.S.C. 1970, c. C-30, and subsequent amendments.

AVIS

La qualité de cette microforme dépend grandement de la qualité de la thèse soumise au microfilmage. Nous avons tout fait pour assurer une qualité supérieure de reproduction.

S'il manque des pages, veuillez communiquer avec l'université qui a conféré le grade.

La qualité d'impression de certaines pages peut laisser à désirer, surtout si les pages originales ont été dactylographiées à l'aide d'un ruban usé ou si l'université nous a fait parvenir une photocopie de qualité inférieure.

La reproduction, même partielle, de cette microforme est soumise à la Loi canadienne sur le droit d'auteur, SRC 1970, c. C-30, et ses amendements subséquents.

Canada

PAPAL SOCIAL THOUGHT ON ABORIGINAL RIGHTS:
A STUDY IN HISTORY

Submitted in partial fulfillment for the degrees of
Doctor of Philosophy (Ph.D.) and Doctor of Theology (Th.D)
Saint Paul University, Ottawa

Michael Stogre, sj
Faculty of Theology



Michael Stogre, Ottawa, Canada, 1992



National Library
of Canada

Bibliothèque nationale
du Canada

Acquisitions and
Bibliographic Services Branch

Direction des acquisitions et
des services bibliographiques

395 Wellington Street
Ottawa, Ontario
K1A 0N4

395, rue Wellington
Ottawa (Ontario)
K1A 0N4

Your list - Votre référence

Our list - Notre référence

The author has granted an irrevocable non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of his/her thesis by any means and in any form or format, making this thesis available to interested persons.

L'auteur a accordé une licence irrévocable et non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de sa thèse de quelque manière et sous quelque forme que ce soit pour mettre des exemplaires de cette thèse à la disposition des personnes intéressées.

The author retains ownership of the copyright in his/her thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without his/her permission.

L'auteur conserve la propriété du droit d'auteur qui protège sa thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

ISBN 0-315-83841-8

Canada



UNIVERSITÉ D'OTTAWA
UNIVERSITY OF OTTAWA

THE DEVELOPMENT OF PAPAL SOCIAL THOUGHT
ON ABORIGINAL RIGHTS
A SUMMARY

This thesis traces the development of papal social teaching on aboriginal rights reaching back some seven centuries. In a sense, the analysis shows that we have come full circle. The issues of political sovereignty and self-government that preoccupies so many aboriginal peoples today were also central when Innocent IV began his deliberations about the right of non-Christian peoples to dominium, the right to exercise political power and to own property. In Innocent's day many non-Christian peoples had de facto dominium. The question for both Innocent IV and Hostiensis was: did non-Christian peoples have de iure dominium? Innocent IV, basing his argument on natural law, affirmed the universal human right of peoples to political sovereignty. Hostiensis, on the other hand, arguing from a theological base, denied de iure dominium to all non-Christian peoples. Because they both supported the Church's mission to evangelize the nations their theories differed little when it came to implementation.

In the era of European colonial expansion in Africa, Eastern Europe, and the Atlantic archipelagos, the issue of dominium was shunted aside in favour of working out relations

among the colonial powers themselves. In this context of inevitable European expansionism, the papacy, including Alexander VI, tried to carry out a two fold ministry of protecting and evangelizing the newly discovered peoples. Alexander's solution, following several of his predecessors, was to use the conflict and rivalry between the colonizing powers, and the mechanism of a line of demarcation, to ensure for the Church a space for evangelization.

This overriding missionary concern of the papacy was confronted with new ideological challenges during the pontificate of Paul III. The question then was not: do the Indians have human rights, but are they even human? If they were not human the issues of human rights, slavery, and just war were mute, and evangelization was pointless. Paul III affirmed the humanity of the Indian peoples and defended aspects of dominium, namely, their right to personal freedom and private property, but within the sphere of Iberian political sovereignty. He did this principally because an authentic response to the Gospel message required freedom on the part of those receiving it. Thus justice issues, while explicitly discussed by Paul III and a number of his successors, were seen as subordinated to, and as necessary conditions for, the work of evangelization. In the centuries that followed the pontificate of Paul III, slavery continued to be a major concern, and the subsequent popes who addressed

the issue were content to revive the teaching and sanctions of Paul III.

As we move into the Leonine period of papal social teaching the issue of slavery continues to be a major concern, but the assumptive world of the papacy was changing. While Innocent IV may have raised the issue of universal natural rights, Leo XIII and his successors took it for granted. In doing so they brought Catholic social teaching on slavery into line with modern teaching and practice. More importantly, for subsequent thought, Leo XIII began to treat human rights concerns as issues in themselves, and not just as necessary conditions for the successful reception of the Gospel. Leo also retrieved a fuller understanding of dominium.

After the second world war the context shifts significantly. The process of decolonization gave rise to many new states, but left many old ones--as well as most new ones--struggling with issues of "multiculturalism" and especially the rights of "minorities." Recognizing that most of these minority groups will never be able to achieve political independence--but not precluding the possibility in some cases--the Holy See worked out a policy framework for dealing with these issues. On the one hand, the policy flowed from the application of general Catholic social teaching principles to the situation of "minorities." On the

other the theory has been nuanced by direct papal contact with the "aboriginal peoples" among these "minorities."

A review of this Catholic social teaching as applied to "minorities," and particularly to "aboriginal peoples," from Leo XIII to John Paul II reveals both continuity and innovation. The earlier overriding concern for evangelization has definitely continued. Given the fundamental purpose of the Church to evangelize the nations it could not be otherwise. What is new is that issues of justice, development, and more recently, liberation, are now seen as integral to, and constitutive of evangelization. This shift occurred principally during the pontificates of John XXIII, and Paul VI.

Contributing greatly to the shift in papal teaching was the Second Vatican Council in which both popes played crucial roles. The stress on "culture" and the development of a missiology rooted in "inculturation" and respect for the right to "religious liberty," has lent support to indigenous peoples struggling to maintain their precarious existence in the modern world. In effect, the Church has come to affirm a communal right to maintain one's culture.

Later, in the pontificate of John Paul II, a growing ecological consciousness has influenced the teaching on the rights of aboriginal peoples. I submit that in recent

documents, especially in The Church and Racism, and in If You Want Peace Respect Minorities. The Vatican has recognized the special relationship that aboriginal peoples have with the land. Thus the right to an adequate land base for indigenous peoples has been supported in a unique way by linking it with the fundamental right to life. This right to life is interpreted to mean more than the right to maintain one's bare existence, but in the sense that life and the traditional culture are inextricably bound together.

In conclusion, I consider that the Church has worked out a quite sophisticated and flexible policy framework for addressing issues of indigenous peoples. The Church is prepared to accept a variety of options and outcomes. These range from eventual assimilation (freely chosen), right up to, and including, complete independence. The Church would like to see these arrangements worked out in freedom by negotiation, and buttressed by non-violent action if needed. Yet, it does not rule out the possibility--as a last resort--of armed struggle to achieve the desired end. If the Church can be said to have a preferred option it is for multicultural states in which all the member peoples can be accommodated, and to which all the member communities can make a contribution for the "common good."

ACKNOWLEDGEMENTS

Like St. Paul this thesis was born out of due time. For it has been completed rather late in a life that has been punctuated with formal studies in philosophy, theology and medicine. The topic germinated many years ago while working with the inter-church coalition, Project North. Yet, its fulfillment, in a period of Canadian history when aboriginal rights issues are a national priority, is I believe providential.

Thus like St. Paul I wish to give thanks first of all to the "Creator and Lord of all things" for the opportunity to pursue this enterprise.

Under God I wish to express my gratitude to the Jesuits. In particular I want to thank Fr. William Addley S.J. who as my provincial superior first suggested that I return to studies, and instead of a sabbatical year updating moral theology, pursue the doctorate. The Society of Jesus has generously furnished me with the resources, spiritual and material, to complete this project. It has been patient too with my plodding efforts to finish--at a time when personnel are in short supply and pastoral needs are great.

With special gratitude I wish to thank my two directors

Fr. Achiel Peelman O.M.I., and Professor Ken Melchin. Fr. Peelman was supportive in the beginning as the project germinated, and provided oversight in its earlier stages. To Ken Melchin I owe the specific focus on papal teaching as a study in history a la Lonergan. I also owe him a debt of gratitude for taking over the project when Fr. Peelman went on sabbatical, and for putting up with my many deficiencies as a researcher and writer.

In addition, I want to thank Mr. Jean Bellemare for his help with Latin, Ms. Diane Kealey for ferreting out obscure articles in arcane journals, and the Anishinabe Spiritual Centre for providing me with a place to write the past two years.

Finally, I want to thank Fr. Jacques Monet S.J. for sharing his professional historical expertise, and for his exuberant support of the project.

When I publicly proposed this topic at St. Paul's I declared that this thesis would be written in blood--not necessarily my own--before I could get it done on paper. Sadly, with the death of a police officer at Oka, Quebec, this has come to pass. The aboriginal rights issues that underlie the crisis there and elsewhere in Canada have not yet been resolved. My hope is that this research when published will help shape a more harmonious future for all of the nations within the Canadian state.

CONTENTS

Introduction.	1
Chapter 1: Historical and Theological Foundations Of Papal Social Thought On Indigenous Peoples . .	15
1.1 The Medieval Heritage: The Indian as Infidel	16
1.2 Alexander VI: The Bulls of Demarcation	38
1.3 Paul III: The Human Dignity Of the Amerindian	57
1.4 Post Lascasian Papal Responses	80
Chapter 2: Modern Papal Social Thought On Indigenous Peoples Leo XIII to John Paul II	97
2.1 Leo XIII: The Slavery of the Amerindians Of South America.	98
2.2 Pius X and the Genocide Of the Amerindian Peoples of South America	106
2.3 John XXIII and the Rights Of Minority Peoples	111
2.4 Vatican II and Cultural Rights	125
2.5 The Pontificate of Paul VI	145
2.6 John Paul II: The Uniqueness of Indigenous Peoples.	166

Chapter 3: John Paul II's Addresses To Indigenous Peoples During his Apostolic Visits 1979-1991.	196
3.1 Apostolic Visits to the Indigenous Peoples Of Latin America	200
3.2 Apostolic Visits to the Indigenous Peoples Of North America	218
3.3 Apostolic Visits to Indigenous Peoples Outside the Americas	232
Conclusion	238
Endnotes	251
Bibliography	329

INTRODUCTION

In 1534, following a time honored European tradition,[1] Jacques Cartier erected a cross at Gaspé. Its significance was not primarily religious. By this action Cartier intended to proclaim French sovereignty over the territory. This symbolic act did not go unchallenged. As Cartier's narrative of 1534 recounts:

When we had returned to our ships, the chief, dressed in an old black bear-skin, arrived in a canoe with three of his sons and his brother; but they did not come so close to the ships as they had usually done. And pointing to the cross he {the chief} made us a long harangue, making the sign of the cross with two of his fingers; and then he pointed to the land all around about, as if he wished to say that all this region belonged to him, and that we ought not to have set up this cross without his permission.[2]

Nearly five centuries later--in July of 1990--the Mohawks of Oka, Quebec, resisted with arms further encroachment on land they claimed belonged to them, and to the sovereign Mohawk nation. The clash of sovereignty claims remains unresolved. But as the tense and tragic events of the Summer of 1990 reveal, this is not a purely academic issue for historians. Large areas of Canada, including major regions of Labrador, Quebec, British Columbia, as well as the Yukon and the North West Territories at this writing remain uncaded

land. They fall under the Federal government's "Comprehensive Land Claims Policy."

This policy explicitly recognizes "aboriginal title." What is not clear is the extent of this title. For the "aboriginal peoples"[3] of Canada the "aboriginal rights" affirmed in the Canadian Constitution, section 35(1), include the right to self-government. The Federal government, on the other hand, tends to see these rights as having no specific content until fleshed out in Federal--and increasingly--Provincial legislation.

Because of its own aboriginal membership, and because of its ecumenical involvement in the Aboriginal Rights Coalition, the Roman Catholic Church in Canada has been drawn into this debate. This is not a new issue for the Church. In 1551, for example, Bartolomé de las Casas, the Dominican bishop and human rights activist, before the assembled Council of the Indies, theologians, and jurists, read his celebrated defense of the Amerindian. It took him five days. The results were inconclusive in that the Council never rendered a verdict or even published the results of the debate. However, it is also true that the work of his opponent, Juan Ginés de Sepúlvida, who argued for the legitimacy of the conquest on the basis of the inferiority of the indigenous population, was forbidden publication. But this small victory did not curtail the

injustices being perpetrated in the new world.

The issues then were primordial. They involved the right to life, freedom, and the basic dignity of being considered members of the human race. Today these rights are not disputed in principle, however they may be brutalized in reality. Yet, the right to exist as a people, the right to maintain one's culture, is at the heart of the present Canadian problem. So nearly five hundred years after European contact with the Americas, many of the injustices of the era of conquest and colonization remain unredressed.

Some Church leaders continue to speak out in defense of aboriginal peoples. Yet the voice of the Church, as in the early years after discovery, while often courageous and prophetic, remains largely ineffective. The Church, I submit, needs to reexamine its strategic thinking and pastoral action, but more fundamentally it should renew its social thought on aboriginal rights. A first step in this process involves a critical analysis of the tradition. This is the intent and focus of the present thesis.

In fact, the earliest, and perhaps still the most profound, discussions of these issues emerged in a theological context. I refer to the pioneering work of theologians like Francisco de Vitoria and Francisco Suárez, activists like bishop Bartolomé de las Casas, and many others. It is my

claim that papal social thought on indigenous peoples still has much to offer in working toward a solution to these unresolved political questions. More importantly, from the perspective of the Church's fundamental mission to evangelize, these documents contain important insights regarding the relationship between evangelization and human rights.

The original debate was framed by the question: Are the aboriginal peoples "natural slaves"? That debate concluded that the indigenous populations were "natural children" thus justifying colonization. However, there was another stream of thought. Pope Paul III, responding to the concerns of some missionaries and bishops working in the new world, and the lobbying of the Dominican Friar, Bernardino de Minayo, declared in the year 1537:

Indians are truly men...they may and should, freely and legitimately, enjoy their liberty and the possession of their property: nor should they be in any way enslaved: should the contrary happen, it shall be null and of no effect.[4]

Pope John Paul II referred to this teaching in his speech at Yellowknife, The North West Territories, September 18, 1984:

In 1537 my predecessor Paul III proclaimed the rights of the native peoples of those times. He affirmed their dignity, defended their freedom, asserted that they could not be enslaved or deprived of their goods or ownership.[5]

John Paul II went on to spell out some of the rights inherent in aboriginal title:

A right in public life to participate in decisions affecting their lives...a just and equitable degree of self-governing, ...a land base with adequate resources is also necessary for developing a viable economy for present and future generations...[6]

More recently, in his 1989 World Day of Peace Message To Build Peace, Respect Minorities, John Paul II stressed the urgency of this issue:

"From the 19th. century a certain political trend has spread and taken hold in all parts of the world, according to which people of the same extraction wish to be independent and to set themselves up as a nation apart. But since, for various reasons, this cannot always be achieved, it follows that ethnic minorities are often included within the national borders of a different ethnic group, and this leads to quite complex problems" {Pacem in Terris, 94}.

With these words 25 years ago, my venerable predecessor Pope John the XXIII pointed to one of the most delicate questions affecting contemporary society, a question which with the passing of time has become even more pressing since it is related to the organization of social and civil life within each country as well as to the life of the international community. It is for this reason that in choosing a specific theme for the World Day of Peace I think it appropriate to present for general reflection the problem of minorities.[7]

Thesis Progression

In light of this urgent need, the present thesis will undertake to assemble and analyse the corpus of papal social thought on aboriginal rights generated over the past seven centuries. In Chapter one I will first examine the arguments of the principal medieval precursors to the great figures of

the sixteenth century who debated the issues of aboriginal rights after Columbus' contact with the new world. Secondly, I will trace the development of papal social thought on indigenous peoples from the "Bulls of Demarcation" of Alexander VI, through the pivotal proclamations of Paul III in 1537, right up to the apostolic letter, In Supremo Apostolatus issued by Pope Gregory XVI, in 1839. Chapter two will complete this history by tracing the issue through the era of modern papal social thought generally conceded to have begun with Leo XIII. I will terminate my study of papal documents issued centrally with the World Day of Peace statement broadcast on New Years day 1989. Finally, chapter three will examine the application of this papal social thought during the Pontificate of John Paul II. Specifically, I will examine the addresses John Paul II gave directly to aboriginal peoples during the years 1979-1991.

Methodology

The methodology of this thesis will be an exercise in Bernard Lonergan's third functional specialty "history" with a view towards presenting materials for the subsequent specialties.[8] In Lonergan's methodology "history" operates at the level of judgment.[9] It presupposes and utilizes the basic research and interpretation done by scholars in the field under discussion. In relation to theology "history" is

mainly concerned with doctrinal movements:

Its substantial concern is the doctrinal history of Christian theology with its antecedents and consequents in the cultural and institutional histories of the Christian religion and the Christian churches and sects. Finally, it cannot remain aloof from general history, for it is only within the full view that can be grasped the differences between the Christian churches and sects, the relations between different religions, and the role of Christianity in world history [10].

The general history referred to by Lonergan attempts to

offer the total view or some approximation of it. It would express the historian's information, understanding, judgment, and evaluation with regard to the sum of cultural, institutional, and doctrinal movements in their concrete setting.[11]

Basically, we want to know "what was going forward" regarding papal thinking on indigenous peoples and their aboriginal rights.

The exercise will proceed by addressing three principal questions to the texts. First, what is the historical problem being faced in the document(s)? Secondly, in terms of the assumptive world of the authors, what were the implicit categories in which the problem was to be solved? Thirdly, what is the relationship in these texts between evangelization and human rights? The third question is the principal objective of the thesis. The first two questions, while significant in themselves, are primarily in service of elucidating the relationship between evangelization and human

rights. By answering these questions we will be able to discern more clearly where the significant continuities and discontinuities in papal social thought exist on the issue of aboriginal rights. In addition, we will be able to decide if there is one Catholic tradition on the rights of indigenous peoples, or whether there are a number of distinct traditions functioning simultaneously or functioning in succession. Finally, we will be able to say if these traditions are mutually compatible or incompatible.

Limits of the Project

This study intends to assemble and analyse the set of documents issued by the papacy over the past seven centuries that concern aboriginal rights. However, it must be observed at the outset that the "Church," which is used in this thesis to refer to the Roman Catholic Church, is broader than the papacy and wider than the Roman Catholic communion. Thus the full story of the Church's response to aboriginal people would have to include the writings and pastoral activities of the religious orders who were the principal instruments of mission and papal policy vis-à-vis indigenous peoples. In addition, the works and teaching of the local churches would have to be included. In particular, the results of important church councils and synods that took place in the new world under the auspices of the bishops in the major archdioceses of Latin

America should be taken into consideration. In more recent centuries the work and writings of churches other than the Roman Catholic would have to be examined. This would certainly include the Russian Orthodox church which evangelized Siberia and Alaska. All of these contributions are outside the scope of the present thesis. Furthermore, with respect to other sources relevant to understanding the aboriginal rights debate the following section will specify what sources will be utilized and what areas will be omitted from the discussion.

Review of Sources on Aboriginal Rights

As Juan Friede, an important Lascasian scholar, points out:

Despite the abundant literature on the Indianist polemic of the sixteenth century an objective and dispassionate study of the official church policy on these problems, does not yet exist, which makes it difficult to render a categorical statement on the subject.[12]

What is true of the sixteenth century is even truer of later history--including the present century. Thus the originality of the thesis consists in its being the first comprehensive "study in history" of papal social thought on aboriginal rights in which the relationship between evangelization and human rights is systematically analysed. No one to my knowledge has attempted such a comprehensive review and

analysis of papal thinking on aboriginal rights. A computer search of dissertation abstracts over the past 100 years revealed nothing remotely resembling this dissertation. Perhaps this should not be surprising given that the focus of papal social thought over the past century has been the "social question," and given that much of the papal literature relevant to the topic has only appeared in the Pontificate of John Paul II. This reflects the urgency of the issue, the Church's option for the poor, and the quincentenary of European contact with, and evangelization of the Americas.

The task of assembling the corpus of papal texts was made easier by the work of Francisco Xavier Hernaez, whose Colección de Bulas, Breves, y otros Documentos Relativos a la Iglesia de América y Filipinas[13] covers the period from "discovery" to the late 19th. century. Supplementing this collection I have drawn on the series edited by the German Dominican, Arthur Utz, entitled La Doctrine Sociale de L'Église à travers les Siècles,[14] to obtain texts promulgated during the centuries prior to European contact with the Americas. Both collections are incomplete, and I have used Lewis Hanke to fill in the gaps principally in the Pontificate of Paul III.[15]

There is abundant literature on the High Middle Ages relevant to the present theme. In particular, James Muldoon

stands out as a contemporary scholar who has synthesized this material, and with whose positions I generally concur. His principal work Popes, Lawyers, and Infidels: The Church and the non-Christian World 1250-1550, [16] is essential reading in setting forth the conceptual framework shaping papal teaching on the rights of non-Christian peoples. However, it is very limited in its discussion of the post-contact era. A more recent work by Leslie Green and Olive Dickason, The Law of Nations and the New World, [17] builds on the work of Muldoon, but is more comprehensive in scope especially in its delineation of the issues in the post-discovery period, and Dickason's awareness that the principal concern of the Church has always been evangelization even when it is addressing human rights issues.

In the first half of the sixteenth century, in addition to the papal documents that form the best known corpus of papal texts on aboriginal rights, [18] there are many works by las Casas, Vitoria, and others, that are useful for understanding the political and ecclesial context of these documents. [19] Several commentators on the key texts of Paul III, Lewis Hanke, [20] Carlos Seco Caro, [21] and Alberto de la Hera, [22] are invaluable in unravelling the mysteries surrounding Sublimis Deus, the best known papal document treating aboriginal rights. However, they are all limited in their analysis of the political dimension of aboriginal

rights. Following the Pontificate of Paul III there is very little written either by the popes themselves or by commentators on the papal texts. From another optic, because slavery remained a problematic issue for the Church right into this century, I have found very revealing the historical survey of Catholic teaching on slavery written by Maxwell.[23]

In addition, there is the literature flowing from international law and the public policy of the colonial powers. In the Canadian context, the Proclamation of 1763 remains the foundational document.[24] This crown policy is included in the present Canadian Constitution.[25] The most comprehensive treatment of this stream of thought bearing on the nature and scope of aboriginal rights is the work by Bruce Clark, Native Liberty, Crown Sovereignty: The Existing Aboriginal Right of Self-Government in Canada. [26] There is also the legal literature growing out of this earlier crown policy. Two important works to date are Native Rights in Canada, [27] and Aboriginal Peoples and the Law. [28] The former was the standard work in the field, but the latter volume will remain the more comprehensive until a contemplated 3rd. edition of Native Rights in Canada appears.

There is also abundant documentation on present Federal government policy beginning with the Indian Act, [29] through the 1969 Statement of the Government of Canada on Indian

Policy,[30] to the policy statements on land claims and self-government,[31] culminating in The Canadian Constitution itself wherein aboriginal rights are "hereby recognized and affirmed."[32] In this category we should also include the doctrine developed under the auspices of the United Nations. This would include the Universal Declaration of Human rights,[33] the International Covenant on Civil and Political Rights,[34] the International Covenant on Economic, Social, and Cultural Rights,[35] and the International Covenant on the Rights of Indigenous Peoples. [36]

There is also the growing body of literature coming from Aboriginal peoples themselves. This could be divided into declarations and proposals for self-government such as the Dene proposal for public government in the North West Territories,[37] and a voluminous and constantly growing literature of commentary on government policy, treaty rights, and self-government.[38]

Finally, the least developed source in recent times would be work on the ethical and theological foundations of aboriginal rights. There is, however, one helpful recent article in this category by Daniel Gormley entitled "Aboriginal Rights as Natural Rights." [39] As already stated above, none of this important work on the international, constitutional, legal, and foundational aspects of aboriginal

rights, and their contemporary application will be the focus of this thesis. Instead, I will assemble and analyse the body of papal social thought on aboriginal rights. This social thought I submit is still relevant, not only to Church involvement with indigenous peoples, but to public policy discussions on the issue. In particular, this thesis will chart the changing relationship between evangelization and human rights as instantiated in the historical conflict between evangelization and the rights of aboriginal peoples. The earliest--and perhaps still the most important--work that treats this relationship remains Del Único Modo de Atraer a Todos los Pueblos a la Verdedera Religion. The author was Bartolomé de Las Casas.[40]

CHAPTER ONE:
HISTORICAL AND THEOLOGICAL
FOUNDATIONS OF PAPAL SOCIAL THOUGHT ON INDIGENOUS PEOPLES

It is generally assumed that the debate over aboriginal rights began in the context of the Spanish conquest of South America. Recent historical scholarship demonstrates that this view is mistaken.[1] For scholars have revealed the great continuity that exists between the key figures of the sixteenth century, men such as Las Casas, Vitoria, Paul III, and their predecessors of the previous three centuries. In particular, the Church tradition was shaped by the influential canonist and Pope, Innocent IV(1243-1254), and by his pupil, Henry of Segusio, better known as Hostiensis(c.1200-1271).[2]

Consequently, the first section of this chapter covering the foundational period will delineate the contributions deriving from Innocent IV and Hostiensis to this medieval heritage. A second section will be devoted to the period immediately after European contact with the Americas. This will consist of an analysis of the "Bulls of Donation" promulgated by Pope Alexander VI in 1493. The third section will focus on the pontificate of Paul III. In particular, I

will be discussing several documents promulgated by this pope in the year 1537. Finally, in a fourth section, I will review papal teaching on indigenous peoples in the centuries between Paul III and the pontificate of Leo XIII, the initiator of modern Catholic social teaching.

1.1. The Medieval Heritage: The Indian as Infidel

Interest in the question of the rights of non-Europeans, and non-Christians, began to stir in the middle of the thirteenth century.[3] This can be attributed to a number of historical factors. First, the Crusades brought European Christians into contact with the largely Moslem world of the Middle East. Secondly, the Crusades coincided with, and gave impetus to generalized European expansion in this era.[4] New lands for example in Eastern Europe, were being opened up and occupied at this time.[5] Thirdly, in the Iberian peninsula the Islamic empire was gradually being pushed back. At the same time, several island chains were being rediscovered in the Atlantic ocean.[6] As well, the Portugese, beginning with their 1415 conquest of Cueta in North Africa, began a major expansion around that continent.[7]

In addition, papal teaching was shaped by its dealings with three groups of people within Europe. In the first place,

there were schismatics and heretics who lived within the bounds of Europe. Secondly, European Christians encountered communities of Jews living in European Kingdoms. Finally, there were the Moslems or Saracens. Some Moslems lived within Europe like the Jews, but the majority lived outside Christian Europe.[8] Generally, the teaching developed to handle relations with these groups was drawn upon and expanded whenever the Roman Catholic Church encountered new peoples--whether in Eastern Europe, on the island chains of the Atlantic, or threatening from the steppes of Asia. The principal agents of this developing doctrine were the canon lawyers. James Muldoon, a historian of this period, describes the process:

The canonists tended to lump together the various kinds of people who were not members of the Church, so that legal principles and practices developed for dealing with one class of people defined as *extra ecclesiam* were applied to another class. Thus when the canonists came to consider the situation of non-Christians who lived beyond the bounds of Christendom, they began by extending previous discussions of non-Christians living within Europe to fit the new peoples whom they encountered.[9]

Innocent IV and the Rights of the Infidel

With respect to the political and property rights of non-Christian peoples it was Innocent IV who asked the pertinent question: "is it licit to invade the lands that infidels possess, and if it is licit, why is it licit?"[10]

Prior to Innocent IV it was commonly held that the Pope possessed both spiritual and temporal power, the so called "two swords" theory. St. Bernard of Clairvaux elaborated this theory by claiming that the two swords St. Peter possessed were symbols of spiritual and temporal power rightfully belonging to the vicar of Christ. Consequently, if all authority on earth ultimately resided in the papacy, the expropriation of infidel lands needed little justification.

Furthermore, it was taken for granted that "just war" theory[11] legitimated the campaigns to retake the Holy Land. For in the case of Judea it was assumed that these lands really belonged to Christendom in view of earlier possession, because Christ had lived there, and because of the Donation of the Emperor Constantine.[12] These reasons amounted to a "just cause," one of three principle criteria for discerning the right to wage war.

Returning to the case at issue James Muldoon describes how Innocent IV handles an obvious objection to the argument based on the forged document known as the Donation of Constantine:

Forstalling the argument that the papacy could only claim imperial jurisdiction over the Western half of the Empire, the area specifically mentioned in the Donation of Constantine, Innocent IV declared that there were other reasons for justifying such intervention. The most important of these reasons was the fact that the Emperor in his capacity as King of Jerusalem could claim the Holy Land. The

pope could lawfully assist the emperor in the recovery of what was rightfully his by raising a Crusade.[13]

Obviously, arguments like these would not be relevant or persuasive in dealing with lands never justly owned or governed by Christians. In his day these included many Moslem countries, parts of Eastern Europe, and the island archipelagos of the Atlantic ocean. Later, with the European discovery of the Americas, the issue would be joined there as well.

It was in this context of the justification of the Crusades that Innocent IV introduced arguments that extended the discussion about the power of the papacy to intervene in secular affairs beyond the Christian world to include all of humanity. These arguments would eventually play an important role in the debates over the Spanish conquest of the Americas in the sixteenth century. However, in the twelfth century the discussion, in terms that had no precedent, was actually occasioned by the Mongol threat to Europe:

Until the time of Innocent IV, the canonists concerned themselves only with legitimacy within Christian society. Innocent IV's interest in the broader aspects of the problem and his willingness to recognize the legitimacy of power outside the Church appears to reflect his attempt to begin diplomatic relations with the Mongols in the 1240's in the hope of converting them. For the first time, the papacy attempted to establish contact with a non-Christian power not hostile to it. In order to deal with the Mongols as equals, the papacy would have to recognize them as legitimate rulers. Innocent IV provided a juridical basis for doing

just that. The failure of later canonists to follow up Innocent's thought on the subject parallels the failure of the Mongol mission.[14]

The juridical basis for the legitimacy of secular power he stated as follows:

...lordship, possession, and jurisdiction can belong to infidels licitly and without sin, for these things were made not only for the faithful but for every rational creature as has been said. For he makes his sun to rise on the just and the wicked and he feeds the birds of the air. (Matthew 5:26) Accordingly we say that it is not licit for the pope or the faithful to take away from infidels their belongings or their lordships or jurisdictions because they possess them without sin.[15]

Innocent IV immediately qualifies this argument for legitimacy by asserting the preeminent powers vested in the papacy:

...we do certainly believe that the pope, who is the vicar of Jesus Christ, has power not only over Christians but also over all infidels, for Christ has power over all, whence it is said in the psalm, "Give to the King thy judgment O God" (Psalm 71:2), and he would not seem to have been a careful father unless he had committed full power over all to his vicar whom he left on earth. Again he gave the keys of the kingdom of heaven to Peter and his successors and said, "Whatsoever you shall bind, etc." (Matthew 16:19) And again elsewhere, "Feed my sheep, etc." (John 21:17)...But all men, faithful and infidels, are Christ's sheep by creation even though they are not of the fold of the church and thus from the foregoing it is clear that the pope has power and jurisdiction over all de iure though not de facto. [16]

In addition to Biblical and Roman law sources which Innocent IV draws upon for his commentary, Muldoon suggests that Innocent IV was influenced by several practical and political considerations. The first, a factor noted above,

was the necessity and the opportunity of dealing with the Tartars of Mongolia. On the one hand, their powerful military presence necessitated a de facto acceptance of dominium over their lands. On the other hand, their status as infidels was an opportunity for mission. In brief the evangelization imperative played an important role in shaping papal diplomacy.[17] Secondly, Innocent IV probably feared a revival of the Donatist heresy. Originally, this heresy held that only those in a state of grace could properly celebrate the sacraments. In the early thirteenth century this theological view was extended into the political arena by Alanus Anglicus, a Welsh canon lawyer, who claimed that since the coming of Christ dominium was taken away from all infidels everywhere. Taken to its logical conclusion this doctrine entailed that Christian political leaders--and even the pope himself--could forfeit dominium if they fell into serious sin.[18] This doctrine was too extreme to be tolerated within Christendom, as it could undermine the stability and order of the body politic. At the same time its rejection from mainline Church teaching probably contributed to the moderate views of Innocent IV vis-à-vis non-Christians.

Thirdly, the conflict over the propriety of owning property that was dividing the newly founded Franciscan order occurred during the pontificate of Innocent IV. In his papal bull adjudicating between the spiritual Franciscans who

repudiated all ownership of property, and the conventuals who wanted to own property, the pope taught that the ownership of private property was a basic human right. Thus whether one was an infidel, a public sinner, or a Christian seeking perfection in religious life, certain basic rights remained intact.[19] Dominium, therefore, was a fundamental facet of human existence.

While Innocent IV cites no authority for it, the idea that all human beings had basic human rights was, as Muldoon hypothesizes, a product of the revival of Aristotelian political philosophy then gaining currency in Europe.[20] At least one historian claims this philosophy was mediated to Innocent IV via St. Thomas Aquinas(1224-1274).[21] This is probably mistaken because Innocent's commentary was completed in 1250, while Thomas Aquinas only began his Summa Theologiae in 1265.[22] In fact, an examination of Thomas's teaching on the issue reveals a position at variance with that of Innocent IV. According to Kenneth Pennington, Thomas held that:

the infidels could lose their *dominium* over Christians by reason of their infidelity. Innocent IV was much more moderate. He maintained that the pope could take away the *dominium* of an infidel prince who governed Christians only for a magna causa.[23]

Innocent's position reflects the dualist school of thought on legitimate authority in society. In this view, the pope had only an indirect power to intervene in civil society. Another

competing view, known as the hierocratic school, taught that "the pope was the undisputed ultimate authority in all matters within Christian society." [24] This view presupposed that all legitimate authority came from God, and was mediated through the Church. But this debate moves us into the substance of Innocent IV's commentary which I will now review from its beginning.

Overview of Innocent IV's Argument

Innocent IV's document was a commentary on the decretal, Quod Super His, written by pope Innocent III (1198-1216). This decretal was concerned with vows made by crusaders to liberate the Holy Land. Sometimes the fulfillment of these vows had to be postponed or curtailed altogether. Innocent III examined the circumstances that justified these changes and what could substitute for the original vow. [25] Innocent IV began his commentary on this decretal by discussing the reasons comprising the 'just cause' criteria for waging a defensive war to retake the Holy Land. [26] These have all been enumerated earlier in this section, and will not be repeated here because Innocent's prime concern was not the justification of war, but the wider question about the legitimacy of invading and claiming sovereignty over lands other than the Holy Land.

Innocent initiates his argument with a discussion of the

two components of dominium: property and political power. With respect to the private ownership of property he traces out a progression from the prelapsarian state of humanity, where all property was thought to have been held in common, to the present state in which the law of nations holds sway. Basically, because of Original Sin, conflict developed between the descendents of the first parents. As a result there arose the need for private property.[27] Subsequently, the human race began to populate unoccupied territory, the terra nullius. [28] In this way, they divided up the earth, while at the same time avoiding conflict because everyone knew exactly what belonged to them. The story of Abraham and Lot found in the book of Genesis exemplified this process:

Lot also had sheep, goats, and cattle, as well as his own family and servants. And so there was not enough pasture land for the two of them to stay together, because they had too many animals. So quarrels broke out between the men who took care of Abram's animals and those who took care of Lot's animals. Then Abram said to Lot, "We are relatives, and your men and my men shouldn't be quarreling. So let's separate. Choose any part of the land you want. You go one way, and I'll go the other." Lot looked around and saw that the whole Jordan Valley, all the way to Zoar, had plenty of water, like the Garden of the Lord or like the land of Egypt. ...So Lot chose the whole Jordan valley for himself and moved away toward the east. That is how the two men parted.[29]

This happy condition, where human beings were free and slavery did not exist, was not to last. Innocent IV, according to Muldoon, following a Roman Law position, recognized that "in

the contemporary world...the law of nations that allowed private property, slavery, and war had replaced natural law as the basis upon which men[sic] dealt with one other."[30]

In a similar fashion, Innocent traced the organic development of political power from the family, through the patriarchs, to the election of princes. Just as the Creator had ultimate dominium over property, so all political power derived fundamentally from God.[31] It is not clear to Innocent just how the first delegation of power from God to humankind took place. He does suggest that:

perhaps God assigned some person or persons to do justice to criminals or unless in the beginning the father of a family had complete jurisdiction over his family by the law of nature, though now he has it only in a few minor matters.[32]

Muldoon points out that Innocent is here drawing upon a Roman law source for his hypothesis.[33] Just as he had done with the origins of private property, he next illustrates the development with a biblical example. In this case, he refers to the election of Saul as King of Israel as typical of the shift from patriarchy to state government.[34] As in earlier uses of scripture Innocent IV appears to be using the biblical examples to illustrate natural law realities rather than to ground natural law itself in scripture.

Innocent employs this same text to exemplify his natural law argument that humanity has the right to choose its own

rulers. James Muldoon summarizes it this way:

Saul's election as King was, in Innocent's opinion, evidence that all "rational creatures" had the right to select their own rulers. This right did not rest on any special divine grant of authority, nor was it restricted to the ancient Israelites. By the laws that were common to all men, private property and self-government were the right of all men. Even in the contemporary world, infidels continued to enjoy these rights without interference because these rights were as common to all men as the sunshine that warmed all men, Christian and infidel alike. As a consequence, it was not licit for the pope or anyone else to wage a campaign to deprive infidels of their property or their lordship simply because they were infidels. Innocent thereby effectively demolished the possible claim that the responsibility of the Church for the souls of all men authorized any war that Christians chose to wage against infidels.[35]

What Innocent is challenging here is the previously held position that any reason whatsoever would justify a war against the infidel. Innocent, does not rule out, as we have already seen, just wars against non-Christians. Furthermore, he continues his commentary by elaborating additional grounds for intervention in pagan societies. Yet, even these interventions cannot be seen as automatically removing dominium from non-Christian rulers. In developing this argument, as Muldoon observes, he "paralleled the one earlier canonists had used to assert the autonomy of the secular power within Christendom and, at the same time to assert an overriding papal right to intervene in the secular sphere under certain conditions." [36]

On the basis of being the vicar of Christ on earth, with the principal responsibility for overseeing the evangelization of the world, the pope asserted his right to intervene in infidel societies. For if Christ had power over all (in virtue of creation and redemption) and the pope was the vicar of Christ then the pope shared in a pastoral responsibility which included all peoples on earth. Citing a command of Christ's to Peter to "feed my sheep"[John 21:16] he concludes that "all men, faithful and infidels, are Christ's sheep by creation..."[37] He further infers from this that "the pope has jurisdiction and power over all de iure though not de facto."[38]

Having asserted a universal jurisdiction over humanity, Innocent nuanced his position by spelling out its scope. Proceeding from the communis opinio that the pope had the right to judge Christians when they violated the laws of God,[39] he then recalls that popes, including himself, have considered it appropriate to judge the Jewish community living within Europe when they violated the laws of the Old Testament or taught heresies. Furthermore, and this is the pivotal point, the pope could intervene if their own spiritual leaders did not punish the offenders.[40] Implied in this practice was the view that spiritual government was normally in the hands of the community's own Jewish leaders, and would revert to them once the abuses had been punished. Innocent and his

predecessor Gregory IX(1227-1241) actually conformed to this policy.[41]

Innocent IV extended this framework beyond Christendom in virtue of the vicar of Christ's universal jurisdiction, a belief in natural law which all peoples have the possibility of knowing, and the practice of intervening in the Jewish community. In a similar fashion the pope was authorized to intervene in infidel societies to make them live up to the natural law. If, for example, a particular pagan society was seen to violate the natural law by practicing various sexual perversions or by committing the sin of idolatry, the pope could authorize an invasion of that society in order to stamp out such abuses.[42]

No secular ruler could authorize such an invasion because they lacked the supreme authority belonging only to the Holy See. Once the abuse had been rectified it would logically follow, as had been the case with the Jewish community, that the army must withdraw leaving the local government intact. Furthermore, it was the common theological opinion (often violated in practice) that military force was not to be used to coerce conversions or impose baptism on the population. Innocent held that baptism must eventuate from a free and voluntary decision.[43]

In addition, because the pope had the prime

responsibility for world evangelization, he was obligated to send missionaries into non-Christian territories and states. If the rulers of these domains refused entrance to the missionaries, the pope could initially threaten them with punishment and invasion. Subsequently, if there was no change of attitude, he could authorize Christian forces to protect the missionaries while they preached, defend them if they were attacked, and overthrow local rulers if they persecuted their Christian subjects. In another option he states that Christian subjects could be withdrawn from the jurisdiction of the infidel ruler.[44] In this scenario if all but the ruler became Christian he advised that the ruler be invited to step down. The ruler should then be appropriately compensated for his loss of property and political power.[45] At the same time, remaining faithful to his basic argument supporting the dominium of infidels, Innocent admitted that Christian subjects still owed allegiance to their non-Christian rulers. This was in effect as long as the ruler didn't interfere with the practice of the Christian religion.

Muldoon offers a helpful analogy to understand this hierarchy of rights. He suggests that the relationship is like that found in the marriage law known as the "Pauline Privilege":

By the terms of that privilege, if one of the partners in a marriage converts to Christianity while the other remains an infidel, the marriage

ought to remain binding. If, however, the infidel partner interferes with the religious practice of the Christian, the Christian partner can leave the infidel spouse and legitimately remarry, even though the first marriage was a valid one in the eyes of the Church. In both cases, the spiritual welfare of the Christian is superior to the natural-law rights of a ruler or spouse.[46]

This analogy with divorce law suggests a further elaboration. When Jesus was asked if it was permissible to divorce one's wife "for whatever reason he wishes"[Matt. 19:3] he knew that "whatever reason" had been interpreted in two senses. One school taught that every reason, no matter how trivial, could justify a writ of divorce. The other school taught that there were a few exceptions which allowed for divorce. In effect, Innocent IV developed a position akin to the second view. Opposing those who said any reason at all justified the invasion of infidel lands he spelled out very carefully the lawful exceptions. This approach is also consistent with, and probably influenced by, just war theory as a theory of exceptions to the Christian ideal of non-violence.[47] In this discussion, Innocent was careful not to be seen to be fomenting revolution among the Christian subjects of an infidel kingdom. His reasoning was quite pragmatic. He feared that if infidel rulers got wind of such a theory they could use it as an excuse to persecute their Christian citizens and subjects.[48]

Finally, covering possible future developments, Innocent

asks whether infidels could use these same arguments to reclaim Europe, and to justify sending Moslem preachers to Italy? To both questions he answers in the negative. In the first place, he argues that there is no equivalence with the situation in the Middle East. The rulers and peoples of Europe voluntarily became Christian, while the Moslems overran the Christian parts of the Middle East.[49] As for preachers from other religions coming to Christian Europe, he gave them short shrift: "we should not judge them equal with us since they are in error and we are in the way of truth." [50]

In summary, Innocent IV's view affirms, but ultimately relativizes, the infidel's natural rights to possess property and to exercise political power. He begins by affirming the non-Christian's right to dominium. He ends by subordinating that right to the spiritual mission of the Church to "make disciples of all nations," and to the spiritual well-being of Christians subject to infidel rulers. Innocent IV's question, as we have seen in the above discussion, was not an abstract one, but rather was shaped by a number of historical factors operative at the time. The principal one was the de facto power of the Mongols and of Islam during that historical period. In addition, there were also new opportunities for evangelization, the fear of a Donatist revival, the problems arising from the controversy over Franciscan property rights, and finally, the growing influence of Aristotelian

philosophy. In the final analysis, despite the narrowness of this viewpoint in terms of contemporary human rights theory, Innocent IV was actually breaking new ground. For in his time there was only a minimalist doctrine of universal human rights. The traditional hostility of the Greco-Roman world to foreigners and barbarians had been taken up and transposed by Christendom into aggression against infidels and heretics.[51]

Innocent IV worked within an assumptive world of meaning in which the papacy considered itself the supreme temporal and spiritual authority on earth. Ironically, the formidable opponents of Christian Europe of that era held similar views about being the vicars of God on earth. Despite this seemingly inflexible starting point, Innocent IV, using elements of Roman law, canon law, Aristotelian political philosophy, and scriptural examples, addressed the question of the evangelization of the Mongols, and in so doing generalized conclusions about the rights of infidels. His solution was to acknowledge a universal natural law right to dominium while at the same time subordinating that right to the overriding evangelical mission of the Church. Evangelization, for Innocent IV, meant that the pope as supreme pastor had the responsibility to make sure the Gospel was preached to all peoples so that they could move from being implicit members of the Church to explicit actual members. Concretely, this meant the implanting of a new local church as an extension of the

universal Catholic Church. In this view human rights were seen primarily as a condition for evangelization. Yet, unlike many of his predecessors--and successors--Innocent IV did grant dominium in a full sense to non-Christian peoples. Thus, this pontiff held that in addition to property rights non-Christian peoples also had a natural right to exercise political power and jurisdiction in their realms.

Hostiensis' Counter-Position

Innocent IV's highly nuanced position was soon challenged by one of his own pupils. Commenting on Innocent IV's commentary, Hostiensis, (1200-1271) who was a distinguished canonist in his own right, asked the same question about the legitimacy of invading infidel lands. He ended his commentary with a statement that seemingly contradicted the teaching of his mentor, Innocent IV. Basically, Hostiensis denied that infidels possessed dominium. Repeating an argument propounded by the canonist, Alanus Anglicus, he bluntly stated:

...that with the coming of Christ every office and all governmental authority and all lordship and jurisdiction was taken from every infidel lawfully and with just cause, and granted to the faithful through Him who has the supreme power and who cannot err.[52]

As we have already seen, in discussing Innocent IV's reasons for affirming universal natural rights, this is really an extension of the Donatist heresy from the religious to the

political realm. Just as priests in sin could not validly exercise a sacramental ministry, Hostiensis thought that sinful political leaders were also deprived de iure of their legitimacy. The minor premise that the infidels were sinners was supported by two arguments. First, there was the empirical argument flowing from the actual sinful behavior of the infidel. This was also backed up with a scriptural passage from the book of Ecclesiasticus which states that "Lordship passes from one people to another because of injustices and wickedness and outrages and other kinds of evil." [53] Secondly, in addition to their idolatries and breaches of the natural law, infidels, according to Hostiensis, were sinners simply for not being Christian. Thus it follows, in his opinion, that dominium had passed from the infidels to the vicars of Christ on earth, who represent the Lord Jesus Christ. [54] Consequently, according to Muldoon, "the pope had the right to intervene directly in the affairs of infidel societies because infidel rulers had usurped lands and power that now rightfully belonged to Christians." [55] Here Hostiensis was referring not just to the Holy Land but to all land on earth.

Having claimed that infidels were actually usurpers of property and power rightfully belonging to Christendom, logically Hostiensis should have gone on to promote wars to disposses these peoples of their de facto dominium. This he

does not do. Apparently motivated by the Christian concern for evangelization,[56] Hostiensis is careful to moderate his views. Fearing that infidels would convert simply to protect their power and property, he invokes the commonly held principle that Baptism must be the result of a free choice, as the basis for initial acceptance of non-Christian rulers. Consequently, he is forced to a position of toleration of de facto infidel dominium so long as the infidel ruler is willing to acknowledge Christian, especially papal, overlordship.[57] Furthermore, as a first approach, Hostiensis advocated the peaceful penetration of non-Christian societies by Christian missionaries. If the missionaries are forbidden entry then the pope may authorize military action to support the missionary effort.[58] In this respect Hostiensis' position differs little from that of Innocent IV in its practical application. Where they do differ fundamentally is in their understanding of the extent of papal power. James Muldoon concludes his comparison of the positions of the two canonists this way:

The difference between the opinion of Innocent IV and Hostiensis was a small but crucial one: whether the pope's power with regard to the infidels was direct or indirect. Both Innocent and his student took similar approaches to the actual exercise of power that they claimed for the pope. Innocent's opinion would require the pope to demonstrate either that infidels who were the objects of a Christian invasion occupied previously Christian territories or that they clearly violated the terms of the natural law. Hostiensis' argument would not require such a demonstration because the

infidels by definition were usurpers, not lawful possessors. ...The overriding concern of both writers was for the spiritual mission of the Church, something that the anarchistic loosing of crusading armies on the infidels would slow, if not block entirely.[59]

In a more recent work on the same material the Canadian historian, Olive Dickason, arrives at much the same conclusion as Muldoon's:

Two principle lines of thought concerning non-Christians and *dominium* emerged during the thirteenth century. Innocent IV,...upheld the rights of non-Christians to property and the exercise of authority, while Hostiensis maintained that Christ had assumed all powers with his coming, which meant that those who did not acknowledge him automatically lost their rights. Thus stated, the positions appear contradictory, and they were usually so presented by their followers; however, both Innocent and Hostiensis qualified their stands, so that in effect the actual difference between them, while vital, was not one of absolute contradiction. Innocent held that non-Christian, or secular power was legitimate de iure, although secondary to that of Christians, while Hostiensis held that such power could only be tolerated de facto under certain circumstances. Slight as that distinction may appear, it was of fundamental importance to the Law of Nations. Innocent's position implied the possibility of unity through diversity, never easy to work out in practice. A just war could not be waged against a people simply because they did not share the faith. The majority of canonists agreed with Innocent on this in principle; however, it was the Hostiensian position that fueled the ideological motor of Europe's expansion, perhaps because in the field of action it lent itself more readily to simplification of issues and rationalization of the growth of empires. It also related well to the doctrine, never fully suppressed even though declared heretical, which held that a state of grace was necessary for the legitimate exercise of dominium. [60]

In conclusion, the arguments of these two great

canonists. Innocent IV and Hostiensis, provided the framework for the debates of the thirteenth to the sixteenth centuries on the dominium of non-Christian peoples. As medieval canonists Innocent IV and Hostiensis for the most part shared a similar assumptive world. Where they parted company was on the issue of dominium. Innocent IV, working from a natural law framework affirmed the universality of dominium. Hostiensis, arguing from theological premises denied the de iure dominium of the non-Christian segment of humanity. Starting from the position that Christ assumed all powers on coming into the world, that He had transferred this power to his vicar on earth, that infidels were sinners and usurpers by definition, he logically arrived at his conclusion, namely, that infidels at most could be tolerated as having a de facto dominium. In addition, both canonists shared a common evangelical concern which mitigated the harsher aspects of their theories. Yet, ironically this same concern provided the ideological justification for many colonial conquests in later centuries as cross and sword became inextricably intertwined. Consequently, when Europeans made contact with the Americas a body of opinion already existed which the post-discovery popes would readily draw upon to discuss the rights of non-Christian peoples. Section two of this chapter will be devoted to that momentous event in world history, and the papal response to it.

1.2. Alexander VI and the Bulls of Demarcation

Pope Alexander VI's(1492-1503) bulls of demarcation[61] completed a process that began in earlier pontificates of the fifteenth century. The first bulls of demarcation were occasioned by a dispute over control of the Canary islands. Both Spain and Portugal claimed these islands, probably first discovered in 1312.[62] They turned to the papacy to adjudicate the issue. Muldoon suggests two reasons why these powers still looked to the papacy:

In the first place, the efforts of the Portugese and Castilians to oust the Moslems had benefited from papal bulls authorizing crusading tithes and other benefits for the kings of those countries. Any further expansion would similarly benefit from papal blessing. In the second place, both of these kingdoms claimed jurisdiction over the Canaries. The pope was the logical choice to determine their respective claims.[63]

Eugenius IV(1431-1447) was a key figure in this process. By the time of his pontificate some of the islands had been colonized and their indigenous population converted to Christianity. This, however, did not prevent the natives from being subject to raids by Portugese slave traders. Responding to a complaint by a local bishop about such raids the pope had banned further European colonization of this Archipelago. He

did this not only to protect the Christians but the infidels as well.[64] This papal protection policy was in harmony with Innocent IV's view that the flock of Christ included these "pagan sheep," whom he wished ultimately to Christianize as well as civilize.[65] When King Edward I of Portugal in 1436 requested that the ban on further colonization be lifted, and proposed that the Portuguese be authorized to carry out this twofold evangelizing and civilizing mission, Eugenius acceded to his demands. In doing this the pope was no doubt motivated by a practical concern as well. King Edward had pointed out that while the Portuguese may obey the pope "...other men, less noble and less God fearing, would not be deterred by papal fulminations." [66] Consequently, with no navy of his own to do the policing of the islands, Eugenius opted for the Portuguese as the lesser of two evils. However, the issue was not permanently resolved by his interventions.

His successor, Nicholas V(1447-1455), was called on to settle the continuing dispute between Spain and Portugal over ownership of the Canary islands. In 1455 Nicholas published a papal bull Romanus Pontifex[67] which attempted once again to achieve a lasting settlement of the issue. In short, Nicholas decided in favor of Portugal.[68] In addition, this document legitimated Portuguese expansion around the Western coast of Africa from Capes Bojador and Nam through the whole of the

Guinea coast and beyond into the southern regions to Antarctica.[69] In this exclusive sphere of operation the Portugese were given a free hand to:

Invade, search out, capture, vanquish and subdue all Saracens and pagans whatsoever, and other enemies of Christ wheresoever placed, and the kingdoms, dukedoms, principalities, dominions, possessions, and all moveable and unmoveable goods whatsoever, held and possessed by them, and 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...[70]

This text contradicts the teaching of Innocent IV, and even of Hostiensis, who advocated, as we have seen earlier, at least an attempt at peaceful missionary penetration before sending in the troops. Innocent also distinguishes between lands once held by Christians and unjustly usurped by the Saracens, and other lands never held by Christians whether their sovereigns be Moslem or pagan. Nicholas on the other hand lumps Saracens and pagans together. He also omits any discussion of their rights to property and the exercise of political power, i.e. to dominium.

However, the teaching propounded in this decree could be construed to be consistent with just war theory, as outlined earlier in this chapter, if we grant Nicholas V two crucial assumptions. First he believed that the Portugese were dealing principally with Moslem held lands which were formerly

Christian. Since, according to medieval just war theory, it was legitimate for Christian Europe to repossess such lands it followed that the Portugese could justly attempt to retake the territories named. Secondly, his reference to "pagans and other enemies of Christ," implies that he believed the inhabitants of these lands were hostile to the Gospel. Consequently, he could invoke Innocent's principle of protection for missionaries as an auxilliary justification for military intervention. However, as I noted in section one, Innocent IV did not assume that military protection of the missionaries automatically entailed the right to conquer the nation, or displace their rulers.

In the concrete historical circumstances, because he did not possess independent sources of information about these lands and peoples, Nicholas V had to rely on Portugese testimony. Their accounts were misleading on a number of counts. Geographically the pope was led to believe that what is now known as the Senegal river which flows to the coast of Guinea was the Nile river.[71] Furthermore, the Portugese were no longer encountering Moslems in lands that once belonged to Christians, as they had been in their colonization of Ceuta in North Africa. Finally, there was no real effort at a peaceful presentation of the Gospel to these African peoples. The consequence of such a misunderstanding of the facts was the

brutal dispossession and enslavement of the indigenous population. At best these actions were seen to be legitimate in terms of just war theory which allowed the victors to despoil the losers, and to sell the vanquished into slavery. These practices were long established in the Mediterranean theatre of recurrent war against the Moslem world. They were now extended into the non-Moslem West African world.[72]

But was this all that Nicholas wanted to do: legitimate Portugese conquest in West Africa? The document clearly states otherwise.[73] The concern for its own preservation and security may have motivated the Church to support the expansion of the Iberian powers of the day, but the desire to evangelize the world also weighed heavily on every pope of the time. Nicholas V was no exception. The opening sentence of his decree Romanus Pontifex delineates the Christian duty to evangelize, and recognizes the new political context in which it must operate:

The Roman pontiff, successor of the key-bearer of the heavenly kingdom and vicar of Jesus Christ, contemplating with a father's mind all the several climes of the world and the characteristics of all the nations dwelling in them and seeking and desiring the salvation of all, wholesomely ordains and disposes upon careful deliberation those things which will be agreeable to the Divine Majesty and by which he may bring the sheep entrusted to him by God into the single divine fold, and may acquire for them the reward of eternal felicity, and obtain pardon for their souls. This we believe will more certainly come to pass, through the aid of the Lord, if we bestow suitable favors and graces on those

Catholic Kings and princes, who, like athletes and intrepid champions of the faith, as we know by evidence of facts, not only restrain the savage excesses of the Saracens and of other infidels, enemies of the Christian name, but also for the defence and increase of the faith vanquish them and their kingdoms...[74]

As this text verifies, popes of the fifteenth century were acknowledging and assuming greater responsibility for world evangelization, and manifesting a greater concern for the whole human race.[75] These imperatives were somewhat muted after the failed Mongol missions of the high Middle Ages, and after the Islamic empire had shut down, or at least greatly curtailed, Christendom's missionary possibilities.[76] Naturally enough, missionary enthusiasm was revived with the discoveries in the Atlantic, and on the West Coast of Africa.

However, by this era of Church history, papal temporal power had waned considerably. The previous disputes over the Canary islands, and over Lithuania, which the papacy was asked to arbitrate, revealed its weakness. In the case of Lithuania, Poland was vying with the Teutonic knights for control of its territory.[77] As James Muldoon notes:

In both cases, the rights of the infidels took second place to the question of which of the conflicting Christian powers would dominate their lands, and in both cases the eventual conquest of the infidels was taken for granted. What was at stake was the final organization of the conquest. At the same time, the popes continued to act as if their court could resolve disputes between Christian rulers.[78]

The "final organization" referred to by James Muldoon set the pattern for the future. Bulls like Romanus Pontifex clearly set out a sphere of influence using a line of demarcation which was open ended.[79] The bulls of this genre also gave a trade monopoly to the Portugese.[80] In return the crown was to oversee the evangelization of these newly acquired lands, including the building of churches, and the provision of clergy for these territories.[81] It was presumed that the profits from the trade monopoly would offset the costs of the ecclesial enterprise. Already in this process we can see the beginnings of an arrangement that would emerge full blown in the New World as the real patronato,[82] the system in which the colonizing power was entrusted with overseeing not only the temporal but also the spiritual affairs of the territory especially the nomination of clerics to vacant positions. This was an ironic reversal of the "two swords" theory of papal power. For in practice the Iberian political rulers ended up exercising both temporal and spiritual power in their respective domains.

In concluding this discussion of two key precursors to Alexander VI, I submit that the position of Nicholas V is actually a regression from the policy and practice of Innocent IV. In the first place, he failed to defend the dominium of the indigenous inhabitants of the territories under dispute,

and secondly, he effectively allowed the proclamation of the Gospel to be subordinated to the designs of secular powers. Certainly, if canonists of the late fifteenth century were apprised of the actual identity of the West Africans, and if they had applied the teaching of Innocent IV, they could not have justified Nicholas' papal grants to the Portugese crown. The question still remains: would Nicholas have acted any differently had he too known the real identity of these peoples? And even if he had known, as the fate of the Canary islanders attests, would papal intervention have made any practical difference to their survival?

Once Columbus made contact with the Western Hemisphere the questions that had been side-stepped by Nicholas now had to be faced. For it was soon obvious that Europeans were no longer dealing with Moslems or with Africans who might be Moslems. The peoples were new, but the questions were old: "what were the rights of the infidels whom he encountered, and under what, if any, circumstances could Queen Isabella lay claim to the lands recently discovered.?"[83]

Alexander VI and the New Line of Demarcation

Columbus' return from the West Indies was at first less than triumphant. Forced by storms to put in at the Azores, the Portugese governor, thinking that the Spanish had been

trading in their West African territories had them arrested. After questioning the crew, and meeting the six native captives on board, he soon realized they were telling the truth about their explorations. He then graciously provisioned them for the last leg of their journey.[84] Upon landing in Lisbon the Portugese crown harbored the same suspicions. Outwardly receiving the Admiral with great respect, behind the scenes, there was talk of having him assassinated. Again Columbus' native companions probably saved the day, as they were obviously of a different race than the peoples of West Africa.[85]

Because these new discoveries created the same conflict as in the Canaries and West Africa, and because the papacy had been asked to adjudicate such disputes in the past, it seemed logical to approach the current pope, Alexander VI, to resolve the new tensions. In brief, Ferdinand and Isabella requested that the pope confirm Spanish possession of these newly discovered lands. Alexander responded with the famous--or infamous--"bulls of donation" or, as some prefer to call them, the "bulls of demarcation."

A popular misconception of these bulls has it that the pope in effect divided the world between Portugal and Spain. In reality, as Charles-Martial de Witte notes, the bull "rather than a partition, is an exclusion of Portugal from the

field of discoveries."[86] Furthermore, the realpolitik of the situation gave the pope little room for maneuvering.[87] Not being in a position to send out missionaries on his own, the pope had to rely on the good will of the ruling Iberian powers in these cases. Secondly, the pope assumed that these powers were in firm possession of the new lands, and would soon acquire more. Thirdly, if the Iberian Kingdoms were not given jurisdiction, what was to prevent other seafaring nations from colonizing these lands? These nations had less generous motives, at least according to the Spanish and Portugese, who maintained that a principal reason for Iberian expansion was the spread of the Christianity to these peoples who "seemed sufficiently disposed to embrace the Catholic faith and be trained in good morals."[88]

A related factor shaping the decision of Alexander VI was the description of the newly encountered peoples. The Pope, no doubt relying on descriptive accounts from Columbus' diary, as well as descriptions of the Indian captives actually present in Europe, realized that these peoples were not the sophisticated Chinese and Japanese that the Europeans had set out to find. The Arawak and Carib Indians Columbus met on his first voyage of discovery closely resembled the Guanches of the Canary islands in terms of cultural organization and development. The demise of the Canary islanders, as a

distinct people, was by this point in history nearly complete. What was to prevent the same thing happening to these simple peoples who were said to be "living in peace, and as reported, going unclothed, and not eating flesh?"[89] As subsequent events proved, nothing did prevent the extinction of the tribes living on the greater Antilles islands.[90] Using the conflict between the Iberian powers as leverage, the Pope was trying to influence the course of the conquest. Later when Portugal and Spain signed the treaty of Tordesillas (1494) the papacy lost most of this power to mediate between these Catholic states.[91]

Thus the papacy, in the person of Alexander VI, caught between the responsibility to bring all nations to Christ, and the reality that the conquest would go forward no matter what he said, basically tried to make the best of a bad situation. Alexander VI, moreover, realized that he could not achieve his goals of civilizing, Christianizing, and protecting the newly "discovered" native population without the cooperation of the Portugese and Spanish crowns. The fact of conflict between these two powers allowed Alexander VI the opportunity to adjudicate the issue, and like Eugenius IV before him, create an opening for the proclamation of the Gospel.

Terms of the Donation

The same year that Columbus sailed to the West Indies, the Castilians reconquered the kingdom of Granada, the last Moslem bastion in Spain. Alexander VI takes note of this event in the prologue to his bull, indicating that Spain was now free to pursue "the spread of the Christian rule ...to the end that you might bring to the worship of our Redeemer and the profession of the Catholic faith their residents and inhabitants..."[92] The spirit of the enterprise is very much the continuation of the crusading mentality that had fired Spain's wars of recuperation for seven centuries. However, unlike the Moslems who had unjustly usurped the Iberian peninsula, the new "barbarous nations to be overthrown and brought to the faith,"[93] were no longer the Islamic kingdoms of the Middle East, North Africa, and Spain. Thus it is surprising that Alexander VI does not directly address the rights of these "new infidels" to political power and property, issues that had preoccupied his predecessors. Perhaps realizing that the conquest was a fait accompli, and that the European colonizers would not face military power comparable to the Mongols of an earlier era, he tries instead to make provision for the preaching of the Gospel, which, after all, was his prime responsibility.

The principle section of this bull details the terms and conditions of the donation. First of all using the tool of a line of demarcation he excludes Portugal and all other nations from the newly discovered islands and mainlands, and those to be discovered:

drawing and establishing a line from the Arctic pole, namely the north, to the Antarctic pole, namely the south, no matter where said mainlands and islands are found and to be found in the direction of India or towards any other quarter, the said line to be distant one hundred leagues toward the West and South from any of the islands commonly known as the Azores and Cape Verde.[94]

Later in the bull Alexander backs up this ban with a threat of excommunication incurred latae sententiae, that is an excommunication incurred in virtue of committing the act itself.[95]

Alexander VI places one limiting condition on these concessions to Spain. If in their explorations territories are discovered already to be ruled by a Christian king or prince[96] these officials maintain their rights and privileges.[97] This is an intriguing text. Does it imply by its silence on the issue of non-Christian dominium that only Christians possess dominium? Muldoon denies this arguing that:

Inter Caetera was not...an assertion of long-dead papal claims to world domination but rather a carefully worded statement which balanced the rights of the infidels, the papal responsibility for preaching the Gospel, and the political realities of aggressive expansionism. It would

appear that Alexander basically accepted Innocent IV's views on the right of infidels to dominium. At least he did not argue that the mere fact of the natives being infidels would justify conquest. Instead the granting of the Americas to the Castilians was based on the argument that the natives require protection and that the pope, in the absence of any other authority capable of providing this protection, was required by the nature of his vicariate of Christ to provide protection. The best means to do this was to authorize the Portuguese and the Castilians to be responsible for the exercise of this papal responsibility in specific regions.[98]

With respect to the debate about the legitimacy of the papal donation itself Alexander's own description of the indigenous population is germane. Echoing Columbus' account of first contact, Alexander reports that these peoples are "living in peace...and seem sufficiently disposed to embrace the Catholic faith and be trained in good morals." [99] Since these lands were populated, and the people peacefully received the Spanish visitors, there were no obvious grounds to claim sovereignty over these islands. However, the right and responsibility of the Church to evangelize the nations with all of the possible interventions that might be necessary to effect it provided an opening for the state. As Olive Dickason perceptively points out:

All the best legal authorities agreed that rights of discovery could only be invoked in the case of unoccupied territory as set out in Justinian's Institutes {2.1.12}; but on Guanahani, Columbus had planted Spain's flag and gone through the prescribed ritual of possession before a group of wondering Tainos. Not only that, he had no hesitation in naming the island San Salvador although he already knew that Amerindians called it

Guanahani. Since the newly discovered land was irrefutably occupied...the alternative for Spain was to obtain the right to evangelize. It was with imperial interests in mind that Fernando and Isabel sought papal sanction to take whatever measures would be necessary to evangelize the non-Christian inhabitants of this New World.[100]

Thus the canonical mission to evangelize, in this case entrusted to the Spanish crown, served the mutual interests of Church and state. The Pope was able to exercise his responsibility to evangelize and protect the non-Christian members of the flock of Christ, and the King of Spain was able to legitimize his acquisition of these lands. In fact, at the time of the bulls of donation most Spaniards believed that Alexander VI gave outright ownership of these lands to Spain. Then, as now, this interpretation was disputed.[101]

The most famous opponent of this interpretation was Bartolomé de las Casas(1474-1566), the great sixteenth century defender of the rights of the Amerindians. He maintained that the bulls of donation gave the Spanish crown a canonical mission to evangelize in the territories demarcated. He did admit, however, that the papal grant gave the Spanish crown a ius ad rem as opposed to a ius in re right to sovereignty over these lands.[102] By this distinction Las Casas basically meant that the discovering state had the first right to receive the allegiance of the newly contacted peoples. This was still contingent on the free consent of the Amerindians to

Spanish sovereignty over them. According to Kenneth Pennington he derived this position from the Roman law principle: "Quod omnes tangit ab omnibus debet approbari." (What affects all should be approved by all). [103] This principle, which became a foundation stone for democracy, had been used by the Church to regulate the relationship between a Bishop and his local chapter of canons. [104] An obvious obstacle to Las Casas' interpretation was the literal wording of the text. Did not "Omnibus illarum dominiis et jurisdictionibus" (all their dominions and jurisdictions) mean what it said? By invoking the canonical understanding of a papal rescript he tried to get around a literal interpretation. In brief, canon law required that concessions and privileges granted to one party must not prejudice a third party. Applying this to the Indians, Las Casas concluded--somewhat ingenuously in my opinion--that the pope could not have meant what he literally wrote. [105] Yet all the legal arguments that Las Casas used were available to the drafters of the papal bulls. They did not mention them, and they did not make an explicit defence of Indian dominium.

On the other hand, they did not deny it either. Yet the silence on the issue reflects a lack of further development on the issue in the fifteenth century. Of the three popes we have considered in this section Eugenius IV came closest to

following the leadership of Innocent IV. Nicholas V and Alexander VI both failed to follow the earlier distinctions between Moslems who were at war with Christendom, and other non-Christian peoples who had never even encountered Christianity. Nicholas, as we have seen, considered both groups "enemies of Christ," while Alexander, speaks of "overthrowing barbarous nations" without specifying which peoples he had in mind, or on what grounds they were considered "barbarous."

In the end, as James Muldoon asserts, the papal policy was quite pragmatic. It was:

...based on the realistic view that papal refusal to allow European rulers the right to govern infidel lands in return for promises to convert the natives and to raise them to a European standard of social and political life would not prevent anyone from raiding such lands, enslaving the natives, or establishing colonies. ...Furthermore, the natives of the Americas were, at first glance at least, on a primitive level of existence and would not be able to protect themselves against Europeans bent on conquest. Faced with authorizing an orderly settlement of the great contemporary colonial rivalry, or leaving expansion to those whom Edward I had described as seeking only their personal gain, Alexander and his aides chose to authorize orderly expansion based on the high motives expressed by the parties involved. As the lesser of two evils, the Castilians were authorized to control the Americas as the Portugese had been authorized to govern the Canaries.[106]

When the two Iberian powers later made peace with each other the papacy lost its ability to shape colonial policy to any

degree. Early in the sixteenth century the papacy was only called on to legitimate what Spain and Portugal had already negotiated between themselves.[107]

Thus as the papacy moved into the sixteenth century the context of its operations was shifting dramatically. Its temporal power, which had been at its zenith in the era of Innocent IV, had now waned considerably. As well the real patronato system, the agreement between the papacy and the crown of Spain which allowed Spain to oversee the work of the Church in the new world, greatly limited even the "spiritual arm" of the Church. The questions that were emerging were no longer able to be handled within canon law and ecclesiology, though the argumentation developed during these centuries would be drawn upon by the architects of the new international law.[108] Innocent IV and his successors had thought of the issues in terms of the nature of the Christian Church in relation to its potential members among the non-Christian peoples of the world. The type of international law that was now needed, and would in fact emerge in the sixteenth century, concerned itself with the interactions between mainly European nation-states.[109]

Alexander VI shared the assumptive world of his medieval predecessor Innocent IV. He also had opportunities for exercising the ministry of evangelization that were not open

to Innocent IV. Yet, as we have seen earlier, his capacity to carry out this ministry and to protect the newly discovered peoples was greatly curtailed. The question for Alexander VI was how to implement this twofold responsibility in a period of waning papal power and rapid expansionism of the Iberian powers. His solution was to use the fact of conflict between these kingdoms, and the tool of a "line of demarcation" to keep open a way to fulfil the duty of evangelizing the nations.

From the perspective of Gospel values the Church had strayed far from its norms and ideals for evangelization during these centuries. This was a theme that Las Casas would tirelessly expound on during several decades of the sixteenth century.[110] Yet, just when it seemed to have lost its prophetic spirit, new voices in the Church would emerge to defend the rights of the non-Christian indigenous populations. Among the papal advocates of native rights that arose in the sixteenth century Pope Paul III(1534-1539) stands out as the most important representative. He had to confront new arguments being put forward to justify the conquest, arguments that even called into question the validity of evangelization itself. This new problematic was addressed in the papal decrees promulgated by Paul III in 1537. In the following section I will discuss both the background,

ecclesial and political, leading up to these decrees, and the documents themselves.

1.3. PAUL III AND THE HUMAN DIGNITY OF THE AMERINDIAN

The Historical and Political Context

Long before the central authorities of the Catholic Church responded to the justice issues occasioned by the Spanish conquest of the Americas, missionaries and bishops in the field initiated a prophetic challenge to the colonial enterprise, and to the method of evangelization linked with it. Lewis Hanke, a leading Americanist and Lascasian scholar, considers the sermon preached by the Dominican friar, Antonio de Montesinos(1486?-1530), at Santo Domingo in December of 1511 to be the opening salvo in this long and bitter struggle.[111] In that famous sermon, given on the last Sunday of advent, the fiery preacher excoriated the colonists in no uncertain terms. He declared that they were living in mortal sin, defended the humanity of the Indians, proclaimed the colonists duty to evangelize the Indians, and compared the colonists with their own worst enemies. Las Casas at the time was a secular priest. Later, after joining Montesinos'

Dominican community, he gave a vivid account of the episode. The following is the text of the sermon as remembered by Las Casas:

At the appointed time fray Antonio Montesinos went to the pulpit and announced the theme of the sermon: Ego vox clamantis in deserto. After the introductory words on Advent, he compared the sterility of the desert to the conscience of the Spaniards who lived on Hispaniola in a state of blindness, a danger of damnation, sunk deep in the waters of insensitivity and drowning without being aware of it. Then he said: "I have come here in order to declare it unto you, I the voice of Christ in the desert of this island. Open your hearts and your senses, all of you, for this voice will speak new things harshly, and will be frightening." For a good while the voice spoke in such punitive terms that the congregation trembled as if facing Judgment Day. "This voice," he continued, "says that you are living in mortal sin for the atrocities you tyrannically impose on these innocent people. Tell me, what right have you to enslave them? What authority did you use to make war against them who lived at peace on their territories, killing them cruelly with methods never before heard of? How can you oppress them and not care to feed or cure them, and work them to death to satisfy your greed: and why don't you look after their spiritual health, so that they should come to know God, that they should be baptized, and that they should hear Mass and keep the holy day? Aren't they human beings? Have they no rational soul? Aren't you obliged to love them as you love yourselves? Don't you understand? How can you live in such a lethargical dream? You may rest assured that you are in no better state of salvation than the Moors or the Turks who reject the Christian faith." The voice had astounded them all; some reacted as if they had lost their senses, some were petrified and others showed signs of repentance, but no one was really convinced.[112]

After the momentary shock of the sermon the colonists quickly regained their composure, and reverted to their former

views on the encomienda system. They were not convinced that the system was unjust in theory or in practice. This included even Las Casas himself, who at the time was an encomendero, and had participated in the conquest and pacification of Cuba. The encomienda system, which Montesinos was criticizing in this sermon, began with Columbus in 1499. In practice it differed little from slavery, but in theory, at least, the Indian was considered a free person. In this economic and social arrangement the encomendero was to protect and instruct the Indians in the Christian faith, and pay them a small wage. In return the Indians were to pay him tribute. Periodically they were also expected to work on his farm or in the mines, or on some community project. This was referred to by the Spaniards as the mita system. In this system the Indians also had to buy goods from their Spanish masters.[113] The encomienda was dependent on repartimiento, the initial allotment of a group of Indians into the care and control of the encomendero. Montesinos was criticising the Spaniards for their failure to comply with the terms of the encomienda when he questioned: "And why don't you look after their spiritual health, so that they should come to know God, that they should be baptized and that they should hear Mass and keep the Holy day?" The obligation on the part of the colonists to give catechetical instruction in the Catholic faith to their Indian charges, as we have seen, was one of the justifications for

setting up the encomienda system in the first place. In practice this system of slavery--or more accurately serfdom--provided cheap labour for the mines and farms of new Spain. It was also meant as a tool of religious and civil acculturation. The strategy of mission towns or reducciones, which today we might compare to "reserves" or "reservations" is a direct descendent of this mission philosophy. Las Casas and other early missionaries used this approach in their work. It came to its fullest and most successful development in the Jesuit reductions of Paraguay.[114]

From time to time attempts were made to ameliorate this institution. The Spanish crown, for example, promulgated the Laws of Burgos in 1512 and the New Laws of 1542. For the most part these reforms were ineffective. Given the immense wealth the system was generating for Spain it is hard to believe that Spain was sincere in implementing legal reforms. On the other hand, the Spanish crown was truly concerned that the new ruling elite in the colonies was getting out of their control--which by and large it was--and that the decimation of their "Indian subjects" would diminish their rule and wealth.[115]

Church officials were also concerned about the implementation of a system, the encomienda, which they had originally hoped would facilitate the work of evangelization.

They soon began to worry that the harsh treatment meted out to the Indians would turn them against Christianity. This, in fact, was the case. But even episcopal threats of excommunication and the refusal of absolution had little effect on the colonists. For their efforts in this reform movement bishops, like Valdivieso in Nicaragua, and Las Casas in Chiapas, Mexico, were persecuted. Valdivieso was murdered, and Las Casas went into exile in Spain never to return to the New World.[116]

The question Montesinos hurled at his congregation: "are these not human beings?" was disputed time and time again. The indescribable cruelty[117] of the first decades of conquest indicates that most of the colonists, and even many of the clergy, thought the Indian peoples less than human, and fit only for slavery.[118] If this ideology had prevailed it would have followed logically that the missionaries could not evangelize and baptize the Indians.[119] Fortunately, the papacy never wavered in this regard because of its concern for mission. However, the struggle was a painful and protracted one. As late as the fourth decade of the sixteenth century the Council of the Indies was still hearing testimony to the effect that "the Indians could never be Christians, even though 'the Emperor, the Pope, and all the celestial powers intervened on their behalf.'"[120] On the basis of this

opinion Cardinal Loaysa passed a law allowing the Spanish conquistadores to enslave the Indians.[121]

Responding to this new affront to the dignity of the Indian peoples Bishops Zumarraga of Mexico city, Julián Garcés[122] of Tlaxcala, and Las Casas met to discuss strategy. Using materials previously written by Las Casas[123] they drew up a set of petitions which they entrusted to the Dominican priest, Bernardino de Minaya,[124] and sent him off to represent them before the Holy See. Upon arriving in Spain he confronted Cardinal Loaysa, and disputed the opinions of Fray Betanzos, the Dominican who had been spreading these falsehoods about the nature and capacity of the Indian. Finally, strengthened with letters of recommendation he headed for Rome. There Minaya prevailed upon Paul III to write several important documents bearing on the dignity and liberty of the Indian.[125]

Justly proud of his achievement he returned to Spain. There the triumph quickly ended. Manuel Martinez recounts what happened:

Minaya, very satisfied with the success of his mission, departed from Rome with the Papal documents, but had hardly set foot in Spain when he had to surrender them, and was thrown in prison on the grounds of the famous royal privilege of *pase regio*.

Thus the papal initiative was frustrated. The bull and the brief were buried in the archives, and

the voice of the church concerning the abuses of the Indians and the spiritual government of the Indies was silenced for a space of some thirty years, until, again at the instance of Las Casas, the church, speaking through the great Pope Pius V, broke its silence.[126]

But this is to jump far ahead in the story, and so I will now examine the actual documents promulgated by Paul III in 1537.

Contemporary authors commenting on Sublimis Deus tend to focus on its human rights doctrine.[127] However, seen in the context of the time, its principal intent was evangelical. As the previous section demonstrated, the missionaries were primarily concerned about the legitimacy of evangelization. If Betanzos' counterposition had prevailed Roman Catholic missionaries would have had no missionary basis for being in the Americas. Seen in this context, even the Catholic Church's teaching on baptism was significant because it implied that the Indians were true members of the human race.

A further consequence of the dehumanization of the indigenous population was of course the legitimacy of slavery. Vitoria in a letter written to a fellow Dominican commented on the status questionis:

I do not understand the justice of this war...In truth, if the Indians are not men but monkeys, non sunt capaces iniuriae. But if they are men and our fellow creatures, as well as vassals of the Emperor, I see no way to excuse these conquistadores nor do I know how they serve your Majesty in such an important way by destroying your vassals.[128]

The papal response to these questions treats both areas, but principally reiterates the Church's "logic of mission." It is now my task to verify this assertion in the texts themselves. The following section will examine in chronological order the papal brief Pastorale Officium released May 29, 1537, two papal bulls, Veritas Ipsa and Sublimis Deus, both published on June 2, 1537, and finally, the brief of revocation Non Indecens Videtur which was issued a year later on June 19, 1538.

The Papal Brief "Pastorale Officium"

On May 29, 1537, Paul III sent a letter in the form of a brief to the Archbishop of Toledo, Cardinal Tavera. This letter's purpose was ostensibly to make Tavera the executor of the forthcoming papal bull, Sublimis Deus. This it certainly does in the strongest terms possible:

By this letter, then, we enjoin and command, through you or another or others and as a bulwark for the effective defense of all the aforesaid Indians, that you must very strictly forbid each and every person of whatever dignity, status, condition, degree, or excellence to presume to enslave the aforesaid Indians or despoil them of their property in any way whatsoever under pain of automatic excommunication if they act contrary to his directive, from which they can be absolved only by us or by the Roman Pontiff then reigning, unless they are in extreme danger of death and have made previous satisfaction. Further, you must proceed to declare that the disobedient have incurred this excommunication and take further steps by making statutes, orders, and dispositions concerning

whatever is necessary or opportune in any way in relation to the other matters which have been mentioned, and this as it seems to be in keeping with your prudence uprightness, and religion. In these matters we give you full power. All to the contrary notwithstanding.[129]

In addition the text was attempting to pave the way for the teaching of the subsequent papal bulls. In fact, the brief, according to Lewis Hanke, attempts to reinforce the Spanish royal declaration of August 2, 1530. The Spanish Emperor, Charles V, had decreed, in terms similar to this brief and the subsequent bulls, that the Indians were not to be enslaved nor their property expropriated.[130] Echoing the views on papal responsibility developed by Innocent IV, Paul III presents a synopsis of the doctrine and policy he will develop more fully in Sublimis Deus:

Exercising our pastoral office toward those of his sheep who have been entrusted to our vigilant care by heaven, we rejoice in their progress just as we are saddened by their loss. Moreover, not only do we praise their good works but we spread the fruits of apostolic meditation ever more extensively so that they might enjoy what is to their advantage. In fact, we have been informed that our most dear son in Christ, Charles, the ever August Emperor of the Romans and King of Castille and Leon, has pronounced a public edict on all his subjects with a view to restraining those who, burning with greed, have an inhuman attitude toward the human race. This edict forbids anyone whomsoever to dare to enslave the Indians in the south or west or to deprive them of their property. Recognizing then that those Indians, though they are outside the bosom of the Church, must not be deprived of their freedom or their ownership over their property, and since they are men and therefore capable of receiving faith and salvation, they must not be destroyed by reduction to slavery but invited to

life by preaching and good example.

Furthermore, seeking to repress the wicked attempts of such evil men, as well as to make provision lest, exasperated by injuries and harm, these nations should be hardened against embracing the faith of Christ...[131]

Thus after a rhetorical attempt, which failed miserably, to render Charles benevolent, Paul III ends with the major concern of the Church. This is to evangelize peoples. The atrocities perpetrated by the Spanish on the native peoples of the Americas were having a negative impact on the evangelization process as both Las Casas and Minaya had argued. The mainline Catholic position held that the Gospel must be preached peacefully and respect the freedom of those receiving it. This was not happening except in a few instances where missionaries were able to preach without the threat of the military to back them up.[132]

While Paul III recognizes the indigenous peoples rights to property and freedom, one must note the silence on political sovereignty. No mention is made of their right to the political dimension of dominium. This is a definite regression from the teaching of Innocent IV. It also reflects the de facto situation, partially created by the papal bulls of donation, of Spanish sovereignty in the New World. Paul III never questions the legitimacy of Spanish rule, something we should keep in mind when he is touted as a great defender of

Indian rights.[133]

The Papal Bull "Veritas Ipsa"

On June 2,[134] 1537, just four days after the publication of the brief Pastorale Officium, Paul III promulgated the papal bull Veritas Ipsa. This text addressed to "Universis Christi fidelibus" was really a shorter version of Sublimis Deus. The fact of multiple papal documents on the same subject usually reflected different audiences to which they were addressed. In this case, the audience was the same, but the content differed slightly. There is also some variant wording of minor significance. Like Pastorale Officium, Veritas Ipsa taught the basic humanity of the native people, affirmed their aptitude and desire for the Christian faith, urged a respect for their property and freedom, and maintained that these rights obtained even if they lived outside the Christian faith:

We who, in spite of our unworthiness, hold the place of Christ on earth, and who desiring with all our might to lead to the fold the sheep of his flock who have been confided to us even if they are outside his fold, seeing that these Indians, since they are true human beings, are not only apt for the Christian faith, but as we have learned, run with haste towards it, and desiring to support them with all the help necessary, we have decided and declare by this writing and in virtue of our apostolic authority that it is forbidden to deprive the said Indians and all other peoples who will come to the attention of Christians in the future of their liberty and the enjoyment of their goods, even if they are outside the faith. We declare and have

decided, on the contrary, that they can freely and licitly use and enjoy their liberty and their goods and may acquire them; that they not be reduced to slavery, and that the Indians and other peoples must be invited to the said faith of Christ by preaching of the word of God and by the example of a good life.[135]

While reflecting some aspects of the human rights doctrine that derived from innocent IV, this text stresses the Gospel imperative to evangelize the nations. Citing Matthew 28:19, Paul III recalls Christ's commission to "go and teach all nations." [136] The universality of the mission is then used as a major premise to justify the proclamation of the Gospel to the Indian nations. The minor premise is, of course, that the Indians are truly human.[137] Furthermore, even if they are outside the Christian faith they cannot for that reason be deprived of their basic natural rights.

This argument met head on the ideology of the colonists. Their distorted thinking had been brought to the attention of the Pope by the Dominicans, Garces and Minaya. Using language that reflected the writings of Las Casas, Paul III goes on to unmask the "demonic" origins of their thinking:

Seeing that the jealous adversary of the human race, always hostile to the works of humanity seeking to destroy them, has discovered a new way, unheard of until now, to prevent the preaching of the word of God for the salvation of the nations; He has urged certain of his satellites and accomplices, desiring to increase their greed, to force into their service like brute beasts the inhabitants of the Indies west and south and other peoples which have recently come to our knowledge under the

pretext that they are outside the Catholic faith.[138]

As was noted in section one of this chapter, Innocent IV who initiated the dominant canonical position on the rights of the infidel, taught that even those outside the Christian faith have certain basic human rights. Veritas Ipsa is very much in this line of thinking. The teaching of this papal bull was further refined in Sublimis Deus promulgated June 2, 1537.

The Papal Bull "Sublimis Deus"

In the historical period following the conquest Sublimis Deus[139] is the high point of papal teaching on the rights of aboriginal peoples. As Monsignor John Tracy Ellis, the Dean of American Catholic historians, states: "this is a key document in the lengthy controversy over the intellectual capacities of the American Indians." [140] And despite the fact that Sublimis Deus may have been annulled, Lewis Hanke observes that, "the bull lived on as a force to be reckoned with in the endless disputes over the true nature of the American Indians because the nullification was not widely known." [141]

Since the history leading up to the promulgation of this bull has already been outlined I will now examine the text itself. Because of its importance Sublimis Deus in its entirety is included here:

Paul III Pope to all faithful Christians to whom this writing may come, health in Christ our Lord and the apostolic blessing.

The Sublime God so loved the human race that He created man in such wise that he might participate, not only in the good that other creatures enjoy, but endowed him with capacity to attain the inaccessible and invisible Supreme Good and behold it face to face; and since man, according to the testimony of the sacred scriptures, has been created to enjoy eternal life and happiness, which none may obtain save through faith in our Lord Jesus Christ, it is necessary that he should possess the nature and faculties enabling him to receive that faith; and that whoever is thus endowed should be capable of receiving the same faith. Nor is it credible that any one should possess so little understanding as to desire the faith and yet be destitute of the most necessary faculty to enable him to receive it. Hence Christ, who is the Truth itself, that can neither deceive nor be deceived, said to the preachers of the faith whom He chose for that office "Go ye and teach all nations." He said all, without exception, for all are capable of receiving the doctrines of the faith.

The enemy of the human race, who opposes all good deeds in order to bring men to destruction, beholding and envying this, invented a means never before heard of, by which he might hinder the preaching of God's word of Salvation to the people: he inspired his satellites who, to please him, have not hesitated to publish abroad that the Indians of the West and the South, and other people of whom We have recent knowledge should be treated as dumb brutes created for our service, pretending that they are incapable of receiving the Catholic faith.

We, who, though unworthy, exercise on earth the power of our Lord and seek with all our might to bring those sheep of His flock who are outside, into the fold committed to our charge, consider, however, that the Indians are truly men and that they are not only capable of understanding the Catholic faith but, according to our information, they desire exceedingly to receive it. Desiring to provide ample remedy for these evils, we define and declare by these our letters, or by any translation thereof

signed by any notary public and sealed with the seal of any ecclesiastical dignitary, to which the same credit shall be given as to the originals, that, notwithstanding whatever may have been or may be said to the contrary,[142] the said Indians and all other people who may later be discovered by Christians, are by no means to be deprived of their liberty or the possession of their property, even though they be outside the faith of Jesus Christ; and that they may and should freely and legitimately, enjoy their liberty and the possession of their property; nor should they be in any way enslaved; should the contrary happen, it shall be null and of no effect.

By virtue of our apostolic authority we define and declare by these present letters, or by any translation thereof signed by any notary public and sealed with the seal of any ecclesiastical dignitary, which shall thus command the same obedience as the originals, that the said Indians and other peoples should be converted to the faith of Jesus Christ by preaching the word of God and by the example of good and holy living.

Given in Rome in the year our Lord 1537. The 2nd of June, and the third year of our Pontificate.[143]

The two principal Spanish commentators on this papal bull concur that the first part of the text is a rigorous scholastic argument centered on the nature and destiny of the human person.[144] The major premise can be stated as follows: Creatures who have the capacity to receive faith are human. The text explicitly goes on to affirm that all human beings have the capacity to attain the supreme good which is eternal life and happiness. Also implicit within this segment of the argument is the assumption that all human beings have rights. A second premise affirms that the desire for faith entails the

capacity to receive it. For, using a reductio ad absurdum argument, the pope argues that God would never create a creature with such a desire for faith but who does not possess the capacity to receive it. Add to this the empirical argument that the Indians "desire exceedingly to receive it{the faith}"[145] and it follows logically that the Indians, and all other newly discovered peoples exhibiting the same desire, have the capacity to receive the Catholic faith. In turn it follows that those who have such a capacity are truly human beings and are entitled by nature to all the rights belonging to the human person.

This reasoning is reinforced with an argument drawn from scripture: "Go, therefore, and make disciples of all the nations." (Matt. 28:19) His own commentary on this text explicates the basis of the proof: "He {Christ} said all, without exception, for all are capable of receiving the doctrines of the faith." [146] In other words, revelation teaches implicitly the capacity for the faith of all human beings--otherwise Christ would not have commissioned the apostles to make disciples of all nations.

Having set forth clearly and unequivocally his doctrinal position, Paul III then addresses the immediate challenge to this teaching, and to the mission of the Church. In apocalyptic terms he portrays the colonist's ideology as a

strategy instigated by Satan in league with his "satellites"[147] to "hinder the preaching of God's word of salvation to the people." [148] This new method of argument, claimed to be unheard of until this time in history, differs dramatically from the terms of the debate in the Middle Ages. While Innocent IV and Hostiensis differed on the issue of universal human rights both assumed that the peoples whose lands they were invading were human and capable of receiving the faith. Here the very humanity of the newly discovered peoples was put in question.

Paul III, in this document, is clearly closer to Innocent IV's teaching than to Hostiensis. From the point of view of evangelization the free response of those hearing the Gospel is paramount. Thus we can see once again that the papal human rights teaching retrieved in the pontificate of Paul III is still very much at the service of, and subordinate to the "logic of mission." His declaration of a limited dominium of Indian people over their personal property and freedom can't be isolated from the context of mission:

We define and declare....that notwithstanding whatever may have been said to the contrary, the said Indians and all other people who may later be discovered by Christians, are by no means to be deprived of their liberty or the possession of their property,[149] even though they be outside the faith of Jesus Christ; and that they may and should, freely and legitimately, enjoy their liberty and the possession of their property; nor should they be in any way enslaved; should the contrary happen, it

shall be null and of no effect...the said Indians should be converted to the faith of Jesus Christ by preaching the word of God and by the example of good and holy living.[150]

The final injunction is a vindication of the work of Las Casas whose mission methodology it reflects.[151] As noted already, Bernardino de Minaya went to Rome with written documents and petitions mainly composed by Las Casas.[152] Some of this material was incorporated into the papal bull itself. In addition to the mission strategy sentence at the end of the document, it appears that the section describing the tactics of "Satan's satellites" also reflects the thinking and wording of Las Casas.[153] Be that as it may, Paul III made this thinking his own, and wrote a prophetic document containing what Seco Caro would even call a true "Christian humanism." [154]

The Papal Brief "Non Indecens Videtur"

Earlier in this section I alluded to the unhappy events that afflicted Bernardino de Minaya upon his return to Spain. Hanke recounts that "much to his surprise he was imprisoned for two years by the General of the Dominican order and on being released he was sent to work preaching to prisoners in Valladolid. Thus were his labours for the American Indians requited." [155] His attempted return to Spain also sparked a counter-offensive by Charles V. The king of Spain was not

against the papal teaching, which by and large he agreed with, but against the perceived threat to the real patronato--by this time well established.[156] Minaya, by sending copies of the papal documents directly to the New World, thus bypassing the Council of the Indies, understandably upset the king and Council.[157] This incident provoked a series of royal orders which as late as 1657 "directs the Franciscans not to obey papal briefs and patents unless they have first been approved by the Council of the Indies." [158]

In the period under discussion, the years 1537-38, Charles V urged the papacy to revoke the brief and bulls of 1537. In the Spanish interpretation of the brief, Non Indecens Videtur, this is what the papacy did.[159] A close reading of the text, however, does not support the Castillian interpretation.

What we see operating in the papal brief of 1538 is a good example of the tension between the concern for evangelization exemplified by the teaching of 1537, and the pressure to honor the system of royal patronage so evident in the brief of 1538.[160] Yet, despite the pressures on the papacy, the Spanish interpretation of the brief of 1538 seems incorrect. The brief seems clear enough in its intent. It revoked "letters in the form of a brief." [161] Now, as we have already seen, the only brief Paul III published in the form of

a letter was Pastorale Officium. Furthermore, in annulling this document he could not be denying the doctrinal teaching of the spiritual equality of all human beings, nor could he be now saying that the Indians were incapable of the Christian faith.[162] As Lewis Hanke observes, "no pope could have made such a decision so contrary to canon law and the practice of the Catholic church." [163] In fact, this very letter states that he wrote the brief in order that the Gospel be preached without hindrance.[164]

What had disturbed the Spanish crown was not so much the basic teaching of these documents,[165] but the stringent ecclesiastical sanctions contained only in Pastorale Officium. An excommunication latae sententiae[166] reserved to the Holy See was severe indeed. More pertinent and threatening still, such actions would have involved the pope immediately in adjudicating the affairs of the Indies. This Charles V would not tolerate.[167] Basically, what the bull, Non Indecens Videtur annulled were the canonical penalties contained in Pastorale Officium. By nullifying these sanctions, as Lewis Hanke remarks, the pope "withdrew from the ecclesiastics in the Indies a powerful weapon which they might have used to good effect in their attempts to protect the Indians from the rapacity of the conquistadores." [168]

Despite the setback and accomodation this brief

represented, the Indianist faction, rallying around Las Casas, achieved their most notable successes in these years. The highpoint of their efforts was the promulgation of the Nuevos Leves in 1542. That the Emperor acceded to the views of the Lascasian school indicates that the Spanish crown basically agreed with its policy views. In 1542, the crown's reforming spirit was in ascendancy as it all but dismantled the encomienda system and "envisaged a plan that would make all encomienda Indians direct vassals of the King." [169] This effort of the crown confirms my earlier assertion that the crown--in theory at least--was in basic agreement with papal teaching. In reality, however, when the expected resistance, both violent and non-violent, from the colonists to the new policy soon ensued, the crown was "compelled to revoke the provisions relating to the encomienda." [170] It was a severe blow to the Indianist movement in Spain, and for the missionaries of the New World. In fact, as Juan Friede points out, it "signified a grave political defeat for the Indianist movement in general, and the Lascasian movement in particular, from which it never entirely recovered." [171]

However, the struggle went on. Las Casas continued his efforts for social justice until the ninety second and last year of his life. With the exception of the papal bull Cupientes which was peripheral to the main struggle, for some

thirty years after Sublimis Deus there had been virtual silence from the papacy. However, with the election of Cardinal Ghislieri, a fellow Dominican, to the papacy Las Casas mounted one last effort on behalf of the Amerindian peoples. Pius V, responded to his request for reform with a number of diplomatic initiatives in the years 1567-69.[172]

In the next, and last section, of this chapter I will review the writings of popes who spoke out and defended the Indian cause over the next three centuries. Before moving on to consider the interventions of Pius V(1566-1572) and four other post-Lascasian popes: Gregory XIV(1590-1591), Urban VIII(1623-1644), Benedict XIV(1740-1758), and Gregory XVI(1831-1846), I will summarize the results of this section.

Like his papal predecessors Innocent IV and Alexander VI, Paul III shared a similar sense of papal responsibility for evangelizing the nations. With Alexander VI he also faced the limitations of papal power more and more circumscribed by the emerging nations states of Europe. But Paul III faced a new question not posed to the earlier popes: were the newly discovered peoples human beings? Certainly, if they were not human the issue of rights could not arise. But, more significantly, if they were not human they could not be evangelized. And it was this concern for evangelization, and not the issue of human rights that was the focus of Paul III's

teaching. However, by affirming the humanity of the newly colonized peoples he also was led to defend their human rights. This was done principally for evangelical reasons. Using theological and biblical arguments he reiterated the common Catholic teaching that all human beings without distinction have the capacity to receive the Christian faith. To be consistent with this premise the pope necessarily had to promote the conditions for a free assent to the proclamation of the Gospel. Thus freedom from slavery and the right to private property were seen by Paul III as necessary conditions for the free assent to, and fruitful reception of the Gospel message. In addition to the fundamental canonical concerns about the validity of conversions the issue was also a practical pastoral one. As Paul III noted in Pastorale Officium, the contrary practices of the Spanish colonists were too often causing the nations to be "hardened against embracing the faith of Christ..." Further evidence for this view was seen in the absence of any discussion of the political sovereignty of indigenous peoples in these documents. Paul III simply assumes the legitimacy of Iberian rule over these peoples. The great medieval debate over dominium in its full sense which included political sovereignty as well as personal and property rights is conspicuous by its absence. This omission was occasioned, no doubt, by the lack of any formidable and sustained resistance

in the Americas. It would have been a different story had the Iberian powers run up against military power equivalent to the Mongols or the Islamic empire that Innocent IV faced. In any case, from a minimalist concern for the most basic of rights seen in the writings of Alexander VI we move with Paul III back to a partial reinstatement of rights as a necessary condition for evangelization. While both popes are concerned with evangelization, understood in terms similar to Innocent IV's approach as the implantation and extension of the universal Church, Alexander VI was more concerned than Paul III with keeping good relations with the Spaniards. No doubt the fact that Alexander VI was a Spanish Borgia partially explains this difference.

1.4. POST LASCASIAN PAPAL RESPONSES

Pius V(1566-1572) and the Mission to Latin America

In his last known piece of writing, Las Casas petitioned pope Pius V to intervene directly in the affairs of the new world. Concerned that the good name of the Church was being damaged irreparably, and that God might soon "manifest our nakedness before all humanity,"[173] he urged that a copy of

his book on evangelization[174] be examined and approved for publication.[175] He then asked that his teaching on evangelization and just war' theory be backed up with ecclesiastical sanctions:

Because there are many flatterers who secretly are rabid and insatiable dogs who bark against the truth, I humbly petition your holiness to make a decree in which you declare that whoever says that it is just to make war on the infidels only on account of idolatries, or that the Gospel be better preached, be excommunicated and anathematized.[176]

At this point in history Las Casas considered it futile to work through the Spanish crown. In fact this was the first and only time[177] that Las Casas bypassed the Council of the Indies to appeal directly to the Holy See. Considering the long term good of the Church in the Americas he encouraged the pope to reform it beginning with the bishops. Bishops were to live out their role, even to the shedding of their blood, as defenders of the poor.[178] They were to learn the indigenous languages of their people.[179] Furthermore, those who had enriched themselves unjustly by collaborating with the conquistadores and encomenderos must be ordered to "make restitution for all the gold, silver, and precious stones which they have acquired."[180] Finally, because the Indian people were in a state of extreme necessity the bishops were obligated by natural and divine law to give away their own possessions to help the poor.[181]

This was Las Casas's last political act. One last time he declared his undying concern "for the Indians, whose cause, I have defended, at personal risk and with great effort right up to death for the honor of God and his Church." [182] Later, in a death bed testament, he asked that his writings be preserved "because if God should decide to destroy Spain people will see that it was on account of the destruction we have wrought in the Indies." [183]

The Papal Brief "Cum Oporteat Nos"

Pius V soon responded to the concerns raised by the aged bishop. In a papal brief, Cum Oporteat Nos, written to King Philip of Spain, and dated August 17, 1568, the pope set forth the basic position of the papacy. He begins his brief by reminding the king of the papal responsibility "not only for those who have embraced the Christian faith but also for those who could be led to it." [184] He then recalls the original evangelical mandate which motivated the donation of these newly discovered lands to the crown of Spain:

It was for this end, from the beginning, that this part of the world was conceded to the ancestors of your Majesty in order that, thanks to the praiseworthy administration of the governors, and the good example of the preachers of Christian doctrine, the yoke of Christ be recognized as sweet and light. [185]

Consequently, those in authority whose task it is to nurture the neophytes should avoid every form of behavior which would

make the Indians take offense at the faith of Jesus Christ.[186] In this way, those who still have not become Christians will be lead to do so.

Once again we see that a concern for human rights arises as secondary to the principal concern for the Church to proclaim the Gospel to all peoples. Yet for pastoral and canonical reasons human rights were seen as a practical condition for evangelization. However, the brief ends on a less evangelical note. In order to motivate the king of Spain to pursue these objectives, Pius V suggests that services rendered to the people and the faith will be recompensed "not only in this life, but in eternal life." [187] One of the rewards he should expect in this life is "that your majesty should hold for certain that, by the extension of the faith, your empire will be extended in these countries." [188] Las Casas would not have been pleased with this mixing of motives. On the other hand, he would have recognized and approved the concern to evangelize by good example, charity, and adroit preaching. [189]

This brief to King Philip was accompanied by a letter to Cardinal Espinosa, Archbishop of Seville, and a minister of state. [190] The Cardinal Archbishop was instructed more precisely on the contents of the papal brief in order that he might support the king in implementing the reforms suggested

in the brief. He again urged that "if there remain burdens which should be removed, remove them, so that those peoples will be lead to rejoice more each day that they have abandoned the cult of idols for the sweet and gentle yoke of Christ." [191] Thus the evangelical concern is paramount in this letter as well. In fact, unlike Sublimis Deus, there is no discussion of the basic human rights of the Indians. Nor was there such a discussion in a second letter written the same day to the Viceroy of Peru, Francisco Toledo. [192] Finally, a third letter dated August 18, 1568, and addressed to the Council of the Indies, broke no new ground. [193]

The following year, on July 6, 1569, Pius V wrote two more letters to important figures in the New World. The first was written to the bishop of San Salvatoris in the Portugese province of Brazil, "[194] and the second to Fernando de Vasconcelos, the Viceroy of Brazil. [195] Both letters are more concerned with acculturating the neophytes to European customs than to promoting their human rights. [196] Thus Pius V is actually caught in a contradiction between promoting the physical survival of the Indians at the cost of their cultural death.

While these briefs and instructions do not exhaust the interventions of Pius V on behalf of the Indians, they are the most important texts, and are representative of his

thinking.[197] Pius V not only helped to ameliorate the conditions of the Indians in the New World, but set up new structures in the Church. Of special note was the commission on evangelization and care of the Indians. This commission in later pontificates, came to be known as The Congregation for the Propagation of the Faith, and would enable the Church to reassert a measure of independence from the state apparatus controlling the colonies.[198] He should also be remembered for being the pope who encouraged the formation of an indigenous clergy.[199] For the most part the pontificate of Pius V continued within the framework of Paul III. Like his predecessors, Pius V was principally concerned with the evangelical mission of the Church. Human rights and the proper treatment of the Indian were seen as necessary conditions for the reception of the Gospel. All the remaining popes discussed in this section followed suit. After Pius V, and nearly a quarter century later, the next pope to venture into the Indian debates was Gregory XIV.

Gregory XIV(1590-1591) and the Liberty of the Indians in the Philippines

The invasion of the Philippines in 1564 was fiercely resisted by the indigenous population. Thus, in order to convert the indigenous people the Spaniards resorted to arms, and seized their goods.[200] However, after it was all over,

some of the Spanish conquerors had qualms of conscience, and wanted to make restitution, a sentiment rarely seen in Latin America.[201] Such was the immediate context of the papal bull, Cum Sicuti, Gregory XIV sent to the Archbishop of Manila on April 18, 1591. Basically he was giving the Archbishop faculties to oversee and adjudicate this process of restitution.[202] The instructions were quite straight forward and traditional: If the aggrieved owners were known the restitution was made directly to them, if unknown the same settlement would go to the support of poor Indians, if those obligated to make restitution were at that time insolvent they would have to make satisfaction when their assets increased.[203]

In the final section of the bull, Gregory XIV attempts to build on, and reinforce Philip II's prohibitions against the enslavement of the Indians under whatever pretext.[204] He orders that all the Indians still enslaved should be allowed to return to their doctrinas, that is to their parishes,[205] and their own homes. In addition, no new Indian slaves were to be captured in the future.[206] Furthermore, this emancipation should be published and made known to all the Indians by virtue of holy obedience and under pain of excommunication.[207] The motivation was evangelical. For as in the other Spanish colonies the maltreatment--especially the enslavement of the indigenous population--was hindering the

reception of the Gospel. Once again, we see that the concern for human rights is secondary to, and a condition for, the proclamation of the Gospel.

Gregory XIV died the same year that this bull was published, his pontificate lasting only ten months and ten days.[208] While impressive in many ways, the bull in no way contradicted the common Catholic position on slavery which held that "the enslavement of hostile non-Christian Indians by right of capture in just war is in conformity with natural law, the jus gentium, and the Christian customary law." [209] In fact, as Maxwell observes, both Paul III and Gregory XIV:

had been able to forbid on pain of excommunication all enslavement of American Indians by reason of any of the titles of Roman civil[210] law because a previous Royal edict had already prohibited all such enslavement. ... In this way any conflict between civil and ecclesiastical courts were avoided. But neither of these Popes intended to contradict the common Catholic teaching concerning the moral legitimacy of the title of enslavement by capture in just war.[211]

The bull also omits the common Catholic position on the political sovereignty of the indigenous nations elaborated by Innocent IV. This document recognizes only the property aspect of dominium.

Urban VIII(1623-1644) and the Indians of the Portuguese Territories of South America[212]

The next major figure[213] in the history of Catholic

social thought on indigenous peoples is Urban VIII. On April 22, 1639, nearly a half century after Gregory XIV's important pronouncement on native rights, Urban VIII promulgated a bull, Commissum Nobis, addressed to the collector general of Portugal.[214] Commissum Nobis was occasioned by a report on the Portugese missions to Propaganda Fidei. This Congregation had just been established in 1622¹ by pope Gregory XV(1621-1623). The report came from a conscientious Collector General of taxes, Albergati, who presented an accurate and distressing picture of the missions at that period. Everywhere in the Portugese territories the missions were in decline. He attributed this malaise to three factors. First, the barbarous treatment of the Indians by the colonists. Secondly, the religious in the field at the time were more interested in amassing wealth than saving souls. And thirdly, he felt that having only one nationality of missionary, Portugese, was a weakness since most seemed intent only on enriching their own families.[215]

As in most papal documents of this type, Urban VIII begins by recalling the papal mandate to care not only for the Christian faithful, but also for "those who still live in the darkness of pagan superstition and outside of the bosom of our Holy Mother the Church."[216] In order to fulfill his evangelical commission he is determined to remove whatever obstacles exist to the preaching and reception of the

Gospel.[217] The principal block at that juncture in Church history was the inhuman treatment of the indigenous populations by the colonists. In particular, the institution of slavery continued to render the proclamation of the Gospel ineffective and hypocritical.[218]

Ignoring, or being unaware of its nullification, Urban VIII reconfirms the "letters in the form of a brief dated May 29, 1537." [219] This is the brief known as Pastorale Officium which was discussed in section three of this chapter. What is perhaps most noteworthy in this text is his reinstatement of the penalties attached to the original brief, and annulled by Non Indecens Videtur. In declaring this, the pontiff recalls that:

Our predecessor, Paul III, of happy memory desiring to improve the conditions of the Indians...because their enslavement and the robbery of their goods prevented them from embracing the faith of Christ, forbade... everyone, and each one in particular, of whatever, state, condition, rank or dignity, from arrogating to themselves the right to reduce the aforesaid Indians to slavery in whatsoever manner, and to despoil them of their goods, and these were forbidden under pain of excommunication incurred latae sententiae from which only he alone, or the reigning pope could absolve after suitable reparation, except in danger of death.[220]

Acknowledging that the treatment afforded the Indians in the pontificate of Paul III still persisted in his day, Urban VIII, wishing to repress the unjust practices which were hindering the spread of the faith, forbade everyone, including

religious of whatever order or rank, from reducing the Indians to slavery.[221] This prohibition included the buying, selling, exchanging, and giving of slaves. As well, the Indians were not to be separated from their wives and children, nor were they to be deprived of their property and goods, nor were these to be removed to other places. They were forbidden to deprive the Indians of their freedom in whatever manner this might be done. Furthermore, no one was to teach, or preach the legitimacy of such slaving activities, or to cooperate in any way in such practices.[222] In addition to the ecclesiastical penalties already mentioned, the pope urged that if necessary the power of the secular arm should be used to suppress these abuses, and enforce this teaching.[223] Finally, because there existed papal and other legislation opposing the doctrine of the present bull, Urban VIII, in the strongest terms possible, abrogates all such teaching[224] including any other ordinances and decrees emanating from the Holy See or from any other religious or secular source.[225]

While Maxwell[226] maintains that this bull did not contradict the common Catholic teaching on slavery I contend that he is partially mistaken. First of all he is working from the Hernaez text of the bull which does not include the abrogations of all previous teaching and legislation on the subject. Secondly, he had also overlooked the statement in Cum Sicuti which forbade the enslavement of the Indians even

in "belli justi et injusti." [227] As we have seen earlier in discussing Veritas Ipsa slavery that was the result of capture in a just war was taken for granted by the pope. In addition, this teaching of Urban VIII seems to have been racially selective. During this period, for example, there was no mention of the flourishing slave trade in West Africa or the traffic in slaves cross the Atlantic. [228]

Both Hernaez [229] and Pastor [230] report that this bull met with stiff resistance in Brazil, and did little to stem the Indian slave trade. It was only the destruction of the Mamelucos, the mestizo slave traders from Sao Paulo, by the Guarani Indians, and their Jesuit military advisors, that brought a measure of peace and security to a segment of the Indian population. [231] However ineffective this papal bull was in practice, it at least maintained the concern for human rights as a necessary condition for the reception of the Gospel. At the same time, the fact that a century later pope Benedict XIV had to reiterate this same teaching is further evidence of the ineffectiveness of papal diplomacy at this period concerned with Indian affairs.

Benedict XIV (1740-1758) and the Liberty of the Indians of Brazil, Paraguay, and the River Plata

Immensa Pastorum, [232] published on December 20, 1741, was a papal bull written to the Bishops of Brazil and the King

of Portugal. It is basically a renewal and confirmation of earlier teaching. In particular, Benedict reconfirms the contents of "the letters in the form of a brief," Pastorale Officium of Paul III, and the sanctions attached to Commissum Nobis of Urban VIII.[233] Here once again the pope is primarily concerned with removing obstacles to the proclamation of the Gospel. He laments that after so many decrees, and even with heavy ecclesial and secular sanctions, the practice of enslavement of the Indian population persists with the consequence that the Indians continue to be alienated from the Christian faith.[234] With the hope of rectifying this situation, he renews, almost verbatim, the severe sanctions against Indian slavery of his predecessor Urban VIII, who excommunicated violators of his teaching latae sententiae reserved to the Holy See alone.[235] This text is basically a reaffirmation of the dignity of aboriginal peoples in continuity with previous papal teaching. Yet, like earlier papal documents, it too had little impact on Indian affairs.

Gregory XVI(1831-1846) and the Slave Trade

In Africa and the Indies

The last papal document to be discussed in this chapter does enlarge the scope of the debate. I refer to In Supremo Apostolatus,[236] an apostolic letter written by Gregory XVI and published on December 3, 1839 nearly a century after

Immensa Pastorum. What had been noticeably absent from previous papal writings on slavery was a concern for African slaves in general.[237] Gregory does make mention of previous efforts on behalf of newly christianized Africans who were still being enslaved,[238] but the basic human rights of non-Christian blacks were ignored. In fact, slavery per se was not challenged, even in this document, and even at this late date.[239] Only unjustified slavery was proscribed, but at least this was to apply in addition to the Indians, to Africans, and other peoples.[240] Yet, while claiming that previous papal sanctions had contributed greatly to reducing the slave trade,[241] Gregory XVI does not reconfirm them as Benedict XIV had done.

Conclusion

In summary, what is transparent in Gregory XVI's text, and the whole set of papal documents in this series, is the overriding concern for evangelization. Time and again Rome was motivated to act from a legitimate fear that because of slavery, and other evil behavior of christians, "the infidels would become more and more hardened in their hatred of the true religion." [242] Thus in condemning human rights abuses they were trying to pave a way for the reception of the Gospel. While they shared this concern for evangelization with all earlier popes the context of the question had changed

dramatically. Unlike Innocent IV, and to some extent Alexander VI, they did not ask questions about the relationship between Christians and infidels or about the legitimacy of non-Christians exercising political power. They all assumed Spanish or Portugese sovereignty over these peoples. Thus, at best, they were asking about the rights of these new subjects of the Iberian powers. In particular, the rights to personal property and freedom were affirmed, and in all the texts slavery was the main focus of attention. For example, the issue of restitution, which occasioned the papal bull of Gregory XIV, Cum Sicuti, implies the prior right of aboriginal peoples to keep their possessions and personal property.

In general, the ethical problems being faced in the colonies were to be solved within the framework elaborated by Paul III in 1537. This meant that in all these texts dominium was understood in the reduced sense expounded in Sublimis Deus. In that text, Paul III while making a strong plea for personal and property rights, prescinds from any discussion of political sovereignty and the right of aboriginal peoples to self-government. In brief, we see a gradual shift of focus away from the earlier preoccupation with sovereignty, evident in the writings of Innocent IV, to a concern with slavery as impeding evangelization. For the most part the post Lascasian popes who addressed the issue were content to reaffirm

previous teaching especially that of Paul III. In addition, there was an attempt, with Urban VIII, to reinstate the severe canonical penalties first introduced, but later abrogated by Paul III. These ecclesial disciplinary measures failed to ameliorate the institution of slavery.

The meaning of evangelization changes little during these centuries. Prior to Innocent IV the accomodationist approach of the patristic era had given away to coercive methods exemplified by Charlemagne's military approach. Innocent IV, as we have seen, while advocating an initial peaceful approach to evangelization did not rule out the use of military force. In the pontificates between Innocent IV and Paul III this militant mission method began to predominate once again. Under the influence of Las Casas, Paul III reasserts the importance of proclaiming the Gospel by the witness of a good life, by ministries of the word, and by acts of charity. However, whatever the dominant mission model, the aim of evangelization was the implantation and extension of a European version of the Christian faith. Pius V, for example, was very ethnocentric in his approach to mission. He advocated, as we have seen earlier, an acculturation of Indian converts to European customs.

Finally, I conclude from this review of papal social thought on indigenous peoples, which reaches back some six

centuries from Gregory XVI to Innocent IV, that there existed a rudimentary Catholic human rights doctrine applying to non-Christians. This was implicit in the papacy's missiology. The fullest expression of this teaching is to be found in the writings of Innocent IV. Unhappily, it was never consistently applied to the justice questions that emerged with contact and conquest of the new world. While the papacy generally recognized aboriginal rights to property and freedom, this was to be exercised within the context of Spanish or Portuguese political sovereignty. Furthermore, with the possible exception of Innocent IV, human rights questions were seen to be secondary to, and a necessary condition for, evangelization. They were not considered as issues in their own right, a development which would come only in the modern period of papal social thought. The person who most fully reflected and upheld the complete teaching of Innocent IV was Bartolomé de las Casas. But in the end his magnificent witness was blunted, and his fundamental objections to the conquest ignored. Belatedly, Vatican II would vindicate much of his thinking on the rights of non-Christian peoples, and on his methodology for evangelization. In the next, and second chapter of this thesis, I will complete this historical review of papal social thought on indigenous peoples. There I will delineate the developments in the modern era beginning with Leo XIII and ending with the present pontiff, John Paul II.

CHAPTER TWO:
MODERN PAPAL SOCIAL THOUGHT ON INDIGENOUS PEOPLES
LEO XIII TO JOHN PAUL II

With Leo XIII(1878-1903) we move into a new era of papal thinking on social questions. For most of this modern era issues related to indigenous peoples were peripheral to the consciousness of the Church. However, even in this period aboriginal rights issues were not completely forgotten. In this chapter, in six sections I will survey the Holy See's thinking regarding indigenous peoples over the past one hundred years. I intend to show that aboriginal issues have evolved from marginal concerns to being at the cutting edge of Catholic social thought.

Sections one and two will review the pontificates of Leo XIII, and Pius X, who faced the recurring issues of "slavery" and "genocide." Section three will focus on papal human rights thought during the era of John XXIII especially his treatment of questions surrounding the rights of "minorities." This will lead us into the pivotal discussion on the notion and significance of "culture" and "cultural rights" which emerged during the Second Vatican Council. The recognition of cultural rights, of course, has had a tremendous bearing on the Church's support for the survival of indigenous peoples, and relates to the evangelical mission of the Church in

significant ways as well. In particular, I have in mind the issue of expressing the Christian faith in local cultural forms, what we now call the process of "inculturation." Section four will treat this paradigm shift. During the Pontificate of Paul VI the globalization of the "social question" was addressed in new ways culminating in a shift from "development" to "liberation." This theme of liberation has important implications for the Church's solidarity work with indigenous peoples, and raises questions about what these peoples can do to redress the oppression and colonization of the past five centuries. This will be considered in section five. Finally, section six will treat John Paul II's contribution to papal thinking on the rights of indigenous peoples. The focus of this chapter will be documents issued from Rome. The subsequent chapter will review his addresses to indigenous peoples during apostolic visits to their homelands.

2.1. Leo XIII and the Slavery of Indigenous Peoples

While Leo XIII(1878-1903) did not initiate Catholic social teaching he is credited with being its first modern exponent.[1] Justly famous for his social encyclical, Rerum Novarum, which took as its focus the condition of the working class within Industrial society,[2] Leo also continued the papal concern for indigenous peoples. In the years prior to

Rerum Novarum he published two encyclicals relevant to the present investigation.

The first, In Plurimis[3] was promulgated May 5, 1888. Addressed to the Bishops of Brazil, it was occasioned by the abolition of slavery that same year in the former Portugese colony. While slavery by this point in history had ceased to be a major problem for most European states it still remained an issue in mission lands. What is more pertinent to our theme was the continuing gap between official Catholic teaching on slavery and world practice. In a revisionist presentation of the Catholic teaching on slavery Leo XIII corrected the common Catholic position which had allowed slavery in certain circumstances because it was not believed to be intrinsically evil.[4] We have already seen that the Catholic Church had justified slavery under a number of titles.[5] This changed with Leo XIII.

However, nowhere in this document or in the encyclical Catholicae Ecclesiae[6] published November 20, 1890, did the pope explain this momentous, but belated shift. As Maxwell points out in his study:

Pope Leo XIII offered no explanation for this shift of theological attitude. He did not indicate in these two letters whether it was a correction of Scriptural exegesis, or the beginnings of the movement for the revision of canon law of the Church, or a correction of the philosophical analysis of the very nature of slavery, or a growing awareness that the economic and social circumstances

and conditions in many countries had completely changed, or a realization that rationalist humanists and Protestant Christians could have been assisted by the Holy Spirit. Clearly, this was already about 100 years too late to be of any effective value in the anti-slavery campaigns and civil wars and revolutions of the nineteenth century: the lay reformers and abolitionists had won their campaigns without much effective help or moral leadership from the teaching authority of the Catholic Church which had hitherto consistently refused to condemn the institution of slavery and the practice of slave-trading as such.[7]

What he did instead was reinterpret papal teaching from the past in such a way as to suggest that it had had an anti-slavery slant from the beginning.[8] Thus he begins Catholicae Ecclesiae with a questionable interpretation of ecclesial history:

As you know, venerable brothers, the Church from the beginning sought to completely eliminate slavery, whose wretched yoke has oppressed many people.... This zeal of the Church for liberating the slaves has not languished with the passage of time; on the contrary, the more it bore fruit, the more eagerly it glowed. There are incontestable historical documents which attest to that fact, documents which commended to posterity the names of many of our predecessors. Among them St. Gregory the Great, Hadrian I, Alexander III, Innocent III, Gregory IX, Pius II, Leo X, Paul III, Urban VIII, Benedict XIV, Pius VII, and Gregory XVI stand out. They applied every effort to eliminate the institution of slavery wherever it existed. They also took care lest the seeds of slavery return to those places from which this evil institution had been cut away.[9]

Since I have singled out the writings of Paul III as a high point in the indigenous rights tradition, it is instructive to see how Leo XIII interprets his illustrious

predecessor's defense of the Indians. According to this pope:

Paul III, anxious with a fatherly love as to the condition of the Indians and of the Moorish slaves, came to this last determination, that in open day, and, as it were, in the sight of all nations, he declared that they all had a just and natural right of a threefold character, namely, that each one of them was master of his own person, that they could live together under their own laws, and that they could acquire and hold property for themselves. More than this, having sent letters to the Cardinal Archbishop of Toledo, he pronounced an interdict and deprivation of sacraments against those who acted contrary to the aforesaid decree, reserving to the Roman Pontiff the power of absolving them.[10]

The reference in the text is to Veritas Ipsa. This papal bull, like the longer version Sublimis Deus, certainly affirms the rights to personal freedom, and property. Nowhere, however, do these bulls advocate the right of the Indians to "live together under their own laws." This would be closer to the position of Innocent IV whose notion of dominium included political sovereignty, as well as the right to property and personal freedom. Paul III, I would argue, assumed that the newly discovered and colonized peoples of the Americas were and would remain subjects of the Iberian powers. Las Casas, as we have seen in chapter one, generally supported the views of Paul III. However, he went further than the pope, condemning the conquest as unjust, and advocating that the Indians should freely choose whether or not they wanted to become Spanish or Portugese subjects and citizens. It should also be noted that Leo XIII overlooks the fact that Paul III a

year after promulgating his famous papal bulls, abrogated the canonical penalties attached to them.

Thus, Leo XIII was labouring under two mistaken assumptions about the positions of his papal predecessors. In reality, Leo's views amounted to a dramatic shift in the Holy See's position on slavery, and a partial return to the pre-discovery era views of Innocent IV. First, and foremost, he shifted the papal position on slavery, bringing it into harmony with modern thinking and practice.[11] Secondly, Leo retrieved an element of Catholic natural law teaching that is crucial to the struggle of indigenous peoples everywhere in the world, namely, the right to live under one's own laws which implies the right to self-government.

Leo XIII, in the documents under discussion, was confronting the persistent problem of slavery as it afflicted aboriginal peoples. The immediate context was the abolition of slavery in Brazil. He also used the occasion to address the embarrassing gap that existed between current world opinion and practice regarding slavery and the common Catholic teaching that tolerated slavery in a number of circumstances. In brief, Leo's solution was to proscribe the institution of slavery as such. However, as noted earlier, he gave no justification for this shift. We know, certainly, that Leo was operating in a quite different assumptive world than his

predecessors Innocent IV and Paul III. Universal human rights, while we might make a case that they were embryonic in Innocent's era, were generally taken for granted in Leo's time. He, after all, was writing after the French and American revolutions, and after the Communist Manifesto. While these historical events were instrumental in eventually forcing papal thought out of its earlier fortress mentality, the renewal of theology in the nineteenth century, especially the revival of Thomism, was more crucial in shaping the thought of Leo XIII.[12] Michael Schuck summarizes the shift in theological perspective this way:

In the Leonine period, the prevailing metaphor representing God, the world, and humanity shifts from the earlier sheepfold metaphor to the metaphor of cosmological design. Thus, the idea of God is communicated more through the model of a universal creator, sustainer, and fulfiller than the more parochial image of Christ the Good Shepherd. Similarly, the earlier model of the world as an ambiguous pasture of sustenance and threat is replaced by the image of a system wherein nature's existence and movement reflects God's beneficent intentions. Human beings, too, are characterized more by common possession of a propitious, rational nature than by their shared territorial traditions. Concomitantly, the divinely established natural law gives humanity a more apparent universal moral standard than that provided by the earlier morality based on personal conversion to faith in Jesus Christ.[13]

The full implications of this more universal standard of morality would not be worked out in his time. But Leo XIII laid the groundwork for such developments. As a later Vatican document put it, Leo XIII "placed particular emphasis on the

social context of human rights, emphasizing the responsibility of public authority to ensure that justice be observed in all labour relations." [14] This concentration on European industrial relations precluded any significant discussion of aboriginal rights--with the exception of the slavery issue discussed above.

In Summary, Leo XIII faced three important historical issues. First there was the persistent issue of slavery itself. Secondly, there was the unacknowledged gap between official Catholic social teaching on slavery and the practice of the contemporary world which had for the most part abolished it as an institution. Thirdly, in the mission lands where it was still an issue, the problem that slavery posed for successful evangelization cannot be overlooked. Unlike his predecessors discussed in chapter one, Leo XIII does not make this an explicit focus, nor link justice concerns in an instrumental way with evangelization. In fact, what is dramatically new in this period is the view that human rights have become a direct and principal concern, and not just a secondary condition for evangelization. This more direct concern with justice and human rights as issues in their own right flows from an assumptive world in which natural law provides the basis for a theory of universal human rights. However, theological arguments were also used to buttress the fundamental dignity of each person and every people. Leo, for

example, in the writings under discussion, recalls that the dignity of the human person is rooted in the belief that all have the same creator, all have been redeemed by the same Savior, and all are destined for the same eternal salvation. On this basis he condemns the institution of slavery itself, and not just the unjust titles and methods that previous popes had criticized. In this way, he brought the common Catholic teaching on slavery into line with current world opinion and practice. Secondly, by interpreting the notion of dominium in its full sense to include political power as well as personal and property rights he set the stage for a fuller discussion of aboriginal rights in the future. Thirdly, by making the abolition of slavery a concern of the Church in the mission fields, as well as at the highest levels of papal diplomacy, Leo XIII was setting an important precedent for the Church's involvement in justice issues. As yet, justice was not seen as constitutive of the preaching of the Gospel. However, it was by this time viewed as more than a functional condition for its fruitful reception. Even so, evangelization, for Leo XIII, remains what it had been understood to mean in previous centuries-the implantation of a hierarchical European Catholic Church in these mission lands.

2.2. Pius X and the Genocide of the Amerindian Peoples of South America

The problem of slavery continued to be an unresolved issue, and a concern of the Church well into the twentieth century. For this reason Leo XIII's immediate successor, Pius X, was forced to deal with the enslavement of Indian peoples in the Americas. In a little known encyclical, Lacrimabili Statu Indorum. [15] Pius X (1903-1914) denounced the condition of the Indians in South America. It is as timely today as it was 80 years ago. Pius began his encyclical by recalling the deplorable conditions which moved his predecessor Benedict XIV to publish Immensa Pastorum in 1741. Pius X, no doubt responding to the ad limina reports of Latin American bishops and other trustworthy witnesses, noted the many sources confirming the atrocities being committed.

For our part, indeed, when reports of these things were first brought to us, we hesitated to give credence to such atrocities, since they certainly seemed to be incredible. But after we had been assured by abundant witnesses--to wit, by many of yourselves, Venerable brethren, by the Delegates of the Apostolic See, by the missionaries, and by other men wholly worthy of belief--we can no longer have any doubt as to the truth of these statements. [16]

Earlier in the text Pius X had already described the continuing atrocities committed against the Indian peoples of the Americas:

...when we consider the crimes and outrages still committed against them, our heart is filled with horror, and we are moved to great compassion for this most unhappy race. For what can be so cruel and so barbarous as to scourge men and brand them with hot iron, often for the most trivial causes, often for a mere lust of cruelty; or, having suddenly overthrown them, to slay hundreds or thousands in one unceasing massacre; or to waste villages and districts and slaughter the inhabitants, so that some tribes, as we understand, have become extinct in these last few years?

...Nor in this do they take any pity on the weakness of sex or age, so that we are ashamed to mention the crimes and outrages they commit in seeking out and selling women and children, wherein it may truly be said that they have surpassed the worst examples of pagan iniquity.[17]

The kind of events the pope was referring to were no different from what is happening in the Amazon rain forests today. Out on the frontiers of Brazilian society, beyond the pale of legal constraints, prospectors and settlers, then, as now, did not hesitate to eliminate the Indians who got in their way. As I write, the ethnocide and genocide of the remaining tribes of Brazil continues. Over sixty tribes have disappeared in this century alone. The media, for example, have made us aware of the plight of the Yanomani, to cite a current example of what the Indians were facing during the pontificate of Pius X.[18] The pope attributes this barbarity to a number of factors. In addition to greed, he claims the hot climate enervates virtue.[19] Furthermore, since the perpetrators are far removed from the salutary influences of Church and state "it easily comes to pass that those who have

not already come here with good morals soon begin to be corrupted, and then....they fall away into all hateful vices."[20]

Recognizing the serious difficulties in ameliorating the conditions of the Indians, Pius X advocates a partnership between Church and state.[21] Then, invoking the tradition of the bishop as the defender of the Indian, the pope exhorts the Latin American episcopacy to enhance existing pastoral works on behalf of the Indians as well as to initiate new ones.[22] He then encourages a campaign to involve the laity in supporting the work "by their gifts and by their prayers." [23] He also urges instruction in the various educational institutions of the Church to the effect: "that all men, without distinction of nation or color, as true brethren, shall be continually preached and commended." [24] His most practical pastoral strategy for the protection of the Indians was to "extend the field of apostolic labour in these broad regions, appointing further missionary stations, where the Indians can find safety and succor." [25] This strategy to serve and protect the Indians in mission towns appears to be a revival of the "reduction" model of earlier centuries. For the most part the Indian is still seen as a member of the set of "barbarous nations," [26] a passive recipient of the aid mobilized by Church and state. This approach reflects the continuing adherence of the Church to a hierarchical

classicist understanding of human society, politics, and culture. Here, too, the evangelical motive is paramount in Pius X's concern for the Indian peoples. This was evident in the first paragraph of the text where he recalls Benedict XIV's reasons for acting. These reasons included the concern that the Gospel was being rejected because of the behavior of the colonists. It appears again at the end of the encyclical where Pius X notes that despite similar obstacles in his time: "when so many abhor the faith or fall away from it, the zeal for spreading the Gospel among the barbarous nations is still strong..."[27]

In Summary, Pius X broke no new ground. He continued the concern of his predecessor, Leo XIII, and other earlier popes for the final elimination of the practice of slavery, and the genocidal practices that often accompanied it. In this encyclical there is no theoretical discussion of the issue, or of a human rights theory which grounds his opposition. Pius X, like Leo XIII, assumed a natural law school of thought which grounds universal human rights. But basically his solution to the problem is primarily pastoral. He sees concern for the Indians as principally an act of charity. Apart from exhorting civil authorities to carry out their duties of protecting the Indians, this pontiff encouraged the development of more mission towns, and the preaching of Christian charity towards the Indians in schools and

churches. In terms of the extent of the human rights of the Indian peoples Pius X remains silent. It would appear that he assumes these groups would remain subjects of the new nation-states of Latin America. Within this framework personal freedom and property rights are implicitly affirmed, but the rights to political sovereignty are ignored--or assumed to have been extinguished. Finally, the relationship between evangelization and human rights appears to have returned to a pre-Leonine position. For as noted above, Pius X was concerned that the evil behavior of the settlers and prospectors would bring the Christian faith into disrepute. Thus the rationale for the works of charity and justice which were meant to manifest and support the Gospel message. The implantation model of Church and mission remains intact as well.

It would be another half century, with the pontificate of John XXIII(1958-1963), before the contemporary concerns related to religious freedom, culture, and integral human development would come to the fore. The intervening Popes, Pius XI(1922-1939), and Pius XII(1939-1958), both wrote voluminously on social issues, but their focus was Europe and the problems of the industrialized world. Aboriginal peoples, and their ongoing issues, faded into the background.[28] With John XXIII and the Second Vatican Council a new context was created for addressing aboriginal issues. In the following

section I will examine this human rights teaching of John XXIII which created a new framework for addressing the rights of aboriginal peoples. Actually, John XXIII did not directly address the concerns of indigenous peoples. However, they are included by definition in his discussion of the rights of "minorities." The conceptual framework worked out by John XXIII would become the starting point for subsequent papal discussions of aboriginal rights.

2.3. John XXIII and the Rights of Minority Peoples

Within two months of publishing Pacem in Terris[29], the document in which John XXIII presented his thinking on "minorities," the pope was dead. It was truly his last will and testament. But why was it written so soon after Mater et Magistra[30], his earlier encyclical, in which he had addressed many of the same issues? One commentator, Edward Hales, contends that the timing and motivation related to gaps in the agenda of Vatican II(1962-1965):

It was needed because Mater et Magistra had been ignored by the Council, which had no item as yet on its agenda about the church in the modern world. Unless the Pope himself were to take over the functions of the Cardinal Presidents of the Council by inducing them to introduce a suitable schema--a procedure which would have been at variance with his policy of leaving it free--he would have to sharpen the message of Mater et Magistra so that the Council would pay attention. If it did not, at least the world would.[31]

The world did pay attention, and eventually so did the Council

with its own document, Gaudium et Spes, the Pastoral Constitution on the Church in the Modern World.

There were other motivating factors. The encyclical was written at the time of the Cuban missile crisis.[32] In an era when nuclear war seemed highly probable, even imminent, an encyclical addressed to "all men[sic] of good will" was most appropriate. Furthermore, John XXIII was adept at reading the "signs of the times." Among other developments, the post world war II process of decolonization, which accelerated in his pontificate, was just such a sign:

In the modern world human society has taken on an entirely new appearance in the field of social and political life. For since all nations have either achieved or are on the way to achieving independence, there will soon no longer exist a world divided into nations that rule others and nations that are subject to others.

Men[sic] all over the world have today--or will soon have--the rank of citizens in independent nations. No one wants to feel subject to political powers located outside his own country or ethnic group. Thus in very many human beings the inferiority complex which endured for hundreds and thousands of years is disappearing. While in others there is an attenuation and gradual fading of the corresponding superiority complex which had its roots in socio-economic privileges, sex or political standing.[33]

In spite of, and often because of the decolonization process, peace between nations, and within the new states was, and still is, a precarious reality. A reality which "can be firmly established only if the order laid down by God be

dutifully observed."[34]

In a four part process John XXIII expounds this "order" on which true justice and peace are based. In this, the most systematic treatment of human rights by a pope up to that time, he builds on the thinking of his predecessors.[35] His major contribution, according to Hollenbach, is his systematic elaboration of the consequences of taking the dignity of the human person as a fundamental moral norm.[36] In his earlier social encyclical Mater et Magistra he spelled out some of the implications of this foundational principle of Catholic human rights doctrine:

...Individual human beings are the foundation, the cause and the end of every social institution. That is necessarily so, for men[sic] are by nature social beings. This fact must be recognized, as also the fact that they are raised in the plan of Providence to an order of reality which is above nature. On this basic principle, which guarantees the sacred dignity of the individual, the Church constructs her social teaching.[37]

While the papal thought he refers to is principally that of the last one hundred years[38] we have only to reread Paul III's Sublimis Deus to see that this aspect of modern papal thinking is not a radical break with the past, but is in fundamental continuity with it.[39] In fact, as David Hollenbach maintains, the tradition has been shaped by Aristotelian-Thomistic as well as biblical-patristic matrices.[40] In the remainder of this section I will

summarize Pacem in Terris' treatise on human rights, discuss the set of human and social relationships which circumscribe modern human existence, and finally examine how John XXIII applies this teaching to the reality of multi-ethnic states.

The Human Rights Theory of "Pacem in Terris"

In this encyclical, beginning with the dignity of the human person as the core or hub, John XXIII unfolds several levels of human rights. Hollenbach labels these the personal, the social, and finally the instrumental.[41] Within each level or concentric circle of rights there are various sectors or clusters of rights corresponding to aspects or dimensions of the human person.[42] He identifies eight sectors: bodily rights, political rights, rights of movement, associational rights, economic rights, sexual and familial rights, religious rights, and communication rights.[43] Basically, then, human rights in papal social thought are the set of necessary conditions for protecting and promoting human dignity. These conditions make our essential rights effective in the real world. Thus the Catholic approach is able to mediate between the liberal tradition, which stresses personal rights, primarily seen as negative immunities, and the socialist-Marxist school which stresses instrumental or institutional rights considered as positive entitlements.[44] In other words, the liberal tradition stressed freedom from

interference of outside agencies including the state, while the socialist schools encouraged the active involvement of the state in creating structures which made operative socio-economic rights. The Catholic perspective holds that both sets of rights are needed to ensure the dignity and worth of human beings.

A consideration of the most foundational sector of the human personality, the right to life and bodily integrity, will illustrate the progression from center to periphery, from the dignity of the human person in the abstract to the realization of human worth in reality. Human dignity would be meaningless without the fundamental right to life and physical integrity. These in turn remain pure abstractions without the social rights to food, clothing, shelter, rest, and medical care, etc.. Finally, to meet these recurrent needs a "good of order"[45] must be set up in which institutional structures provide social security benefits in case of sickness, inability to work, old age or unemployment. At any given time in human history our instrumental rights may be quite rudimentary and limited. They also cannot be divorced from other important sectors, especially the economic. Without a productive economic base, which is an integral component of it, no adequate "good of order" can be achieved.

Inevitably, there are disputes about the best means or

instruments for making effective our human rights. In terms of the social right to health care, for example, should we construct a socialized medicare system, or an order relying on private enterprise medicine? If we opt for the former, how socialized do we want to be? Do we choose the Chinese or the British, the Canadian or the American way? Inevitably, too, there are conflicts of rights and claims between persons and groups within society and between societies on these issues. If we set up a socialized medicare system, what happens to the doctor's rights to freedom of practice, to organize, and the right to safeguard the confidentiality of the doctor-patient relationship, to cite only a few contemporary concerns? A similar development from center to periphery could be performed for the other basic human rights, but this should suffice to illustrate the structure and complexity of Catholic human rights thinking as it had evolved up to, and including, the pontificate of John XXIII.

Correlative Duties

Correlative to the set of human rights belonging inalienably to every human person there exists a set of duties. First of all, there exist duties on the part of the subject of the rights. The human subject must work at preserving the rights possessed by natural law.[46] For example, "the right of every man[sic] to life is correlative

with the duty to preserve it; his right to a decent standard of living with the duty of living it becomingly." [47] In addition, other human persons have obligations to respect the human rights at issue. [48]

This mutual recognition and respect for human rights on the part of citizens of any given society would also remain ineffectual without a further dimension of active cooperation to create a "civic order in which rights and duties are more sincerely and effectively acknowledged and fulfilled." [49] In other words, without a viable "good of order" everyone's rights remain weak and unrealized. As John XXIII urges, "it also requires that they collaborate in many enterprises that modern civilization either allows or encourages or even demands." [50]

Catholic human rights thinking as elaborated by John XXIII could be characterized as an ethic of responsibility. A theme with which John XXIII concludes this subsection on duties:

The dignity of the human person also requires that every man[sic] enjoy the right to act freely and responsibly. For this reason, therefore, in social relations man should exercise his rights, fulfil his obligations and, in the countless forms of collaboration with others, act chiefly on his own responsibility and initiative. This is to be done in such a way that each one acts on his own decision, of set purpose and from a consciousness of his obligation, without being moved by force or pressure brought to bear on him externally. For any human society that is established on relations of

force must be regarded as inhuman, inasmuch as the personality of its members is repressed or restricted, when in fact they should be provided with appropriate incentives and means for developing and perfecting themselves.[51]

In this work of human development those who have been discriminated against in the past have "the duty to claim those rights as marks of...dignity, while all others have the obligation to acknowledge those rights and respect them."[52]

Having discussed human rights and duties in the context of the person as source and subject of society, John XXIII next describes the normative relationship which should exist between individuals and the state, between states, and finally between individuals, political communities, and the global world community. All of these relationships cohere and are integrated in terms of the notion of the "common good" which John XXIII, following his earlier encyclical, defines as "the sum total of those conditions of social living whereby men[sic] are enabled to achieve their own integral perfection more fully and more easily."[53]

Because the "common good" is achievable only in community, and with the cooperative effort of all its members, authority is necessary in civil society to coordinate these efforts. John XXIII envisages two principle responsibilities of civil authorities: "to safeguard the inviolable rights of the human person, and to facilitate the fulfillment of

his[sic] duties..."[54] A delicate balance must be maintained between protecting and promoting human rights. For it can happen that the laudable attempt to protect human rights of individuals and groups can diminish their "full expression and free use." [55] In this context the pope introduces an important principle which protects the dignity of the human person. He maintains that:

State activity in the economic field, no matter what its breadth or depth may be, ought not to be exercised in such a way as to curtail an individual's freedom of personal initiative. Rather it should work to expand that freedom as much as possible by the effective protection of the essential personal rights of each and every individual.[56]

This was a healthy corrective and admonition in the era of the development of the social welfare state which has tended to stifle the initiative and participation of the marginal members of society. In terms of the present discussion this personalist, even to a degree, individualist, slant to pope John's social thought shaped his thinking on the treatment of minorities within existing nation states. In the encyclicals of John XXIII we can also see how human rights issues have become very clearly issues in their own right. Justice concerns are no longer relegated to a secondary status subordinate to evangelization. This is well illustrated in his treatment of the human rights of "minorities."

The Treatment of Minorities

John XXIII takes up the discussion of the treatment of minorities principally within part III of the encyclical devoted to the relations between states. This may appear incongruous. However, paragraph 94 of the document spells out a reason why this placement is appropriate. After advocating methods of peaceful negotiation to settle grievances and disagreements between nation-states, in paragraph 93, the pope introduces the issue of minorities precisely, I believe, because it is one of the main causes of conflict between and within states.

John XXIII introduces the topic by recalling the "political trend which since the nineteenth century has gathered momentum and gained ground everywhere, namely the striving of people of the same ethnic group to become independent and to form one nation." [57] Conflict is the inevitable consequence of this movement. Since independent statehood cannot always be achieved by these ethnic minorities "the result is that minorities often dwell within the territory of a people of another ethnic group..." [58] How, then, are states to handle this volatile issue and relate to the ethnic groups within their territories? Earlier in the encyclical John XXIII introduced a principle which forms the backdrop to the discussion. Reiterating the teaching of Pius

XII[59], the pope relates the fact of "ethnicity" to the "common good": "the ethnic characteristics of the various human groups are to be respected as constituent elements of the common good."[60] Having asserted the value of these groups to the larger society he goes on to draw a logical consequence for the governing authorities, the need for what today we call "affirmative action":

Considerations of justice and equity, however, can at times demand that those involved in civil government give more attention to the less fortunate members of the community, since they are less able to defend their rights and to assert their legitimate claims.[61]

Given that the dominant ethnic group within a society will inevitably feel threatened by the independence movements of its minorities, they will not easily be led to promote their rights. On the contrary they often move to curtail--even suppress them. In the extreme this can amount to efforts at genocide[62] or attempts to "limit the strength and numerical increase of these lesser peoples."[63] Not unexpectedly John XXIII declares this a serious violation of justice.[64]

Having proscribed genocidal policies the pope moves on to advocate the active and positive promotion of elements of their cultures. I say elements because at this point in papal thinking the notion of "culture" is still for the most part understood in the classical rather than the modern anthropological and empirical sense.[65] In the classical

understanding of culture there is one standard ideal way of human living. The contemporary social science understanding, in contrast, recognizes a plurality of cultures. Witness the use of "culture" in paragraph 38 where John XXIII notes in passing that "it can happen that one country surpasses another in scientific progress, culture(emphasis mine) and economic development." [66]

Despite its classicist assumptions the encyclical is quick to point out that this seeming superiority on the part of some nations does not entitle them to dominate other nations. In fact it entails an obligation "to make a greater contribution to the general development of the people." [67] Moreover, the pope is careful to point out the natural law basis for the equal dignity of all peoples and nations:

In fact, men[sic] cannot by nature be superior to others since all enjoy an equal natural dignity. From this it follows that countries too do not differ at all from one another in the dignity which they derive from nature. Individual states are like a body whose members are human beings. Furthermore, we know from experience that nations are wont to be very sensitive in all matters which in any way concern their dignity, and honor, and rightly so. [68]

In this context, then, the encyclical advocates:

that effective measures be taken by civil authorities to improve the lot of the citizens of an ethnic minority, particularly when that betterment concerns their language, the development of their natural gifts, their ancestral customs, and their accomplishments and endeavors in the economic order. [69]

At the same time the pope is concerned about the danger of an exaggerated ethno-centrism and destructive nationalism arising among ethnic minorities. This concern is illustrated today especially in eastern Europe as we witness the breakup of the Soviet empire, and the disintegration of Yugoslavia. Noting that ethnic minorities, because of past experiences and present grievances, tend to "exalt beyond due measure anything proper to their own people,"[70] the encyclical points out the advantages of multi-cultural interaction:

reason rather demands that these very people recognize also the advantages that accrue to them from their peculiar circumstances; for instance, no small contribution is made toward the development of their particular talents and spirit by their daily dealings with people who have grown up in a different culture since from this association they can gradually make their own the excellence which belongs to the other group. But this will happen only if the minorities through association with the people who live around them make an effort to share in their customs and institutions. Such, however, will not be the case if they sow discord which causes great damage and hinders progress.[71]

The goal of "bi-culturalism" espoused in this text is certainly an ideal worthy of implementation. However, the conditions for its realization are rarely met, and are becoming more difficult as time goes on, especially for aboriginal peoples.[72]

The governments of these countries must in turn not only passively respect the right of these groups to exist, but they

should also work to implement the full complement of human rights pertaining to minorities. The minorities themselves, as responsible human subjects, are encouraged to take an active role in claiming their own rights.

At the same time, in Pope John's view, minority ethnic rights are relativized by, and subordinated to, the universal common good of humanity, and the common destiny of the goods of the world. Furthermore, despite the risks inherent in contact with other cultures and the larger world, interaction between peoples is seen as a way of enhancing the culture of the minority itself. As he sees it, since all human beings share common characteristics in addition to their own specific cultural traits, it is important for all peoples to interact and live in communion with one another in order to perfect their common human nature. This being said, what is dramatically new in these writings is the focus on the issue of political self-determination--even if most of the groups seeking it cannot hope for full political independence. Basically, the full complement of human rights is affirmed for all persons and peoples.

The relationship between evangelization and human rights is not directly addressed in Pacem in Terris. In fact, "evangelization" is not mentioned at all in this encyclical. Thus, with John XXIII we can truly say that human rights

became an independent concern. Human rights, then, are no longer seen merely as necessary conditions for the reception of the Gospel. I also submit that evangelization, understood in earlier pontificates as the extension and implantation of the Catholic Church in mission lands, persists as the dominant model during the pontificate of John XXIII. The Second Vatican Council will build on this foundational human rights thinking of John XXIII in further significant ways. The following section will examine what is perhaps its most important contribution to the discussion, namely, "culture."

2.4. Vatican II and Cultural Rights

Schema XIII, The Church in the Modern World, better known as Gaudium et Spes, is probably the best known document produced at Vatican Council II.[73] It has become the symbol for the whole Council because it inaugurated and typified major developments in Catholic social thought. For some critics of the Church, like Paul Blanchard, these shifts are hardly earth shattering, and can be called a success only if measured against the Roman Catholic Church's own history:

In terms of the movement of western culture, however, the council moved so slowly that it almost stood still. In an age when culture and science had moved further in two centuries than the whole world had progressed up to that point in time, Vatican II chose to cling to dogmas and policies that were centuries out of date, dogmas and policies that

could be abandoned without any surrender of spiritual ideals. In terms of the 20th century velocity the council brought Catholicism from the 13th to the 17th century, no mean achievement, but it still left this largest segment of world Christianity 300 years behind the times.[74]

Gaudium et Spes builds on, but basically repeats, two social encyclicals of that period, Mater et Magistra(1961) and Pacem in Terris(1963). However, there are significant innovations in this text. Specifically, the inclusion of "culture" as a central theme, as well as the incipient appropriation of the anthropological/ethnological understanding of "culture," are perhaps the most striking features of the whole constitution.[75]

Herve Carrier, the present secretary of the Pontifical Council for Culture, describes three influences that shaped this section on culture.[76] First there was the influence of ethnologists, and the development of cultural anthropology in this century.[77] As Bernard Lonergan was fond of saying, the contemporary world has shifted to a pluralistic empirical notion of "culture." This understanding is taken up in part two of the constitution:

one can speak about a plurality of cultures. For different styles of living and different scales of values originate in different ways of using things, of working, and self expression, of practicing religion and of behavior, of establishing laws and juridical institutions, of developing science and the arts and cultivating beauty.[78]

Secondly, Carrier identifies an influence of Marx in the text. In particular he refers to "class analysis." This method reveals the dominators of "culture" and those whose "culture" is shaped by the dominant elites. This approach to "culture," he goes on to say, "contains a dynamic and voluntaristic aspect: the proletarians, dominated by the culture of the bourgeoisie, will have to fight to change their culture." [79]

Finally, the political liberation of more than 100 nations since world war II has alerted the world community to the quest for cultural rights and identity. [80] For too long, he says, development models did not sufficiently take "culture" into consideration and were often doomed to frustration and failure for that fact alone. [81]

While the word "aboriginal" does not appear anywhere in the documents of the Second Vatican Council, the reality of the "First Nations" is implicit in several places. For example, in Caudium et Spes we are alerted to a world wide "culture" in process of formation which is a definite threat to particular, traditional, and especially, tribal cultures. [82] In this complex milieu the Council tried to hold in tension the advantages of modern "technological culture" on

the one hand, while at the same time promoting respect for the wisdom and particular characteristics of ancient traditions.[83] Later, in the section on cultural development[84], passing mention is made to "minorities". In this context governments are encouraged to promote an environment favorable to the development of cultural forms without "overlooking minority groups in the nation." [85] According to this view the state has no formal role in "determining the proper nature of cultural forms." [86] This position allows for the rightful autonomy of cultural groups within the nation state, and is a protection for "cultural minorities." Initially, this would appear to be a straightforward application of the "principle of subsidiarity." [87] In other words, the state should not interfere in activities that can be carried on effectively by the various sectors and communities within a society. At the same time it does have a role in "building up the environment and the provision of assistance favorable to the development of culture." [88] This would be a further application of the principle of "subsidiarity" which requires the state to "aid" the smaller and weaker groups within a society.

This passing reference to "minorities" was apparently inserted at the request of a group of 20 Council fathers.[89]

The theme is left undeveloped. Instead a footnote refers the reader to papal statements by John XXIII and Pius XII.[90] These texts I have already commented on in section 2.3 of this chapter. It appears, then, that the most innovative aspect of this document concerns the meaning of "minorities." Defined formerly in terms of quantity, the gentes pauciores of Pius XII, have now been transformed into "cultural minorities"--a minor, but potentially momentous shift.

The Meaning of the Right to Culture in "Gaudium et Spes"

A first reading of section three of chapter two, where the constitution calls for a recognition of everyone's "right to culture,"[91] seems to indicate that a fundamentally new collective right is being elaborated. A closer analysis, however, unmasks a problem with this assumption. Fundamentally, as René Jaouen has convincingly demonstrated, there has been a major shift in the meaning of the word "culture" from its introduction in article 53, to its use in all subsequent sections.[92] In order to understand this shift and reduction of meaning it will be helpful to have before us the description of "culture" presented in article 53 of Gaudium et Spes. The text reads as follows:

The word "culture" in the general sense refers to all those things which go to the refining and developing of man's[sic] diverse mental and physical

endowments. He strives to subdue the earth by his knowledge and his labour; he humanizes social life both in the family and in the whole civic community through the improvement of customs and institutions; he expresses through his works the great spiritual experiences and aspirations of men throughout the ages; he communicates and preserves them to be an inspiration for the progress of many, even all mankind.

Hence it follows that culture necessarily has historical and social overtones, and the word "culture" often carries with it sociological and ethnological connotations; in this sense one can speak about a plurality of cultures. For different styles of living and different scales of values originate in different ways of using things, of working and self-expression, of practicing religion and of behavior, of establishing laws and juridical institutions, of developing science and the arts and of cultivating beauty. Thus the heritage of its institutions forms the patrimony proper to each human community; thus, too, is created a well-defined, historical milieu which envelops the men of every nation and age, and from which they draw the values needed to foster humanity and civilization.[93]

In this text the classicist and contemporary notions of culture are, Hervé Carrier maintains, incorporated in "a perfectly balanced way." [94] This balance would not be sustained in later discussions. In the text being considered here the referent for the "right to culture" is clear. It is the classicist notion. The first line of article 60 sharply reveals the emphasis of this section: "man[sic] is now offered the possibility to free most of the human race from the curse of ignorance..." [95] The goal, according to this Constitution is to "ensure that there is a sufficiency of cultural benefits

available to everybody, especially the benefit of what is called 'basic' culture." [96] This "basic culture" fundamentally means literacy, and for those capable of it, "the opportunity for higher studies." [97]

Concern is shown especially for the marginated. In this context women, manual labourers, and rural farm workers are mentioned. But the assumption is that they lack "culture," the access to its benefits, and the capacity to contribute to its further development. [98] René Jaouen claims this is a highly ethnocentric exposition of "culture," revealing its classicist bias. [99] He concludes that this ethnocentric conception of ignorance and knowledge "deviates very far from the global definition of culture in Gaudium et Spes 53, and returns very clearly to an elitist conception of culture which leaves the poor even poorer than they are in reality." [100] The point here is not to denigrate or preclude the possibilities for human development and refinement within western culture. It is simply to establish that the referent for the "right to culture" in Gaudium et Spes is not the collective right to maintain one's particular culture in the ethnological or anthropological sense.

In Summary, the focus in the pastoral constitution was personalist, concentrating on the development of the

intellectual capacities of the human person. At the same time the Council was trying to come to grips with the political emergence of many new nations and cultures. The document, as we have seen, does in fact recognize the pluralistic empirical notion of culture. Yet, the emergence of the "right to culture" in the full anthropological sense would await post Vatican II developments. Evangelization, therefore, while there are hints of developments to come in future Church synods, remains in this, and other documents of Vatican II, basically the same as in earlier teaching. In brief, a more open accommodationist, adaption model prevails. Coming after, and building on, Pacem in Terris, a full spectrum of human rights is taken for granted in Gaudium et Spes. These rights continue to be grounded in the dignity of the human person, but now rooted more in theological, Christological principles. Thus it follows, from the Church's perspective, that an adequate promotion of human rights requires the revelation of the relationship of humanity to the person of Christ. In this way, an intimate connection between evangelization and human rights is established.

Before moving to a study of texts in which the "right to culture" is understood in its full anthropological sense, several other documents of Vatican II relevant to this theme

must be examined. In particular, two decrees and one declaration of Vatican II have contributed to papal thinking on the "right to culture" in important ways. Arguably, the most significant document in this regard is the decree, Dignitatis Humanae[101], on religious liberty, promulgated the same day as Gaudium et Spes. Also on the same date the decree, Ad Gentes[102], on the Church's missionary activity was released. Finally, just prior to the key documents of December 7, 1965, Paul VI had approved the declaration on the relation of the Church to non-Christian Religions, Nostra Aetate. [103] In the following section I will review these three documents beginning with Nostra Aetate.

The Influence of other Vatican II Decrees and Declarations on the Development of Cultural Rights

As in earlier periods of Church history, the evangelical mission of the Church remains a paramount concern of Nostra Aetate. Clearly in this document the Church once again declares that it is "duty bound to proclaim without fail, Christ, who is the way, the truth, and the life (Jn. 14:6)."[104] At the same time confronted with a pluralism of world and other religions--a pluralism of religions that shows no signs of disappearing in the near future--the Church has come to acknowledge the many values inherent in these

cultures. In response to this reality of the contemporary world this text makes a remarkable plea for mutual dialogue and cooperation.[105] It urges Christians to "acknowledge, preserve, and encourage the spiritual and moral truths found among non-Christians, also their social life and culture." [106] Here, by implication, "culture" is understood in the ethnological pluralist sense, and is seen in a positive light which is to guide the missionary activities of the Church. In passing I would suggest that a motive for preserving and promoting other cultures is that the Church's desire to "inculturate" the Gospel requires healthy cultures as dialogue partners.

These cultures with their religious expressions are still seen as intrinsically related to Christianity as their ultimate fulfillment: "In him, in whom God reconciled all things to himself (2 Cor. 5:18-19), men[sic] find the fullness of their religious life." [107] While the fullness of religious truth and life resides only in Christianity in the view of the Council:

The Catholic Church rejects nothing of what is true and holy in these religions. She has a high regard for the manner of life and conduct, the precepts and doctrines which, although differing in many ways from her own teaching, nevertheless often reflect a ray of that truth which enlightens all men[sic]. [108]

These insights are more fully developed and applied in Ad Gentes, the Council's decree on missionary activity. This decree summarized Catholic missiology at this juncture in Church history. While retaining the traditional, perhaps outmoded, concepts of "implantation of the church"[109] and "adaptation" of the Christian life to the local cultures[110] one can discern here the beginning of a new model of evangelization we now characterize as "inculturation." [111] In this thesis I have been using this term to mean the process of expressing Christian faith and life in the forms of the local culture to the benefit both of the local culture and the universal Church. In embryonic form "inculturation" is described in chapter three of this decree where the Council Fathers discuss particular churches. These local churches are obligated to:

Give expression to this newness of life in their own society and culture and in a manner that is in keeping with the traditions of their own land. They must be familiar with this culture, they must purify it and guard it, they must develop it in accordance with present day conditions, they must perfect it in Christ so that the faith of Christ and the life of the Church will not be something foreign to the society in which they live, but will begin to transform and permeate it.[112]

The giving of expression to Christian belief and life in the culture and traditions of the local church is what we now call the process of "inculturation." Yet, over all, the

implantation, adaptation approach to mission and evangelization remains even here the dominant paradigm. Whatever its mission model the Church has come to recognize a prior right of the receiving cultural community. Here I refer to what the Council calls the most basic human and cultural right, the "right to religious liberty." [113] Because of its seminal importance in shaping a new view of evangelization and its relationship to human rights generally the final pages of section 3.4 will be devoted to this fundamental human right.

"Dignitatus Humanae" and Aboriginal Rights

As late as the 1950's a pope was still denying the right to religious freedom. [114] At the same time to put this in perspective it was only in 1951 that the Canadian parliament rescinded its laws against the practice of traditional Indian religions. [115] Yet, all things considered it was the state that had led the Church in recognizing this fundamental human right. When the Church finally did so it amounted to a significant example of the development of doctrine. As we have seen in earlier phases of this study, because of a belief that the acceptance of the Christian faith must be a free act a certain degree of tolerance existed for other faiths. In practice this was often violated. The scriptural text that ends the banquet feast parable, "compel them to come in" [Luke

14:23] was often used to justify forced conversion. This interpretation Las Casas vigorously but ineffectively attacked.[116] Consequently, the declaration's assertion that "it has always remained the teaching of the Church that no one is to be coerced into believing,"[117] does not stand up to historical scrutiny.

When the Church itself began to face irreversible religious pluralism even within Europe--not to mention the open hostility of regimes both in the communist East and the capitalist West--it began to teach a more universal tolerance for all religions. Leo XIII seems to have been the first to explicitly state this view.[118] Actually, the first Catholic statement of the right to religious freedom in a positive sense came not at Vatican II, but is to be found in John XXIII's encyclical Pacem in Terris. There, in the context of a general treatment of human rights, the pope stated: "this too must be listed among the rights of a human being, to honor God according to the sincere dictates of his[sic] conscience, and therefore the right to practice his religion privately and publicly." [119]

In Dignitatis Humanae this right is systematically explicated and grounded--first from reason and then from revelation. After simply declaring that "the human person has

a right to religious freedom"[120] the Council fathers immediately clarify what they mean by "religious freedom." In this document the referent is immunity from coercion in religious matters:

Freedom of this kind means that all men[sic] should be immune from coercion on the part of individuals, social groups and every human power so that, within due limits, nobody is forced to act against his convictions in religious matters in private or in public, alone or in associations with others.[121]

As this text indicates, the emphasis on "immunity from coercion" is itself ordered to respect for the conscience of the human person, a view that was accentuated in John XXIII's treatise on human rights.

The foundation for this human right, as was the case in John's encyclical, is the dignity of the human person.[122] From the perspective of human reason this human dignity is rooted in this same human reason coupled with free will such that the human person can not only attain the truth, but responsibly adhere to it.[123] In addition, since human beings are social by nature, interior acts of religion must have scope for external expression, communication, and profession.[124] In other words, religion is usually lived out socially and communally. Consequently, the Council posits a collective right to religious freedom:

The freedom or immunity from coercion in religious matters which is the right of individuals must also be accorded to men[sic] when they act in community. Religious communities are a requirement of the nature of man and of religion itself.[125]

Flowing from this collective right are certain institutional and organizational requirements. Religious bodies must be free to organize themselves publicly. This means, according to the view of the Council, that freedom of religion entails the rights of a religion to set up its own institutions for worship, for the training of its own members and ministers. for witnessing to their belief system, and for demonstrating how these beliefs have value for the structuring of society itself.[126]

In a second chapter of the declaration devoted to "religious freedom in the light of revelation" further grounds for this human right are presented. After admitting that there is no explicit reference to the right to be free from external coercion in religious matters to be found in scripture, this text tries to demonstrate how the example of Christ and his disciples reveals "the dignity of the human person in all its fullness."[127] Specifically, the declaration sees in Christ's respect for the freedom of individuals to accept or reject the Gospel further evidence to support this human right.[128] In addition to this argument

from scripture "tradition" is also invoked to ground the right to religious freedom: "one of the key truths in Catholic teaching...is that man's[sic] response to God by faith ought to be free, and that therefore nobody is to be forced to embrace the faith against his will." [129] Outside of the context of faith itself this argument would not be persuasive, and as I have noted earlier, the claim that it was constantly taught throughout Church history is certainly challengeable.

The views expounded in Dignitatis Humanae, taken together with the other major documents of the Council, provide a new mind-set for the Church in its dealings with the indigenous cultures of the world. Since religion is foundational to "culture" [130] the right to religious freedom has ramifications well beyond freedom from state coercion in religious matters. In its discussion of the social and institutional implications of this right Dignitatis Humanae opens up new grounds for respect for all cultures. For in most traditional cultures religion and life cannot be separated as they have been in the Western World. Thus to affirm religious rights is tantamount to affirming the cultural rights of these peoples. Furthermore, since the values inherent in these cultures are now seen as rays of the divine truth, or in patristic terms, "seeds of the Word,"

these cultures can be actively supported and promoted as a good in their own right.

The implications for evangelization are dramatic. At the juncture under discussion, namely in the texts of Vatican II, the model of mission based on the analogy with the "incarnation"[131] of Christ begins to shape mission methodology. This analogy with "incarnation" presupposes viable and dynamic cultures with which the Gospel can interact, and ultimately be incarnated, or to use the terminology of a later period, inculturated. The implication being that these cultures will not only be enhanced by their encounter with the Gospel, but that the Church itself will be enriched, and, in a sense, become more catholic in its existence.

This does not mean that evangelization is to be downplayed or done away with altogether--interpretations that did emerge after the Council.[132] In fact, the call to the whole Church to evangelize is as strong as ever in these documents. The emphasis now is on methods that are consonant with, and do justice to the source of the message, and at the same time respect the freedom of the receiver. This holds whether or not the receivers are objectively in error with respect to the faith. In other words, as Heinz Schlette has

suggested, "the approach which seeks to convert non-Christians is described by the metaphor of 'invitation.'"[133] Invitation, in turn, sets the stage for dialogue, and also for cooperation in shaping a just world order:

In which alone the sincere effort for religious truth can be made in fitting form, and in which the religious act--like the rejection of religion--can be truly itself, the free, responsible..."private affair" of each person.[134]

In summary, we are now far removed from the medieval worldview of Innocent IV. As we saw in chapter one he and later popes considered it their right and duty to actively intervene in the private and public affairs of other cultures and religions to bring them into harmony with natural law, and even to conquer them if they aggressively resisted the preaching of the Gospel. It is to his everlasting credit that Las Casas pointed out the absurdity and immorality of interventions that destroyed whole peoples and cultures on the pretext of stamping out violations of the natural law,[135] an approach that made the reception of the Gospel virtually impossible.

The Second Vatican Council did not really transcend the basic mission paradigm of recent centuries. The dominant view of evangelization presented at the Council still could be characterized as accomodationist, that is the implantation and

extention of the universal Church in a form adapted to local cultures. Yet it must be said that the Council certainly introduced concepts that would enable later models to emerge. By coming to grips, for example, with political and cultural pluralism Gaudium et Spes was led to affirm a pluralistic empirical notion of culture. However, the full implications of this understanding of culture were not developed in this or other documents of the Council. Thus, an acknowledgement of the "right to culture" in the full anthropological sense had to await post Vatican II developments. An understanding of evangelization, as a consequence, rooted in the theology of inculturation would also have to wait for a later explicit articulation and affirmation. In brief, a more flexible accomodationist, adaption model prevailed at Vatican II.

The relationship between evangelization and human rights now shaped by the admission of cultural rights and the right to religious freedom has yet to be fully and adequately explicated. Some clues to a possible solution are to be found in the discussion of the foundation of human rights in Gaudium et Spes. There human rights continue to be grounded in the dignity of the human person, but now rooted more in a Christology than in rational principles. Thus it follows, from the Church's perspective, that an adequate promotion of

human rights requires the revelation of the relationship of humanity to the person of Christ. In other words, it is only Jesus Christ who can truly reveal to humanity the full sense of what it means to be human. Since it is the task of evangelization to proclaim the meaning of the Christ event to the world, an intimate connection between evangelization and human rights, seen as the conditions for the full flowering of human dignity, can be established. The implications for evangelization are dramatic. At the juncture under discussion, namely in the texts of the Second Vatican Council, the model of mission based on an analogy with the "incarnation" could begin to shape mission methodology. This analogy, moreover, presupposes the desirability of having viable and dynamic cultures with which the Gospel can interact, and ultimately in which the Gospel can be incarnated, or to use the terminology of a later period, inculturated. The implication of this view is that cultures will not only be enhanced by their encounter with the Gospel, but that the Church itself will be enriched, and, in a sense, become more catholic in its existence because of this interaction.

The emphasis on "culture" and the development of a missiology attuned to it continued to pick up momentum in the

post Conciliar era. This is not surprising given the continuity provided by pope Paul VI (1963-1978) who presided over the completion of the Council, and worked at its implementation for more than a decade. In the following, and fifth section of this chapter, I will examine the contributions of his pontificate to papal social thought on the rights of indigenous peoples.

2.5. The Pontificate of Paul VI

Two years after the close of the Second Vatican Council Paul VI published the only social encyclical of his pontificate. It was entitled Populorum Progressio and commemorated the 80th. anniversary of Rerum Novarum. In it he recognized, and attempted to address, the principal dynamic of the age, the fact that "the social question has become world-wide." [136] Actually, this situation, as he himself notes, [137] had already been acknowledged by John XXIII [138] and by the Council itself. [139] However, because of the increasing urgency of the issues surrounding world development, and because of his own personal exposure to these issues, [140] he wished to "bring together men[sic] of good will with our Catholic sons and our Christian brothers," [141]

to effect "concrete action toward's man's[sic] complete development and the development of all mankind."[142]

In this encyclical the only explicit reference to "indigenous peoples" is found in a brief discussion of racism.[143] In that context Paul VI recalls the often violent conflict that erupted between the colonizers and the local population:

During the colonial period it{racism} often flared up between the colonists and the indigenous population, and stood in the way of mutually profitable understanding, often giving rise to bitterness in the wake of genuine injustices.[144]

This text touches on two crucial concerns being raised today by indigenous peoples. First, and factually speaking, they still are for the most part colonized peoples. This is the case even if the nation-states in which they presently exist have themselves severed their links with the original European colonial powers. Secondly, the question of the use of violence to achieve their liberation from oppressive powers, whether foreign or domestic, remains a major issue and option.

As Donal Dorr points out,[145] and the above text illustrates, Paul VI has an ambivalent attitude towards colonialism. Early in part one of the encyclical the pope recognizes many of the negative aspects of the colonial era:

it must certainly be recognized that colonizing

powers have often furthered their own interests, power or glory, and that their departure has sometimes left a precarious economy, bound up for instance with the production of one kind of crop whose market prices are subject to sudden and considerable variation.[146]

However, Paul VI goes on to give the impression that the benefits balanced the losses:

Yet while recognizing the damage done by a certain type of colonialism and its consequences, one must at the same time acknowledge the qualities and achievement of colonizers who brought their science and technical knowledge and left the beneficial results of their presence in so many underprivileged regions. The structures established by them persist, however incomplete they may be; they diminished ignorance and sickness, brought the benefits of communications and improved living conditions.[147]

Yet, even these benefits, he has to admit, are "manifestly inadequate for facing the hard reality of modern economics." [148]

This is especially the case now that much of the traditional culture has been destroyed or altered irreparably. Yet it must be noted that all cultures are constantly changing. This was as true in the earlier centuries as it is the case today. What has changed dramatically since first contact between European cultures and those of the rest of the world is the rate and extent of cultural change. Also in the present context, with the decolonization that has occurred in this century, traditional civilizations must face new and seemingly tragic dilemmas:

whether to retain ancestral institutions and convictions and renounce progress, or to admit techniques and civilizations from outside and reject along with the traditions of the past all their human richness. In effect, the moral, spiritual and religious supports of the past too often give way without securing in return any guarantee of a place in the new world.[149]

The response of these stressed cultures to this dilemma is often a form of "messianism which give promises but create illusions. The resulting dangers are patent: violent popular reactions, agitation towards insurrection, and a drifting towards totalitarian ideologies." [150]

Recourse to Violence and Revolution

While not the first encyclical to face the issue of recourse to violence and revolution[151] Populorum Progressio treated the issue at a time when wars of liberation were proliferating. Consequently, the issue could not be avoided. The text does not discuss particular cases, but sets forth grounds for making moral judgments about its legitimacy. The discussion is instructive but brief, realistic but cautionary. The encyclical is realistic in admitting the causes that give rise to revolution, and sanguine in assessing its probable outcome. Pope Paul first clearly sets forth the causes of violence:

There are certainly situations whose injustice cries to heaven. When whole populations destitute of necessities live in a state of dependence barring them from all initiative and responsibility, and all

opportunity to advance culturally and share in social and political life, recourse to violence, as a means to right these wrongs to human dignity, is a grave temptation.[152]

Why a grave temptation? The document states bluntly that "a revolutionary uprising...produces new injustices, throws more elements out of balance and brings on new disasters." [153] This line of reasoning has Thomistic roots.[154] It also is supported by enough contemporary empirical evidence to warrant the pope's caution. That being said, Paul VI does allow for revolution as an ultima ratio, a last resort: "...where there is manifest, long standing tyranny which would do great harm to the common good of the country..." [155] In other words, the unjust situation must be grave, persistent, and so threatening to the public good that no other means of changing it are judged possible. While the Church wants its members to avoid such violent tactics if possible, unlike earlier times, the Church is no longer preaching passivity and resignation to injustice.[156] As this encyclical illustrates the Church definitely exhorts all peoples, including Christians, to fight against, and overcome injustice in the world.[157]

In addition to eliminating injustices in the world this encyclical above all introduces a positive dynamic vision of the meaning of development contained in the notion of "integral development." By this term Paul VI meant that:

Development cannot be limited to mere economic growth. In order to be authentic, it must be complete: integral, that is, it has to promote the good of every man[sic] and of the whole man. As an eminent specialist has very rightly and emphatically declared: "We do not believe in separating the economic from the human, nor development from the civilizations in which it exists. What we hold important is man, each man and each group of men, and we even include the whole of humanity."[158]

In this text he was citing the Dominican social theorist, Fr. Lebrecht, who played a major role in drafting this encyclical.[159] "Integral development" has become, in the words of David Hollenbach, "the normative standard of...all those personal and social rights which have been set forward in previous phases of the tradition."[160] It is basically an acknowledgement that "the human personality is multifaceted." [161] Consequently, the dignity of the human person--always understood as a person intimately rooted in community and society--requires "respect for the multiple social, economic, intellectual, interpersonal and religious conditions of personal development." [162]

This concept of "integral development," coupled with the emphasis on "political participation" found in the Apostolic letter, Octogesima Adveniens[163] provide the framework for a new phase in thinking about the issues of indigenous peoples. This development is most clearly presented in the 1971 synod document, Justice in the World. [164]. But before discussing this challenging document, and the development of these

themes, I want to digress slightly by introducing a text from a direct encounter with an indigenous people which occurred a year before the famous synod of 1971. This text will provide us with an opportunity to see what aspects, and to what extent, the new social ethics of the papacy was being applied to the aboriginal rights issues of that period.

Paul VI and the "Aborigines" of Australia

In late 1970 Paul VI had an opportunity to confront the aboriginal rights issue in the concrete when he became the first pope to meet and address an aboriginal people in their homeland. This event took place during a pastoral visit to Australia. On December 2, the pontiff met with representatives of the "Aborigines" of Australia. During his short address on that occasion he made the following points.

First, with respect to the culture of the "Aborigines" he declares: "we know that you have a life style proper to your own ethnic genius or culture: a culture which the Church respects and which she does not in any way ask you to renounce." [165] Next, the pope proclaims their human rights:

The Church declares that you, like all other ethnic minorities, have all human and civic rights--in every way the equal of those in the majority. You have likewise certain duties and obligations. By reason of the common good, these necessitate the harmonizing of your activities in a spirit of brotherhood and collaboration for the benefit of the society to which you belong." [166]

With one exception, the position reiterated in this address is identical to that expounded in Pacem in Terris. [167] In brief, aboriginal peoples are still seen as one among other "ethnic minorities." However, the one exception I referred to earlier is an important one. It is a qualification to the use of the "common good" as a criterion for judging the culture and activities of the "Aborigines." Paul VI states very forcefully "that the common good never can be used legitimately as a pretext to harm the positive value of your particular way of life." [168] The reason being that "society itself is enriched by the presence of different cultural and ethnic elements." [169] As we have seen in the context of the human rights treatise found in Pacem in Terris the "common good" has two important components. There is first of all the "good of order," that is the set of conditions which enables a human community to meet their recurrent needs systematically. This, however, is not an end in itself. The "good of order" is itself ordered to the "integral perfection" of the members of that society. Thus on the one hand the notion of the "common good" can be used to relativize the aspirations of minority cultures if they are seen to be jeopardizing the ability of civil society to create a viable "good of order." But on the other hand, and I believe this is the point the pope is making, the sharing in the positive values of a particular culture are the reasons

for a having a society in the first place. Thus, the pope is implicitly affirming the value of a multicultural society, not just for the minority cultures within it, but for the nation as a whole.

This being said, the address while supportive and encouraging to the "Aborigines," remains quite general and abstract. It fails to tackle the hard questions about the nature of "aboriginal rights," the continuing tension between the desire to maintain a traditional culture with the pressures towards modernization, and the full possibilities for minority cultures within existing nation-states.

"Justice in the World": Implications for Indigenous Peoples

A year after his meeting with the "Aborigines" of Australia Paul VI convened a synod in Rome. The resulting document entitled, Justice in the World, further elaborates the important teaching of Paul VI on development. It also addresses directly the tension noted above between maintaining one's traditional way of life and the effects of modernization on one's culture. Most significantly of all the document explicitly teaches that the promotion of justice is a constitutive dimension of the proclamation of the Gospel. These three themes I will now treat in the order in which they have been introduced.

First, there is the issue of the maintenance of cultural identity. Even though they do not use the terminology, the bishops opted for a model of development which in anthropological terms could be equated with "revitalization" in a "revivalistic" mode. In other words, cultures under stress must on the one hand retrieve and preserve the valuable elements in the culture, while at the same time be willing to import outside elements and technology that will enhance their way of life. Thus, the synod fathers clearly "affirm the right of people to maintain their own identity." [170] At the same time, they are only too well aware that many attempts to achieve this have proven futile--even fatal--to the cultures involved:

We see ever more clearly that the fight against a modernization destructive of the proper characteristics of nations remains quite ineffective as long as it appeals only to sacred historical customs and venerable ways of life. If modernization is accepted with the intention that it serve the good of the nation, men[sic] will be able to create a culture which will constitute a true heritage of their own in the manner of a true social memory, one which is active and formative of authentic creative personality in the assembly of nations." [171]

Secondly, the synod text embodies two fundamental principles that Paul VI had introduced earlier in his pontificate, and which the synod fathers now clearly proclaim as human rights:

1: "The right to development must be seen as a dynamic

interpenetration of all those fundamental human rights upon which the aspiration of individuals and nations are based." [172]

2: "Participation constitutes a right which is to be applied both in the economic and in the social and political field." [173]

As David Hollenbach points out, these rights are not to be seen as additional rights to be added to other specific rights. They flow from a relational understanding of the foundation of human rights in the dignity of the human person. [174] Since one of the main realities of the modern world is the growing marginalization of vast numbers of the human family, political participation, in this view, is seen as the necessary condition for the realization of the fundamental right to development in the integral sense advocated by Paul VI. Hollenbach summarizes the teaching this way: "The right to development thus implies that all other rights are expressions of the claims of the person to be a self-determining agent, that is, they are expressions of claims to be participant in the social, economic, and political process." [175] This is also the essence of what the Church has meant by "social justice."

By way of application to indigenous peoples, participation would also be the necessary condition for the

creation of a viable and authentic culture which lies more in the future than in the past. In passing it should be noted that "culture" in this document appears firmly rooted in the anthropological or ethnological sense first described in Gaudium et Spes article 53. In order to facilitate a participatory and integral development of culture the synod proposes the following guidelines:

1: people should not be hindered from attaining development in accordance with their culture;

2: through mutual cooperation, all peoples should be able to become the principal architects of their own economic and social development.

3: every people, as active and responsible members of human society, should be able to cooperate for the attainment of the common good on an equal footing with other peoples.[176]

Finally, the synod document is most famous for its thesis on the relationship between evangelization and justice. As we have seen often enough throughout this thesis, the mandate to proclaim the Gospel to all nations has often conflicted with the human rights of those who were to receive the "Good News." In this text justice is seen as integral to the Gospel mandate:

Action on behalf of justice and participation in the transformation of the world fully appear to us as a constitutive dimension of the preaching of the Gospel, or, in other words, of the Church's mission for the redemption of the human race and its liberation from every oppressive situation.[177]

This text represents the end point of a long evolution in

Church understanding of the relationship between evangelization and human rights.

In a section of the document entitled "the Gospel Message and the Mission of the Church," several reasons are given to demonstrate that the work of justice is "constitutive" of the Gospel. First, the situation of injustice--characterized as a grave sin--calls the Church to a discernment process so that God "shows us new paths toward action in the cause of justice in the world." [178] Secondly, the revelation of God as liberator of the oppressed, a characteristic of the Hebrew scriptures, requires that justice be done so that "God is truly recognized as the liberator of the oppressed." [179] Thirdly, the preaching of Jesus himself includes a justice dimension which the Church must faithfully fulfill. [180] Fourthly, according to the teaching of St Paul, faith must issue in love and service of neighbor "which involve the fulfillment of the demands of justice." [181] Fifthly, the Gospel message itself, will have little credibility "unless the Christian message of love and justice shows its effectiveness through action in the cause of justice in the world." [182] Finally, the mission of preaching the Gospel includes a call to humankind to turn away from sins of injustice. [183] Thus the justification for the intervention of the Church in denouncing injustices at all levels of society.

At the same time the Church recognizes her limitations in working towards justice and liberation. This is especially true of the magisterium when it comes to proposing concrete solutions to contemporary problems. The synod document states very clearly that:

Of itself it does not belong to the Church, insofar as she is a religious and hierarchical community, to offer concrete solutions in the social, economic and political spheres for justice in the world. Her mission involves defending and promoting the dignity and fundamental rights of the human person.[184]

Despite this caveat the synod fathers are very careful to add that the hierarchy is not the whole Church. In its members, who are also members of civil societies, the Church does have a responsibility to engage in concrete action for the transformation of the world.[185]

While generated for, and applicable to the whole human race, much of the social thought elaborated under the aegis of Paul VI has special import for indigenous peoples. It will be some years before the full implication of this thinking begins to be explored and applied. This occurs during the pontificate of John Paul II(1978-). Before moving to that stage in the development of papal social thought I want to discuss two other significant documents that emerged during the papacy of Paul VI.

The first document appeared three years after the synod

of 1971. This text entitled, The Church and Human Rights of the Pontifical Commission, Justice and Peace, was occasioned by the twenty-fifth anniversary of the United Nation's Universal Declaration of Human Rights. Intended as a guide for national Justice and Peace Commissions in their efforts at promoting human rights,[186] it desired specifically to expand the human rights agenda by recalling that:

In dealing with human rights, neither the defense of these rights nor the discharge of duties can be limited to the individual alone. It is necessary to open our minds and to widen the range of our actions beyond the sphere of the individual so as to include the rights and duties of whole societies with their groups and minorities.[187]

This social emphasis reflects the growing awareness that fundamental human rights cannot be realized "except in a civil community which is organized both juridically and politically."[188]

With this motivation in mind, the document first traces the history of the Roman Catholic Church's involvement in human rights.[189] Secondly, it lists the human rights recognized by the Catholic Church.[190] Thirdly, and most importantly for the present thesis, the Commission develops a biblical and theological basis for Catholic human rights teaching. Beginning with the "incarnation" the Commission outlines its implications for the dignity of human persons and cultures:

Every person has a special relation with God, grounded in the mystery of the Incarnate Word. When the Son of God became man, he entered into the world's history as Perfect Man. He lived in a particular nation, a particular culture, even in a particular minority group, and thus raised the whole human family and its members, which is to say human nature with all its prerogatives, to the dignity of Sons of God. Thus in a definite way he sanctified all humanity.

It is precisely this choice by our Saviour of a particular nation or people, heirs of blessings destined for all nations, which gives value and dignity to every people, culture or nation.[191]

The dignity and worth of all peoples and cultures in virtue of the incarnation is further enhanced by the paschal mystery: "by his death on the cross Christ has redeemed through his blood every man, every race, every group, every culture." [192] And finally, in response to the eschatological truth that the kingdom is already inaugurated here on earth, the Christian community is inspired to labor even more intensely for a "definite approximation or anticipation of the new world." [193] Concretely, this means "pastoral activity to protect and promote human rights." [194] The remainder of the document details the unfinished business concerning human rights, and the many ways the Church can collaborate with other concerned citizens and groups to bring about a fuller realization of all human rights.

In this text, then, we see the justice dimension of the proclamation of the Gospel being spelled out in terms of a concerted program for defending and promoting human rights.

The cultural dimension of this quest was more directly addressed in the last major document of Paul VI's papacy, Evangelium Nuntiandi. [195]

"Evangelii Nuntiandi" and the Liberation of Cultures

This document devoted to the theme of "evangelization" was released to the Catholic community one year after the 1974 synod on the same theme. Unlike the text of the 1971 synod, which was written by the participant bishops themselves, the document published in 1975 was issued in the name of Paul VI himself. He, of course, built on the materials assembled and discussed at the 1974 synod. [196]

In a key section on the meaning of evangelization Paul VI declares that the drama of our time is: "the rift between the gospel and culture." [197] In order for the Church to overcome this rupture it must come to accept a fundamental fact of modern social existence: the need to evangelize not just culture in general, but the plurality of human cultures. [198] This new found respect for cultures differs greatly from the approaches of the thirteenth to the nineteenth centuries. In these earlier centuries--for the most part--the recipients of the Gospel not only had to convert to Christianity but adopt western culture as well. This had many negative effects on the nascent local church--not least of which was the fact that the Gospel was not received in many of the major cultures of

the world. This was also a great loss to the universal Church which failed to be enriched by these local cultures.

Furthermore, in order for the Gospel to be a liberating force it must become incarnate, "inculturated," in the region being evangelized. Here the implications of the discussion on culture in Gaudium et Spes comes to fruition:

Evangelization is to be achieved, not from without as though by adding some decoration or applying a coat of color, but in depth, going to the very center and roots of life. The gospel must impregnate the culture and the whole way of life of man[sic], taking these words in the widest and fullest sense which they are given in the constitution Gaudium et Spes, ...

The gospel and, therefore, evangelization cannot be put in the same category with any culture. They are above all cultures. Nevertheless, the Kingdom of God which is proclaimed by the Gospel is put into practice by men[sic] who are imbued with their own particular culture, and in the building up of the kingdom it is inevitable that some elements of these human cultures must be introduced. The gospel and evangelization are not specially related to any culture but they are not necessarily incompatible with them. On the contrary, they can penetrate any culture while being subservient to none.[199]

This text is important for a number of reasons. First, it relativizes all cultures in the sense that all need to be evangelized, and liberated from their own internal inconsistencies and structures of injustice. In other words, there is no pristine pure culture standing above and beyond the need for transformation. Secondly, it relativizes the culture of the evangelizers--which actually may be further

removed from many gospel values than the receiving culture. This should even apply to the culture of the Church itself as embodied in its many variant "rites." Thirdly, it links culture and the "kingdom" implying that the "kingdom" begins and grows within human history, but can never be equated with any politico-cultural configuration and achievement.[200] That being said, the present text overlooks the extent to which the Gospel is obviously wedded to the cultures from which it originally emerged, and in whose languages it was written, namely, Hebrew, and Greek. The Church should also admit that the ministry of evangelization has for most of Church history been "specially related" to the Latin culture, and rite.

In summary, the pontificate of Paul VI represents the culmination of a transition in the Church's understanding of the relationship between evangelization and human rights. Human rights in the middle ages, as we saw in chapter one, were seen as secondary and subordinate to the main mandate of the Church to evangelize the nations. This basic understanding prevailed through the age of discovery and colonization. During this period, as was often explicitly stated by the popes of the era, human rights were considered necessary conditions for the fruitful reception of the Gospel. It was only during the Leonine period of papal social thought that we really see justice and human rights issues becoming a concern in their own right independent of discussions of

evangelization. Finally, in the period after Vatican II, in the documents that amplify the teaching of the Council we can discern a third major phase in the understanding of the relationship between evangelization and human rights. Paul VI's pontificate contributed a number of important elements and refinements in this relationship.

First, Populorum Progressio's discussion of "integral development" set the stage for new developments in Catholic human rights thinking and implicitly for a new view of evangelization. For by stating that development must include all the dimensions of human existence it supported cultural rights in a stronger way. As well the wholistic notion of development implies that salvation must itself include the "whole man[sic] and every man." If this is the case evangelization must be integrally related to justice. Why this was so was spelled out in the synod document Justice in the World in which a number of theological arguments were offered to justify the assertion that justice was a constitutive dimension of the Gospel.

Secondly, in Evangelii Nuntiandi the liberation from every oppressive situation, which the synod of 1971 also proclaimed as a "constitutive dimension of the preaching of the Gospel,"[201] was seen to include liberation from both internal and external cultural oppression. Thus, Evangelii

Nuntiandi has, I submit, sublated the earlier notion of "integral development" found in Populorum Progressio into an incipient notion of "integral liberation." In this perspective, liberation must embrace "the whole man[sic] in all his aspects and components, extending to his relation to the absolute, even to the Absolute which is God." [202] This understanding of liberation grounds an expanded definition of "evangelization" which, in the words of Paul VI, was expressed as "the bringing forth of the good news to every sector of the human race so that by its strength it may enter into the hearts of men[sic] and renew the human race." [203] This renewal of humanity is to include even "the whole environment which surrounds them." [204] With this understanding of evangelization the previously predominant accomodationist model has been transformed into a truly contextual inculturation model. At this stage, it is also probably true to say that this does not yet amount to a complete paradigm shift in the meaning of evangelization, for in papal writings much of the earlier conceptualization and methodology for mission is retained. This is especially true when we examine papal practice with respect to the churches attempting to exercise contextual inculturation approaches in their cultural regions. Be that as it may, the rich and complex legacy of social thinking bequeathed by pope Paul VI invited further theological and pastoral reflection on these themes vital to

Church life and growth. In the next and final section of this chapter I will examine the texts of John Paul II which continue the discussion, and bear on the rights of indigenous peoples.

2.6. John Paul II and the Uniqueness of Aboriginal Peoples

Karol Wojtyla was elected to the papacy in 1978. As Pope John Paul II he was very quickly immersed in the harsh and complex reality of aboriginal life. This happened because the death of his two predecessors, Paul VI, and John Paul I, had put on hold the planned second General Conference of Latin American Bishops. John Paul II decided that the Conference should go ahead at the planned for meeting place in Puebla, Mexico. He also decided to attend himself. During his apostolic visit he made his first contact with, and address to, the indigenous populations of the Americas.

Subsequently, he has spoken to indigenous peoples in Canada, the United states, Mexico, Guatemala, Brazil, Peru, Columbia, Ecuador, Chile, Paraguay, Australia, New Zealand, and the Philippines. In all, some fifteen speeches have been directly addressed to the "First Nations" of these countries and continents. These addresses range in scope from short greetings, as in Brazil, to the provocative and skillfully

crafted speech to the "Aborigines" at Alice Spring, Australia.

In addition to this corpus of speeches, John Paul II has reflected on aboriginal rights issues in a number of important documents. He does this principally in the 1989 World Day of Peace Message entitled: To Build Peace, Respect Minorities. [205] A year earlier, in a general audience following his 1988 apostolic visit to Latin America, he remarked that his social encyclical, Sollicitudo Rei Socialis, published in 1987 "contains, in fact, an appropriate message also as regards the correct attitude to be adopted concerning the American indigenous peoples." [206] Finally, in 1988 the Vatican's Justice and Peace Commission issued an important document on "racism." [207] This text contains two sections pertaining to indigenous peoples. The first discusses the racist behavior experienced by indigenous peoples in the Americas following European contact. Later, in part two of the document, the present situation of aboriginal peoples is outlined, and some policy guidelines are offered for resolving present problems.

I will now examine these three documents in chronological order. This will complete chapter two. In the next and last chapter of the thesis I will examine John Paul II's addresses to aboriginal peoples. This will enable us to see how, and to what extent, papal social thought on indigenous peoples

elaborated in the modern period is being applied in specific cultural contexts. In particular, I will be focussing on the persistent problematic of the relationship between the fundamental mandate of the Church to evangelize the nations, and the human rights of the recipients of the gospel message.

"Sollicitudo Rei Socialis" and Indigenous Peoples

The first document to be considered was written to commemorate the 20th anniversary of Paul VI's encyclical, Populorum Progressio. John Paul II's second social encyclical[208] stressed the need to continuously update Catholic social teaching, and to apply it to current historical circumstances.[209] Specifically, John Paul II highlighted "the need for a fuller and more nuanced concept of development." [210]

From the perspective of indigenous peoples three themes emerge in this encyclical which widen and deepen the notion of "development" and impinge on "aboriginal rights." In the general audience referred to above, John Paul II did not cite a specific text where we can find an explicit reference to aboriginal or indigenous peoples. In fact, the terms are not used in this encyclical. However, I believe the pope was referring to the discussion of "integral development" of persons and peoples when he stated that the encyclical contained "an appropriate message as regards the correct

attitude to be adopted concerning the American indigenous peoples" --and by implication all aboriginal peoples.

In Sollicitudo Rei Socialis the "social question" in addition to being seen in its global perspective--first articulated by John XXIII--is further explicated in ways relevant to our topic. First the pope asserts that to the economic and political dimensions of "development":

We must add the differences of culture and value systems between the various population groups, differences which do not always match the degree of economic development, but which help to create distances. These are elements and aspects which render the social question much more complex, precisely because this question has assumed a universal dimension.[211]

Since the social question was first addressed within the relative homogeneity of Europe it is understandable that the cultural dimension was--for the most part--overlooked in earlier papal writings. However, faced with the irreducible pluralism of the late twentieth century, the cultural dimension of development can no longer be ignored. More importantly, the respect for cultural differences, and the right of peoples to maintain them--teaching the Church has espoused in this century--is a direct challenge to the dominant views about development which accentuate the economic dimension.

Behind this text I see as well the tragic dilemma alluded

to by Paul VI in Populorum Progressio: "whether to retain ancestral institutions and convictions and renounce progress, or to admit techniques and civilizations from outside and reject along with the traditions of the past all their human richness." [212] Yet, this human richness when confronted with the very real lack of development in many third world countries in recent decades, seemed to many people a luxury in face of more pressing survival needs. [213] The pope, while quite aware of the stagnation--even regression--in the development process disagrees. [214] Culture, he insists, must be a component of "integral development."

A second theme relevant to our topic is the ecological crisis which for the first time is directly addressed in an encyclical. [215] The pope sees the growing concern about ecology as a positive sign. This includes even the recognition of the limits to growth:

Among today's positive signs we must also mention a greater realization of the limits of available resources, and of the need to respect the integrity and the cycles of nature and to take them into account when planning for development, rather than sacrificing them to certain demagogic ideas about the latter. Today this is called ecological concern. [216]

"Ecological concern," while it can lead to a greater respect for indigenous cultures--because they are deeply wedded to the natural world--has also been used to undermine the traditional way of life of many aboriginal peoples. "Animal rights," for

example, have often taken precedence over the human rights of groups like the Inuit of Canada. The Church teaches, in this encyclical, that indigenous peoples have an equal right "to be seated at the table of the common banquet." [217] In terms of a traditional economy this is more and more being denied them, or rendered impossible because of industrialization, and the environmental degradation that has accompanied it.

Thirdly, in terms of human rights itself, Sollicitudo Rei Socialis repeats and reaffirms the teaching of Paul VI on the social and collective rights of all peoples. There is, however, in this work an emphasis on cultural rights--especially that of religious freedom. The latter right John Paul II sees as the sign and guarantor of all human rights. [218] The pope explicates these collective rights in terms of the theme commemorated in this document, namely, "integral development":

Peoples or nations too have a right to their own full development, which while including--as already said--the economic and social aspects should also include the individual cultural identity and openness to the transcendent. Not even the need for development can be used as an excuse for imposing on others one's own way of life or own religious belief. [219]

However, unlike John XXIII in Pacem in Terris, this encyclical does not attempt to work out how societies are to accommodate these collective rights, or how the indigenous minority is to view the nation-state in which they presently

reside. Some of these questions will be addressed in the World Day of Peace Message, but before presenting that text I will now review the contribution of the Justice and Peace Commission's statement on "racism." For this text also presents a set of directives for dealing justly with indigenous peoples.

Aboriginal Peoples and Racism

Issued in 1988, The Church and Racism: Towards a More Fraternal Society, is a refreshing--often frank document. It bluntly admits, for example, the horrific destruction wrought by the early conquistadores:

The first great wave of European colonization was, in fact, accompanied by a massive destruction of pre-Columbian civilizations and a brutal enslavement of their peoples. If the great navigators of the fifteenth and sixteenth century were free from racial prejudices, the soldiers and traders did not have the same respect for others: they killed in order to take possession of the land, reduced first the "Indians" and then the blacks to slavery in order to exploit their work. At the same time, they began to develop a racist theory in order to justify their actions.[220]

This description is certainly questionable in its assessment of the racial attitudes of the early explorers, and also lacks an adequate acknowledgement of the Church's role in setting off this chain of events. The document does confess, however, that the "patronage" system set up by the Church and the Iberian powers of the day, "meant that the Church was not

always able to take the necessary pastoral decisions." [221]

The Church and Racism tries--unsuccessfully I would submit--to balance out this negative early history by honoring members of the Roman Catholic Church who made positive contributions to the defense of human rights during that era. First, it recalls the publication on June 2, 1537 of Paul III's Bull, Sublimis Deus, and quotes its most famous section:

The Pope solemnly affirmed that: "In the desire to remedy the evil which has been caused, We hereby decide and declare that the said Indians, as well as any other peoples which Christianity will come to know in the future, must not be deprived of their freedom and their possessions--regardless of contrary allegations--even if they are not Christians and that, on the contrary, they must be left to enjoy their freedom and their possessions." The directives of the Holy See were extremely clear even if, unhappily, their application soon met with difficulties. Later Urban VIII went so far as to excommunicate those who kept Indians as slaves. [222]

The allusion to "directives" whose application "met with difficulties," refers to the intractable opposition of the Spanish crown to Sublimis Deus. This reaction led to the papal Bull of 1538, Non Indecens Videtur, rescinding the penalties attached to Paul III's Bull. Consequently, the papal response was greatly muted. Since this controversy was already examined in Chapter one no further discussion is needed here.

Secondly, in addition to the papal defense of aboriginal rights the text praises the contribution made by theologians and missionaries. Preeminent in this regard was Bartolome de

Las Casas who is singled out for his "resolute commitment on the side of the Indians." [223] In particular, his work is seen as making a major contribution to the "doctrine of universal rights, based on the dignity of the person, regardless of his or her ethnic or religious affiliation." [224] The Spanish scholastic theologians, Vitoria, and Suárez, are lauded for their pioneering efforts in developing international law which also included a position similar to that of Las Casas on "the basic equality of all persons and of all peoples." [225]

Later, in part two of the document--devoted to forms of racism today--the Commission sets forth perhaps the clearest statement of current Vatican policy on "aboriginal peoples." For this reason the text deserves to be quoted in full:

In some countries, forms of racial discrimination still persist with regard to aboriginal peoples. In many cases, these peoples are no more than the remaining vestiges of the original populations of the region, the survivors of veritable genocides carried out in the not too distant past by the invaders, or tolerated by the colonial powers. It is also not uncommon to find these aboriginal peoples marginalized with respect to the country's development.

In many cases, their situation is similar in fact, if not in law, to segregationist regimes in that they are relegated to limited territories or subjected to statutes which the new occupants of the country have, in most cases, unilaterally granted to them. The right of the first occupants to land, and a social and political organization which would allow them to preserve their cultural identity, while remaining open to others, must be guaranteed. With regard to indigenous peoples, often numerically small, justice demands that two opposing risks be avoided: on the one hand, that they be relegated to

reservations as if they were to live there forever, trapped in the past; on the other hand, that they be forced to assimilate without any concern for their right to maintain their own identity. Solutions are indeed difficult, and history cannot be rewritten. However, forms of coexistence can be found which take into consideration the vulnerability of autochthonous groups and offer them the possibility of maintaining their own identity within the greater whole to which they belong with all due rights. The greater or lesser degree of their integration into the surrounding society must be made on the basis of a free choice.[226]

In the quarter century since the publication of Pacem in Terris many new independent nations have come into existence. However, even at the time of that encyclical, the Holy See recognized that independence as a goal for many--if not most--"minorities" was out of the question. This assumption is clearly present in the text on racism, and is applied particularly to indigenous peoples. The general policy of the Holy See is clear:

Forms of coexistence can be found which take into consideration the vulnerability of autochthonous groups and offer them the possibility of maintaining their own identity within the greater whole to which they belong...[227]

However, in significant ways the text on racism differs from Pacem in Terris. First, aboriginal peoples are recognized as a distinct subset of communities experiencing racism. Secondly, their actual condition, as usually the most marginalized people in any nation, is acknowledged. Thirdly, the issue of "assimilation" is dealt with in a more sensitive manner. In the earlier document the emphasis is on the

dangers of an excessive nationalism as well as the benefits of appropriating the "excellence" of the dominant group.[228] Here the freedom of the aboriginal group is accentuated: "the greater or lesser degree of their integration into the surrounding society must be made on the basis of a free choice." [229] In brief, the Church wants to avoid two extremes: a retrogressive isolationism on the one hand, a forced assimilation on the other.[230]

In summary, this text represents the first time that the complex problems facing indigenous peoples who live in multicultural nation-states are explicitly addressed. Its solution to these issues is in continuity with the teaching expressed in Pacem in Terris. Once again the claim is put forth that the collective rights of aboriginal peoples can be affirmed and enhanced by developing "forms of coexistence...with the greater whole to which they belong." [231] As well The Church and Racism sets the stage for the next major development in the Holy See's understanding of, and concern for, aboriginal peoples. I refer to the special relationship of aboriginal people to the land. This affinity is explicitly stated in John Paul's 1989, World Day of Peace Message.

Indigenous Peoples, the Land, and Cultural Survival

The pope begins his new year's day address by recalling that John XXIII had already raised the issue of the status and future of ethnic minorities twenty five years earlier in Pacem in Terris. [232] This issue, he says, "with the passing of time has become even more pressing since it is related to the organization of social and civil life within each country as well as to the life of the international community." [233] Given the events and tensions that have arisen subsequently to this statement, particularly, but not exclusively, in Eastern Europe, this is a prescient observation. Consequently, John Paul II goes on to remark: "the question of minorities is assuming a notable importance," and constitutes for Church and state "matter for careful reflection." [234]

Observing at the outset that for minorities, "the situations in which they live are so diverse that it is almost impossible to draw up a complete picture of them," [235] the pope instead offers two fundamental guiding principles. The first is the now familiar and foundational notion of "the inalienable dignity of every human person, irrespective of racial, ethnic, cultural or national origin, or religious belief." [236] Furthermore, since human beings are social by nature, a necessary condition for realizing the dignity of persons is the "right to a collective identity that must be

safeguarded in accordance with the dignity of each person." [237] In other words, the person in official Catholic social thought, is always seen in relation to, and in tension with, community. In fact, as an earlier encyclical of John Paul II put it, "the person in community ... must, as a fundamental factor in the common good, constitute the essential criterion for all programs, systems, and regimes." [238]

A second principle complements and qualifies the first. This "second principle concerns the fundamental unity of the human race, which takes its origin from the one God, the creator." [239] Basically, the Church is teaching that beyond the particularities, and differences of the various races, colors, and creeds, there is the reality that human beings form one human family and community. [240] This view of humanity as forming a common family--especially in its origin and destiny--is one the modern papacy shares with its medieval and post-discovery predecessors. Today, however, there are major differences in the claims that the papacy would make over humanity in general. In the Middle Ages they claimed both temporal and spiritual power over the human family. Today, faced with an irreducible pluralism, and shorn of its temporal power, the papacy seeks above all the freedom to proclaim the Gospel, and consequently, to share its spiritual heritage with the world. [241] The communitarian social ethic

advocated by the papacy should lead to a freedom from discrimination between peoples, and a solidarity among them.[242]

At the same time, repeating a theme introduced by earlier popes,[243] John Paul II stresses that diversity among cultures should contribute to the unity of the human race, and the "common good." [244] This is difficult to achieve, and is only possible if everyone works at it constantly. Otherwise, he says, racial prejudice and discrimination continue to "reappear time and time again under new forms." [245]

The Reciprocal Rights and Duties of Indigenous Peoples

This search for true peace between and among peoples requires the recognition of "reciprocal rights and duties." [246] In the present discussion, "the existence of minorities as identifiable groups within a state raises the question of their specific rights and duties." [247] It is in this context of recalling the fundamental right of "minorities" "to exist," [248] "to preserve and develop their own culture," [249] "to have contact with groups having a common cultural and historical heritage," [250] and "to religious freedom," [251] that John Paul introduces a different approach to grounding "aboriginal rights." Since the most fundamental human right is the right to life, John Paul points out how "the right to exist can be undermined in...subtle

ways." [252] It is in this context that he points out the special relationship existing between aboriginal peoples and the land:

Certain peoples, especially those identified as native or indigenous, have always maintained a special relationship to their land, a relationship connected with the group's very identity as a people having their own tribal, cultural, and religious traditions. When such indigenous peoples are deprived of their land they lose a vital element of their way of life and actually run the risk of disappearing as a people. [253]

The logical inference to be drawn from this understanding of the intimate relationship between indigenous people and the land is their right to an adequate land base. In this text, then, the right to land would seem to flow from the right to life in a double sense. First, indigenous peoples share with all humanity the right to a land base sufficient to support their very existence. This is simply a corollary of a view of human rights rooted in the dignity of the human person. Secondly, and specific to indigenous populations, is the vital connection between the traditional way of life and land. The native peoples, according to this papal text, so identify with the land that separation often leads to death of the people, and extinction of the culture. As we will see in the next chapter, the right to an adequate land base is a frequent focus of John Paul II's speeches to aboriginal peoples.

Indigenous Independence Movements

A second important innovation to be found in this text is the treatment of the issue of movements for independence. In the first place, the pope teaches that such political claims should be worked out by means of peaceful negotiation.[254] This seems to go beyond the policy found in the document on racism, and pope John XXIII's Pacem in Terris, where coexistence with other groups in multicultural nation-states seems to be the optimal solution. Here John Paul II does not rule out a priori the possibility of new independent states, . of evolution within states to allow for greater political autonomy on the part of indigenous peoples and other ethnic minorities.

At the present time in which ethnic nationalism is reemerging--especially, but not exclusively, in Eastern Europe--the pope is concerned principally with an unacceptable but common means to achieve these ends. Specifically, he warns against "terrorist groups" who:

unduly arrogate to themselves the exclusive right to speak in the name of a minority, depriving it of the possibility of freely and openly choosing its own representatives and of seeking a solution without intimidation.[255]

He is also concerned about the effects of this violent strategy on minority groups who often "suffer from the acts of

violence wrongfully committed in their name."[256] The experience of the Indian populations of Guatemala and Peru poignantly bear witness to the truth of this assertion.[257]

Armed Struggle Versus Non-Violence

It must immediately be added that, in this text, there is no explicit denial of the Church's traditional teaching on armed struggle as an ultima ratio. The pope, after all, had approved the Sacred Congregation for the Doctrine of the Faith's 1986 "Instruction" on Christian Freedom and Liberation in which it states: "the Church's magisterium admits as a last resort {armed struggle} to put an end to an obvious and prolonged tyranny which is gravely damaging the fundamental rights of individuals and the common good."[258] Yet, even here, we see signs of a move towards a more consistent non-violent approach to social change. For the Congregation qualifies the ultima ratio principle as follows:

Nevertheless, the concrete application of this means cannot be contemplated until there has been a very rigorous analysis of the situation. Indeed, because of the continual development of the technology of violence and the increasingly serious dangers implied in its recourse, that which today is termed "passive resistance" shows a way more conformable to moral principles and having no less prospects for success. One can never approve--whether perpetrated by established powers or insurgents--crimes such as reprisals against the general population, torture, or methods of terrorism and deliberate provocation aimed at causing deaths during popular demonstrations. Equally unacceptable are the detestable smear campaigns capable of destroying a person psychologically or morally.[259]

Here again recent experience in Eastern Europe has given hope that non-violent protest can effect meaningful and lasting change in society, while even successful revolutions, as in Nicaragua, often occasion interminable violence.

In this process of non-violent resistance John Paul II reminds members of minority groups who are living in exile, or who have settled permanently in other countries, that they have a duty of solidarity towards those who "remain oppressed in their place of origin and who cannot themselves make their voice heard." [260] At the same time the Church stresses freedom of choice in these complex situations. The pope, for example, recognizes that some individuals, or segments of the minority group, might decide to voluntarily assimilate: "a minority group has the duty to promote the freedom and dignity of each one of its members and to respect the decisions of each one, even if someone were to decide to adopt the majority culture." [261]

Realistically, most minority groups will not evolve into independent states. Consequently, in his closing remarks devoted to building a peace based on justice, pope John Paul II envisages the ideal situation in which:

... Respect for minorities is to be considered the touchstone of social harmony and the index of civic maturity attained by a country and its institutions. In a truly democratic society, to guarantee the participation of minorities in

political life is a sign of a highly developed civilization, and it brings honor upon those nations in which all citizens are guaranteed a share in national life in a climate of true freedom.[262]

In Summary, John Paul II's policy framework regarding "minorities" remains basically the same as found in Pacem in terris. This is quite understandable given the persistent problematic of the existence of "minorities" within nation-states. If anything, with the breakup of the Soviet Union and Yugoslavia these issues are even more pressing. Yet, as I have discussed above, his social thought differs from previous papal social thinking on these issues in significant ways. In discussing the rights of minorities, John Paul II is the first pope to recognize the uniqueness of aboriginal peoples. This uniqueness is located above all in the intimate connection that exists between aboriginal people and the land. A growing ecological consciousness in the Vatican coupled with the fact that indigenous peoples themselves have voiced their own perceptions of the link to land have precipitated this new understanding. Flowing from these new insights has come an additional foundation for aboriginal rights.

John Paul II has supported the right to an adequate land base for indigenous peoples by linking land rights with the right to life. In the context of aboriginal rights the right to life is interpreted to mean more than the right to maintain

one's basic human existence. As John Paul II understands it, traditional indigenous ways of life are inextricably bound up with the land they occupy. In other words, to remove them from the land is to promote their destruction and eventual extinction.

Conclusion

Thus a look back over the past century--from the pontificate of John Paul II to the Leonine period--reveals that the understanding of aboriginal rights issues have shifted dramatically. The issue of slavery, which had preoccupied Leo XIII and his predecessors of the previous four centuries, continued to be a focus of attention whenever he addressed the concerns of native people. In fact, Leo faced three important historical issues. First, there was the persistent issue of slavery itself. Secondly, there was the unacknowledged gap between official Catholic social teaching on slavery, and the theory and practice of the contemporary world which had for the most part abolished it as an institution. Thirdly, in the mission lands where it was still an issue, the problem that slavery posed for successful evangelization cannot be overlooked. Unlike his predecessors discussed in chapter one, Leo XIII does not make this an explicit focus, nor does he link justice concerns in an instrumental way with evangelization.

What is striking in this period is the realization that human rights have become a direct and principal concern. They are not just a secondary condition for evangelization. This more direct concern with justice and human rights as issues in their own right flows from an assumptive world in which natural law provides the basis for a theory of universal human rights. However, theological arguments were also used to buttress the fundamental dignity of each person and all peoples. Leo, for example, in the writings under discussion, argues that the dignity of the human person is rooted in the belief that all have the same creator, all have been redeemed by the same Savior, and all are destined for the same eternal salvation. On this basis he condemns the institution of slavery itself, and not just the unjust titles and methods that previous popes had criticized. In this way, he brought the common Catholic teaching on slavery into line with current world opinion and practice.

Secondly, by interpreting the notion of dominium in its full sense to include political power as well as personal and property rights, he set the stage for a fuller discussion of aboriginal rights in the future. Thirdly, by making the abolition of slavery a concern of the Church in mission lands, as well as at the highest levels of papal diplomacy, Leo XIII was setting an important precedent for the Church's involvement in justice issues. As yet, justice was not seen

as constitutive of the preaching of the Gospel. However, it was by this time viewed as more than a functional condition for its fruitful reception. Even so, evangelization, for Leo XIII, remains what it had been understood to mean in previous centuries: the proclamation of the Gospel to the non-Christian followed by the implantation of a hierarchical European Catholic Church in these mission territories.

Pius X continued the efforts of Leo XIII towards the final elimination of the practice of slavery, and the genocidal practices that often accompanied it. In the encyclical he wrote dealing with the matter there is no theoretical discussion of the issue, or of a human rights theory which grounds his opposition. In brief, he broke no new ground. However, Pius X, like Leo XIII, assumed a natural law school of thought which underpinned universal human rights. Basically his solution to the problem of slavery is primarily pastoral. Apart from exhorting civil authorities to carry out their duties of protecting the Indians, this pontiff encouraged the development of more mission stations, and the preaching of Christian charity towards the Indians in schools and churches.

In terms of the extent of the human rights of the Indian peoples Pius X remains silent. It appears that he assumed these groups would remain subjects of the new nation-states of

Latin America. Within this framework, personal freedom and property rights are implicitly affirmed, but the rights to political sovereignty are ignored--or assumed to have been extinguished. Finally, the relationship between evangelization and human rights appears to have returned to a pre-Leonine position. For Pius X was concerned that the evil behavior of the settlers and prospectors would bring the Christian faith into disrepute. Thus works of charity and justice were meant to manifest and support the Gospel message. The implantation model of Church and mission remains intact as well during his pontificate.

In the intervening half century between Pius X and John XXIII the issues of indigenous peoples fade into the background. With John XXIII and the Second Vatican Council a new problematic had emerged which would shape papal thinking on aboriginal rights in the decades following the Council. Pope John was writing during a period of massive decolonization. Many new nations, as a result, had just come into existence. These countries were not nation-states in any strict definition. Most contained many different ethnic communities, a reality which gave rise to inter-ethnic conflict.

The pope's major assumption concerning this situation was that most of these ethnic groups would not be able to become

independent sovereign nations. While not precluding future independence in some cases, the focus of the pope's reflections was on "minorities" within new or old nation-states. Working within the framework of a "common good" theory of society and a natural law ethic traditional to Catholicism, the pope works out a highly nuanced solution to the problem. In the first place, he sees "ethnicity" as a value constitutive of the common good, and therefore, affirms the right of minorities to exist and flourish within multicultural societies. The governments of these countries must in turn not only passively respect the right of these groups to exist, but they should also work to implement the full complement of human rights pertaining to minorities. The minorities themselves, as responsible human subjects, are encouraged to take an active role in claiming their own rights.

At the same time, in Pope John's view, minority ethnic rights are relativized by, and subordinated to, the universal common good of humanity, and the common destiny of the goods of the world. Furthermore, despite the risks inherent in contact with other cultures and the larger world, interaction between peoples is seen as a way of enhancing the culture of the minority itself. As he explains, all human beings share common characteristics in addition to their own specific cultural traits. Consequently, it is important for all

peoples to interact and live in communion with one another in order to perfect their common human nature. This being said, what is innovative in these writings is the focus on the issue of political self-determination--even if most of the groups seeking it cannot hope for full political independence. Basically, the full complement of human rights is affirmed for all persons and peoples.

Finally, the relationship between evangelization and human rights is not directly addressed in Pacem in Terris. In fact, "evangelization" is not mentioned at all in this encyclical. Thus, with John XXIII we can truly say that human rights became an independent concern. Human rights, then, are no longer seen merely as necessary conditions for the reception of the Gospel. Despite this shift in understanding I submit that evangelization, understood in earlier pontificates as the extension and implantation of the Catholic Church in mission lands, persists as the dominant model.

The Second Vatican Council built on the foundational human rights thinking of John XXIII in further significant ways. We are now far removed from the medieval worldview of Innocent IV. As we saw in chapter one, he and later popes considered it their right and duty to actively intervene in the private and public affairs of other cultures and religions to bring them into harmony with a Christian interpretation of

natural law, and even to conquer them if they aggressively resisted the preaching of the Gospel.

Yet, the Council did not really transcend the basic mission paradigm of recent centuries. The dominant view of evangelization presented at the Council still could be characterized as accomodationist. In this model of mission the implantation and extention of the universal Church in a form adapted to local cultures is the ideal. However, it must be said at the same time that the Council certainly introduced concepts that would enable later models to emerge. By coming to grips, for example, with political and cultural pluralism Gaudium et Spes was led to affirm a pluralistic empirical notion of culture. The many implications of this shift in understanding were not developed in this or other documents of the Council. For example, an acknowledgement of the "right to culture" in the full anthropological sense had to await post Vatican II developments.

An understanding of evangelization, as a consequence, rooted in the theology of inculturation would also have to wait for a later explicit articulation and affirmation. In brief, a more flexible accomodationist model prevailed at Vatican II. Furthermore, the relationship between evangelization and human rights, now shaped by the admission of cultural rights and the right to religious freedom, had yet

to be fully and adequately explicated. Some clues to a possible solution are to be found in the discussion of the foundation of human rights in Gaudium et Spes. In that text human rights continue to be grounded in the dignity of the human person, but now rooted more in a Christology than in rational principles. Thus it follows, from the Church's perspective, that an adequate promotion of human rights requires the revelation of the relationship of humanity to the person of Christ. In other words, it is only Jesus Christ who can truly reveal to humanity the full sense of what it means to be human. Since it is the task of evangelization to proclaim the meaning of the Christ event to the world, an intimate connection between evangelization and human rights, conceived as the conditions for the full flowering of human dignity, can be established. The implications for evangelization are dramatic. For instance models of mission based on an analogy with the "incarnation" could begin to shape mission methodology. This analogy, for example, presupposes the desirability of having viable and dynamic cultures with which the Gospel can interact, and ultimately in which the Gospel can be incarnated, or to use the terminology of a later period, inculturated. A further implication of this understanding being that these cultures will not only be enhanced by their encounter with the Gospel, but that the Church itself will be enriched, and, in a sense, become more

catholic in its existence because of this interaction.

The emphasis on "culture" and the development of a missiology attuned to it continued to pick up momentum in the post Conciliar era. In particular, the pontificate of Paul VI represents the culmination of a transition in the Church's understanding of the relationship between evangelization and human rights. Human rights in the Middle Ages, as we saw in chapter one, were seen as secondary and subordinate to the main mandate of the Church to evangelize the nations. This basic understanding prevailed through the age of discovery and colonization. During this period, as was often explicitly stated by the popes of the era, human rights were considered necessary conditions for the fruitful reception of the Gospel. It was only during the Leonine period of papal social thought that we really see justice and human rights issues becoming a concern in their own right independent of discussions of evangelization. Finally, in the period after Vatican II, in the documents that amplify the teaching of the Council we can discern a third major phase in the understanding of the relationship between evangelization and human rights. Paul VI's pontificate contributed a number of important elements and refinements to this development.

First, Populorum Progressio's discussion of "integral development" set the stage for new developments in Catholic

human rights thinking, and implicitly for a new view of evangelization. By stating that development must include all the dimensions of human existence it supported cultural rights in a stronger way. This holistic notion of development further implies that salvation must itself include the "whole man[sic] and every man." If this is the case, then evangelization must be integrally related to justice. In the synod document, Justice in the World, a number of theological arguments were offered to justify the assertion that justice was a constitutive dimension of the Gospel.

Secondly, in Evangelii Nuntiandi the liberation from every oppressive situation, which the synod of 1971 also proclaimed as a constitutive dimension of the preaching of the Gospel, was seen to include liberation from cultural oppression. Thus, Evangelii Nuntiandi has, I submit, sublated the earlier notion of "integral development" into an incipient notion of "integral liberation." In this perspective, liberation must embrace all the dimensions of human existence including the ecological. This understanding of liberation grounds an expanded definition of "evangelization" which includes the evangelization of cultures. With this understanding of evangelization, the previously dominate accomodationist model has been transformed into a truly contextual inculturation model. Yet, at this stage, it is also probably true to say that this change does not yet amount

to a complete paradigm shift in the meaning of evangelization.

This holds as well for the pontificate of John Paul II. For the most part his understanding of evangelization follows closely the writings of Paul VI. Together, these two popes have brought about what Avery Dulles has called the "evangelical turn in Catholicism." [263] Fundamental to their approach to evangelization is the basic proclamation of the Gospel to those who have not yet heard it in order to bring about a personal encounter and relationship with the person of Jesus Christ. However, evangelization does not stop with conversion to Christ. For these popes evangelization is not complete if it does not impact all the dimensions of human existence. This includes the liberation and transformation of cultures ideally reflected in a fully inculturated Church in those same cultures. At the same time both popes are careful not to reduce evangelization to development or liberation projects. Faithful to the insights of the 1971 synod, the promotion of justice is considered integral to, but not identical with, the more comprehensive mission of the Church to evangelize the nations. In the next, and final chapter of this thesis, I will examine to what extent the body of papal social thought reviewed in chapters one and two actually informs John Paul II's proclamation of the Gospel to the indigenous peoples of the world.

CHAPTER THREE:
JOHN PAUL II'S ADDRESSES TO INDIGENOUS PEOPLES
DURING APOSTOLIC VISITS 1979-1991

In this, the third and final chapter of the thesis, I will analyse the direct addresses of John Paul II to indigenous peoples. The focus of this chapter will be the evangelization-human rights problematic as worked out through the optic of aboriginal rights. Basically, we want to know how Pope John Paul II has concretized evangelization-human rights thought in his speeches, and also if he adds anything new to papal social thought? In doing this we need to keep in mind the changed context in which the present aboriginal rights issues are being addressed. At each stage in papal social thought the question was different. For example, in the earlier centuries Christians were confronted with sovereign independent nations. Innocent IV's question was paramount: "is it legitimate to invade the lands of pagans, and if so, why?" Implicit in this question was the debate about dominium, its meaning and extent.

Today, there are different questions. For in the present political context aboriginal peoples have been conquered and colonized. Thus a first and fundamental question that must be addressed is to what extent and by what means can aboriginal peoples redress the injustices of the past? Secondly, what

must the dominant society do to rectify the injustices of the past in response to the current cultural and political revitalization of aboriginal peoples? In the papal texts issued from Rome both questions have been addressed to some extent. Yet, as we have seen in chapter two, the second question still awaits an adequate and comprehensive response. In the present Canadian context, where constitutional reform is an urgent priority, and aboriginal self-government has been included in the reform proposals, these questions are highly relevant and provocative.

The examination of texts will proceed chronologically as well as geographically. Section one will cover the speeches delivered in Latin America.[1] Section two completes his work in the Western hemisphere by examining the five speeches given in Canada and the United States. Lastly, in section three I will examine a representative text from outside the Americas namely, the address given to the "Aborigines" at Alice Spring, Australia.

Despite the fact that papal speeches rank rather low on the scale of papal pronouncements, form does not necessarily determine significance.[2] The moral authority of the text depends greatly on the substantive statements contained in it. For example, in some speeches the pope may draw upon credal statements and foundational moral principles which may

require universal assent. In other places within the same address, he will use statements from Catholic social teaching that are historically conditioned, and certainly open to further refinement. Finally, when the pope applies general principles to particular cases and situations which are constantly evolving, the Church cannot expect to elicit the same degree of assent to its teaching.[3]

In fact, the Church recognizes a legitimate pluralism when it comes to strategy, tactics, and the implementation of the Christian vision in a changing world:

Often enough the Christian view of things will itself suggest some specific solution in certain circumstances. Yet it happens rather frequently, and legitimately so, that with equal sincerity some of the faithful will disagree with others on a given matter. Even against the intention of their proponents, however, solutions proposed on one side or another may be easily confused by many people with the Gospel message. Hence it is necessary for people to remember that no one is allowed in the aforementioned situations to appropriate the Church's authority for his opinion. They should always try to enlighten one another through honest discussion, preserving mutual charity and caring above all for the common good.[4]

In addition to these general interpretative principles, we should keep in mind the process by which these texts are produced. For the most part they are drafted in the host country, and later revised, if necessary, in Rome.[5] This can give rise to discrepancies, even outright contradictions, between texts. This lessens their overall credibility, and

weakens the witness of the Church. A telling example of this occurred during the papal visit to the native peoples of Canada held at Fort Simpson, September 20, 1987. In the previous visit to Canada in 1984 there had been some recognition of the sinful complicity of the Church in the colonization process.[6] In the speech of 1987 this was contradicted by the historically false assertion that the missionaries "taught you to love and appreciate the spiritual and cultural treasures of your way of life. They respected your heritage, languages, and customs."[7]

This quotation is in stark contrast to the admission by the same pope a few days earlier in Phoenix, Arizona. At that site he admitted the negative side of European contact:

The early encounter between your traditional cultures and the European way of life was an event of such significance and change that it profoundly influences your collective life even today. That encounter was a harsh and painful reality for your peoples. The cultural oppression, the injustices, the disruption of your life and your traditional societies must be acknowledged.[8]

The framers of the Canadian text obviously disagreed with this blunt assessment of the pope, illustrating the kind of discrepancies which can occur. With these background notes in mind I will now proceed to Latin America, and the papal encounters with the Amerindian peoples of that continent.

3.1. Apostolic Visits to the Indigenous Peoples of Latin America

The first speech John Paul II gave in Mexico to Indian peoples set the tone for his pontificate. In this address he appropriates to himself the tradition of the bishop as the defender of the Indian, as a "voice of the voiceless." This tradition goes back to Las Casas and other early bishops of the Americas. Acutely aware of the distressing, at times deteriorating, conditions of the poor in Latin America, John Paul expresses his desire:

To be your voice, the voice of those who cannot speak, or who are silenced, to be the conscience of the consciences, the invitation to action, in order to make up for lost time, a time that is frequently one of prolonged suffering and of unfulfilled hopes.[9]

One unfulfilled hope was that of land reform and the development of the full potential of agriculture in Latin America. Drawing on the social encyclicals Mater et Magistra, Populorum Progressio, and sections of Gaudium et Spes the pope reaffirms the dignity and rights of the Indian peasant farmer.[10] The discussion here is not specific to Indian rights and concerns, but applies to all farm workers. Basically, he exhorts the Indian farmers to cooperate with others in promoting agricultural development.[11] In pursuing this objective he is aware that the farmers will run into

opposition from those resisting land reform, and who "at times keep the land unproductive, and hide the bread which so many families lack..."[12]

In this context, and especially in light of Church state tensions in Mexico,[13] he courageously and explicitly relativizes the notion of private property:

The church does defend the legitimate right to private property, but it teaches with no less clarity that, above all, private property always carries with it a social obligation, so that material possessions may serve the general goal that God intended. And if the common good requires it, there must be no doubt about expropriation itself, carried out in the proper manner.[14]

This teaching, while helpful to farmers and the dispossessed rural poor, could also work against the "aboriginal rights" of the Amerindian. For civil authorities have never hesitated to expropriate Indian land when it was deemed necessary for the "common good." The so-called "common good" usually masked the interests of the dominant society. This speech contains only a very rudimentary treatment of the rights of indigenous peoples. It is really the application of traditional Catholic teaching on the dignity of work and property rights to farmworkers more than to the aboriginal population. However, several themes, important to indigenous survival, are introduced which will be developed more fully in later addresses. Specifically, the themes of "inculturation," "participation," "land rights," "solidarity," "non-violence,"

"the richness of traditional values," are broached.

A year after his inaugural Indian encounter in Mexico, during a pastoral visit to Brazil, John Paul met a group of sixty Amazon Indians in the city of Manaus. The encounter was brief and his address short--merely two paragraphs in length. However, in it he recognizes a foundational basis of "aboriginal rights"--the first use and occupancy of the land.[15] He also goes beyond a discussion of mere land rights to assert a connection between the land and the survival of aboriginal identity.[16] The recognition of this relationship is an important innovation in terms of papal thinking. The Brazilian text was actually nine years in advance of a papal document issued centrally that develops the same theme even further. I am referring to the 1989 World Day of Peace Message which was discussed in chapter two. In that address aboriginal land rights were supported by grounding them in the right to life.

Finally, it is significant that the pope affirms the dignity of the Indians not only as individual persons, but as "a people and as a nation." [17] This "people and nation" motif is mentioned twice within this paragraph signalling to the Brazilian authorities, and to Church officials, the importance of the collectivity. When one reflects on the still precarious existence of Brazilian Indians, subjected to a

veritable "ethnocide" if not "genocide" this is a crucial affirmation. The fact that he repeated the same message the next day in a homily to the whole Church of the area reveals his sincere solidarity with the Amazonian Indians.[18]

The next address in this series was a homily given in Guatemala entitled The Rights of the Indian People. Its approach is quite different from that of the Brazilian text. It touches more directly on the relationship of the Gospel to human rights. Even though they comprise the majority of the population of Guatemala the Indians of that nation remain margined. They continue to be subject to a vicious repression which has continued unabated to the present time. The spiral of violence initiated by state oppression, exacerbated by guerilla movements of the left, death squads of the right, and numerous evangelical sects, was well known to John Paul II. In his homily of March 7, 1983, he acknowledged their struggles:

At this moment also, dear sons and daughters, the church knows the emargination which you suffer, the injustices which you have to contend with, the serious difficulties you meet with in defending your lands and your rights, the frequent lack of respect for your customs and traditions.[19]

The pope's response to this genocidal situation was first to recall the good news preached to the poor by Jesus himself as recounted in the Gospel of Luke(4:21-24).[20] He reminds his congregation that "Christ alone is capable of breaking the

chains of sin and its enslaving consequences."[21] However, he did not preach a passive resignation to the grave situation of injustice in Guatemala. On the contrary, the good news of the Gospel requires participation of the people themselves in becoming "the prime artisans of your own advancement,"[22] as well as an active "solidarity" on the part of the Church "in obtaining acknowledgement and promotion of your dignity and your rights as persons."[23]

In this homily the human rights of the Indians are addressed only cursorily. Given the situation of violence, the pope, as an advocate of the voiceless, first of all urges the governing authorities to enact "adequate legislation to shield you effectively from abuses and to assure you of the environment and means adequate for your normal development."[24]

Next, the pope addresses a growing concern of the Catholic Church in Latin America. This is the aggressive attack on the Catholic population by fundamentalist Christian sects. He alludes to the fact that Catholic ministers of the Gospel--in Guatemala principally the catechists--are sometimes denounced as subversives for preaching the whole Gospel. He pleads for religious freedom and protection for these ministers.[25] Later, in the context of affirming their land and cultural rights, as well as an equitable access to

education and health care, the pope twice warns against the use of violence to secure the necessary reforms.[26] This is especially significant because, if there is any country where sustained oppression by the ruling classes would justify armed struggle it surely would be Guatemala. In its place, the pontiff promotes "solidarity." This virtue ought to engage the faithful in supporting "one another to organize associations for defending your rights and achieving your projects." [27]

In this text we see the emergence of a general pattern in papal speeches to aboriginal peoples. Coupled with a forceful assertion of human rights there is usually a strong appeal for the renewal of faith as a liberating and motivating force. This revitalization of faith, it is hoped, will issue in an active "solidarity" necessary for making human rights effective. The recognition of human rights includes land and cultural rights particularly important to the indigenous population. In general, the teaching of this text reflects the new paradigm for the relationship between evangelization and human rights. In this conceptualization human rights issues are integral to, and constitutive of, evangelization. This pivotal shift occurred, as I noted in chapter two, in Justice in the World, the document resulting from the synod of 1971.

Two years after his Guatemalan address, John Paul II

would focus more explicitly on the theme of evangelization in an allocution to the Indians of Ecuador, Evangelization Must Take Account of your Culture. [28] Specifically, the pope wanted to comment on the relationship between evangelization and culture. For several years prior to this Latin American visit John Paul had been emphasizing the theme of "culture" and the "evangelization of culture." [29] In Ecuador he stresses respect for the host culture receiving the Gospel. The title given to his allocution, reveals this quite clearly.

In this address the respect for culture is biblically rooted, and grounded in two principal texts. First, citing John 1:9 (This is the true light--the light that comes into the world and shines on all mankind) the pope affirms traditional indigenous values as reflecting the traces of the Creator whom they discovered in all creatures. [30] Secondly, the revelation of human beings as created in the image and likeness of the Creator confirmed their human dignity, and deepened values they already cherished. [31] Consequently, in this theological vision, evangelization "purifies, deepens, and completes" the culture which already has a significant relationship with the Word of God. [32]

Unfortunately, there have been many historic and present problems which have hindered "inculturation," and threaten the

very identity of the indigenous peoples of the Americas. In recognizing their past and present sufferings John Paul II also noted the efforts of missionaries, bishops, and theologians in the defense of the rights of the Indian peoples.[33] Here he recalls the scholastic natural law teaching, applied to Indian issues by Vitoria and Suárez, that "the human rights of your peoples existed before all other rights established by human laws." [34] The logical conclusion, according to John Paul II, is that the natural law should be the criterion for judging the adequacy and justice of positive human law.[35] However, in this document, at least, no application of this principle to the problems facing the native peoples of Ecuador is attempted.

Instead the pope returns to a discussion of cultural and religious values threatened by secularization, oppression, and by internal weaknesses such as alcoholism, malnutrition, and illiteracy.[36] In meeting these threats, which amount to a severe marginalization, he does not suggest a repristination of their cultures, but a development which "will make them capable of assimilating in an appropriate manner scientific and technical discoveries." [37] In pursuing this line of thinking the pope has been following the teaching of Puebla, [38] which in turn reflects the Catholic social teaching on minority cultures as found in Pacem in Terris.

The pontiff continues to draw on these sources in the third major section of the allocution devoted to the "aspirations" of the Indian peoples of Ecuador.[39] Once again the dignity of the human person, made in the image and likeness of God, and elevated by the identification of Christ with each human person--especially the poor--becomes the fundamental norm for supporting and evaluating the aspirations of each culture and people.[40]

These particular Amerindian cultures are affirmed, in the first place, as worthy of respect equal to all other peoples and races.[41] Secondly, their particular cultures, including their own forms of government, are encouraged not only for their own benefit, but for the enrichment of the societies in which they live, and the Catholic Church to which they belong.[42] Thirdly, the land reform process which was already underway in Ecuador was praised by the Holy Father. At the same time he is careful to encourage the incorporation of technical and scientific developments which can aid their process of development, and enable them to commercialize their own products.[43] He also recognizes the conflicts which occur in Indian territories because resource extraction industries do not respect the land or the communities which are integrally related to them.[44] In resolving these conflicts the needs of persons must take precedence over economic concerns,[45] the people themselves must be the principal

agents of their own advancement,[46] and violence as well as passive resignation to injustice must be avoided.[47]

The emphasis on "culture" in this text is striking, especially the openness to incorporating indigenous cultural elements into the life of the Church. Yet, the exposition is clearly in line with previous Catholic teaching on "accommodation" and "inculturation" as found in the documents of Vatican II and later papal writings. As in previous writings the social teaching of this address generally assumes that minority cultures, like those of Amerindian Ecuador, will work out their futures within the nation-state in which they presently reside.[48] Its grounding of human rights is very eclectic. The pope appeals on the one hand to a traditional scholastic view of natural law, and on the other to theological and biblical arguments grounding the human dignity of persons and communities.

It should be pointed out that John Paul II's affirmation of cultures does not entail an uncritical acceptance of practices which violate the fundamental moral law, and the truths of the Gospel.[49] Quoting the Puebla document he makes his own the statement that "one cannot consider an abuse of power the fact that evangelization invites an abandonment of false conceptions of God, behavior contrary to nature, and manipulations of man[sic] by man."[50] "False conceptions of

God" are one of the charges against the "popular religion" of the Latin American masses. This is the theme of John Paul's next address to native peoples, which occurred on July 4, 1986, in Popayan, Columbia. It was entitled, Popular Religion is a Means of Evangelization and Liberation. The inclusion of the theme of "liberation" as a fruit of popular piety is a frontal attack on some versions of Liberation theology.[51] This being said, John Paul II agrees with many of the criticisms of popular religion:

...We notice that a popular piety which is poorly conceived has its limits and is exposed to the danger of deformation and deviations. Actually, if this piety were reduced only to mere external manifestations, without arriving at the depth of faith and the commitments of charity, it could favor the entrance of sects and even lead to magic, fatalism or oppression, with great dangers for the very community of the Church...

So-called "popular Catholicism", popular piety itself, is really authentic when it reflects the universal communion of the Church, manifesting one same faith, the same Lord, the same Spirit, the same God and Father.[52]

Despite the considerable dangers and drawbacks of popular forms of religion, John Paul II, following the teaching of Paul VI in Evangelii Nuntiandi, The Congregation for the Doctrine of the Faith in Christian Freedom and Liberation, as well as the Latin American Episcopate in its Puebla document, endorses it strongly:

popular piety should be a means of evangelization and of integral Christian liberation; of that liberation for which the people of Latin

America are thirsty, aware that only God frees from the slaveries and signs of death present in our day...[53]

John Paul II, in this address, does not spell out in detail how popular religion contributes to integral Christian liberation. But he does urge a massive "revitalization" of the religion of the masses:

I invite you, then, beloved brothers,[sic] above all those who are dedicated to tasks of catechesis and apostolate, to not relax your effort to evangelize the masses, perhaps tending to be satisfied with a weak or superficial Catholicism; work to revitalize the apostolic movements, renewing their spirituality, their attitudes and their lines of missionary action without frontiers; to enrich pious practices by infusing them with an authentic biblical and ecclesial spirit; to make the liturgy--always carried out according to the Church's norms--the center and culmination of community life.[54]

I infer from this passage that John Paul hopes a renewed spiritual and ecclesial life will manifest itself in a vigorous charity and solidarity. These virtues in turn will energize the people for the work of safeguarding their cultural heritage, and improving their social and political conditions within Columbian society.[55] As in the previous allocution to the Ecuadorians, John Paul II assumes that the Columbian Indians will work out their destinies within the existing nation-state. What is novel about this talk is the hope that "popular religion" would become a means of effecting "integral Christian liberation."

A year later, in 1987, John Paul II returned to Latin America and the theme of "culture." The text we will now consider was given to a mixed group of Mapuche Indians and rural peasant farmers in Temuco, Chile.[56] This address repeats many of the themes of earlier speeches in Latin America. It is distinctive for its added emphasis on the duty to preserve and share indigenous culture. As in previous speeches the presumed context for the future of the Mapuche Indians is within the Chilean state. John Paul II sets this tone when in his opening greetings he welcomes "the Mapuche people whose language, culture, and traditions enriches the Chilean nation." [57] To support this assertion John Paul II presents a theological framework within which cultural diversity is sanctioned, yet relativized. All people, he declares, are children of God, and called to form the one body of Christ, which is his Church.[58] Thus he concludes that by sharing in Christian faith the differences between peoples are transcended because we form one new people, the people of God.[59] At the same time he quickly adds that

The unity of all in Christ does not mean, from the human point of view, uniformity. On the contrary, the family of the Church, the family of God, in which we all participate, feels itself enriched by welcoming the multiple diversity and the multiple variety of all its members.[60]

This multiplicity and diversity actually images the God in whose likeness humanity is created.[61]

The implicit reference to the Trinity sets the stage for the major message of this text--the duty to preserve one's culture: "by defending your culture you not only exercise a right but accomplish also a duty." [62] This duty extends not just to the present members of the community but to future generations of the tribe, to the Chilean people itself, and, in light of the theological reflections noted above, to the Church as well. [63] As in previous addresses, the pope is concerned that important traditional values such as "love of the earth, the indomitable love of liberty, the unity of your families," not be lost, but be preserved, enriched, and shared with the larger human family. [64] In supporting their cultural values and rural way of life, so closely tied to the land, John Paul II has also made the Mapuche people the prime responsible agent for assuring a future for these values. Thus he cautions against solutions which automatically weaken the people, principally "hate and violence, and the unjustified abandonment of the country and its values to be reduced more often than not to a life more precarious and more difficult in the cities." [65]

The renewal of Christian life proclaimed by John Paul II as a necessary first step for integral liberation is here complimented with an emphasis on the agency and responsibility of the people themselves for preserving and enhancing their culture. The worth of the culture is seen as a value for

other peoples within the nation and around the world, as well as for the Church itself. This is a growing emphasis in speeches to aboriginal groups as we will see later--especially in the North American addresses.

The dignity and worth of the Indian peoples and their cultures was once again the principal theme in the last text of this Latin American series.[66] On May 17, 1987, John Paul II was in Mariscal Estigarribia, Paraguay. There he addressed several branches of the Guaraní people, whose painful history was portrayed in the movie Mission, but who also benefited from the heroic work of early missionaries--three of whom John Paul II canonized during this apostolic visit.[67]

This text, for the most part, reiterates themes and concerns expressed in earlier Latin American addresses. The text begins once again by highlighting the unity of all human beings under God the Father and Christ the redeemer.[68] This unity of humanity should give rise to "collaboration and solidarity among all people and nations permitting the development of all while respecting the cultural characteristics of each.."[69]

In this address the theological understanding of "solidarity" draws upon the social encyclical, Sollicitudo Rei Socialis. This should not be surprising given that John Paul II's second social encyclical appeared in late 1987, just

seven months before the visit under discussion. As I noted in the analysis of that encyclical in chapter two, John Paul was aware of the deteriorating conditions of many peoples throughout the world--especially that of the Indigenous populations. In nearly every speech he recounts a litany of troubles and abuses they are suffering.[70] Thus by the late eighties he was looking for new strategies for change. Given his constant refusal to countenance armed struggle--again proscribed in this speech--he advocates various levels of solidarity as the solution.[71] In the case at hand, he urges solidarity among the Indian peoples themselves, between other Paraguayans and the Indian peoples, and among the Christian denominations. This whole thrust is summed up in a final imperative:

The obligation to dedicate oneself to the development of people is a duty that each man and woman shares, "in particular, it obliges the Catholic Church and the other churches and ecclesial communities willing to collaborate in this field."...I pray that this cooperation grows and becomes more fruitful with each passing day in this country.[72]

The social ecumenism he advocated for Latin America was already operative for many years in North America--especially in Canada. However, before moving to North America it will be helpful to recapitulate the main thrust of John Paul's teaching in Latin America.

In Summary, the focus of these papal addresses is

survival. There is first of all the concern for the very physical survival of the indigenous peoples threatened in so many ways. There is also the threat to their cultural survival within which their Catholic faith is seen to have an integral place. But faith, too, is threatened by the "sects" and secularization, as well as by the increasing urban migration of Indian people. John Paul's solution is to call for a "second evangelization" of the Latin American masses. Once faith is "revitalized" his hope is that a major solidarity movement would emerge--like those of Eastern Europe--that in a non-violent, but persistent manner, would work for the preservation of native identity, as well as for the liberation of indigenous and other peoples from every form of oppression.

With the exception of the teaching given in Brazil about the intimate connection between aboriginal identity and the land, and the recent thinking on "solidarity" so characteristic of John Paul II's writings, the social thought of these addresses reflects the framework of Pacem in Terris particularly its teaching on "minorities." As we saw time and again the basic papal assumption contained in these speeches is that the Amerindian, like all other ethnic minorities, will continue to work out their futures within the existing nation-states of Latin America.

Teaching from the earlier tradition is for the most part absent from the sources for these addresses. When it is used, as in the reference to the Spanish scholastic theologians and their natural law approach to human rights, it is mostly for rhetorical purposes. Yet, the social thought used in these addresses, which is mostly post-Vatican II, amounts to a dramatic call to the oppressed aboriginal peoples of Latin America to be agents of their own development and liberation. It is also an exhortation to civil authorities, and other members of these societies, to act in solidarity with the aboriginal nations in creating a more just society in which their cultures can not only survive but flourish.

In terms of an understanding of the relationship between evangelization and human rights--especially aboriginal rights--these speeches are consistent with, and reflect the recent transition to the view that human rights issues and justice concerns are definitely integral to the proclamation of the Gospel. The faith which is to issue from this preaching of the Gospel is seen as a liberating and motivating force for the transformation of the existing unjust conditions in which the majority of the indigenous peoples live. The Gospel is also a purifying force rooting out inauthentic elements of a culture, including the false elements of popular religion. Cultures under stress always make an attempt to revitalize themselves. The "second evangelization" that John Paul II

calls for in the Latin American context is really a necessary first step in the revitalization process as understood by anthropologists. For only if religious renewal and revisioning takes place will there be the energy and organization necessary to carry out the further steps of revitalization. These later phases of the process involve confronting and transforming the economic and political injustices in a culture. In these speeches John Paul II has made a plea for a Christian basis for the revitalization of Latin America, a revitalization that preserves the indigenous peoples and their cultures.

3.2. Apostolic Visits to the Indigenous Peoples of North America

Four years have passed since John Paul II's historic visit to Fort Simpson in Canada's North West Territories. It was his second attempt to reach that destination. The first visit was prevented because of bad weather. His second attempt was successful. On that occasion he was greeted by a rainbow, and an appreciative aboriginal audience who had believed this "voice of the voiceless" would actually return. Since that visit Canada has experienced an aboriginal version of the intifadah. Indeed, George Erasmus, the articulate former national chief of the Assembly of First Nations, has

warned the Canadian people that this may well be the last chance for peaceful settlement of aboriginal justice issues.

As Canada continues to work at constitutional reform, including the issue of aboriginal self-government, it is timely to review the speeches of John Paul II during his two visits. In this section I will concentrate on three distinct but related themes which dominated his addresses. These are "reconciliation," "inculturation" and "liberation." These will be treated in the same order, and across the set of four Canadian texts. Finally, I will examine the address to Native Americans in Phoenix, Arizona, delivered just six days before his visit to Fort Simpson.

Reconciliation: Healing Negative Memories of Native Existence and History

While visiting Quebec city the pope spoke a word of caution about his speeches: "my word does not claim to bring forth an answer to all your questions nor be a substitute for your own searching. It will offer you the light and strength of faith in Jesus Christ." [73] We should keep this in mind as we review the speeches relevant to native people and the Church's work with them. John Paul II has provided a compass more than a road map in confronting these issues.

One of the obstacles to achieving a "revitalization" of

the First Nations is the lack of "reconciliation" between the dominant society and the First Nations, and between the native peoples and their churches. At Ste-Anne-de-Beaupré Pope John Paul II introduced the theme of "reconciliation" as follows:

As disciples of Jesus Christ, we know that the Gospel calls us to live as his brothers and sisters. We know that Jesus Christ makes possible reconciliation between peoples with all its requirements of conversion, justice, and social love. If we truly believe that God created us in God's image, we shall be able to accept one another with our differences and despite our limitations and sins.[74]

At Midland this theme was repeated and expanded:

This is truly the hour for Canadians to heal all the divisions that have developed over the centuries between the original peoples and the newcomers to this continent. This challenge touches all churches and ecclesial communities throughout Canada.[75]

He prefaced this quotation with a reference to the good Samaritan as healer:

Like the good Samaritan we are called to bind up the wounds of our neighbors in need. Together with St. Paul we must affirm: "it was God who reconciled us to Himself through Christ and gave us the work of handing on this reconciliation." {2 Cor. 5:18}[76]

At Yellowknife John Paul II reiterated the urgency of reconciliation:

I have come to call you to Christ, to propose again for you and all Canada, His message of forgiveness and reconciliation. As I mentioned at Midland the hour has come to bind up the wounds, to heal all divisions. It is a time of forgiveness,

for reconciliation and for a commitment to building new relationships.[77]

Finally, during his second visit to the North West Territories, the theme of "reconciliation" appeared three more times.[78]

In these texts "reconciliation" is understood to be both a gift of grace, and an ongoing task of the community of disciples of Jesus Christ. It is seen also as a necessary condition for achieving social justice for aboriginal Canadians, and an important condition for carrying out the work of "inculturation" that has barely begun in aboriginal North America. For in both cases cooperation is required if the desired results are to be achieved. This is especially true of the delicate work of inculturating the Gospel into aboriginal cultures, a theme that was prominent in his speeches.

Inculturation: the Integration of Native Culture & Christian Faith

Even apart from the addresses and homilies to the aboriginal peoples of Canada, faith and culture was a prominent topic during the Papal visit. The theme for Quebec city was in fact faith and culture, and for Winnipeg/St. Boniface, the focus was on faith and culture in a multicultural society. In his meetings with the Slavic

peoples (Poles, Ukrainians, Slovaks) the theme was central.[79] To a great extent this reflects John Paul II's own background. He often draws upon this cultural experience to strengthen others. In an important speech to UNESCO in 1980 he had this to say:

I am the son of a nation, which has lived the greatest experiences of history, which its neighbors have condemned to death several times, but which has survived and remained itself. It has kept its identity, and it has kept, in spite of partitions and foreign occupations, its national sovereignty, not by relying on the resources of physical power, but solely by relying on its culture. This culture turned out to be more powerful than all other forces.[80]

John Paul II was therefore an apt person to speak to aboriginal nations about their history and aspirations at a time when hope was fading for the cultural survival of so many ancient peoples. His speech, intended for Fort Simpson, but delivered at Yellowknife, alludes to a similar historical experience:

It is clear from the historical record that over the centuries your peoples have been repeatedly the victims of injustice by newcomers who in their blindness, often saw all your culture as inferior.[81]

Earlier at Ste-Anne-de-Beaupré he was aware that present attitudes may not be much different:

I know that relations between native people and white people are often strained and tainted with prejudice. Furthermore, in many places the native people are the poorest and the most marginal members of society. They suffer from the fact that

recognition of their identity and of their ability to participate in shaping their future is late in coming.[82]

John Paul II spoke at Ste-Anne-de-Beaupré of the spiritual heritage that can benefit not only native people, but the rest of society as well. He states:

Over the centuries, dear Amerindian and Inuit peoples, you have gradually discovered in your cultures special ways of living your relationship with God and with the world while remaining loyal to Jesus and the Gospel. Continue to develop these moral and spiritual values: an acute sense of the presence of God, love of your family, respect for the aged, solidarity with your people, sharing, hospitality, respect for nature, the importance given silence and prayer, faith in providence. Guard this wisdom precious. To let it become impoverished would be to impoverish the people around you.[83]

The Pope knows that it will neither be easy nor automatic that these values be maintained:

to live these spiritual values in a new way requires on your part maturity, interiority, a deepening of the christian message, a concern for the dignity of the human being and a pride in being Amerindian and Inuit. This demands the courage to eliminate every form of enslavement that might compromise your future.[84]

These texts go to the heart of the message on faith and culture. They remind us that it is really "Christ animating the very center of all culture." [85] The model employed here is that of the incarnation, of the Word becoming flesh in a particular time, place, and culture. By operating in this way, the Creator revealed a great respect for culture as the

vehicle for, and expression of, faith. As John Paul II notes, the Native peoples had already discovered in their cultures, ways of living their relationship with God and the world. These expressed a set of profound meanings and values not only needed in the past but which are still vital today for all Canadians--not just the native people.[86]

Lest one think this was just a rhetorical flourish he repeated and further developed this theme at Midland, Ontario:

Through his Gospel Christ confirms the native peoples in their belief in God, their awareness of his presence, their ability to discover Him in creation, their dependence upon Him, their desire to worship Him, their sense of gratitude for the land, their responsible stewardship of the earth, their reverence for all his great works, their respect for the elders.[87]

Always careful to balance rights and responsibilities, John Paul II put a tremendous challenge to native people: "the world needs to see these values...pursued in the life of the community and made incarnate in a whole people." [88] For John Paul II knows that culture is precarious and values can be forgotten or ignored. Furthermore, the "Gospel does not destroy what is best in you...it enriches as it were from within the spiritual qualities and gifts that are distinctive of your cultures." [89]

The phrases to "enrich from within" and "Christ animating the very center of all culture" are apt expressions describing

the process of "inculturation." In this understanding of the evangelization process, Christ is not against culture, nor identical with it, but at its heart assisting it "to bring forth from its own living traditions original expressions of Christian life, celebration and thought." [90] In other words, Christ is the transformer of culture to use Richard Niebuhr's celebrated model. [91] Because of this approach John Paul II is able to go even further: "your Amerindian and Inuit traditions permit the development of new ways of expressing the message of salvation and they help us to better understand to what point Jesus is the Saviour and how universal his salvation is." [92] Finally, I could not close this section without recalling John Paul II's stirring affirmation: "not only is Christianity relevant to the Indian peoples, but "Christ, in the members of his body, is Himself Indian." [93] This is the alpha and omega of "inculturation."

As was the case in Latin America, John Paul II's Canadian texts stress the "revitalization" of religion as the basis for a renewed campaign for the liberation of aboriginal peoples. In Latin America he focussed on popular religion as the key to renewal. In Canada he seems to view the work of "reconciliation" and "inculturation" as fulfilling the same function, and leading to efforts for "liberation." The latter theme of "liberation" was, in fact, a major focus of his speeches in Canada's North West Territories where the issues

of self-determination and aboriginal rights were to be explicitly addressed.

Liberation

During both of those visits to the North West Territories John Paul II referred to a document published in 1537, the papal brief, Pastorale Officium.^[94] The papal teaching contained in this brief, as we saw in chapter one, was part of a long tradition of papal concern for aboriginal rights. In its earliest stages and form this teaching had little impact. For the most part it was ignored as the Spanish conquistadores bludgeoned their way to wealth and power in the New World.

John Paul II continues this tradition with his introduction of the theme of "liberation" in the Canadian context. For the present pope "liberation" from "every form of enslavement" is integral to his thought. We saw this initially in the speech at Ste-Anne-de-Beaupré,^[95] but it is also central to the Yellowknife address. John Paul II has a very definite perspective on "liberation." In his own words:

there are close links between the preaching of the Gospel and human advancement--and human advancement includes development and...liberation. And so today I present to you the Gospel message with its commandment of fraternal love, with its demands for justice and human rights with all its liberating power.^[96]

Later in his speech he goes on to

Proclaim that freedom which is required for a just and equitable measure of self-determination in your lives as native peoples. In union with the whole church I proclaim all your rights--and their corresponding duties. And I also condemn physical, cultural, and religious oppression, and all that would in any way deprive you or any group of what rightly belongs to you.[97]

Finally, he stressed important items presently under negotiation in Canada: "a just and equitable degree of self-governing...a land base with adequate resources...for developing a viable economy for present and future generations." [98]

Now it is one thing to proclaim "liberation," "inculturation," "reconciliation." It is quite another to see these goals and ideals become a reality. To ensure that the present human rights thinking does not meet the same fate as earlier papal thought, John Paul exhorts the churches to play a role in the liberation struggles of the aboriginal peoples of Canada. This does not contradict the basic evangelical mission of the Church. Pope Paul VI had already stated this truth in Evangelii Nuntiandi:

The Church, as the Bishops repeated, has the duty to proclaim the liberation of millions of human beings, many of whom are her own children--the duty of assisting the birth of this liberation, of giving witness to it, of ensuring that it is complete. This is not foreign to evangelization.[99]

In the Canadian context, the pope does not use the term "solidarity," as he often did in Latin America, to encourage

this type of action, but the reality is clearly present in this speech: "the Church stands with you as you strive to enhance your development as Native peoples. Her missionary personnel and her institutions seek to work for that cause with you." [100] In brief, the message of the pope to the aboriginal peoples of Canada, and to the churches in which most native people are members, can be characterized as revitalization of culture for integral Liberation. As in the speeches given in Latin America, the pope preaches that it is the Christian faith which will enable this renewal process to succeed. At the same time, the principal role in this liberation process must go to the indigenous nations themselves. As he told them in his first address, "you must be the architects of your own future, freely, and responsibly." [101]

Encounter with the Indians of South Western United States

Six days before speaking at Fort Simpson, John Paul had addressed native Americans in Phoenix, Arizona. The date was September 14, 1987. For the most part the text repeated the themes presented above, especially "reconciliation" and "inculturation." However, justice concerns were not entirely absent. In this regard the frank acknowledgement of the destruction of indigenous cultures consequent upon European contact is perhaps its greatest contribution to the corpus of

texts discussed in this chapter. It is a justice issue in itself. In addition to the section quoted in the introduction of this chapter John Paul urges that we "learn from the mistakes of the past, and...work together for reconciliation and healing as brothers and sisters in Christ." [102] Despite the shadows from the past, John Paul II is at pains to point out the positive side of the encounter with European culture. In particular he praises the missionaries who:

...Strenuously defended the rights of the original inhabitants of this land. They established missions throughout the southwestern part of the United States. They worked to improve living conditions and set up educational systems, learning your languages in order to do so. Above all they proclaimed the good news of salvation in our Lord Jesus Christ, an essential part of which is that all men and women are equally children of God and must be respected and loved as such. This Gospel of Jesus Christ is today, and will remain forever, the greatest pride and possession of your people. [103]

He singles out Fray Junipero Serra, as an example of such missionary dedication to Indian rights and dignity. [104] John Paul II claims Fr. Serra was a person who lived out the earlier teaching of pope Paul III--a view not shared by many Amerindians in California. Here, just as he did in Canada, the pope cited Pastorale Officium as the embodiment of Catholic social teaching on "aboriginal rights." [105] As he often does, he commends as well the work of Francisco Vitoria on the foundations of international law and native rights. [106]

Here too, as in the speeches in Canada and Latin America,

the pope urges native Americans to preserve their cultures not only for their own good, but for the enhancement of the human race as a whole:

From the very beginning, the Creator bestowed his gifts on each people. It is clear that stereotyping, prejudice, bigotry and racism demean the human dignity which comes from the hand of the Creator and which is seen in variety and diversity. I encourage you, as native people belonging to different tribes and nations in the East, South, West, and North, to preserve and keep alive your cultures, your languages, the values and customs which have served you well in the past and which provide a solid foundation for the future. Your customs that mark the various stages of life, your love for the extended family, your respect for the dignity and worth of every human being, from the unborn to the aged, and your stewardship and care for the earth: these things benefit not only yourselves but the entire human family.[107] This sharing of cultural riches must also include the Church which native cultures are called to participate in and enhance.[108]

Compared with the addresses in Canada's North West Territories, the human rights thinking in this speech remains general and abstract. It draws on the tradition only in a peripheral way. On the positive side it is similar to many other texts from the Americas which emphasize the renewal of faith and culture as the basis for a revitalized way of life. John Paul's parting comments, however, do point out some links between faith and justice:

Surely the time has come for the native peoples of America to have a new life in Jesus Christ--the new life of adopted children of God with all its consequences:

A life in justice and full human dignity!

A life of pride in their own good traditions
and of fraternal solidarity among themselves and
with all their brothers and sisters in America!

A deeper life in charity and grace, leading to
the fullness of eternal life in heaven! [109]

In summary, this speech completes the set of talks given in the Americas. As was the case in Latin America, John Paul II's North American texts stress the "revitalization" of religion and culture as the basis for a renewed campaign for the liberation of aboriginal peoples. In Latin America he focussed on popular religion as the key to renewal. In Canada and the United States it appears that the work of "reconciliation" and "inculturation" fulfills the same function. Once this foundational cultural renewal has taken place, efforts for "liberation" in solidarity with other North Americans--especially church members--can go forward. As in the speeches given in Latin America, the pope preaches that it is the Christian faith which will enable this renewal process to succeed. At the same time, the principal role in the liberation process must still be played by the indigenous nations themselves.

Throughout these texts evangelization was understood in an "inculturation" mode. In this model of mission, evangelization has strong links to issues of justice and liberation. This was evident in the North American addresses--especially those given in the North West

Territories. There, John Paul II drew upon the thought of Evangelii Nuntiandi on "integral liberation" to preach a message in which human rights concerns are integral to the preaching of the Gospel, constitutive of the process of evangelization.

3.3. Apostolic Visits Outside the Americas:

John Paul's Defense of the Rights of the "Aborigines"

Until 1986 John Paul II had given no major address outside the Americas to aboriginal peoples. However, the present pontiff did give homilies to tribal Filipinos in 1981[110], and, just prior to his Australian visit, to the "Maori" people of New Zealand.[111] Thus, the address to the "Aborigines" at Alice Spring, Australia was a major event. The text itself is perhaps the best written of the whole corpus of John Paul's speeches to aboriginal peoples.

The pope begins his address in Australia by describing the development of the culture of the "Aborigines." This served a dual purpose. First, as the pope notes, "the rock paintings and the discovered evidence of your ancient tools and implements indicate the presence of your age-old culture and prove your ancient occupancy of the land." [112] As we have seen earlier, "first use and occupancy" is foundational to

"aboriginal title." Secondly, the cultural history of the people reveals a preparation for the Gospel:

Some of the stories from your dreamtime legends speak powerfully of the great mysteries of human life, its frailty, its need for help, its closeness to spiritual powers and the value of the human person. They are not unlike some of the great inspired lessons from the people among whom Jesus was born. It is wonderful to see how people, as they accept the Gospel of Jesus, find points of agreement between their own traditions and those of Jesus and his people.[113]

This cultural heritage received a severe shock with the arrival of Europeans. As the pope points out "the effects of some of those forces are still active among you today. Many of you have been dispossessed of your traditional lands and separated from your tribal ways..."[114] In response to this "cultural distortion" John Paul II counsels a reliance on traditional values, languages, and the culture which remains. His call for a "revitalization" of aboriginal culture is expressed in a striking image familiar to the local people:

If you stay closely united, you are like a tree standing in the middle of a bush fire sweeping through the timber. The leaves are scorched and the tough bark is scarred and burned; but inside the tree the sap is still flowing and under the ground the roots are still strong. Like that tree, you have endured the flames and you still have the power to be reborn. The time for rebirth is now![115]

This rebirth will come about only if the dominant society also plays a constructive role. It must realize that "the acknowledgement of the land rights of people who have never

surrendered those rights is not discrimination." [116] It is also called to make reparation in an act of restorative justice: "what can be done to remedy the deeds of yesterday must not be put off till tomorrow. [117] At the same time "the aboriginal people of this country and its cities, must show that you are working for your own dignity of life." [118] This includes becoming "aboriginal Christians," [119] with all that implies by way of "inculturation":

The Gospel now invites you to become, through and through, aboriginal Christians. It meets your deepest desires. You do not have to be people divided into two parts, as though an aboriginal had to borrow the faith and life of Christianity, like a hat or a pair of shoes, from someone else who owns them. Jesus calls you to accept his words and his values into your own culture. To develop in this way will make you more than ever truly aboriginal.

The old ways can draw new life and strength from the Gospel. The message of Jesus Christ can lift up your lives to new heights, reinforce all your positive values and add many others which only the Gospel in its originality proposes. Take this Gospel into your own language and way of speaking; let its spirit penetrate your communities and determine your behaviour toward each other, let it bring new strength to your stories and your ceremonies. Let the Gospel come into your hearts and renew your personal lives. The church invites you to express the living word of Jesus in ways that speak to your aboriginal minds and hearts. All over the world people worship God and read his word in their own language, and color the great signs and symbols of religion with touches of their own traditions. Why should you be different from them in this regard, why should you not be allowed the happiness of being with God and each other in aboriginal fashion? [120]

In Summary, the theme of "cultural revitalization"

through the power of the Gospel has been a recurring theme in the set of speeches John Paul II gave to aboriginal peoples. In some speeches, especially those in Latin America, and Australia, the emphasis was on what Robert Schreiter would call an "ethnographic" approach to ministering to cultures undergoing rapid social change.[121] In this form of contextual theology, the task is to preserve cultural identities. The other main form of contextual theology Schreiter labels the "liberation" approach.[122] Here the task is to confront the forms of oppression in a society. The pope's speeches at Fort Simpson come closest to this liberationist approach with their explicit discussion of the liberation theme.

However, it is probably more accurate to state that John Paul II stresses the first phases of the "revitalization" process[123] which emphasize the reworking of the cultural matrix in light of Christianity. This vision or renewed cultural blueprint is then to be shared with the total membership of the community. Finally, if this shared understanding and commitment comes about there can be hope that the socio-politico transformations called for by the vision can be implemented. Thus the earlier characterization of the papal vision as revitalization of culture for integral liberation still seems an accurate way to describe what he was about during his many apostolic journeys.

The issues of previous centuries centering on sovereignty and slavery have for the most part faded into the background. In fact, as the analysis of the speeches in this chapter shows, John Paul II's use of the tradition prior to this century is rare indeed. When it is invoked it is more for rhetorical purposes than for sources to answer contemporary concerns. However, the interest of the Church in human rights in this century certainly brings to fruition the pioneering work of Innocent IV, Paul III, and other popes who preached the universality of human rights.

His teaching is also in continuity with the basic Church mandate to evangelize the nations. However, John Paul II's understanding of evangelization is more comprehensive than his predecessors of earlier centuries. Utilizing the seminal writings of Paul VI, especially Evangelii Nuntiandi, I submit that John Paul II has furthered in a unique way the work of integrating faith and justice, evangelization and human rights. The teaching developed at the Synod of 1971, in which action on behalf of justice and liberation is considered a constitutive dimension of the proclamation of the Gospel, is here applied to the concrete needs of aboriginal peoples.

Strategically, John Paul's thought on the means of preserving and enhancing aboriginal cultures is in harmony with important insights from the branch of Anthropology which

has studied the death and rebirth of cultures. As John Paul II understands cultural revival, the fundamental need of indigenous peoples is the revitalization of the religious foundation of their cultures. In this work of renewal and transformation of culture he sees the Gospel playing an indispensable role. While most anthropologists would probably not agree with his Christian prescription for revitalization they could not disagree with his understanding of the need for a fundamental revisioning of aboriginal cultures if they are to survive at all.

CONCLUSION

To be faithful to the functional specialty "history" requires that conclusions of the research be restricted as far as possible to a summary of results. At the same time, the conclusion should be more than a summary of the summaries contained in the preceeding chapters. As well, value judgments about the material, while they can't be entirely avoided at this phase of Lonergan's method in theology, belong primarily to the next functional specialty, "dialectic." [1] Thus, the conclusion to a "study in history" must look back to review the results, and also forward to suggest further elaborations of the material assembled. Consequently, the text that follows divides into two sections. First, I will review the results of the past tracing "what was going forward" with respect to papal social thought on the rights of indigenous peoples. In doing this I will answer the questions posed in the introduction with respect to the moments of significant change in papal social thought on aboriginal rights, and the evangelization-human rights relationship. Further, the question raised about the number of Catholic/papal traditions on aboriginal rights will also be answered. Secondly, I will look ahead to suggest further work

to be done in retrieving past understandings of aboriginal rights.

This "study in history" has revealed a number of important moments in the development of papal social teaching on aboriginal rights. Since the papal mission to evangelize the nations was the dominant horizon within which the tradition was expounded and promulgated, I will first identify what I consider the principal stages in the evolution of the understanding of the relationship between evangelization and human rights. Aboriginal rights can then be discussed as a subtheme within this matrix. In brief, I submit that this research has identified three main stages in the understanding of the relationship between evangelization and human rights. Within each phase a number of less significant shifts could also be named.

In the earliest period under discussion in this thesis, the era of Pope Innocent IV, human rights were seen as secondary and subordinate to the main mandate of the Church to evangelize the nations. During this period respect for human rights was quite explicitly considered as a necessary condition for the fruitful reception of the Gospel on the part of the non-Christian. In the centuries prior to Columbus this view was weakened. It became, in effect a minimalist concern for only the most basic human rights. Papal teaching still

maintained the understanding of human rights as necessary conditions for evangelization, but this was overshadowed by another concern, namely, to keep on good terms with the European powers of the time.

This basic understanding prevailed through the age of discovery and colonization. In fact, under the influence of key missionary figures such as Bartolomé de las Casas, Paul III was able to support and reinstate a more comprehensive view of human rights. Yet, as we saw in chapter one, his explication of the rights of the newly discovered "Indian" peoples was deficient in comparison with Innocent IV's understanding of dominium. Paul III, assuming that Spanish sovereignty over the Americas and other newly discovered lands was a fait accompli, was content to affirm the personal and property rights of the indigenous populations. Innocent IV went much further establishing that non-Christian peoples, in addition to these personal rights, also possessed the right to exercise political sovereignty over their domains.

In subsequent centuries up to the Leonine period nothing much changed in the understanding of the relationship between evangelization and human rights. The popes of this era were primarily concerned with removing obstacles to the preaching of the Gospel. Their constant lament was that after so many decrees, and even with heavy ecclesial and secular sanctions

(never really enforced) the practice of the enslavement of the Indian and other populations continued. As a result these peoples were alienated from the Christian faith. Because of these evangelical concerns they very clearly saw the importance of respecting human rights. They also very definitely subordinated these human rights to the mission of the Church.

It is with Leo XIII that we can discern the second major shift in the relationship between evangelization and human rights. In the Leonine period human rights are treated, for the most part, as significant issues in their own right. It is probably true to say that this position had been gestating in the previous period. However, as noted above, the popes between Paul III and Leo XIII that addressed aboriginal rights issues seemed more concerned about evangelization than about the human rights issues themselves. In the Leonine period almost the opposite stance was taken. Justice issues and human rights concerns were addressed without much direct reference to, or concern for, the relationship with evangelization.

In the post-Leonine period beginning with John XXIII we see a progressive concern with dominium in the fullest sense which includes political self-determination. The post war decolonization process fueled this concern, and gave rise to

the teaching on "minorities" found in Pacem in Terris. In discussing these issues in chapter two I observed that John XXIII does not mention any links with evangelization in this encyclical. The Second Vatican Council would change this way of proceeding. While it continued to expound on human rights issues including political, cultural, and religious rights, evangelization was at the core of the Council's purpose. By recognizing, officially for the first time, the right to religious liberty, the Roman Catholic Church's understanding of evangelization was profoundly challenged. It also set the stage for a more wholistic conceptualization of the relationship between evangelization and human rights.

This third key transition in meaning occurred, not at Vatican II itself, but in the pontificate of Paul VI, and specifically in the synod document Justice in the World. In that text, written by Paul VI after the synod, the still controversial statement was made that action for justice and liberation is "a constitutive dimension of the preaching of the Gospel." Later, in Evangelii Nuntiandi, Paul VI's comprehensive treatise on evangelization, the liberation theme would be further nuanced. Paul VI's earlier notion of "integral development" had now become "integral liberation." This expanded the meaning of evangelization to include the evangelization of cultures. Thus, as I concluded when discussing this shift in chapter two, the previously dominant

accommodationist approach to evangelization had been transformed into a truly contextual inculturation model. The many implications of this change, which amounts to a paradigm shift in the meaning of mission, have yet to be fully worked out. This is especially the case with respect to the right to religious freedom. In fact, confusion about the meaning of this right in the post-Conciliar era caused a diminishment of the Church's missionary activity in the world. Recently, Pope John Paul II has made it a personal priority to overcome this falling off of missionary activity in the Church.[2]

In looking back to review the present state of knowing the development of papal social thought on "aboriginal rights" I first of all conclude that we are dealing not with one coherent tradition, but with two that stand in tension with one another. As demonstrated in chapter one, the natural law tradition inherited from the Romans and elaborated by the medieval canonists clearly recognized the rights of non-Christian peoples. The fundamental basis for recognizing these rights, a title that eventually would also underpin most treatments of "aboriginal rights" was the "first use and occupancy" of the land. Olive Dickason, in Law of Nations and the New World states well the historical continuity in understanding:

Continuous use and possession of the land "from time immemorial" as a basis for title dates back to Roman times, when jurists considered it to be a self

evident rule of natural law. It was recognized in Justinian's code, and continued under feudalism in common law. But it interfered with the politics of expansion, and so was circumvented during the Age of Discovery.[3]

Innocent IV was the great proponent of this position. Yet, in the centuries between this pope and the pontificate of Paul III the rights of non-Christian peoples and the rights of indigenous peoples were greatly submerged. Just war theory was used--and often abused--to handle the relations with these peoples. In the age of discovery it was Las Casas who reappropriated this tradition and influenced Paul III's writings. All subsequent popes--including John Paul II--who wrote on the issue would continue to draw upon this teaching. At least in terms of official papal teaching, from Paul III to the present the Hostiensian position was no longer entertained.

Yet, Hostiensian arguments continued to influence the history of the conquest despite its repudiation by official Church teaching. His position, explicated in chapter one, was principally theological: since the coming of Christ all non-Christians lost dominium. In short, they lost their rights to property and political power. In practice, as I have also shown, the two positions tended to converge. Innocent IV, on the one hand, claimed certain titles by which a pope could intervene in infidel societies, namely to enforce the natural law, and to protect the evangelizer. Hostiensis realized that

in practice the pope and Christendom had to recognize the de facto political power of many non-Christian states. In addition, both adhered to a mission philosophy in which the initial proclamation of the Gospel should be done peacefully. There should be no attempt at coercion in order that a free response to the Gospel could be made by the receiving culture. However, in the field of public policy and praxis we would have to conclude that the Hostiensian position won out. It lent itself to the expansionist ideologies of the time promoting the easy rationalization of the conquest.[4]

In the twentieth century, and especially since the second world war, occasioned by the tenacity with which peoples and nations have struggled to maintain their identity, the Church has explicitly come to recognize communal rights. The primary communal right being the right to maintain one's culture. Concomitantly, the emergence of a missiology based on inculturation of the Gospel has reinforced these communal and cultural rights.

I have to conclude, therefore, that modern papal social thought--especially since Vatican II--has elaborated a sophisticated and flexible policy framework for addressing the issues of indigenous peoples. On the one hand, in light of the "universal common good" every people's rights are relativized and qualified. On the other hand, the fundamental

personal and communal rights of all peoples are recognized and affirmed. In working out these issues the Church is prepared to accept--provided it is the free choice of the peoples themselves--a variety of options for the future. These range from freely chosen assimilation, right up to, and including, complete independence. Whatever the outcome, the Church hopes for, and encourages, a process in which any new political and cultural arrangements will be worked out through negotiation. This--by the way--is also the official Canadian government policy.[5]

However, the Church has a doctrine of conflict resolution which allows for--and presently openly advocates--non-violent action where necessary and warranted. Finally, it does not even rule out armed struggle and resistance if necessary. But this strategy is to be entertained only as a last resort, and only after a careful analysis of the situation reveals no other solution. The skeptical might say that this so called flexibility seems to differ little from the traditional position of always backing the winners. I believe recent papal teaching and pastoral practice does not warrant this negative assessment. An honest and objective evaluation of recent history reveals that the Church genuinely desires to be in solidarity with oppressed peoples--whether they be in Eastern Europe, Latin America, or Oceania.

Finally, I believe the thesis has documented the beginnings of another major transition and development within the tradition. Stimulated by the testimonies of indigenous peoples, and by newly awakened ecological sensitivities, there is a growing awareness on the part of the Church of the unique relationship aboriginal peoples have with the land. We have become acutely aware of what happens to indigenous peoples and cultures when they are severed from their homelands or forced to live from an insufficient land base. In their new living conditions they become rootless and succumb to "anomic depression." This form of depression manifests itself in a disarray of psycho-social symptoms such as alcoholism, high rates of suicide, and other forms of self-inflicted violence. But as Thomas Berry, the dean of "eco-theologians" says, there may be implications for the dominant society as well:

The destinies of the First Nations are inseparable from the destinies of the American earth. As we deal with one, so will we deal with the other and in the end so will we deal with ourselves. The fate of the continent, the fate of the First Nations, and our own fate are finally identical. None can be saved except in and through the others.[6]

In brief, a recapitulation of the evolution of papal understanding of aboriginal or indigenous rights reveals three key moments. First, newly discovered aboriginal peoples were subsumed under earlier categories of thought about non-Christian peoples. Going back to the Roman era and

natural law thought, "first use and occupancy" of the land was considered a sufficient title to justify the rights of these peoples. However, the extent of these rights varied depending on the understanding of the term dominium and the understanding of the extent of papal power at a given time in history.

This earlier tradition has never been completely forgotten. As we saw in some speeches of John Paul II, especially in Latin America, this basis for aboriginal title is still invoked from time to time. However, in the post-Leonine era aboriginal rights have been treated in two new and distinct ways. With John XXIII aboriginal rights were subsumed under the discussion of the rights of minority peoples. He made no distinction between ethnic minorities and aboriginal or indigenous peoples. These peoples and groups are afforded the full spectrum of human rights which, in papal social thought, include the cultural right to exist as distinct peoples within larger multiethnic nation-states.

The next, and last step--to date--in the development of papal thought on aboriginal rights occurred during the papacy of John Paul II. By unpacking the distinctive nature of aboriginal peoples John Paul II presented a new basis for aboriginal title. The uniqueness or distinctiveness of native peoples, John Paul II claimed, resided in their intimate

relationship with the land. He then went on to support their right to an adequate land base by rooting land rights in the right to life. In the context of aboriginal rights, he interprets the right to life to mean more than the fundamental right--common to all humanity--to maintain one's basic human existence. Since, in his understanding, traditional indigenous ways of life are inextricably linked to the land, to remove them from their land base is tantamount to ethnocide. Thus, if these peoples are to enjoy an effective right to life, it follows that they must have title to their ancestral homelands.

Finally, in looking back it is important to recall once more that the full picture of the Church's response to aboriginal people will require many additional studies in the mission histories of the major religious orders who were the main instruments of papal policy in those times. Secondly, the initiatives and teaching of the local churches also need to be documented. Here I have in mind the contributions to, and interactions with, papal teaching stemming from important Church councils and synods held in the new world. Thirdly, the contributions of other churches and church bodies have been important and need to be documented and analysed as well.

The work of assembling materials from the past, which

this thesis has hopefully contributed to, is not an end in itself. It has further aims. The methodology utilized looks forward to the future development of a comprehensive viewpoint on the subject under study. As Lonergan understands it, "dialectic," the next step in the process:

seeks some single base or some single set of related bases from which it can proceed to an understanding of the character, the oppositions, and the relations of the many viewpoints exhibited in conflicting Christian movements, their conflicting histories, and their conflicting interpretations.[7]

This is a work of critical evaluation. If we consider "history" to function primarily on the level of judgment of fact about "what is going forward," "dialectic" will be concerned principally with judgments of value. The latter functional specialty must sort out not only the true from the false, but the good from the bad options before us. It draws us into the realm of decision, discernment, and action on behalf of justice and liberation. My hope is that this thesis has made a modest contribution to understanding the developing papal tradition on aboriginal rights. In the future I hope it will also contribute to a greater solidarity with aboriginal peoples in their struggle to revitalize their cultures.

ENDNOTES INTRODUCTION

1. For a discussion of symbolic acts of territorial possession see Leslie GREEN, and Olive DICKASON, The Law of Nations and the New World, (Edmonton: University of Alberta Press, 1989), pp. 7-17.

2. Quoted in James MILLER, Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada, (Toronto: University of Toronto Press, 1989), p. 3.

3. While all the definitions of "aboriginal peoples" are somewhat arbitrary, in this thesis I am using the term to refer to the original or first inhabitants and their descendents of a given nation-state. Throughout the thesis a number of other terms will be used synonymously. These include "indigenous peoples," "native peoples" and "first nations." The term "autochthonous peoples" which Pope John Paul II will use in the same sense as the above terms, actually has another meaning for many aboriginal peoples. They believe not only that they were the first peoples in an area--something most archeologists would agree with--but also that they actually evolved as human beings in the areas they are claiming as their homeland. For a discussion of this controversial subject as it relates to Amerindians see Jeffrey GOODMAN, American Genesis, (New York: Summit Books, 1981). The words "Indian" and "Amerindian" are more specific terms referring to the aboriginal peoples of the present day Americas. The latter term was coined to eliminate Columbus' original mistake of labelling the aboriginal peoples of the Caribbean "Indians." He always believed he had sailed into an area adjacent to India or Japan. Thus his rationale for using "Indian." He actually never realized that he was approaching two new continents in terms of an European understanding of geography. From another perspective "indigenous peoples" wherever they exist on the planet can be identified and defined in terms of their special relationship to the land. This relationship will be taken up further in chapter two when I examine John Paul II's views on the uniqueness of indigenous peoples. See also John BODLEY's discussion of this topic in Victims of Progress, (Paulo Alto: Mayfield Publishing Company, 1982), pp. 166-168.

4. PAUL III, Sublimis Deus, June 9, 1537, in Francis Augustus MacNutt, Bartholomew De Las Casas: His Life, His Apostolate, and his writings, (New York and London: G.P. Putnam's Sons, 1909), pp. 430-431.

5. JOHN PAUL II, Address to the Native Peoples from Yellowknife, September 18, 1984. The Canadian Catholic Review,

2(1984), p. 380.

6. Ibid.

7. JOHN PAUL II, To Build Peace, Respect Minorities: World Day of Peace Statement, December 8, 1988, in Origins 18(1988), p. 466.

8. For the complete discussion of the functional specialities see Bernard LONERGAN, Method in Theology, (New York: The Seabury Press, 1979). A short accessible introduction to the methodology is presented by Vernon GREGSON in The Desires of the Human Heart: an Introduction to the Theology of Bernard Lonergan, (New York: Paulist Press, 1988), especially pp. 74-119. For an example of the use of the functional specialty "history" see Fred CROWE's, Theology of the Christian Word, (New York: Paulist Press, 1978).

9. Ibid., p. 134. Judgment presupposes the prior cognitional operations of experiencing and understanding. It also should flow into and be followed by a fourth level where the human subject is engaged in the act of deciding.

10. Ibid., p. 128.

11. Ibid.

12. Juan FRIEDE. "Las Casas and Indigenism in the Sixteenth Century," in Juan FRIEDE, and Benjamin KEEN, eds., Bartolomé de las Casas in History: Toward an Understanding of his Life and his Work, (DeKalb: Northern Illinois University Press, 1971), p. 155.

13. Francisco Xavier HERNAEZ, Colección de Bulas, Breves, y otros Documentos Relativos a la Iglesia de América y Filipinas, vols. I, II, (Vaduz: Kraus Reprint Ltd., 1964).

14. Arthur UTZ, La Doctrine Sociale de L'Eglise à travers les Siècles, (Paris: Beauchesne et ses Fils, 1970).

15. See in particular his article "Pope Paul III and the American Indian," in Harvard Theological Review, 30(1937), pp. 66-102.

16. James MULDOON, Popes, Lawyer, and Infidels: The Church and the non-Christian World 1250-1550, (Philadelphia: University of Pennsylvania Press, 1979).

17. GREEN and DICKASON, The Law of Nations and the New World, (Edmonton: University of Alberta Press, 1989).

18. Here I refer to the Pontificate of Paul III and his important papal bull Sublimis Deus.

19. See especially, Bartolomé de LAS CASAS, In Defense of the Indians, trans., ed., and annotated by Stafford Poole, (DeKalb: Northern Illinois University Press, 1974) and his work The Devastation of the Indies: A Brief Account, (New York: The Seabury Press, 1974). Also James Brown SCOTT, The Spanish Origin of International Law: Francisco de Vitoria and his Law of Nations, (Oxford: Clarendon Press, 1934).

20. HANKE, "Paul III and the American Indians."

21. Carlos SECO CARO, "De la Bula 'Sublimis Deus' de Paulo III(1-VI-1537) a la constitución 'Gaudium et Spes' del Concilio Vaticano No II(7-XII-1965). Anuario de Estudios Americanos, XXIV(1967), pp. 1821-1840.

22. Alberto de la HERA, "El Derecho de los Indios a la Libertad y la Fe. La Bula Sublimis Deus y los Problemas Indianas que la Motivaron," Anuario de la Historia del Derecho Español, -26(1956), pp. 119-139.

23. John Francis MAXWELL, Slavery and the Catholic Church: the History of Catholic Teaching Concerning the Moral Legitimacy of the Institution of Slavery, (Chicester & London: Barry Rose Publishers, 1975).

24. KING GEORGE, The Royal Proclamation of 1763, in Michael ASCH, Home and Native Land, (Toronto: Methuen, 1984), appendix B., pp. 112-114.

25. CANADA, The Canadian Constitution, (Ottawa: Queen's Printer, 1981), section 25., p. 9.

26. Bruce CLARK, Native Liberty, Crown Sovereignty: The Existing Aboriginal Right of Self-Government in Canada, (Montreal and Kingston: McGill-Queen's University Press, 1990).

27. Peter CUMMING and Neil MICKENBURG, eds., Native Rights in Canada, (Toronto: The Indian-Eskimo Association of Canada in association with General Publishing Company Limited, 1972).

28. Brad MORSE, ed., Aboriginal Peoples and the Law: Indian, Metis, and Inuit Rights in Canada, (Ottawa: Carleton University Press, 1985).

29. CANADA, Indian Act, (Ottawa: Queen's Printer, 1972).

30. CANADA, Statement of the Government of Canada on Indian Policy, (Ottawa: Queen's Printer, 1969).

31. See, in particular, CANADA, Department of Indian Affairs and Northern Development, Outstanding Business: A Native Claims Policy, (Ottawa: Queen's Printer, 1981); and In All Fairness: A Native Claims Policy, (Ottawa: Queen's Printer, 1981).

32. CANADA, The Canadian Constitution, (Ottawa: Queen's Printer, 1981), section 35.(1), p. 11.

33. UNITED NATIONS, Universal Declaration of Human Rights, (New York: UN Publications, 1946).

34. UNITED NATIONS, International Covenant on Civil and Political Rights, (New York: UN Publications, 1966).

35. UNITED NATIONS, International Covenant on Economic, Social and Cultural Rights, (New York: UN Publications, 1966).

36. WORLD COUNCIL OF INDIGENOUS PEOPLES. International Covenant on the Rights of Indigenous Peoples, in Michael ASCH, Home and Native Land, appendix 1, pp. 132-138.

37. THE DENE NATION and THE METIS ASSOCIATION OF THE N.W.T., Public Government for the People of the North, (Yellowknife: The Dene Nation, 1982).

38. See, for example, Menno BOLT, Leroy LITTLE BEAR, and Anthony LONG, eds., Pathways to Self-Determination: Canadian Indians and the Canadian State, (Toronto: University of Toronto Press, 1984); Menno BOLT and Anthony LONG, eds., The Quest for Justice: Aboriginal Peoples and Aboriginal Rights, (Toronto: University of Toronto Press, 1985); Menno BOLT and Anthony LONG, eds., Governments in Conflict: Provinces and Indian Nations in Canada, (Toronto: University of Toronto Press, 1988).

39. James GORMLEY, "Aboriginal Rights as Natural Rights," in Canadian Journal of Native Studies, 4(1984), pp. 29-49.

40. Bartolomé de LAS CASAS, Del Único Modo de Atraer a Todos los Pueblos a la Verdadera Religión, Augustine MILLARES, Carlo and Lewis HANKE, eds., (Mexico: Fondo de Cultura Economica, 1942). An English translation and reconstruction of this seminal text for missiology has been published under the title The Only Way, edited by Helen Rand Parish, translated by Francis Patrick Sullivan, (New York: Paulist Press, 1992).

ENDNOTES CHAPTER ONE

1. See in particular James Muldoon's articles. "A Canonistic Contribution to the Formation of International Law," in The Jurist, 28(1968), pp. 265-272; "The Contribution of the Medieval Canon Lawyers to the Formation of International Law," in Traditio, 28(1972), pp. 483-97; and his principal work on the subject Popes, Lawyers, and Infidels: The Church and the Non-Christian World 1250-1550, (Philadelphia: University of Pennsylvania Press), 1979.

2. Innocent IV's thinking on the subject is found in his commentary on the decretal of Innocent III (1198-1216) entitled Quod Super His. See INNOCENT IV, Commentaria doctissima in Quinque Libros Decretalium, (Frankfurt/Main, Minerva, 1968), 3.34.8, pp. 429-431. Hostiensis' commentary on the same decretal is in HOSTIENSIS, Lectura in Quinque Libros Decretalium, (Torino: Bottega D'Erasmus, 1965), 3.34.8., pp. 128-129.

3. MULDOON, Popes, Lawyers, and Infidels, p. x.

4. For a discussion of the impact of the crusades on European colonialism see Joshua PRAWER, The Crusader's Kingdom: European Colonialism in the Middle Ages, (New York: Praeger Publishers, 1972).

5. The classic case in this regard was Lithuania. Despite its becoming Christian the Teutonic knights and the Poles continued to expand into, and expropriate their traditional homeland. MULDOON, Popes, Lawyers, and Infidels, pp. 32-33.

6. For a discussion of the importance of the Canary Islands in European expansion and the development of colonization techniques see, Charles VERLINDEN, The Beginnings of Modern Colonization, (Ithaca, New York: Cornell University Press, 1970), pp. 3-31.

7. MULDOON, Popes, Lawyers, and Infidels, p. viii.

8. Ibid., p. 4.

9. Ibid.

10. INNOCENT IV, Commentaria doctissima in Quinque Libros Decretalium, 3.34.8, p. 429. "sed nunquid est licitum invadere terram, quam infideles possident, vel quae est sua?" English translation from MULDOON, Popes, Lawyers, and Infidels, p. 6. The English translation of all Latin texts used in this thesis will be placed in the main body of the

thesis. The latin originals, as in the present instance, will all be placed in the endnotes. The source of the translation will be indicated after the Latin text as above.

11. The doctrine of the "just war" as elaborated in the Middle Ages had its origins in Greco-Roman political philosophy and statecraft. Its principal patristic exponent was St. Augustine upon whom medieval canonists and theologians, like St. Thomas Aquinas, built their own versions. In the Medieval period the stress was on the ius ad bellum, the right to initiate a war. Three criteria were considered essential for deciding the justness of the issue. First, there had to be a "just cause." Secondly, and the most discussed in the middle ages, was the question of proper authorization of war, the "right authority" criterion. Thirdly, a "right intention" was also a prerequisite. In addition, principles were developed to oversee the conduct of war itself, the ius in bello. The principles of "discrimination," and "proportionality" formed the core of the ius in bello doctrine. The principle of "discrimination" proscribed any direct attack on non-combatants, while the principle of "proportionality" required that the good to be achieved be commensurate with the inevitable evil caused by any war. This latter principle really subsumes several other considerations that comprise the mature theory: war should be a last resort, should only be undertaken if the legitimate authority foresees a successful outcome which contributes ultimately to a greater peace. For a succinct presentation of the history and main tenets of just war theory see James Turner JOHNSON, "Just War," in James CHILDRESS & John MACQUARRIE eds., A New Dictionary of Christian Ethics, (London: SCM press Ltd., 1986), pp. 328-329. For a comprehensive study of just war theory in the Middle Ages see, F.H. RUSSELL, The Just-War in the Middle Ages, (London: Cambridge University Press, 1977). An excellent overview of the present status of the theory within Roman Catholic theology is provided by J. Bryan HEHIR, "The Just-War Ethic and Catholic Theology: Dynamics of Change and Continuity," in Thomas SHANNON ed., War or Peace? (Maryknoll, N.Y.: Orbis Books, 1980), pp. 19-21.

12. MULDOON, Popes, Lawyers, and Infidels, pp. 6-7.

13. James, MULDOON, "Extra Ecclesiam non est Imperium: the Canonists and the Legitimacy of Secular Power," in Studia Gratiana, IX(1966), p. 573.

14. Ibid., p. 580.

15. INNOCENT IV, Commentaria doctissima in Quinque Libros Decretalium, 3.34.8. p. 430.: "...possessiones et

iurisdictiones licite sine peccato possunt esse apud infideles. Haec enim non tamen pro fidelibus sed pro omni rationabili creatura facta sunt, ut est praedictum....et propter hoc dicimus, non licet Papae vel fidelibus, auferre sua, sive dominia sive iurisdictiones infidelibus, quia sine peccato possident..." English translation in Brian TIERNEY, The Crisis of Church and State, 1050-1300, (Englewood Cliffs, N.J.: Prentice-Hall, 1964), p. 155.

16. Ibid. English translation in TIERNEY, The Crisis of Church and State, 1050-1300, pp. 155-156.

17. MULDOON, Popes, Lawyers, and Infidels, p. 46.

18. Ibid., p. 47.

19. Ibid.

20. Ibid.

21. Olive DICKASON, "Concepts of Sovereignty at the Time of First Contacts," in L.C. GREEN & Olive DICKASON, The Law of Nations and the New World, (Edmonton: University of Alberta Press, 1989), p. 242.

22. Ibid., p. 241.

23. Kenneth, PENNINGTON, "Bartolomé de las Casas and the Tradition of Medieval Law," Church History, 39(1970), p. 155.

24. MULDOON, Popes, Lawyers, and Infidels, p. 9.

25. Ibid., p. 6.

26. INNOCENT IV, Commentaria Doctissima in Quinque Libros Decretalium, 3.34.8. p. 429.

27. Ibid., pp. 429-430.

28. In later history this notion of a terra nullius would provide one of the justifications for European sovereignty over the New World. Since many aboriginal peoples didn't cultivate the land like the Europeans did, or live in fixed settlements, the lands, especially in North America, were considered terra nullius. More basically, according to Olive Dikason, property rights in the European view only existed within the context of an organized state. Since aboriginal peoples--with the notable exceptions of the Incas and the Aztecs--did not live in such states they did not possess true ownership of the land. For a discussion of this point see her The Law of Nations and the New World, pp. 235-236. For a

contrasting native understanding of use and occupancy see Hugh BRODY, Maps and Dreams: Indians and the British Columbia Frontier, (Vancouver: Douglas and McIntyre, 1981).

29. Genesis 13: 1-12, The Good News Bible with Deuterocanonicals & Apocrypha, (Toronto: Canadian Bible Society, 1979), p. 13.

30. MULDOON, Popes, Lawyers, and Infidels, p. 8. INNOCENT IV, Commentaria doctissima in Quinque Libros Decretalium, 3.34.8. pp. 429-430.: "super homines autem...super servos nullus habuit dominium nisi de iure gen. vel civili. Natura enim omnes homines, libri sunt."

31. Ibid. p. 430.: "hoc autem certuit, que ipse Deus per se a principio exercuit iurisdictionem."

32. Ibid.: "nisi forte, Deus dedit aliquem, vel aliquos qui facerunt iustitia super delinquentes, vel iure naturae paterna super familiam suam habebat iurisdictionem omnem a principio, sed hodie non habet, nisi in paucis et modicis." English translation in Brian TIERNEY, The Crisis of Church and State, 1050-1300, p. 155.

33. MULDOON, Popes, Lawyers, and Infidels, p. 165, note 25.

34. INNOCENT IV, Commentaria doctissima in Quinque Libros Decretalium, p. 430: "Item per electionem poterunt habere principes sicut habuerunt Saul, et multos alios."

35. MULDOON, Popes, Lawyers, and Infidels, pp. 8-9.

36. Ibid., p. 9.

37. INNOCENT IV, Commentaria doctissima in Quinque Libros Decretalium, p. 430.: "...omnes autem tam fideles, quam infidels oves sunt Christi per creationem..." English translation in Brian TIERNEY, The Crisis of Church and State, 1050-1300, p. 155-156.

38. Ibid.: "Papa super omnes habet iurisdictionem et potestatem de iure, licet non de facto." English translation in Brian TIERNEY, The Crisis of Church and State, 1050-1300, p. 156.

39. INNOCENT IV, Commentaria doctissima in Quinque Libros Decretalium, p. 430.: "De Christianis autem non est dubium, quod eos iudicare potest Papa, si contra legem evangelicum facerunt."

40. Ibid.: "Item Iudeos potest iudicare Papa, si contra legem evangelii faciunt in moralibus, si eorum prelati eos non puniant, et eodem modo si haereses circa suam legem inveniant, et hac ratione motus Papa Greg. et Inn. mandaverunt comburi libros talium, in quo multae continebantur haereses, et mandaverunt puniri illos, qui praedictas haereses sequerentur vel docuerunt."

41. MULDOON, Popes, Lawyers, and Infidels, p. 10.

42. INNOCENT IV. Commentaria doctissima in Quinque Libros Decretalium, p. 430.: "credo, quod si gentilis, qui non habet legem nisi naturae, si contra legem naturae facit, potest licite puniri per Papam, arg. Gen 19. ubi habes quod sodomitae, qui contra legem naturae peccabant, puniti sunt a Deo....si colant idola, naturale enim est, unum et solum Deum creatorem colere, et non creaturas."

43. Ibid. p. 431.: "Item licet non debeant infideles cogi ad fidem, quia omnes libero arbitrio relinquendi sunt."

44. Ibid.: "Potest Papa iuste facere praeceptum, et constitutionem, quod non molestant Christianos iniuste, qui subsunt eorum iurisdictioni, immo quod plus est, potest eos eximere a iurisdictione eorum, et dominio in totum...si male tractarent Christianos, posset eos privare per sententiam iurisdictione, et dominio, quod super eos habent...tamen mandare potest Papa infidelibus quod admittant praedicatores evangelii in terris suae iurisdictionis, nam cum omnis creatura rationalis facta sit an Deum laudandum...si ipsi prohibent praedicatores praedicare, peccant, et ideo puniendi sunt."

45. Ibid.: "Item propter periculum posset cogi dominus ad recipiendum pretium vel commutationem."

46. MULDOON, Popes, Lawyers, and Infidels, p. 13.

47. For a discussion of this interpretation of the just war theory see, Kenneth MELCHIN, "Just-War, Pacifism, and the Ethics of Nuclear Policy," in Église et théologie, 17(1986), pp. 41-55.

48. INNOCENT IV, Commentaria doctissima in Quinque Libros Decretalium, p. 430.: "tamen magna causa debet esse, quod ad hoc veniat, debet enim Papa eos, quantum potest sustinere, dummodo periculum non sit Christianis, nec grave scandalum generetur."

49. Ibid.: "Responsio. quia domini harum terrarum cum populis eorum conversi sunt."

50. Ibid.: "non enim ad paria debemus eos nobiscum iudicare, cum ipsi sint in errore, et nos in via veritatis..." translation mine.

51. RUSSELL, The Just War in the Middle Ages, pp. 293-294.

52. HOSTIENSIS, Lectura in Quinque Libros Decretalium, Vol. 2, 3.34.8., p.128a.: "Mihi tamen videtur quod in adventu Christi omnis honor et omnis principatus et omne dominium et iurisdictio de iure et ex causa iusta, et per illum qui supremam manum habet nec errare potest omni infideli subtracta fuerit ad fideles translata." The translation is by James MULDOON in Popes, Lawyers, and infidels, p. 16.

53. Ibid.: "Regnum a gente in gentem transfertur propter iniusticias et injurias et contumelias et diversos dolos." The translation is by James MULDOON in Popes, Lawyers, and infidels, pp. 16-17. The text is from the book of Ecclesiasticus 10:8.

54. James MULDOON, Popes, Lawyers, and infidels, p. 17.

55. Ibid.

56. Ibid.

57. HOSTIENSIS, Lectura in Quinque Libros Decretalium, p. 128a.: "Concedimus tamen quod infideles qui dominium ecclesiae recognoscunt sunt ab ecclesia tolerandi: quia nec ad fidem prescise cogendi sunt...Tales etiam possunt habere possessiones et colonos christianos: et etiam iurisdictionem ex tolerantia ecclesiae."

58. Ibid.: "Alios autem infideles in pace degentes: et etiam illos quod servos tenemos non per bellum: non per violentiam aliquam sed tamen per predicationem dici converti debere. Et si predicatorum non admittant ipsos posse compelli per papam."

59. James MULDOON, Popes, Lawyers, and infidels, pp. 17-18.

60. Olive DICKASON, "Concepts of Sovereignty at the Time of First Contacts," in L.C. GREEN & Olive DICKASON, The Law of Nations and the New World, p. 242.

61. Most authors list three papal documents in the set of bulls of demarcation or donation as they are sometimes called. Charles-Martial de Witte includes a fourth and fifth

papal bull Piis Fidelium and Dudum Siquidem promulgated June 25, 1493, and September 26, 1493 respectively. For his footnote on these matters see "Les Bulles Pontificales et l'expansion Portugaise au XV siècle," Revue D'histoire Ecclésiastique, LIII(1958) p. 443. These two bulls will not figure in the present discussion. The most important and best known papal bull of this era is Inter Caetera which was published in a double redaction. The first was dated May 3, 1493, the second May 4, 1493. The Bull of May 4, 1493 is the more extensive, and the most relevant, as it actually contains and decrees the line of demarcation. Another bull Eximiae Devotionis promulgated May 4, 1494 basically restates Inter Caetera I. Consequently, for the purposes of this thesis I will focus on Inter Caetera II unless otherwise specified. The latin texts and their English translations are readily available in Frances G. DAVENPORT, European Treaties Bearing on the History of the United States and its Dependencies to 1648, (4 vols.; Washington, D.C.: Carnegie Institution of Washington, 1967), pp. 56-78. Hereafter cited as DAVENPORT.

62. DICKASON, in GREEN and DICKASON, The Law of Nations and the New World, p. 176.

63. MULDOON, "Papal Responsibility for the Infidel," p. 176.

64. Ibid., pp. 176-178.

65. Ibid., p. 178.

66. Ibid., p. 179.

67. NICHOLAS V, Romanus Pontifex, in DAVENPORT, pp. 13-26.

68. Actually this bull did not end the dispute between Portugal and Spain. It was not until 1479 when these two sea powers signed the treaty of Alcacovas that peace was established in that area of the world. For a further discussion of the significance of the Canary islands dispute in the development of canonistic thinking see James MULDOON, "A Fifteenth-Century Application of the Canonistic Theory of the Just War," in Proceedings of the Fourth International Congress of Medieval Canon Law, Monumenta Iuris Canonici, Series C. Subsidia 5 {Vatican City}, 1976, pp. 467-480.

69. NICHOLAS V, in DAVENPORT, p. 18. "...quam a capitibus de Bojador et de Nam usque per totam Chineam, et ultra versus illam meridionalem plagam extendi..."

70. Ibid., p. 16., trans., at p. 23. "Nos, praemissa omnia et singula debita meditatione attendentes quod, cum olim praefato Alfonso regi quoscumque saracenos ac paganos, aliosque Christi inimicos ubicumque constitutos, ac regna, ducatus, principatus, dominia, possessiones, et mobilia et immobilia bona quaecumque per eos detenta ac possessa invadendi, conquirendi, expugnandi, debellandi, et subiugandi, illorumque personas in perpetuam servitutem redigendi, ac regna, ducatus, comitatus, principatus, dominia, possessiones et bona sibi et successoribus suis applicandi, appropriandi, ac in suos suorumque suorum usus et utilitatem convertendi..."

71. Ibid., p. 15., trans., at p. 22., "...ad ostium cuiusdam magni fluminis, Nili communiter reputati, pervenerunt..."

72. John Francis, MAXWELL, Slavery and the Catholic Church: The History of Catholic Teaching Concerning the Moral Legitimacy of the Institution of slavery, (London & Chichester: Barry Rose Publishers, 1975), pp. 52-68. Hereafter cited as MAXWELL.

73. Gregory BAUM, Theology and Society, (Mahwah: Paulist Press, 1987), p. 234.

74. Ibid., pp. 13-14. trans., at pp. 20-21. "Romanus Pontifex, caelestis clavigeri successor et vicarius Iesu Christi, cuncta, mundi climata omniumque nationum in illis degentium qualitates paterna consideratione discutiens, ac salutem quaerens et appetens singulorum, illa, perpensa deliberatione, salubriter ordinate et disponit, quae grata divinae Maiestati fore conspicit, et per quae oves sibi divinitus creditas ad unicum ovile dominicum reducat, et acquirat eis felicitatis aeternae praemium, ac veniam impetret animabus, quae eo certius, auctore Domino, provenire credimus, si condignis favoribus et specialibus gratiis eos catholicos prosequamur reges et principes, quos, veluti christianae fidei athletas et pugiles intrepidus, non modo saracenorum caeterorumque infidelium Christi nominis inimicorum feritatem reprimere, sed etiam ipsos eorumque regna ..."

75. For a discussion of this point with references to other popes with similar views see MULDOON, Popes, Lawyers, and Infidels, p. 176.

76. For a contrasting view of how the Moslem world saw the same events see, Bernard LEWIS, The Muslim Discovery of Europe, (New York: W. W. Norton & Company, 1982).

77. The ability of the pope to protect the infidel--and even Christian converts--was quite limited as the experience in Lithuania and the Canary islands revealed. In the latter case, the aboriginal population eventually disappeared, the victim of war, slavery, disease, and miscegenation. This prefigured the fate of the peoples of the Caribbean who also quickly succumbed to the same fate. As a result the major islands of the West Indies contain no native people today.

78. MULDOON, Popes, Lawyers, and Infidels, p. 136.

79. NICHOLAS V, Romanus Pontifex, in DAVENPORT, p. 18.

80. Ibid.

81. Ibid., p. 19.

82. For a detailed description of the development of the "real patronato de Indias," see J. Lloyd MECHAM, Church and State in Latin America: a History of Politico-Ecclesiastical Relations, (Chapel Hill: the University of North Carolina Press, 1966), pp. 1-37.

83. MULDOON, Popes, Lawyers, and Infidels, p. 136.

84. Samuel Eliot MORISON, The European Discovery of America: The Southern Voyages A.D. 1492-1616, (New York: Oxford University Press, 1974), pp. 86-87.

85. Ibid., p. 89.

86. Charles-Martial de WITTE, "Les Bulles Pontificales et l'expansion Portugaise au XV siècle," Revue D'histoire Ecclésiastique, LIII(1958), p. 445. "plûtôt que d'un partage, c'est d'une exclusion du Portugal du champ des decouvertes..." trans., mine.

87. MULDOON, "Papal Responsibility for the Infidel," pp. 182-184.

88. ALEXANDER VI, Inter Caetera II, in DAVENPORT, p. 73, trans., p. 76. "ad fidem Catholicam amplexandam et bonis moribus imbuendam satis apti videntur..."

89. Ibid., p. 73, trans., p. 76. "pacife viventes, et, ut asseritur, nudi incedentes, nec carnibus vescentes..." The last phrase does not mean they were vegetarians. It means they were not cannibals. In subsequent voyages they did claim to meet Indians who ate human flesh. For a description of this first meeting see MORISON, The European Discovery of

America, p. 106. For a well balanced discussion of Cannibalism in the West Indies see, Neil L. WHITEHEAD, "Carib Cannibalism. The Historical Evidence," in Journal de la Société de Americanists, 70(1984), pp. 69-88. Basically Whitehead concludes

...the sources are remarkably consistent in defining it as a limited, ritual act only associated with victory in battle and also as an act that was to be clearly differentiated from the kind of funerary customs, of which Columbus made so much, and which can still be observed today... p. 81.

Furthermore,

it appears that the Spanish were usually quite indiscriminate in their accusations of cannibalism, and that such accusations tended to be levelled most particularly at Amerindians as yet unconquered, one must agree that political expediency, rather than an attempt at objective reportage, was the most influential factor in Spanish chronicling of this question." p. 81.

90. The major islands in this grouping are Cuba, Jamaica, and Hispaniola--now split into two nations: Haiti and the Dominican Republic. At the time of discovery the population of Hispaniola was estimated at 250,000. Within 50 years it was gone. MORISON, The European Discovery of America, p. 136.

91. MULDOON, Popes, Lawyers, and Infidels, pp., 138-139. Also by the terms of this treaty the line of demarcation was extended 270 leagues further west than decreed in Inter Caetera II. For the text of this treaty see, DAVENPORT, text pp. 84-93, trans., pp. 93-100.

92. ALEXANDER VI, Inter Caetera II, in DAVENPORT, p. 73, trans., p. 76. "...et imperii Christiani propagationem prosequi valeatis...ut illarum incolas et habitatores ad colendum Redemptorem nostrum et fidem Catholicam profitendum reduceretis..."

93. Ibid., p. 73., trans., p.76. "...ac barbareae nationes deprimantur et ad fidem ipsam reducantur."

94. Ibid., p. 74., trans., p. 77. "fabricando et constituendo unam lineam a polo Arctico scilicet septentrione ad polum Antarcticum scilicet meridiem, sive terre firme et insule invente et inveniende sint versus Indiam aut versus aliam quancumque partem, que linea distet a qualibet insularum

que vulgariter nuncupantur de los Azores et Caboverde, dentum leucis versus occidentem et meridiem."

95. Ibid., p. 74., trans., p. 77.

96. By outflanking the Moslem world Christian Europe hoped to link up with Christian kingdoms which supposedly lay beyond the Moslem Empire. In particular they had in mind the mythical kingdom of Prester John. Today we know this realm to be Ethiopia. It had in fact been a Christian Kingdom. Portugal eventually made contact with the mythical realm. Subsequently the Vatican sent missionaries to convert its peoples to Latin Catholicism. For a study of this mission history see Philip CARAMAN, The lost Empire, (Notre Dame: University of Notre Dame Press, 1985).

97. ALEXANDER VI, Inter Caetera II, in DAVENPORT, p. 74., trans., p. 77. "decernentes nichilominus per huiusmodi donationem, concessionem, et assignationem nostram nulli Christiano principi, qui actualiter prefatas insulas aut terras firmas possederit usque ad predictum diem Nativitatis Domini nostri Jesu Christi, jus quesitum sublatum intelligi posse aut auferri deberre."

98. MULDOON, "Papal Responsibility for the Infidel: Another Look at Alexander VI's Inter Caetera," in Catholic Historical Review, 64(1978), p. 183.

99. ALEXANDER VI, Inter Caetera II, in Davenport, p. 73, trans., p. 76.

100. DICKASON, in GREEN and DICKASON, The Law of Nations and the New World, p. 180.

101. Ibid.

102. Kenneth, PENNINGTON, "Bartolomé de Las Casas and the Tradition of Medieval Law," in Church History, 39(1970), p. 158-159.

103. Ibid., p. 157.

104. Ibid.

105. Ibid. p. 159.

106. MULDOON, "Papal Responsibility for the Infidel: Another Look at Alexander VI's Inter Caetera," p. 183.

107. Ibid., p. 184.

108. Ibid.

109. MULDOON, Popes, Lawyers, and Infidels, p. 154.

110. See in particular his work entitled, Del Único Modo de Atraer a Todos los Pueblos a la Verdadera Religión, Augustin MILLARES & Carlo and Lewis HANKE, eds., (Mexico: Fondo de Cultura Economica, 1942).

111. Lewis, HANKE, All Mankind is One, (DeKalb: Northern Illinois University Press, 1974), p. 4. However, later on in this same work Hanke presents evidence that the tribute should really go to an obscure sailor named Cristobal Rodriguez. Much like the "coureur des bois" in Canada, he had lived among the Taino people for some years and had learned their language. He was one of the few Spaniards who appreciated the native culture and tried to defend the Indians. Expelled by governor Ovando he returned to Spain in 1505. There he got a hearing before King Ferdinand during which he spoke in favor of the Indians and intermarriage with them. His protest had little effect. p. 18. Yet even earlier than Rodriguez's were Queen Isabella's own protestations over the disposition of native captives Columbus brought back with him from the Caribbean. One Dominican scholar would even see her as the precursor to Francisco Vitorio: "I have said more than once that Isabella anticipated and displayed the thoughts formulated by Francisco de Vitoria..." Venancio D. CARRO, "The Spanish Theological-Juridical Renaissance and the Ideology of Bartolomé de las Casas," in Juan FRIEDE, & Benjamin KEEN, eds., Bartolomé de las Casas in History: Towards an Understanding of the Man and his Work, (DeKalb: Northern Illinois University Press, 1971), p. 242. Unfortunately for the Indians she died in 1504.

112. Bartolomé de LAS CASAS, History of the Indies, (New York: Harper & Row, 1971), pp. 183-184.

113. FRIEDE & KEEN, Bartolomé de las Casas in History, pp. 618-619.

114. For descriptions of this mission strategy see Robert RICARD, The Spiritual Conquest of Mexico: An Essay on the Apostolate and the Evangelizing Methods of the Mendicant Orders in New Spain: 1523-1572, trans., Lesley Byrd Simpson. (Berkeley and Los Angeles: University of California Press, 1966); and Philip CARAMAN, The Lost Paradise: The Jesuit Republic of Paraguay, (New York: Seabury, 1976). For Canadian

applications see John Webster GRANT, Moon of Wintertime: Missionaries and the Indians of Canada in Encounter since 1534, (Toronto: University of Toronto Press, 1984), and Cornelius JAENEN, Friend and Foe, (Toronto: McClelland and Stewart, 1976), p. 177. Jaenen maintains that the first reserves in Canada were modelled on the reductions of Latin America, while Grant demonstrates that 19th. century Catholic mission strategy, especially in British Columbia also drew heavily on the Latin American experience. See in particular pp. 125-128 of his work for a discussion of this historical connection.

115. For a discussion of the economic value of the Americas to Spain see Paul KENNEDY, The Rise and Fall of Great Powers, (London: Fontana Press, 1988), pp.39-93.

116. On these points see FRIEDE, "Las Casas and Indigenism in the Sixteenth Century," especially pp. 141-153. For a further discussion of the encomienda institution see Anthony, PAGDEN, The Fall of Natural Man, (Cambridge: Cambridge University Press, 1982), pp. 35-37.

117. Many Spanish apologists for the conquest blame Las Casas for the development of the so called "black legend," the leyenda negra. The complete absence of a native population on the greater Antilles today is evidence enough of a holocaust of huge proportions. Las Casas himself uses the word "holocaust" to describe what transpired in these dark years in the Americas. For his description of these events see, The Devastation of the Indies: A Brief Account, (New York: The Seabury Press, 1974). Also Hans Magnus Enzenburger writing in the Introduction to the same work points out that Las Casas' estimates of 12 to 15 millions human lives lost may in fact be an underestimate:

There is no trusting his figures it was and still is said; they betray a medieval relationship to arithmetic. South and Central America never held 12, 15, or 20 million inhabitants during the time of the conquest; as in the reports of the crusaders the word "million" simply means many people. Such an approach has something repulsive about it from the very outset. It would like to prove Las Casas a liar but let the murderers go scot-free because they only killed, 8, 5 or three million Indians instead of 20 million. That is the way the National Zeitung protects the German fascists, claiming that not 6 million Jews were killed but at most 5.

Aside from the moral insanity manifested by

such sophistry, it is also factually wrong. Two American scholars who have investigated the demographic conditions in old Mexico in recent years reached the conclusion that in the 30 years between Cortez's landing and the writing of the Brief Account the population of Central Mexico dwindled from 25 to roughly 6 million. This means that the conquest alone must have had 19 million victims in Mexico alone. Las Casas names only 4. Even if mindful of the virus illnesses, of malaria, of the famine and forced labour, that is of the indirect causes of the depopulation, one reaches the conclusion that Las Casas was probably rather too careful with his figures. pp. 12-13.

Enrique DUSSEL, in his work, A History of the Church in Latin America: Colonialism to Liberation, (Grand Rapids: Eerdmans 1981), while citing figures only for Mexico would concur with the magnitude of the Indian Holocaust. His tables which begin only in 1532, long after the worst atrocities were perpetrated, claims that there were still nearly 17 million inhabitants in Mexico alone. By 1608 they had dwindled to just a little over 1 million. p. 42.

Fray Toribio de Motolinia, a Franciscan missionary, and one of the famous "twelve apostles" chronicled the military and spiritual conquest of Mexico. He was no friend of Las Casas (some say Bartolome prevented him from becoming a bishop because of the Franciscan practice of rapid evangelization and minimal preparation for baptism) but depicts the destruction of Mexico in terms similar to the Dominican's. In his first treatise of the work: History of the Indians of New Spain, trans. and annotated by Francis Borgia Steck, (Washington: Academy of American Franciscan History, 1951), Motolinia chose to describe the impact of the conquest in terms of the ten plagues recounted in the book of Exodus. The provisioning of the mines he called the ninth plague. Here is his description of the destruction caused by this aspect of the encomienda system:

To these mines Indian Carriers would travel seventy leagues and more in order to bring sustenance. The food which they carried for their own use sometimes gave out, either on the way to the mines or on the return trip before they reached home. Some carriers the miners detained for some days in order that they might help extract the mineral, while others would be employed in building houses or in rendering personal service. During this time the food would give out and the Indians

would die either there in the mines or on the road, since they had no money with which to buy food and there was no one to give it to them. Other carriers returned home in such a condition that they soon died. From these dead carriers and from the slaves who succumbed in the mines there was so much decay that it caused a pestilence, notably in the mines of Oaxtepec. Here for half a league around and for a great part of the way one could scarcely walk, except over dead bodies or over bones; and so numerous were the birds and the crows that came to feast on the dead bodies that they greatly obscured the sun. In consequence, many towns were depopulated, both in the open country and in the district. Other Indians fled to the mountains, leaving their homes and estates unattended. pp. 92-93

118. A detailed history of this struggle is beyond the scope of this thesis. Essential reading on the question would include las Casas's own history of the Indies. See, for example, his briefer account entitled: The Devastation of the Indies, translated from the Spanish by Herma Briffault, introduction by Hans Magnus Enzensberger, with a dossier by Michel van Nieuwstadt, (New York: The Seabury Press, 1974). His later work In defence of the Indians, trans., ed., and annotated by Stafford Poole, (DeKalb Illinois, Northern Illinois University Press, 1973) presents his side of the famous debate with Juan Gines Sepulveda held in Valladolid 1550-51 on the humanity of the Indians. The latter's argumentation may be found in Democrates Segundo, o de las justas causas de la guerra contra los Indios, ed., Angel Losada, (Madrid: Consejo Superior de Investigaciones Cientificas, Instituto Francisco Vitorio, 1951). Also helpful for an overview of the debate are Lewis Hanke's works: Aristotle and the American Indians, (Chicago: Henry Regnery Company, 1959); The Spanish Struggle for Justice in the Conquest of America, (Boston: Little, Brown, 1965); All Mankind is One, (DeKalb: Northern Illinois University Press, 1974). A valuable recounting of the same history from an ethnological perspective is to be found in the work of Anthony PAGDEN, The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology.

119. The fact that the Church sanctioned the baptism of the Indian neophytes was an indirect but powerful statement of their humanity and intellectual capacity to receive the faith. Fray Domingo de Betanzos a controversial Dominican of this era is reported to have told the council of the Indies that the Indians were incapable of receiving the faith. At

the same time the Franciscans were baptizing Indians by the thousands with only minimal preparation and with the barest of rites. When the matter could not be satisfactorily worked out in new Spain a Dominican went to Rome to solicit pope Paul III's support for his order's approach which involved a more complete preparation and selection of candidates. On June 1 of 1537, Paul III promulgated the bull Altitudo Divinii Consilii as the official Church response to the controversy. Basically this bull assumed the validity of the sacraments already administered, but ordered that in the future missionaries could only omit secondary aspects of the ceremony such as the rites of salt, the ephphatha, the white robes and candles--except in cases of emergency later defined as siege, shipwreck, serious illness, or imminent threat of death. The missionaries had to baptize with holy water and anoint the candidates with chrism. For a few years afterwards some Franciscans ignored the Bull, and the decrees of the Mexican synod of 1539. Later, when the missionary situation stabilized, the celebration of the sacrament with full rites became routine. For more details of this controversy over Baptism see, RICARD, The Spiritual Conquest of Mexico, pp. 83-93.

120. HANKE, All Mankind is One, p. 18.

121. Ibid.

122. In 1535 Bishop Garces on his own initiative had sent off an impressive report to Paul III defending the Indian cause. This text is available in HERNAEZ, vol. 1. pp. 56-65.

123. The material was from Las Casas' important, and perhaps the first systematic work on missiology: Del Único modo de atraer a todos los pueblos a la verdadera religion. According to the Dominican scholar Manuel Martinez:

This book would suffice to immortalize him if no other writing had issued from his pen and whose intrinsic value and eternal doctrinal relevance will be better appreciated when it is more widely read and known. That day has not yet arrived. Although it may be justly regarded as the first, most extensive, and most profound treatise on missionary science, I do not know a single specialist in this science who has given it the attention it deserves.

"Las Casas on the Conquest of America," in FRIEDE and KEEN, p. 309.

124. This fearless priest, prior to meeting with the junta of bishops in Oaxaca, had even challenged Pizarro over his inhuman treatment of the Indians in Peru. HANKE, All Mankind is One, p. 18.

125. Ibid.

126. MARTINEZ, "Las Casas on the Conquest of America," p. 317.

127. See for example Peter A., CUMMING, Neil MICKENBERG, eds., Native Rights in Canada, (Toronto: The Indian-Eskimo Association of Canada in association with General Publishing Company Limited, 1972), pp. 14-15.

128. In HANKE, All Mankind is One, p. 16.

129. Translation by Stafford POOLE, in Bartolomé de LAS CASAS, In Defence of the Indians, p. 102. The Latin text is found in HERNAEZ, vol. I, pp. 101-102; or in Denzinger 1495.: "per praesentes committimus et mandamus, quatenus per te vel alium seu alios praefatis Indis omnibus in praemissis efficacis defensionis praesidio assistens, universis et singulis cuiuscumque dignitatis, status, conditionis, gradus, et excellentiae existentibus sub excommunicationis latae sententiae poena, si secus fecerint, ipso facto incurrenda, a qua non nisi a Nobis vel Romano Pontifice pro tempore existente, praeterquam in mortis articulo constituti et satisfactione praevia, absolvi nequeant, districtius inhibeas, ne praefatos Indos quomodolibet in servitutem rediger, aut eos bonis suis spoliare, quoquo modo praesumant, ac contra non parentes ad declarationem incursus excommunicationis huiusmodi ad ulteriora procedas, et alia in praemissis, prout prudentiae, probitati et religioni tuae videbitur expedire. Super quibus tibi plenam et liberam facultatem concedimus per praesentes, contrarium facientibus non obstantibus quibuscumque."

130. Lewis, HANKE, "Pope Paul III and the American Indians," in The Harvard Theological Review, 30(1937), p. 73.

131. HERNAEZ, vol I, pp. 101.: "Pastorale officium erga oves nobis coelitus creditas, solerti studio exercentes, sicut earum perditione affligimur, ita promotione laetamur, et non solum illorum bona opera laudamus, sed, ut votivis perfruantur eventibus Apostolicae meditationis curas diffusius interponimus.

Ad nostrum siquidum pervenit auditum, quod carissimus in Christo filius noster Carolus Romanorum Imperator semper

Augustus, qui etiam Castellae et Legionis Rex existit, ad reprimendos eos qui cupiditate aestuantes, contra humanum genus inhumanum gerunt animum, publico edicto omnibus sibi subjectis prohibuit, ne quisquam occidentales aut meridionales Indos in servitutem redigere aut eos bonis suis privare praesumat. Nos igitur attendentes Indos ipsos, licet extra gremium Ecclesiae existant, non tamen sua libertate, aut rerum suarum dominio privatos, vel privandos esse, et cum homines, ideoque fidei et salutis capaces sint, non servitute delendos, sed praedicationibus, et exemplis ad vitam invitandos fore, ac praeterea. Nos talium impiorum tam nefarios ausus reprimere, et ne injuriis, et damnis exasperati, ad Christi Fidem amplectendam duriores efficiantur..."

132. Both Las Casas and Minaya had experienced the receptivity of the native population to the Gospel when it was preached peacefully, and manifested by the good example of the missionaries. For Las Casas this happened in Vera Paz, Guatemala, and for Minaya in Nicaragua. For a description and critique of the Vera Paz experiment see Benno M. BIERMANN, "Bartolomé de Las Casas and Vera Paz," in FRIEDE and KEEN, Bartolomé de Las Casas in History, (DeKalb: Northern Illinois University Press, 1971), pp. 443-484. See also what is perhaps the definitive study on this experiment in mission: André SAINT-LU, La Vera Paz: Esprit Évangélique et Colonisation, (Paris: Centre de recherches hispaniques, 1968).

133. It is ironic that John Paul II, in both speeches he gave to the aboriginal peoples of Canada dealing with social and political issues, cites Pastorale Officium. For self-determination is the key issue today. Pastorale Officium assumes the legitimate sovereignty of the dominant society--the question at issue in comprehensive land claims. Furthermore, as we will see presently, this brief was the document that Paul III annulled in 1538. As John Maxwell says in his study on Slavery and the Catholic Church, "It is a pity that Denziger quotes a document which was annulled a year after its publication." p. 69, note 129. It is also noteworthy that Denziger omits Sublimis Deus from his collection of church documents.

134. Differing dates for these texts are often given. The latin text, using a Roman calendar, states that they were promulgated on the fourth of the nones of June. The fourth day before the nones of June is June 2. The Roman calendar calculates the days by anticipation in relationship to the calendes, the nones, and the ides of the month. These also differ depending on the month. The nones of June falls on the fifth, while in January it is the fourth day of the month. Thus, in the case of Veritas Ipsa and Sublimis Deus the bulls

were promulgated on June 2, 1537. Hanke, "Paul III and the American Indians," p. 71, states that the Spanish version is dated June 2, while the latin version is dated June 9, 1537. McNutt, Bartholomew de Las Casas. (New York: Putnam's Sons, 1909), p. 431, places it on the fourth of June. For a helpful explanation of the Roman calendar see, Jean-Claude FREDOUILLE, Dictionnaire de la Civilisation Romaine, (Paris: Larousse, 1982), pp. 49-50. For further bibliographical notes on these texts of Paul III see Robert RICARD, La Conquête Spirituelle du Mexique, (Paris: Institut d'Ethnologie, 1933), p. 111, footnote no. 5. Unfortunately, the English translation of this work contains only various sources where these texts may be found, and not the discussion on their dating etc..

135. Translation mine. Latin text from HERNAEZ, vol. 1, pp. 102-103.: "Nos igitur, qui ejusdem Domini nostri vices, licet indigni, gerimus in terris, et oves gregis sui nobis commissas, quae extra eius ovile sunt, ad ipsum ovile toto nisu exquirimus, attendentes Indos ipsos, utpote veros homines, non solum christianae Fidei capaces existere, sed, ut nobis innotuit, ad fidem ipsam promptissime currere, ac volentes super his congruis remediis providere, praedictos Indos, et omnes alias gentes ad notitiam christianorum in posterum deveniunt, licet extra fidem existant, sua libertate, ac rerum suarum dominio privatos, seu privandos non esse, imo libertate et dominio huiusmodi uti et potiri et gaudere libere et licite posse, nec in servitutem redigi debere; ac quidquid secus contigerit, irritum et inane, ipsos Indos, et alias gentes verbi Dei praedicatione, et exemplo bonae vitae ad dictam fidem Christi invitandos fore, auctoritate Apostolica per praesentes litteras decernimus et declaramus..."

136. Ibid., p. 102.: "Veritas ipsa quae nec falli, nec fallere potest, cum Praedicatores fidei ad officium praedicationis destinaret, dixisse dignoscitur: euntes docete omnes gentes."

137. Ibid., p. 102.: "Omnes dixit, absque omni delectu, cum omnes fidei disciplinae capaces existent."

138. Ibid., p. 102.: "Quod videns, et invidens ipsius humani generis aemulus, qui humanis operibus, ut pereant, semper adversatur, modum excogitavit hactenus inauditum, quo impediret, ne verbum Dei gentibus, ut salvae fierent, praedicaretur, ac quosdam suos satellites commovit, qui suam cupiditatem adimplere cupientes, Occidentales et Meridionales Indos, et alias gentes, quae temporibus istis ad nostrum notitiam pervenerunt, sub praetextu, quod fidei Catholicae expertes existant, uti bruta animalia illis servientia

urgent."

We need to qualify this teaching on freedom. Taken out of context it would appear that the Catholic Church was against slavery per se. This was not the case until Vatican II. As John Maxwell points out in his history of the Catholic Church and slavery:

Paul III did not contradict the common Catholic teaching that the enslavement of hostile non-Christian Indians by right of capture in just war is in conformity with natural law, the jus gentium and the Christian customary law. However, it may be prohibited by Royal edict. But if the Indians behave as the enemies of Christendom, they may be treated like Moors and Turks. And even the putting down of a rebellion of the Indians provides a sufficient title for enslavement in just warfare.

MAXWELL, pp. 70-71. What most Spanish apologists overlooked, las Casas to my knowledge being one of the few exceptions, is that the Indian nations also had a right to self defence. In terms of just war theory they were certainly entitled to wage wars of liberation against the Spanish conquistadores. For a discussion of this and related themes see MARTINEZ in FRIEDE and KEEN, Bartolomé de Las Casas in History, especially pp. 322-323.

Further evidence for views on slavery held by Paul III comes from a motu proprio he wrote in 1548, a year before he died. Because of a lack of slaves in Rome the magistrates of that city prevailed upon him to overturn a ruling of 1535 that renewed a privilege these administrators had of emancipating slaves. As Maxwell recounts it "with his apostolic authority he revoked the privilege of the conservatori in this matter, and declared the lawfulness of slave-trading and slave-holding, including the holding of Christian slaves in Rome." MAXWELL, p.75.

139. It is intriguing that the two major collections of papal documents I have been using in this thesis do not contain or mention this papal bull. I am referring to the works edited by HERNAEZ and UTZ. This is ironic because of all the papal documents of this period Sublimis Deus is the best known and most cited. What accounts for this omission? I can only speculate that there is some embarrassment over its possible annulment. Yet, as Lewis Hanke points out, the annulment would seem to apply more to Pastorale Officium than to Sublimis Deus. See "Paul III and the American Indians," p. 89.

140. John Tracy ELLIS, Documents of American Catholic History. (Milwaukee: The Bruce publishing company), 1956, p. 7.

141. HANKE, "Pope Paul III and the American Indians," p. 97. In this regard it is interesting to note that in the famous debate between Las Casas and Sepúlveda in 1550 the Dominican Bishop cites both Pastorale Officium and Sublimis Deus. For his use of these texts see In Defence of the Indians, pp. 100-103. If anyone should have known about the nullification it would have been Las Casas. Yet this seems not to have been the case.

142. Apart from opinions current at the time denegrating and denying the humanity of the Indians there were previous papal documents that contained contrary doctrine. In his article entitled "Paul III and the American Indians" Lewis Hanke cites an obscure bull of Clement VII, Intra Arcana, which is also absent from the major collections. It advocates an aggressive militaristic approach to mission which runs counter to Sublimis Deus: "We trust that, as long as you {The Emperor} are on earth, you will compel and with all zeal cause the barbarian nations to come to the knowledge of God, the maker and founder of all things, not only by edicts and admonitions, but also by force and arms, if needful, in order that their souls may partake of the heavenly kingdom," p. 77. This text acts as a foil in highlighting the more peaceful approach of the documents of Paul III's pontificate. An approach which Las Casas is at pains to show is really the only way of evangelization compatible with the Gospel, and the authentic tradition of the Church. For his discussion of this theme see, Las Casas, In Defence of the Indians, pp. 98-100.

143. Latin text and translation in MACNUTT, Bartholomew de Las Casas, pp. 426-431.: "Paulus Papa tertius universis Christi fidelibus praesentes litteras inspecturis salutem et Apostolicam benedictionem. Sublimis Deus sic dilexit humanum genus, ut hominem talem condiderit qui non solum boni sicut caeterae creaturae particeps esset, sed ipsum Summum Bonum inaccessible et invisible attingere et facie ad faciem videre posset; et cum homo ad vitam et beatitudinem aeternam obeundam, etiam sacrarum literarum testimonio, creatus sit, et hanc vitam et beatitudinem aeternam, nemo consequi valeat, nisi per fidem Domini nostri Jesu Christi fateri necesse est, hominem talis conditionis et naturae esse, ut Fidem Christi recipere possit, et quemunque, qui naturam hominis fortitus est, ad ipsam Fidem recipiendam habilem esse. Nec enim quisque adeo desipere creditur, ut se secredat Fidem obtinere posse, et medium summe necessarium nequaquam attingere.

Hinc veritas ipsa quae nec falli, nec fallere potest, cum praedicatores fidei ad officium praedicationis destinaret, dixisse dignoscitur. Euntes, Docete Omnes Gentes. Omnes dixit, absque omni deletu, cum omnes fidei disciplinae capaces existant. Quod videns ipsius humani generis emulus qui bonis operibus, ut pereant semper adversatur, modum excogavit ac temis in auditum, quo impediret, ne verbum Dei gentibus salve fierent, predicaretur, ac quosdam suos satellites commovit, qui suam cupiditatem ad implere, cupientes occidentales, et meridionales Indos, et alias gentes, quae temporibus istis ad nostrum notitiam pervenerunt, sub praetextu, quod Fidei Catholicae expertes existant, uti muta animalia ad nostra obsequia redigendos esse passim asserere praesumat.

Nos igitur qui eiusdem Domini Nostri vices, licet immeriti, gerimus in terris, et oves gregis sui nobis commissas, quae extra eius ovile sunt, ad ipsum ovile toto nixu exquirimus. Attendentes Indos ipsos, ut pote veros homines, non solum Christianae Fidei capaces existere, sed ut nobis innotuit, ad fidem ipsam promptissime currere. Ac volentes super his congruis remediis providere, praedictos Indos et omnes alias gentes ad notitiam Christianarum imposterum deventuras, licet extra Fidem Christi existant sua libertate ac rerum suarum dominio privatos, seu privandos non esse. Imo libertate et dominio huiusmodi, uti et potiri, et gaudere, libere et licite posse, nec in servitutem redigi debere. Ac si secus fieri contigerit irritum et innane. Ipsosque Indos et alias gentes verbi Dei praedicatione et exemplo bonae vitae ad dictam Fidem Christi invitandos fore, et praesentium literarum transumptis manu alicuius Notarii publici subscriptis, ac sigillo alicuius personae in dignitate Ecclesiastica constitutae munitis, eandem fidem adhibendam esse, quae originalibus adhiberetur auctoritate Apostolice per praesentes litteras decernimus et declaramus. Non Obstantibus praemissis, caeterisque contrariis quibuscumque.

Datum Romae Anno Domini millesimo quingentesimo trigessimo septimo. Quarto nonas Junii Pontificatus nostri, Anno tertio."

144. See Carlos SECO CARO, "De La Bula 'Sublimis Deus' de Paulo III(1-VI-1537) a la Constitución 'Gaudium et spes' del Concilio Vaticano No II(7-XII-1965), Anuario de Estudios Americanos, 24(1967), p. 6-7; Alberto de la HERA, "El Derecho de los Indios a la Libertad y a la Fe," Anuario de Historia del Derecho Español, 26(1956), p. 161.

145. MACNUTT, Bartholomew de Las Casas, p. 427.

146. Ibid., Latin text p. 426.: "Nec enim quisque adeo desipere creditur, ut se secredat Fidem obtinere, et medium summe necessarium, nequaquam attingere."

147. For discussions of the meaning and referents for this term see HERNAEZ, vol. 1, p. 103; SECO CARO, "De La Bula 'Sublimis Deus' de Paulo III(1-VI-1537) a la Constitucion 'Gaudium et Spes' del Concilio Vaticano No II(7-XII-1965), p. 9.

148. MACNUTT, Bartholomew de Las Casas, p. 429. Latin text p. 428.: "quo impediret, ne verbum Dei gentibus salve fierent, praedicaretur."

149. Five years after the publication of Sublimis Deus Paul III published Cupientes on March 21, 1542. This bull had for its purpose the protection of the goods of neophytes. Fearing that Jews and other non-Christians might not convert out of fear of losing their goods the pope insisted on their property rights: "Cupientes Iudaeos et alios infideles quoslibet ad fidem catholicam converti, et praetextu bonorum per eos antea possessorum ab eadem fide non distrahi...sancimus quod...bona sua quaecumque, tam mobilia quam immobilia, intacta et illaesa permaneant." HERNAEZ, vol. 1, pp. 97-98. Furthermore, in view of baptism they were to enjoy the same privileges as other Christian citizens. Ibid., p. 98. It appears, then, that Indians and other peoples were vulnerable whether they were Christian or not. Another possibility also existed. Non-Christians might convert out of fear of losing their property if they did not become Christian. Thus again the Church's concern for a free response to the Gospel was the *raison d'être* for supporting natural rights.

150. MACNUTT, Bartholomew de Las Casas, pp. 430-431. Latin text p. 428.: "praedictos Indos et omnes alias gentes ad notitiam Christianorum imposterum deventuras, licet extra Fidem Christi existant sua libertate ac rerum suarum dominio privatos, seu privandos non esse. Imo libertate et dominio huiusmodi, uti et potiri, et gaudere, libere et licite posse, nec in servitutem redigi debere. Ac si secus fieri contingerit irritum et innane. Ipsosque Indos et alias gentes verbi Dei praedicatione et exemplo bonae vitae ad dictam Fidem Christi invitandos fore...decernimus et declaramus."

151. SECO CARO, on the other hand, sees in this text at least an indirect reference to the "requerimiento." See his commentary, "De La Bula 'Sublimis Deus' de Paulo III(1-VI-1537) a la Constitución 'Gaudium et Spes' del Concilio Vaticano No II(7-XII-1965), p. 13. Building on the

canonistic tradition as found in Innocent IV and Hostiensis, the "requirement" was an attempt to justify the conquest on the basis of the teaching about the rights of infidels. The Spanish conquistadores would, so to speak, read their rights to the native people who were about to be invaded. Basically the "requirement" stated that the aboriginal people were to allow the missionaries to peacefully live among them while they preached the Gospel. At the same time they were to accept "the Church as Ruler and Superior of the whole world and the supreme pontiff called the pope, and in his name the King and Queen Juana in his stead as superiors, lords, and kings of these islands and this Tierra Firme by virtue of said donation." Quoted by Lewis Hanke, in All Mankind is One, (DeKalb: Northern Illinois University Press, 1974), p. 35. If the Indians refused to accept this new dispensation they were to be conquered by the sword and enslaved:

We shall take you and your wives and your children, and shall make slaves of them, and as such shall sell and dispose of them as their Highnesses may command; and we shall take away your goods, and shall do all the harm and damage we can, as to vassals who do not obey, and refuse to receive the Lord, and resist and contradict him; and we protest that the deaths and losses which shall accrue from this are your fault, and not that of their Highnesses, or ours, nor of these gentlemen who come with us. And that we have said this to you and made this Requirement, we request the notary here present to give us his testimony in writing, and we ask the rest who are present that they should be witnesses of this Requirement. Ibid., p. 36

The absurdity of such a practice was not lost on critics like Las Casas. First of all the document was in Latin which the Indian peoples could not understand without the aid of a translator. Secondly, and more importantly, forced or feigned conversions were not congruent with the freedom of the Gospel, as Innocent IV--and even Hostiensis--held. For a more sympathetic view of the purpose of the "requirement" see James MULDOON, Popes, Lawyers, and Infidels, pp. 140-143.

152. Manuel GIMENEZ FERNANDEZ, "Fray Bartolomé de Las Casas: a Biographical Sketch," in FRIEDE & KEEN, p. 88.

153. For verification of this statement see HERNANDEZ vol. 1, pp. 103-104.

154. For a comparative discussion of the Christian humanism of Sublimis Deus and Caudium et Spes see, SECO CARO,

"De La Bula 'Sublimis Deus' de Paulo III(1-VI-1537) a la Constitución 'Gaudium et Spes' del Concilio Vaticano No II(7-XII-1965), pp. 1-21.

155. HANKE, "Pope Paul III and the American Indians," p. 85.

156. See for example MECHAM, Church and State in Latin America, pp. 4-37. For a shorter summary of the development of the Patronato system see also DUSSEL, The History of the Church in Latin America, pp. 38-39.

157. HANKE, "Pope Paul III and the American Indians," p. 86.

158. Ibid., p. 87.

159. Ibid.: "qualesquiera otros que haya dado antes en perjuicio de la facultad del Emperador Carlos como Rey de Espana, y en perturbacion del buen gobierno de las Indias." [Patronato I, Ramo 51.]

160. In the period under discussion Paul III had a number of maintenance concerns. First, as universal pastor he was trying to enlarge the limited scope for action the Church had at that time in the new world. At the same time in the European theatre, he needed Charles V's aid on a number of military and diplomatic fronts. In brief, the Holy See needed Charles' help in fighting the Turks, in initiating the council of Trent, and in keeping the peace between Spain and France. The pope at that time was especially desirous of remaining neutral with respect to these Catholic states so as to be free to deal with the Protestant reformation in Germany. Finally, he was no doubt interested in bolstering his own Farnese family interests. Thus we can understand the pressures on Paul III to accomodate the wishes of the Spanish crown. For a fuller discussion of these points see HANKE, "Pope Paul III and the American Indians," pp. 92-93.

161. Ibid., p. 87.: "in forma brevis litteras..."

162. Ibid., p. 88.

163. Ibid.

164. Ibid.: "Nos igitur quorum mentis nunquam fuit alicui praeiudicare, attendentes ex ipsius Caroli imperatoris industria Christianum religionem non parum in partibus illis auctam fuisse volentesque omnia obstacula tollere per quae sanctam opus impediri possit..."

165. As the text of Pastorale Officium reveals, the pope was trying to reinforce crown policy already in place. Later, this same teaching would be reaffirmed in the "Nuevas Leyes" promulgated by the Council of the Indies in 1542.

166. A "latae sententiae" excommunication is incurred in virtue of committing the act itself. In the present code of canon law there remain six acts to which this penalty is attached.

167. HANKE, "Pope Paul III and the American Indians," p. 91.

168. Ibid., pp. 88-89.

169. FRIEDE, in FRIEDE and KEEN, Bartolomé de Las Casas In History, p. 169.

170. Ibid.

171. Ibid., p. 181.

172. FERNANDEZ, in FRIEDE and KEEN, Bartolomé de Las Casas In History, p. 115.

173. Bartolomé de LAS CASAS, Doctrina, (Mexico: Universidad Nacional Autónoma de México, 1972), p. 163.

174. Las Casas had sent a copy of his book, El Único Modo de Atraer a todos los Pueblos a la Verdadera Religión, with his petition. Ibid., footnote 2.

175. Ibid.: "suplico...que mande examinar el dicho libro, y si fuere justo estamparle."

176. Ibid., p. 163-164.

177. For a discussion of the significance of this event see Juan FRIEDE, in FRIEDE and KEEN, Bartolomé de las Casas in History, pp. 204-205. Also, Marianne MAHN-LOT, De Las Casas et le Droit des Indiens, (Paris: Payot, 1982), pp. 245-247.

178. Bartolomé de LAS CASAS, Doctrina, p. 164.

179. Ibid., p. 165.

180. Ibid.

181. Ibid.

182. Ibid., p. 164.: "los Indios, cuya causa, con peligro mio y sumos trabajos, hasta la muerte yo he defendido, por la honra de Dios y de su Iglesia."

183. Ibid. pp. 171-172.: "Porque si Dios determinare destruir a España, se vea que es por las destrucciones que habemos hecho en las Indias." Spain eventually went into decline and lost its empire. Las Casas died without his dreams being realized. However one legacy of this intervention, according to Marianne Mahn-Lot, was:

Une commission de cardinaux chargée de 'présider au développement de la religion chrétienne chez les Indiens'--commission dont sortira, en 1622, la Congrégation de la Propagande par laquelle le Saint-Siège se reservait tout ce qui se rapportait à l'évangélisation des pays non européens.

De Las Casas et le Droit des Indiens, p. 247. Propaganda Fidei, working directly with the religious orders in the new world, was able to implement some of Las Casas' methods of evangelization. See, for example, CARAMAN. The Lost Paradise: The Jesuit Republic of Paraguay.

184. PIUS V, Cum Oporteat Nos, in HERNAEZ vol. 1, p. 104.: "...non solum eorum, qui fidem christianam susceperunt, sed eorum etiam qui ad eam suscipiendam facile adduci possunt..."

185. Ibid.: "quarum rerum causa, ea orbis terrarum pars ab initio ipsis Majoribus tuis concessa fuit; ut cum ex laudabili eorum regimine qui eis praeerunt, tum bonis exemplis eorum, qui christianum illis tradent, jugum Christi suave et leve esse sentiant..."

186. Ibid.

187. Ibid.: "non solum in hac vita, sed in altera etiam praemium fore."

188. Ibid.: "Certum enim habeat Majestas tua, ex propagatione religionis suum quoque in illis partibus regnum,...firmatum et auctum iri."

189. *ibid.*

190. PIUS V, "Letter to Cardinal Espinosa," in HERNAEZ vol. 1, p. 105. 191. Ibid.: "si quae onera restant, quae

tollendæ sunt. tolli. eosque populos ita tractari, ut gaudere in dies magis debeant, relictum a se idolorum cultum, et Christi jugum suave et leve susceptum fuisse..."

192. PIUS V, "Letter to the Viceroy of Peru, Francisco Toledo," in HERNAEZ, vol. 1, p. 105. This was basically a papal instruction exhorting the viceroy to provide an exemplary administration so that the Gospel could be preached without hindrance from the bad example of the colonists.: "Illud quoque, quantum fieri potest, providendum est, ne eorum, qui ex his Occidentis partibus in eas provincias commigrarunt, pravis moribus offendantur." In fact, Toledo was a reformer, and one of the most conscientious governors the new world ever had. For a short account of his work on behalf of the Indians of Peru see Ludwig, Freiherr Von PASTOR, The History of the Popes, ed. by Ralph Francis KERR, Vol. XVIII, (London: Kegan, Trench, Trubner & Co., Ltd., 1929), pp. 337-342. Hereafter cited as PASTOR. Pastor argues that "the matters in which Toledo brought about an improvement were almost identical with those which Pius V had insisted upon in his instructions..." Ibid., p. 337.

193. PIUS V, "Letter to the Council of the Indies," in HERNAEZ, vol. 1, p. 106.

194. PIUS V, "Letter to the Bishop of San Salvador Brazil," in HERNAEZ, vol. 1, pp. 106-107.

195. PIUS V, "Letter to the Viceroy of Brazil," in HERNAEZ, vol. 1, p. 107.

196. Ibid.: "Illud autem in primis efficere stude, ut homines istius provinciae, ac praecipue illi, qui abdicato a se caecitatis errore, christianum veritatem, Deo miserant, cognoverunt, ferinum vitae cultum deserentes, ad mansuetiorem vivendi modum, civilemque morum rationem, quantum fieri potest, per te traducantur: utque relictæ corporis hominibus christianis indecora nuditate, convenientem pudori christiano victum vestitumque assumant." At this point in Church history there seems to be an absence of the insight that what is different is not necessarily bad or sinful.

197. PASTOR, vol. XVIII, p. 332.

198. Ibid., pp. 349-350.

199. Ibid., p. 333.

200. GREGORY XIV, Cum Sicuti, in HERNAEZ, vol. 1, pp. 108-109.: Cum, sicuti nuper accepimus, in primaeva conversione Indorum insularum Philippinarum tanta vitae pericula propter

ipsorum Indorum ferocitatem adeunda fuerint, ut multi contra ipsos Indos armas sumere et in bonis damna dare coacti extiterint, ipsique Indi postea, relictis falsis Deorum cultibus, et verum Deum agnoscentes, fidem catholicam amplexi sint..."

201. Ibid.: "et qui haec damna in bonis ipsorum Indorum dederunt, cupiant bona ablata huiusmodi restituere licet id faciendi facultatem non habeant."

202. Ibid.: "Nos serenitati conscientiarum dictarum personarum consulere, et periculis ac incommodis huiusmodi obviare cupientes, venerabili fratri nostro Episcopo Manilan per praesentes committimus et mandamus, quatenus auctoritate nostra curet ut supradictae personae et Dominini, quibus facienda est restitutio..."

203. Ibid.: "...inter se desuper component, ipsisque Dominis, si certi fuerint, satisfiant: ubi vero certi Domini non extiterint, eadem compositio per eundem Episcopum fiat in utilitatem et subventionem pauperum Indorum, si illi, qui restituere tenentur, id commode facer potuerint, si vero pauperes fuerint, satisfaciant, cum ad meliorem conditionem seu fortunam pervenerint pinguorem."

204. Ibid.: "Postremo, cum, sicut accepimus, charissimus in christo filius noster, Philippus, Hispaniarum Rex catholicus, prohibuerit quod nullus Hispanus in praedictis insulis Philippinis mancipia sive servos, etiam jure belli justis et injustis, aut emptionis, vel quovis alio titulo vel pretextu..."

205. Ibid.: "Nos, ut ipsi Indi ad doctrinas christianas, et ad proprias aedes et bona sua libere et secure absque ullo servitutis metu ire et redire valeant, ut rationi congruit et aequitati;" The "doctrinas" referred to by the pope were the Indian parishes. The "doctrinero" was the priest in charge of such a parish. For a glossary of all the spanish official terms see KEEN AND FRIEDE, Las Casas in History, pp. 617-619.

206. Ibid.: "et in posterum nec captivos, nec servos ullo modo faciant aut retineant..."

207. Ibid.: "in virtute sanctae obedientiae et sub excommunicationis poena praecipimus et mandamus, quatenus, publicatis praesentibus, quaecumque mancipia et servos Indos, si quos habent, seu apud se detinent, ac omni fraude cessante, liberos omnino dimittant..."

208. PASTOR, vol. XXII, p. 386.

209. MAXWELL, pp. 70-71.

210. According to MAXWELL, there were six titles in Roman civil law which justified slavery: being a captive of war, as a punishment for crime, or debt, being a child sold by destitute parents, selling oneself into slavery because of destitution, and being born of a slave mother. The last being the commonest cause in the Roman era. pp. 45-46.

211. *Ibid.*, p. 72.

212. By this intervention pope Urban VIII was trying to support the mission work principally in Paraguay, Brazil, and the environs of the river Plata.: "tam in Paraquariae et Brasiliae provinciis ac ad flumen de las Plata nuncupatum..."

213. Mention should be made of another pope Clement VIII (1592-1605) who wrote a letter concerning the missions to the King of Spain in 1605, and an apostolic brief to the provinces of Peru. Once again Clement reiterates the teaching espoused by his predecessors forbidding the enslavement of the Indians. According to HERNAEZ, vol. 1, p. 109 only one line of the brief has come down to us.

214. URBAN VIII, Commissum Nobis," in HERNAEZ, vol. 1, pp. 109-110.

215. PASTOR, vol. XXVII, pp. 144-145.

216. HERNAEZ, vol. 1, p. 109.: "sed etiam in eos, qui adhuc in ethnicae superstitionis tenebris extra gremium Ecclesiae versantur..."

217. *Ibid.*: "et quae eis quominus ad christianae veritatis et fidei agnitionem perducantur quoque modo obstaculo esse possunt, quantum cum Domino possumus, amovere studeamus."

218. The pope mentions this explicitly in the bull, alluding no doubt, to the report of the Collector General as well as to the intervention of the procurator of Paraguay, Fr. Francisco Diartano S.J. The latter had also petitioned the pope to protect the Indians at this time. In fact, contrary to the account of Pastor, Hernaez claims this bull was a response to the request of Diartano. For his note on this point see HERNAEZ, vol. 1, p. 111.

219. *Ibid.* p. 110.

220. *Ibid.*: "felicis recordationis Paulus III praedecessor Noster, statui Indorum..., quos in servitute

redigi, suisque bonis privari, eaque de causa ab amplectenda Christi fide averti acceperat, consulere cupiens, universis et singulis cuiuscumque status, conditionis, gradus et dignitatis existentibus, sub excommunicationis latae sententiae poena eo ipso incurrenda, a qua nonnisi ab eo vel Romano Pontifico pro tempore existente praeterquam in mortis articulo et satisfactione praevia abvolvi possent, prohibuit, seu prohiberi mandavit, ne praedictos Indos quomodolibet in servitutem redigere, aut eos bonis suis spoliari quoquomodo praesumerent..."

221. Ibid.: "universis et singulis personis, tam saecularibus, etiam ecclesiasticis, cuiuscumque status, sexus, gradus, conditionis et dignitatis etiam speciali nota et mentione dignae existentibus, quam cuiusvis ordinis, congregationis, societatis, religionis et instituti, Mendicantium et non Mendicantium, monachalis, regularibus..."

222. Ibid.: "districtius inhi-beas, ne de cetero praedictos Indos in servitutem redigere, vendere, emere, commutare, vel donare, ab uxoribus et filiis suis separare, rebus et bonis spoliare, ad alia loca deducere et transmittere, aut quoquo modo libertate privare, in servitute retinere....aut id licitum praedicare, seu docere, ac alias quomodolibet praemissis cooperari audeant seu praesumant;"

223. "invocato etiam ad hoc, si opus fuerit, auxilio brachii secularis." Hernaez for some reason omits this last section of the bull. In doing so, he overlooks perhaps its most significant section, the annulment of all previous teaching which contradicts the present bull. For the final section of the bull I am using Arthur UTZ'S La Doctrine Sociale de L'Eglise à travers les Siècles, vol. III, (Paris: Beauchesne et ses fils, 1970), p. 400.

224. Ibid. p. 402.: "...illorum tenores praesentibus pro plene et sufficienter expressis ac de verbo ad verbum insertis habentes, illis alias in suo robore permansuris, ad praemissorum effectum, hac vice dumtaxat specialiter et expresse derogamus; ceterisque contrariis quibuscumque."

225. Ibid. p. 401.: "Non obstantibus similis memoriae Bonifacii Papae VIII, etiam praedecessoris Nostri, de una, ac concilii generalis de duabus dietis, ac in conciliis universalibus, provincialibusque et synodalibus editis, generalibus vel specialibus, constitutionibus et ordinationibus, legibus quoque, etiam municipalibus, ac quorumcumque locorum piorum et non piorum, et generaliter quibusvis, etiam iuramento, confirmatione apostolica, vel quavis firmitate alia roboratis, statutis, consuetudinibus, privilegiis quoque, indultis et litteris apostolicis in

contrarium praemisum quomodolibet concessis, confirmatis, approbatis et innovatis; ..."

226. MAXWELL, 72.

227. HERNAEZ, vol. 1, p. 108.

228. MAXWELL, p. 73.

229. HERNAEZ, vol. 1, p. 111. He notes that the resistance to change persisted with tenacity right up to the next major pronouncement of a pope. He was referring to Benedict XIV and his bull Immensa Pastorum published over a century later. The willful blindness of the colonists is typified by a remark he reports to the effect "que primero renunciara al bautismo que a la presa."

230. PASTOR, vol. xxix, p. 262.

231. The Mamalucos, or Paulistas, as they were sometimes called, were a mestizo population of Sao Paulo. By 1629 they had turned this former mission site into an armed fortress from which they made slave raids on the surrounding Indian peoples. Caraman describes their origins as follows:

The Portugese through scarcity of women intermarried with escaped African slaves and the savage Tupi Indians and bred a race which in turn was joined by the criminal refuse of England, Holland, France and Portugal and by all who, in the phrase of a Jesuit writer 'desired to lead a licentious life with impunity.' Excellent horsemen, skillful at paddling canoes, able navigators along the coast, crack marksmen and brave fighters, they subsisted by procuring Indians and leading them chained and corded to Sao Paulo, where they were herded into pens and sold like cattle to work on the mines and plantations of sugar, cotton, mandioca and tobacco. ...It was reckoned that in the course of a hundred and thirty years they made two million slaves. The colonial Governor 'abandoned not only the desire but all hope of subduing their stronghold.' The Lost Paradise, p. 58.

Having exhausted the supply of Indians around Sao Paulo they began to move farther afield. The newly established Jesuit reductions afforded them easy access to a large number of Indians. The initial loss of several reductions almost destroyed the missionaries credibility because the poorly armed Indians were unable to defend themselves, and began to suspect the Jesuits were in league with the slave traders. As

a result, many Indians returned for a time to their ancestral religion. After a remarkable "exodus experience" the missionaries began again in Paraguay. From this new location they prepared the Indians to defend themselves from the inevitable attacks to come.

In 1641, learning of the Mamelucos plan to attack the reductions with a fleet of barges, the Jesuits mustered 4000 Indians. Only 300 had fire arms. They also built their own war flotilla and strategically concealed themselves on the Uruguay river. In a decisive battle the Mamelucos were defeated, and "on 13 March, two days after the river battle, the land forces advanced: the Mamelucos suffered heavily." CARAMAN, The Lost Paradise, p. 79.

The Paulistas made their last attack the following year. They were quickly defeated, and from that time until the expulsion of the Jesuits in 1767, the reductions lived in relative peace and prosperity. They developed their own armies--mostly a cavalry--which often served the Spanish crown with distinction.

Karl Rahner has even speculated that if the Jesuits had not been so obedient, they and their Indian armies could have defended their "holy experiment of the Reductions against the hideous colonialism of Europe"--perhaps even liberated Latin America before Simon Bolivar. For Rahner's reflections on obedience see his Ignatius Loyola Speaks to a Modern Jesuit, (New York: Collins, 1979), pp. 29-31. For the full story of the excruciating struggle with the Mamelucos see chapter 4 of CARAMAN's The Lost Paradise pp. 69-81.

Finally, what this history tellingly reveals is how little effect the papal teaching had on the behavior of the colonists, and on the slave trade itself. Later, as Hernaez recounts, the excommunication attached to this teaching was abrogated as well. This was suppressed by the bull of Pius IX, Apostolicae Sedis, promulgated on October 12, 1869. He notes, though, that the prohibition against Indian slavery remained in effect. HERNAEZ, vol. 1, p. 114.

232. BENEDICT XIV, Immensa Pastorum, in HERNAEZ, vol. 1., pp. 112-114.

233. Ibid., p. 113.: "Praeterea Nos, auctoritate Apostolica, tenore praesentium, Apostolicas in simili forma Brevis literas a fel. rec. Paulo Papa III praedecessore Nostro, ad tunc existentem Johannem Sanctae Romanae Ecclesiae Cardinalem de Tavera nuncupatum Archiepiscopum Toletanum die 28 mensis Maji anno 1537 datas, et a rec. mem. Urbano Papa VIII itidem praedecessore Nostro, tunc existenti juriium et

spoliorum Camerae Apostolicae in Portugalliae et Algarbiorum Regnis debitorum Collectori Generali, die 22. mensis April anno 1639, scriptas renovamus. et confirmamus;"

234. Ibid., p. 112.

235. Ibid., p. 113.

236. GREGORY XVI, In Supremo Apostolatus, in HERNAEZ, vol. 1, pp. 114-117.

237. MAXWELL, p. 73.

238. HERNAEZ, vol. 1, p. 113.: "Antea quoque alius his antiquior Praedecessor Noster, Pius II, cum sua aetate Lusitanorum imperium in Guineam, Nigritarum regionem, proferretur, litteras dedit die 7 Octobris 1462 ad Episcopum Rubicensem eo profectorum: in quibus nedum Antistiti ipsi opportunas ad sacrum ministerium inibi cum majori fructu exercendum, facultates impertitus fuit, sed eadem occasione graviter in christianos illos animadvertit, qui Neophytos in servitutem abstrahebant. Et nostris etiam temporibus Pius VII eodem, qui sui Decessoris, religionis et charitatis spiritu inductus, officia sua apud potentes viros sedulo interposuit, ut Nigritarum commercium tandem inter christianos omnino cessaret."

239. That this is the case is easily verified by a reading of an instruction of the Holy Office to the Vicar Apostolic of a tribe in Ethiopia. The year was 1866:

...slavery itself, considered as such in its essential nature, is not at all contrary to the natural and divine law, and there can be several just titles of slavery and these are referred to by approved theologians and commentators of the sacred canons. For the sort of ownership which a slave owner has over a slave is understood as nothing other than the perpetual right of disposing of the work of a slave for one's own benefit--services which it is right for one human being to provide for another. From this it follows that it is not contrary to the natural and divine law for a slave to be sold, bought, exchanged or donated, provided that in this sale, purchase, exchange or gift, the due conditions are strictly observed which the approved authors likewise describe and explain. Among these conditions the most important ones are that the purchaser should carefully examine whether the slave who is put up for sale has been justly or unjustly deprived of his liberty, and that the

vendor should do nothing which might endanger the life, virtue or Catholic faith of the slave who is to be transferred to another's possession. In MAXWELL, pp. 78-79.

240. HERNAEZ, vol. 1, p. 115.: "Verum dolentes admodum dicimus, fuerunt subinde ex ipso fidelium numero, qui sordidioris lucri cupidine turpiter obcaecati, in dissitis remotisque terris Indos, Nigritas, miserosve alios in servitutem redigere, seu instituto ampliatioque commercio eorum, qui captivi factis ab aliis fuerant, indignum horum facinus juvare non dubitarent."

241. HERNAEZ, vol. 1, p. 115.: "Hae quidem Praedecessorum Nostrorum sanctiones et curae profuerunt, Deo bene juvante, non parum Indis aliisque praedictis a crudelitate invadentium, seu a mercatorum christianorum cupiditate tutandis: non ita tamen ut sancta haec sedes de pleno suorum in id studiorum exitus laetari posset: quum imo commercium Nigritarum, etsi nonnulla ex parte imminutum, adhuc tamen a christianis pluribus exerceatur."

242. Ibid.: "...ut infidelium gentes ad veram Nostram religionem odio habendam magis magisque obfirmarentur."

ENDNOTES CHAPTER TWO

1. Excellent treatments of the development of Catholic social teaching in the modern era can be found in Richard L. CAMP, The Papal Ideology of Social Reform: a Study in Historical Development 1878-1967, (Leiden: E.J. Brill, 1969); Donal DORR, Option for the Poor: a Hundred Years of Catholic Social Teaching, (Maryknoll: Orbis, 1983); David HOLLENBACH, Retrieving and Renewing the Catholic Human Rights Tradition, (New York: Paulist press, 1979). Michael SCHUCK, That They Be One: The Social Teaching of the Papal Encyclicals 1740-1989, (Washington D.C.: Georgetown University Press, 1991).

2. LEO XIII, Rerum Novarum, May 15, 1891, in The Papal Encyclicals 1740-1981, Claudia CARLEN, ed., (Wilmington N.C.: McGrath Publishing Company, 1981), vol. 2, pp. 241-261. Latin text in Acta Sanctae Sedis. 23(1890-91), pp. 641-70. Hereafter cited as A.S.S..

3. LEO XIII, In Plurimis, May 5, 1888, in The Papal Encyclicals 1740-1981, Claudia CARLEN, ed., (Wilmington N.C.: McGrath Publishing Company, 1981), vol. 3, pp. 159-167. Latin Text in A.S.S., 20(1888), pp. 545-559.

4. MAXWELL, pp. 115-121.

5. Ibid., pp. 45-46.

6. LEO XIII, Catholicae ecclesiae, November 20, 1890, in The Papal Encyclicals 1740-1981, Claudia CARLEN, ed., (Wilmington N.C.: McGrath Publishing Company, 1981), vol. 3, pp. 233-235. Latin text in A.S.S., 23(1890), pp. 257-260.

7. MAXWELL, p. 119.

8. Ibid., p. 116.

9. LEO XIII, Catholicae Ecclesiae, p. 233. Latin text in A.S.S., 23(1890), p. 257.: "Catholicae Ecclesiae, quae omnes homines materna caritate complectitur, nihil fere antiquius fuit inde ab initio, ceu nosti, Venerabilis Frater, quam ut servitutem, quae misero iugo premebat mortalium quamplurimos, sublatam cerneret penitusque deletam. ...Neque aetatis decursu hoc Ecclesiae studium asserendi mancipia in libertatem elanguit; imo quo fructuosius erat in dies, eo flagrabat impensius. Quod certissima testantur monumenta historiae, quae eo nomine plures.

S. Gregorius Magnus, Hadrianus I, Alexander III,

Innocentius III, Gregorius IX, Pius II, Leo X, Paulus III, Urbanus VIII, Benedictus XIV, Pius VII, Gregorius XVI, qui omnem curam et operam contulere, ut servitutis institutio, ubi vigeat, excideret, et caveretur ne unde exsecta fuerat, ibi eius germina reviviscerent."

10. LEO XIII, In Plurimis, p. 165. Latin text in A.S.S., 20(1990), p. 555.: "Tum Paulus III, de conditione Indorum servorumque maurorum paterna caritate anxius, ad hoc venit extremum consilii, ut solemni decreto, in luce quasi conspectuque omnium gentium, pronuntiaret, triplicis modi potestatem illis deberi universis iustam et propriam; posse nimirum sui quemque esse iuris, posse consociatos suis legibus vivere, posse rem sibi facere et habere. Hoc amplius, litteris missis ad Card. Archiepiscopum Toletanum, qui fecisset contra idem decretum, in eos statuit interdictionem sacrorum, integra romano Pontifici reconciliandi facultate."

11. In paragraph 34 of Rerum Novarum Leo XIII develops an argument which undermined the teaching that had prevailed in Catholic moral teaching until that period. Previously it had been taught that human beings could be alienated from their activities. This justified the appropriation of the fruits of their human work. To the contrary Leo argued that work is "...personal since the active force inherent in the person cannot be the property of anyone other than the person who exerts it, and it was given to him in the first place by nature for his own benefit." The Latin primary source reads as follows: "Quia vis agens adhaeret personae, atque eius omnino est propria, a quo exercetur, et cuius est utilitati nata." A.S.S., 23(1891), p. 662.

12. For descriptions of this theological development see Gerald McCOOL, Catholic Theology in the Nineteenth Century: the Quest for a Unitary method, (New York: Seabury Press, 1977), esp. pp. 81-87, 226-240, and Mark SCHOOF, A Survey of Catholic Theology 1800-1970, (Glen Rock, N.J.: Paulist Newman Press, 1970).

13. SCHUCK, That They Be One: The Social Teaching of the Papal Encyclicals 1740-1989, pp. 90-91.

14. PONTIFICAL COMMISSION OF JUSTICE AND PEACE, The Church and Human Rights, Dec. 10, 1974. in Vincent P. Mainelli, ed., Social Justice, (Wilmington, N.C.: Consortium Books, 1978), p. 350.

15. PIUS X, Lacrimabili Statu Indorum, June 7, 1912, in The Papal Encyclicals 1740-1981, Claudia CARLEN, ed., (Wilmington N.C.: McGrath Publishing Company, 1981), vol. 3,

pp. 131-133. Latin text in Acta Apostolicae Sedis, 4(1912), pp. 521-25. Hereafter cited as A.A.S..

16. PIUS X, Lacrimabili Statu Indorum, p.132. Latin text in A.A.S., pp. 522-523. 521-525.: "Nos equidem aliquandiu, cum de his rebus rumores afferentur, dubitavimus tantae atrocitati factorum adiungere fidem: adeo incredibilia videbantur. Sed postquam a locupletissimis testibus, hoc est, a plerisque vestrum, venerabiles Fratres, a Delegatis Sedis apostolicae, a missionalibus aliisque viris fide prorsus dignis certiores facti sumus, iam non licet Nobis hic de rerum veritate ullum habere dubium."

17. Ibid., pp. 131-132. Latin Text Ibid., p. 522.: "Equidem cum scelera et maleficia reputamus, quae in eos adhuc admitti solent, sane horremus animo summae quae calamitosi generis miseratione afficimur. Nam quid tam crudeletamque barbarum, quam levissimas saepe ob causas nec raro ex mera libidine saeviendi, aut flagris homines laminisque ardentibus caedere; aut repentina oppressos vi, ad centenos, ad millenos, una occisione perimere; aut pagos vicosque vastare ad interuicem indigenarum: quorum quidem nonnullas tribus accepimus his paucis annis prope esse deletas?...Nec vero ab istis sexus aetatisve imbecillitati parcitur: quin imo pudet referre eorum in conquirendis mercandisque feminis et pueris flagitia atque facinora; quibus postrema ethnicae turpitudinis exempla vinci verissime dixeris."

18. For a discussion of the ongoing tragedy of the Indian peoples of Brazil see Paulo SEUSS, "Evangelization and the Tribal Cultures of Brazil," in Cross Currents, 39(1989), pp. 161-180. For a treatment of the issue worldwide see John BODLEY, Victims of Progress, (Palo Alto: Mayfield Publishing Company, 1982).

19. Ibid., p. 132. Latin text *ibid.*, p. 522.: "Etenim, cum subiecta ea loca sint austro aestuosa, qui, languore quodam venis immisso, nervos virtutis tamquam elidit."

20. Ibid. Latin text *ibid.*: "Cumque a consuetudine Religionis, a vigilantia Reipublicae, ab ipsa propemodum civili consortione procul absint, facile fit, ut, si qui non perditis moribus illis advenerint, brevi tamen depravari incipiant, ac deinceps, effractis officii iurisque repagulis, ad omnes immanitates vitiorum delabantur." For another explanation of the same phenomenon see the discussion of the uncontrolled "frontier" as a deliberate ploy on the part of various states to destroy the indigenous populations in John BODLEY, Victims of Progress, (Palo Alto: Mayfield Publishing Company, 1982), pp. 23-42.

21. Ibid. Latin text *ibid.*, p. 523.: "Quod si ad Reipublicae operam opera Ecclesiae asseserit, tum demum qui optantur fructus, multo existent uberiores."

22. Ibid.

23. Ibid. Latin text *ibid.*: "Sciant igitur duplici praesertim ratione se huic rei debere prodesse: collatione stipis et suffragio precum."

24. Ibid. Latin Text *ibid.*, pp. 523-524.: "Vos autem, ubicumque datur opera conformandis rite moribus, id est, in Seminariis, in ephebeis, in domibus puellaribus maximeque in sacris aedibus efficite, ne unquam commendatio praedicatioque cesset caritatis christianae, quae omnes homines, sine ullo nationis aut coloris discrimine, germanorum fratrum loco habet."

25. Ibid. Latin text *ibid.*, p. 524.: "ut, in ista tanta latitudine regionum, apostolicae actionis amplificemus campum, aliis disponendis missionalium stationibus, in quibus Indi perfugium et praesidium salutis inveniant."

26. Ibid., p. 132. Latin text *ibid.*, p. 524.: "apud barbaros..."

27. Ibid. Latin text *ibid.*: "Hodie que, cum tan multi a Fide vel abhorrent, vel deficiunt, ardor tamen disseminandi apud barbaros Evangelii non modo non inter viros utriusque cleri sacrasque virgines remittitur..."

28. No doubt the momentous struggles of 20th century Europe, the world wars, the depression, the ideological struggles with communism and fascism, the enduring "social question," precluded any serious attention being payed to groups who had no effective voice in the world, and who were seemingly on their way to oblivion either through extermination or assimilation.

In a way, the Church mirrored Marxist analysis in focusing on the problems of the industrial worker. The rural and non-industrialized peoples of the world had no significance within Marxist thought unless and until they became industrial workers. In its earliest period liberation theology also evidenced this bias. For a discussion of this and related themes see Arthur F. MCCOVERN, Liberation Theology and its Critics: Toward an Assessment, (Maryknoll: Orbis, 1989).

29. JOHN XXIII, Pacem in Terris, April 11, 1963, (Boston: Daughters of St. Paul), 1963. Latin Text in A.A.S., 55((1963), pp. 257-304.

30. JOHN XXIII, Mater et Magistra, May 15, 1961, in The Papal Encyclicals 1740-1981, Claudia CARLEN, ed., (Wilmington N.C.: McGrath Publishing Company, 1981), vol. 5, pp. 59-90. Latin text in A.A.S., 53(1961), pp. 401-464.

31. Edward HALES, Pope John and his Revolution, (London: Eyre & Spottiswoode, 1966), p. 156.

32. Peter HEBBLETHWAITE. John XXIII: Pope of the Council, (London: G. Chapman, 1985), pp. 447-448.

33. John XXIII, Pacem in Terris, paras. 42-43, pp. 15-16. Latin text in A.A.S., 55(1963), p. 268.: "Homines, enim, qui ubique sunt gentium, vel in civium ordine liberae cuiusdam civitatis iam consentur, vel in eo est ut censeantur; neque ullius stirpis communitas alienae dicioni iam esse vult obnoxia. Nam nostro hoc tempore opiniones consenuerunt, tot saecula inhaerentes, ex quibus scilicet hinc aliae hominum classes inferiorem sibi locum accipiebant, illinc primas partes aliae postulabant, sive ob statum rerum oeconomicarum et socialium, sive ob sexum, sive ob suum cuiusque in civitate gradum." See also the comment on this sign of the time by HEBBLETHWAITE, John XXIII: Pope of the Council, p. 102.

34. John XXIII, Pacem in Terris, para. 1, p. 7. Latin text *ibid.*, p. 233.: "condi confirmarique non posse constat, nisi ordine, quem Deus constituit, sancte servato."

35. David HOLLENBACH, Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition, p. 66.

36. *Ibid.*, p. 65.

37. John XXIII, Mater et Magistra, in CARLEN, paras. 219-220, p. 83. Latin Text in A.A.S., 53(1961), p. 453.: "Cuius doctrinae illud est omnino caput, singulos homines necessarie fundamentum, causam, et finem esse omnium socialium institutorum; homines dicimus, quatenus sunt natura congregabiles, et ad ordinem rerum evecti, quae naturam exsuperant et vincunt.

E gravissimo huiusmodi principio, quo sacra humanae personae dignitas affirmatur et defenditur, ...Ecclesia sancta...conclisit de re sociali praecepta."

38. *Ibid.*, para. 220.

39. The dignity of the human person rooted in his divine origin and destiny, as well as his capacity to receive the faith was also the core of Paul III's argumentation as we saw in chapter one. For a further discussion of the continuity of teaching over this longer period see Carlos SECO CARO, "De la Bula 'Sublimis Deus' de Paulo III(1-VI-1537) a la Constitucion 'Caudium et Spes' del Concilio Vaticano No II(7-XII-1965), Anuario de Estudios Americanos, 24(1967), pp. 1821-1840.

40. HOLLENBACH, Claims in Conflict, pp. 41-42.

41. Ibid., pp. 89-100.

42. Ibid., pp. 97-100.

43. Ibid., p. 98.

44. Ibid., pp. 67-69; 90-92.

45. On the notion of a "good of order" see Bernard LONERGAN, Insight: A Study of Human Understanding, (New York: Longmans, 1957), pp. 211-214; Method in Theology, (New York: The Seabury press, 1979), pp. 48-50.

46. JOHN XXIII, Pacem in Terris, para. 28, pp. 12-13.

47. Ibid., para. 29, p. 13. Latin text in A.A.S., 20(1963), p. 264.: "Itaque, ut nonnullis utamur exemplis, hominis ius in vitam, cum illius cohaeret officio suae vitae conservandae; ius in dignum vitae genus, cum officio decore vivendi."

48. Ibid., para. 30, p. 13.

49. Ibid., para. 31, p. 13. Latin text in A.A.S., 20(1963), p. 265.: "Ex quo etiam nascitur, ut quisque magno animo sociam praebet operam ad eiusmodi civium consuetudinem parandam, in qua iura et officia diligentius usque et fructuosius colantur."

50. Ibid., para. 33, p. 13. Latin text ibid.: "... at vero etiam ut coniunctim omnes in plurimis inceptis intersint, quae huius aetatis civilis cultus vel sinat, vel suadeat, vel poscat."

51. Ibid., para. 34, pp. 13-14. Latin text Ibid.: "Illud praeterea humanae dignitas personae exigit, ut in agendo homo proprio consilio et libertate fruatur. Quocirca, si de civium coniunctione agitur, est profecto cur ipse iura

colat, officia servet, atque, in innumeris operibus exercendis, aliis sociam tribuat operam, suo praesertim impulsu et consulto; ita scilicet ut suo quisque instituto, iudicio, officique conscientia agat, iam non commotus coercitione vel sollicitatione extrinsecus plerumque adductis; quandoquidem, si qua hominum societas una ratione virium est instituta, ea nihil humani in se habere dicenda est, utpote in qua homines a libertate cohibeantur, qui contra ad vitae progressus, ad perfectionemque assequendam apte ipsi incitandi sunt."

52. Ibid., para. 44. p. 14. Latin text *ibid.*, p. 268.: "Ita ut qui iura quaedam habeat, in eo paritur officium insit sua iura, tamquam suae dignitatis significationes, repositi; in reliquis vero officium insit iura eadem agnoscendi et colendi."

53. Ibid., para. 58. p. 20. Latin text *ibid.* p. 273.: "summam complecti earum vitae socialis condicionum, quibus homines suam ipsorum perfectionem possent plenius atque expeditius consequi."

54. Ibid., para. 60. p. 20. Latin text *ibid.*, p. 274.: "inviolabilia iura tueri, hominum propria, atque curare, ut facilius quisque suis muneribus defungatur, hoc cuiusvis publicae potestatis officium est praecipuum."

55. Ibid., para. 65. p. 21. Latin text *ibid.*, p. 275.: "neve dum ad iura civium servanda spectant, quominus his ipsi plane fungantur, impedimento absurde sint."

56. Ibid. Latin text *ibid.*, pp. 275-276.: "Nam semper illud maneat, publicarum auctoritatem providentiam de re oeconomica, etiamsi late pateat atque intimas communitalis partes attingat, eiusmodi tamen esse oportet, ut privatorum libertatem in agendo, non solum non coerceat, sed etiam augeat, modo praecipua cuiusvis humanae personae iura sarta tecta servantur."

57. Ibid., para. 94, p. 27. Latin text *ibid.*, p. 283.: "Quam ad rem peculiari modo pertinet ille publicarum rerum cursus, qui inde a saeculo xix ubique terrarum increbruit passim atque invaluit, quo fit ut homines eiusdem stirpis sui iuris esse velint atque in unam nationem coire."

58. Ibid. Latin text *ibid.*: "gentes pauciores numero intra fines nationis alius stirpis saepe contineantur..."

59. PIUS XII, Summi Pontificatus, October 20, 1939, in The Papal Encyclicals 1740-1981, Claudia CARLEN, ed.,

(Wilmington N.C.:McGrath Publishing Company, vol. 4, 1981), pp. 5-22.

60. JOHN XXIII, Pacem in Terris, para. 55, p. 19. Latin text in A.A.S., 20(1963), p. 272.: "Sine dubio in bono communi insita ducenda sunt, quae sunt propria cuiusvis gentis singulatim;"

61. Ibid., para. 56, p. 19. Latin text *ibid.* p. 273.: "At vero iustitiae aequitatisque rationes illud aliquando poscere possunt, ut qui res publicas gerunt plus studii civibus humilioribus navent, quippe qui ad sua vindicanda iura et ad legitima commoda sua asserenda minus ipsi valeant."

62. Ibid., para. 95.

63. Ibid. Latin text *ibid.*, p. 273: "quidquid contra has gentes ad coercendum stirpis vigorem atque incrementum."

64. Ibid.

65. The importance of this distinction for theology has often been discussed by Bernard Lonergan. See for example his Method in Theology, pp. xi, 124, 302-302, 363; "Dimensions of Meaning," in Collection, ed., Fred CROWE, (New York: Herder and Herder, 1967), pp. 252-267; "The Transition from a Classicist World-View to Historical Mindedness," in A Second Collection, eds., William F. RYAN, and Bernard J. TYRRELL, (Philadelphia: The Westminster Press, 1974), pp. 1-9.

66. JOHN XXIII, Pacem in Terris, para. 88, p. 26. Latin text in A.A.S., 20(1963), p. 282.: "Similiter contingere potest, ut inter nationes aliae aliis praestent scientiarum incrementis, humanitatis cultu ac rationum oeconomicarum progressu."

67. Ibid.

68. Ibid. para. 89.

69. Ibid., para. 96, p. 27. This paragraph ends with a note referring the reader to Pius XII's Christmas message of 1941 entitled "Christianity and the World Crisis." In that address, despite the war being at its midpoint, the pope is already advocating a new world order based on cooperation through the moral law. In this new world order Pius XII espouses the rights of minorities: "there is no place for open or occult oppression of the cultural and linguistic characteristics of national minorities, for the hindrance of restriction of their economic resources, for the limitation or

abolition of their natural fertility." He goes on to urge the state to respect the rights of minorities for the pragmatic reason that then "the more confidently and the more effectively can it demand from its subjects a loyal fulfillment of those civil obligations which are common to all citizens." The English text is from Vincent A. YZERMANS, ed., The Major Addresses of Pius XII, 2 vols., (St. Paul: North Central Publishing Company, 1961), p. 45. The Italian original is found in A.A.S., 34(1941), p. 17.: "Nel campo di un nuovo ordinamento fondato sui principi morali, non vi è posto per al oppressione aperta o subdola delle peculiarità culturali e linguistiche delle minoranze nazionali, per l'impedimento e la contrazione delle loro capacità economiche, per la limitazione o l'abolizione della loro naturale fecondità. Quanto più conziosamente la competente autorità dello Stato rispetta i diritti delle minoranze, tanto più sicuramente ed efficacemente può esigere dai loro membri il leale compimento dei doveri civili, comuni agli altri cittadini."

70. JOHN XXIII, Pacem in Terris, para. 97., p. 28, Latin text in A.A.S., 20(1963), p. 283.: "haud raro proclives esse ad ea, quae suae gentis sunt propria, plus aequo efferenda." The phenomenon the pope has marked out for sharp criticism is better explained by relating it to the cultural process known as "revitalization." As described by Anthony WALLACE, in "Revitalization Movements," American Anthropologist, 58(1956), pp. 264-281, "a revitalization movement is ...a deliberate, organized, conscious effort by members of a society to construct a more satisfying culture." These movements take two principle forms. The first, and most conflictual, is the "nativistic" approach to "revitalization." A movement of this type is "characterized by a strong emphasis on the elimination of alien persons, customs, values, and/or material from the mazeway." p. 267. "Revivalistic" movements on the other hand seek to revive elements once active in the culture, or thought to be active in the culture. This type of movement is also more open to the benefits of "acculturation" and "cultural diffusion." Ibid. Concretely, the culture in crisis is willing to import elements from outside as needed. An excellent example of this latter process is described in WALLACE'S work The Death and Rebirth of the Seneca, (New York: Random House, 1972).

By way of illustration, I submit that Vatican II initiated a "revitalization movement" of the "revivalistic" variety in the Catholic Church. Marcel Lefebvre's counter movement is an example of the "nativistic" type. As Wallace points out, it is not unusual, in fact, it is to be expected, that these two ideal types often overlap in real cultural

change processes. In any case, what this discussion highlights is the need for the Catholic Church to be cognizant of, and familiar with, the dynamics of cultural change. This begins to happen during the Second Vatican Council.

71. JOHN XXIII, Pacem in Terris, para. 97, p. 28. Latin text in A.A.S., 20(1963), pp. 283-284.: "Rationi vero consentaneum est, ut iidem cives commoda quoque agnoscant, sibi ex peculiaribus hisce rerum adiunctis orta: ad ingenii sui nempe atque animi perfectionem non parum conferre cotidianam cum civibus alio civili cultu imbutis consuetudinem; cum ex hac paulatim ipsi virtutes, quae ad aliam gentem pertineant, in suum et sanguinem suum convertere possint. Hoc tamen tantum eveniet, si cives numero pauciores, cum circumiectis populis societate quadam inita, horum usus et instituta participare studeant; non autem, si iidem contentiones serant, quae iacturas pariant innumeras, ac civilem nationum progressionem cohibeant." Helpful discussions of "culture" and other anthropological terms as they apply to missiology can be found in Louis J. LUZBETAK, The Church and Cultures: New Perspectives in Missiological Anthropology, (Maryknoll: Orbis, 1988), pp. 321-322; Achiel PEELMAN, L'Inculturation: l'Eglise et les Cultures, (Paris: Desclee, 1989), pp. 49-50.

72. Two reasons stand out. There are no longer any pristine cultures strong enough to enter into this kind of mutually beneficial "acculturation," and secondly, a new homogenized world culture is rapidly coming into existence. Furthermore, tribal cultures have been generally considered inferior and doomed to extinction. In face of the onslaught of western, and now eastern, industrial societies, most traditional tribal cultures have been irreparably damaged. Industrial cultures are cultures of consumption geared to inexorable expansion irrespective of the planet's carrying capacity. In this regard the so called inferior tribal cultures may yet prove superior. As John BODLEY points out:

these cultures tend to be highly stable, make but light demands on their environment, and can easily support themselves within their own boundaries. The opposite situation prevails for the culture of consumption. Almost overnight the industrialized nations quite literally ate up their own resources and outgrew their boundaries...Indeed few, if any, industrial nations can now supply from within their own boundaries the resources needed to support further growth or even to maintain current consumption levels. In view of these facts it should not be surprising that the "underdeveloped"

resources controlled by the world's self-sufficient tribal peoples were quickly appropriated by outsiders to support their own industrial progress.

Victims of Progress, p. 4.

However, the dominant cultures of consumption would do well to heed the words attributed to chief Seattle. He is reported to have said on treaty day in 1854:

Even the white man, whose God walks and talks with him as friend to friend, cannot be exempt from the common destiny. We may be brothers after all; we shall see. One thing we know, which the white man may one day discover--our God is the same God. You may think you own him as you wish to own our land, but you cannot. He is the God of man and His compassion is equal for the red man and the white. This earth is precious to Him and to harm the earth is to heap contempt on its Creator. The whites too shall pass; perhaps sooner than all other tribes. Continue to contaminate your bed, and you will one night suffocate in your own waste.

For the full text see, "If We Sell You our Land, Love it," in Issues to Discuss: Program Guide, (Scottsdale: Mennonite Publishing House, 1979), p. 9.

73. VATICAN II, Gaudium et Spes, December 7, 1965, in Austin FLANNERY, ed., Documents of Vatican II, (Grand Rapids: William Eerdmans Publishing Co., 1984), pp. 738-749. Latin text in A.A.S., 58(1966), pp. 1025-1115. For a summary of the impacts of this constitution on the pastoral practice of the Catholic Church in the Americas see my "Commentary on the Pastoral Constitution on the Church in the Modern World," in George Schnier ed., The Church Renewed: The Documents of Vatican II Reconsidered, (Lanham: University Press of America, 1986), pp. 32-35.

74. Paul BLANCHARD, Paul Blanchard on Vatican II, (Boston: Beacon Press, 1966), p. 331.

75. This was pointed out at a symposium held at Notre Dame University in November, 1983, convened by the newly formed Pontifical Council for Culture. The proceedings were published under the title The Church & Culture since Vatican II, Joseph CREMILLION ed., (Notre dame: University of Notre Dame Press, 1985).

76. See his article "Understanding Culture: the Ultimate

Challenge of the World-Church?", in GREMILLION, The Church & Culture since Vatican II, pp. 13-30.

77. Ibid., p. 14.

78. VATICAN II, Gaudium et Spes, no. 53, p. 925. Latin text in A.A.S., 58(1966), p. 1075.: "Hoc autem sensu de culturam pluralitate sermo fit. Ex diverso enim modo utendi rebus, laborem praestandi et sese exprimendi, religionem colendi moresque formandi, statuendi leges et iuridica instituta, augendi scientias et artes atque colendi pulchrum, diversae oriuntur communes vivendi condiciones et diversae forma bona vitae componendi."

79. CARRIER, in GREMILLION, The Church & Culture since Vatican II, p. 15. This dynamic voluntaristic aspect of "culture" is actually more explicitly developed in chapter three of part one of the pastoral Constitution. It is ironic, as René Jaouen notes, that in the best explication of "culture" in this document the word is never mentioned. In fact, as Jaouen proves in his thesis, the treatise on "culture" found in part two of Gaudium et Spes replicates the structure found in part one. For a complete exposition of these points see his unpublished master's thesis entitled: Le Concept de Culture dans la Constitution Pastorale "Gaudium et Spes" du Concile Oecumenique Vatican II. (Ottawa: St. Paul University, 1983), pp. 235-274.

80. Ibid., p. 16.

81. Ibid., pp. 16-17.

82. VATICAN II, Gaudium et Spes, no. 56, p. 959.

83. Ibid., nos. 54 & 56, pp. 959-960. René JAOUEN in his thesis Le Concept de Culture dans la Constitution Pastorale "Gaudium et Spes" du Concile Oecumenique Vatican II, discusses the contradictions and inconsistencies in the notion of "culture" as developed in Gaudium et Spes. With respect to the tension between universal and particular cultures see especially chapter one pp. 67-117, and the conclusion pp. 282-283.

84. Ibid., no. 55, p. 959.

85. Ibid., no. 59, p. 964. Latin Text in A.A.S., 58(1966), p. 1080.: "...etiam intra minoritates alicuius nationis."

86. Ibid.

87. The principle of subsidiarity has been a central tenet of Catholic social teaching. While present in Roman Catholic social ethics from the time of Aquinas, Pius XI was the first pope to explicitly define its meaning. In Quadragesimo Anno he explained it as follows:

Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do.[nos. 79-80]

The state, in other words, is to be a help (the meaning of the Latin word subsidium) only when necessary. It must not usurp the functions and contributions of other components and sectors of civil society.

88. Gaudium et Spes, no. 59, p. 964.

89. For a discussion of the genesis of this section of the constitution by a peritus who helped draft the text see Roberto TUCCI'S, "The Proper Development of Culture," in Herbert VORGRIMLER, ed., Commentary on the Documents of Vatican II, vol. V, (Montreal: Palm Publishers, 1969), pp. 268-271.

90. The references are to JOHN XXIII, Pacem in Terris, para. 55, p. 19; PIUS XII, Christianity and the World Crisis, pp. 16-17.

91. VATICAN II, Gaudium et Spes, no. 60, p. 964. Latin text in A.A.S., 58(1966), p. 1081.: "...ut omnes conscii fiant tum iuris ad culturam..."

92. JAOUEN, Le Concept de Culture dans la Constitution Pastorale "Gaudium et Spes" du Concile Oecumenique Vatican II, pp. 67-206.

93. Ibid., no. 53, p. 958. Latin text in A.A.S., 58(1966), p. 1075.: "Voce cultura sensu generali indicantur omnia quibus homo multifarias dotes animi corporisque perpolit atque explicat; ipsum orbem terrarum cognitione et labore in

suam potestatem redigere studet; vitam socialem, tam in familia quam in tota consortione civili, progressu morum institutorumque humaniorem reddit; denique magnas experientias spirituales atque appetitiones decursu temporum in operibus suis exprimit, communicat atque conservat, ut ad profectum multorum, quinimmo totius generis humani, inserviant.

Inde sequitur culturam humanam aspectum historicum atque socialem necessario prae se ferre, atque vocem cultura saepe sensum sociologicum necnon ethnologicum assumere. Hoc autem sensu de culturarum pluralitate sermo fit. Ex diverso enim modo utendi rebus, laborem praestandi et sese exprimendi, religionem colendi moresque formandi, statuendi leges et iuridica instituta, augendi scientias et artes atque colendi pulchrum, diversae oriuntur communes vivendi condiciones et diversae formae bona vitae componendi. Ita ex traditis institutis efficitur patrimonium cuique humanae communitati proprium. Ita etiam constituitur ambitus definitus et historicus, in quem homo cuiusque gentis vel aetatis inseritur, et ex quo bona ad humanum civilemque cultum promovendum haurit."

94. CARRIER, in GREMILLION, The Church and Culture since Vatican II, p. 18.

95. VATICAN II, Gaudium et Spes, no. 60, p. 964. Latin text in A.A.S., 58(1966), pp. 1080-1081.: "Cum nunc faculias praebeatur plurimos homines ab ignorantiae miseria liberandi..."

96. Ibid. Latin text Ibid., p. 1081.: "Ideo sufficiens bonorum culturalium copia omnibus providenda est, praesertim eorum quae constituunt culturam sic dictam fundamentalem..."

97. Ibid., p. 965. Latin text Ibid., p. 1081.: "...ad altiores studiorum ordines ascendere queant;"

98. Ibid., p. 964-965.

99. It is not a question of denying the benefits of modern western culture to traditional cultures, peoples, and persons of both sexes, but of recognizing that this too is a particular culture which also lacks, or has lost, certain cultural benefits still available to the traditional cultures. Jaouen, in this regard, reminds us of "an oral tradition and a faculty for memory in comparison to which our atrophied memory would pass for that of the mentally handicapped." English translation mine. French original as

follows: "une tradition orale et une faculte memorielle en comparaison de laquelle notre memoire atrophiee passerait pour celle d'handicapes mentaux." JAOUEN, Le Concept de Culture dans la Constitution Pastorale "Gaudium et Spes" du Concile Oecumenique Vatican II, p. 174.

100. Ibid. pp. 174-175. English translation mine. French text as follows: "s'ecarte tres loin de la definition globale de la culture en GS 53 et revient tres clairement a une conception elitiste et scolaire de la culture qui laisse les pauvre encore plus pauvre qu'ils ne sont en realite."

101. VATICAN II, Dignitatus Humanae, in FLANNERY, pp. 799-812. Latin text in A.A.S., 58(1966), pp. 929-939.

102. VATICAN II, Ad Gentes, in FLANNERY, pp. 813-856. Latin text in A.A.S., 58(1966), pp. 947-990.

103. VATICAN II, Nostra Aetate, in FLANNERY, pp. 738-742. Latin text in A.A.S., 58(1966), pp. 740-744.

104. Ibid., no. 2, p. 739.

105. Ibid.

106. Ibid. Latin text in A.A.S., 58(1966), p. 741.: "illa bona spiritualia et moralia necnon illos valores socio-culturales, quae apud eos inveniuntur, agnoscant, servent, et promoveant."

107. Ibid. Latin text Ibid.: "in quo homines plenitudinum vitae religiosae inveniunt, in quo Deus omnia Sibi reconciliavit."

108. Ibid. Latin text Ibid.: "Ecclesia catholica nihil eorum, quae in his religionibus vera et sancta sunt, reicit. Sincera cum observantia considerat illos modos agendi et vivendi, illa praecepta et doctrinas, quae, quamvis ab iis quae ipsa tenet et proponit in multis discrepent, haud raro referunt tamen radium illius Veritatis, quae illuminat omnes homines."

109. VATICAN II, Ad Gentes, in FLANNERY, no. 6, p. 819., no. 22, pp. 839-840.

110. Ibid., no. 22, pp. 839-840.

111. For insightful discussions of the origin and meaning

of this term within Roman Catholic missiology see among others, LUZBETAK, The Church and Cultures, pp. 69-84; PEELMAN, L'Inculturation L'Eglise et les Cultures, especially pp. 111-149. Aylward SHORTER, Toward a Theology of Inculturation, (Maryknoll: Orbis Books, 1988).

112. VATICAN II, Ad Gentes, in FLANNERY, no. 21, p. 838. Latin text in A.A.S., 58(1966), p. 972.: "Debent vero hanc novitatem vitae exprimere in ambitu societatis et culturae patriae, secundum traditiones suae nationis. Ipsi cognoscere hanc culturam, eam sanare et servare, secundum conditiones recentes evolvere, et tandem in Christo perficere debent, ut fides Christi et vita Ecclesiae societati, in qua vivunt, iam non sit extranea, sed eam permeare et transformare incipiant."

113. VATICAN II, Dignitatus Humanae, in FLANNERY, no. 15, p. 812. Latin text in A.A.S., 58(1966), p. 941.: "Proinde ut pacificae relationis et concordia in genere humano instaurentur et firmentur, requiritur ut ubique terrarum libertas religiosa efficaci tutela iuridica muniatur atque observentur suprema hominum officia et iura ad vitam religiosam libere in societate ducendam."

114. Heinz SCHLETTE, "Religious Freedom," in Karl RAHNER, Cornelius ERNST, Kevin SMYTH, eds., Sacramentum Mundi, vol. 5 (Montreal: Palm Publishers, 1970), p. 295b.

115. Kathleen JAMIESON, "Sex Discrimination and the Indian Act," in J. Rick PONTING, ed., Arduous Journey: Canadian Indians and Decolonization, (Toronto: McClelland and Steward Ltd., 1986), p. 122.

116. DICKASON, The Law of Nations and the New World, pp. 210-211.

117. VATICAN II, Dignitatus Humanae, in FLANNERY, no. 12, p. 809.

118. Richard McBRIEN, Catholicism, (Minneapolis: Winston Press, 1980), vol. 1, p. 275.

119. JOHN XXIII, Pacem in Terris, no. 14, p. 10.

120. VATICAN II, Dignitatus Humanae, in FLANNERY, no. 2, p. 800.

121. Ibid. Latin text in A.A.S. 58(1966), p. 930.:

"Huiusmodi libertas in eo consistit, quod omnes homines debent immunes esse a coercitione ex parte sive singulorum sive coetum socialium et cuiusvis potestatis humanae, et ita quidem ut in re religiosa neque aliquis cogatur ad agendum contra suam conscientiam neque impediatur, quominus iusta suam conscientiam agat privatim et publice, vel solus vel aliis consociatus, intra debitos limites."

122. Ibid.

123. Ibid. no. 2, p. 801.

124. Ibid. no. 4. p. 802.

125. Ibid. Latin text in A.A.S. 58(1966) p. 932.: "Libertas seu immunitas a coercitione in re religiosa, quae singulis personis competit, etiam ipsis in communi agentibus agnoscenda est. Communitates enim religiosae a sociali natura tum hominis ipsius religionis requiruntur."

126. Ibid. no. 4. p. 803.

127. Ibid. no. 9, p. 806.

128. Ibid.

129. Ibid. no. 10, p. 806. Latin text in A.A.S. 58(1966), p. 936.: "Caput est ex praecipuis doctrinae catholicae, ... hominum debere Deo voluntarie respondere credendo; invitum proinde neminem esse cogendum ad amplectendam fidem."

130. For a recent discussion of the relationship between religion and culture see SHORTER, Toward a Theology of Inculturation, pp. 31-44.

131. VATICAN II, Ad Gentes, in FLANNERY, no. 22, p. 839.

132. For a discussion of these reactions to the teaching of Vatican II see, JOHN PAUL II, Redemptoris Missio, in Origins, vol. 20, no. 34, 1991, pp. 550-551.

133. SCHLETTE, "Religious Freedom," in RAHNER, ERNST, SMYTH, Sacramentum Mundi, vol. 5, p. 297a.

134. Ibid., p. 297b.

135. DICKASON, The Law of Nations and the New World, p. 210. 136. PAUL VI, Populorum Progressio, (Boston: Daughters of St. Paul, 1967), no. 3, pp. 3-4. Latin Text in A.A.S., p. 258.: "Illud hodie maxime interest omnes pro certo habere ac veluti sentire, sociale quaestionem nunc ad universam coniunctionem inter homines hominum magnopere pertinere."

137. Ibid.

138. Ibid.

139. Ibid.

140. Ibid.

141. Ibid. no. 5, p. 5. Latin text ibid. p. 259.: "...cum filiis Nostris catholicis cumque fratribus christianis homines quiviscumque bonae voluntatis suos conatus..."

142. Ibid. Latin text ibid.: "Quamobrem graviter omnes universos hodie hortamur, ut, collatis consiliis, compositis operibus, eo contendant, ut sive singulus quisque homo plene excolatur, sive hominum coniunctio communiter progrediatur."

143. Ibid. no. 63, p. 38.

144. Ibid. Latin text Ibid. p. 288.: "Quod studium, cum colonicae vigerent diciones, saepe discidia inter colonos et autochthones concitavit, pariter impediens ne iidem ad mutuam fructuosamque animorum concordiam pervenirent, pariter animos ad acerbam invidiam ob veras acceptas iniurias inflammans."

145. DORR, Option for the Poor, pp. 139-140.

146. PAUL VI, Populorum Progressio, no. 7, pp. 6-7. Latin text in A.A.S., 59(1967), p. 260.: "Fatendum sane est, nationes colonico more populos quosdam regentes nihil nonnumquam nisi sua commoda, suum imperium, suam gloriam quaesivisse, atque, dicione deposita, eas terras in dispari rerum oeconomiarum condicione reliquisse, utpote quae, ut exemplum supponamus, in unius culturae genere consisteret, cuius fructum pretia essent maximis et repentinis mutationibus obnoxia."

147. Ibid. p. 7. Latin text ibid. pp. 7-8.: "Sed quamquam suscipiendum est, ex colonialismo, quem appellant, aliqua maleficia manavisse, unde alia postmodo nocumenta orta sunt, necesse tamen est grato animo colonorum agnoscere

laudes, quippe qui, doctorum technicorumque adhibitis artibus, in non paucas horridiores terras vera contulerint benefacta, quorum adhuc utilitates constant. Quamvis enim machinales structurae, quas nationes eadam reliquas ibi fecerunt, non sint expletae absolutaeque existimandae, per eas tamen fieri potuit, ut inscitia et morbi inde recederent, ut populis illis opportuni commeatus paterent, ut vitae denique status procederet."

148. Ibid. no. 8, p. 7. Latin text *ibid.* p. 261.: "Porro tametsi ea quae modo exposuimus concedenda plane sunt, perspicuum tamen est, machinales eiusmodi structuras non idoneas prorsus esse ad gravem rerum oeconomicarum statum nostris diebus subeundum."

149. Ibid. no. 10. Latin text *ibid.* p. 262.: "Ex qua quidem inter duas aetates conflictione tristis ea civibus fertur condicio, ut aut instituta et opiniones maiorum servant, et vitae socialis auctus missos faciant; aut technicorum artes excultioresque consuetudines peregre invectas amplexentur, et maiorum instituta relinquunt, humanitate uberrima. Re autem vera saepenumero videmus morales, spirituales, religiosas quorundam profectionis aetatis hominum vires difficultatibus inflecti, neque eos illud consequi, ut in novum huiusmodi mundum se insinuent." For an excellent description of this process of underdevelopment as the destructuring of traditional culture see Vincent COSMAO, Changing the World, (Maryknoll: Orbis, 1984), pp. 18-21.

150. Ibid. no. 11, p. 8. Latin text in A.A.S., 59(1967), p. 262.: "In re tam trepida, quidam magnificis sed dolosi eorum pollicitationibus vehementer inescantur, qui se veluti alteros Messias iactant. Ex quo quis non videat, quot pericula efferantur, ne multitudinis conversiones erumpant, ne turbae seditiosae concitentur, ne consilia gliscant ad unius dominatum pertinentia?"

151. See for example the encyclical letter of PIUS XI, No Es Muy Conocida, March 28, 1937, in Claudia CARLEN ed., The Papal Encyclicals 1740-1981, vol. 3, pp. 555-561. especially no 27, p. 560.

152. PAUL VI, Populorum Progressio, no. 30, p. 19. Latin text in A.A.S., 59(1967), p. 272.: "Sunt sine dubio rerum condiciones quae, utpote iniustae, Dei animadversionem acerrime petant. Cum enim populi toti, necessariis ad vivendum destituti, ita sint sub aliorum dicione, ut quodvis inceptum sua sponte inire, munera cum onere suscipere, ad altiores etiam humani cultus gradus ascendere, vitam socialem et publicam participare vetentur, facile homines

sollicitantur, ut humanae dignitati iniuram allatam vi repellant."

153. Ibid. no. 31, p. 19. Latin text *ibid.*: "Est quidem res pernota, seditiones et motus...novas parere iniurias, novas ingerere inaequalitates, ad novas strages homines accendere."

154. See for example Thomas AQUINAS, Collected Political Writings, A.P. D'Entreves ed., (Oxford: Basil blackwell, 1954), p. 29; and his Summa Theologica, trans. by the Fathers of the English Dominican Province, (New York: Benzinger Brothers, 1947), II-II, 42, 2, ad 3, p. 1366, where he discusses the right to resist tyrannical government: "Tyrannical government is not just because it is directed not to the common good but to the private good of the ruler... Consequently, there is no sedition in disturbing a government of this kind, unless indeed the tyrant's rule be disturbed so inordinately, that his subjects suffer greater harm from the consequent disturbance than from the tyrant's government."

155. PAUL VI, Populorum Progressio, no. 31, p. 19. Latin text in A.A.S., 59(1967), p. 272.: "--nisi agatur de tyrannide aperta ac diuturna, qua primaria iura personae humanae laedantur et bono communi alicuius civitatis grave iniungatur detrimentum--"

156. Ibid. no. 32, p. 20.

157. Ibid. In recent years this trend towards militant but non-violent action has born fruit in the Philippines, Haiti, and Eastern Europe. These countries have large Catholic populations and pope John Paul II had preached such action on behalf of justice. See also Donal DORR, Option for the Poor, pp. 149-156, for a discussion on confrontation versus consensus in the thought of Paul VI.

158. PAUL VI, Populorum Progressio, no. 14, pp. 10-11. Latin text in A.A.S., 59(1967), p. 264.: "Progressio de qua loquimur, non unice ad rei oeconomicae incrementum contendit. Nam, ut vera dici possit, eadem integra sit oportet: scilicet cuiuslibet hominis ac totius, hominis profectui consulere debet. Qua de re egregius vir quidam, in hac disciplina versatus, iure merito haec prae se tulit: nobis id minus probatur, rationem oeconomicam a ratione humana disiungi, aut a civili cultu, ad quem pertinent, seorsim considerari. Nostra sententia, magni aestimandus est homo, quivis homo, quaevis hominum congregatio, atque etiam universa hominum societas."

159. 142. Ibid., note 15.

160. HOLLENBACH, Claims in Conflict, p. 79.

161. Ibid., p. 78.

162. Ibid., pp. 78-79.

163. PAUL VI, Octogesima Adveniens, May 14, 1971, in The Gospel of Peace and Justice, Joseph Gremillion ed., (Maryknoll: Orbis, 1976), pp. 485-512. Latin text in A.A.S., 63(1971), 401-441.

164. SYNOD OF BISHOPS, Justice in the World, in FLANNERY, Vatican Council II: More Post Conciliar Documents, pp. 695-710. Latin text in A.A.S., 63(1971), pp. 923-942.

165. PAUL VI, Address to the Aborigines of the Australian Continent, in A.A.S., 63(1971), p. 69.

166. Ibid.

167. See JOHN XXIII, Pacem in Terris, nos., 94-97, pp. 27-28.

168. PAUL VI, Address to the Aborigines of the Australian Continent, p. 69.

169. Ibid.

170. SYNOD OF BISHOPS, Justice in the World, para. 20, p. 699. Latin text in A.A.S., 63(1971), p. 928.: "Dum iterum affirmamus ius populorum ad propriam identitatem servandam..."

171. Ibid. Latin text ibid.: "...clarius usque perspectum habemus, prorsus inefficacem fore luctam contra talem renovationis viam ac rationem, quae indolem nationum propriam tollat, provocando solummodo ad sacras consuetudines historicas et venerandos vitae modos. Iamvero, si ad nostrae aetatis rationem renovatio ea intentione accipiatur, ut bono nationis inserviat, tunc homines talem culturam creare valebunt, quae veram propriamque hereditatem consitituat veluti quandam germanam memoriam sociale, quae actiosa est atque authenticam personalitatem creatricem in concentu nationum format."

172. Ibid., p. 698. Latin text ibid., p. 926.: "...ipsaque exprimitur conscientia iuris ad progressionem. Hoc ius perspicendum est in mutua dinamica penetratione omnium illorum fundamentalium iurium humanorum, in quibus aspirationes individuorum et nationum fundatur."

173. Ibid. p. 699. Latin text *ibid.*, p. 928.: "Ipsa vero participatio tale ius est, quod tam in campo oeconomico, quam in sociali atque politico applicari debet."

174. HOLLENBACH, Claims in Conflict, p. 85-86.

175. Ibid., p. 88.

176. SYNOD OF BISHOPS, Justice in the World, p. 709. Latin text *ibid.*, p. 941.: "a) populi ne impediuntur progressionem assequi iuxta elementa humani cultus ipsis propria;

b) per mutuam cooperationem omnes populi principales artifices propriae progressionis oeconomicae et socialis fieri possint;

c) omnes populus, tamquam membrum actuosum et responsabile societatis humanae, cooperari possit ad bonum commune prosequendum aequo iure ceteri populi."

177. Ibid., p. 696.

178. Ibid., p. 701.

179. Ibid.

180. Ibid.

181. Ibid.

182. Ibid., p. 702.

183. Ibid.

184. Ibid.

185. Ibid., pp. 702-703.

186. PONTIFICAL COMMISSION JUSTICE AND PEACE, The Church and Human Rights, December 10, 1974, in Vincent P. MAINELLI, ed., Social Justice, (Wilmington, N.C.: Consortium Books, 1978), no. 2, p. 344.

187. Ibid., no. 8, p. 346.

188. Ibid., no. 26, p. 353.

189. Ibid., nos. 13-36, pp. 347-356.

190. Ibid., nos. 37-38, pp. 356-360.

191. Ibid., no. 49, p. 365.

192. Ibid.

193. Ibid., no. 59, p. 369.

194. Ibid., no. 69, pp. 369-370.

195. PAUL VI, Evangelii Nuntiandi, in FLANNERY, Vatican Council II: More Post Conciliar Documents, pp. 711-761. Latin text in A.A.S., 68(1976), pp. 5-76.

196. Ibid. no. 2, pp. 711-712.

197. Ibid. no. 20, p. 719. Latin text in A.A.S., 68(1976), p. 19.: "Discidium inter Evangelium et culturam sine dubio detrimentosus nostri temporis casus est,..."

198. Ibid.

199. Ibid. Latin text *ibid.*: "Totum istud sic declarari potest: evangelizare oportere--non foris, tamquam si ornamentum aliquod vel exterior color addatur, sed intus, ex vitae centro et ad vitae radices--seu Evangelio perfundere culturas atque etiam culturam hominis, secundum latissimum illum ac plenissimum sensum, quem hae voces accipiunt in Constitutione Gaudium et Spes,

Evangelium, ac proinde evangelizatio, aequari sane non possunt cum aliqua cultura, cum soluta sint ab omnibus culturis. Nihilominus Regnum, quod Evangelio nuntiatur, in vitae usum deducitur ab hominibus, qui sua certa cultura inbuti sunt, atque in Regno aedificando necessario usurpanda sunt quaedam elementa culturae et culturarum humanarum. Etsi Evangelium et evangelizatio ad nullam proprie culturam pertinent, tamen non eiusmodi sunt plane, ut cum iis componi nequeant, sed contra valent penetrare, neque ulli deserviunt."

200. Ibid., no. 27, p. 722. Latin text in *ibid.*: "...est igitur salus rerum naturam transcendens, et eschatologica, quae in hac vita certissime incipit, sed in aeternitate perficitur."

201. SYNOD OF BISHOPS, Justice in the World, para. 6, p. 696. Latin text in A.A.S., 63(1971), p. 924...: "Actio pro iustitia et participatio transformationis mundi plene nobis apparent tamquam ratio constitutiva praedicationis Evangelii, missionis nempe Ecclesiae circa generis humani redemptionem et

liberationem ab omni statu oppressionis." For a discussion of the controversy subsequent to the synod surrounding the meaning of the word "constitutive," see Charles M. MURPHY, "Action for Justice as Constitutive of the Gospel: What did the 1971 Synod Mean," in Theological Studies, 44(1983), pp. 298-311.

202. PAUL VI, Evangelii Nuntiandi, in FLANNERY, Vatican Council II: More Post Conciliar Documents, no. 33, p. 725. Latin text in A.A.S., 68(1976), p. 27.: "...sed respicere debere integrum hominum, secundum omnes eius facies et partes, quatenus etiam patet ad <absolutum> quiddam, immo ad Absolutum, quod est Deus;"

203. Ibid., no. 18, p. 718.

204. Ibid., no. 18, p. 719.

205. JOHN PAUL II, To Build Peace, Respect Minorities: World Day of Peace Message, in Origins, 18(1988), pp. 58-64.

206. JOHN PAUL II, General Audience, May 25, 1988, in L'Osservatore Romano, 21(1988), p. 2.

207. PONTIFICAL COMMISSION JUSTICE AND PEACE, The Church and Racism: Towards a More Fraternal Society, (Vatican City: Vatican Polyglot Press, 1988.)

208. His first social encyclical, Laborem Exercens, (Vatican Polyglot Press, 1981), was a widely acclaimed treatise on human work commemorating the 90th anniversary of Rerum Novarum. More recently, on the occasion of the 100th anniversary of Rerum Novarum, John Paul II published Centesimus Annus in Origins, 21(1991), pp. 1-24. Since it focuses principally on the issue of work and the collapse of the Marxist enterprise it will not be discussed in this thesis.

209. JOHN PAUL II, Sollicitudo Rei Socialis, (Vatican City: Vatican Polyglot Press, 1987), no. 3, p. 4. I will be using the official English language translation as found in Gregory BAUM, Robert ELLSBERG, eds., The Logic of Solidarity, (Maryknoll: Orbis, 1989), pp. 1-62.

210. Ibid., no. 4, p. 5. Latin text in A.A.S., 80(1988), p. 516.: "...ubernior habeatur magisque distincta notio progressionis..."

211. Ibid., no. 14, pp. 12-13. Latin text ibid., pp.

527-528.: "Ad haec dein adiungenda insuper sunt discrimina formarum humani cultus atque aestimationes bonorum diversos inter hominum coetus globosque in societate, quae haud congruunt semper cum oeconomicae progressionis amplitudine; nihilo minus aliquid reapse ad pariendas conducant distantias istas. Sunt porro hae partes rerumque aspectus totum iam orbem complectentes, unde multo redditur tota socialis quaestio implicatior, quoniam sic indolem sibi induit causae alicuius universalis.

212. PAUL VI, Populorum Progressio, no. 10, p. 8.

213. For a discussion of this point see SHORTER, Toward a Theology of Inculturation, p. 242.

214. JOHN PAUL II, Sollicitudo Rei Socialis, nos. 14-19, pp. 12-18.

215. Ibid., see especially, no. 30, pp. 29-31; no. 34, pp. 35-36.

216. Ibid., no. 26, p. 25. Latin Text in A.A.S., 80(1988), p. 546.: "Inter signa et omnino probanda huius temporis annotari debet tum aucta conscientia exiguorum opum exstantium, tum necessitas servandi integritatem et veluti rhythmos naturae, tum in statuenda humanae progressionis dispositione, illorum habita ratione, potius quam remittatur progressio quibusdam consiliis de ea turbulentis. In hoc consistit ea quae oecologica vocatur sollicitudo."

217. Ibid., no. 33, p. 35. Latin text ibid., p. 558.: "...facere sedendi <<ad mensam convivii communis>>..."

218. This is a favorite and growing theme found in the writings of John Paul II. See, for example, Redemptoris Missio, (Sherbrooke: Editions Paulines, 1991), no. 39, p. 60.: "Religious freedom,...remains the premise and guarantee of all the freedoms that ensure the common good of individuals, and peoples." See also Centesimus Annus, no. 29, pp. 53-54, which contains a discussion of this relationship.

219. Ibid., no. 32, pp. 33-34. Latin text ibid., p. 557.: "Populi vel Nationes habent et ipsi ius ad plenam sui progressionem, quae si partes oeconomicas et sociales--ut dictum est--prae se fert, necesse tamen est ut et humano cultu cuiusque proprio constet, utque rebus naturam transcendentibus plane pateat. Ne necessitatem quidem progressionis interponit licere, ut quis aliis imponat rationem vivendi vel suae religionis legem." In the Canadian context we are becoming quite aware of how often in the past Church and state

collaborated in an assimilationist policy which, in the name of development and the superiority of Christianity, denied the rights of indigenous cultures to exist, and which violated their fundamental right to religious freedom. For historical documentation of this collaboration see GRANT, Moon of Wintertime, especially chapter 4, "Christianity and Civilization," pp. 71-95; Also, MILLER, Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada, pp. 189-207.

220. PONTIFICAL COMMISSION JUSTICE AND PEACE, The Church and Racism: Towards a More Fraternal Society, pp. 10-11.

221. Ibid., p. 12.

222. Ibid., p. 11.

223. Ibid.

224. Ibid., pp. 11-12.

225. Ibid., p. 12.

226. Ibid., pp. 18-19.

227. Ibid., p. 19.

228. JOHN XXIII, Pacem in Terris, para. 97, p. 28.

229. PONTIFICAL COMMISSION JUSTICE AND PEACE, The Church and Racism: Towards a More Fraternal Society, p. 19.

230. Ibid.

231. While it is true that many indigenous groups are "numerically small," and so could never hope to exist as independent peoples, this text could give a false impression of aboriginal possibilities in the heartland of Amerindian America. I refer to the large numbers of native people in countries such as Mexico, Guatemala, Peru, Bolivia, and Ecuador. In Guatemala, for example, the Indian population actually constitutes the majority. Thus one cannot rule out the future sovereignty of some aboriginal peoples.

232. JOHN PAUL II, To Build Peace, Respect Minorities: World Day of Peace Message, p. 466.

233. Ibid.

234. Ibid., p. 467.

235. Ibid.

236. Ibid.

237. Ibid.

238. JOHN PAUL II, Redemptor Hominis, March 4, 1979, (Boston: Daughters of St. Paul, 1979), no. 17, p. 36.

239. JOHN PAUL II, To Build Peace, Respect Minorities: World Day of Peace Message, p. 467.

240. Ibid.

241. For a recent statement from the Vatican on this topic see, THE PONTIFICAL COUNCIL FOR INTERRELIGIOUS DIALOGUE & THE CONGREGATION FOR THE EVANGELIZATION OF PEOPLES, Dialogue and Proclamation, June 20, 1991, in Origins, 21(1991), pp. 121-135.

242. JOHN PAUL II, To Build Peace, Respect Minorities: World Day of Peace Message, p. 467.

243. See for example, JOHN XXIII, Pacem in Terris, para. 55, p. 29.

244. JOHN PAUL II, To Build Peace, Respect Minorities: World Day of Peace Message, p. 467.

245. Ibid.

246. Ibid.

247. Ibid., p. 468.

248. Ibid.

249. Ibid.

250. Ibid.

251. Ibid.

252. Ibid.

253. Ibid. In testimony before Justice Thomas Berger's Mackenzie Valley pipeline inquiry, many of Canada's Dene people made this very point. Georgina Tobac, of Fort Good Hope in the Northwest Territories, testified that "every time the white people come to the North or come to our land and start tearing up the land, I feel as if they are cutting our

own flesh, because that is the way we feel about our land. It is our flesh." For this and other descriptions of aboriginal views towards the land see Thomas BERGER, Northern Frontier, Northern Homeland: The Mackenzie Valley Pipeline Hearings vol. 1, (Ottawa: Supplies and Services Canada, 1977), pp. 93-95.

254. JOHN PAUL II, To Build Peace, Respect Minorities: World Day of Peace Message, p. 468.

255. Ibid.

256. Ibid, p. 469.

257. For a description of the horrible price the peasants of Peru are paying because of the violent liberation strategy of guerilla groups like "Sendero Luminoso" see AMNESTY INTERNATIONAL'S Peru briefing entitled: Caught Between Two Fires, (New York: Amnesty International Publications, 1989).

258. CONGREGATION FOR THE DOCTRINE OF THE FAITH, Instruction on Christian Freedom and Liberation, (Boston: Daughters of St. Paul, 1986), no. 79, p. 52. Latin Text in A.A.S., 79(1987) p. 590.: "Haec principia applicanda sunt praesertim cum fit recursus ultimus ad contentionem armatam, qui a Magisterio exhibetur ut extremum remedium ad finem imponendum <<tyrannidi apertae et diuturnae, qua primaria iura personae humanae gravitur laedantur et bono communi alicuius civitatis grave iniungatur detrimentum>>.

259. Ibid. Latin Text ibid.: "Applicatio vero concreta huius medii non licet nisi post analysim, severissime peractam, status rerum. Etenim propter continuam progressionem artium technicarum et crescentem in dies gravitatem periculorum, quae recursus ad violentiam secumfert, <<resistentia passiva>>, quae hodie appellatur, viam aperit quae magis conformem principiis moralibus se praebet, ac non minorem spem felicitis exitus facit. Numquam igitur adhiberi licet media inhonesta, sive agatur de potestate constituta sive de coetibus qui rerum mutationem promoverunt, ut sunt ultio qua in populum animadvertitur, cruciatus, methodi <<terrorismi>> et callida provocatio quam mors hominum sequatur in popularibus tumultibus. Aeque reicienda est odiosa calumniarum diffusio apta ad physice et moraliter quempiam perimendum."

260. JOHN PAUL II, To Build Peace, Respect Minorities: World Day of Peace Message, p. 469.

261. Ibid.

262. Ibid.

263. Avery DULLES, "John Paul II and the New Evangelization," in America, 166(1992), p. 70.

ENDNOTES CHAPTER THREE

1. I am proceeding this way to include Mexico which is linguistically related to the rest of Latin America, but geographically part of North America.

2. For a helpful discussion of this issue see Francis Gerard MORRISEY, The Canonical Significance of Papal and Curial Pronouncements, (Hartford: Canon Law Society of America, 1974), pp. 1-16.

3. For an excellent example of how these distinctions can be applied see the pastoral letter of the UNITED STATES CATHOLIC CONFERENCE, The Challenge of Peace: God's Promise and Our Response, (Washington: United States Catholic Conference, 1983).

4. VATICAN II, Gaudium et Spes, no. 43, p. 944.

5. Having been part of the pastoral team preparing for the papal visit to Canada I can personally attest to this process.

6. See for example JOHN PAUL II, Address to the Native Peoples at Ste-Anne-de-Beaupré, September 10, 1984, in The Canadian Catholic Review, 2(1984), p. 12/328; Address to the Native Peoples from Yellowknife, September 18, 1984, in The Canadian Catholic Review, 2(1984), p. 63/379.

7. JOHN PAUL II, Address to the Native Americans at Fort Simpson, In Kerygma, 21(1987) p. 153.

8. JOHN PAUL II, Address to the Native Peoples at Phoenix Arizona, September 14, 1987, in Origins, 17(1987), p. 297.

9. JOHN PAUL II, The Rights of the Rural Poor, Allocution to the Indians of Mexico, January 29, 1979, in Origins, 8(178-79), p. 544.

10. Ibid., p. 544.

11. Ibid.

12. Ibid.

13. The Mexican constitution strictly forbids church involvement in politics. The clergy does not even have the right to vote. However, relations between the Mexican state and the Roman Catholic Church are slowly regularizing. For a recent discussion of these developments see, Gaspar ELIZONDO,

"Les Querelles Jacobines en Voie d'Apaisement," in L'Actualite Religieuse, 8(1990), pp. 30-32.

14. JOHN PAUL II, The Rights of the Rural Poor, Allocation to the Indians of Mexico, p. 544.

15. JOHN PAUL II, Encounter with the Indians of Amazonia, July 10, 1980, in A.A.S., 72(1980), p. 961.: "...que a vocês, cujos antepassados foram os primeiros habitantes desta terra, obtendo sobre ela um particular jus ao longo de gerações..."

16. Ibid.: "mas seguros de um espaço vital que será base, não somente para a sua sobrevivência, mas para a preservação de sua identidade como grupo humano, como verdadeiro povo e nação."

17. Ibid.: "Assim se respeitará e favorecerá a dignidade ea liberdade de cada um de vocês, comp pessoa humana, e de todos vocês como um povo e como uma nação."

18. JOHN PAUL II, La Mission Dans L'Eglise: Homélie à Manaus Brésil, July, 11, 1980, in Documentation Catholique, 1792(1980), p. 806. Basically, the same message was given over a decade later when the pope spoke to representatives of 37 tribes at Cuiaba, Brazil. For the text of this speech see, JOHN PAUL II, "The Plight of Native Peoples," October, 16, 1991, in Origins, 21(1991), pp. 333-335.

19. JOHN PAUL II, The Rights of the Indian People: Homily to the Indians of Guatemala, March 17, 1983, in Origins, 12(1983), p. 645.

20. Ibid.

21. Ibid.

22. Ibid.

23. Ibid. p. 646.

24. Ibid.

25. Ibid.

26. Ibid.

27. Ibid.

28. JOHN PAUL II, L'Évangélization Doit Tenir Compte de votre Culture: Allocation aux Indiens à Latacunga Equator, January 31, 1985, In Documentation Catholique, 1892(1985),

pp. 323-326. All English translations found in the body of the text are mine.

29. The establishment in 1983 of the The Pontifical Council for Culture is perhaps the strongest evidence of this emphasis of the Holy Father. In addition we may cite five important addresses John Paul II gave during the early eighties on this theme. The first and longest was to UNESCO delivered in Paris in 1980. Then there followed three annual addresses to the Pontifical Council for Culture in the years 1983-85. Finally, of significance is his annual speech to the college of Cardinals given, Christmas 1984. This address was entitled: "One Church, many cultures." All five texts are readily accessible in GREMILLION, The Church & Culture since Vatican II, pp. 187-222.

30. JOHN PAUL II, L'Évangélisation Doit Tenir Compte de votre Culture: Allocution aux Indiens à Latacunga Equator, p. 323.

31. Ibid., p. 324.

32. Ibid.

33. Ibid.

34. Ibid.

35. Ibid.

36. Ibid.

37. Ibid.

38. Ibid.

39. Ibid., p. 325.

40. Ibid.

41. Ibid.

42. Ibid.

43. Ibid.

44. Ibid.

45. Ibid.

46. Ibid.

47. Ibid.

48. Ibid.

49. Ibid.

50. For a discussion of the attitudes of liberation theologians towards the popular religion of the masses see McGOVERN, Liberation Theology and its Critics, pp. 89-92.

51. JOHN PAUL II, Popular Piety is a Means of Evangelization and Liberation, July, 4, 1986, in L'Osservatore Romano, no. 31, August 4(1986), p. 8.

52. Ibid. p. 8.

53. Ibid.

54. Ibid., p. 9.

55. Ibid.: "The Church supports these aspirations of yours; thus it desires, asks and strives that your conditions of life continually improve, so that you are able to enjoy every opportunity in the field of education, work, health, property, etc., that the other citizens of Columbia enjoy."

56. JOHN PAUL II, La Foi Dépasse les Différences en les Respectant: Discours aux Indiens Mapuches et aux Paysans, April 4, 1987, in Documentation Catholique, no. 1939, May 3, (1987), pp. 500-503.

57. Ibid., p. 500.

58. Ibid.

59. Ibid.

60. Ibid.

61. Ibid.

62. Ibid.

63. Ibid.

64. Ibid.

65. Ibid., p. 501.

66. JOHN PAUL II, A Meeting with the Indian Peoples of

Paraguay, May 17, 1988, in Origins, 18(1988), pp. 46-48.

67. For a description of the work of the founders of the reductions of Paraguay see JOHN PAUL II, Address During the Canonization of the Jesuit Martyrs of Paraguay, May 16, 1988, in Origins, 18(1988), pp. 43-45.

68. JOHN PAUL II, A Meeting with the Indian Peoples of Paraguay, p. 46.

69. Ibid.

70. Ibid., p. 47.

71. Ibid.

72. Ibid.

73. JOHN PAUL II, To the Governor-General and the Canadian People: Quebec City, September 9, 1984, in The Canadian Catholic Review, 2(1984), p. 321.

74. JOHN PAUL II, Address to the Native Peoples at Ste-Anne-de-Beaupré p. 329.

75. JOHN PAUL II, Address to the Native Peoples at Midland, September 15, 1984, in The Canadian Catholic Review, 2(1984), p. 368.

76. Ibid.

77. JOHN PAUL II, Address to the Native Peoples from Yellowknife, p. 380.

78. See for example JOHN PAUL II, Address to the Native Americans at Fort Simpson, p. 156. There were also two references in the homily given at the Mass on that occasion. For these references see JOHN PAUL II, Homily at Fort Simpson Mass, September 20, 1987, Prairie Messenger, Sept. 28, 1987, pp. 10-11.

79. For a discussion of this theme within the Canadian context see Dan DONOVAN, A Lasting Impact: John Paul II in Canada, (Ottawa: Novalis, 1985), especially pp. 59-81.

80. JOHN PAUL II, Man's Entire Humanity is Expressed in Culture: Address to UNESCO, in CREMILLION, The Church and Culture since Vatican II, pp. 194-195.

81. JOHN PAUL II, Address to the Native Peoples from Yellowknife, p. 380.

82. JOHN PAUL II, Address to the Native Peoples at Ste-Anne-de-Beaupré p. 329.

83. Ibid., p. 328.

84. Ibid.

85. JOHN PAUL II, Address to the Native Peoples at Midland, p. 368.

86. JOHN PAUL II, Address to the Native Peoples at Ste-Anne-de-Beaupré p. 328.

87. JOHN PAUL II, Address to the Native Peoples at Midland, p. 368.

88. Ibid.

89. JOHN PAUL II, Address to the Native Peoples at Ste-Anne-de-Beaupré p. 328.

90. JOHN PAUL II, Address to the Native Peoples at Midland, p. 368.

91. Richard NIEBUHR, Christ and Culture, (New York: Harper & Row, 1936), pp. 190-229.

92. JOHN PAUL II, Address to the Native Peoples at Ste-Anne-de-Beaupré p. 328.

93. JOHN PAUL II, Address to the Native Peoples at Midland, p. 368; JOHN PAUL II, Address to the Native Peoples from Yellowknife, p. 380; JOHN PAUL II, Address to the Native Americans at Fort Simpson, p. 154. In the past we have relied principally upon Hebrew, Greek, and Roman cultures for understanding and expressing the mysteries of God revealed in Jesus Christ. Greek is a rich language and very illuminating of reality. But no language or cultural expression can exhaust the 'Great Mystery'. Each language and culture has its strengths and weaknesses. What are the untapped gifts of the native languages and rites for theology and worship? It should be a major task of the Churches--in collaboration with their native members--to find out.

During several key moments of Church history "inculturation" was allowed to take place. One such moment was the major expansion from the Hebrew culture to the Gentile world. That transition gave rise to the second great era of Church history. It was the period in which the Gospel was inculturated within a variety of European cultures. This

expansion of Christianity was, most would agree, very successful, but far from perfect. Those readers of Celtic descent might be aware that much of their "inculturation" was suppressed by Rome at an early date. In the end, European "inculturation" became dominant. The Gospel was identified with a latin "inculturation." Consequently, when missionaries left Europe for other continents they by and large opted for an "acculturation" approach.

There were some prophetic exceptions. Such was Matteo Ricci in China, and Bartolomé De las Casas in the Americas. They tried to be faithful to the earlier tradition. Sadly we must admit that they did not succeed. Yet they remain inspirations for us even today. John Paul II, On the 400th anniversary of the arrival of Fr. Matteo Ricci S.J. in China, admitted:

The Christian message is not the exclusive property of any one group or race...just as the fathers of the church in regard to Greek culture, so also Matteo Ricci was rightly convinced that faith in Christ not only would not have brought any harm to Chinese culture, but would have enriched and perfected it...in the light of the spirit of dialogue and openness which characterizes the council, father Ricci's missionary method appears very much alive and relevant. John Paul II at the Gregorian University Commemorating the 400th Anniversary of the Arrival in China of Matteo Ricci, S.J., October 25, 1982, (Rome: Gregorian University Consortium, 1982), p. 10.

All through the documents of Vatican II there is a new openness to a missionary method which is rooted in "inculturation." The question for Canada's churches is a profound one: is it too late to begin again? Is it too late to build on the work already begun by so many dedicated missionaries down through the centuries to our own time? John Paul II paid tribute to these missionaries right across Canada. He acknowledged their--and our--weaknesses and sinfulness. Yet despite this fact he could truthfully say: "The missionaries remain among your best friends, devoting their lives to your service as they preach the word of God." At Fort Simpson he pointed out how their work in linguistics and the social sciences was a contributing factor "in the marvelous rebirth of your culture and traditions which you are experiencing today."

More important even than his speeches were his actions during these visits. By participating in the sweetgrass and eagle feather ceremonies at Midland, and by actually leading

the prayer ritual at Fort Simpson, John Paul II gave a strong message of support and legitimation to the process of "inculturation." This message, I believe, was heard by the aboriginal peoples. It is now up to the Canadian churches to complete this initiative.

94. JOHN PAUL II, Address to the Native Peoples from Yellowknife, p. 379; JOHN PAUL II, Address to the Native Americans at Fort Simpson, p. 155.

95. JOHN PAUL II, Address to the Native Peoples at Ste-Anne-de-Beaupré, p. 328.

96. JOHN PAUL II, Address to the Native Peoples from Yellowknife, p. 380.

97. Ibid.

98. Ibid.

99. PAUL VI, Evangelii Nuntiandi, no. 30, in FLANNERY, Vatican Council II: More Conciliar Documents, p. 724.

100. JOHN PAUL II, Address to the Native Peoples at Fort Simpson, p. 155.

101. JOHN PAUL II, Address to the Native Peoples at Ste-Anne-de-Beaupré, p. 328.

102. JOHN PAUL II, Address to the Native Peoples at Phoenix Arizona, p. 297.

103. Ibid.

104. Ibid. This interpretation was vehemently challenged by many native people in California.

105. Ibid.

106. Ibid.

107. Ibid.

108. Ibid.

109. Ibid., p. 298.

110. JOHN PAUL II, Homily for Mass with the Indigenous Tribes of the Philippines, February 22, 1981, in John Paul II in the Philippines: Addresses and Homilies, Pedro de Achutegui ed., (Manila: Cardinal Bea Institute, 1981), pp. 183-186.

111. JOHN PAUL II, Homily at Lancaster Park, Christchurch New Zealand, November 24, 1986, in Origins, 16(1986), pp. 476-477.

112. JOHN PAUL II, The Defence of the Rights of Aborigines, November 29, 1986, in Origins, 16(1986), pp. 474-477.

113. Ibid., p. 475.

114. Ibid.

115. Ibid.

116. Ibid.

117. Ibid. p. 476.

118. Ibid.

119. Ibid.

120. Ibid.

121. Robert SCHREITER, Constructing Local Theologies, (Maryknoll: Orbis, 1985), pp. 13-15.

122. Ibid. pp. 14-15.

123. For the principal exposition of stages in a revitalization process see WALLACE, "Revitalization Movements," pp. 268-275.

ENDNOTES CONCLUSION

1. For the essential description of the functional specialty "dialectic" see Bernard LONERGAN, Method in Theology, pp. 128-130, 235-266.

2. For a fuller discussion of John Paul II's mission agenda see his encyclical letter, Redemptoris Missio. See also Avery Dulles' article, "John Paul II and the New Evangelization."

3. GREEN & DICKASON, The Law of Nations and the New World, p. 249.

4. Ibid., p. 242

5. See for example, the government of Canada's 1981 Land claims policy statement In All Fairness, p. 21, for a reference to this position.

6. Thomas BERRY, The Dream of the Earth, (San Francisco: Sierra Club Books), p. 193.

7. LONERGAN, Method in Theology, p. 129.

BIBLIOGRAPHY

- ALEXANDER VI. Inter Caetera I. May 3, 1493. in Frances Gardiner DAVENPORT, ed., European Treaties bearing on the History of the United States and its Dependencies to 1648. Washington: Carnegie Institution of Washington, 1967, vol. 1, pp. 57-63.
- Eximiae Devotionis. Rome, May 3, 1493. in Frances Gardiner DAVENPORT, ed., European Treaties bearing on the History of the United States and its Dependencies to 1648. Washington: Carnegie Institution of Washington, 1967, vol. 1., pp. 64-70.
- Inter Caetera II. Rome, May 4, 1493. in Frances Gardiner DAVENPORT, ed., European Treaties bearing on the History of the United States and its Dependencies to 1648. Washington: Carnegie Institution of Washington, 1967, vol. 1, pp. 71-78.
- AMNESTY INTERNATIONAL. Caught Between Two Fires. New York: Amnesty International Publications, 1989.
- ANDERSON, Terence. "Indigenous Peoples, the Land, and Self-Government," in Beverly, HARRISON, Robert, STIVERS, and Ronald, STONE, eds., The Public Vocation of Christian Ethics. New York: The Pilgrim Press, 1986, pp. 159-177.
- ANDERSON, Walter. "Evolution, not Devolution, is Shaping the World," Utne Reader, 30(1988), p. 100.
- AQUINAS, Thomas. Summa Theologica. vol. 2. New York: Benzinger Brothers, 1947, q. 42, pp. 1365-1366.
- Collected Political Writings. A. P. D'Entreves, ed., Oxford: Basil Blackwell, 1954.
- ASCH, Michael. Home and Native Land: Aboriginal Rights and the Canadian Constitution. Toronto: Methuen, 1984.
- AVILA, Charles. Ownership: Early Christian Teaching. Maryknoll: Orbis, 1983.
- AXTELL, James. The Invasion Within: The Conquest of Cultures in Colonial North America. New York: Oxford University

Press, 1985.

BAILEY, Alfred Goldsworthy. The Conflict of European and Eastern Algonkian Cultures 1504-1700. Toronto: University of Toronto Press, 1969.

BAUM, Gregory. The Social Imperative. New York: Paulist Press, 1979.

----- . Theology and Society. Mahwah: Paulist Press, 1987.

----- . ELLSBERG Robert. The Logic of Solidarity. Maryknoll: Orbis, 1989.

BENEDICT XIV. Immensa Pastorum, Rome, December 20, 1741. in Arthur, UTZ. ed., La doctrine Sociale de l'Église à travers les siècles. Paris: Beauchesne et ses Fils, 1970. vol. 3, pp 404-413.

BERGER, Thomas. Northern Frontier, Northern Homeland. vol. 1. Ottawa: Supplies and Services Canada, 1979.

----- . Village Journey: The Report of the Alaska Native Review Commission. New York: Hill and Wang, 1985.

----- . A long and Terrible Shadow: White Values, Native Rights in the Americas 1492-1992. Vancouver: Douglas & McIntyre Ltd., 1991.

BERRY, Thomas. The Dream of the Earth. San Francisco: Sierra Club books, 1990.

BIERMANN, Benno. "Bartolomé de Las Casas and Vera Paz." in Juan FRIEDE, Benjamin KEEN, eds., Bartolomé de Las Casas in History. DeKalb: Northern Illinois University, 1971, pp. 443-484.

BLANCHARD, Paul. Paul Blanchard on Vatican II. Boston: Beacon Press, 1966.

BODLEY, John. Victims of Progress. Palo Alto: Mayfield Publishing Company, 1982.

BOLT, Menno, Leroy LITTLE BEAR, Anthony, LONG. eds., Pathways to Self-Determination: Canadian Indians and the Canadian State. Toronto: University of Toronto Press, 1984.

BOLT, Menno, Anthony LONG. eds., The Quest for Justice:

- Aboriginal Peoples and Aboriginal Rights. Toronto: University of Toronto Press, 1985.
- Governments in Conflict: Provinces and Indian Nations in Canada. Toronto: University of Toronto Press, 1988.
- BRODY, Hugh. Maps and Dreams: Indians and the British Columbia Frontier. Vancouver: Douglas and McIntyre, 1981.
- CADORETTE, Curt. "Towards a Contextual Interpretation of Papal Teaching: Reflections from a Peruvian Perspective." in Social Compass. 36(1989). pp. 285-294.
- CALVEZ, Jean-Yves, PERRIN, Jacques. The Church and Social Justice. London: Burns & Oates, 1961.
- The Social Thought of John XXIII. London: Burns & Oates, 1964.
- CAMP, Richard. The Papal Ideology of Social Reform. Leiden: E.J. Brill, 1969.
- CANADA. Government of Canada. Statement of the Government of Canada on Indian Policy. (White Paper). Ottawa: Queen's Printer, 1969.
- CANADA. Parliament of Canada. Indian Act. Ottawa: Queen's Printer, 1970.
- Constitution Act, 1867. Ottawa: Queen's Printer, 1981.
- The Canadian Constitution. Ottawa: Queen's Printer, 1981.
- CANADA. Department of Indian Affairs and Northern Development. In All Fairness: A Native Claims Policy. Ottawa: Queen's Printer, 1981.
- Outstanding Business: A Native Claims Policy. Ottawa: Queen's Printer, 1981.
- CANADA. House of Commons Standing Committee on Aboriginal Affairs. Unfinished Business: An agenda for all Canadians in the 1990's. Ottawa: The Queen's Printer, 1990.
- CARAMAN, Philip. The Lost Paradise: The Jesuit Republic in

- South America. New York: The Seabury Press, 1976.
- , The Lost Empire. Notre Dame: University of Notre Dame Press, 1985.
- CARRIER, Hervé. "Understanding Culture: The Ultimate Challenge of the World-Church?", in Joseph GREMILLION ed., The Church and Culture since Vatican II. Notre Dame: University of Notre Dame Press, 1985.
- , Évangile et Cultures: De Leon XIII à Jean Paul II. Paris: Editions Mediaspaul, 1987.
- CATHOLIC COMMISSION FOR JUSTICE AND PEACE AUSTRALIA. Aborigines: A Statement of Concern. Surry Hills N.S.W.: E.J. Dwyer Aust. Pty., Ltd., 1978.
- CHENU, Marie-Dominique. La "doctrine sociale" de l'église comme ideologie. Paris: Cerf, 1979.
- CLARK, Bruce. Native Liberty Crown Sovereignty: The Existing Aboriginal Right of Self-Government in Canada. Montreal & Kingston: McGill-Queen's University Press, 1990.
- CLEMENT VII. Intra Arcana. Rome, May 8, 1529. in lewis, HANKE. "Pope Paul III and the American Indians." Harvard Theological Review. 30(1937), p. 77.
- CLEMENT VIII. Apostolic Brief to the Provinces of Peru. Rome, 1605. in Francisco, Xavier, HERNAEZ. ed., Colección de Bulas, Breves, y otros documentos relativos a la iglesia de América y Filipinas. vol. I, Vaduz: Kraus Reprint Ltd., 1964, p. 109.
- COLEMAN, John. "What is an Encyclical: The Development of Church Social Teaching." Origins. 11(1981), pp. 33-41.
- , An American Strategic Theology. New York: Paulist Press, 1982.
- CONGREGATION FOR THE DOCTRINE OF THE FAITH. Instruction on Certain Aspects of the 'theology of Liberation'. August 6, 1984. Vatican City: Vatican Polyglot Press, 1984.
- , Instruction on Christian Freedom and Liberation. March 22, 1986. Vatican City: Vatican Polyglot Press, 1986.

- CONGREGATION FOR CATHOLIC EDUCATION. Guidelines for Teaching the Church's Social Doctrine in Forming Priests. December 30, 1988. in The Pope Speaks. 34(1989), pp. 293-342.
- COSMAO, Vincent. Changing the World. Maryknoll: Orbis, 1984.
- CUMMING, Peter, MICKENBERG, Neil. eds., Native Rights in Canada. Second edition, Toronto: The Indian-Eskimo Association of Canada in association with General Publishing Company Limited, 1972.
- CROWE, Frederick. Theology of the Christian Word: a Study in History. New York: Paulist Press, 1978.
- CURREN, Charles, McCORMICK, Richard. eds., Readings in Moral Theology No. 5: Official Catholic Social Teaching. New York: Paulist Press, 1986.
- DAVENPORT, Frances G. ed., European Treaties bearing on the History of the United States and its Dependencies to 1648. Washington: Carnegie Institution of Washington, vol. 1, 1967.
- THE DENE NATION, & THE METIS ASSOCIATION OF THE N.W.T.. Public Government for the People of the North. Yellowknife: The Dene Nation, 1982.
- DONOVAN, Dan. A Lasting Impact: John Paul II in Canada. Ottawa: Novalis, 1985.
- DORR, Donal. Option for the Poor: A Hundred Years of Catholic Social Teaching. Dublin: Gill and Macmillan; Maryknoll: Orbis Books, 1983.
- DULLES, Avery. "John Paul II and the New Evangelization." America 166(1992), pp. 52-59, 69-72.
- DUSSEL, Enrique. Les Évêques Hispano-Américains: Défenseurs et Évangélisateurs de l'Indien. Westbaden: Franz Steiner, 1970.
- A History of the Church in Latin America: Colonialism to Liberation. Grand Rapids: Eerdmans, 1981.
- "Was America Discovered or Invaded." in Concilium. 200(1988). pp. 126-134.
- ELIZONDO, Gaspar. "Les Querelles Jacobines en Voie

d'Apaisement," in L'Actualité Religieuse, S(1990), pp. 30-32.

ELLIS, Tracy. Documents of American Catholic History. Milwaukee: Bruce Publishing, 1956.

FERNANDEZ, Manuel Gimenez. "Fray Bartolomé de Las Casas: a Biographical Sketch," FRIEDE, Juan, KEEN, Benjamin. eds., Bartolomé de las Casas in History: Toward an Understanding of his Life and his Work. DeKalb: Northern Illinois University Press, 1971, pp. 67-125.

FREDOUILLE, Jean-Claude. Dictionnaire de la Civilization Romaine. Paris: Larousse, 1982.

FRIDERES, James. Native People in Canada: Contemporary Conflicts. Scarborough: Prentice Hall, 1983.

FRIEDE, Juan, KEEN, Benjamin. eds., Bartolomé de las Casas in History: Toward an Understanding of his Life and his Work. DeKalb: Northern Illinois University Press, 1971.

-----, "Las Casas and Indigenism in the Sixteenth Century," in FRIEDE, Juan, KEEN, Benjamin. eds., Bartolomé de las Casas in History: Toward an Understanding of his Life and his Work. DeKalb: Northern Illinois University Press, 1971, pp. 127-234.

FUMOLEAU, Rene. As Long as This Land Shall Last. Toronto: McClelland & Stewart, 1975.

GETTY, A.L., LUSSIER, Antoine. As Long as the Sun Shines and the Water Flows. Vancouver: University of British Columbia Press, 1983.

GOODMAN, Jeffrey. American Genesis. New York: Summit Books, 1981.

GORMLEY, Daniel. "Aboriginal Rights as Natural Rights." Canadian Journal of Native Studies 4(1984), pp. 29-49.

GRANT, John Webster. Moon of Wintertime: Missionaries and the Indians of Canada in Encounter Since 1534. Toronto: University of Toronto Press, 1984.

GREGORY XIV. The Liberty of the Indians in the Philippines. April 18, 1591. In Francisco Xavier, HERNAEZ. ed., Colección de Bulas, Breves, y otros documentos relativos

- a la iglesia de América y Filipinas. vol. 1, Vaduz: Kraus Reprint Ltd., 1964. pp. 108-109.
- GREGORY XVI. In Supremo Apostolatus. Rome, December 3, 1839. in Arthur, UTZ. ed., La doctrine Sociale de L'église à travers les siècles. Paris: Beauchesne et ses Fils, 1970. vol. III, pp. 422-427.
- GREEN, Leslie, DICKASON, Olive. The Law of Nations and the New World. Edmonton: University of Alberta Press, 1989.
- GREGSON, Vernon. ed., The Desires of the Human Heart: an Introduction to the Theology of Bernard Lonergan. New York: Paulist Press, 1988.
- GREMILLION, Joseph. ed., The Gospel of Peace and Justice: Catholic Social Teaching since Pope John. Maryknoll: Orbis, 1976.
- ed., The Church and Culture Since Vatican II: The Experience of North and Latin America. Notre Dame: University of Notre Dame Press, 1985.
- HALES, Edward. Pope John and his Revolution. London: Eyre & Spottiswoode, 1966.
- HALLET, Garth. Darkness and Light: The Analysis of Doctrinal Statements. New York: Paulist Press, 1975.
- HARRIGAN, William. "Nazi Germany and the Holy See, 1933-1936: The Historical background of Mit Brennender Sorge." Catholic Historical Review. 479(1961-1962), pp. 173-98.
- HARRISON, Beverly, STIVERS, Robert, STONE, Ronald. eds., The Public Vocation of Christian Ethics. New York: the Pilgrim press, 1986.
- HANKE, Lewis. "Pope Paul III and the American Indians." Harvard Theological Review. 30 (1937), pp. 66-102.
- Bartolomé de las Casas: An Interpretation of his Life and Writings. The Hague: Martinus Nijhoff, 1951.
- Aristotle and the American Indians. Chicago: Henry Regnery Company, 1959..
- The Spanish Struggle for Justice in the Conquest of America. Boston: Little, Brown, 1965.

- . All Mankind is One. DeKalb: Northern Illinois University Press, 1974.
- HEBBLETHWAITE, Peter. John XXIII: Pope of the Council. London: Geoffrey Chapman, 1985.
- HENGEL, Martin. Property and Riches in the Early Church. London: SCM Press, 1974.
- HENRIOT, Peter, DEBERRI, Edward, SCHULTHEIS, Michael. Catholic Social Teaching: Our Best Kept Secret. Maryknoll: Orbis, 1988.
- HERA, Alberto de la. "El Derecho de los Indios a la Libertad y la fe. La Bula Sublimis Deus y los Problemas Indianas que la motivaron." Anuario de Historia del Derecho Español. 26(1956), pp. 119-139.
- HERNAEZ, Francisco, Xavier. ed., Colección de Bulas, Breves, y otros documentos relativos a la iglesia de América y Filipinas. vols. I,II, Vaduz: Kraus Reprint Ltd., 1964.
- HIGGINS, George. "Issues of Justice and Peace," Chicago Studies. 20(1981), pp. 191-206.
- HOLLENBACH, David. Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition. New York: Paulist Press, 1979.
- . Justice, Peace, & Human Rights: American Catholic Social Ethics in a Pluralistic Context. New York: Crossroad Publishing Company, 1988.
- HOSTIENSIS. Lectura in Quinque Libros Decretalium. Torino: Bottega D'Erasmo, 1965.
- HOUSE OF COMMONS STANDING COMMITTEE ON ABORIGINAL AFFAIRS. Unfinished Business: An Agenda for all Canadians in the 1990's. Ottawa: The Queen's Printer, 1990.
- INNOCENT IV. Commentaria Doctissima in Quinque Libros Decretalium. Frankfurt/Main: Minerva, 1968.
- JAOUEN, René. Le Concept of Culture dans la Constitution Pastorale "Gaudium et Spes" du Concile Oecumenique Vatican II. Ottawa: St. Paul University, 1983. Unpublished Master's thesis.

- JAENEN, Cornelius. Friend and Foe: Aspects of French-Amerindian Cultural Contact in the Sixteenth and Seventeenth Centuries. Toronto: McClelland and Stewart, 1976.
- JAMIESON, Kathleen, "Sex Discrimination and the Indian Act," in J. Rick PONTING, ed., Arduous Journey: Canadian Indians and Decolonization, Toronto: McClelland and Stewart Ltd., 1986, pp. 112-136
- JOHN XXIII. Mater et Magistra. May 15, 1961. Vatican City: Vatican Polyglot Press, 1961.
- . Pacem in Terris. April 11, 1963. Vatican City: Vatican Polyglot Press, 1963.
- JOHN PAUL II. Allocution aux Indiens de Mexico. January 29, 1979. Documentation Catholique. 1758(1979a), pp. 173-174.
- . Redemptor Hominis. March 4, 1979. Vatican City: Vatican Polyglot Press, 1979b.
- . Man's Entire Humanity is Expressed in Culture: Address to UNESCO. June 2, 1980. in Joseph CREMILLION, ed., The Church & Culture since Vatican II. Notre Dame: University of Notre Dame Press, 1985, pp. 187-200.
- . La Rencontre avec les Indiens d'Amazonie. July 10, 1980. La Documentation Catholique. 1792(1980a), pp. 7-21.
- . La Mission Dans L'Église: Homélie à Manaus Brésil. July 11, 1980. Documentation Catholique. 1792(1980b), pp. 805-807.
- . Homily for Mass with the Indigenous Tribes of the Philippines. February 22, 1981. in John Paul II in the Philippines: Addresses and Homilies. Pedro de ACHUTEGUI ed., Manila: Cardinal Bea Institute, 1981a, pp. 183-186.
- . Laborem Exercens. May 15, 1981. Vatican City: Vatican Polyglot Press, 1981b.
- . John Paul II at the Gregorian University Commemorating the 400th Anniversary of the Arrival in China of Matteo Ricci, S.J.. October 25, 1982. Rome:

Gregorian University Consortium, 1983.

- . The Rights of the Indian People: Homily to the Indians of Guatemala. March 7, 1983. Origins. 12(1983), pp. 64-65.
- . Homily on Faith and Culture, University of Laval Stadium. September 9, 1984. The Canadian Catholic Review. 2(1984a), p. 324.
- . Address to the Native Peoples at Ste-Anne-de-Beaupré. September, 10, 1984. The Canadian Catholic Review. 2(1984b), pp. 11-13.
- . Address to the Native Peoples at Midland. September 15, 1984. The Canadian Catholic Review. 2(1984c), pp. 51-52.
- . Homily on Multiculturalism at St. Boniface. The Canadian Catholic Review. September 16, 1984. 2(1984d), pp. 59-60.
- . Address to the Native Peoples from Yellowknife. September 18, 1984. The Canadian Catholic Review. 2(1984e), pp. 63-64.
- . Building a New Latin America. October 12, 1984. Origins. 14(1984f). pp. 305-309.
- . Address of John Paul II to the Third Annual Meeting of the Pontifical Council for Culture. January 15, 1985. in Joseph GREMILLION, ed., The Church and Culture since Vatican II. Notre Dame: University of Notre Dame Press, 1985a. pp. 123-175.
- . L'Évangélisation Doit Tenir Compte de Votre Culture: Allocution aux Indiens à Latacunga Equateur. January 31, 1985. Documentation Catholique. 1892(1985b), pp. 323-326.
- . La Rencontre avec les Indiens à Popayan Columbia. July 4, 1986. Documentation Catholique. 1923(1986a), pp. 744-747.
- . Homily at Christchurch, New Zealand. November 24, 1986. Origins. 16(1986b), pp. 476-477.
- . Defence of the Rights of Aboriginal Peoples in Alice

- Spring Australia. November 29, 1986. Origins. 16(1986c), pp. 473-475.
- , Discours aux Indiens Mapuches de Chile. April 5, 1987. Documentation Catholique. 1939(1987a), 500-503.
- , Address to the Native Peoples at Phoenix Arizona. September 14, 1987. Origins. 17(1987b) pp. 295-297.
- , Address to Native Americans at Fort Simpson. September 20, 1987. Kerygma. 21(1987c), pp. 153-156.
- , Homily at the Mass in Fort Simpson. September 20, 1987. The Prairie Messenger. Sept. 28, 1987d, pp. 10-11.
- , Sollicitudo Rei Socialis. December 30, 1987. Vatican City: Vatican Polyglot Press, 1987e.
- , Address During the Canonization of Jesuit Missionaries of Paraguay. May, 16, 1988. Origins. 18(1988a), pp. 43-45.
- , A Meeting with Indian Peoples of Paraguay. May 17, 1988. Origins. 18(1988b), pp. 46-48.
- , General Audience Following the Visit to Latin America. May 25, 1988. L'Osservatore Romano. 21(1988c), p. 2.
- , To Build Peace, Respect Minorities: World Day of Peace Statement. December 8, 1988. Origins. 18(1988d), pp. 466-469.
- , The World as an Environment for Humanity: World Day of Peace Statement. January 1, 1990. Origins. 10(1990a), pp. 58-64.
- , Redemptoris Missio. December 7, 1990. Vatican City: Vatican Polyglot Press, 1990b.
- , Centesimus Annus. May 1, 1991. Origins. 21(1991a), pp. 1-24.
- , The Plight of Native Peoples: Address to the Indigenous peoples of Brazil. October 16, 1991. Origins. 21(1991b), pp. 333-335.

JOHNSON, Paul. A History of Christianity. Bungay, Suffolk: The

Chaucer press, 1976.

KENNEDY, Paul. The Rise and Fall of the Great Powers. London: Fontana Press, 1989.

KING GEORGE. The Royal Proclamation of 1763. in Michael ASCH. Home and Native Land. Toronto: Methuen, 1984. Appendix B. pp. 112-114.

LAS CASAS. Bartolomé. Del Único Modo de Atraer a Todos los Pueblos a la Verdadera Religion. Augustin MILLARES Carlo and Lewis HANKE. eds., Mexico: Fondo de Cultura Economica, 1942.

----- . History of the Indies. New York: Harper & Row, 1971.

----- . Doctrina. Mexico: Universidad National Autonoma de Mexico, 1972.

----- . In Defence of the Indians. trans., ed., and annotated by Stafford POOLE. Dekalb: Northern Illinois University Press, 1974a.

----- . The Devastation of the Indies: A Brief Account. New York: The Seabury Press, 1974b.

----- . The Only Way. trans., Francis Patrick Sullivan. ed., Helen Rand Parish. New York: Paulist Press, 1992.

LEO XIII. In Plurimis. May 5, 1888. In The Papal Encyclicals 1740-1981. Claudia CARLEN, ed., Wilmington N.C.: McGrath Publishing Company, 1981, vol. 3, pp. 159-167.

----- . Catholicae Ecclesiae. November 20, 1890. In The Papal Encyclicals 1740-1981. Claudia CARLEN, ed., Wilmington N.C.: McGrath Publishing Company, 1981, vol. 3, pp. 233-235.

----- . Rerum Novarum. May 15, 1891. Rome: Vatican Polyglot Press, 1891.

LLOYD-MECHAM, John. Church and State in Latin America: A History of Politico-Ecclesiastical Relations. Chapel Hill: University of North Carolina Press, 1966.

LONERGAN, Bernard. Insight: A Study of Human Understanding. New York: Philosophy Library, 1958.

- . Method in Theology. New York: Herder and Herder, 1972.
- LUZBETAK, Louis J. The Church and Cultures: New Perspectives in Missiological Anthropology. Maryknoll: Orbis, 1988.
- MAHN-LOT, Marianne. De Las Casas et le Droit des Indiens. Paris: Payot, 1982.
- MARTIN, Thomas. "Devolutionism: The New Nationalist Movements Transforming the World." Utne Reader. 30(1988), pp. 78-83.
- MARTINEZ, Manuel. "Las Casas on the Conquest of America," in FRIEDE, Juan, KEEN, Benjamin. eds., Bartolomé de las Casas: Towards and Understanding of the Man and his Work. DeKalb: Northern Illinois University Press, 1971, pp. 309-349.
- MAXWELL, John Francis. Slavery and the Catholic Church: the History of Catholic Teaching Concerning the Moral Legitimacy of the Institution of Slavery. Chichester and London: Barry Rose Publishers, 1975.
- McBRIEN, Richard. Catholicism. vol. 1, Minneapolis: Winston Press, 1980.
- McCOOL, Gerald. Catholic Theology in the Nineteenth Century: the Quest for a Unitary Method. New York: Seabury Press, 1977.
- McCRAE, K.D. ed., Consociational Democracy: Political Accomodation in Segmented Societies. Toronto: McClelland and Stewart: Carleton Library Series, 1974.
- MELCHIN, Kenneth R. "Gibson Winter on Ethics and Social Science: Elements and Four Later Articles." Gnosis 2(1981), pp. 51-64.
- . History, Ethics and Emergent Probability: Ethics, Society and History in the Work of Bernard Lonergan. Lanham: University Press of America, 1987.
- MERTON, Robert. "Bureaucratic Structure and Personality." in Reader in Bureaucracy Robert MERTON ed., New York: The Free Press, 1952, pp. 361-371.
- MESSNER, Johannes. Social Ethics: Natural Law in the Western

- World. 3rd. edition. St. Louis: Herder & Herder, 1965.
- MILLER, James Roger. Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada. Toronto: University of Toronto Press, 1989.
- MOONEY, James. The Ghost Dance Religion and the Sioux Outbreak of 1890. 14th Annual Report of the Bureau of American Ethnology, Washington D.C.:United States Government Printing Office. Abridged edition Chicago: University of Chicago Press, 1965.
- MORISON, Samuel Eliot. The European Discovery of America: The Southern Voyages A.D. 1492-1616. New York: Oxford University Press, 1974.
- MORRIS, David. "Planetary Corporations Thwart Devolutionism and Threaten all Local Communities." Utne Reader. 30(1988), p. 98.
- MORRISSEY, Francis. The Canonical Significance of Papal and Curial Pronouncements. Hartford: Canon Law Society of America, 1974.
- MORRISON, Bruce, WILSON, Roderick. Native Peoples: The Canadian Experience. Toronto: McClelland and Stewart, 1986.
- MORSE, Bradford W., ed., Aboriginal Peoples and the Law: Indian, Metis, and Inuit Rights in Canada. Ottawa: Carleton University Press, 1985.
- MOTOLINIA. History of the Indians in New Spain. trans. and ed. by Francis Borgia STECK. Washington: Academy of American Franciscan History, 1951.
- MULDOON, James. "Extra Ecclesiam non est imperium: The Canonists and the Legitimacy of Secular Power." Studia gratiana. 9(1966), pp. 553-580.
- "A Canonistic Contribution to the Formation of International Law." The Jurist. 28(1968), pp. 265-272.
- "The Contribution of the Medieval Canon Lawyers to the Formation of International Law." Traditio. 28(1972), pp. 483-497.
- "The Indian as Irishman," in Essex Institute

Historical Collection. vol. 3, 1975, pp. 267-289.

----- . "A Fifteenth-Century Application of the Canonistic Theory of the Just War," in Proceedings of the Fourth International Congress of Medieval Canon Law, Monumenta Iuris Canonici, Series C. Subsidia 5 {Vatican City}, 1976, pp. 467-480.

----- . "Papal Responsibility for the Infidel: Another Look at Alexander VI's Inter Caetera." Catholic Historical Review. 64(1978). pp. 168-84.

----- . Popes, Lawyers, and Infidels: The Church and the Non-Christian World 1250-1550. Philadelphia: University of Pennsylvania Press, 1979.

NICHOLAS V. Romanus Pontifex. January 8, 1455. in Frances Gardiner DAVENPORT, ed., European Treaties bearing on the History of the United States and its Dependencies to 1648. Washington: Carnegie Institution of Washington, 1967, vol. 1, pp. 13-26.

NIEBHUR, Richard. Christ and Culture. New York: Harper & Row, 1956.

NIETSCHMANN, Bernard. "Third World War: The Global Conflict over the Rights of Indigenous Nations." Utne Reader. 30(1988), pp. 84-91.

NUNUVUT CONSTITUTIONAL FORUM. Building Nunuvut: A Discussion Paper Containing Proposals for an Arctic Constitution. Yellowknife: Government of the North West Territories, 1983.

O'BRIEN, David, SHANNON, Thomas. eds., Renewing the Earth: Catholic Documents on Peace, Justice, and Liberation. Garden City, New York: Doubleday & Company, 1977.

O'CONNOR, Daniel. Catholic Social Teaching. Westminster Maryland: The Newman Press, 1956.

O'MALLEY, John. "Developments, Reforms, and Two Great Reformations: Towards an Historical Assessment of Vatican II," Theological Studies. 44(1983), pp. 373-406.

PACDEN, Anthony. The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology. Cambridge: Cambridge University Press, 1982.

- PATTERSON II, E. Palmer. The Canadian Indian: A History Since 1500. Don Mills: Collier MacMillan, 1972.
- PAUL III. Pastorale Officium. May 29, 1537a. In Francisco Xavier, HERNAEZ. ed., Colección de Bulas, Breves, y otros documentos relativos a la iglesia de América y Filipinas. vol. I, Vaduz: Kraus Reprint Ltd., 1964, pp. 101-102.
- Altitudo Divini Consilii. June 1, 1537b. In Francisco Xavier, HERNAEZ. ed., Colección de Bulas, Breves, y otros documentos relativos a la iglesia de América y Filipinas. vol. I, Vaduz: Kraus Reprint Ltd., 1964, pp. 65-67.
- Veritas Ipsa. June 2, 1537c. Francisco Xavier, HERNAEZ. ed., Colección de Bulas, Breves, y otros documentos relativos a la iglesia de América y Filipinas. vol. I, Vaduz: Kraus Reprint Ltd., 1964, pp. 102-103.
- Sublimis Deus. June 9, 1537d. In Francis Augustus MacNutt, Bartholomew De Las Casas: His Life, His Apostolate, and his Writings. New York and London: G.P. Putnam's Sons, 1909, pp. 426-431.
- Non Indecens Videtur. June 19, 1538. In Lewis, HANKE. "Pope Paul III and the American Indians." Harvard Theological Review. 30 (1937), p. 77.
- Cupientes. March 3, 1542. in HERNAEZ, Francisco Xavier, ed., Colección de Bulas, Breves, y otros documentos relativos a la iglesia de América y Filipinas. vol. I, Vaduz: Kraus Reprint Ltd., 1964, pp. 97-100.
- PAUL VI. Populorum Progressio. March 26, 1967. Vatican City: Vatican Polyglot Press, 1967.
- Aux Représentants de la Population Autochtone de L'Australie. January 3, 1971. Documentation Catholique. 1577(1971a), pp. 16-17.
- Octogesimo Adveniens. May 14, 1971. Vatican City: Vatican Polyglot Press, 1971b.
- Evangelii Nuntiandi. December 8, 1975. Vatican City: Vatican Polyglot Press, 1974.
- PASTOR, Ludwig, Freiherr Von. The History of the Popes. ed.

- Ralph Francis Kerr, London: Kegan, Trench, Trubner & Co., Ltd. vols., 18, 22, 27, 29; 1929, 1932, 1938, 1938.
- PEELMAN, Achiel. L'Inculturation: l'Eglise et les Cultures. Paris - Ottawa: Desclee - Novalis, 1989.
- PENNINGTON, Kenneth. "Bartolomé de Las Casas and the Tradition of Medieval Law." Church History. 39(1970). pp. 149-161.
- PITCHER, Alvin, WINTER, Gibson. "Perspectives in Religious Social Ethics." Journal of Religious Ethics. 5 (1977). pp. 69-90.
- PIUS V. Brief to Phillip II King of Spain. August 17, 1568a. in Francisco Xavier, HERNAEZ. ed., Colección de Bulas, Breves, y otros documentos relativos a la iglesia de América y Filipinas. vol. I, Vaduz: Kraus Reprint Ltd., 1964, p. 104.
- Letter to Cardinal Espinosa of Seville. August 18, 1568b. in Francisco Xavier, HERNAEZ. ed., Colección de Bulas, Breves, y otros documentos relativos a la iglesia de América y Filipinas. vol. I, Vaduz: Kraus Reprint Ltd., 1964, p. 105.
- Letter to the Viceroy of Peru, Francisco Toledo. August 18, 1568c. in Francisco Xavier, HERNAEZ. ed., Colección de Bulas, Breves, y otros documentos relativos a la iglesia de América y Filipinas. vol. I, Vaduz: Kraus Reprint Ltd., 1964, p. 105.
- Letter to the Council of the Indies. August 18, 1568d. in Francisco Xavier, HERNAEZ. ed., Colección de Bulas, Breves, y otros documentos relativos a la iglesia de América y Filipinas. vol. I, Vaduz: Kraus Reprint Ltd., 1964, p. 106.
- Letter to the Bishop of Brazil. July 6, 1569a. in Francisco Xavier, HERNAEZ. ed., Colección de Bulas, Breves, y otros documentos relativos a la iglesia de América y Filipinas. vol. I, Vaduz: Kraus Reprint Ltd., 1964, pp. 106-107.
- Letter to the Viceroy of Brazil. July 6, 1569b. in Francisco Xavier, HERNAEZ. ed., Colección de Bulas, Breves, y otros documentos relativos a la iglesia de América y Filipinas. vol. I, Vaduz: Kraus Reprint Ltd., 1964, pp. 107.

- PIUS X. Lacrimabili Statu. June 7, 1912. in Claudia CARLEN, ed., The Papal Encyclicals 1740-1981. Wilmington N.C.: McGrath Publishing Company, vol. 3, 1981, pp. 131-133.
- PIUS XI. Quadragesimo Anno. May 15, 1931. in Claudia CARLEN, ed., The Papal Encyclicals 1740-1981. Wilmington N.C.: McGrath Publishing Company, vol. 3, 1981, pp.
- . Mit Brennender Sorge. March 14, 1937a. in Claudia CARLEN, ed., The Papal Encyclicals 1740-1981. Wilmington N.C.: McGrath Publishing Company, vol. 3, 1981, pp. 525-535.
- . No Es Muy Conocido. March 28, 1937b. in Claudia CARLEN, ed., The Papal Encyclicals 1740-1981. Wilmington N.C.: McGrath Publishing Company, vol. 3, 1981, pp. 555-561.
- PIUS XII. Summi Pontificatus. October 20, 1939. in Claudia CARLEN, ed., The Papal Encyclicals 1740-1981. Wilmington N.C.: McGrath Publishing Company, vol. 4, 1981, pp. 5-22.
- . Christianity and the World Crisis. December 24, 1941. in Vincent A. YZERMANS. ed., The Major Addresses of Pope Pius XII. 2 vols. St Paul: North Central Publishing Company, 1961. vol. 2, pp. 38-50.
- . The Internal Order of States and People. December 24, 1942. in Vincent A. YZERMANS. ed., The Major Addresses of Pope Pius XII. 2 vols. St Paul: North Central Publishing Company, 1961. vol. 2, pp. 51-65.
- . Religion in the Community of Nations. December 6, 1953. in Vincent A. YZERMANS. ed., The Major Addresses of Pope Pius XII. 2 vols. St Paul: North Central Publishing Company, 1961. vol. 1, pp. 269-277.
- PONTIFICAL COMMISSION OF JUSTICE AND PEACE. The Church and Human Rights. December 10, 1974. in Vincent P. MAINELLI, ed., SOCIAL JUSTICE. Wilmington, N.C.: Consortium Books, 1978, pp. 344-393.
- . The Church and Racism. November 3, 1988. Vatican City: Vatican Polyglot Press, 1988.
- PONTIFICAL COUNCIL FOR INTERRELIGIOUS DIALOGUE & THE

- CONGREGATION FOR THE EVANGELIZATION OF PEOPLES. Dialogue and Proclamation. June 20, 1991, Origins. 21(1991), pp. 121-135.
- PONTING, J. Rick, and Roger GIBBONS, eds., Out of Irrelevance: A Socio-Political Introduction to Indian Affairs in Canada. Toronto: Butterworths, 1980.
- , eds., Arduous Journey: Canadian Indians and Decolonization. Toronto: McClelland and Stewart, 1985.
- PRAWER, Joshua. The Crusader's Kingdom: European Colonialism in the Middle Ages. New York: Praeger Publishers, 1972.
- PROJECT NORTH. A New Covenant: a Pastoral Statement by the Leaders of the Christian Churches on Aboriginal Rights and the Canadian Constitution. Toronto: Project North, 1987.
- , Moment of Decision: Aboriginal Self-Government and the Constitution. Toronto: Project North, 1987.
- QUINTANAR, Gerardo. "L'immigration: une Mission de l'Église." in Kerygma. 22(1988). pp. 131-140.
- RAHNER, Karl. "Towards a Fundamental Interpretation of Vatican II." in Theological Studies. 40(1979). p. 717.
- RICARD, Robert. The Spiritual Conquest of Mexico: An Essay on the Apostolate and the Evangelizing Methods of the Mendicant Orders in New Spain: 1523-1572. trans. Lesley Byrd Simpson. Berkeley and Los Angeles: University of California Press, 1966.
- RYAN, Michael. Solidarity: Christian Social Teaching and Canadian Society. London: Divine Word International Centre, 1986.
- RYSER, Rudolph. "Fourth World Wars: Indigenous Nationalism and the Emerging New International Political Order," in Menno Bolt, and J. Anthony LONG, eds., The Quest for Justice: Aboriginal Peoples and Aboriginal Rights. Toronto: University of Toronto Press, 1985. pp. 304-315
- SAINT-LU, André. La Vera Paz: Esprit Évangélique et Colonisation. Paris: Centre de recherches hispaniques, 1968.

- SALE, Kirkpatrick. The Conquest of Paradise: Christopher Columbus and the Columbian Legacy. New York: Knoph, 1990.
- SAMUEL, T. John. "Immigration and Visible Minorities in the Year 2001: a Projection." in Canadian Ethnic Studies. 20(1988), pp. 92-100.
- SANDERS, Douglas. "The Re-emergence of Indigenous Questions in International Law". in Canadian Yearbook of Human Rights. 1(1983).
- , "The Rights of the Aboriginal Peoples of Canada." Canadian Bar Review. 61(1983), pp. 314-38.
- SCHLETTE, Heinz. "Religious Freedom," in Karl Rahner, Cornelius ERNST, Kevin SMYTH, eds., Sacramentum Mundi, vol. 5, Montreal: Palm Publishers, 1970, pp. 295-298.
- SCHNER, George. ed., The Church Renewed: The Documents of Vatican II Reconsidered. Lantham: University Press of America, 1986.
- SCHOOF, Mark. A Survey of Catholic Social Theology 1800-1970. Glen Rock N.J.: Paulist Press, 1970.
- SCHREITER, Robert. Constructing Local Theologies. Maryknoll: Orbis, 1985.
- SCHUCK, Michael. That They Be One: The Social Teaching of the Papal Encyclicals 1740-1989. Washington D.C.: Georgetown University Press, 1991.
- SCHWARTZ, Bryan. First Principles, Second Thoughts: Aboriginal Peoples, Constitutional Reform and Canadian Statecraft. Montreal: The Institute for Research on Public Policy, 1986.
- SCOTT, James Brown. The Spanish Origin of International Law: Francisco de Vitoria and his Law of Nations. Oxford: Clarendon Press, 1934.
- SEALTH. (Chief SEATTLE) "If We Sell You our Land, Love it." in Issues to Discuss: Program guide. Scottdale: Mennonite Publishing House. 1979, pp. 7-9.
- SECO CARO, Carlos. "De La Bula 'Sublimis Deus' de Paulo III(1-VI-1537) a la Constitucion 'Gaudium et Spes' del Concilio Vaticano No II(7-XII-1965). Anuario de Estudios

- Americanos. XXIV(1967), pp. 1821-1840.
- SEPÚLVEDA, Juan Ginés. Democrates Secundo, o de las Causas de la Guerra Contra los Indios. Angel LOSADO ed., Madrid: Consejo Superior de Investigaciones Cientificas, Instituto Francisco Vitorio, 1951.
- SEUSS, Paulo. "Evangelization and the Tribal Cultures of Brazil." Cross Currents. 39(1989), pp. 161-180.
- SIMON, Yves. Philosophy of Democratic Government. Chicago: University of Chicago Press, 1961.
- SHERIDAN, Edward. ed., Do Justice: The Social Teaching of the Canadian Catholic Bishops. Sherbrooke: Editions Paulines, 1987.
- SHORTER, Aylward. Toward a Theology of Inculturation. Maryknoll: Orbis Books, 1988.
- SCHUCK, Michael. That They Be One: The Social Teaching of the Papal Encyclicals 1740-1989. Washington D.C: Georgetown University Press, 1991.
- SLATTERY, Brian. "Understanding Aboriginal Rights." Canadian Bar Review. 66(1987), pp. 727-783.
- STOGRE, Michael. "Commentary on the Pastoral Constitution on the Church in the Modern World," in George SCHNER ed., The Church Renewed: The Documents of Vatican II Reconsidered. Lantham: University Press of America, 1986, pp. 19-36.
- SYNOD OF BISHOPS. Justice in the World. November 30, 1971. Vatican City: Vatican Polyglot Press, 1971.
- THORTON, Russell. American Indian Holocaust and Survival: a Population History since 1492. Norman & London: University of Oklahoma Press, 1990.
- TUCCI, Roberto. "The Proper Development of Culture," in Herbert VORGRIMLER ed., Commentary on the Documents of Vatican II. vol. 5, Montreal: Palm Publishers, 1969. pp. 246-289.
- UNITED NATIONS. Universal Declaration of Human Rights. New York: UN publications, 1946.

- , International Covenant on Civil and Political Rights. New York: UN publications, 1966.
- , International Covenant on Economic, Social and Cultural Rights. New York: UN publications, 1966.
- URBAN VIII. Commissum Nobis. April 22, 1639. In Arthur, UTZ. ed., La doctrine Sociale de L'église à travers les siècles. Paris: Beauchesne et ses Fils, 1970, vol III. pp. 398-403.
- UNITED STATES CATHOLIC CONFERENCE. The Challenge of Peace: God's Promise and our Response. Washington: United States Catholic Conference, 1983.
- UTZ, Arthur. ed., La doctrine Sociale de L'église à travers les siècles. Paris: Beauchesne et ses Fils, 1970.
- VATICAN II. Nostra Aetate. October 28, 1965a. in Austin, FLANNERY. ed., Documents of Vatican II. Grand Rapids: William Eerdmans Publishing Co., 1984. pp. 738-749.
- , Dignitatus Humanae. December 7, 1965b. in Austin, Flannery. ed., Documents of Vatican II. Grand Rapids: William Eerdmans Publishing Co., 1984. pp. 738-749.
- , Ad Gentes. December 7, 1965c. in Austin, FLANNERY. ed., Documents of Vatican II. Grand Rapids: William Eerdmans Publishing Co., 1984. pp. 813-856.
- , Gaudium et Spes. December 7, 1965d. in Austin, Flannery. ed., Documents of Vatican II. Grand Rapids: William Eerdmans Publishing Co., 1984. pp. 799-812.
- VERLINDEN, Charles. The Beginnings of Modern Colonization. Ithaca New York: Cornell University Press, 1970.
- VIDLER, Alexander. A Century of Social Catholicism 1820-1920. London: William Clowes and Sons, 1964.
- VITORIA, Francisco de. Leçon sur les Indiens et sur le droit de guerre. Introduction, traduction et notes de Maurice BARBIER. Geneve: Librairie Droz, 1966.
- , Leçon sur le pouvoir politique. Introduction, traduction et notes de Maurice BARBIER. Paris: Vrin, 1980.

- WALLACE, Anthony. "Revitalization Movements." in American Anthropologist. 58(1956), pp. 264-281.
- , "Paradigmatic Processes in Culture Change." in American Anthropologist. 74(1972a), pp. 467-477.
- , The Death and Rebirth of the Seneca. New York: Random House, 1972b.
- WATKINS, MEL. ed., Dene Nation: The Colony Within. Toronto: University of Toronto Press, 1977.
- WEAVER, Sally. Making Canadian Indian Policy: the Hidden Agenda 1968-1970. Toronto: University of Toronto Press, 1981.
- WHITEHEAD, Neil. "Carib Cannibalism. The Historical Evidence." Journal de la Société des Americanistes. 70(1984), pp. 69-88.
- WILLIAMS, Hunstston George. The Mind of John Paul II: Origin of his Thought and Action. New York: The Seabury Press, 1981.
- WILLIAMS, John. ed., Canadian Churches and Social Justice. Toronto: Anglican Book Centre and James Lorimer, 1984.
- WINTER, Gibson. Elements for a Social Ethic. New York: Macmillan, 1966.
- , "Toward a Comprehensive Science of Policy," Journal of Religion. 50(1970), pp. 352-71.
- , "Introduction: Religion, Ethics, and Society." in Social Ethics: Issues in Ethics and Society. London: SCM Press Ltd., 1968; New York: Harper and Row, 1973a, pp. 1-17.
- , "Human Science and Ethics in a Creative Society." Cultural Hermeneutics. (1973b), pp. 145-176.
- , "Symbol and Society: Proposal for a Political Ethics." Review of Religious Research. 21(1979a), pp. 87-107.
- , "Issues in Political Ethics: The Case of Urban Policy." unpublished manuscript, 1979b. pp. 1-19.

... . Liberating Creation: Foundations of Religious Social Ethics. New York: Crossroads, 1981.

WITTE, Charles Martel de. "Les Bulles Pontificales et l'expansion Portugaise au XV siècle." Revue D'histoire Ecclésiastique. 43(1953), pp. 683-718; 49(1954), pp. 438-461; 51(1956), pp. 415-453; 53(1958), pp. 5-46, 443-471.

WORLD COUNCIL OF INDIGENOUS PEOPLES. International Covenant on the Rights of Indigenous Peoples. in Michael ASCH, Home and Native Land. Toronto: Metheun, 1984. Appendix I, pp. 132-138.

YORK, Geoffrey. The Dispossessed: Life and Death in Native Canada. Toronto: Lester & Orpen Dennys, 1989.