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UNDOING THE LEGACY OF THE DOCTRINE OF CHRISTIAN  
DOMINATION (“DISCOVERY”)

As general editor of *The New Polis* from the beginning of 2018 to the Spring of 2021, I initiated a broad call for work related to the Doctrine of Discovery.<sup>1</sup> At our conference, “Decoloniality and Disintegration of Western Cognitive Empire – Rethinking Sovereignty and Territoriality in the 21st Century,” I gave a brief introduction to the history of the Doctrine of Discovery. The aim of this paper is to outline the history and persistent influence of the Doctrine today, as well as to suggest its undoing. In the end, I argue that the overturning of the 1823 *Johnson v. M’Intosh* decision, along with a more definitive end to its international counterpart, the Monroe Doctrine, provides achievable groundwork for decolonizing while simultaneously opening ways to return land to Indigenous Peoples. Although it may seem an impossible task to some, the precedent of effectively overruling *Plessy v. Ferguson* (1896) with *Brown v. Board of Education* (1954) was brought about by decades of work and research. The critical conversation around the Doctrine of Christian Discovery is still in its early stages, obscured by outdated secularization narratives and rhetorical erasure of American Indians. This work is also especially timely with the recent ratification of the 2007 *Declaration on the Rights of Indigenous Peoples* by the United States because deciding how these recent international commitments will be made demands a thorough assessment of the past.

I am certainly not the first to suggest such overruling *Johnson v. M’Intosh*. Steven T. Newcomb (Shawnee / Lenape) has spent a lifetime working on the issue. Joseph J. Heath has followed legal use of the Doctrine of Discovery into recent years. Heath also points out that some legal books concerning Federal Indian Law obscure the role of the Doctrine of Discovery. For example, the *Native Land Law* book published by the Indian Law Resource Center claims that: “no [United States] court has ever held, that is, made a formal decision, that the United States validly acquired ownership of Native lands under the doctrine of

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<sup>1</sup> Roger K. Green, “An Introduction and Call for Submissions to *The New Polis* on the Doctrine of Discovery, November 9, 2020. <https://thenewpolis.com/2020/11/09/an-introduction-and-call-for-submissions-to-the-new-polis-on-the-doctrine-of-discovery-roger-green/>.

discovery."<sup>2</sup> Heath corrects this by citing recent decisions against the Onondaga Nation and broader federal law:

The federal courts have consistently held all title, except the Indian right of occupancy, transferred to the Christian discoverer Nation. This right of occupancy can be terminated at will by the dominant government; and that Native sovereignty was significantly limited upon discovery. Further, . . . the doctrine of Christian discovery has been recently used against Onondaga and Haudenosaunee land and treaty rights.<sup>3</sup>

Both Newcomb and Heath have suggested that convincing the Vatican to revoke the papal bulls of Discovery might make an international signal for moral and legal change in the U.S. From there, writes Heath, "we can then move on to building pressure on the United State [*sic*] government and institutions to admit that this racist doctrine has no place in a true democracy."<sup>4</sup> Outside of legal arguments, much of the work is in public consciousness-raising right now. The very goal of overruling the case necessitates active work of decolonizing that goes well beyond a history lesson. It requires a critical reassessment of entrenched eurochristian<sup>5</sup> ("White") supremacy in the values and legal apparatuses of the United States, where anti-papal attitudes were fused with emergent White supremacy. In other words, the very work of engaging with the research and thinking through the undoing is a path toward decolonizing one's own mind.

To begin, we are indebted to Vine Deloria, Jr. (Standing Rock Sioux) for drawing attention to the Doctrine. Many scholars have built upon his work, yet a broad public has yet to be informed by such scholarship. Deloria wrote:

Federal Indian law actually begins with a sleight-of-hand decision that proclaimed that the United States had special standing with respect to ownership of the land on which the Indigenous People lived. This nefarious concept was called the "Doctrine of Discovery." Originating early in the European invasion of the Western hemisphere, this doctrine, as articulated by the Pope in the famous Bull *Inter Caetera*, by which he gave to Spain

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<sup>2</sup> Joseph J. Heath, "The Doctrine of Discovery: Its Fundamental Performance in United States Indian Law and the Need for Its Repudiation and Removal," *Albany Government Law Review* 10 (2017), 150: 112-156.

<sup>3</sup> *Ibid.*, 152.

<sup>4</sup> *Ibid.*, 156.

<sup>5</sup> Tink Tinker, "What Are We Going to Do with White People?" *The New Polis*, December 17, 2019.

<https://thenewpolis.com/2019/12/17/what-are-we-going-to-do-with-white-people-tink-tinker-wazhazhe-osage-nation/>.

all lands hitherto discovered or to be discovered in the world. It was, as it turned out, the greatest real estate transaction in history.<sup>6</sup>

The Doctrine of Discovery has worked implicitly as a eurochristian legal apparatus (where similar concepts are reiterated throughout various different documents) for several hundred years. Similar language persists across several documents; for example, in *Dum Diversas* (1452); *Romanus Pontifex* (1454); *Inter Caetera* (1456), which was renewed in 1481; Alexander IV's *Inter Caetera* (1493); the *Treaty of Tordesillas* (1494); and the Spanish *Requerimiento* (1510), which was supposed to be read to all Indians, allowing them the "choice" to convert to Christianity.<sup>7</sup> In the following passage from *Romanus Pontifex*, I have placed in bold the relevant language reiterated across various documents.

... We [therefore] weighing all and singular the premises with due meditation, and noting that since we had formerly by other letters of ours granted among other things free and ample faculty to the aforesaid King Alfonso [of Portugal] -- **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 movable and immovable goods whatsoever held and possessed by them and to reduce their persons to perpetual slavery, and to apply and appropriate to himself and his**

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<sup>6</sup> Vine Deloria, Jr., "Conquest Masquerading as Law," *Unlearning the Language of Conquest*, ed. Donald Trent Jacobs (Austin: University of Texas Press, 2006), 96.

<sup>7</sup> In 1510, the Council of Castile wrote the *Requerimiento*, which was to be read to all Indians upon contact. Despite its attempts to avoid slavery by asking them to willfully submit to their new authority and *convert* to Christianity, the final warning in its last paragraph clearly echoes the languages of the earlier bulls and the intent to genocide is stark:

But, if you do not do this, and maliciously make delay in it, I certify to you that, with the help of God, we shall powerfully enter into your country, and shall make war against you in all ways and manners that we can, and shall subject you to the yoke and obedience of the Church and of their Highnesses; 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 you all the mischief and damage that we can, as to vassals who do not obey, and refuse to receive their 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 cavaliers who come with us.

"Requerimiento 1510," *nationalhumanitiescenter.org*, accessed February 23, 2020, <https://nationalhumanitiescenter.org/pds/amerbegin/contact/text7/requirement.pdf>

**successors the kingdoms, dukedoms, counties, principalities, dominions, possessions, and goods, and to convert them to his and their use and profit --** by having secured the said faculty, the said King Alfonso, or, by his authority, the aforesaid infante, justly and lawfully has acquired and possessed, and doth possess, these islands, lands, harbors, and seas, and they do of right belong and pertain to the said King Alfonso and his successors.<sup>8</sup>

Clearly informed by such thinking, upon reaching land in the Caribbean in 1492, Christopher Columbus first baptized the island through a eurochristian ritual, penetrating the land with a sword as he erased the Lucayan name, Guanahani.

In *A Violent Evangelism*, Luis N. Rivera-Pagán notes that when Christopher Columbus christened the island 'San Salvador,' he combined the acts of "discovery" and "expropriation":

To discover" and "to expropriate" became concurrent acts. Traditional historiography highlights what happened on October 12, 1492, as "discovery," avoiding what was central to it. The encounter between Europeans and the inhabitants of the newfound lands was in reality an exercise of power.<sup>9</sup>

It is important to emphasize the political-theological apparatus *motivating* this dramatic act. It is not, by some secularist reading, that 'religion' was merely an 'ideology' situated "behind" or "above" such an act; nor was religion "employed" as a tool of what Louis Althusser called the "ideological state apparatus." Religion was much more embedded in a eurochristian worldview.<sup>10</sup>

Law, religion, and dramatic performance were fused within a eurochristian *poetics*, deeply framed within their worldview and expressed through linguistic metaphor and ritualistic behavior. To methodologically conceive the importance of religion we might combine Luis D. León's notion of "religious poetics" with Stephen Greenblatt's more widely-known "cultural poetics."

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<sup>8</sup> "The Bull Romanus Pontifex," [doctrineofdiscovery.org](http://doctrineofdiscovery.org), July 23, 2018, accessed January 3, 2020,

<https://doctrineofdiscovery.org/the-bull-romanus-pontifex-nicholas-v/>

<sup>9</sup> Luis N. Rivera, *A Violent Evangelism: The Political and Religious Conquest of the Americas* (Louisville, KY: Westminster John Knox Press, 1992), 7.

<sup>10</sup> I adopt this term from historian of American Indian Cultures and Religious Traditions, Tink Tinker (wazhazhe, Osage). Tink Tinker, "What Are We Going to Do with White People?" *The New Polis*, December 17, 2019, <https://thenewpolis.com/2019/12/17/what-are-we-going-to-do-with-white-people-tink-tinker-wazhazhe-osage-nation/>.

León calls on the need to account for “the emotional, psychological, physical, spiritual, imaginative, real, dogmatic, ambiguous, semiotic, mystical, mundane, order, and disordered stuff that emerges when humans try to make sense – make history – out of the fantastic forces of their world, of their unchosen conditions.”<sup>11</sup> As performative gestures, Columbus’s actions and later readings of the *Requerimiento* were entirely audience-driven and rhetorical.<sup>12</sup>

This eurochristian rhetorical motivation ought not be attributed to only one individual (though that happened too, and Columbus was directly responsible for introducing the transatlantic slave trade to the Caribbean) but rather expressed within a poetic structure which *makes* meaning as it appropriates. In legal terms, judges often interpret existing law in a positivist sense. Rather than endlessly questioning the legitimacy of legal foundations, they interpret based on what is in front of them. As cognitive science tells us, our brains make meaning according to the pre-existing frames neurologically forged in our early years. One of the central tenets of cognitive science is that reason is itself imaginative, and “categorization is the process of reasoning itself.”<sup>13</sup> Reason as the *process of cognition itself* and not a quality or entity that stands apart from such processing. The way that our brains categorize experiences is importantly informed by the worldview and language we are born into, and this is simultaneous to the process of language acquisition.

Rivera-Pagán notes that material interests of colonizers only made sense to them in terms of the spread of Christendom; thus, the theological necessity for evangelization and conversion of

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<sup>11</sup> León writes more explicitly:

In short, what I mean by “religion” is often (re)produced, but not limited to, institutional settings, rigorously defined and explicitly stated “religious movements,” or even ancient traditions that have been thought of as “great” or not so great. I also mean the emotional, psychological, physical, spiritual, imaginative, real, dogmatic, ambiguous, semiotic, mystical, mundane, order, and disordered stuff that emerges when humans try to make sense – make history – out of the fantastic forces of their world, of their unchosen conditions.

Luis D. León, *La Llorona’s Children: Religion, Life, and Death in the U.S.-Mexican Borderlands* (Berkeley, University of California Press, 2004), 17.

<sup>12</sup> Nick Turnbull, for example, understands a negotiation of distance at the heart of rhetoric as producing contextual proximities:

Why define rhetoric as the negotiation of distance, rather than in terms of persuasion, or some other familiar definition? The main reason is that it does not presume persuasion is the object of rhetorical engagement, but rather the performance of social distancing, which is more general and encompasses persuasion as well. In many cases, persuasion is not the aim of discourse at all, but rather the mitigation of the possibility of conflict.

Nick Turnbull, “Political Rhetoric and Its Relationship to Context: A New Theory of the Rhetorical Situation, The Rhetorical and the Political,” *Critical Discourse Studies*, 14, no. 2 (2017) 123, DOI: 10.1080/17405904.2016.1268186.

<sup>13</sup> Steven L. Winter, *A Clearing in the Forest: Law, Life, and Mind* (Chicago: University of Chicago Press, 2001), 70.

Natives was undisputed in the colonies – even when policies of governance and humane treatment of Natives were debated.<sup>14</sup> Religiosity in the eurochristian worldview is inseparable from the question of extraction. Regarding the first century of contact, Rivera-Pagán emphasizes, “Every theological dispute about the New World and its inhabitants took on a political character and vice versa; every political disagreement over the relationship of Spain to the natives became a theological debate.”<sup>15</sup> In other words, the legal framing that I evidence cannot be separated from a eurochristian worldview nor its theological component. Yet conventional liberal secularization narratives tend to deemphasize the religious significance, as to methods that attribute religion to its secularly synonymous heir, “culture.” This is why cultural poetics (“new historicism”) alone, with its underwritten liberalism, is not enough to account for Indigenous worldview or the persistence of religiosity in the eurochristian one.<sup>16</sup> The fact that Ruth Bader Ginsburg could still cite the Doctrine of Discovery in the 21<sup>st</sup> century without noting the irony of its religious claims speaks to her uncritical acceptance of liberal secularization narrative and ongoing embedding of specifically eurochristian worldview in U.S. law. This is why we have to constantly return to the fifteenth century outside of a merely historical polemic.

Columbus’s actions were in direct accordance with a papal bulls like *Romanus Pontifex*, which had to do with Portugal’s emergent slave trade off the coast of West Africa. *Romanus Pontifex* also drew on a long eurochristian history, including the 1452 *Dum Diversas*, which had granted Portugal’s claims to West African slavery in exchange for support against Ottoman Turks. According to such bulls, once Columbus baptized the island, its inhabitants became subjects of the Spanish Crown. It did not make the inhabitants Christian, but we know that six captured Indians taken back to Spain on the first voyage were immediately themselves baptized and given new names. This renaming activity was part of the rebirthing poetics of *homo renatus*. As Anthony Pagden writes:

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<sup>14</sup> Luis N. Rivera, *A Violent Evangelism: The Political and Religious Conquest of the Americas* (Louisville, KY: Westminster John Knox Press, 1992), 24-25.

<sup>15</sup> *Ibid.*, 201.

<sup>16</sup> Hall has critiqued the over-reliance on humanistic secularism and implicit liberalism in Greenblatt’s work as tending toward depoliticization: “Thus, there is a major inconsistency in cultural poetics between its explicit theoretical statements and the assumptions implied by its rhetoric. The theory concentrates on the overwhelming constraints exerted on individual lives by institutions, the most powerful of which is language; the rhetoric elicits sympathy for selves struggling to adjudicate the claims of those institutions.” Anne D. Hall, “The Political Wisdom of Cultural Poetics.” *Modern Philology* 93, no. 4 (1996), 434.

[Thomas] Aquinas's 'ontological divinized natural law' had the effect of liberating the humanity of man from any Christological base. For the Thomists, *all* men, whether Christian or not, were human. The notion of *humanitas*, a category which bestowed upon man what Walter Ullman has called 'a fruitful autonomous, self-sufficient and independent character,' covered both Christian *homo renatus* and the non-Christian *homo naturalis*. The presence of natural law in all men meant in effect that there must exist a community of all men.<sup>17</sup>

The birth of "humanism," whatever its capacity for recognizing freedom outside of the Christian religion, was nevertheless conceived within a specifically eurochristian worldview that would return in the coming centuries with respect to modern notions of "race." The worldview is marked by androcentrism and the Genesis-derived notion that "man" is hierarchically above all other earthly creatures. The eurochristian theologians like Aquinas drew on Aristotelian conceptions of human rationality to invent "Natural law."

At the time of contact, and knowing that part of his own income depended on tradeable goods (but finding little gold), Columbus took prisoners and wrote to the Crown what good slaves the Indians would make. But "Discovery" was a formal, legal ceremony in which the island was renamed according to a eurochristian worldview in a way that could only make sense to the European notions of temporal history and monotheistic creation narratives. This view also had its own nostalgia for Rome. As Patricia Seed writes:

European colonialists imagined the object of their ambitions as the re-creation of a Roman or a Christian empire, an empire of broad political power extended over multiple linguistic and cultural groups. They imagined universal Christianity or Roman rule rather than that of a particular nation guided the symbolic allegiances of colonialism.<sup>18</sup>

In the papal bulls of donation after Columbus's "discovery," *Inter caetera* (1493) and the *Treaty of Tordesillas* (1494), the Doctrine of Discovery updated the bulls from the 1450s providing for Spanish and Portuguese claims in the so-called "new world." The sixteenth-century Valladolid debates over the extent of the Indians' humanity rested on whether or not they could be made

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<sup>17</sup> Anthony Pagden, *The Fall of Natural Man* (Cambridge: Cambridge University Press, 1982), 63.

<sup>18</sup> Patricia Seed, *Ceremonies of Possession in Europe's Conquest of the New World: 1492-1640* (New York: Cambridge University Press, 1995), 186.

Christians arose after Franciscan critiques of the poor treatment of Indians, which produced the *Requerimiento*. But the impulse to civilize was as much an impulse to save valuable human bodies for forced labor.

Anthony Pagden's *The Fall of Natural Man* gives a detailed account of Thomist readings of Aristotle and a shift toward faculty psychology. He also covers the famous fifteenth century debates about Indians' humanity and the Valladolid controversy between Juan Gilnés de Sepúlveda and Bartholomé de las Casas, who followed Francisco de Vitoria's thought. What emerges from Pagden's careful analysis is how, in deciding that Indians were indeed human, the eurochristians had internalized a faculty psychology that moved Aristotle's descriptions of the "natural" slave mentality of the "barbarian" in his *Politics* to the "childlike" mentality of those "uncivilized" men deemed rationally "capable" of "natural religion" but in need of Christian domination for their "salvation." Their conqueror mentality was not only one of mere violent and subjugating force but also one carefully refined through the tradition of eurochristianity that channeled that violence to serve its own ends of expropriation:

The effect of Vitoria's arguments was to render the natural slave theory unacceptable while still retaining the original framework of Aristotle's psychology. The suggestion that the Indian was a child was not a novel one. It echoed the unreflective opinions of countless colonists and missionaries who had come face to face with real Indians . . . By couching his argument in terms of Aristotle's bipartite psychology he had explained just what it had meant to be a child, and by doing so he had opened the way to an historical and evolutionary account of the Amerindian world...<sup>19</sup>

As Pagden notes, this "evolutionary" view would change again during the Romantic period, after Hugo Grotius and Samuel Pufendorf developed theories of "minimal morality" and Adam Smith had developed his "four stages" of development that would come to inform approaches the "world religions" and nineteenth-century anthropology. That "universalized" view, which attempted through historicism to place all human development into "stages" could then be superimposed onto various peoples and regions of the world "scientifically." This was an emergent and modernized (historical) discourse on "race." Importantly, however, even this new "evolutionary" view was tortuously rationalized to fit the monogenesis creation

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<sup>19</sup> Anthony Pagden, *The Fall of Natural Man* (Cambridge: Cambridge University Press, 1982), 106.



narrative through modern theories of race well throughout the end of the nineteenth century.

Against the Franciscans like Bartolomé de las Casas, conquistador greed deployed the tactic of intentionally provoking Indians into combat to justify their annihilation or enslavement. Yet it was not greed that could be separated from the motivating eurochristian worldview. As Robert A. Williams has tracked, the Doctrine of Christian Domination and the place of the American Indian in legal thought has a much longer history, going back to Augustinian concepts of "just war."<sup>20</sup> These were the frames by which conquistadors justified their violence. Robert J. Miller, *et al.* track the Doctrine as far back as the fifth century CE:

the Roman Catholic Church and various popes began establishing the idea of a worldwide papal jurisdiction that placed responsibility on the Church to work for a universal Christian commonwealth. This papal responsibility, and especially the Crusades to recover the Holy Lands in 1096-1271, led to the idea of justified holy wars by Christians to enforce the Church's vision of truth onto all peoples.<sup>21</sup>

Moreover, even Protestant nations that rejected papal authority embraced the language of papal bulls. As Miller *et al.* note, the four countries most resistant to signing the 2007 *Declaration on the Rights of Indigenous Peoples* – the United States, Australia, New Zealand, and Canada – were all originally founded by Protestant England and draw upon concepts of Discovery in claiming their legitimacy to rule.

It is important to note that the Doctrine of Discovery survived the Protestant Reformation and the European religious wars of the sixteenth and seventeenth centuries. There it fused with two centuries of an Anglo-Saxon myth that attributed a racially-based love of freedom and "natural" aptitude for governance against the papal "Norman yoke." This was the racialized breeding ground for explicit notions of whiteness and White supremacy. White supremacy cannot be properly understood except through eurochristian colonialism. If we do not address eurochristian colonialism embedded in our frequent discussions of race and racism in the twenty-first century, we will never decolonize.

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<sup>20</sup> See Robert A. Williams, Jr., *The American Indian in Western Legal Thought: The Discourse of Conquest* (Oxford: Oxford University Press, 1990).

<sup>21</sup> Robert J. Miller, Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg, *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* (Oxford: Oxford University Press, 2010), 9.

In the United States, the Doctrine of Discovery was formally imbricated into the legal system during a “false case” (no Indians were present) presented to the Supreme Court in 1823 concerning what rights Indians might have to sell land to colonizers. A false case essentially tests legislation to determine a ruling. Both eurochristian litigants in *Johnson v. M’Intosh* had an interest in getting the court to produce a ruling. As Lindsay Robertson’s *Conquered by Law* demonstrates, in the contextual history of the *Johnson v. M’Intosh* case, John Marshall’s ruling extended well beyond the initial case to address several other Supreme Court rulings by including the Doctrine of Discovery. Although the colonial Charters for Virginia and New England reiterated the explicit language of the papal bulls, the deterioration of relationships between the Crown and colonists awoke the possibility for land-grabbing both among well-connected colonists who officially sought “patents” and poorer colonists who sought to buy land from Indians outright. King George III’s Proclamation of 1763 claimed to reserve all land west of the Allegheny Mountains for Indians after the defeat of France in the Seven Years’ War. The period from 1763 to the secured establishment of the United States was a tumultuous flurry of land disputes, along with emergent separatist impulses that saw the revolution as a way to get land.<sup>22</sup> Robert J. Miller (Eastern Shawnee) has documented in *Native America Discovered and Conquered* Jefferson’s own use of Discovery Doctrine since before the Revolution. Lindsay Robertson notes Jefferson’s own critique of Marshall for “traveling outside” the parameters of the case.<sup>23</sup> The issue went back to the foundations of the nation. Marshall remained a committed federalist working against republicans such as his relative, Thomas Jefferson.

Justice Marshall’s ruling in *Johnson v. M’Intosh* built upon a career-long ambition to secure the power of the judicial branch of the government. His federalist tendencies drew him to look back to what was salvageable in securing a central authority over the region of the United States. Thus, in *Johnson v. M’Intosh* alluded directly to the Doctrine of Discovery and eurochristian “civilization” as embraced by Protestant England:

The potentates of the old world found no difficulty in convincing themselves that they made ample compensation to the inhabitants of the new by bestowing on them civilization and Christianity in exchange for unlimited independence. But as they were all in pursuit of nearly the same object, it was necessary, in order to avoid conflicting

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<sup>22</sup> Lindsay G. Robertson, *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of Their Lands* (Oxford: Oxford University Press, 2005), 6.

<sup>23</sup> *Ibid.*, 92.

settlements and consequent war with each other, to establish a principle which all should acknowledge as the law by which the right of acquisition, which they all asserted should be regulated as between themselves. This **principle was that discovery gave title to the government by whose subjects or by whose authority it was made against all other European governments, which title might be consummated by possession.**<sup>24</sup>

This collective agreement was an early form of international law recognized by various nations of Christians ("between themselves"). A eurochristian worldview thus underwrote an agreement beneath the linguistic and cultural diversity of different regions of Europe through a shared cosmological outlook expressed religiously. Perhaps Marshall could have found another way, but he did not. We see more instances of direct influence from the papal bulls throughout the ruling:

No one of the powers of Europe gave its full assent to this principle more unequivocally than England. The documents upon this subject are ample and complete. So early as the year 1496, her monarch granted a commission to the Cabots to discover countries then unknown to Christian people and to take possession of them in the name of the King of England. Two years afterwards, Cabot proceeded on this voyage and discovered the continent of North America, along which he sailed as far south as Virginia. **To this discovery the English trace their title.**

[. . .]

In this first effort made by the English government to acquire territory on this continent we perceive a complete recognition of the principle which has been mentioned. **The right of discovery given by this commission is confined to countries "then unknown to all Christian people,"** and of these countries Cabot was empowered to take possession in the name of the King of England. Thus asserting a right to take possession notwithstanding the occupancy of the natives, who were heathens, **and at the same time admitting the prior title of any Christian people who may have made a previous discovery.**

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<sup>24</sup> *Johnson & Graham's Lessee v. McIntosh*, 21 U.S. 543 (1823)  
<https://supreme.justia.com/cases/federal/us/21/543/>

Marshall did not stop at invoking the situation in the 1490s. He took a sustained historical view to account for charters granted by Elizabeth I for Virginia and James I for New England:

**The same principle continued to be recognized.** The charter granted to Sir Humphrey Gilbert in 1578 authorizes him to discover and take possession of such remote, heathen, and barbarous lands as were **not actually possessed by any Christian prince or people.** This charter was afterwards renewed to Sir Walter Raleigh in nearly the same terms.

By the charter of 1606, under which the first permanent English settlement on this continent was made, James I granted to Sir Thomas Gates and others those territories in America lying on the seacoast between the 34th and 45th degrees of north latitude and which either belonged to that monarch **or were not then possessed by any other Christian prince or people. The grantees were divided into two companies at their own request.** The first or southern colony was directed to settle between the 34th and 41st degrees of north latitude, and the second or northern colony between the 38th and 45th degrees.<sup>25</sup>

Summing up the decision with respect to the Indians, Marshall wrote:

**While the different nations of Europe respected the right of the natives as occupants, they asserted the ultimate dominion to be in themselves, and claimed and exercised, as a consequence of this ultimate dominion, a power to grant the soil while yet in possession of the natives. These grants have been understood by all to convey a title to the grantees, subject only to the Indian right of occupancy. The history of America from its discovery to the present day proves, we think, the universal recognition of these principles.**<sup>26</sup>

"Universal recognition," of course, among eurochristian, White supremacists.

As Marshall's decision alludes, White supremacy is premised on *eurochristian* supremacy. It is only our hallowed treatment of "religious freedom" and liberal secularization narratives emerging from the European Renaissance and Enlightenment movements that obscure this fact. As cognitive

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

science tells us, the stories that we tell and the social narratives that frame our early childhood years produce cognitive “roadmaps” of frequently-trafficked neural pathways that determine our worldview. Worldview is thus deeper than ideology. Many “westerners” are so habituated to secularization narratives, they remain unaware of the fact that modern notions of race were produced to justify Christian domination of the entire planet. The fifteenth-century papal bulls of “donation” collectively known as the Doctrine of Christian Discovery / Domination presumed the absence of a “Christian prince” in any given territory to mark it as *terra nullius*, uninhabited, no-man’s land.

As legal scholars have noted, when John Marshall incorporated the Doctrine of Discovery in 1823, he actually misconstrued then-existing international law – likely to serve more immediate federalist purposes. At the same time, he could align self-serving decisions with a Christian sense of moral purpose. As Ali Friedberg writes, “in *Johnson*, Marshall disregarded the principles announced by [Francisco de] Vitoria and applied the Doctrine of Discovery as if the Indians were ‘nobody.’”<sup>27</sup> The legal term here was *terra nullius*:

The United States, on the other hand, in the 19th century, at the dawn of the “manifest destiny” era, was guided by practical, utilitarian concerns for the acquisition of land. Although Marshall superficially attempted to interpret Spanish law and the Law of Nations, Marshall’s holding in *Johnson* clearly signified a departure from international precedent and its humanistic foundations. This departure was so influential, that it contributed to the omission of Indian rights from international legal discourse.<sup>28</sup>

Friedberg perhaps places too much faith in humanistic tendencies; nevertheless, it is clear that both humanism and natural law were gestated in an entirely eurochristian context. We will note that this is especially evidence in ongoing conceptions of race throughout the period. Despite his federalist tendencies, Johnson’s ruling would later contribute to a separate legal system known as Federal Indian law. It would also come to serve as justification for Indian removal, which he did not necessarily intend.

In an article rather sympathetic to Justice John Marshall’s situation in the *Johnson v. M’Intosh* decision, Carol M. Rose implies a utilitarian influence on Marshall: “the great Utilitarian

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<sup>27</sup> Ali Friedberg, “Reconsidering the Doctrine of Discovery: Spanish Land Acquisition in Mexico (1521-1821),” *Wisconsin International Law Journal* 17, no. 1 (1999): 106.

<sup>28</sup> *Ibid.*, 108.

thinker Jeremy Bentham said, back around 1800, that in any conflict between equality and security of property, it is imperative that security prevail – even where the inequality is so striking as in the case of serfdom or slavery.”<sup>29</sup> In Rose’s generous reading, she writes:

None of this is to say that native peoples' property claims have been even remotely adequately addressed in the United States. But by recognizing even an inchoate “occupancy” right, the Johnson case did at least establish the principle – however weakly executed in practice and however threatened in modern judicial misreadings – that Native Americans are not some kind of outlaw or enemy group, whose property claims count for nothing. Whatever their scope, their claims too are a subject for consideration and negotiation rather than simple confiscation.<sup>30</sup>

While I am not sure that many Native Americans would agree with Rose, the ambiguity she notices is at least historically important. Indian Removal policies following *Johnson v. M'Intosh* developed into disputes between state and federal Indian policy in Georgia, which led John Marshall to later define Indian Tribes as “domestic dependent nations” as opposed to “foreign states.”<sup>31</sup> This is an echo of earlier thought that relegated Indigenous people to “childlike” stations or arrested development. Marshall was “progressive” yet even as Andrew Jackson ignored his ruling and supposedly challenging Marshall to get his own troops if he wanted to stop Indian removal, the overwhelming “metaphysics of Indian hating” – as Herman Melville and a later study by Richard Drinnon put it<sup>32</sup> – won the century. Marshall’s designation was meant to obscure a hard-lined “friend-enemy” distinction, but it politically set the precedent by which the United States could deny the status of Indian reservations as separate sovereign territories while simultaneously concentrating Indigenous Peoples into various “camps” that were simultaneously “no man’s land” because, legally speaking, Indians were not fully regarded as persons in the eurochristian humanistic tradition.

The implicit logic of the Doctrine of Domination denied “full humanity” to any non-Christians and justified their

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<sup>29</sup> Carol M. Rose, “Property and Expropriation: Themes and Variations in American Law,” *Utah Law Review* 1 (2000), 5.

<sup>30</sup> *Ibid.*, 37.

<sup>31</sup> William C. Canby, Jr., *American Indian Law in a Nutshell* (St. Paul, MN: West Academic Publishing, 1981), 17.

<sup>32</sup> Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire Building* (Norman, OK: University of Oklahoma Press, 1980).

perpetual enslavement. Slave labor was “justified” by one’s inherent lack of Christian civility before the development of discrimination in terms of skin color. This produced an early notion of the “White man’s burden” and the impulse to *dominate*. During the nineteenth-century, a flurry of new “science” of racial theorizing swept the United States. Enlightenment thought had built on earlier “natural rights theory.” Under such thinking, humans were presumably equal in capacity for reason, but Indians and Africans being “uncivilized” and non-Christian put them “further back” on an evolutionary scale. The Anglo-Saxon myth of an intrinsic love of liberty and natural ability to govern went through a shift too.

As Reginald Horsman has detailed, while the early colonists built on two centuries of the Anglo-Saxon myth of superiority over the papal “Norman yoke,” once the English were finally defeated after 1815, Anglo-Saxon race theory embraced “Anglo-Norman” taxonomies for a broader sense of “Teutonic” and “Germanic” superiority. Horsman writes:

Between 1815 and 1850 the American Indians were rejected by the white American society. Before 1830 there was a bitter struggle for those who believed in the Enlightenment view of the Indian as innately equal, improvable being desperately defended the older ideals, but year by year the ideas of those who felt the Indians were expendable were reinforced by a variety of scientific and intellectual arguments. Indian Removal represented a major victory for ideas which, though long latent in American society, became fully explicit only after 1830. Political power was exercised by those who believed the Indians to be inferior, who did not wish them to be accepted as equals within American society, and who expected them ultimately to disappear. In shaping an Indian policy American politicians reflected the new ruthlessness of racial confidence.<sup>33</sup>

We need to be clear that the “Enlightenment” view maintained Indian inferiority according to its “evolutionary” thinking, which went back to early humanism. A eurochristian worldview placing humans as a universal species “above” all other animals and created through the monogenesis of their God persisted throughout humanism. Monogenesis came into heavy debate with the new “racial pluralism” of the nineteenth century. The eurochristian Bible’s account of creation was at the core of the debate well past Darwin’s *Origin of the Species*. One thing

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<sup>33</sup> Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Boston: Harvard University Press, 1981), 190.

remained present among colonists' arguments: Anglo-Saxon and Anglo-Norman "stock," increasingly defined as "blood," drew on centuries of "superiority" through Germanic, Norse, Anglo, and Saxon derivatives. "Celts" were not initially included, but as the nineteenth century progressed, the shift away from slavery meant that the "blood" of "White people" needed to be kept purer, which meant allowing – especially after the immigration of many Irish Catholics in the late 1840s – that "papalists" could be accepted as part of eurochristian society. Theodore Allen's two-volume study, *The Invention of the White Race*, shows in detail how early forms of Anglo colonial policy drew on the domination of Ireland but also how Irish Catholics came to embrace their "whiteness" in the U.S. during the second half of the nineteenth-century. It was during this period, and especially with the upcoming four-hundredth anniversary of Columbus's invasion of the Caribbean (he never set foot on Turtle Island) that Irish-Catholics formed the Knights of Columbus societies and sang songs about Columbus being an Irishman:

Four hundred years ago, they say, Columbus landed here;  
We're told he was Italian, but the story's very queer;  
There's no one living saw him and there's no one proof can  
bring,  
Yet of their great Colombo you will hear the Dagoes sing;  
The man who found America, I've heard my father tell,  
Was full of nerve and courage and an Irishman as well;  
Old Chris' was not Italian sure, 'tis all a lie, you see,  
So tell the boys who ask you that you got it straight from  
me.

Chorus.

It's all wrong; all a mistake; they don't know what they say;  
The whole talc's only a fake, you'll find it out some day;  
It's all wrong; don't you forget, my father's often sworn  
"Columbus was an Irishman," in Ireland he was born.<sup>34</sup>

The broadening myth of Anglo-Saxon superiority increasingly became "White supremacy" as the fear of "racial mixing" increased, especially following the abolishing of slavery. Despite New Englanders seeing slavery as immoral, both northern and southern racial theorists agreed that Africans were inferior to the varieties of Germanic-derived "stock." Thus, when celebrated

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<sup>34</sup> Chas. Graham and Monroe H. Rosenfeld, "Columbus was an Irishman," *traditionalmusic.co.uk* (Copyright by Frank Tousey, 1893).

<http://www.traditionalmusic.co.uk/songster/39-columbus-was-an-irishman.htm>.



thinkers of American Romanticism such as Ralph Waldo Emerson criticized the annexation of Texas and the War with Mexico, it was not only because such actions threatened to extend slavery but because the regions had not been sufficiently anglicized and Christianized, thus risking the dilution of inherent eurochristian supremacy.<sup>35</sup> Southerners supporting Indian removal drew on new racial categories of inherent inferiority to deny the so-called "civilized Indians" such as the Cherokee to reside in Georgia.

While the debates about race of the nineteenth-century heavily rested on biblical interpretation, it is true that Darwinian thought dealt a heavy blow to literal readers of Genesis. That said, it also re-oriented racial thinking to the historicist moves that so occupied German theological studies of the late nineteenth-century that could reinvent a monogenesis of humanity while developing World Religions models that "scientifically" showed Christianity to be the "highest" and "most evolved" religion. Today, we must consciously retain the ability to hear such language with respect to the implicit religiosity that informs ongoing eurochristian supremacy, especially because so many American Indians have been the subject of missionary colonizing efforts. Following the work of Tink Tinker (wazhazhe, Osage Nation), the term eurochristian (always lower-cased and designation a social movement rather than a religion) is a more accurate term than "White," just as following Steven T. Newcomb (Shawnee / Lenape), the "Doctrine of Christian Discovery" is more accurately represented as the Doctrine of Christian Domination.

If we remove the religious aspect from "domination," we encounter this word in a more pejorative sense than the eurochristian colonizers imagined it. We also continue to inadvertently perpetuate the racialized language of nineteenth-century pseudo-science. "Racial theory" was an invented discourse to justify eurochristian colonialism and the social control of so-called "inferior races." In order to undo the legacy of the Doctrine of Christian Domination today, we need to take a more active stance, advocating more critical awareness with respect to the longer history of eurochristianDOMination, especially because so many people espouse a secularization narrative that erases the rationale for the invention of modern racial theories.

Returning to the Doctrine of Discovery and before the eurochristian drama of the Reformation, we are better able to address the inclusion by which supporters of the Anglo-Saxon myth were able to broaden their conception of whiteness to

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<sup>35</sup> Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Boston: Harvard University Press, 1981), 177-178.

include Catholics. The D-O-M in eurochristenDOMination can signal the Critical Legal Studies scholarship in Steven Newcomb's *Pagans in the Promised Land*, where he has analyzed linguistic frames such as the top-down metaphor of the Latin notion of 'the dominate':

A key point here is that the categories and concepts of federal Indian law, including such concepts as discovery, dominion, domestic dependent nation, tribe, and so forth, are cultural and cognitive products of the dominating society. These terms are evidence of the various ways that the society of the United States has employed the human imagination to interact with the original indigenous peoples of this hemisphere in a dominating and subjugating manner.<sup>36</sup>

Within the eurochristian worldview, the concept of "civilization" remains a bastion of White-supremacist values. This racist view is maintained today by various rightwing defender of "Christian values" and "civilization" in the U.S. In Europe, it has supposedly been made racially-neutral in the recently sanitized "*nouvelle droite*" in Europe, with its nostalgia for empire.<sup>37</sup> Even supposedly non-racist, secular citizens avow the inherent "Christian values" underwriting liberal democratic society. Yet scholars often avoid the taboo of criticizing the "Christian values" that perpetuate and underwrite ongoing White-supremacy both in the minds of openly racist individuals and in our institutional structures.

In pretensions to equity, people today avoid the active use of a term like "domination." Yet during the colonial period, the eurochristian "dominate" perpetuated a nostalgia (literally homesickness) for the Diocletian reforms that replaced or reformed the notion of principate established by Octavian Caesar Augustus by creating a more autocratic sovereign. Similarly, the Anglo-Saxon myth and multiple race theories drew for centuries on the brief accounts of Tacitus on Germanic peoples. The Diocletian reforms set the stage for Constantine's embracing of Christianity as the religion of Empire and the later Theodosian codes that would convey the emergent *eurochristian* worldview through law. Although historians of race have noted that the myth of Anglo-Saxon impulses toward liberty were widespread from Henry VIII to Thomas Jefferson that drew constantly on

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<sup>36</sup> Steven T. Newcomb, *Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery* (Golden, CO: Fulcrum Publishing, 2008), 18.

<sup>37</sup> Alain de Benoist presents ideas of "layered democracy" and "rehabilitated" calls for "Empire." Alain de Benoist, "The Idea of Empire," *Democracy and Populism: The Telos Essays* (New York: Telos Press, 2018), 13-31.

references to Tacitus<sup>38</sup> (whose praise of Germanic Saxons preceded the inclusion of Christianity as the religion of Roman Empire), they are equally clear that perceptions of Indo-European culture were narrated as "saving" the decline of Roman civilization by embracing Christianity. It was this supposed fusion that marked their inherent right to rule and to remake Empire in their own image.

The eurochristian worldview is also marked in opposition to indigenous worldview because eurochristians had to reassess their own historical narratives to account for the existence of the "new world." That historicizing was continuous from contact during the late Renaissance to (at least) the twentieth-century. It is also marked by the insistent androcentrism and a vertically hierarchical and patriarchal placement of "man" above all creatures in its cosmological imaginary. Tink Tinker explicitly addresses the "up-down image schema" imposed upon Indian Peoples through colonization – the same up-down schema that Newcomb attributes to the Doctrine of Christian Domination. As Tinker writes:

Here, I am not simply objecting to the language of god and creator as language embedded in a european worldview or christian ideology. It is much more crucial to notice that imposing these religious metaphors of a hierarchical divine as an overlay on Indian cultures irredeemably distorts Native culture and destroys the intricacies and the beauty, that is, the coherence of the Native worldview. An up-down linguistic cognitive image schema functions to structure the social whole around vertical hierarchies of power and authority.<sup>39</sup>

In contrast, as Tinker argues, an indigenous worldview is relational, emphasizing locality and balance as essential to Indigenous Peoples:

By local and cosmic we mean to say that Indian folk experience their own place at the center of a cosmic whole, but that their experience of the cosmos is not an experience they would be in any way tempted to impose

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<sup>38</sup> As Horsman writes:

Teutonism had been European in scope since the sixteenth and seventeenth centuries. The integration of Tacitus and the history of the Germanic tribes into the English Anglo-Saxon myth in the seventeenth and eighteenth centuries had been paralleled in France by those who had used Tacitus to exalt the Germanic over the Gallo-Roman influence.

Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Boston: Harvard University Press, 1981), 27-28.

<sup>39</sup>George E. "Tink" Tinker, "Why I Do Not Believe in a Creator God," *Buffalo Shout, Salmon Cry*, ed. Steve Heinrichs (Waterloo, CA: Herald Press, 2013), 169.

on other peoples who experience the cosmos in other local places. To that extent, Indian communities were never evangelical or proselytizing.<sup>40</sup>

But the sad fact is that, through displacement, many Indigenous peoples and practices have been decontextualized from their embeddedness within local environments. The eurochristian notion of "Empire" has been regularly and uncritically superimposed onto larger, "urban cultures" of "the Americas," such as Incan and Aztecan contexts. An analysis based on worldview importantly runs deeper than notions of ideology and culture. As Barbara Alice Mann (Seneca) has shown, concepts of twinning and the number four persist across indigenous cultures of Turtle Island on both continents. Yet when Indigenous scholars present specifically Indigenous contexts they are accused of "essentializing," just as I, a non-Native scholar, am at times accused of "romanticizing" Indians. As Mann writes:

Now that no one's being gunned down *en masse*, at least not on this continent, for talking back to the gatekeepers of Western culture, I expect that this trickle of Turtle Island voices will sweep into a tsunami. Maybe it will even become obvious to the old guard of academe that in refusing, refuting, and otherwise disputing Christian hegemony, Indians are not "weakening" their arguments by "essentializing" Indigenous tradition but are decentering Euro-Christianity as the all-inclusive norm.<sup>41</sup>

Our conventional language for talking about Indigenous "rights" constantly display eurochristian framing. Take the concept of "sovereignty," for example – an entirely eurochristian concept. Concepts of a divine sovereign – a transformation of earlier, Jewish notions of kingship or messianism – persist across various European cultures, signaling a eurochristian worldview, yet Indigenous people constantly have to adopt the language of "the sacred" and "sovereignty" for recognition in eurochristian legislative and judicial settings. When they push back, they are pedantically admonished as "romanticizing" or "essentializing" their "identity." But worldview is much deeper than identity. Another frequent mistake is to conflate Indigenous thought with late twentieth-century discourses such as postcolonialism. There's nothing "post" about the ongoing subjugation of

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<sup>40</sup> George E. "Tink" Tinker, "The Irrelevance of euro-christian Dichotomies for Indigenous Peoples: Beyond Nonviolence to a Vision of Cosmic Balance," *Peacemaking and the Challenge of Violence in World Religions*, ed. Irfan A. Omar and Michael Duffey (West Sussex, UK: Wiley-Blackwell, 2015), 207.

<sup>41</sup> Barbara Alice Mann, *Spirits of Blood, Spirits of Breath: The Twinned Concept of Indigenous America* (Oxford: Oxford University Press, 2016), 40.

Indigenous peoples. That said, we do well to attend to the words of Stuart Hall as he reflected in his later years on the project of Cultural Studies with respect to its "linguistic turn":

There's always something decentered about the medium of culture, about language, textuality, and signification, which always escapes and evades the attempt to link it, directly and immediately, with other structures. And yet, at the same time, the shadow, the imprint, the trace, of those other formations, of the intertextuality of texts in their institutional positions, of texts as sources of power, of textuality as a site of representation and resistance, all of those questions can never be erased from Cultural Studies.<sup>42</sup>

Hall asks us to live in the space of tension between textuality and "the world," where situations demand interventions: "culture will always work through its textualities – and at the same time that textuality is never enough."<sup>43</sup> Thus, following Indigenous thinkers, we need a more rigorous account of the notion of worldview that is not merely "textual," one that rejects facile claims that I am somehow romanticizing Indians, making an "Other" out of Christianity, or that Indigenous Peoples who write of worldview are somehow doing some sort of self-essentializing.

Following Indigenous thinkers, by worldview I and my mentor and frequent co-author Tink Tinker mean something deeper than ideology, culture, or religion. In broader discourse, the notion of worldview itself has a complex history, which Mark Freeland (Sault St. Marie Anishinabek) has recently tracked.<sup>44</sup> In addition to giving a rigorous overview of historical uses of 'worldview' among European philosophers, Freeland aims to develop a better cross-cultural analytic:

I define worldview as an interrelated set of cultural logics that fundamentally orient a culture to space, time, the rest of life, and provides a methodological prescription for relating to that life. In this definition there is a brief description of what a worldview is (interrelated set of cultural logics) and four components to which those logics associate (relationships to space, time, the rest of life, and a methodological prescription to relate to life). With this definition I am positing that each culture has a set of logics that allows its constituents to negotiate the

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<sup>42</sup> Stuart Hall, "Cultural Studies and Its Theoretical Legacies," *Essential Essays*, Vol. 1, ed. David Morley (Durham: Duke University Press, 2019), 82.

<sup>43</sup> Ibid.

<sup>44</sup> Mark Freeland, *Aazheyaadizi: Worldview, Language and the Logics of Decolonization* (East Lansing: Michigan State University Press, 2021), 23.

world. These logics orient the culture to a consistent trajectory of thought organized around relationships that must be addressed to be able to build a meaningful life. Each culture must have some type of relationship to the lands they occupy, to time, to the rest of life, to be able to live in the everyday.<sup>45</sup>

Freeland's description gets us partway toward our articulation of eurochristian worldview, but we have also said it is deeper than culture. For instance, the different European powers that colonized Turtle Island may have different cultures, yet they all employed a theologically christian justification for their "right" to rule based on the Doctrine of Domination, just war theory, and the invention of whiteness.

As I've said, Theodore Allen's two-volume study, *The Invention of the White Race*, goes a long way toward illustrating how "whiteness" developed as the means of social control, first in English attempts at colonizing Ireland and then as reappropriated techniques in "Virginia" and "New England." Allen's materialist critique provides a compelling rationale for the invention of whiteness, but his own secularist and economic tendencies diverted him from addressing the eurochristian worldview that "legitimized" the tendencies toward expropriation he associated with the emergence of capitalism. Yet what is more eurochristian than the emergence of capitalism – even if late-capitalists see their own efforts as entirely "liberated" from religion? What I mean here is the notion of a static-transcendent power, a "Great Father" across the waters. Commerce alone is not capitalism. Capitalism was devised and employed to destroy the gift economies and social structures of Indigenous Peoples. The disruption of the gift economy by mercantile capitalism, as Mann has detailed in *The Tainted Gift*, is one of the most significant impositions of eurochristian worldview on Turtle Island. Allen importantly notes that, at least initially, the first colonizers of "Virginia" did not employ slavery; yet emergent capitalism had no qualms with using public stock investments in human trafficking:

In 1609, the Virginia Company, in a letter to the bourgeoisie corporate of London, "The Lord Mayor, Alderman and Companies," sought to stress the value of ridding "the city and suburbs" of the surplus poor by shipping them to Virginia. The Company proposed that the London bourgeoisie, individually or in organized forms, should purchase shares of Virginia Company stock. For every share thus purchased the Company would offer

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<sup>45</sup> Ibid.

to transport one poor London "inmate" to Virginia. Since it was a fundamental right of English men and women that, except by the explicit order of the Crown, they might not be sent out of the kingdom without their own consent, the Company suggested persuasive arguments whereby the city fathers might get that consent.<sup>46</sup>

The promise of land at the end of a period of labor services was the most persuasive means to obtain consent. Yet this was also moralized as a "Christian" option to save the poor. By 1619, with a collapse in the price of tobacco and an increased demand for cheap labor, slavery became an increasingly enticing option. Slavery could be embraced by employing a non-Christian labor-force who, defined as chattel, need not be compensated and who could be forced to work and produce through generations as opposed to indentured servants. A lack of Christian religion was at the heart of the rationale for forced labor.

The English of course drew on the experiences of more than a century of Spanish and Portuguese occupation in the so-called "new world." The Black Legend had been invented following Bartolomé de las Casas's indictment of Christopher Columbus's monstrous treatment of Native populations. Moorish influence had tainted Spanish blood. Columbus had inspired the ire of Queen Isabella by opening the transatlantic slave trade through the trafficking of her newly acquired "subjects," yet his rationales were explicitly in the name of Christ and following the fervor of the Spanish *Reconquista*, expelling Muslims and Jews from Spain. Even so, the relationship between Spain and England had a deep history, going back to the nationalism of Isabella's ancestor, John of Gaunt. Usurping the Spanish Empire following the defeat of its Armada in 1588 had been an inspiration for English nationalism, yet the colonists increasingly wanted to distance themselves from the "Norman yoke" that had supposedly corrupted the Monarchy.

In a way, the introduction of slavery to the English colonies was enmeshed in its claims to emergent white supremacy over Spain. As Cedric Robinson has detailed, the idea of European civilization has long been premised on enslavement. Its modern form emerged as a "secularized" value promoted by ideological narratives of the "rise of the middle class." Run-of-the-mill social progressivists ought to take note here:

The bourgeoisie that led to the development of capitalism were drawn from particular ethnic groups; the European proletariats and the mercenaries of the leading states from

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<sup>46</sup> Theodore W. Allen, *The Invention of the White Race, Volume II: The Origins of Racial Oppression in Anglo-America* (New York: Verso, 1997), 54.

others; its peasants from still other cultures; and its slaves from entirely different worlds. The tendency of European civilization through capitalism was thus not to homogenize but to differentiate – to exaggerate regional, subcultural, and dialectical differences into “racial” ones. As the Slavs become the natural slaves, the racially inferior stock for domination and exploitation during the Middle Ages, as Tartars came to occupy a similar position in the Italian cities of the late Middle Ages, so at the systemic interlocking of capitalism in the late sixteenth century, the peoples of the Third World began to fill this expanding category of a civilization reproduced by capitalism.<sup>47</sup>

The mechanism of “othering” in order to produce “civilization” expanded rapidly during the fifteenth and sixteenth centuries, as Africans and Indigenous peoples of the “new world” came to occupy the forced labor necessary to sustain it. The so-called “discovery” of the “new world” certainly shifted the earlier eurochristian worldview because it encountered something previously inconceivable. But as with any new phenomenon, their brains categorized according to existing cognitive schemas (worldview) available to them.

The emergence of two entirely abstract terms – the “Negro” and the “Indian” – remain important for understanding how modern racism attempts to not only “other” but to *erase* as well. As Robinson details, the “racial mist” of “european civilization” had “settled over the topography of the English colonies” by the eighteenth century, in large part after the initial decimation of the Native population.<sup>48</sup> The transatlantic slave trade slowly brought a “more enduring ‘domestic enemy’” to the colonies. This was part of the rhetorical erasure of various African peoples. As Robinson writes:

For many reasons, however, it is fair to say that the most significant of the obliterations of the New World’s past was that which affected the African. The African became the more enduring “domestic enemy,” and consequently the object around which a more specific, particular, and exclusive conception of humanity was molded. The “Negro,” that is the color black, was both a negation of African and a unity of opposition to white. The construct of Negro, unlike the terms “African,” “Moor,” “or “Ethiope” suggested that no situatedness in time, that is

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<sup>47</sup> Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition* (Chapel Hill, NC: University of North Carolina Press, 1983), 26.

<sup>48</sup> *Ibid.*, 80.



history, or space, that is ethno- or politico-geography. The Negro had no civilization, no cultures, no religions, no history, no place, and finally no humanity that might command consideration. Like his eastern, central, and western European prototypes, in their time, and the French peasants, the Slavs, the Celtic peoples, and more recently the American "Indians," the Negro constituted a marginally human group, a collection of things of convenience for use and/ or eradication. This was, of course, no idle exercise in racial and moral schemata since it directly related to a most sizable quantum of labor disciplined and applied in a most extraordinary way. Slave labor in the New World, as we have seen in the precapitalist societies of Europe, was an inextricable element in the material, commercial, and capital development that took place.<sup>49</sup>

Robinson's broader argument is a correction to eurochristian narratives of radical or revolutionary thought. Robinson situates Black radicalism in the African traditions erased by the invention of "the Negro," thus articulating that such an intellectual tradition received and advanced upon Marxism according to its own terms. Much like earlier articulations of Negritude by Robinson's predecessors Aimé Césaire and Frantz Fanon, the tradition Robinson details is not bound to a particular region or nation-state. It has different perspectives and strategies than say, African-American ones that seek recognition within the eurochristian colonizing institutions (even if inclusion is presented as a strategy for change in that context). In this sense, I think that what Robinson is attempting to articulate is something closer to what Tink and I mean by worldview. Again, postcolonial studies and its detractors have simply depicted intellectuals as the "privileged" beneficiaries of western education, totally ignoring what a thinker like Robinson has argued with respect to African thought before the advent of slavery and persistent modes of being throughout captivity.

That said, one of the fundamental differences in the oppression of Black and Indian peoples living on Turtle Island is the differing relationship to land. Black people were kidnapped and transported into fundamentally transformed ontologies. Christina Sharpe has articulated this through the metaphor of being "in the wake" of slavery, in the profound depth of an oceanic decontextualization left behind by the slave ship. Like Robinson and Jamaican writer, Sylvia Wynter, Sharpe articulates a defiant position outside of the eurochristian construction of the human.

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<sup>49</sup> Ibid., 81.

[. . .] I am not interested in rescuing Black being(s) for the category of the "Human," misunderstood as "Man," or for the languages of development. Both of those languages and the material conditions that they are/produce continue to produce our fast and slow deaths. I am interested in ways of seeing and imagining responses to the terror visited on Black life and the ways we inhabit it, are inhabited by it, and refuse it. I am interested in the ways we live in and despite that terror. By considering that relationship between imaging and imagining in the registers of Black annotation and Black redaction, I want to think about what these images call forth. And I want to think through what they call on us to do, think, and feel in the wake of slavery – which is to say, in an ongoing present of subjection and resistance.<sup>50</sup>

Undoubtedly, Sharpe's words are a powerful announcement resonating with what Gerald Vizenor has termed 'survivance'. It is, however, a different form of survivance than groups of people who were forcibly moved from ancestral lands and put onto reservations, even if eurochristian colonial supremacy was the cause of oppression for each group. We need to resist the tendency to promote competition between differently oppressed groups here, just as we need to refrain from the common binary reductionism between "whites" and "people of color" or convenient acronyms such as "BIPOC." The strategies employed to survive are necessarily different without qualifying one over the other, yet when lumped into a racial binary of eurochristian versus "People of Color" such nuances are erased. To the extent that civil rights agendas for African Americans have negotiated with liberal politics of recognition to be more included in colonizer society, a larger gap between Indian and African American (a newer "Negro") agenda has been produced that subtly divides the shared rhetorical erasure that produced both "the Negro" and "the Indian." The category of "African American" became the nationalized category seeking inclusion into White-supremacist culture – albeit with the intention of transforming such culture – but while being implicitly against the "Indian" who was subjected to Termination policies and urban inclusion since the 1950s.

As Vine Deloria articulated with respect to very different agendas of American Indians and African Americans in 1960s civil rights efforts,<sup>51</sup> the Indian platform during the Civil Rights

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<sup>50</sup> Christina Sharpe, *In the Wake: On Blackness and Being* (Durham: Duke University Press, 2016), 116.

<sup>51</sup> Vine Deloria, Jr., *Custer Died for Your Sins* (Norman, OK: University of Oklahoma Press, 1969), 180.

Movements of the 1960s was not seeking inclusion into the rights-based, liberal scheme that African Americans and the Women's Movement were vying for, because Indians did not want to become part of the entity that was illegitimately occupying their land. Surely there would be some overlapping improvement in those areas, but the cost for Indians would always remain essentially a matter of traditions. As Deloria writes with urban Indian populations in mind:

As we become aware of our customs we will be able to live in a tribalizing world. Tribal society does not depend upon legislative enactment. It depends heavily in most areas upon customs which fill in the superstructure of society with meaningful forms of behavior and which are constantly changing because of the demands made on them by people.<sup>52</sup>

As such, the central concerns of Indians for Deloria often remain opaque to liberal progressive outsiders. Deloria writes:

Non-Indians must understand the differences, at least in Indian country, between nationalism and militancy. Most Indians are nationalists. That is, they are primarily concerned with development and continuance of the tribe. As nationalists, Indians could not, for the most part, care less about what the rest of society does.<sup>53</sup>

In other words, with all of the liberal-democratic establishment's well-intentioned focus on Inclusion (which is of course most frequently co-opted by a neoliberal marketization of identity), a more nuanced attention to diversity than simply a binary between "whites" and "people of color" would attend to the Survivance of those who do not want to be included. Such a nuanced position is by no means a rejection of the efforts of Black people; it is merely the more accurate attention to the shared oppression that both groups have historically faced as the expropriative labor that would be used to sustain eurochristian "civilization."

Although this work requires a constant cycling back to the fifteenth-century, a persistent attention to the undoing of the Doctrine of Discovery / Domination, which eurochristian courts still uphold today, is essential for cutting through the murky and outdated language of racializing that was invented to support not only a "white" but a *eurochristian* pretension to supremacy. We are saturated with discussions about race and racism that

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<sup>52</sup> Ibid., 237.

<sup>53</sup> Ibid., 241.

frequently sidestep the fact that the invention of modern race based on skin tone was developed in conjunction with eurochristian rationales for why they should have an inherent right to rule. Only a disavowal and a removal of the Doctrine of Discovery will help us really push beyond entrenched and systemic racism. In the U.S., this begins with the task of overruling the 1823 *Johnson v. M'Intosh* case and its effects, from Federal Indian Law, to Indian removal, to our very notions of property and our relations to land in the United States.