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## JUNÍPERO SERRA'S CANONIZATION AND ITS HUMAN RIGHTS IMPLICATIONS

Historian of the Southwest Carey McWilliams writes: “Discovered as a tourist-promotion in the 1880s, the Spanish mission background in Southern California was inflated to mythical proportions. Originating in Los Angeles, the ‘landmarks’ movement spread across the Southwest”<sup>1</sup> The proliferation of the mission lore and “mission décor”<sup>2</sup> quickly ensued and catapulted the story of California missions to the role of the state’s founding myth.

The myth holds that the original European colonization was marked by benevolence which the reputation of the Franciscan missionary *padres* as saviors of their Indian “children” and providers of Christian doctrine and civilization serves to assure. American Indian writer Deborah A. Miranda (Ohlone/Costanoan-Esselen) describes this myth as “‘the olden days’ when the padre stood in the shade of the church doorway and watched the Indians – men, women, children – go meekly about their daily work, clothed, Christianized, content”<sup>3</sup>. Mission historiography that appeared contemporaneously with the mission-promotion boom focused on stressing a theo-positivist or spiritual goals. In his classic *California Pastoral* (1888), Hubert Howe Bancroft wrote of the missionaries: “holy men, they called themselves, men of God, priests, padres, friars, monks, at all events, missionaries, in long gray gowns, with shaven head, slightly bent in attitude of circumspection, with book and beads whereby to hold communion with the great Jehovah who lives beyond the sky, on the other side of chaos, in the realm of the illimitable”<sup>4</sup>. Zephyryn Engelhardt, a Franciscan who published volumes on mission history at the turn of the twentieth century, praised mission-

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<sup>1</sup> C. McWilliams, *North from Mexico: The Spanish-Speaking People of the United States*, New York 1968 [1949], p. 42.

<sup>2</sup> Deborah A. Miranda, *Bad Indians: A Tribal Memoir*, Berkeley 2013, p. xvii.

<sup>3</sup> *Ibidem*, p. xviii.

<sup>4</sup> H. H. Bancroft, *The Works of Hubert Howe Bancroft. Vol. XXXIV. California Pastoral: 1769–1848*, San Francisco 1988, p. 153.

aries as “seraphic pioneers”<sup>5</sup>, “friars [who] came as messengers of Christ”<sup>6</sup>, “to teach them [the Indians] the way to everlasting happiness in heaven”<sup>7</sup>. Early mainstream historians also sided with the priests. Although in “The Mission as a Frontier Institution” (1917) Herbert Eugene Bolton acknowledged that missionaries’ tasks were not limited to soul-saving he nonetheless vindicated Franciscan reputation by talking of “industrial training school[s]”<sup>8</sup> at which the missionaries served as “political and civilizing agents of a very positive sort”<sup>9</sup>. Thus for Bolton, Junípero Serra (1713–1784), the founder of California mission system, was “the outstanding Spanish pioneer”<sup>10</sup>. Appointed in 1934 the head of the first Vatican commission for Serra’s cause Bolton, the dean of the Borderlands school of American history, testified in favor of sainthood in 1948<sup>11</sup>.

The same year when Bolton was giving his testimony McWilliams, drawing on statistical and biological studies conducted by physiologist Sherburne F. Cook in the 1930s, was writing his revisionist interpretation of the historical missions and their continuing legacy. Cook’s seminal “The Indian Versus the Spanish Mission” (1943) analyzed the rates of population decline, disease, nutrition, and negative responses to the mission life, and much more. For McWilliams, it was clear that the normative, romanticized version of mission history and its influence in the region concealed a dark moral stain or what he called, “the Indian in the closet”<sup>12</sup>. As the Western world was coming to terms with the legacy of Holocaust by adopting the term genocide, proposed by Raphael Lemkin in 1944, McWilliams offered his, now famous, indictment against California’s own original sin: “With the best theological intentions in the world, the Franciscan padres eliminated Indians with the effectiveness of Nazis operating concentration camps. ... So far as the Indians were concerned, the chain of Missions along the coast might best be described as a series of picturesque charnel houses. For it was the Mission experience, rather than any contact with Spanish culture, that produced this frightful toll of Indian life”<sup>13</sup>. Historians have grappled with the question of the missions’ role in the Indigenous genocide ever since.

<sup>5</sup> Z. Engelhardt, *The Franciscans in California*, San Francisco 1897, p. 1.

<sup>6</sup> Z. Engelhardt, *Missions and Missionaries of California*, San Francisco 1908, p. 242.

<sup>7</sup> Z. Engelhardt, in G. S. Breschini and T. Haversat, *The Esselen Indians of the Big Sur Country: The Land and the People*. Salinas 2004, p. 40.

<sup>8</sup> H. E. Bolton, *The Mission as a Frontier Institution in the Spanish-American Colonies*, “American Historical Review”, 1917, 23/1, 42–68, p. 58.

<sup>9</sup> *Ibidem*, p. 47

<sup>10</sup> H. E. Bolton, in J. A. Sandos, *Junípero Serra's Canonization and the Historical Record*, “The American Historical Review”, 1988 93/5, pp. 1253–1269, p. 1256.

<sup>11</sup> J. A. Sandos, *op. cit.*, p. 1257.

<sup>12</sup> C. McWilliams. *Southern California: An Island on the Land*, Salt Lake City 1994 [1946], p. 21.

<sup>13</sup> *Ibidem*, p. 29.

McWilliams accused the inflated and sanitized mission story or, what he called, “the fantasy heritage, the latter-day version of the Spanish prologue”<sup>14</sup> of being an instrument which repressed dark elements of the past from public consciousness. Images of “kindly mission padres, [who] overcame the hostility of the Indians by their saintly example and the force of the spiritual ideal, much in the manner of a gentle spring rain driving the harsh winds of winter from the skies”<sup>15</sup>, or a conception that the “climate was so mild, the soil so fertile, that Indians merely cast seeds on the ground ... and relaxed in the shade of the nearest tree ... . . . to open one eye and lazily watch the corn stalks shooting up in the golden light”<sup>16</sup> amounted for him to nothing but “synthetic past”<sup>17</sup> which shielded the settler society from a disturbing through line of xenophobia and ethnic cleansing in the state’s genealogy. After anthropologist Renato Rosaldo we can identify the moment when Charles Fletcher Lummis, prominent California promoter, realized that “[t]he missions are, next to our climate and its consequences, the best capital Southern California has”<sup>18</sup>, and when everything-mission became subject to sentimentalization as the dawn of the era of “mystification” as a mode of domination. Rosaldo says that such mystification works by evoking an “[i]mperialist nostalgia ... [or a] yearning for what one has destroyed”<sup>19</sup>. “Nostalgia at play with domination”, adds Rosaldo, “uses compelling tenderness to draw attention away from the relation’s fundamental inequality”<sup>20</sup>. By creating an image of the state’s beginnings as the “Golden Age”<sup>21</sup>, or a “tender” primal scene ripe for fetishization, a Eurocentric and unmarked by the inaugural breach version of the past came to dominate. Incessantly rearticulated in such spheres as literature (*Ramona* by Helent Hunt Jackson), magazine publications (Lummis’ *Land of Sunshine* and *Out West*), public space projects (Camino Real markers), mission preservation movements (Lummis’ Landmarks Club), nativist societies (Native Daughters and Sons of the Golden West), automobile associations, memorabilia, real estate and architecture, and, importantly, the educational system it gave the state what cultural geographer Dydia DeLyser calls, “a new social memory”<sup>22</sup>.

<sup>14</sup> Eadem, *North from Mexico*..., op. cit., p. 47

<sup>15</sup> Ibidem, p. 35.

<sup>16</sup> Ibidem, p. 35.

<sup>17</sup> Ibidem, p. 21.

<sup>18</sup> M. Davis, *City of Quartz*, New York 1992. p. 24.

<sup>19</sup> R. Rosaldo, *Culture & Truth: The Remaking of Social Analysis*. Boston 1989, p. 71.

<sup>20</sup> Ibidem, p. 87.

<sup>21</sup> Z. Engelhardt, *Missions and Missionaries of California*. op. cit., p. 599.

<sup>22</sup> D. DeLyser, *Ramona Memories: Fiction, Tourist Practices, and Placing the Past in Southern California*, “Annals of the Association of American Geographers”, December 2003 93/4, 886–908, p. 886.

Rosaldo says that “ideological discourses work more through selective attention than outright suppression”<sup>23</sup>. An overemphasis on Spanish roots at the expense of Indigenous and Mexican perspectives was in fact just that – a work of selective attention. It offered an opportunity to tell a linear, heroic, moral, pastoral story while accounts of contingency, plurality, and racial impurity, stories of different legitimacy and origin were conveniently silenced.

McWilliams notes that this polarization of histories – the privileged Spanish and the repudiated Indian and Mexican – has had a divisive effect on the state’s consciousness: it has “perniciously beclouded relations between Anglos and Hispanos in the borderlands”, and put a “veil of fantasy” over “the reality of cultural fusion”<sup>24</sup>. Crucially, McWilliams adds, the veil has worked not only “to deprive the Mexicans of their heritage”, or refuse them their recognition and rightful place in the regional symbolic. It has had practical consequences too. It has helped “to keep them in their place”, that is, as McWilliams stresses, the fantasy has “a functional, not an ornamental arrangement”<sup>25</sup>. For Miranda these functional or operative effects are clear: “the Mission Fantasy Fairy Tale”, she says, “has done more damage to California Indians than any conquistador, any priest, any *soldado de cuera* (leather-jacket soldier), any smallpox, measles, or influenza virus. This story has not just killed us, it has taught us how to kill ourselves and kill each other with alcohol, domestic violence, horizontal racism, internalized hatred. This story is a kind of evil, a kind of witchery. We have to put an end to it”<sup>26</sup>.

One of the most fundamental projects of California’s fantasy heritage has always been the elaboration of the story of the founder of the missions, Spanish Franciscan Junípero Serra (1769–1784), considered the Founding Father of California. Seeds of his legend were first planted in 1787 when Francisco Palóu’s hagiography *Relación Historica de la Vida y Apostolicas Tereas del Venerable Padre Junipero Serra* was published (in English in 1913). As an element of the “landmarks” movement’s campaigns for mission-preservation his tomb was ceremonially reopened at Mission Carmel in 1882. Four hundred people were in attendance in the crumbling church. As reporter Joseph R. Knowland reflected, the mission’s “ruins spoke impressively of neglect and indifference to the memory of an outstanding religious leader”<sup>27</sup>. Knowland’s words evince a drive to identification of Serra’s legend with the cause of missions’ preservation. The

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<sup>23</sup> R. Rosaldo, op. cit., p. 87.

<sup>24</sup> C. McWilliams, *North from Mexico...*, op. cit., p. 47.

<sup>25</sup> *Ibidem*, p. 39.

<sup>26</sup> D. H. Miranda, op. cit., p. xix.

<sup>27</sup> E.E. Kimbro, J.G. Costello, T. Ball, *The California Missions: History, Art, and Preservation*. Los Angeles 2009, p. 52.

better we care for our ruins, the logic goes, the stronger Serra's memory will be among us and vice versa. One flows smoothly from another. In a certain way then, when California opened its pavilion at the World Fair in Chicago in 1893, it ushered not only the Mission Revival architectural style onto the world stage. Serra's legend also received a major boost. In other words, the real estate became the other side of sainthood. No wonder that it was Lummis, the greatest booster, who in 1909 began campaigns for Serra's sainthood<sup>28</sup>. In 1988 pope John Paul II beatified Serra at Carmel. Due to the lack of evidence for a second miracle, historians' recommendation was sought to complete the canonization process. In what may be called "the crowning variable of the mission fantasy" Serra was elevated to sainthood in Washington, D.C on September 23, 2015.

Bearing in mind the entanglements of Serra's legend with the region's mission fantasy and its effects it seems logical to ask about the canonization's selective use of history. It seems also pertinent to weigh in the sainthood's functional and not only theological or "ornamental" dimensions. McWilliams' and Miranda's conclusions that the fantasy heritage's operative, real-life consequences have been historically detrimental and divisive call for an analysis that would factor in any possible damage done by this canonization, as well as its potential "evil" effects.

Below, I offer an assessment of this canonization by first briefly reporting on the Church's arguments in favor of sainthood, outlining vital facts about Serra and his assignment, and pointing to voices of discontent. Addressing the question of genocide I evoke the paradigm of *homo sacer* as one way of making sense of the Indians' status at the missions and argue that this status sealed Indians' fate and paved the way to Indigenous genocide. In the last section I review a number of human rights implications of this canonization.

### **According to the Church**

The Church's interpretation of Serra was based on a number of strategies: appropriation of the human rights discourse; prioritization of a future-oriented epistemology; hagiographic praises of Serra's self-sacrifice, altruism, and tolerance; foregrounding of the Christian imperative, from Matthew 10:7, to "go and announce;" historico-political objective to add Spanish and Catholic presence to American historical imagination<sup>29</sup>. A letter by José H. Gómez, the archbishop

<sup>28</sup> F. J. Weber, *The Life and Times of Junípero Serra*, San Luis Obispo 1988, p. 101.

<sup>29</sup> According to Guzmán Carriquiry Lecour, secretary of the Papal Commission for Latin America, saint Serra was to serve as an important addition to the pantheon of American founding fathers. Lecour: "The story of the Pilgrims as founding fathers ... ignores

of Los Angeles, succinctly correlates these elements and may serve as a concise example of a body of praises mobilized by the Church. Gómez calls Serra “one of the great figures in the history of the Church’s mission to the nations” and “a man who was one of the true ‘founders’ of America” for he laid the foundations for the United States as “a nation born from the universal mission of the Catholic Church and the encounter of the Gospel with the first nation”. For Gómez, this encounter, as pursued by Serra, was characterized by “tender mercy” and “compassion.” Serra, says Gómez, was motivated by “deepest ... religious, spiritual and humanitarian” calling, and “came to this New World with a burning love for the land and its people”. According to Gómez, Serra “loved his people [Indians] with a father’s love” and always acted as their “protector and defender” while his “writings reflect[ed] genuine respect for the Indigenous people and their ways.” Hence, Gómez claims, Serra was “one of the great pioneers of human rights in the Americas”<sup>30</sup>.

The Church and the historical commission which reviewed Serra’s case supported the priest’s saintly reputation by referencing, what they considered a clear proof of his humanitarianism, a document authored by Serra in 1773 and known as *Representación*. Serra’s defenders universally hailed this memorandum to the viceroy of New Spain as a “radical call for justice for the Indigenous peoples living in the missions”, one which should be studied as “a landmark of Catholic social teaching and a primary document in the history of human rights”<sup>31</sup>.

### Serra’s Assignment and Legacy

What was missing in these praises was Serra’s role as an agent of the empire, his personality and documented methods, as well as any regard for Serra’s responsibility for the destruction of Indigenous lives and cultures.

In August 1768, José de Gálvez, Spanish Visitor General to New Spain, charged Serra with a task of establishing a chain of missions in Alta California<sup>32</sup>. Gálvez was a member of elite class of Bourbon reformers who, as Steven W. Hackel puts it, “charged that missionaries contributed little to society while draining resources”<sup>33</sup>. Nevertheless, in the case of California, a hitherto unsecured province,

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that much earlier, there was a Catholic Hispanic missionary presence throughout almost the entire American territory ... The Saint Junípero Serra will help overcome the contrast between what is Hispanic and what is Anglo-Saxon in the United States, what is Catholic and what is Protestant”, in S. Poggioli, *Native Americans Protest Canonization Of Junípero Serra*, “NPR News”, 16 September 2015.

<sup>30</sup> J. H. Gómez, *Junípero Serra’s Mission and America’s Religious Foundations and Future*, “ADLA Newsroom”, 02 May 2015.

<sup>31</sup> *Ibidem*.

<sup>32</sup> S. W. Hackel, *Junípero Serra: California’s Founding Father*. New York 2013, p. 148.

<sup>33</sup> *Ibidem*, p. 141.

these secularist sentiments were suspended. News of Russian explorations in the northwest demanded urgent preemptive action to shore up the Spanish claim. Bearing in mind California's distance which ruled out regular shipments of supplies, Franciscans' proximity (in Baja California since the expulsion of Jesuits in 1767), and lack of civilian colonists Gálvez concluded that the missions should become the main source of agricultural production in the new colony. Thus, in a move that historians consider anomalous, an old Habsburg method of pacification which accorded to missionaries the role of chief frontier agents was ordered<sup>34</sup>, and the Franciscans were granted with full control over the "training, governance, punishment, and education of baptized Indians"<sup>35</sup>. In other words, although the stated objective of the intrusion was civilization and conversion, which the name "Sacred Expedition" – under which the *entrada* was staged – was meant to describe, the real purpose was to secure a territorial claim and make the region self-sustainable with native labor under Franciscan supervision.

Gálvez's choice of Serra was not accidental. Traits of his character, his dedication, and experience made him an ideal candidate to introduce retrograde pacification policies. James A. Sandos<sup>36</sup> and Elias Castillo<sup>37</sup> prove that Serra was "a man with a medieval worldview, the antithesis and enemy of the Enlightenment thinking"<sup>38</sup>, an ascetic with a penchant for self-mortification, whose zeal one Father Superior considered "necessary to moderate"<sup>39</sup>. For his dedication he was appointed "a *comisario*, or field agent, for the Spanish Inquisition"<sup>40</sup> in New Spain. In this capacity Serra was responsible for the death of at least one woman – María Pascuala de Nava of the Huasteca province – after eliciting "from her an incriminating declaration"<sup>41</sup>. He held millenarian beliefs, and upon his arrival in California, what he considered "the last corner of the earth"<sup>42</sup>, he saw his chance to create a Christian utopia. His expectations were inflamed by studies

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<sup>34</sup> As David J. Weber argues, the methods of colonization used in California were anomalous at the time. Enlightened Bourbon officials were generally critical of the mission as a colonization institution and in other parts of the New Spain the mission system was abandoned or the influence of the friars severely restricted. For more, see: Weber's *Spanish Bourbons and Wild Indians*, Waco 2004, p. 38–44.

<sup>35</sup> D. J. Weber, *Spanish Bourbons and Wild Indians*, Waco 2004, p. 45.

<sup>36</sup> J. A. Sandos, *Converting California: Indians and Franciscans in the Missions*, New Haven and London 2004, p. 35–54.

<sup>37</sup> E. Castillo, *A Cross of Thorns: The Enslavement of California's Indians by the Spanish Missions*, Fresno 2015, p. 55–70.

<sup>38</sup> J. A. Sandos, *Converting California...*, op. cit., p. 3.

<sup>39</sup> E. Castillo, op. cit., p. 36.

<sup>40</sup> S.W. Hackel, op. cit., p. 124.

<sup>41</sup> *Ibidem*, p. 127.

<sup>42</sup> J. A. Sandos, *Converting California...*, op. cit., p. 35.

of sixteenth-century missionary chronicles of Juan de Torquemada, Francisco Solano, and others which he began at an early age in his hometown in Petra, Mallorca and continued throughout his career as a professor of theology in Palma de Mallorca and later as a missionary.<sup>43</sup> Believing to be following in these Franciscans' footsteps he invoked their examples as "immemorial custom[s]"<sup>44</sup> to justify violent methods of punishment meted out to mission Indians. When governor Felipe de Neve protested against cruelty in the missions Serra responded that, the fact that "spiritual fathers punish their sons the Indians with lashes seems to be as old as the conquest of these kingdoms and so widespread that even the saints were no exception." The saint in mind was St. Francis Solano whose biography taught that, Serra continued, "in operating his mission in the province of Tucumán in Peru . . . when they [the Indians] failed to carry out his order he had his Indians whipped by his *fiscales*"<sup>45</sup>. This lack of moral dilemmas with regard to cruel punishments is revealed in Serra's letter to commander Fernando Rivera y Moncada, dated July 31, 1775. He explains why and how captured fugitive Indians should be disciplined: "I am sending them to you so that a period of exile, and two or three whippings ... applied to them on different days may serve, for them and for all the rest, for a warning, may be of spiritual benefit to all"<sup>46</sup>.

At every mission whippings of up to one hundred lashes<sup>47</sup>, shackles, and stocks were used to enforce compliance with strict regimentation of work and prayer which one commentator compared to a life in monastery<sup>48</sup>. Others analyzed the regime at the missions in terms of slavery<sup>49</sup>. The results of the system were catastrophic – congregating large populations in unsanitary conditions, coercing labor, separating families, cruelly disciplining fugitives and others, subjecting neophytes to privation and malnutrition, etc. – the missions contributed to epidemics, psychological trauma, and eventual mass deaths. Traditional kinship

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<sup>43</sup> Francisco Palóu wrote of his life-long friend, "the principal thing which came out of the reading was the vehement desire to imitate these holy and venerable men who had been employed in the conversion of souls, principally those pagan and barbarous peoples". F. Palóu, *Life and Apostolic Labors of the Venerable Father Junipero Serra*, Pasadena 1913, p. 3.

<sup>44</sup> J. Serra, in F. J. Weber, *The Life and Times of Junipero Serra*, op. cit., p. 38.

<sup>45</sup> J. Serra, in W. J. A. Sandos, *Converting California...*, op. cit., p. 74.

<sup>46</sup> J. Serra, in E. Castillo, op. cit., p. 79.

<sup>47</sup> S.F. Cook, F. Sherburne, *The Conflict between the California Indian and White Civilization*, Berkeley and Los Angeles 1976, p. 125.

<sup>48</sup> M. Margolin, *Life in a California Mission-Monterey in 1786: The Journals of Jean François de la Pérouse*. Berkeley 1989, p. 15.

<sup>49</sup> See, for example: R. Archibald, *Indian Labor at the California Missions: Slavery or Salvation?*, "The Journal of San Diego History. San Diego Historical Society Quarterly", Spring 1978 24/2; E. Castillo, op. cit.



bonds were destroyed, families were broken, cultures disintegrated. Women lost status and, due to debilitating venereal diseases miscarried, had stillbirths or gave “birth to infants with syphilis”<sup>50</sup>. Visitors to missions often “mistook the impact of venereal disease for the natural condition of the California Indian”<sup>51</sup> and their reports laid the groundwork for contempt to Indian humanity which, in time, translated to anything from scornful stereotypes to open-season massacres. The accumulated result of the social transformation introduced by Serra and his cadre was, what some commentators consider, “the largest ethnic cleansing in north America”<sup>52</sup> or, as Miranda puts it, “The End of the World”<sup>53</sup>.

Statistical information on the population decline helps to put this in perspective. Current estimates of the pre-contact population range from 310 000<sup>54</sup> to 350 000<sup>55</sup>. Miranda cites “over one million at the time”<sup>56</sup>. Cook calculated that : the Crude Death Rate of the pre-contact Indigenous population was 50 per 1,000. During the first decade of the mission period this rate increased to 70 per 1,000, “rising to 85 per 1,000 by 1800 ... a much higher rate prevailed for children, one that approached 170 per 1,000 in the decade prior to 1800”<sup>57</sup>. As a result, by the end of the mission era the region under the mission influence recorded a population drop of 74%<sup>58</sup>. In the 1850s, when Anglo-American settlers invaded the region, a dramatic drop of total Indigenous population to about 30 000 was recorded<sup>59</sup>. By 1900 – while the mission fantasy was in full swing – this dropped to 15 377<sup>60</sup>. Thus, within 130 years since first contact the region – which had been the most densely populated in all of what is now the United States, a multi-cultural territory where more than 135 different languages had been spoken<sup>61</sup> – recorded a population decline of 95%. Those Indians who survived became relics of a bygone era, curiosities doomed to disappear. Many intermarried with members of other tribes, lost languages and customs. Many succumbed to alcoholism, self-destructive behavior, depression, and a whole set of other

<sup>50</sup> J. A. Sandos, *Converting California...*, op. cit., p. 125.

<sup>51</sup> Ibidem, p. 121.

<sup>52</sup> T. Carac, “Urge Pope Francis to Abandon the Canonization of Junípero Serra”, *MoveOn.org.petitions*, 2015.

<sup>53</sup> D. H. Miranda, op. cit., p. 1.

<sup>54</sup> J. A. Sandos, *Converting California...*, op. cit., p. 183.

<sup>55</sup> E. Castillo, op. cit., p. 44.

<sup>56</sup> D.H. Miranda, op. cit., p. xvii.

<sup>57</sup> J. A. Sandos, *Converting California ...*, op. cit., p. 126.

<sup>58</sup> Ibidem, p. 1.

<sup>59</sup> Tamże, p. 183.

<sup>60</sup> R. H. Jackson and E. Castillo, *Indians, Franciscans, and Spanish Colonization: The Impact of the Mission System on California Indians*, Albuquerque 1995, p. 109.

<sup>61</sup> K. Starr, *California: A History*, New York 2005, p. 13.

post-traumatic, psycho-somatic conditions from which the American Indian community still struggles to recover.

### **Opposition to Canonization**

When plans to beatify Serra were announced in the 1980s, a large movement of Indigenous and Latino protesters mobilized against it. So it was in 2015. The canonization galvanized opposition which saw Serra's sainthood as, to quote one commentator, a "human rights violation of... ancestors"<sup>62</sup>. The descendants of the former mission Indians – including Miranda and chairman Valentin Lopez of the Amah Mutsun Tribal Band – read the plans to grant Serra sainthood as a monumental insult and another act of moral injury to collective memory as well as a belittling of the ancestors' suffering. A broad coalition organized vigils, marches, demonstrations, performances, academic/community seminars. Numerous letters of protest were sent and online petitions submitted. On April 23, 2015 chairman Lopez addressed the United Nations' Permanent Forum on Indigenous Issues. Speaking in the name of those whose "voices have never been heard"<sup>63</sup> he accused Serra of stealing Indian land and treating Indians as "prisoners or slaves." Lopez pointed out also that two papal Bulls (1452, 1493) or the founding documents of what is known as the Doctrine of Christian Discovery, naming all "non-Christians as enemies of Christ"<sup>64</sup>, provided direct incentive for Serra's actions. Lopez urged the pope to rescind these Bulls, abandon plans for sainthood, and initiate a genuine dialog of reconciliation. These pleas unheeded the pope said the canonization mass in Washington D.C. facing East, his back turned literally and symbolically on the American West.

### **The Question of Genocide**

Considering this canonization I will address only one accusation, that of genocide which, I aim to argue, is fundamentally linked with *Representación*, the document held by the Church to be the central proof of Serra's humanitarianism.

As noted above, the first historian to raise the question of genocide was McWilliams. He did not use the word, however, for its definition was adopted by the United Nations the same year he wrote his indictment and Bolton gave his

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<sup>62</sup> Carac, op.cit.

<sup>63</sup> Ibidem.

<sup>64</sup> V. Lopez, Intervention. "United Nations Permanent Forum on Indigenous Issues", Fourteenth Session, 23 April 2015. youtube.

favorable testimony. The 1948 *UN Convention on the Prevention and Punishment of the Crime of Genocide* (CPPCG) defines “genocide” as “acts committed with intent to destroy”<sup>65</sup>. Building on this definition’s emphasis on “intent” Sandos refutes McWilliams’ charge with the following: “From the standpoint of intention alone, there can be no valid comparison between Franciscans and Nazis”<sup>66</sup>. Sandos adds that missionaries “had no knowledge” and “were ignorant of what they had done”<sup>67</sup>. This is enough for Sandos to absolve the missions’ results as “unintentional diminishment of the California Indian population”<sup>68</sup> which, he claims, cannot be compared with the deliberate genocidal Nazi policies.

One way to approach Sandos’ claim of unintentionality is to remind ourselves that a debate on how to “assess the intent of alleged perpetrators of genocide”<sup>69</sup> has been ongoing for quite some time. As Samuel Totten and Paul R. Bartrop caution, “[o]ver the years, international law specialists ... have argued that, in reality, ‘intent’ can be inferred from the various criminal acts themselves”<sup>70</sup>. This is to say, that today it is understood that it does not take an official announcement of intent for events to be considered genocidal. Rather, the deeds themselves or perhaps negligence to prevent them may be indicators of an implicit intent.

Let me address Sandos’ claim. First, it is disputable whether the missionaries “had no knowledge” of the possible consequences of excessive brutality and unsanitary conditions. Chronicles from the first phase of the *conquista* (Torquemada, Bartolomeo de las Casas, Juan Bautista Pomar, etc.) of which Serra was an avid reader, clearly reveal that Indian deaths directly resulted from the Spanish intrusion. However, these deaths were often explained as manifestations of “the wrath of God” and just punishment. For example, Motolinia, one of the first Franciscans to land in Mexico in 1524, compared the phases of the conquest to ten Biblical plagues of Egypt. Even though Spaniards are directly responsible for these “plagues” for Motolinia, as Tzvetan Todorov explains, they are “an expression of the divine will”<sup>71</sup>. The Spaniards and their cruelty would then be only “imperative” instruments in the hands of God. This logic could explain why Franciscans in California, despite alarming death rates did nothing to prevent them. As Michel Foucault reminds us, “measures to be taken when the plague appeared in a town” were already put in place in Europe “at the end of the

<sup>65</sup> United Nations, *UN Convention on the Prevention and Punishment of the Crime of Genocide*, “General Assembly Resolution”, 09 December 1948 260/A(III); my emphasis.

<sup>66</sup> J. A. Sandos. *Converting California...*, op. cit., p. 179.

<sup>67</sup> Ibidem, p. 180.

<sup>68</sup> Ibidem, p. 180; my emphasis.

<sup>69</sup> S. Totten and P. R. Bartrop. *Dictionary of Genocide*. Westport 2008, p. 214.

<sup>70</sup> Ibidem, p. 214.

<sup>71</sup> T. Todorov, *The Conquest of America: The Question of the Other*, t. R. Howard, New York 1987, p. 138.

seventeenth century”<sup>72</sup>. They included “strict spatial partitioning”, “prohibition to leave the town on pain of death, the killing of all stray animals; the division of the town into distinct quarters, each governed by an intendant” throughout the quarantine<sup>73</sup>, boarding up doors and windows, etc. In other words, says Foucault, “[t]he plague is met by order; its function is to sort out every possible confusion”, “[a]gainst the plague, which is a mixture, discipline brings into play its power, which is one of analysis”<sup>74</sup>. Why did Serra, otherwise a strict and methodic administrator, a man of order and discipline decide not to act according to the best knowledge or procedures of the time? Why in a community he held in absolute authority of “paternalistic rigor”<sup>75</sup> did he allow “confusion”, “mixture”, chaos? On July 24, 1775 he wrote: “In the midst of all our troubles, the spiritual side of the missions is developing most happily. In [Mission] San Antonio there are simultaneously two harvests, at one time, one for wheat, and of a plague among the children, who are dying”<sup>76</sup>. Even if this is eschatological joy which celebrates the fact of saving souls it is perverse because it is based on the logic of *not saving lives*. It must be assumed that Serra, native of Mallorca where, when disease struck residents fled “to the homes of relatives in the countryside, where they might escape contagious, fast-spreading disease”<sup>77</sup>, *knew* well of preventive measures and yet decided to abort them at the missions he ran. The missionary’s stance should thus be termed a “negligent” theodicean abdication. As such, it must be assessed as a dissolute breach of a moral injunction to secure conditions which sustain, not destroy, life. And, consequently, from such conscious negligence a genocidal intent can be inferred.

Secondly, a compliance with a legal framework of the empire should be taken into consideration. As mentioned before, Serra acquired full control over the mission Indians at the outset. However, because early California governors disliked his methods and constantly questioned his authority, Serra travelled to Mexico City to renew his mandate. There, in 1773, he presented his *Representación*, a memorandum of “more than eight thousand words”<sup>78</sup> and containing thirty two suggestions as to the administration of Alta California. In response, viceregal decrees provided that, “[t]he management, control, punishment, and education of baptized Indians pertain exclusively”<sup>79</sup> to the missionaries who were given

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<sup>72</sup> M. Foucault, *Discipline and Punish: The Birth of the Prison*. t. A. Sheridan, New York 1995, p. 196.

<sup>73</sup> *Ibidem*, p. 196.

<sup>74</sup> *Ibidem*, p. 197.

<sup>75</sup> S. W. Hackel, *op. cit.*, p. 100.

<sup>76</sup> E. Castillo, *op. cit.*, p. 82.

<sup>77</sup> S. W. Hackel, *op. cit.*, p. 30.

<sup>78</sup> *Ibidem*, p. 190.

<sup>79</sup> J. A. Sandos, *Converting California...*, *op. cit.*, p. 3.

the, so called, *loco parentis* “to manage the mission Indians as a father would manage his family”<sup>80</sup>. This decision was of paramount importance but, as I aim to argue, had disastrous consequences.

When the viceroy acquiesced to Serra’s plea the mission Indigenous populations were removed from the jurisdiction of the state and cast *en mass* as exceptions to the laws pertaining to all other citizens (*ius humanum*); now, like children, subject only to paternal authority. Even though they lived on their own lands, of which the missionary was supposed to be only a temporary guardian,<sup>81</sup> they lost all rights as members of the larger polity and became stateless in their own homeland. The missions became places akin to refugee or internment camps in which natives like denationalized aliens were congregated. This was purportedly a temporary condition which required from them constant physical and spiritual exertion on their way to salvation and civilization in some indeterminable future.

Here work theology was the supreme principle which, according to its founder Peter Damian, holds that, in Patricia Ranft’s rendition, “[w]ork is the means by which humanity alters life between birth and death”<sup>82</sup>. The friars’ role was then to guard the divine law (*ius divinum*) by guarding the mission labor—Indians’ performance in labor was translatable to their spiritual progress. Simultaneously, as “fathers” to their “children” the priests had exclusive right to assess their advances in civility which, again, could be measured in terms of dedication to labor. The predicament Indians found themselves in was extendable *ad infinitum*. They were on the way to the sacred and cultured life but, subject to racist skepticism, they were continually not yet there. In the early 1800s Serra’s successor and the second president Fermin Lasuén argued that Indians were “still much addicted”<sup>83</sup> to the pagan life and only force of the mission guard could bring them to “realize that they are *men*”<sup>84</sup>. Only this way, he added, “a savage race such as these” would be transformed “into a society that is *human*, Christian, civil and accomplished”<sup>85</sup>. Diego de Borica, governor and Lasuén’s ally, added: “at the rate they are progressing, [they] will not become so in ten centuries”<sup>86</sup>. Thus, as a consequence

<sup>80</sup> Z. Engelhardt, *Missions and Missionaries...*, op. cit., p. 117.

<sup>81</sup> According to a 1749 law, a new royal policy required missions “to become doctrinas, the beginning of Indian parishes, ten years after their founding”; J. A. Sandos, *Converting California...*, op. cit., p. 11.

<sup>82</sup> P. Ranft, *Franciscan Work Theology in Historical Perspective*, “Franciscan Studies”, 2009, 67, p. 45.

<sup>83</sup> Lasuén, in J. A. Sandos, *Converting California...*, op. cit., p. 93.

<sup>84</sup> Lasuén, in *ibidem*, p. 92; my emphasis.

<sup>85</sup> Lasuén, in *ibidem*; my emphasis.

<sup>86</sup> D. de Borica, in D. J. Weber, *The Spanish Frontier in North America*, New Haven 1992, p. 262.

of Serra's intervention, mission Indians' status was translated to a prison of a four-fold threshold – not only did they reside outside *ius humanum* and *ius divinum* but they also belonged to temporal and ontological limbos.

It may be helpful to think of Indians' existence only as exceptions by recalling the category of "*homo sacer*" which, as Giorgio Agamben reminds us, stood in the Roman law for a person who was subject to "the sovereign ban"<sup>87</sup>, "set outside human jurisdiction without being brought into the realm of divine law"<sup>88</sup>. A person defined as *homo sacer* was considered "a life that may be killed by anyone"<sup>89</sup>. As "life devoid of value"<sup>90</sup> its death by violence "did not constitute sacrilege"<sup>91</sup>. There were two basic types of crimes which merited "*sacratio*": "*terminum exarare*" and "*verberatio parentis*", which stand for, respectively, the "cancellation of borders" and "the violence of the son against the parent"<sup>92</sup>. To punish for such transgressions no court order was necessary, one could kill and was absolved.

The status of the mission Indians was not unlike that of *homo sacer*. If in the Roman Empire those who illegally crossed borders or those who defied *pater familias* could be killed with impunity so was the case in California missions. Indian fugitives or those who overstayed their furloughs, as well as all those who were disobedient "children" could be violently punished, "sometimes to the point of death"<sup>93</sup>, and such acts were not regarded neither as sacrilege according to *ius divinum* nor a breach of *ius humanum*. If this genealogy seems stretched consider that *Las Siete Partidas* (1265), Spanish statutory code which remained effective until the nineteenth century, had been largely based on the Roman codes. Its section four defined the absolute power of the father to, for example, sell his children to slavery or, if "he had nothing to eat, ... [to] eat his own son with *no damage to his reputation*"<sup>94</sup>. It was the authority of these and other laws (also laws prescribing specific violent punishments) that assured that the priests' conscience, as well as their record or "reputation" would remain clean.

I believe this diachronic legal perspective to be an important, if often overlooked, addition to the usual explanations of priests' behavior. It was not only "saintly" intentions of saving souls, theodicean logic of divine chastisement, examples of other missionaries, nor even the expediency of labor for the benefit

<sup>87</sup> G. Agamben, *Homo Sacer: Sovereign Power and Bare Life*, Stanford 1998, p. 83.

<sup>88</sup> *Ibidem*, p. 81.

<sup>89</sup> *Ibidem*, p. 86.

<sup>90</sup> *Ibidem*, p. 139.

<sup>91</sup> *Ibidem*, p. 82.

<sup>92</sup> *Ibidem*, p. 85.

<sup>93</sup> R. Archibald, *Indian Labor at the California Missions: Slavery or Salvation?*, op. cit.

<sup>94</sup> M. W. Nichols, *Las Siete Partidas*, "California Law Review", 1932 20/3, p. 260–285, p. 277; my emphasis.

of the colony that permitted friars' cruelty. It was the legal framework, a more fundamental "ancient custom", which rationalized and authorized violence. As M.C. Mirow reminds us: "Law and legal institutions served the crown's needs of conquest and colonization"<sup>95</sup> and in considering the functioning of California missions this legal aspect – "law as a mechanism of political and cultural hegemony"<sup>96</sup> – should guard us against the mystique of romanticization which archbishop Gómez mobilizes when he speaks of "father's love."

The decrees issues as a result of Serra's intervention in Mexico City or, what I term, the theo-secular collusion of 1773, like the denaturalization laws in Nazi Germany applied to Jews before they were sent to camps, sealed natives' fate as "bare life"<sup>97</sup>, turning them into "the actualization of a mere 'capacity to be killed'"<sup>98</sup> or saved; making salvation indistinguishable from violence. Consider that it was upon the legal designations secured by Serra that subsequent genocidal settler policies in U.S. California were based. Historian of the Southwest, Martha Menchaca, reminds us that in 1850, in *Suñol v. Hepburn*, the California Supreme Court ruled that because Christian Indians in Mexico "had been given the same constitutional status as lunatics, children, women, and other people dependent upon the state"<sup>99</sup> they "had never had, and should not be given any U.S. constitutional rights"<sup>100</sup>. Upon this decision the U.S. Congress commissioned "the War Department to clear hundreds of thousands of acres ... for the arrival of Anglo-American settlers" which "resulted in the massive reduction of the Indian population ... to 50,000 in 1855"<sup>101</sup>. These policies' legal origin and genocidal results cast ghastly shadows on the 1773 ban. We need to conclude that Serra's articles, which in the run-up to the canonization some even called California's first "Bill of Rights"<sup>102</sup> were, as anthropologist Christine Grabowski observes, "not 'rights' for Indians"<sup>103</sup>; they served as a legal framework to take all rights away.

<sup>95</sup> M.C. Mirow, *Latin American Law: A History of Private Law and Institutions in Spanish America*, Austin 2004, p. 11.

<sup>96</sup> *Ibidem*.

<sup>97</sup> G. Agamben, *Homo sacer...*, op. cit., p. 139.

<sup>98</sup> *Ibidem*, p. 14.

<sup>99</sup> M. Menchaca, *Recovering History Constructing Race: Indian, Black, and White Roots of Mexican Americans*, Austin 2001, p. 220.

<sup>100</sup> *Ibidem*, p. 220.

<sup>101</sup> *Ibidem*, p. 223.

<sup>102</sup> F. J. Weber, *Junípero Serra: Hero of Evangelization*, "Columbia Online", 01 April 2015; J. H. Gómez, op. cit.

<sup>103</sup> Ch. Grabowski, *Serra-gate: The Fabrication of a Saint*, "Indian Country Today Media Network", 16 September 2015.

It is thus from the 1773 laws that a theo-secular intention to create legal authorization for ultimate domination over native California populations can be inferred. CPPCG's Article II, letter c) defines "genocide" as: "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part"<sup>104</sup>. It is through this definition of genocide as "deliberate, calculated conditions" that we should read two earlier letters in the same Article – "a) killing members of the group; b) causing serious mental and bodily harm to members of the group"<sup>105</sup> – for it is only as a result of "opportune" conditions that killing or harm can be done. *Representación* and the resultant decrees created exactly such conditions under which Indian life was exposed to unconditional precariousness. Violence or murder as well as negligence to prevent them were not considered a breach neither of any civil nor divine law and, as a consequence, were condoned and enabled.

In the light of the above, the 1773 theo-secular collusion should be considered the founding moment of genocide understood under, what Dirk A. Moses – the leading scholar of genocide studies – calls, "liberal"<sup>106</sup> interpretation of the CP-PCG which "stresses the agency of the state as the intending genocidal subject"<sup>107</sup>. Such an interpretation critically refocuses the debate from missionaries' "theological intentions" and/or missions' "unintentional results" to premeditated, state-sponsored and Church-coordinated conditions of which Serra, as the author of the memorandum, was the prime designer and implementor. Sandos' defense is thus misconstrued for it lacks any consideration of the legality of Serra's mandate as well as his abdication from the life-saving obligation. And Lopez's claim that papal Bulls explain Serra's agency is only partially correct because Serra was an agent of the empire acting under the legal authority of the crown.

## Human Rights Implications

The decision of the Church to cast *Representación* as Serra's passport to sainthood can only be understood as an instance of selective attention or perhaps a Machiavellian ruse aimed to deflect the real signified of the signifier *Representación* by its fantasy connotation. The events of 1773 can be called, after Jean

<sup>104</sup> United Nations, *UN Convention on the Prevention and Punishment of the Crime of Genocide*, General Assembly resolution, 09 December 1948 260/A (III), p. 280.

<sup>105</sup> *Ibidem*.

<sup>106</sup> D. A. Moses, *Conceptual Blockages and Definitional Dilemmas in the 'Racial Century': Genocides of Indigenous Peoples and the Holocaust*, "Patterns of Prejudice", 2002 36/4, 7–36, p. 19.

<sup>107</sup> *Ibidem*, p. 19.



Baudrillard, a “determinant instance”<sup>108</sup> for California’s modern history which reveals, to quote Moses, “identifiable, exterminatory intention as ‘smoking gun’ evidence of genocide”<sup>109</sup>. And yet, it was exactly this nadir that the Church concentrated upon. Placing it center stage, in plain sight the Church perhaps hoped to distract attention from the inversion of its significance. Was it meant to effect a deontological closure? For a historian of California this strikes as intentionally deceitful doubling down in the present on the original policies of exception – this time subject to the exception were Indigenous ancestral memory and historical legal diachrony. Considering the power of the fantasy heritage the canonization privileging only one side of the story reiterated its divisive premises.

Bearing in mind the weight of the accusation – Serra as the prime actor of genocide – and the fact that the human rights discourse was mobilized in support of his canonization, in what follows I assess this sainthood precisely from the human rights perspective.

The Holy See has been a Non-Member State Permanent Observer at the United Nations since 1964 and since 2004 has enjoyed full membership rights with exception of “the right to vote or to put forward candidates”<sup>110</sup>. This unprecedented status – the only religious institution with an ability to take part in discussions in the General Assembly, sign and ratify treaties, participate in various UN agencies, etc. – has allowed the Vatican to “impose its minority views on entire populations” in the international policymaking as, for example, its “opposition to the global expansion of reproductive health services”<sup>111</sup> illustrates. Whenever Vatican’s pick-and-choose commitment to UN norms is being questioned a moral high ground is invoked. Critics argue that because the Holy See has used its ambiguous part-state/part-religion status to avoid accountability and “to further its own political and religious interests”<sup>112</sup> the precedent should be overturned, and “the Holy See should not continue in its exalted place at the UN’s table”<sup>113</sup>. What does the Serra case add to this debate?

As philosopher Margaret Urban Walker reminds us, “[i]nternational human rights discourse now encompasses a ‘right to know’ and ‘right to truth’ about occurrence, circumstances, causes, and perpetrators of all gross human rights

<sup>108</sup> J. Baudrillard, *Toward a Critique of the Political Economy of the Sign*, t. Charles Levin, Candor, New York 1981, p. 146.

<sup>109</sup> D.A. Moses, op. cit., p. 29.

<sup>110</sup> United Nations, *Resolution adopted by the General Assembly on 1 July 2003*, UN Doc. A/RES/58/314, 16 July 2004.

<sup>111</sup> Catholics for Choice, *The Catholic Church at the United Nations: Church or State?*, Washington, DC, Catholics for Choice, 2013, p. 1.

<sup>112</sup> *Ibidem*, p. 17.

<sup>113</sup> *Ibidem*, p. 1.

violations and breaches of international humanitarian law”<sup>114</sup>. Under recent UN guidelines these rights are described as “‘inalienable,’ ‘autonomous,’ and ‘non-derogable’”<sup>115</sup>. The right to know is understood as “‘inalienable’ right of ‘a people’ to know the ‘history of oppression’”<sup>116</sup>. States are obligated to guard “against the development of revisionist and negationist arguments”<sup>117</sup> and to recognize “the dignity of victims and their families”<sup>118</sup>. Under the right to truth “access to factual information concerning the violation” is understood as a primary but not the only remedy. Other forms of reparations specifically related to truth telling are: “‘verification of the facts and *full public disclosure of the truth*’ ... public apology, ... acknowledgement of the fact and acceptance of responsibility ... inclusion of *an accurate account* ... in educational material at all levels ... commemorations that *remember victims* ... and official declarations *‘restoring the dignity, the reputation and the rights of victims’*”<sup>119</sup>.

As it is hopefully clear, the canonization and its massive discursive apparatus engaged, in clear violation of the above guidelines, in suppression of basic facts of the story of California missionization. The Church displayed utter negligence to abide by the obligation of guarding against revisionist and negationist accounts, and the duty to give an accurate account, restore the dignity of the victims, and respect their descendants. It took no responsibility for Serra's actions offering him instead eternal absolution by, what after Judith Butler we can call, “inversion, displacement, and effacement of history”<sup>120</sup>. Thus, disseminating and reifying a selective version of history the canonization must be considered as an act of public suppression of the truth and as such a breach of the above-listed human rights principles.<sup>121</sup>

<sup>114</sup> M. U. Walker, *How Can Truth Telling Count as Reparations?*, in “Historical Justice and Memory”, ed. K. Neumann and J. Thompson, Madison 2015, p. 130.

<sup>115</sup> *Ibidem*, p. 130.

<sup>116</sup> *Ibidem*, p. 130.

<sup>117</sup> *Ibidem*, p. 131.

<sup>118</sup> *Ibidem*, p. 130.

<sup>119</sup> *Ibidem*, p. 130.

<sup>120</sup> J. Butler, *Frames of War: When is Life Grievable?* London and New York, Verso 2009, p. 121.

<sup>121</sup> Walker believes that truth telling can be “a reparations measure” and a “condition of other kinds of reparations”. She indicates three necessary factors to assure viability of truth telling as a vehicle for reparations: 1) dissemination – the facts have to circulate, made accessible, their dissemination must be backed by authorities in order to reach diverse populations; 2) preservation- the results of truth recovery have to be secured for future study so that the terms of discussions are be transformed and “the burden of proof and credibility shifts to those who would deny what has been established”; 3) disaggregation – no monopoly on truth telling, national and local levels, “community-specific and locally shaped”, personalized. M. U. Walker, *op. cit.*, p. 142, 144, 145.

But not only guidelines can be invoked here; at least one treaty Holy See signed and ratified in 1969 is relevant. Article I of the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) states: “racial discrimination’ shall mean any distinction, exclusion, restriction or preference ... which has the *purpose or effect* of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or *any other field of public life*”<sup>122</sup>. Both theology and history are spheres of public life – they are not private nor occur in a vacuum. Theological acts, such as the canonization mass, are globally-televised ceremonies of lasting mass impact. Because both the canonization’s purpose and effects violated the requirement of “equal footing” enjoyment of human rights understood, in the light of recent guidelines, as the “right to know” and “right to truth” it constituted an act of discrimination and a breach of ICERD. Consider also ICERD’s Article VII which obliges signatories to “adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship”<sup>123</sup>. Because the canonization unilaterally and universally promoted and monumentalized a biased version of history it did not promote tolerance nor understanding. On the contrary, it belittled the historical justice claims of victims and their descendants. Hence, instead of combating prejudice it was bound to have an “enduring epistemic impact”<sup>124</sup> of upholding racial divisions, reifying the old mission fable, and shifting the burden of proof from perpetrators to victims. Thus, considered from purely human rights perspective, the canonization amounted to a series of breaches of UN guidelines and at least one UN convention the Vatican, as its signatory, is legally obligated to abide by.

The violations discussed above reveal unequivocally that the Vatican has at best lax commitment to UN principles and treaties. If the Holy See’s usual response to criticism of its problematic record at the UN is to evoke a moral high ground based on its religious or theological mandate an analysis of the canonization reveals that the Vatican’s theological activities are also morally disingenuous and not commensurate with the global human rights agenda. Consider that it was not only the pre-canonization promotion but also the papal homily in Washington D.C. that usurped the human rights discourse: “Junípero sought to defend the dignity of the native community, to protect it from those who had mistreated and abused it” said Francis during mass. The conflict between accounts by Cook,

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<sup>122</sup> United Nations. *International Convention on the Elimination of All Forms of Racial Discrimination*. UN Doc. A/RES/2106, 21 December 1965; my emphasis.

<sup>123</sup> Ibidem.

<sup>124</sup> M. U. Walker, op. cit., p. 144.

McWilliams, and countless others who show Serra as the opposite of the humanitarian ideal and the Church's insistence that it was precisely his humanitarianism that was his passport to sainthood reveals a purely instrumental approach to the values espoused by the UN. The moral hypocrisy of this canonization provides additional rationale for divesting the Vatican of its seat at the General Assembly.

### Towards World-(Re)ordering

In the spirit of Leopold Senghor's dream of *Civilization de l'Universel* the UN recently proclaimed the years 2013–2022 as the International Decade for Rapprochement of Cultures calling member states to enhance their work toward interepistemic equity (United Nations 2012). If the Vatican had been genuinely dedicated to such an agenda it would have understood or at least acknowledged that for Native Americans *ancestral spirituality is religion*, that, as American Indian philosopher Thomas Norton-Smith says, "relatedness and circularity" are central "world-ordering principles"<sup>125</sup>. Nullifying native history and ancestral, group subjectivity the Church abdicated its obligation to foster "mutual understanding and interreligious and intercultural dialogue [which] constitute important dimensions of the dialogue among civilizations and of the culture of peace"<sup>126</sup>. It is in this sense that this canonization violated ancestral/religious human rights. Ignoring this dimension it perpetuated the culture of violence to which American Indians in California have been exposed since Serra's arrival in 1769. As such it required not only protests but also immediate, "world-ordering" remedies by the Indigenous community. "Walk for Ancestors", a 780-mile long march spanning sixty days undertaken by Caroline Ward Holland (Tataviam) and her son, was one such remedy. Holland said: "The Indians frequently walked to the missions, so I wanted to comfort them"<sup>127</sup>. Such a solidarity with ancestors is grounded in an epistemic horizon which is implaced, communal, anamnestic but which continues to be overshadowed by Western values of universalism, individualism, and future orientation. If Francis finished his homily by evoking Serra's motto "*siempre adelante!* Keep moving forward!" Holland's approach was decidedly different – to make the world whole by walking back and to do away with "witchery".

<sup>125</sup> T. Norton-Smith, *The Dance of Person and Place: One Interpretation of American Indian Philosophy*, Albany 2010, p. 14.

<sup>126</sup> United Nations, *Promotion of Interreligious and Intercultural Dialogue, Understanding and Cooperation for Peace*, UN Doc. A/RES/67/104, 17 December 2012.

<sup>127</sup> M. R. Day, *Native California Mother, Son, Honored for 600-Mile 'Walk For Ancestors' to 21 California Missions*, "Indian Country Today Media Network", 04 January 2016.

The decision to canonize Serra must be interpreted as motivated by hubristic self-interest, strategic, political move, “immediate and effective measure” to preserve epistemic asymmetry at the very moment when rapprochement between cultures is not only recommended by the UN but, as we are learning daily, desperately in demand. The Vatican’s privileged status within the General Assembly grants it an unparalleled exposure and influence which not only foil the promise of universal civilization but also undermine the moral authority of the UN itself. Overturning the precedent the Holy See enjoys could be one viable measure of holding it accountable. This could also reverse the image of impotence of the United Nations. To let the Holy See reside at the forum unchallenged is to acquiesce to moral prostration and silently condone epistemic heteronomy which is at the root of all violence and evil. Interepistemic equity is a human right and fundamental condition of peace; its consequences will be not only ornamental but functional.

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#### Streszczenie

#### **Junípero Serra's Canonization and its Human Rights Implications**

Artykuł jest próbą sproblematyzowania niedawnej kanonizacji hiszpańskiego franciszkanina Junípero Serry, założyciela kalifornijskich misji. Argumentując, że legenda Serry jest częścią tzw., „fantastycznego dziedzictwa” Kalifornii artykuł kontrastuje retorykę Kościoła z badaniami historyków, którzy odkrywają inny niż humanitarnego obrońcy Indian obraz Serry. Przywołałszy postulaty oponentów

kanonizacji artykuł odnosi się do zarzutu odpowiedzialności Serry za ludobójstwo Indian kalifornijskich i, czerpiąc z Giorgio Agambena, stawia tezę, że to właśnie działania misjonarza przyczyniły się do dramatycznego spadku rdzennej populacji. Następnie przedstawiona jest próba analizy implikacji tej kanonizacji pod kątem praw człowieka oraz zasad i traktatów ONZ. Kanonizacja ujawniona jest jako naruszenie elementarnych praw człowieka oraz zaprzeczenie wezwania do inter-epistemologicznego szacunku pomiędzy kulturami.

### Summary

#### **Junípero Serra's Canonization and its Human Rights Implications**

In the article I attempt to problematize the recent canonization of Junípero Serra, a Franciscan missionary and founder of the California missions. Proposing that Serra's legend should be seen as part of California's "fantasy heritage" the article contrasts the rhetoric of the Church with the historical studies, which reveal a radically different image of Serra, than the one, as the Church held it, of a humanitarian defender of the Indians. Citing the arguments of the opponents to this canonization the article reassesses the question of Serra's responsibility for the genocide of the California Indians, and drawing from Giorgio Agamben, proposes that it was precisely the missionary padre who is responsible for the dramatic Indigenous population drop in the state. It is in this context that the Human Rights implications of this canonization are assessed. Serra's sainthood is revealed as the breach of UN norms and treaties and a rejection of the injunction to pursue interepistemic parity between cultures.