

Religion, Law, and the Land

Native Americans and the Judicial Interpretation of Sacred Land



Brian Edward Brown

Religion Law And The Land Native Americans And The Judicial Interpretation Of Sacred Land

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Religion Law And The Land Native Americans And The Judicial Interpretation Of Sacred Land:

Religion, Law, and the Land Brian E. Brown, 1999-11-30 Examining a series of court decisions made during the 1980s regarding the legal claims of several Native American tribes who attempted to protect ancestrally revered lands from development schemes by the federal government this book looks at important questions raised about the religious status of land The tribes used the First Amendment right of free exercise of religion as the basis of their claim since governmental action threatened to alter the land which served as the primordial sacred reality without which their derivative religious practices would be meaningless Brown argues that a constricted notion of religion on the part of the courts combined with a pervasive cultural predisposition towards land as private property marred the Constitutional analysis of the courts to deprive the Native American plaintiffs of religious liberty Brown looks at four cases which raised the issue at the federal district and appellate court levels centered on lands in Tennessee Utah South Dakota and Arizona then it considers a fifth case regarding land in northwestern California which ultimately went to the U S Supreme Court In all cases the author identifies serious deficiencies in the judicial evaluations The lower courts applied a conception of religion as a set of beliefs and practices that are discrete and essentially separate from land thus distorting and devaluing the fundamental basis of the tribal claims It was this reductive fixation of land as property implicit in the rulings of the first four cases that became explicitly sanctioned and codified in the Supreme Court's decision in *Lyng v Northwest Indian Cemetery Protective Association* of 1988 In reaching such a position the Supreme Court injudiciously engaged in a policy determination to protect government land holdings and did so through a shocking repudiation of its own long established jurisprudential procedure in cases concerning the free exercise of religion

Religion, Law, and the Land Brian Brown, 1999 Examining a series of court decisions made during the 1980s regarding the legal claims of several Native American tribes who attempted to protect ancestrally revered lands from development schemes by the federal government this book looks at important questions raised about the religious status of land The tribes used the First Amendment right of free exercise of religion as the basis of their claim since governmental action threatened to alter the land which served as the primordial sacred reality without which their derivative religious practices would be meaningless Brown argues that a constricted notion of religion on the part of the courts combined with a pervasive cultural predisposition towards land as private property marred the Constitutional analysis of the courts to deprive the Native American plaintiffs of religious liberty

Religion and the State in American Law Boris I. Bittker, Scott C. Idleman, Frank S. Ravitch, 2015-10-06 This book provides a comprehensive overview of religion and government in the United States providing historical context to contemporary issues

American Indian Sovereignty and Law Wade Davies, Richmond L. Clow, 2009-02-04 American Indian Sovereignty and Law An Annotated Bibliography covers a wide variety of topics and includes sources dealing with federal Indian policy federal and tribal courts criminal justice tribal governance religious freedoms economic development and numerous sub topics related to tribal and individual rights While primarily focused on

the years 1900 to the present many sources are included that focus on the 19th century or earlier The annotations included in this reference will help researchers know enough about the arguments and contents of each source to determine its usefulness Whenever a clear central argument is made in an article or book it is stated in the entry unless that argument is made implicit by the title of that entry Each annotation also provides factual information about the primary topic under discussion In some cases annotations list topics that compose a significant portion of an author s discussion but are not obvious from the title of the entry American Indian Sovereignty and Law will be extremely useful in both studying Native American topics and researching current legal and political actions affecting tribal sovereignty **Religion and the State**

Scott A. Merriman,2009-07-14 This timely and authoritative resource combines both topical and country by country coverage to help readers understand the coexistence of church and state in nations around the world today At a time when faith based groups have become more politically active in the United States and with religious conflicts at the epicenter of many of the world s most dangerous hotspots Religion and the State An International Analysis of Roles and Relationships could not be more welcomed or timely Country by country faith by faith it unravels the historic underpinnings and long range effects of the relationship between religious principles and the operations of government in its many guises worldwide The work combines topical essays on significant developments in the confluence of religion and law throughout the world with short descriptions of each countries current treatment of religion Readers can investigate specific nations compare situations across nations and explore key issues in the pervasive often controversial relationship between religion and government

Red Power Rising Bradley G. Shreve,2012-10-09 Uncovers the origins of the Red Power movement During the 1960s American Indian youth were swept up in a movement called Red Power a civil rights struggle fueled by intertribal activism While some define the movement as militant and others see it as peaceful there is one common assumption about its history Red Power began with the Indian takeover of Alcatraz in 1969 Or did it In this groundbreaking book Bradley G Shreve sets the record straight by tracing the origins of Red Power further back in time to the student activism of the National Indian Youth Council NIYC founded in Gallup New Mexico in 1961 Unlike other 1960s and 70s activist groups that challenged the fundamental beliefs of their predecessors the students who established the NIYC were determined to uphold the cultures and ideals of their elders building on a tradition of pan Indian organization dating back to the early twentieth century Their cornerstone principles of tribal sovereignty self determination treaty rights and cultural preservation helped ensure their survival for in contrast to other activist groups that came and went the NIYC is still in operation today But Shreve also shows that the NIYC was very much a product of 1960s idealistic ferment and its leaders learned tactics from other contemporary leftist movements By uncovering the origins of Red Power Shreve writes an important new chapter in the history of American Indian activism And by revealing the ideology and accomplishments of the NIYC he ties the Red Power Movement to the larger struggle for human rights that continues to this day both in the United States and across the globe *Global*

Indigenous Communities Lavonna L. Lovern, 2021-05-15 Global Indigenous Communities is a wide ranging examination of global Indigenous communities that continue to suffer from colonization and assimilation issues including intergenerational trauma The scholarship is interdisciplinary it is not easily categorized as sociology anthropology ethnography or philosophy but cuts across all of these disciplines as well as Indigenous methodologies The book not only presents an academic study of Indigenous issues covering Indigenous community life religion the environment economic matters education and healthcare but also incorporates contributions from Carol Locust EdD that reflect on her lifetime of experience in Indigenous education and healthcare Each studied prism of Indigenous life is revealed to be impacted by the experience of intergenerational trauma that results from continued colonization Ultimately this book aims to bridge the communication gap between Western and Indigenous scholarship and readership artfully combining Indigenous approaches with a traditional academic style

Wild Law Cormac Cullinan, 2011-05-01 In this visionary book Cormac Cullinan explains how if the community of life on Earth is to survive a new understanding of nature and a new concept of legal systems are needed Cullinan proposes a new approach or Earth Jurisprudence and gives practical guidance on how to begin moving towards it He shows that this philosophy could help develop new legal systems that would foster human connections to nature It would encourage personal and social practices that ensure our planet remains liveable Wild Law is an inspiring and stimulating book which fuses politics legal theory ancient wisdom and personal experiences into a fascinating and eminently readable story

Green Governance Burns H. Weston, David Bollier, 2013-01-21 The vast majority of the world's scientists agree we have reached a point in history where we are in grave danger of destroying Earth's life sustaining capacity But our attempts to protect natural ecosystems are increasingly ineffective because our very conception of the problem is limited we treat the environment as its own separate realm taking for granted prevailing but outmoded conceptions of economics national sovereignty and international law Green Governance is a direct response to the mounting calls for a paradigm shift in the way humans relate to the natural environment It opens the door to a new set of solutions by proposing a compelling new synthesis of environmental protection based on broader notions of economics and human rights and on commons based governance Going beyond speculative abstractions the book proposes a new architecture of environmental law and public policy that is as practical as it is theoretically sound

WITCH-HUNT: THE CLASH OF CULTURES Dr. Clifton W. Wilcox, 2014-04-23 Book Overview Coming Soon Indians in the United States and Canada Roger L. Nichols, 2018 Drawing on a vast array of primary and secondary sources Roger L Nichols traces the changing relationships between Native peoples and whites in the United States and Canada from colonial times to the present Dividing this history into five stages beginning with Native supremacy over European settlers and concluding with Native peoples political economic and cultural resurgence Nichols carefully compares and contrasts the effects of each stage on Native populations in the United States and Canada This second edition includes new chapters on major transformations from 1945 to the present focusing on social

issues such as transracial adoption of Native children the uses of national and international media to gain public awareness and demands for increasing respect for tribal religious practices burial sites and historic and funerary remains

Refractions of the Scriptural Vincent L. Wimbush, 2016-02-19 Refractions of the Scriptural is a transdisciplinary collection of essays that seeks to construct a new field of scholarly inquiry with scriptures as a fraught category analytical wedge and site for excavation and problematization The book focuses on the ways in which individual and social bodies manipulate and are manipulated by the politics and power encoded in language and formalized canonical knowledge Scriptures in this sense function as complex phenomena that are instrumental to social conservatism as well as social critique and social change The essays in this volume written by established and up and coming scholars across a wide range of disciplines seek to locate engage and interpret the ways in which the scriptural shapes and reshapes people and the dynamics of identity formation The chapters are organized around four domains or types of inquiry the cognitive the conscientized the inscriptive and the formative It will be of interest to scholars of religion as well as those interested more broadly in critical social and historical studies

Our Fire Survives the Storm Daniel Heath Justice, 2006 Once the most powerful indigenous nation in the southeastern United States the Cherokees survive and thrive as a people nearly two centuries after the Trail of Tears and a hundred years after the allotment of Indian Territory In Our Fire Survives the Storm Daniel Heath Justice traces the expression of Cherokee identity in that nation's literary tradition Through cycles of war and peace resistance and assimilation trauma and regeneration Cherokees have long debated what it means to be Cherokee through protest writings memoirs fiction and retellings of traditional stories Justice employs the Chickamauga consciousness of resistance and Beloved Path of engagement theoretical approaches that have emerged out of Cherokee social history to interpret diverse texts composed in English a language embraced by many as a tool of both access and defiance Justice's analysis ultimately locates the Cherokees as a people of many perspectives many bloods mingled into a collective sense of nationhood Just as the oral traditions of the Cherokee people reflect the living realities and concerns of those who share them Justice concludes so too is their literary tradition a textual testament to Cherokee endurance and vitality Daniel Heath Justice is assistant professor of aboriginal literatures at the University of Toronto

Traditional, National, and International Law and Indigenous Communities Marianne O. Nielsen, Karen Jarratt-Snyder, 2020-05-05 This volume of the Indigenous Justice series explores the global effects of marginalizing Indigenous law The essays in this book argue that European based law has been used to force Indigenous peoples to assimilate has politically disenfranchised Indigenous communities and has destroyed traditional Indigenous social institutions European based law not only has been used as a tool to infringe upon Indigenous human rights it also has been used throughout global history to justify environmental injustices treaty breaking and massacres The research in this volume focuses on the resurgence of traditional law tribal state relations in the United States laws that have impacted Native American women laws that have failed to protect Indigenous sacred sites the effect of

international conventions on domestic laws and the role of community justice organizations in operationalizing international law While all of these issues are rooted in colonization Indigenous peoples are using their own solutions to demonstrate the resilience persistence and innovation of their communities With chapters focusing on the use and misuse of law as it pertains to Indigenous peoples in North America Latin America Canada Australia and New Zealand this book offers a wide scope of global injustice Despite proof of oppressive legal practices concerning Indigenous peoples worldwide this book also provides hope for amelioration of colonial consequences *Facing It* M. Jimmie Killingsworth, 2014-09-15 Blending memoir cultural history and a literary perspective *Facing It* bears witness to controversies like Tellico and Chernobyl global warming and local drought But rather than merely drowning readers in waves of ecological angst M Jimmie Killingsworth seeks alternative images and episodes to invoke presence without crippling the hope for survival and sustenance in places and communities of value In deft highly accessible prose Killingsworth takes the reader through a Cold War childhood an adolescence colored by anti war and ecological activism and an adulthood darkened by terrorism and climate change Inviting us on walks through tame suburbias riddled with environmental abuse and wild deserts and mountains shadowed by industrial development he celebrates the survival of natural beauty and people living close to the earth while questioning truisms associated with both economic advancement and environmental purity Above all this book invites the reader to face it to look with wide open eyes on a new nature that will never be the same but that continues to offer opportunities for renewal and advancement of life

We Have a Religion Tisa Joy Wenger, 2009 For Native Americans religious freedom has been an elusive goal From nineteenth century bans on indigenous ceremonial practices to twenty first century legal battles over sacred lands peyote use and hunting practices the U S government has often act *A Critical Pedagogy for Native American Education Policy* Lavonna L. Lovern, F.E. Knowles, 2015-10-14 *A Critical Pedagogy for Native American Education Policy* is an application of critical pedagogical theory to historical and recent Native American educational policy Focusing primarily on the Mvskoke Creek the authors provide a detailed historic timeline that is tied to the functionalist view of sociology as it is reflected in the institution of education in general Knowles and Lovern examine the policy from the critical perspective with the application of Habermas and Freire They argue that the functionalist mode of education has furthered the cause of colonization and its attendant cultural destruction The emancipatory possibilities presented by the work of Habermas and Freire are mined for their application to the deficits created by the historical and continued colonization of Native Americans *Textual, Comparative, Sociological, and Cognitive Approaches* Peter Antes, Armin W. Geertz, Randi R. Warne, 2008-12-19 Since its founding by Jacques Waardenburg in 1971 *Religion and Reason* has been a leading forum for contributions on theories theoretical issues and agendas related to the phenomenon and the study of religion Topics include among others category formation comparison ethnophilosophy hermeneutics methodology myth phenomenology philosophy of science scientific atheism structuralism and theories of religion From time to time the series publishes volumes that map the state of the art

and the history of the discipline *Landscapes of the Secular* Nicolas Howe, 2016-09-05 What does it mean to see the American landscape in a secular way asks Nicolas Howe at the outset of this innovative ambitious and wide ranging book It s a surprising question because of what it implies we usually aren t seeing American landscapes through a non religious lens but rather as inflected by complicated little examined concepts of the sacred Fusing geography legal scholarship and religion in a potent analysis Howe shows how seemingly routine questions about how to look at a sunrise or a plateau or how to assess what a mountain is both physically and ideologically lead to complex arguments about the nature of religious experience and its implications for our lives as citizens In American society nominally secular but committed to permitting a diversity of religious beliefs and expressions such questions become all the more fraught and can lead to difficult often unsatisfying compromises regarding how to interpret and inhabit our public lands and spaces A serious commitment to secularism Howe shows forces us to confront the profound challenges of true religious diversity in ways that often will have their ultimate expression in our built environment This provocative exploration of some of the fundamental aspects of American life will help us see the land law and society anew **Frontiers of Cultural Heritage Law** James A.R. Nafziger, 2021-10-18 Winner of the ABILA American Branch of the International Law Association Book of the Year Award for a Book on Practical or Technical Subject In this book James Nafziger covers emerging topics of cultural heritage law a relatively new landmark in the field of both national and international law His primary focus is on the frontiers identified and developed by the numerous work products of the International Law Association s Committee on Cultural Heritage Law expanded and updated by some of his own writings The construction of cultural heritage law is a good example of transnationalism at work combining national initiatives with diplomacy UNESCO and other intergovernmental agreements international custom and non governmental initiatives such as the ILA committee s own contributions These have included published studies annotated principles and resolutions draft treaties and a book focused on national practices in the international trade of cultural material This volume concludes by briefly exploring current and future frontiers of a burgeoning range of topics that are central to many people s daily experiences and interests This book was awarded the ABILA American Branch of the International Law Association Book of the Year Award for a Book on a Practical or Technical Subject in 2022

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