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From Religious Freedom to Indigenous Sovereignty

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Is the framework of religious freedom suitable for the protection of Native American sacred lands? To answer this question, this talk draws on my work with the Yurok Tribe of Northern California, following their ongoing struggle for tribal justice and healing. I argue that claims to Native American religious freedom in sacred sites cases necessarily depoliticize indigeneity. They mute arguments about Indigenous sovereignty, and they manage and deform Indigenous spiritualities. What route, then, should cases about the protection of Indigenous sacred sites take? We have recently seen a significant movement toward arguments about environmental justice in Native American sacred land cases, but the environmental route is unreliable as well, and it, too, conceals the struggle for sovereignty that underlies sacred sites cases. But achieving Indigenous sovereignty by claiming it directly in federal courts can be difficult, if not impossible. I therefore propose that Indigenous sovereignty includes religious freedom within it, and it is achieved not in the courts but in practice, in and around the Yurok reservation.

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