

Preface

In Honor of Tupac Huehuecoyotl Enrique Acosta (1952–2023)

We remember Tupac Huehuecoyotl Enrique Acosta (Izkaloteka Mexica Azteca), one of the co-founders of Tonatierra ~ Nahuacalli as an Embassy of Indigenous Peoples. He was an activist and organizer whose work spanned the globe. In 1990 he was a vital part of the First Continental Encounter of Indigenous Nations, Pueblos, and Organizations in Quito, Ecuador. It is here where he received the vision of the Eagle and the Condor coming together and the rebirth of a Continental Confederacy of all nations and peoples of Turtle Island/Abya Yala. He played an integral role in the 1993 Council of Indigenous Organizations and Nations of the Continent (CONIC), and other continental level organizing meetings. As Judge of the First Nations International Court of Justice he condemned the settler-colonial nations for their crimes against Mother Earth and all living beings. Starting in 1987 Tupac became a powerful voice of Indigenous nations at the United Nations when he represented the Tlahtokan Izkalotl at United Nations Human Rights Commission in Geneva.¹ He could always be seen hosting action and writing interventions at the United Nations Permanent Forum on Indigenous Issues (UNPFII). Before he joined the ancestors, he left a powerful roadmap for Superseding the Doctrine of Discovery.² Tupac thank you for the work you began, work that will continue on through the future generations.

1. Tonatierra, “Tupac Huehuecoyotl,” *Tonatierra* (blog), 2023, <https://www.tonatierra.org/tupachuehuecoyotl>; Eve Reyes-Aguirre, “Tupac Enrique Acosta,” *My Keeper, Memorial Page for Tupac Enrique Acosta* (blog), <https://www.mykeeper.com/TupacEnriqueAcosta>, 2023.

2. Tupac Enrique Acosta, “Superseding the Doctrine of Discovery: World Water One,” *Doctrine of Discovery Project* (blog), March 29, 2023, <https://doctrineofdiscovery.org/blog/ICEMANAHUAC/>.

In Memory of Robert Michael Ruehl (1974 – 2023)

Our dear friend and colleague Robert Michael Ruehl, or Rob to his friends, tragically passed away on September 19, 2023. Rob was a beloved assistant professor of Philosophy at St. John Fisher College, where he received his Bachelor of Arts in 2000. Rob was one of the kindest, most generous and gracious persons we had the privilege to know. He advocated his whole life through his writings and teaching for the liberation of all living beings and the rights of Mother Earth. He shared our concern for the continuing damage perpetrated by the Doctrine of Discovery and Manifest Destiny. One of the last things he wrote was a brilliant article on the subject for the Doctrine of Discovery Project.³ In his memory, we dedicate this issue to the UN's "Interim Report Of The Special Rapporteur On Freedom Of Religion Or Belief (A/77/4)." Rob was excited by this report's power and potential, especially for what it meant for religious studies and how it could help shift the discussion away from Indigenous religions and beliefs towards Indigenous values. Rob's investment in this shift and his excitement at this report was credited to earning his degree at Syracuse University in the Department of Religion and working closely with his advisor Professor Philip P. Arnold – giving special support in the production of Arnold's book, *The Urgency of Indigenous Values* – and Sandy Bigtree (Mohawk Nation). There remains a great void. Rob, we miss you.

Introduction

We begin by acknowledging with respect the Onondaga Nation, Central Fire of the Haudenosaunee Confederacy, on whose ancestral lands we now reside. Wherever you are, please be aware that Indigenous Peoples have shown utmost respect in their engagement with the land since time immemorial. We are mindful that the technology that makes this issue possible comes from multinational corporations who use mineral extraction processes that displace Indigenous peoples and decimated their land all over the world. May the information you glean from this special issue motivate you to uphold Indigenous values, protect Mother Earth, Honor Indigenous Treaties, and hold your government and various institutions accountable for those who stand in the way.⁴

The Office of the External Special Rapporteur on Religious Freedom or Belief contacted Philip P. Arnold, the Indigenous Values Initiative (IVI), and the American Indian Law Alliance (AILA), and asked us to join a call to give input on a new report on Indigenous Religious Freedom or Belief. Numerous Indigenous NGOs, Indigenous nations, and leaders were on the call. The Special Rapporteur Ahmed Shaheed and his staff were most receptive to the feedback given and received. In this special issue, you will find a copy of the report and a copy of the input provided by the IVI and AILA, as well as from our friends and colleagues Michael McNally, Lars Pharo, Dana Lloyd and Cecilia Titizano. This is a representative sample of the inputs collected for the report. For more, please see the UN Office of the High Commissioner on Human Rights site, as these are all significant contributions.⁵

3. Robert Michael Ruehl, "Manifest Destiny," *Doctrine of Discovery Project* (blog), March 23, 2023, <https://doctrineofdiscovery.org/blog/manifest-destiny/>.

4. Adopted from the Land Acknowledgement used for our 2020 conference. Cf. Indigenous Values Initiative, "Mother Earth's Pandemic: The Doctrine of Discovery," *Doctrine of Discovery Project* (blog), June 29, 2020, <https://doctrineofdiscovery.org/event/education/mother-earths-pandemic/>.

5. Ahmed Shaheed, "Interim Report of the Special Rapporteur on Freedom of Religion or Belief. Indigenous Peoples and the Right to Freedom of Religion or Belief," UN, Freedom of Religion or Belief (New York: United Nations, October 10, 2022), <https://www.ohchr.org/en/documents/thematic-reports/a77514-interim-report-special-rapporteur-freedom-religion-or-belief>.

Indigenous Values

Reading the report, we were excited to note the importance of highlighting the limitations of the categories of religion or belief when working with Indigenous nations and communities. Arnold and Bigtree have spent decades working with the Haudenosaunee Confederacy and Onondaga Nation. Through this work and these relationships they have worked hard to educate students about the limits and fraught nature of the category of religion when talking about Indigenous practices. Likewise, they have spoken extensively at the American Academy of Religion, working to get academics to understand the limitations of the categories of religion and belief. Arnold's book *The Urgency of Indigenous Values* is a clarion call about how and why the shift from religion to values is necessary. It is helpful and affirming to see a report of this caliber also highlighting the limitations of religion and belief. We appreciate the special rapporteur's recommendation, which is that "Indigenous spirituality," "ways of life," and "lifeways" represent better and more accurate terminology than Indigenous "religions." Briefly, the problem with religion is that it is not a neutral category, and it is externally applied by the settler colonizers who sought to reduce Indigenous lifeways into religion, culture, politics, etc., as if those were discrete separable spheres that made sense internally and externally of Indigenous cultural practices. Instead, as the report rightly highlights, all of these elements are inextricable for Indigenous nations and communities; to talk about one, you must include the others. Additionally, we would like to point out that no word in the Haudenosaunee languages could easily be translated as "religion." Nevertheless, there is something distinct and essential about Indigenous spirituality; the term that Arnold and Bigtree see as most accurately capturing that element is "values." Finally, "religion" has been used as a weapon against Indigenous Peoples and their traditions since first contact. Since the fifteenth century, and in every successive century since then, Christianity, in particular, has been used to justify land theft, enslavement, assimilation tactics, and the extraction of wealth from Indigenous Peoples the world over through what is now called the Doctrine of Discovery (DoD).

Tomoko Masuzawa, in her now famous 2005 book, *The Invention of World Religions Or, How European Universalism Was Preserved in the Language of Pluralism*, problematized the category of world religions and, by extension, the category of religion as well. Following Masuzawa, Arnold takes that critique further in *The Urgency of Indigenous Values* (2023), further elucidating the problem of imposing the lens of *religionswissenschaftler* – a European Christian settler-colonial lens – upon Indigenous lifeways. In his examination of Indigenous lifeways, particularly those of the Haudenosaunee Confederacy and its firekeepers at the Onondaga Nation, he calls for religious scholars to turn their attention toward how Indigenous worldviews like that of the Haudenosaunee Confederacy are rooted in thanksgiving, relationality with the natural world, and the regeneration of all living beings. Thanksgiving and the right relationship with the natural world are critical lessons in values realignment that Indigenous nations provide to the Western world. Onondaga Nation Turtle Clan Faithkeeper Oren Lyons reminds international leaders that the "Ice is Melting in the North."⁶

The Doctrine of Discovery

Another moment of synergy between Arnold's book, IVI, and AILA's work with this report is the highlighting of the contrast between Indigenous values and the Doctrine of Discovery's framework of domination. For those who might not be familiar, Steven T. Newcomb (Shawnee/Lenape) summarizes the

6. Oren Lyons, "The Ice Is Melting in the North," *Manoa* 19, no. 2 (2007): 1–3.

Doctrine of Discovery down to its bare elements. The DoD is a Christian framework of domination that provides a theological and legal justification for enslavement, exploitation, and extraction.⁷ Zooming out from this critical distillation, the more formal description of the Doctrine of Discovery is as a fifteenth-century collaboration between the church and crown to provide a theological and legal justification for colonization, first of the African continent and later expanded to the rest of the world.⁸ The Doctrine of Christian Discovery has always been internal in its scope, focusing on white Christian European domination. The transatlantic slave trade, Indigenous land theft, and countless genocides trace the origins to the DoD. The Doctrine enters contemporary international legal frameworks through the US Supreme Court case *Johnson v. M'Intosh* (1823), which adapts the fifteenth century papal bulls undergirding colonialism into US property law. These US settler-colonial laws are influential internationally, specifically in Canada, Australia, and New Zealand. It is not, as Arnold always says, just fifteenth century crazy religion talk. It is cited and used today to justify enslavement, exploitation, extraction, and land theft. Perhaps one of the more surprising citations of the Doctrine of Discovery was noted by liberal supreme court jurist Ruth Bader Ginsburg in 2005, when she ruled against the Oneida Nation in a landmark land rights case.⁹

AILA's founder, Tonya Gonnella Frichner (Onondaga Nation, Snipe Clan), helped bring the Doctrine of Discovery back into international consciousness with "The Preliminary Study on the Doctrine of Discovery," which was presented to the UN Permanent Forum on Indigenous Issues in 2010.¹⁰ This preliminary study highlights the present international scope of the Doctrine of Discovery, something that IVI and AILA have been working on highlighting as well. For more on the international dimensions of the Doctrine of Discovery, we recommend our website, The Doctrine of Discovery Project, and our Podcasts, Mapping the Doctrine of Discovery and the Doctrine of Christian Discovery. Additionally, we would be remiss not to mention our friends and colleagues Tina Ngata (Ngati Porou), Robert Miller (Eastern Shawnee), and Peter d'Errico, all of whom are committed to highlighting the international dimensions of the Doctrine of Discovery.¹¹ Since the Preliminary Study in 2010, the AILA has been calling for a full, detailed study of the effects and impact of the Doctrine of Discovery on Indigenous nations and communities. We see the "Interim Report Of The Special Rapporteur On Freedom Of Religion Or Belief (A/77/514)" as another reminder of the urgency of a follow-up study on the impact of the Doctrine of Christian Discovery.

7. Steven T. Newcomb, *Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery* (Fulcrum Publishing, 2008); *The Doctrine of Discovery: Unmasking the Domination Code*, Streaming, Documentary (38 Plus 2 Productions, 2015), <https://vimeo.com/ondemand/dominationcode>.

8. Indigenous Values Initiative, "What Is the Doctrine of Discovery?," *Doctrine of Discovery Project* (blog), July 30, 2018, <https://doctrineofdiscovery.org/what-is-the-doctrine-of-discovery/>; Philip P. Arnold and Sandra L. Bigtree, "Ten Religious Themes of the Doctrine of Christian Discovery (DoCD) That Contrast with Indigenous Values," *Doctrine of Discovery Project* (blog), September 26, 2022, <https://doctrineofdiscovery.org/10-religious-dimensions/>.

9. Ruth Bader Ginsburg, *City of Sherrill v. Oneida Indian Nation of N. Y.* 544 U.S. 197, No. 03–855 (Supreme Court of The United States March 29, 2005); Dana Lloyd, "City of Sherrill v. Oneida Indian Nation of New York," *Doctrine of Discovery Project* (blog), October 19, 2022, <https://doctrineofdiscovery.org/sherrill-v-oneida-opinion-of-the-court/>.

10. Gonnella Frichner and Newcomb both contributed greatly to the preliminary study. See: Tonya Gonnella Frichner, "The Preliminary Study on the Doctrine of Discovery," UNPFII (New York: United Nations, April 27, 2010), Presented at the Permanent Forum on Indigenous Issues, Ninth Session, United Nations Economic and Social Council, New York, April 27, 2010, <https://undocs.org/E/C.19/2010/13>.

11. Cf. Indigenous Values Initiative, "About the Doctrine of Discovery Project," *Doctrine of Discovery Project* (blog), June 11, 2024, <https://doctrineofdiscovery.org/about/>; Indigenous Values Initiative, *Mapping the Doctrine of Discovery Podcast*, <https://podcast.doctrineofdiscovery.org/about/>; Indigenous Values Initiative, Good Faith Media, and American Indian Law Alliance, *Doctrine of Christian Discovery Podcast*, <https://doctrineofdiscovery.org/s/doccd/>.

Issue Overview

While there are many other wonderful elements and essential contributions in this interim report, we now wish to turn to the rest of this special issue of the Journal of the Council for Research on Religion (JCREOR). In this issue, you will find the IVI and AILA's input reports along with Professor Michael D. McNally's report, in which he argues for placing the report alongside the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). McNally also questions the usefulness of religious freedom and belief categories when speaking about Indigenous worldviews, highlighting the need to think about Indigenous sovereignty and freedoms beyond conceptual, spatial, and temporal boundaries. His analysis dovetails nicely with the IVI, the AILA report, and Arnold's book. We have also included a speech delivered at Union Theological Seminary in New York City by AILA Executive Director Betty Hill (Lyons), Onondaga Nation, Snipe Clan, on the occasion of the release of the interim report. Her prescient remarks highlight, based on her decades of experience, what she sees as the strengths and weaknesses of the report. Here, you will receive more context about the need for a complete study on the Doctrine of Christian Discovery, the need for an international study on the damage done by residential boarding schools, and the crisis of Missing and Murdered Indigenous Women, Girls, and 2Spirit folks (MMIWG2S). This crisis continues to grow in scope, and it is becoming necessary to speak of Missing and Murdered Indigenous Relatives (MMIR).

Following the input reports and speech, an essay by Lars Kirkhusmo Pharo provides an international and historical analysis of the injustices faced by Indigenous nations and communities in the name of religious freedom and freely held beliefs. He calls for better and more detailed historiographies and complexified discourse around rights and justice at the international level if there is to be any sense of religious freedom internationally.

In keeping with the theme of troubling settler colonial categories, Dana Lloyd and Cecilia Titizano (Quechua/Aymara) offer a powerful decolonial approach to the study of religion, the concept of religious freedom, and what gets labeled as Indigenous religions. This decolonial approach emphasizes the rights and freedom of the land, especially of Lake Titicaca, Klamath River, and Chí'chil Bıldagoteel (Oak Flat). By focusing on Indigenous rights and responsibilities to Mother Earth, Lloyd and Titizano offer a decolonial framework for international rights. They ask us to consider and focus on the rights of Mother Earth and all living beings. Indigenous activist Tupac Enrique Acosta (Izkaloteka Mexica Azteca), who recently joined the ancestors, would always remind people at the United Nations to focus on the territorial integrity and rights of Mother Earth. Lloyd and Titizano join the chorus of activists and scholars calling for a radical valuation and affirmation of our rights and responsibilities to Mother Earth and all living beings.

Likewise, Betty Hill (Lyons) and Adam DJ Brett call the categories of religious freedom and belief into question. They highlight how the Doctrine of Christian Discovery, as well as Christianity generally, has been weaponized against Indigenous nations and peoples. Additionally, they emphasize how the category of religion has been used to mark Indigenous lifeways as simultaneously other and not proper "religion," so much so that even acts designed to affirm Indigenous religious freedom fail to take hold and do the work they purport to do. Instead of a framework of human rights-based discourses that needs continual expansion to include those on the margins, they offer a framework of responsibilities. They provide an opportunity to consider the responsibilities humans and all living beings have to one another and to Mother Earth.

The special issue concludes with a reflection and response by Ahmed Shaheed and Jennifer Tridgell. Ahmed Shaheed served as the UN Special Rapporteur on freedom of religion or belief (2016 – 2022), while Ms. Jennifer Tridgell served as his Senior Legal Advisor (External Office) during his mandate.

Together, they reflect on the importance of the report and its significance within the UN System, and also discuss the responses and uses of the report within the UN System, international law and policy, and within civil societies. Finally, they look at the future of Indigenous nations and peoples and their rights to Freedom of Religion or Belief, especially in a time of increasing hate speech and resurgent Christian nationalism.

When viewed as a collection, this special issue provides a critical reflection on the power and limitations of Indigenous religious freedom or belief as part of the international framework of human rights. Its essays reflect on the importance of operating and working within existing international frameworks to protect Indigenous nations and communities, while also noting the need to work to create better and more holistic frameworks that reflect the material realities of Indigenous lifeways. Here, Arnold's *The Urgency of Indigenous Values* serves as a reminder of the benefits that exist for all living beings should a framework of Indigenous values be adopted.

The cover art for this special issue comes from Honor the Two Row Wampum Renewal Campaign. On the 400th anniversary of the Two Row Wampum Treaty, members of the Onondaga Nation and Neighbors of the Onondaga Nation (NOON) built a broad community of allies who sought to polish and maintain the Two Row Wampum Treaty between the Haudenosaunee Confederacy and the Dutch. Together, these allies paddled from Albany to New York City to symbolically reenact the Two Row Wampum treaty and method, providing a sense for participants and observers of what it means to enact a responsibilities-based framework, one rooted in being responsible to the natural world and seeking justice for all living beings, especially the original free nations of Turtle Island/Aba Yala. Our cover image is of three important Haudenosaunee Confederacy Wampum Belt treaties: The Canandaigua, Two Row, and Haudenosaunee Confederacy Wampum Belts. This image was taken by community organizer and activist Lindsay Speer in 2008. We chose this image because it reminds us of the core Haudenosaunee Confederacy principles of sovereignty, thanksgiving, responsibility, relationality, and regeneration, which are at the center of all our concerns. Faithkeeper Lyons reminds us that sovereignty is the act thereof. The six nations of the Haudenosaunee Confederacy are inherently sovereign, and they protect their sovereignty by maintaining their pre-colonial matrilineal lifeways. These Wampum belts are living beings holding eons of knowledge within the beads. They remind us that another world is possible, because another world existed before the domination of the Doctrine of Discovery.¹²

For this issue, we wish to uplift the Wampum belt. Here is the Two Row Wampum Treaty. This treaty between the Haudenosaunee and the Dutch provides a beautiful image of peaceful coexistence. The Haudenosaunee and Dutch moved down the river of life in peaceful coexistence and relationality, both caring for and being responsible for maintaining the regenerative perpetuation of the natural world and Mother Earth. This framework of responsibilities invites us to acknowledge how all living beings and the natural world are caught up in a vulnerable web of interrelatedness – a web rich with meaning, overflowing with potential, and fraught with a legacy of harm. One in which humans need to take responsibility for the harm and damage done, embrace Indigenous values, and work to end climate change. The opening of the 2005 Onondaga Land Rights Action is worth quoting here as a model for what a decolonial approach to responsibilities could look like:

The Onondaga People wish to bring about a healing between themselves and all others who live in this region that has been the homeland of the Onondaga Nation since the dawn of time. The Nation and its people have

12. Cf. Onondaga Nation, “Two Row Wampum – Gaswéñdah,” Onondaga Nation People of the Hills, n.d., <https://www.onondaganation.org/culture/wampum/two-row-wampum-belt-guswenta/>; “Two Row Wampum Renewal Campaign,” *Two Row Wampum Renewal Campaign* (blog), 2013, <https://honorthetworow.org/>.

a unique spiritual, cultural, and historic relationship with the land, which is embodied in Gayanashagowa, the Great Law of Peace. This relationship goes far beyond federal and state legal concepts of ownership, possession or legal rights. The people are one with the land, and consider themselves stewards of it. It is the duty of the Nation's leaders to work for a healing of this land, to protect it, and to pass it on to future generations. The Onondaga Nation brings this action on behalf of its people in the hope that it may hasten the process of reconciliation and bring lasting justice, peace, and respect among all who inhabit the area.¹³

NYA•WEÑHA SKÄ•NOÑH: Thank you for being well.

Thank you to the Editorial Team of the *Journal of the Council for Research on Religion* for the invitation to do this special issue. We want to thank Amanda Rosini, Elyse MacLeod, Aaron Ricker, and Shaun Retallick for being kind and generous interlocutors who were so patient with us as we worked to assemble this special issue. Thank you to the whole editorial, review, and advisory boards.

– Philip P. Arnold, Sandra Bigtree, Adam DJ Brett¹⁴

13. Onondaga Nation, “The Land Rights Case,” *Onondaga Nation: People of the Hills* (blog), 2005, <https://www.onondaganation.org/land-rights/>.

14. Philip P. Arnold is Professor of Religion in the Department of Religion at Syracuse University, as well as a core faculty member of Native American and Indigenous Studies. He was the Founding Director of the Skä·noñh – Great Law of Peace Center, which repurposes the site that formerly celebrated the Jesuits coming to Onondaga Nation Territory in 1656–1658. Sandra Bigtree, Bear Clan, is a citizen of the Mohawk Nation at Akwesasne. She is a founding board member of the Indigenous Values Initiative, a non-profit organization which fosters collaborative educational work between the academic community and the Haudenosaunee to promote the message of peace that was brought to Onondaga Lake thousands of years ago. Adam DJ Brett earned his PhD in Religious Studies from Syracuse University. He is an Operations Manager and International Research Associate with the American Indian Law Alliance (AILA). Additionally, he is the grant and event coordinator for the Doctrine of Discovery Project at Syracuse University with Professor Philip P. Arnold, who is the Principal Investigator. The project is funded in part by the Henry Luce Grant “200 Years of Johnson v. McIntosh.”