CANADIAN SCHOOL OF PEACEBUILDING  
CANADIAN MENNONITE SCHOOL  

Human Rights and Indigenous Legal Traditions  
PCD-5190C  
Session II: June 19-23, 2017  

Course Syllabus

Instructors:  
Dr. Val Napoleon, IPC  
Law Foundation Professor of Aboriginal Justice and Governance  
Director, Indigenous Law Research Institute  
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University of Victoria  
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Dr. Hadley Friedland, LLB, LLM, PhD  
Visiting Assistant Professor  
Faculty of Law  
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Schedule:  
June 19-23, Monday to Friday, 8:30-5:00

Last date for voluntary withdrawal without academic penalty: July 15, 2017

COURSE DESCRIPTION

Students in this course will learn one Indigenous legal methodology to draw on Indigenous legal precedent in the form of oral histories, narratives, and stories to explore, analyze, and develop responses to harms and injuries, including human rights. The course will include rigorous critical thinking, standards of legitimacy and authority, role of law, how law changes over time, and problem case studies to develop skills and knowledge from which to productively and constructively engage with Indigenous legal traditions. To do this, students will explore and reflect on several approaches and community toolkits including the practices of citizenship, transformation examples, and gender in Indigenous law.

OBJECTIVES

1. To develop a broader conception of law; law as relational, informal and formal law, and law and human agency.
2. To develop and practice basic analytical skills in one Indigenous legal methodology in order to explore and identify human rights in selected Indigenous stories.
3. To learn about and engage with several political theories as a way to reframe and broaden the constructs of human rights, resistance, and reconciliation.
4. To draw on international human rights and law as a comparative and backdrop for examining human rights in Canada.

READINGS: Will be provided to participants as pdfs.


*Gender in Indigenous Law Toolkit* (1-67) and *Gender in Indigenous Law Case Book* (1-71) (ILRU, University of Victoria 2016.


**EVALUATION**

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Details</th>
<th>Due Date</th>
<th>Weight</th>
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**Essay Instructions:** In her thesis, *The Wetiko (Windigo) Legal Principles*, Hadley Friedland, identifies the resources contained in the Cree legal concept of the Wetiko, and she argues that these intellectual resources are applicable to child abuse and child protection today. Summarize briefly, explore and discuss whether and how these intellectual resources might support an articulation of Cree human rights. Draw on the other pre-readings to inform your discussion. The Wetiko Legal Principles piece provides one way of thinking about human beings and their rights. Students should draw from it and to consider how the article can be understood as being about human rights. This assignment acknowledges that each student will bring different understandings about human rights and will draw different things from Hadley’s work.

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<thead>
<tr>
<th>Assignment</th>
<th>Details</th>
<th>Due Date</th>
<th>Weight</th>
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</thead>
<tbody>
<tr>
<td>(B) Class presentation</td>
<td>10 minute summary of the applied book review essay.</td>
<td>June 19, 2017</td>
<td>10 %</td>
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<tr>
<td>(C) Legal analysis: case briefing and synthesis</td>
<td>Focus: human rights within Indigenous legal traditions.</td>
<td>June 20, 2017</td>
<td>15 %</td>
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</table>
Stylistic Requirements
CMU has adopted the following as its standard guide for all academic writing:


The final paper should follow an accepted academic format for citations, bibliography, etc. (e.g. APA, Chicago). You may choose the format but whichever you use, be sure to use it properly and consistently.

Additional Notes
1. All material referred to in any assignment MUST be appropriately referenced. Plagiarism is a serious matter. Students should be aware of CMU Academic Policies, particularly those regarding academic misconduct (plagiarism and cheating), which apply to all University courses. These are detailed on CMU’s website [http://www.cmu.ca/students.php?department=Registrar&c=Policy](http://www.cmu.ca/students.php?department=Registrar&c=Policy) and in the CMU Calendar (also available online: [http://www.cmu.ca/academics.php?department=Registrar&c=Calendar](http://www.cmu.ca/academics.php?department=Registrar&c=Calendar)).

2. Assignments are due as scheduled, unless previous arrangements have been made with the instructor. If your email has not been acknowledged, it is your responsibility to get confirmation.

3. All students are encouraged to take up any concerns/questions regarding grades, first with the instructor, then with the Associate Dean of Program, Ray Vander Zaag. The CMU Calendar outlines its appeals process clearly.

4. Email: Substantive discussions are best done person to person, not electronically. During the CSOP, participants are encouraged to engage in substantive discussions in person.

**EVALUATION**

In general, I expect you to follow the guidelines of the assignment and to discuss deviations from them with me before turning it in. In evaluating your work, quality is more important than quantity. I
appreciate creativity, clear expression of ideas, evidence of engagement with the reading and class sessions, and projects that are of real interest and value to you.

In your papers, be sure to avoid any form of plagiarism. If you have doubts about what is appropriate, a useful website is http://www.indiana.edu/~istd/. Plagiarism is a serious issue and will result in grade reduction or action by the university (see university policy on this).

Good communication skills are essential for justice and peacebuilding work. Students will be expected to communicate knowledgeably, clearly, effectively, concisely and persuasively. All written work should be well informed, well organized and well documented.

Each completed assignment will be given a numerical grade (according to its value toward the final grade) and the corresponding letter grade. The final mark for each student is determined by the sum total of all numerical grades, which is then assigned a letter grade according to the scale below.

**LETTER GRADE/PERCENTAGE SCALE**

<table>
<thead>
<tr>
<th>Letter Grade</th>
<th>Percentage</th>
<th>Grade Points</th>
<th>Descriptor</th>
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<tbody>
<tr>
<td>A+</td>
<td>95-100</td>
<td>4.5</td>
<td>Exceptional</td>
</tr>
<tr>
<td>A</td>
<td>88-94</td>
<td>4</td>
<td>Excellent</td>
</tr>
<tr>
<td>B+</td>
<td>81-87</td>
<td>3.5</td>
<td>Very Good</td>
</tr>
<tr>
<td>B</td>
<td>74-80</td>
<td>3</td>
<td>Good</td>
</tr>
<tr>
<td>C+</td>
<td>67-73</td>
<td>2.5</td>
<td>Satisfactory</td>
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<tr>
<td>C</td>
<td>60-67</td>
<td>2</td>
<td>Adequate</td>
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<tr>
<td>D</td>
<td>50-59</td>
<td>1</td>
<td>Marginal</td>
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<tr>
<td>F</td>
<td>0-49</td>
<td></td>
<td>Failure</td>
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</table>

**CONTENT (quality of the information/ideas and sources/details used to support them)**

- has clarity of purpose
- has depth of content
- displays insight or originality of thought
- demonstrates quality and breadth of resources
- has virtually no errors of conventions

**STRUCTURE (logical order or sequence of the writing)**

- is coherent and logically developed
- uses very effective transitions
- is coherent and logically developed
- uses smooth transitions
- is understandable but has noticeable problems of sentence structure, usage, mechanics or documentation

**CONVENTIONS (appearance of the writing: sentence structure, punctuation, spelling, etc.)**

- has clarity of purpose
- has substantial information and sufficient support
- contains some originality of thought
- uses quality resources

- has clarity of purpose
- lacks depth of content and may depend on generalities or the commonplace
- has little originality of thought
- uses mostly quality resources

- is coherent and logically (but not fully) developed
- has some awkward transitions
<table>
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<tr>
<th></th>
<th>- is concise, eloquent and rhetorically effective</th>
<th>- displays concern for careful expression in sentence structure</th>
<th>- has some personality but lacks imagination and may be stilted and may rely on clichés</th>
</tr>
</thead>
<tbody>
<tr>
<td>usage, mechanics, documentation)</td>
<td>- has nicely varied sentence structure</td>
<td>- is generally enjoyable to read</td>
<td>- has little variation in sentence structure</td>
</tr>
<tr>
<td>STYLE (personality of the writing: word choice, sentence variety, voice, attention to audience)</td>
<td>- is engaging throughout and enjoyable to read</td>
<td></td>
<td>- is not very interesting to read</td>
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NOTE: The CMU Student Handbook is a useful guide for further information on CMU policies regarding grades, academic misconduct, and appeals. Grades are not final until vetted and approved by the Dean’s Office.

**FINAL DATE FOR WITHDRAWAL**
Final date to withdraw from this course without academic penalty is July 15, 2017.

If a student is unable to complete the requirements of a course by the end of the semester, the student must submit a written appeal for an “incomplete” to the Registrar’s office: spenner@cmu.ca. The student should seek the instructor’s support for the appeal and submit the appeal before the last day of classes. If the student’s appeal is granted, the instructor will enter a grade of I (for incomplete) accompanied by a temporary grade (which is based on completed work and assigns a value of zero for uncompleted work). Instructor grades are due by August 21st. If the student completes the remaining work within the extension period, the grade will be recalculated and the incomplete status will be removed. If the student does not complete the work within the extension period, the incomplete status will be removed and the grade will remain as originally entered. The maximum extension is: December 1, for courses ending in August.
**SCHEDULE AND TOPICS & READINGS LIST**

<table>
<thead>
<tr>
<th>Date</th>
<th>Readings and Topics</th>
<th>Pages</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>With Hadley Friedland, <em>An Inside Job: Engaging with Indigenous Legal Traditions through Stories</em></td>
<td>4-10</td>
</tr>
<tr>
<td></td>
<td>Hadley Friedland and Val Napoleon, <em>Gathering the Threads</em>.</td>
<td>725-754</td>
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<tr>
<td></td>
<td>John Borrows, <em>Canada’s Indigenous Constitution</em> (Toronto: University of Toronto, 2010).</td>
<td>16-44</td>
</tr>
<tr>
<td>June 19</td>
<td><em>Gender in Indigenous Law Toolkit</em>  * <em>Gender in Indigenous Case Book</em></td>
<td>213-246</td>
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<tr>
<td>June 20</td>
<td>Emily Snyder, Val Napoleon, &amp; John Borrows, <em>Gender And Violence: Drawing on Indigenous Legal Resources</em></td>
<td></td>
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<td></td>
<td>Chimamanda Ngozi Adichie, <em>The Danger of a Single Story</em></td>
<td>1-39</td>
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<tr>
<td>June 21</td>
<td>Celestine Nyamu-Musembi, <em>Towards an Actor Oriented Perspective on Human Rights.</em></td>
<td>1-31</td>
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<tr>
<td>June 22</td>
<td>Truth and Reconciliation Commission, <em>95 Call to Action</em></td>
<td>207-228</td>
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<tr>
<td>June 23</td>
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Note: Coffee Breaks are normally 10:30-11:00 am and 3:30-4 pm.