

**CANADIAN SCHOOL OF PEACEBUILDING  
CANADIAN MENNONITE SCHOOL**

**Human Rights and Indigenous Legal Traditions**

PCTS/POLS/HIST-3950C

Session II: June 19-23, 2017

Course Syllabus

Instructors: Dr. Val Napoleon, IPC  
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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

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**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.**

Hadley Friedland, *The Wetiko (Windigo) Legal Principles: Responding to Harmful People in Cree, Anishinabek and Saulteaux Societies – Past, Present and Future Uses, with a Focus on Contemporary Violence and Child Victimization Concerns* (forthcoming, University of Toronto Press, 2017) 4-79.

Robert Cover, *Nomos and Narrative* (1983) 97 *Harvard Legal Review* 4-10.

Celestine Nyamu-Musembi, *Towards an Actor Oriented Perspective on Human Rights*. IDS Working Paper 169, 2002: <http://www.ids.ac.uk/files/Wp169.pdf>

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

Chimamanda Ngozi Adichie, *The Danger of a Single Story* 2009 1-8.

Paul Farmer, *Pathologies of Power: Health, Human Rights, and the New War on the Poor* (Berkeley: University of California Press, 2005) 213-246.

John Borrows, *Canada’s Indigenous Constitution* (Toronto: University of Toronto, 2010) 23-58.

Val Napoleon and Hadley Friedland. “An Inside Job: Engaging with Indigenous Legal Traditions through Stories.” 2016 61:4 *McGill Law Journal* 725-754.

Hadley Friedland and Val Napoleon. “Gathering the Threads.” (2015) 1:1 *Lakehead Law Journal* 16-44.

Emily Snyder, Val Napoleon, & John Borrows. “Gender and Violence: Drawing on Indigenous Legal Resources.” 2014 48:2 *UBC Law Journal* 593-654.

Truth and Reconciliation Commission, 94 Calls to Action. Available from: <http://www.trc.ca/websites/trcinstitution/index.php?p=3> 1-20.

**EVALUATION**

Assignment	Details	Due Date	Weight
(A) Applied Book Review Essay	4 single spaced pages	June 19, 2017	25 %
<p><b>Essay Instructions:</b> In her thesis, <i>The Wetiko (Windigo) Legal Principles</i>, 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 <i>Wetiko Legal Principles</i> 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.</p>			

Assignment	Details	Due Date	Weight
(B) Class presentation	5 minute summary of the applied book review essay.	June 19, 2017	10 %
(C) Legal analysis: case briefing and synthesis	Focus: human rights within Indigenous legal traditions.  In class work and presentations.	June 20, 2017	15 %
(D) Developing a critical political framework	Focus: resistance, practices of citizenship.  In class work and presentations.	June 21, 2017	15 %
(E) Final Assignment	A text or non-text project that reflects the learning in the course and a critical engagement with one or more human rights issue.  Options include a short 4-page double-spaced  essay, a reflective journal piece, or a creative expression/non-text project with accompanying explanation.  *If you have other forms of expression for this assignment, please talk to the instructor before the end of the course.	July 23, 2017	35 %

### Stylistic Requirements

CMU has adopted the following as its standard guide for all academic writing:

Hacker, Diana. *A Pocket Style Manual*. Sixth edition. Boston and New York: Bedford/St. Martin's, 2012.

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?s=registrar&p=policies>) and in the CMU Calendar (also available online: <http://www.cmu.ca/academics.php?s=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

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

Criteria	A - Excellent	B - Competent	C - Below Expectations
<b>CONTENT</b> (quality of the information/ideas and sources/details used to support them)	<ul style="list-style-type: none"> <li>- has clarity of purpose</li> <li>- has depth of content</li> <li>- displays insight or originality of thought</li> <li>-demonstrates quality and breadth of resources</li> </ul>	<ul style="list-style-type: none"> <li>- has clarity of purpose</li> <li>- has substantial information and sufficient support</li> <li>- contains some originality of thought</li> <li>-uses quality resources</li> </ul>	<ul style="list-style-type: none"> <li>- has clarity of purpose</li> <li>-lacks depth of content and may depend on generalities or the commonplace</li> <li>- has little originality of thought</li> <li>-uses mostly quality resources</li> </ul>

<b>STRUCTURE</b> (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 coherent and logically (but not fully) developed -has some awkward transitions
<b>CONVENTIONS</b> (appearance of the writing: sentence structure, usage, mechanics, documentation)	- has virtually no errors of conventions	- has minimal errors of conventions	- is understandable <u>but</u> has noticeable problems of sentence structure, usage, mechanics or documentation
<b>STYLE</b> (personality of the writing: word choice, sentence variety, voice, attention to audience)	- is concise, eloquent and rhetorically effective -has nicely varied sentence structure -is engaging throughout and enjoyable to read	- displays concern for careful expression -has some variation in sentence structure -is generally enjoyable to read	- has some personality <u>but</u> lacks imagination and may be stilted and may rely on clichés -has little variation in sentence structure -is not very interesting to read

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](mailto: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

<p>Pre-Course</p> <p>These readings will ground the remainder of the course.</p>	<p>Hadley Friedland, <i>The Wetiko (Windigo) Legal Principles: Responding to Harmful People in Cree, Anishinabek and Sauteaux Societies – Past, Present and Future Uses, with a Focus on Contemporary Violence and Child Victimization Concerns</i> (unpublished).</p> <p>Robert Cover, <i>Nomos and Narrative</i></p> <p>With Hadley Friedland, <i>An Inside Job: Engaging with Indigenous Legal Traditions through Stories</i></p> <p>Hadley Friedland and Val Napoleon, <i>Gathering the Threads</i>.</p> <p>John Borrows, <i>Canada's Indigenous Constitution</i> (Toronto: University of Toronto, 2010).</p> <p>Paul Farmer, <i>Pathologies of Power: Health, Human Rights, and the New War on the Poor</i></p>	<p>1-81</p> <p>4-10</p> <p>725-754</p> <p>16-44</p> <p>23-58</p> <p>213-246</p>
<p>June 19</p>	<p><i>Gender in Indigenous Law Toolkit</i> <i>Gender in Indigenous Case Book</i></p>	<p>1-69 1-71</p>
<p>June 20</p>	<p>Emily Snyder, Val Napoleon, &amp; John Borrows, <i>Gender And Violence: Drawing on Indigenous Legal Resources</i></p> <p>Chimamanda Ngozi Adichie, <i>The Danger of a Single Story</i></p>	<p>1-39</p> <p>1-8</p>
<p>June 21</p>	<p>Celestine Nyamu-Musembi, <i>Towards an Actor Oriented Perspective on Human Rights</i>.</p>	<p>1-31</p>
<p>June 22</p>	<p>Truth and Reconciliation Commission, <i>95 Call to Action</i></p>	<p>207-228</p>
<p>June 23</p>		

Note: Coffee Breaks are normally 10:30-11:00 am and 3:30-4 pm.