

RLST 4353/5353: ETHN 4353/5353

Indigenous Traditions and Law: Historical and Contemporary Cases in Global Perspective

Greg Johnson, Eaton Humanities 280

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Office hours: Tuesday, 11-12 in the Center for Native American and Indigenous Studies, 1330-32 Grandview; Wednesday, 1-2 in my office, Eaton Humanities 280

Course Description:

This course explores intersections of indigenous religions and law through historical and contemporary case studies. American Indian and Hawaiian contexts will be featured, but we will also study the *United Nations Declaration on the Rights of Indigenous Peoples* and its recent implementation in places as diverse as Bolivia, Norway, and Nagaland. Theoretical issues in the academic study of religion and ethnic studies will be emphasized.

Required texts:

- Rosen, Lawrence. 2006. *Law as Culture: An Invitation* (Princeton: Princeton UP)
- Echo-Hawk, Walter. 2010. *In the Courts of the Conqueror: The Ten Worst Indian Law Cases Ever Decided* (Golden: Fulcrum).
- Niezen, Ronald. 2000. *Spirit Wars: Native North American Religions in the Age of Nation Building* (Berkeley, Los Angeles, London: U. Cal. Press).
- Wenger, Tisa. 2009. *We Have a Religion: The 1920s Pueblo Indian Dance Controversy and American Religious Freedom*. (Chapel Hill: UNC Press).
- Simpson, Audra. 2014. *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham and London: Duke University Press).
- Goodyear-Ka'opua, Noelani, et al. 2014. *A Nation Rising: Hawaiian Movements for Life, Land, and Sovereignty* (Durham and London: Duke University Press).
- Kraft, Siv Ellen and Greg Johnson. 2017. *The Brill Handbook of Indigenous Religion(s)* (Leiden: Brill).
- Povinelli, Elizabeth. 2002. *The Cunning of Recognition. Indigenous Alterities and the Making of Australian Multiculturalism* (Durham and London: Duke University Press).
- Sullivan, Winnifred, et al. (eds.). 2015. *The Politics of Religious Freedom* (Chicago and London: University of Chicago Press).

** journal articles as assigned

Assignments and Expectations:

Attendance and participation are mandatory. Two kinds of writing projects will be the basis for grades. First, students will write critical reaction papers for each week's reading (4 pages; 4 papers for undergraduates; 5 for graduates (students choose which weeks to write)--and graduate students will be expected to take a leadership role in discussions during the sessions for which they have written). Second, students will write research papers concerning a case study of their

choosing (with my assistance, especially on bibliographical matters). Undergraduate students will be expected to submit a paper in the 12-15 page range; graduate students in the 15-20 page range. Students will present their research to the class during the last two seminar sessions (followed by formal responses from another student and me). Attendance and participation will be 10%; reaction papers will be 30%; research papers will be 50%; and presentations 10%. Generally speaking, as the course unfolds, students will refine their interests (geographically and historically speaking), taking on a responsibility to share information with the class pertinent to their areas of focus, especially with reference to unfolding legal/ political/ religious issues.

Course Schedule: Readings TBA

Jan. 23: Introductions and syllabus; initial themes

Jan. 30: Issues in the academic study of religion and law.
Two sessions. Key background literature from law, religious studies, ethnic studies, indigenous studies, and anthropology.

Feb. 6: Continued: Issues in the academic study of religion and law.
Key background literature from law, religious studies, ethnic studies, indigenous studies, and anthropology.

Feb. 13: Historical issues: From the Doctrine of Discovery to the Smith Decision (1990). Two sessions. Discovery and colonization; 18th and 19th Century cases-- with special attention to the Marshall Court Era; 19th Cen. discrimination against Native American traditions

Feb. 20: Colonial and missionary histories in Hawai'i ; 20th Cen. issues and cases (up to 1990)-- land, prisons, peyote, subsistence, etc. Case studies follow in the coming weeks.

Feb. 27: Contemporary US-context (1990-present): cases studies. Four sessions.
Federal recognition and sovereignty

Mar. 6: Land claims; Subsistence rights/access; Whaling

Mar. 13: Ritual contexts; prisons

Mar. 17-19 CNAIS Symposium on Indigenous Narrative and Law

Mar. 20: Repatriation and burial protection

Apr. 3: Contemporary global contexts. Three sessions.
United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP 2007)

Apr. 10: Sovereignty struggles within and beyond existing nation states

Apr. 17: Case studies: Sami (Norway), Naga (India), internal struggles in Bolivia, Yoruba (Nigeria), Arrente (Australia)

Apr. 24: Student presentations and responses

May 1: Student presentations and responses