

## **Rights and Wrongs of Indigenous People (01:070:406) (3 credits)**

**Wed 3:55-6:55 Hickman 207**

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Office hours: Wed: 1:00-2:00pm

This course explores the challenges faced by contemporary indigenous peoples and the burgeoning global indigenous rights regime. It takes a critical anthropological approach to how global human rights concepts, practices and institutions are contested, appropriated, and transformed in specific contexts to reconfigure transform social and political relations at local, national, and international levels. The course has four parts: *I.* introduces the ideas, events, definitions, institutions, and debates of international human rights and indigenous rights discourses; *II.* explores contradictions and controversies surrounding the implementation of human rights in local contexts, e.g., cultural relativism versus universal rights, group versus individual rights, and the cases of indigenous women and children; *III.* analyses examines Indigenous Politics: large-scale indigenous mobilizations for social justice and political enfranchisement, as well as national and international legal instruments and institutions, e.g. in disputes over natural resources, traditional lifestyles, land rights, affirmative action, transitional justice.

### **DEPARTMENT LEARNING GOALS** - <http://anthro.rutgers.edu/undergrad-program/departments-learning-goals>

- CA1) Students gain knowledge that will allow them to identify, explain, and historically contextualize the primary objectives, fundamental concepts, modes of analysis, and central questions in their major field and demonstrate proficiency in their use of this knowledge
- CA2) Students are able to demonstrate proficiency in the use of critical thinking skills
- CA3) Students are able to demonstrate proficiency using current methods in their major fields, including library research skills
- CA4) Students are able to express themselves knowledgeably and proficiently in writing about central issues in their major field
- CA5) Students are able to express themselves knowledgeably and proficiently in speaking about central issues in their major field

### **LEARNING OBJECTIVES**

- Identify and historically contextualize instruments of the international system of protection of human rights that apply to indigenous peoples. (CA1)
- Identify key issues debates surrounding the application of human rights discourses to indigenous peoples (CA1)
- Identify key challenges that Indigenous peoples share across the globe and key differences (CA1)
- Interrogate the self-evident, universal nature of ideas such as “rights” and “indigeneity” (CA2,4,5)
- Analyze global rights ideas, practices and institutions as culturally and historically-situated and socially-contested (CA2,4,5)
- Compare and contrast specific cases of how indigenous groups contest, appropriate and transform global human and indigenous rights discourses according to their own values, beliefs, and senses of social justice (CA1,2,3,4,5)
- Evaluate the degree to which human rights concepts, practices, and institutions may be effective vehicles for social, political and cultural transformation at the local and national level (CA2,4,5)
- Argue informed personal positions on contemporary indigenous rights debates (CA2,4,5)

### **ASSIGNMENTS AND GRADING INFORMATION**

**Participation** (20%) – based on your level of preparation and engagement. Complete readings before class! (CA5)

**“Show & Tell”** (5%) – kick off class with a brief critical analysis of something you come across in the popular media e.g. NY Times, facebook, youtube, etc. related to class content. Post it to the discussion board (CA2)

**Presentations** (7x5% ea = 35%) (CA1,2,3,5) –projects demonstrate your ability to apply course concepts

1. Human Rights and Indigenous People 1 (in class writing/discussion)
2. Research on International Human Rights Instrument (discussion/posting)
3. Indigenous Peoples in Africa and Asia (Presentation)
4. Criminalize, Medicalize, or Relativize? (Debate)
5. Human Rights Discourse: Conflicts and Contradictions (presentations of midterm paper topic)
6. Was it Genocide? (Debate)
7. Final Research Project Presentations

**Midterm Paper** (20%) - Human Rights Discourse: Conflicts and Contradictions (CA1,2,3,4)

**Final Research Paper** (25%) - See instructions for intermediate steps to help you organize your research process (CA2,3,4)

**TEXTBOOKS AND REQUIRED READINGS** - All required readings are available on Sakai.

**ACADEMIC INTEGRITY** - You are responsible for adhering to these policies: <http://academicintegrity.rutgers.edu>

**SAKAI & EMAIL INTEGRITY** - regularly check the email attached to Sakai. It is the means by which I will contact you about class

**ABSENCES** - Use the University absence reporting website <https://sims.rutgers.edu/ssra/> to indicate the date and reason for your absence. It will email me, so you do not need to. Please post an image of your note in the “Doctor’s Note” in your Dropbox in Sakai.

## LECTURE & READING SCHEDULE

### *I. What are Human Rights? Who is Indigenous?*

#### Week 1 (Wed, 9/5) Course Introduction

Introduction to the class. Icebreaker.

“Like” [www.facebook.com/pages/United-Nations-Permanent-Forum-on-Indigenous-Issues/150213464991694](https://www.facebook.com/pages/United-Nations-Permanent-Forum-on-Indigenous-Issues/150213464991694)

Film: (selection) *Avatar* (2009) James Cameron. 20<sup>th</sup> Century Fox (162min)

**\*Assignment 1: Human Rights and Indigenous People 1 (in class)**



#### Week 2 (Wed 9/12) Human Rights Discourse and Instruments

We will start with a brief history of the idea of universal or natural human rights and, more specifically, the United Nations Human Rights regime that emerged in the 20<sup>th</sup> century. Who was entitled to what rights at which point in history? To whom was legal personhood extended? After becoming acquainted with We will also examine some of the conceptual contradictions and practical problems inherent to implementing the protection of such human rights. We will consider the possibilities and limits of using human rights approaches to discrimination as opposed to other approaches such as civil rights, cultural relativism, etc.

- The Universal Declaration of Human Rights (1948) <https://www.ohchr.org/en/udhr/Pages/UDHRIndex.aspx>
- United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295) (2007) <http://social.un.org/index/IndigenousPeoples/DeclarationontheRightsofIndigenousPeoples.aspx>
- International Labor Organization Indigenous and Tribal Peoples Convention (ILO No. 169) (1989) [www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm](http://www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm)
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- UN Permanent Forum on Indigenous Issues <http://social.un.org/index/IndigenousPeoples.aspx>

Merry, S. et al. 2010. “Law from Below: Women’s Human Rights and Social Movements in New York City.” Law and Society Review. 44:1.101-28.

Nagengast, C. & Turner, T. 1997. Introduction: Universal Human Rights versus Cultural Relativity. Journal of Anthropological Research. 53:3. 269-72

Turner, T. 1997. Human Rights, Human Difference: Anthropology's Contribution to an Emancipatory Cultural. Journal of Anthropological Research. 53:3. 273-91

#### **Further reading (optional):**

Wollstonecraft, Mary. 1792, *A Vindication of the Rights of Woman*.

Armstrong, David. 2009. Introduction. Routledge Handbook of International Law.

Declaration of the Rights of Man (1789)

The Magna Carta (1215) <https://youtu.be/7xo4tUMdAMw>

Kennedy, D. 2002. “The International Human Rights Movement: Part of the Problem?” Harvard Human Rights Journal 15.101–25

Barelli, M. 2009. The role of soft law in the international legal system: The case of the UN declaration on the rights of indigenous peoples. The International and Comparative Law Quarterly 58:4, 957-83.

Chernela, J. 2005. “The UN and Indigenous Peoples.” Anthropology News, In Focus, pp. 13-14.

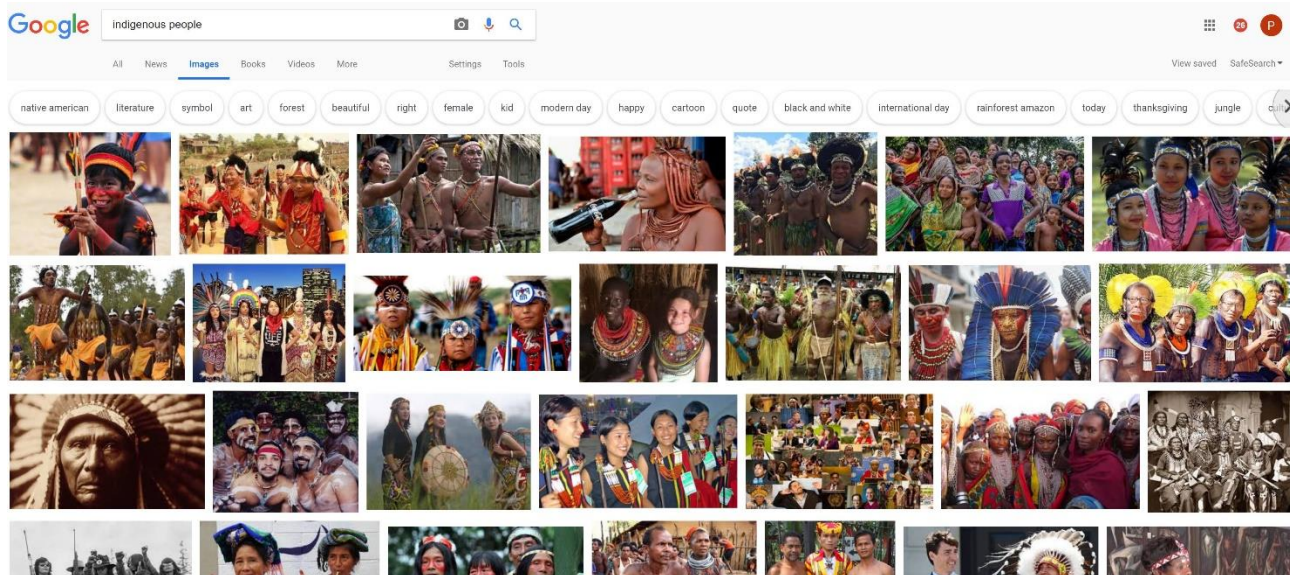
Merry, S. 2006. “Anthropology and International Law.” Annual Review of Anthropology. 35:1, 99-116

Oliver-Smith, A. 2005. “Ethnographic Snapshot of the UN Permanent Forum.” Anthropology News. 15.



### **Week 3 (Wed 9/19) ) But who is Indigenous?**

Fourth World, First Nation, First People, Indian, Indigenous, Indigene, Native, Natural, Aboriginal, Orinary People, Host People, Autochthonous are some of the terms used to describe a certain kind of modern collective rights-bearing subject. Such groups usually have their own names for themselves. In other contexts, they might also be called, peasant, undocumented, under-developed, backwards, alien, refugee, subaltern, primitive, backwards, savage. We will examine the attempts to create a universally valid definition of “Indigeneity” as well as the politics of who applies this identity to



which groups of people, why, in which political-economic and historical contexts, and whether or not the so-called indigenous groups agree with this interpellation.

### **\*Assignment 2: International Human Rights Instruments**

Secretariat of the Permanent Forum on Indigenous Issues. 2004. “[The Concept of Indigenous Peoples. Background paper.](#)”  
Kuper, A. 2003. “Return of the Native.” [Current Anthropology](#). 44:3. 389-402  
Salomon, F. 2002. “Unethnic Ethnohistory: Peruvian Peasant Historiography and Ideas of Autochthony.” [Ethnohistory](#) 49.3.  
Frantzman, S. et al. 2012. Contested Indigeneity: The Development of an Indigenous Discourse on the Bedouin of the Negev, Israel. [Israel Studies](#), 17:1 Spring, pp. 78-104.

### **Case: Indigeneity and Africa**

Pelican, M. 2009. “Complexities of indigeneity & autochthony: An African example.” [American Ethnologist](#). 36:1. 52-65  
Hodgson, D. 2009. “Becoming Indigenous in Africa.” [African Studies Review](#), 52:3, 1-32.  
Sylvain, R. 2017. Indigenous Peoples in Africa. Oxford.

### **View at home:**

Film:(selection) *N!ai, The Story of a !Kung Woman* (1980). John Marshall. DER. 59 min.

### **Further Reading (optional):**

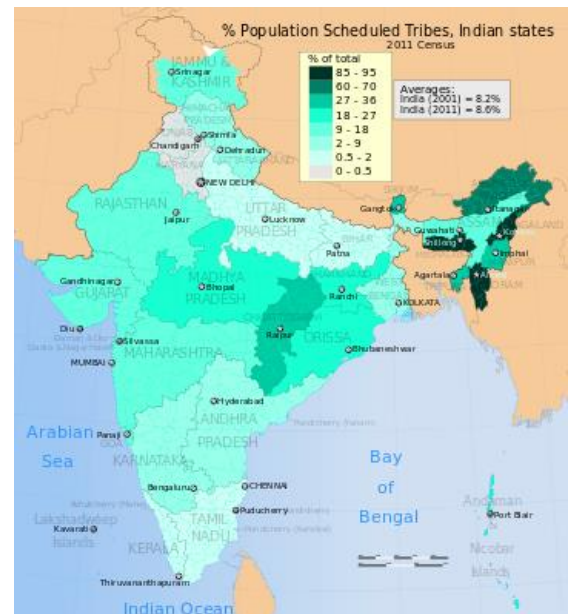
Angry replies to Kuper in [Current Anthropology](#). 44:3  
Birrell, K. 2016. “Imagining Indigeneities.” [Indigeneity Before and Beyond the Law](#). Routledge.  
Nyamnjoh, F. 2006. Chapter 11 “Ever-Diminishing Circles”: The Paradoxes of Belonging in Botswana.” [Indigenous Experience Today](#).eds. De la Cadena and Stern. New York: Berg.  
Canessa, A. 2007. Who Is Indigenous? Self-Identification, Indigeneity, and Claims to Justice in Contemporary Bolivia. [Urban Anthropology and Studies of Cultural Systems and World Economic Development](#). 36:3 (FALL). 195-23.  
N!ai study guide [www.der.org/resources/study-guides/N!ai.pdf](http://www.der.org/resources/study-guides/N!ai.pdf)





#### **Week 4 (Wed 9/26) Case: India's Scheduled Tribes and Castes ST/SC**

Although often lumped together in Indian legislation, “Scheduled Tribes and Castes” (ST/SC), Dalits (untouchable castes) and Adivasis (tribal/indigenous) are distinct categories, who are often pitted against one another and against other minority groups in local politics. We will explore the uniquely South Asian forms of social hierarchy and their implications for Indigenous and Human Rights discourse and look at cases of local Adivasi groups from different regions of India (Gujarat, Assam, Jharkhand). Adivasis and Dalits suffer from lack of access to education, health care, economic opportunities, and political representation. In some cases, they fight to retain their customary and legal rights to land, forest products, and water. While often depicted as isolated, Adivasis must negotiate their status with the State, NGOs, political parties, religious groups, and insurgent groups. Please note that in this national context “communalism” is often a euphemism for violence aimed at a particular ethnic/religious group, not to be confused with “communist (maoist) insurgency,” which refers to political violence rooted in the idea of class. This distinction can be confusing as both kinds of political parties may attempt to coopt the Adivasi identity.



- The Scheduled Tribes and other Traditional Forest Dweller Act (Recognition of Forest Rights Act) (2006)

Banerjee, P. 2016. “Writing the Adivasi.” Special Issue: Reading the archive, reframing ‘adivasi’ histories. The Indian Economic and Social History Review. 53:1 Jan-Mar.

Dasgupta, S. 2016. “Intro: Reading the archive, reframing ‘adivasi’ histories.” Reading the archive, reframing adivasi histories. The Indian Economic and Social History Review. 53:1 <https://doi-org.proxy.libraries.rutgers.edu/10.1177/0019464615619527>

Kikon, D. 2017. “Jackfruit seeds from Jharkhand: Being adivasi in Assam.” Contributions to Indian Sociology. 51:3,313-37

Patel, A. 2007. “Hinduisation of Adivasis: A Case Study from South Gujarat.” Dalits in Modern India. New Delhi: Sage.

Thachil T. & Herring, R. 2008. “Poor choices: de-alignment, development and Dalit/Adivasi voting patterns in Indian states.” Contemporary South Asia, 16:4, 441-64. Also check out Thachil’s book <http://www.tariqthachil.com/research/>

View in class: Newton. 2017. Amit V. Masurkar. 1:44 min.

#### **Further reading:**

Michael, S.M, editor. 2007. Dalits in Modern India. Introduction and selected chapters. New Delhi: Sage.

Any other article from: Special Issue: Reading the archive, reframing ‘adivasi’ histories. The Indian Economic and Social History Review. 53:1 Jan-Mar. <http://journals.sagepub.com.proxy.libraries.rutgers.edu/loi/ier?expanded=2016&expanded=53>

Chhetri, N. 2017. “From Jat-Jati to Janjati: Demands for Recognition as Scheduled Tribe and Claims of Indigeneity in Darjeeling.” Sociological Bulletin. 66:1. 75-90.

Choubey, K. 2016. “The State, Tribals and Law: The Politics behind the Enactment of PESA and FRA.” Social Change 46:3. 355-70

Kapoor, D. 2012. “Human Rights as Paradox and Equivocation in Contexts of Adivasi (original dweller) Dispossession in India.” Journal of Asian and African Studies. 47:4. 404-420.

Check out <http://joais.org/>

View at home: Migration and the Adivasi. 2016. The Great Courses. [available via Kanopy]

#### **\*Assignment 3: Indigenous Peoples in Africa and Asia (in-class presentations)**

## II. Conflictual Constructions of Community

Supporting indigenous rights is not so straightforward, as the category of “indigenous” may be intersected by other distinctions, such as ethnicity, language, religion, class, gender, sexual orientation and generation. In some cases, different ethnic group claiming the protections due to indigenous and originary peoples may clash over the same resources. In other cases, the “human” rights, interests, or desires of individuals or sub-groups may conflict with the collective rights or customary laws of the indigenous group at large, causing internal dissention. In this section, we examine the idea of the indigenous community as something that is constructed and examples of competing claims to define the community, and at specific issues affecting minority groups within indigenous communities.

### Week 5 (Wed 10/3) What is “Community”?

#### **\*Post Research Topic for Final Paper**

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)
- UN Fact Sheet 23: Harmful Traditional Practices affecting the Health of Women and Children. (1995) [www.refworld.org/docid/479477410.html](http://www.refworld.org/docid/479477410.html)
- [Convention on the Political Rights of Women. \(1953\)](#)
- Convention on the Nationality of Married Women. (1957)
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. (1962)



Figure 1 Guaman Poma de Ayala. “Fiestas Antisuyos” (1615)

### ***The Conflictual Construction of Community.***

Mallon, F. “The Conflictual Construction of Community: Gender, Ethnicity, and Hegemony.” Peasant and nation: The making of postcolonial Mexico and Peru. UC Press (63).

Rousseau, S. 2016. “Indigenous Women’s Movements: An Intersectional Approach to Studying Social Movements.” Indigenous Women’s Movements in Latin America: Gender and Ethnicity in Peru, Mexico, and Bolivia. Palgrave.

### ***Indigeneities at odds. Case: Highland and Lowland Indigenous Groups in South America.***

Canessa, A. 2014. “Conflict, Claim and Contradiction in the New Indigenous State of Bolivia.” Critique of Anthropology 34:2.  
--. 2018. “Indigenous Conflict in Bolivia Explored through an African Lens.” Comparative Studies in Society and History. 60:2: 308–37.

### **Further Reading:**

Abu-Lughod, L. 2002. “Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and its Others” American Anthropologist 104:3. 783-90.

Abu-Odeh, L. 1992. “Post-Colonial Feminism and the Veil: Considering the Differences.” New England Law Review 26.1527.

Bastian Duarte, A. 2012. “From the Margins of Latin American Feminism: Indigenous and Lesbian Feminisms.” Signs. 38:1.153-78

Jolly, M. 1996. “Woman Ikat Raet Long Human Raet O No?: Women's Rights, Human Rights and Domestic Violence in Vanuatu.” Feminist Review. 52 (Spring).169-90

Pape, I. 2008. “This Is Not a Meeting for Women: The Sociocultural Dynamics of Rural Women's Political Participation in the Bolivian Andes.” Latin American Perspectives. 35:6, 41-62.

Rousseau, S. 2016. Indigenous Women’s Movements in Latin America: Gender and Ethnicity in Peru, Mexico, and Bolivia. Palgrave. [ebook] <http://web.a.ebscohost.com.proxy.libraries.rutgers.edu/ehost/ebookviewer/ebook/bmx1YmtfXzEyODc4MDZlX0FO0?sid=78d096fb-86e1-41b1-9bd0-c1663f538ff9@sessionmgr4007&vid=0&format=EB&rid=1>

**Film:** Moolaadé. Ousmane Sembene. 2004. (Senegal)

Scott, A. 2004. “Heroism and Defiance in an African Village” NYT. 13 Oct. <https://www.nytimes.com/2004/10/13/movies/13mool.html>

**Week 6 (Wed 10/10) Case: Female Genital Surgery: Criminalize, Medicalize, or Relativize?**

**\*Debate:** Practices such as Sati, child marriage, female infanticide, are among the traditional cultural practices the human rights community has found to be harmful to women. We will focus on the case of Female Genital Mutilation (FGM) aka Female Genital Surgery (FGS) aka Female Genital Circumcision (FGC). In spite of interventions by the state, NGOs, and other parties that would like to eradicate the practice, it continues. How can you explain the failure and what should be one about these practices? With your group, inform yourself about the issue of FGM. Formulate a stance. Be prepared to defend it using arguments and research. It is acceptable to take a stance that contradicts your personal feelings on the subject. The objective is to demonstrate that you understand and can speak knowledgeably about the different perspectives on this issue. Here are some articles to get you started.

- Ahmadu, F. 2000. "Rites and Wrongs: An Insider/Outsider Reflects on Power and Excision." Female "Circumcision" in Africa: Culture, Controversy, and Change. Eds. B. Shell-Duncan and Y. Hernlund. Boulder: Lynne Rienner.
- Baker, D. 2014. "Should Unnecessary Harmful Nontherapeutic Cosmetic Surgery be Criminalized?" New Criminal Law Review: An International and Interdisciplinary Journal. 17:4, 587-630.
- Christoffersen, A. 2005. "Taming Tradition": Medicalized Female Genital Practices in Western Kenya." Medical Anthropology Quarterly. 19:4, 402-418.
- Farina, P. 2014. "Mother to daughter transmission of Female Genital Cutting in Egypt, Burkina Faso and Senegal." African Population Studies. 28:2: 1119–1131.
- Gruenbaum, E. 1996. "The Cultural Debate over Female Circumcision: The Sudanese Are Arguing This One out for Themselves." Medical Anthropology Quarterly. 10:4, (Dec). 455-75.
- Hodgson, D. 2011. "These are not Our Priorities: Maasai Women, Human Rights, and the Problem of Culture." Gender and Culture at the Limit of Rights, eds. D. Hodgson and P. McConaughay, University of Pennsylvania Press.
- Imoh, A. et al. 2013. "Rites vs rights: Female genital cutting at the crossroads of local values and global norms." International Social Work 56:1. 37–50.
- James, S. 1998. "Shades of Othering: Reflections on Female Circumcision/Genital Mutilation." Signs, 23:4. 1031-48.
- Lewis, H. 2009. Female Genital Mutilation and Female Genital Cutting. Encyclopedia of Human Rights, 2, pp. 200-13.
- Muthumbi, J., et al. 2015. "Female Genital Mutilation: A Literature Review of the Current Status of Legislation and Policies in 27 African Countries and Yemen." African Journal of Reproductive Health 19:3. 32-40.
- Schuster, S. 2015. "'Gosh': A cross-cultural encounter with a Somali woman, a male interpreter and a gynecologist on female genital cutting/mutilation." Patient Education and Counseling 98:1. 127–128.
- Shell-Duncan, B., et al. 2013. "Legislating Change? Responses to Criminalizing Female Genital Cutting in Senegal." Law & Society Review. 47:4. 803-835.
- Silverman, A. 2004. "Anthropology and Circumcision." Annual Review of Anthropology. 33. 419-445
- Smith, C. 2011. "Who Defines 'Mutilation'? Challenging Imperialism in the Discourse of Female Genital Cutting." Feminist formations, no. 1.
- Sulkin, C. 2009. "Anthropology, Liberalism and Female Genital Cutting." Anthropology Today, 25:6. 17-19.
- Walley, C. 1997. "Searching for 'Voices': Feminism, Anthropology, and the Global Debate over Female Genital Operations." Cultural Anthropology 12:3. 405-38.
- Winterbottom, A., et al 2009. "Female Genital Cutting: Cultural Rights and Rites of Defiance in Northern Tanzania." African Studies Review, 52:1, 47-71

**Further viewing (analyze the films, rather than taking the information at face value):**

Film: A Walk to Beautiful (2007). Mary Olive Smith. Engle Entertainment. (85min) [Netflix]

Film: Escape: Female Marriage in Kenya. 30min.

Circumcision and Child  
Marvi Lacar (2011).



### **Week 7 (Wed 10/17) Indigenous Children's Rights – Case: The “Stolen Generation” in Australia**

Children are a special case for human and Indigenous rights. Their individual rights (e.g. to health, education, freedom from harm, etc.), may come into conflict with the collective rights of their group. If the state deems it necessary, it may intervene to take custodianship of legal minors. This may impact the ability of the group to culturally reproduce itself, encroach on the child's cultural, linguistic, and/or religious rights. On the other hand, the desires and interests of the child may conflict with those of their elders'. In the past, Native North American and Aboriginal Australian children were taken from their communities to be raised by white foster parents or institutions. We will focus on the historical case of Stolen Generation of aboriginal Australian children and the contemporary national controversies over how to deal with this legacy.

- Convention on the Rights of the Child (1989). [www.unicef.org/crc/](http://www.unicef.org/crc/)
- [Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families](#) (1997). Australian Human Rights Commission.
- [National Apology to the Stolen Generations](#) (2008). Australian Institute of Aboriginal and Torres Strait Islander Studies (Video and transcript of Apology) <https://aiatsis.gov.au/explore/articles/apology-australias-indigenous-peoples>
- [Cubillo v Commonwealth](#)

Kennedy, R. 2011. “Australian Trials of Trauma: The Stolen Generations in Human Rights, Law, and Literature.” *Comparative Literature Studies*. 48:3. 333-55.

Jacobs, M. D. 2009. “Gender and Settler Colonialism in the North American West and Australia.” [White Mother to a Dark Race Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia, 1880-1940](#). Lincoln: University of Nebraska Press.

National Apology. National Museum of Australia. [http://www.nma.gov.au/online\\_features/defining\\_moments/featured/national\\_apology](http://www.nma.gov.au/online_features/defining_moments/featured/national_apology)

**Film:** [Rabbit-Proof Fence](#) (2002) Phillip Noyce. 93min

#### **Further reading:**

Drah, B. 2012. “Orphans in Sub-Saharan Africa.” *Africa Today*. 59:2. 3-21.

Pilkington Garimara, D. [Follow the Rabbit-Proof Fence](#).

Walters, J. 2015. “Trauma and Resilience among a Stolen Generation of Indigenous People.” [Fragments of trauma and the social production of suffering: trauma, history, and memory](#). O'Loughlin, M. and Charles, M., eds. Lanham, Maryland: Rowman & Littlefield. <https://ebookcentral-proquest-com.proxy.libraries.rutgers.edu/lib/rutgers-ebooks/reader.action?ppg=137&docID=1864117&tm=1536727743547>

Jacobs, M. D. 2009. [White Mother to a Dark Race](#). <https://www-fulcrum-org.proxy.libraries.rutgers.edu/concern/monographs/000000506>

Cassidy, J. 2002. The stolen generation: Canadian and Australian approaches to fiduciary duties. *Ottawa Law Review* 34:2, 175-238. <https://heinonline.org/HOL/P?h=hein.journals/ottlr34&i=181>

**\*Post Region for Research paper**

**\*MIDTERM\*\*Assignment 4: Human Rights Discourse: Conflicts and Contradictions**

### ***III. Nature, Culture, and Politics***

In contrast to prior leftist movements, which focused on class-based revolutions and insurgency, contemporary indigenous mobilizations of the post-cold war era put a focus on culture and/or ethnicity at the forefront of their demands. Rather than seeking to overthrow the state, most indigenous movements seek political recognition as citizens and indigenous peoples from their nations as well as the broader the modern nation-state system.

### **Week 8 (Wed 10/24) Indigenous movements**

Pelican, M. 2015. “Ethnicity as a political resource Indigenous rights movements in Africa.” [Ethnicity as a Political Resource: Conceptualizations across Disciplines, Regions, and Periods](#). Cologne: Verlag.

Jackson, J. & Warren, K. 2005. Indigenous Movements in L. America, 1992-2004. *Annual Rev of Anthro*. 34. 549-73.

Yashar, D. 1998. “Contesting Citizenship: Indigenous Movements and Democracy in Latin America.” *Comparative Politics*. 31:1. 23-42.

Postero, N. and Zamosc, L. 2006. “Indigenous Movements and the Indian Question in Latin America.” [The Struggle for Indigenous Rights in Latin America](#). Portland: Sussex



- Hodgson, D. 2002. "Introduction: Comparative Perspectives on the Indigenous Rights Movement in Africa and the Americas." American Anthropologist 104:4, 1037-49.
- Merlan, F. 2005. "Indigenous Movements in Australia." Annual Review of Anthropology. 34:1, 473-494

### **Week 9 (Wed 10/31) Oil and Water: Neoliberalism, Indigenous Rights, and Natural Resources**

From Sioux of Standing Rock to the Ogoni people of Nigeria, indigenous and other minority peoples suffer from the deleterious effects of extractive industries on local ecologies and health, without reaping the financial rewards from valuable subsoil resources located on their land. Their access to life-giving natural resources such as land and water are also threatened by contamination as well as dispossession.

#### **Water:**

- Aiyer, A. The Allure of the Transnational: Notes on Some Aspects of the Political Economy of Water in India. Cultural Anthropology. 22:4. 640–58.
- Hogue, E. & Rau, P. 2008. Troubled Water: Ethnodevelopment, Natural Resource Commodification, and Neoliberalism in Andean Peru. Urban Anthropology & Studies of Cultural Systems & World Economic Development. 37:3. 283–28.
- Sikkink, Lynn. 1997. Water and Exchange: The Ritual of "yaku cambio" as Communal and Competitive Encounter. American Ethnologist 24:170–89.
- Poirier, R. & Schartmueller, D. 2012. "Indigenous water rights in Australia." The Social Science Journal. 49:3. 317–324.
- Film: Abhijay Karlekar. 2006. Running Out of Time. (105min) [on Kanopy]

#### **Oil:**

- Bebbington, Denise Humphreys. An Andean Avatar: Post-neoliberal and neoliberal strategies for promoting extractive industries. Vol. 1999–06. BWPI, The University of Manchester, 2010.
- Rogers, Douglas. 2015. "Oil and Anthropology." Annual Review of Anthropology 44:1. 365–380.
- Sawyer, Suzana. 2006. "Disabling Corporate Sovereignty in a Transnational Lawsuit." PoLAR: Political and Legal Anthropology Review. 29:1. 23–43.
- Sawyer, Suzana. 2010. "'So That the World Can Know': Amazonians Take On Chevron.(Movie review)." NACLA Report on the Americas.
- Valdivia, Gabriela. 2007. 'Amazonian Trial of the Century: Indigenous Identities, Transnational Networks, and Petroleum in Ecuador.' Alternatives. 32:1(Jan-Mar). 41–72.

#### **Popular Press**

- Bradshaw, P. 2010. "Crude: The film tackles an interesting question: when Goliath gets sued, how does David pay for his lawyers?" The Guardian. 14 Jan. <https://www.theguardian.com/film/2010/jan/14/crude-film-review>
- Hurtado, P. & Larson, E. 2016. "Chevron Ruling Blocks \$8.6 Billion Order in Ecuador Fight." Bloomberg. 16 Aug. <https://www.bloomberg.com/news/articles/2016-08-08/chevron-wins-a-round-in-long-battle-over-pollution-in-ecuador>
- Krauss, Clifford. 2014. Big Victory for Chevron Over Claims in Ecuador. NYT. 4 Mar. [https://www.nytimes.com/2014/03/05/business/federal-judge-rules-for-chevron-in-ecuadorean-pollution-case.html?\\_r=0](https://www.nytimes.com/2014/03/05/business/federal-judge-rules-for-chevron-in-ecuadorean-pollution-case.html?_r=0)
- Krauss, Michael. 2018. "The Ecuador Saga Continues: Steven Donziger now owes Chevron more than \$800,000." Forbes. 14 Mar. <https://www.forbes.com/sites/michaelkrauss/2018/03/14/the-ecuador-saga-continues-steven-donziger-now-owes-chevron-more-than-800000/#1eb1d6264949>
- Chevron's press releases <https://www.chevron.com/ecuador/>
- Timeline of legal proceedings - Texaco/Chevron lawsuits (Ecuador) <https://www.business-humanrights.org/en/texacochevron-lawsuits-re-ecuador>
- Listen:** Folkenflick, D. 2010. "A 'Crude' Awakening: Chevron Vs. The Documentarian." NPR All things considered. 4 Jun. <https://www.npr.org/templates/story/story.php?storyId=127410188>

**Film:** Crude (2009). Joe Berlinger. 105min

#### **Further Reading:**

- Sawyer, S. Crude Chronicles.
- Warner, Elizabeth. "Environmental Justice: A Necessary Lens to Effectively View Environmental Threats to Indigenous Survival." Transnational Law & Contemporary Problems 26:2. 343–69. <http://search.proquest.com/docview/1939857269/>.

**Week 10 (Wed 11/7) Sumaq Kawasy: Ethno/Development \*Post Preliminary Literature Review for Final Paper**

Indigenous peoples have a right to benefit from national development; however, national and international development projects at times interfere with their cultural or customary rights to a traditional lifestyle. Some indigenous groups find themselves at the mercy of tourism international aid organizations; in contrast, under pressure by indigenous movements, the recent Bolivian and Ecuadorian constitutions have enshrined the right to water and the rights of Mother Earth.

**Case: Mother earth and the constitution in the Andes**

- Villalba, U. 2013. "Buen Vivir vs Development: a paradigm shift in the Andes?" Third World Quarterly. 34:8, 1427-1442
- Schaefer, T. 2009. "Engaging Modernity: the political making of indigenous movements in Bolivia and Ecuador, 1900–2008." Third World Quarterly. 30:2, 397-413,
- González, P. & Vázquez, P. 2015. "An Ontological Turn in the Debate on Buen Vivir – Sumak Kawsayin Ecuador: Ideology, Knowledge, and the Common." Latin American and Caribbean Ethnic Studies, 10:3, 315-334
- Latta, A. 2014. "Matter, politics and the sacred: insurgent ecologies of citizenship." Cultural Geographies 21:3. 323–41.

**Case: The San**

- Sylvain, R. 2005. Disorderly Development: Globalization and the Idea of Culture in the Kalahari. Am Ethnologist. 32:3. 354-70
- Film: A Kalahari Family Part Five: Death By Myth (2001) John Marshall. DER. 87min.

**Further Reading:**

- Hodgson, D. 2002. "Women's Rights as Human Rights: Women in Law and Development in Africa (WiLDAF)." Africa Today 49:2. 3-26.
- Turner, T. and Fajans-Turner, V. 2006. Political Innovation and Inter-Ethnic Alliance: Kayapo Resistance to the Developmentalist State. Anthropology Today. 22:5. 3-10
- Conklin, B. 1997. Body Paint, Feathers, VCRs: Aesthetics and Authenticity in Amazonian Activism. Am Ethnologist. 24:4. 711-37
- Explore: Video in the Villages in Kanopy
- Levitt, P. and Merry, S. 2011. "Making Women's Human Rights in the Vernacular: Navigating the Culture/Rights Divide." Gender and Culture at the Limit of Rights. University of Pennsylvania Press.

**Week 11 (Wed 11/14) Multicultural, Plurinational State - Case: Bolivia and Ecuador**

**American Anthropological Association Annual Meeting 11/13-11/18**

- (chapters) Postero, N. 2017. The Indigenous State: Race, Politics, and Performance in Plurinational Bolivia. UC Press.
- Becker, M. 2012. "Building a Plurinational Ecuador: Complications and Contradictions." Socialism and Democracy 26:3 72–92.  
[Ricardo Ulcuango the ambassador to Bolivia]

**Watch at home:** on Kanopy Cocalero (2007) Alejandro Landes. 86min

**Further Reading:**

- Albro, R. 2006. Bolivia's "Evo Phenomenon." Journal of Latin American Anthropology. 11:408-28.
- Assies, W. 2003. David versus Goliath in Cochabamba. Latin American Perspectives 30:14-36.
- Schilling-Vaccaro, A. 2011. Bolivia's New Constitution: Towards Participatory Democracy and Political Pluralism? European Review of Latin American and Caribbean Studies, 90. 3-22
- Spronk, S. & Webber, J. 2007. Struggles against Accumulation by Dispossession. Latin American Perspectives, 34:2. 31-47.
- The rest of: Postero, N. 2017. The Indigenous State: Race, Politics, and Performance in Plurinational Bolivia. UC Press.

**Week 12 \*\* Thanksgiving Break (November 11/22-11/25)\*\* No class - Change of designation day!**

### **Week 13 (Wed 11/28) State Violence and Reconciliation**

- Convention on the Prevention and Punishment of the Crime of Genocide - [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-1&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&clang=en)
- Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity
- 9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 16. International Convention for the Protection of All Persons from Enforced Disappearance
- [Protocol for the further extension of the period of validity of the Convention on the Declaration of Death of Missing Persons \(1967\)](#)

#### **Case: Peru**

Peruvian Truth and Reconciliation Commission <https://www.cverdad.org.pe/ingles/apublicas/p-fotografico/index.php>

Rojas-Perez, I. 2015. "Death in transition." *Necropolitics: Mass Graves and Exhumations in the Age of Human Rights*

Rojas-Perez, I. 2013. "Inhabiting Unfinished Pasts: Law, Transitional Justice, and Mourning in Postwar Peru." *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, 4:1. 149–170.

Theidon, K. 2006. "Justice in Transition: The Micropolitics of Reconciliation in Postwar Peru." *The Journal of Conflict Resolution*, 50:3, Transitional Justice (Jun.), 433-457

Rivera, F. 2014. "From Nation's Ear and God's Eye to the Language of Reconciliation: The Commission of Truth and Reconciliation in Peru." *Chasqui*, 43:1, 119-131.

Silverstein, S. 2014. "Narrating secret and silence: Recent ethnographies on post-conflict Ayacucho, Peru." *Dialectical Anthropology*, 38:2, 239-245.

#### **Case: Guatemala**

Drouin, M. 2016. "The realities of power: David Stoll and the story of the 1982 Guatemalan genocide." *Journal of Genocide Research* 18:2-3, 305-322.

Stoll, D. 2018. "Genocide in Guatemala?" *Acad. Quest.* 31: 219.

(selection) Sanford, V. 2004. *Buried Secrets: Truth and Human Rights in Guatemala*. Palgrave.

Monse, A, et al. 2013. Si Hubo Genocidio: Anthropologists and the Genocide Trial of Ríos Montt. *Am Anthropol.* 115:4. 658-66

Sanford, V. 2009. "What is an Anthropology of Genocide?" *Genocide, Truth, Memory, and Representation: Anthropological Approaches*. Hinton, Alex and Kevin O'Neill, eds. Duke.

---2008. Si Hubo Genocidio – Yes, There Was a Genocide in Guatemala. *The Historiography of Genocide*. Palgrave.

**Film:** Pamela Yates. 2011. *Granitos: How to Nail a Dictator* 1:22

#### **Further Reading:**

\**African Conflict and Peacebuilding Review*, 3:2, Fall 2013. Special Issue: Peace Education, Memory, Reconciliation in Africa

Poole, Deborah & Rojas Pérez, Isaías. 2010. "Memories of Reconciliation: Photography and Memory in Postwar Peru." *E-misférica* 7.2 *After Truth*. Winter. <http://hemi.nyu.edu/hemi/en/e-misferica-72/poolerojas>

Rojas-Perez, Isaias. 2017. *Mourning remains: state atrocity, exhumations, and governing the disappeared in Peru's postwar Andes*. Stanford, California: Stanford University Press.

(selection) Sluka, Jeffrey. 2000. *Death Squad: The Anthropology of State Terror*. University of Pennsylvania.

Sanford V, et al. 2016. *Gender Violence In Peace And War: States Of Complicity* [e-book]. New Brunswick: Rutgers U Press. <https://login.proxy.libraries.rutgers.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=1344326&site=ehost-live>

Ferrándiz, F. et al eds. 2015. *Necropolitics - Mass Graves and Exhumations in the Age of Human Rights*. University of Pennsylvania Press. <https://ebookcentral-proquest-com.proxy.libraries.rutgers.edu/lib/rutgers-ebooks/detail.action?docID=3442538#>

Brounéus, K. 2010. The Trauma of Truth Telling: Effects of Witnessing in the Rwandan Gacaca Courts on Psychological Health. *The Journal of Conflict Resolution*, 54(3), 408-437.

Ensor, M. 2013. "Drinking the Bitter Roots: Gendered Youth, Transitional Justice, and Reconciliation across the South Sudan-Uganda Border." *African Conflict and Peacebuilding Review*, 3:2, 171-94.

Fisher, L. 2016. Chapter 5. "Aboriginal Culture at the Nexus of Justice, Recognition, and Redemption." *Aboriginal Art and Australian Society: Hope and Disenchantment*. New York: Anthem Press. 57-70 [open source]

Gualtieri, C. 2016. "The Release of the Truth and Reconciliation Commission Findings on Indian Residential Schools in Canada." In Bait M., et al. (Eds.), *Utopian Discourses Across Cultures*. Frankfurt: Peter Lang. 185-214. [JStor]

Holtzman J. 2017. *Killing Your Neighbors : Friendship And Violence In Northern Kenya And Beyond*. UC Press. [eBook] <https://login.proxy.libraries.rutgers.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=1357207&site=ehost-live>

Reynaud, A. 2014. "Dealing with Difficult Emotions: Anger at the Truth and Reconciliation Commission of Canada." *Anthropologica*, 56:2. 369-382.



Wilson, R. 2000. Reconciliation and Revenge in Post-Apartheid South Africa: Rethinking Legal Pluralism and Human Rights. *Current Anthropology*. 41: 75-98.

**Week 14 (Wed 12/5) Repatriation of Remains \*Post Thesis and Final Paper Outline**

From the 17<sup>th</sup> century Extirpation of Idolatries, which destroyed the mummies and religious accoutrement of the native Andeans to more recent practices of collection in the name of scientific inquiry, important cultural and religious objects, as well as actual human remains, have been taken from native peoples. In some cases, recent national legislation and international treaties have begun the process of repatriation of looted material cultural patrimony and remains of deceased native peoples from museum collections. In other cases, for example, the mortuary objects such as the vigango of the Mijikenda in Kenya, which house the souls of dead relatives, are not protected by such legislation. Nevertheless, activist pressure can impel the repatriation of such goods.

- Native American Graves Protection and Repatriation Act (1990) <https://www.nps.gov/nagpra/>
- American Indian Religious Freedom Act (1978)
- Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)

**Case: North American Graves Protection and Repatriation**

(selected chapters) Fine-Dare, K. 2002. Grave Injustice: The American Indian Repatriation Movement and NAGPRA. Nebraska University Press.

Boyer, P. 1991. Who owns the past? new law on the return of Indian remains challenges both scientists and tribal communities. *Tribal College*. 3:6.

**Case: Vigango of Kenya**

Giles, L. Et al 2014. "The Long Journey Home: The Theft and Repatriation of Giriama Memorial Statues (Vigango)." Contesting Identities: The Mijikenda and Their neighbors in Kenyan Coastal Society. Africa World Press.

Nevadomsky, J. 2018. "The Vigango Affair: The Enterprise of Repatriating Mijikenda Memorial Figures to Kenya." *African Arts* 51:2. 58–69.

Udvardy, M. et al. 2003. "The Transatlantic Trade in African Ancestors: Mijikenda Memorial Statues (Vigango) and the Ethics of Collecting and Curating Non-Western Cultural Property." *American Anthropologist* 105:3. 566–580.

**Further Reading:**

Mashberg, T. 2014. "Sending Artworks Home, but to Whom? (The Arts/Cultural Desk)." *The New York Times*.

Mashberg, T. 2014. "Kenya regains artifacts from Denver Museum." *The New York Times*. 19 Feb.

"Kenya Seeks to Recover, Protect Memorial Statues. (1900-2000)(transcript/Audio file)." Weekend All Things

Considered. NPR. <http://go.galegroup.com.proxy.libraries.rutgers.edu/ps/i.do?id=GALE%7CA159721227&v=2.1&u=new67449&it=r&p=LitRC&sw=w>

Arriaga, P., and Clark, K. 1968. *The Extirpation of Idolatry in Peru*. Lexington: University of Kentucky Press.

<https://ebookcentral-proquest-com.proxy.libraries.rutgers.edu/lib/rutgers-ebooks/reader.action?ppg=10&docID=1915810&tm=1536737815997>

(skim) Government Accountability Office. 2010. NAGPRA: After nearly 20 years, key federal still have not fully complied with the act.

**Week 15 (Wed 12/12)\*4/21 –Last day to withdraw with a W\***

