

November 2009

Final Essay

Course: Theoretical Approaches to Law

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## Interdisciplinary Teaching and Indigenous Practices

And although few would doubt the importance of this world of the imagination – the world of drumming and dancing, of carved chests and beaded belts, of condolence canes and ceremonial masks, of stories and songs – let me repeat an anecdote told to me by the Canadian geographer Peter Usher. It's about a meeting between an Aboriginal Tsimshian community in the northwest and a group of government foresters. The meeting was about jurisdiction over woodlands. The foresters claimed the land for the government. The Indians were astonished by the claim – they couldn't understand what these relative newcomers were talking about. Finally, one of them put what was bothering them in the form of a question. "If this is your land," he asked, "where are your stories?"<sup>1</sup>

How can ownership of land be determined not through text, but through stories and songs? It is probably impossible for me, a bearer of a very different philosophy and perception of the world, to understand completely how indigenous people came to learn about the world. I have often heard about their rituals, in which they danced and sang and communicated. To understand "... this world of the imagination - the world of drumming and dancing, of carved chests and beaded belts, of condolence canes and ceremonial masks, of stories and songs...", I refer to "Being Indian is a state of mind", a chapter from Rupert Ross' book "Dancing with a Ghost: Exploring Indian Reality".<sup>2</sup> He explains that indigenous people learnt about the world through observation, through vision and sound. That was indeed how they communicated with nature and with each

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<sup>1</sup> J. Edward Chamberlin, "From hand to mouth: the postcolonial politics of oral and written traditions" in Marie Battiste, ed., *Reclaiming Indigenous Voice and Vision* (Vancouver: UBC Press, 2000) 124 at 126-127.

<sup>2</sup> Antaki, Emerich & Manderson, *Coursepack: Theoretical Approaches to Law* (Faculty of Law, McGill University, 2009) at 284.

other. It is through “accumulation of individual memory, observation and pattern-thought skills”<sup>3</sup> that these people were able to read nature’s signs and thus to know its every movement. Those skills had to be learnt individually, through experience and “[that] does not seem to permit teaching, at least as we know it...”<sup>4</sup> We teach through texts and theories, and I believe that is what Ross means by “teaching... as we know it.” However, does his statement mean that indigenous people did not teach their children anything and let them learn everything on their own? In search of an answer I consider a passage in Ross’ article about the elders of the indigenous communities. According to Ross, they were held in high esteem, because they had accumulated experience of many years, and that their *stories* were a valuable source of information.<sup>5</sup> This, I think, is enough to establish that indigenous people did not rely only on experience. They did transmit some of their knowledge to the future generations, only in a different way than we do. In other words, they taught in the language of stories.

I try to imagine that vivid world of stories, songs and dances, and wonder whether there is nothing we can learn or “borrow” from it. More precisely, I wonder whether we can’t learn from the way the indigenous people communicated with the world and with each other.

So I turn to Desmond Manderson’s article “Desert Island Disks: Ten Reveries on interdisciplinary Pedagogy in Law”, in which he claims that words are not a very efficient form of communication.<sup>6</sup> I agree that words can be linear. We use logical phrases in our everyday lives and in the classroom to explain and understand. It seems that verbal language<sup>7</sup> should be the ideal means of communication, after all communication is its main, if not only, purpose. Why

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<sup>3</sup> *Supra* note 2 at 286

<sup>4</sup> *Supra* note 2 at 286

<sup>5</sup> *Supra* note 2 at 287.

<sup>6</sup> *Supra* note 2 at 15.

<sup>7</sup> I use “verbal” as meaning “of or concerned with words” and not as a synonym for spoken communication.

then do misunderstandings occur between us? Is it only because we often don't have a rich enough vocabulary to express our thoughts, or is it because language itself does not have a rich enough vocabulary?

To be able to draw the parallel, once more I return to the excerpt opening this essay. "If this is your land...where are your stories?"<sup>8</sup>, the Tsimshian person asks. This means that stories contained and carried information, even in such serious matters, as ownership of land. Rather than considering this as an undeniable fact, I try to find reasons why these people seem to have preferred another means of communication other than verbal language. In doing so I reflect upon how and why we also tell our children stories. Is it only because children are not able to understand merely through logical thought or is it because, as Manderson articulates, "[w]e are embodied beings not logicians"<sup>9</sup>? I will not argue that we are not "embodied beings", because I believe we are. And that is something we have in common with indigenous people; we are similar in that we all tell stories, we paint, we sing and we dance, and there is a reason why we do so. Hence, the next question is: what is the reason?

I remember I once asked my art professor, who was a painter himself, whether he thought art was meant to be appealing to the eye. He told me that it was not. He said, "A work is considered a work of art as long as it has something to say." Does this not mean that through paintings and songs and music we also express ourselves, just like, it seems indigenous people did? The next logical question follows: if we have verbal language, then why do we need other forms of expression? Is it possible that something is missing in the words? I answer with Manderson's

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<sup>8</sup> *Supra* note 1 at 127.

<sup>9</sup> *Supra* note 2 at 15.

words “[o]ther forms of expression have more to say and say it differently.”<sup>10</sup> Like indigenous people, we use different forms of art to express ourselves and in doing so, to communicate with others on a special plane. However, Ross insists that “we began to think differently... our choices... became open to criticism and we bore the burden of explaining them. Learning to explain them enabled us to begin teaching them and we did.”<sup>11</sup> We probably did begin to think differently and there must be a reason for this; something anthropologists and historians have surely asked themselves and delved into. However, does our difference explain why our teaching, unlike that of the indigenous people, has to be through verbal language alone?

I will try and organise what has been said so far: indigenous people had their languages: we have ours; they painted, danced and sang: so do we; and they came to learn about the world through observation. This is a little more complicated. We have volumes of theories in every possible subject. And we have science, which we use to defragment everything into little elements so we can understand nature. This is obviously very different from what Ross describes as “sensory knowledge”<sup>12</sup>. However, I think we also trust in life experience, and value our elders for their knowledge about life. So then the answer to my last question is not a simple “yes”, but definitely not a “no”. This brings me back to square one or rather, to the key question: if we are more or less similar in all these aspects, then can we not, and should we not, be similar in using forms of expression and communication other than verbal language in teaching?

We probably can and we probably should. It is easy to imagine teaching our children about the world through stories and songs (which we do to some extent), but let us consider teaching *law* through paintings, through poetry and music. Manderson insists that we should learn “to talk

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<sup>10</sup> *Supra* note 2 at 15.

<sup>11</sup> *Supra* note 2 at 289.

<sup>12</sup> *Supra* note 2 at 287.

about [law] using the whole chocolaty language of our social world – art, poetry, children’s books, movies, newspapers, the lot.”<sup>13</sup> Ross says, “a people whose knowledge is “felt” knowledge, sensory knowledge, will look at the world very differently from those whose knowledge is primarily intellectual...”<sup>14</sup> I think that the indigenous experience can be an example of how other forms of communication can be brought into the teaching process. That, I think will be more inherent to our human nature and will bring us closer to the world surrounding us, from which we have somewhat alienated ourselves. We have lost that special connection between ourselves and with our world. And law is part of our world. When talking about Kafka’s “Before the Law” Manderson tells the story of the man who thought about the law as a “noun”.<sup>15</sup> Instead he should have seen that law was within him and all around him. Isn’t this what the Tsimshian people were feeling? And isn’t that due to the fact that they did not regard it as something artificial, created outside of them? They rather understood it and referred to it by using forms of expression richer than inert words. I do not wish to diminish the value and power of words and language. Nonetheless, the language we use in the classroom usually lacks dynamism.

While reflecting upon the practices of indigenous peoples and interdisciplinary teaching, a passage from Manderson’s article caught my eye. In it the author talks about indigenous law and how indigenous people used a painting to talk about the land and its law. The concept here and in the anecdote about the Tsimishian using stories to talk about their land is the same. However, it is at the end of the passage that Manderson asks possibly the most important question in his article: “[d]oes art or music help us hear a language we do not speak; or must we always

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<sup>13</sup> *Supra* note 2 at 15.

<sup>14</sup> *Supra* note 2 at 287.

<sup>15</sup> *Supra* note 2 at 16.

interpret it back into what we already know?” If we were to consider interdisciplinary teaching, this is the question we should ask ourselves. And I ask myself the question...

I have noticed that after a few minutes spent in front of a painting we usually turn to our friends and ask them what they think the painting is “trying to say”. It is the question we ask ourselves too. Does this not mean that we do in fact translate what we hear and see back into words? It probably means exactly that. Yet, sometimes I feel like drawing a painting for someone, just because I feel that it can say much more than what I can ever put in words...

Even though there is probably a scientific explanation about why we came to teach differently from the way indigenous people did, I think there is something we can learn from their practices. One thing I believe in is that it is not us, but language that lacks the vocabulary.