

JPI201 H1S – Indigenous Politics in Canada Winter 2024

Instructor: Dale Turner dale.turner@utoronto.ca

Class Meeting: Online Wednesdays 11:00-13:00

Quercus Link: <https://q.utoronto.ca/courses/340881>

Office Hours: MF 12:00-1:00pm (Or by appointment)

Link to Monday Office Hours: <https://utoronto.zoom.us/j/81620591442> Passcode: 264545

Link to Friday Office Hours: <https://utoronto.zoom.us/j/87132706557> Passcode: 320092



Anishinaabe Artist, Roy Thomas "We're All in the Same Boat"

STATEMENT ON ACKNOWLEDGEMENT OF TRADITIONAL LAND

We would like to acknowledge this sacred land on which the University of Toronto operates. It has been a site of human activity for 15,000 years. This land is the territory of the Huron-Wendat and Petun First Nations, the Seneca, and most recently, the Mississaugas of the Credit River. The territory was the subject of the Dish with One Spoon Wampum Belt Covenant, an agreement between the Iroquois Confederacy and Confederacy of the Ojibwe and allied nations to peaceably share and care for the resources around the Great Lakes. Today, the meeting place of Toronto is still the home to many Indigenous people from across Turtle Island and we are grateful to have the opportunity to work in the community, on this territory.

Revised by the Elders Circle (Council of Aboriginal Initiatives) on November 6, 2014. A slightly different version is available at <https://indigenous.utoronto.ca/about/land-acknowledgement/>

Course Description: This course introduces students to the legal and political relationship between Canada's Indigenous peoples and the Canadian state. The lectures are synchronous and class is scheduled on Weds 11:00-1:00pm on ZOOM. All lectures will be recorded and posted each week. The course is divided into three parts.

Part 1 – White Paper Liberalism

We begin the course with a brief genealogy of the historical relationship between Indigenous peoples and European newcomers, focusing on the formation of the Canadian state in 1867 to the patriation of the Canadian Constitution in 1982. The source for this genealogy is JR Miller's book, *Skyscrapers Hide the Heavens: A History of Native-Newcomer Relations in Canada* (please purchase the Fourth Edition). Then we will explore the evolution of the discourse of Indigenous rights from the 1969 White Paper to the creation of aboriginal rights in the patriated constitution of 1982 (in the first lecture, I will clear up the use of terms such as Indigenous, aboriginal, and Aboriginal). The 1982 Canadian Constitution represented an innovation in liberal thought and was welcomed by many Indigenous leaders as a profound, just form of the legal and political recognition of their rights. The relevant section of the Canadian Constitution – s.35(1) – states, "The aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed." We will survey a shortlist of important Supreme Court of Canada aboriginal rights cases, but focus closely on two: Van der Peet (1996) and Delgamuukw (1997). These cases, understood in tandem with the Report of the Royal Commission on Aboriginal Peoples in 1996, distinguished two different approaches to understanding the meaning and content of aboriginal rights in the common law: the state's "delegated rights" approach and the traditional Indigenous "inherent rights" approach.

Part 2 – Oka and State-sponsored Inquiries

Part Two begins by watching two documentary films on the Oka conflict in the summer of 1990. Oka marked a turning point in Indigenous politics, not least for the renewed Mohawk assertions of their political rights and nationhood, but also for setting the political relationship down a path of state-sponsored inquiries, reports, and the government's commitment to expanding aboriginal rights into the international arena. We will briefly examine:

- The Report of the Royal Commission on Aboriginal Peoples (1996);
- The federal government's adoption of the United Nations Declaration on the Rights of Indigenous Peoples (2007);
- The Final Report of the Truth and Reconciliation Commission (2015); and,
- The Report of the Missing and Murdered Indigenous Women and Girls (2019).

In addition, we will investigate the Idle No More movement of 2012. This national and international grassroots movement arose out of four Indigenous women's responses to the federal government's attempt to unilaterally amend the Indian Act in a way that would have profound effects on accessing waterways on Indigenous homelands. Indigenous peoples turned back to their communities – to their homelands and to their own philosophical traditions.

Part 3 – Indigenous Spirituality and Indigenous Politics

The Idle No More movement embodied an important shift in the ways in which Indigenous peoples engage with the state. This turning back to the land reinvigorated “traditional” voices in many Indigenous communities. The publication of Glen Coulthard’s *Red Skin White Masks* in 2014 captured the spirit of INM and highlighted what is now called the Indigenous resurgence movement. In the final part of the course, we explore the concept of “grounded normativity,” especially how it relates to the problem of reconciling Indigenous spirituality in contemporary politics. We take a closer look at what it means to listen to Indigenous peoples “in and on their own terms” in the contemporary legal and political relationship. As a culminating exercise, we will read a selection from Blair Stonechild’s (Muscowpetung First Nation) book *The Knowledge Seeker* where he reflects on Indigenous spirituality in contemporary society.

An outline of the course:

Introduction:

Week 1 (Jan 8-12): Introduction – Doctrine of Discovery

Part One:

Week 2 (Jan 15-19): Creation of Canadian State

Week 3 (Jan 22-26): White Paper Liberalism

Week 4 (Jan 29-Feb2): Constitution Act, 1982

Week 5 (Feb 5-9): Aboriginal Rights Case Law

Part Two:

Week 6 (Feb 12-16): Oka Conflict of 1990

Week 7 (19-23): Reading Week

Week 8 (Feb 26-Mar 1): RCAP/TRC/MMWIG

Week 9 (Mar 4-8): UNDRIP (2007) and the Idle No More Movement of 2012

Part Three:

Week 10 (Mar 11-15): Indigenous Resurgence and Grounded Normativity

Week 11 (Mar 18-22): Indigenous Law

Week 12 (Mar 25-29): Blair Stonechild

Summary:

Week 13 (Apr 1-5): Reflections on the Course and the Take-Home Exam

Course Learning Objectives:

- To develop a critical understanding of the legal and political relationship between Indigenous peoples and the Canadian state, especially from the 1969 White Paper on federal Indian policy to the present;
- To become familiar with liberal and traditional Indigenous approaches to understanding the source and meaning of Indigenous rights and nationhood in Canada;
- To reflect upon, discuss, and write about what it means to listen to Indigenous peoples “in and on their own terms.”

Required Text and Readings:

- R. Miller, *Skyscrapers Hide the Heavens*, 4th Edition, Toronto: University of Toronto Press, 2018.
- Here's a link to the book from UofT Bookstore:
 - <https://www.uoftbookstore.com/adoption-search>

Here's the link to purchase directly from UofT Press:

<https://utorontopress.com/9781487521752/skyscrapers-hide-the-heavens/>

You may purchase and download a digital version directly from UofT Press, the UofT Bookstore or from VitalSource <https://www.vitalsource.com/en-ca/>

- All other readings will be available on the Quercus class site.

Class Lectures: Here is the Zoom invitation link:

Topic: JPI201 - Indigenous Politics Winter 2024

https://utoronto.zoom.us/join/tZEqcOCgrjgoEtl5Kr5GG78cBE9FyyzFmnQT/ics?icsToken=98tyKuGtqTwjEtSWshGBRpwMB4_CXfzziHZBj7d0yTT3Vgd0NVv1FMcbFKtmCv7d

Evaluation:

1 – Packback (<https://www.packback.co>)

- **Question and Responses Discussion Board – 30%**
- **Deep Dive Essays – 30%**

Packback enables educators to improve student curiosity, engagement and critical thinking through highly structured, rigorous discussion. On Packback, students are taught the life skill of how to ask great questions and are coached on their critical thinking skills as they formulate responses to questions each week. (New England Board of Education)

Packback is an AI Instructional platform that develops your creative thinking and critical writing skills. There are two parts to using the Packback website for this course. The first part is a Question and Response discussion board. Each week, drawing from the class readings, discussions, and lectures, you will be required to draft and post one question and post two responses to your classmates' questions. Your Teaching Assistants will facilitate the weekly Q&R and will, in collaboration with the AI Packback assigned grade, assign a final grade for your participation. (Worth 30% of your final grade.)

The second part of Packback is called "Deep Dives." From the Packback website:

Packback Deep Dives is a platform for developing and assessing writing.

Deep Dives helps every student build a strong foundation of writing and research skills.

Through instant AI feedback, students have the opportunity to iterate on their work based on your specific assessment criteria. Instructors receive grading support from our AI grading assistant to help assess the writing mechanics of a piece, so you can focus your feedback on students' ideas and content.

You will be required to write five short 200-300 word reflective essays, scheduled during the semester, mostly responding to the readings. (Worth 30% of your final grade.)

For an introduction to how Packback works see:

<https://youtu.be/OV7QmikrD68?si=hmoHqnrE9szAz2-f>

Please note:

**** There will be information sessions available on how to use Packback during the first week of classes ****

Note: Your Packback group will be the same people who are in your Tutorial session. I will set the Packback groups the week before class starts – hopefully, you will be ready to go and (somewhat) familiar with Packback by the beginning of week two.

2 - Final Take Home Exam – 40%

The final exam will be a take home exam. Your take home will be written as two reflective essays. As the semester unfolds, I will say more about what I mean by reflective writing and detail clearly what you will be required to do to complete the take home. All of your writing should be written in the first person – “I argue that...” or “I believe that...” I am interested in what **you** think. In terms of your final grade, your Teaching Assistants will grade the Packback part of the course, and I will grade your final take home exams. The take home provides you with an opportunity to reflect and write about your experiences with the Indigenous issues raised during the course. Many of you may not know a lot about Indigenous issues, which means that the learning curve will be high in this course for you. But, I am not particularly interested in how well you can articulate the details of Supreme Court cases; rather, I am interested in **how** you experience, reflect upon, and write about the many Indigenous issues that you will encounter in this short introductory class. So, do not worry if you do not feel able to write about Indigenous issues *now*, you should have a lot to say by the end of the course. The course is about Indigenous politics, but what is more important is how Indigenous politics affects you as a person. To help you understand what I am looking for in your writing, here is the first question of the take home:

Question 1: What matters most to you, and why? How has learning more about Indigenous issues affected what matters most to you?

As I said above, I will say more about the take home as the semester unfolds.

The take home exam is to be submitted on Quercus and is due by April 15, 2024 at 23:59.

Grading Scheme:

Undergraduate

Refined Letter Grade Scale	Grade Point Value	Numerical Scale of Marks
A+	4.0	90 - 100%
A	4.0	85 - 89%
A-	3.7	80 - 84%
B+	3.3	77 - 79%
B	3.0	73 - 76%
B-	2.7	70 - 72%
C+	2.3	67 - 69%
C	2.0	63 - 66%
C-	1.7	60 - 62%
D+	1.3	57 - 59%
D	1.0	53 - 56%
D-	0.7	50 - 52%
F*	0.0	0 - 49%

*F = Fail

Course Policies:

Online communication policy: All correspondence should be by e-mail, either directly to me or through Quercus. Please put JPI201 in the subject line. I will try to get back to you as soon as possible. If you have not heard back from me in two days, please don't hesitate to send me another e-mail! Like you, I'm very busy during the semester. Teaching Assistants will have their own communication policies.

Notice of Video Recording and Sharing (Download Permissible; Re-Use Prohibited)

The lecture part of the course, including your participation, will be recorded on video and will be available to students in the course for viewing remotely and after each session.

Course videos and materials belong to your instructor, the University, and/or other source depending on the specific facts of each situation and are protected by copyright. In this course, you are permitted to download session videos and materials for your own academic use, but you should not copy, share, or use them for any other purpose without the explicit permission of the instructor.

For questions about recording and use of videos in which you appear please contact me.

Accessibility: The University of Toronto is committed to accessibility. If you require accommodations or have any accessibility concerns, please don't hesitate to see me during the first week of the semester. For more information visit [https://studentlife.utoronto.ca/departments/accessibility-services/Links to an external site.](https://studentlife.utoronto.ca/departments/accessibility-services/Links%20to%20an%20external%20site/).

Academic Advising: The best place to start for any questions or advice on academic matters is to drop into one of the College Registrars' Offices. Here's the link: <https://www.artsci.utoronto.ca/current/academic-advising-and-support/college-registrars-offices>

Academic integrity: It is worth familiarizing yourself with the *Code of Behaviour on Academic Matters*. Here is the link: <https://governingcouncil.utoronto.ca/secretariat/policies/code-behaviour-academic-matters-july-1-2019>. If a matter of academic integrity arises in this course – for example, plagiarism – then we will follow university procedures, which are laid out on the Academic Integrity website <https://www.academicintegrity.utoronto.ca>

If you are in a crisis: The following resources should be used in these situations, depending on the level of urgency and severity.

- Any situation requiring immediate police, fire, or medical response to preserve life or property please call 911.
- Campus Safety can respond promptly to other situations. Campus Safety Special Constables are experienced in dealing with students.

Address: 21 Sussex Avenue

Non-Emergency Line: 416-978-2323

Urgent Line: 416-978-2222

- Support if you feel distressed: <https://studentlife.utoronto.ca/task/support-when-you-feel-distressed/>

Religious observances: This is from the university's policy Religious Observances, Policy on Scheduling of Classes and Examinations and Other Accommodations: It is the policy of the University of Toronto to arrange reasonable accommodation of the needs of students who observe religious holy days other than those already accommodated by

ordinary scheduling and statutory holidays.

See <https://governingcouncil.utoronto.ca/secretariat/policies/religious-observances-policy-scheduling-classes-and-examinations-and-otherLinks to an external site..> Don't hesitate to see me if you have any concerns or questions about observing religious or spiritual practices.

Class Schedule

Week 1 (Jan 8 – Jan 12): Introduction and the Doctrine of Discovery

Lecture Topics:

- Introduction to the course (go over syllabus)
- Valladolid Debate of 1550
- The Doctrine of Discovery

Reading:

Must-reads:

- *Skyscrapers*, Introduction

Recommended Reading:

Skyscrapers, Part One: Cooperation

For a summary of the debate, see Dale Turner, "[Indian Identity in the Valladolid Debate of 1550](#)" (from my thesis!)

Eduardo Andujar, "[Bartolome de Las Casas and Juan Gines de Sepulveda: Moral Theology](#)

[versus Political Philosophy](#)"

Further Reading:

Anthony Pagden, "[The Problem of recognition](#)" from *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology*

Bartolome de Las Casas, Selections from *In Defense of the Indians*

Class Lecture: https://utoronto.zoom.us/rec/share/RlrKBWvbnEncNgPpqfwmcEhjsHvsEh5HzupXUrIHxHqnHqaVYG6pijMSMd5H6Nz._-NbRvuCboywdSXV

Password: #RTC6Jp7ZW

Week 2 (Jan 15 – Jan 19): Creation of the Canadian State

Lecture Topics:

- Royal Proclamation of 1763
- The British North America Act, 1867, Section 91(24)
- The Indian Act, 1876
- The Numbered Treaties

Reading:

Must-Reads:

- *Skyscrapers*, Part Two: Chapters 6, 9, and 12
- RCAP, "[Conceptions of History](#)"

Recommended Reading:

Skyscrapers, Part Two: Chapters 5,7,8,10,and 11

Ken Coates, "[Gentle Confiscation: The Settlement of Canada and the Dispossession of the First Nations](#)," from Paul Haveman, ed., *Indigenous Peoples and the Law: Comparative Perspectives* (Auckland: Oxford University Press, 1999), 141-161.

Week 3 (Jan 22 – Jan 26): White Paper Liberalism

Lecture Topics:

- **The White paper of 1969**
- **The Red Paper: Citizens Plus**
- **The Canadian Constitution, 1982**

Reading:

Must-Reads:

- *Skyscrapers*, Part Two: Coercion, Chapters 13 and 14
- Statement of the Government of Canada on Indian Policy 1969: "[The White Paper](#)"
- The 1970 Red Paper (pages 1-25): "[Citizens Plus](#)"
- [The Canadian Constitution](#) (especially Part II)

Recommended Reading:

Sally Weaver, "[The Problem](#)" from Sally Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-1970*, University of Toronto Press, 1981. (If you are keen about this period in Canadian history, this book is excellent)

Dale Turner, "[White and Red Paper Liberalism](#)"

Week 4 (Jan 29 – Feb 2): Canadian Constitution, 1982

Lecture Topics:

- **Theory of Minority Rights (Will Kymlicka)**
- **Delegated v Inherent Rights Approaches to understanding Indigenous rights**

Reading:

Must-Reads:

- *Skyscrapers*, Chapter 15
- Will Kymlicka, "[Justice and Minority Rights](#)" from Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford University Press, 1996

For you film buffs, this is an impressive two part documentary on the Constitutional conferences that were mandated in section 37 of the 1982 Constitution:

[Dancing Around the Table, Part One](#)

[Dancing Around the Table, Part Two](#)

Recommended Reading:

Duncan Ivison, "[The Logic of Aboriginal Rights](#)", *Ethnicities*, Vol 3(3), 2003, pps. 321–344.

Darlene Johnston, "[Native Rights as Collective Rights: A Question of Group Self-Preservation](#)", *Canadian Journal of Law and Jurisprudence*, Vol 2 (1), January 1989, pps. 19-34.

Week 5 (Feb 5 – Feb 9): Aboriginal Rights and the Supreme Court

Lecture Topics:

- *Calder v British Columbia AG* [1973] SCR 313
- *R v. Sparrow* [1990] 1 S.C.R. 1075
- *R v. Van der Peet* [1996] 2 SCR 507
- *Delgamuukw v. British Columbia* [1997] 3 SCR 1010

Reading:

Must-Reads:

- *Skyscrapers*, Chapters 16 and 17
- Case Syllabi for:
 - [Calder](#)
 - [Sparrow](#)
 - [Van der Peet](#)
 - [Delgamuukw](#)

Recommended Reading:

John Borrows, "[Frozen Rights in Canada: Constitutional Interpretation and the Trickster](#)"

Week 6 (Feb 12 – Feb 16): Oka

Lecture Topic:

- Oka Conflict of 1990

Films:

- Alanis Obomsawin, [270 Years of Resistance](#)
- Mark Zanis, [Acts of Defiance](#)

Week 7 (Feb 19 – Feb 23): Reading Week

Week 8 (Feb 26 – Mar 1): RCAP, the TRC, and UNDRIP

Lecture Topics:

- Royal Commission on Aboriginal Peoples (1996)
- Indian Residential School Settlement Act (2006) – Apology (2008)
- Truth and Reconciliation Commission – Final Report (2015) <http://www.trc.ca/index.html>

Readings:

Must-Reads:

- James Tully, "[A Just Relationship Between Aboriginal and non-Aboriginal Peoples](#)"
- TRC, "[Honoring the Truth, Reconciling for the Future](#)" (pp. 1-133)
- UNDRIP, <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>

For you film buffs:

Documentary of RCAP [No Turning Back](#)

Documentary on Reconciliation called *True Story* [Part One](#)

Week 9 (Mar 4 – Mar 8): Idle No More and MMIWG

Topics:

- **Idle No More (2012)**
- **Missing Murdered Indigenous Women and Girls**

Reading:

Must Reads:

- Idle No More (2012) <https://idlenomore.ca>
- [Executive Summary](#), The National Inquiry into Murdered and Missing Indigenous Women and Girls Inquiry – Report (2015-19) <https://www.mmiwg-ffada.ca/final-report/>
- Ken Coates, [Preface and Chapter 1](#), *#IdleNoMore and the Remaking of Canada*
- [Fact Sheet from NWAC](#)
- Sylvia McAdam, [Chapter on Idle No More](#)

These are Optional, but worth listening to:

YouTube Video: [Idle No More: Protest to Change?](#)

YouTube Video: [The Legacy of Idle No More put InFocus | APTN InFocus](#)

Week 10 (Mar 11 – Mar 15): Indigenous Resurgence and Grounded Normativity

Lecture Topics:

- **The Indigenous Resurgence Movement**
- **Grounded Normativity**

Reading:

Leanne Simpson, [“Looking after Gdoo-naaganinaa: Precolonial Nishnaabeg Diplomatic and Treaty Relationships”](#)

Leanne Simpson and Glen Coulthard, [“Grounded Normativity”](#)

Week 11 (Mar 18 – Mar 22): Indigenous Law

Lecture Topics:

- **Indigenous Law**
- **Professor John Borrows**
- **Professor Val Napoleon**

Reading:

Dale Turner, [“On the politics of Indigenous translation Listening to Indigenous peoples in and on their own terms”](#)

Week 12 (Mar 25 – Mar 29): Indigenous Spirituality in Indigenous Politics

Lecture Topics:

- **Indigenous Spirituality**

Reading:

Selections from Blair Stonechild, *The Knowledge Keeper*

Week 13 (Apr 1 – Apr 5): Reflections and Review for Take Home