

**** Draft - to be finalized January 7, 2020 ****



**Centre for Indigenous Studies
Department of Political Science**

**INS 492H1-S Topics in International Indigenous Studies
POL 492H1-S/2392H-S Topics in Comparative Politics IV**

Indigenous Nationalism

Lecturer: Dale Turner (dale.turner@utoronto.ca)

Classroom: WE75 - Wetmore Hall – New College

Office: Indigenous Studies Program, Room 220, 563 Spadina Avenue

Phone:

Office Hours: Tuesdays 1:00-3:00pm (or by appointment)



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.

Available at <https://www.studentlife.utoronto.ca/fnh>

Seminar Description:

The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) has changed the face of domestic and international Indigenous politics. In this seminar we will examine and compare contemporary Indigenous politics in Canada, New Zealand, and Australia (with the occasional glance to the United States). In these “settler” states, Indigenous peoples de facto possess some special form of political recognition – but how should we understand this “special” form of political recognition? In Canada, the rights of Aboriginal peoples are explicitly recognized and protected in the Canadian Constitution; in New Zealand, the political relationship between the Maori and Pākehā (European newcomers) is grounded in the 1840 Treaty of Waitangi; and, the Australian state now recognizes the legal status of Native title in Australian law. The relationship between Indigenous peoples and nation states raises complex issues around how we understand culture, cultural differences, our relationships to land, and what we mean by “nationhood”. Two philosophical questions will guide class discussions. First, how should we understand the meaning of Indigenous nationhood? And second, what does it mean to listen to Indigenous peoples “in and on their own terms”?

The course is divided into three parts. In order to gain a basic understanding of the discourse of Indigenous rights we begin by examining, in some depth, contemporary Aboriginal politics in Canada. In the second and third parts of the course, using Canada as a benchmark, we will explore recent developments in New Zealand and Australian Indigenous politics. The purpose of the course is to develop a greater understanding of the legal and political relationships between Indigenous peoples and the nation states of Canada, New Zealand, and Australia. The three settler nations share similar attitudes about the nature of Indigenous cultures, the moral, legal and political significance of a treaty or treaty-like relationship, and especially about the meaning and content of Indigenous rights and nationhood.

Seminar learning objectives:

- **To compare and contrast Indigenous politics in Canada, New Zealand, and Australia**
- **To understand better Indigenous explanations of their rights, sovereignty, and nationhood**

Course Reading:

Carwyn Jones, *New Treaty New Tradition: Reconciling New Zealand and Maori Law*,

UBC Press, 2016.

All required readings are available on Quercus. We will undoubtedly add readings during the semester that will reflect the interests and direction of class discussions.

Seminar Requirements:

Three short papers (3x15%=45%)

- **4-5 page short reflective essays**
 1. Canada (Due February 11, 2020): What is the relationship between “Aboriginal” and “Indigenous” rights in Canada?
 2. New Zealand (Due March 10, 2020): What is the relationship between *tinio rangatiranga* and state sovereignty?
 3. Australia (Due March 31, 2020): Using Australia as an example, how can we listen to Indigenous peoples “in and on their own terms”?

Research paper (40%)

- 20-page research paper (**graduate student requirement: 25-page research paper**)
- Paper must be comparative in context on a topic chosen in consultation with me
- **Paper is due on the last day of class (March 31, 2020)**

Class participation (15%)

- Students are expected to attend all classes and participate in class discussions
- Students will make two short 10-minute class presentations on the weekly readings and ask a question to begin the class discussion (scheduled during the semester).

All papers will be handed in using Turnitin.com (see below for Turnitin.com policy)

Late penalty policy: Papers will be accepted after the due date but will receive a 10 percent penalty and an additional penalty of 2 percent per day for each additional day the paper is late.

Regrading policy: If you have concerns about your grade, please give it a day to reflect on my comments, and if you are still unhappy, then send me an email, attach your paper, and explain the problem or problems that you have with your grade. Please note that if I grade your paper again your grade may go down.

Grading Scheme:

Letter Grade	Grade Point Value	Percentage
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%

Course Policies:

Online communication policy: All online correspondence should be over e-mail. Please put POL308 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.

Academic integrity:

Please familiarize yourself with the University of Toronto's *Code of Behaviour on Academic Matters*

(<http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>). I like these quotes from the Preamble:

What distinguishes the University from other centres of research is the central place which the relationship between teaching and learning holds. It is by virtue of this relationship that the University fulfills an essential part of its traditional mandate from society, and, indeed, from history: to be an expression of, and by so doing to encourage, a habit of mind which is discriminating at the same time as it remains curious, which is at once equitable and audacious, valuing openness, honesty and courtesy before any private interests.

And later,

This Code is concerned, then, with the responsibilities of faculty members and students, not as they belong to administrative or professional or social groups, but as they co-operate in all phases of the teaching and learning relationship.

Such co-operation is threatened when teacher or student forsakes respect for the other--and for others involved in learning--in favour of self-interest, when truth becomes a hostage of expediency. On behalf of teacher and student and in fulfillment of its own principles and ideals, the University has a responsibility to ensure that

academic achievement is not obscured or undermined by cheating or misrepresentation, that the evaluative process meets the highest standards of fairness and honesty, and that malevolent or even mischievous disruption is not allowed to threaten the educational process.

The following quote is from the Quercus site on integrating turnitin.com into the course: Normally, students will be required to submit their course essays to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site.

https://q.utoronto.ca/courses/46670/pages/integration-turnitin#h_9602525431531923949892

You are not required to use Turnitin.com. If you choose not to submit your papers through Turnitin.com please see me. You will have to hand in your outline and rough drafts and detailed bibliography along with the final draft of your paper.

Plagiarism is a very serious offence. Here's some good advice on how not to plagiarize: <https://advice.writing.utoronto.ca/using-sources/how-not-to-plagiarize/> . If you have any doubts about your writing please come see me during office hours. For more information on writing at UofT visit the "Writing at the University of Toronto" website at <https://writing.utoronto.ca>.

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 <http://studentlife.utoronto.ca/accessibility>.

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-other>. Don't hesitate to see me if you have any concerns or questions about observing religious or spiritual practices.

Class Schedule

PART 1: Indigenous Nationhood in Canada

Lecture 1 (January 7, 2020): Introduction

- Course Syllabus
- Two themes of the seminar:
 - Indigenous nationhood
 - Listening to Indigenous peoples in and on their own terms.

Lecture 2 (January 14, 2020): A Brief History of Canada

- A Brief History of Canada
- Why history matters

Reading:

RCAP - Conceptions of History: If you are not familiar with RCAP's final report please read at least the first four chapters of the final report, available [here](#).

The White Paper of 1969:

See Indigenous Foundations Website posting on White Paper [here](#)

Online source of the White Paper [here](#)

The Red Paper [here](#)

Background reading:

Weaver, Sally. "The Hawthorn Report: Its Use in the Making of Canadian Indian Policy." In *Anthropology, Public Policy and Native Peoples in Canada*, edited by Noel Dyck and James B. Waldram. Montreal: McGill-Queen's University Press, 1993. 75–97.

Lecture 3 (January 21, 2020): A Theory of Minority Rights

- The Logic of Aboriginal Rights in Canada – Section 35(1)

Duncan Ivison, "The Logic of Aboriginal Rights"

Will Kymlicka, "Justice and Minority Rights" from *Multicultural Citizenship*

The Canadian Constitution (online source [here](#))

Background Reading:

The Calder Case [here](#)

Lecture 4 (January 28, 2020): Aboriginal Rights in Canada

- Case law: Calder, Sparrow, Guerin, Van Der Peet, Delgamuukw, Haida Nation, Mikisew etc.

Class assignment:

1. What communities are involved?
2. Upload the Supreme Court Decision (Syllabus, too)
3. Summarize the case

4. Cite resources

Background Reading:

Michael Asch, "From Calder to *Van der Peet*: Aboriginal Rights and Canadian Law, 1973-1996"

John Borrows, "Frozen Rights in Canada: Constitutional Interpretation and the Trickster"

Kent McNeil, "The Meaning of Aboriginal Title"

Sparrow Decision [here](#)

Van der Peet Decision [here](#)

Delgamuukw Decision [here](#)

Lecture 5 (February 4, 2020): Visions of Indigenous Nationhood

- RCAP's Vision
- Wet'Suwet'en Vision
- TRC and UNDRIP's Vision

Online Sources:

RCAP's final report [here](#)

Unist'ot'en [website](#)

Truth and Reconciliation Commission's vision [website](#)

United Nations Declaration on the Rights of Indigenous Peoples [here](#)

PART 2: Maori Politics in New Zealand

Lecture 6 (February 11, 2020): A Brief History of New Zealand

- The "settlement" of New Zealand
- On the idea of historical injustice

Reading:

Carwyn Jones, Chapter 1 and 2 of *New Treaty New Tradition: Reconciling New Zealand and Maori Law*, UBC Press, 2016.

MPK Sorrenson, "The Settlement of New Zealand from 1835"

Jeremy Waldron, "Indigeneity? First Peoples and Last Occupancy"

Duncan Ivison, "Political Community and Historical Injustice"

Paul Patton, "Historical Injustice and the Possibility of Supersession"

Douglas Sanderson, "Against Supersession"

Online Source: The Treaty of Waitangi [website](#)

Background sources:

Roger Maaka and Augie Fleras, "Engaging with Indigeneity: Tino Rangatiratanga in Aotearoa"

Paul Moon, *Te ara ki te Tiriti: the path to the Treaty of Waitangi*, David Ling, Auckland, 2002

***** First short Essay due *****

Reading Week – February 17-21, 2020

Lecture 7 (February 25, 2020): The Treaty of Waitangi (1840)

Reading:

Carwyn Jones, Chapter 3 and 4 of *New Treaty New Tradition: Reconciling New Zealand and Maori Law*, UBC Press, 2016.

Ranginui Walker, "Maori Sovereignty, Colonial and Post-Colonial Discourses"

Jennifer McGinty, "New Zealand's Forgotten Promises"

Michael Belgrave, Merata Kawharu & David Williams, *Waitangi revisited: perspectives on the Treaty of Waitangi*, Oxford University Press, Oxford, 2005

Meredith Gibbs, "Justice in New Zealand's Treaty of Waitangi Settlement Process"

Dominic O'Sullivan, "The Treaty of Waitangi in Contemporary New Zealand Politics"

Chief Judge Drurie, "Background Paper"

Department of Justice, *Principles for Crown action on the Treaty of Waitangi*,

Department of Justice, Wellington, 1989

The Waitangi Tribunal, <http://www.waitangi-tribunal.govt.nz/>

Optional Reading:

Giselle Byrnes, *The Waitangi Tribunal and New Zealand History*

I.H. Kawharu, *Waitangi: Maori and Pakeha perspectives of the Treaty of Waitangi*,

Oxford University Press, Auckland, 1989

Video:

Robert Pouwhare (Director), Gary Tatham (Producer), (1993). The Treaty of Waitangi = Te Tiriti o Waitangi. Privately Published. [Streaming Video]. Retrieved from video.alexanderstreet.com/watch/the-treaty-of-waitangi-te-tiriti-o-waitangi database

Lecture 8 The Waitangi Tribunal (March 3, 2020):

- **The Waitangi Tribunal**

Reading:

Carwyn Jones, Chapter 5, 6 and Epilogue of *New Treaty New Tradition: Reconciling New Zealand and Maori Law*, UBC Press, 2016.

John Borrows, "Origin stories and the law: Treaty metaphysics in Canada and New Zealand" in *Indigenous Peoples and the State: International Perspectives on the Treaty of Waitangi*, Routledge, 2019.

Lecture 9 (March 10, 2020): Rangatiratanga and the Whanganui River

- Language and the politics of translation

Reading:

Jacinta Ruru, "The failing modern jurisprudence of the Treaty of Waitangi," *Indigenous Peoples and the State: International Perspectives on the Treaty of Waitangi*, Routledge, 2019.

PART 3: Australian Aboriginal Politics

Lecture 10 (March 17, 2020): The Mabo Cases

- A (very) brief history of Australia
- Eddie Mabo

Reading:

Henry Reynolds, "New Frontiers: Australia"

Peter Russell, Selections from *Recognizing Aboriginal Title*

Online Source:

<https://www.creativespirits.info/aboriginalculture/politics>

David Ritter, "The Rejection of *Terra Nullius*" in Mabo: A Critical Analysis"

Online Source:

Mabo Website, <http://www.mabonativetitle.com/home.shtml>

Richard Bartlett, "Native Title in Australia: Denial, Recognition, and Dispossession"

Nick Duff, "What's Needed to Prove Native Title?"

Lecture 11 (March 24, 2020): The Apology and Reconciliation

- On the Nature of Reconciliation

Reading:

Christine Fletcher, "Living Together but not Neighbours"

Angela Pratt, "Papering Over the Differences"

Hastie and Augoustinos, "Rudd's Qpology to the Stolen Generation: Challenging Self-

Sufficient Arguments in “Race” Discourse”

Online Sources:

Reconciliation Website, <http://www.reconciliation.org.au/>

Rudd’s Apology to the Stolen Generations:

Prime Minister Rudd’s Apology [here](#)

Optional reading:

John Borrows, “Practical Recolonisation?”

Lecture 12 (March 31, 2020): The Declaration on the Rights of Indigenous Peoples

- UNDRIP
- Reconciliation and conflict

Reading:

TBA