

*** To be finalized on January 8th, 2020 ***

POL308H Indigenous Politics in Canada
University of Toronto – Department of Political Science

Winter 2020

Claude T. Bissell Building, Room 325 (BL 325)

Instructor: Professor Dale Turner: dale.turner@utoronto.ca
Lecture Time: Wednesday 12:00-2:00pm
Office Hours: Tuesdays 1:00-3:00pm (or by appointment)
Office: Indigenous Studies Program, Room 220, 563 Spadina Avenue
Teaching Assistant: Daniel Sherwin: daniel.sherwin@mail.utoronto.ca

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>

Course Description: This course focuses on the legal and political relationship between Canada's Indigenous peoples and the Canadian state. The course provides a detailed genealogy of the relevant legal and political touchstones of the relationship from the Hawthorn Report in 1966 to the present-day Unist'ot'en roadblocks on Wet'suwet'en territory in British Columbia. Students will gain a sense of the historical and ongoing pendulum-like legal and political relationship between the Canadian state and Indigenous communities. Students will be oem familiar with a shortlist of relevant legal and political concepts, such as Aboriginal rights, treaty relationship, nation-to-nation, reconciliation, resurgence, honour of the Crown, duty to consult, and Indigenous spirituality.

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 understand the distinction between the “inherent” and “delegated” approaches to Aboriginal rights in Canada;
- To reflect upon, and write about, what it means to listen to Indigenous peoples “in and on their own terms”;

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- To become familiar with how Indigenous peoples understand concepts, such as Aboriginal rights, the treaty relationship, nation-to-nation, reconciliation, resurgence, honour of the Crown, duty to consult, and Indigenous spirituality.

Required Text:

- J.R. Miller, *Skyscrapers Hide the Heavens*, 4th Edition, Toronto: University of Toronto Press, 2018.
- All other readings will be available on the Quercus class site or from UofT Libraries.

Evaluation:

1. Three Short Essays (3x20% = 60%)

1st Essay 750-1000 words (3-4 pages double-spaced): Discuss White and Red Paper liberalism. **(Due January 29, 2020)**

2nd Essay 750-1000 words (3-4 pages double-spaced): Write a film review of *270 Years of Resistance* and *Acts of Defiance*. **(Due February 26th, 2020)**

3rd Essay 750-1000 words (3-4 pages double-spaced): What does it mean to “listen to Indigenous peoples in and on their own terms”? **(Due March 18, 2020)**

- All essays will be submitted on Quercus using Turnitin.com. (See below for UofT’s Turnitin.com policy)

2. Final Examination scheduled during Exam Period (40% of your final grade)

- A 3-hour final exam will be scheduled during the final examination schedule. The exam will consist of questions requiring short essay answers (usually 2-5 paragraphs). The questions will be drawn from class readings, lectures, and discussions. You are permitted to use your class notes, however you may not access the internet.

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%

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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.

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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 turn 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:

Lecture 1 (January 8, 2020) – Introduction

- Review course syllabus
- Listening to Indigenous Peoples in and on their own terms
- Inherent v Delegated approaches to Aboriginal rights in Canada
- Genealogy of the relationship
- Indigenous polities

Reading: Start reading *Skyscrapers Hide the Heavens* (finish by the beginning of Lecture 3 on January 22, 2020)

Websites:

Indigenous Foundations (UBC) Website

https://indigenousfoundations.arts.ubc.ca/union_of_british_columbia_indian_chiefs/

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Lecture 2 (January 15, 2020) – Pre-Confederation to Hawthorn Report

- The Royal Proclamation of 1763
- Early treaty relationship
- 1867 Confederation
- Indian Act of 1876
- Post-Confederation treaty relationship: The Numbered Treaties
- Hawthorn Report – Citizens Plus

Reading:

J.R. Miller, *Skyscrapers Hide the Heavens*: Introduction, Parts One and Two

Lecture 3 (January 22, 2020) – Trudeau’s “Just Society”

- Trudeau’s Just Society
- The White Paper
- The Red Paper
- The Brown Paper (Optional)

Reading:

JR Miller, *Skyscrapers*: Parts Three and Four

[Statement of the Government of Canada on Indian Policy \(The White Paper, 1969\)](#)

[The Red Paper](#) (pages 188-211)

(Optional) [The Brown Paper](#): The Declaration of Indian Rights: The B.C. Indian Position Paper

Lecture 4 (January 29, 2020) – Manufacturing Section 35(1)

- Repatriating the Canadian Constitution
- Part II of the Constitution

Reading:

[The Constitution Act, 1982](#), Parts I and II

Will Kymlicka, “Justice and Minority Rights”, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford University Press, 1995, pps. 107-123.

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.

Duncan Ivison, “The Logic of Aboriginal Rights”, *Ethnicities*, Vol 3(3), 2003, pps. 321–344.

Lecture 5 (February 5, 2020) – Aboriginal Rights I: Calder, Guerin, and Sparrow Decisions

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- Calder
- Guerin
- Sparrow

Reading:

Calder decision (Syllabus: Pages 313-317): [Calder et al. v. Attorney-General of British Columbia, \[1973\] S.C.R. 313](#)

Guerin Decision (Syllabus: Pages 335-339): [Guerin v. The Queen, \[1984\] 2 S.C.R. 335](#)

Sparrow decision (Syllabus: Pages 1075-1080): [R. v. Sparrow, \[1990\] 1 S.C.R. 1075](#)

Websites:

Site for Supreme Court of Canada decisions:

<https://scc-csc.lexum.com/scc-csc/en/nav.do>

Lecture 6 (February 12, 2020) – The Politics of Oka

- Film: *270 Years of Resistance*, NFB Dir. Alanis Obomsawin
- Film: *Acts of Defiance*, NFB Dir. Mark Zanis

Reading:

J.R. Miller, “Great White Father Knows Best: Oka and the Land Claims Process,” **Native Studies Review**, no. 1 (1991): 23-52.

Lecture 7 (February 26, 2020) – The Royal Commission on Aboriginal Peoples

- Hawthorn revisited
- The mandate and final report of RCAP

Reading:

James Tully, “The negotiation of reconciliation” in *Public Philosophy in a New Key Volume I*, Cambridge, UK: Cambridge University Press, 2008. (pps. 223-256)

Mary C. Hurley and Jill Wherett, “The Report of the Royal Commission on Aboriginal Peoples”, Parliamentary Research Branch, Library of Parliament, 4 October 1999, Revised 2 August 2000 PRB 99-24E

Report of the Royal Commission on Aboriginal Peoples, Chapter 16 “Principles of a Renewed Relationship” in *Volume 1: Looking Forward, Looking Back*, Ottawa: Canada Communication Group, 1996.

Lecture 8 (March 4, 2020) – Aboriginal Rights II: Van Der Peet and Delgamuukw Decisions

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- Van der Peet
- Delgamuukw

Reading:

Van der Peet decision (Syllabus, pps. 507-521): [R. v. Van der Peet, \[1996\] 2 S.C.R. 507](#)

Delgamuukw decision (Syllabus, pps. 1010-1023): [Delgamuukw v. British Columbia, \[1997\] 3 S.C.R. 1010](#)

John Borrows, “Frozen Rights in Canada: Constitutional Interpretation and the Trickster,” *American Indian Law Review*, vol. 22, no. 1 (1997): 37-64.

Mary Hurley, “Aboriginal Title: The Supreme Court of Canada Decision in *Delgamuukw v. British Columbia*,” Library of Parliament, paper prepared for Law and Government Division (BP-459E), February 2000

Lecture 9 (March 11, 2020) – Idle No More and the Truth and Reconciliation Commission

- **The Idle No More Movement**
- **The Truth and Reconciliation Movement**

Reading:

[Final Report of the Truth and Reconciliation of Canada Volume One: Summary](#), Chapters 1-3 (pps.1-133)

Websites:

[Al Jazeera report on INM](#)

[The National report on INM](#)

[Lecture on INM by Tanya Kappo](#)

Lecture 10 (March 18, 2020) – Missing and Murdered Indigenous Women and Girls

- **MMIWG**

Reading:

[Reclaiming Power and Place: Executive Summary of Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#)

Beverly Jacobs, “Honouring Women,” *Keetsahnak: Our Missing and Murdered Indigenous Sisters*, Ed. Kim Anderson, Maria Campbell, and Christi Belcourt, The University of Alberta Press, 2018: 15-34.

Lecture 11 (March 25, 2020) – The Wet’suwet’en Revisited

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- **UNDRIP**
- **Unist'ot'en Camp**

Reading:

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

Tsilhqot'in decision (Syllabus, pps. 257-265): [Tsilhqot'in Nation v. British Columbia, 2014 SCC 44, \[2014\] 2 S.C.R. 256](#)

Mikisew Cree First Nation decision (Syllabus, pps. 765-778): [Mikisew Cree First Nation v. Canada \(Governor General in Council\), 2018 SCC 40, \[2018\] 2 S.C.R. 765](#)

Websites:

Unist'ot'en Camp:

<https://unistoten.camp>

Lecture 12 (April 1, 2020) – Review for Final Examination