JPI 201 H1S – Indigenous Politics in Canada
January 2021

Lecturer: Dale Turner (dale.turner@utoronto.ca)
Teaching Assistants: Thomas Baker, Vanita Clare, and Hayley Russell
Class Format: Online Asynchronous (lectures are recorded and uploaded to Quercus) Weekly Lectures will be uploaded to Quercus each Thursday at noon.
Office Hours: By appointment using Zoom

Artist: Roy Thomas (Anishinaabe)

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 introduces you to the legal and political relationship between Canada’s Indigenous peoples and the Canadian state. The course begins with a brief history of
the relationship from before contact with Europeans up to the mid-twentieth century. Then we switch gears and focus on the relevant legal and political touchstones of the relationship, beginning with the Hawthorn Report in 1966 to the present-day Indigenous blockade on Wet’suwet’en territory in British Columbia and the 1492 Land Back Lane blockade on Haudenosaunee territory in southern Ontario. You will gain a detailed knowledge of the pendulum-like legal and political relationship between the Canadian federal government and Indigenous communities. Basically, you will become more familiar with the language of contemporary Indigenous politics in Canada. We will focus on topics such as the constitutional discourse of Aboriginal rights, the meaning of the “nation-to-nation” treaty relationship, the culture of reconciliation in Canada, and, from Indigenous perspectives, the importance of spirituality in contemporary Indigenous life.

The course is divided into an introduction and then into six parts:
Introduction to Indigenous Politics in Canada (Week 1)
Part 1: The Invention of Aboriginal Rights (Weeks 2-3)
Part 2: The Theory of Aboriginal Rights in Canada I (Weeks 4-5)
 (Reading Week)
Part 3: The Truth and Reconciliation Commission and Government Accords (Week 7)
Part 4: The Theory of Aboriginal Rights in Canada II (Weeks 8-9)
Part 5: Idle No More and the Missing and Murdered Indigenous Women and Girls Inquiry (Week 10)
Part 6: Contemporary Conflicts (Weeks 11-13)

Lectures and Tutorials Format:
- I will post the main lecture onto the Quercus Home Page each Thursday at noon (the class was originally scheduled for Thursdays from 12-2)
- I will also post onto the Home Page shorter videos, articles, readings etc during the week that I see as relevant to the course (I do this a lot)
- Tutorial sessions are scheduled during the week, led by our teaching assistants (Thomas Baker, Vanita Clare, and Hayley Russell). These sessions provide a terrific opportunity to discuss the class material and also to discuss the essay questions with your teaching assistant

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 the “inherent” and “delegated” approaches to understanding the source and meaning of Aboriginal 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:
- All other readings will be available on the Quercus class site.
Evaluation:

1. **Three Short Essays (10% + 15% + 20% = 45%)**
   - 1st Essay (10%) ~500 words (3-4 pages double-spaced): Discuss White and Red Paper liberalism. (Due February 5, 2021)
   - 2nd Essay (15%) ~500 words (3-4 pages double-spaced): Write a film review of *270 Years of Resistance* and *Acts of Defiance*. (Due March 5, 2021)
     - OR (NOT “AND”) ~500 words (3-4 pages double-spaced): Outline and discuss the *Van der Peet* and *Delgamuukw* cases. Why are they important? (Due March 5, 2021)
   - 3rd Essay (20%) ~600 words (4-5 pages double-spaced): Drawing from the Wet’suwet’en and 1492 Land Back Lane conflicts, what does it mean to listen to Indigenous peoples “in and on their own terms”? (Due April 9, 2021)

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

2. **Participation on Packback (15%)** – I will be using Packback this semester, which is a new addition to my pedagogy. I have a link to the Packback site on the Quercus version of the syllabus.page

3. **Final Take Home Reflective Essay Due On April 30, 2021 during the Final Assessment Period (40% of your final grade)**
   - An 8-10 page reflective essay. The prompt will be handed out on Friday April 2, 2021 and your final essay will be due on Friday April 30, 2021 by 11:59 pm. You will submit your essay on Quercus. I will be very clear about, first, what it means to write a reflective essay and, second, what I am looking for specifically from you. **I will grade the reflective essays.**

**Class Schedule**

**Introduction to Indigenous Politics in Canada**

**Week 1 (Jan 11-15, 2021 – Lecture uploaded at noon on Thursday Jan. 14th)**

   - Delegated v Inherent Rights
   - History

**Reading:**
Part 1: The Invention of Aboriginal Rights

Week 2 (Jan 18 – 22 – Lecture uploaded at noon on Thursday Jan. 21st):

- Section 35(1) of the Canadian Constitution

Reading:
J.R. Miller, *Skyscrapers Hide the Heavens* (Part Two: Coercion)
The 1970 Red Paper (*Citizens Plus*)
The Canadian Constitution https://www.justice.gc.ca/eng/csj-sjc/just/05.html

Optional Reading:
Sally Weaver, “The Problem”

Week 3 (Jan 25 – 29 – Lecture uploaded at noon on Jan. 28th):

- *Calder v British Columbia AG* [1973] SCR 313
- Theory of Minority Rights (Kymlicka)

Reading:
J.R. Miller, *Skyscrapers Hide the Heavens* (Part Three: Confrontation)
Will Kymlicka, Chapter 6, “Justice and Minority Rights”

1st Essay (10%) 500 words (3-4 pages double-spaced): Discuss White and Red Paper liberalism. (Due February 5, 2021)

Part 2: Aboriginal Rights in Canada I

Week 4 (Feb 1 – 5 - Lecture uploaded at noon on noon on Thursday Feb. 4th):

- Oka (1990)

NFB Films:
Alanis Obomsawin, *270 Years of Resistance*
Mark Zanis, *Acts of Defiance*

2nd Essay (15%) 500 words (3-4 pages double-spaced): Write a film review of 270 Years of Resistance and Acts of Defiance. (Due March 5, 2021)

Week 5 (Feb 8 – 12 - Lecture uploaded at noon on noon on Thursday Feb. 11th):
• *R v. Van der Peet* [1996] 2 SCR 507
• *Delgamuukw v. British Columbia* [1997] 3 SCR 1010

**Reading:**
James Tully, “A Just Relationship Between Aboriginal and non-Aboriginal Peoples”
John Borrows, “Frozen Rights in Canada: Constitutional Interpretation and the Trickster”

**Week 6 (Feb 15 – 19, 2021) Reading Week**

**Part 3: The TRC and Government Accords**

Week 7 (Feb 22 – 26 - Lecture uploaded at noon on noon on Thursday Feb. 25th):

• The Inuit – On the creation of Nunavut

**Reading:**
TRC, “Honoring the Truth, Reconciling for the Future” (pp. 1-133)

**Part 4: Aboriginal Rights in Canada II**

Week 8 (Mar 1 – 5 - Lecture uploaded at noon on noon on Thursday Mar. 4th):

• Métis Peoplehood and Nationhood – Powley and Daniels

**Reading:**
Kelly Saunders and Janique Dubois, Chapter 1 “La Noovel Naasyoon: Métis Political Organization in Historical Perspective” in *Metis Politics and Governance in Canada*, UBC Press, 2019. (pp. 18-36.)

Week 9 (Mar 8 – 12 - Lecture uploaded at noon on noon on Thursday Mar. 11th):

• *Haida Nation v. British Columbia (Minister of Forests)* [2004] 3 SCR 511
• *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)* [2005] 3 SCR 388
• *Tsilhqot’in Nation v. British Columbia* [2014] 2 SCR 257
• *Ktunaxa Nation v. British Columbia (Forests, Lands and Natural Resource Operations)* [2017] 2 SCR 386

**Part 5: Idle No More and Missing and Murdered Indigenous Women and Girls**
Week 10 (Mar 15 – 19 - Lecture uploaded at noon on noon on Thursday Mar. 18th):


Reading:
Executive Summary of MMIWG

3rd Essay (20%) 600 words (4-5 pages double-spaced): Drawing from the Wet’suwet’en and 1492 Land Back Lane conflicts, what does it mean to listen to Indigenous peoples “in and on their own terms”? (Due April 9, 2021)

Part 6: Contemporary Conflicts

Week 11 (Mar 22 – 26 - Lecture uploaded at noon on noon on Thursday March 25th):

- Wet’suwet’en Revisited https://unistoten.camp/about/wetsuweten-people/

Reading:
Unist’ot’en Website, Video Invasion

Week 12 (Mar 29 – Apr 2 - Lecture uploaded at noon on noon on Thursday Apr. 1st):

- Revisiting Oka and 1492 Land Back Lane

Reading:
TBA

Week 13 (Apr 5 – 9 - Lecture uploaded at noon on noon on Thursday Apr. 8th):


Review for Reflective Essays