



## Department of Political Science

POL 378 H1F Topics in Comparative Politics:

### Indigenous Nationalism

**Lecturer:** Dale Turner ([dale.turner@utoronto.ca](mailto:dale.turner@utoronto.ca))

**Lecture Time:** R 4:00-6:00 pm

**Classroom:** Online Synchronous (live lecture, recorded and posted on Quercus)

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

**Phone:**

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



#### 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.  
See <https://indigenous.utoronto.ca/about/land-acknowledgement/>

## Course Description:

In this course we will examine and compare contemporary Indigenous politics in Canada and New Zealand (with an occasional glance to Australia and the United States). In Canada and New Zealand, Indigenous peoples *de facto* possess a special form of political legitimacy that entails the recognition of Indigenous rights and nationhood. In Canada, the rights of Aboriginal peoples are explicitly recognized and protected in s. 35(1) of the Canadian Constitution (*The existing [A]boriginal and treaty rights of the [A]boriginal peoples of Canada are hereby recognized and affirmed.*) In New Zealand, or Aotearoa, the political relationship between the Maori and Pākehā (European newcomers) is grounded in the 1840 Treaty of Waitangi. The relationship between Indigenous peoples and their respective nation states raises complex issues around how we understand the meaning of culture, cultural differences, relationships to land, and especially what we mean by Indigenous nationhood. This course focuses on what Indigenous peoples mean when they assert and defend their legal and political status as nations. Two philosophical questions will guide our readings, discussions, and writing. First, how should we – *all of us (Indigenous and non-Indigenous)* – 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 how we will use the term Indigenous nationhood we begin by examining, although briefly and somewhat intensely, the history of Indigenous rights in Canada. We start with the White Paper of 1969 and trace the evolution of an Indigenous rights *discourse* through to the present. In the second part of the course, using Canada as a benchmark, we will explore recent developments in Maori politics in New Zealand. We will examine the 1840 Treaty of Waitangi and then explore its rebirth in twentieth century Maori politics. In particular, we will focus on the evolution of the meaning of the foundational Maori term *tino rangatiratanga*. In the third part of the course we turn to the United Nations Declaration on the Rights of Indigenous Peoples (1997) and examine how it “accommodates” Indigenous understandings of their nationhood.

The purpose of the course is to develop a greater understanding of Indigenous nationalism within Canadian and New Zealand law and politics. The two 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.

## Learning objectives:

- To compare and contrast Indigenous politics in Canada and New Zealand
- To understand Indigenous perspectives and explanations of their rights and nationhood

- To gain a better appreciation of what it means to listen to Indigenous peoples *in and on their own terms*.

### Course Reading:

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

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

### Course Requirements:

Three short papers (3x20% = 60% of final grade)

- 4-5 page reflective essays
  1. Canada (Due October 8<sup>th</sup>, 2020 ): What is the relationship between “[A]boriginal” and “Indigenous” rights in Canada?
  2. New Zealand (Due November 15<sup>th</sup>, 2020): What is the relationship between *tino rangatiratanga* and state sovereignty?
  3. UNDRIP (Due December 3<sup>rd</sup>, 2020): What is the significance of Article 46 of UNDRIP?

### Take Home Final (40%)

- Five question final Take Home
- Answers will require short reflective essay (500-750 words each)
- Questions will be given out on Dec 11, 2020
- Take Home is due on December 20, 2020 (To provide plenty of time to complete the Take Home)

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.

### 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 POL378 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>). These quotes from the Preamble are critical to the well-being of the intellectual integrity of the class.

“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](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 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 two weeks 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 (September 10<sup>th</sup>, 2020): Introduction**

- Course Syllabus
- Two themes of the class:
  - Indigenous nationhood
  - Listening to Indigenous peoples *in and on their own terms*.
- Teaching by examples

#### **Lecture 2 (September 17<sup>th</sup>, 2020): A Brief History of Canada**

- A Brief History of Canada

- Why history matters

**Readings:**

RCAP – Pgs. 1-46 of the first volume of RCAP’s final report *Looking Forward, Looking Back* [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 (pgs. 189-211) [here](#)**

**Background reading:**

Sally Weaver, “The Problem” from *Making Canadian Indian Policy: The hidden agenda 1968-70* (U Toronto Press, 1982)

**Lecture 3 (September 24<sup>th</sup>, 2020): A Theory of Minority Rights**

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

**Readings:**

Duncan Ivison, “The Logic of Aboriginal Rights”

Will Kymlicka, “Justice and Minority Rights” Chapter 6 from *Multicultural Citizenship*

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

**Background Reading:**

The Calder Case [here](#)

**Lectures 4 and 5: On the Delegated and Inherent Approaches to Indigenous Rights and Nationhood**

Over the course of the next two weeks we will examine Canadian Aboriginal rights case law, Indigenous communities’ responses to it, and the rise of a “politics of Indigenous translation”. These two weeks are central for understanding the delegated/inherent approaches to the meaning of Indigenous rights and nationhood, and especially to Indigenous peoples’ commitment to the inherent approach. We will accomplish this in two inter-related lectures. The first lecture unpacks the legal and political context for understanding the delegated/inherent approaches to the meaning of Indigenous nationhood. The second lecture shows how the Wet’suwet’en First Nation and the Anishinaabek Nation of Ontario responded to the federal government’s imposition of the delegated approach to the meaning of their rights and nationhood.

I will lecture on the following four legal and political touchstones:

- *The Oka conflict (1990)*
- *The Van der Peet decision (1996)*

- *The Delgamuukw decision (1997)*
- *RCAP's vision of a renewed relationship (1996)*

## Lecture 4 (October 1<sup>st</sup>, 2020): Aboriginal Rights and Indigenous Nationhood in Context: From Calder to RCAP

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

### Readings:

The Calder Case [here](#)  
 Sparrow Decision [here](#)  
 Van der Peet Decision [here](#)  
 Delgamuukw Decision [here](#)  
 RCAP's final report [here](#)

### Background Readings:

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"

### Background documentaries on the Oka conflict:

*270 Years of Resistance* (NFB: Alanis Obomsawin)  
*Acts of Defiance* (NFB: Mark Zannis)

## Lecture 5 (October 8<sup>th</sup>, 2020): Visions of Indigenous Nationhood

- Wet'Suwet'en Vision
- The *Chi Naaknigewin* of the Anishinaabek Nation of Ontario

### Online Sources:

Unist'ot'en [website](#)  
 The Anishinaabek Nation of Ontario website  
 Truth and Reconciliation Commission's vision [website](#)

## PART 2: Maori Politics in New Zealand

## Lecture 6 (October 15<sup>th</sup>, 2020): A Brief History of Aotearoa

- The “settlement” of New Zealand
- On the idea of historical injustice

### Readings:

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 readings:

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

## Lecture 7 (October 22<sup>nd</sup>, 2020): The Treaty of Waitangi (1840)

### Readings:

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 Readings:

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

**Documentary:**

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](http://video.alexanderstreet.com/watch/the-treaty-of-waitangi-te-tiriti-o-waitangi) database

**Lecture 8 The Waitangi Tribunal (October 29<sup>th</sup>, 2020):**

- The Waitangi Tribunal
- The renewed Treaty relationship

**Readings:**

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 (November 5<sup>th</sup>, 2020): Tino Rangatiratanga and the Whanganui River**

- On the politics of Indigenous translation

**Readings:**

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.

**Reading Week - November 9 - 13, 2020**

**\*\*\* Note: Last day to drop the course is November 9<sup>th</sup>, 2020 \*\*\***

**PART 3: The United Nations Declaration on the Rights of Indigenous Peoples (1997)**

**Lecture 10 (November 19<sup>th</sup>, 2020): UNDRIP in Context**

- The international process

**Reading:**

United Nations Declaration on the Rights of Indigenous Peoples (1997) [here](#)

**Lecture 11 (November 26<sup>th</sup>, 2020): Recasting Indigenous Nationhood in International Law**

- Significance of Article 46
- The delegated/inherent approaches recast

**Reading:**

TBA

Optional reading:

**Lecture 12 (December 3<sup>rd</sup>, 2020): On the Politics of Indigenous Translation**

- The language of politics
- The politics of language

**Reading:**

**Dale Turner**, “On the politics of Indigenous translation: Listening to Indigenous peoples in and on their own terms” in *The Routledge Handbook of Critical Indigenous Studies* edited by Brendan Hokowhitu, Aileen Moreton-Robinson, Linda Tuhiwai Smith, Steve Larkin and Chris Andersen