



**The University of Western Ontario**  
**First Nations Studies 3722F / Political Science 3398F**

**First Nations Political and Legal Issues**

**Fall 2017**

**Tuesdays, 9:30 – 12:30, UCC-60**

**Instructor: Ted Baker**

Office Hours: TBA

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### **Course Description**

Understanding the complexity of the political and legal issues First Nations face can be daunting, but most of these issues can be drawn back to an important dynamic between indigenous assertions of autonomy, sovereignty, and self-determination, and the Canadian nation-state's constriction, appropriation, prevention, criminalization, and outright refusal to recognize these assertions. This course will thus explore the political and legal issues First Nations face through the matrix of issues, debates, discourses, histories, theories, practices, policies, institutions, and strategies generated by the relationship between Indigenous self-determination and the Canadian settler-state. How is self-determination conceptualized, both by indigenous peoples and the wider settler population? How is the state understood and experienced by both of these populations? Why is the assertion of self-determination so important for many First Nations and received so negatively by the colonial status quo? What are the key political and legal issues, cases, and events related to these assertions? How has patriarchy shaped both colonialism and the assertions of self-determination? What are the outcomes and everyday experiences of state-sponsored self-government agreements? And last but not least, how is all of this related to the work of decolonization?

**Prerequisite(s)** : First Nations Studies 2218F/G or 2901E or Anthropology 2218F/G or History 2209E or 2201E or 2205E or the former 2207F/G or Political Science 2103A/B or 2230E or 2234E or the former Political Science 214F/G, or Law 2101 or Women's Studies 2260.

### **Learning Outcomes**

Through this course students will have the opportunity to achieve:

- A greater understanding of key concepts, theories, and institutions that constitute the political and legal issues facing First Nations today.
- An appreciation of how these often abstract concepts and institutions (like self-determination and the state) are constructed, contested, experienced, understood, and put into practice at the local level.
- Refinement of basic skills necessary for developing and conducting research, as well as learning important group work and collective participation skills.
- Further honing of critical thinking, writing, and presentation skills.

## Required Text

Manuel, Arthur 2015. *Unsettling Canada: A National Wake-Up Call*. Toronto: Between the Lines.

## Method of Evaluation

|                            |     |
|----------------------------|-----|
| Discussion Preparation     | 15% |
| Participation              | 15% |
| Discussion Questions       | 10% |
| Research Paper             | 20% |
| Decolonization Reflections | 20% |
| Final Exam (Take-Home)     | 20% |

## Evaluation Breakdown

### Discussion Preparation

Every class will have a portion of time devoted to discussing the week's readings. In order to make sure that everyone is prepared for this discussion, every week we will flip a coin at the beginning of class to determine whether or not we have a very short quiz on the week's readings. There must be at least 5 and no more than 8 quizzes throughout the semester, with each worth an equal portion of the 15% allocated for them (so, for example, if there are 5 throughout the semester, each one will be worth 3% of your final mark). If you are going to be away for a class you need to let me know **before class starts** to avoid getting zero on the quiz (assuming one is held).

### Participation

Participation will be broken into two parts. The first is general participation. Students are expected to be active participants throughout this course, fostering open dialogue and encouraging fellow students to feel comfortable contributing as well. (15%)

The second part is simply attendance. Show up and you get the marks. If for some reason you cannot make it to class you need to let me know **before class starts** (5%)

### Discussion Questions

As mentioned, every class will have a portion of time devoted to discussing the week's readings. The class will be broken into 5-6 groups. Each group will spend 10-15 minutes trying to come up with two thought-provoking questions based on the reading that will then be posed back to the class. Your group will be graded on how thoughtful the questions are, how well they relate to class material, and how well they elicit a response from the class. The grade will be broken into 2 parts: my evaluation (5%) and a group/self-evaluation (5%).

## **Research Paper**

This will be your chance to tackle what interests you about the political and legal issues facing First Nations peoples today. While what you choose is up to you, I do want you to come and see me about the topic you are choosing before October 3<sup>rd</sup>, to make sure your choice isn't too narrow or too broad. More details will be provided in class.

## **Decolonization Reflections**

This assignment will provide you with the chance to fully explore notions and practices of decolonization. More details will be provided in class as well.

## **Final Exam**

The final exam will be a take-home exam that will be due midnight of December 15<sup>th</sup>. More details to follow.

## **Important Policies**

### **Policies for Assignment Deadlines:**

Students handing in late assignments without proper medical documentation will lose 5% per day (including weekends).

### **A Note on Plagiarism:**

Students must write their assignments in their own words. Whenever students take an idea from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major scholastic offence (the Scholastic Offence Policy can be viewed in the Western Academic Calendar).

### **Plagiarism Checking:**

Students may be required to submit their assignments to turnitin.com on the class WebCT website after they are completed. These papers will be subject to submission for textual originality.

### **Policy on Laptops and other Electronics/Phones in Class:**

Laptops are permitted in class as long as they are used only for note-taking (in other words, no checking facebook or web-surfing during class). Be sure that all cell phones are turned off at the beginning of class.

### **Policy on Accommodation for Medical Illness:**

Western's policy on Accommodation for Medical Illness can be found at [http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/accommodation\\_medical.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_medical.pdf). Students must see the Academic Counsellor and submit all required documentation in order to be approved for certain accommodation: [http://counselling.ssc.uwo.ca/procedures/medical\\_accommodation.html](http://counselling.ssc.uwo.ca/procedures/medical_accommodation.html)

### **Accessibility Options:**

Please contact the course instructor if you require material in an alternate format or if you require any other arrangements to make this course more accessible to you. You may also wish to contact Services for Students with Disabilities (SSD) at 661-2111 x 82147 for any specific question regarding an

accommodation. Information regarding accommodation of exams is available on the Registrar's website:  
[http://www.registrar.uwo.ca/examinations/accommodated\\_exams.html](http://www.registrar.uwo.ca/examinations/accommodated_exams.html)

**Scholastic Offences:**

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following web site:  
[http://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/scholastic\\_discipline\\_undergrad.pdf](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf)

**Mental Health:**

Students who are in emotional/mental distress should refer to Mental Health@Western  
([http://www.health.uwo.ca/mental\\_health/](http://www.health.uwo.ca/mental_health/)) for a complete list of options of how to obtain help.

## Course Schedule and Readings

### Week 1: Course Introduction

**September 12<sup>th</sup>**

**No Reading**

### Week 2: Roads to Colonization and “the Master’s Tools”

**September 19<sup>th</sup>**

**Watch:** *Colonization Road* (<http://www.cbc.ca/firsthand/episodes/colonization-road>)

**Read:** Vowel, Chelsea 2012. *Idle No More: Where do we go from here? âpihtawikosisân*.  
<http://apihtawikosisan.com/2012/12/idle-no-more-where-do-we-go-from-here/>

**Read:** Alfred, Taiiake and Jeff Corntassel 2005. *Being Indigenous: Resurgences against Contemporary Colonialism*. [http://www.corntassel.net/being\\_indigenous.pdf](http://www.corntassel.net/being_indigenous.pdf)

### Week 3: Turtle Island meets Leviathan

**September 26<sup>th</sup>**

**Watch:** *Savage Anxieties: The Doctrine of Discovery Part 1*  
(<https://www.youtube.com/watch?v=TqJ8h1WCuYg>) and *Part 2*  
(<https://www.youtube.com/watch?v=zNHx40sba7k>)

**Read:** Kulchyski, Peter 1993. “Anthropology in the Service of the State: Diamond Jenness and Canadian Indian Policy.” *Journal of Canadian Studies* 28(2):21-50.

## **Week 4: Treaty Making I: “Linking Arms Together”**

**October 3<sup>rd</sup>**

**Read:** Simpson, Leanne Betasamosake 2013. Politics based on justice, diplomacy based on love: What Indigenous diplomatic traditions can teach us. *Briarpatch Magazine*.

<http://briarpatchmagazine.com/articles/view/politics-based-on-justice-diplomacy-based-on-love>

**Read:** Williams, Jr., Robert A. 1994. Linking Arms Together: Multicultural Constitutionalism in a North American Indigenous Vision of Law and Peace. *California Law Review* 82(4):981-1049.

**Read:** *Unsettling Canada*: 1-12

## **Week 5: Fall Reading Week - No Class**

**October 10<sup>th</sup>**

**No Reading**

## **Week 6: Treaty Making II: “Who would give away so much?”**

**October 17<sup>th</sup>**

**Read:** Venne, Sharon H. 2007. Treaties Made in Good Faith, in *Natives and Settlers Now and Then: Historical Issues and Current Perspectives on Treaties and Land Claims in Canada*, edited by Paul W. DePasquale. Edmonton: University of Alberta Press. Pp. 1-16.

**Read:** *Unsettling Canada*: 13-28

## **Week 7: White Paper Liberalism and The Constitution Express**

**October 24<sup>th</sup>**

**Watch:** *Dancing Around the Table* [https://www.nfb.ca/film/dancing\\_around\\_the\\_table\\_1](https://www.nfb.ca/film/dancing_around_the_table_1)

[https://www.nfb.ca/film/dancing\\_around\\_the\\_table\\_part\\_two](https://www.nfb.ca/film/dancing_around_the_table_part_two)

**Read:** Turner, Dale 2006. *This is Not a Peace Pipe: Towards a Critical Indigenous Philosophy*. Toronto: University of Toronto Press. Pp. 12-37.

**Read:** *Unsettling Canada*: 29-92

## **Week 8: Patriarchy and Self-Determination**

**October 31<sup>st</sup>**

**Documentary (In Class):** *Six Miles Deep*

**Read:** Smith, Andrea 2003. Not an Indian Tradition: The Sexual Colonization of Native Peoples. *Hypatia* 18(2):70-85.

**Read:** Chiste, Katherine Beaty 1994. "Aboriginal Women and Self-government: Challenging Leviathan." *American Indian Culture and Research Journal* 18(3):19-43.

**Read:** Simpson, Leanne Betasamosake 2014. Not Murdered, Not Missing: Rebelling against colonial gender violence. <http://leannesimpson.ca/not-murdered-not-missing/>

## **Week 9: Social Suffering, Intergenerational Trauma, and Self-Determination**

**November 7<sup>th</sup>**

**Documentary (In Class):** *Muffins For Granny*

**Read:** Irlbacher-Fox, Stephanie 2009. Délîné Child and Family Services (Ch. 4), *Finding Dahshaa: Self-Government, Social Suffering, and Aboriginal Policy in Canada*. Pp. 90 – 119.

## **Week 10: Resource Extraction**

**November 14<sup>th</sup>**

**Read:** *Unsettling Canada*: 93-166

## **Week 11: UNDRIP – Aboriginal Rights or Human Rights?**

**November 21<sup>st</sup>**

**Read:** *Unsettling Canada*: 167-194

## Week 12: From Resistance to Resurgence

**November 28<sup>th</sup>**

**Watch:** *Kanehsatake: 270 Years of Resistance*

[https://www.nfb.ca/film/kanehsatake\\_270\\_years\\_of\\_resistance](https://www.nfb.ca/film/kanehsatake_270_years_of_resistance)

**Read:** Alfred, Taiaiake 2009. *Wasáse: Indigenous Pathways of Action and Freedom*. Toronto: University of Toronto Press. Pp. 19-38.

**Read:** Waziyatawin 2012. The paradox of Indigenous resurgence at the end of empire. *Decolonization: Indigeneity, Education & Society* 1(1): 68-85.

**Read:** *Unsettling Canada*: 195-208

## Week 13: “Allies” and the Politics of Solidarity

**December 5<sup>th</sup>**

**Read:** Walia, Harsha 2012. Decolonizing Together: Moving Beyond a Politics of Solidarity Toward a Practice of Decolonization. *Briar Patch Magazine*.

<http://briarpatchmagazine.com/articles/view/decolonizing-together>

**Read:** *Unsettling Canada*: 209-222