

# FIRST NATIONS POLITICAL AND LEGAL ISSUES

First Nations Studies 3722F / Political Science 3398F  
Fall 2013

**Instructor:** Ted Baker  
**Location:** SH 3305  
**Time:** Tuesday, 9:30 – 12:30  
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**Office Hours:** TBA  
**Office:** TBA

## COURSE DESCRIPTION

Understanding the complexity of the political and legal issues First Nations are faced with today (and have dealt with in the past) 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?

## **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.

## **EVALUATION**

Discussion Preparation	15%
Participation	20%
Discussion Questions	10%
Group Case Study	15%
Research Paper	20%
Decolonization Reflections	20%

### **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 4 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%).

### **Group Case Study**

This will consist of a group effort, the purpose of which is to learn, and in turn teach the rest of the class, about a particular prominent case in Canadian Aboriginal law. Throughout the semester your group will work together to uncover the origins of the case you have chosen, how the case developed, and what the ramifications of the decision were for broader political and legal issues facing First Nations communities. The mark will consist of two components. The first (worth 10%) will be a mark for the actual presentation while the second (worth 5%) will be a mark for a final report that the group will hand in. A future handout will provide more detail about this assignment.

### **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 to write about is up to you, I do want you to come and see me about the topic you are choosing before October 8<sup>th</sup>, to make sure your choice isn't too narrow or too broad. The paper will need to be double-spaced, 8-10 pages in length, and will be due in class November 26<sup>th</sup>.

### **Decolonization Reflections**

*When we come to a new fork in an old road we continue to follow the route with which we are familiar, even though wholly different, even better avenues might open up before us. The failure to heed (the) plea for a new approach to Indian-European relations is a failure of imagination. The greatest barrier to recognition of aboriginal rights does not lie with the courts, the law, or even the present administration. Such recognition necessitates the re-evaluation of assumptions, both about Canada and its history and about Indian people and our culture ... Real recognition of our presence and humanity would require a genuine reconsideration of so many people's role in North American society that it would amount to a genuine leap of imagination.*

– George Manuel

*We are what we imagine. Our very existence consists in our imagination of ourselves.*

– N. Scott Momaday

This assignment will be an attempt to help you make the leap of imagination that Manuel is talking about. While this assignment will evolve, you will begin by asking yourself two very simple questions:

1. How can we decolonize Canada?
2. How can I personally contribute to this goal?

Further details and instructions will be released as the course proceeds.

### **Policy on Late Assignments**

Students handing in late assignments without proper medical documentation will lose 5% per day (including weekends). Please see the following link for further information:

<https://studentservices.uwo.ca/secure/index.cfm>

### **Plagiarism and Scholastic Offence**

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 site:

[http://www.uwo.ca/univsec/handbook/appeals/scholastic\\_discipline\\_undergrad.pdf](http://www.uwo.ca/univsec/handbook/appeals/scholastic_discipline_undergrad.pdf)

### **Further Information**

Office of the Registrar: <http://www.registrar.uwo.ca/>

Student Services: <http://www.sdc.uwo.ca/>

Indigenous Services: <http://indigenous.uwo.ca/>

### **Electronic Devices**

All electronic devices (cellphones, iphones, pagers, etc.) must be turned off during class. Laptops are permitted as long as they don't pose a disruption to class (such as web-surfing or using facebook).

### **Required Reading:**

The following book can be purchased in the bookstore. All other assigned readings can be found in the library on reserve or online.

**Alfred, Taiaiake 2009. *Wasáse*. Toronto: University of Toronto Press.**

## **Lecture Schedule**

### **September 10 – Introduction**

**No Reading.**

### **September 17 – Working With(in) the State**

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

### **September 24 – The Leviathan and the Turtle**

**Reading:** Barker, Adam J. 2009. The Contemporary Reality of Canadian Imperialism: Settler Colonialism and the Hybrid Colonial State. *The American Indian Quarterly* 33(3):325-351.

### **October 1 – Conquest and Patriarchy**

**Movie: Six Miles Deep**

**Reading:** Smith, Andrea 2005. Native American Feminism, Sovereignty, and Social Change. *Feminist Studies* 30(1):116-132.

### **October 8 – Self-Determination(s)**

**Reading:** Corntassel, Jeff 2008. Toward Sustainable Self-Determination: Rethinking the Contemporary Indigenous-Rights Discourse. *Alternatives* 33:105-132.

### **October 15 – White Paper Liberalism**

**Movie:** *Dancing Around the Table*

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

### **October 22 – Treaty Making I: Old-School Multiculturalism**

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

### **October 29 – Treaty Making II: “Who would give away so much?”**

**Reading:** 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.

### **November 5 – Social Suffering and Self-Determination**

**Movie:** *Muffins For Granny*

**Reading:** 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.

### **November 12 – Rebellion of the Truth**

**Reading:** Alfred, Taiaiake 2009. *Wasáse*. Toronto: University of Toronto Press. Pp. 19-100.

### **November 19 – Resistance**

**Reading:** Alfred, Taiaiake 2009. *Wasáse*. Toronto: University of Toronto Press. Pp. 101-178.

### **November 26 – Resurgence**

**Reading:** Alfred, Taiaiake 2009. *Wasáse*. Toronto: University of Toronto Press. Pp. 179-286.

### **December 3 – Course Conclusion**

**No Reading**

**APPENDIX TO UNDERGRADUATE COURSE OUTLINES  
DEPARTMENT OF POLITICAL SCIENCE**

**Prerequisite checking - the student's responsibility**

"Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites."

**Essay course requirements**

With the exception of 1000-level courses, most courses in the Department of Political Science are essay courses. Total written assignments (excluding examinations) will be at least 3,000 words in Politics 1020E, at least 5,000 words in a full course numbered 2000 or above, and at least 2,500 words in a half course numbered 2000 or above.

**Use of Personal Response Systems ("Clickers")**

"Personal Response Systems ("clickers") may be used in some classes. If clickers are to be used in a class, it is the responsibility of the student to ensure that the device is activated and functional. Students must see their instructor if they have any concerns about whether the clicker is malfunctioning.

Students must use only their own clicker. If clicker records are used to compute a portion of the course grade:

- the use of somebody else's clicker in class constitutes a scholastic offence,
- the possession of a clicker belonging to another student will be interpreted as an attempt to commit a scholastic offence."

**Security and Confidentiality of Student Work** (refer to current *Western Academic Calendar* (<http://www.westerncalendar.uwo.ca/>))

"**Submitting or Returning Student Assignments, Tests and Exams** - All student assignments, tests and exams will be handled in a secure and confidential manner. Particularly in this respect, leaving student work unattended in public areas for pickup is not permitted."

**Duplication of work**

Undergraduate students who submit similar assignments on closely related topics in two different courses must obtain the consent of both instructors prior to the submission of the assignment. If prior approval is not obtained, each instructor reserves the right not to accept the assignment.

**Grade adjustments**

In order to ensure that comparable standards are applied in political science courses, the Department may require instructors to adjust final marks to conform to Departmental guidelines.

**Academic 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/handbook/appeals/scholoff.pdf>."

## Submission of Course Requirements

ESSAYS, ASSIGNMENTS, TAKE-HOME EXAMS **MUST** BE SUBMITTED ACCORDING TO PROCEDURES SPECIFIED BY YOUR INSTRUCTOR (I.E., IN CLASS, DURING OFFICE HOURS, TA'S OFFICE HOURS) OR UNDER THE INSTRUCTOR'S OFFICE DOOR.

THE MAIN OFFICE DOES NOT DATE-STAMP OR ACCEPT ANY OF THE ABOVE.

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. <http://www.uwo.ca/univsec/handbook/>

Students registered in Social Science should refer to <http://counselling.ssc.uwo.ca/> <http://counselling.ssc.uwo.ca/procedures/havingproblems.asp> for information on Medical Policy, Term Tests, Final Examinations, Late Assignments, Short Absences, Extended Absences, Documentation and other Academic Concerns. Non-Social Science students should refer to their home faculty's academic counselling office.

## Plagiarism

"Plagiarism: Students must write their essays and assignments in their own words. Whenever students take an idea, or a passage 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 academic offence." (see Scholastic Offence Policy in the Western Academic Calendar).

**Plagiarism Checking:** "All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com ( <http://www.turnitin.com> )."

**Multiple-choice tests/exams:** "Computer-marked multiple-choice tests and/or exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating."

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. <http://www.uwo.ca/univsec/handbook/>

### **PLAGIARISM\***

In writing scholarly papers, you must keep firmly in mind the need to avoid plagiarism. Plagiarism is the unacknowledged borrowing of another writer's words or ideas. Different forms of writing require different types of acknowledgement. The following rules pertain to the acknowledgements necessary in academic papers.

**A. In using another writer's words, you must both place the words in quotation marks and acknowledge that the words are those of another writer.**

You are plagiarizing if you use a sequence of words, a sentence or a paragraph taken from other writers without acknowledging them to be theirs. Acknowledgement is indicated either by (1) mentioning the author and work from which the words are borrowed in the text of your paper; or by (2) placing a footnote number at the end of the quotation in your text, and including a correspondingly numbered footnote at the bottom of the page (or in a separate reference section at the end of your essay). This footnote should indicate author, title of the work, place and date of publication, and page number.

Method (2) given above is usually preferable for academic essays because it provides the reader with more information about your sources and leaves your text uncluttered with parenthetical and tangential references. In either case words taken from another author must be enclosed in quotation marks or set off from your text by single spacing and indentation in such a way that they cannot be mistaken for your own words. Note that you cannot avoid indicating quotation simply by changing a word or phrase in a sentence or paragraph which is not your own.

**B. In adopting other writers' ideas, you must acknowledge that they are theirs.**

You are plagiarizing if you adopt, summarize, or paraphrase other writers' trains of argument, ideas or sequences of ideas without acknowledging their authorship according to the method of acknowledgement given in 'A' above. Since the words are your own, they need not be enclosed in quotation marks. Be certain, however, that the words you use are entirely your own; where you must use words or phrases from your source, these should be enclosed in quotation marks, as in 'A' above.

Clearly, it is possible for you to formulate arguments or ideas independently of another writer who has expounded the same ideas, and whom you have not read. Where you got your ideas is the important consideration here. Do not be afraid to present an argument or idea without acknowledgement to another writer, if you have arrived at it entirely independently. Acknowledge it if you have derived it from a source outside your own thinking on the subject.

In short, use of acknowledgements and, when necessary, quotation marks is necessary to distinguish clearly between what is yours and what is not. Since the rules have been explained to you, if you fail to make this distinction your instructor very likely will do so for you, and they will be forced to regard your omission as intentional literary theft. Plagiarism is a serious offence which may result in a student's receiving an 'F' in a course or, in extreme cases in their suspension from the University.

\*Reprinted by permission of the Department of History

Adopted by the council of the Faculty of Social Science, October, 1970; approved by the Dept. of History August 13, 1991

**Accessibility at Western:** Please contact [poliscie@uwo.ca](mailto:poliscie@uwo.ca) if you require any information in plain text format, or if any other accommodation can make the course material and/or physical space accessible to you.

**SUPPORT SERVICES**

Students who are in emotional/mental distress should refer to Mental Health@Western

<http://www.uwo.ca/uwocom/mentalhealth/> for a complete list of options about how to obtain help.