

**First Nations Studies 3722F / Political Science 3398F**  
*First Nations Political and Legal Issues*

**Fall 2011**

**Instructor:** Ted Baker  
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**Office:** TBA

**Course Time:** Tuesday, 9:30 – 12:30, UC 137  
**Office Hours:** Tuesday, 1:00 – 2:30

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**Course Description**

Political and legal issues are at the core of the colonial relationship between First Nations peoples and the Canadian nation-state. Central to these issues and this relationship, as many indigenous and non-indigenous scholars and activists have pointed out, are the notions of sovereignty and self-determination. Indigenous peoples throughout Canada, and the world for that matter, argue that self-determination is crucial to their survival and the regeneration and revitalization this entails. This course will thus explore the legal and political issues First Nations face through the matrix of issues, debates, discourses, histories, theories, practices and strategies that surround 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? Why is the assertion of self-determination so important for Aboriginal populations? What are the key political and legal issues, cases, and events related to these assertions? Why is the Canadian government so opposed to full and complete sovereignty for First Nations? What are the outcomes and everyday experiences of officially recognized and sanctioned processes of self-governance?

Beyond a critical understanding of the political and legal issues faced by First Nations populations today, students will also learn important group work and collective participation skills, as well as a honing of their critical thinking and writing capacities.

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**Prerequisites**

First Nations Studies 2218F/G or 2901E; or Anthropology 2218F/G; or History 2201E, 2205E, 2207F/G, or 2209E; or Political Science 2103A/B, 2230E, 2234E, or the former 214F/G; or Law 5000; or Women's Studies 3360.

Note: 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.

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## **Evaluation**

Random Quizzes	15%
Group Case Study	25% (15% presentation, 10% final report)
Rolling Research	25% (2 report-backs 5 % and 10%, hard-copy 10%)
Final Exam	20%
Participation	<u>15%</u>
Total	100%

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### **Random Quizzes**

Every week we flip a coin to determine whether or not we have a very short quiz on the week's readings. There must be at least 3 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 only 3 for the entire semester they will each be worth 5% of your final mark).

### **Group Case Study**

This will consist of a group effort, the purpose of which is to learn about, 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 15%) will be a mark for the actual presentation while the second (worth 10%) will be a mark for a final report. A future handout will provide more detail about this assignment.

### **Rolling Research**

For this assignment you will pick a topic or issue that you will then be reporting on to the class. This will consist of 2 report-backs and a final hard copy. The first report-back will introduce your topic or issue and what you have uncovered so far. The second will expand on the first, painting a deeper and more nuanced picture as well as making connections to other people's topics. What you hand in will essentially be an expanded hard-copy of your second report-back. More details to follow.

### **Final Exam**

The final exam will evaluate your retention and understanding of key facts and concepts presented in lectures, readings, and films.

### **Participation**

Most classes will include a group-generated discussion where each group will come up with questions to pose to the rest of the class. Your participation mark will reflect both this group work (how insightful the questions are and how much discussion they generate) as well as your individual participation throughout class (both in responding to these questions and throughout the rest of the class).

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**Policy on Late Assignments:**

Late assignments will lose 2% per day (including weekends). If you are ill or have a legitimate excuse for not being able to hand an assignment in on time, you *must* come and speak with me. An alternate date will be agreed upon and a note confirming this date must be signed by the student to be held on file by the instructor.

Note: Western has a Policy on Accommodation for Medical Illness that can be found at <https://studentservices.uwo.ca/secure/index.cfm>.

**Statement on Plagiarism:**

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

**For exam information and other student services please visit the following web sites.**

The Web site for Registrarial Services is <http://www.registrar.uwo.ca>. The Web site for Student Development Services, including First Nations Services is <http://www.sdc.uwo.ca>.

**Use of Electronic Devices**

All electronic devices (cellphones, blackberries, pagers, etc.) must be turned off during class. Laptops are permitted as long as they don't pose a disruption to class.

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**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.

Irlbacher-Fox, Stephanie 2009. *Finding Dahshaa: Self-Government, Social Suffering and Aboriginal Policy in Canada*. Vancouver: UBC Press.

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**Class Topics and Readings****September 13 – Introduction**

No Reading.

**September 20 – The Politics of “Research”****Reading:**

Willow, Anna J. 2010. Cultivating Common Ground: Cultural Revitalization in Anishinaabe and Anthropological Discourse. *The American Indian Quarterly* 34(1):33-60.

### **September 27 – Indigenous Peoples and the State**

**Reading:**

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

### **October 5 – Citizens Plus and Nonplussed**

**Reading:**

Cairns, Alan C. 2000. *Citizens Plus: Aboriginal Peoples and the Canadian State*. Vancouver: UBC Press. Pp. 161-213.

Turner, Dale A. 2006. *This is Not a Peace Pipe: Towards a Critical Indigenous Philosophy*. Toronto: University of Toronto Press. Pp. 38-56.

### **October 12 – “When the Law is an Ass”**

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

Harring, Sidney 1998. ‘A Condescension Lost on Those People’: The Six Nations’ Grand River Lands, Chapter 2 of *White Man's Law: Native People in Nineteenth-Century Canadian Jurisprudence*. Toronto: University of Toronto Press. (UWO E-book)

### **October 18 – Treaty Making/Faking/Breaking**

**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.

### **October 25 – Self-Government/Self-Determination**

**Reading:**

*Finding Dahshaa*, Pp. 1-89.

### **November 1 – Social Suffering and Self-Determination**

**Reading:**

*Finding Dahshaa*, Pp. 90-175.

### **November 8 – Patriarchy and Self-Determination**

**Readings:**

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

Silver, Jim 2007. Unearthing Resistance: Aboriginal Women in the Lord Selkirk Park Housing Developments. *The Canadian Centre for Policy Alternatives—Manitoba*. [http://v4.policyalternatives.ca/sites/default/files/uploads/publications/Manitoba\\_Pubs/2007/Unearthing\\_Resistance.pdf](http://v4.policyalternatives.ca/sites/default/files/uploads/publications/Manitoba_Pubs/2007/Unearthing_Resistance.pdf)

**November 15 – “Rebellion of the Truth”**

**Movie:** *Is the Crown at War with Us?*

**Reading:**

Alfred, Taiaiake 2009. *Wasáse*. Toronto: University of Toronto Press. Pp. 19-60.

**November 22 – Resistance and Resurgence 1**

**Reading:**

Alfred, Taiaiake 2009. *Wasáse*. Toronto: University of Toronto Press. Pp. 61-100.

**November 29 – Resistance and Resurgence 2**

**Reading:**

Cornthassel, Jeff 2008. “Toward Sustainable Self-Determination: Rethinking the Contemporary Indigenous-Rights Discourse.” *Alternatives* 33:105-132. [28]

<http://www.cornthassel.net/Sustainable.pdf>

**December 6 – Course Conclusion**

**No Reading**

**\* Please note that this outline of weekly readings is not set in stone and could change as the course proceeds. However, you will be given ample notice if any changes are made.**

**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.