

THE UNIVERSITY OF WESTERN ONTARIO

INDIGENOUS STUDIES 3722F/POLITICAL SCIENCE 3398F

Political Legal Indigenous Studies

Fall-Winter 2020-2021

ONLINE

Western University is located on land first shared and cared for by the Anishinaabe, Haudenosaunee, Attawandaron, Huron-Wendat and Leni-Lunaape Peoples. We are all Treaty Peoples.

Instructor: Ian Puppe Office: SSC 3212 Office Hours: Online by appointment Phone: 519 661 2111 x86429 Email: ipuppe@uwo.ca	Online Course
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------

Online Course Description

Political and legal issues are inseparable in contemporary examinations of land use, self-determination, governance, individual, and community rights. This course will examine the legal institutions and practices of traditional Indigenous cultures as well as contemporary practice.

Course Outline

This course will provide students with a background in the central legal cases and political issues affecting Indigenous politics and law in Canada, and will explore Indigenous law and governance structures critical in contemporary resurgence and reconciliation efforts. Outlining the historical continuity and integrity of Indigenous polities' legal systems and political philosophies, this course will offer students the opportunity to engage with Indigenous thought on contemporary issues. Topics include land claims, the recognition of Indian Status, and the differential treatment of Indigenous Peoples in Canadian law and politics, as well as the responses and resistance of Indigenous polities to the policies and actions of the Canadian settler-colonial Nation-State.

Prerequisite(s): 1.0 course from [Indigenous Studies 2213F/G](#), [Indigenous Studies 2218F/G](#), [History 2201E](#), [History 2205E](#), [Law 2101](#), [Political Science 2103A/B](#), [Political Science 2230E](#), [Women's Studies 2260](#), the former Anthropology 2218F/G.

Antirequisite(s): [Political Science 3398F/G](#).

Learning Outcomes:

- Upon successful completion of this course, students will be able to:

- Identify critical social, political and legal issues facing Indigenous Peoples, communities and polities.
- Understand contemporary approaches towards Indigenous Studies and studies with, by and for Inuit, First Nations and Métis Peoples.
- Question the historical and contemporary relationship between the Canadian government(s) and Inuit, First Nations and Métis Peoples, and the political effects of such relations.
- Recognize Indigenous Peoples as agents who participate in Indigenous and Canadian societies in their own ways, and who have viable and vibrant cultures, legal systems and enduring political structures of their own.
- Recognize the sophistication of Indigenous approaches to governance, law, ecology, knowledge and relationships, and the interconnection of such issues for Indigenous Peoples' legal and political thought and practice.
- Assess the effects of various forms of political and colonial interference in Indigenous communities.
- Recognize and affirm the integrity, coherence, efficacy and legitimacy of Indigenous Peoples' legal and political thought and philosophy.

Required Readings

All readings will be made available electronically through the OWL website for the course.

Methods of Evaluation:

Item	Description	Due	Value
Quiz #1	Students will receive a set of questions on the Monday preceding the quiz and will have the week to reflect on these questions before submitting their short answers on Friday afternoon.	Released September 28 Due October 2 5PM EST	20%
Quiz #2	Students will receive a set of questions on the Monday preceding the quiz and will have the week to reflect on these questions before submitting their short answers on Friday afternoon.	Released October 26 Due October 30 5PM EST	20%
Quiz #3	Students will receive a set of questions on the Monday preceding the	Released November 30 Due December 4 5PM EST	20%

	quiz and will have the week to reflect on these questions before submitting their short answers on Friday afternoon.		
Final Paper (& Proposal)	Students will prepare an original research essay on a topic relevant to the study of Political Legal Indigenous Studies in Canada; 2000-2500 words, Times New Roman, 12-point font, double spaced, one-inch margins. *This assignment includes a proposal of 250-400 words, Times New Roman, 12-point font, double spaced, one-inch margins.	December 7 5PM EST Proposal Due October 16 5PM EST	30% (final paper) 10% (proposal)

Important Policies

Policies for Assignment Deadlines

In order to ensure fairness and consistency for all students, academic accommodation for work representing 10% or more of the student's overall grade in the course shall be granted only in those cases where there is documentation indicating that the student was seriously affected by illness and could not reasonably be expected to meet his/her academic responsibilities. Students are expected to act in a timely manner when seeking and arranging accommodations.

A student seeking academic accommodation for any work worth less than 10% must contact the instructor or follow the appropriate Department or course specific instructions provided on the course outline.

Policy on Accommodation for Illness:

(http://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_illness.pdf).

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

All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for 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 (www.turnitin.com).

Policy on Laptops and other Electronics/Phones in Class

Laptops are permitted in class but if it is observed that students are on social networking sites such as Facebook or Twitter, they will be told to close the lid and they will not be permitted to use it for the remainder of the class. Be sure that all cell phones are turned off at the beginning of class.

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 519 661-2111 x 82147 for any specific question regarding an accommodation. Information regarding accommodation of exams is available on the Registrar's website: 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: 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://uwo.ca/health/mental_wellbeing/index.html) for a complete list of options how to obtain help.

Academic Consideration for Missed Work

Students who are seeking academic consideration for missed work during the semester may submit a self-reported absence (SRA) form online provided that the absence is **48 hours or less** and the other conditions specified in the [Senate policy](#) are met. Two important exceptions to this rule: SRAs will not be allowed for final examinations or assessments worth more than 30% of a given course.

Students whose absences are expected to last **longer than 48 hours**, or where the other conditions detailed in the policy are not met (e.g., work is worth more than 30% of the final grade, the student has already used 2 SRAs, the absence is during the final exam period), may receive academic consideration by submitting a [Student Medical Certificate](#) (for illness) or other appropriate documentation (for compassionate grounds).

All students pursuing academic consideration, regardless of type, must contact their instructors no less than 24 hours following the end of the period of absence to clarify how they will be expected to fulfill the academic responsibilities missed during their absence. Students are reminded that they should

consider carefully the implications of postponing tests or midterm exams or delaying submission of work, and are encouraged to make appropriate decisions based on their specific circumstances.

https://counselling.ssc.uwo.ca/procedures/having_problems/Self_Reported_Absence.html

Weekly Reading/Meeting Schedule

First Term Begins:

September 9 - 13 - Week #1 – Introductions, Expectations, Engagement

Going over syllabus, policies, etc.

Readings – Asch “On Being Here to Stay” Part 1 (Ch. 1-5)

Case – Doctrine of Discovery, Royal Proclamation & the Indian Act

September 14 - 20- Week #2 –

Readings – Asch “On Being Here to Stay” Part 2 (Ch. 6-9)

Case – Calder v B.C. / Delgamuukw v B.C.

September 21 - 27 - Week #3 –

Readings – Asch, Borrows and Tully “Resurgence and Reconciliation” Part 1 – Asch, Borrows, Tully

Case – Guerin v R

September 28 - October 4 - Week #4 –

Readings – Asch, Borrows and Tully “Resurgence and Reconciliation” Part 2 – Mills, Starblanket and Stark, Regan & Darnell

Case – R. v Sparrow

QUIZ #1 - October 2 – 20%

October 5 - 11 - Week #5 –

Readings – Asch, Borrows and Tully “Resurgence and Reconciliation” Part 3 – Ladner, Turner and Spalding, McNeil, Noble

Case – Powley v R.

October 12 - Harvest Holiday (No class)

October 13 - 18 - Week #6 –

Readings – Christie “Law, Theory and Aboriginal Peoples” pp. 68-115 & “Aboriginal Nationhood and the Inherent Right of Self-Government” pp. 1-26

Case – R. v Marshall

Major Research Paper Proposal – Due October 16, 5PM EST - 10%

October 19 - 25 - Week #7 –

Readings – Coulthard “Red Skin, White Masks” Part 1 (Intro, Ch. 1-3)

Case – MMIWG Inquiry Final Report Summary

October 26 - November 1 - Week #8 –

Readings – Coulthard “Red Skin, White Masks” Part 2 (Ch. 4-Conclusion)

Case – Truth and Reconciliation Commission 94 Recommendations

QUIZ #2 - October 30 – 20%

November 2 - 8 - Fall Reading Week (No Class)

November 9 - 15 - Week #9 –

Readings – A. Simpson “Mohawk Interruptus” Part 1 (Ch. 1-4)

Case – Desautel v R.

November 16 - 22 - Week #10 –

Readings – A. Simpson “Mohawk Interruptus” Part 2 (Ch. 5-Conclusion)

Case – Gehl v R.

November 23 - 29 - Week #11 –

Readings – Pictou S. (2020). Decolonizing Decolonization: An Indigenous Feminist Perspective on the Recognition and Rights Framework. *South Atlantic Quarterly* 1 April 2020; 119 (2): 371–391.

Aaron Waabishki Ma’iingan Mills “Opichi: A Transformation Story, an Invitation to Anishinaabe (Ojibwe) Legal Order,”

Case - Nova Scotia v Northern Pulp

November 30 - December 9 - Week #12 –

Reading – Wildcat, McDonald, Irlbacher-Fox & Coulthard “Learning from the Land”

Case - UNDRIP

QUIZ #3 - December 4 – 20%

Major Research Paper - Due December 7, 5PM, EST - 30%