

**INDI-3351-WA**  
**Aboriginal Peoples and the Law**  
**Winter 2017**  
**Wednesday: 2:30-5:30 PM**  
**RC 1002**  
**COURSE OUTLINE**

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**Course Description:**

The course aims critically examine the relationship between Indigenous peoples and the law through an interdisciplinary framework; consequently, this course will cover historical-political context, theoretical approaches, and case study analysis. While focused upon the Canadian context, this course will critically assess how ongoing patterns of settler colonialism shape law vis-à-vis Indigenous peoples in other regions as well. In doing so, there will be a focus upon shifting relations of power, questions of racialization, culture and identity, philosophical questions pertaining to law, and ongoing systems of colonial domination.

**Format:**

Weekly lectures will focus on identified topics and often use videos or documentary films to illustrate the conceptual material. Lectures complement assigned readings and are not meant to be summaries. Students must do the assigned reading prior to the lecture, as the class will use active learning approaches throughout. Students are responsible for lecture material, required readings, films and other material covered in class.

**Course Materials:**

REQUIRED TEXT (available from the book store)

Sebastien Grammond, *Terms of Coexistence: Indigenous Peoples and Canadian Law* (Toronto: Carswell, 2013)

Other readings may include journal articles and be available via the library catalogue, or via D2L.

The class will use an online learning tool: **Socrative**. This application is free to download and will be used each class: you may use it either on your phone or laptop device. If you do not use electronic devices, you may write them down when required.

**Socrative:** <<https://www.socrative.com/>> [Go to “apps” section and download the **Student App**]

**Course Requirements:**

1. Participation (15%): Attendance, contribution in lecture, and exit-ticket completion via *Socrative*

2. Documentary Analysis Assignment (25%): Students will critically analyse and apply several course concepts to one of the documentaries screened in class. Analysis must be roughly 4 pages in length, not including title page, bibliography, etc. (approx. 1,000 words). I will provide detailed instructions for this assignment on a separate document.
3. Final Term Paper (30%): 10-12 page essay (approx. 2,500-3,000 words).
4. Final Exam (30%) – To be held during exam period.

### **E-mail:**

E-mail will be answered within two business days. Do not submit any class assignments by e-mail, unless instructed to do so. Please use e-mail only for quick queries and to set up appointments out of regularly scheduled office hours.

I welcome e-mail queries and comments. All students are required to have a valid Lakehead e-mail address. It is your responsibility to maintain your e-mail address in good working order. The University expects you to correspond with me through your official e-mail address, and not through a commercial e-mail account.

Failure to receive important class announcements and messages from me because of a faulty e-mail account (for example, an account which screens out my e-mails as junk mail; bounced messages because of overloaded caches) are not legitimate excuses.

Forwarding your Lakehead email to a Hotmail, Gmail, Yahoo or other type of e-mail account is not advisable. In some cases, messages from your Lakehead addresses sent to Hotmail, Gmail or Yahoo accounts are filtered as junk mail, which means that e-mails from me may end up in your spam or junk mail folder.

### **Accessibility:**

Students with diverse learning styles and needs are welcome in this course. In particular, if you have a disability/health consideration that may require accommodations, please feel free to approach me, and/or Accessibility Services. The sooner you let us know your needs the quicker we can assist you in achieving your learning goals in this course.

### **Essays:**

You are to complete two essay format assignments. The goal of these written assignments is to provide a clear, response (argument) to the research question backed by rational consideration of the evidence. Essay topics will be distributed in class.

Summarize your response (argument) in a sentence or two – the thesis statement – and appear in the first paragraph of your essay. Be explicit. The reader should be clear on what you are arguing. Assume an educated reader. Do not spend more than a few paragraphs providing background information. Focus on providing information that advances your argument. While the balance of the paper will defend your argument, you should also acknowledge counterarguments and seek to demonstrate that your argument is superior.

*Formatting bibliographies, references:*

The written assignments will all be in 12 pt Times New Roman font with standard margins. Essays should be free of spelling and grammatical errors. They must include appropriate citations and complete bibliography.

Include a title page with your name, the date, the course number, and my name.

In completing the written assignments, students must cite all facts and figures that are not common knowledge and must cite all ideas that are borrowed from other authors. Students must use a recognized standard format (I suggest MLA) correctly in their bibliographies, and references. *Failure to do so will result in substantial penalty in calculating your assignment grade.*

The University takes instructional offences (including plagiarism) very seriously. Please make sure that you are familiar with the regulations regarding instructional offences. Also, it is not acceptable to submit the same assignment in two different courses.

**I would suggest you use MLA citation style (below is a link for quick guidelines):**

[http://library.csun.edu/egarcia/documents/mlacitation\\_quickguide.pdf](http://library.csun.edu/egarcia/documents/mlacitation_quickguide.pdf)

Also, consider consulting reference books on research and writing.

Two examples:

1. Margot Northey, Lorne Tepperman and Patrizia Albanese, *Making Sense: A Student's Guide to Research and Writing: Social Sciences*, 4th ed. (Toronto: Oxford University Press, 2009)

2. Diane E. Schmidt, *Writing in Political Science: A Practical Guide*, 4th ed. (Boston: Longman, 2010)

**\*\*\* Late Penalties**

Assignments are due on the dates specified in the course outline. Late papers will be subject to a penalty of 2% a day including weekends. Assignments will not be accepted two weeks after the due date.

No retroactive extensions will be permitted. Exceptions will be made only in those cases of special circumstances, (e.g. illness, bereavement) and where the student has verifiable documentation.

**Tentative Schedule:**

Subject to change

## **Week 1**

### ***Introduction:***

Wednesday, January 11

No Readings Scheduled

## **Week 2:**

### ***Concepts and Methods:***

Wednesday, January 18

Grammond: pp. 1-40

And

\*John Burrows, Ch. 5, "Questioning Canada's Title to Land: The Rule of Law, Aboriginal Peoples, and Colonialism" in *Recovering Canada: The Resurgence of Indigenous Law* (Toronto: University of Toronto Press, 2002): pp. 111-137

## **Week 3**

### ***Historical Context and Settler Colonialism:***

Wednesday, January 25

Grammond: pp. 41-82; 109-120

## **Week 4**

### ***Treaties:***

Wednesday, February 1

Grammond: pp. 82-109; 283-312

**Documentary: Trick or Treaty?**

## **Week 5**

***Legal Recognition and International Law:***

Wednesday, February 8

Grammond: pp. 131-169

**Week 6**

***Land and Resources:***

Wednesday, February 15

Grammond: pp. 171-203

**Assignment 1 Due (Or you may choose Documentary 2, due March 15<sup>th</sup>)**

**Week 7**

***~Reading Week~***

**Week 8**

***Duty to Consult and Accommodate:***

Wednesday, March 1

Grammond: pp. 314-350

**Documentary: Kanehsatake: 270 Years of Resistance**

**Week 9**

***Aboriginal Rights:***

Wednesday, March 8:

Grammond: pp. 203-246

**Week 10**

***Indigenous Governance:***

Wednesday, March 15:

Grammond: pp. 355-385

**Assignment 1 Due (For those who did not choose “Trick or Treaty?”)**

**Week 11**

***Criminal Justice:***

Wednesday, March 22:

Grammond: pp. 522-538

And

Bonita Lawrence, "Regulating Native Identity by Gender" in *'Real' Indians and Others: Mixed-Blood Urban Native Peoples and Indigenous Nationhood*, University of Nebraska Press: pp. 45-64

And

Kristen Gilchrist, “NEWSWORTHY” VICTIMS? Exploring Differences in Canadian Local Press Coverage of Missing/Murdered Aboriginal and White Women” *Feminist Media Studies* 10:4 (2010): 373-390

**Week 12**

***Decolonization and the Politics of Recognition:***

Wednesday, March 29:

Eve Tuck and Wayne Yang, “Decolonization is not a Metaphor” *Decolonization: Indigeneity, Education & Society* 1:1 (2012): 1-40

And

Glen Coulthard, “Subjects of Empire: Indigenous Peoples and the ‘Politics of Recognition’ in Canada” *Contemporary Political Theory* 6 (2007): 437–460

**Week 13**

***Final Reflections:***

Wednesday, April 5:

Final Thoughts and reflections

Student Evaluations

**Final Paper Due (One week after class)**

**(Final Exam Assignment Due During Exam Period)**