



Institut de recherche  
et d'études autochtones

Institute of Indigenous  
Research and Studies

HIS4103 – SEMINAR IN INDIGENOUS STUDIES  
SETTLER COLONIALISM AND LAW  
WINTER 2021  
ONLINE COURSE

Professor: Dr. Daniel Rück (alternative spelling: Rueck)

Email: [druECK@uottawa.ca](mailto:druECK@uottawa.ca)

Office Hours: By appointment or immediately after class.

Class Times: Synchronous (with some exceptions): **Friday 8h30 – 11h20 EST** (Zoom links provided on Brightspace). Everyone is expected to participate at the appointed class time.

## COURSE DESCRIPTION

This seminar-style course explores a wide range of questions around settler colonialism and law. We will read works on Indigenous legal thought and practice, as well as the roots, context, implementation, and impacts of colonial legal frameworks. Students will read a selection of academic and non-academic writing on these topics, and will engage themselves and each other in the classroom. They will also apply what they are learning in the context of a research project.

## OBJECTIVES

The course objectives are:

- that students emerge with a strong knowledge of some of the issues related to settler colonialism and law in Canada and around the world
- that students improve their ability to read, analyze, and discuss academic writing on these topics
- that students improve research and writing skills using primary and secondary sources
- that students emerge having reflected on their own place in the practice of law and in the history and future of Indigenous-Settler relations

## EVALUATION

30% Participation (details below)

20% Field Observation (details below)

50% Research Project (10% Proposal, 40% Research Paper or equivalent) details below

## LATE ASSIGNMENTS

An assignment will be considered late if it is submitted after class has begun, or after the specified due date and time. I don't usually grant extensions in advance, but instead deduct a penalty of 2% per late working day. This penalty may be waived in the event of unforeseen emergencies such as illness (please note that a heavy work load for other classes or paid employment does not qualify as an unforeseen emergency). If your assignment is late and you believe you should not be penalized, please attach a note of explanation along with any supporting documentation you think appropriate. The late penalty will be waived, in part or in whole, as seems justified.

## DISPUTED GRADES

If you believe your grade for a particular assignment is incorrect you may submit a written statement explaining why you believe you should receive a different grade. I will re-grade your assignment taking into account what you have said. The newly-assessed grade will replace the original. The new grade may be higher, lower, or unchanged.

## PLAGIARISM AND ACADEMIC INTEGRITY

Plagiarism is considered academic fraud, and will be sanctioned in accordance with related University of Ottawa regulations: <http://www.uottawa.ca/academic-regulations/academic-fraud.html>. In order to avoid academic fraud, please read the Student Guide on academic integrity: <http://web5.uottawa.ca/mcs-smc/academicintegrity/documents/2011/academic-integrity-students-guide.pdf>

## RESOURCES FOR STUDENTS

*Mentoring Centre* - <http://www.arts.uottawa.ca/eng/mentoring/>

The goal of the Mentoring Centre is to help students with their academic and social well-being. Regardless of where a student stands academically, or how far along they are in completing their degree, the mentoring centre is there to help students continue on their path to success.

*Academic Writing Help Centre* - <http://www.sass.uottawa.ca/writing/>

The AWHC is committed to helping students develop writing strategies and skills that will enable them to identify and correct their mistakes and help them to become better writers. It offers individual writing appointments, in-class presentations and workshops, and online writing resources.

*Counselling Service*- <http://www.sass.uottawa.ca/personal/>

The Counselling Service offers personal counselling, career counselling and study skills counselling.

*Access Service* - <http://www.sass.uottawa.ca/acces/>

The Access Service contributes to the creation of an inclusive environment by developing strategies and implementing measures that aim to reduce the barriers to learning for students who have learning disabilities, health, psychiatric or physical conditions.

## RESOURCES FOR INDIGENOUS STUDENTS

*Mashkawazìwogamig - Indigenous Resource Centre (IRC)*

<https://www.uottawa.ca/indigenous/about-us>

The IRC provides support and tools to meet the personal, professional, and academic needs of all First Nations, Métis, and Inuit students.

## READINGS

All readings will be available online, through the library, or on Brightspace.

## EMAIL COMMUNICATION

It is very important that you regularly check your university email account for course-related announcements. You may also email me with simple questions that you wish to discuss privately, but for anything requiring more than a one-sentence response, please ask me during office hours. Please check the syllabus to see if it contains answers before emailing me. I try to answer emails within 24 hours but do not usually respond on weekends.

## ONLINE COURSE STRUCTURE AND GUIDELINES

- Classes will generally be synchronous, meaning that we will meet for a live video-discussion. I will record synchronous classes and post recordings on Brightspace. If anyone missed class on a day when we did an in-class reflection, I will wait until the people who were absent submit their reflections before posting the recording.
- Please do not take recordings outside of the classroom unless you have everyone's consent.
- I strongly encourage you to have your camera on, but of course you may turn your camera off if you need privacy for a short while. If your camera is off for a long time I may specifically ask you a question.
- I encourage you to speak up and ask questions or share responses using your voice or the chat function. You may also send me private messages during class if you are uncomfortable sharing with everyone.
- If you wish to share something somewhat private with everyone, you may ask me to turn off the recording while you do so.

## PRIVACY, RESPECT, AND ONLINE ETIQUETTE

This course deals with sensitive topics, and this means that we need to take into consideration, and respect, the experiences and feelings of others. For non-Indigenous people (especially white people) this topic may seem abstract or distant, but for some students (especially racialized and Indigenous students) there may be discussions, readings, and films that hit very close to home. We are discussing things that happened long ago, but also things that still impact people deeply today. Please keep this in mind when writing your assignments and speaking to your fellow students. One important aspect of respectful interaction is to ask questions with an open mind and to maintain our curiosity about the experience of others.

I encourage you to communicate with me any concerns you may have about the course content or how we discuss it. I want to ensure that our learning environment is as safe and

welcoming as possible to everyone. If you there are particular reflections that you wish to only share with me, you may email them to me directly.

## COURSE OUTLINE

<b>Jan 15</b>	<b>Introductions</b>	
<b>Jan 22</b>	<b>Settler Colonialism and Indigenous Resurgence</b> Read: <ul style="list-style-type: none"> <li>• Raibmon, Paige. "Unmaking Native Space: A Genealogy of Indian Policy, Settler Practice, and the Microtechniques of Dispossession." In <i>The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest</i>, edited by A. Harmon. Seattle: University of Washington Press, 2008.</li> <li>• Kimmerer, Robin Wall. <i>Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants</i>. Minneapolis: Milkweed Editions, 2013, pg 3-59</li> <li>• Harris, Cole. "How Did Colonialism Dispossess? Comments from an Edge of Empire." <i>Annals of the American Association of Geographers</i> 94, no. 1 (2004): 165-182.</li> </ul>	
<b>Jan 29</b>	<b>Guest Lecture: Emma Battell Lowman and Adam Barker</b> <ul style="list-style-type: none"> <li>• Lowman, Emma Battell, and Adam J. Barker. <i>Settler: Identity and colonialism in 21st century Canada</i>. Winnipeg: Fernwood, 2015 (Chapter 3)</li> <li>• Leroux, Darryl. "'We've been here for 2,000 years': White settlers, Native American DNA and the phenomenon of indigenization." <i>Social Studies of Science</i> 48, no. 1 (2018): 80-100.</li> <li>• King, Tiffany Lethabo. <i>The Black Shoals: Offshore Formations of Black and Native Studies</i>: Duke University Press, 2019 (Chapter 1)</li> </ul>	
<b>Feb 5</b>	<b>Indigenous Legal Orders and Colonialism</b> Read: <ul style="list-style-type: none"> <li>• Watts, Vanessa. "Indigenous place-thought &amp; agency amongst humans and non-humans (First Woman and Sky Woman go on a European world tour!)." <i>Decolonization: Indigeneity, Education &amp; Society</i> 2, no. 1 (2013): 20-34.</li> <li>• Simpson, Audra. <i>Mohawk Interruptus: Political Life Across the Borders of Settler States</i>. Durham, NC: Duke University Press, 2014 (Chapter 1)</li> <li>• Borrows, John. "Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government." In <i>Aboriginal and Treaty Rights in Canada</i>, edited by Michael Asch. Vancouver: UBC Press, 1997.</li> </ul>	
<b>Feb 12</b>	<b>Proposal Presentations and Peer Editing</b>	Research Proposals Due

<b>Feb 15-21</b>	<b>Reading Week – No class</b>	
<b>Feb 26</b>	<b>Guest Lecture: Christina Gray – “Gendered narratives in Ts'msyen legal tradition and governance system”</b> Read: <ul style="list-style-type: none"> <li>• Hadley, Friedland. "Reflective Frameworks: Methods for Accessing, Understanding and Applying Indigenous Laws." <i>Indigenous Law Journal</i> 11, no. 1 (2012): 1-40.</li> <li>• Snyder, Emily, Val Napoleon, and John Borrows. "Gender and Violence: Drawing on Indigenous legal resources." <i>University of British Columbia Law Review</i> 48, no. 2 (2015): 593-654.</li> <li>• Barbeau, Marius, and William Beynon. <i>Tsimshian Narratives, Volume 1: Tricksters, Shamans and Heroes</i>: Canadian Museum of Civilization, 1987 – The Headdress of the Mountain Goat pg 74-78</li> </ul>	Field Observation Due
<b>Mar 5</b>	<b>Settler Colonialism and Global History</b> Read: <ul style="list-style-type: none"> <li>• Berda, Yael. <i>Living Emergency: Israel's Permit Regime in the Occupied West Bank</i>: Stanford Briefs, 2017 (Chapter 4 and Epilogue)</li> <li>• Belich, James. <i>Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939</i>. Oxford: Oxford University Press, 2009. (Intro and Chapter 1)</li> <li>• Morgan, Cecilia. <i>Building Better Britains? Settler Societies in the British World, 1783-1920</i>. Toronto: University of Toronto Press, 2017 (Chapter 2)</li> </ul>	
<b>Mar 12</b>	<b>Guest Lecture: Jonathan Lainey presentation on Wendat history, law, and wampum (to be confirmed)</b> Read: <ul style="list-style-type: none"> <li>• TBD</li> </ul>	
<b>Mar 19</b>	<b>Treaties</b> Read: <ul style="list-style-type: none"> <li>• Simpson, Leanne. "Looking after Gdoo-naaganinaa: Precolonial Nishnaabeg Diplomatic and Treaty Relationships." <i>Wicazo Sa Review</i> 23, no. 2 (2008): 29-42.</li> <li>• Luby, Brittany. ""The Department is Going Back on These Promises": An examination of Anishinaabe and Crown understandings of treaty." <i>The Canadian Journal of Native Studies</i> 30, no. 2 (2010): 203-228.</li> <li>• Tough, Frank. "Aboriginal Rights versus the Deed of Surrender: The legal rights of native peoples and Canada's acquisition of the Hudson's Bay Company territory." <i>Prairie Forum</i> 17, no. 2 (1992): 225-250.</li> </ul>	
<b>Mar 26</b>	<b>The Indian Act and Indigenous Law</b> Read:	

	<ul style="list-style-type: none"> <li>• Tobias, John L. "Protection, Civilisation, Assimilation: An outline history of Canada's Indian policy." In <i>Sweet Promises: A Reader on Indian-White Relations in Canada</i>, edited by J. R. Miller, 127-144. Toronto: University of Toronto Press, 1991.</li> <li>• Carter, Sarah. "Creating 'Semi-Widows' and 'Supernumerary Wives': Prohibiting Polygamy in Prairie Canada's Aboriginal Communities to 1900." In <i>Contact Zones: Aboriginal and Settler Women in Canada's Colonial Past</i>, edited by Katie Pickles and Myra Rutherdale, 131-159. Vancouver: UBC Press, 2005.</li> <li>• Harris, Douglas. <i>Landing Native Fisheries: Indian Reserves and Fishing Rights in British Columbia, 1849-1925</i>. Vancouver: UBC Press, 2008 (Chapter 4)</li> </ul>	
<b>Apr 2</b>	<b>No class. Final Papers due</b>	Final Papers due
<b>Apr 9</b>	<b>TBD</b>	
<b>Apr 13 Tues</b>	<b>Presentations</b>	Presentations

## PARTICIPATION

Participating means regularly attending class and arriving on time. On days when it is required, you should have carefully read the assigned texts, be prepared to discuss them, and engage with your classmates and professor during class. Attempting to participate in the discussion without having done the readings will not result in elevated participation grades and may have the opposite effect.

If you are anxious about speaking up or if you have another reason for not engaging, please let me know as soon as possible so that we can find solutions. Those students who are comfortable speaking and debating also have a responsibility to allow space for less assertive students to be heard.

You will be asked to lead or co-lead discussion on a set of readings for one class. In preparation for doing this you should read the required texts even more carefully than usual, and come to class with a set of strong discussion questions. You may plan any form of discussion-facilitation that you think will help open up a critical conversation on the readings. I will evaluate your discussion-leadership as part of your participation grade.

I will evaluate participation according to the following criteria:

A – Student makes frequent verbal contributions that reveal critical understanding of, and engagement with, assigned texts; builds on the insights of others and draws connections between issues and texts. Student attends class regularly and arrives on time.

B – Student makes regular verbal contributions and sometimes draws important connections between issues and texts; often demonstrates an adequate understanding of readings and sometimes offers insights that have a positive impact on the discussion. Student attends most classes and rarely causes disruptions by arriving late/leaving early.

C – Student sometimes makes verbal contributions that show familiarity with readings, but those that are offered do not often have a positive effect on the class discussion. Comments may be of a general or repetitive nature. Student may attend class irregularly and may cause disruptions by arriving late/leaving early.

D or F – Student rarely contributes to discussion and/or appears not to have completed the readings. Student may rarely or sporadically attend class and may disrespect others by frequently arriving late/leaving early.

\*If there are special circumstances in your life that I should be aware of when evaluating your participation, please alert me to these as soon as possible.

# FIELD OBSERVATION

The Field Observation requires you to attend an in-person or online event outside of class time that is related to the class topic. Then follow the below instructions when writing your observation. Any fees associated with your event are your responsibility. The event should be something that is outside of your normal routine—for example, if you work at a museum you should not write about an event there, and if you have a guest speaker in one of your other classes, you may not write about that here.

**Writing and Citations:** Do not use long quotations unless they are extremely important for your analysis. When you cite a text from class, use the citation style you are most comfortable with and include a bibliography. You may refer to texts you have encountered outside of this class, but these do not count toward your minimum.

Field Observations should be submitted as PDF files by email.

Each Field Observation should be structured like the following example. Please follow the form (margins, font, sections, word limits) and content (what each section is for). See within the text for further instructions and guidelines:

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**Brenda Zahedi – Student Number 99999999**

**Date Submitted: September 21, 2020**

**Field Observation – EAS4103**

**Chosen Event:** Presentation by Ickobie Byrch “But What Does It All Really Mean?”

**Any further details about event:** [if necessary]

**Date and Time Visited:** September 4, 2020, 4pm

**Event Summary:** A description of the event. (150-200 words). This is not the place to discuss how you felt about it.

**How you felt about it:** Did you like it? Did it remind you of something? Did you talk to someone about it? Etc. This is the place to discuss your feelings and experiences. (20-100 words)

**Academic Response:** Critically engage with the event. Ask yourself questions like: What is the point of this event? Does it achieve its goals? How does it relate to course materials and topics discussed in class? Your writing style should be formal (no contractions, slang, etc) but you may use the first person. You should make a connection to at least five required readings/podcasts/videos, films, guest speakers (not in-class activities or lectures) in your analysis. You may not go over the word limit. (800-1000 words)

**Bibliography**

[you do not need to include a citation for the event itself]

**Photos:** You may include one to five photos, if appropriate (at the end). You should copy and paste the photos directly into your document. Please do not submit photos separately.

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Grading Criteria: An excellent Event Observation will be as follows:

- A person who was not there can get a good idea of what it is like.
- It makes appropriate and interesting connections with class materials, and applies relevant concepts. It succeeds in critically engaging with the event.
- Text is well-written and edited.
- The assignment follows instructions, and the event itself is appropriate for the assignment.
- Photos (if included) are clear, well-considered, and meaningful in relation to the text.

# PROPOSAL AND RESEARCH PAPER

This assignment requires you to either write a research paper or do the approximate equivalent of a research paper on a topic related to Settler Colonialism and Law, and particularly related to one or more court cases.

You may choose a topic on which to write a 15-20 page (excluding title page, bibliography) research paper within the following parameters:

- Your paper should deal with a topic that relates in a significant way to course themes. It should also focus in some way on a particular court case.
- The paper must have a strong argument. This means you should take a position and argue for it based on secondary and primary research.
- The topic should be appropriate for you to write on. In other words, you should not try to tell stories that are not yours to tell.

**Proposal:** Students will write a proposal for the research paper, or for a different research project they intend to pursue. This is a formal proposal but you may write in the first person. For example, it is acceptable to write something like: “I will argue, based on the following sources, that many health provisions in the Indian Act were used by the Department of Indian Affairs to achieve non-health related outcomes.” Ensure that your topic and argument are directly related to course readings in a significant way.

Length: 4-5 pages, double-spaced (not including the annotated bibliography)

Font: Times New Roman

Font Size: 12

Margin: 1 inch (2.5 cm) all around

Citation style: Chicago

The proposal should include the following:

- **Proposed Title**
- **Argument and Introduction** (1 or 2 paragraphs): Your proposal should begin by stating your proposed argument and the proposed main points of your paper.
- **Background and Context** (1-2 pages): This section discusses the historical background and the context of the relevant issues for the topic. It also includes a summary of the state of the historical literature. This section may include references to current events in order to show the relevance of the research you are doing.
- **If you are not doing a research paper, what are you doing?** (1 page maximum)
- **Conclusion** (1 paragraph): Restate your argument, main points, and why this is important.
- **Annotated Bibliography:** This section lists the primary and secondary sources you intend to use. The absolute minimum is ten high-quality sources. Each item is followed by a 2-3 sentence description of the source and how it will contribute to your paper.

You will present your proposal to the class but the presentation will not be graded. The presentation is part of your participation grade.

### Research Paper

Length: 15-20 pages, double-spaced

Font: Times New Roman

Font Size: 12

Margin: 1 inch (2.5 cm) all around

Citation style: Be consistent. Use the citation style you are most familiar with.

You will present your presentation to the class on the final day. The presentation will not be graded but students who do not present their research project will receive a 20% reduction for their research paper grade.