

Carleton University

Department of Law and Legal Studies

## Course Outline

**COURSE:** LAWS 3908.E Approaches in Legal Studies II

**PREREQUISITES:** LAWS 2908

**TERM:** Winter 2016

**CLASS: Day & Time:** Thursday, 11:35am – 2.25pm  
(Please check Carleton Central for the current room location)

**INSTRUCTOR:** Professor Christiane Wilke

**CONTACT: Office:** D499 Loeb

**Office Hours:** Drop-in: Monday 10.15am -12pm, Thursday 3-4pm (or by appointment).

**Email:** Christiane.Wilke@carleton.ca  
*[please mention the course number in the email subject line]*

**COURSE OBJECTIVES & CONTENT:**

This course combines discussions of theories and research methods in legal studies with the study of a theme (the Canadian and South African Truth and Reconciliation Commissions). The emphasis is on research as a process that involves asking questions, drawing on theories, interpreting texts, questioning concepts, and assembling the outcome of this messy process into a coherent product (a research paper). We will review some basic research techniques (finding articles and documents) and approaches (narrative and discourse analysis, grounded theory), but mostly focus on understanding different theories, using them for asking research questions, answering these questions, and thinking about the ways we construct knowledge.

Why the Canadian Truth and Reconciliation Commission (TRC)? The TRC has the task of addressing the massive human rights violations that occurred in Indian Residential Schools (IRS). The Canadian TRC is in part modeled on TRCs in other countries. It is special because it only deals with violence and violations of the rights of Indigenous people. Research on the TRC raises a series of challenging questions: What was the history behind the IRS, and how has this history been presented? What was the role of Western forms of research and knowledge production in colonialism and the IRS? How and to which degree does the IRS respond to the demands and visions of Indigenous communities, and to which degree does it respond to the Western legal system that established it?

In this course, we will ask the hard questions about research, truth commissions, truth, responsibility, indigeneity, colonialism, and justice. We will work on research skills and we will ask why certain forms of knowledge creation and knowledge presentation are privileged over others.

## Academic Accommodations

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://carleton.ca/pmc/students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

## Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at: <http://carleton.ca/studentaffairs/academic-integrity/>

## Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

**A NOTE ON ACADEMIC FREEDOM:**

In this course, we will discuss state violence, colonialism, and forms of redress. The course material might contain or convey ideas about ethics, law, and culture that will be unfamiliar and sometimes unsettling to you. The course material is not designed to convey a particular “conclusion” but to encourage discussion about complex issues. All participants in the course must be willing to examine the relevant texts, must make a sincere effort to understand the presuppositions of others, and be willing to discuss, verbally and in writing, the objects of study. By enrolling in this course, students accept a commitment to academic freedom for all participants, including themselves, and the instructor. If you have any questions relating to this statement, please let me know.

**COURSE MATERIAL:**

Materials marked with an asterisk (\*) are in the course reader, available at Octopus Books (116 3<sup>rd</sup> Ave, off Bank St). All other materials are accessible through cuLearn and ARES.

**EVALUATION:**

- **Attendance: 5%**
- **Participation: 5%**
- **Paper 1: 20%**
- **Paper 2: 20%**
- **Paper 3 (research paper proposal): 10%**
- **Final Exam (research paper): 40%**
  
- **Attendance and participation:** This class is structured around discussions and workshops on doing research. So it is important that you both do the readings that will be the basis of our discussions and group work, and that you come to class to participate in the workshops. Attendance and participation are valued at 10% combined, but regular attendance and informed participation will help you write much better assignments.
- **Everyone’s active participation** is crucial for the success of the class. Participation is valued at **5 points** and presumes, of course, that you have read the texts carefully and that you attend class.
- **Attendance policy:** regular attendance is the key to the success in seminar classes. Attendance counts for **5 points**. After the first class you missed, each further class that you miss without a documented excuse leads to a 1 point deduction. (Example: If you miss two classes, you will get 4 out of 5 points for attendance.)
- **Short papers 1 and 2 (5-6 pages each)** are responses to essay questions/tasks that will be handed out in class in advance. You will answer one out of two or more questions. The emphasis is on applying theoretical concepts from the readings to primary material. Some of the questions/task will ask you to construct your own research question.
- **Short paper 3 (3-4 pages excluding bibliography)** is a research paper proposal, including a literature review and a bibliography of no less than twelve items, ten of which have to be scholarly publications.

- **The short papers are due on these dates (not in class!):**
- **Paper 1: Friday, February 12<sup>th</sup>**
- **Paper 2: Friday, March 18<sup>th</sup>**
- **Paper 4: Monday, March 28<sup>th</sup>**
- **Late penalty for short papers: 10% (2 points out of 20, or 1 point out of 10) per day.**
- **The final exam** will be a take-home exam in form of a research paper (12-15 pages, excluding bibliography).
- The **final exam is due on April 23<sup>rd</sup> 2016**. No late final exams will be accepted without documented medical or equivalent legitimate reasons.

University policy on grades: Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

#### SCHEDULE:

#### Week 1 – January 7<sup>th</sup>

##### Introduction

Screening of *We Were Children* (dir. Tim Wolochatiuk) (NFB,  
[https://www.nfb.ca/distribution/film/we\\_were\\_children](https://www.nfb.ca/distribution/film/we_were_children)).

#### Week 2 – January 14<sup>th</sup>

##### Truth and Reconciliation Commissions in Canada and South Africa

*What are Truth and Reconciliation Commissions? How can we think about them in comparison?*

#### Required Readings:

- \* Courtney Jung, "Canada and the Legacy of the Indian Residential Schools: Transitional Justice for Indigenous People," in *Identities in Transition: Challenges for Transitional Justice in Divided Societies*, ed. by Paige Arthur (New York: Cambridge University Press, 2011), 217-250.
- \* Catherine Cole, *Performing South Africa's Truth Commission: Stages of Transition* (Bloomington and Indianapolis: Indiana University Press, 2010), 1-27.
- \* Rosemary Nagy, "Truth, Reconciliation and Settler Denial: Specifying the Canada-South Africa Analogy," *Human Rights Review* 13 (2012): 349-367.

#### Recommended:

Rosemary Nagy, "Transitional Justice as a Global Project: Critical Reflections," *Third World Quarterly* 29 (2008):

275-289.

Priscilla Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2<sup>nd</sup> ed (New York: Routledge, 2011), 1-44, 210-233

Paige Arthur, "How 'Transitions' Shaped Human Rights: A Conceptual History of Transitional Justice," *Human Rights Quarterly* 31 (2009): 321-367.

Paul Gready, *The Era of Transitional Justice: The Aftermath of the Truth and Reconciliation Commission in South Africa and Beyond* (New York: Routledge/GlassHouse, 2011).

Matt James, "Uncomfortable Comparisons: The Canadian Truth and Reconciliation Commission in International Context," *The Ethics Forum* 5 (2010): 23-35.

### Week 3 – January 21<sup>st</sup>

#### TRC Reports

*How do the truth and Reconciliation Commissions tell the stories of the past? How do they address their audiences? How is history presented? Which contexts and explanations are offered?*

#### Required Readings:

\* South African Truth and Reconciliation Commission, *Final Report*, Vol. 1, 1-24. Online:  
<http://www.justice.gov.za/trc/report/finalreport/Volume%201.pdf>

\* Canadian Truth and Reconciliation Commission, *Honouring the Truth, Reconciling the Future: Summary of the Report of the Truth and Reconciliation Commission of Canada* (2015), 37-133. Online:  
[http://www.trc.ca/websites/trcinstitution/File/2015/Honouring\\_the\\_Truth\\_Reconciling\\_for\\_the\\_Future\\_July\\_23\\_2015.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf)

#### Recommended Readings:

Truth and Reconciliation Commission of Canada, *Interim Report* (2012). Available online:

[http://www.attendancemarketing.com/~attmk/TRC\\_jd/Interim\\_report\\_English\\_electronic\\_copy.pdf](http://www.attendancemarketing.com/~attmk/TRC_jd/Interim_report_English_electronic_copy.pdf).

### Week 4 – January 28<sup>th</sup>

#### Truth Commissions, Indigenous Peoples, and Research

*What is special about research on indigenous peoples and truth commissions on injustices suffered by Indigenous peoples? What are research methods? How are they connected to questions about indigeneity?*

#### Required Readings:

\* Linda Tuhiwai Smith, *Decolonizing Methodologies* [1999] (London & New York: Zed, 2012), 1-19, 20-43.

Ian Mosby, "Administering Colonial Science: Nutrition Research and Human Biomedical Experimentation in Aboriginal Communities and Residential Schools, 1942-1952," *Social History* XLVI (2013): 145-172.

\* Ian Mosby, "Of History and Headlines: Reflections of an Accidental Public Historian" (April 2014), <http://www.ianmosby.ca/of-history-and-headlines-reflections-of-an-accidental-public-historian/>.

Recommended:

Jeff Corntassel and Cindy Holder, "Who's Sorry Now? Government Apologies, Truth Commissions, and Indigenous Self-Determination in Australia, Canada, Guatemala, and Peru," *Human Rights Review* 9 (2008): 465-489.  
 Paulette Regan, *Unsettling the Settler Within: Indian Residential Schools, Truth Telling, and Reconciliation in Canada* (Vancouver: UBC Press, 2010), 2-18, 83-110. (Introduction, ch. 3)  
 Bev Sellars, *They Called Me Number One: Secrets and Survival at an Indian Residential School* (Vancouver, Talonbooks, 2014).  
 Peter Bryce, *The Story of a National Crime* (Ottawa: Hope & Sons Limited, 1922).

**Week 5 – February 4<sup>th</sup>**

**Theories and Methods: Tools for Understanding**

*How do we design research papers? What is a good research question and how do we answer it? What is theory and where do we get it from?*

Required Readings:

- \* Alan Sears and James Cairns, *A Good Book, In Theory: Making Sense Through Inquiry*. (Toronto: University of Toronto Press, 2010), 31-59.
- \* Bruce L. Berg and Howard Lune, *Qualitative Research Methods for the Social Sciences*. 8<sup>th</sup> edition. (Boston et al: Pearson, 2012), 19-60.
- \* Dian Million, "There is a River in Me: Theory from Life," in Audra Simpson and Andrea Smith (eds), *Theorizing Native Studies* (Durham and London: Duke University Press, 2014), 31-42.

Recommended:

Margaret Kovach, *Indigenous Methodologies* (Toronto: University of Toronto Press, 2009).  
 Sarah de Leeuw, "If anything is to be done with the Indian, we must catch him very young': colonial constructions of Aboriginal children and the geographies of Indian residential schooling in British Columbia, Canada," *Children's Geographies* 7 (2009): 123-140.  
 From: Jennifer Henderson and Pauline Wakeham (eds.), *Reconciling Canada: Critical Perspectives on the Culture of Redress* (Toronto: University of Toronto Press, 2013), 299-321.

**Week 6 – February 11<sup>th</sup>**

**[Paper #1 is due on February 12<sup>th</sup>]**

**The bigger picture: Settler Colonialism and Genocide**

*How has genocide been defined? Is it an appropriate and/or useful concept to use for analyzing settler colonialism?*

Required Readings:

Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8 (2006), 387-409.

Andrew Woolford, "Nodal repair and networks of destruction: residential schools, colonial genocide, and redress in Canada," *Settler Colonial Studies* 3 (2013), 65-81.

\* Canadian Truth and Reconciliation Commission, *Honouring the Truth, Reconciling the Future: Summary of the Report of the Truth and Reconciliation Commission of Canada* (2015), 135-141, 164-182. Online: [http://www.trc.ca/websites/trcinstitution/File/2015/Honouring\\_the\\_Truth\\_Reconciling\\_for\\_the\\_Future\\_July\\_23\\_2015.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf)

Recommended Readings:

Truth and Reconciliation Commission of Canada, *They Came For the Children: Canada, Aboriginal People, and Residential Schools* (2012), 1-53. Available online:

[http://www.attendancemarketing.com/~attmk/TRC\\_jd/ResSchoolHistory\\_2012\\_02\\_24\\_Webposting.pdf](http://www.attendancemarketing.com/~attmk/TRC_jd/ResSchoolHistory_2012_02_24_Webposting.pdf).

John S. Milloy, *"A National Crime": The Canadian Government and the Residential School System, 1879 to 1986* (Winnipeg: The University of Manitoba Press, 1996), 3-11, 23-47, 51-75.

**Reading Week (no class) – February 18<sup>th</sup>**

**Week 7 – February 25<sup>th</sup>**

**Truths and Discourses**

*What is truth, and what are truths? How do people produce knowledges?*

Required Readings:

\* Linda Tuhiwai Smith, *Decolonizing Methodologies* [1999] (London and New York: Zed, 2012), 61-80

Claire Moon, "Narrating Political Reconciliation: Truth and Reconciliation in South Africa," *Social & Legal Studies* 15 (2006): 257-275.

Patricia Ewick and Susan S. Silbey, "Subversive Stories and Hegemonic Tales: Towards a Sociology of Narrative," *Law & Society Review* 29 (1995): 197-226.

Recommended Readings:

Martha S. Feldman et al., "Making Sense of Stories: A Rhetorical Approach to Narrative Analysis," *Journal of Public Administration Research and Theory* 14 (2004): 147-170.

Peter Brooks, "Narrativity of the Law," *Law & Literature* 14 (2002): 1-10.

Richard Wilson, *The Politics of Truth and Reconciliation in the New South Africa* (Cambridge: Cambridge University Press, 2002), 33-61.

Ian Hacking, *The Social Construction of What?* (Cambridge, MA: Harvard University Press, 1999), 1-34.

Matt James, "A Carnival of Truth? Knowledge, Ignorance and the Canadian Truth and Reconciliation Commission,"

*International Journal of Transitional Justice* 6 (2012): 182-204.

Priscilla Hayner, *Unspeakable Truths*, 2<sup>nd</sup> ed., 75-90. (ch. 6, 7)

Anne Orford, "Commissioning the Truth," *Columbia Journal of Gender and Law* 15 (2006): 851-883. [online]

Lars Buur, "Monumental Historical Memory: Managing Truth in the Everyday Work of the South African Truth and Reconciliation Commission," in Deborah Posel and Graeme Simpson, ed., *Commissioning the Past: Understanding South Africa's Truth and Reconciliation Commission* (Johannesburg: Witwatersrand University Press, 2002), 66-93.

Matthew Keller, "Commissioning Violence: The Global Logics of National Violence Commissions in the Twentieth Century," *Politics & Society* 37 (2009): 352-396.

Paul Gready, *The Era of Transitional Justice: The Aftermath of the Truth and Reconciliation Commission in South Africa and Beyond* (New York: Routledge/GlassHouse, 2011), 20-60.

## Week 8 – March 3<sup>rd</sup>

### Litigation and Truth Commissions

*What were the legal frameworks for the TRCs?*

*How did legal institutions enable, constrain, and shape Truth and Reconciliation Commissions?*

*Which narratives did the courts craft, and how did they see their role in redressing state violence?*

#### Required Readings:

\* AZAPO v. South Africa, Constitutional Court of South Africa, Case 17/1996, para. 1-32.

\* Madeleine Fullard and Nicky Rousseau, "Truth, Evidence and History: A Critical Review of Aspects of the Amnesty Process," in Charles Villa-Vicencio and Erik Doxtader (eds), *The Provocations of Amnesty: Memory, Justice and Impunity* (Cape Town, David Philip, 2003), 195-216, also Amnesty statistics, 193-194

\* Nkosingithi Biko, "Amnesty and Denial," in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* (Cape Town: University of Cape Town Press, 2000), 193-198.

## Week 9 – March 10<sup>th</sup>

### Testimony, Witnessing, and Listening at the TRC

*How can we as researchers work with truth commission testimonies?*

*What do we need to know about testimony, witnessing and storytelling practices?*

#### Required Readings:

Fiona Ross, "On Having Voice and Being Heard: Some after-Effects of Testifying Before the South African Truth and Reconciliation Commission." *Anthropological Theory* 3 (2003), 325-341.

\* Bruce L. Berg and Howard Lune, *Qualitative Research Methods for the Social Sciences*. 8<sup>th</sup> edition. (Boston et al: Pearson, 2012), 280-303.



Primary Material (also mandatory reading):

- \* Truth and Reconciliation Commission (South Africa), Human Rights Violation Hearing Yvonne Khutwane (24 June 1996, Worcester). Online: <http://www.justice.gov.za/trc/hrvtrans/worcest/ct00530.htm>.
- \* Truth and Reconciliation Commission (South Africa), Amnesty Hearing Mthetheli Crosby Kolela, Bafo Gift Nqunge, Mabitani Mani (25 May 1999, East London). Online: [http://www.doj.gov.za/trc/amntrans/1999/99052527\\_el\\_990525el.htm](http://www.doj.gov.za/trc/amntrans/1999/99052527_el_990525el.htm).
- \* Truth and Reconciliation Commission (South Africa), Amnesty Decision AC/99/0213 (Ngcunge, Kolela, Mani), 1 June 1999. Online: <http://www.justice.gov.za/trc/decisions/1999/ac990213.htm>.

Recommended:

- Julia Emberley, "Epistemic Heterogeneity: Indigenous Storytelling, Testimonial Practices, and the Question of Violence in Indian residential Schools," in Jennifer Henderson and Pauline Wakeham (eds.), *Reconciling Canada: Critical Perspectives on the Culture of Redress* (Toronto: University of Toronto Press, 2013), 143-158.
- Naomi Angel, "Before Truth: The Labors of Testimony and the Canadian Truth and Reconciliation Commission," *Culture, Theory and Critique* 53 (2012): 199-214.
- John Borneman, "On Money and the Memory of Loss," *Etnográfica*, VI (2002), 281-302.
- Claire Moon, "Who'll Pay Reparations on My Soul? Compensation, Social Control and Social Suffering," *Social & Legal Studies* 21 (2012): 187-199.
- Gwen Reimer et al., *The Indian Residential Schools Settlement Agreement's Common Experience Payment and Healing: A Qualitative Study Exploring Impacts on Recipients* (Ottawa, Aboriginal Healing Foundation, 2010), 1-55.

**Week 10 – March 17<sup>th</sup>****[Paper #2 is due on March 18<sup>th</sup>]****Apologies and Responses**

*How do approaches to apologies and reconciliation differ?  
Which concepts are being used in practice, and to which effect?*

Required Readings:

- Willow J. Anderson, "'Indian Drum in the house': A critical discourse analysis of an apology for Canadian residential schools and the public's response," *International Communication Gazette* 74 (2012): 571-585.
- \* Bruce L. Berg and Howard Lune, *Qualitative Research Methods for the Social Sciences*. 8<sup>th</sup> edition. (Boston et al: Pearson, 2012), 349-385.

Primary Documents (also required reading):

- \* Canadian Government, Official Apologies and Responses. Hansard, 39<sup>th</sup> Parliament, 2<sup>nd</sup> session, 11 June 2008). Online: <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=3568890#Int-2527580>.

(Statements by: Harper, Layton, Fontaine, Simon, Chartier, Jacobs.)

Recommended Readings:

Claire Moon, "Healing Past Violence: Traumatic Assumptions and Therapeutic Interventions in War and Reconciliation," *Journal of Human Rights* 8 (2009): 71-91.

Desmond Tutu *No Future Without Forgiveness* (New York: Doubleday 1999), 123-159.

Eva Mackey, "The Apologizer's Apology," in Jennifer Henderson and Pauline Wakeham (eds.), *Reconciling Canada: Critical Perspectives on the Culture of Redress* (Toronto: University of Toronto Press, 2013), 47-62.

Michael Humphrey, "Reconciliation and the Therapeutic State," *Journal of Intercultural Studies* 26 (2005): 203-220.

Vanessa Pupavac, War on the Couch: The Emotionology of the New International Security Paradigm," *European Journal of Social Theory* 7 (2004): 149-170. [online]

**Week 11 – March 24<sup>th</sup>**

**[The Research Paper Proposal is due on March 28<sup>th</sup> ]**

**Reconciliations?**

*How can reconciliation be understood? What do different concepts, critiques, and practices of reconciliation imply?*

Required Readings:

\* Ernesto Verdeja, *Unchopping a Tree: Reconciliation in the Aftermath of Political Violence*. (Philadelphia: Temple University Press, 2009), 1-27.

\* Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), 105-130.

\* Canadian Truth and Reconciliation Commission, *Honouring the Truth, Reconciling the Future: Summary of the Report of the Truth and Reconciliation Commission of Canada* (2015), 183-219. Online: [http://www.trc.ca/websites/trcinstitution/File/2015/Honouring\\_the\\_Truth\\_Reconciling\\_for\\_the\\_Future\\_July\\_23\\_2015.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf)

Recommended:

Jeff Corntassel, Chaw-win-is and T'lakwadzi, "Indigenous Storytelling, Truth-Telling, and Community Approaches to Reconciliation," *ESC: English Studies in Canada* 35 (2009): 137-159.

Andrew Schaap, "Political Reconciliation through a Struggle for Recognition?" *Social & Legal Studies* 13(4): 523-540.

\* Richard Wilson, *The Politics of Truth and Reconciliation in South Africa* (Cambridge: Cambridge University Press, 2002), 97-122.

Andrew Woolford, "The limits of justice: certainty, affirmative repair, and aboriginality," *Journal of Human Rights* 3 (2004): 429-444.

Elizabeth Jelin, "Silences, Visibility, and agency: Ethnicity, Class, and Gender in Public Memorialization," in Paige Arthur, ed., *Identities in Transition: The Challenge of Transitional Justice in Divided Societies* (New York: Cambridge University Press, 2011), 187-213. [reader]

Paulette Regan, *Unsettling the Settler Within*, 171-212. (ch. 6, 7)

Priscilla Hayner, *Unspeakable Truths*, 145-162. (ch. 11)

Robyn Green, "Unsettling Cures: Exploring the Limits of the Indian Residential School Settlement Agreement," *Canadian Journal of Law and Society* 27 (2012): 129-148. [online]

## Week 12 – March 31<sup>st</sup>

### Decolonizing Laws and Lands

*How do, can and should laws change in response to the TRCs and public acknowledgments of colonialism?*

#### Required Readings:

\* John Borrows, *Recovering Canada: The Resurgence of Indigenous Law* (Toronto: University of Toronto Press, 2002), 3-28, 138-158.

Yvonne Mokgoro, "Ubuntu and the Law in South Africa," *Potchefstroom Electronic Law Journal* (1998), <http://www.ajol.info/index.php/pej/article/view/43567>

#### Recommended:

Moeketsi Letseka, "In Defence of Ubuntu," *Studies in Philosophy and Education* (2011), <http://link.springer.com/article/10.1007/s11217-011-9267-2/fulltext.html>

James (Sa'ke'j) Youngblood Henderson, "Incomprehensible Canada," Jennifer Henderson and Pauline Wakeham (eds.), *Reconciling Canada: Critical Perspectives on the Culture of Redress* (Toronto: University of Toronto Press, 2013), 115-126.

Karen Engle, "On Fragile Architecture: The UN Declaration on the Rights of Indigenous Peoples in the Context of Human Rights," *European Journal of International Law* 22 (2011): 141-163.

Jen Preston, "Neoliberal settler colonialism, Canada and the tar sands," *Race & Class* 55 (2013): 42-59.

Wendee Kubik, Carrie Bourassa and Mary Hampton, "Stolen Sisters, Second Class Citizens, Poor Health: The Legacy of Colonization in Canada," *Humanity & Society* 33 (2009): 18-34.

Brandon Hamber and Richard Wilson, "Symbolic Closure through memory, reparation and revenge in post-conflict societies," *Journal of Human Rights* 1 (2002): 35-53.

Terry Wotherspoon and John Hansen, "The "Idle No More" Movement: Paradoxes of First Nations Inclusion in the Canadian Context," *Social Inclusion* 1 (2013), DOI: 10.12924/si2013.01010021.

## Week 13 – April 7<sup>th</sup>

### From Reading to Research

#### Required Readings:

\* Linda Tuhiwai Smith, *Decolonizing Methodologies* [1999] (London and New York: Zed, 2012), 143-164, 217-233.

#### Recommended:

Michal Ben-Josef Hirsch, Megan MacKenzie and Mohamed Sesay, "Measuring the impacts of truth and reconciliation commissions: Placing the global 'success' of TRCs in local perspective." *Cooperation and*

*Conflict 47 (2012): 386-403.*

**Note on the assignments:** All assignments have to be original work by the student who is submitting them. Collaboration on assignments is not permitted. (The only possible exception to this rule in this course may be joint presentations of two or more students with the specific permission of the instructor.) In addition, students should note Carleton University's policy on instructional offences, available at [www.carleton.ca/cuuc/regulations/acadregsuniv14.html](http://www.carleton.ca/cuuc/regulations/acadregsuniv14.html). Penalties for academic offences may range from a reprimand to expulsion from the university. The use of outside material without proper references is one of the most common and most easily avoidable instructional offences. Whatever language and ideas you take from other sources needs to be referenced. Make yourself familiar with different citation styles! The Carleton University library has many resources that can help you. See: [www.library.carleton.ca/howdoi/citing.html](http://www.library.carleton.ca/howdoi/citing.html).