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), 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://www2.carleton.ca/equity/](http://www2.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://www2.carleton.ca/equity/](http://www2.carleton.ca/equity/)

**Academic Accommodations for Students with Disabilities:** The [Paul Menton Centre](http://www2.carleton.ca/pmc/) 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 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://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/](http://www2.carleton.ca/pmc/new-and-current-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://www2.carleton.ca/equity/](http://www2.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 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](http://www.carleton.ca/studentaffairs/academic-integrity/) can be found at:

[http://www.carleton.ca/studentaffairs/academic-integrity/](http://www.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.

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 3rd 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: February 12\textsuperscript{th}
- Paper 2: March 19\textsuperscript{th}
- Paper 4: March 26\textsuperscript{th}
- **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\textsuperscript{rd} 2015.** 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 6th

Introduction

Week 2 – January 13th

Truth and Reconciliation Commissions in Canada and South Africa

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


Recommended:

Week 3 – January 20th

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?

Ian Mosby, “Administering Colonial Science: Nutrition Research and Human Biomedical Experimentation in


**Recommended:**

**Week 4 – January 27th**

**Different Histories**

* How do people write history and how does it matter? How is the history of the IRS told?*

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.


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

**Week 5 – February 3rd**

**Truths**

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


Recommended:
Priscilla Hayner, *Unspeakable Truths*, 2nd ed., 75-90. (ch. 6, 7)

Week 6 – February 10th

[Paper #1 is due on February 12th]

Litigating State Violence

*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?*


Reading Week (no class) – February 17th
**Week 7 – February 24th**

**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?*


**Primary Material (also mandatory reading):**


**Recommended:**


**Week 8 – March 3rd**

**Reparations**

*How are reparations administered in Canada? What do reparations mean to whom?*

**Readings:**


**Primary Documents:**


Recommended:
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 9 – March 10th

Apologies and Responses

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

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

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

Recommended:
Week 10 – March 17th

[Paper #2 is due on March 19th]

Reconciliations?

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


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


Recommended:


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

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


Week 11 – March 24th

[The Research Paper Proposal is due on March 25th]

Decolonizing Laws and Lands

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


Recommended:
James (Sa’ke’j) Youngblood Henderson, “Incomprehensible Canada,” Jennifer Henderson and Pauline Wakeham


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**Week 12 – March 31st**

**From Reading to Research**


**Recommended:**


**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. 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.