

Course Outline LAWS4903D

COURSE:	LAWS 4903D– Advanced Legal Topics: Indigenous Relations, Ethics and Law
TERM:	Winter 2023
PREREQUISITES:	LAWS 2908- and Fourth-Year Standing
CLASS:	Day & Time: Monday 11:35 am – 2:25 pm Room: TB 230
INSTRUCTOR:	Danika Littlechild
CONTACT:	Office: D487 Loeb Building Office Hrs: Wednesday 10:00 am – 12:00 pm Telephone: 613-520-2600 x2678 Email: danikalittlechild@cunet.carleton.ca Danika.Littlechild@carleton.ca

CALENDAR COURSE DESCRIPTION

The topics of this course vary from year to year and are announced in advance of registration.

COURSE DESCRIPTION

What is decolonization in the context of relationships, ethics, and law? How should we understand themes of resistance, justice, reconciliation, resurgence, solidarity, dialogue and relationship-building between and amongst Indigenous and non-Indigenous Peoples? This seminar will focus on the various intersections of relations, relationality, ethics and law between and amongst Indigenous Peoples, non-Indigenous Peoples and the natural world. We will deeply consider Indigenous systems of knowledge, law, ethics, custom, culture and practice along with dominant systems in Canada and internationally. The course will offer a view of legal and relational frameworks, including Ethical Space and Two-Eyed Seeing, that facilitate an understanding of the praxis of transformative relations.

REQUIRED TEXT

Borrows, John. *Law's Indigenous Ethics*. Toronto: University of Toronto Press, 2019. Available

online through the Macodrum Library.

All other readings and preparatory materials will be provided via hyperlink, Brightspace or available at MacOdrum Library. This course will draw on both written and oral/verbal materials in accordance with the various and diverse Indigenous and non-Indigenous systems and approaches we will cover in the course. Students may therefore be asked to watch videos or listen to audio files in addition to readings for class preparation.

EVALUATION

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.

All components must be successfully completed in order to get a passing grade

As our course is based on class discussions, in each class the professor will provide an introduction to topics, issues and central questions for discussion. This will be followed by students' reading presentations. In every session, at least two students will discuss the readings under the guidance of the professor. The discussions will provide student reflections, illustrations and critiques of the readings. This will hopefully contribute to engaged discussion.

Student engagement is important for the success of the course. Given the seminar setting of the course, our collaborative learning will be contingent on everyone's active involvement and contributions.

As such, it is important that you be present during the class and do your best to contribute to the dialogue and discussion, whether verbal or written. Your participation will not only be assessed on how much you speak, but also on the quality of your engagement, the thoughtfulness of your response, respectful listening and commitment to creating a safe learning environment in which everyone feels valued and respected.

In addition to participation in regular class hours, the format of the course will be a mix of Student Reading Presentations (one presentation per student before the end of term); four (4) Reading Reflections (to be completed by each student over the term); and a research paper (to be completed by the end of term).

COURSEWORK

Research Paper (12-15 double spaced pages)	40% of Final Mark
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Reading Presentation	20% of Final Mark
Reading Reflections (4)	20% of Final Mark
Class Participation	20% of Final Mark

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Extension Bank

I am sympathetic to the many challenges faced by students as we all try to get through the pandemic and adjust to the dynamic and shifting nature of our collective academic experiences. Many of you have gone from in person to online and back again.

I want to exercise fairness as an instructor in this course, and I wish to give you some flexibility in meeting assignment and paper deadlines without having to meet with me to make the request – which can feel stressful to initiate for students.

As such, every student in this course has a **seven (7) day Extension Bank** to use over the term at your own discretion and based on your own needs. Basically, I am giving all of you a one-week extension now, which is yours to use as you see fit. You are not required to use any of the days in your Extension Bank. I will be delighted if you are able to meet all the deadlines set out in this course.

However, if you find yourself in a situation in which you could use an extra day or two to complete an assignment or the paper, you have a reserve of seven (7) days to draw from. The seven (7) days includes the weekend. If you have a deadline that falls on a Friday and you ask to submit on a Monday, it means you are taking 3 days out of your Extension Bank.

IMPORTANT: When you plan on using days from your Extension Bank, you must inform me via email ahead of the deadline for which you plan on using them. You cannot apply the days from your Extension Bank retroactively.

I will then reply to your email notification with an update of how many days you have left in your Extension Bank for the remainder of the term.

Additional Extensions

The granting of additional extensions beyond the Extension Bank is determined by me as the instructor, and I will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to me prior to the assignment due date:

<https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

IMPORTANT: Extensions cannot be applied to Reading Presentations.

Late Penalties

Late penalties will apply to any submissions of assignments or the research paper that do not have use of the Extension Bank or Additional Extensions.

Late Penalties will be assessed as follows:

- Deduction of 5% marks if the assignment is handed in after NOON on the due date (plus short grace period [30 min]) but before midnight.
- A further 5% if the assignment is handed-in anytime the ‘next day’ - from 12:01am to 11:59 pm.
- A further 10% is deducted at the beginning of each following day (at 12:01am) including weekend days.

SCHEDULE

Winter 2023 Sessional Dates and University Closures	
<p>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</p>	
January 9, 2023	<p>Where We Learn: Introduction to our course, and an exploration of Carleton University and the Indigenous Territories on which it is located.</p> <p style="text-align: center;">Introduction chapter of Borrows (pp. 3-23)</p> <p>Carleton University Strategic Indigenous Initiatives Committee, Kinàmàgawin: Learning Together Final Report (May 2020)</p> <p>Peter Di Gangi. 2018. “Algonquin Territory.” <i>Canada’s History</i>. Available at: https://www.canadashistory.ca/explore/politics-law/algonquin-territory</p> <p>Tuck, Eve and K. Wayne Yang “Decolonization is not a metaphor” in <i>Decolonization: Indigeneity, Education and Society</i> Vol. 1, No. 1 pp. 1-40</p>

January 13, 2023	Last day for registration and course changes (including auditing) in early winter courses.
January 16, 2023	<p style="text-align: center;">How we Engage: Ethical Space</p> <p style="text-align: center;">Ermine, Willie “The Ethical Space of Engagement” <i>Indigenous Law Journal</i>, Vol. 6 No. 1 (2007);</p> <p style="text-align: center;">Crowshoe, Reg “Invitation to Ethical Space” In <i>Indigenous Well Being and Enterprise</i> Edited by Rick Colbourne, Robert B Anderson (2020) Routledge (pp 10-45);</p> <p style="text-align: center;">https://youtu.be/mAVPyjFq3hM Keynote Presentation on Ethical Space by Elder Reg Crowshoe and Elder Willie Ermine</p>
January 20, 2023	Last day for registration and course changes (including auditing) in full winter and late winter courses.
January 23, 2023	<p style="text-align: center;">How we Engage: Two-Eyed Seeing</p> <p style="text-align: center;">Iwama, Marilyn et al. “Two-Eyed Seeing and the Language of Healing in Community-Based Research.” <i>Canadian journal of native education</i> 32.2 (2009)</p> <p style="text-align: center;">Bartlett, Cheryl, Murdena Marshall, and Albert Marshall. “Two-Eyed Seeing and Other Lessons Learned within a Co-Learning Journey of Bringing Together Indigenous and Mainstream Knowledges and Ways of Knowing.” <i>Journal of Environmental Studies and Sciences</i> 2, no. 4 (November 2012): 331–40. https://doi.org/10.1007/s13412-012-0086-8;</p> <p style="text-align: center;">https://youtu.be/pJcif1nUckc Etuaptmumk Two-Eyed Seeing with Albert Marshall</p>
January 30, 2023	<p style="text-align: center;">Indigenous Legal Orders</p> <p style="text-align: center;">John Borrows, Chapter 2 “Sources and Scope of Indigenous Legal Traditions” in <i>Canada’s Indigenous Constitution</i> (2010) Toronto: University of Toronto Press 2010) 23-58</p> <p style="text-align: center;">Sylvia McAdam <i>Nationhood Interrupted: Revitalizing nehiyaw Legal Systems</i> (Saskatoon: Purich Publishing, 2015) 7-26</p> <p style="text-align: center;">Baker Grenier, Nigel “<i>Kitimahkinawow ekwa Kitimahkisin</i>: Pity and Compassion in Cree Law” 11 <i>W. J. Legal Stud.</i> [23] (2021)</p> <p style="text-align: center;">Sanctified Kindness Video featuring Elders Reg and Rose Crowshoe</p> <p style="text-align: center;">Protocol and Smudging Video featuring Sylvia McAdam (2014)</p> <p style="text-align: center;">Indigenous Law Video featuring John Borrows (2015)</p>

	<p><u>Wahkohtowin: Cree Natural Law</u> Video featuring Elders George Bretton, Fred Campiou, Isaac Chamakese and William Dreaver (2016)</p>
<p>February 1, 2023</p>	<p>Last day for academic withdrawal from early winter courses.</p>
<p>February 6, 2023</p>	<p style="text-align: center;">Indigenous Peoples and Mother Earth</p> <p>Leroy Little Bear “Traditional Knowledge and Humanities: A Perspective by a Blackfoot” 39(4) Journal of Chinese Philosophy (2012) 518-527</p> <p>John Borrows “Earth-Bound: Indigenous Resurgence and Environmental Reconciliation” in Michael Asch, John Borrows and James Tully (eds) Resurgence and Reconciliation: Indigenous -Settler Relations and Earth Teachings (Toronto: University of Toronto Press, 2018) 49-82</p> <p>Jessica Hernandez “Chapter 1: Indigenous Teaching: Nature Protects You as Long as You Protect Nature” Fresh Banana Leaves: Healing Indigenous Landscapes through Indigenous Science (Huichin, unceded Ohlone land aka Berkeley, California: North Atlantic Books, 2022) 17-40</p> <p style="text-align: center;"><u>Living Indigenous Law in Canada</u> Video Featuring John Borrows</p> <p style="text-align: center;"><u>Environment and Sustainability from a Metaphysical Blackfoot Perspective</u> Video featuring Blackfoot Scholar and Elder Leroy Littlebear</p>
<p>February 13, 2023</p>	<p style="text-align: center;">Gift One: Love</p> <p style="text-align: center;">Chapter 1 of Borrows</p> <p>Yellowhead Institute, Land Back: A Yellowhead Institute Red Paper (2019) Online: https://redpaper.yellowheadinstitute.org/wp-content/uploads/2019/10/red-paper-report-final.pdf</p> <p>Battiste, Marie (ed) Living Treaties: Narrating Mi’kmaw Treaty Relations (2016) Nimbus Publishing, pp. 24-65</p> <p>Coyle, Michael “As Long as the Sun Shines: Recognizing that Treaties were Intended to Last” in <i>The Right Relationship: Reimagining the Implementation of Historic Treaties</i> Edited by Michael Coyle and John Borrows (2017) University of Toronto Press (pp. 39-69)</p>
<p>February 20, 2023</p>	<p>Statutory holiday. University closed.</p>

February 20-24, 2023	Winter break. No classes.
February 27, 2023	<p style="text-align: center;">Gift Two: Truth</p> <p style="text-align: center;">Chapter 2 of Borrows</p> <p>Lindberg Tracy “Chapter 4: The Doctrine of Discovery in Canada” in <i>Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies</i>, Robert J. Miller, Jacinta Ruru, Larissa Behrendt and Tracey Lindberg (eds) (Oxford: Oxford University Press, 2010)</p> <p style="text-align: center;">Federal Apology – Video - Residential Schools</p> <p style="text-align: center;">Papal Apology – Residential Schools – at 1:06:00 to 1:35:45</p> <p style="text-align: center;"><i>Additional Materials to be assigned.</i></p>
March 6, 2023	<p style="text-align: center;">Gift Three: Bravery</p> <p style="text-align: center;">Chapter 3 of Borrows</p> <p>Gunn, Kate. “Agreeing to Share: Treaty 3, History and the Courts.” <i>University of British Columbia law review</i> 51.1 (2018): 75–104.</p> <p>Yellowhead Institute, Cash Back: A Yellowhead Institute Red Paper (2021) Online: https://cashback.yellowheadinstitute.org/wp-content/uploads/2021/05/Cash-Back-A-Yellowhead-Institute-Red-Paper.pdf</p>
March 13, 2023	<p style="text-align: center;">Gift 4: Humility</p> <p style="text-align: center;">Chapter 4 of Borrows</p> <p>Sari Graben and Christian Morey “Aboriginal Title in Tsilhqot’in: Exploring the Public Power of Private Property at the Supreme Court of Canada” Cameron, Angela, Sari Graben, and Val Napoleon. <i>Creating Indigenous Property: Power, Rights, and Relationships</i>. Ed. Angela (Angela Jane) Cameron, Sari Graben, and Val Napoleon. Toronto, University of Toronto Press: 2020 pp. 287-307.</p> <p style="text-align: center;"><i>Additional readings to be assigned.</i></p>
March 20, 2023	<p style="text-align: center;">Gift 5: Wisdom</p> <p style="text-align: center;">Chapter 5 of Borrows</p> <p>Laurila, Kelly, and Kevin Christopher Carey. “Rethinking Freedom: A Framework for the Implementation of Ethical Space in the Academy.” <i>Educational studies (Ames)</i> 58.2 (2022): 200–224. Web.</p>

	<p><i>M'sit No'kmaq</i>, Albert Marshall, Karen F. Beazley, Jessica Hum, shalan joudry, Anastasia Papadopoulos, Sherry Pictou, Janet Rabesca, Lisa Young, and Melanie Zurba. "Awakening the sleeping giant": re-Indigenization principles for transforming biodiversity conservation in Canada and beyond. <i>FACETS</i>. 6(): 839-869. https://doi.org/10.1139/facets-2020-0083</p> <p>https://youtu.be/jZqQ-D0m-bU Reconciling ways of knowing: Two Eyed Seeing and Beyond</p>
March 27, 2023	<p style="text-align: center;">Gift 6: Honesty</p> <p style="text-align: center;">Chapter 6 of Borrows</p> <p>Hadley Friedland "Waniska: Reimagining the Future with Indigenous Legal Traditions" Vol 33 No 1 (2016) The Windsor Yearbook of Access to Justice Special Issue: Indigenous Law, Lands and Literature https://wyaj.uwindsor.ca/index.php/wyaj/article/view/4811</p> <p>Regan, Paulette "Reconciliation and Resurgence: Reflections on the TRC Final Report" in <i>Resurgence and Reconciliation: Indigenous-Settler Relations and Earth Teachings</i> ed. M. Asch, J. Borrows, and J. Tully, (2018) Toronto: University of Toronto Press, pp 209-227</p> <p>Coulthard, Glen "Seeing Red: Reconciliation and Resentment" in <i>Red Skin, White Masks</i> (2014) University of Minnesota Press pp. 105-129</p>
April 3, 2023	<p style="text-align: center;">Gift 7: Respect</p> <p style="text-align: center;">Chapter 7 and Conclusion of Borrows</p> <p>Yellowhead Institute, Calls to Action Accountability: A 2022 Status Update https://yellowheadinstitute.org/wp-content/uploads/2022/12/TRC-Report-12.15.2022-Yellowhead-Institute-min.pdf</p> <p style="text-align: center;"><i>Additional Materials to be assigned.</i></p>
April 7, 2023	Statutory holiday. University closed.
April 10, 2023	Easter Monday – No class
April 12, 2023	LAW 4903D RESEARCH PAPER DUE. Winter term ends. Last day of full winter, late winter, and fall/winter classes.
April 15-27, 2023	Final examinations in full winter, late winter, and fall/winter courses will be held. Examinations are normally held all seven days of the week.
April 27, 2023	All final take-home examinations are due on this day.

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

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: <https://carleton.ca/registrar/academic-integrity/>.

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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

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

[click here.](#)

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 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).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. Read more here:

<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.

Winter 2023 Sessional Dates and University Closures	
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