

UNIVERSITY OF MANITOBA
HIST 4120/7760 (A01), 2018-2019 Regular Session
Department of History
"History of Aboriginal Rights"
Wednesday 8:30 -11:15 a.m.
Room: 216 Tier (Term 1)

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Office Hours: Tues. 10-11 a.m. and Wed. 12-1 p.m., or by appointment

Scope of Course

This course focuses on important issues in the historical evolution of Aboriginal rights as a counterweight to the colonial project, primarily in Canada but with some comparison to Indigenous experiences in the United States, Australia, and New Zealand. The course takes for its context the imperial and colonial relationships developed between the many Aboriginal groups of northern Turtle Island and the French, British, and Canadian newcomers. It focuses particularly on the ways in which Aboriginal peoples have responded to these arrivals, negotiated with European powers, and compelled the newcomers to make space for specific forms of Aboriginal rights, including, but not limited to, those arising from treaties. More generally, course material explores Aboriginal strategies for dealing with incursions on their lands, resources, sovereignty, and cultural integrity. Topics to be covered include the various kinds of treaties made from early times to the present; the impacts of British legal, constitutional, and spatial regimes; the role of courts and other state institutions as arbiters of rights and entitlements, and as sites for Aboriginal resistance; and negotiations over land, including reserves, land claims, and the construction of Aboriginal and Canadian title to land.

The class takes place in a seminar format based on all participants reading and digesting assigned materials **ahead of time** (important!) and coming to class prepared with analytical comments and questions, ready for an in-depth discussion and analysis of the literature. The readings and discussions constitute the core of the course and students must ensure that they have the required books and consistently keep up with the reading. Attendance is crucial, but mere physical presence in the room does not constitute participation. Students are expected to take an active, constructive part in discussions and will be required to present their research in class at the end of second term.

The texts listed below are designed to get us through the first term (possibly spilling over a bit into second term) and provide a foundation for further explorations in the winter term. This set of texts will give you a grounding in key aspects of early Indigenous-European relations, the development of relationships, practices, and institutions over time, and the evolution of law. My custom in this course is to allow the class's particular interests to emerge in the context of our readings and discussions and to devise readings

for second term accordingly. Thus, we will discuss in class where we want to go in our second-term readings and design our own syllabus for January to mid-March. Final March sessions will be reserved for the presentation of everyone's major papers in class.

Term 1 Required Texts (in order in which they will be read):

All texts except Sidney Haring, *White Man's Law*, are available for purchase at the U. of M. bookstore. This book is available electronically through the U. of M. library system.

Peter Kulchyski, *Aboriginal Rights Are Not Human Rights* (Winnipeg: ARP, 2013).

Patricia Seed, *Ceremonies of Possession: Europe's Conquest of the New World, 1492-1640* (Cambridge: Cambridge University Press, 1995).

Michael Witgen, *An Infinity of Nations. How the Native New World Shaped Early North America* (Philadelphia: University of Pennsylvania Press, 2012).

Thomas King, *The Inconvenient Indian. A Curious Account of Native People in North America* (Doubleday, 2012).

J.R. Miller, *Compact, Contract, Covenant. Aboriginal Treaty-Making in Canada* (Toronto: University of Toronto Press, 2009).

Aimee Craft, *Breathing Life into the Stone Fort Treaty. An Anishinabe Understanding of Treaty One* (Saskatoon: Purich Publishing, 2013).

Harold Cardinal and Walter Hildebrandt, eds., *Treaty Elders of Saskatchewan* (Calgary: U. of Calgary Press, 2000).

Sidney L. Haring, *White Man's Law. Native People in Nineteenth-century Canadian Jurisprudence* (Toronto: University of Toronto Press, 1998).

- available online through U of M library system

Sylvia McAdam (Saysewahum), *Nationhood Interrupted: Revitalizing Nêhiyaw Legal Systems* (Saskatoon: Purich, 2015).

Arthur Manuel, *Unsettling Canada. A National Wake-Up Call* (Toronto: Between the Lines, 2015).

Louis Knafla and Haijo Westra, eds., *Aboriginal Title and Indigenous Peoples: Canada, Australia, and New Zealand*. (Vancouver: UBC Press, 2010).

Grading and Assignments

Assignment	Due Date	Length	Value
Annotated bibliography	Nov. 7, 2018	10-12 sources (HIST 4120); 12-15 sources (HIST 7760).	20%
Historiographic essay	Dec. 5, 2018	3000-3500 words (HIST 4120) 3500-4000 words (HIST 7760)	20%
Essay proposal	Feb. 6, 2019	3-5 pages	10%
Essay	Apr. 3, 2019	5000-6000 words, (HIST 4120); 6000-7000 words (HIST 7760)	30%
Participation	ongoing	n/a	20%

Evaluative feedback will be provided well before the voluntary withdrawal date, January 18, 2019.

Late assignments will be penalized at the rate of 1% per day. **No assignments will be accepted after the last class of each term.**

For written assignments, citations should follow the 'Chicago style' found in Kate Turabian, *A Manual for Writers of Terms Papers, Theses, and Dissertations*, 6th ed. (Chicago, 1996) or the *Chicago Manual of Style* (14th edition or later).

Grade Distribution:

A+	88-100%	B+	75-79%	C+	65-69%	D+	55-59%
A	80-87%	B	70-74%	C	60-64%	D	50-54%
						F	0-49%

Students who wish to appeal a grade given for term work must do so within 10 working days after the grade for the term work has been made available to them.

Uncollected term work will become the property of the Faculty of Arts and will be subject to confidential destruction.

Academic Dishonesty

For undergraduate students (HIST 4120)

The work you submit for grading must be your own original work, written *by you* specifically for this course. University regulations provide severe penalties for academic dishonesty, in the form of plagiarism, cheating, or impersonation at exams. The common penalty for plagiarism is an F grade on the paper and also on the entire course; for the most serious cases, such as purchasing papers, the penalty can include a five-year

suspension from courses in the Faculty of Arts. I make use of Google checks and internet sites designed to detect plagiarism.

The Faculty of Arts regulation is at:

http://umanitoba.ca/faculties/arts/student_resources/student_responsibilities_integrity.html

For graduate students (HIST 7760):

University policy on academic integrity will be enforced. A full description of academic integrity matters, including plagiarism and cheating, can be found in the section on “Academic Integrity” of the General Academic Regulations in the online Academic Calendar, and Catalog

<http://crscalprod.ad.umanitoba.ca/Catalog/ViewCatalog.aspx?pageid=viewcatalog&catalogid=341&chapterid=4181&topicgroupid=22233&loaduserredits=False>

Student Resources

You have access to several important resources to help you navigate your classes and university life more generally. There are writing tutors available to help you with your essays through the Academic Learning Centre (ALC):

<http://umanitoba.ca/student/academiclearning/>. The ALC page also has resources to help you with study skills, organization, as well as assistance for students using English as an Additional Language (EAL). Other issues, including accessibility services, workshops, and tips about academic integrity are addressed at the Student Advocacy Services webpage (http://umanitoba.ca/student/resource/student_advocacy/).

All of the above services can also be accessed under the heading of Student Resources on the Student Affairs website: <http://umanitoba.ca/student/studentlife/index.html>.

History students can also take advantage of the huge range of academic materials (including primary and secondary sources, as well as pages to help with writing and referencing) made available by the History subject librarian, Cody Fullerton, tailored just for you! They are available on the Libraries page at this link:

<http://libguides.lib.umanitoba.ca/history>. Students who need research assistance can also schedule an appointment with a librarian through the website.



Weekly Schedule

Wed., Sept. 5 – Introduction

Wed., Sept. 12 – Peter Kulchyski, *Aboriginal Rights Are Not Human Rights*.

Wed., Sept. 19 – Patricia Seed, *Ceremonies of Possession: Europe's Conquest of the New World, 1492-1640*.

Wed., Sept. 26 – Michael Witgen, *An Infinity of Nations. How the Native New World Shaped Early North America*.

Wed., Oct. 3 – Witgen, *An Infinity of Nations*, cont'd/ completed.

Wed., Oct. 10 – Thomas King, *The Inconvenient Indian. A Curious Account of Native People in North America*.

Wed., Oct. 17 – J.R. Miller, *Compact, Contract, Covenant. Aboriginal Treaty-Making in Canada*.

Wed., Oct. 24 – Aimee Craft, *Breathing Life into the Stone Fort Treaty. An Anishinabe Understanding of Treaty One*.

Wed. Oct. 31 -- Harold Cardinal and Walter Hildebrandt, eds., *Treaty Elders of Saskatchewan*.

Wed., Nov. 7 – Sidney L. Harring, *White Man's Law. Native People in Nineteenth-century Canadian Jurisprudence*.

- available online through U of M library system

~ WEEK OF NOV 12 IS FALL BREAK – NO CLASSES ~

Wed., Nov. 21 – Harring, *White Man's Law*, cont'd/completed.

Wed., Nov. 28 – Sylvia McAdam (Saysewahum), *Nationhood Interrupted: Revitalizing Nêhiyaw Legal Systems*.

Wed., Dec. 5 – Arthur Manuel, *Unsettling Canada. A National Wake-Up Call*.

If we get through all the texts above in first term, I'll be pleased with us. That will leave just Louis Knafla and Haijo Westra, eds., *Aboriginal Title and Indigenous Peoples: Canada, Australia, and New Zealand*, as a scheduled text, so we'll begin second term with it. The rest of second term we'll program towards the end of first term, based on interests that emerge in the class.