LAW 358d

INDIGENOUS LEGAL THEORY: A PROBLEMS-BASED APPROACH

2017-18

PETER A. ALLARD SCHOOL OF LAW
UNIVERSITY OF BRITISH COLUMBIA

Instructor:

Professor Gordon Christie
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Class Meeting Times and Location:

Wednesday 2:00 – 5:00 Allard Hall 111

Office/Contact Hours:

Wednesdays, 12:30 to 2:00

And by Arrangement/Appointment

Course Description:

This is a problem-focused examination of legal theory as it pertains to the lives and struggles of Indigenous communities in Canada. Each week readings that introduce aspects of legal theory and their relationships to particular issues that arise at the intersection of Indigenous law, Aboriginal law and international law are unpacked, and a discussion focused on how the thoughts and ideas presented might assist in grappling with ‘practical’ problems will be engaged. On occasion a class exercise will be introduced to facilitate further exploration and discussion.

Teaching Method & Expectations:

Students are expected to attend each and every class. Students are expected (1) to have read the assigned readings before class, and (2) to be prepared to answer questions about the material during class discussions. Generally, my intent is to have the first half of the seminar devoted to examining
the ideas and arguments contained in the readings for the week, with the second half focused on how this material (and the material covered in any classes up to that point) might assist in answering fairly concrete problems Indigenous communities or nations face.

Evaluation:

Evaluation will be based on a written assignment. Students may elect to write a research paper, based on question(s) that emerge from class discussion, or a problem-based paper, using insights developed from our investigation into theoretical matters to address concrete problems Indigenous communities currently face. Draft papers are encouraged but not required, though a discussion about the intended project must be scheduled with Professor Christie at least one month before the due date (the final due date is 4:00PM, December 20, 2017).

Course Materials:

Required readings are for the most part in electronic form, available through the UBC library site. Students are expected to access each week’s electronic readings by locating them through this service. Several of the readings are in book form, or are chapters from books. Copies of the books will be on reserve in the library, and other copies of most of these books can be found in other venues.

General Structure:

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<tr>
<th>WEEK</th>
<th>TOPIC(S)</th>
<th>READING(S)</th>
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<tbody>
<tr>
<td>Sept 6</td>
<td>Introductions and an Overview</td>
<td>N/A</td>
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<tr>
<td>Date</td>
<td>Topic</td>
<td>References</td>
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|         | **Matters of Identity**              | 1. Andersen, C., ‘Metis’: Race, Recognition and Struggle for Indigenous Peoplehood (Vancouver, UBC Press, 2014)  
2. Sga’nism Sim’augit (Chief Mountain) v. Canada (Attorney General), 2013 BCCA 49 (leave to appeal to SCC refused) |
2. Monture-Angus, P., Thunder in my Soul: A Mohawk Woman Speaks (Halifax: Fernwood Pub, 1995), part one (the ‘flint woman’ series), available online through the UBC library |
| Nov 1   | Interpersonal Law and Criminal Law   | 1. Borrows, J., Canada’s Indigenous Constitution (supra), ch. 3 (‘Indigenous Law Examples’), 59 - 106  
<table>
<thead>
<tr>
<th>Nov 15</th>
<th>Integrating Indigenous Law, Canadian Law and International Law</th>
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<th>Nov 22</th>
<th>Land, People and Jurisdiction</th>
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| Nov 29 | Next Steps and Wrap-up Discussion |

**Policies on Academic Misconduct (Plagiarism):**

All UBC law students are subject to the University's rules on Academic Misconduct ([http://vpacademic.ubc.ca/integrity/ubc-regulation-on-plagiarism/](http://vpacademic.ubc.ca/integrity/ubc-regulation-on-plagiarism/)), and are expected to act with academic integrity at all times. Students should be especially aware of the University's rules in relation to plagiarism. Plagiarism includes: copying the work of another student; copying or paraphrasing from a textbook or reference book, journal article, case or electronic source without proper footnoting; copying your own work that has already been submitted for another course in this degree or another degree, passing off the ideas of another person as your own. If you plagiarize, you will be subject to penalties set out in the UBC calendar ([http://www.calendar.ubc.ca/vancouver/index.cfm?tree=3,54,111,959](http://www.calendar.ubc.ca/vancouver/index.cfm?tree=3,54,111,959)).

If you would like to learn more about academic misconduct, visit the UBC Library's website on academic integrity ([http://learningcommons.ubc.ca/guide-to-academic-integrity/](http://learningcommons.ubc.ca/guide-to-academic-integrity/)). Examples of academic misconduct can also be found in the UBC Annual Report on Student Discipline ([http://universitycounsel.ubc.ca/discipline/](http://universitycounsel.ubc.ca/discipline/)).