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Public education, multinational citizenship, and territorial legitimacy: analyzing the 2004 and 2023 Ontario curricula on Indigenous peoples

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Through an analysis of the Ontario public school curriculum grounded in normative analytics drawn from philosophical theories of territorial rights and state legitimacy, this paper investigates the role of public education in promoting and/or undermining the conditions for the formation of multinational identities among the members of the (English-speaking) majority group in Canada. That is, it investigates compulsory public education curricula for the potential to transmit representations that furnish students with the resources for forming beliefs and attitudes that recognize Canada to be a treaty federation of distinct peoples with rights to territory and self-determination. As the paper argues, under present conditions in the Canadian context, public education with a mind to producing a multinational ethos is a requirement of political legitimacy. As we will see, there is evidence to suggest that public education is undergoing a transformation in Canada's largest province with respect to its treatment of contemporary Indigenous presence, historical treaty-making, and the history of colonial wrongdoing – although serious omissions remain, notably in the areas of Indigenous governance, and consent and consultation. The results of curricular evolution can thus be expected to remain ambiguous with respect to the ideals of territorial legitimacy and treaty federalism, alongside the problematic discursive arena provided by the national news media and other sites of identity formation.

KEYWORDS

Indigenous peoples, Indigenous education, Ontario, Canada, public education, social studies, history, curriculum

Introduction

This paper assumes that Indigenous communities are peoples and possess territorial rights (Luoma, 2022; Luoma and Moore, 2024; Coburn and Moore, 2022; Moore, 2015, 2019; Stilz, 2019). That is, it takes as its point of departure the fact that Indigenous peoples are politically organized groups, with distinctive political and cultural identities, and inherent rights to govern their territories through their own political institutions and legal orders (Alfred, 1999, 2001, 2005; Alfred and Corntassel, 2005; Coulthard, 2014; Coulthard and Simpson, 2016; Simpson, 2008, 2011, 2017; Napoleon, 2010, 2013, 2019). As argued by Indigenous political theorists and proponents of treaty federalism, political recognition of this fact would require a restructuring of Canadian constitutionalism and federalism along multinational lines through renewed treaty relationships that (re-) distribute territorial rights and jurisdictional powers through mutual consent within a flexible and cooperative federal system (Henderson, 1994, 2002, 2007; Hueglin, 1994, 2000, 2003, 2013; Ladner, 2003, 2005, 2019; Tully, 1995, 2008,

2018). Nonetheless, it is the lack of broad social and political recognition of this fact that motivates the article. This description or representation of Indigenous peoples, as peoples and inherent territorial and jurisdictional rights-holders, is obscured by historical and contemporary political and legal practices, media representations, public education, and wider public discourses within settler societies. Through an analysis of the contemporary Ontario public school curriculum, this paper investigates the role of public education in promoting and/or undermining the conditions for the formation of genuinely multinational identities among the members of the (English-speaking) majority group in Canada.

Another key assumption of this paper is that representations, in their diverse forms (e.g., verbal statements of fact, written descriptions in newspapers and books, televised events, etc.), matter to the formation of subjective beliefs, attitudes, and moral judgments, and, ultimately, the identities of the members of national groups or peoples. Here national identities – or alternately, the political identities of peoples – are conceived ecumenically, in terms of the beliefs, attitudes, and values possessed in a partially overlapping fashion by sets of persons who recognize themselves to be members of a people, in part by virtue of their commonality of aspirations, common subjection to formative institutions, and history of action together in a place (Miller, 1995; Moore, 2015; Patten, 2014). Within this context, public education is widely regarded as the state's strongest tool for transmitting national identities. Indeed, curricula in social studies and history have played a significant role in the construction of the self-other relationship in Canada (Anderson, 2017; Cavanagh, 2001; Osborne, 2006; Seixas, 2006) – a role that has historically been complementary to the broader discursive construction of Canadian identities through news media (Anderson and Robertson, 2011; Budd, 2021; Harding, 2006; Harding and Ray, 2021; Sloan Morgan and Castleden, 2014). As we will see, there is evidence to suggest that public education is undergoing a transformation in Canada's largest province with respect to its representation of Indigenous peoples – but transformation is uneven, and the results can be expected to remain ambiguous, alongside the ambiguous discursive arena provided by the national news media and other sites of identity formation.

While this article focuses on the Ontario curriculum on Indigenous issues, education in Canada is the jurisdiction of the provinces and provincial curricula vary in their representation of Indigenous peoples and Indigenous-settler relations. Nonetheless, the current article provides an innovative model for the content-based analysis of curricula in other provinces, and indeed, other multinational contexts involving relations between majority nations and minority nations. Scholars working in other provincial and national contexts are invited to borrow from the analytical framework presented here to evaluate the adequacy of those curricula from the perspective of preparing students for multinational citizenship.

The structure of this paper is as follows. The first part outlines contemporary normative theories of territorial rights and treaty federalism and proceeds to consider majority group political identities in the Canadian context. The section concludes with the argument that political legitimacy in (decolonizing) settler colonial states such as Canada requires concerted efforts in public education to promote the development of beliefs and attitudes that enable citizens to play their part to maintain a legitimate multinational political order. The second part of the paper is devoted to a comparative qualitative review of the 2004 and 2023 versions of the compulsory Ontario curriculum

on Indigenous peoples (Ontario Ministry of Education, 2004, 2018, 2022, 2023). Each subsection begins with the elaboration of a normatively significant dimension along which the curriculum is analyzed (Indigenous presence and relationships to land, colonialism, Indigenous governance, treaties, and consent) before moving into a substantive reconstruction of the curriculum. The final part of the paper, the discussion, elaborates the main findings of the curriculum analysis.

Territory, legitimacy, and identity in Canada

In 2018, the Prime Minister of Canada, Justin Trudeau, announced in the House of Commons the intention of his government to advance a new framework for relationships with Indigenous peoples premised upon the recognition and implementation of inherent and constitutionally protected rights of Indigenous peoples, including rights to self-government and self-determination (Tasker, 2018). Contrasting this approach with the that of former governments, which required Indigenous peoples to prove their Aboriginal and title rights “time and time again, through costly and drawn-out court challenges” (Tasker, 2018), the Trudeau government committed to a “transformative” approach that would pursue the goals of reconciliation and fulfill the vision of recognition articulated by the *Royal Commission on Aboriginal Peoples* (Government of Canada, 2018).

In various ways, the stated political commitment of the Canadian government responds to the arguments of Indigenous scholars and theorists, that Indigenous peoples are politically organized groups with distinctive political and cultural identities and inherent rights to govern their territories through their own political institutions and legal orders (Alfred, 1999, 2001, 2005; Alfred and Corntassel, 2005; Coulthard, 2014; Coulthard and Simpson, 2016; Simpson, 2008, 2011, 2017; Napoleon, 2010, 2013, 2019). Similarly, the contemporary, largely non-Indigenous, political philosophy literature on territorial rights recognizes that Indigenous and settler groups both possess the characteristics of peoples and have plausible claims to territorial rights flowing from their commitments to basic justice, possession of group occupancy rights, and their demonstrable will and capacity to maintain institutions of territorial self-rule (Coburn and Moore, 2022; Luoma, 2022; Moore, 2015, 2019; Stilz, 2019). Corresponding to the argument for territorial rights, partial, yet often robust, restitution of lands and political jurisdiction by settlers is owed to Indigenous peoples – settler jurisdiction often unfairly represses Indigenous interests in occupancy and political autonomy without any publicly justifiable reason (Luoma, 2023; Luoma and Moore, 2024).

In general, Indigenous peoples do not advocate for secession or independent states, but for recognition of their rights to land and jurisdictional authority in the context of robust political relationships with settler political communities. For example, James Sakej Henderson has argued that Canada should be understood as a “treaty federation” of settler and Indigenous peoples, wherein Indigenous peoples *may* agree to “conditionally delegate” specific jurisdictional rights and responsibilities to federal or provincial institutions, or to a combined (Indigenous – settler) political order, through consensual treaties, while nonetheless retaining rights of independent self-rule in domains that they reserve to themselves (1994, 2002). Anishinaabe

legal philosopher Aaron Mills stresses that treaty is an overarching way of relating premised upon mutual respect for nations' distinctive political and legal orders within a context marked by significant interdependence and obligations of mutual aid (Mills 2017, 2018). Other theorists stress the sui generis relationships and structures, invariably premised on mutual consent, to which treaty-making may give rise (Tully, 1995; Hueglin, 1994, 2000, 2003; Ladner, 2003, 2005, 2019). We cannot assume that an Indigenous people has been incorporated into the Canadian political community on any particular model, without inquiring into their specific visions of sovereignty and partnership of that group (Turner, 2006). In short, all these conceptions require recognition of a multi-national Canada – the fact that Canada is comprised of many distinct nations with their own territorial regions, and that a shared Canadian (e.g., federal-level) identity is legitimated only in light of non-dominated partnerships and the continual negotiation among these groups of shared political structures (see for example Tully, 2008). Nonetheless, it is not obvious that this vision is widely shared by Canadians – indeed, there is evidence to suggest that these visions must be concretized within a political and discursive context that has enabled dominating and exclusionary political and legal practices.

Compared to earlier periods, the contemporary political and legal situation of Indigenous peoples in Canada has been reshaped by the judicial recognition of Aboriginal title rights, beginning with the Supreme Court of Canada's *Calder* decision in 1973. Subsequent jurisprudence in cases such as *Delgamuukw* (1997) has affirmed that Aboriginal peoples possess sui generis rights to their historic territories in the absence of extinguishment. This legal landscape has given rise to numerous settlements for historic injustice (such as, for example, hundreds of settlements through the specific claims procedure, and the recent \$10 billion *Robinson Huron Treaty* settlement). It has also paved the way for modern treaty-making in Canada – the preferred mechanism for specifying concrete Aboriginal rights to land and self-government in cases where an Indigenous group never signed an historic treaty – and for other forms of Indigenous jurisdictional authority such as sectoral agreements and public governance structures, resulting in diverse frameworks across the country for Indigenous multilevel governance (Alcantara, 2013; Papillon and Juneau, 2015). However, at the same time, there is significant critique of modern frameworks for the negotiation of land claims settlements and self-government agreements, and criticism of the agreements themselves. For example, it is not obvious that Indigenous peoples are consistently treated as equal bearers of inherent rights to territory and self-determination by the state in these dominant negotiation processes. Negotiations often lag for several decades, sometimes never finding resolution, and when they do result in finalized agreements the outcomes have been criticized by Indigenous peoples and Indigenous and settler scholars as unfair or the result of prolonged domination (Alfred, 1999, 2001, 2005; Coulthard, 2014; Luoma and Moore, 2024; Nadasdy, 2003, 2017; Samson and Cassell, 2013; Tully, 2008). In short, despite significant political and legal developments, Indigenous rights to territory and self-determination in many cases remain vulnerable, legally indeterminate, and inadequately recognized in concrete contexts prior to negotiation, and modern frameworks for the negotiation and recognition of rights are contested. This paper aims to clarify the role of public education in promoting and/or undermining the conditions for the development of politically salient beliefs and attitudes among

the non-Indigenous public (put otherwise, settler political identities) that recognize the territorial rights and rights to self-determination of Indigenous peoples.

It is difficult to determine exactly when a decidedly “Canadian” political identity arose – any self-reflexively endorsed Canadian allegiance among anglophones has certainly overlapped, predominantly, with broader British cultural identities and imperial allegiances for most of the history of English-speaking political community in North America. This identity itself underwent transformations throughout the centuries in response to changes in the relationships between England, France, and the United States; intensified immigration from Great Britain; and numerous (British colonial) institutional reorganizations (e.g., 1791, 1841, 1867, 1931, 1982), each of which modified the powers of domestic political institutions and actors in relation to Great Britain and adjusted the internal relations between its constituent (English- and French-speaking) settler groups (McRoberts, 2019). Nonetheless, many commentators generally agree that a uniquely Canadian group identity among English speakers, one that was unhinged from beliefs about shared ethnicity and/or a commitment to the British Empire, institutions, and cultural traditions, cemented in the postwar period, in part as the demographic preponderance of British-origin settlers was challenged by a diverse array of citizens from plural national, religious, linguistic, and ethnic backgrounds and as Canada exerted more independent influence on the world stage (Bickerton, 2011; McRoberts, 2019).

Although English-speaking Canadians have historically had difficulty recognizing the cultural and political difference of French-speakers and Indigenous peoples, there have been notable exceptions, as demonstrated by the *Royal Proclamation* and Indigenous interpretations of historical treaties, the dual ministries of the French/English- coalition governments of the United Canadas (1841–1867), and the begrudging (temporary) convergence of all major Canadian political parties on acceptance of Quebecois nationhood and Canadian dualism in the early/mid- 1960s (McRoberts, 2019). Nonetheless, Canadian politics in the mid- to late 20th century and into the present has been significantly influenced by the political efforts of former liberal prime minister, Pierre Eliot Trudeau, to obscure both histories and aspirations of biculturalism and binationalism in Canada in the context of Quebecois nationhood (the dualist model of Bourassa) in favor of a model of pan-Canadian identity centering personal bilingualism and state policies of multiculturalism (Bickerton, 2011; McRoberts, 2019). Although the Pierre Trudeau liberals fervently denounced the politics of nationalism, we can view their rejection of Quebecois nationalism, and associated policies and discourses as an attempt to construct a vision of a unified Canadian political identity premised on universalist values – itself a form of national identity construction. Correspondingly, some commentators have argued that the English-speaking majority group in Canada remains a nation that “dare not speak its name” (Resnick, 1995) – a reference to the fact that the Rest of Canada, demonstrated in the context of Quebec constitutional negotiations and separatism, lacks the same degree of collective self-consciousness as demonstrated by the Quebecois nation, and tends to interpret Canada as a state representing a single (bilingual and multicultural) people.

Alongside these processes, the dominant paradigms of (settler) representation of Indigenous peoples within Canada demonstrate that

they have been complementary to the social, legal, and political subordination and domination of Indigenous peoples and continue to work to preclude full social and political recognition of Indigenous peoples' status as self-determining peoples with rights to territory.

In their analysis of English-language newspaper articles in Canada published from the second half of the 19th century to the present, Mark Anderson and Carmen Robertson found strong evidence that newspapers have continuously represented Aboriginal people as exemplifying "three essentialized sets of characteristics – depravity, innate inferiority, and a stubborn resistance to progress" (2011: 6). Likewise, in his study of 533 mainstream newspaper articles covering the Trans Mountain Pipeline Expansion, the 2020 Wet'suwet'en Land Defense, and the Indigenous Languages Act, Brian Budd found that "the Canadian news media continue to produce systemic patterns in coverage which reject, marginalize and erase the territorial rights and claims of Indigenous Peoples" (2021). For example, Budd found that non-Indigenous media predominantly framed the Court of Appeal's decision to overturn the federal government's approval of the TMX pipeline extension in 2018 in terms of a breakdown of regulatory institutions and inter-jurisdictional (federal and provincial) conflict (2021: 142–44). Most stories failed to offer "substantive discussion of the duty to consult and the Crown's failure to carry out that duty in relation to the TMX project" – the cause of the Court of Appeal judgment in the first place (143). Other studies suggest that when significant discussion of Indigenous land or jurisdictional rights does emerge within the non-Indigenous news, the media constructs these as a "threat to settler interests and values" (Harding, 2006) – as was the case with the Nisga'a treaty in 1998, and the B.C. treaty referendum in 2002 (Harding, 2017). Additional studies reiterate the role of the corporate media in villainizing and/or criminalizing Indigenous land defenders and opponents of resource development (Harding and Ray, 2021, Wilkes et al., 2010) and the failure of the media to include Indigenous perspectives or any discussion of consent and treaties (Harding and Ray, 2021).

Public education and territorial legitimacy in multinational states

The above analyses suggest that dominant paradigms of representation fail to adequately introduce settlers to materials that encourage recognition of Indigenous peoples' status as peoples with territorial rights within a complex multinational constitutional order, and instead often provide materials that work to foster a mono-national conception of citizenship premised upon equal inclusion within the Canadian state. Doubtlessly, media representations have historically been complemented by the pedagogical methods, framing, and content of public education, and broader cultural forces, in fostering these beliefs, omissions, and political identities (Anderson, 2017; Cavanagh, 2001; Forcione et al., 2023; Godlewska et al., 2010; Osborne, 2006; Seixas, 2006).

While settler governments do not – and arguably, should not – have (direct) control over corporate media production or citizen choice about media consumption, the above argument has important implications for the conditions of political legitimacy of settler states and governments. It also has implications for the legitimacy of the state in other multinational contexts involving majority and minority nations. If citizens are not exposed to the information, stories, and

histories necessary for understanding the (multi-national) political and territorial context within which they live, they will be ignorant as to facts relevant to political legitimacy and its territorial dimensions. In turn, they will not adequately exercise their democratic powers to vote in elections, influence politicians' behavior through criticism and consultation, or otherwise lobby for good policy in, for example, the domain of Indigenous – settler relations. Moreover, citizens who stand for elections may themselves remain ignorant as to the demands of political legitimacy, and the government will have fewer political incentives, on account of citizen apathy at the ballot box, to pursue just relationships with Indigenous peoples. Settler state institutions and governments may in turn fail to recognize their legitimate boundaries of political and territorial control and may continue to dominate Indigenous peoples and governments rather than pursuing consensual relationships of interdependence. In other words, absent a well-informed citizenry to keep the settler governments accountable, there is always the risk that governments will overstep their boundaries of legitimate authority and dominate Indigenous peoples. In extreme cases, these illegitimate behaviors corrode the state's right to rule its own citizens and limits the state's immunity from foreign sanctions and intervention.

Public education is of vital importance to state legitimacy in decolonizing settler colonial contexts, as it is in other contexts involving relationships between majority nations and minority nations. Consider two arguments for this view. First, plausibly, the state has an obligation to enable its citizens to play their part in maintaining a legitimate state – the state's legitimacy depends, in part, upon fulfilling this obligation. Thus, because (settler) state legitimacy depends upon recognition of Indigenous people's rights to territory and self-determination within a multinational treaty order, and because the behavior of settler state institutions and governments in this realm is mediated by settler citizens beliefs and attitudes regarding Indigenous peoples, therefore settler state legitimacy depends upon the state enabling citizens to play their part in maintaining a legitimate state by fostering the development of adequate beliefs and attitudes of relevance. Alternatively, consider the premise that states have an obligation to not prevent their citizens from fulfilling their moral obligations. Because citizens plausibly have an obligation to play their part in maintaining a legitimate state, the state has an obligation to not foster inappropriate beliefs and attitudes about Indigenous peoples and territories.

As press freedom is a central commitment of liberal societies, the solution to countering pervasive misrecognition of Indigenous peoples is unlikely to come through state-sponsored media initiatives alone, especially if there are alternatives. However, it is widely recognized that the state has a vital role to play in the provision of public education to its citizens – and compulsory public education in the social sciences and history has been identified especially as a site for the transmission of colonial attitudes and narratives that arguably prevent citizens from fulfilling their obligations in Canada (Anderson, 2017; Cavanagh, 2001; Forcione et al., 2023; Godlewska et al., 2010). Indeed, by virtue of the subject domain, public education in social studies and history in settler colonial states cannot avoid discussion of the histories of colonial settlement and the effects upon Indigenous peoples, and therefore cannot avoid cultivating some beliefs and attitudes (whether true or false, supported or unsupported, appropriate or inappropriate) about Indigenous peoples. Therefore, settler states and governments have an obligation to use their powers to influence

teaching to ensure that the information, histories, and stories necessary for the formation of warranted beliefs and attitudes about Indigenous peoples' political and territorial rights are provided through public education; alternatively, the state has an obligation to not prevent, by maintaining regressive curricula, the formation of beliefs and attitudes that enable citizens to play their part in maintaining a legitimate state.

Social studies, history, and civics education in Ontario, 2004–2023

Although the evidence considered can only provide a partial perspective, because in Canada education is the jurisdiction of the provinces, and pedagogical practice is further mediated by school boards, trustees, parent teacher associations, and teachers, a comparison of the Ontario primary and secondary school curriculum in social studies and history in its 2004 and 2023 curriculum documents indicates significant development in the pedagogical methods and content of history and social studies education in Canada's largest province. For context, the 2023 *Ontario Curriculum: Social Studies, Grades 1 to 6; History and Geography, Grades 7 and 8* (hereafter "*Ontario Social Studies*"), replaces the 2018 version. Revisions to the curriculum "...were developed in collaboration with First Nations, Métis, and Inuit educators, community members, and organizations" and "were undertaken in response to the Truth and Reconciliation Commission of Canada's calls to action numbers 62 and 63" (59). The revisions aim to strengthen "learning connected with Indigenous perspectives, cultures, histories, and contemporary realities, including those related to the residential school system and treaties" (71). As this paper argues, the contemporary curriculum both mirrors broader representational paradigms that subordinate Indigenous peoples and exemplifies significant breakthroughs.

Developments in curricula are not immune from political influence. For example, many of the changes to the *Social Studies and History* curriculum, analyzed below, are owed to alterations made under the governing Ontario Liberal Party (2004–2018) in the 2013 version of the curriculum. Nonetheless, this article analyzes the 2004 and 2023 versions of the curriculum without specific attention to intermediate versions or the politics of education in Ontario to highlight both developments and enduring limitations within the curriculum considered over a significant time scale. Additional research is required to fully analyze the influence of party politics and the politics of education on Indigenous education in Ontario.

While a complete analysis would study intermediary curriculum documents between 2004 and 2023 and consider elective courses, a contrast between these two documents illuminates both significant continuity and change within Ontario's compulsory curriculum. To do this, the paper deploys a qualitative content analysis of the province's Ministry of Education curriculum documents, focusing upon the curriculum's representation of Indigenous peoples and Indigenous – settler relations along five key dimensions from the perspective of territorial rights theory and theories of treaty federalism: *Indigenous presence and relations to land, colonialism, Indigenous governance, treaties, and consent*. Drawing this discussion of the primary school curriculum into a broader content analysis of the contemporary Ontario secondary school curriculum (with reference to the 2018 Grade 10 *Canadian History Since WWI*

curriculum, and 2022 revised Grade 10 *Civics and Citizenship* curriculum) lends further comprehensiveness to the analysis. The analysis aims to systematically capture the main contents and dominant framings of the curriculum along each dimension to allow for pointed analysis in the following (discussion) section.

Indigenous presence and relations to land

A pervasive theme of historical representations and narratives concerning Indigenous peoples by settlers is one of disappearance. Indigenous peoples are positioned as of the past, and in the process of inevitably being superseded by modernity and incorporated into settler society (see for example: Anderson and Robertson, 2011; Forcione et al., 2023; Weiss, 2018). This stereotype functions to foreclose the development of settler identities in relation to living, growing, Indigenous communities in various processes of resurgence and revitalization. By contrast, frequent, direct, and standardized references to Indigenous land regions, communities, and governments in the present tense would avoid erasing contemporary Indigenous presence in a wide variety of domains (the immediate community, the economy, the political realm, etc.). For its part, the 2023 Ontario social studies curriculum takes several steps to ensure that students are aware of the enduring presence of Indigenous individuals and communities within Canada, and the continuing relationship between Indigenous communities and land.

The frequency of reference to Indigenous presence in the 2023 *Social Studies* curriculum is especially notable in relation to the 2004 curriculum which made few explicit references to Indigenous regions or communities, and no explicit references to contemporary Indigenous governments. Consider, for example, the Grade 4 unit *Canada's Provinces, Territories, and Regions*, which sought to enable students to "describe the physical and political divisions of Canada," and to develop relevant knowledge about the communities living in different physical regions, the natural resources generated there, and the means by which they are transported (Ontario Ministry of Education, 2004, p. 41). In this unit there are only three references to Indigenous people, and all in the form of possible examples to build out overarching themes concerning the communities and industries of different geographical regions (41). While the curriculum aimed to enable students to develop systematic knowledge of the provincial and territorial boundaries internal to Canada, e.g., to "identify Canada's provinces and territories and its main physical regions," and to develop relevant concepts, e.g., "...physical features, boundaries, province, capital, territory, natural resources..." (42) there was no effort whatsoever to develop systematic knowledge of Indigenous communities across Canada, to apply these concepts to them, or to develop knowledge of concepts pertinent to Indigenous physical and political divisions (traditional territories of different First Nation groups, modern land claim and settlement areas, treaty lands, etc.).

By contrast in the 2023 *Social Studies* curriculum, by the end of Grade 1, students will "identify the traditional Indigenous and treaty territory or territories on which their school is located" (Ontario Ministry of Education, 2023, p. 122). Corresponding examples of "student talk" position these Indigenous communities as existing in the present (123).

In Grade 2, "[s]tudents will explore a variety of traditions within their families and their local communities, including those followed

by First Nations, Métis, and/or Inuit, and other diverse groups within their communities...” (127). Students will also learn about how their community includes and reflects the diversity of various groups, including “First Nations, Métis, and/or Inuit individuals” (138).

In Grade 3, in the context of different “municipal regions” in Ontario, “including First Nations communities and/or Métis regions,” students will: “investigate some of the environmental effects of different types of land and/or resource use... as well as some of the measures taken to reduce the negative impacts of that use” (138); “identify and describe some of the main patterns in population distribution and land use” (169); and “[investigate] the environmental impact of land and/or resource use” (171). Students also “describe... some of the ways in which land use in various Ontario municipalities, including First Nations communities, and/or Métis regions, addresses human needs and wants, including the need for jobs” (155, 174).

In addition to positioning Indigenous peoples as inhabitants, land users, and land managers in Ontario, the Grade 3 curriculum invites students to learn about differences in settler and Indigenous beliefs, values, and practices in relation to land historically (164). Teacher support questions include “What relationship did the First Nations, the Métis, and the Inuit have with the land? What was the settler relationship with the land? How did the two differ?” (164). Examples of student talk include the ideas that Indigenous people “only took what they needed to survive, “looked at the Earth as sacred and alive with spirit,” and “applied ecological knowledge and intergenerational knowledge” (165).

In Grade 4, students will learn to “identify various types of political regions in Canada (e.g., provinces, territories, municipalities, First Nations bands and reserves), and describe some of their basic similarities and differences (e.g., the powers of a province versus those of a territory)” (197).

In Grade 6, students are expected to “demonstrate an understanding of significant experiences of, and major changes and aspects of life in, various historical and contemporary communities, including First Nations, Métis, and Inuit communities, in Canada” (223). The curriculum also *repeats* the expectation that students “identify the traditional Indigenous and treaty territory or territories on which their community is located...” (230). Support questions include directing the students to consider the importance of this information, and why this information may not be easily accessible in atlases and other sources (230).

Colonialism

The history of Indigenous – settler relations in Canada is one marred by iterated and continuing injustice and domination perpetrated against Indigenous individuals, communities, and nations. The enduring impacts of these injustices on Indigenous communities are, as argued within the territorial rights literature, grounds for territorial redistribution and other forms of compensation to Indigenous peoples to enable their members to pursue flourishing lives as members of politically and culturally distinctive communities (Luoma and Moore, 2024). As with an awareness of Indigenous presence, settler understanding of the diversity, frequency, scale, and continuing impact of colonial injustice is a precondition for responsible citizenship within a contemporary multinational state. Indigenous claims for territorial and

jurisdictional rights redistributions (including through modern treaties, sectoral agreements, and constitutional change) alongside demands for other systemic reforms and compensation must be interpreted and negotiated by citizens and politicians against the backdrop of this injustice if deliberation is to be meaningfully connected with reality.

The contemporary curriculum addresses the harms of colonialism beginning from Grade 1, and further entrenches and elaborates upon these lessons in each grade until Grade 8. This differs markedly from earlier iterations of the curriculum, which avoided *any* explicit references to the terms “colonialism,” “colonization,” “assimilation,” “genocide,” or “residential schools” (e.g., Ontario 2004) – terms which appear 13, 10, 10, 5, and 26 times in the 2023 Social Studies and History curriculum document respectively, and which are discussed frequently in more concrete forms and contexts.

While the 2004 curriculum was not detailed, some of the specific expectations and examples did address issues that, if correctly elaborated upon by lesson plans, would introduce historical injustices and their enduring effects. Grade 6 Social Studies adopted the idea of “differing opinions about the positive and negative effects of early contact between European and First Nations peoples,” and considered, “the growth of First Nation peoples’ dependency on trade goods; impact of the fur trade on the economy and environment” and the “effect of attempts to convert the Huron Nation to Christianity” (Ontario, 2004: 32). Similarly, the curriculum asked students to “explain how cooperation between First Nation groups and early European explorers benefited both groups...” while also exploring technological advancements that made European exploration possible (31–32). Grade 7 and 8 History also addressed some of the core sites of political and territorial injustices against Indigenous peoples – although much of this is framed in a morally ambiguous way. The Grade 7 unit on New France required students to “explain why people came to live in New France... and describe the impact of European immigration on First Nation settlements” (53). Similarly, the Grade 7 History unit on British North America lists as an expectation that students “formulate questions to facilitate research on specific topics (e.g., Why were the Iroquois peoples allied with the British Crown? How were Indian reserves created in English Canada and French Canada and what were their impacts on First Nation peoples?)” (55). In Grade 8, students were expected to identify the reasons for the exclusion of certain groups from the political process leading to the signing of the British North America Act – including “First Nation peoples, women, the Chinese and Japanese” (p. 59), and to “analyse how treaties and the Indian Act of 1876 transformed the lifestyles of First Nation peoples in the Canadian west” (61).

By contrast with the 2004 curriculum, children in Ontario under the 2023 curriculum are expected to understand their own identities in relation to a broader social context explicitly marred by colonialism, assimilation, and cultural genocide from the earliest grades. The introduction to the Grade 1 Social Studies curriculum reads:

“In Grade 1 social studies, students will examine various roles, relationships, and responsibilities, how and why these may change, and how they are connected to one’s identity, culture, and sense of self. They will begin to identify how some First Nations, Métis, and Inuit individuals and communities are reclaiming aspects of their identities and cultures that were lost or taken away

due to colonization and the residential school system.” (Ontario Ministry of Education, 2023p. 103)

The Grade 1 curriculum states as an expectation that students will:

“[I]dentify some of the ways in which First Nations, Métis, and Inuit individuals and communities are reclaiming and revitalizing aspects of their identity that were lost or taken away due to colonization, including the residential school system (*e.g., traditional practices and rituals being taught and celebrated in community; strengthening of family, clan, and/or extended family relationships; language learning and revitalization; acts of resilience and healing; reclaiming of identity*), and the role that these aspects play in their sense of self (*e.g., personal pride in self and community; sense of belonging – who they are, where they come from, and how they relate to one another*)” (110).

This is complemented in Grade 2 social studies by the expectation that students: “[I]dentify some ways in which First Nations, Métis, and/or Inuit individuals, communities, and nations are reclaiming traditions, customs, teachings, and celebrations... that were banned, lost, or practiced in secret due to settlement and/or colonization, including the residential school system...” (133).

In Grade 3, students are expected to “compare what life was like between 1780 and 1850 in a few First Nations, Métis, and Inuit communities... with the ways in which later colonial policies, including the residential school system, changed life in these communities...” (157). Students are later tasked with considering historical challenges faced by Indigenous communities, their responses, and impacts, including to land loss through settler encroachment (p. 160) and the “impacts of forced relocation” (164).

The first overarching “framing question” for Grade 5 Social Studies in *Strand A. Heritage and Identity* is “What are some ways in which colonialism has shaped Canada?” (200). Relevant “issues in present day Canada” include “land claims” and “treaty rights and responsibilities” (p. 205). The curriculum points to a complex account of the motivations for colonial settlement (including various political, territorial, religious, personal, and economic motives) and the underlying beliefs and values that supported colonialism, including racism, xenophobia, and the Doctrine of Discovery (210).

In Grade 6, students are encouraged to consider historical events from the perspectives of diverse communities within Canada, and to consider the motivations and perceptions of dominant actors. Possible examples include “the development of the reserve system” and “the negotiation and interpretation of Indigenous treaties” from the perspective of First Nations, European settlers, and the federal government (227). Sample questions address the impact of arctic relocations on the Inuit way of life, the effects of Métis scrip, and the Indian Act (227).

In Grade 7 History, students are expected to consider the impacts of Indigenous land loss due to settlement and resource appropriation (257–58) within the broader colonial context up to 1850. The impacts of treaty-making are also discussed in considerable detail.

In Grade 8 history students consider “the impact of the Indian Act, the residential school system, the Numbered Treaties, and systemic racism on Indigenous individuals and communities in Canada” between the period of 1850 and 1914 (266). Students will also “assess the impact that limitations with respect to legal status, rights,

and privileges had on First Nations, Métis, and Inuit individuals and/or communities in Canada between 1850 and 1890” (271). Notably, the curriculum specifically expects students to develop an understanding of the plural causes and consequences of the residential schools system and specifies these in considerable detail (277–78).

The final history course within the mandatory Ontario curriculum, the (2018) Grade 10 *Canadian History Since WWI* course, contains several further references to harms suffered by Indigenous peoples. Students are specifically expected to “describe how the residential school system and other government policies and legislation, as well as the attitudes that underpinned them, affected First Nations, Métis, and Inuit individuals and communities,” during the period of 1914–1929, “and their long-term consequences” (114). The continuing operation of the residential schools system also appears as an example topic in the 1929–1945 unit, alongside the Indian Act, provincial Sterilization Acts, the Métis Population Betterment Act, “Eskimo” identification tags,” and others (117). The impacts of economic expansion on Indigenous peoples are also included as possible topics of discussion, with a sample question interrogating the failure to honour treaty relationships (117).

During the 1945–1982 unit, students are also asked to: “describe some key political developments and/or government policies that affected Indigenous peoples in Canada...” (p. 121). Importantly, the examples point toward several injustices against Indigenous peoples that were seemingly overcome, including the disenfranchisement of Indigenous people. Examples also point toward thwarted injustices, such as Pierre Eliot Trudeau’s “White Paper” proposal to abolish Indian status, Aboriginal rights, and the Department of Indian Affairs (121). The example list concludes with a seemingly optimistic event (121), about which students are later in the unit asked: “Was the inclusion of Métis and Inuit in section 35 of the Constitution Act, 1982, a turning point with respect to Métis and Inuit rights and identity? Why or why not?” (123).

Discussion of the “White Paper” returns directly in the form of a sample question about Indigenous resistance (122); indirectly in a list of notable figures and organizations such as Harold Cardinal and the National Indian Brotherhood (123); and directly as an example of a significant event that affected Indigenous communities during the period (123). This unit also identifies “[t]he sixties scoop... protests against... the James Bay Project; conflict over the National Energy Program, Aboriginal title and land rights...” as “significant instances of social conflict and/or inequality in Canada” (121). Pertinent to land rights, it identifies Frank Arthur Calder, George Manuel, the Union of Ontario Indians, Inuit Tapirisat (now Inuit Tapiriit Kanatami), as examples of individuals or groups having made contributions worthy of study during the period (123). Moreover, it lists “the continuing operation of residential schools...the Calder case; the recognition in the constitution of existing Aboriginal and treaty rights; the James Bay Project and the resulting protests” as significant events or developments (123).

The final quarter of the Grade 10 History course (1982–the present) begins with the specific expectation that students “[D]escribe various social and cultural trends and developments in Canada since 1982” and includes as examples “demographic changes...the rates of incarceration and suicide in First Nations communities; the growth of urban Inuit populations in Canada’s South; the cultural appropriation of First Nations, Métis, and Inuit art, clothing, and ceremonies” and directs students to “assess their

significance for people in Canada, including First Nations, Métis, and Inuit communities” (125). Students will also “Describe some key political developments and/or government policies that have affected Indigenous peoples in Canada since 1982 (e.g., the creation of Nunavut; Bill C-31 amending the Indian Act; the Royal Commission on Aboriginal Peoples; the Truth and Reconciliation Commission’s calls to action; the 2016 Canadian Human Rights Tribunal decision regarding inequalities in funding for child welfare for First Nations children; the National Inquiry into Missing and Murdered Indigenous Women and Girls; the United Nations Declaration on the Rights of Indigenous Peoples)...” (126). Final topics of study include legal and political conflict over Aboriginal title and Idle No More (126–27) Stephen Harper’s apology to the victims of residential schools, “the 2016 ruling of the Canadian Human Rights Tribunal with respect to inequalities in the funding for child welfare services for First Nations children,” and “the 2016 inquest into the deaths of First Nations students in Thunder Bay” (129).

As I elucidate more fully in the following sections, while the Ontario curriculum makes significant efforts to expose students to histories of colonialism, the compression of the last forty years of Indigenous political history into the final quarter of the Grade 10 History course (alongside many unrelated topics) almost certainly impedes the adequate transmission of vital information about the contemporary period to students.

Indigenous governance

Exposing students to the reality of contemporary Indigenous governance and normalizing the co-existence of Indigenous political authorities and legal orders alongside those of settlers, with appropriate historical contextualization to account for the significance of Indigenous contestation of contemporary territorial and jurisdictional rights arrangements between groups and governments, is a vital precondition for responsible citizenship in a multinational state. As has been discussed frequently by Indigenous political theorists, Indigenous difference is not simply that of cultural difference within a multicultural framework (see for example: Turner, 2006; Lightfoot, 2016). Indigenous peoples are *nations*, and thereby maintain both state-recognized, and unrecognized, political practices of self-government in the present. Furthermore, they make claims against the state to the reclamation of territory and jurisdictional powers beyond those assigned to them by colonial processes.

Earlier iterations of the curriculum completely neglected the reality of Indigenous governance in contemporary Canada. The 2004 Grade 5 unit, “*Aspects of Citizenship and Government in Canada*,” which sought to enable students to “examine the structure and function of the three levels of government in Canada and how they relate to one another” (Ontario Ministry of Education, 2004, p. 44), avoided *any* reference whatsoever to Indigenous governments or land claims while nonetheless studying the political processes of the provincial, territorial, and federal governments (44–45). The only reference to an Aboriginal “group right” in the 2004 curriculum is to “*the granting of voting rights to various groups (e.g., women, First Nation peoples)*” (44). Clearly, curricula of this form serve to erase Indigenous political difference and contribute to an unproblematic “mono-national” conception of the state. Settlers are invited to form

their political identities in relation to a representation of the territory of Canada that is homogenously the domain of settler state law and authority, one wherein Indigenous people have been successfully integrated into the settler nation (“the Canadian people”) as politically undifferentiated Canadian citizens – albeit with individual geographical, cultural, and economic differences (differences students learn are possessed by *all* Canadians under contemporary multiculturalism).

By contrast, the 2023 Social Studies and History curriculum makes explicit references to contemporary Indigenous governments in several contexts. “First Nations, Métis and Inuit governments” appear 5 times, with other terms also frequently occurring: “band council” (9 times), “Indigenous governments” (7 times), “clan system(s)” (4 times), “Indigenous governance” (2 times), “First Nations governance” (2 times), “traditional governance” (2 times), “hereditary chiefs” (1 time).

Early exposure to the concept of Indigenous governance is given in the context of municipal and regional governance entities and the provision of local services and environmental management. The curriculum reads:

“By the end of Grade 3, students will: B3.1 demonstrate an understanding that Ontario is divided into different municipal or regional entities (i.e., cities, towns, townships, villages, counties, First Nations communities, Métis regions), and that local governments within these entities provide specific services and regulate development according to local needs (e.g., elected municipal governments deal with local issues and needs; First Nations have an elected chief and council and/or hereditary chiefs; the Métis Nation of Ontario has elected councillors from the Provisional Council [PCMNO], which represents the community and regional interests of Métis citizens...” (Ontario Ministry of Education, 2023: 174).

The 2023 curriculum also directs teachers to consider Indigenous governments in units where Indigenous governance was formerly ignored. For example, the first and third overarching expectations of Grade 5 Social Studies *Strand B. People and Environments: The Role of Government and Responsible Citizenship* are that students “assess responses of governments in Canada, including First Nations, Métis, and Inuit governments, to some significant issues, and develop plans of action for governments and citizens to address social and environmental issues” (200) and “demonstrate an understanding of the roles and key responsibilities of citizens and of the different levels of government in Canada, including First Nations, Métis, and Inuit governments” (201).

While the curriculum normalizes the role of Indigenous governments in local service provision and development planning, it is worth observing that the municipalization of Indigenous groups by the settler state has long been a concern by Indigenous theorists of nationhood and decolonization (see Alfred, 1999, 2001; Alfred and Cornthassel, 2005). The curriculum seems to be self-conscious of the tension between Indigenous governance and municipalization – and does not completely conflate Indigenous with municipal jurisdiction. For example, in the Grade 4 unit students are expected to “identify various types of political regions in Canada (e.g., *provinces, territories, municipalities, First Nations bands and reserves*), and describe some of their basic similarities and differences (e.g., *the powers of a province*

versus *those of a territory*)” (197). Support questions include: “In what ways are the powers and responsibilities of a municipality similar to or different from those of a First Nation band or Métis council?” (197).

Likewise, in Grade 5, students are expected to identify the contemporary jurisdiction of band councils vis-à-vis other levels of government (218), and are expected to show familiarity with a wider variety of First Nations, Métis, and Inuit governance structures that “currently exist in Canada” including “the Métis Nation of Ontario, Inuit Tapiriit Kanatami, the Chiefs of Ontario, the Nishnawbe Aski Nation, the Union of Ontario Indians, the Haudenosaunee Confederacy” (218). Teaching support questions for this unit also include reference to traditional governance structures, for example: “What are some of the political structures of First Nations in Canada that were established because of the Indian Act? Within these structures, how are leaders chosen? How has the system of First Nations governance under the Indian Act undermined traditional governance systems?” (219). The Grade 5 curriculum also directs students to inquire into the structure and formation of traditional governance systems, notably the Haudenosaunee Confederacy and Anishinaabe Three Fires Confederacy – although this is in the past tense (210).

The 2022 Grade 10 *Civics and Citizenship* curriculum normalizes the existence of Indigenous governments alongside the federal and provincial governments (Ontario Ministry of Education, 2022, p. 4, 6, 8, 12). It also briefly recognizes the existence of Indigenous governance systems that “predate” or “exist alongside” the Indian Act, treaty rights, and acknowledges Indigenous claims to sovereignty (Ontario Ministry of Education, 2022, p. 12).

As discussed in the sections on colonialism, and treaties, Grade 10 History (Ontario Ministry of Education, 2022) points toward the intention of the Government of Canada in 1969 to abolish Indian status, while elaborating a narrative arc that includes Indigenous resistance to these and other colonial policies (such as to the James Bay Hydroelectric Project); the struggle for recognition of land claims by the Nisga’a and Inuit (and the formation of their land claim organizations); the judicial recognition of Indigenous title in cases such as *Calder* and *Delgamuukw*; the constitutional recognition of Aboriginal and Title Rights; and several agreements between Indigenous groups and the state (the Nisga’a Final Agreement and three Inuit land claim agreements are named explicitly, along with the Lubicon Cree). Thus, when the curriculum names particular Indigenous peoples, it predominantly refers to Indigenous groups whose resistance culminated in a modern treaty (the James Bay Cree, the Inuit, the Nisga’a), neglecting consideration of the many dozens of groups – the majority – that have not signed a modern treaty and remain under the Indian Act and other colonial governance statutes.

Treaties

The importance of treaties between settler and Indigenous peoples to the legitimacy of the Canadian state has been discussed at length by theorists of Indigenous – settler relations (Henderson, 1994, 2002, 2007; Hueglin, 1994, 2000, 2003, 2013; Ladner, 2003, 2005, 2019; Tully, 1995, 2008, 2018). As discussed in the first section, treaties and other nation-to-nation agreements are a mechanism by means of which peoples may remain self-determining through their interactions. Through treaties, peoples may voluntarily undertake mutual changes,

adjustments, and/or coordination measures with respect to the political and legal structures by which they govern themselves and their historical territories, deepening relationships of interdependence and mutual responsibility through mutual consent to distinctive institutions and/or divisions of legislative and executive power and responsibility. Treaty relationships affirm relationships of peaceful and friendly co-existence between peoples that respect the independence of Indigenous and settler jurisdiction and legal orders.

The significance of treaties within the 2023 curriculum can be best demonstrated by comparison with the 2004 curriculum. The 2004 curriculum document contained reference to the term “treaty” or “treaties” 3 times in a context involving Indigenous peoples. In order of appearance, these are references to Jay’s Treaty (48); the expectation that students “analyse how treaties and the Indian Act of 1876 transformed the lifestyles of First Nation peoples in the Canadian west” (61); and the expectation that by the end of Grade 8 students will “analyse, synthesize, and evaluate historical information,” for example “trends in immigration” and “the impact of Treaties 1 to 8” (62). No direction is provided to educators as to how to interpret historic treaties, nor to suggest the significance of historic treaties and/or modern treaty-making. As with the absence of discussion of contemporary Indigenous governments, the marginalization of treaty-making within the 2004 curriculum risked perpetuating the myth of a territorially contiguous Canada – unified through the actions of historical actors and in part through treaties– to which today corresponds a single, culturally diverse people, who govern themselves through settler state institutions.

By comparison, the terms “treaty” or “treaties” appear over 150 times within the 2023 *Ontario Social Studies* curriculum, and predominantly within an Indigenous context. Students begin to learn about the importance of treaties in the Grade 3 unit *Heritage and Identity: Communities in Canada, 1780–1850*, in which they study communities in “what would become Canada.” The importance of treaties is indicated by explicitly linking “nation-to-nation agreements” with “identity in Canada today” alongside bilingualism, multiculturalism, founding nations, and religious freedom (158). Students learn that communities in Canada between 1780 and 1850 “have had an impact on this identity” in part through “treaty rights and other agreements” and various Indigenous cultural symbols, place names, and National Indigenous People’s Day (158). The “recognition of Indigenous peoples as the first occupants of Canada,” and the “importance of treaties and treaty rights,” to “fundamental elements of Canadian identities” is explicitly re-affirmed in Grade 6 after additional lessons on Indigenous peoples and treaties (235).

Examples of “student talk” for the Grade 3 section embody the idea that historic treaties are relevant to contemporary politics:

- “A treaty is a promise between nations that is meant to last forever...”
- “We live in an area that is included in the Two Row Wampum (Guswenta)...”

As pertains to the content of treaties, treaty-making as a means of protecting rights to self-government arises in the unit in the form of a sample question (162), alongside a question interrogating the exclusion of the Métis from the treaty-making process (162). The Grade 3 curriculum provides a rich list of historical treaties (166). Sample questions here include “What does it mean to honor the

treaties?” (166). Another directs students to consider how differences in understanding of the intent of treaties might flow from different relationships maintained by settler and Indigenous peoples to land (166).

For its part, the curriculum is sensitive to the fact that Indigenous and settler perspectives on treaties and treaty-making differ and takes steps to problematize the federal government's conduct in its treaty relationships. A support question at the beginning of the Grade 5 Social Studies unit, *Heritage and Identity: Interactions of Indigenous Peoples and Europeans prior to 1713, in What Would Eventually Become Canada*, asks about how differences in interpretation of treaties have “led to conflict in present day Canada over Indigenous land rights?” (205; see also 166). Support questions likewise interrogate Eurocentric bias in written records, and prejudice against oral histories (207). A later sample support question again asks, “[w]hat were some treaties that were negotiated between First Nations and Europeans during this period? Why might First Nations and Europeans have had different interpretations of these treaties? How did such differences affect the relationship between these groups?” (211).

The Grade 6 Social Studies unit, *Heritage and Identity: Communities in Canada, Past and Present*, continues to explore these themes alongside questions of identity and the plurality of groups within Canada, notably with emphasis on the justifiability of settler conduct in the past and present with respect to treaties. In relation to a specific expectation regarding the use of primary and secondary sources, a sample support question asks: “[w]hat type of information can you gather from a treaty between the Crown and Indigenous nations? Why is it important to find accurate information on the intent of the original treaty as understood by the Indigenous community signing it? Why might there be differing interpretations of a treaty?” (228). Similarly, in a specific expectation requiring interrogation of significant events or developments in the history of two or more Indigenous groups, one of the six sample support questions asks: “How does the government of Canada interpret the treaty relationship? Has Ottawa lived up to its treaty agreements?” (232). Finally, this unit also makes implicit reference to the importance of an overarching ethos and principles that guide nation-to-nation agreements. A teacher support question in reference to the specific expectation that students describe significant interactions between groups within Canada asks: “... What do experts on Indigenous treaties mean when they speak of the spirit and intent of treaties? What was the spirit/intent among Indigenous peoples with respect to their treaty negotiations with newcomers?” (234).

This is clearly in the direction of recognizing Indigenous rights to territory and self-determination, and equality of nationhood— but much of the impact will depend upon how the “spirit and intent” of treaty relationships is filled in by educators.

Discussion of determinate historical treaties continues throughout the curriculum in Grade 7 and 8 History – although we see the decline of support questions dealing with evaluation of settler governments' conduct in enduring treaty relationship. For example, in the Grade 7 History unit covering 1713–1800, students are expected to formulate questions, gather and organize information and evidence, and assess the reliability of that evidence in relation to the “perspectives of different groups and communities, including First Nations, Métis, and/or Inuit communities, on some significant events, developments, and/or issues related to the shift in power in colonial Canada from

France to Britain” (251). Examples of issues to study include “treaties and alliances among First Nations and between First Nations and European nations, including the Treaty of Niagara, 1764” (251). Support questions concern the Covenant Chain Wampum of 1764 and the Peace and Friendship Treaties, and direct students to consider how “[they] can ensure that [their] sources represent all relevant perspectives, including those of First Nations, Métis, and/or Inuit” and (Indigenous) women (252). Students are also specifically expected to “identify a few key treaties of relevance to Indigenous people during this period, including wampum belts exchanged, and explain the significance of some of these agreements for different people and communities in Canada” (p. 254). Likewise, in the Grade 7 unit covering 1800–1850, students are expected to “[I]dentify a few key treaties of relevance...” while also considering the impacts of increased settlement on Indigenous peoples (261–62) and the impact on Métis and Inuit of being excluded from treaty making (263). In Grade 8, students have opportunities to consider treaties from the period of 1850–1914 and their short and long-term consequences with examples including the Robinson Treaties and Numbered Treaties 1–7 (277). Additional topics include Indigenous perspectives on westward expansion settlement, confederation, and the Red River and Northwest Resistance. Opportunity to study Treaties 8–10 arises toward the end of the unit, alongside lessons about the expansion of the residential schools system, wardship status, laws “forbidding Indigenous ceremonies including the potlatch and powwow,” and expropriation of land from reserves for public works (287).

In high school, the term “treaty” or “treaties” appears 3 times in the compulsory 2022 Grade 10 *Civics and Citizenship* course curriculum – each in an Indigenous context. The curriculum document lists as an overall expectation that students “explain, with reference to a range of issues of civic importance, the roles and responsibilities of various institutions, structures, and positions in Canadian and Indigenous governance systems, treaty relationships, and other Crown-Indigenous relations” (6). Similarly, the curriculum expects students to: “describe Indigenous governing systems and structures, both those created by the Indian Act and those that predate or exist alongside the Act, and how they interact with the federal, provincial, territorial, and municipal governments of Canada, and explain how treaties, Crown-Indigenous relations, and/or Indigenous claims to sovereignty affect a region of their choice in Ontario or Canada” (12).

While these additions to the Grade 10 *Civics and Citizenship* are clearly positive, signifying the significance of treaties to contemporary politics, the *Civics and Citizenship* curriculum does not mention “land claim,” “modern treaty,” “settlement agreement,” or “[Aboriginal] title” explicitly – potentially perpetuating the stereotype that treaty-making is of the past and marginalizing the complexity and significance of present-day treaty-making to the revitalization of Indigenous politics. These silences occlude comprehension of the complex contemporary political situation wherein land rights and jurisdictional rights are actively being claimed, negotiated, and recognized in a variety of domains, e.g., through comprehensive land claim agreements (modern treaties), agreements recognizing jurisdiction over education and child and family services, agreements recognizing Aboriginal title, direct land-based resistance (blockades, re-occupations), and so on.

Modern treaties, Aboriginal title, and land claim agreements are referred to directly and/or indirectly in the last mandatory history course within the Ontario curriculum, the Grade 10 *Canadian History*

Since *WWI course*, which may potentially fill some of these gaps. The word “land claim(s)” appears 9 times, “Aboriginal title” 5 times, and “treaty rights” 5 times, across the curricula document which covers both the college-preparation and university-preparation versions of the course, although of these, “treaty rights” and “land claims” each appear in the glossary or in footnotes 3 times, while “aboriginal title” appears twice in the glossary. There are also references to important examples which embody or connect to these concepts, such as the Royal Commission on Aboriginal Peoples; the *Calder* and *Delgamuukw* cases; and references to the Nisga’a, Nunavut, Nunavik, and Nunatsiavut final agreements. However, as these topics arise largely in the final quarter of the course, which covers 110+ years of Canadian history from demographic, social, scientific, economic, artistic, political, and legal angles (including the First World War, the Great Depression, the Second World War, the Cold War, the Quiet Revolution, the Patriation of the Constitution, and so on), the complexities of contemporary Indigenous politics, governance, and modern treaty-making are at risk of being marginalized.

Consent and consultation

As discussed in the first section, and the subsection on treaties, consent is fundamental to egalitarian relationships between peoples. It is through consent, provided through the political procedures internal to nations, that groups may remain self-determining in relation to changes to the territorial jurisdictional structures that govern the lives of the people (Tully, 1995, p. 122–124; Luoma, 2023). Absent the consent of a legitimate territorial rights-holding (Indigenous) group, external intervention into the laws and lands of the people constitutes a form of unjustifiable international domination. Expressed otherwise, absent specific consensual modifications, a people’s laws and institutions are presumed to remain in force through their interactions with other groups (Tully, 1995, 2008). Similarly, the *UN Declaration on the Rights of Indigenous Peoples*, which Canada has ratified, expresses the commitment of Canada to pursuing relationships with Indigenous peoples on terms of free, prior, and informed consent. It is thus vital to consider the discussion of Indigenous land interests, and rights to land and self-government, through the lens of *consent* in the contemporary Ontario curriculum.

While it may not be surprising that the term “consent” did not appear in the 2004 version of the Ontario *Social Studies and History* curriculum, the term “consent” likewise does not appear in the 2023 version. The sole reference to “consent” in the current Grade 10 History curriculum (2018), refers to the lack of consent of families during the Sixties Scoop. The Grade 10 Civics and Citizenship curriculum document (2022) likewise contains no mention of the word “consent.”

Nonetheless, although “consent” does not feature as a relevant concept within the curriculum, as discussed, there are frequent references to treaties, and some references to Aboriginal rights, hunting and fishing rights, land claim agreements, and land rights. These are independently important concepts but also suggest that the concepts of voluntariness and consent may function in the background in lessons. At their root, conceptually, treaties are *agreements*, which require mutual consent; and rights normally invest persons with claims against interference without their consent to specific treatment of themselves or objects to which they stand in significant relation.

Still, it is worth observing that precedent-setting legal cases cited by the Ontario curriculum, such as *Delgamuukw*, provide for the justifiable infringement of Aboriginal title rights, for a variety of purposes, without the consent of Indigenous groups.

Still, there are 28 iterations of the relatively weaker term “consult” (including “consultation,” “consulted” or “consulting”) within the 2023 *Social Studies and History* curriculum, with the majority in relation to Indigenous contexts. There are no references to consultation in an Indigenous context in the 2004 version.

The first reference to “consult” occurs in the “considerations for program planning” portion of the curriculum document, and concerns opportunities and procedures for teachers to consult Indigenous elders, experts, and knowledge keepers and/or invite them into the classroom (Ontario Ministry of Education, 2023, p. 79). The second reference occurs in Grade 3, with the sample support question: “In what ways do the provinces and municipalities have to consult with First Nations and Métis peoples before developing land in their local area?” (174). The next iteration occurs in Grade 4 in relation to managing the environmental impacts of resource development in Indigenous territories (194). In Grade 5, there is a sample support question inquiring into who must be consulted on Indigenous youth mental health strategies (214). The ambiguities of the results of consultation concerning social and environmental issues in an Indigenous context, and the positioning of consultation within an overall “cost–benefit” framework when it comes to resource development, are observed later in this unit, with the sample support question:

“What costs and benefits should be considered when discussing the development of a new mine or energy project? Whose knowledge and understanding of the land needs to be included throughout the consultation process? Why might different groups have different opinions on such development? Why might there be a variety of Indigenous viewpoints on resource extraction on traditional territory? Why does the federal and/or provincial government tend to support resource extraction industries?” (215).

Additional sample questions for this specific expectation inquire into who needs to be consulted in decisions about climate change policy (215), and funding for First Nations schools (215). Later, a sample support question asks “why would it be important to consult Indigenous media sources when gathering information about the impact of resource development on Indigenous territories?” (216).

A specific expectation later addresses the mechanisms and importance of consultation, prior to a specific expectation regarding the duty to consult and accommodate Indigenous peoples. Students are expected “to describe different processes that governments can use to solicit input from the public... and explain why it is important for all levels of government to provide opportunities for public consultation” (219). Consultation is thus identified with soliciting input from affected communities through mechanisms such as “town hall meetings,” “royal commissions,” and “nation-to-nation discussions with First Nations and/or Inuit governments” (219). Then, the curriculum describes the expectation that students: “Demonstrate a basic understanding of what is meant by the federal and provincial governments’ having a duty to consult and accommodate First Nations, Métis, and Inuit communities, and describe some

circumstances in which this constitutional right for Indigenous peoples might apply..." (220). Corresponding sample support questions inquire into who has the duty to consult, the potential of consultation to transform Indigenous – settler relations, and the concept of the Honour of the Crown (220).

The next use of the word consult occurs in Grade 6, in a question concerning primary and secondary sources – students are asked what information they can gather from Indigenous letters and petitions about relocations to reserves, and what other forms of evidence they can consult for Indigenous perspectives (228; see also 284). References to consultation in Grade 7 and 8 history contexts involving Indigenous peoples (e.g., the Haldimand and Pemmican Proclamations, Louis Riel, Residential Schools, and Algonquin Park) likewise occur in the context of sample support questions, and exclusively concern whether primary and/or secondary sources reflect Indigenous perspectives (252), whether websites are reliable and whose perspectives they reflect (252, 261), the importance of consulting multiple sources (252), how to determine which sources are most reliable, credible, or fulsome (274, 284, 285), and the importance of consulting Indigenous sources (285).

The only substantive reference to consultation as a political practice in Grade 7 and 8 History, occurs in a Grade 8 sample support question: "Why were Inuit communities not consulted before the order in council on sovereignty over Arctic lands and waters was implemented?" (277).

There are far fewer references to consultation within Grade 10 History. The first potentially relevant iteration occurs in a sample question about the importance of consulting primary sources and how to consider missing voices (Ontario Ministry of Education, 2018, p. 110). The next occurs in the context of a sample question about how to evaluate the credibility and reliability of websites concerning "First Nations protests in Caledonia" (110) – which mirrors the framing about websites concerning the Haldimand Proclamation in Grade 7. The next occurs in a sample question concerning the reliability of statistics about Indigenous populations between 1945 and 1982 (120). The first and only historical case-based reference to consultation occurs in a list of sample questions about "key developments in Canada's relationship with the United States..." and inquires whether the Inuit were consulted on the development of the Distant Early Warning radar line and what this reveals about federal attitudes about the Inuit (122). This mirrors the Grade 8 curriculum's sole reference to consultation in the context of the Inuit. The only reference to "consultation" as a contemporary political and legal duty within the Grade 10 History curriculum occurs within a list of sample questions concerning issues embodying "conflict and cooperation" among Canadians from 1982- the present, ranging from the APEC summit in Vancouver to MMIWG. The sample question asks: "What is the 'duty to consult and accommodate,' as stipulated in treaties and affirmed by the Supreme Court of Canada? How has this duty affected relationships between First Nations, Métis, and Inuit communities, the government, and the private sector?" (127).

For its part, there are no references to "consult," "consulted," "consulting," or "accommodate" within the revised 2022 Grade 10 Civics and Citizenship Curriculum.

Discussion: Indigenous peoples, multinational citizenship, and evaluation of the Ontario curriculum

While the continued focus of the curriculum on the risks and benefits of extractive resource development is questionable insofar as it normalizes a human-centric, instrumentalizing, and economically motivated relation to (Indigenous) land (cf. Coulthard, 2014; Harding and Ray, 2021; Thomas and Coburn, 2022), nevertheless, Indigenous traditions, communities, governments, and land use patterns are positioned in the present and are integrated into the contemporary curriculum as mandatory objects of study rather than as possible examples. This stands in marked contrast to the 2004 curriculum, which largely ignored the existence of contemporary Indigenous communities in Canada, and which did not emphasize their geographic proximity to the student's own location. While the curriculum could further explore the proximity, growth, and political implications of *urban* Indigenous communities in greater detail, the curriculum does not contribute to Indigenous erasure or myths of disappearance. The contemporary curriculum also makes significant and repeated efforts to ensure that students are equipped to understand the history, structures, and enduring impacts of colonialism – whereas the 2004 curriculum largely left this to school boards and instructors' discretion. Moreover, the concept of Indigenous governance is normalized, through repeated exposure; and somewhat pluralized, by suggesting multiple domains and structures of Indigenous self-government – correcting for the absence of any references to Indigenous governance in earlier iterations of the curriculum. Perhaps most notably, the curriculum indicates substantial strides to introduce students to the rich history of treaty-making in Canada, treaties' significance to contemporary "Canadian identities," and the differing perspectives of Indigenous and settler peoples on historical treaties. These curricular changes are complemented by a growing number of visits to Ontario schools by Indigenous Elders and Knowledge Keepers (People for Education, 2023), and the observation of *Treaties Recognition Week* in Ontario public schools (Government of Ontario, 2024).

These efforts are supported by increasing coverage of Indigenous issues and resources for Indigenous education in initial teacher education, e.g., within faculties of education (Mandzuk et al., 2024). Resources are also available at the level of school boards to equip teachers to implement Indigenous education. According to the Ontario Ministry of Education, "[e]very school board must have a full-time position dedicated to supporting Indigenous education in school boards" (2024). Indigenous education leads are responsible for both working with schools to improve "Indigenous student achievement and wellbeing" and to enhance "knowledge and awareness about First Nation, Métis and Inuit cultures, histories and perspectives for all students" (Ontario Ministry of Education, 2024). A more complete review is required to ascertain the adequacy of these teacher support initiatives in light of the legal and political complexity of Indigenous-settler relations in Canada. Recent scholarship suggests resources are stretched thin to facilitate teacher training on Indigenous issues, especially in large school boards, while commitment to such training, along with the meaningful inclusion of Elders and Knowledge Keepers, varies among administrators and superintendents (Redhead, 2023).

However, as discussed above, the structure of the curriculum also likely limits the ability of teachers to adequately transmit information about the 20th and 21st centuries, especially on vital issues concerning self-government, Aboriginal title, and treaty rights, due its compression of these into the final quarter (largely the final eighth) of the Grade 10 History course curriculum. Moreover, the content of this course risks contributing to an overall narrative that unreflectively legitimizes the Canadian state, by centering cases of Indigenous resistance that have transformed into finalized contemporary land claim agreements, in turn ignoring cases of contemporary Indigenous contestation of historic treaty implementation, territorial injustices, and the modern treaty process itself.

While the contemporary curriculum standardizes exposure to plural contemporary Indigenous governments in Canada, the foregoing analysis suggests that the curriculum still risks reinforcing the belief that traditional governance systems and domains of self-governing authority have been replaced by colonial structures (e.g., band councils) and/or that Indigenous structures of political authority are fundamentally akin to municipal governments. Traditional governance systems and Indigenous claims to broader domains of territorial and non-territorial jurisdiction have not been totally undermined legally, or in practice, in Canada. For example, the MOU signed between the Government of Canada and the Wet'suwet'en Hereditary Chiefs in 2021 re-affirms that the federal government is willing to negotiate contemporary agreements with the historical governance systems of Indigenous peoples (Luoma, 2022). Likewise, while the curriculum does make some attempt to pluralize the concept of Indigenous governance, by suggesting multiple domains and structures of self-government, further sensitivity to the social, political and constitutional questions confronting Indigenous communities as they evaluate plural and often overlapping governance structures (e.g., traditional systems, band councils, land claims organizations) alongside the pursuit of land claims agreements, self-government agreements, Aboriginal title and/or historic treaty litigation, and recognition of inherent self-governing authority over sectors such as child welfare, education, and policing, is needed. The parameters of Indigenous jurisdiction in Canada are not morally or legally settled, and there is a complicated patchwork of agreements across Canada with respect to a wide variety of political domains that are not reflected in the contemporary curriculum. Likewise, further sensitivity to the reasons for which some Indigenous communities have chosen to turn away from negotiations with the Canadian state and criticize modern treaty arrangements is also needed if students are to be equipped to interpret different cases within the arena of modern Indigenous – settler politics (Alfred, 1999, 2001; Coulthard, 2014; Luoma and Moore, 2024; Nadasdy, 2003, 2017; Samson, 2016; Samson and Cassell, 2013; Tully, 2008).

More broadly, the structure of the Ontario public school compulsory curriculum exemplifies a declining proportion of time devoted to the study of Indigenous issues as education progresses from primary school to high school, and as education becomes more focused on the sciences. As observed in the B.C. curriculum context, this risks tacitly reinforcing the myth of teleological civilizational stages and Indigenous disappearance (Lamb and Godlewska, 2020). It might otherwise tacitly suggest the conclusion of Indigenous political and legal contestation about jurisdictional and territorial issues, whether because the status quo is just and legitimate with respect to those issues, or because these issues have been superseded by issues

focusing on equal citizenship within the modern Canadian state, including equal access to services, and compensation for historic harms to individuals – topics which receive relatively more attention in the national news media and public discourse, including in media coverage of the TRC. More broadly, we might worry about students *forgetting* the significance accorded to treaties in earlier grades and worry about the displacement of knowledge about the *multiplicity of peoples* within the Canadian story. This is especially troubling considering the well-documented refusal of English-speaking Canadians to recognize their own particularity as a distinct people in the context of Quebec, and to interpret the Canadian state as a vehicle for the self-determination of a single (linguistically and culturally diverse) people committed to individual rights (see Bickerton, 2011; McRoberts, 2019; Resnick, 1995). This social context, itself immersed in an English-speaking media that is insufficiently sensitive to Indigenous (and Québécois) political and legal difference, is the one within which many students will continue to dwell after the completion of their studies.

We might also observe that the tone and contents of the Grade 10 *History* and *Civics* curricula do not, even to the same extent as Grades 1–6 *Social Studies*, encourage critical reflection and/or moral-political evaluation of developments in the relationship between the federal/provincial governments and Indigenous peoples in the areas of land, treaty, and jurisdictional rights. The concepts of peoplehood, legitimacy, sovereignty, and territory are seldom addressed within the curriculum, let alone brought together as normative concepts that may be used to interpret, analyze, and evaluate contemporary contestation of the state's authority. Nonetheless, the curriculum repeatedly refers to regions that “will become” (the territory of) Canada, and later, to “Canada.”

Perhaps most problematically, the Ontario curriculum avoids the language of consent when dealing with Indigenous issues but does discuss consultation in a variety of domains. The issue with the language of “consultation” and “consult and accommodate,” without any corresponding connection to “rights” or “consent,” is that this potentially suggests a vision of a centralized Canadian state that takes into consideration Indigenous communities' rights and interests in land and self-government as solicited inputs, alongside the claims and inputs of other groups, and makes a judgment as to the “common good,” which may then be interpreted as requiring the utilization or modification of Indigenous territories without Indigenous consent – or alternatively, as the case may be, the granting of rights and privileges to protect a larger sum of Indigenous interests. Interpreted as a form of maximizing consequentialism associated with cost–benefit analysis, this obviously undermines the moral structure and significance of rights in the political imaginary of students *generally*, and it also *specifically* undermines appreciation of the normative significance of the sociopolitical and territorial boundaries of peoples. The doctrine of consultation is important in a variety of specific legal contexts, but it is not enough on its own to capture the duty-imposing force of well-specified territorial rights, which concern the boundaries of legitimate political authority, and correspondingly the right to make decisions about the “common good” with respect to a territory and its inhabitants (see for example Miller, 2012; Moore, 2015; Simmons, 2016; Stilz, 2019).

By contrast, further attention in the curriculum to the *United Nations Declaration on the Rights of Indigenous Peoples*, of which Canada is a signatory, and for which Canada enacted implementation

legislation in 2021, may improve recognition of the rights of Indigenous peoples from the perspective of theories of territorial rights and Indigenous self-determination. While the *Declaration* is arguably imperfect and contains some concessions to states which hamper full recognition of the rights of Indigenous peoples, it nonetheless contains highly progressive articles in relation to self-determination, land rights, and consent. Notably, the *Declaration* recognizes that “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources” (United Nations, 2007, Article 32.2; see also Articles 10, 11.2, 19, 28, 29). Enhanced classroom discussions about the history and contents of the *Declaration*, the contents of the federal implementation legislation, and the similarities and differences of the foregoing with established common law jurisprudence and contemporary political negotiation frameworks would better promote recognition of Indigenous rights to territory and the challenges confronting the Canadian political and legal order.

Finally, although the contemporary curriculum recognizes the legal duty on the part of Government to consult and accommodate Indigenous groups, these lessons are very likely to be forgotten or obscured by the time students leave high school. By primarily limiting substantive discussion of the legal and political practice of consultation to Grades 4 and 5 *Social Studies*, and proceeding to limit discussion of consultation to questions concerning sources and evidence, the Ontario Social Studies and History curriculum (including Grade 10 *History* and *Civics*) risks instilling the idea that “consultation” in an Indigenous context is primarily an intellectual exercise which involves evaluating the credibility, reliability, and perspective of primary and secondary source documents, rather than a contemporary political and legal practice that involves the identification of legally relevant rights and interests, and which places governments under an obligation to minimize impact to those rights and interests – ideally through negotiated agreements that accommodate Indigenous concerns and reflect Indigenous consent.

Conclusion

This paper has investigated two versions of the Ontario public education curriculum for their potential to transmit representations, ideas, and discourses that provide students with the resources for forming beliefs and attitudes that recognize Canada to be a treaty federation of distinct peoples with rights to territory and self-determination. As the paper has argued, under present political and discursive conditions in Canada, public education with a mind to enabling citizens to develop a multinational ethos (or alternatively, a multinational federal political identity) is a requirement of political legitimacy – alongside more direct political and legal recognition of Indigenous rights to territory and self-determination, including rights to non-dominating treaty negotiations and fair territorial restitution. As the analysis has shown, earlier versions of the Ontario curriculum (e.g., Ontario Ministry of Education, 2004) mirrored broader (and persisting) patterns of representation that ignore or marginalize Indigenous peoples’ political and territorial claims.

By comparison, the contemporary curriculum is a clear improvement along several dimensions, most notably in the repeated assertion of continued Indigenous presence, robust consideration of the history and legacies of colonial wrongdoing, and exploration of the importance of treaty-making to Canadian political identity. There are also improvements in the normalization of Indigenous governance. However, important limitations remain from the perspective of treaty federalism and/or territorial rights theory – notably, the curriculum fails to capture the diversity of Indigenous governance arrangements in the contemporary era, risks promoting a triumphant narrative regarding territorial (in-)justice by centering analysis of the modern period on Indigenous groups that have signed contemporary land claim agreements, and, perhaps most importantly, the curriculum is entirely silent on the role and importance of Indigenous consent in legitimizing contemporary governance arrangements and resource development. In sum, while there are significant omissions hindering full recognition of Canada as a multinational treaty federation, analysis of the contemporary curriculum indicates that majority-group political identities in Ontario will be shaped in relation to contemporary Indigenous peoples, regions, and governments, historical treaties, and the history of colonial wrongdoing, for the time being.

Data availability statement

The original contributions presented in the study are included in the article/supplementary material, further inquiries can be directed to the corresponding author.

Author contributions

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Conflict of interest

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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