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Practising an Anti-Colonial Citizenship Education Through a Blended Learning Course on Aboriginal Law

Sean Robertson

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Résumé de l'article

Alors que la démocratie canadienne aspire à la réconciliation avec les peuples autochtones, elle le fait à partir d'une position affaiblie. Le secteur postsecondaire, un site privilégié pour favoriser le renouvellement démocratique, subit la pression de la corporatisation et des forces politiques qui cherchent à réduire la liberté d'expression et la liberté universitaire. Cependant, ce secteur continue à offrir un certain espoir, au moyen de pédagogies libérales, anti-oppressives, anticoloniales et autochtones favorisant une responsabilité éthique publique qui va au-delà du soi. Toutefois, il n'est pas simple d'encourager ces pédagogies, notamment pour ceux qui enseignent des cours comme le droit autochtone dans un format d'apprentissage mixte. Vu l'éducation en ligne de plus en plus répandue et le manque de travaux de recherche sur les pédagogies anti-oppressives, d'une part et, d'autre part, la réticence des éducateurs en droit à adopter des pédagogies anticoloniales, il est urgent d'acquérir des connaissances sur la façon de développer l'éducation civique. L'éducation civique anticoloniale comprend des renseignements concernant l'établissement de la société coloniale et le statut des nations autochtones. De plus, elle se concrétise au moyen de pratiques d'apprentissage actif. Fondées sur des théories pédagogiques autochtones et non autochtones, ces pratiques sont considérées comme appuyant un « cadre intellectuel » tripartite constitué de la pensée critique, de la collaboration et de l'apprentissage autonome. Dans une étude de cas d'un cours de premier cycle, il est soutenu qu'un nombre de pratiques d'apprentissage actif sont efficaces pour produire un tel cadre intellectuel. Il est fait valoir qu'en plus de mener à de meilleurs résultats d'apprentissage, une éducation anticoloniale se matérialise dans la mesure où le cadre intellectuel encourage une sensibilité à la complexité et à la réflexion indépendante, une « culture civique », ainsi qu'une enquête autonome et une ouverture aux épistémologies alternatives.

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Practising an Anti-Colonial Citizenship Education Through a Blended Learning Course on Aboriginal Law

Sean Robertson *

In the wake of the Truth and Reconciliation Commission, Indigenous peoples and non-Indigenous Canadians find themselves aspiring towards transitional justice. Yet they do so with a democracy in need of some repair. One prime site for fostering democratic renewal – the post-secondary sector – is under pressure from corporatization and political forces working to narrow freedom of expression and academic freedom. This sector, however, continues to offer some hope through liberal, anti-oppressive, anti-colonial, and Indigenous pedagogies that promote a public ethical responsibility beyond the self. Yet encouraging these pedagogies is not straightforward, including for those teaching courses such as Aboriginal law in a blended learning format. In the context of the spread of online education and the dearth of scholarship on anti-oppressive pedagogies therein, on the one hand, and the reluctance of legal educators to adopt anti-colonial pedagogies, on the other, there is an urgency to build knowledge about how to develop citizenship education. Anti-colonial citizenship education includes content about the establishment of settler society and the status of Indigenous nations. Furthermore, it is operationalized through active learning practices. Based on Indigenous and non-Indigenous pedagogical theories, these practices are argued to support a tripartite “intellectual framework” comprised of critical thinking, collaboration, and self-directed learning. Through a case study of an undergraduate course, the argument is made for the efficacy of a number of active learning practices to produce this intellectual framework. It is suggested that, in addition to better learning outcomes, an anti-colonial citizenship education is materialized insofar as the intellectual framework inspires a sensibility for complexity and independent thinking, “civic culture,” and autonomous inquiry and openness to alternative epistemologies.

Alors que la démocratie canadienne aspire à la réconciliation avec les peuples autochtones, elle le fait à partir d’une position affaiblie. Le secteur postsecondaire, un site privilégié pour favoriser le renouvellement démocratique, subit la pression de la corporatisation et des forces politiques qui cherchent à réduire la liberté d’expression et la liberté universitaire. Cependant, ce secteur continue à offrir un certain espoir, au moyen de pédagogies libérales, anti-oppressives, anticoloniales et autochtones favorisant une responsabilité éthique publique qui va au-delà du soi. Toutefois, il n’est pas simple

* Associate Professor, Faculty of Native Studies, University of Alberta. In addition to the excellent research assistance provided by Ayantika Mukherjee, the following individuals also provided essential support for this research: Mitra Mohseni, Freda Cardinal, Jade Brown-Tootoosis, and Janet Delorme. Finally, I would like to acknowledge Dr. Shalene Jobin, the lead on the funding application for this course, as well as J.R. Dingwall for his wisdom on on-line pedagogy. In memory of Jennifer Ward.

d'encourager ces pédagogies, notamment pour ceux qui enseignent des cours comme le droit autochtone dans un format d'apprentissage mixte. Vu l'éducation en ligne de plus en plus répandue et le manque de travaux de recherche sur les pédagogies anti-oppressives, d'une part et, d'autre part, la réticence des éducateurs en droit à adopter des pédagogies anticoloniales, il est urgent d'acquérir des connaissances sur la façon de développer l'éducation civique. L'éducation civique anticoloniale comprend des renseignements concernant l'établissement de la société coloniale et le statut des nations autochtones. De plus, elle se concrétise au moyen de pratiques d'apprentissage actif. Fondées sur des théories pédagogiques autochtones et non autochtones, ces pratiques sont considérées comme appuyant un « cadre intellectuel » tripartite constitué de la pensée critique, de la collaboration et de l'apprentissage autonome. Dans une étude de cas d'un cours de premier cycle, il est soutenu qu'un nombre de pratiques d'apprentissage actif sont efficaces pour produire un tel cadre intellectuel. Il est fait valoir qu'en plus de mener à de meilleurs résultats d'apprentissage, une éducation anticoloniale se matérialise dans la mesure où le cadre intellectuel encourage une sensibilité à la complexité et à la réflexion indépendante, une « culture civique », ainsi qu'une enquête autonome et une ouverture aux épistémologies alternatives.

I. INTRODUCTION

Encouraged by the Truth and Reconciliation Commission [TRC] on Indian residential schools,¹ Indigenous peoples and non-Indigenous Canadians find themselves aspiring towards transitional justice² and decolonization. However, democracy is under a range of pressures that threaten to render these challenges more intractable in the public sphere in general as well as on post-secondary campuses. In that regard, democracy is being eroded by the “corporatization” of the university;³ the instrumental push in education for efficient workers as opposed to well-rounded citizens;⁴ the undermining of debate through

¹ On the current “surge” in conversations in Canada for decolonization, Indigenization, and reconciliation inspired by the Truth and Reconciliation Commission, see Lynn Lavalée, “Is Decolonization Possible in the Academy?” in Sheila Cote-Meek & Taima Moeke-Pickering, eds, *Decolonizing and Indigenizing Education in Canada* (Toronto: Canadian Scholars, 2020) 117 at 117.

² Transitional justice may be defined as “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. ... These may include both judicial and nonjudicial mechanisms ... reparations, truth-seeking, institutional reform.” United Nations Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General*, UN Doc S/2004/616 (New York: United Nations, 2004) at 4, online: <archive.ipu.org/splz-e/unga07/law.pdf>.

³ Henry Reichman, *The Future of Academic Freedom* (Baltimore, MD: Johns Hopkins University Press, 2019) at 5; Margaret Thornton, “Among the Ruins: Law in the Neo-Liberal Academy” (2001) 20 Windsor YB Access Just 3.

⁴ W Wesley Pue, “Legal Education’s Mission” (2008) 42:3 The Law Teacher 270.

the labelling of (scientific) facts, dissenting opinions, and critique as “fake news,” and the mobilization of alternative facts;⁵ and the censure of faculty by administrators.⁶

Education and, in particular, anti-oppressive pedagogies are understood to play an essential role in addressing the power dynamics in society,⁷ including those surrounding democracy, reconciliation, and decolonization. Nonetheless, encouraging these pedagogies is not straightforward, including for those teaching courses such as Aboriginal law in a blended learning format. With the COVID-19 pandemic ushering in an expanded footprint for digital education and the scant attention paid to anti-oppressive pedagogies in the online context,⁸ on the one hand,⁹ and the hesitancy of legal educators to adopt decolonizing pedagogies,¹⁰ on the other, there is an urgent need to know more about developing online, anti-colonial citizenship education. This article explores the possibilities to strengthen and decolonize the democratic fabric in this sector through a case study of a second-year undergraduate course: Introduction to Indigenous Legal Issues. By bringing qualitative methodology to this task, this investigation centres the voices and experiences of community contributors (here, students) and thereby pursues a different response to the problem than typically found in law-based studies with their tendency to be concerned more with the reflections of the instructor.

This article rehearses the shortcomings of statist and multicultural framings of the law and the hegemonic pedagogy of passive learning insofar as they support the status quo. It then turns to the promotion of culturo-historical literacy (the “cultural curriculum”¹¹) and active learning as practised in the Introduction to Indigenous Legal Issues course. Taught in an Indigenous Studies unit from an Indigenous Studies perspective, the content of the course goes beyond legal doctrine to foreground the history of colonialism and the continuity of Indigenous legal systems and governance¹² and Indigenous legal thought.¹³ Based on an online survey conducted across three offerings of the course, active learning practices were found to support critical thinking, self-directed learning, and collaboration. These practices

⁵ Henry A Giroux, “What Is the Role of Higher Education in the Age of Fake News?” in Michael A Peters et al, eds, *Post Truth/Fake News: Viral Modernity and Higher Education* (Singapore: Springer Nature, 2018) 197 at 198–202.

⁶ Howard Woodhouse, “The Contested Terrain of Academic Freedom in Canada’s Universities: Where Are We Going?” (2017) 76:3 *American Journal of Economy & Society* 618 at 620–621.

⁷ Paulo Freire, *Pedagogy of the Oppressed* (New York: Seabury, 1970); bell hooks, *Teaching to Transgress: Education as the Practice of Freedom* (New York: Routledge, 1994).

⁸ María Migueliz Valcarlos et al, “Anti-Oppressive Pedagogies in Online Learning: A Critical Review” (2020) 41:3 *Distance Education* 345 at 346–347.

⁹ But see Margaret Kovach & Harpell Montgomery, “What Kind of Learning? For What Purpose? Reflections on a Critical Adult Education Approach to Online Social Work and Education Courses Serving Indigenous Distance Learners” (2010) 11:1 *Critical Social Work* 27.

¹⁰ Jeffery Hewitt & Shanthi E Senthe, “Disrupting Business as Usual: Considering Teaching Methods in Business Law Classrooms” (2019) 42:2 *Dalhousie LJ* 261 at 276.

¹¹ This is the Canadian term for the broad knowledge about society thought to be delivered through the case method in elite British law schools. See Pue, *supra* note 4 at 276.

¹² Leilani Sabzalian, “The Tensions between Indigenous Sovereignty and Multicultural Citizenship Education: Toward an Anticolonial Approach to Civic Education” (2019) 47:3 *Theory & Research in Social Education* 311.

¹³ On the general importance of countering “the monocultural foundation of knowledge” through the inclusion of Indigenous knowledge, see Marie Battiste, *Decolonizing Education: Nourishing the Learning Spirit* (Saskatoon, SK: Purich Publishing, 2017) at 161. As a response to liberal law, the course includes Indigenous legal theory: Gordon Christie, “Law, Theory and Aboriginal Peoples” (2003) 2 *Indigenous LJ* 67.

inculcate, respectively, a sensibility for complexity and independently arriving at the truth, following one's own pathway towards knowledge and an openness to alternative epistemologies, and the elaboration of "civic culture."¹⁴ To the extent that these practices enact a tripartite, "functional, knowledge-intellectual framework[s],"¹⁵ advocates of active learning claim that they motivate the development of values, lifelong learning skills, and more robust democracies.¹⁶ Insofar as they also promote culturo-historical literacy, it is suggested that they go beyond an anti-oppressive pedagogy to lay the foundation for anti-colonial citizenship education.

My approach is to trace the intersection of these three types of practices across Indigenous and non-Indigenous pedagogies. Because the learning practices of Indigenous pedagogies are "active, constructive processes,"¹⁷ they have kinship with the non-Indigenous ones discussed here. Indigenous pedagogies are grounded in "learning by observation and doing, learning through authentic experiences and individualised instruction, and learning through enjoyment."¹⁸ Although I present Indigenous Studies contextual perspectives, use active learning practices that share characteristics with Indigenous ones, and argue that I am promoting an anti-colonial pedagogy, it is important to be clear at the outset that I do not arrive at an "Indigenous adult education approach."¹⁹ As Margaret Kovach (Plains Cree and Saulteaux) and Harpell Montgomery (Mi'kmaq) explain, Indigenous pedagogies are different as they are grounded in world views wherein the human is de-centred.²⁰ Despite the similarities with the anti-colonial pedagogy explored here, they lead to distinct approaches to teaching and learning. That said, in my conclusion, I briefly suggest strategies towards more meaningfully incorporating Indigenous pedagogies.

¹⁴ Fernando López Castellano, Fernando García-Quero & Marina García-Carmona, "Perspectives on Human and Social Capital Theories and the Role of Education: An Approach from Mediterranean Thought" (2019) 51:1 *Educational Philosophy & Theory* 51 at 52, paraphrasing Mancur Olson, "Billetes Grandes Tirados en la Acera: De Cómo Algunas Naciones son Ricas y Otras Pobres" in Fernando López Castellano, ed, *Desarrollo: Crónica de un Desafío Permanente* (Granada: Universidad de Granada, 2007) 75.

¹⁵ Robert B Barr & John Tagg, "From Teaching to Learning: A New Paradigm for Undergraduate Education" (1995) 27:6 *Change* 12 at 22.

¹⁶ On educating for democracy and the common good, see Biren (Ratnesh) A Nagda, Patricia Gurin & Gretchen E Lopez, "Transformative Pedagogy for Democracy and Social Justice" (2003) 6:2 *Race, Ethnicity, & Education* 165; Ruth Buchanan & Sundhya Pahuja, "Using the Web to Facilitate Active Learning: A Trans-Pacific Seminar on Globalization and the Law" (2003) 53:4 *Journal of Legal Education* 578; Roger Burrige & Julian Webb, "The Values of Common Law Legal Education: Rethinking Rules, Responsibilities, Relationships and Roles in Law Schools" (2007) 10:1 *Legal Ethics* 72; Pue, *supra* note 4; López Castellano, García-Quero & García-Carmona, *supra* note 14.

¹⁷ Battiste, *supra* note 13 at 179; Leanne Betasamosake Simpson, "Land as Pedagogy: Nishnaabeg Intelligence and Rebellious Transformation" (2014) 3:3 *Decolonization: Indigeneity, Education & Society* 1; John Borrows, "Outsider Education: Indigenous Law and Land-Based Learning" (2016) 33 *Windsor YB Access Just* 1.

¹⁸ Battiste, *supra* note 13 at 178–179.

¹⁹ Kovach & Montgomery, *supra* note 9 at 29.

²⁰ *Ibid* at 36.

II. METHODS

Through a case study of a thirteen-week Introduction to Indigenous Legal Issues course,²¹ I investigate the capacities for online and brick-and-mortar spaces (that is, blended learning), course materials, and active learning tasks to provide students with an anti-colonial intellectual framework. The study avails itself of methods that therefore access the meanings and understandings that individuals hold about their experiences with independent thought and complexity, relationality and associated ethical sensibilities through learning with others, and agency over knowledge production and the diversification of ideas. This research is based largely on an online, anonymous survey consisting of twenty quantitative and twenty-four qualitative questions made available to students at the conclusion of the course. The number of students participating was thirteen out of a total of twenty-three students in the winter of 2017 ($n = 13$); eight out of a total of nineteen students in the autumn of 2017 ($n = 8$); and ten out of a total of nineteen students in the autumn of 2019 ($n = 10$). The study also refers to my personal observations. As a case study, it is intended not to be generalizable but, rather, to describe experiences of a particular course and possibly inform course design elsewhere.²² Over the period when this study was conducted, my sense was that the classes were roughly made up of 50 percent Indigenous and 50 percent non-Indigenous students.

III. PEDAGOGY, DEMOCRACY, AND DECOLONIZATION

In this section, I review the literature to show how active learning, when coupled with cultural literacy on the role of law in systems of inequality, can give rise to an intellectual framework of consequence to improved learning outcomes as well as anti-colonial citizenship education. It is widely recognized that education has a role in shaping citizens towards fulsome participation in the economy and democracy.²³ It equips them with the skills necessary to compete in the global economy in pursuit of private ends. More ethico-political approaches to education further acknowledge its role in cultivating subjects to be actively involved in public life and, therefore, contributors to a healthy democracy.²⁴ While liberalism claims moral neutrality, there is clearly a moral imperative in liberal education where its freedoms entail commitments towards “moral responsibility and ‘citizenship.’”²⁵ As such, the critical inquiry and cultural literacy promoted by liberal (legal) education are meant to enable scrutiny of the liberal state and law.²⁶ Both critical pedagogy and multicultural education are also concerned with “educating for democracy”²⁷ and

²¹ Also known as Aboriginal law. See Thomas Isaac, *Aboriginal Law: Commentary and Analysis* (Saskatoon, SK: Purich Publishing, 2012).

²² Jamie Baxter & John Eyles, “Evaluating Qualitative Research in Social Geography: Establishing ‘Rigour’ in Interview Analysis” (1997) 22:4 *Transactions of the Institute of British Geographers* 505.

²³ Nagda, Gurin & Lopez, *supra* note 16; Pue, *supra* note 4; Celica C Lo, “Student Learning and Student Satisfaction in an Interactive Classroom” (2010) 59:4 *Journal of General Education* 238 at 239.

²⁴ David T Sehr, *Education for Public Democracy* (Albany, NY: State University of New York Press, 1997); Nagda, Gurin, and Lopez, *supra* note 16 at 165; Giroux, *supra* note 5.

²⁵ Burrige & Webb, *supra* note 16 at 78.

²⁶ Pue, *supra* note 4 at 278–279.

²⁷ Nagda, Gurin & Lopez, *supra* note 16 at 167.

share in a “language of critique, and endorse pedagogies of resistance, possibility and hope.”²⁸ They encourage students to “look at issues in broad social contexts, hone their abilities for deep and critical inquiry, constructively consider multiple view-points and perspectives in dialogue with others, and engage in socially just actions.”²⁹

In shifting from an anti-oppressive pedagogy (as just outlined) to a decolonizing or anti-colonial one, it is essential to include content on intellectual and material justice. The former confronts the erasures around Indigenous history, sovereignty, and citizenship and centres Indigenous knowledges as opposed to placing them along the edges of the curriculum.³⁰ Besides intellectual justice, decolonization requires material justice through the return of land³¹ to self-determining Indigenous nations. The curriculum must therefore go beyond recognition to also underline these more concrete aspects of decolonization. In my choice of terms, I follow Leilani Sabzalian (Alutiiq) who deploys tribal citizenship and nationhood against, respectively, liberal citizenship and the multicultural state.³² She recognizes that “Indigenous citizenship” is a reductive framing of Indigenous identity.³³ She further points out that “Indigenous Studies scholars have debated and critiqued discourses of [hetero-]nationalism.”³⁴ Despite these shortcomings, citizenship and nationhood have provided an efficacious political platform for Indigenous peoples that refuses the effacements of settler colonialism. Moreover, as non-Indigenous people adopt these understandings through anti-colonial pedagogy, “anti-colonial civic identities” come into view.³⁵

Since the law materializes liberal theory and the (settler) state,³⁶ it contains a number of ideological investments that run counter to anti-colonial education. Any pedagogy must therefore bring to bear a cultural curriculum that contextualizes the law. In the Introduction to Indigenous Legal Issues course, the course content provided an assessment of how the Crown came to have sovereignty,³⁷ an illustration of possibilities for self-government³⁸ and the sharing of jurisdiction,³⁹ an introduction to the “original instructions” at the core of Indigenous epistemologies and legal theories,⁴⁰ and an understanding of how

²⁸ Geneva Gay, “Mirror Images on Common Issues: Parallels between Multicultural Education and Critical Pedagogy” in Christine E Sleeter & Peter L McLaren, eds, *Multicultural Education, Critical Pedagogy and the Politics of Difference* (Albany, NY: State University of New York Press, 1995) 155 at 156.

²⁹ Nagda, Gurin, & Lopez, *supra* note 16 at 166.

³⁰ On decolonization and intellectual justice, see Lavalée, *supra* note 1 at 127.

³¹ Emily Grafton & Jérôme Melançon, “The Dynamics of Decolonization and Indigenization in an Era of Academic ‘Reconciliation’” in Cote-Meek & Moeke-Pickering, *supra* note 1, 135 at 138. On the complexities of the terms “decolonization” and “reconciliation,” see Eve Tuck & KW Yang, “Decolonization Is Not a Metaphor” (2012) 1:1 *Decolonization: Indigeneity, Education & Society* 1. For decolonization in the law school context, see Foluke Adebisi, “Decolonising the Law School: Presences, Absences, Silences ... and Hope” (2020) 54:4 *The Law Teacher* 471.

³² Sabzalian, *supra* note 12 at 319.

³³ *Ibid* at 312.

³⁴ *Ibid* at 320.

³⁵ *Ibid* at 313.

³⁶ Pue, *supra* note 4 at 277; on liberal theory and anti-colonial citizenship education, see Sabzalian, *supra* note 12 at 321.

³⁷ Peter Macklem & Michael Asch, “Aboriginal Rights and Canadian Sovereignty: An Essay on *R. v. Sparrow*” (1991) 29:2 *Alberta L Rev* 489.

³⁸ Jean Teillet, *Métis Law Summary* (2013), online: *Métis Nation of Alberta* <albertametis.com/app/uploads/2014/04/Metis-Law-in-Canada-2013-1.pdf>.

³⁹ John J Borrows & Leonard I Rotman, “Aboriginal Rights” in *Aboriginal Legal Issues: Cases, Materials and Commentary* (Markham, ON: LexisNexis, 2007) 93.

⁴⁰ Christie, *supra* note 13 at 108.

structural racism problematizes an ideological investment in meritocracy and liberalism's democratic pretensions.⁴¹ Benjamin Bloom's taxonomy is an influential conceptualization of the learning process.⁴² It is helpful in describing the contribution of active learning activities to progressive intellectual frameworks, generally, as well as to frameworks undergirding anti-colonial citizenship education. For legal scholars, it involves six hierarchical levels:

1. knowledge;
2. comprehension;
3. application;
4. "analysis (breaking a concept into its elemental parts, explaining the interrelationships between the parts, and distinguishing relevant from irrelevant material)";⁴³
5. "synthesis (putting concepts together to form a scheme and solve problems creatively)";⁴⁴ and
6. "evaluation (using a set of criteria to come to a reasoned judgment)."⁴⁵

Passive learning, such as listening to a lecture, only triggers the lower levels of learning: knowledge and comprehension. In order for application, analysis, synthesis, and evaluation to occur, active learning practices are required.⁴⁶ Importantly, critical thinking is synonymous with these higher-order levels of the learning process.⁴⁷ It is an essential part of any progressive intellectual framework, and, to repeat, active learning is an "effective and efficient" means of attaining it.⁴⁸

Over the past thirty years, education scholars have engaged in a wholesale critique of the instruction paradigm of education.⁴⁹ According to this model, knowledge is delivered by an instructor to students for recall later in examinations as facts. Anchored in the lower levels of Bloom's taxonomy, this "passive sponge" approach consists of largely inactive practices and places the responsibility for learning on the

⁴¹ Joyce Green, "From *Stonechild* to Social Cohesion: Anti-Racist Challenges for Saskatchewan" (2006) 39:3 Canadian Journal of Political Science 507. See also Elizabeth Comack, *Locating Law: Race/Class/Gender/Sexuality Connections* (Halifax: Fernwood Publishing, 2014). Comack borrows the "Official Version of Law," a key concept in the course, from Ngaire Naffine, *Law and the Sexes: Explorations in Feminist Jurisprudence* (Sydney: Allen and Unwin, 1990).

⁴² Benjamin S Bloom et al, eds, *Taxonomy of Educational Objectives: The Classification of Educational Goals*, Handbook 1: *Cognitive Domain* (New York: Longmans, 1956).

⁴³ Gerald F Hess, "Principle 3: Good Practice Encourages Active Learning" (1999) 49:3 Journal of Legal Education 401 at 402, paraphrasing Barbara Gross Davis, *Tools for Teaching* (San Francisco, CA: Jossey-Bass Publishers, 1993).

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*; on these levels in legal education, see Kenneth R Swift, "The Seven Principles for Good Practice in (Asynchronous Online) Legal Education" (2018) 44:1 Mitchell Hamline L Rev 105 at 120–121.

⁴⁶ Michael D Everett & Otto Zinser, "Interdisciplinary Social Science Courses: Using a Critical Thinking Approach" (1998) 47:3 Journal of General Education 225; Cynthia Luna Scott, "The Futures of Learning 3: What Kind of Pedagogies for the 21st Century?" (December 2015) Education Research and Foresight Working Papers Series No 15, online: UNESCO <unesdoc.unesco.org/ark:/48223/pf0000243126>; Swift, *supra* note 45.

⁴⁷ Everett & Zinser, *supra* note 46 at 241.

⁴⁸ Hess, *supra* note 43 at 402.

⁴⁹ For the instruction and learning paradigms, see Barr & Tagg, *supra* note 15 at 13.

shoulders of the student.⁵⁰ By contrast, the learning paradigm recognizes that learners construct knowledge and meaning through analysis, synthesis, and explanation, often involving other learners.⁵¹ It further expects institutions to furnish a variety of opportunities for active learning, including those emphasizing experiences (that is, “experiential learning”).⁵² These may come in the form of reading, role play/simulation, debating, peer reviewing, problem-based learning, “Socratic dialogue, discussion, writing exercises ... computer exercises ... clinics, externships, field trips,”⁵³ and community service learning. Instead of an emphasis on recalling “fractionated, contextual cues,”⁵⁴ the learning paradigm concerns itself with “concepts, principles, or skills ... that one can bring ... to bear on new problems and situations, deciding in which ways one’s present competencies can suffice and in which ways one may require new skills or knowledge.”⁵⁵

Indigenous scholars also critique the instruction paradigm and contrast it with Indigenous pedagogies that are active, “pragmatic and experiential.”⁵⁶ For example, Lana Ray and Paul Nicholas Cormier (both from Lake Helen First Nations) use the story “Nanaboozhoo and the Maple Trees” to explain Anishinaabe pedagogy as involving “active and personal engagement.”⁵⁷ When Nanaboozhoo discovered the Anishinaabe simply lying on their backs as maple syrup – a metaphor for knowledge – flowed out of the trees and into their mouths, he took steps to establish the Anishinaabe pedagogical paradigm. By pouring buckets of water on the trees, the maple syrup was forever diluted. As a consequence, the Anishinaabe now must labour in order to produce the syrup/knowledge that they once obtained with little effort.

Legal scholars have been engaged in this pedagogical rethink,⁵⁸ with liberal legal education as one tradition that has been innovative in this regard.⁵⁹ In place of teaching law as a set of technical skills, it aims to prepare students for a life of “analysis, reflection and self-discovery,”⁶⁰ where being a good citizen means aspiring towards the “morally justified use of their freedom”⁶¹ in the politico-legal life of society.

⁵⁰ For example, see Arnold B Arons, “Critical Thinking and the Baccalaureate Curriculum” (1985) 71:2 *Liberal Education* 141 at 141.

⁵¹ On “constructivism,” see Lillian Corbyn, Kylie Burns & April Chrzanowski, “If You Teach It, Will They Come? Law Students, Class Attendance and Student Engagement” (2010) 20 *Legal Education Rev* 13 at 20; Debra D Burke, “Scale-Up! Classroom Design and Use Can Facilitate Learning” (2015) 49:2 *The Law Teacher* 189 at 192.

⁵² David A Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (Englewood Cliffs, NJ: Prentice Hall, 1984).

⁵³ Hess, *supra* note 43 at 402.

⁵⁴ Barr & Tagg, *supra* note 15 at 22.

⁵⁵ *Ibid*, citing directly Howard Gardner, *The Unschooled Mind: How Children Think and How Schools Should Teach* (New York: Basic Books, 1991) at 19.

⁵⁶ Battiste, *supra* note 13 at 38; Karen Drake, “Finding a Path to Reconciliation: Mandatory Indigenous Law, Anishinaabe Pedagogy, and Academic Freedom” (2017) 95 *Can Bar Rev* 9.

⁵⁷ Lana Ray & Paul Nicholas Cormier, “Killing the Weendigo with Maple Syrup: Anishinaabe Pedagogy and PostSecondary Research” (2012) 35:1 *Can J Native Education* 163 at 169.

⁵⁸ Hess, *supra* note 43; Rohan Havelock, “Law Studies and Active Learning: Friends Not Foes?” (2013) 47:3 *The Law Teacher* 382; Melissa Castan & Ross Hyams, “Blended Learning in the Law Classroom: Design, Implementation, and Evaluation of an Intervention in the First Year Curriculum Design” (2017) 27:1 *Legal Education Rev*, Art 13; Kyle Burns et al, “Active Learning in Law by Flipping the Classroom: An Inquiry into Effectiveness and Engagement” (2017) 27:1 *Legal Education Rev*, Art 14; Swift, *supra* note 45.

⁵⁹ Burrige & Webb, *supra* note 16; Pue, *supra* note 4.

⁶⁰ Pue, *supra* note 4 at 273.

⁶¹ Alan Gewirth, “The Moral Basis of Liberal Education” (1994) 13 *Studies in Philosophy & Education* 111 at 111.

By weaving context and history with active learning practices, such as clinical education,⁶² liberal legal education comes to fulfill its “‘cultural’ mission.”⁶³ Ruth Buchanan and Sundhya Pahuja have explored online, active learning as an efficacious means of developing skills linked to course topics as well as those of “general application,”⁶⁴ such as the problematization of the definition of law. They further enquired into the capacity of active learning to encourage an “intellectual framework” informed by intellectual independence and a sensibility for complexity (“critical thinking”); a willingness to learn with and from others and having one’s values challenged (“collaborative learning”); and agency over knowledge production and openness to alternative epistemologies (“self-directed learning”).⁶⁵ In the next three subsections, the components of this intellectual framework are further developed as they criss-cross Indigenous and non-Indigenous pedagogies. It is important to keep the messiness of learning in mind, as the components may overlap with one another and may sometimes be the outcome of the same active learning practice.

A. Critical Thinking: Independent Thought and Complexity

In the context of decolonization, where attention must be paid to speaking and ascertaining the truth, overcoming ignorance, and testing ideas about the redistribution of political and economic power, critical thinking is fundamental. Under the instruction paradigm, a singular truth is broadcast as “the right answer.” By contrast, under the learning paradigm where critical thinking prevails, knowledge involves appraising different ideas and sources, a sensibility for uncertainty and complexity, and constructing independent arguments. Here, the instructor shifts from being “a sage on a stage to a guide on the side.”⁶⁶

As we have already seen with Indigenous epistemologies, learning is also a process requiring engagement. Active learning is understood to foster critical thinking. According to Marie Battiste (Mi’kmaw), “Indigenous pedagogy values a person’s ability to learn independently by observing, listening and participating with minimum intervention or instruction.”⁶⁷ Complexity seems to be sewn into Indigenous epistemologies: Karen Drake (Métis) explains that the truth is always incomplete and requires bringing to bear “one’s own lived experience and active personal engagement.”⁶⁸ Similarly, Battiste states that “by relying on their prior knowledge and experience” in order to make meaning in texts they read, learners develop the “critical thinking and action-based skills they need to solve their own problems and the problems facing their communities.”⁶⁹ With active learning, anti-colonial education takes shape insofar as independent thinking reigns and the pursuit of truth involves assessing different authorities and openness to uncertainty.

⁶² Burrige & Webb, *supra* note 16; Pue, *supra* note 4.

⁶³ Pue, *supra* note 4 at 276–277.

⁶⁴ Buchanan & Pahuja, *supra* note 16 at 580.

⁶⁵ *Ibid* at 583.

⁶⁶ Swift, *supra* note 45 at 132.

⁶⁷ Marie Battiste, *Indigenous Knowledge and Pedagogy in First Nations’ Education: A Literature Review with Recommendations* (2002) at 15, online: *National Working Group on Education and the Minister of Indian and Northern Affairs Canada* <www.afn.ca/uploads/files/education/24._2002_oct_marie_battiste_indigenousknowledgeandpedagogy_lit_review_for_min_working_group.pdf>.

⁶⁸ Drake, *supra* note 56 at 25.

⁶⁹ Battiste, *supra* note 13 at 179.

B. Collaborative Learning: Space for Relationality and Ethical Development

Owing to the importance of the collective in Indigenous societies, it is no surprise that collaboration is central to Indigenous pedagogies. For Battiste, “[l]earning is a communal activity, involving family, community, and elders.”⁷⁰ In her own Mi’kmaq culture, “systems of education were characterized by communal participation ... and were highly dependent on intrapersonal, interpersonal ... learning, as expressed in oral language and active engagement in the daily life of the people.”⁷¹ Drawing on law school teaching experience, Drake describes how class members have to rely upon their own wits when using the talking circle: “[S]tudents ... build upon what others say ... by incorporating the discussion of others into their own discussion while adding further thoughts.”⁷² As a result of collaboration, not only is student learning improved, but relationality is also strengthened amongst individuals.⁷³ Through relationality, the collective – a political identity central to decolonization – is renewed.

Education is understood to play a significant role in shaping individuals for civic life in non-Indigenous contexts as well. Beyond protecting the individual from the collective, liberal society also “adopt[s] a permissive or encouraging attitude toward associational life outside of the state’s control.”⁷⁴ Clifford Zimmerman states that learning *per se* is “inherently social.”⁷⁵ Famously, Socrates tested his legal ideas through dialogue with fellow citizens, exposing his ideas to scrutiny as a means to increase their rigour.⁷⁶ According to Martha Nussbaum, liberal education allows us to “cultivate our humanity” by evaluating received traditions and developing more thoughtful and respectful relationships to the self and (different) others, respectively.⁷⁷

In addition to liberal legal education, a number of transformative pedagogies – that is, “multicultural education and critical pedagogy, dialogic education, active learning, feminist pedagogy, etc.” – foster citizenship training and a broad understanding of society. By equipping students with an ability “to critically examine their beliefs, values, and knowledge with the goal of developing a reflective knowledge base, an appreciation for multiple perspectives, and a sense of critical consciousness and agency,”⁷⁸ they prepare students to become committed to public service⁷⁹ and social justice.⁸⁰ Whether through a liberal or transformative pedagogy, the resulting “civil economy”⁸¹ is understood as an essential “public good.”⁸²

⁷⁰ *Ibid* at 181.

⁷¹ *Ibid* at 38. In the Anishinaabe context, see Ray and Cormier, *supra* note 57.

⁷² Drake, *supra* note 56 at 30.

⁷³ Ray and Cormier, *supra* note 57 at 165–166.

⁷⁴ Pue, *supra* note 4 at 270.

⁷⁵ Clifford S Zimmerman, “‘Thinking beyond My Own Interpretations’: Reflections on Cooperative and Collaborative Learning Theory in the Law School Curriculum” (1999) 31 *Ariz St LJ* 957 at 959.

⁷⁶ Clifford Orwin, “What Would John Stuart Mill Think About Today’s Campus Free-Speech Debates?” *Globe and Mail* (16 February 2018), online: <www.theglobeandmail.com/opinion/what-would-john-stuart-mill-think-about-todays-campus-free-speechdebates/article38005374/>.

⁷⁷ Seneca is quoted and paraphrased by Martha Nussbaum, “Cultivating Humanity in Legal Education” (2003) 70:1 *U Chicago L Rev* 265 at 267.

⁷⁸ López Castellano, García-Quero, & García-Carmona, *supra* note 14 at 58.

⁷⁹ Nagda, Gurin, & Lopez, *supra* note 16 at 165.

⁸⁰ *Ibid* at 167.

⁸¹ López Castellano, García-Quero, & García-Carmona, *supra* note 14 at 52, citing Robert D Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Shuster, 2000).

⁸² *Ibid*, citing Olson, *supra* note 14.

The higher-order, critical thinking-related categories in Bloom's taxonomy may be understood to turn the subject away from privatism and towards civic culture in two ways.⁸³ First, critical analysis links local struggles to larger structures being faced by other equity-seeking groups. In place of "modes of singular politics that become insular and self-sabotaging," such practices of "translation" lead to a "united front in the call for a radical democracy"⁸⁴ or at least a more vigorous public sphere. Second, where the active learning activities associated with these higher-order categories further involve collaborative learning, understanding⁸⁵ improves as students are challenged to present their own ideas, learn from⁸⁶ and appreciate a diversity⁸⁷ of points of view, and become "envisioners of alternative possibilities of social reality."⁸⁸ They further are given "opportunities to make choices ... for values clarification, and develop initiative and co-operation."⁸⁹ Aside from gaining experience with critical thinking by virtue of the diversity of ideas that characterize group work,⁹⁰ both critical analysis and collaborative learning foster the relationality and ethical development⁹¹ (that is, civic culture) requisite of anti-colonial citizenship education.

C. Self-Directed Learning: Agency and the Diversification of Knowledge

Self-directed learning manifests itself where students "shape their own learning outcomes" such that no one leaves the course with the "same package of information."⁹² According to Malcolm Knowles, "self-directed learning describes a process by which individuals take the initiative, with or without the assistance of others, in diagnosing their learning needs, formulating learning goals, identifying human and material resources for learning, choosing and implementing appropriate learning strategies, and evaluating outcomes."⁹³ This is sometimes described as "open learning," which is defined by Richard Johnson as "an approach rather than a system or technique; it is based on the needs of individual learners, not the interest of the teacher ... it gives students as much control as possible over what and when and where and how they learn."⁹⁴ Through student-centred learning exercises, by "thinking about the subject matter and in operating on the relationships with it ... personal meaning could be created."⁹⁵ As an adjunct to the openness of self-directed learning, self-generated lines of inquiry may foster the pluralization of (sometimes dangerous) ideas and support for engagement with marginalized knowledges.

⁸³ On active and engaged learning, see López Castellano, García-Quero & García-Carmona, *supra* note 14 at 58.

⁸⁴ Giroux, *supra* note 5 at 212–213.

⁸⁵ David Dominguez, "Principle 2: Good Practice Encourages Cooperation among Students" (1999) 49:3 J Legal Education 386 at 387–388; Swift, *supra* note 45 at 133.

⁸⁶ Dominguez, *supra* note 85 at 387.

⁸⁷ Hess, *supra* note 43 at 403.

⁸⁸ Nagda, Gurin & Lopez, *supra* note 16 at 167.

⁸⁹ Pamela Heath, "Education as Citizenship: Appropriating a New Social Space" (2000) 19:1 Higher Education Research & Development 43 at 50.

⁹⁰ Buchanan and Pahuja, *supra* note 16 at 589.

⁹¹ Hess, *supra* note 43 at 405; Lo, *supra* note 23 at 257.

⁹² Buchanan & Pahuja, *supra* note 16 at 586.

⁹³ Malcolm Knowles, *Self-Directed Learning: A Guide for Learners and Teachers* (Chicago: Follett, 1975) at 19.

⁹⁴ Richard Johnson, *Open Learning*, National Board of Employment, Education and Training Commission Report No 4 (Canberra: Australian Government Printing Service, June 1990) at 4.

⁹⁵ Heath, *supra* note 89 at 49.

Under Indigenous pedagogies, student autonomy and responsibility are also prioritized. For Saulteaux Elder Danny Musqua, “each of us has a journey on earth that is solely about learning. Learning ... is the purpose of our lives.”⁹⁶ Battiste asserts that “[l]earning is ... a life-long enterprise eventually yielding to a self-directed path.”⁹⁷ In addition to “creating meaningfulness for the learner group,” Kovach and Montgomery underline that self-directed learning affords “entry points for non-western perspectives, including Indigenous worldview(s), to ... be affirmed within a formal learning setting.”⁹⁸

The anti-oppressive thrust from learners making their own arguments, dealing with complexity, and evaluating different sources (critical thinking) is complemented where self-directed learning entails agency over knowledge production and openness to subjugated knowledges (including Indigenous ones). Both of these pillars of the intellectual framework place students in a less subordinate position in the pedagogue-student relation.⁹⁹ The final pillar – civic culture – is forged where critical analysis and collaboration encourage relationality and ethical development. By interleaving the active learning activities comprising these pillars with cultural literacy on the role of law in settler society, an anti-colonial pedagogy emerges.

IV. COURSE DESIGN

A desire to provide enhanced learning experiences and increased access for students led my academic unit to design blended and fully online offerings for the Introduction to Indigenous Legal Issues course. Active learning is recognized for providing more meaningful educational experiences and, therefore, may be attractive to millennial (those born between 1982 and 2000) and Indigenous learners.¹⁰⁰ As this course is offered in the evening, it commonly attracts students who also work day jobs. For the blended version, by placing some of the activities online, classroom time is reduced. This provides greater flexibility as students complete short, weekly activities asynchronously as their schedules permit. In the fully online offering of the course, web-conferencing and desktop-sharing software allow off-campus students to participate remotely and synchronously. Since many Indigenous people live outside urban centres, this capacity is important towards fulfilling my academic unit’s obligations to these communities. This also proved invaluable with the sudden arrival of the COVID-19 pandemic.

While there are many benefits to online and blended learning,¹⁰¹ they have also been the subject of critique.¹⁰² This is certainly the case in the context of public universities where fully online courses are offered on a cost-recovery basis partly as a means to make up for government funding shortfalls.¹⁰³ This form of privatization is said to threaten to upend accessibility and produce students as consumers.

⁹⁶ Musqua paraphrased by Battiste, *supra* note 13 at 18.

⁹⁷ *Ibid* at 181.

⁹⁸ Kovach & Montgomery, *supra* note 9 at 35.

⁹⁹ Freire, *supra* note 7.

¹⁰⁰ Burke, *supra* note 51 at 192; Kovach & Montgomery, *supra* note 9.

¹⁰¹ US Department of Education, Office of Planning, Evaluation, and Policy Development, *Evaluation of Evidence-Based Practices in Online Learning: A Meta-Analysis and Review of Online Learning Studies* (Washington, DC: US Department of Education, Office of Planning, Evaluation, and Policy Development, 2010).

¹⁰² Lily A House-Peters, Vincent J Del Casino Jr & Catherine F Brooks, “Dialogue, Inquiry and Encounter: Critical Geographies of Online Higher Education” (2019) 43:1 *Progress in Human Geography* 81.

¹⁰³ Note that this course is not funded through this model.

Furthermore, it dovetails with the overall neo-liberalization of higher learning and the evisceration of civic culture that active learning is oftentimes intended to push back against. The latest wrinkle in the debate, the explosion in online learning caused by the pandemic, has ignited scholarship examining what this might mean for the post-pandemic university after years of under-funding.¹⁰⁴ In any case, online learning based on an anti-colonial pedagogy and the possibilities for expanding civic space at a distance, such as in the Introduction to Indigenous Legal Issues course, provide some response to these criticisms and thereby illustrate the complexities of the debates about online learning.¹⁰⁵

After having taught a version of this course slanted towards the instruction paradigm for four years, staff from the teaching and learning centre of my university and I revisited its learning objectives before re-organizing the course and its three-hour weekly time block. By incorporating two forty-minute online (asynchronous) sessions before and after an in-class session (itself reduced to one hour and twenty minutes), we took the first step towards converting the course into a blended learning format (the focus for the remainder of this section). Rather than information being conveyed to students exclusively through a lecture (that is, the instruction paradigm), a “flipped classroom” provides a pre-recorded video lecture, which is delivered pre-class via the Internet as opposed to in class and in person. Students also complete a number of in-class as well as (online) pre- and post-class active learning tasks, commonly in groups, requiring them to remember, reflect upon, and apply newly acquired knowledge (that is, the learning paradigm in a blended learning format).¹⁰⁶

The agenda for each week is as follows. The students begin their readings and pre-class activities on Friday and complete (and sometimes submit) these activities by early on the following Tuesday. Later that evening, an in-class meeting is held. Students have from then until Thursday evening to complete and submit any post-class activities. According to the learning paradigm, the agenda is designed to constellate the entire week with learning experiences as opposed to having participation confined only to lectures offered at some set interval during the workweek.

The pre-class online activities are rolled out on Friday morning. Students log on to the digital content, learning, and assessment platform of my university (EClass), where they find the syllabus, rubrics (for term papers and other assignments), lists of key terms for two exams, weekly dropdown folders containing links to the readings, as well as further dropdown folders detailing the pre-, in-, and post-class activities. In order to mitigate screen fatigue, the aforementioned lecture videos are only twelve to twenty-two minutes in length. In addition to a list of weekly learning objectives, the videos are supplemented by instructor notes. In preparation for in-class activities, students are normally asked to complete definitions for some or all of the week’s key terms. Other activities might include a KWL chart in which students write down what they already know (“K”) about a topic (based on existing knowledge and pre-class work), what they have questions about / want to learn (“W”) (presumably to be resolved in class), and what they learned in the class (“L”), which is to be completed post-class.¹⁰⁷ Having already completed the reading

¹⁰⁴ Jennifer Brennan et al, “Investing in a Better Future: Higher Education and Post-COVID Canada” (2021) 6 FACETS 871.

¹⁰⁵ House-Peters, Del Casino Jr, & Brooks, *supra* note 102.

¹⁰⁶ Barr and Tagg, *supra* note 15; Hess, *supra* note 43; Havelock, *supra* note 58; Castan & Hyams, *supra* note 58; Burns et al, *supra* note 58; Swift, *supra* note 45.

¹⁰⁷ Donna M Ogle, “K-W-L: A Teaching Model That Develops Active Reading of Expository Text” (1986) 39:6 The Reading Teacher 564.

and watched the videos, these pre-class activities (theoretically) amount to a third run through of the materials even before students have come to the physical classroom.

The in-class activities take place in a dynamic environment that supports active and group learning.¹⁰⁸ A studio-style classroom includes nine clusters of lightweight, wheeled chairs and desks located around video screen / electronic whiteboard stations; the students and the instructor can uplink their laptop computers to an individual station when working on small group assignments or to all stations, as is done in the case of overview lectures on course materials or assignments. On that note, I begin each class with a ten-minute, high-level overview of the readings and five to ten minutes of student questions. The class then divides itself in half for the purposes of student presentations. I take one group, and a teaching assistant takes another. Once per term, each student presents a five-minute critique of some aspect of the reading, perhaps made by drawing on a current affairs item, personal experience, research being done for the term paper, or learning in another course, and the student then leads about five to ten minutes of discussion questions for the class. Over the next forty minutes of the class, the students return to their clusters (or form new groups) in order to continue to work collaboratively¹⁰⁹ on up to two scheduled activities, based on active learning practices such as a jigsaw,¹¹⁰ world café,¹¹¹ and concept map.¹¹²

The teaching assistant and I circulate around the class to see if any questions have arisen or, in some cases, to shape the discussion more towards answers based on the course materials. At the end of each exercise, I provide verbal feedback for each of the groups and solicit further responses from the class as a whole. Where the instructor is a “guide on the side,” active learning leads to an atmosphere of critical thinking, complexity, and uncertainty.¹¹³ In a second-year introductory course, it is therefore essential to recapitulate the learning for each activity at its conclusion in view of course requirements. In the remaining time, the following week’s readings and forthcoming assignments are discussed.

The post-class online activities might include wrapping up a KWL, completing an electronic peer review of a classmate’s term paper,¹¹⁴ or working on a discussion through EClass by making a post and replying to those made by others. The discussion prompts – based on, for example, course readings, primary source documents (for instance, cases and declarations by Indigenous political organizations), or reflections about an online quiz – are either provided by me or, as in the case of the assigned roles activity,¹¹⁵ by the students. In assigned roles, five students work on a discussion topic (the roles include a starter, two commentators, one content researcher who sources related information from the Internet, and one summarizer). As noted, this is only a general formula as, in some weeks, the post-class activity is

¹⁰⁸ Burke, *supra* note 51.

¹⁰⁹ Scott, *supra* note 46.

¹¹⁰ Kemal Doymus, “Teaching Chemical Bonding through Jigsaw Cooperative Learning” (2008) 26:1 *Research in Science & Technology Education* 47.

¹¹¹ World Café, *World Café Method* (2020), online: <www.theworldcafe.com/key-concepts-resources/world-cafe-method/>.

¹¹² Joseph D Novak & Alberto J Cañas, “The Theory Underlying Concept Maps and How to Construct and Use Them” (2008) Technical Report IHMC CmapTools 2006-01 Rev 01-2008, online: *Florida Institute for Human and Machine Cognition* <<https://cmap.ihmc.us/docs/theory-of-concept-maps/>>.

¹¹³ Buchanan & Pahuja, *supra* note 16 at 587–588.

¹¹⁴ Cassandra L Hill, “Peer Editing: A Comprehensive Pedagogical Approach to Maximize Assessment Opportunities, Integrate Collaborative Learning, and Achieve Desired Outcomes” (2010–2011) 11 *Nevada LJ* 667.

¹¹⁵ Bram De Wever et al, “Structuring Asynchronous Discussion Groups by Introducing Roles: Do Students Act in Line with Assigned Roles?” (2008) 39:6 *Small Group Research* 770.

dropped to allow students time to study for the mid-term or to make up for time spent watching a lengthy movie in advance of class. During every week, students receive feedback (based on a very simple rubric) in the form of a score for participation (for online and in-class contributions and attendance). At least every two weeks, they further receive written comments on their contributions.

In the preceding sections, I have laid out what the literature has to say about how liberal, critical, anti-colonial, and Indigenous education pedagogies variously incorporate context into the study of the law and engage active learning practices. I have also interrogated the ways in which those practices resonate across Indigenous and non-Indigenous pedagogies. Having just outlined the course and the role of active learning, I now turn to students' accounts in order to grasp the extent to which an intellectual framework that is important for better learning outcomes, democracy, and anti-colonial citizenship education took hold.

V. BUILDING AN INTELLECTUAL FRAMEWORK

A. Critical Thinking

The intellectual independence at the core of critical thinking calls for a type of learning that goes beyond memorizing discrete “bundles” of information (“the right answer”) and instead requires that students independently assess diverse materials, unpack and question power dynamics, interrogate assumptions, and come to their own opinions.¹¹⁶ Critical thinking can be encouraged through a mixture of activities in the in-class and online environments, theoretically informed course materials, as well as basing student evaluation on the thoughtful answer as opposed to the right answer. Unlike time-limited meetings in large groups in the in-class setting, in the asynchronous online setting, every student potentially gets a say,¹¹⁷ and the requirement for participation means that no one can hide, such that coming to online assignments completely “unprepared” is not really an option.¹¹⁸ Students are therefore well positioned for some level of critical engagement. As a means of addressing a degree of pushback from the students over the time-consuming quality of active learning, some ameliorative steps from the literature and teaching the course are discussed at the end of this subsection.

In response to questions about the effectiveness of both online and in-class activities in the instant course, students found that completing multiple learning tasks was beneficial:

Each activity had its unique way of helping me to learn the material. The activities did further build on the knowledge I gained through the readings and video lectures.

Having diverse methods of learning the material helped me keep the information better.

I found that, for theoretical ideas about the law, discussion and in-person lecture worked best for me because it allowed me to explore any questions/concerns/misconceptions and gain a better and more full understanding of the material.

¹¹⁶ Buchanan & Pahuja, *supra* note 16 at 580–581, 583–584, 587–588.

¹¹⁷ Dominguez, *supra* note 85 at 389.

¹¹⁸ Swift, *supra* note 45 at 126.

I found that discussion was the best way to illuminate the theoretical ideas about the law, and, therefore, the lectures, class discussions, and student presentations were most helpful because they helped to fill in the context around these principles that helped me to understand the theoretical ideas.

In a reply from elsewhere in the survey, one student remarked that course activities “*facilitated critical thinking rather than strict memorization.*” Independent understanding and, especially for the last three students, explicitly theoretical (or critical) thinking about the law, were not simply “deposited” as in the banking or instruction paradigm.¹¹⁹ They were developed instead as a result of a range of activities that built upon one another and allowed for personal engagement with the materials and, oftentimes, with one another.

Michael Everett and Otto Zinser note “that college students, on the average, have at best marginal interest in critical thinking activities.”¹²⁰ In tension with their findings, all but two of the students surveyed enthused about critical thinking and provided a positive response to the following direct question: “Did the course materials and discussions/activities (online and in-class) encourage you to think critically about the law? In other words, did the materials and activities encourage you to question your assumptions about the law and its role in social inequality and the relationship between Indigenous peoples and Canada?” As these replies demonstrate, students thought favourably about critical thinking and found that course materials and activities enhanced their critical thinking:

*Yes, they very much did. This course helped me to understand a deeper context about the legal system, including history and motivations, which helped me to be critical of the Official Version of Law.*¹²¹

It was fantastic to learn about how society creates laws that reproduce society and that law is not apolitical.

Yeah, the course provided a good framework to look at and analyze the law from ... a differing perspective than the norm, and, in doing so, it was easy to see how the law isn't as neutral as people think.

This class provided me with enough introductory knowledge to understand the complexity of the relationship between Indigenous peoples and Canada legally. This knowledge will help me pursue my goals career-wise.

There are certainly grounds for caution against concluding that the course single-handedly inspired interest in critical thinking. As reflected in the positive tone of the replies, the near-universal “vote” in favour of

¹¹⁹ Freire, *supra* note 7 at 72.

¹²⁰ Everett & Zinser, *supra* note 46 at 227.

¹²¹ See Comack, *supra* note 41.

critical thinking perhaps also reflects a pre-existing critical inclination held by the type of student who takes courses such as this one.

In all of the assessments for the course, the right answer was recast as one that was thoughtful, focused by the student's own interests, and anchored in the course materials. The intention behind this approach was to help students to overcome any attachment to rote learning and transcend the discomfoting effects of too much complexity. This approach was meant to thereby embolden students to pursue independent thinking and develop their critical faculties. The remarks of two students express the widely shared sense of the course having established a basis for critical thinking:

I think there was some flexibility in the course. ... With there being a single "right answer," we did discuss how these issues are not black and white and there isn't a single solution or single cause. We discussed how these issues are complex and layered.

I think people learned different things and were able to show what they learned equally (not a single "right answer"). There was a variety of focuses we could explore and prioritize aspects that made the most sense to us, like wider concepts or specific laws, etc.

The opinion of another student points to the emergence of a confident and critical disposition. In response to the question about whether the course encouraged critical thinking, this student said: "*Absolutely. This was one class that I felt I knew less the more I learned.*"

Buchanan and Pahuja assert that active learning is structurally more time consuming for both students and instructors.¹²² In response to the question "how much time did you spend on the course on a weekly basis?" the responses of students were at the higher end of the scale (on average across the cohorts):

- less time than in a lecture-based course (7 percent);
- the same amount of time as in a lecture-based course (13 percent);
- more time than in a lecture-based course (40 percent); and
- a lot more time than in a lecture-based course (40 percent).

Even where students were not required to do extra research or reading, such as for online discussion blogs, these and other in-class activities involve higher-order processes that take time. Importantly, for students from marginalized groups, in-class and online discussion may be understood as important platforms for expressing deeply held knowledge about the political situation that shapes their lived experience. For Indigenous students, the public act of putting their names down beside their opinions on an Indigenous legal issue carries significant cultural weight.¹²³ Despite time limitations being set out in the written and oral instructions for activities, well-footnoted online exegeses (and responses) became the practice of a significant minority. As other students perceived that the bar was being raised, a tumbleweed effect took hold, and even more extended blog entries became common. Because this dialogue-oriented forum

¹²² Buchanan & Pahuja, *supra* note 16 at 592.

¹²³ This point was generously made to me by Jennifer Ward, Educational Developer, personal communication, July 2017. I thank her.

became a site for more time-intensive and thought-intensive prose than was called for by the relatively small, weekly participation mark, many students became frustrated.

These factors appear to have contributed to a mixed set of survey responses in respect to the online active learning components. The survey reveals that the students generally preferred the term paper, pre-class videos, and in-class activities over other (especially post-class) online activities. The preference for face-to-face interaction is expressed in these remarks by three students:

In-class activities were the most helpful to get other students' interpretations and summaries and have the instructor answer questions or clarify concepts.

Talking about the definitions in class as a whole group (instructor review of definitions).

Discussion and lecture in class helped clarify the materials presented in the readings as it was possible to engage in real time with other individuals who had unique questions and perspectives on the content. These actives were effective in tying together the concepts and ideas throughout the semester in a way that was easy to digest and understand.

Here, students favoured those active learning tasks where the instructor could play the role of an expert on course materials or a sounding board for student-generated ideas.

The video lectures were meant to free up class time for active learning activities involving the analysis, synthesis, and application of ideas. In contrast to the instruction model, the intention was to enable students to gain a stronger grasp of the materials through in-class learning tasks. Towards mastering the material by the end of the week, the students were advised about “how the ... activities link to both the videos and the textbook”¹²⁴ and encouraged to follow the time limits suggested for each activity. But, for some, the video lectures became something of a fixation:

I believe that the 10-hour per week workload that the course was based around assumed that students did not take detailed notes while watching the videos, which was not fair since, in order to develop an understanding of the course material and especially an understanding of which aspects of the readings the professor felt were most relevant to the class, we needed to take very detailed notes while watching the videos. This added several hours of work per week. The [in-class] summary lecture was helpful in this regard.¹²⁵

In every cohort, a small handful of students also requested that a transcript be made available for each lecture solely on the grounds of gaining the fullest documentation of the lecture videos. According to Kyle Burns and his colleagues, junior students tend to “expect and require more face-to-face guidance from a lecturer.”¹²⁶ Combining the gravitational effect of the pre-recorded lectures with a dislike for online activities (e.g. lengthy post-class blogs) and preference for in-class activities in which the instructor takes

¹²⁴ Castan & Hyams, *supra* note 58 at 17.

¹²⁵ Note that all parenthetical text added in the survey responses is by the author.

¹²⁶ Burns et al, *supra* note 58 at 24–25.

centre stage, the survey responses reflect a minority desire to re-implant the instruction paradigm into an active learning course. These inclinations thereby risk complexity and independent thinking taking a back seat to the right answer.

A number of strategies meant to endear students to critical thinking-related active learning tasks are available, aside from reminding students about the pedagogy behind the weekly timeline and cautioning them about time limits for each activity. In terms of the complexity of the course material, most apt is the guidance provided by Gerald Hess. He advises telling students that, since some topics involve ambiguity, they cannot be taught through memorization alone and instead require learning methods that involve analysis, synthesis, and evaluation.¹²⁷ The delivery of feedback can also play a part. In this course, the provision of a running tally of participation and other marks on EClass in the two more recent offerings of the course allowed students a more immediate connection with the “coach” than provided before. Given the uncertainty in a pedagogy that eschews the right answer, this (weekly) feedback may have contributed to these more recent cohorts seeming more self-assured and sticking more closely to the online activity word counts.

To be sure, there was some hesitancy around complex and independent thinking and some frustration over the time and effort spent on certain online activities. Nevertheless, the use of theoretically informed texts, a range of active learning tasks, evaluation centred on the thoughtful answer (over the right answer), and providing prompt feedback promoted critical thinking – a capacity central to anti-colonial citizenship education.

B. Collaboration and Civic Culture

As opposed to the in-class setting, group work in the online environment provides more reflective and frequent dialogue and greater diversity of exchange. When it comes to students responding to each other’s work, asynchronous delivery may permit more time for thoughtful, well-crafted statements.¹²⁸ As a student remarked, “*online discussions are more comfortable, and conducive to detailed and comprehensive expression and discussion. In-class discussions were comfortable as well but didn’t involve the same level of information sharing.*” Moreover, where classmates or the instructor respond to postings, students’ ideas are tested with greater frequency than in the traditional classroom.¹²⁹ Another benefit noted by one student was that they had greater access to different peers and, I would imagine, viewpoints than they experienced in the real space of the classroom.

For the most part, the cohorts were united behind the idea that they profited from working with their peers. In response to a question about how different materials and activities assisted with understanding legal principles and rules, one student remarked: “*Collaborating with my peers was helpful, they would pick up on things that I missed and I could learn from their knowledge. The 20% participation [grade] was great incentive to complete the assignments as well.*” Another student said: “*Hearing the prof explain it (in person), then having my classmates reinforce those understandings in group discussions worked very well.*” Students praised group work for increasing comprehension of theoretical and legal knowledge.

¹²⁷ Hess, *supra* note 43 at 404, 402.

¹²⁸ Swift, *supra* note 45 at 136.

¹²⁹ *Ibid* at 133.

Three students provided the following statements in reply to the question “did you learn from the legal knowledge and/or personal experiences shared by other students in the class?”:

Yes! I wish there was more time for students to share their experiences. It was hugely relevant and extremely interesting. Especially students’ experiences with the TRC Commission, the Inquiry for MMIWG [Missing and Murdered Indigenous Women and Girls], and “reserve math”¹³⁰ to determine [government-recognized Indian] status.

Yes, I definitely did. The body of knowledge that many students brought to this course was frankly a little intimidating at times, and the personal experience shared by many of the students in the class was often hard to hear given the nature of the course, but also provided necessary context for the subject matter. As was said several times through the course, it's important to always remember that this entire field of study involves humans, and human experience.

Yes, students shared personal reflections and insights that provided depth to the course content and made it more “real.”

Such statements indicate that Indigenous students (and possibly non-Indigenous students well versed in Indigenous issues) were esteemed for enriching the level of learning in the course. In general, this support for group work must be set against the minority opinion that judged the time and effort required to complete the pre- and post-class online group activities negatively and that preferred expert-supported, in-class learning over peer-led learning.

By furthering the social process of education and providing opportunities for learning from other perspectives, collaboration contributes to building the relationships and ethical development central to civic culture. In response to a question about whether in-class or online group work “produced collaboration, student network building, or a ‘community of learners,’” two comments are illustrative:

I think we had the opportunity to get to know our peers in a way you wouldn't get in a traditional lecture-style class, which has benefits for sure. Collaboration is always good for learning.

In class I believe created a community because in a sense we were all working together to better understand an idea.

When asked whether the course “encourage[d] dialogue and learning between Indigenous and non-Indigenous students,” these student reflections suggest both the benefits of group work and the complexities of building relationships:

¹³⁰ “Reserve math” refers to the patterns of exogamous and endogamous relationships that secure or lead to the loss of federally recognized identity (as “status Indian” or “registered Indian”) for the offspring of such unions. Generally, see Indigenous Services Canada, “What Is Indian Status,” online: <www.sac-isc.gc.ca/eng/1100100032463/1572459644986>.

Yes, I ended up meeting and liking students who I would not have met or spoken to otherwise, and yes, the course supported this, in the blog and in-class activities and presentations.

Yes. I felt as though the non-Indigenous students and Indigenous students were able to have constructive conversations and were allowed to express their opinions and understand the others' points of view.

Yes it was, but not explicitly so. It allowed for the expression of opinions and experiences through group discussion, which was valuable for me as a non-indigenous student.

It was, simply because Indigenous students were there and seating was random so groups were random. To make this engagement more prominent would also make it feel forced and awkward.

Beyond comments illustrating how exchanges were fostered and diverse perspectives were shared, further support for the contentions that the course increased relationality and activated ethical capacities may be found. Earlier, in the context of online activities I mentioned the tumbleweed effect and the draining of students' energy. In concert with the frequency of exchange, the quality of exchange produced online – the “detailed and comprehensive” reflections referenced above – drew students into greater dialogue. This presumably contributed to a deepening of relationality and greater awareness of ethical issues. Through collaboration, not only are comprehension and critical thinking promoted, but the relationship building and ethical responsiveness of a civic culture – and decolonization – may also be glimpsed.

In order to better understand the benefits of group work (enhanced learning, appreciation of complexity and diverse perspectives, ethical development, and relationship building), they must be contextualized in regard to some further challenges. Drawing on their findings about undergraduate preference for “lower level cognitive approaches,” Everett and Zinser further say: “Even though we found that the honors students ... welcomed active student-centered discussion, they wanted to keep it loose and opinion-based rather than supported by systematic references to major schools of thought.”¹³¹ As the earlier question about dialogue and learning from classmates shows, my students profited from the insights provided by their peers. Based on my observations, the ensuing conversations lost focus in many instances on the particular theories or legal principles at issue. Moreover, one student called out a significant sticking point for active learning by referencing “*students who came unprepared or uninterested.*”¹³² Another student pointed out the challenges presented to building relationships: “*Many people did these [group work] activities last min or not at all. In this way, it was hard to connect when people have nothing to say in the absence of having done the course work.*”

These are important criticisms because active learning and community building are impossible in the absence of informed and focused participation. In such circumstances, the role of the instructor as a guide

¹³¹ Everett & Zinser, *supra* note 46 at 236–237.

¹³² See also Hess, *supra* note 43 at 405; Burns et al, *supra* note 58 at 11.

is essential insofar as they can make an accounting of what knowledge has been acquired and refocus the discussion. However, in response to my guidance, some students commented on my knack for cutting them and others off and steering the class away from deeper conversations. As one student remarked, “*the instructor had a clear timeline, which unfortunately inhibited a lot of great dialogue.*” While it is less important to “cover the material” in a course with extensive online resources and where learning objectives often hinge on the thoughtful answer (as opposed to the right answer), discussions do need to remain in the orbit of the course materials. Teaching from the sidelines therefore involves balancing the need for space for well-prepared students to explore ideas, while simultaneously not allowing conversations to become so untethered from the course materials that the dialogue deteriorates.

C. Self-Directed Learning

Self-directed learning was furthered in this course by students selecting and/or creating their own term paper topics, preparing oral commentaries on readings, defining key terms (based on thoughtfulness as opposed to a singular definition), developing discussion prompts in assigned roles and other group activities, and where group learning/peer teaching led students to reshape the objectives of a particular lesson. As opposed to accepting knowledge as a monolith, student testimony suggested a valuing of autonomous learning and the pluralization of knowledge. The survey asked students whether the course enabled them to self-direct their learning, whether everyone was expected to learn the same thing, or whether there was a bit of both. Overall, there was a sense that the teaching straddled the two extremes:

I believe there was a mix of both. This course allows students to express their own learning of the topic and express their opinions, which allowed some flexibility.

I never felt the instructor was looking for a “right answer,” and I do think everyone took away something different.

I think that the foundation of what each student learned was the same, but that some students developed their knowledge stronger in some areas while others chose to focus on other areas. I think that the course had a good foundation, and was flexible enough to allow students to find areas of higher interest/passion, giving each student the opportunity to contribute and become engaged with the material.

In reference to specific learning activities, other students captured this general sense that there was a mixture of instructor-led learning and self-directed learning:

[The course] allowed for some flexibility. We were required to have a certain understanding for definitions, for example, but we were able to build our own ties and connections that allowed for some flexibility in the course that created a balanced mix.

I think that that there were as many opportunities for self-directed learning as could reasonably be expected in an undergraduate 200-level course. Especially in the student presentations, which allowed students to delve into the aspects of the readings that most

interested them, in the term paper, which allowed flexibility of topic, and in how the professor provided supplementary readings.

Resistance around the self-directed learning aspects of active learning tasks, including those in a group context, is often based on the perception that the instructor is an authority whose job is primarily to transfer the right answers to students.¹³³ Towards navigating anxieties surrounding this (for some) new learning style, this course provided lecture notes, module objectives, key study terms, and video lectures. Other strategies could include the instructor emphasizing the personal nature of learning.¹³⁴ Hess states that explaining to students that power is being shared in a relationship of trust will lead to the enhancement of their motivation.¹³⁵

In reply to questions about whether online and in-class activities and pre-class videos and readings inspired students to learn more about a topic, roughly one-third of the participants did not find that these activities led them towards particular lines of inquiry. However, one student took the opportunity to share their preference for the term paper, a thread that can be followed throughout many of the survey responses: “*I learned lots about all topics but have had limited time to explore anything further. I was able to focus my interests further in the development of my paper.*” The paper was supported through the provision of essay topics, a paper proposal assignment, as well as supplementary readings. When asked “did the activities and assignments in the course encourage you to focus on or develop particular areas of interest/knowledge?” the term paper was the learning activity overwhelmingly singled out by name:

The final essay definitely encouraged me to develop my interests more, as I got to build on what interested me but also learned a lot.

The paper for this class was very valuable, as it allowed us to delve more deeply and independently into a topic we were interested in. My topic did increase my interest and knowledge of the area, and I have noticed myself paying more attention to that issue since writing the paper.

Yes, I have developed a particular interest for the way the Canadian legal system acts unjustly towards Indigenous peoples, even enacting violence towards Indigenous peoples. I have written many papers about the subject this year and want to continue exploring the subject in grad school.

Elsewhere in the survey, when asked about activities and assignments that helped students to learn about legal principles or theory, the term paper assignment was top ranked. It was also prominent in related student comments:

¹³³ For the argument that students should be persuaded to adopt a more mature attitude towards learning, see Hess, *supra* note 43 at 404.

¹³⁴ *Ibid* at 404.

¹³⁵ *Ibid* at 406.

The video and in-class lectures helped to explain and clarify main points while the research and writing of the term paper allowed me to focus and more deeply explore areas of the subject that interested me personally.

Paper research helps me own the content for myself, more than the thoughts of other students.

Given the reluctance of some students to embrace active learning activities, the popularity of the term paper, which was itself an active learning experience, is certainly pause for thought. But perhaps this should not be all that surprising because not only are undergraduate students well acquainted with term papers, but they also entail a largely private pursuit of knowledge. As opposed to more public and dialogical learning tasks, terms papers are crafted for an audience of one (the instructor). In the interests of resisting student-pedagogue hierarchies, strategies such as allowing the public presentation of a proposal, group writing, and, as used in this course, the peer review of other students' drafts could be implemented. In assessing the development of the self-directed learning aspects of anti-colonial citizenship education, the term paper, in particular, may be seen as a tool that fostered autonomous learning and openness at least to the pluralization of knowledge (if not to Indigenous epistemologies directly).

VI. SUMMARY

In order to respond to the challenges of decolonization and reconciliation with Indigenous peoples, Canadian democracy must be strengthened. Despite the pressures on the post-secondary sector, it remains a crucial site for a number of pedagogies oriented towards promoting good citizenship. In the instance of a course on Aboriginal law in a blended learning format, the gap in the literature on online anti-oppressive pedagogies, the rapid implementation of online learning subsequent to the advent of the COVID-19 pandemic, and the uneven adoption of decolonizing pedagogies by law professors underline the challenges and urgency in promoting the collective, social function of education. Anti-colonial citizenship education includes content about the political status of Indigenous nations that unsettles standard statist and multicultural narratives. Critically, as in the case of liberal, anti-oppressive, and Indigenous pedagogies, anti-colonial pedagogy is understood to be engaged through active learning practices. By drawing on Indigenous and non-Indigenous thought, I sought to assess the capacity of active learning activities to encourage critical thinking (independent thought and facility with complexity), collaboration (relationality and ethical faculties), and self-directed learning (agency over knowledge production and openness to the pluralization of knowledge). The literature indicates that such activities contribute not only to better learning outcomes but also to various forms of citizenship training. In the present article on anti-colonial citizenship education, the activities were argued to make space for a broad discussion about Indigenous-settler relations (via critical thinking), for an ethos of democratic engagement (civic culture via collaboration and critical thinking), and for independently sourced knowledge (including subjugated and Indigenous knowledges) by students as opposed to pedagogues (via self-directed learning). Drawing largely upon a survey of student experiences in a second-year undergraduate course, select active learning

practices were shown to produce an intellectual framework. It was speculated that this framework positions students at the threshold of an anti-colonial citizenship education.

Increased institutional backing for blended learning and greater incorporation of Indigenous pedagogies are ways to further strengthen this course and its reconciliatory ambit. Since less accomplished and junior students may find active learning challenging,¹³⁶ the provision of a teaching assistant (as happened here) can help to provide needed support. It is also important to offer a “build up” of “skills and orientations” to active learning throughout the curriculum as a means towards improved outcomes.¹³⁷ Due to the limited use of the learning paradigm in the post-secondary sector, academic unit leadership must clearly and vigorously “communicate the commitment to and reasons for” active learning¹³⁸ to faculty and students.

Experiential learning, whether in the form of clinical education,¹³⁹ land-based learning,¹⁴⁰ or high-quality online materials, is expensive and time consuming to make. Cognisant of these challenges and the ongoing call of reconciliation, it is important to be strategic about how to foster anti-colonial citizenship education. One path that I have taken has been to develop my teaching towards Indigenous adult education. Under the guidance of Jennifer Ward, I have recently included storytelling through the use of video clips of local Elders and other knowledge keepers sharing their insights on legal topics.¹⁴¹ As a non-Indigenous person, the mentorship of Indigenous educators is essential both in learning about the difference in world views and whether one is permitted to use Indigenous pedagogical methods and in what form. With these provisos in mind, I conclude by urging non-Indigenous readers to draw inspiration from scholars such as Drake, who makes the case for group work through talking circles;¹⁴² Kovach and Montgomery, who call for extending Indigenous orality in the online setting through video-taped reflective assignments based on discussions between students and community members;¹⁴³ and Jeffery Hewitt (a mixed-descent Cree), who argues that decolonizing requires deep institutional change in law schools (for example, a role for Elders’ councils; legal clinics supporting local Indigenous communities; and instructional settings on the land).¹⁴⁴

¹³⁶ Everett & Zinser, *supra* note 46; Burns et al, *supra* note 58 at 23. Cf. Scott Freeman explains, “[t]here is a growing body of evidence showing that active learning differentially benefits students of colour and/or students from disadvantaged backgrounds and/or women in male-dominated fields.” Quoted in Aatish Bhatia, “Active Learning Leads to Higher Grades and Fewer Failing Students in Science, Math, and Engineering,” *Wired* (5 December 2014), online: <www.wired.com/2014/05/empzeal-active-learning/>.

¹³⁷ Everett & Zinser, *supra* note 46 at 237–238.

¹³⁸ *Ibid* at 238.

¹³⁹ Burrige & Webb, *supra* note 16; Pue, *supra* note 4.

¹⁴⁰ Simpson, *supra* note 17; Borrows, *supra* note 17.

¹⁴¹ Ward, *supra* note 123; Jo-Ann Archibald (Q’um Q’um Xiim), *Indigenous Storywork: Educating the Heart, Mind, Body and Spirit* (Vancouver: UBC Press, 2008).

¹⁴² Drake, *supra* note 56 at 30.

¹⁴³ Kovach & Montgomery, *supra* note 9 at 37.

¹⁴⁴ See Jeffery G Hewitt, “Decolonizing and Indigenizing: Some Considerations for Law Schools” (2016) 33 Windsor YB Access Just 65 at 81–82. See also Borrows, *supra* note 17; Drake, *supra* note 56.