

**University of Calgary**  
**Sociology 421.01: Indigenous Peoples and the Canadian Justice System**  
**Fall 2016**

**Professor:** Dr. Robert Henry  
**Office:** 912 SST  
**Class:** Tuesday & Thursday 11-12:15 pm  
**Classroom:** MS 319  
**Office Hours:** Tuesday 1:00-3:00 pm or by appointment  
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Sociology Website: [www.soci.ucalgary.ca](http://www.soci.ucalgary.ca)

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**Course Prerequisite:** Sociology 325 and 313 or consent of the Department. Sociology 331 and 333 are recommended.

**Course Description:** This course is a sampling of issues pertaining to the historical and contemporary involvement of Indigenous peoples both within and across Canada's justice systems. It is designed to introduce students to major structures, concepts, assumptions, research findings, legislation, policies, court cases, and street crime. Particular attention will be given to building connections between the historical and the contemporary impact of colonization in relation to Indigenous and settler-Canadian states. In addition, how attempts to indigenize the existing justice and alternative justice systems have impacted Indigenous peoples will also be examined.

**Course Objectives:**

1. To give students an overview of the demographic make-up of the Indigenous community in Canada.
2. To provide students with an overview of the social, legal and political position of the Indigenous community.
3. To examine the relationship of colonization to Indigenous peoples' involvement and overrepresentation within Canada's justice system.
4. To familiarize students with various aspects of Indigenous peoples' involvement with Canada's justice system.
5. To explore attempts to indigenize Canada's justice system.
6. To examine how colonization has impacted relationships between Indigenous and settler peoples.
7. To discuss and remain aware of various Indigenous justice issues that may arise from time to time during the term.

**Course Format:** Classes will combine several formats: lectures based on topics covered in the readings, small and large group discussions of issues raised in lectures, class presentations, guest lectures, videos, class questions, and in-class assignments. I will cover some of the assigned

readings in class and will also lecture from additional materials on the topic. Therefore, you are responsible for any assigned readings and reserve materials.

**Required Texts:**

Course readings can be found on the course webpage. Course readings will also be placed on reserve at the library.

**Course Evaluation:**

**NOTE: Receiving credit in all components of this course is mandatory to obtain a passing grade.**

**1. Closed Book Examinations 60%**

There will be 1 midterm examination and 1 final examination. The examinations will cover lectures, guest lectures, videos, and reading materials scheduled up to the exams. This means that students will also be responsible for reading/topics not covered in class.

Examinations will be a combination of any or all of the following: multiple choice, definition, short answer, and essay questions. This manner of testing allows the student to demonstrate varying methods of academic skill. I do not expect students to rely solely on rote memory. I expect application, analysis, synthesis, and integration of course materials into your reasoned and concise answers.

The short answer and essay questions require a reasonable standard of writing. Poor spelling, disjointed or incomplete sentences, poor grammar and punctuation, inadequate sentence and paragraph structure only detract from the ideas you are trying to express and will negatively impact your mark.

The exams are non-cumulative. This means that midterm exam will cover materials from the first day of class to end of the October \_\_\_\_ class. The final exam will cover materials from the midterm to the last day of class. Although the materials on the midterm are not explicitly tested on the final, the theory and perspectives covered before the midterm will be useful in your argumentation on the final exam. In other words, do not forget everything you learned prior to the midterm. The dates and assigned weights for exams are as follows:

Midterm	October__18__	25%
Final Examination	Date set by Registrar	35%

If you miss the midterm for a documented, legitimate reason, the weight and testable materials will be applied to the final exam and you will be given a cumulative final exam. **I will not give you a make-up exam.** You must provide a note from your family doctor documenting your ailment and you must contact me within 48 hours of the missed exam. Otherwise you will receive a score of zero for the midterm.

**If you miss the final exam for a valid reason**, contact the Sociology Department Office at the University of Calgary (220-6502) within 48 hours to apply for a deferred exam no later than the deadline indicated in the 2016/17 University of Calgary Calendar at [http://www.ucalgary.ca/pubs/calendar/2016/ho/How\\_HD.htm](http://www.ucalgary.ca/pubs/calendar/2016/ho/How_HD.htm). Otherwise, again, university regulations require that you receive a score of zero on the final exam.

**2. Group Presentation 40%**

**i. Presentation 30%**

Students must make a group presentation in class. The presentation will be based on a justice issue pertaining to Indigenous peoples. The issue can be historical (*Indian Act or other policies*) or contemporary (Missing and Murdered Indigenous Women) and should be approximately 30 minutes. The presentation must deal with the genesis, the argumentation, the outcome or expected outcomes, and the potential implications. You are expected to provide supplementary materials (outlines, analysis, etc.) to fellow students and then to lead a class discussion. Students are also encouraged to complement their presentation with additional materials such as photographs, illustrations, maps, flowcharts, music, quizzes, etc. Be creative!.

**ii. Colleague Assessment 10%**

Your group members will evaluate your contribution to the group project so you must do your share of the work. Grades will be adjusted in accordance of your fellow group members.

Percentage	Grade	Meaning
95+	A+	Outstanding
89- 94	A	
86- 88	A-	Very Good
82 – 85	B+	
79- 81	B	
76- 78	B-	Good
72-75	C+	
68-71	C	
64-67	C-	
60-63	D+	Minimal Pass
55-59	D	
0 – 54	F	Fail

Please feel free to consult me if you have any questions or concerns regarding grades.

**NOTE: Receiving credit in all components of this evaluation is mandatory to obtain a passing grade in this course. This means that if you do not hand in an assignment, do not receive participation marks, do not make a class presentation, receive a group presentation participation grade of "0" from all of your fellow group members, or do not write the exams, then you will receive the grade of "F" in this course.**

**Exam Policies:** When possible, please provide advance notice if you are unable to write an exam or complete/turn-in assignments on time. All requests for deferral of a course component due to health reasons must be accompanied by written documentation as outlined in the University Calendar and should be obtained while the student has the health issue rather than after recovery. Deferrals will be allowed in the following circumstances: illness, domestic affliction or religious conviction. Travel arrangements, misreading the syllabus, and scheduling conflicts with other classes or employment are not valid reasons for requesting a deferral. Deferrals will not be granted if it is determined that just cause is not shown by the student. **Again, if you miss the midterm I will not give you a makeup exam. You will be given a comprehensive final.**

**Deferred Final Exam Form:** Please note that requests to defer a Registrar scheduled final exam are dealt with through the Registrar's Office. Further information about deadlines, and where paperwork should be taken, is available on the form, which can be found at: <https://www.ucalgary.ca/registrar/student-forms>

**Deferred Term Work Form:** Deferral of term work past the end of a term also requires a form to be filled out. It's available at [https://www.ucalgary.ca/registrar/files/registrar/deferred\\_termwork15\\_0.pdf](https://www.ucalgary.ca/registrar/files/registrar/deferred_termwork15_0.pdf)

**Academic Accommodation:** Students needing an Accommodation because of a Disability or medical condition should contact Student Accessibility Services (MC 293, phone 403-220-8237) in accordance with the Procedure for Accommodations for Students with Disabilities available at [http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy\\_0.pdf](http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy_0.pdf). Please provide academic accommodation letters to the instructor as early in the semester as possible and no later than two weeks after the course begins.

**Freedom of Information and Protection of Privacy (FOIP):** The Freedom of Information and Protection of Privacy (FOIP) legislation disallows the practice of having student's retrieve assignments from a public place, (e.g. outside the instructor's office, the department office, etc.). Term assignments must be returned to students individually, during class or during the instructor's office hours. If a student is unable to pick up their assignment from the instructor, they may provide the instructor with a stamped, self-addressed envelope to be used for the return of the assignment.

**Research Ethics:** Students are advised that any research with human subjects such as interviews (including interviews with family and friends), opinion polling, and unobtrusive observation must have the approval of the Department of Sociology's Ethics Committee. **In completing course requirements, students must not undertake any human subjects research without discussing their plans with the instructor, to determine if ethics approval is required.**

**Student Representation:** The 2016-17 Students' Union VP Academic is Alicia Lunz ([suvpaca@ucalgary.ca](mailto:suvpaca@ucalgary.ca)). The Faculty of Arts has four SU representatives who may be contacted at any of the following email addresses: [arts1@ucalgary.ca](mailto:arts1@ucalgary.ca), [arts2@ucalgary.ca](mailto:arts2@ucalgary.ca), [arts3@ucalgary.ca](mailto:arts3@ucalgary.ca), and [arts4@ucalgary.ca](mailto:arts4@ucalgary.ca). You may also wish to contact the Student Ombudsperson for help with a variety of University-related matters: <http://www.ucalgary.ca/provost/students/ombuds/role>

**Emergency Evacuations:** In the case of fire or other emergency evacuation of this classroom, please proceed to the assembly point at **Social Science-Food Court**. Please check these assembly point locations for all of your classes at:

<http://www.ucalgary.ca/emergencyplan/assemblypoints>

**Safewalk:** The University of Calgary provides a “safe walk” service to any location on Campus, including the LRT, parking lots, bus zones, and campus housing. For Campus Security/Safewalk call 220-5333. Campus Security can also be contacted from any of the “Help” phones located around Campus.

**Academic Misconduct:** Please refer to the website listed below for information on University of Calgary policies on Plagiarism/Cheating/Other Academic Misconduct:

<http://www.ucalgary.ca/pubs/calendar/current/k-2-1.html>

**Academic Accommodation:** Students needing an Accommodation because of a Disability or medical condition should contact Student Accessibility Services (MC 293, phone 403-220-8237) in accordance with the Procedure for Accommodations for Students with Disabilities available at [http://www.ucalgary.ca/policies/files/policies/procedure-foraccommodations-for-students-with-disabilities\\_0.pdf](http://www.ucalgary.ca/policies/files/policies/procedure-foraccommodations-for-students-with-disabilities_0.pdf). Please provide academic accommodation letters to the instructor as early in the semester as possible and no later than two weeks after the course begins.

**Handing in Papers Outside of Class, Returning Final Papers and Release of Final Grades:**

When students are unable to submit papers at class, they should make arrangements to hand in their papers directly to the instructor or teaching assistant rather than at the Sociology Department’s main office. Final papers will not be returned through the Sociology Department main office. The Freedom of Information and Protection of Privacy (FOIP) legislation disallows the practice of having students retrieve assignments from a public place, (i.e., outside an instructor’s office, the department office, etc.). Students who want their final papers returned by mail must attach a stamped, self-addressed envelope with the paper. Otherwise final papers will only be available for pick-up during the instructor’s office hours at the end of this term or the beginning of the next term. The sociology department does not post final grades. They are only available online.

**Electronic Classroom Etiquette:** Technology can be both a blessing and a curse. In recent years electronic devices have been the cause of a tremendous amount of disturbance in the classroom. Please get the most of your (or your parents’) hard-earned tuition dollars by devoting your class time exclusively to classroom activities. Please be courteous to your classmates and professor by ensuring that your iPhones, pagers, or any other electronic devices are turned off and remain off for the duration of the class.

For those taking notes on a laptop, please be aware that your screen is visible to those both beside you and behind you. I have received many complaints from fellow classmates who have been forced to endure distracting, offensive and otherwise unsuitable images from others’ laptops. Please remember that laptops are to be used exclusively for the purposes of taking notes during class.

Usage of electronic devices outside of course or engaging in any other type of internet/or electronic activity during this class is not permitted. That means cannot answer emails or being on Facebook during this class. Those who choose to ignore this rule will be asked to leave my classroom immediately. Students who have been asked to leave my classroom must meet with me before returning. Students taking class notes on a laptop computer will be asked to close their laptops from time to time to answer questions and/or engage in classroom discussions. Please be ready to answer questions or add comments to the classroom discussion throughout the class.

## **Class Schedule**

### **September 13**

*Introductions and syllabus review*

### **September 15**

*Indigenous Peoples and Perspectives*

Little Bear, L. (2000). Jagged Worldviews Colliding. In M. Battiste (Ed.), *Reclaiming Indigenous Voice and Vision*. Vancouver: UBC Press, pp. 77-85. Retrieved at:

[http://www.learnalberta.ca/content/aswt/documents/fnmi\\_worldviews/jagged\\_worldviews\\_colliding.pdf](http://www.learnalberta.ca/content/aswt/documents/fnmi_worldviews/jagged_worldviews_colliding.pdf)

### **September 20**

*Indigenous Peoples and Perspectives – Impacts of the Indian Act*

Lawrence, B. (2003). Gender, race, and the regulation of Native identity in Canada and the United States: An overview. *Hypatia*, 18(2), 3-31.

### **September 22**

*Video – Pass System*

### **September 27**

*The State and the Justice System – Colonization, Colonialism, and Justice*

Readings:

Cunneen, C. (2014). Colonial Processes, Indigenous Peoples, and Criminal Justice Systems. In M. Tonry and S. Bucerius (Eds.), *The Oxford Handbook of Ethnicity, Crime, and Immigration*. New York: Oxford University Press, pp. 386-407.

Asch, M. (2002). From Terra Nullius to Affirmation: Reconciling Aboriginal Rights with the Canadian Constitution. *Canadian Journal of Law and Society*, 17(02), 23-39.

### **September 29**

*Criminalizing Indigenous Bodies and Lifestyles*

Razack, S.H. (2015). The Body of Frontier. In S.H. Razack's *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody*. Toronto, ON: University of Toronto Press, pp. 82-111.

## **October 4**

### *Residential Schools*

#### Readings:

De Leeuw, S. (2009). 'If anything is to be done with the Indian, we must catch him very young': colonial constructions of Aboriginal children and the geographies of Indian residential schooling in British Columbia, Canada. *Children's Geographies*, 7(2), 123-140.

Truth and Reconciliation, "Canada, Aboriginal peoples, and residential schools: they came for the children," pp. 1-20.

## **October 6**

### *Policing and Indigenous Peoples*

Comack, E. (2012). Colonialism Past and Present. In E. Comack, *Racialized Policing: Aboriginal People's Encounters with the Police*. Winnipeg: Fernwood Publishing, pp. 66-88.

## **October 11**

### *OKA and Land Claims – Video Kanesatake*

#### Readings:

Rossiter, D., and Wood, P.K. (2005). "Fantastic topographies: neo-liberal responses to Aboriginal land claims in British Columbia." *The Canadian Geographer/Le Géographe Canadien* 49(4) 352-366.

## **October 13**

### *Midterm Exam*

## **October 18**

### *Contemporary Issues and Crime*

#### Readings:

Roberts, J., & Melchers, R. (2003). The incarceration of Aboriginal offenders: Trends from 1978 to 2001. *Canadian Journal of Criminology and Criminal Justice*, 45(2), 211-242.

Macdonald, N. (2016). Canada's prisons are the 'new residential schools'. In *Maclean's*, published February 18, 2016. <http://www.macleans.ca/news/canada/canadas-prisons-are-the-new-residential-schools/>

## **October 20**

### *State Relationships*

#### Readings:

McNinch, J. (2009). 'I thought Pocahontas was a Movie': Using Critical Discourse Analysis to Understand Race and Sex as Social Constructs. In C. Schick and J. McNinch (Eds.), *"I Though Pocahontas was a Movie": Perspectives on Race/Culture Binaries in Education and Service Professions*. Regina, SK: University of Regina Press, pp. 151-176.

Video –Two Worlds Colliding

## **October 25**

### *Street Gangs*

Readings:

Buddle, K. (2011). Urban Aboriginal Gangs and Street Sociality in the Canadian West. *Aboriginal Peoples In Canadian Cities: Transformations and Continuities*, 171.

### **November 1**

*Criminal Justice – Mass Incarceration or Hyper-incarceration*

Readings:

Demers, J. (2014). Warehousing prisoners in Saskatchewan: a public health approach. *Canadian Centre for Policy Alternatives*.

### **November 3**

*Indigenous Policing*

Comack, E. (2012). Policing Winnipeg's Inner-City Communities. In E. Comack, *Racialized Policing: Aboriginal Peoples Encounters with the Police*. Winnipeg, MB: Fernwood Publishing pp. 152-191.

### **November 8**

*Presentation preparation*

### **November 10**

*No Class*

### **November 15**

*Justice and the TRC*

Nagy, R. L. (2012). The scope and bounds of transitional justice and the Canadian truth and reconciliation commission. *International Journal of Transitional Justice*, ijs034, 1-22.

### **November 17**

*Indigenizing the System (Courts)– Gladue*

Presentations

Readings:

Rudin, J. (2008). Aboriginal Over-representation and R. v. Gladue: Where We Were, Where We Are and Where We Might Be Going. *Supreme Court Law Review*, 40.

### **November 22**

*Indigenous Based Programming and Incarceration*

Presentations

Readings:

Martel, J., Brassard, R., & Jaccoud, M. (2011). When Two Worlds Collide Aboriginal Risk Management in Canadian Corrections. *British Journal of Criminology*, 51(2), 235-255.

Walsh, C. A., MacDonald, P., Rutherford, G. E., Moore, K., & Krieg, B. (2011). Homelessness and incarceration among Aboriginal women: An integrative literature review. *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health*, 9(2), 363-386.



**November 29**

*Restorative Justice*

Presentations

Readings:

Tomporowski, B., Buck, M., Barga, C., & Binder, V. (2010). Reflections on the past, present, and future of restorative justice in Canada. *Alta. L. Rev.*, 48, 815.

**December 1**

Presentations

**December 6**

*Where Do We Go From Here?*

**December 8**

Course Review