

SOC 3740 T02: Selected Topics in Criminology
Law, Justice, and Indigenous Peoples
The University of Manitoba • Department of Sociology
Winter 2017 (3 cr. hrs.)

Professor: Dr. Jeremy Patzer **Telephone:** 204-480-1039
Time: M/W/F 1:30pm - 2:20pm **Email:** jeremy.patzer@umanitoba.ca
Location: 215 Tier **Office:** 309 Isbister
Final Exam: In class test **Office Hours:** By appointment

Generally, the most effective way to get in touch with me is by email. I am often able to respond within 24 to 48 hours, barring periods of travel, conferences, etc.

REQUIRED READING

Cunneen, Chris, and Juan Tauri. *Indigenous Criminology*. Bristol: Policy Press, 2016.

Monchalin, Lisa. *The Colonial Problem: An Indigenous Perspective on Crime and Injustice in Canada*. Toronto: University of Toronto Press, 2016.

- *The Cunneen & Tauri book is a new publication which is unique due to its combination of international scope and its attempt to forge an Indigenous model for understanding Indigenous peoples' contact with the criminal justice system. Because the cost is somewhat prohibitive and the book is relatively short, I have put two copies on course reserve at Dafoe Library.*
- *Non-textbook materials will be posted on UM Learn or supplied in class throughout the course. Students are just as responsible for keeping up with this content, as it will also appear on the tests.*

COURSE OBJECTIVES

In the context of settler-colonial relations, should the law be seen as an avenue for rectifying historical wrongs against Indigenous peoples, to be used in the search for justice? Or is it better seen as an instrument of dispossession and domination in the service of the settler state? To further raise the stakes, generations of Indigenous peoples in Canada have been subject to forms of legal regulation, legal control, and outcomes of legal policy and practice (whether intended or not) in ways which non-Indigenous peoples have not. To further complicate the issue, to speak of "the law" in a singular fashion is somewhat of a misnomer in that it is vast and multi-faceted. We will therefore straddle the divisions between areas such as criminal law, constitutional law, parliamentary legislation, and transitional justice. Ultimately, this course will reveal the law's role as much more complex, ambivalent, and equivocal than the initial question would suggest.

IMPORTANT DATES

Jan 18: Winter term classes begin	Feb 21-24: Mid-term break (no classes)
Jan 31: Registration revision deadline	Mar 31: Voluntary withdrawal deadline
Feb 20: Louis Riel Day (no classes)	Apr 21: Last day of classes

GRADE DISTRIBUTION

A+	90 – 100%	C+	65 – 69%
A	80 – 89%	C	60 – 64%
B+	75 – 79%	D	50 – 59%
B	70 – 74%	F	0 – 49%

EVALUATION AND ASSESSMENT

Test 1	(25%)	Mar 1
Essay outline	(15%)	Apr 5
Essay	(30%)	Apr 19
Test 2	(20%)	Apr 21
Participation	(10%)	Throughout the course

PARTICIPATION (10%)

Class participation is a key component of the course. Students are expected to have completed the pertinent readings **prior to the lectures**. This will allow you to incorporate the lecture material quickly, make connections to the readings and your prior knowledge, and engage actively in class discussions. Students are also expected to *be present* for each class, participate in discussion groups, and be a non-disruptive member of the class (e.g., avoid conversations with neighbours, cell phone calls, non-class-related internet use, early departures). Participation scores are based upon all of these factors, along with small in-class activities and written responses. *Students who regularly miss class without a valid reason will receive 0% for participation.* Please be aware of the University's policy on unexcused absences from the calendar's General Academic Regulations:

1. Attendance at Class and Debarment

Regular attendance is expected of all students in all courses. An instructor may initiate procedures to debar a student from attending classes and from final examinations and/or from receiving credit where unexcused absences exceed those permitted by the faculty or school regulations.

A student may be debarred from class, laboratories, and examinations by action of the dean/director for persistent non-attendance, failure to produce assignments to the satisfaction of the instructor, and/or unsafe clinical practice or practicum. Students so debarred will have failed that course.

TESTS

There will be two tests consisting of written answer questions—some shorter and some longer. Students will be instructed to respond to a portion of those questions. The first test will be March 1st, and the second test will be during our last class together, April 21st.

ESSAY OUTLINE

In preparation for the essay, students will prepare an outline to be submitted by April 5th, 2017. We will have further discussions in class on essays, the pre-writing process, and preparing outlines for papers.

ESSAY

Students will write an (approximately) **eight-page** argumentative essay (not including title page or bibliography) that engages a topic related to Indigenous peoples and the law within a criminological or sociological framework. Essays should reference a combination of assigned readings **and** outside academic sources (i.e. journal articles or book chapters which were not assigned for the course.) Essays are due **April 19th**, and must be typed and formatted according to the **ASA, APA, or Chicago** style guide. No covers, etc.—just use a stapler!

MISSING DEADLINES AND TESTS

Assignment deadlines and tests can only be missed for legitimate medical reasons or family emergencies. If you are in a situation where you are likely to miss a deadline or test for a compelling reason, **contact me beforehand** so that we can discuss it, and please work on securing appropriate documentation from a legitimate source. Students who miss a test must provide proper documentation to be considered for re-scheduling.

“WHEN WILL WE GET OUR TESTS/ESSAYS BACK?”

A rule of thumb I employ is to endeavour to have tests and papers graded and returned by the two-week mark. Depending upon class size and evaluation methods for the course (proportion of written work vs multiple choice, etc.), this can sometimes be a challenge.

ACADEMIC INTEGRITY

Students should acquaint themselves with the university’s policy on plagiarism, cheating, exam personation, (“Personation at Examinations” [Section 5.2.9] and “Plagiarism and Cheating” [Section 8.1]) and duplicate submission by reading documentation provided at the Arts Student Resources site: http://umanitoba.ca/faculties/arts/student_resources/student_responsibilities_integrity.html. Ignorance of the regulations and policies regarding academic integrity is not a valid excuse for violating them.

UNCLAIMED TERM WORK DISPOSAL

Any term work that has not been claimed by students will be held for four (4) months from the end of the final examination period for the term in which the work was assigned. At the conclusion of this time, all unclaimed term work will become property of the Faculty of Arts and be destroyed according to FIPPA guidelines and using confidential measures for disposal.

SPECIAL LEARNING NEEDS & ACCESSIBILITY

Students with special learning needs (who for legitimate reasons require extra time to write a test, or who require aids or other supports) should identify themselves to the instructor at the beginning of the term in order to arrange suitable accommodation or contact Student Accessibility Services.

DISRUPTION

Disruptions due to excessive talking or early departures from the classroom are especially distracting to large classes. Please be considerate and respectful of the needs and rights of others in the class. Students should be aware that persistent disruption may result in disbarment from the course. Any student who has a legitimate reason for leaving class early should inform the instructor at the beginning of class.

Students should also be aware that use of **electronic devices** for purposes other than taking notes and searching information/images related to the lecture is a distraction both to them, the students around them, and potentially the professor. Disruptive use of electronic devices may result in a ban against their use or, in extreme cases, disbarment from the course.

TENTATIVE SCHEDULE

**Non-textbook assigned readings will be posted on UM Learn, while other supplemental materials may be handed out in class or posted on UM Learn.*

Introduction to Indigenous Peoples and Settler Colonialism

Cunneen, Chris, and Juan Tauri. "Introduction." Chap. 1 in *Indigenous Criminology*.

Monchalin, Lisa. "Introduction to Indigenous Peoples in Canada." Chap. 1 in *The Colonial Problem*.

Monchalin, Lisa. "Canadian Legal History: The Interpretation of Indigenous Treaties and Rights." Chap. 5 in *The Colonial Problem*.

Monchalin, Lisa. "Indigenous Peoples and the State: Legal Manipulation and Indian Legislation." Chap. 6 in *The Colonial Problem*.

The Law's Management of a Compromising History

Monchalin, Lisa. "The Real Criminals: Governments and Their Corporate Priorities and Failed Agreements." Chap. 10 in *The Colonial Problem*.

Asch, Michael. "The Judicial Conceptualization of Culture after *Delgamuukw* and *Van Der Peet*."

Wilke, Christiane. "Enter Ghost: Haunted Courts and Haunting Judgments in Transitional Justice."

Patzer, Jeremy. "Legitimate Concerns: Aboriginal Rights and the Limits of Canadian Justice."

Monchalin, Lisa. "Modern Agreements and Land Claims: The Government's Desire for 'Economic Certainty'." Chap. 11 in *The Colonial Problem*.

Crime and Criminal Law

Cunneen, Chris, and Juan Tauri. "Towards a Critical Indigenous Criminology." Chap. 2 in *Indigenous Criminology*.

Cunneen, Chris, and Juan Tauri. "Understanding the Impact of Colonialism." Chap. 3 in *Indigenous Criminology*.

Monchalin, Lisa. "Crime Affecting Indigenous Peoples: Over-Representation, Explanations, and Risk Factors." Chap. 8 in *The Colonial Problem*.

Cunneen, Chris, and Juan Tauri. "Policing, Indigenous Peoples and Social Order." Chap. 4 in *Indigenous Criminology*.

Monchalin, Lisa. "Violence Affecting Indigenous Women: Struggle, Sexualization, and Subjugation." Chap. 9 in *The Colonial Problem*.

Cunneen, Chris, and Juan Tauri. "Indigenous Women and Settler Colonial Crime Control." Chap. 5 in *Indigenous Criminology*.

Dafnos, Tia. "Social Movements and Critical Resistance: Policing Colonial Capitalist Order."

Alternative Criminal Justice Models

Cunneen, Chris, and Juan Tauri. "Reconceptualising Sentencing and Punishment from an Indigenous Perspective." Chap. 6 in *Indigenous Criminology*.

Monchalin, Lisa. "Euro-Canadian 'Justice' Systems and Traditional Indigenous Justice." Chap. 12 in *The Colonial Problem*.

Woolford, Andrew. "Introduction to the Politics of Restorative Justice."

Hamilton, Jennifer. "Banishment: Indigenous Justice and Indigenous Difference in *Washington v. Roberts and Guthrie*."

Transitional Justice and Reconciliation

Monchalin, Lisa. "The Impact of Assimilation: Residential Schools and Intergenerational Trauma." Chap. 7 in *The Colonial Problem*.

Stanton, Kim. "Canada's Truth and Reconciliation Commission: Settling the Past?"

James, Matt. "Uncomfortable Comparisons: The Canadian Truth and Reconciliation Commission in International Context."

Woolford, Andrew. "Governing Through Repair: Historical Injustices and Indigenous Peoples in Canada."