
Aboriginal/Indigenous Justice

Criminology 419/First Nations Studies 419 Fall/2010

The Professor

Your instructor is Dr. Ted Palys. The best ways to get in touch are to:

- Send an email to palys@sfu.ca
- Come by my office (ASSC-10334) during office hours
- Leave an urgent message with the secretaries in the Criminology General Office, at 778-782-3213

Designated office hours for the Fall semester are Monday, 2:30 to 3:30 PM, and Wednesday after class. Other times can be arranged by appointment.

The easiest and most reliable way of getting in touch is via email. However, email should not be used to replace office hours: it should be limited to arranging an appointment or making queries that can be answered in a couple of sentences or less.

The Course

Crim 419/FNST 419 focusses on "Aboriginal/Indigenous justice." "Justice" is used here in both its narrower sense (i.e., regarding "justice systems" and the way they deal with crime, civil issues, and other "trouble" that arises in communities) and its broader one (i.e., regarding the social justice of relations between peoples, and particularly between Indigenous and non-Indigenous peoples).

Choices regarding the prospective future of Indigenous-governmental and Indigenous/non-Indigenous relations, including those to be made in the "justice" domain, benefit from some familiarity with the values, objectives, and outcomes that characterized earlier choices. Accordingly, the course will (a) review some of the history of Indigenous/non-Indigenous relations, particularly in Canada; (b) consider how "justice" has been and is construed within Indigenous and Euro-Canadian systems of thought and governance; and (c) examine the various routes by which Indigenous peoples in Canada are seeking "justice" among their own people/s as well as in their relationships with non-Indigenous peoples.

Readings

Course readings are accessible from two sources: (1) a course reader, which you can purchase from the Bookstore; and (2) links from the course web page. You are responsible for preparing readings each week. See the schedule at the end of this

syllabus for a likely order of readings. Some changes may occur later in the semester because we are dependent to some degree on other people's (i.e., guest speakers') schedules. But, for the most part, the order of topics you see is the order in which we will cover them.

The Weekly Seminar

Each week's seminar, particularly in the early weeks of the course, will begin with a bit of a statement about the issues contained in the week's readings. Our main task, however, is to explore together the issues framed by those readings. Accordingly, you need to prepare for class by having read and considered the readings in order to answer and ask questions, and to engage in discussion, related to the course content. In the event you miss a class for some reason, it is your responsibility to find out what the agenda holds for the next week.

Note that **25%** of the seminar grade will reflect your participation in discussion and evidence of preparation as revealed through that discussion, i.e., the participation grade is *not* simply an "attendance" grade, although attendance is clearly a prerequisite for participation.

Course Web Page and Email

There are two ways (beyond communication in class) that I will keep in touch with you regarding the course.

- First is via the course web page that contains links to this course syllabus and other course-related materials. It's the best place to go if you are wondering what is happening next week and/or what you should be preparing. The URL for that page is <http://www.sfu.ca/~palys/crim419.htm>
- Second is via a class email (you can send to either crim419-d1@sfu.ca or fnst419-d100@sfu.ca and we will all receive it) that allows you and/or me to send an email that goes to every person registered in the course. There are two things to keep in mind regarding the email.
 - The email address used is your SFU email address. If this is not the email address you prefer to use (e.g., you prefer your Shaw or Hotmail address or whatever), then you need to set up your SFU account so that it automatically forwards your SFU email to that address. To do so, go to the course web page and follow the instructions.
 - You can only send email to the class address when using your SFU email (by using a campus computer or from elsewhere via SFU Connect).

Evaluation/Journals

The major portion of your grade in the course (75%) will derive from completion of a "journal" you will maintain throughout the semester. The journal is intended to be something in the order of a set of academic "field notes" in which you address questions/issues that will be posed by the course instructor from week to week. Note that the journal is *not* intended as a simple diary of events, or compilation of "Gee, I thought that was neat" assertions. You will be expected to integrate your personal views with relevant course materials (including required readings, videos, guest speakers, newspaper articles, and/or discussion) where appropriate, and to maintain a scholarly level of analysis. In the end, your obligation is to produce at least 9 entries of perhaps 4 to 5+ pages each — rather like doing a term paper on the installment plan.

Note that you do not have to limit yourself only to assignments that originate with and are defined by the instructor. Although at least 5 of your 9 entries must be assigned ones, you may add other material that is in keeping with the themes of the course (e.g., other questions that you would like to consider; analyses of other materials that you gather, such as newspaper articles, films). Feel free to ask if you are uncertain whether your proposed question/analysis would be appropriate.

Completion of the journal will contribute 75% to your final grade in the course. To ensure that you are not left in a sea of ambiguity as to the professor's expectations on this task that comprises such a significant portion of your final grade, students will have the opportunity to hand in their journals in one of three successive weeks around mid-semester (note: any given student hands in his/her journal only once). The timing of these submissions will be determined in our second class; the opportunity is for your benefit only -- a chance to get some feedback on what you are doing, with nothing at stake -- and so there is no obligation for you to turn in your draft journal at that time. If you do hand it in, it will be returned to you one week later with some comments and a general indication of the level of performance that is being maintained. No marks will actually be assigned, however, until the final journal is handed in. Your completed journal will be due one week after our last class of the semester, i.e., it will be due at the end of Wednesday, 9 December 2010.

Evaluation Summary

Element	Contribution to Grade
Preparation and Participation	25%
Completion of Journal	75%

Course Timetable (Most likely order)

	Topic	Readings to Prepare
I	Organizational Meeting	Daniel FRANCIS (1992). Indians of Childhood. [Excerpt from <i>The Imaginary Indian: The Image of the Indian in Canadian Culture.</i>] (Course reader)
II	Early History, Shifting Relations	Thomas BERGER (1999). Excerpts from <i>A Long and Terrible Shadow: White Values, Native Rights in the Americas Since 1492</i> : <ul style="list-style-type: none"> • Chapter 1: <i>Las Casas and the Rights of Indians</i> (Course Reader) • Chapter 2: <i>The Debate at Valladolid</i> (Course Reader) The <u>Royal Proclamation</u> of 1763 [Link on course web page]
III	Imagery and Action in Policy, Science and Media	Menno BOLDT (1993). <i>Policy</i> . (Course Reader) Ted PALYS (2003). <i>Histories of Convenience: Images of Aboriginal Peoples in Film, Policy and Research</i> . (Course Reader)
IV	Outcomes	Susan ZIMMERMAN (1992). <i>The Revolving Door of Despair: Aboriginal Involvement in the Criminal Justice System</i> . (Course Reader)
V	Meanings of "Justice"	Murray SINCLAIR (1994). <i>Aboriginal Peoples, Justice and the Law</i> . (Course Reader) Rupert ROSS (1994). <i>Dueling paradigms? Western Criminal Justice versus Aboriginal Community Healing</i> . (Course Reader)
VI	From Indigenization to Aboriginal Justice	Ted PALYS (1993). <u>Considerations for Achieving 'Aboriginal Justice' in Canada</u> . [Link on course web page.] Juan TAURI (2004). <u>Conferencing, Indigenisation and Orientalism: A Critical Commentary on Recent State Responses to Indigenous Offending</u> . Keynote Address to the <i>Qwi:qwelstóm</i> gathering, "Bringing justice back to the people," held in Mission, BC, 22-24 March. [Link on course web page.]
VII	Seeking Justice: Negotiation, Policy, Governance	<ul style="list-style-type: none"> • Looking back on <u>Oka</u>; <u>The Summer of 1990</u>; <u>The Oka Crisis</u> • <u>Burrard Street Bridge Takedown</u> • See <u>course web page</u> for other links.
VIII	Seeking Justice: The Courts	Thomas BERGER (1991). <i>Native Claims and the Rule of Law</i> (Course Reader) Marlee KLINE (1994). <i>The Colour of Law: Ideological Representations of First Nations in Legal Discourse</i> . (Course Reader) Also see <u>course web page</u> for links to selected cases.
IX	Seeking Justice: Treaties	<u>The Nisga'a Treaty</u> (see especially Ch. 12 on <i>Administration of Justice</i>) [Link on course web page.]
X	Seeking Justice: The International Arena	United Nations <u>Declaration On the Rights of Indigenous Peoples</u> . [Link on course web page.]