LAWS 4504 - Aboriginal Peoples and the Canadian Criminal Legal System

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Office Hours: Thursdays, 12:30-2:00 p.m., or by pre-arranged appointment.
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Course Day & Time: Friday - 11:35 am-2:25 pm
Place: 206 TB (Tory Bldg)
Prerequisites: LAWS 2004 and fourth-year Honours standing

COURSE DESCRIPTION:

There can be little doubt that the relationship between the Canadian criminal justice system and First Nations peoples is, and long has been, fraught with conflict, tension and for many, an absence of the justice the system claims to embody. It is the goal of this course to deconstruct that relationship and attempt to come to grips with the range of factors which have fed into this fractious relationship and, most importantly, the over-representation of Aboriginal people within Canadian criminal courts and correctional system. Here, analysis will focus upon institutional efforts to ameliorate over-representation as well as the rise of traditional and restorative justice initiatives which exist primarily as amendments to, or outside of, the dominant system. Among those initiatives studied will be sentencing circles, family group/community conferencing, and healing circles.

EVALUATION PROCEDURES:

Participation: 15% Students will be expected to take an active and informed role in class discussions and analysis; no marks will be granted for attendance, as this is a prerequisite to participation.

Term Paper: 25% Students will be expected to prepare and submit a paper of no less than 15 double-spaced pages, exclusive of references and appendices. As a general rule, late papers are not accepted; students who are able to justify late submission through formally documented excuse may be permitted to hand in the paper, but may also face penalties.

Presentation: 20% Students will present their papers to the class in a presentation of approximately 20 minutes; presentations will begin on January 23, 2009.

DUE DATES: Students presenting between January 23-February 13 must hand in their papers February 27,2009; students presenting between February 27- March 20 must hand in their papers March 27, 2009; students presenting between March 20-April 3, must hand in their papers March 3. ALL PAPERS MUST BE RECEIVED BY 4:30 P.M. IN C473 LOEB ON THE DUE DATE, OR IN CLASS IN THE CASE OF THE MARCH 3, 2009 DEADLINE.

Final Exam: 40% The final examination in this class will be held in the formally scheduled examination session. The examination will be comprehensive and closed book; it will be two hours in duration.
MATERIALS AND TEXTS:

There is a single required text for this course, however, each week the assigned readings will include a small selection of journal articles from which students will be expected to select and read a minimum of one article. These articles may be retrieved from the library or online.

E.J. Dickson-Gilmore and Carol LaPrairie, *Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change* (Toronto: University of Toronto Press, 2005)

Course Schedule and Assigned Readings

**Course Introduction** - no assigned Readings.

**Creating the Context: The Aboriginal Reality in Canadian Society**

*Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change*, pp.5-26.


**Aboriginal People and the Police**

*Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change*, pp.27-47


**Aboriginal People and the Courts**

Aboriginal People and Corrections


Shifting Current Criminal Justice Patterns: Restorative Justice

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.91-110.


Traditional Healing in the 'New Justice'

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.111-130.


Sentencing Circles

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.131-153.


Healing Circles

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.168-178.


**Family Group and Community Conferencing**

*Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change*, pp.154-168.


**Sustainability, Consequences and the Potential for Positive Change**

*Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change*, pp.179-205.


**The Future**

*Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change*, pp.206-236.

