

# **THE JUSTICE SYSTEM AND SOCIAL INCLUSION IN CANADA**

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# PRESENTATION OVERVIEW

- T.H. Marshall and T.Parsons on Citizenship
- Processing Crime, Aboriginals and Blacks
- Trends in Justice: The Third Wave and Access to Justice
- Youth, Restorative Justice, Problem-Solving Courts, and Aboriginal Initiatives

# MARSHALL AND PARSONS ON CITIZENSHIP

- Marshall and Phases of Citizenship
  - British Sociologist, 1950 work on Citizenship, Social Development and the Evolution of the Modern Welfare Nation-State
  - Phases: Civil (Legal) / Political / Social Rights
  - Progressive Evolutionary Process
- Talcott Parsons and Citizenship for the Negro American
  - American Sociologist building on Marshall's Work
  - Why the Process Delayed for the Negro American
  - Liberal Citizenship as Key Integrative Mechanism

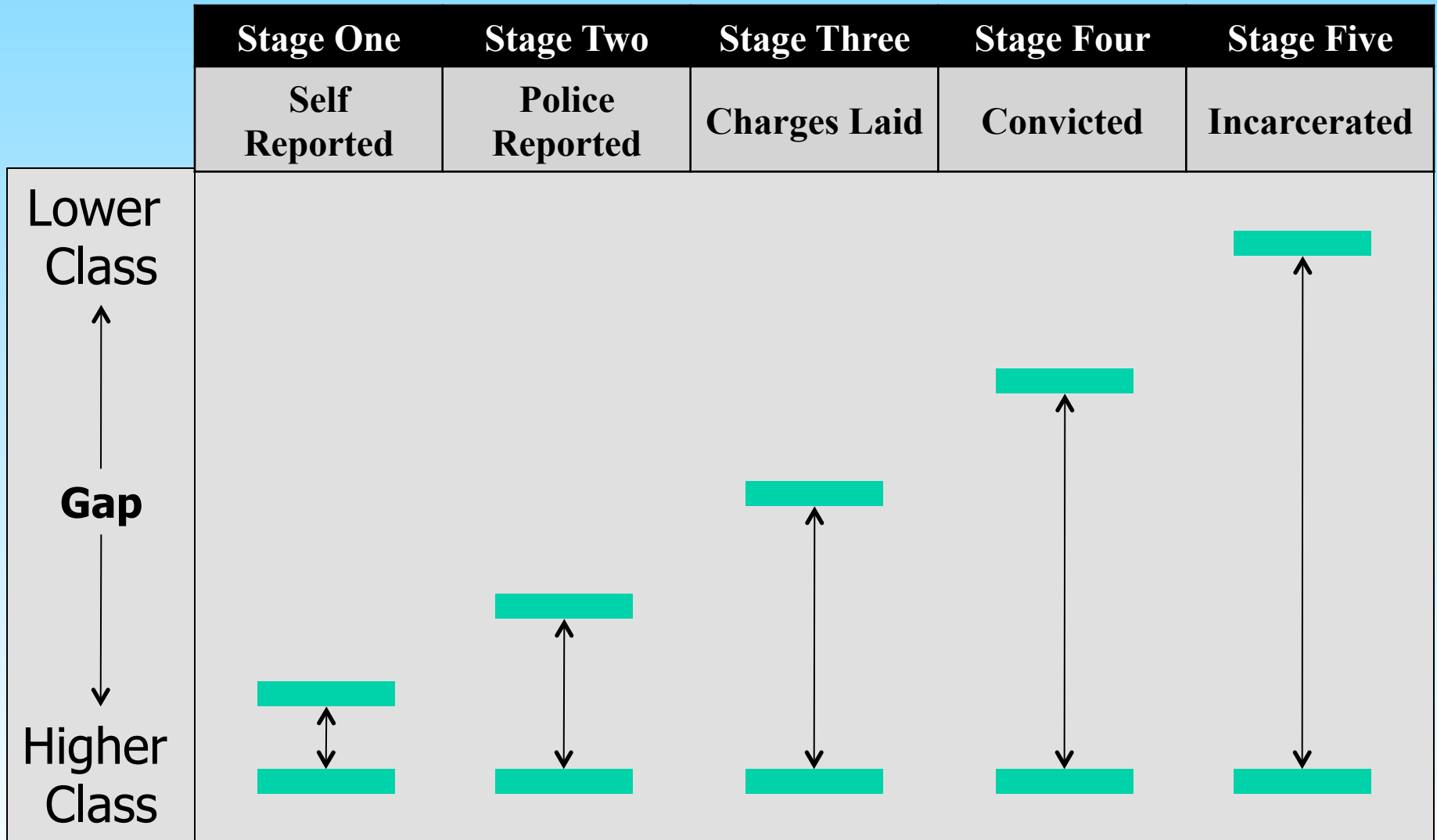
THE PROBLEMATIC CONTEXT

THE CRIMINALIZATION PROCESS

ABORIGINAL ISSUES

AFRICAN NOVA SCOTIAN ISSUES

# Divergence in Crime Process by Social Class



# TRENDS IN JUSTICE OVERVIEW

- The Third Wave of Access to Justice:  
“Expansive Justice Mechanisms to Respond to Interrelated Problems and Others’ Perspectives”
- Responding to Social Rights (Conditions)
- Kindred Social Movements (Problem-Solving Courts, Aboriginal Justice)

# THIRD WAVE OF ACCESS TO JUSTICE

Wave Concept Applied to Post-WW2 Welfare State Period

Discussed in Context of Legal Aid

First Wave: Individual Case Advocacy

Second Wave: Systemic Advocacy (the 1982 Charter of Rights and Freedoms)

Third Wave: Holistic / Justice System Advocacy

Implications for Role players and the Justice System

# DEALING WITH YOUNG OFFENDERS

Juvenile Delinquency Act (Limited Rights)

Young Offenders' Act 1984 (The Charter  
Impact)

Youth Criminal Justice Act (2003)

Premise: Adult Plus (Youths 12-17 Not in Maturity)

Strict Specifications for Custody Sentences

Emphasis on Rehabilitation & Reintegration

How has it Worked Out



# ABORIGINAL JUSTICE

Colonialism, Racism, Assimilation

“Fairness and Integration” Agenda in the  
Period 1970 to 1995

Constitution Act / SCC / Social Movements

Autonomy and Difference Agenda 1996 and  
the Royal Commission (RCAP)

Current Situation and Future Prospects By  
Justice Sector

# PROBLEM-SOLVING COURTS

Drug Treatment, Mental Health Courts

Therapeutic Jurisprudence (Justice and  
Treatment)

Emergence: The 1990s in the USA

HEALING TO WELLNESS COURTS

THE DRUG TREATMENT COURT

ITS ROOTS

KEY FEATURES

EVOLUTION ONE

FUNDING ARRANGEMENT

CENTRAL ISSUES

THE RECORD

EVOLUTION TWO

# PSC' s KEY FEATURES

- Considerable Variety in Implementation
- Eligibility Criteria (Addiction)
- Team approach (justice/treatment, court roles)
- Centrality of the judge
- Processes and Court Dynamics
- Rehab and Monitoring (Intensive, Extended)