

The Traditional Inuit Justice System

Traditional Justice

Inuit leaders (anguajuqqaat) and Elders did not see themselves as agents of law and order or social control.

Leaders:

- Each camp usually had only one leader.
- Each leader would choose someone from the younger generation to take over this role upon his death

Elders:

- Any Elder could be a counselor
- Both men and women were seen to hold wisdom

Interdependence

- Each individual contributed to the functioning of the community.
- If an individual was removed, everyone suffered the loss of whatever service that person supplied.
- Nothing was codified: everything that was said during counseling came from the minds of the Elders.

(Source: Nunavut Arctic College: Interviewing Inuit Elders)

The Inuit Way: Justice and Healing

After a wrongdoing occurred:

- (a) Elders began by talking to the person and making him or her feel loved.
- (b) If the person continued to misbehave, the Elders would speak to him or her again. This time it would be done in a more serious tone and possible consequences would be outlined.
- (c) If the behavior continued, it was felt that the individual had already been warned and therefore had to accept the consequences of his or her behavior. Members of the community may be told that they were permitted to seek revenge on this person.

(Source: Nunavut Arctic College: Interviewing Inuit Elders)

Repeat and Dangerous Offenders

In some circumstances:

- An individual would be forced to live on their own, in order to gain an appreciation for their community.
- Murderers were killed, but only if they did not show remorse or if it was believed he or she would murder again. This was done not as punishment, but for the safety of the community.

(Source: Nunavut Arctic College: Interviewing Inuit Elders)

Interconnectedness and the Natural Order

- Inuit believed that the wrongdoer's loved ones would face the consequences of his or her actions.
- The idea of fate played a large role in deterrence. It was believed that spiritual agencies, including the weather or game, played a role in delivering justice:
 - Sins were believed to cause bad weather
 - A selfish person would not succeed when he went out hunting
 - A murderer would have a short life

(Source: Nunavut Arctic College: Interviewing Inuit Elders)

The Circle of Justice

- Minor problems were dealt with only by the Elders.
- The community would get involved if a problem was believed to be life threatening or if it was considered a crisis.
- Counseling was done in private so that rumours and gossip could be avoided.
- Only the Elder(s) involved and the accused would be present.

Angakkuit: Shaman

- There were three kinds of *angakkuit* (shaman); those who went after people to kill them; those who were healers and those who lured wildlife to the camp.
- Angakkuit were able to see peoples' wrong-doings.
- The angakkuq's *tuurngaq* (spirit) was able to temporarily enter different life forms and commit murders.
- A person who committed a murder willfully was treated differently than a person who killed through shamanism. Neither were condoned, but when a person committed murder as a result of a shamanism, they were not held responsible for their actions.

(Source: Nunavut Arctic College: Interviewing Inuit Elders)

Infusing IQ into a Made-in-Nunavut Justice System

Nunavut's legal system

- Nunavut Court of Justice – Canada's only single level court
- Reflects the process through which Nunavut was created
- Inuit are involved in the decisions on all issues

Nunavut Court of Justice. *About the Nunavut Court of Justice.*
<<http://www.nucj.ca/unifiedcourt.htm>>

Nunavut Court of Justice

- Canada's first and only single level court
 - Replaced the dual court model (Territorial/Provincial & Supreme) used in remainder of Canada
- Created on April 1, 1999
- Covers all of Nunavut with respect to court services
- Travels to app. 85% of the communities across the territory
- Does not travel to smaller communities where there's no RCMP as very little crime is reported there
- Single-level trial court consisting of three superior court judges based in Iqaluit
- Meant to be more responsive to the unique needs and cultural values of Nunavut's majority Inuit population

- Travels to communities every 6 weeks to 2 years
 - Court is held in community halls, school gyms, and in other conference facilities
 - Elders and Justices of the Peace sit with the judge in the courtroom and are given the opportunity to speak with the accused following sentencing submissions and prior to the passing of sentence
- Intended to improve service to residents of Nunavut by improving access to the court and simplifying the legal system
- Prior to this there was a territorial court and also the Northwest Territories Supreme Court

Nunavut Court of Justice. January 29, 2007. <<http://www.nucj.ca/index.htm>>

IQ and Community Justice

- Inuit Qaujimagatuqangit (Inuit traditional knowledge or IQ) is the foundation of the Program
- To support communities in taking greater responsibility for offenders and victims
- Programs include:
 - Community-Justice Committees
 - Healing Circles
 - On the Land Program

The Howard Journal of Criminal Justice. *'Correcting Inuit Inmates in Nunavut, Canada.* February 2, 2007. <<http://www.blackwell-synergy.com/doi/abs/10.1111/j.1468-2311.2006.00414.x>>

IQ Lives: Contemporary Healing Circles

- “[An] Inuit healing circle – we go there and they talk to us, what we can learn, what can happen in our lives, what could have happened if we just walked away from our crimes”.
- A process that relies upon an individual’s readiness to change and to resolve their problems through self-examination and self-awareness.

The Howard Journal of Criminal Justice. *‘Correcting Inuit Inmates in Nunavut, Canada.* February 2, 2007. <<http://www.blackwell-synergy.com/doi/abs/10.1111/j.1468-2311.2006.00414.x>>

ON-THE-LAND PROGRAMS

- Elders take offenders out into the bush to hunt, trap and live off the land in traditional ways
- Intended to reclaim the offender to his/her traditional roots, increase attachment to the land and to improve traditional skills

The Howard Journal of Criminal Justice. *'Correcting Inuit Inmates in Nunavut, Canada.*
February 2,
2007. <<http://www.blackwell-synergy.com/doi/abs/10.1111/j.1468-2311.2006.00414.x>>

FEATURES OF INUIT HEALING

- **PERSONAL READINESS**
 - Everyone must progress at their own pace and in their own time
- **HOLISTIC**
 - Source of pain must be addressed so as to find balance in their lives
- **TELLING ONE'S STORY**
 - Purpose of healing is to process the past through the telling of one's story
- **FLEXIBILITY**
 - Each healer or Elder practices in a way that is best for him or her
- **IMMEDIATE INTERVENTION**
 - Inuit healers consider it is better to deal with problems as soon as possible rather than to avoid them
- **COMPASSION AND EMPATHY**
 - Healers treat individuals gently
- **INUIT CULTURAL KNOWLEDGE**
 - Healers and Elders believe that the loss of culture is fundamentally at the root of today's social problems and that the only way to heal is to develop cultural values and skills

Works Cited

“Dealing with Wrong-Doers”. Interviewing Inuit Elders: Volume 2- Perspectives on Traditional Law. Aupilaarjuk, Mariano et al. Eds. Jarich Oosten, Frédéric Laugrand and Wim Rasing. Nunavut Arctic College <http://www.nac.nu.ca/publication/vol2/pdf/chapter3.pdf>

“Introduction”. Interviewing Inuit Elders: Volume 2- Perspectives on Traditional Law. Aupilaarjuk, Mariano et al. Eds. Jarich Oosten, Frédéric Laugrand and Wim Rasing. Nunavut Arctic College. <<http://www.nac.nu.ca/publication/vol2/introduction.html>>

“Leaders, Elders and Shamans”. Interviewing Inuit Elders: Volume 2- Perspectives on Traditional Law. Aupilaarjuk, Mariano et al. Eds. Jarich Oosten, Frédéric Laugrand and Wim Rasing. Nunavut Arctic College <<http://www.nac.nu.ca/publication/vol2/pdf/chapter7.pdf>>

“Murder”. Interviewing Inuit Elders: Volume 2- Perspectives on Traditional Law. Aupilaarjuk, Mariano et al. Eds. Jarich Oosten, Frédéric Laugrand and Wim Rasing. Nunavut Arctic College <<http://www.nac.nu.ca/publication/vol2/pdf/chapter9.pdf>>

“Tirigususiit and Maligait”. Interviewing Inuit Elders: Volume 2- Perspectives on Traditional Law. Aupilaarjuk, Mariano et al. Eds. Jarich Oosten, Frédéric Laugrand and Wim Rasing. Nunavut Arctic College <<http://www.nac.nu.ca/publication/vol2/pdf/chapter1.pdf>>

Works Cited (Continued)

Department of Justice Canada. *Nunavut Legal Services Study*. <http://canada.justice.gc.ca/en/ps/rs/rep/2003/rr03lars-14/rr03_14_02_2.html>

Department of Justice Canada. *Review of the Nunavut Community Justice Program*. <<http://www.canada.justice.gc.ca/en/ps/rs/rep/2005/rr05-7/p0.html>>

Department of Justice Canada. *Nunavut Legal Services Study*. <http://www.justice.gc.ca/en/ps/rs/rep/2003/rr03lars-14/rr03-14_01.html>

Nunavut Court of Justice. *About the Nunavut Court of Justice*. <<http://www.nucj.ca/unifiedcourt.htm>>

The Howard Journal of Criminal Justice. 'Correcting Inuit Inmates in Nunavut, Canada'. <<http://www.blackwell-synergy.com/doi/abs/10.1111/j.1468-2311.2006.00414.x>>