

Canada

RECOVERING

The Resurgence of Indigenous Law

John Borrows



Recovering Canada The Resurgence Of Indigenous Law

Jennifer Henderson, Pauline Wakeham



Recovering Canada The Resurgence Of Indigenous Law:

Recovering Canada John Borrows, 2002-12-15 Canada is covered by a system of law and governance that largely obscures and ignores the presence of pre existing Indigenous regimes Indigenous law however has continuing relevance for both Aboriginal peoples and the Canadian state In his in depth examination of the continued existence and application of Indigenous legal values John Borrows suggests how First Nations laws could be applied by Canadian courts and tempers this by pointing out the many difficulties that would occur if the courts attempted to follow such an approach By contrasting and comparing Aboriginal stories and Canadian case law and interweaving political commentary Borrows argues that there is a better way to constitute Aboriginal Crown relations in Canada He suggests that the application of Indigenous legal perspectives to a broad spectrum of issues that confront us as humans will help Canada recover from its colonial past and help Indigenous people recover their country Borrows concludes by demonstrating how Indigenous peoples law could be more fully and consciously integrated with Canadian law to produce a society where two world views can co exist and a different vision of the Canadian constitution and citizenship can be created Recovering Canada John Borrows, 2017-06-22 Canada is covered by a system of law and governance that largely obscures and ignores the presence of pre existing Indigenous regimes Indigenous law however has continuing relevance for both Aboriginal peoples and the Canadian state In his in depth examination of the continued existence and application of Indigenous legal values John Borrows suggests how First Nations laws could be applied by Canadian courts and tempers this by pointing out the many difficulties that would occur if the courts attempted to follow such an approach By contrasting and comparing Aboriginal stories and Canadian case law and interweaving political commentary Borrows argues that there is a better way to constitute Aboriginal Crown relations in Canada He suggests that the application of Indigenous legal perspectives to a broad spectrum of issues that confront us as humans will help Canada recover from its colonial past and help Indigenous people recover their country Borrows concludes by demonstrating how Indigenous peoples law could be more fully and consciously integrated with Canadian law to produce a society where two world views can co exist and a different vision of the Canadian constitution and citizenship can be created **Canada's Indigenous Constitution** John Borrows, 2010-01-01 With characteristic richness and eloquence John Borrows explores legal traditions the role of governments and courts and the prospect of a multi juridical legal culture all with a view to understanding and improving legal processes in Canada He discusses the place of individuals families and communities in recovering and extending the role of Indigenous law within both Indigenous communities and Canadian society more broadly Pub desc A Bounded Land Cole Harris, 2020-11-01 Canada is a country of bounded spaces a nation situated between rock and cold to the north and a political border to the south In A Bounded Land Cole Harris seeks answers to a sweeping question How was society reorganized for Indigenous and non Indigenous people alike when Europeans resettled this distinctive land Through a series of vignettes that focus on people s experiences on the ground

Harris exposes the underlying architecture of settler colonialism as it grew and evolved from the first glimpses of new lands and peoples to the immigrant experience in early Canada to the dispossession and resettlement of First Nations in British Columbia. By considering the whole territory that became Canada over 500 years and focusing on sites of colonial domination rather than settler texts, Harris unearths fresh insights on the continuing and growing influence of Indigenous peoples and argues that Canada's boundedness is ultimately drawing the country toward its Indigenous roots.

Gender, Power, and Representations of Cree Law Emily Snyder, 2018-04-10. Drawing on the insights of Indigenous feminist legal theory, Emily Snyder examines representations of Cree law and gender in books, videos, graphic novels, educational websites, online lectures, and a video game. Although these resources promote the revitalization of Cree law and the principle of *miyo wachtowin* (good relations), Snyder argues that they do not capture the complexities of gendered power dynamics. The majority of the resources either erase women's legal authority by not mentioning them or they diminish women's agency by portraying them primarily as mothers and nurturers. Although these latter roles are celebrated, Snyder argues that Cree laws and gender roles are represented in inflexible, aesthetically pleasing ways that overlook power imbalances and difficult questions regarding interpretations of tradition. What happens when good relations are represented in ways that are oppressive? Grappling with this question, Snyder makes the case that educators need to critically engage with issues of gender and power in order to create inclusive resources that meaningfully address the everyday messiness of law. As with all legal orders, gendered oppression can be perpetuated through Cree law, but Cree law is also a dynamic resource for challenging gendered oppression.

The Oxford Handbook of Comparative Environmental Law Emma Lees, Jorge E. Viñuales, 2019-05-06. This Handbook is the first comprehensive account of comparative environmental law. It examines in detail the methodological foundations of the discipline as well as the substance of environmental law across countries from four vantage points: country studies from all continents; responses to common problems including air pollution, water management, nature conservation, genetically modified organisms, climate change, and energy; chemicals waste; and foundational components of environmental law systems including principles, property rights, administrative and judicial organisation, command and control, regulation, market mechanisms, informational techniques, and liability mechanisms, and common interactions of environmental protection with the broader public, private, and criminal law contexts. The volume brings together the foremost authorities in this field from around the world to provide a concise, self-contained, and technically rigorous account of environmental law as a single overall system.

Reconciling Canada Jennifer Henderson, Pauline Wakeham, 2013-06-17. Truth and reconciliation commissions and official governmental apologies continue to surface worldwide as mechanisms for coming to terms with human rights violations and social atrocities. As the first scholarly collection to explore the intersections and differences between a range of redress cases that have emerged in Canada in recent decades, *Reconciling Canada* provides readers with the contexts for understanding the phenomenon of reconciliation as it has played out in this multicultural settler state. In this

volume leading scholars in the humanities and social sciences relate contemporary political and social efforts to redress wrongs to the fraught history of government relations with Aboriginal and diasporic populations The contributors offer ground breaking perspectives on Canada s culture of redress broaching questions of law and constitutional change political coalitions commemoration testimony and literatures of injury and its aftermath Also assembled together for the first time is a collection of primary documents including government reports parliamentary debates and redress movement statements prefaced with contextual information *Reconciling Canada* provides a vital and immensely relevant illumination of the dynamics of reconciliation apology and redress in contemporary Canada *Interrupting the Legal Person* Austin Sarat,2022-03-28 This special issue is part one of a two part edited collection on interrupting the legal person and what this means The chapters in this volume interrogate the role of the person and personhood in different contexts jurisdictions and legal traditions ***The Plural States of Recognition*** Michel Seymour,2010-01-20 Critical reflections by established academics on the crisis of multiculturalism that occurred in Great Britain Netherlands and Canada It provides an occasion to develop a sophisticated understanding of societies characterized by religious ethnic and cultural diversity *Flawed Precedent* Kent McNeil,2019-06-01 In 1888 the Judicial Committee of the Privy Council ruled in *St Catherine s Milling and Lumber Company v The Queen* a case involving the Saulteaux people s land rights in Ontario This precedent setting case would define the legal contours of Aboriginal title in Canada for almost a hundred years despite the racist assumptions about Indigenous peoples at the heart of the case In *Flawed Precedent* preeminent legal scholar Kent McNeil provides a compelling account of this contentious case He begins by delving into the historical and ideological context of the 1880s He then examines the trial in detail demonstrating how prejudicial attitudes towards Indigenous peoples influenced the decision He further discusses the effects that *St Catherine s* had on law and policy until the 1970s when its authority was finally questioned in *Calder* then in *Delgamuukw* *Marshall* *Bernard Tsilhqot in* and other key rulings He also provides an informative analysis of the current judicial understanding of Aboriginal title in Canada now driven by evidence of Indigenous law and land use rather than by the discarded prejudicial assumptions of a bygone era *Language and Identity Politics* Christina Späti,2015-11-01 In an increasingly multicultural world the relationship between language and identity remains a complicated and often fraught subject for most societies The growing political salience of questions relating to language is evident not only in the expanded implementation of new policies and legislation but also in heated public debates about national unity collective identities and the rights of linguistic minorities By taking a comprehensive approach that considers both the inclusive and exclusive dimensions of linguistic identity across Europe and North America the studies assembled here provide a sophisticated look at one of the global era s defining political dynamics ***Ancillary Police Powers in Canada*** John W. Burchill,Richard Jochelson,Akwasi Owusu-Bempah,Terry Skolnik,2024-10-15 Police enforce the law but they must also obey it Statutes circumscribe how law enforcement officers conduct their work At the same time Canadian courts

have handed police many powers to stop search and otherwise investigate people in the pursuit of public safety and crime prevention Ancillary Police Powers in Canada explains what these common law police powers are how they came to be and crucially what the potential dangers are in their expanding scope What is the difference between police duty and lawful authority Should the Supreme Court rescind powers when the police tactics they enable become controversial This nuanced book surveys the evolution application and future of judge made police powers The authors bring historical perspective critical legal theory and empirical analysis to an issue that is fundamental to constitutional protection from state interference with individual liberty Accommodating Cultural Diversity Mr Stephen Tierney,2013-01-28 This volume explores recent developments in the theory and practice of accommodating cultural diversity within democratic constitutional orders The aim of the book is to provide a broad vision of the constitutional management of cultural diversity as seen through the prisms of different disciplines and experiences both theoretical and practical The contributions which come from Canada and Europe comprise a review of the evolving theory of cultural diversity followed by two main case studies a substantive study of the accommodation of indigenous peoples within different constitutional orders and secondly the importance of constitutional interpretation to the development of cultural diversity in complex pluralist democracies such as Australia Canada and the UK

Upholding Indigenous Economic Relationships Shalene Wuttunee Jobin,2023-02-01 What is the relationship between economic progress in the land now called Canada and the exploitation of Indigenous peoples And what gifts embedded within Indigenous world views speak to miyo pim tisiwin the good life and specifically to good economic relations Upholding Indigenous Economic Relationships draws on the knowledge systems of the nehiyawak Cree people to make two central arguments The first is that economic exploitation was the initial and most enduring relationship between newcomers and Indigenous peoples The second is that Indigenous economic relationships are constitutive connections to the land water and other human and nonhuman beings form us as individuals and as peoples This groundbreaking study employs previously overlooked Indigenous economic theories and relationships and provides contemporary examples of nehiyawak renewing these relationships in resurgent ways In the process Upholding Indigenous Economic Relationships offers tools that enable us to reimagine how we can aspire to the good life with all our relations **Good Government? Good Citizens?** W.A.

Bogart,2007-10-01 Good Government Good Citizens explores the evolving concept of the citizen in Canada at the beginning of this century Three forces are at work in reconstituting the citizen in this society courts politics and markets Many see these forces as intersecting and colliding in ways that are fundamentally reshaping the relationship of individuals to the state and to each other How has Canadian society actually been transformed Is the state truly in retreat Do individuals in fact have a fundamentally altered sense of their relationship to government and to each other Have courts and markets supplanted representative politics regarding the expression of basic values Must judicialized protection of human rights and minority interests necessarily mean a diminished concern for the common good on the part of representative politics To what extent

should markets and representative politics maintain a role in the protection of human rights and minority interests Will representative politics ever hold the public trust again Good Government Good Citizens responds to these questions It does so by examining the altered roles of courts politics and markets over the last two decades It then examines a number of areas to gauge the extent of the evidence regarding transformations that have occurred because of these changing roles There are chapters on the First Peoples cyberspace education and on an ageing Canada The book concludes with reflections on the good citizen at the dawning of the new century Of particular interest to professors and students of law and political science Good Government Good Citizens will appeal to anyone interested in the changing face of Canada and its citizens

Democratic Multiplicity James Tully, Keith Cherry, Fonna Forman, Jeanne Morefield, Joshua Nichols, Pablo Ouziel, David Owen, Oliver Schmidtke, 2022-08-04 Discloses the radical diversity of the field of democracy that is overlooked by mainstream political science

Plants, People, and Places Nancy J. Turner, 2020-08-20 For millennia plants and their habitats have been fundamental to the lives of Indigenous Peoples as sources of food and nutrition medicines and technological materials and central to ceremonial traditions spiritual beliefs narratives and language While the First Peoples of Canada and other parts of the world have developed deep cultural understandings of plants and their environments this knowledge is often underrecognized in debates about land rights and title reconciliation treaty negotiations and traditional territories Plants People and Places argues that the time is long past due to recognize and accommodate Indigenous Peoples relationships with plants and their ecosystems Essays in this volume by leading voices in philosophy Indigenous law and environmental sustainability consider the critical importance of botanical and ecological knowledge to land rights and related legal and government policy planning and decision making in Canada the United States Sweden and New Zealand Analyzing specific cases in which Indigenous Peoples inherent rights to the environment have been denied or restricted this collection promotes future prosperity through more effective and just recognition of the historical use of and care for plants in Indigenous cultures A timely book featuring Indigenous perspectives on reconciliation environmental sustainability and pathways toward ethnoecological restoration Plants People and Places reveals how much there is to learn from the history of human relationships with nature

The Right Relationship John Borrows, Michael Coyle, 2017-03-17 The relationship between Canada's Indigenous peoples and the Canadian government is one that has increasingly come to the fore Numerous tragic incidents and a legacy of historical negligence combined with more vehement calls for action is forcing a reconsideration of the relationship between the federal government and Indigenous nations In *The Right Relationship* John Borrows and Michael Coyle bring together a group of renowned scholars both indigenous and non indigenous to cast light on the magnitude of the challenges Canadians face in seeking a consensus on the nature of treaty partnership in the twenty first century The diverse perspectives offered in this volume examine how Indigenous people's own legal and policy frameworks can be used to develop healthier attitudes between First Peoples and settler governments in Canada While considering the

existing law of Aboriginal and treaty rights the contributors imagine what these relationships might look like if those involved pursued our highest aspirations as Canadians and Indigenous peoples This timely and authoritative volume provides answers that will help pave the way toward good governance for all *Indigenous Food Systems* Priscilla Settee,Shailesh Shukla ,2020-01-31 *Indigenous Food Systems* addresses the disproportionate levels of food related health disparities among First Nations Métis and Inuit people in Canada seeking solutions to food insecurity and promoting well being for current and future generations of Indigenous people Through research and case studies Indigenous and non Indigenous food scholars and community practitioners explore salient features practices and contemporary challenges of Indigenous food systems across Canada Highlighting Indigenous communities voices the contributing authors document collaborative initiatives between Indigenous communities organizations and non Indigenous allies to counteract the colonial and ecologically destructive monopolization of food systems This timely and engaging collection celebrates strategies to revitalize Indigenous food systems such as achieving cultural resurgence and food sovereignty sharing and mobilizing diverse knowledges and voices and reviewing and reformulating existing policies research and programs to improve the health well being and food security of Indigenous and Canadian populations *Indigenous Food Systems* is a critical resource for students in Indigenous studies public health anthropology and the social sciences as well as a vital reader for policymakers researchers and community practitioners *Trauma-Informed Juvenile Justice in the United States* Judah Oudshoorn,2016-08-23 Most youth who come in conflict with the law have experienced some form of trauma yet many justice professionals are ill equipped to deal with the effects trauma has on youth and instead reinforce a system that further traumatizes young offenders while ignoring the needs of victims By taking a trauma informed perspective this text provides a much needed alternative one that allows for interventions based on principles of healing and restorative justice rather than on punishment and risk assessment In addition to providing a comprehensive historical overview of youth justice in Canada Judah Oudshoorn addresses the context of youth offending by examining both individual trauma including its emotional cognitive and behavioural effects and collective trauma The author tackles some of the most difficult problems facing youth justice today especially the ongoing cycles of intergenerational trauma caused by the colonization of Indigenous peoples and patriarchal violence and demonstrates how a trauma informed approach to youth justice can work toward preventing crime and healing offenders victims and communities Featuring a foreword written by Howard Zehr case stories from the author s own work with victims and offenders questions for reflection and annotated lists of recommended readings this engaging text is the perfect resource for college and university students in the field of youth justice

The Enigmatic Realm of **Recovering Canada The Resurgence Of Indigenous Law**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing in short supply of extraordinary. Within the captivating pages of **Recovering Canada The Resurgence Of Indigenous Law** a literary masterpiece penned by way of a renowned author, readers set about a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting affect the hearts and minds of those that partake in its reading experience.

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Table of Contents Recovering Canada The Resurgence Of Indigenous Law

1. Understanding the eBook Recovering Canada The Resurgence Of Indigenous Law
 - The Rise of Digital Reading Recovering Canada The Resurgence Of Indigenous Law
 - Advantages of eBooks Over Traditional Books
2. Identifying Recovering Canada The Resurgence Of Indigenous Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an eBook Recovering Canada The Resurgence Of Indigenous Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from Recovering Canada The Resurgence Of Indigenous Law
 - Personalized Recommendations
 - Recovering Canada The Resurgence Of Indigenous Law User Reviews and Ratings

- Recovering Canada The Resurgence Of Indigenous Law and Bestseller Lists
- 5. Accessing Recovering Canada The Resurgence Of Indigenous Law Free and Paid eBooks
 - Recovering Canada The Resurgence Of Indigenous Law Public Domain eBooks
 - Recovering Canada The Resurgence Of Indigenous Law eBook Subscription Services
 - Recovering Canada The Resurgence Of Indigenous Law Budget-Friendly Options
- 6. Navigating Recovering Canada The Resurgence Of Indigenous Law eBook Formats
 - ePub, PDF, MOBI, and More
 - Recovering Canada The Resurgence Of Indigenous Law Compatibility with Devices
 - Recovering Canada The Resurgence Of Indigenous Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Recovering Canada The Resurgence Of Indigenous Law
 - Highlighting and Note-Taking Recovering Canada The Resurgence Of Indigenous Law
 - Interactive Elements Recovering Canada The Resurgence Of Indigenous Law
- 8. Staying Engaged with Recovering Canada The Resurgence Of Indigenous Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Recovering Canada The Resurgence Of Indigenous Law
- 9. Balancing eBooks and Physical Books Recovering Canada The Resurgence Of Indigenous Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Recovering Canada The Resurgence Of Indigenous Law
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Recovering Canada The Resurgence Of Indigenous Law
 - Setting Reading Goals Recovering Canada The Resurgence Of Indigenous Law
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Recovering Canada The Resurgence Of Indigenous Law
 - Fact-Checking eBook Content of Recovering Canada The Resurgence Of Indigenous Law
 - Distinguishing Credible Sources

13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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