

FROM RECOGNITION TO RECONCILIATION

Essays on the
Constitutional
Entrenchment
of Aboriginal &
Treaty Rights

EDITED BY PATRICK MACKLEM AND DOUGLAS SANDERSON

Book And Recognition Reconciliation Constitutional Entrenchment Aboriginal

**Stephen Allen, Nigel Bankes, Øyvind
Ravna**



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From Recognition to Reconciliation Patrick Macklem, Douglas Sanderson, 2016-04-06 More than thirty years ago section 35 of the Constitution Act recognized and affirmed the existing aboriginal and treaty rights of the aboriginal peoples of Canada. Hailed at the time as a watershed moment in the legal and political relationship between Indigenous peoples and settler societies in Canada, the constitutional entrenchment of Aboriginal and treaty rights has proven to be only the beginning of the long and complicated process of giving meaning to that constitutional recognition. In *From Recognition to Reconciliation*, twenty leading scholars reflect on the continuing transformation of the constitutional relationship between Indigenous peoples and the Canadian state. The book features essays on themes such as the role of sovereignty in constitutional jurisprudence, the diversity of methodologies at play in these legal and political questions, and connections between the Canadian constitutional experience and developments elsewhere in the world. *From Recognition to*

Reconciliation Douglas Sanderson, Patrick Macklem, 2015 **The Oxford Handbook of the Canadian Constitution** Peter Oliver, Patrick Macklem, Nathalie Des Rosiers, 2017-08-10 The Oxford Handbook of the Canadian Constitution provides an ideal first stop for Canadians and non-Canadians seeking a clear, concise, and authoritative account of Canadian constitutional law. The Handbook is divided into six parts: Constitutional History; Institutions and Constitutional Change; Aboriginal Peoples and the Canadian Constitution; Federalism; Rights and Freedoms; and Constitutional Theory. Readers of this Handbook will discover some of the distinctive features of the Canadian constitution, for example, the importance of Indigenous peoples and legal systems, the long-standing presence of a French-speaking population, French civil law in Quebec, the British constitutional heritage, the choice of federalism, as well as the newer features, most notably the Canadian Charter of Rights and Freedoms, Section Thirty-Five regarding Aboriginal rights and treaties, and the procedures for constitutional amendment. The Handbook provides a remarkable resource for comparativists at a time when the Canadian constitution is a frequent topic of constitutional commentary. The Handbook offers a vital account of constitutional challenges and opportunities at the time of the 150th anniversary of Confederation. **The Routledge Handbook of Australian Indigenous Peoples and**

Futures Bronwyn Carlson, Madi Day, Sandy O'Sullivan, Tristan Kennedy, 2023-09-19 Providing an international reference work written solely by Aboriginal and Torres Strait Islander authors, this book offers a powerful overview of emergent and topical research in the field of global Indigenous studies. It addresses current concerns of Australian Indigenous peoples of today and explores opportunities to develop and support the development of Indigenous resilience and solidarity to create a fairer, safer, more inclusive future. Divided into three sections, this book explores: What futures for Aboriginal and/or Torres Strait Islander peoples might look like; and how institutions, structures, and systems can be transformed to such a future. The complexity of Aboriginal and Torres Strait Island life and identity, and the possibilities for Australian Indigenous futures, and the many and varied ways in which Aboriginal and Torres Strait Islander peoples use technology and how it is transforming their lives. This

book documents a turning point in global Indigenous history the disintermediation of Indigenous voices and the promotion of opportunities for Indigenous peoples to map their own futures It is a valuable resource for students and scholars of Indigenous studies as well as gender and sexuality studies education studies ethnicity and identity studies and decolonising development studies

The Rights of Indigenous Peoples in Marine Areas Stephen Allen, Nigel Banks, Øyvind

Ravna, 2019-09-19 The question of what rights might be afforded to Indigenous peoples has preoccupied the municipal legal systems of settler states since the earliest colonial encounters As a result of sustained institutional initiatives many national legal regimes and the international legal order accept that Indigenous peoples possess an extensive array of legal rights However despite this development claims advanced by Indigenous peoples relating to rights to marine spaces have been largely opposed This book offers the first sustained study of these rights and their reception within modern legal systems Taking a three part approach it looks firstly at the international aspects of Indigenous entitlements in marine spaces It then goes on to explore specific country examples before looking at some interdisciplinary themes of crucial importance to the question of the recognition of the rights of Indigenous peoples in marine settings Drawing on the expertise of leading scholars this is a rigorous and long overdue exploration of a significant gap in the literature

Strategies of Justice Burke

A. Hendrix, 2019-05-02 Political theorists often imagine themselves as political architects asking what an ideal set of laws or social structures might look like Yet persistent injustices can endure for decades or even centuries despite such ideal theorizing In circumstances of this kind it is essential for political theorists to think carefully about the political choices available to those who directly face such injustices and seek to change them This book focuses on the claims of Aboriginal peoples to better treatment from the United States and Canada Though other groups face similarly persistent injustices e g African Americans in the United States the specific details of injustice matter a great deal for its analysis The book focuses on two intertwined issues the kinds of moral permissions that those facing persistent injustice have when they act politically and the kinds of transformations that political action may bring about in those who undertake it The book argues for normative permissions to speak untruth to power to circumvent or nullify existing law to give primary attention to protecting one's own community first and to engage in political experimentation that reshapes future generations When carefully used the book argues these permissions may help political actors to avoid co-optation and self-delusion At the same time divisions of labor between those who grapple most closely with state institutions and those who keep their distance may be necessary to facilitate escape from persistent injustice over the long term Oxford Political Theory presents the best new work in contemporary political theory It is intended to be broad in scope including original contributions to political philosophy and also work in applied political theory The series will contain works of outstanding quality with no restriction as to approach or subject matter Series Editors Will Kymlicka and David Miller

Aboriginal Peoples and the Law Jim Reynolds, 2018-05-15 Can Canada claim to be a just society for Indigenous peoples To answer this question and as part of the process of

reconciliation the Truth and Reconciliation Commission urged a better understanding of Aboriginal law for all Canadians Aboriginal Peoples and the Law responds to that call introducing readers with or without a legal background to modern Aboriginal law and outlining significant cases and decisions in straightforward non technical language Jim Reynolds provides the historical context needed to understand relations between Indigenous peoples and settlers and explains key topics such as sovereignty fiduciary duties the honour of the Crown Aboriginal rights and title treaties the duty to consult Indigenous laws and international law This critical analysis of the current state of the law makes the case that rather than leaving the judiciary to sort out what are essentially political issues Canadian politicians need to take responsibility for this crucial aspect of building a just society *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 **Applied Legal Pluralism** Ghislain Otis, Jean Leclair, Sophie

Thériault, 2022-07-15 This book offers a comparative study of the management of legal pluralism The authors describe and analyse the way state and non state legal systems acknowledge legal pluralism defined as the coexistence of a state and non state legal systems in the same space in respect of the same subject matter for the same population and determine its consequences for their own purposes The book sheds light on the management processes deployed by legal systems in Africa Canada Central Europe and the South Pacific the multitudinous factors circumscribing the action of systems and individuals with respect to legal pluralism and the effects of management strategies and processes on systems as well as on individuals The book offers fresh practical and analytical insight on applied legal pluralism a fast growing field of scholarship and professional practice Drawing from a wealth of original empirical data collected in several countries by a multilingual and multidisciplinary team it provides a thorough account of the intricate patterns of state and non state practices with respect to legal pluralism As the book s non prescriptive approach helps to uncover and evaluate several biases or assumptions on the part of policy makers scholars and development agencies regarding the nature and the consequences of legal pluralism it will appeal to a wide range of scholars and practitioners in law development studies political science and social sciences

Handbook of Victims and Victimology Sandra Walklate, 2017-07-14 This second edition of the Handbook of Victims and Victimology presents a comprehensively revised and updated set of essays bringing together internationally recognised scholars and practitioners to offer substantial research informed overviews within their specialist fields of investigation This handbook is divided into five parts with each part addressing a different theme within victimology Part I offers a scene setting exploration of new developments in the field enduring issues that remain relatively unchanged and the gaps and traps within the contemporary victimological agenda Part II examines of the complex dimensions to victim experiences as structured by gender age ethnicity sexuality and intersectionality Part III reflects on the problems and possibilities of formulating policy responses in the light of the changing appreciation of the nature and extent of victimhood Part IV focused

on the value of a comparative lens and the problems and possibilities of victim policies when seen through this lens explored along three geographical axes Europe Australia and Asia Part V considers other ways of thinking about who counts as a victim and what counts as victimhood and extends the boundaries of the victimological imagination outward Building on the success of the previous edition this book provides an international focus on cutting edge issues in the field of victimology Including brand new chapters on intersectionality child victims sexuality hate crime and crimes of the powerful this handbook is essential reading for students and academics studying victims and victimology and an essential reference tool for those working within the victim support environment

Decoding **Book And Recognition Reconciliation Constitutional Entrenchment Aboriginal**: Revealing the Captivating Potential of Verbal Expression

In a period characterized by interconnectedness and an insatiable thirst for knowledge, the captivating potential of verbal expression has emerged as a formidable force. Its power to evoke sentiments, stimulate introspection, and incite profound transformations is genuinely awe-inspiring. Within the pages of "**Book And Recognition Reconciliation Constitutional Entrenchment Aboriginal**," a mesmerizing literary creation penned by a celebrated wordsmith, readers set about an enlightening odyssey, unraveling the intricate significance of language and its enduring effect on our lives. In this appraisal, we shall explore the book's central themes, evaluate its distinctive writing style, and gauge its pervasive influence on the hearts and minds of its readership.

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