Book Review


By Jim Reynolds

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What is Aboriginal law? What is its purpose, sources, and justifications? How is it linked to the history of Aboriginal-state relations in Canada, to the trajectory of federal and provincial Aboriginal policy making, and to Canada’s constitutional structure? These are the core questions taken up in Jim Reynolds’ *Aboriginal Peoples and the Law*. Reynolds provides a clear and highly readable summary, and critical analysis, of Canadian law as it pertains to Aboriginal and treaty rights, self-government, Aboriginal title, the duty to consult, and to both Indigenous and international sources of law.

In critical terms, Reynolds offers a mixed assessment of what Aboriginal people can expect when seeking recognition of their rights in court. Against the skeptics he argues that some Aboriginal people have benefitted significantly from court decisions, and have leveraged these legal victories to strengthen their hand in negotiations with government, and in support of successful community economic, social, and political development initiatives. Nevertheless, Reynolds maintains a healthy appreciation of the limits of court action, noting the substantial cost and uncertainty of litigation, the doubled-edged nature of most court victories, and the reality that the law is most likely to benefit Aboriginal communities that are already advantaged in terms of resources, capacity, and geographical location. Thus, while he believes that both litigation and negotiation have their advantages for Aboriginal people, their utility is profoundly constrained by the prevailing imbalance of power that continues to favour the interests of state power-brokers. Reynolds concludes with the suggestion that meaningful progress on Aboriginal-state relations is dependent on a fundamental shift in political will, though precisely how this shift will come about is a question he ultimately leaves unanswered.

Written in relatively accessible and non-technical language, this is an excellent book for introductory or intermediate-level undergraduate students, and both the layout and useful end-of-chapter summaries make it an ideal choice as a course text.