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Review of *Canada's Indigenous Constitution*. By John
Borrows.

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Canada's Indigenous Constitution. By John Borrows. Toronto: University of Toronto Press, 2010. x + 427 pp. Notes, index. \$80.00 cloth, \$35.00 paper.

Thanks to the driving force of *Canada's Indigenous Constitution*, John Borrows's studies of Indigenous peoples' laws will now be more publicly known. While we might have thought his earlier books reached the limits of creativity regarding Indigenous issues in North America (and Canada in particular), his new work demonstrates that such an assumption would have been wrong.

This text's major thesis, that "Canada cannot presently, historically, legally, or morally claim to be built upon European-derived law alone," has been mentioned before. Yet in those earlier musings by Borrows and others, such a statement has never been documented so well as it is here. Borrows contemplates that others, besides those sympathetic with Indigenous perspectives, might just admit such a thesis is the case. Moreover, they might also support the creation of social and economic policies that demonstrate such a belief. But observing it in Canada's current legal system—really? Keenly aware of skeptics, Borrows has thought as much about his method as his content. As a result, he trumps other authors by using the proverbial "master's tools" to take down the "master's house," revealing to us that the Canadian legal system is, first and foremost, imbued with Indigenous law. The problem, he simultaneously details, is that too many people do not interpret it as such.

His method is the following: introduce the places one can find Indigenous law, then detail these places in an advanced way, followed by observations about Indigenous law in (non-Indigenous) common and civil law systems; then acknowledge the problems that arise due to these systems' interplay; identify the actual multijuridical nature of Canada's interpretation of the "rule of law"; explain how courts and legislatures can encourage the multijuridical nature to protect democratic values; notice how religion also influences what everyone considers the fair treatment of individuals and groups; and, finally, predict how Indigenous norms can help address future (and inevitable) problems in our society. Clearly, Borrows wants to allay any fears about Indigenous perspectives being foreign, unhelpful, or illegal. The strongest quality of *Canada's Indigenous Constitution* is the number of ways Borrows finds to show how Indigenous practices are alive and well and have already proven useful to non-Aboriginals who have worked to make North America more domestically governable and more internationally enviable.

Borrows wants us to realize Indigenous ways are not that different—religions, private property, and positivism are apparently part of many Indigenous cultures. At the same time, he argues the Earth is a legal personality in law, he envisages "Recognition Acts," he believes non-Indigenous judges are not incapable of empathizing with Indigenous concerns, and he contends that some of the academic sources touted as the most accurate (and Borrows does not use subtlety here) actually *hinder* proper legal analysis today. Jurisprudence interpreters beware: if you believed only cases that clearly mention "Aboriginal rights" are about Indigenous constitutionalism, Borrows

demands you think again. This Anishnaabe legal scholar uses history, courtroom events, and legislative prerogatives assertively (yet respectfully) to inform you that a more advanced understanding of the past and of law is required. By the time you finish the book, meeting characters like "Mandamin" along the way, it is likely you won't disagree.

Borrows concludes that the law is "a peaceful, vicious being" and will eventually expose your contradictory values if you choose not to eliminate your inconsistent authoritative methods (like most interpretations of Canadian law). The book tells us we are approaching an intellectual and jurisprudential abyss, and it is about time we make a quick turnaround—the rule of law demands it. **Signa A. Daum Shanks**, *College of Law, University of Saskatchewan*.