

Indigenous studies article summary and analysis



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Indigenous Studies Article Summary Indigenous Studies Article Summary I

find Burrows book attractive because it takes me through the techniques that Canada has approached governance and made interjections where indigenous regulations and government can intercede Western systems. Also, I note that it highlights on Anishinabek traditions in order to come up with a conclusion on how the indigenous law can change the judicial system in the country. I learn the Canadian law system to indigenous declaration of independence hence understand more and more indigenous disclosure. To my opinion, it has principally highlighted the themes of identity and recognition. Likewise, it clarifies how the marginalized groups keep on agitating for legitimacy and political acknowledgment as a way towards liberation¹.

Borrow tries to bring out the courts definition of indigenous rights, and it is to my consent that its definition is based on distinctive cultures of indigenous communities as they existed in the old days. Additionally, I note that he recognizes indigenous rights as being founded on continued recognition of the customs and the laws of the indigenous people. Borrow has additionally highlighted the subject of the rule of law. I agree with his writing that oppression of the indigenous communities can be prevented through the continuous application of the rule of law. Based on indigenous communities, affirmation of the Crown Sovereignty has been the main cause of disruptions and chaos. He views the rule of law as a supreme ideal that can be realized if unbiased and non-arbitrary approach to legitimacy of Crown sovereignty is put into practice. I find that Crown Sovereignty is the foundation for the establishment of the colonial supremacy which led to things such as peace, stability and order to colonial settlers². In the meantime, colonial supremacy

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brought about disturbance to the colonized. Borrow sees the rule of law as subject to sovereign power that is characterized by its monopoly nature of power. It is from his book that I figure out that since there was and is no foundation for the attestation of colonial sovereignty, there emerged ill-use of power that demeaned the value of the rule of law.

The book also helps me to identify several cases where indigenous law has failed to be recognized. Historically, native law and interests have been alleged as a problem to the Crown law that is dominant in Canada. This line of thinking has aided me to note the disappointment of recognition of Indigenous law and interests, which, has thus, brought about the legitimate, political, social and economic constraint of marginalized Indigenous groups. In summation, the book raises issues over the practicality of utilizing the rule of law to curb colonialism in Canada. A decolonized society can be formed based on Borrows vision of sui generis legal and political order. The idea of a sui generis lawful conduct holds the potential for creating a mutual relationship between people who come from different communities or backgrounds³.

Bibliography

Borrows, J. *Recovering Canada: The resurgence of Indigenous law*. Toronto: University of Toronto Press, 2002.