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Book Review: *Moving Toward Justice: Legal Traditions and Aboriginal Justice* Edited by John D. Whyte

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Moving toward justice for Aboriginal peoples requires a narrowing of the gap between the theory of Aboriginal rights and practice. The increase in political resolve required to promote the priority of justice for Aboriginal peoples will be achieved only through a reinforcement of mutual obligations that form the core of Aboriginal rights.

While this collection is substantially grounded in discussions of social development through law, Constitutionalism, and public administration, it is unclear that the concept of priority within the larger intersocietal relationship is ever directly engaged. Though the essays represent an impressive and promising diversity of views, there is a dearth of Aboriginal scholarship that presents an Aboriginal perspective in a text summoning the requirement that public policy for Aboriginal peoples “be based on Aboriginal initiatives, through Aboriginal governments.” The text’s organizational structure serves to buttress this point.

The fissure between theory and practice is animated by the investigation of the conditions of Aboriginal justice and the maintenance of “cultural integrity” through an examination of the concepts of recognition, reconciliation, self-government, self-determination, and sovereignty, whereby it becomes clear that these ideas continue to evoke often very different meanings and practical applications. The text illuminates the ways in which certain qualities or themes are commonly ascribed to the theory of Aboriginal rights, whereas others are unearthed in their practice. Read together, the essays demonstrate that the theory of Aboriginal rights envisages something of a mutually beneficial arrangement or qualitative partnership between the Crown and Aboriginal peoples, born from the fact of Aboriginal peoples being self-regulating entities and translated legally into the mandate for a plurality of Aboriginal perspectives on the context and conditions of Aboriginal justice. In practice, Aboriginal rights have been subsumed by the rule of Canadian law, with their efficacy most often evaluated through a pragmatic lens. Consequently, the practice of Aboriginal rights frequently amounts to a decontextualized quantitative relationship between government and minority, running counter to the directive of Aboriginal peoples to be the authors of “legal mechanisms” and the “conditions under which they function” that would empower the

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