

Indigenous Law – Selected Bibliography

This is but a small sample. By my estimation, there are now about 200 Canadian publications touching on Indigenous law, and this is growing exponentially each year.

General

Borrows, John, [“Justice Within: Indigenous Legal Traditions”](#) (2006) Law Commission of Canada

Hadley Friedland, “Different Stories: Aboriginal People, Order and the Failure of the Criminal Justice System,” (2009) 72 (1) Saskatchewan Law Review 105

John Borrows, *Canada’s Indigenous Constitution* (Toronto: University of Toronto Press, 2010) – **RECOMMENDED FOR BEGINNERS**

Lance Finch BCCJ, [“The Duty to Learn: Taking Account of Indigenous Legal Orders in Practice”](#) (2012) CLE BC Materials

Hadley Friedland, "Reflective Frameworks: Methods for Accessing, Understanding and Applying Indigenous Laws" (2012) 11:1 Indigenous LJ 1

Methodologies

a) Narrative Analysis Method

Hadley Friedland and Val Napoleon, “Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions.” (2015) 1(1) Lakehead Law Journal 33

Val Napoleon and Hadley Friedland, “An Inside Job: Engaging With Indigenous Legal Traditions Through Stories” (2016) 61 McGill Law Journal 725

b) Linguistic Methods

Mathew Fletcher, “Rethinking Customary Law in Tribal Court Jurisprudence”, (2006) Michigan State University College of Law, Indigenous Law and Policy Centre Occasional Paper Series

Naiomi Metallic, “Five Linguistic Methods for Revitalizing Indigenous Laws,” Summer 2021, under review with the McGill Law Journal (contact me for a draft copy).

c) Land-based Learning

Sarah Morales, “Stl’ul nup: Legal Landscapes of the Hul’Qumi’um mustimuhw” (2016) 33 Windsor Y B Access Just 103

Sandy, Nancy, "Stsqey'ulecw re St'exelcenc (St'exelcenc Laws from the Land)" (2016) 33 Windsor YB Access Just 187

d) *Ceremonial Practice*

Darcy Lindberg, "Miyo Nêhiyâwiwin (Beautiful Creeness) Ceremonial Aesthetics and Nêhiyaw Legal Pedagogy" (2018) 16/17 Indigenous Law Journal 51

e) *Community Embedded Method*

Napoleon, Val, *Ayook: Gitksan Legal Order, Law, and Legal Theory*, 2009 UVic PhD Dissertation.

Val Napoleon, Angela Cameron, Colette Arcand and Dahti Scott, "Where's the Law in Restorative Justice?" in Yale Belanger, ed., *Aboriginal Self Government in Canada: Current Trends and Issues*, 3rd edition (Saskatoon, Purich Publishing Press, 2008)

Implementation

Milward, David, *Aboriginal Justice and the Charter: Realizing a Culturally Sensitive Interpretation of Legal Right* (Vancouver: UBC Press, 2012).

Brenda L. Gunn, "The Federal Court Aboriginal Bar Liaison Committee as a Mode of Reconciliation: Weaving Together Indigenous Law, Common Law, and International Human Rights Law," c12 in Karen Drake & Brenda L Gunn, *Renewing Relationships: Indigenous Peoples and Canada* (Saskatoon: Native Law Center, 2019).

Naiomi Metallic, "Six Examples Applying the Meta-Principle Linguistic Method: Lessons for Indigenous Law Implementation," Summer 2021 (under review with UNBLJ).