

A STUDY OF THE TRADITIONAL GOVERNANCE OF
THE GITXSAN: ITS RELEVANCE TODAY

by

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Abstract

After a century of being prohibited from any political or cultural expression, Native people are now finally able to do so. The *Indian Act* was the mechanism through which assimilation policies were enforced, prohibiting any use of a traditional government system, a system which was inseparable from spiritual, cultural, and family ideals and values. Fortunately, however, segments of the traditional system have remained despite stripping its political powers at the community level. Native communities today are in various states of despair because of the century long victimization. This is shown statistically in higher rates of suicide, substance abuse, and family violence. The human rights violations have gradually lessened as more and more freedoms are given to them for self-determination. Within this setting of greater freedom, an expression of their traditional system as a form of self-government is a goal for most Native communities.

A century of demoralizing suppression of the traditional system, however, has an impact on the successful implementation of an ancient system today. The destruction of the spiritual belief as a base for this ancient system, creates challenges in adapting it today. This thesis will identify and analyze the challenges in adapting an ancient political system to meet today's aboriginal community needs, using the Gitksan nation as a case study. In researching these challenges, the writer began by studying the features of the traditional system, focusing on its political functions. Then an analysis of the effects of the *Indian Act* and its assimilation policies on the political features of the traditional system is closely examined. The writer goes a step further and identifies a planning task with options which could be considered in adapting an ancient system to meet today's societal and community needs, as an incentive for grassroots people of the Gitksan nation to continue the planning process.

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Preface

My original research proposal, which had been approved, was to study the Gitksan traditional government with the hypothesis that some grassroots communities are reluctant to adapt it for today. My thesis would have been just to prove this hypothesis, which would have been simply and quickly done. However, I found myself unmotivated to complete this research, because it did not address another great interest of mine: Native spirituality. This paper then will show how these two are related traditionally and the implication of this in today's world.

I look at previous research and note how historically, Native people have experienced academics coming into their lives with a hypothesis, proving it, and writing on their misconceptions of our behavior, never to be heard from again. Being Gitksan, I could not follow those footsteps. I live in Gitksan territory and will have to live with the consequences of my research, which might not have brought out the positive aspects of an ancient government system. I am also mindful of honoring the lives of my grandparents who lovingly raised me.

I speak Gitksan fluently and was raised by its cultural values from birth until marriage. I then continued to participate in cultural activities as much as possible when I lived in Vancouver for twenty-four years. On returning to my village, I wanted to return to the same cultural values which I had left, but I found that they seemed to have been lost. I also am responsible for this loss as I did not teach my children our language.

As I am myself Gitksan, I have maintained my objectivity by relying more than usual on using quotes to verify my statements. Some of these quotations are quite long, especially from First Nations in the late 1880's. As a cautious step in fulfilling the

objectivity in this research, I have referred to the Gitxsan as if I were not a member. Objectivity by extensive use of quotations, became a foremost consideration as my findings woke up some emotions related to living the culture through the lives of my grandparents and from the impact of the *Indian Act* on my parents.

Our language consists of sounds not properly represented by the English alphabet. One particular sound is similar to the beginning sound of the letter k which was used in the word Gitxsan, but has since been changed to x for its proper sound. The letter x does not sound like the letter x and sounds similar to the letter k pronounced from the back of your mouth. During the late 1800's, Franz Boas, when he quoted our language, used the letter r for the same sound.

A scholar foreign to our culture would not have been able to access information to all the intricacies of the system or to the norms of our society from living it. What I fear is for opponents to interpret this paper to their own means, including belittling our current efforts to use our traditional government as a political expression of self-government.

Chapter I Introduction

Despite a century of living under an assimilation policy under the *Indian Act* which will be defined, this paper will note how traditional governments still have political and social influence at the community level. Self-government, to the grassroots people in most native communities today, means a traditional government system which encompasses traditional values, laws, philosophies, and spirituality.

Within a political setting of amending the Canadian Constitution beginning in the early nineties, First Nations people publicized their forefathers' fight for self-expression in their political and social lifestyles after a century of oppression. This paper will show how, for a century, an assimilation policy was executed by an *Indian Act* which structured various First Nations into Bands, a form of municipal government. Traditional governments were outlawed as a political power.

This thesis will identify and analyze the challenges in adapting an ancient political system to meet today's aboriginal community needs. My own nation will be used for this study through a review of the historical application of our traditional system. Gitksan leaders are pressing today for a political expression of this ancient system. An underlying goal of this study is to assist them. To adapt the traditional system to current conditions was quite challenging and hopefully would be beneficial to the Gitksan leaders should they choose to use it.

The method used for this study is to combine my personal knowledge with historical documents. My research relied extensively on past written reports already

completed for the Delgamukx court case, including the recordings from the court case itself. I did not feel any need for direct interviews as the information needed was already recorded. Readings merely verified my previous knowledge. Interviews, I felt, would have discredited me as a Gitxsan by suggesting I lack the basic knowledge to participate fully in the culture and would ruin my credibility as a member analyzing its own government system. Some interviews with political leaders however, were conducted for their political views and notes were taken from recent public meetings regarding the establishing of some programs.

Historical documents were studied and critiqued based on my personal knowledge as to their accuracy in outlining the Gitxsan government system. Some of the research is in the Gitxsan language. With my knowledge of Gitxsan language and my upbringing by my grandparents, I will use only what I feel is correct. Current Gitxsan members, including myself, have less knowledge compared to the people who were directly interviewed and recorded by academics in the late 1800's and early 1900's. Legends which contribute to the political and social structures recorded by these scholars, were also be studied.

Various academics have researched numerous topics on the Gitxsan, beginning with the first anthropologists in the late 1800's, Franz Boas and Marius Barbeau with his assistant Beynon, half Tsimshian who knew our language. Some of their works found at the library at the Gitxsan Treaty Office, were unpublished. Some of the researches were recorded in the Gitxsan language which has provided a more accurate description of the political and social structures. By knowing the Gitxsan language though, I can excuse the

interpretations of their observations. Their recordings of the legends are most appreciated.

More recent academics have also worked directly with the Gitksan people for the Delgamux court case. Their research included using the earlier recordings in the 1800's and early 1900's, and verifying those recordings through interviews with elders in the late 1970's. These more recent academics, such as John Cove, Heather Harris, and Susan Marsden, have allowed me to further verify the accuracy of my research, saving me from conducting direct interviews. Because I have lived the culture from childhood with my grandparents and continue to speak the language fluently, I am better able to undertake a critique of the records by recent and past academics.

John Cove, for instance, has thoroughly studied the mythology and legends of the Gitksan. He originally planned to use the Tsimshian legends to research his topic on a 'computer simulation' of traditional Northwest Coast salmon fishing in order to test some of the ecological theories about potlatch. However, he was intrigued by the mythology and its symbolism, and his book was devoted to the interpretations of the symbolism of these myths.

Joseph Campbell's comparative studies of world mythology were most helpful in appreciating our legends. As a professor on world religion at the Sarah Lawrence College in the United States, he has done a more reasonable comparative analysis of our legends with other myths around the world. The one mistake most people make with myths, he found, as exemplified by John Cove, is to interpret literally the symbolism in myths. In studying these myths, most scholars do not interpret the ritual activities described as

honoring a divine and sacred spiritual universe. Instead they are awed at the ritual activities of an ancient civilization and its stories and miss the fact that these were stories of a spiritual nature analogous to stories in the Bible.

For the Delgamukx court case, there were a number of researchers directly involved including Heather Harris, who did a thorough job on the genealogy of the Gitksan people as her thesis. Susan Marsden, an anthropologist, researched the origins and the migration of the Gitksan people. Marjorie Halpin with her doctorate thesis contributed to the analysis of the ranking within the societal structures. During the court case various writers became interested, such as the journalist, Terry Glavin, for the Vancouver Province. He wrote about how we still live our ancient beliefs, in his book "Deathfeast".

There has been no academic research such as this one, where the ancient government system of the Gitksan is carefully researched and analyzed to adapt it to today's community needs. Our leaders, however, are working with the government system and trying to adapt it to today's community needs. The spiritual belief upon which it is based, however, has been overlooked and this omission has created problems in its implementation.

Chapter 2 analyzes the ancient societal structures and ideals of the Gitksan people, shaped by their spiritual belief. The features of these societal structures are examined in relation to how they can be adapted to meet today's needs. Chapter 3 is an analysis of the process which almost eliminated traditional governments beginning with the *Indian Act* of 1869. The impact has been devastating to all of Canada's First Nations. This analysis

will then be applied to the Gitxsan Nation and how this assimilation process has impacted on their ancient societal structures.

Chapter 4 identifies the planning task and acts as a guide for the grassroots Gitxsan people to consider alternatives to adapting an ancient political system to meet today's societal needs. The choice on whether or not to restructure an ancient political system to meet today's needs rests with them. Only respect is given to the present efforts made and I feel nothing but honour for current attempts at implementation. Present leaders are the great-grandchildren of the leaders who were jailed as they fought for aboriginal rights as a society. We cannot dismiss the past. By analyzing past efforts and identifying obstructions, I hope to extend a helping hand to those who are implementing our ancient form of governance in today's world.

CHAPTER II Gitxsan Government System

2.1 Introduction

A colonization process of eliminating self-determination from the world's Indigneous people has deadened cultural expression of self-government at the community level. Local self-governing issues cannot be discussed in isolation from the rest of Canadian society and its governments. For the most of the Canadian public, self-government is a recent issue. Land title was the critical issue for the Native people since the first settlers on their territories. The formation of reserves was fought quietly and diligently throughout the beginning of this century with the governments of the day. During the mid century, at the community level, First Nations were administered through the Band Councils and were silent.

It was not till 1969 that survival as a society was a concern, and for the first time ever, united the First Nations in British Columbia. "The 'White Paper' put forth by the federal government in 1969 led directly to the formation of the Union of British Columbia Indian Chiefs, as it sought to oppose the government's avowed policy of ending special rights and status for native peoples."¹ First Nations now publicize their fights for their existence as a society. As Paul Tennant notes, "The land question is as old as B.C. . . . their steadfast pursuit of their land rights (were) through peaceful

¹Frank Cassidy and Norman Dale, *After Native Claims?*, (Lantzville, BC: Oolichan Books, 1988; Halifax: Institute for Research on Public Policy, 1988), 9.

political means.”²

Initially, the public was in disbelief about the First Nations’ insistence on exercising their rights as a society. “In most cases, indeed, present-day Indians do retain powerful emotional attachment to ancestral community, tribal group, and territory. This attachment, which is itself regarded by Indians as fundamental to their identity, is largely invisible to non-Indians, whose immigrant-derived society and culture are based upon exodus from established communities and upon individual rather than collective values.”³

Blockades were popular in bringing native issues to the public’s attention and conflicted with local British Columbians, resulting in legal actions. Tensions were heightened when the Mohawks in Oka, Quebec, set up barricades on March 1990 after they had lost a legal battle to resist an expansion of a golf course on their cemetery.

Self- government became an issue at the community level for both the Aboriginal and Non-Aboriginal, when the Canadian constitution entrenched aboriginal and treaty rights in 1982. However, as Tennant finds, “Demands for self-government have always been implicit in land claims, in recent years these demands have become prominent and explicit.”⁴ The Non-Aboriginal response was that of support in recognition of the historical reality. “Recognition of self-government, then is not some new quick fix, just to atone for a resurgent sense of collective guilt. It is part of our history and we should be

²Paul Tennant, Aboriginal Peoples and Politics, (Vancouver: University of British Columbia Press, 1990), ix.

³Ibid., 14

⁴Ibid., 13.

coming to terms with it out of a desire for mutual benefit.”⁵ There was a growing appeal to finalize land claims issues as it interrupted economic activities both nationally and internationally.

2.2 Gitxsan Traditional System

As an ancient political system, the Gitxsan traditional governance entwined its structure into all facets of daily life, an order such as is found in nature, and which rested on a spiritual belief. The order was followed with strict laws. Anthropologists identified this type of political system, Tennant notes, as “highly structured and has distinct politics based on rank, status, and hierarchy”⁶ with permanency of their leadership. It is a society, he continues, who’s economic structure is “maintained by giving away wealth rather than accumulating it. Conspicuous personal poverty was a requirement of chiefly office. The coastal peoples came as close as human societies ever have to resolving the perennial political problem of misuse of power for personal gain.”⁷

This rank, status, and hierarchy were based on a spiritual belief shared by most Aboriginal people. “Such concepts as sovereignty, self-government and the land, which for some Canadians have largely secular definitions, all retain a spiritual dimension in

⁵Robert Sheppard, “Maybe its Racist, But it’s a Good Thing”, The Globe and Mail, 2 June 1992.

⁶Paul Tennant, Aboriginal Peoples and Politics, 8.

⁷Ibid., 7.

contemporary Aboriginal thinking.”⁸ The Gitksan traditional government is an example of societal structures being formed by spiritual ties.

2.3 Spiritual World Belief

Ancient civilization lived in a spiritually healthy society and was governed by a spiritual belief as ancient as the beginnings of human beings. Traditional government systems of the Indigenous people are rooted within the spiritual belief told in myths and Campbell writes, whether reading “Polynesian or Iroquois or Egyptian myths, the images are the same.”⁹ It is a belief in a power, “which in India is known as *Brahman* as ‘the essence from which all created things are produced and into which they are absorbed’, . . . the Greek religion has characterized as ‘the ability to see the world in the light of divinity’.”¹⁰ This belief in a divine power, Levy-Bruhl states, implies “a belief in spirits pervading the whole of nature, which inspires the practices relating to these spirits.”¹¹

Ancient people’s spiritual belief is rooted in this common element, the human psyche. The origin of the term, psyche, is a “combining form of the Greek word psyche, defined as breath, principle of life, soul, with the word psychein, to breathe, akin to

⁸Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part One, (Ottawa: Canada Communication Group, 1996),109.

⁹Joseph Campbell with Bill Moyers, The Power of Myth, (New York: Doubleday Dell Publishing Group, 1988), 45.

¹⁰Joseph Campbell, Historical Atlas of World Mythology, “Volume II: The Way of the Seeded Earth, Part 1, The Sacrifice”, (New York: Harper & Row, 1988), 75.

¹¹Lucien Levy-Bruhl, How Natives Think the 1910 Text, trans.Lilian Clare, 1926, introduction by Ruth Bunzel, (repr., New York: Washington Square Press, Inc., 1966),14.

Sanskrit (an ancient Indo-Aryan language later modified to Indo European language) babhasti, he blows.”¹² From the origin of this word, breath is associated with soul and by breathing into a physical body, the soul gives it life. Spirit is defined as "an animating or vital principle held to give life to physical organisms."¹³

A common definition used by our people today for *limix' ooy* is, a breath song, or "the breaths of the ancestors"¹⁴.” This sound of *ooy* is in our term for Chief, *Semoighet*. By virtue of that sound being there, one is addressing the soul of that person. *Limix' ooy* is sung at certain ritual activities, for instance, on the death of a person.

The basis of our spiritual belief is the human psyche being associated with soul and breath. Levy-Bruhl found this belief in the soul to be shared by all the Natives worldwide; humans are of two existences, as a physical being and "as a soul able to separate itself from him, to become external to him and manifest itself in a 'phantom' state."¹⁵ References to the soul as in creation myths, as Campbell notes in studying world religions, are all similar worldwide and refer to sharing common consciousness, of that "one living tide that moves within us."¹⁶ This common consciousness, or common factor is not only in humans, but also in the plant and animal kingdoms.

¹²Ibid., s.v. "psyche".

¹³Ibid., s.v. "spirit".

¹⁴Gisday Wa and Delgam uukw, The Spirit in the Land, (Gabriola, BC: Reflections, 1989, 1992), Statements of the Gitksan and Wet'suwet'en Hereditary Chiefs in the Supreme Court of British Columbia 1987-1990, 26.

¹⁵Lucien Levy-Bruhl, How Natives Think, 8

¹⁶Joseph Campbell, Historical Atlas of World Mythology, "Volume II: The Way of the Seeded Earth, Part 1, The Sacrifice", 8.

This common element in our belief Levy-Bruhl defines as the mystical properties. Natives believe that "all existence, the rocks, rivers, clouds, and so on, have mystic powers, and these properties, from their very nature, are much more important than the attributes of which our senses inform us . . ." ¹⁷ Mystical, is defined as "having the nature of an individual's direct subjective communion with God or ultimate reality" ¹⁸ or in Campbell's words, "the one life which informs all things: the earth; the mountains; the winds, sun moon, and stars; the rivers, the forests, and the sea." ¹⁹

Gitksan language also is mystical, or sacred. The term in the language closest to describing mystical is *sem* which is translated as real, "Persons who are 'real' are more than human." ²⁰ To the Gitksan, an activity or object is real if it has that "direct subjective communion with God or ultimate reality." ²¹ For instance to ask someone to speak our language, we say, *semal'ghaxhen*. Huckleberry is *sem ma'ih*, and a black bear is *sem sme'ik*, chief is *semoighet*, and to say you are telling the truth is *sem me'ih*.

The Haudenosaunee of the Six Nations, explains further our world belief as such:

"We believe that all living things are spiritual beings. Spirits can be expressed as energy form manifested in matter. The Creation is a true material phenomenon, and the Creation manifests itself to us through reality. The spiritual universe, then, is manifest to Man as the Creation, the Creation which supports life. We are shown that our life exists with the tree life, that our well-being depends on the

¹⁷Levy-Bruhl, How Natives Think, 27.

¹⁸Webster's Dictionary, s.v. "Mystic".

¹⁹Akwasne Notes, Basic Call to Consciousness, 49.

²⁰Canadian Museum of Civilization, Tsimshian Narratives I, (Published by the Directorate Ottawa, 1987), X.

²¹Webster's Dictionary, s.v. "Mystic".

well-being of the Vegetable life, that we are relatives of the four-legged beings. In our ways, spiritual consciousness is the highest form of politics."²²

Perceiving the physical world as a manifestation of creation, is captured by Levy-Bruhl. He describes a Native giving more value to the subjective rather than the objective qualities of objects and how, for example, rocks "readily assume a sacred character in virtue of their supposed mystic power."²³ Living every moment of your life in a spiritual way would no doubt lead to a government system which would reflect the teachings one would find in the Bible, based on dreams, visions and voices.

2.3.1 Naknok, Spiritual Encounter

The Gitksan's ancient government system was operated by '*naknoks*,' or spiritual encounters, such as visions, voices, and dreams of individuals. For the Gitksan people, as with the Haudenosaune, "All of this political activity is set in the roots of an ancient tradition of the spirituality of our peoples."²⁴ This bond to spirituality was based on a belief that humans are disadvantaged, as the Haudenosaune point out that "Humans are the weakest of the whole Creation, since we are totally dependent on the whole Creation for our survival."²⁵ The Gitksans also believe that humans are disadvantaged because they "lacked the powers and knowledge held by others which share the universe."²⁶ This

²²Akwasne Notes, Basic Call to Consciousness, 49.

²³Levy-Bruh.,How Natives Think, 27.

²⁴Akwasne Notes, Basic Call to Consciousness, 1.

²⁵Ibid.

²⁶Canadian Museum of Civilization, Tsimshian Narratives I, (1987),

belief in humans being disadvantaged is commemorated by ‘*naknok*’ traditional names which sometimes take on the meanings of human error. For instance, my ‘*naknok*’ name as a wing chief to the chief *Nisto'o*, is ‘*Wagid'chiwhal*’ and the closest meaning is ‘rough and careless’. Historically, as part of the plays done at feasts, these human errors were acted out as “Dancing and music were inseparable parts of the unfolding dramatic scene, accomplished as much through the medium of symbolic dancing as through acting.”²⁷

Because of a belief in humans being disadvantaged, *naknok* is needed to govern the nation through the clans, the Chiefs or *Semoighets*, the traditional names, and territory ownerships. These spiritual power “acquired from nonhuman sources are more permanent in that they can be passed on from one generation to the next.”²⁸ Their permanency offer stability to the governing of the people with strict laws, *ayawks*, to maintain order and continued relationship between the spiritual and the physical universe.

Naknok abilities are acquired from birth and are then perfected through use of dreams and visions. As Levy-Bruhl notes, dreams are, “always regarded as a sacred thing, and as the most usual method employed by the gods of making their will known to me. ...Dreams are to savages what the Bible is to us, the source of Divine revelation - with this important difference they can produce this revelation at will by the medium of dreams.”²⁹ Visions are also employed as a form of communication with the ultimate reality and to Campbell, “This is an actual experience of transit through the earth to the

²⁷Viola Garfield, The Tsimshian and Their Neighbors, (Seattle and London: University of Washington Press, 1966), 56.

²⁸Canadian Museum of Civilization, Tsimshian Narratives I, x.

²⁹Levy-Bruh.,How Natives Think, 43.

realm of mythological imagery, to God, to the seat of power . . . medieval visionaries who saw visions of God and brought back stories of that would have had a comparable experience.”³⁰ These forms of consciousness as dreams and visions are a state of meditation from which *adaw’aks*, legends or myths, originate and to Campbell, “What the myths is for, is to bring us into a level of consciousness that is spiritual.”³¹

2.3.2 *Ayawks*, Laws

In the Gitxsan language, there is no term for government. Government is the following of laws, ‘*ayawks*’. These laws governed the nation, as with many Aboriginal people:

“The law is grounded in instructions from the Creator or, alternatively, a body of basic principles embedded in the natural order. Thus, basic law is viewed as the ‘law of God’ or ‘natural law’. This basic law gives direction to individuals in fulfilling their responsibilities as stewards of the earth and, by extension, other human beings. The law tells people how to conduct themselves in their relations with one another and with the rest of creation.”³²

Ayawks, or laws protect the spiritual universe so that its manifestation on earth will continue. Should any of these laws be broken, the spiritual universe will punish the people as in the *adaw’ak*, the legend of Chief Spring Salmon. As the first spring salmon is caught, rituals required its immediate consumption rather than preserving it. “Placing him in a food box is a serious sign of human disrespect which would mean he would not

³⁰Joseph Campbell with Bill Moyers, The Power of Myth, 87.

³¹Ibid., 14.

³²Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part One, 120.

return in the future with his people.”³³ There are various laws to be followed governing the respect for plant and animal kingdoms as well as for their fellow man. “The land, the plants, the animals and the people all have spirit - they all must be shown respect. That is the basis of our law . . . When a Chief directs his House properly and the laws are followed, then that original power can be recreated. That is the source of the Chief’s authority.”³⁴ These laws are a Chief’s power to rule.

These laws also provided harmony and balance for the people, “Once we get back the money, we would like to go back to our own Indian laws to make life better for our people.”³⁵ Family and cultural values are shaped by these laws. “Inuit society governed the behaviour of its members with a complex system of values, beliefs and taboos that clearly outlined the expectations of how people should behave. These rules were retained and passed on by the elders through oral traditions as well as by example to the children.”³⁶ There are certain laws to be abided by within the political and social structures to maintain balance and order. For instance, laws are followed within clans to maintain equity and balance as a nation. Adoption laws provide order and the preservation of the spiritual powers of traditional names.

³³John Cove, Shattered Images, 109.

³⁴Gisday Wa and Delgam Uukw, The Spirit in the Land “Delgam Uukw Speaks”, 7.

³⁵Ibid., quote of Johnny David, a Wet’suwet’en Chief when asked why the Chiefs have come to court., 18.

³⁶Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part One, cited in note 21, p6, Pauktuutit (Inuit Women’s Association), *The Inuit Way: A Guide to Inuit Culture* (Ottawa: n.d.), 121,

Legends of natural disasters arise from laws not being followed. A landslide at Roche de Boule, *Stakyawdon*, in the legend, the *adaw'ax*, is interpreted as mountain goats being "very angry, because of the people slaughtering so many of their numbers"³⁷ and the people were destroyed except for one person who respected the mountain goats.

2.3.3 *Adaw'aks*, Legends/Myths

The '*adaw'axs*', which Barbeau interpreted as a "true story"³⁸, are legends, and myths which are referred to for guidance, as historical records of origin which include territorial ownership, and to support cultural and family values reflecting a spiritual belief. These legends are analogous to descriptions of natural disasters in the Bible because of God being angry. *Adaw'axs* tell of the world as a whole, of "five countries"³⁹, of how the earth was "covered with water"⁴⁰, of creation, and of the continuous travel between the spirit world and the physical world as the earth was formed.

Boas notes that "All these stories show a unity of the underlying idea. They are built up on some simple event that is characteristic of the social life of the people and that stirs the emotion of the hearers."⁴¹ Levy-Bruhl sees how these myths characterize how

³⁷Marius Barbeau/William Beynon, "Temlarh'am the Land of Plenty on the North Pacific Coast", National Museum of Canada 1959, "The Flood and the Mountain Goats at Temlarh'am", (Informant: Isaac Tens, of Hazelton. Interpreter, William Beynon, in 1920), 4.

³⁸Ibid., in the legend "How the Nahuhulk was Acquired", 3.

³⁹Ibid., 629.

⁴⁰Ibid.

⁴¹Franz Boas, *Tsimshian Mythology*, (New York and London: Johnson Reprint Corporation, 1970; originally published in 1916 by the U.S. Government Printing Office), Based

ancient people “see the objects of this world as total *Gestalten*, often infused with magical powers and mythic meanings.”⁴²

Levy-Bruhl notes the stories “are the basic premises according to which he organizes his inner and outer worlds. They are sensed rather than thought, experienced emotionally rather than reasoned intellectually. They are not arrived at individually but are apprehended as part of the group experience.”⁴³ Boas concluded that this “makes customs hard to break and resist change.”⁴⁴ He describes subjective thinking in Natives, which starts at an early age and is applied on a daily basis as such:

“Primitive man views every action not only as adapted to its main object, every thought related to its main end. Thus he gives them a higher significance than they seem to us to deserve. A desire to understand one's own feelings and actions manifests itself at a very early time. The impressions of the outer world are associated intimately with subjective impressions, which they call forth regularly.”⁴⁵

As a child I heard translated, “What does your heart say” within decision making.

Campbell notes, “In such early mythologies the mythic figures that most closely resemble the creator-gods of the later mythological orders are not properly creators, but world shapers, experimenting and often blundering.”⁴⁶ Legends of the raven demonstrate

on texts recorded Henry Tate, 875.

⁴²Levy-Bruhl., How Natives Think, Introduction by Ruth Bunzel April 1966, xiii.

⁴³Lucien Levy-Bruhl, How Natives Think, Introduction by Ruth Bunzel, Columbia University April 1966, xii.

⁴⁴Franz Boas, The Mind of Primitive Man, (New York: The Free Press, 1938),

⁴⁵Ibid.,

⁴⁶Joseph Campbell, Historical Atlas on World Religion, 9.

these blunders. Death is " never quite extinction. For the so-called dead inhabit villages of their own and may return either as newborn infants or as ghosts."⁴⁷ This belief still exists today.

Adaw'axs form the bible from which political and social affairs are conducted on a daily basis. If a person cannot repeat the '*adaw'ax*' which tells of his or her history, then that person cannot claim to be a member of the nation, as noted by John Brown speaking to Marius Barbeau in 1920:

"A group that could not tell their traditions would be ridiculed with the remark, "What is your 'history'?" And if you could not give it, you were laughed at. "What is your grandfather's name? And where is your crest? How do you know of your past, where you have lived? You have no grandfather. You cannot speak to me, because I have one. You have no ancestral home. You are like a wild animal. You have no abode." Grandfather and tradition are practically the same thing."⁴⁸

The way the language is spoken contributes to accuracy of an "*adaw'ax*". It is specific and has no generic terms, of what Levy-Bruhl calls "image-concept which is necessarily specialized."⁴⁹ He notes also how this 'image-concept' involves remarkable development of memory, especially for geographical location: "One specially noticeable form of the memory so highly developed in natives is that which preserves to the minutest detail the aspect of regions that have been traversed, and this permits of their retracing their steps with a confidence which amazes Europeans."⁵⁰ This "specializing

⁴⁷Ibid.

⁴⁸John Cove, Shattered Images: Dialogues and Meditations on Tsimshian Narratives, (Ottawa: Carleton University Press, 1987), 49.

⁴⁹Levy-Bruhl, How Natives Think, 146.

⁵⁰Ibid., 95.

terminology, and the meticulous attention to detail,"⁵¹ in our language, gives "*adaw'ax*" more credibility as a historical record of territorial ownership.

Accuracy of an "*adaw'ax*" is further marked in memory by its repeated use in the public forums or feasts held to legalize their existence within the nation. At each succession of inherited chieftainship and at totem pole raisings, an *adaw'ax* is completely repeated retelling the House's acquisition of territory through a *naxnox*.

2.4 Clan Origin

The Gitksan Nation began with a clan structure. There are now four clans within the Gixsan nation. *Adaw'aks* tell an ancient story of how the Raven (Frog), Eagle, and Wolf Clans had migrated, as Barbeau records, from the "upper Stikine River and elsewhere"⁵² to what Susan Marsden notes as "Laxwiiyip, the great plateau to the northeast, at the headwaters of the Nass, Skeena and Stikine Rivers."⁵³ The Raven Clan was the first to arrive at the *Laxwiiyip*, followed by the Wolf and Eagle Clan which existed then as one clan. Recently, at Mt. Edziza, north of the Stikine River, a trading center, which would be the *Laxwiiyip*, dated archaeological sites revealed that "Trade began on the coast more than 10,000 years ago according to the very precise fingerprints

⁵¹Ibid., 153.

⁵²Marius Barbeau, "Wolf-Clan Invaders From the Northern Plateaux among the Tsimsyans", National Museum of Canada, 1.

⁵³Susan Marsden, "An Historical and Cultural Overview of the Gitksan Volume I" (Copyright reserved March 1987), 28.

of spectrographic profiles of obsidian found.”⁵⁴

From the *Laxwiiyip*, the three clans then migrated to *Temlaxam*. Without an identity as yet as individual nations, the Tsimshian, Gitksan, and Nisga’a, were as clans before the flood, Boas notes, “before the Deluge, when all the Tsimshian tribes lived at T’em-lax-a’m (Prairie Town). When the clans were scattered after the Deluge, the clans were thus continued wherever they went.”⁵⁵ *Temlaxam* is at the present Hazelton area. The scattering of the clans led to a gradual identity as individual nations and trade was established. “By 5000 years ago, a good deal more trade was evident on the north coast in the archaeological sites of the Prince Rupert Harbour and on sites on the first canyon of the Skeena River.”⁵⁶

The legends provide various accounts of the creation of the clans. The legends, Boas observes of all the clans are of two types: “one telling of the marriage of a woman of the human race with a supernatural being, the other basing the acquisition of crests on the individual experiences of a person, or of a whole group of clansmen.”⁵⁷ Being a descendant of a supernatural being, he also notes, offers “The sacredness of the clans (and) is so great that the idea probably did exist that the supernatural beings who married human beings belonged to the proper clan”⁵⁸

⁵⁴Canadian Museum of Civilization, Tsimshian Narratives II, vii.

⁵⁵Franz Boas, Tsimshian Mythology, 411.

⁵⁶Canadian Museum of Civilization, Tsimshian Narratives II, vii.

⁵⁷Franz Boas, Tsimshian Mythology, 412.

⁵⁸*Ibid.*, 413.

The Fireweed Clan originated within the Gitksan territory after the flood, as the *Stekyawdon* legend explains and reminded Barbeau, “of the original sin of Adam and Eve.”⁵⁹ The legend begins with a village and its inhabitants being destroyed by a neighboring clan due to an inequity caused by one clan being dominant. *Skawah*, or *Kao’a*, a raven, and her mother were the only two survivors.

Keeping in mind her goal to correct the wrong which had been done to her people, *Skawah*, through her dreams, sought suitors for her daughter. By fulfilling her goal, the ghosts of her relatives would stop drifting “like logs in a flood (and) on the aimless clouds of the air, moaning for a relief that has failed them since the day of their doom!”⁶⁰ Her suitors, representing various physical strengths, did not provide the kind of strength needed to meet her goal, as violations of equity on earth were many. This seeking out of strength other than physical, reflects a spiritual belief that strength does not lie in the physical universe. Finally a suitor was found: Sunbeam.

In explaining the choice of sunbeam in world myths, the sun and moon, Campbell notes, are:

“among the most widely known and (formerly) commonly understood symbolic signs inherited from Bronze Age times by the high civilizations of both the Occident and the Orient ... with the sun, the light of which is unshadowed, recognized as the light and energy of consciousness disengaged from this field of time, transcendent and eternal.”⁶¹

⁵⁹Marius Barbeau, “Temlarh’am The Land of Plenty on the North Pacific Coast”, 1.

⁶⁰Ibid., 38.

⁶¹Joseph Campbell with Bill Moyers, The Power of Myth, 69.

Skawah married Sunbeam while her mother remained as the trees. The ghosts of *Skawah's* relatives who "have so long avenged, departed on the clouds for the homeland of souls."⁶², Barbeau continues.

From this marriage were four sons and two daughters, raised by their grandfather Sun. He gave them each special strengths and prepared them for their duty "to restore custom and equity in the lawless country of Temlarh'am on the Skeena."⁶³ *Adaw'aks* of the Fireweed Clan as descendants of *Skawah's* six children "still display emblem of the Sun, the Rainbow, the Star and the Thunderbird of the clouds."⁶⁴

Creation myths such as these can only result in clan ties, Marsden states, being "maintained through the intense emphasis on ancient heritage which allows groups to identify their relatives even after centuries of separation."⁶⁵ Clans were now establishing their own territories and fishing sites so that "By the time of Christ, the power structure of the coast of British Columbia seems to have stabilized. ... which lasted the better part of two thousand years. Art styles continued to celebrate with increased drama, the power of lineages over particular resources."⁶⁶

However, throughout the years, *adaw'aks* told, the descendants were living destructively as they continued to disperse, as Barbeau records,

⁶²Marius Barbeau, "Temlarh'am The Land of Plenty on the North Pacific Coast", 53.

⁶³Ibid., 30.

⁶⁴Ibid., 54.

⁶⁵Susan Marsden, "An Historical and Cultural Overview of the Gitksan Volume II", 153..

⁶⁶Canadian Museum of Civilization, Tsimshian Narratives II, viii.

"After Sunbeams' human descendants had laboured and prepared for generations, establishing crests and clans among their neighbours at large, they began themselves to forsake their sublime mission among their fellow-beings. Their blissful existence in Temlarh'am, an earthly paradise, was the fruit of their obedience to the law of the Sky, of their loyalty to their ancestors."⁶⁷

This second downfall is recorded in the legend of The Painted Mountain Goat of Stekyawden, the northeastern portion of a mountain presently called Rocher De Boule. Only Feathered Raven, *Du'as*, survived and was given *the Ralk-Mateeh*, the head-dress of the Mountain Goats. As the legend goes, Barbeau records, it has since been handed down by *Du'as* to "the purest of the Fireweeds of the Ksan, whose scattered households strayed away from their cradle after the Downfall."⁶⁸

In 1986 a study was done of this *adaw'ak* of the Painted Mountain Goat of Stekyawden, on the nature, age, and size of landslides of the Stekyooden region. By examining the landslide deposits, they estimated eyewitness accounts in the Chicago Creek area of Stekyawden to have "occurred about 3600 years ago."⁶⁹

Migration then ended and the four clans divided into three nations, the Tsimshian, the Gitxsan, and the Nisga'a. The major villages that the Gitxsan established were *Galdo'o*, *Kisgagas*, *Gitseg yukla*, *Kispayaks*, and *Gitwinh kul*. The present villages of Gitwingax and Gitanmaaxs were established at a later time. The clans which moved down river became the Tsimshian and Nisga'a nations.

⁶⁷Marius Barbeau, "Temlarh'am The Land of Plenty on the North Pacific Coast" 55.

⁶⁸Ibid., 67.

⁶⁹Allen, PhD and Leslie Gottesfeld, "Stekyooden Landslides" report, October 1986, 21.

2.5 Gitxsan Government System

2.5.1 Clan System

Four clans, Fireweed, Frog (or Raven), Wolf, and Eagle, form the six villages and unite politically and socially as a nation. Strict laws are enforced to maintain unity of the four clans. For instance, you cannot marry within your clan. If you continually marry within your own clan, there would be no unity among the clans. This law is meant to guard against the separateness of the clans. It originates from an imbalance prior to the creation of the Fireweed clan as told in the *Stakyewdon* legend.

During the dispersement period from *Temlaxam*, the villages were made up entirely of one clan on their own territories as “it is often stated that the town belongs to one particular clan.”⁷⁰ However as migration decreased, villages held at least two clans related to each other through marriages. Wars were also fought by clans prior to identities as nations and, “In former times there were many wars.”⁷¹ Identity was as clans in the initial development of nations.

As this era ended after the dispersal from *Temlaxam*, the Gitxsans developed a stronger identity with their own dialect and territorial boundaries. The sacredness of a clan and its traditional names tied to territory, exemplified “the fusion of man, spirit, and land.”⁷² As identity as a nation grew stronger, “What is important is that the Indians themselves recognized its common origin, and that although the three peoples spoke

⁷⁰Franz Boas, *Tsimshian Mythology*, 395.

⁷¹Franz Boas, *Tsimshian Mythology*, 380.

⁷²Susan Marsden, “An Historical and Cultural Overview of the Gitksan Volume I”, 92.

different languages and had different political interests, the phratic (clans) divisions overrode these boundaries.”⁷³ Through clan crests, “each geneological family can claim ‘descent from a common ancestor’ “⁷⁴ Crests of clans which “also function like oral histories by recording events, specifically how ancestors initially got powers”⁷⁵ were recognized and shared by the nations. An example of this is an account by Jimmy Williams from *Gutgwinux* of *Kisgagas*, of a huge human monster whom they killed "in order to take its spirit (Hla'ootsxen) as a crest.”⁷⁶ The spirit of the crest provides the power, the *daxghet*, needed in everything they do. They don't do anything without it. For instance, when they go out in the mountains, this *daxghet* protects them. Thus, “The supplementations of each successive generation account for the bewildering complexity in crests, powers, names, dances, privileges and prerogatives of the various lineages and also for the diversities in these phenomena among lineages of the same clan.”⁷⁷

Family lineages between clans play a key role in the inheritance of a chief title and other high ranking *naknok* names. This is illustrated at a Kitwinkul feast in the late 1880's, as interpreted by Franz Boas in his book “The Downfall of Temlaham”. There was competition for the inheritance of a chief's name, *Hanamuk* in the Fireweed clan in Gitsegukla. *Sunbeam* believed that her son should inherit the name which was also

⁷³National Museum of Canada, The Indians of Canada, (Toronto: University of Toronto Press), 144.

⁷⁴Ibid., 161.

⁷⁵Canadian Museum of Civilization, Tsimshian Narratives I, x.

⁷⁶National Museum of Canada, The Indians of Canada, 141.

⁷⁷Viola Garfield, The Tsimshian and Their Neighbors, 43.

claimed by her uncle *Neetuh*. At her husband's (*Kamalmuk*) Wolf clan feast in Kitwinkul, she took the opportunity to establish her son's inheritance rights and various dances and songs to support her goal were performed by the Wolf clan in Kitwinkul. *Neetuh's* father belonged to the Frog clan in Gitsegukla. The presence of the Frog clan was almost nil but still there was a performance by *Neetuh's* nephew to support *Neetuh's* ambition. In the end, *Sunbeams* won and her son occupied *Hanamuk's* seat.

2.5.2 Houses

Membership in clans was in the form of Houses or *Wilps*. Using the Fireweed creation myth as an example, grandfather Sun's six grandchildren were each given a House. His four grandsons were given "Gus-tatkeeya - Garment come down; Gus-tarhl, Garment of Rainbow; Gus-piyals, Robe of Stars; Gus-kalsrait, Garment like the hat of Darkness. His granddaughters received from his hands the lodges known henceforth as Tsenausu, the Caterpillar house and Huktasneks, Rain falling like a mist while the sun shines."⁷⁸ Gitksan people's origins were as clans which were divided into House groups using crests symbolizing their clan origins.

Villages "were grouped into 'houses', or geneological families, each belonging to a certain clan. Nobles are able to deduce their ancestry from the mythical founder of the 'house'."⁷⁹ Tennant gives a brief but complete description of a House as such:

"The 'houses', or households, indeed, became the basic social unit in all the

⁷⁸Marius Barbeau, "Temlarh'am The Land of Plenty on the North Pacific Coast", pt 1 39.

⁷⁹National Museum of Canada, The Indians of Canada, 141.

coastal groups ... The house holds possessed property. There were pieces of land: house sites, launching places, places for hunting game for berry-picking, and for root- and bark-gathering. There were buildings, canoes, and equipment, and less mundane items such as totem poles, wood and stone sculptures, paintings and decorated screens. Houses could have rights to fish in certain waters ... manufacture stone tools, and even rights to use individual trees. Houses also owned a "host of ritual and intangible possessions," including crests, stories, songs, dances, and names."⁸⁰

As members of a clan, each House has its own crest representing "its spirit power, its own *daxgyet*."⁸¹ As a House group moves out to create its own House, because of the original house being large, for example, part of the original House members' crest is often taken with them. As a unit, House members are responsible for each other's actions, especially for wrongdoings which bring shame to the whole House, such as a murder: "Where must we hide our common shame?"⁸²

2.5.3 Chief, *Semoighet*

Each House is named by its Chief, or *Semoighet*. Historically, being spiritual was a pre-requisite to inheriting the position of a *Semoiget*. The "*naknok*", determined the strength of the Chief. For example, in the Fireweed origin, as grandfather Sun gives each of his grandchildren powers as described by Barbeau:

"The eldest...the power to kill game and smite your challengers in war. ... Skawah's second son, investing him with a magical gift for life, the sling with

⁸⁰Paul Tennant, Aboriginal Peoples and Politics, 7.

⁸¹Gisday Wa and Delgam Uukw, The Spirit in the Land, 26.

⁸²Marius Barbeau, The Downfall of Temlaham, (Toronto: Macmillan Co. Of Canada Ltd., 1928; rpr., Edmonton: Hurtig Publishers, 1973), Introduction to new edition by George Clutesi, Barbeau, with Beynon who understood Tsimshian, writes about a murder in 1887 and the ceremonies which followed. Quote is from the murderer's father's reply, 60.

which to shoot death at will. ... his third grandson, 'Yours shall be the faculty of slaying man or beast with one blow of the fist. ... the last of Skawah's son, the 'War-club, shall be your weapon of defence and attack in warfare. ... To his grand-daughters, the art of rescuing the fallen and healing their wounds on the battlefields."⁸³

The determination of strength of the six grandchildren, when used together would restore custom and equality. All the various Chiefs' strengths are balanced to benefit the communities as a whole, as indicated with the grandsons of the Sun in the legend of the origins of the Fireweed.

The presence of this spiritual power materializes the supernatural powers. "They add the nonhuman source of those powers to their being without losing humanness."⁸⁴

These powers are known and shown through the ragalia, dances and songs. The ragalia is analagous to that of a judge's robe, which Campbell defines:

"When a judge walks into the room, and everybody stands up, you'e not standing up to that guy, you're standing up to the robe that he's wearing and the role that he's going to play. What makes him worthy of that role is his integrity, as a representative of the principles of that role, and not some group of prejudices of his own. So what you're standing up to is a mythological character."⁸⁵

Through this showmanship, the power of the spirit is ritualized and mythologized through the ragalia of the *Semoighet*.

Besides the ragalia, the *Semoighet*'s role as a *hala'it* dramaticizes the existence of supernatural powers. Halpin points out, "Perhaps the chief's strongest control over the

⁸³Marius Barbeau, "Temlarh'am The Land of Plenty on the North Pacific Coast", pt 1 37.

⁸⁴Canadian Museum of Civilization, Tsimshian Narratives I, x.

⁸⁵Joseph Campbell with Bill Moyers, The Power of Myth, 12.

tribe, and a source of considerable wealth, was his role as wihala'it, or "great dancer."⁸⁶ Before a feast, there is a *Hala 'it* feast when all the *Semoighets* and higher ranking *naknok* titles are dramaticized by respective owners. From this, the *Semoighet* is respected and followed without question. This is needed as the whole nation must listen to him in decisions made about lives of his family and his community. The neighbouring members of other nations must also feel how powerful he is to protect his territory and so do the other clan members of his own nation. If he didn't have this spiritual connection, this "*naknok*", he wouldn't be listened to with respect nor be seen as powerful enough to protect his territory.

As a *Semoighet*, he also needs guidance. People know that he is being guided by a spiritual being and they listen to him with respect. He shows to the people that all this power is not just for him, but for them. He is measured by what he gives and not what he keeps as his wealth. This giving shows his kind heart and people further strengthen their ties with him as followers. He is seen as a representative of the spirit world and treated always with respect as someone more powerful than they. "Chiefs have the primary responsibility of maintaining and using their Houses' powers for the general welfare of their members."⁸⁷, Tsimshian Narratives notes.

As a leader, a Chief is chosen for life, although, as with the Haudenosaunee with their leaders of the clans, "they may be removed if they commit crimes or if they act

⁸⁶ Marjorie Halpin, "The Tsimshian Crest System: A Study Based on Museum Specimens and the Marius Barbeau and William Beynon Field Notes", (A thesis submitted in partial fulfilment of the requirements for the degree of Doctor of Philosophy in the Department of Anthropology and Sociology, University of British Columbia April 1973), 74.

⁸⁷Canadian Museum of Civilization, Tsimshian Narratives I, x.

against the will of the people."⁸⁸ This act of passing all names, including the Chiefs, upon death, respects our belief in resurrection, or reincarnation. The power to govern belongs to the *Semoighet* name which is inherited upon the death of the person presently using the *Semoighet* name. The immediacy of passing this supernatural power to the next person inheriting the *Semoighet* name is ensured by sacred rituals and the social structure.

The potential successor must possess exceptional leadership qualities as pointed out by Cove: "Ethnographically, it is clear that descent alone is insufficient for taking on a high name. A potential successor has to demonstrate qualities appropriate to the position. These include cleanliness, leadership capacity, speaking ability, and living up to obligations for names already held."⁸⁹ The *Semoighet* name is a representative of the spirit world, and required someone deserving to act as the messenger for the spiritual relationship the name carried, as Cove states:

"When real-people died, it meant the separation from their acquired powers. For them to be regained required descendants who could give those powers life in the interim, lest they be lost, and provide bodies for souls of the deceased. The first was done through direct descendants taking on the ancestral names linked to those powers, perpetuating them, and occasionally adding to them. Given potential disruption of the cosmic order brought about by the death of a real-person, the transfer of powers to a successor had to be recognized by both humans and non-humans, as represented by their real members."⁹⁰

The measure of a potential successor is by his ability to give. Wealth is a realization of resources available as gifts from the spirit world by someone with what scholars have labelled shamanic powers. Garfield quotes Beynon on his interview on acquiring wealth

⁸⁸Akwesasne Notes, A Basic Call to Consciousness, 1.

⁸⁹John Cove, Shattered Images: Dialogues and Meditations on Tsimshian Narratives, 140.

⁹⁰Ibid., 155.

by spiritual associations:

“When I was a young man I wanted to be a foremost hunter and to be wealthy. ...I saw Shamans hunting when the animals were not prime. I tried it and got only poor skins, but the shamans always brought in fine pelts. ...the foremost shaman...told me to first go to Bella Bella chief and ask him to give me dancing power. ...I was now a medicine man ...and was able to get prime skins at any time of the year.”⁹¹

This ties into the concept, Lucien-Bruhl observes, of “a primitive’s view of causality.”⁹²

One is rewarded for how he relates to his fellowman by the giving away of his wealth, showing a freedom from greed.

The sacredness of these supernatural powers is protected. Ragalia is carefully bundled after each ceremony and not handled by anyone else. They remain with the *Semoighet* who also is perceived as being holy and resides in the back of a house. This is analagous to a temple where the “holy of holies, in the inner sanctuary of the temple”⁹³ is in the back.

2.5.4 Traditional Names

Each House has a set number of traditional names for their own members.

“Names are acquired in the same manner as crests, and are given by supernatural beings to their grandchildren or obtained in an individual encounter.”⁹⁴ For example, the same

⁹¹Viola Garfield, The Tsimshian and Their Neighbors, 47.

⁹²Lucien Levy-Bruhl, How Natives Think, Intorduction xiv.

⁹³The Interpreter’s Dictionary of the Bible, 1962 ed., s.v. “Ark of the Covenant.”

⁹⁴Franz Boas, Tsimshian Mythology, 416.

powers, *daxghet*, in crests are in traditional names and are treated as sacred. Levy-Bruhl explains:

"In British Columbia, names, apart from the staz or nickname, are never used as mere appellations to distinguish one person from another, as among ourselves, nor do they seem to have been used ordinarily as terms of address. They are primarily terms of relation or affiliation, with historic and mystic reference. They were reserved for special and ceremonial occasions."⁹⁵

The use of traditional names, Lucien-Bruhl further explains, "expresses and makes real the relationship of the individual with his totemic group; with the ancestor of whom he is frequently a reincarnation; with the particular totem or guardian angel who has been revealed to him in a dream; with the invisible powers who protect the secret societies to which he belongs, etc."⁹⁶ When someone passes away, the traditional name carrying the *daxghet*, power acquired from its House territory, is passed on to his/her heir.

In ancient times, the law protecting *naxnox* names was that whenever you changed your place of residence, you also changed your name and your house, so you can belong to that village. If this wasn't done, then the names would be lost. It would be scattered to all the villages inside and outside the Gitxsan Nation. This is noted in an interview done by M.Diven with an elder for his dissertation, in his codification of Gitxsan law. The law dictates that names should be held by people who live in the area associated with a House. The elder supports this by a case interview: "...If I had not taken this name it would have been given to someone outside this area - Hazelton or Kispiox. If the name moved, the power and strength of the name would not be uplifted in

⁹⁵Lucien Levy-Bruhl, How Natives Think, 38.

⁹⁶Ibid., 39.

the feast hall."⁹⁷ Another interview explained, "The name should stay at the rightful village. The authority of a chief's name will be diminished if the name holder moves from the traditional village. If a person inherits a chief's name and moves to another village, it is said the name will lose its power. The territory will not have a Me'en "chief" to rule it."⁹⁸ Traditional *naxnox* names originate from the House territory and are required to stay within the vicinity in order to retain the powers acquired from the mystic attributes of the territory.

As a matrilineal society, traditional names are passed on through the mothers. Cove notes, "Since wives go to live with their husbands, they are separated from their Houses' territories and locally defined powers. Adoption by a House in a spouse's village is a solution to this separation (Barbeau n.d.:Beynon n.d.)."⁹⁹ As part of a collective representation of the spirit world, traditional *naxnox* names carry an important role in maintaining its natural order.

2.5.5 Territories

Historically, Houses were usually located on their own territory. Territories were considered a gift from God as they were acquired through a *naknok*, a spiritual encounter such as a vision or an encounter with some supernatural animal or being. The Chief, in turn, showers the community members with gifts at a feast to glorify and to legalize his

⁹⁷M. Duiven, "Laws - Gitksan Draft III", 1986, unpublished manuscript on deposit at the Gitksan Treaty Office, Hazelton, BC. 10.

⁹⁸Ibid.

⁹⁹John Cove, Shattered Images, 149.

House's ownership of the territory. The territory of each House was self-sufficient in providing for its House members. There was no trespassing on each other's territory. Each territory is self-sufficient to support and feed its House members, as a gift from God,

“...Included in the spiritual laws were the laws of the land. These were developed through the sacred traditions of each tribe of red nations by the guidance of the spirit world. We each had our sacred traditions of how to look after and use medicines from the plant, winged and animal kingdoms. The law of use is sacred to traditional people today.”¹⁰⁰

These territories go with the Chief's name. Songs and the history of the territory was learned by the new Chief. A pole raising feast in Gitsegukla in 1945, demonstrated how clan origins were told and how the territorial boundaries were defined. *Guxsan*, of a Fireweed Clan, as a host, begins with the complete *Stakyewdon adaw'ak* of his origin, with the Frog clan seated as guests:

“where the mountain goats kicked away the side of the mountain. When the people left Temlax'am, Gwaxsan was one of the leaders. He was one that was the gambler of the brothers that were the sons of Sqau'oo's (Skawah) daughter. So that the chief crests of our house is the mountain goat. When the Gwaxsan house was first built at Gitsagukla I have been told Gwaxsan had the rear and T'sa'wils and Hana'mux had each side of the house, but of late years they have had separate houses but are related to each other. This is what I show you my friends, you great chiefs. These belonged to my uncle's house. All of the territories of the vicinity of this mountain also belong to the house of Gwaxsan as the young Prince was the soul (sic) survivor and thus they took this territory.”¹⁰¹

When all house members physically lived in one long house, the chief would reside in the back.

¹⁰⁰Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part One, 120.

¹⁰¹William Beynon notebook dated January 14, 1945, “Pole Raising in Kitsegukla,

Boundaries of these lands were strongly enforced. "In our culture, our tradition is that a father's children can use the territory but when he dies, the territory is returned to the rightful owner, in this case, the rightful owner is '*Skookg'm laxha*'. "¹⁰² Permission was needed even to trespass, as an access road. These territories and fishing sites were used as transactions in marriages, to correct a wrongdoing, or to borrow for a feast.

Territory is owned as a group and historically, when a House group was too large, a new group branched out. "When segmentation took place, the head of the parent household, with the consent of the group as a whole, might assign a part of its land to the new household being formed."¹⁰³ House territory is "a reservoir of wealth to be used for purposes of gaining prestige for household and tribe and not for individual gain."¹⁰⁴

2.5.6 Feast

The feast, as in the past, is where all these four features are intermingled and publically displayed as a political order of rule. Tennant gives a complete description of the potlatch, as the feasts are sometimes called. These were the 'potlaches' that were the hallmark of coastal societies as described by Tennant:

Potlatches served to legitimize political rank and authority, After the death of a

1945", Department of Mines and Resources, Ottawa Canada, 35.

¹⁰²Joe Wright Interviewed by Vi Smith, 7 June 1982.

¹⁰³John Davidson Darling, "The Effects of Culture Contact on the Tsimshian System of Land Tenure During the Nineteenth Century", Thesis submitted for Master of Arts in the Department of Economics, Political Science, and Sociology, University of British Columbia, April 1955, 18.

¹⁰⁴Ibid., 25.

chief the heir would assume his position in another potlatch. Economically, potlatches ensured a circulation of wealth; the prestige and rank of the chiefs was maintained by giving away wealth rather than by accumulating it. ... Potlatches were both the essential route to political influence and the vital means of maintaining authority and demonstrating prestige. Without potlatches no chief could have assumed or maintained his position, nor could any individual have been assured and reassured of his or her place within the house, extended family, or clan. Potlatches were the critically important institution within all coastal tribal groups.”¹⁰⁵

The traditional names still have their special places in the feast hall and are not changed under any circumstances as the location was determined by its origin thousands of years ago. Should these names be relocated or dismissed in any way, the spiritual connectedness of the whole would be severed. Individuals are seated according to the location of the names they hold. *Semoighet* and higher ranking *naxnox* names are announced as the individual holding the name enters the feast hall.

It is a Clan who has a feast, hosted by one of its houses. All its Houses are responsible financially for providing food and goods to be distributed to the guests from the other three clans. “A man who was planning a potlatch honored his father’s lineage by requesting assistance (Garfield 1939).”¹⁰⁶ The House of the host's father's house, also has the financial obligation of recognizing the Host's family ties to him. The Clan's family ties with the other clans through the various individual house members also obliges these clans to contribute. Kinship ties of families residing in other villages and nations are displayed and strengthened at these feasts. Winter was considered the

¹⁰⁵Paul Tennant, Aboriginal Peoples and Politics, 7.

¹⁰⁶Abraham Rosman and Paula Rubel, Feasting With Mine Enemy, 26.

feasting season.

Historically these feasts would last for a week with participants acting out the plays, dances and songs ritualizing the spiritual belief. Costumes, Halpin theorizes from her research “were worn by, if not developed for, Tsimshian chiefs in order to symbolize the developing wihala’it aspect of their roles...the costume was not a crest costume, but rather expressed high rank and control of supernatural power.”¹⁰⁷

2.5.7 Compensation

The Gitksan political and social structures as in the past, are activated by a process of compensation which supports the economic activity of the society through the feast system. A need arises for the service of others which puts an individual immediately in debt for these services. Upon completion of these services, individuals are compensated at feasts. For instance, a totem pole is needed to publicize and legalize the ownership of a territory and must be erected to show the crests adopted, acquired from *naknoks*, which legitimizes the ownership of territory by a House Chief to its nation and to its neighbouring nations. For example, at the totempole raising feast in Gitsegukla in 1945, the services required began with the cooperation of the Chief’s House members and other House members within his Clan to assist him in putting up a feast. Then, before the feast, a carver was identified from a father’s clan. Close to the time of the feast, messengers were needed to deliver notices of the feasting to surrounding villages.

¹⁰⁷Marjorie Halpin, “The Tsimshian Crest System: A Study Based on Museum Specimens and the Marius Barbeau and William Beynon Field Notes”, 213.

A person was identified to organize the rituals to be performed at the *hala'it* ceremonies, including a song leader for each village. Then at the feast itself, services of attendants, songsters, seating the guests, counting the monies collected for distribution, and the guests themselves, all required compensation. Any other service related to the rituals and cultural activities, such as the piercing of ears, providing gifts, tending to someone sick and so on, as in the past, has to be compensated, usually from the father's House or clan.

Debts were also compensated by giving up rights to a fishing site or a hunting ground. "If compensation was made by the transfer of rights or land, such action would be publicly announced and the receiving group would validate its new claims by the distribution of wealth"¹⁰⁸

Adaw'aks tell of various forms of compensation. One legend tells how a woman returned with "presents more than the equivalent of the ten slaves she had received. ... in order that any offspring from such a union would not be considered illegitimate."¹⁰⁹

Feasts were a means of compensation, a cleansing feast, "iyaoks, a Standing-up Feast, ...To-Cleanse. Should any one in the past meet with an accident, such as falling down in public or falling from his canoe, or make himself ridiculous, the only course for him (to rehabilitate himself) was to wipe out such a stain by a feast."¹¹⁰ A recent one was in Gitsegukla when during a conference in 1996, a lady fell. She and her House Group gave

¹⁰⁸John Davidson Darling, "The Effects of Culture Contact on the Tsimshian System of Land Tenure During the Nineteenth Century", 17.

¹⁰⁹Marius Barbeau, "Temlarh'am The Land of Plenty on the North Pacific Coast", pt 1, "Weesaiks in Love with his Tlingit Brother's Wife", 3..

¹¹⁰Ibid., "A Cleansing Feast of Weesaiks", No. 33.

a feast the next day.

The amount of gifts for compensation “that wipes off the disgrace”¹¹¹ can be seen in Barbeau’s interpretation of a murder described earlier. *Kalmalmuk* (Wolf, *Malee’s* House) shot *Neetuh* (Fireweed, his wife’s uncle, mother’s brother) because of the death of his son which he believed to be from *Neetuh’s*(Fireweed) witchcraft. *Neetuh* felt he should be the next in line to inherit title of *Hanamuk*(Fireweed, *Neetuh’s* brother had held it) while *Sunbeams* felt her son should inherit the title. When *Kamalmuk* found *Neetuh* still alive after he had shot him, he was only relieved that for his compensation, “the atonement would consist in pelts and blankets - a trivial price.”¹¹² Upon *Neetuh’s* death, and still deciding whether to avenge his murder, *Weegyats* (Leader of Fireweed in Gitsegukla), spoke and described the role of a white feather feast for compensating:

“If the law, debars us from striking back at the murderer or the witch, at least we may resort to the payment of damages in compensation, the gift of the white feather of the mountain eagle to soothe our feelings, and the dance of peace wherein we display sacred head-dresses and blow handfulls of soft bird’s down in sign of goodwill.”¹¹³

The next morning:

“at Weegyats door, and leaned against it an invitation stick inscribed with significant marks and surmounted by a feather from the tail of the mountain eagle, left by the Wolf’s brotherhood. In turn, they were given “moose hides, trade blankets, a few trinkets, and left smoked salmon for the morning meal; ...ostensibly to acknowledge an invitation, ...to condole with a father for the loss of his son through presumed witchcraft.”¹¹⁴

¹¹¹Marius Barbeau, The Downfall of Temlaham, 72.

¹¹²Ibid., 63.

¹¹³Ibid., 81.

¹¹⁴Ibid., 84.

Kwawmats, a nephew of the murdered *Neetuh*, asks for compensation, "In it alone, can we find atonement for a grave injury,..."¹¹⁵ *Wehah's* nephew (Wolf, *Kamlamuk's* House), in a dramatic presentation for compensation:

"The mystic Bear, smelled the ground and began to tear it with his claws. Growling, he bit a copper shield lying under the sod, raised it in the air between his jaws, and paced forward with it, half erect. In his trail down the slope followed costumed retainers, humming mystery songs, sighing like ghosts, and jerking heads and shoulders from side to side as in a dance: some of them carrying moose hides by the armful; others, blankets, dried pelts or odd possessions; and, last of all, two young hunters, ostentatiously holding flin-lock muskets high in their hands. The Bear held the copper shield, as he stood at the edge of the stream, in plain view of the Fireweed vindicators; then he flung it with a jerk of the head down the bank towards the log bridge. A princely offer was the shield, from the Wolves of Kitwinkul to the Fireweeds of the Ksan, in part compensation for a grievous wrong, ...representing as it did hundreds of trade blankets and beaver pelts withal."¹¹⁶

The Fireweed met in confidence to decide whether or not to accept "the formal offer of compensation until the evening. Midday was the moment appointed for the White Feather ceremonial."¹¹⁷ At the ceremony, *Kamalmuk* offered to the Fireweed:

"an eagle's tail feather, red from the centre to the tip. 'May I heal your wounds with the feather, and wipe off your grief forever.' and planted it in the hair of *Kwawmats*. Then he drew ...a white wing feather of the eagle and placed it on *Always-casting-stones'* head. Turning to *Man-of-the-Forest*, ...planted an eagle feather in his dishevelled hair. Moving back a few paces, ...*Kamalmuk* blew soft eagle's down in the air, right and left, and withdrew to the rear of the house..."¹¹⁸ However, "days must lapse before the wounds are healed, days and nights

¹¹⁵Ibid., 86.

¹¹⁶Ibid., 88 and 89.

¹¹⁷Ibid., 91 and 93.

¹¹⁸Ibid., 98 and 99.

consumed in rituals of atonement...Kamalmuk once cleansed of his guilt, two of his brothers would proceed to the side of Neetuh's successor, Kwawmats, and stay with him as his temporary slaves, lead him on repeated visits into their houses, prepare his couch at night, and affectionately watch over him...He would fast meanwhile, four full days in all, fast and keep his eyes closed and tighten his lips in unbroken silence."¹¹⁹

The laws of the new settlers prevailed and search for *Kamalmuk*,

known to them as Kitwinkul Jim, began and:

"The compensation for Neetuh's slaying must instantly be refunded...The members of Lulek's household, at Kitwanga, were prevailed upon as neutrals to perform an ungrateful task, that of returning to their former owners at Kitwinkul the gifts of peace, ...Weegah indignantly refused to hearken, admonishing them to serve wiser counsels."¹²⁰

Such was the occasion of the last White Feather Feast with all its dramatics, which served as part of a justice system within a traditional government.

2.5.8 Ranking System

Political and social order was accomplished through ranking. There was ranking of the people within three categories: "1. Semg'ig'Et: the Real People, ... 2. Lekag'ig'Et, councillors to a chief, ... 3. Wa'ayin, the Unhealed people, ...a category of individuals and not lineages."¹²¹ Traditional names within Houses were ranked. "Houses were

¹¹⁹Ibid., 100 and 101.

¹²⁰Ibid., 108 and 109.

¹²¹Marjorie Halpin, "The Tsimshian Crest System: A Study Based on Museum Specimens and the Marius Barbeau and William Beynon Field Notes", 213

ranked within clans which were then ranked for each tribe (village).”¹²² Costumes “expressed high rank and control of supernatural power.”¹²³ The ranking was based on achievements and abilities to communicate with the spirit world. The result of this communication was an accumulation of wealth which contributed to an ability to feast where the wealth was given away.

During the establishing of a Gitksan nation by the continuous migration of clans, villages were shared with usually one other clan and kin-based. The dominant clan would be the one on whose territory the village is situated, and hence clans “within a town are ranked.”¹²⁴ The ranking would give way to equal status of clans; “the head man or woman of its dominant clan (two leaders if there were two clans of equal strength)¹²⁵ would be the leaders for the village.

It was important to have ready potential successors for demanding requisites of chief for immediate succession of powers lest they be lost.

“The size of the average House was probably in the order of fifty to one hundred members, of whom approximately ten to twelve would be adults (Cove 1984). Each House will likely have at least three chiefly names, and more are not unusual. A minimum, therefore, of about thirty percent of a House would be real-humans. At the same time, roughly the same proportion would have to be seen as future successors, so-called princes and princesses. This means that over sixty percent

¹²²Ibid., 281.

¹²³Ibid., 213.

¹²⁴Abraham Rosman and Paula Rubel, Feast With Mine Enemy, (Prospect Heights Illinois: Waveland Press, Inc. 1971, reissued 1986), 11.

¹²⁵National Museum of Canada, The Indians of Canada, 7th ed. (Toronto: University of Toronto Press), Copyright Ministry of Supply and Services 1977; Originally published in 1932 as Bulletin 65, Anthropological Series #15 of the National Museum of Canada, 144.

of the population are, or can potentially become, real-people in any generation.”¹²⁶

The development of these potential real people in the acquisition of supernatural powers “was generally fitted into the already existing pattern of transmission of hereditary privileges within narrowly limited lineages.”¹²⁷ The training took place within two societies, with one society training more advanced candidates and less accessible than the other to the public even-though “The tsimshian regarded spirit power acquisition and protection as essential for all free persons.”¹²⁸ These two societies’ paraphernalias were restricted to artists, who themselves had to display the same supernatural abilities as the *Semoighets*, also known as the *Hala’its*. These artists, Halpin explains, known as:

“*git’sontk* ...is the group Garfield (1939: 304) described as “the professional group of artists, song composers and organizers of the dramatizations (who) were all men who had received supernatural powers The ability to carve, plan and operate novel mechanical masks or other objects, or compose songs was considered a manifestation of the powers which the individual had received. ”.”¹²⁹

As explained by Garfield from Beynon’s notes, “*gidson* means “inner or secret room” (Beynon 1956-57: Vol.2).”¹³⁰ This is similar to the holy of holies as an inner sanctuary of a temple. Scholars writing about secret societies, describe the restriction of access by the

¹²⁶Ibid., 139.

¹²⁷Viola Garfield, The Tsimshian and Their Neighbors, 38.

¹²⁸Ibid., 39.

¹²⁹Marjorie Halpin, “The Tsimshian Crest System: A Study Based on Museum Specimens and the Marius Barbeau and William Beynon Field Notes”, 74.

¹³⁰Audrey Shane, The Tsimshian, Power in Their Hands: The Gitsontk, (Vancouver: University of British Columbia Press, 1984), edited by Margaret Sequin, 160. .

general public. If the focus of the interpretation is on the actual ritual activities, then the term sacred societies would be more appropriate, as the rituals are to honor a spirit world which they believed to be divine and sacred. Because of this relationship with the spirit world, restrictions were imposed on who can participate in the carving, preparing, and using of ragalia and in the performing of these sacred rituals. The practise of purifying the individual's participation in this physical world, through fasting and cleansing with a mystical plant, permitted an individual to handle the ragalia and participate in the rituals.

The *gitsontks* were ranked, according to Halpin, as to their spiritual abilities which determine what ragalias they could carve or design. In turn, the ragalias were also ranked. For example, only a *hala'it* wore abalone shells. These sacred societies ritualize "supernatural events such as ascent into the heavens"¹³¹ for which the artists prepare the special effects and ragalia.

House members were prepared for succession of these *naknok*, spiritual names, by these secret societies, "marking their movement in the rank system of the society."¹³²

Within these societies were preparations of potential successors, arriving

"at the age of initiation, who is going to try and see in a dream the animal which will be his guardian angel, his personal totem, has to prepare himself for this purpose by carrying out a series of observances...is secluded in his habits and endeavours in every way to be pure enough to receive a revelation from the deity whom he invokes."¹³³

¹³¹Marjorie Halpin, "The Tsimshian Crest System: A Study Based on Museum Specimens and the Marius Barbeau and William Beynon Field Notes", 76.

¹³²Abraham Rosman and Paula Rubel, Feasting With Mine Enemy, (Prospect Heights, Illinois: Waveland Press Inc., 1971), 27.

¹³³Lucien Levy-Bruhl, How Natives Think, 42.

The ranking was based on the potential of individuals to build a relationship with the spirit world through visions and dreams. The ancient people of the Tsimshians used the level of ability to access the ultimate reality, the *naknoks*, in ranking the positions of traditional names with the chief, the *Semoighet* as a *wi hala 'it* being the highest. *Wi hala 'it*, is such that, Halpin notes “the chief had greater supernatural power than others and could impart this power to his people.”¹³⁴

The ranking, Halpin found, is not etched in stone forever, “My own concept of rank is of a motion picture of houses slowly rising and falling along multiple vertical axes. ...Symbolic expressions of minute rank gradations ...could have been invalidated at the next potlatch.”¹³⁵ This is evident in the Kitwinkul feasts interpreted by Barbeau where *Malee's* House from the Wolf Clan secured his House's rank in the village:

“Now keenly on their guard, spying in ambush, the Wolves had rallied together, firmly determined to thwart any scheme that might upset the old Kitwinkul hierarchy and remove the head-chieftainship in a bold stroke to the hands of their born opponents, as might well happen any day with the complicity of the sundry Raven clans at large, however distantly related they be.”¹³⁶

Ranking offered a means of realizing a spiritual ideal to aspire to by any society member. It also offered a means of providing order by classifying members according to their present level. It also fluidly tied this classification to its political and social structure,

¹³⁴Marjorie Halpin, “The Tsimshian Crest System: A Study Based on Museum Specimens and the Marius Barbeau and William Beynon Field Notes”, 74.

¹³⁵Ibid., 97.

¹³⁶Marius Barbeau, The Downfall of Temlaham, 27.

with its economic structure based on this fluidity.

2.6 Summary

In our language, there is no term for government, or governing. Government was the following of laws, "*ayawks*". Laws governed us. These laws originated from the spiritual world to respect its creations on earth for a continued existence. It is a belief in a creative force which exists in all of earth and is eternal. The Natives give more value to this creative force than that which they see. They believed it to be not passive, but powerful, a power which the Gitxsans feel must exist within their political and social structure. The power's permanency provides stability to the governing and social institutions which still exist today. Humans are disadvantaged until they possess this divine power, this creative force. Laws are enforced so as not to upset this permanency of power within the daily lives of the ancient people. Legends tell of natural disasters which occurred when these laws were broken.

Legends were like the bible from which guidance is drawn from and which hold the origins and history of the people. The origins were as clans and their membership rested on the ability to repeat this history. The accuracy of these legends arises from the specializing terminology of the language which is considered real because it originated from God. Legends in their entirety were repeated at the numerous feasts held throughout the villages.

Creation myths belong to individual clans. Ancient histories of the clans began at a large plateau located around the upper Stikine River. Archeological sites in the area

reveal this to be more than 10,000 years ago. From the plateau, the clans migrated to *Temlaxam*, considered a prairie town because it was flat. For thousands of years the clans lived there, until the flood. After the flood, there was a dispersal of the clans towards the northcoast. Archeological sites in the Prince Rupert area and up the Skeena River, dated trading to be around 5000 years ago. The sacredness of the creation myths bind clan members no matter where they may be.

The Fireweed clan is an example of a creation myth, which varies for each clan, about the marriage of a woman with a spiritual being. The clan members are then descendants of the spiritual being, Sunbeam, and display crests upholding their sacred beginnings. This creation myth, *Stakyewdon*, was validated by the age of the landslide which, in this myth has been subjectively interpreted as a natural disaster.

As the dispersal of the clans reached its ending, three nations, Tsimshian, Gitksan, and Nisga'a were formed, still sharing their clans' origins and language except for dialect differences. They all kept the clan system as a political and social structure with the same number of clans, the Fireweed, Frog (Raven), Wolf, and Eagle. Laws were abided by to maintain a balance of the four clans within the nation's individual societies.

Within the clans are house units which are autonomous politically and economically with territories, believed to be a gift from God, to support their self-sufficiencies as geneological families. Traditional names owned by houses maintain the political and social order as a matrilineal society, ranked in position by the powers the names hold, with the chiefs name holding the most power. These traditional names are inherited upon the passing of an individual, with the successors assessed as to their

relationship with the spirit world, their *naknok* abilities. These abilities were developed through what is termed by anthropologists as secret societies.

The house units are named by the chiefs as direct descendants of spiritual beings. As a society which measured a man by what he gave rather than his wealth, the chief is the link to these spiritual powers. He displays this with showmanship so that house members did not question their dedication to his leadership.

Feasts were where the show of spiritual ties are dramatized through dances, plays, and songs owned by houses. Hosts, in ancient times took at least two years to prepare for a feast which lasted at least a week. As a house unit, crests obtained from spiritual beings were also orated to great lengths to legalize, generation after generation, their historical record of origin and their territorial ownership. Feasts were a part of the economic structure which cycles the wealth received from God to the benefit of all Gitksan members.

Compensation, through feasting, was the driving force of the economy and an integral part of the society. Any services performed by members needed compensation. Debts were compensated sometimes by giving up of fishing or hunting grounds. Disgrace or wrongdoing by a House member meant the House unit held a feast to compensate for the unlawfulness of its member.

Ranking was a means of establishing order, valued for its representation of the levels of acquiring spiritual abilities. The society categorized its members into three categories, depending on their abilities to establish a relationship with the spiritual world, with the one category belonging to those members who were believed to be unhealed.

Real people belonging to the two other categories were candidates for training given by two societies; with the type of training dependant upon the ranking of the candidate.

Costumes used in the training and development were ranked according to the performers' spiritual abilities. The Chief is the highest rank an individual can acquire based on these spiritual abilities. Houses were ranked within the Clans, determined by their abilities to feast, which indirectly provided for all members of the nation. Clans were ranked within a village as to their abilities to provide for all members through feasting. The ranking system promoted change in position based on members' abilities to maintain the status asked of the position held. This was a society which existed on a spiritual world belief that shaped its political, social, and economic structure.

Chapter III Impact of Indian Act

In the previous chapter, the four features of the Gitksan political system were outlined, the clan, the chief, the territory, and the names. Ancient people's daily lives were governed by a spirit world with these political and social features. In this chapter, the present physical, political, and social situation of the Gitksan Nation will be examined. How our ancient government system has been neglected and altered because of the present situation, will also be noted.

3.1 Administered People Under the Indian Act

Natives are victims of a colonization process, treated as savages, stripped of any human rights, and imprisoned on Reserves administered by the federal government. The lives of the Native people have been ruthlessly seized, denying their freedoms and their self-control. As a further humiliation, their cultural activities were outlawed. Dispirited and discredited, most Native people remain in a continual state of social disruption, generation after generation. If we compare Natives to victims of disasters caused by people such as nuclear plants, the symptoms of distress are very similar. Andrew Baum, a professor of medical psychology at the University of Maryland, USA, in his article in *Psychology Today*, in comparing victims caused by people to victims of natural disasters, found that disasters caused by people:

“may cause individual distress and social disruption greater than disasters brought on by natural forces ... and can cause more severe or longer-lasting mental and

emotional problems than do natural disasters. Natural disasters, was, we say, an act of God, and we move on to do what we can to diminish its effects.”¹³⁷

The process of colonization has lessened the abilities of Native people to cope with stresses such as alcoholism, gambling, poverty, sicknesses, stolen lands, depletion of natural resources, unsettled land claims, lack of recognition of traditional political and social systems, limited access to health and education, and discrimination. Having someone to blame for the disaster “affects our sense of control over the world.”¹³⁸

Natives as victims still being administered through the *Indian Act*, do not have any sense of control over their lives.

Despite continuous appeal to abolish the *Indian Act*:

“The Commission heard strong criticism of the Department of Indian Affairs and Northern Development and many calls for abolition of the *Indian Act* during its first round of hearings in the spring of 1992. These criticisms were repeated and reinforced during the second round. If intervenors did not call for abolition of the Act, they urged that it be phased out or rewritten to give First Nations control of their affairs.”¹³⁹

Within this setting of no recognition as a nation, the Gitxsans, are re-establishing their own traditional political system, practised during ancient times. It is like going to the ruins after a natural disaster and seeing what is left, and starting all over again to bring it back to its original state. Their leaders have the same kind of hope victims of a natural disaster have, of reinstating a previous state of normalcy and of tranquillity. However,

¹³⁷Andrew Baum, “Disasters, Natural & Otherwise”, Psychology Today, (April 1988), 57.

¹³⁸Ibid., 58.

¹³⁹Royal Commission on Aboriginal Peoples, Overview of the Second Round, Public Hearings prepared for the Commission by Michael Cassidy Ginger Group Consultants, April 1993 (Ottawa: Canada Communication Group - Publishing, 1993), 25.

these leaders don't have the assistance and support as do these people caused and natural disaster victims. Instead they are faced with continuing suppression from the *Indian Act* and from not participating in any treaty process, while they go through the process of reinstating normalcy within their societal and political setting. And this process is never put aside.

Within a century, the world's ancient peoples as the Gitxsans, and their Natural World were in ruins from colonization. As in all the Americas, North, South, and Central, "Western technology and the people who have employed it have been the most amazingly destructive forces in all of human history. No natural disaster has ever destroyed as much. Not even the Ice Age counted as many victims."¹⁴⁰ In the late 1700's, a Haudenosaunee Chief, in his vision, saw how "the colonizer would use their institutions and laws, not only to gain our lands, but also our minds and our self-esteem."¹⁴¹ His vision proved true for all Indigenous people. They are now trying to reinstate the principles behind an ancient political system, its political ideals, the application of laws and how these principles or ideals can be adopted today.

In the ancient histories of First Nations, there has never been a need to address community and individual healing as a nation's problem. Today, leaders of First Nations people need to include healing in their other priorities of self-government, land claims, and treaty negotiations. The same kind of attention that is given to these priorities needs to be given to a healing process for First Nations people as victims. Healing is "to signify

¹⁴⁰Akwesasne notes, ed., Basic Call to Consciousness, 52.

¹⁴¹Ibid., 3.

the restoration of physical, social, emotional and spiritual vitality in individuals and social systems.”¹⁴² It would be difficult for grassroots people to enjoy the political gains when most are in a chronic dysfunctional state of mind, victims of the assimilation policies of the federal government and the lack of recognition by the provincial government.

Upon first contact, colonial governments refused to recognize the ancient peoples as independent societies with their own laws and political systems. Instead the Native people watched the colonial governments enforce their own new nations around them without any respect or recognition of their presence as a Nation. They watched helplessly their lands being grabbed and freely given away as if worthless and worst of all, as if they themselves did not exist. In the court case between the Gitksan and Wet’suet’en at the Supreme Court of BC:

“The evidence will show how, between the years 1901 and 1905, a considerable amount of prime land in the Upper Skeena and Bulkley Valley regions was conveyed by the Province to private parties through the vehicle of the South African war scrip. Under this scheme, a volunteer from British Columbia who served in the Boer War was eligible to receive scrip which entitled him to take up 160 acres of “unoccupied, unclaimed and unreserved Crown land” anywhere in the province.”¹⁴³

A Royal Commission on Indian Affairs in 1912 to 1915 brought out statements as:

“Charles Wesley made to the Commission: I wish to tell you that this Reserve that you have just spoken about is something that we don’t wish for...it is only quite recently that the government has sent men out here to measure this land immediately around us, we were not notified of it when they did. Then the

¹⁴²Royal Commission on Aboriginal Peoples, Renewal: A Twenty-Year Commitment Volume Five, 12.

¹⁴³Gisday Wa and Delgam uukw, The Spirit in the Land, 63.

provincial government came in and sold the remaining land immediately around us...and what we most strenuously object to is that you insist upon us have this Reserve... I was one that signed the petition in 1908 which we sent to Ottawa. We asked that the land which the provincial government had sold be returned or given back to us...This is where our inheritance come from and where they were handed down generation to generation.”¹⁴⁴

These kinds of requests were ignored and instead further forms of oppression were enacted on all First Nations such as the prohibition of any kind of cultural events such as feasting. Gitxsan people, as did other First Nation groups fought the prohibition of feasts by a “Feast given by Chief Nikateen in the 1930's to protest the legislation. But the best evidence of failure of missionaries, Indian Agents, and the *Indian Act* to eradicate the Feast, that the Feast continues today to be their overarching institution.”¹⁴⁵

Over a century of being administered has left the grassroots people caught in limbo between two societies, neither of which they know enough about. At a feast in Gitseguecla, documented by Beynon in 1945, Chief Spoox of Git'an'maks spoke on how "We understand nothing of the ways of our forefathers. Yet we know nothing of the ways of the white man as they are only interested in us for what they can get from us for their benefit.”¹⁴⁶ While we are licking our wounds, our leaders have to contend with the impact of the *Indian Act* on the lives of their people.

3.2 Impact of Federal Policy

The suppression of First Nations was first legalized by the *Indian Act* of 1869

¹⁴⁴Ibid., 57.

¹⁴⁵Gisday Wa and Delgam uukw, *The Spirit in the Land*, 50.

¹⁴⁶Beynon, “Feast in Gitseguecla”, n.d. Unpublished field-notes (1915-57), On deposit at the Gitxsan Treaty Office, Hazelton BC, vol 3, 31.

which still exists today. "The policy of the Government toward the Indian people in the post-Confederation period was twofold and somewhat contradictory. On the one hand, it continued the protective, or guardianship policy of the colonial period; on the other, it proposed to assimilate the Indian, hopefully on a basis of equality, into the mainstream of society."¹⁴⁷ The imposing of an elective system was the approach the government used towards their goal of assimilation. This imposition on the daily lives of an ancient people, especially on their governance powers, was devastating and created a foreign experience of despondence. To *Kamalmuk*, a husband of *Sunbeams* from Segyukla (Gitsegukla), the impact of the *Indian Act* on his culture in 1887 in Kitwinkul:

"was the idiom of an age already out of date, now on the wane everywhere; its discredit would soon be complete, final. No use holding on to the shreds of a tattered garment of feather and pelt from the backwoods, to outworn regalia out of the secret cedar chest of a chieftain, to senile teachings and rules that could no longer impose their distortions upon youth and virility!"¹⁴⁸

His feelings of despair was met by his wife *Sunbeams* with:

"You are plucking off your own feathers, you poor silly bird! No sooner is the *ya-auk* (feast) set aside than our people will have forfeited their very rights. Hence, peril! In default of public gatherings in the house of festivals to sanction exchanges and promote advancement, what happens? Our customs come to the ground with a crash. No longer do we inherit our crests, our uncle's property, and their hunting grounds. We remain nameless. No longer are there any true marriages or burials. No more debts paid, all investments lost. Lies, dishonesty, crass poverty in the place of it all! And bedlam in the fallen land of Temlaham. Dare you tell me with a straight face that our people can thrive without common sense, without safeguard, without any more leadership and control than is known

¹⁴⁷Wayne Daugherty and Dennis Madill, "Indian Government Under Indian legislation 1868-1951", prepared for Research Branch Department of Indian Affairs, Ottawa 1980, Preface Ron Maguire, Deputy Chief, Treaties and Historical Research Centre, pt.1, ch.1, 2.

¹⁴⁸Marius Barbeau, The Downfall of Temlaham,6.

to groundhogs in their holes or to rabbits in their tunnels under the turf?"¹⁴⁹

Weegyat acknowledges the despair:

"Shall we cast our lot with the newcomer instead, the newcomer whose teachings bewilder us, whose behaviour is openly at variance with his own professions? ... to impose over us a rule of its own, the rule of King George or, as we have heard it called, the rule of the Government. And our minds were utterly at a loss. Who had invited these strangers to assume our leadership?"¹⁵⁰

The disruption of customs were felt, as decisions had to be made regarding affairs which normally would not have to be questioned, as *Weegyat* continues:

"Thus has it come to pass, to our sorrow and humiliation. We have become mixed, in this home of ours, mixed in our ways, in our beliefs, mixed beyond recall."¹⁵¹ The impact of government was in every aspect of everyday life.

Every facet of an ancient lifestyle is impaired by the daily blows of the *Indian Act* with its assimilation policy. For this study, the impairment of the political and social structures are identified through my own personal knowledge of living within the structures and from my readings. This paper will focus on how they are affected by the demoralizing actions of the *Indian Act* throughout the century.

3.2.1 Spirituality

I believe that the Downfall of *Temlaxam*, as Barbeau calls it, or the downfall of our people, is from extinguishing the spiritual belief which was the root of the political

¹⁴⁹Ibid., 11.

¹⁵⁰Ibid., 78.

¹⁵¹Ibid., 79.

and social structures. Missionaries came during epidemics of small pox and measles.

“Disease broke out among the Ksan tribes assembled at Kitwinkul for their annual festivals; and it spread from house to house with the rapidity of wildfire. The epidemic - measles - swept through the native villages of the West Coast and the Skeena River in the early winter of 1887.”¹⁵² With the spiritual world belief that nothing happens by chance, as explained, ““To natives,” says Pechuel-Loesche, “there is no such thing as chance. Occurrences which are close together in point of time, even if widely removed in space, readily appear to them to be linked by a causal relation.” ”¹⁵³. Ruth Bunzel, in her introduction, notes that in regard to this causal relation, a native individual

“is less interested in immediate causes than in primary causes. The immediate cause of the death of a warrior is known to be a blow from an enemy. But the concatenation of forces that brought him to that place at that moment face to face with an enemy suitably armed lies behind the observable events in the deeper, hidden connections of phenomena. These ultimate causes may lie in some disturbance in the victim’s relations with the unseen forces of the universe, or in those forces that dominated the universe at the moment of his birth, and the mark of which he bears with him through life.”¹⁵⁴

As people they felt they were doomed because:

“white newcomers were exempt from the effects of the epidemics. It is not surprising then, that the Gitksan and Wet’suwet’en saw missionaries as the white man’s equivalent of their shamans. Nor were the missionaries slow to see the analogy and to use it to try and challenge the authority of the Gitksan and Wet’suwet’en spiritual authorities. Not only did the missionaries advance the theory that the Indians died because they failed to be Christians, they also insisted

¹⁵²Marius Barbeau, The Downfall of Témaham, 43.

¹⁵³Lucien Levy-Bruhl, How Natives Think, (quote from *Die Loango-Expedition*, iii, 2, p.33), 58.

¹⁵⁴Ibid., Introduction by Ruth Bunzel, xiv.

that Christianity offered eternal life.”¹⁵⁵

Guxsan, as a Catholic convert in *Kitwinkul*, praised the ministers “For their knowledge is vast, overwhelming, the knowledge of our sins. And their influence is beneficent to their obedient children, yet devastating to their enemies like the thunderbolts or the everlasting fires of hell”.¹⁵⁶ *Weegyat*’s response was:

“His God bids him: Curse not my name, lest your tongue wither in your throat, love your brother like yourself, covet not your neighbour’s own, least of all his wife. And he nevertheless proffers oaths till his breath gives out, hates his kinsmen as if they were born enemies, and ravishes our wives and daughters under our very eyes. The wicked goes unchastened, nay, he parades his sins in the light of day. Whom shall we trust, I beg, in this world of riddles, of impudent lies?”¹⁵⁷

Efforts were made to encompass Christianity within the spiritual world belief but “the missionaries were not content with co-existence. Their mission demanded an acceptance of the superiority of the Christian ethos as part of the process of civilizing the Indians.”¹⁵⁸

In *Kitwinkul* upon *Neetuh*’s murder in 1887, the debate was, “Is *Neetuh* to be incinerated, or is he not, he that died a heathen at heart? Shall redress be refused his manes, murder stay unavenged, rancour and fear in consequence poison our existence till we breathe our last?”¹⁵⁹ *Weegyat* continues, “Still who knows! We may after all retain

¹⁵⁵Gisday Wa and Delgam uukw, *The Spirit in the Land*,49.

¹⁵⁶Marius Barbeau, *The Downfall of Temlaham*, 74.

¹⁵⁷*Ibid.*, 77.

¹⁵⁸Gisday Wa and Delgam uukw, *The Spirit in the Land*,50.

¹⁵⁹Marius Barbeau, *The Downfall of Temlaham*, 79.

most of our customs, show respect to the spirits, placate the ghosts whenever they harrow us at night, and incinerate the dead as we please, heedless of missionaries.”¹⁶⁰ Eventually, the decision was made to follow the custom of cremation.

Today, our spirituality is almost extinct. Our government and social system is not perceived by academics as being spiritually based. Even Beynon, half Tsimshian and understanding the language commented how:

“Throughout all of these ceremonies although many of these taking part in the ceremonies were and I personally know that they held high executive positions in their respective churches, but at no time was any reference made to God. ...But the total disregard of anything to religion and even to continuing these ceremonies every day, Sundays included, and for a period of fifteen days. Yet when all was over, there was again the regard and interest in church affairs, also in their municipal affairs.”¹⁶¹

Yet Campbell stresses how mythology teaches how to live spiritually, “In ancient times, that was the business of the teacher. He was to give you the clues to a spiritual life. That is what the priest was for. Also, that was what ritual was for. A ritual can be defined as an *enactment* of a myth. By participating in a ritual, you are actually experiencing a mythological life. And it’s out of that participation that one can learn to live spiritually.”¹⁶² The rituals of our people that accompanied the government and social system and resource use is almost non-existent. Dances and songs performed at feasts that ritualize our connectedness to the spirit world are now rarely performed. *Lutku-dzeeus* from Torch-light fishing village, Gitanmaax, composed a song for his solace:

¹⁶⁰Ibid., 80.

¹⁶¹Beynon, “Feast in Gitseguecla”, 23.

“Downhearted am I, downhearted and lonesome. My old familiars fail me, as I still peregrinate through my homeland; they have passed away. And I look vainly for their true successors. Have my Segyukla (Gitsegukla) compatriots bleached their faces, that they might better ape the white man? Have they disowned our *narhnauks* (*naknoks*) the spirits of nature, and the shades of our forebears? Have they all been baptized in water, and learnt as real Christians how to repent the sin of their birth?...They mimic the gracefulness of salmon leaping over waterfalls onwards, yet perchance landing on dry rock ledges alongside, to die long before they have attained their goal. They glitter likewise, and their opalescence is that of abalone pearls. Yet, they putrefy - *ayuway*, O me! - They putrefy like the excrements of Tsingwauts in the burning sun.”¹⁶³

Christianity is like a mosquito on the culture, stinging and drawing blood which is never to be replaced. The spiritual belief which is the fuel for the system to work, had in 1887 already begun its death.

3.2.2 Villages

Despite over one hundred years of implementing the assimilation policy of the *Indian Act*, First Nation communities still identify strongly as First Nations people. For some nations, “Many of the old chiefs still exercise much influence over their respective tribes and being wedded to old and ignorant customs”¹⁶⁴ as in 1884. In 1897, “the policy of eliminating chiefs and headmen came to an apparent end...aimed strictly towards the western tribes. ...In the end, Reed’s western policy was defeated by the resistance of the Indians to it and their persistence in maintaining some form of tribal political

¹⁶²Joseph Campbell with Bill Moyers, *The Power of Myth*, 182.

¹⁶³Marius Barbeau, *The Downfall of Temlaham*, 71.

¹⁶⁴Daugherty and Madill, *Indian Government under Indian Act Legislation 1868-1951*, pt 1 ch 2, 11.

organization.”¹⁶⁵ By the end of the century, nations were divided into Bands with set boundaries around them and “The economic base, which had shaped the Indian’s political institutions and social relations had been destroyed”¹⁶⁶.

The *Enfranchisement Act* of 1869 “to promote assimilation”¹⁶⁷ and to “accelerate the enfranchisement process”¹⁶⁸ was what hurt First Nations the most. As a matriarchal society, the females were robbed of belonging to their communities and still struggle today to be accepted into their communities. A court case finally overturned the *Indian Act* of the discriminating practice of a female losing her aboriginal rights if she marries a non-aboriginal. Despite “The reserve system, other sections of the *Indian Act*, and missionaries were thought to have dealt effectively with all other aspects of traditional Indian values.”¹⁶⁹, traditional values remain in communities.

The First Nations communities were believed to have the same needs as non-Aboriginal communities. “Lawrence Vankoughnet, Deputy Superintendent General during this period, like most nineteenth century Europeans, could not understand why some Indians preferred the tribal system, when non-native society offered them what he perceived as a more rewarding life-style. The public, furthermore, saw the Indian as a ‘brown Whiteman’, and generally assumed that the factors which made for non-native

¹⁶⁵Ibid., pt 1, ch 3 “Hayter Reed’s Western Policy: 1890-1898”, 34 and 35.

¹⁶⁶Ibid., pt 1, “Summary”, 77.

¹⁶⁷Ibid, pt 2, ch 1, 2.

¹⁶⁸Ibid., ch 3 “The Failure of the Advancement Act: 1890-1906”, 38.

¹⁶⁹Ibid., part 2, ch 2, 11.

‘advancement’ would meet Indian needs also.”¹⁷⁰

Today, as in 1880, First Nations feel an identity as a nation with its own traditional social values, own philosophies, own spiritual belief, own laws, with no external control on their lifestyles nor their political activities. Traditional values had eliminated a need for a police force to enforce their laws which protected their political and social institutions. There was no need for external forces providing them with economic benefits to meet their political and social needs. Self-government to First Nations today is preserving the lifestyle and cultural values of their communities.

Resistance to assimilation is strong even today, but as Dickerson notes, “Many desire to be able to live a bi-cultural existence, with one foot in a traditional culture and one foot in the modern culture.”¹⁷¹ With the dominant Canadian culture imposing on First Nations through schools and television, the importance of preserving cultural values and philosophies is foremost.

The imposition of local governments by external forces on First Nations communities today and in post Indian Act of 1951, as Daugherty and Mills note:

“continued to orient themselves primarily to family, extended kinship or other groupings that either cut across the residential community or were but one of several segments within it...Where interest was shown in local government it was frequently dissipated by the lack of real power to make meaningful decisions at the local level. ... Band Councils persisted in Indian communities, not because they were perceived as responding to important local government needs, but because the government insisted on dealing through them...”¹⁷².

¹⁷⁰Ibid., 20.

¹⁷¹Dickerson, Whose North?, 170.

¹⁷²Daugherty and Madill, Indian Government under Indian Act Legislation 1868-1951, part 2, ch 7 “Epilogue: Local Government Constraints, The Post - 1951 Period”, 77.

Traditional social and political systems of carrying out daily community affairs still continue to effectively meet community needs.

Is there an underlying objective of the assimilation policy? In court cases on Aboriginal Rights and Titles, lawyers refer to court cases at the international level. For instance, the lawyers for the Gitksan in their most recent Supreme Court of Canada court case in June 1997, used in their Reply Factum a reference to *Mabo v. State of Queensland* 1992. In this *Mabo v. State of Queensland* in Australia, reference was made to the necessity of preserving a native lifestyle, stating:

“that the conditions which indigenous inhabitants would need to fulfil to obtain recognition of their native title included (i) continuous acknowledgment of the laws or customs and {so far as practicable} adherence to the customs based on the traditions of the relevant clan or group, and (ii) substantial maintenance of traditional connection with the land. Where a clan or group met with these conditions, the common law could, by reference to the traditional laws and customs of indigenous people, identify and protect the native rights and interest to which they give rise. However, when the tide of history had washed away any real acknowledgment of traditional law and any real observance of traditional customs, the foundations of native title would disappear. Further, a native title which had ceased with the abandoning of laws and customs based on tradition could not be revived for contemporary recognition. Once native title expired, the Crown’s radical title expanded to a full beneficial title, for then there was no proprietor other than the Crown. Brennan J recognize that in time laws and customs of any people will change and the rights and interests of the members of the people among themselves will change too. But so long as people remained as identifiable community living under its own laws and customs, the communal native title would survive.”¹⁷³

Could one interpretation of Canada’s assimilation policy be, for its indigenous people to lose their native title?

¹⁷³Dr. Kamal Puri, *Mabo - A Legal Revolution*, “*Mabo - A Critical Review*”, T.C.Beirne School of Law The University of Queensland , Annual Symposium 1992, Copyright 1992., 14.

Creation of reserves disrupted the way villages were formed and organized. Some villages were formed by Indian Affairs to accommodate religions, such as Glen Vowell and Cedarvale, "Three Christian communities were founded between 1890 and 1910. Glen Vowell, the only one still in existence; ...Andimaul and Meanskinisht."¹⁷⁴

Historically, through the government system, villages were formed and carefully structured to unite families within one or two Clans. Within these villages, community identity and unity was strong. The Clan identity united the community members with other Gitxsan villages. A village was formed by a particular clan on their territory, with other clans becoming members of the village usually through marriage.

Because the village is on a particular clan's territory, that clan dominates as the leader for the village. Rosman and Rubel, demonstrate the relationships between exchange systems and social structures, and accented on the ranking within the political system prominent at the village level. They found a society placing importance on position, demoralizing those members lower in rank. They note, but ignore, other facets of structures which prove otherwise. For instance, they note "Succession is fairly flexible and is dependent upon the individual's ability to accumulate and distribute property, that is, to potlatch."¹⁷⁵

A map of old Gitsegukla before "the burning of the village of Kitseguecla in 1872, ... by a group of miners who had neglected to extinguish their campfire,"¹⁷⁶ shows

¹⁷⁴Marjorie Halpin, "The Tsimshian Crest System: A Study Based on Museum Specimens and the Marius Barbeau and William Beynon Field Notes", 18.

¹⁷⁵Abraham Rosman and Paula Rubel, Feasting With Mine Enemy, 30.

¹⁷⁶Gisday Wa and Delgam uukw, The Spirit in the Land,51.

the placement of houses according to their rank within the two clans, Frog and Fireweed. *Wiget* in that time period was the leader for the Fireweed Clan and *Ha'gasu* for the Frog Clan. The Houses were single filed along the shoreline of the river bank. *Wiget's* and *Ha'gasu's* Houses were in the center of the single file of Houses with the rest of the Clan Houses along side of these two village and Clan leaders.

As ancient people were herded into tiny reserve villages, they had to disregard most of the traditional practises of forming a village and of honoring the ownership of territory upon which a village is placed. "Village houses were strung out in a line facing a common beach and lay back a few yards above the high water mark with the house of the tribal head in the middle of the line."¹⁷⁷ Despite this imposition of reserve villages however, part of the village of Gitseguecla today reflects the traditional practises of forming a village by clans. The Fireweed Clan is to the South and the Frog clan to the north. New developments today on the reserve, are not by Clans.

3.2.3 Traditional Names

The traditional names are the building blocks of the political and social system and give order to the population through membership positions. With reserve villages based on a Band Council system, village membership is now by a Band list. Inherited traditional names have not been given serious attention as a crucial feature of a government system at the village level. The law of being adopted into a village by a

¹⁷⁷John Davidson Darling, "The Effects of Culture Contact on the Tsimshian System of Land Tenure During the Nineteenth Century", 7.

House has not been closely followed.

I remember as a child attending feasts and witnessing local Chiefs from the village performing their public duty of addressing political and social issues of the community. All of them were from the village. Today, at the Chiefs' table, sit individuals from other communities.

Because of names being scattered throughout the villages and the number of members living off reserve, it is difficult to apply the traditional system at the village level in administering programs, such social services and education. Also members from another village cannot participate in any political decision making regarding local issues.

3.2.4 Territories

Another impact of the *Indian Act* is found in land ownership at the village level. Under section 48 of the Indian Act, "...the estate shall go to the widow."¹⁷⁸ This creates conflicts within a traditional matrilineal system:

"While household head had the right to sell his land within the provisions of the Indian Act to other band members, he was discouraged from doing so by the native principles of social control which still remained strong enough to prevent such a step. ...On the other hand, if the Indian agent found in favour of the man's wife or children, or both, difficulties arose since they were not lineage members."¹⁷⁹

This kind of difficulty is now presented in regards to my grandparents' plot of land in Gitsegukla which was cleared and owned by them prior to the imposing of reserves.

¹⁷⁸Indian Act R.S., 1985, Office Consolidation, September 1989, 26.

¹⁷⁹John Davidson Darling, "The Effects of Culture Contact on the Tsimshian System of Land Tenure During the Nineteenth Century", 47.

Under a matrilineal system of inheritance, my mother's children are the only successors. However, under the *Indian Act*, my deceased uncle's sons own the land and house. My mother's one living brother has, under our matrilineal system, hold on the land and house. Under traditional laws, his immediate family has the right to use it while he is still alive. It is in dispute because his immediate family is claiming ownership. The "lineage and affinal ties (that) act as a social unit in building prestige and maintaining group interests"¹⁸⁰ as Frog clan members of a House have been severed. The government has succeeded in its attempt "to split up the household by encouraging the Indians to take out individual title to residence sites on the reserve and to pass on title to their wives and children who were not lineage members."¹⁸¹ The social control has weakened.

3.2.5 *Adaw'ak*, Mythology

Adaw'aks, legends and myths were depended upon for guidance. However with the settlers, *Weegyat* felt there was no guidance:

"Whom shall we trust in this era of puzzles? - The traditions, the *ada-orh* (*adaw'ak*)? Very well! Herein most of us concur. But the *ada-orh* delves only in the past, the remote past. It ignores the present and affords not the least guidance in our dealings with the White Man."¹⁸²

Campbell, however, feels that myths can still be a guidance even though the world is different:

"The relationship of myths to cosmology and sociology has got to wait for man to become used to the new world that he is in. The world is different today from

¹⁸⁰Ibid., 57.

¹⁸¹Ibid., 58.

¹⁸²Marius Barbeau, The Downfall of Temlaham, 76.

what it was fifty years ago. But the inward life of man is exactly the same. ...and go back to the myth of what is the human quest, what are its stages of realization, what are the trials of the transition from childhood to maturity and what does maturity mean, the story is there, as it is in all the religions.”¹⁸³

The despair of not being able to meet the challenge which newcomers have brought can still be alleviated by referring to *adaw'aks* as guidance. Campbell points this out:

“Moyers: What happens when a society no longer embraces a powerful mythology? Campbell: What we’ve got on our hands. If you want to find out what it means to have a society without rituals, read the New York Times. The news of the day, including destructive and violent acts by young people who don’t know how to behave in a civilized society.”¹⁸⁴

One need only visit any Reserve to witness such destruction. First Nations do not follow a set lifestyle and ethos which is understood. Ethos as Campbell notes is, “a number of understood, unwritten rules by which people live. There is an ethos there, there is a mode, an understanding that ‘we don’t do it that way. An unstated mythology, you might say. This is the way we use a fork and knife, this is the way we deal with people, as so forth.”¹⁸⁵ Today there is a lack of a full understanding of their outer world, including not only their immediate social environment, but also the dominant society which they experience.

3.2.6 Bureaucracy

United States Indians were in various battles with armies which resulted in treaties. The Gitksan were not in any battle but were defeated by a longer and more

¹⁸³Joseph Campbell with Bill Moyers, *The Power of Myth*, 139.

¹⁸⁴*Ibid.*, 8.

devastating battle than a physical war. This has been gradual and gruelling with governments using the *Indian Act* as their weapon against which we have no defense.

This was worse than the *adaw'aks* of natural disasters, as *Weegyats* speech:

“And we blame our misfortune. But the White Man is the real cause of our dissensions. We welcomed him from the beginning, took him to our bosom, sought benefit and enlightenment from him. He offered us tools and other forms of wealth that improved our welfare to a degree; he gave us the fire-water which produces trances and ecstasies. But at what price, these favours! And how many deceptions have invaded our country with his wares, how many false promises!”¹⁸⁶

Bureacracy, as Weber notes, is a rationalization process "for carrying through the principle of specializing administrative functions according to purely objective considerations ... 'without regard for persons'."¹⁸⁷ A bureaucrat does not have the freedom to question policies handed to him if he wants to remain a bureaucrat.

Campbell, in describing the mythology in the *Star Wars* Trilogy, sees that:

“The story has to do with an operation of principles, not of this nation against that. The monster masks that are put on people in *Star Wars* represent the real monster force in the modern world. When the mask of Darth Vader is removed, you see an unformed man, one who has not developed as a human individual.”¹⁸⁸ Such is the case with the enforcing of the *Indian Act*. The goals of the government were quietly met through the dedication of its bureaucrats, and the more perfect a bureaucracy

¹⁸⁵Ibid., 9.

¹⁸⁶Marius Barbeau, The Downfall of Temlaham, part of Weegyets speech, 77.

¹⁸⁷H.H. Gerth and Mills Wright, From Max Weber: Essays in Sociology, (New York: Oxford University, 1946), 215.

¹⁸⁸Joseph Campbell with Bill Moyers, The Power of Myth, 144.

is, as Weber states, "the more the bureaucracy is 'dehumanized,'"¹⁸⁹

Bureaucracy is technically superior over any other form of organization and one hundred years of the "technical superiority"¹⁹⁰, has had its negative impact on our culture by robbing the Native people of self-certainty through an inhuman administration which regulated their daily lives. Weber further points out that "Bureaucracy is among those social structures which are the hardest to destroy and is superior to every resistance of 'mass' or even of 'communal action'."¹⁹¹ To a bureaucracy, such organizations as 'councilors' are a "normal element of organized 'self-government,' that is, the management of administrative affairs by local interest groups under the control of the bureaucratic authorities of the state."¹⁹² Such is the interpretation of self-government which is faced by First Nations in their appeal for governing themselves as a society.

As people are administered by a bureaucracy, fiduciary obligations of the federal government are created. From this rises a concern as expressed by the B.C. Union of Indian Chiefs during constitution talks:

"The opinion, prepared by Vancouver lawyer Louise Mandel, says the proposed devolution of federal powers to the provinces could weaken the federal Crown's treaty obligations to Indian people. As well, ... provisions of Canadian law are a significant limitation of the fiduciary rights Canada has toward first nations governments."¹⁹³

¹⁸⁹H.H. Gerth and Mills Wright, From Max Weber: Essays in Sociology, 216.

¹⁹⁰Ibid., 214.

¹⁹¹Ibid., 228.

¹⁹²Ibid., 238.

¹⁹³David Roberts, "Mercredi Pleads for Solidarity Among Indians", Globe and Mail, 8 October 1992.

With the present condition of dependency as a result of being robbed of our economic independence, fiduciary obligations are necessary. But if Canada recognized its First Nations as a distinct society returning to pre-colonialization economic independence, then any dependency obligations would not be needed. Fiduciary obligations are a product of colonization which need to be replaced by other economic structure within the society.

3.2.6.1 Establishing Band Councils as Municipal Governments

The "White Paper" of 1969 was introduced exactly one hundred years after the *Indian Act* of 1869 which, as did the White Paper, was "designed to lead the Indian people by degrees to mingle with the white race in the ordinary avocations of life...(and)...to pave the way to the establishment of simple municipal institutions."¹⁹⁴ During the initial stages of establishing elective systems, if Indians used their own traditional governments, as in the case of one band, they were shot and killed, after their interest money was withheld. "As soon as they show willingness to abide by the law and elect a Council under the Indian Act the interest money will be paid."¹⁹⁵ The Royal Canadian Mounted Police were present at these forced elections which resulted in one native being killed, the department dismissed it:

"In the interests of law and order it was of course impossible to tolerate such conduct, and, while the killing of an Indian was very deeply regretted, yet as all possible patience had been exercised and was beginning to be mistaken for weakness, the Department was in no way responsible for the outcome of a

¹⁹⁴Wayne Daugherty and Dennis Madill, "Indian Government Under Indian legislation 1868-1951", prepared for Research Branch Department of Indian Affairs, Ottawa 1980, Preface Ron Maguire, Deputy Chief, Treaties and Historical Research Centre, pt. 1 ch 1, 1.

¹⁹⁵Ibid., ch 4 "Two examples of Indian Resistance to the Elective System", 42.

position which was so determinedly forced upon it.”¹⁹⁶

The band conceded to the election system after the shooting.

As an incentive, the *Indian Advancement Act of 1884* “intended to transform tribal regulations into municipal laws and to install a system of self-government.”¹⁹⁷ Inspector Ebenezer McColl in Manitoba, saw it as a “gigantic step towards inculcating and developing the principles of self reliance, and self government in our dependent Aborigines,”¹⁹⁸. In 1906, “ the Indian Advancement Act became Part II of the Indian Act”¹⁹⁹and was “designed as a stepping stone to municipal government”²⁰⁰. A break was taken in establishing reserves as municipalities during world war II.

In 1948, a Joint Committee studied the Indian Affairs, and one of their recommendations was that “bands should be able to incorporate as municipalities; and Indian Affairs officials should assist the Indian in the responsibilities of self-government.”²⁰¹ The *Indian Act of 1951*, however, while differing slightly from the *Indian Act of 1876* in providing some form of municipal government, still did not allow bands to set up their own local government nor granted any decision-making powers to

¹⁹⁶Ibid., 43.

¹⁹⁷Ibid., Part 2, ch 2, “Local Government Initiatives and Band Council Powers: 1880-1906,10

¹⁹⁸Ibid., 19.

¹⁹⁹Ibid., ch. 2, 21.

²⁰⁰Ibid., 78.

²⁰¹Ibid., ch. 6, “The Indian Act of 1951”, 66.

the band councils. By 1971, "If one judges the aims for which Indian self-government was established, insofar as the elective system is concerned, the fact that two-thirds of the bands in Canada have adopted the system indicates that the program, despite its slow development, has been to a large extent successful"²⁰² A century had passed in turning nations into isolated little municipalities.

The federal government went into constitutional talks, with the century old goal of establishing reserves as municipalities. The question for the native people, a journalist asks, "Was the idea to grant native people the equivalent of municipal powers or some more substantial grant of sovereignty?...the initial plan was to entrench the principle of aboriginal self-government only and to make a commitment to work out the details in subsequent negotiations."²⁰³ This does not imply that natives are against any form of municipal government. In fact, for some native people, as the Sechelt Band, "one view of self-government consists of expanding the powers of local governments under the Municipal Act."²⁰⁴

3.2.6.2 Extinguishing Societal Ties

Not only is the regulated Band Council not a voice for all the people, its administration structure has severed the ties of communities as a nation and as a society.

"Nations have been divided by policy and legislation. The basic unit of government in First Nations today is the band, a creation of the *Indian Act*. A band usually includes

²⁰²Ibid., 82.

²⁰³David Milne, "The Road to Meech Lake", in The Canadian Constitution, (Toronto: James Lorimer & Co., Publishers, 1989),174.

²⁰⁴Dickerson, Whose North, 169.

only a portion of a nation; ...As a result, bands are usually too small for effective self-government.”²⁰⁵ Identity as a nation gives way to identity as a Band, as Gitsegukla Band has done in severing its administrative ties with the Gitxsan Government Commission which is a regional body for all the Bands in the nation.

“ ‘Bands’ is a collective term used by the Administration to refer to all the Indians living on the same reserve”²⁰⁶. Being legally recognized only as Bands, results in the deterioration of all parameters of the society, including its political, social, and economic structures. Society is defined as “ a community, nation, or broad grouping of people having common traditions, institutions, and collective activities and interests.” Within this definition, community is “a body of persons or nations having a common history or common social, economic and political interests.”²⁰⁷ Nation is defined as “a politically organized nationality; a community of people composed of one or more nationalities and possessing a more or less defined territory and government.”²⁰⁸ The key words within the definition of society which best define our struggles for recognition within Canada, are community, nation, territory, economy, and government.

In the start of Constitution talks, Ovide Mercredi, national chief of the Assembly of First Nations, spoke of Canada’s native leaders wanting a distinct society:

²⁰⁵A Royal Commission on Aboriginal Peoples, Renewal: A Twenty Year Commitment Volume 5, 2.

²⁰⁶John Davidson Darling, “The Effects of Culture Contact on the Tsimshian System of Land Tenure During the Nineteenth Century”, 47.

²⁰⁷Merriam Webster’s Collegiate Dictionary, 10th ed., (1993), s.v. “community”

²⁰⁸*Ibid.*, s.v. “nation”.

“What we would like is to be able to preserve a way of life, to be able to use our own institutions of self-government, to deal with the social and economic needs of our people, to heal our communities, to make some progress. We want to preserve a distinct way of life that has suffered dramatically under policies of assimilation. So we look at the Constitution as a vehicle for accomplishing that objective.”²⁰⁹

However, Constitutional Affairs Minister Joe Clark did not want to consider distinct society for First Nations. His response was, “ Mr. Mercredi is saying he needs more than self-government in this round. He wants a distinct society for aboriginals...What he should be doing is taking positions which would be designed to encourage provinces to agree to a larger definition of self-government. The major goal remains self-government, the area where the federal government and the natives have been moving closer together in recent months.”²¹⁰ It seems Mr. Clark was redirecting First Nations’ hopes for recognition as a distinct society to be replaced with self-government goals as the reporter notes:

“Gone is the idea of listing or limiting natives’ power. Instead, an agreement has been reached that self-government will be described as a system to guard and develop native languages, cultures, identities and traditions. Native people have compromised and are no longer seeking to be defined as a ‘distinct society’.”²¹¹

Yet it was difficult to continue on self-government talks in isolation from other societal needs, especially the need for an economic structure to finance political activities.

Rosemarie Kuptana, head of the Inuit Tapirisat of Canada states: “We can’t assert our powers without financing. We’ll still be at the mercy of federal and provincial

²⁰⁹Susan Delacourt, “Natives Want Own Distinct Society”, The Globe and Mail, 11 February 1992.

²¹⁰Ibid.

²¹¹Ibid., “Compromise Makes the Day at Unity Talks”, 28 May 1992.

governments, regardless of the jurisdictions we may be recognized as having.”²¹² Self-government is just one part of a society’s structure. Negotiating only for self-government does not eliminate the dependency which First Nations have today.

It was recognized during the process of establishing self-government in the Northwest Territories in 1992, that for native people, “The problem is that it is not just a self-government, or decentralization issue. While self-government is a crucial goal, the idea is linked intricately with other goals: land claim settlements, cultural preservation, and economic development.”²¹³ To First Nations, “Rather, self-government is part and parcel of a much larger goal. ...to achieve their vision of ‘the good society...’”²¹⁴ Being recognized then, as a distinct society, would re-establish the parameters of a society and meet the political, social and economic needs of a nation. This recognition would be enjoyed at the community level as the perception would shift from being an administered Band back to being community members of a nation, with a political presence as a distinct society within Canada. Canada can then benefit from this recognition as this would result in First Nations being again as productive in Canada’s economy as they were prior to the *Indian Act* of 1869.

3.2.6.3 Extinguishing Sovereignty as a Nation

A policy driven by a colonization belief of racial superiority stamps out any

²¹²Geoffrey York, “Native Governments Await the Test of Time”, Globe and Mail, 7 July 1992.

²¹³Mark Dickerson, Whose North?, 169.

²¹⁴Ibid., 177.

notion of recognition of the societal structure of an ancient people, whom the colonists regarded as primitive. In the invasion of ancient peoples, sovereignty as a nation was quickly extinguished.

Today, the issue of defining sovereignty created an impasse during the constitution talks. Sovereignty as a nation was defined differently by the negotiating parties. First Nations defined it as free will. George Watts, chairman of the Nuuchah'nulth Tribal Council, said at a CBC interview:

“We take the position that we are sovereign nations, that our existence stem from the fact that we were the first peoples here, that we have the aboriginal title to the land. But that sovereignty is one which could coexist along with the rest of Canada. We’re not talking about being sovereign nations as far as having post offices, armed forces and monetary systems of our own. What we’re talking about is having Indian governments within the Confederation of Canada.”²¹⁵

The dictionary definition “freedom from external control, autonomy, supreme power.”²¹⁶ partnered with the term autonomy which means “the quality or state of being self-governing”²¹⁷ posed problems. The Reform Party “will argue that the accord would allow native people to set up governments that will be sovereign islands inside Canada.”²¹⁸ Yet this was not how the First Nations interpreted sovereignty. This European thought is different from Aboriginal thought in the use of the term sovereignty and “is itself problematic, as it skews the terms of the debate in favor of a European

²¹⁵Paul Tennant, Aboriginal Peoples and Politics, 14.

²¹⁶Webster’s Dictionary, s.v. “sovereignty”.

²¹⁷Ibid., s.v. “autonomy”.

²¹⁸Miro Cernetig, “Reform Attacks Native Self-Rule”, Globe and Mail, 8 October 1992.

conception of a proper relationship.”²¹⁹ For the Aboriginal people, sovereignty is the recognition of the will of individuals and is “the original freedom conferred to our people by the Creator rather than a temporal power.”²²⁰ This to the Aboriginal people, is what they mean by inherent, because “As a gift from the Creator, sovereignty can neither be given or taken away, nor can its basic terms be negotiated. This view is shared by many Aboriginal people, whose political traditions are infused with a deep sense of spirituality and a sense of the interconnectedness of all things.”²²¹

Self-government is just one aspect of self-determination which is an expression of sovereignty. “Self-government is one path Aboriginal people may take in putting the principle of self-determination into effect.”²²² Traditional governments as an expression of sovereignty are subject to the *Universal Declaration of Human Rights*, Article 19, “which states: Everyone shall have the right to freedom of expression...regardless of frontiers.”²²³

Self-determination, then, is a human right. One of the recommendations from the Royal Commission is for the federal government to “put in place a neutral and transparent process for identifying Aboriginal groups entitled to exercise the right of self-determination as nations...”²²⁴ It is a shame that the *Canadian Charter of Rights and*

²¹⁹Canada, Restructuring the Relationship Part One, vol. 2 of Report of the Royal Commission on Aboriginal Peoples, (Ottawa: Canada Communication Group, 1996), 111.

²²⁰Ibid., 109.

²²¹Ibid.

²²²Ibid., 108.

²²³Ibid., 228.

²²⁴Ibid., 184.

Freedoms, Section 2, was not in place during the late 1800's when aboriginal people were forced to give up their traditional governments and all their fundamental freedoms were broken.

In as much as the Royal Commission on Aboriginal Peoples, explained that the inherent right of self-government “should be described in such a way as to make it clear that it is circumscribed rather than uncircumscribed in its extent”²²⁵ in their efforts to “avoiding an impasse”²²⁶, “None of the national Aboriginal organizations has advocated such a course.”²²⁷ Sovereignty, the Royal Commission noted, is such:

“that Aboriginal laws will take precedence over Federal and Provincial laws. In other spheres, Federal or Provincial laws will take precedence. Some areas of jurisdiction will be exclusive to Aboriginal governments, while others will be shared. The resulting pattern of exclusive and overlapping spheres of jurisdiction is, of course, a familiar feature of the existing federal system in Canada.”²²⁸ Jurisdiction can be defined within the term sovereignty, as illustrated by Rick Van Loon, senior assistant deputy for Northern Affairs, “in an interview in “True to the North” (April 1990), “... territorial governments will be as complete in their sovereignty as provincial governments are in theirs or the federal government in its.”²²⁹ The use of the term sovereignty in the interview did not seem to connote the governments forming ‘sovereign islands’.

²²⁵Rene Dussault, Co-chair and Georges Erasmus, Co-chair, The Right of Aboriginal Self-Government and the Constitution: A Commentary, Ottawa, 13 February 1992, 20.

²²⁶Ibid, 9.

²²⁷Ibid., 20.

²²⁸Ibid., 21.

²²⁹Dickerson, Whose North? 176.

A recognition that First Nations as sovereign people can begin negotiations for Canada's unity. First Nations want to be Canadians but want to close the book on the colonization process which still exists today at the community level. The present treaty process is not as nation to nation, and because of this, will probably continue for the next one hundred years. There is a suggestion made by the Royal Commission on Aboriginal Peoples to "modernize the Royal Proclamation of 1763, which has been called Aboriginal peoples' Magna Carta."²³⁰ Then, the issue of inherency, which "could be used as the basis for a claim to international sovereignty or as the justification of a unilateral approach to deciding what laws did or did not apply to Aboriginal peoples"²³¹. Self-government is not a form of municipality. "If self-government means anything, it means jurisdiction over people wherever located, as the Palestinians sometimes argue, or - more usually- over people in a specific territory. It also means an independent revenue base and some important degree of sovereignty. (For example, one cannot call an ordinary municipality self-governing because it is wholly a creature of its province.)"²³². As it stands, there have been no talks of a revenue base for self-government.

The struggles to be recognized as a nation still exist today as in the early process of assimilation when "Various factions of the Six Nations argued that they were a

²³⁰Canada, Royal Commission on Aboriginal Peoples, People to People, Nation to Nation: Highlights From the Report of the Royal Commission of Aboriginal Peoples, Canada Communication Group, 1996, 130.

²³¹Joe Clark, Minister for Constitutional Affairs, "Most Substantial Reforms Ever to Meet Self-Government", Canadian Speeches, Vol. 5 at 23.

²³²Gordon Gibson, "Let's Not Use Racism to Tackle Native Needs", The Globe and Mail, 1 June 1992.

sovereign nation while representatives of the hereditary chiefs demanded abolition of the Indian Act. ... We therefore insist that treaties, as made by our great forefathers were in the form of agreements between two equal sovereign nations”²³³. Identity as a sovereign nation has not been erased for First Nations. Sovereignty and free will has been taken away as “wards of the state”²³⁴ and as expressed by members of the St. Regis Band in 1947:

“confined and dictated to by federal and bureaucratic departments with no representations by our Chiefs or by our people. We have no share in the disposing of our destiny and rights! (Witness - Elective form of trustees appointed and started by Canadian Government without our consent; Indian Act Law - without our consent; forfeiting our homes if on relief, without our consent; building a nursing station on our lands, without our consent; drilling wells, making roads, erecting buildings, surveying our lands - all without our consent!)”²³⁵.

This ‘Indian Act Law’ was a point in issue at a recent court case in a reply factum of the Appellants, The Gitksan Hereditary Chiefs, to the province’s cross-appeal, the “Points in Issue was B. Whether s.88 of the Indian Act empowered the Province to extinguish aboriginal rights.”²³⁶ It is alarming that it may be possible that the *Indian Act* could be used against First Nations in extinguishing aboriginal rights. Until issues such as sovereignty, self-determination, recognition as a nation, respect as a society are resolved, grassroots people will suffer as ‘wards of state’. The application of traditional

²³³Daugherty and Madill, Indian Government 1868-1951, part 2, ch 6 “The Indian Act of 1951”, 68.

²³⁴Ibid., 69.

²³⁵Ibid.

²³⁶Delgamuukw v. British Columbia and Canada, “Reply Factum of the Appellants, The Gitksan Hereditary Chiefs, to the Province’s Cross-Appeal, 1997.

governments which were powered by a freedom of will, cannot be implemented successfully today as a form of self-government.

3.2.6.4 Limiting Political Voice

The established Band Councils are not always a voice of the people. “Contrary to our traditional systems, the *Indian Act* system provides a political voice only to the elected chiefs and councillors normally resident on reserves, and usually male. The *Indian Act* system silences the voice of elders, women, youth and off-reserve citizens of First Nations.”²³⁷ With the new government system, “the roles and responsibilities of elders have often suffered, not only in the area of communal decision making but also in areas such as health and justice.”²³⁸ Today, the Band Councillor system still exists, and as a political unit which holds the purse for our daily bread, has almost extinguished a traditional system based on spiritual, cultural and family values.

3.2.6.5 Dividing the Community

The Band Council as an elected body does not follow one political thought or ideal as would a political party within a nation. This creates dissension amongst some Council members within the community. Competition for votes also inhibits Council members from decision making based on sincerity and concern for the well being of their community and instead causes them to react to the whims of the people.

²³⁷Marilyn Fontaine, Aboriginal Women’s Unity Coalition, Winnipeg, Manitoba, 23 April 1992, as quoted in the Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part One, p124.

²³⁸Ibid., 126.

3.2.7 House Territory

Historically, the territories provided for all the needs of its house members. At feasts, as Darling explains, “Each food course served during the ceremonies represented one or more household sites or areas and the spokesman explained their association.”²³⁹ Today's house member's needs cannot be met as such. Education, social services, and health needs cannot be provided for by the individual house territories as in the past. The formation of reserves was protested but fell on deaf ears as the Royal Commission in 1887 noted:

“Set it apart, how did the Queen get the land from our forefathers to set it apart for us? It is ours to give to the Queen, and we don't understand how she could have it to give to us ... I am the oldest man here and can't sit still any longer and hear that it is not our father's land. Who is the chief that gave the land to the Queen? Give us his name, we have never heard it. ... What we don't like about the Government is their saying this: 'We will give you this much of land.' How can they give it when it is our own?”²⁴⁰

Today, most Houses territories are on settlements of municipalities. Hence not all Houses can be self-sufficient as an economic unit.

3.2.8 Decision-Making by Consensus

Within the traditional government system, decisions were made by consensus. Our people have not had that privilege for over a century now. Consensus started with the

²³⁹John Davidson Darling, “The Effects of Culture Contact on the Tsimshian System of Land Tenure During the Nineteenth Century”, 12.

²⁴⁰Ibid., 51.

family and were taken into the feast where, as noted by the Royal Commission on
Aboriginals in 1993:

“At this final gathering, all people were included so that everyone could participate in final discussions and be aware of the decisions and agreement reached. The gathering dealt with territorial and justice issues and was generally the main instrument of community control, community watch, defence of territory and any issues relating to the community.”²⁴¹

Today opposition parties are forming and decision-making by consensus seems a part of a past.

3.2.9 Cultural Lifestyle

Ancient people did not just sit around. They were industrious and would be involved with doing things, like creating their material goods out of available resources. This creation of material goods and of cultural activities was passed on to the next generation. Children were watched closely as they were the next generation to live their culture as they, the elders wanted it preserved. These cultural activities were tied to the land and its natural resources. Laws were passed on to the next generation which protected and honoured the lands and its resources as a gift from the spirit world. Legends tell how destruction was brought to the people if one person should abuse the use of these resources. The passing of this knowledge continued throughout the life of a person, from childhood and into adulthood.

²⁴¹Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part one, quote by B.C. Women’s Society on “Self-Government: The Quest for Self-Determination and Self-Reliance of Aboriginal Peoples” submitted to RCAP (1993) p39, 134.

Today, this new generation has limited knowledge of the spiritual rituals in the use of resources, which would have been passed on through extended families had they not been separated by residential schools and by the *Enfranchisement Act* of 1869. Generation gaps are now felt by the community with the extinction of the language.

3.2.10 Competition Between Two Government Systems

As a nation, community members are now governed locally by two government systems, the traditional and the Band Councils which as discussed earlier, work under the Government Commission, who in turn works directly with Indian Affairs in administering government policies with the five Bands.

Traditional government responsibilities are with the Office of Hereditary Chiefs (OHC) under a governing body, *Gimlitxwhit*. They have expanded these services from territories to a health program under Gitxsan Health Authority (GHA). Within the GHA is Unlocking Aboriginal Justice which uses the hereditary system for alternative sentencing. Gitxsan Treaty Office during treaty negotiations was also under the umbrella of OHC.

Besides being divided as a nation by Bands, Gitxsan people are now being divided by two governing bodies. Representation would be a question for both governing bodies and will be discussed in the next chapter.

3.3 Summary

In seriously considering our traditional government system to be a form of self-

government for our nation, we are faced with barriers from the impact of the *Indian Act*. Reserves were formed for administration of a people and to make room for settlers promoted by governments. First Nations remain in a state of disaster as community members act out symptoms of being victimized as people. As victims of a disaster caused by people, they have no sense of control of their lives and see the abolishing of the *Indian Act* as a solution. Never before in the history of an ancient people has the need for healing been seen as a priority. Despite their protests to the governments, their lands were given away as they were herded onto small reserves. Their cries were ignored. Instead more *Acts* and prohibitions were introduced to further the process of extinguishing First Nations as a race. The *Indian Act*, *Enfranchisement Act*, and *Advancement Act* were all enforced to reach the government's goal of assimilating the First Nations into the mainstream. This goal was actioned by imposing elective systems and eliminating the powers of traditional governments based on spiritual, family and cultural values. These drastic measures were received by the Native people with resistance and with a new feeling of doom and despair as they were helpless against these forces. Cultural values were now questioned as nations were divided in their ways and beliefs. Doom was felt as diseases erased most of the members and a spiritual belief which had shaped the political and social structures of a society was also erased almost to extinction. Even academics who studied the rituals and ceremonies which supported the political and social structures, did not interpret them as a spiritual worshipping of a divine power, a creative force, which would today be called God. Through these rituals and ceremonies, everyday life was lived spiritually.

The process of the elimination of a race meant an existence on reserves through which this process could be accelerated by establishing a political unit to take over the powers of a traditional government. Thus Band Councils were established as an active part of a bureaucracy which had as its goals, an elimination of First Nations by creating municipalities of little 'brown Whiteman'.

Resistance still prevails as First Nations look to self-government as a means of expressing cultural, family and spiritual values which have been battered almost to extinction. Villages in ancient times reflected family lineages and presented an order honoring the clan system, creating a bonding and harmony which is now a rarity in present communities.

As elective systems were enforced using police presence at elections, features such as the inheritance and adoption of traditional names which were the building blocks of the societal institutions, were minimally practised. Today, the re-implementation of the ancient political system which used traditional names is blocked by the band lists which replaced them. Because of the *Indian Act*, there now is both a matrilineal and patrilineal rule in inheritance of lands which causes disputes within families. The loss of our spiritual belief as a basis for daily living and for the political and social structure, has created problems in implementing the traditional governance today.

Legends and myths which served to police the following of laws which protected nature and fellow man, have been tossed aside. Chaos has now prevailed on reserves which leaders cannot address. These legends once offered social control to family units by maintaining safety and order in the communities, which is almost non-existent today

as youths are caught between two societies.

The replacement of a traditional government system based on spiritual, cultural and family values by a bureaucratic system which has intertwined itself in the affairs of the people at a personal and community level, has created a strong dependency to which people cling to because of its efficiency in gaining administrative power. The loss of the self-sufficiency of our House and Clan groups in providing for their member from their territories, has been replaced with a dependency on the fiduciary obligations of a government with handouts at their discretion. Resources from territories are extracted without the economic benefits known in the past to its members. Yet at feasts, payments are still made for this ownership of territories. There is a greater degree of dissension from the loss of social structures which promoted kinship throughout the nation's population, and with neighbouring nations. Identity as a nation diminishes and is replaced with identity as Bands. Yet within Bands are dissensions caused by competition for votes and creation of opposition. Consensus, as our language, is rare today because of this dissension. Within an environment of division of nations, identity as a distinct society gives way to defining self-government within a Band rather than as a nation.

The minimal application of cultural activities brought about by residential schools and the *Enfranchisement Act*, causes a generation gap, and with this, a limited use of cultural and family ideals and values. There now exists a competition of government systems which has divided communities and the nation. This adds further to the loss of connectedness which our traditional government needs if it is to be implemented fully as a form of self-government as a nation.

Because of the losses specific to certain political and social activities caused by the impact of the *Indian Act* on our society, there is a need to adapt the traditional government system to the present situation. There is a need to reintroduce a political system which will empower the people at the grassroots level to take responsibility for their own lives in spite of these losses. The final chapter will examine alternatives which will bring an ancient traditional system to meet today's community needs.

CHAPTER IV Adapting An Ancient Government System To Meet Today's Societal Needs

4.1 Introduction

In the previous chapters, our original traditional government system and the impact of the Indian Act on our present lives were studied. In this chapter, a planning task is identified of how an ancient government system can be adapted to meet our present needs considering the impact of the Indian Act. In this research, I have taken upon myself the task of identifying alternatives to be considered. The decision of whether or not this ancient system is appropriate to implement as a governance to meet today's community needs, rests with the grassroots people, as it should.

4.2 Traditional Government Implementation

Within the last couple of decades, the prohibition of legal actions for aboriginal people in Canada has been lifted. First Nations people have finally been able to act diligently on their aboriginal rights, including self-government. Our leaders, anxious to finally be able to practise what their grandfathers have fought for, now expect to return to a government system which has lain dormant for over a century as a daily political activity. Now, as the century is coming to a close, and after two decades of desperately trying to enforce an ancient government system on its grass-roots people, some of whom have never experienced the governing practise of this system, our leaders still face some

resistance by some of its community members. Gitksan people are in the position of having two government systems meeting head on. As a psychiatrist and self-taught in philosophy, Jaspers, considered a father of existentialism, explains:

“We are historically determined - we live in a particular time, and we are bound by our own pasts...What is time then? As the future it is possibility; as the past it is the bond of fidelity; as the present it is decision. In this formulation, the past, so to speak, lends a force of continuity and commitment, while the future pushes in with novelty; the two meet head-on;...”²⁴².

Within this stage of dilemma, the ideal future for the Gitksan people is in their past.

A thorough analysis of this ancient governance requires one to break down the structure to its elements to seek out its adaptable qualities for today. How could it be adapted to the changed conditions to which it will be exposed? For a more realistic analysis, being critical of current conditions of the people is necessary in order to set the stage for an ancient system.

The ancient political and social system would be more beneficial because of its attachment to spiritual belief which shaped the cultural and family values upon which the political and social structures are formed. The Gitksans, as do the Inuit, “must first endeavour to promote traditional extended family values, decision-making structures, authority relationships, etc. at the grassroots level, where these features are given value and meaning.”²⁴³

²⁴²Young-Bruehl, Elisabeth, Freedom and Jaspers' Philosophy, (New Haven and London: Yale University Press, 1981, 12.

²⁴³Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part one, quote from Marc G. Stevenson, “Traditional Inuit Decision-Making Structures and the Administration of Nunavut”, research prepared for RCAP (1993), 127.

Change, no matter what, brings fear. Reverting back to an original political structure is change. Present generations know only the bureaucratic system of Indian Affairs. Elders, as children, knew the intricate workings of this ancient government system by using it on a daily basis. My generation has the choice of continuing with the bureaucracy or revisiting our grandparents' ancient beliefs. Youths know only the bureaucratic system. Considerations of how the political structure could be used today without its foundation, our spiritual belief, is a challenge. Best efforts must be made to remain within its political ideals with its attachment to spiritual, cultural and family values..

To the people at the grassroots level, politics are too technical and they feel alienated from them. This isolation from the political arena keeps individual community members from any decision-making. In 1992, Gitanmaaks put the vote to its members as to whether or not they wanted to follow the traditional or the Band Council system. Only thirty-three percent voted for the traditional system, its elected Band Chief noted.²⁴⁴

Still today, as in 1906, as Daugherty and Mills note, “the somewhat ill-defined craving of the Indians for progress, rather seeks scope in the direction of an effort to return to the independence of the old tribal form of government, a desire which keeps cropping up afresh amongst communities possessed of most life and character”²⁴⁵.

Traditional government is indestructable because:

“In most Aboriginal nations, political life has always been closely connected with

²⁴⁴Patsey, Gary, Interview in June 1995.

²⁴⁵Daugherty and Madill, Indian Government 1868-1951, part 1, summary, 79.

the family, the land and a strong sense of spirituality. In speaking to the Commission of their governance traditions, many aboriginal people emphasized the integrated nature of the spiritual, familial, economic and political spheres. While some Canadians tend to see government as remote, divorced from the people and everyday life, Aboriginal people generally view government in a more holistic way, as inseparable from the totality of communal practices that make up a way of life.²⁴⁶

4.2.1 Issues

As a form of self-government, questions arise as to the feasibility of an ancient system without political power, sovereignty and an appropriate land base on which it was exercised in the past:

“To be effective - to make things happen - any government must have three basic attributes: legitimacy, power and resources. Legitimacy refers to public confidence in and support for the government. Legitimacy depends on factors such as the way the structure of government was created, the manner in which leaders are chosen, and the extent to which the government advances public welfare and honours basic human rights. When a government has little legitimacy, leaders have to work against public apathy or resistance and expend more power and resources to get things done.”²⁴⁷

In implementing an ancient government system, its legitimacy must be re-established within the nation. Community members are questioning how their leaders are chosen. Jaspers warns "As laws become constrictive and merely negative when they are disconnected from a people's active will to freedom, so philosophical forms become coercive and unproductive of thinking..."²⁴⁸ He feels we can't replace lost traditions or

²⁴⁶ Report of the Royal Commission on Aboriginal Peoples, Restructuring the Relationship Part One, vol. 2 of, 115.

²⁴⁷Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part one, See Russel Lawrence Barsh, "Aboriginal Self-Government in the United States: A Qualitative Political Analysis", research study prepared for RCAP (1993), 163.

²⁴⁸Young-Bruehl, Elisabeth, Freedom and Jaspers' Philosophy, (New Haven and London:

lost belief, that "the reconstitution of authority lost is a process as artificial as the erection of stage props."²⁴⁹ Instead he saw old traditions and old beliefs assimilated into the present, as a rebirth.

For most Aboriginal people, "tradition does not consist of static practices and institutions that existed in the distant past. It is an evolving body of ways of life that adapts to changing situations and readily integrates new attitudes and practices. As a study of traditional Inuit governance explains:

"This...Inuit approach to 'traditions' and the 'traditional culture' moves 'traditional culture' away from its exoticized state depicted in books and displayed in museums and presents it instead in the everyday actions of northern individuals. This insider view grounds 'traditional culture' not in a time frame (the pre-contact period) but instead in a set of practices engaged in by Inuit of both the recent or distant past."²⁵⁰

Bureaucracy through the *Indian Act* offers a challenge to implementing traditional governments today as "the personally detached and strictly objective expert, in lieu of the matter of older social structures, who was moved by personal sympathy and favour by grace and gratitude."²⁵¹ Traditional governments must compete with the powers of this bureaucracy through the Band Councils:

"Power is the acknowledged legal capacity to act. It includes legislative

Yale University Press, 1981), 17.

²⁴⁹Ibid., 91.

²⁵⁰Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part one, quote by Nancy Wachowich, "Women's Traditional Governance Research Project: Pond Inlet Inuit Contribution", research study prepared for RCAP (1994), 117.

²⁵¹H.H. Gerth, Mills, and C. Wright, From Max Weber: Essays in Sociology,

competence (the authority to make laws), executive capacity to execute the laws and carry on public administration, and judicial jurisdiction to resolve disputes.”²⁵²

This legislative power is now in competition with a traditional government power “from long-standing custom and practice”²⁵³ The Band Council’s “Internal legal authority, however, is not always enough to make a government effective.”²⁵⁴ Traditional governments’ “Claims to sovereignty and other forms of legal authority may be limited use if they are not respected by other governments holding power and resources.”²⁵⁵ The dilemma for First Nations continues as traditional governments with its cultural and family values makes its presence known in the political arena. However, questions drives its presence to considerations of transformation to meet today’s challenges rather than a “leap to tradition.”²⁵⁶

Feasts, an important feature of traditional government, would have to be evaluated as to their appropriateness for political affairs today. The question is would the feast be like stage props, as Jasper states, if we adopt the past without the spiritual belief? At a feast, all the community members witnessed the decision making process silently, like watching a televised legislative assembly. This strengthened the community member's

²⁵²Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part one, See Russel Lawrence Barsh, “Aboriginal Self-Government in the United States: A Qualitative Political Analysis”, research study prepared for RCAP (1993), 164.

²⁵³Ibid.

²⁵⁴Ibid.

²⁵⁵Ibid.

²⁵⁶Young-Bruehl, Elisabeth, Freedom and Jaspers’ Philosophy, 25.

ties to their leaders. The question is, what kind of decision would need to be made at feasts? At present, it is decisions on lands, fishing sites, and names. How do we incorporate decisions to be made on community issues as social, health, economic and education which are presently being administered by Indian Affairs through a Band Council?

The decision to adopt the traditional system, demands strict adherence to its laws. These laws are based on a spiritual belief and without this, can there be a commitment to the traditional system as a working political structure? The understanding of the working mechanisms of an ancient system would have to be at a level of reasoning, to "grasp the orderly" structures and "to render them intelligible" to those applying it..

The first feature fundamental to the political structure is the *semoighet*. How do we assimilate this feature to gain the respect today as in the past without its spiritual connection? How can a Chief be responsible to its House members when as a Chief, he or she resides in a different community from its members? The feast system united the Chiefs of the village and the surrounding villages of the Gitksan Nation. Is there another way of uniting these Chiefs, these decision makers? Each Chief was blessed by a *naknok* giving him a particular skill not shared by any other Chief. These *naknoks* were in balance to benefit the Nation as a whole. A social structure provided the means for lifelong preparation of skills for leadership. "We have a traditional spiritual chief who is a medicine man; ...If one was born into the Leadership Clan, then there would be the gift of speech, to be able to have the power to influence by using language. Again, they learned all those skills as they were growing up, and also to have a good understanding of what

leadership meant in those days.²⁵⁷ How could this concept of specialized skills of individual Chiefs be realized today?

The second feature is the House unit. Pre-European contact, Houses were entirely self-sufficient and responsible for its own members. Laws which governed its natural order of existence were enforced, especially laws on names. Are the people prepared to enforce these laws today? Are the Gitksan people prepared to unscramble the names presently being located far and wide among all the villages of the Gitksan Nation? Because of the high unemployment rate on reserves, migration is a part of today's scenario for native people. How can the House serve its purpose of being responsible to its members who are residing outside Gitksan communities? Does adopting the House unit mean adopting the feast system? What about those Houses who don't have territory anymore? Could the rest of the Houses be responsible for them as a clan?

“Resources consist of the physical means of acting - not only financial, economic and natural resources for security and future growth, but information and technology as well as human resources in the form of skilled and healthy people. Resources are necessary to exercise governmental power and to satisfy the needs and expectations of citizens. Key resource issues include the nature of fiscal and trade relationships among governments, which affect the control and adequacy of resources.”²⁵⁸

²⁵⁷A Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part one, quote from Dennis Thorne Edmonton Alberta 11 June 1992, 131.

²⁵⁸Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part one, See Russel Lawrence Barsh, “Aboriginal Self-Government in the United States: A Qualitative Political Analysis”, research study prepared for RCAP (1993), 164.

How could the consensus process be implemented today? The decisions to be made by a Chief are different from the past, at times even more complex as outside government agencies are involved. In the past, these decisions regarding House affairs, were made at feast halls to be endorsed or rejected by the other Chiefs and witnessed by those present. No decision was made in isolation from the other Chiefs even though the decision was regarding their own House affairs. There had to be consensus by all the Houses of a particular Clan before action was taken by a House.

Unity as a nation was strengthened at the regional level which was historically the key to our survival. Our survival depended on this kind of regional bond as a Nation. Our Clans connected us. Today, through bureaucracy, communities as Bands now are more important to our Nation's members. Are the people interested in unity as in the past?

These questions need to be addressed while analyzing how an ancient system can meet today's societal needs. Are its elements and features and ideals versatile enough to fit within existing present situation?

4.3 Elements of an Ancient Political System

In questioning why we would want to revert back to our traditional system, the answer would have to lie in its elements as a political structure. These elements which I have identified would better benefit our community members today. These include:

1. Form of representation.
2. Unity as a Nation.

3. Spiritual belief as its foundation.

In as much as these are more positive than the present political activities, the impact of the *Indian Act* will impede its governing success today. It is the effects of this Act which will determine how these elements can be used today.

4.3.1 Form of Representation

There is a hierarchical structure within our governance determined by the positions of the inherited traditional names although without a final decision maker. In ancient times, the Chiefs were the decision makers based on consensus within their House groups. At present, there are approximately sixty Hereditary House Chiefs for the Nation with a population of approximately six thousand people. It is not the smaller number of people per representative that is favourable because the Band Council representation offers the same amount of representation per elected member. It is the stability of representation by leaders which provides genuineness in caring for grassroots people within a House, rather than immediate and thoughtless actions to win votes. Issues are then more thoroughly analyzed and options exhaustively critiqued by decision makers for a consensus by the Chiefs on the best possible solution. In this process other effects surface which indirectly impact on the issue at hand. Solutions then can lead to long term planning for a healthy community rather than reactive planning to present day issues. "A clan system would do away with the on- and off- reserve mentality, and families would be represented no matter where they lived, they said."²⁵⁹ The challenge is to consider

²⁵⁹Royal Commission on Aboriginal Peoples, Overview of the Second Round, Public

how to replace a representation by hereditary means under present changed conditions without its spiritual belief.

4.3.2 Unity as a Nation

In pre-historic times, unity as a clan was crucial to survival for all Indigenous people. Then this unity changed to use the unity as a clan to strengthen ties as a nation. Today's Indigenous people in Canada realize that "only with nationhood can Aboriginal peoples recapture the broad sense of solidarity that predated the relocations and divisions of the *Indian Act* era."²⁶⁰ The Native people interviewed feel that "the *Indian Act* has divided our communities for too long. We must remove ourselves from this oppressive legislation if we are to gain control over our destiny and that of our children."²⁶¹

Our clan system once united our people from all the villages as a Nation, as well as with our neighbouring Nations, the Tsimshian and Nisga'a as we all originated from *Temlaxham*. Our history is as a clan. Today this has changed to an emphasis on House ownership. In her research Susan Marsden found that "It would seem that the present system of exclusively-owned House territories within a clan territory has evolved since

Hearings prepared for the Commission by Michael Cassidy Ginger Group Consultants, April 1993, 31.

²⁶⁰A Royal Commission on Aboriginal Peoples, Renewal: A Twenty Year Commitment Volume 5, 6.

²⁶¹Royal Commission on Aboriginal Peoples, Overview of the Second Round, Public Hearings prepared for the Commission by Michael Cassidy Ginger Group Consultants, April 1993, 32.

the dispersal.²⁶² Gitksan rejected the political practise of decentralizing powers to Houses. These early leaders felt that this would lead to one house being more powerful than another. They rejected what the Tsimshian Proper and Tlingits were doing in the coastal areas, of eliminating the clan ties and allowing the Houses to exercise all the power. What the coastal people were experiencing was that the more powerful Houses would amalgamate with another House and thereby dominate the Nation, especially with trade:

"The Gitksan consideration of individual worth in the choice of leaders would not allow power to become centralized, consolidated and then indefinitely perpetuated. Their sense of the inalienable ownership and control of land by a clan group, passed on through the mother's line, was too strong to allow land, or control over it, to pass out of the hands of the original owners."²⁶³

Historically, at each village, a leader was selected by House chiefs to speak on their behalf as a clan. For instance, during the influx of settlement, *Wayghet* and *Wogalo* were the speakers for Gisghaast and Frog clans in Gitseguecla. Clan speakers, not only had to be spiritually connected, but also had to display a show of abilities and skills to meet society's needs. The challenge for today is studying alternatives to using the clan system to continue the unity of our nation, if there is a strong concern for unity.

4.3.3 Spiritual Belief as a Foundation

Our belief is webbed into our social and political structures. Without its presence

²⁶²Susan Marsden, "An Historical and Cultural Overview of the Gitksan Volume I", 15.

²⁶³Ibid., 27.

limits cultural values and activities in political and social affairs are limited.

Unfortunately today, the challenge is to adapt our ancient system without a spiritual belief, without the necessary *naknoks* of ancient times. Without its foundation, the question is, can the political structures be applied? This question will be further analyzed by considering the effects of the *Indian Act* on an ancient political system.

These three elements, representation, unity, and spirituality, formed the structure upon which ancient people were governed for thousands of years. The impact of outside influences coercing recent generations into using a foreign political structure, was to sever ancestral ties to an ancient governance. In adapting an ancient system to today, these features would need to focus on different set of political, social and economic activities.

4.4 Effects of Indian Act on Political Structure

In the previous chapter, a review was made of the impact of the *Indian Act* administering the daily lives of a people as a Band rather than as a society. As a result of the impact, some members are experiencing alienation from the ideals and values of their own society. These changed conditions of a nation create obstacles in the implementation of a traditional governing system today. I have identified the effects as:

1. An elimination of a Spiritual World Belief
2. The limited Support for Leadership of Chiefs.
3. Representation at the Village Level.
4. Lesser Recognition of Clan System.

5. No Aboriginal Title to Territories.
6. Limited Knowledge of Traditional System.
7. Strong Hold of Indian Affairs.
8. Assimilation Process.
9. Healing Needed by Community Members.
10. Opposition

Without an evaluation of these effects, the frustration of our present leaders will only continue. Various options will be analyzed to minimize the obstruction of these effects. More options may be found by Gitxsan people themselves as they are involved in a planning process step of brainstorming.

4.4.1. Elimination of Spiritual Belief

During ancient times when the completeness of governing a people was based on a spiritual belief that we were being governed through a Chief, a *Semoighet*, by a Divine, a *Semoighet La-Hah-Ghi*, a term interpreted by scholars as God. There was no question of following someone who was given the supreme power to rule, by God. Today, without this spiritual rule, the political powers of *Semoighets* are questioned by their followers.

Today, the position of the traditional *Semoighet* name inheriting the rights to power and control, would have to be defined as a monarchy. House members settle for choices made by an immediate family member of the deceased, without any spiritual connection which once determined who would be the next *Semoighet*. A choice for their leader is

now made, not by God, but by man. Because choice is now made by man, the alternative which needs to be considered is to replace inheritance of power with democracy. Otherwise, this power is a form of totalitarianism.

OPTION: The grassroots people want to re-establish an ancient system, workshops on the spiritual belief and how it shapes our political and social structure could be held at all the villages. This would also lead to a better understanding of these ancient structures for brainstorming on alternatives to adaptations. This would also contribute to the healing of the community through a stronger identity, a realism of its existence as a governance, and an elimination of feeling guilty as heathens. Cultural ideals and family values would return as these societal structures would be again operable by understanding the spiritual roots.

4.4.2 Less Support of Chiefs

Efforts to use *Semoighets* today, have led to frustration because of the minimal support for them as decision makers. Historically, there were no armies to enforce the power and control by the Chiefs. In ancient times, it was a choice made by the House members to follow them. Today, chiefs do not need the spiritual connection to be a *Semoighet* and hence, do not have the support from their House members as the ancestral leaders.

Support for a Chief is further diminished by the weak ties between the immediate families within a House. In ancient times, House members shared one building large enough to accommodate a number of immediate families. The physical closeness

strengthened family ties which cannot be repeated today.

Separation of House members also affects the choosing of a future Chief. In most cases today, the choice is usually made within the immediate family of the person who presently holds the Chief's name. This creates dissension within the House Group as their choice was not within the measurements of a *Semoighet*. The choice also excludes their input, and in turn, there is resistance to the acceptance of the chosen Chief as their leader.

Disconnectedness between immediate families within a House unit also results in minimal communication. Frustrations in attempts to use the system today results from Chiefs not being able to communicate to their House members after meetings. An example of this lack of communication between the House Chief and his or her House members, is in the formation of the *Ghimlitxwhit*. This is presently a governing body for the nation as a whole. The Gitxsan Treaty Society which administers programs, is responsible to this political body. Because of communication problems, not all community members are aware of the *Ghimlitxwhit*, especially those who are not House members.

Another example of the communication problem is in consultation with House Chiefs by the ministries in regards to proposed resource use of House territories. Again, not all House members are fully aware of decisions made in regard to their territories. At times, economic benefits received from resource extractions of these House territories, are not shared with House members.

Lastly, less support for chiefs today also results from the governing powers being removed from their positions within the villages through the *Indian Act*. Political

decisions on village affairs are presently being made by Chief and Band Councillors.

Because of less support for leaders who have inherited their powers to rule, alternatives are needed. People today have lived under what they believe to be democratic rule, a governing 'by the people, for the people'. Implementing a political system which doesn't exercise democracy in selecting a leader, creates resistance. In preserving the main feature of the political structure, the House Chief, an alternative to selection is needed to meet today's need for democracy.

OPTION A: House members could vote for their Chief upon the death of a previous chief. This may seem drastic, as voting was imposed as a means of extinguishing traditional governments in the late 1800,s. But without the spiritual belief, and considering the people's experience with democracy, this option would need to be seriously examined. It brings to question the choice to continue within the structure of an ancient political system by introducing an elective system. This would be a most ideal option as chiefs can then again feel a strong sense of responsibility and accountability to its House members.

OPTION B: If a House group do not feel comfortable about voting for their Chief, then the next best option in considering an elective system would be to vote for a speaker to represent them in political affairs. The House Chief would also be a candidate. If they feel the House Chief can assume his political duties within the inherited title, then House members would vote for him or her.

OPTION C: Staying within this feature of being represented by a chief whom they do not support politically, would be to assign the political duties to the wing chief who

would be next in line as in ancient times. This may be too undemocratic for House members to accept as this option does not exercise elections. In any case, this option and any of the other options have to include the House members in selecting their leader if the traditional system is to be exercised without its spiritual root.

OPTION D: One other measure of involving House members in political affairs with a hereditary chief, is for consultation by outside agencies not just with the chief, but with all its House members. I witnessed one such incidence where House members were called to a consultation meeting and was pleased with the number of concerned House members who accepted the invitation. The discussions were productive and sensed a strengthening of support for their House leader for including them.

In considering these options, which support democratic rule, the problems connected to chiefs not receiving support from their House members, are adressed and a political structure that embraces the ideals of our ancient people can be maintained. Then *Ghimlitxwhit* will indeed be known, respected, and accountable as representatives of our Nation's members.

4.4.3 Representation at the Village Level

Representation at the village level has been a frustration for our present leaders. The main cause being that traditional names have not been localized by adoptions. I provide five reasons for this scattering of names in considering options in how to curtail its impact on exercising political activities in certain program accountabilities:

- i. Accessibility of travel.

- ii. Reluctancy to let go a higher ranking name.
- iii. Restrictions of adoption laws.
- iv. Traditional names originate from another village.
- v. Members living off reserve.

4.4.3.1 Accessibility of Travel

Extensive migration of individuals is a new activity which the traditional system will have to face. This reason is only to be noted and considered as an underlying problem in establishing our system today. It contributes to holding on to traditional names when living outside the community. Whether it's acceptable or unacceptable is not the question but mentioned only as an awareness of its affect on the daily operations of programs without localized representation.

4.4.3.2 Reluctancy to Let Go a High Ranking Name

A majority of our community members belong to Houses, but some of these Houses are at another community. Mothers bring their names with them to their spouse's villages and are reluctant to be adopted into her spouse's village with another House within her clan. Without localized traditional names through adoption, however, our government system cannot be followed at the village level to meet today's governing needs. Because of some Houses needing members, adoptions do lead into similar rank of traditional names which were left. For instance, my House in Gitsegucla, is Nisto'o, as my grandmother and all of her children and her sister's children, were adopted into the

House of Nisto'o. Her son became Nisto'o, inheriting the name from her brother upon his death. As House members, we originated through my grandmother, from the House of Nikate'en in Hazelton. At feasts in Gitseguekla, we have seats that count us as Gitsegukla members. The traditional names we use within the House of Nisto'o are from the House of Nikate'en. Our ancestors ensured that there were no village members, including Non-Aboriginals, who were not members of a local House, especially spouses. As soon as there is a new member in a village, which House is to do the adopting, is immediately discussed. Our adoption laws administer the operations of local political affairs of our society. It is how we belong not only to our Nation, but also to our communities.

4.4.3.3 Restriction of Adoption Rules

Restriction of adoption rules are lifted for Houses which are for a number of reasons, short of members and adoptions are made to increase the number of House members. These adoptions save a House from having to merge with another House in the same clan due to insufficient number of members within a House. Membership rights from adoptions range from full membership including advancing to a Chief's position, to one with minimal rights of being given a seat at a feast. This is noted at time of adoption at a feast.

4.4.3.4 Traditional Names Originate From Another Village

Origins of traditional names from outside villages contribute to outside individuals sitting at a Chief's seat. The question is: Why is there a choice now for the

names to go back to its originating House? The name is for the governing affairs of the village. Is this choice now merely a matter of a more recent period? For instance, my traditional name, "*Wagidchiwahl*", which sits across from Nisto'o, originated from Nikate'en. Does this mean that someone from the House of Nikate'en in Hazelton, can inherit the traditional name and sit in Gitsegukla even though he or she does not live in Gitsegukla?

If we are to adapt our ancient system to meet today's community needs, major adoptions of present village members who are not members of a local House, would need to be executed.

OPTION A: If communities want to expand present use of traditional names to include daily political activities of program implementation using the traditional system, then a re-introduction of adoptions are needed at the community level. There are varying degrees of adoption rights which may serve to maintain originating House rights.

OPTION B: Enforce the law of a House merging with another House, should their numbers be not within the range of required number of House members. This action would encourage adoptions of new members.

OPTION C: Re-enforce a law that a person would have to be from that particular village which holds the seat at the feast hall for that Chief's name.

OPTION D: It is understandable that in a matrilineal society, a mother is sometimes reluctant to move to her spouse's village if her children are within the range of inheriting higher ranking traditional names in her House. To address this problem, her husband would move to her village. This is a present practise for some spouses.

However, if she is adopted in a House which needs members, as did my grandmother, then she and her children would be able to be candidates for the chieftainship. Also, if free elections are accepted in choosing chiefs, then she and her children would be eligible.

OPTION E: Members living off reserve who hold chieftainship create problems in political affairs which need decisions. The Chief could appoint a speaker on his or her behalf.

OPTION F: Appoint the wing chief, or the person sitting next to him or her, who is considered to be the one next in line for the chieftainship. One other option would be for the House members to elect a speaker.

Representation then, can be met at the village level, if the options are considered and would create an opportunity to practise an ancient system to meet today's community needs. "The majority of existing Indian governments are based on *Indian Act* bands, and reintegration of excluded citizens will be an important issue for them. Virtually all Aboriginal nations will have to go through a process constitutional development before election procedures, mechanisms for ensuring accountability and decision-making processes can be put in place."²⁶⁴The choice, however, rests with the people.

4.4.4 Lesser Recognition of Clan System

In ancient times, there was a stronger identity and an immediate recognition as a

²⁶⁴A Royal Commission on Aboriginal Peoples, Renewal: A Twenty Year Commitment Volume 5, 6.

Clan member. Memories of humorous Clan cultural activities and plays experienced as a child still remain. Now, in establishing our traditional governance today, more emphasis is placed on Houses. In effect, as one House member noted, it creates a disconnectedness and isolation from other House members. With re-establishing the clan system as a means of regionally uniting the nation, program administration would be more efficient as closer knit members are readily accessible. For the Teslin Tlingit Nation in the Yukon:

“The five clans of the nation play an important role in the new arrangements. They determine who is a member, select leaders and assume certain governmental responsibilities for the internal affairs of the clan. For example, each clan has its own court structure called a peacemaker court. At the level of the nation, there are several distinct branches of government, including an executive council, an elders council, and a general council, which acts as the main legislative body. While these councils are not exact duplicates of traditional Tlingit institutions, they reflect the nation’s clan-based structure and strike a balance among the various sectors of the community. Thus, each clan is awarded five representatives on the grand council. Council decisions are taken by consensus and require the presence of at least three members from each clan as a quorum. Moreover, the leader of each clan has a seat on both the executive council and the justice council.”²⁶⁵

OPTION A: Re-instate the clan system to be responsible to its House Groups.

Clan speakers now are not politically active because the Band Councillors have been imposed for all political affairs. In the past, clan leaders were selected according to their abilities to be leaders measured by wealth distribution. Because the process of accessing clan leadership was interrupted by European contact, this change of clan leadership has remained as at that moment of contact. Their places at the feast Chief's

²⁶⁵A Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part one, 138.

table show them as Clan leaders. To adapt this clan system today,

OPTION B: Continue process of change in clan leadership based on wealth distribution. This would change the seating positions of the name in the feast hall.

OPTION C: Stay with present clan leadership as in feast hall seating positions, but vote for a clan leadership, either by House members within the clan or by the House Chiefs within the clan.

There have been numerous attempts in working with our Nation as clans, of selecting speakers at general meetings. Speakers were then selected for each region, our Nation being divided into three regions. At present, we are divided into two regions. All these attempts have resulted in frustration. Presently, we have the one speaker for the Nation.

One other use of our clan system today is on the Gitxsan Health Authority, as a program administered by the Gitxsan Treaty and Services Society. Representatives are of clans and eleven board members were selected for each Regional Board. The length of term was to be determined by the board members themselves. However, the length of time remains undetermined even after four years. There is also a Central Board overlooking both regions, consisting of four members.

Despite such large number of representatives, there is a problem in communication to their clan members, or to the public they are serving. Reporting to their public happens most often only at annual meetings. Those community members who do not belong to a clan, those who represent women's issues, youth, and elders are not represented.

OPTION D: The selected board members serve for a designated period of time and be formally accountable to its clan members which would be without village designations.

OPTION E: The Gitxsan Health Authority board members be elected by the village members. One seat each would be a representative on women's, youth's, and elders' health issues. Then one seat for each of the three villages for a total of six board members per region. Quarterly reports to the individual communities to whom they are directly responsible to, would be scheduled as part of the board member's responsibilities. This option supports the nations being divided and strengthening village identity. I would hesitate to support such as option.

In the forthcoming years, when adoptions are complete and representation of all House members are accountable at the village level, and House Chiefs are well supported, then using the clan system would be acceptable. The regional boards for the three communities could then consist of a representative from each of the four clans plus the three representatives for women's, youths, and elders' health issues, totalling seven board members. Representation then would be regionalized using the clan system rather than localized, as is the next option.

OPTION F: The chiefs rather than the community members as in the previous option select a representative for their community. There would be still be three representatives for the three communities. Representatives for women's, youth's, and elders' issues would be a part of any form of regional representations. This would be within a manageable number of six board members per region.

4.4.5 No Aboriginal Title to House Territories

We have no aboriginal title to our territories even though we pay a price for them at our feasts to show our ownership. The consultation process allows House members to discuss aboriginal use but it is too specific and confining and not always taken seriously by the Ministry of Forests. We have taken our case on aboriginal title to the Supreme Court of Canada in June 1997 and are awaiting decision.

The question is, can we have self-government without our territories? Most of our members say no. Our territories provide for our House members as a communal. If we are to use our ancient system by which House units are self-sufficient, we need to include our land base as part of our governing system. This unity with the land is applicable to most Indigenous people across Canada, as in the interviews by the Royal Commission:

“The way people have related to and lived on the land (and in many cases continue to) also forms the basis of society, nationhood, governance and community. Land touches every aspect of life: conceptual and spiritual views; securing food, shelter and clothing; cycles of economic activities including the division of labour; forms of social organization such as recreational and ceremonial events; and systems of governance and management.”²⁶⁶

Territories were a source for survival and:

“Self-government without a significant economic base would be an exercise in illusion and futility. How to achieve a more self-reliant economic base is thus one of the most important questions to be resolved. What measures need to be taken to rebuild Aboriginal economies that have been severely disrupted over time, marginalized, and largely stripped of their land and natural resource base?” We begin by looking at how the contemporary economic deprivation so familiar to Aboriginal people came to be. If they are to be successful, strategies for change

²⁶⁶A Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part Two, 448.

must be rooted in an understanding of the forces that created economic marginalization in the first place.’’²⁶⁷

OPTION A: for treaty talks to continue in Lands and Resources and the province to consider a model other than their land selection model. Our members could not accept the land selection model of the province. This would have provided for certain House and Clan members with territories, but not all.

There are no accommodations to addressing this problem other than aboriginal title and treaty negotiations. “We should make absolutely clear, however, that the federal government does not need the support of all the provinces to take action on Aboriginal issues. Under section 91(24) of the *Constitution Act*, 1867, Parliament has primary jurisdiction with respect to Aboriginal peoples. The federal government cannot, consistent with its fiduciary obligation, sit on its hands in its own jurisdiction while treaties are broken, Aboriginal autonomy is undermined, and Aboriginal lands are destroyed.’’²⁶⁸

OPTION B: Continue with treaty negotiations and not be penalized for continuing with the court case to the Supreme Court of Canada. The Gitxsans had to give up treaty talks to do so and now are at the bottom of the list. Provincial negotiators are staying away from re-considering treaty talks. We were looking at co-management for our territories on Crown land. We encouraged local co-management initiatives with House groups rather than just consulting with one person, the Chief.

²⁶⁷Ibid., 776.

²⁶⁸A Royal Commission on Aboriginal Peoples, Renewal: A Twenty Year Commitment Volume 5, 7.

Our territories are a part of our ancient system even though we do not have title to them, even within our Nation. There is some disagreement about territorial boundaries. The concern during pre-contact period, was that members were provided for by their territories. This meant that every House had a territory. Yet in Gitsegukla, House of Nisto'o's territory is not marked on a recent map outlining House territories. My grandmother pointed out a plot of land which she explained was Lulaxhad's, her brother, Joe Wesley. House territories today are not definably outlined for a number of reasons.

Territories were used as transactions, for debts owed, for instance, or compensation for a wrongdoing, and so on. At point of contact, some of these transactions were quietly forgotten. Today, a number of disputes exist over territorial boundaries, which remains unsolveable as these transactions were not written.

Research on territorial boundaries is also not complete. For the court case on aboriginal rights, research was carried out to meet only the needs of presentation at court. A short time line was a factor, as well as a limited budget. As a consequence, we are left with an incomplete map of some of our House territories.

Territorial ownership preserved the ancient political and social system during the delivering of the *Indian Act*. It was the importance of ownership of these House territories which has contributed to continuing feasts despite being outlawed and the assimilation policies. These ancestral ties to territories will continue to unite the people as a Nation despite disputed boundaries and despite the lack of a daily political practises of an ancient system.

OPTION C: Research territorial boundaries between House groups and finalize

agreements for House territorial boundaries.

OPTION D: Re-establish identity of House territories as also being clan territories. Past history showed House territories to be owned as clans. This may lessen the dissension amongst House groups in territorial disputes.

4.4.6 Limited Knowledge of Political System

The information that I cover in regards to an ancient political system is a fraction of the knowledge needed to implement the government system today. There are minute intricacies which are not covered that fuels the smooth running of this system. I am covering just basic knowledge. For complete use as a governance, these intricacies will need to be studied in greater detail.

The expectation that this ancient political system has of its people, may not be able to be met by the present status of wellbeing. As an ancient system, it asks for a devotion to a spiritual belief and its economic philosophy is based on giving.

OPTION A: Thoroughly research and document the ancient histories in order to know the intricate workings as a political system.

OPTION B: Learn the language in preserving the cultural and family values.

4.4.7 Strong Hold of Indian Affairs

To dwell on the damage done to Native people by Indian Affairs would hinder individual healing. The only hope is that through healing, we can strengthen our individual selves, and in turn, strengthen ourselves as a society. The domination of

Indian Affairs on Native people's daily lives still exist today. In their interpretation of self-government, as their policy, determined funding is allowed to be administered by their regulated Band Councillors.

The Penner Report rejected the Ministry of Indian Affairs band government proposal and that "The Committee does not support amending the Indian Act as a route to self-government. The antiquated policy basis and structure of the Indian Act make it completely unacceptable as a blueprint for the future."²⁶⁹ It also recommended that "the rights of Indian peoples to self-government be explicitly stated and entrenched in the Constitution of Canada."²⁷⁰ Bands today, are faced with amendments to the Indian Act despite the recommendations of the Penner Report because band government proposals "finally emerged from a unilateral government decision."²⁷¹ This "unilateral government decision" continues, as evident in a statement given by the Honorable Ronald A. Irwin, Minister of Indian Affairs and Northern Development, dated September 11, 1996, "concerning the Indian Act Amendments project."²⁷² He goes on to say, "The great leaders out there don't want the Indian Act as a crutch. They find it to be an obnoxious Act and so do I. The only way to clean it up is to do it in a very pragmatic fashion and not make it a modern and better Act, but to start whittling away at it, so it makes better

²⁶⁹House of Commons, Keith Penner, Chair, Report on Indian Self Government, Issue No. 40, 12 October 1983, 20 October 1983, 47.

²⁷⁰Ibid., 44.

²⁷¹Ibid., 47.

²⁷²DIAND Communications, Minister Irwin Issues Statement Regarding Proposed Amendments to the Indian Act, Ottawa (September 11, 1996).

sense in contemporary society.”²⁷³ Being pragmatic, is to be “practical as opposed to idealistic”²⁷⁴. He had previously addressed Chiefs, Councillors and Leaders of First Nations Organizations, dated June 4, 1996, “concerning minor amendments to the Indian Act, I have received authority from Cabinet to draft the proposed amendments to the Act, and the bill has started. We are getting closer. ...I again give you my assurance that the federal government will continue to respect its fiduciary relationship with First Nations.”²⁷⁵ For approximately one hundred years, the federal government has vigorously aimed at developing municipalities as a form of government for Natives. Once an idea is within a bureaucratic system, it is very hard to get rid of it. Underlying goals surface throughout the years until they are met.

It is a dream to all First Nations, that our self-government will be "Indian Affairs-free". It is up to the Canadian people, through their elected governments to recognize us as a society, not separate from Canada, but to be a part of Canada.

OPTION A: The changes to the traditional system may lure members to strengthen the political system within the communities. Grassroots people can then again feel empowered to be responsible for their own lives.

OPTION B: Introduce a strategy developed with the people within the nation to diminish the hold of Indian Affairs.

²⁷³Ibid., 2.

²⁷⁴Webster's Dictionary, s.v. "pragmatic".

²⁷⁵DIAND Communications, Ronald A. Irwin, P.C., M.P. to Chiefs, Councillors and Leaders of First Nations Organizations, Ottawa, Canada, 4 June 1996.

4.4.8 Assimilation Process

It was within the policy of the federal government to assimilate First Nations into the main society. This has been enforced for over a century. This paper is not about the deplorable actions of the Canadian government in its lack of respect for First Nations as a society. In general, most Native people are at a state of "numbness" analogous to a person who has reached his or her threshold. Our youths are a product of the assimilation policies as they live on a daily basis in a "no man's land", of not feeling a sense of belonging to either our own culture or to the main society. They fill their blank days with various addictive behaviours including drugs and videos, as children of parents who also fill their daily lives with various addiction behaviours, which have now moved from alcohol to gambling. Just as alcohol is socially accepted over drugs, gambling is now sadly accepted over alcohol.

OPTION A: Reach the children and youths at the schools by introducing a Gitksan Immersion Program similar to the French Immersion Program.

OPTION B: Reach the parents within the communities and formally educate them in our culture, including the spiritual and family values.

4.4.9 Healing

Not to mention healing would be to dismiss a century of our people being victims of the disreputable policies of Canadians through their governments. Today Canadians are in disquietude as First Nations awaken from an abusive relationship with a people

they welcomed to their lands over a century ago. Amendments have been made with the Japanese and Chinese people in Canada, but we as First Nations people are patiently, and at times, restlessly, awaiting ours. What comes to mind is our Stakyawdon legend of a disaster coming to our people in ancient times because of inequality within our society. What could stir Canadians up to want equality within their society? How could bureaucrats shed their external forms controlled by a bureaucratic system, and reach within for change?

OPTION A: Educate the Canadian public so they too can own the 'Indian Problem' and seek strategies to reach equality for Native people as a society within their society. It will be a healing process for the Canadian society in order to hold its head up internationally in overcoming the embarrassment of a colonization process.

OPTION B: Priorize goals of Native people to concentrate on the healing of its members, including being responsible for its children and youths in using sports and its benefits in learning discipline and consideration for another person.

4.4.10 Opposition

During ancient times, our government system knew no opposition, "In consensus-based political systems, the concept of 'the loyal opposition', as in parliamentary systems, does not exist."²⁷⁶ Any opposition was discussed until consensus was reached.

²⁷⁶Royal Commission on Aboriginal Peoples, Restructuring the Relationship Volume 2 Part one, 135.

Opposition was considered as alternatives which needed to be considered as possible solutions. Consensus process “premeates all levels of decision making, from the extended family to local and regional communities and the nation as a whole.”²⁷⁷

Today opposition is played within a political arena which includes external forces used to their advantage, such as media and government agencies. Honour is not an issue in this political arena as opposition seeks only power, typical of any opposition. Absent is the desire for consensus. Issues at hand are forgotten in the battle as their focus is on ridding their opponents of power. Forgotten also, is the act of arriving at a consensus as one Nation, with problems insurmountable by external forces. “The art of consensus decision making is dying. We are greatly concerned that Aboriginal people are increasingly equating ‘democracy’ with the act of voting.”²⁷⁸

OPTION A: Encourage more public meetings to hear and work with opposing views until consensus is reached.

OPTION B: Reach and re-establish spiritual and cultural values which encourage respecting your fellow man, even within a political arena which did not exist in ancient times.

4.5 Present Implementation of Traditional System

As mentioned earlier, only respect and admiration is given to our leaders who, with sincere intentions, are eagerly implementing our ancient traditional system as a

²⁷⁷Ibid.

²⁷⁸Ibid., 134.

governance. However, throughout my years of either being directly or indirectly involved, and without full knowledge of the origins of their approach and planning, it seems that it is in isolation from the grassroots people. In attending numerous meetings on the development of inland fishing, for instance, I do not believe the people were involved in the planning. Some Hereditary Chiefs were even commenting on their lack of involvement as decision makers.

Meetings on self-government and inland fishing were met with resistance, which baffled me then. Our grandfathers went to jail for self-government. We deserve the economic benefit from inland fishing, as did our grandfathers. I understand that changes bring fear. An example of this is with Russia, where some citizens wanted to remain a communist state and resisted freedom, democracy.

Analyzing the type of communication used with our grassroots people to establish self-government, I realized the discrepancies. These meetings were held to inform rather than to consult with members as participants. As a planning student, I am reminded of Forester's comments from his book, *Planning in the Face of Power*, that "as social relations are maintained in non-democratic ways, as accountability of authorities is limited and the representation of the unorganized, the poor, and the undeserved is weak, so planners can expect affected citizens to be:

- (1) uncertain and uninformed about policy opportunities and consequences, yet believing that others "know better",
- (2) cynical about the promise of their own participation and deferential to those with expert, official or investor status, consenting through deference, not

participation,

(3) doubting their own social and community capacities for cooperation, and trusting instead in the good faith of professionals or the hidden hand of market advocates; and

(4) confused about and distracted from planning and policy options that could address social needs in more than a "trickle down" fashion... ."²⁷⁹

In other words, our ancient political system has been presented to our community members as being undemocratic. This has created uncertainty of its credibility as a governing system. As a result, even some of our Hereditary Chiefs as well as all our members, feel uninvolved with establishing self-government. Because of this, they resisted, despite the benefits.

In the midst of communicating ineffectively with community members and Hereditary Chiefs, our leaders were also earnestly negotiating self-government with Indian Affairs in the early nineties during a period of waiting for an appeal to the Supreme Court of B.C. Meetings then were held to update our members on these negotiations and for discussions. This is not to lay judgement on the leadership skills but to analyze the process in involving our grassroots people in decisions which affect their lives. Too often, leaderships, such as our Canadian and provincial government bodies, base their activities around governmental affairs, and fail to communicate with its citizens until elections.

²⁷⁹John Forester, Planning in the Face of Power, (Berkeley and Los Angeles, California and London, England: University of California Press, Ltd., 1989), 80.

For our own self-government, if we are to seriously consider our ancient government system, best efforts have to be made to adjust our political behaviours to involve all our members at the community level, as did our ancient people.

4.6 Summary

This chapter is identifying a planning task of how an ancient government system can be adapted to meet present community needs as a society by working with the impact of the *Indian Act*. I have gone a step further and have listed options which could be considered in adjusting an ancient government system. The rest lies with the grassroots people to participate in a planning process which could change the communities into active members in political and cultural affairs, a change from present passive existence within mini municipalities..

There exists today in the political field, an opportunity to re-establish traditional governments as a form of self-government, which was outlawed in the early stages of colonialism through the *Indian Act*. This traditional system was intricately integrated with family values and spiritual ideals and its political activities played a part in daily community affairs.

Issues, however, arose as grassroots people are in a dilemma with two government systems in their communities. Community members are questioning the legitimacy of enforcing a hereditary system which today, they feel, does not include their participation in political affairs. This ancient system, stripped of its power a century ago, now must

compete with a bureaucracy which works best without family, spiritual, and cultural values. It is now questionable whether features of the traditional system such as feasts, its laws, a certain spiritual belief, its chiefs, its autonomous House unit, a decision-making process by consensus, a strong unity as a nation, can remain today and being able to operate to its potential in political affairs. The question is raised because of the impact of the *Indian Act* on the people as a society which has left all Native people in various degrees of dysfunction from being victimized as a race, and because traditional governments were outlawed.

Traditional government however, would be more beneficial to the nation because of its form of representation, its unity as a nation with stabilized goals for empowerment, a spiritual belief which shapes the political and social structures, and the healing cultural ideals and family values with which people can identify. If these features are to be maximized, changes to their application and focus would need to be made to overcome barriers to their implementation. Problems which must be dealt with include an elimination of a spiritual belief, limited support for leadership of Chiefs, representation at the village level, lesser recognition on the clan system, no aboriginal title to territories, limited knowledge of traditional system, a strong hold of Indian Affairs, an assimilation process, healing needed by community members, and a formalized opposition. I have included options which could minimize barriers to a successful implementation of a traditional system and stress the realization of a need for the grassroots people to involve themselves in a planning process if they are seriously considering adapting this ancient political system today.

In evaluating these effects, there is also an underlying force, a fear of change which creates a dilemma and a hesitation to re-establish a traditional system which would be more beneficial to the people and empower them in their rights for self-determination as a sovereign nation. This dilemma, however, will continue to exist as the presence of an ancient system is felt. Until this ancient system is given an opportunity to express itself today, this dilemma will continue into the next millenium. The fear of change must be overcome for the sake of the nation's children who have a right to experience this ancient system as their grandparents and parents did.

CHAPTER V Conclusion

Native people in Canada are experiencing, as never before, a chance to finally express themselves culturally, spiritually, and politically after a century of extensive oppression policies which treated them as criminals for their existence. Native leaders are now looking at their traditional systems which previously had been outlawed, and considering them as a form of self-government. Because these ancient systems are intertwined in family and spiritual ideals and values, there is now a need for Native leaders to include grassroots people in re-establishing ancient political and social systems. The effects of the oppressive actions of the *Indian Act* play an important role in negating any efforts made by Native leaders in re-establishing traditional governments. Without considering these effects, there is only frustration felt by Native leaders in their idealistic objectives of immediate implementation of a political system which was stripped of its powers a century ago. This thesis identifies and analyzes the challenges faced by Native leaders from the effects of the *Indian Act*, using the Gitksan Nation as a case study. It discusses how an ancient political and social structure can be re-established today to meet its societal and community needs.

My background as a Gitksan person has given me an opportunity to analyze the intricacies of an ancient system in minute detail in order to identify the features which could be adjusted to meet today's changed political and social affairs. Previous research interviewing Native people and documenting their stories in our own language during the onset of European contact, gives me material to critique, using my personal background

of being raised by my grandparents and speaking fluently my own native language. Preparation for the Delgamux case brought to the Provincial and Canadian Supreme Courts, has also provided a large amount of research material for this paper. My interest in Native spirituality has directed this paper towards how the spiritual belief has shaped the political and social structures of an ancient system. These societal structures were identified and analyzed in Chapter two, focusing on how these features could be adapted today. The governing of people was by following laws originating from a spiritual belief. It was a belief in a creative force which is eternal and which creates the physical world and believed to be most powerful. Its permanency as a divine force, gave stability to the governing structures which it shaped. Its believers also realized their disadvantage as humans until they could be real, an idealistic form of existence to which individuals strove towards. This idealistic realism resulted in societal structures ranking its members as to their abilities to establish a relationship with a divine spirit world. In their endeavours in being real, in maintaining their existence as a society, and in preserving the existence of the divine powers in their daily lives, legends and myths were used as their bible.

Evolution as a nation with archaeological dates showing to be more than 10,000 years ago, began as clans, with their own creation myths and legends beginning with statements of 'after the flood'. For this research, the creation myth of the Fireweed Clan was used, demonstrating a universal myth throughout the world of birth with a spiritual being. After the flood, from the dispersal of four clans, emerged three separate nations which Barbeau named the Tsimshian Proper, the Gitxsans, the Tsimshians, and the

Nisga'a, all sharing the same language and the myths and legends of the clans. Within each nation, laws were followed to preserve the separateness of the clans. At the same time, the clans provided unity as a nation, which was crucial during its first establishment.

Clans were structured into House units which were autonomous politically, economically, and socially in their territories, sharing the creation myths and legends of their clan. Within these House units, today as in the past, members were ordered according to the traditional names they held, inherited matrilineally, with the Chief and its role as a *halait*, holding the highest rank. Order was maintained through a ranking of these traditional names according to the member's abilities to establish a relationship with the spirit world. These abilities were developed through what anthropologists labelled as secret societies. As a society believing in maintaining a relationship with its creative force, with God, it measured a man by what he could give rather than his wealth. His wealth, with the help of his House and his Clan, was distributed at a feast where his showmanship as a *halait*, as a direct descendant of spiritual beings, was displayed through days of drama, songs, and dances which were performed for guests who were compensated for any and whatever service they may have rendered to the Chief and his House and Clan.

The *Indian Act* introduced in 1897 and still in existence today, outlawed the powers of traditional governments and enforced the Band Council political system which divided nations into Bands, or municipalities, despite resistance by Native people. Chapter three shows how a century of this assimilation process using the *Indian Act*, by

establishing residential schools, prohibiting feasting activities, prohibiting the use of traditional systems, enfranchising women who married Non-Native men, labelling them as heathens if practising the rituals of their spiritual belief, imprisoning them on reserves, claiming and handing out their territories to settlers, kept the Native people in a state of obstructiveness as the inexorable policies severed all ties to their cultural ideals and belief. Since the White paper of 1969, Native people have now been able to stand up to this oppression by the governments and its people. Now, Native people can freely express their own political and social ideals. However, these ideals have almost vanished as the government can proudly say they have been successful in their century long assimilation policy on their Indigenous people, side by side with other countries who have mistreated their Indigenous people just as cruelly.

In Chapter four, I identified the planning task and looked at alternatives which could be considered in implementing a traditional government, realizing the impact of the *Indian Act*. I have also identified options within certain features of the traditional system which could be considered as a start towards a planning process which the grassroots people could take upon themselves if they want to re-establish an ancient political system today.

Issues and concerns center around the loss of the spiritual belief from which societal structures were built. People would have to consider elections to offset the loss of this belief as they select their leaders in a democratic way. The sense of participating in political affairs would then be re-instated rather than merely a reluctant acceptance of the leader who has inherited the ruling power.

This research can be expanded into other areas of interest, especially in an area which I had to hold back on, the comparative mythology studies. The spiritual belief has a number of research possibilities, including how it can be applied to meet today's mental health concerns, especially in substance abuse which already uses successfully, spirituality of other First Nations. The application of family and cultural values to socially destructive behaviors could enable an ancient political system to meet today's community needs.

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