

COMMUNITY VOICES

Behind the Blockades

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No one can love and be just who does not understand the empire of force and know how not to respect it.¹

I Introduction

Blockades, like any direct political action, can invoke a powerful sense of indigenous solidarity and political strength. The messages are loud and clear: indigenous people have had enough bullshit! Indigenous people are united against oppressions! Across Canada and around the world, indigenous peo-

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1 Simone Weil, quoted by James Boyd White, *Living Speech: Resisting the Empire of Force* (New Jersey: Princeton University Press, 2006) at 1 [White].

ples are fighting for their rights! This is all extremely satisfying, inspiring and politically delicious. And all of these messages are also true—at least while the direct political actions are taking place.

In this paper, I want to examine the often invisible relationships between the larger political actions of self-determination on the one hand, and violence, self-destruction and personal resistances on the other hand. To do this I will explore some of the human experiences behind and beyond several blockades that I was a part of in northern British Columbia. I will first describe context—the land, the people and recent history from which these stories emerge. Second, I will share five snapshot stories that have been seared into my memory and onto my heart, and to which I return again and again. Third, I will discuss some of the questions and contradictions that these stories raise and, finally, I will offer some brief suggestions for building citizenry as a form of future political action. It is my position that the urgency of these stories is such that we cannot afford to ignore the complex and powerful connections between empowerment, resistance, denial, self-destruction and violence. There are many voices to listen to—from the whispers of our grandmothers, to muted voices of despair and to angry shouts across the land. There are no easy answers here, but what is important is to unflinchingly stay within the tensions of the hard politics and with the discomfort they generate.

II Some Context

Who are the Gitksan? The Gitksan are one of three closely related northwest coast peoples in British Columbia that form the Tsimshian linguistic group. The Gitksan, Nisga'a and Tsimshian share a common ancient heritage and their societies and languages are similar.² As with many other indigenous peoples across Canada and the world, the Gitksan, Nisga'a and Tsimshian have long histories of actively resisting the authority of colonizing governments. They fought against the theft of their land and against the imposition of the reserve system.³ For example, in the late 1960s, the Nisga'a (formerly spelled Nishga) initiated the *Calder* legal action which was heard by the British Columbia Supreme Court in 1969 and later decided by the Supreme Court of Canada in 1973.⁴

2 Susan Marsden, Margaret Anderson & Deanna Nyce, "Tsimshian" in Paul R. Magosci, ed., *Aboriginal Peoples of Canada: A Short Introduction* (Toronto: University of Toronto Press, 2002) 264.

3 See for example, Hamar Foster, Heather Raven & Jeremy Webber, eds, *Let Right Be Done: Aboriginal Title, the Calder Case, and the Future of Indigenous Rights* (Vancouver: UBC Press, 2007).

4 *Calder v. British Columbia (Attorney General)*, [1973] S.C.J. No. 56, 34 D.L.R. (3d) 145 [*Calder*].

In the mid- to late 1970s, the Gitksan and Wet'suwet'en (formerly called Carrier) were attempting to negotiate a land claims settlement.⁵ At that time, the federal government's policy was to negotiate with only six aboriginal groups at any one time across Canada. In BC, since the Nisga'a were negotiating with the federal government, it did not seem as though there would be an opportunity for the Gitksan and Wet'suwet'en to begin their land claims negotiations.

In 1977, the Gitksan and Wet'suwet'en delivered the *Gitksan-Carrier Declaration* to then minister of Indian and Northern Affairs, the Honourable Hugh Faulkner. This political declaration set out Gitksan and Wet'suwet'en ownership and jurisdiction over 25,000 square miles of Gitksan and Wet'suwet'en territory.⁶ The declaration included the following statement:

Since time immemorial, we, the Gitksan and Carrier People of Kitwanga, Kitse-guecla, Gitanmaax, Sikadoak, Kispiox, Hagwilget and Moricetown, have exercised Sovereignty over our land. We have used and conserved the resources of our land with care and respect. We have governed ourselves. We have governed the land, the waters, the fish, and the animals. This is written on our totem poles. It is recounted in our songs and dances. It is present in our language and in our spiritual beliefs. Our Sovereignty is our Culture.⁷

As part of advancing the Gitksan and Wet'suwet'en political project and legal claims, there was a deliberate, and partially successful, effort to shift local political authority away from the band council system to the Gitksan kinship system of matrilineal House groups with hereditary chiefs as legal holders of the House territories according to Gitksan law.⁸ Years later, tensions between the imposed *Indian Act*⁹ band council system and the Gitksan kinship system continue and remain unresolved and conflicted.

5 While the Gitksan and Wet'suwet'en collaborated for many years and were both plaintiffs in *Delgamuukw*, most of my work and research was with the Gitksan.

6 Interview of Gary Patsey by the author (9 July 2005) Glenvowell Band Office, Glenvowell, BC. The *Gitksan-Carrier Declaration* was written by Neil J. Sterritt, Don Ryan, Gary Patsey, & Ardythe Wilson. At this time, the Gitanyow (formerly, Kitwancool) were a part of the Gitksan-Carrier Tribal Council.

7 Gitksan-Carrier Tribal Council, *Gitksan-Carrier Declaration*, 1977.

8 For further explorations on various aspects of this question, see generally Richard Daly, *Our Box was Full: An Ethnography for the Delgamuukw Plaintiffs* (Vancouver: UBC Press, 2005); P. Dawn Mills, *For Future Generations: Reconciling Gitksan and Canadian Law* (Saskatoon: Purich Publishing, 2008); Albert Peeling, "Traditional Governance and Constitution Making Among the Gitanyow" (2004), online: National Centre for First Nations Governance <<http://www.fngovernance.org/pdf/Gitanyow.pdf>>; and Natalie Oman, "Paths to Intercultural Understanding: Feasting, Shared Horizons, and Unforced Consensus" in Catherine Bell & David Kahane, eds, *Intercultural Dispute Resolution in Aboriginal Contexts* (Vancouver: UBC Press, 2004) 70.

9 *Indian Act*, R.S.C. 1985, c. I-5.

Delgamuukw arose from the combined events of the *Calder*¹⁰ and *Bear Island*¹¹ decisions, and the repatriation of the *Canadian Constitution, 1982*.¹² According to Mediig'm Gyamk (Neil J. Sterritt) and Hanamuxw (Don Ryan), from 1981 to 1983, key aboriginal leaders from across Canada held a number of discussions about a possible major aboriginal title court action.¹³ These leaders identified three criteria for deciding where such a court action would be launched: financial resources, political will and people with recent life experience on the land. It was agreed that the Gitksan and Wet'suwet'en could best meet these criteria. In 1984, the Gitksan and Wet'suwet'en¹⁴ filed *Delgamuukw*. The trial did not actually start until 1987 and then it lasted 374 days. The infamous British Columbia Supreme Court decision by Chief Justice McEachern was released in 1991.¹⁵ The Gitksan and Wet'suwet'en appealed the trial court decision to the British Columbia Court of Appeal,¹⁶ and finally on to the Supreme Court of Canada.¹⁷

Delgamuukw was a massive and extremely costly legal action for the Gitksan and Wet'suwet'en peoples. Thus, the context for my stories includes the many dynamic forms of political and legal activism taking place in Gitksan and Wet'suwet'en territories, and the across rest of Canada. As someone fortunate enough to be working with the Gitksan during these years, this was a fabulously exciting time.¹⁸ We were all part of something really important and far bigger than any of us. And we were connected to the rest of the world through the numerous international visitors—activists, academics, supporters and the curious—who traveled to the territories from such diverse lands as Ethiopia, Australia, New Zealand, Thailand, the United States, Norway, Japan, England and Africa.

10 For an in-depth discussion and history of the Nisga'a-Gitksan overlap dispute, see Neil J. Sterritt *et al.*, *Tribal Boundaries in the Nass Watershed* (Vancouver: UBC Press, 1998).

11 *Baker Lake (Hamlet) v. Canada (Minister of Indian Affairs and Northern Development)*, [1979] F.C.J. No. 184, 107 D.L.R. (3d) 513 (F.C.T.D.) [*Baker Lake*].

12 *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

13 Interview of Neil John Sterritt by author (11 July 2005) Hazelton, BC, pp. 3-5. Some of these leaders included Gary Potts, Herb Norwegian, Ed John, Georges Erasmus and Billy Diamond.

14 The Gitksan are part of the Tsimshian language group. The Wet'suwet'en people are part of the Athapaskan linguistic group.

15 *Delgamuukw v. The Queen* (1991), 79 D.L.R. (4th) 185 (B.C.S.C.).

16 *Delgamuukw v. British Columbia* (1993), 104 D.L.R. (4th) 470 (B.C.C.A.). This decision is actually erroneously cited as *Uukw v. British Columbia*.

17 *Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010.

18 I am from Saulteau First Nation in northeast British Columbia. I am an adopted member of the House of Luuxhon of the frog clan, in which I am honoured to hold the small name of Gyooksgan. I have lived in Gitksan territory for many years and I have worked with Gitksan groups for most of that time. Most of my work may be categorized as community development in the fields of education, employment, justice and legal services, and health.

III The Stories—Acts of Resistance

STORY ONE

I will tell you about a story that I hold. It is a deeply conflicted and powerful image that forces me to ask hard questions about my work, political change and possibilities. This image is close to 20 years old now, but it remains crystal clear. I do not know what to do with it or about it. I return to it often, wondering, and yearning for something elusive that remains just beyond it. I hold it up and look at it from different angles, and I'm still searching. All I can do is continue to hold it close to me and, hopefully, learn from it.

The images of the story look like this: there is an inky-blue night sky high above the darker masses of the mountains. The air is cool and tastes fresh. The forest is near and I can smell the pungent evergreens and poplar leaves that are changing colour. Fragrant woodsmoke drifts by from the campfires. Against the darkness a cone of bright light shines down from a single street light along a narrow highway that cuts through a Gitksan village. Moths circle endlessly in the light. In that illuminated triangle of space, two men sitting on camp chairs hunker over a small table in the middle of the highway playing chess. One is a young Gitksan man—a boy really, only about 14 and the son of a colleague. He is beautiful, smart and a little cocksure like any teenager. The other man is my husband, bearded and enduring, and a veteran of blockades. It is such an incongruous image in so many ways. This is part of its haunting.

It is 1992. The Gitksan are blocking the Canadian National Railway and Highway 37. In frustration with government and industry, this is one of the many direct political actions taken by the Gitksan since the early 1970s and continuing to the present.¹⁹

Fast forward a couple of years. That beautiful young Gitksan man is charged with having committed a violent murder. Drugs were involved. His father has disowned him. He is sentenced to life imprisonment. All of this too took place beneath those same mountains, under that same sky and near that same highway. It just doesn't make any sense. It is a cognitive dissonance of stories. In all likelihood, that young man is out of prison now—if he survived, of course. The statistics about prisons and recidivism are not encouraging, but I hope that he was able to reach beyond the drugs and violence to draw strength from the experiences and political activities of his youth, and from the Gitksan people.

¹⁹ See *Blockade: It's About the Land and Who Controls It*, video cassette. Directed by Nettie Wild. (Vancouver: Canada Wild Productions / Canadian Broadcasting Corporation, 1994).

STORY TWO

There is another blockade. Skanu'u (Ardythe Wilson) runs her fingers through her short, curly black hair. She leans back in her chair and closes her eyes, searching her memory. After a moment, she starts to talk: "I remember that blockade at Sam Green (a creek in the most northern Gitksan territory). I was out there for over a month. And I was the only woman for a period of time. But early on, Antgulibix (Mary Johnson), arrived. I remember Ya Ya's old truck that had no brakes. It came bouncing along with a box spring mattress in the back."²⁰ It is one heck of a rough dirt road. Then a tiny and very elderly Gitksan woman, Antgulibix, is helped down from the truck. She totters over to one of the Gitksan leaders, looks up at him and asks, "How come you forgot me, Don?" She is smiling, but she is real serious. She was bound and determined to be at that blockade and she made it too.

Skanu'u continues: "So, there's the tents. Antgulibix and I shared a tent. I was thankful for another woman's presence, and she spent, oh God, I don't know how many nights there. [Antgulibix slept on the box spring mattress] and she had mounds and mounds of quilts on top of her. I used to cover her up every night. And then she used to start talking. I would just struggle to keep my eyes open because I wanted to hear what she had to say. I would be dozing and then I would jerk awake. And she was still talking away. I thought, oh how wonderful! This is what they meant. I always remember that, so I want to do that with my grandbaby."²¹ Skanu'u is chuckling now and her eyes are twinkling. She is one of those strong women full of zest and life and who is lovely at any age.

Skanu'u said, "So I told [my daughter], that first child that you have, you are not speaking English to that baby. The baby will sleep with me the way babies used to sleep with their grandmothers and I will be talking in the baby's ear even until long after she goes to sleep." Skanu'u throws her head back and laughs happily. This particular Gitksan pedagogy, she explains, is called "spitting in your grandchild's ear—talking and teaching until the baby fell asleep. I was always told as a child growing up, you slept with your grandparents and they talked to you, and that was how they transferred history and knowledge."²²

Antgulibix has since gone on. And now, Skanu'u is working outside her home territory with other indigenous peoples far away. She observes that "[t]here are unhealthy changes that are taking place in our communities [and] there are unhealthy relationships to the land." I press Skanu'u on this and she reflects, "A lot of people went out on their lands and a lot of people actually

20 Interview of Ardythe Wilson by author (14 July 2005) Hazelton, BC, p. 3 [Wilson, 14 July 2005].

21 *Ibid.*

22 *Ibid.*

protected their territories. I know we did. And while the blockade was on, we rebuilt a cabin that was burned down before. So we were rebuilding things that the government had destroyed in the past on our territory. I don't know how many months we spent out there protecting the last little stand of trees that they were going to clear-cut. But because we are in a prime location, [Gitksan] people are just claiming things right and left, [but without the] knowledge. And then those sleazy bastards [the government], they gave the licence to one of our people so we had to come up to our own bully boys on the land."²³ Her eyes darken as she shakes her head with disgust. The blockade came down.

There are no simple issues here. It is not a matter of good Gitksan and bad Gitksan, or authentic Gitksan and inauthentic Gitksan. It is not about Skanu'u being right or wrong. To think in such dichotomies is to engage in politics of the cheapest and most superficial sort. The issues are about history and power, about a people and their land, about resistance and colonialism and about individual and collective agency. And there is conflict, as there is with all peoples. The feelings beneath the blockades run deep—molten.

STORY THREE

Another blockade. It is late at night. People are talking quietly and the camp grows sleepier. A campfire's amber lights dance across people's faces as they sit around in lawn chairs or on blocks of wood. There is a handsome man with long hair who is holding his small sleeping nephew on his lap. The uncle doesn't want to disturb the little boy so he sits very still—for hours. Such gentleness and strength. It is a precious image, but slippery and hard to grasp.

Fast-forward to this year and that little boy is now 21.²⁴ He is charged with assault, breaking and entering, careless use of a firearm and possession of a weapon for a purpose dangerous to the public peace. A newspaper article describes "an aboriginal man who, bent on revenge, kicked in the door of a home, was beaten back but returned with a rifle, firing it into the air and threatening mayhem."²⁵ The article positively bristles with self-righteous outrage about the slack that aboriginal offenders receive because the court is required to "consider the circumstances of aboriginal offenders."²⁶ Opinion writer Ian Mulgrew insists, "[the young man] couldn't have had his aboriginal background more understood." According to Mulgrew, the judge knew all about the "local first nations" because he had "presided in that region for many years," and furthermore, a "first nations probation officer prepared the

23 *Ibid.*

24 I know that people can track down the names of the young men at the centre of these stories if they choose. Nonetheless, I think those young men deserve some privacy.

25 Ian Mulgrew, "Court of appeal shortens jail sentence: Panel agrees with aboriginal man who said judge didn't give enough attention to upbringing" *Vancouver Sun* (20 April 2009).

26 *Ibid.*

pre-sentence report on [John] and defence council addressed the issue too.”²⁷ But, Mulgrew laments, “That was not enough.” In the end, the appeal court shortened the trial judge’s sentence of three years to nine months. At the time of writing, the young man is still serving time.

I wonder whether either the judge or Mulgrew knew that the young man was Gitksan and that the probation officer was Wet’suwet’en. But those are only the smallest of the questions that remain deep beneath the surface of this story.

STORY FOUR

A Gitksan father finds his teenage daughter hanging dead in the garage. There is no behind or beyond to this story. The pain of it takes up all the breathing space and it lies heavily on the heart. Words lose meaning here. There are about 8,000 Gitksan, about half of whom live in Gitksan territory. In 2007, the number of suicides in Gitksan territories was the highest in Canada. In one year, 111 attempted suicides were recorded at the local hospital. This figure does not include those suicides that were successful or those attempted suicides that never made it to the hospital. Some estimate that there were actually 150 attempted suicides in one year.²⁸ The local RCMP reports that it is not unusual to receive one or two calls per day about attempted suicide.²⁹

The newspaper headlines are sensational and brutal. One reads, “B.C. community pleads for help to halt suicide ‘epidemic’, 7 suicides in one week lead to calls for more services for aboriginal youths.”³⁰ Another reads, “Death’s doorstep, Hazelton, B.C. – Death has hovered close to Jezabel Turley for several years now. When she was 13, her father held a gun to his head and tried to force his young daughter to pull the trigger, drunkenly pleading with her to kill him.”³¹ And, “Northern B.C. town tries to stem suicide cycle.”³² Spokespersons’ suggest solutions ranging from economic development³³ to cultural continuity³⁴ to social programs and recreational facilities.³⁵

27 *Ibid.*

28 CTV.ca, ‘Northern B.C. town tries to stem suicide cycle’ (2 February 2008).

29 Heather Ramsay, “Turning the Corner on Suicide: Aboriginal youth share life saving insights” (5 December 2007) *The Tyee* <<http://thetyee.ca/News/2007/12/05/NativeSuicide/print.html>> at 3.

30 CBC News, “B.C. community pleads for help to halt suicide ‘epidemic’, 7 suicides in one week lead to calls for more services for aboriginal youths” (22 November 2007).

31 “Death’s doorstep, Hazelton, B.C.” *Vancouver Sun* (29 December 2007).

32 CTV.ca, “Northern B.C. town tries to stem suicide cycle” (2 February 2008).

33 Elmer Derrick, “Privatizing Crown forests is worth exploring” *Globe & Mail* (25 January 2008), online: Gitksan Chiefs’ Office <<http://tools.bcweb.net/gitksan/news>>.

34 Michael J. Chandler & Christopher Lalonde, “Cultural Continuity as a Hedge against Suicide in Canada’s First Nations” (1998) 35(2) *Transcultural Psychiatry* 191 [Chandler & Lalonde].

35 Andy Prest, “This Walk Is for Life, to make strides against aboriginal youth suicide, they trekked across Canada” (19 June 2006) online; *The Tyee* <<http://thetyee.ca/News/2006/06/19/WalkForLife/print.html>>.

The call for recreational facilities does not account for the fact that there is a community hall in every village, but these are almost fully devoted to bingo.

Fast-forward to 2009. Bev Clifton-Percival, a member of the Gitksan negotiating team, made this observation: “But we’ve had to live with no economy for more than 15 years, and nobody gives a damn. Nobody in Victoria has made any effort to deal with that. Nobody in Ottawa. They pumped a little more into our social budget, but five years ago we hit the headlines with our suicide rate. And still nobody did anything.”³⁶

STORY FIVE

My final image is of politician and scholar Tony Penikett’s account of a painfully troubling event that took place in Gitksan territory. The Gitksan woman at the centre of this account holds the wing chief name Suu Dii and is a member of the House of Gwininitxw.

On September 17, 2004, I attended a “public negotiation meeting” at the Gitksan treaty office in Hazelton ...

Although the B.C. Claims Task Force had recommended a public negotiating process, public meetings like the one in Hazelton are carefully controlled events with the three chief negotiators giving brief reports and answering selected questions from the audience. ... At Hazelton, commissioner Jody Wilson chaired the session.

As they entered the meeting room, audience members were handed an agenda and a sheet called “Guidelines for Observers.” Those attending were required to sign an attendance sheet and forbidden from taping the proceedings. The guidelines made the position of audience members clear: “You are being permitted as an observer, not as a participant ... The Chair will not recognize any speakers from the floor during the meeting. Talking or disruptions are not allowed during the proceedings. The Chair reserves the right to ask anyone who does not respect these rules to leave.”

Sitting at the back of the room, I tried to imagine how a local union’s rank-and-file members, at a meeting called to report on progress in collective bargaining, might receive such instructions. Not well, I thought. In the midst of this reverie, I noticed someone come to the doorway with an RCMP officer and point out a tiny Aboriginal woman sitting quietly just in front of me. The officer came into the room and told the woman she would have to leave. “This is a public meeting,” she protested quietly. The officer said, “I’m just doing my job.” “Who told you to do this?” she asked. The officer refused to say, and a moment later he handcuffed the woman. She fell to the floor and started crying.

36 Don Cayo, “Fresh approach hits brick wall, Bureaucrats thwart first nation’s attempt to break treaty-negotiation boilerplate” *Vancouver Sun* (4 June 2009) 3, online <http://www.vancouver-sun.com/story_print.html>.

None of the three treaty commission negotiators came over to ask why someone would be dragged out of a public meeting, but two old women came over to comfort her. ...

The scene was totally unsettling. ... Apparently, part of the tension in the community arises from the tribal negotiators' failure to get consensus on a negotiating mandate, and dissidents allege that millions of dollars ... for negotiations ... have gone nowhere. Whatever the merits of the arguments on either side, it is outrageous that the B.C. Treaty Commission would hold a public meeting about Gitksan treaty negotiations in a building from which certain beneficiaries had been barred (as I learned later) and that the RCMP would be used to enforce such a ban.³⁷

Again, it is not helpful to begin trying to determine who was in the right or wrong. Conflicts are always much messier and far more complex than they first appear. In the end, Suu Dii was failed by both Gitksan law (requirement for a shame feast perhaps with compensation or cleansing) and Canadian law (perhaps for wrongful arrest). At the time of writing, this case is still indeterminate—stuck in the unacknowledged space between two legal orders.

IV Questions

According to James Boyd White, “We are meaning-making creatures. ... This capacity is the deepest nerve in of our life, and our instinct to protect it and its freedom at almost any cost is a right one.”³⁸ When we have experiences that cause us to feel “somehow ashamed of being a human being,” we have been denied the fundamental human capacity for claiming meaning for our experiences. Our dignity resides in this meaning-making capacity, and it is in the denial and erasure of this capacity that “the force of empire depends.”³⁹

At their best, these blockades and direct political actions enabled narratives wherein despair and anger was channelled into resistance and meaningful demands for justice. These narratives included tolerable and meaningful imaginations of the present and future for Gitksan people. After and beyond the blockades, the many acts of violence and self-destruction in the stories can also be characterized as continued forms of resistance against the erasure of meaning-making. But we must consider who is bearing the cost of these acts of resistance.

There is always a danger in focusing on the moments captured by memory. The stories can create a false sense of stasis and permanency, whereas, in reality, life has not stopped for any of the characters in them. In fact, the

37 Tony Penikett, *Reconciliation: First Nations Treaty Making in British Columbia* (Vancouver: Douglas & McIntyre, 2006) 265–266 [footnote omitted].

38 White at 41.

39 White at 168.

stories don't have conclusions, but are ongoing in our lives today. These stories may be seen to represent an integral and ongoing part of all indigenous politics today—they are part of its unacknowledged underbelly. Blockades and other direct political actions include the myriad human experiences, good and bad, positive and negative, that form the stories we hold. The stories are my honour songs for all those who had, and still have, the courage to resist and fight and struggle, despite everything, in the only way they could.

I'm influenced by James Clifford who, among others, advocates for an appreciation for indigenous social change—an indigenous articulation—that is capable of encompassing and reflecting the “pragmatic, entangled, contemporary forms of indigenous cultural politics.”⁴⁰ This means fully and deeply considering the historic and contemporary change factors that are a part of Gitksan people's lives and that Gitksan people are a part of—as individual and collective agents. The ongoing challenge is to consider how these change factors (e.g., wage economy, industrial resource activities, etc.) are a part of all that happens on the ground—in political and legal actions—as well as in people's lives and families.

Some further unpacking may be informed by the prevalent theories about suicide. In other words, what is happening in the world where the suicides are taking place? While a comprehensive analysis of the phenomenon of indigenous suicide is far beyond the scope of this paper, it is worthwhile to look at a couple of theories. For example, professors Michael Chandler and Christopher Lalonde argue that the extent to which indigenous people engage in acts of cultural continuity correlates with a decrease in suicide rates.⁴¹ Chandler and Lalonde define the markers of cultural continuity as self-government, land claims, education, health services, cultural facilities and police/fire services.⁴² According to Chandler and Lalonde, there is no average rate of suicide among indigenous communities. Rather, “across British Columbia's nearly 200 aboriginal groups (i.e., bands); some communities show rates 800 times the national average, while in others, suicide is essentially unknown.”⁴³ However, the Gitksan are experiencing brutally high rates of suicide despite decades of extensive political and legal activism and locally managed education, health services and fire services. The suicides and attempted suicides continued in the face of ongoing negotiations for various self-government agreements (e.g., forestry, fisheries, etc.) and legal actions concerning aboriginal rights and title. In the end, however, Chandler and Lalonde's study doesn't help us to understand the extraordinarily high rate of suicide among the Gitksan.

40 James Clifford, “Indigenous Articulations” (2001) 13(2) *Contemporary Pacific* 472.

41 Chandler & Lalonde, *supra* note 16.

42 *Ibid.*, 209-210.

43 *Ibid.*, 191.

Others have argued that we must examine the societal “narratives of suicide and their impact on individuals and groups.”⁴⁴ This is a conceptually different approach to suicidology which primarily focuses on perturbation (i.e., upset, disturbance, agitation and pain). For example, Michael Kral argues that lethality theory must be explored and expanded—the idea about suicide and how these ideas are internalized collectively (but ultimately acted on individually).⁴⁵ Kral explains, “we know next to nothing about lethality: how the idea of suicide becomes internalized and later selected as a course of action by some people. A lethality theory of suicide would focus on the idea of suicide, the context of how ideas are spread and adopted more generally through society.”⁴⁶ While Kral’s approach doesn’t provide any answers, the direction he sets out appears to be more useful: what are the ideas about suicide? What feeds those ideas? How are they acted on and why?

One powerful story of resistance comes from a group of Gitksan youth—in the form of a graphic comic. *Darkness Calls*⁴⁷ is brilliant and entirely narrated in Gitsanimx̓ with English subtitles. The darkness is represented by Watxs, an evil being that uses the anger and confusion of young people to draw them into a shadow world of darkness and despair, and suicide. A primordial battle is fought between the superhuman beings Watxs and Weget (Gitksan trickster figure) over the soul of a young Gitksan who must decide whether he wants to live. This is a hard-hitting production that includes bullying in its many forms (e.g., by peers, parents and teachers), addictions, poverty and despair. While the comic’s politics may be a little too simple, this is nonetheless an incredible testament to the tenacity and strength and determination of the young Gitksan who were involved with its creation. To deal with suicide, the Gitksan youth draw upon their own oral histories and intellectual traditions—and they render these into today’s forms and images. This is also a direct political action that is very wise and smart.

But the big question that still gnaws at me is why didn’t the early and ongoing political actions sustain those young Gitksan people? What disconnected the years of extensive political and legal activism from the lives and deaths of those young people—the young chess player, the sleeping boy and the suicidal youth? This is a haunting question that still I don’t know how to answer. The other big question is what feeds the ongoing prevailing conflict experienced by Skan’uu and Suu Dii? I don’t have the answers to this question either. But, perhaps what we must do is ascribe meaning to their actions—to understand their actions as resistance against the loss of meaning and empire. Resistances that cannot be given up.

44 Michael J. Kral, “Suicide and the Internalization of Culture: Three Questions” (1998) 35(2) *Transcultural Psychiatry* 222.

45 *Ibid.*, at 222-223.

46 *Ibid.*, at 223.

47 *Darkness Calls* (Courtenay, BC: The Healthy Aboriginal Network, 2007).

V The Future

Many of the Gitksan people I have talked with attribute the violence, addictions, crime and conflict to a general lack of knowledge among the younger members about Gitksan histories and the consultative legal processes that are part of the Gitksan legal traditions. Historically, much of the Gitksan conflict management strategies (that are a part of the legal traditions) included extensive consultations and negotiations within the House and between the Houses, and in the Feast hall. Basically, people had to talk to each other about substantive issues on an ongoing basis in order to both build and maintain relationships.

However, lack of cultural knowledge (in the broadest sense, including a loss of the Gitksan language) and any conflict resulting from that is not the cause of the problems. That analysis reflects the rhetoric that indigenous people merely have to be exemplary indigenous people (i.e., respectful, knowledgeable, patient, obedient, spiritual, wise and so on), in order to return to some mythical, pre-contact state of social and political harmony. Conflating norms with behaviours in this way⁴⁸ indicates a deeper failure to unpack and examine the implicit law,⁴⁹ which is part of the tacit background of shared understandings⁵⁰ that guide the behaviour of humans in groups. In fact, the focus on language and cultural knowledge might even be contributing to the conflict by inadvertently privileging the more fluent and knowledgeable speakers over others.

The undermining of Gitksan conflict management is linked to colonial history and to the contemporary political situation of the Gitksan. The conflict and other social problems experienced by the Gitksan must be appreciated within the complex of power relationships between Gitksan people and Canada, and between Gitksan law and Canadian law. This can be extrapolated to other indigenous peoples.

48 See Julie Cruikshank, *The Social Life of Stories: Narrative and Knowledge in the Yukon Territory* (Vancouver: UBC Press, 1998) at 60. Cruikshank argues that “[t]he pitfall of both axioms—one linking hunters with harmony, the other conflating norms with behaviour—is that each so easily becomes a weapon when indigenous people fail to pass arbitrary tests of authenticity.”

49 See Gerald Postema, “Implicit Law” in Willem J. Witteveen & Wibren van der Burg, eds, *Rediscovering Fuller: Essays on Implicit Law and Institutional Design* (Amsterdam: Amsterdam University Press, 1999), 255. Building on the work of Lon Fuller, Postema writes that an exclusive focus on explicit law can result in overlooking “the vast body of law lying beneath the surface of the phenomena they seek to understand. Yet the existence and content of explicit laws depend on a network of tacit understandings and unwritten conventions, rooted in the soil of social interaction” (p. 255).

50 Andrée Boisselle “Beyond Consent and Disagreement: Why Law’s Authority Is Not Just about Will” in Jeremy Webber & Collin McLeod, eds, *Challenges of Consent: Consent as the Foundation of Political Community in Indigenous/Non-Indigenous Contexts* (Vancouver: UBC Press 2009).

Basically, conflict is an integral and necessary aspect of all human societies. The challenge is not to prevent conflict or even to resolve it, but rather, to effectively manage it so that it does not paralyze people. It is only by rebuilding an effective and involved citizenry that the Gitksan (and other indigenous peoples) will be able to overcome the current negative state of paralysis by drawing on the resources that are a part of their own legal traditions. These include intellectual resources for problem-solving, deliberation, reasoning, consultation and collaboration, and interpretation.

Finally, it is through the intellectual undertaking of theorizing Gitksan (or other peoples') legal traditions that political space is created within which people can identify and challenge contradictions and power imbalances. It is in this political space that people can consider authority, power dynamics, relations with the state and other peoples, and ways to recognize, change and apply law to their lives. And thereby change how we relate to each other internally within our societies, to other indigenous and non-indigenous peoples externally and to the State—whether through future direct political actions or by other means.

This is my honour song. It is about finding new ways to act. It is a song about finding meaning in the past in all of our actions and moving on. It is about recognizing resistance in all its forms and finding its power. It is about hope.

At an individual level our aim should be to resist the empire of force by refusing to be the kind of person and mind it requires us to be. If we could do it, this would be an achievement with its own value for each of us who did so; to multiply and generalize such an achievement would have great consequences for the whole world—and to insist upon respecting instead the centre of the human mind and soul, where meaning is claimed and made—is the only way in which our world can be transformed for the better. It is the only ground for hope.⁵¹

51 White at 205.