THE STÓ:lÓ WORLD VIEW AND
THE INDIVIDUALISM OF CANADIAN LAW

by

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ABSTRACT

The goal of this study is to determine how the individual rights, particularly those enshrined in civil law and the Charter of Rights affect the holistic aspect of the Stó:lō winter dances. The Thomas v. Norris court case is the case study. This court case provides an example of a Canadian court that ruled in favour of individual rights, via civil law, in a case that involved the longhouse of an Aboriginal nation. Eight members of the Stó:lō Nation were interviewed for this study. The role of the Charter of Rights in Aboriginal communities is also included in this study to provide another example of individual rights in Canadian law and to determine the opinions of the interviewees regarding the Charter of Rights.

This study describes the holistic nature of the winter dances, including six descriptions of the holism in winter dances by Stó:lō interviewees. Of the four Stó:lō interviewees asked, four agreed that Canadian law has the potential to affect the holistic nature of the winter dances. When asked if the Charter of Rights should be the law governing the Stó:lō longhouses, none of the five Stó:lō interviewees felt that it should be applicable. There was an array of answers from the six interviewees asked whether the Charter of Rights should apply to the Stó:lō Nation as a whole community. This difference in responses between the disapproval of the Charter of Rights being the law that governs the longhouses and the mixed responses given with regard to the Charter of Rights applying to the Stó:lō Nation community suggests that there is a difference in context between the applicability of the Canadian laws to the Stó:lō longhouses as opposed to the Stó:lō Nation community.
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CHAPTER ONE
INTRODUCTION AND METHODOLOGY

“We need to recognize that there can be many reasons for pursuing a university education, reasons which often transcend the interest and well-being of the individual student” (Kirkness & Barnhardt, 1991, 5).

The archives are in the minds of the Stó:lō people, communicated through oral traditions.

Isn’t it ironic...that my mother went to residential school and because of this my knowledge of the history and culture of my own people is not as vast as I would like it to be. The line of oral transmission of this knowledge was severed in my mother’s generation with the Catholic residential school she attended at Mission, B.C. There, she lost her ability to speak the Halq’eméylem language; she lost the opportunity to learn the precious art of cedar root basket weaving from her mother. The thousands of years that it took for Stó:lō people to learn which plants were medicinal and for what purposes were lost in that one generation for my maternal side of the family. My mother missed out on being raised and taught by a most kind and gentle Stó:lō woman; I know, because I remember Grama vividly. This and so much more was lost. That’s all it took to lose so much, one generation. The real tragedy is that almost every Stó:lō person has a similar story.

Now, I, from the post-residential school generation, am attempting, through my schooling, to gain back some of what was lost. Wayne Newell (Passamaquoddy), in the context of residential schools, attests to the power of culture:

They couldn’t erase it, and therein lies the hope. Right there. And when the spirit is reawakened it is more powerful than anything that I have ever met in my whole life. I am impressed with the strength of culture (Miller Cleary & Peacock, 1998, 102).

My grandmother and my ancestors had the wisdom and the knowledge to keep generations of us
balanced and solid in our identities, despite the social context we may have been in. Although some Stó:lō people were fortunate enough to maintain much Stó:lō culture, with the passing of Elders, for many, much of that knowledge has been lost. Doug Cardinal, of the Metis nation, makes a universal statement about Elders in the Aboriginal world, "our elders are our books...when we lose one of our elders we lose our books" (Eigenbrod, 1995, 93). In spite of the colonial affront on Stó:lō culture, there are still many Stó:lō Elders today who take their role as guardians of the culture seriously so that the rest of the community members always have this resource to refer to in our pursuit to maintain our cultural knowledge.

It can be a challenge to honour my cultural ways in a Euro-Canadian institution that demands that I adhere to its culture. Despite the cultural contradiction of attending university which requires high levels of individuality and competition, I honour my Grandmother, my Ancestors, and the Stó:lō community and aspire to make their presence in this paper strong. My position here, as author of this thesis, is that of a learner as it is inherent in Stó:lō culture to be a lifelong learner. No matter how many degrees I obtain from Western universities, I will never be an "expert". My work will be shaped and guided by traditional Stó:lō values which are embedded in the Stó:lō community so I need to participate in a life long endeavour of learning from my community.

My ancestral ties are with the Cheam First Nation, but I was raised on the Tzeachten reserve (both Stó:lō communities). Just across the field, on the other side of the Tzeachten cemetery, was the longhouse where Aboriginal people from all over the valley and Vancouver Island would participate in or attend the winter dancing during the winter months. I grew up attending winter dances, so assumed that this was the way it always was. I did not realize that
the anti-potlatch ban was lifted only eight years before I was born. It was not until I went to university and started taking anthropology and First Nation studies courses that I learned that the winter dances had been banned from 1884 to 1951. There was something disconcerting about learning about this and other aspects of Aboriginal history; it seemed like it was the best kept secret.

Finding myself at the graduate level in university, I had to decide on a thesis topic. Being a Stó:lō woman, knowing about the Indian Act, about Bill C-31, and knowing that the Charter of Rights' was tied up in the Stó:lō experience of colonization, I decided that I would focus on the individualistic aspects of Canadian law and how it may impact Stó:lō culture. I anticipated that this would be a very challenging topic because I knew that a lot of the support for the Charter comes from Aboriginal women and I also knew that there are a lot of Aboriginal people who want nothing to do with the likes of the Charter because of cultural issues. I had some vague ideas about individual rights and collective rights, but did not feel qualified to state which side of this debate I supported. Whether I chose to support or not to support the Charter, I found that I could not argue my position very well. I felt that by studying an issue within the realm of Canadian law, particularly where individual rights are involved, that involved an Aboriginal nation, I would be able to clarify my stand on the issue of the Charter.

When pondering how the Western concept of individualism in law has affected Stó:lō culture, the holistic aspect of the culture kept coming up for me. Somehow, it seemed that the holistic aspect of Stó:lō culture is impacted by Canadian law, but I could not answer, at that point, how it was affected. In fact, I was not sure that I could even articulate the holistic aspect

1The Charter of Rights will be referred to as the Charter for the remainder of this paper.
of Sto:lo culture to even begin a discourse. To examine this aspect of Sto:lo culture was very much a learning experience for at least two reasons. To focus on the holistic aspect of Sto:lo culture facilitated both the learning process about my own culture and my ability to articulate that knowledge in a Western academic way. Secondly, it provided a partial answer to the question of how Canadian law impacts the holistic aspect of Sto:lo culture.

In speculating about how the individualism embodied in Canadian law may affect a culture with a holistic world view I envisioned a dream catcher. The circle is symbolic to many Aboriginal people as a part of a world view that incorporates balance. The webbing inside the dream catcher represents the Aboriginal world view of the interconnectedness of all of Creation. A stone or bead is usually placed somewhere in the webbing of a dream catcher; this symbolizes the individual. Now, close your eyes and envision the dream catcher: the circle, the webbing, and the stone. Grasp the stone and pull it up. There’s tension as you pull. With the stone pulled up above the web, stop. Look at the picture. Now open your eyes. Could this visualization process be an allegory of the affect of legalized individualism on an Aboriginal holistic world view? Pulling up the stone had the affect of distorting the web. It not only forced the stone (individual) out of its place in the web (interconnectedness of all creation), but raised the stone (individual) above the web (all of creation), leaving it in an unstable position. Only when you release the stone (individual) do you return to a balanced web. To clarify, this allegory does not imply that individualism is wrong; it is a matter of questioning how highly individualistic values from one culture may affect another culture that downplays that level of individualism.

In searching the literature for a court case in which individual rights were pitted against the collective rights of an Aboriginal community I ran across a seemingly controversial court case
in the literature, the *Thomas v. Norris* case, which involved the winter dances of a Coast Salish community in British Columbia. Losing so much traditional territory during the resettlement of British Columbia forced a drastic change in the manner that Coast Salish were initiated into the Coast Salish longhouses. Since specific sites that were used for vision questing had been lost to the newly arrived settlers the practice of vision questing was limited to an initiation process carried out mainly in the longhouse. The *Thomas v. Norris* court case pertained to an involuntary initiation of a Coast Salish man into the winter dances. This restriction of the practice of winter dance initiations due to land loss was not seen as a significant factor in the proceedings of the court case or in much of the debate in the literature regarding the *Thomas v. Norris* case.

The events surrounding the 1992 *Thomas v. Norris* case started when Kim Johnny went to her community to ask for help with regard to her marriage. She asked if her husband, David Thomas, could be initiated into the longhouse. At first the Elders were reluctant, but eventually the Elders instructed her to obtain permission from her husband’s brother or aunt. The aunt gave her consent on the condition that the husband’s brother consented. Kim Johnny reported to the Elders that she had the aunt and brother’s consent and, in turn, the Elders gave their permission to initiate the husband. David Thomas (individual) took the men of the Aboriginal community who initiated him (collective) to court claiming that his individual rights had been violated when he was initiated. The court agreed with him, awarded him $12,000, and charged the longhouse members who did the initiating with assault, battery, and false imprisonment (Denis, 1997). Criminal charges were not laid.

Although this court case did not involve the Stó:lō Nation, the case is relevant to the Stó:lō Nation because the winter dances are also a part of Stó:lō culture. In fact, cases like the
Thomas v. Norris case have initiated changes in practices in the longhouses such as the discontinuation of the practice of involuntary initiations in Stó:lō longhouses. What was it about this case that did not bode well in my mind (and I am sure in many other Aboriginal peoples' minds)? Was it the clashing of an individual with the collective of an Aboriginal community or was it the way the matter was dealt within Canadian courts? Was the discomfort I felt with the Thomas v. Norris case specific to the fact that this case is tied into the winter dances or was it more of a broad concern that included Stó:lō culture? The winter dances are so sacred that this is virtually the only Stó:lō institution that is kept relatively private and closed to the outside world. The question that I will address in this paper is whether individual rights, particularly those enshrined in civil law and the Charter, affect the holistic nature of Stó:lō winter dances. To provide context for the discourse of Canadian laws and the longhouses of the Stó:lō Nation, another consideration in this study will be to query a number of people from my community about whether or not the Charter should be applied to the Stó:lō community and Stó:lō longhouses.

There was something particularly unpalatable about the Thomas v. Norris case; there was a contradiction about the situation that was creating dissonance in me upon reading about it. The court stated that the plaintiff's individual rights were violated by his being initiated into the winter dance without his giving his permission, but at the same time I had a sense, or feeling, that the Canadian courts violated the culture of the Coast Salish nation involved in this case because, according to Coast Salish norms, the winter dances are usually not to be talked about publicly. The winter dances are sacred and, without regard to whether or not the people of this Coast Salish consented, discussion about the winter dances was forced into the public realm. Because the winter dances are such a sacred and private part of the Coast Salish cultures it felt like the
court was imposing itself on our culture just as the Euro-Canadian culture was forced upon Aboriginal people through the residential schools. For this reason this case was chosen as an example of the Canadian courts meting out its form of justice in a distinctly Aboriginal situation. I will question in this thesis whether situations such as this could be better handled through an equally distinct Aboriginal system of justice.

I chose to work from a postcolonial paradigm. Duran and Duran (1995) define the postcolonial paradigm, "...a postcolonial paradigm would accept knowledge from differing cosmologies as valid in their own right, without their having to adhere to a separate cultural body for legitimacy" (6). This is an appropriate paradigm to frame my thesis for a variety of reasons. First of all, only the Stó:lo people can provide insight into how active the holistic world view is, the nature of holism in Stó:lo culture, and how laws based on individualism may affect this holistic aspect of the culture. Secondly, I am attempting to introduce and present my community's participation in this thesis respectfully. Thirdly, this is very much in the spirit of the Delgamuukw decision. A ruling in Delgamuukw was that, "Trial courts must accord independent weight to oral history...further, the interpretation of the evidence must give due weight to the First Nations perspective regarding practices, customs, traditions and their relationship to the land" (Blake, Cassels & Graydon, 1999). Lastly, I am hoping that this paradigm will position readers who are non-Stó:lo to gain a better understanding of the socio-political issues of concern in this thesis.

This thesis is a qualitative study that does not seek numbers to support its premise. On the contrary, the goal of this study was to generate a cultural understanding of a Coast Salish issue. Many Canadians take laws based on individualism for granted, without questioning the cultural basis behind it. In fact, it is suspected that many Canadians cannot begin to understand why any
particular group may so strongly challenge the legitimacy of laws such as the Charter. Yet this is the issue the *Thomas v. Norris* case raises, and to understand the Stó:lō perspective we have to listen to the Stó:lō themselves. Only the words of the Stó:lō can illustrate what a cardinal role the winter dances play in Stó:lō society, how distinct the winter dances are, and how the individualistic values in Canadian law affect the functioning of the winter dances in Stó:lō society or how Stó:lō members feel about the Charter being the law that governs Stó:lō society and Stó:lō longhouses. Only a qualitative study can capture these Stó:lō viewpoints.

Choosing a methodology for this thesis was a challenge. It is amazing and, on the other hand, not amazing, given the colonial context that all Aboriginal people live in, that there is relatively little literature authored by Aboriginal people about Aboriginal methodologies. As Maori author, Linda Tuhiwai Smith (1999), notes, "Most research methodologies assume that the researcher is an outsider able to observe without being implicated in the scene" (137). It is only recently that literature by Aboriginal scholars has started to appear which addresses the situations of the "insider" conducting research within Aboriginal communities. The roles and responsibilities of being a researcher who belongs to the community they are working with needs much more attention because the "insider" researcher must live with the results and impact of their research in a way that an "outsider" does not.

I am an "insider" researcher so many methodologies that are typically employed may be uncomfortable for me to use. A methodology that is familiar to me and best suits this work is that of honouring the traditional Stó:lō approach to learning. One of the characteristics of traditional learning is that the initiative comes from the learner (Archibald, 1997). This feature is common in many Aboriginal cultures, such as the Aboriginal nations of the Nicola Valley, British Columbia
where, "...a leader provides instruction upon request at the initiative of the learner...and that an individual, even a child, decides who to select as authority figures, when and where" (Sterling & Hebert, 1984, 294). My Stó:lō grandmother displayed this regard for my autonomy, even when I was in my youth. As a result, this particular interaction between us has become one of the most prominent memories I have of her.

My grandmother lived with us for a brief period of about six or seven months when I was about seventeen years old. Although she was probably concerned that our language and basket weaving skills should be passed on, she never said anything to me. One day I asked her, “Grama, can you show me how to make those cedar root baskets?” She then patiently explained, in detail, how I could go about gathering the cedar roots that were required for the baskets. She explained how far away from the tree to dig, how thick the roots should be, amongst other points that, over the years, I have forgotten. I gathered a handful of roots and quickly learned to appreciate what hard work it took just to gather the roots. She then showed me how to prepare them for weaving, but she waited for the initiative to come from me before she taught me anything about basket weaving. Two factors inhibited me from furthering this traditional education: she was only with us for a short period and I was a teenager who did not realize how critically important this time with my Grama was. If my lack of persistence dismayed my grandmother, she never showed it or spoke of it. To this day, 23 years later, I still have that small bundle of roots that we prepared together. This traditional respect for autonomy, for many Aboriginal people, is not only shown for humans, but is also expressed toward everything, animate and inanimate, in the world. This is a part of the holistic world view that is typical of many Aboriginal cultures.

Traditional learning is like the circle: ongoing. Herb Joe explains the Stó:lō value of life
long learning:

Our ancestors taught that we need to learn every day, all the time. It's a continual learning process all of our lives here on this earth. Once our young people start to understand that, then being a part of this technological world and learning all there is to learn about living in that technological world is still very much a part of life's philosophy from a more traditional Stó:lō perspective (Interview, 1999).

The traditional learning method has provided me, as a Stó:lō person, with an opportunity to learn more about Stó:lō culture from my family and Stó:lō community members. Traditionally, as I gain understanding of what I need to learn I am obliged to share my knowledge. This writing process allows me to share the knowledge embodied in the interviews as well as taking the reader along on my learning journey.

According to Kirkness & Barnhardt (1991), traditional learning is a different state of consciousness than that of Western learning. While acknowledging the diversity of Aboriginal groups, these authors describe a common theme of Aboriginal traditional learning:

While the manifestations can vary considerably from one group of people to another, some of the salient features of such knowledge are that its meaning, value and use are bound to the cultural context in which it is situated, it is thoroughly integrated into everyday life, and it is generally acquired through direct experience and participation in real-world activities (Kirkness & Barnhardt, 1991, 6-7).

These characteristics of traditional learning in which knowledge is not abstracted or separated from the everyday experience makes it a different style of learning from the learning styles that Western learning institutions encourage in which knowledge is abstracted and compartmentalized. My comfort level with the traditional learning style made the traditional learning method of approaching this paper very attractive. The challenge that came with utilizing this method was to present it in a way that could be respected by an interdisciplinary academic community.
For the purposes of this paper, I needed to blend the two worlds, Stó:lō and Euro-Canadian, that I deal with in a university. This blending required that I intercept the interactive traditional learning process and express some of it in a linear fashion through my chosen research method which was the semi-structured interview. The first step in funnelling the circular nature of traditional learning into a more linear form was to tape record the interactions between the interviewee and myself which "froze" it in time and space. The second way the learning process was transformed into linear format was in the transcribing process and the decision about which parts of these transcriptions were to be utilized in this paper. Eigenbrod (1995) acknowledges this procedure in the context of traditional storytelling, "...the essential difficulty of that kind of translation lies in the fact that the communal experience of telling a story needs to be adapted to the isolation of a writer's work. In other words, the circular communication pattern of the oral process happening between teller and listener(s) is transformed into a linear process" (92). One of the first steps of this process was to provide a list of questions for the interview process.

Interview questions and a consent form were drawn up by me so they could be submitted for approval to the ethics review committee of the University of Northern British Columbia (UNBC). Since the questions had to be approved by UNBC before fieldwork could be carried out, the hope was to generate more questions than were actually required for the interviews. The actual interview questions would then be selected from this schedule of questions. Once a first draft of questions was completed, it was sent to the Stó:lō Nation research registry for comment. Staff from the Stó:lō Nation administration responded with suggestions such as terminology.

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2For most of this thesis the "Stó:lō Nation" that is being referred to is the culture group. The administrative body of the Stó:lō Nation is referred to at this point.
changes and queries about the nature of some questions. A copy of the Stó:lo Nation consent form was provided for this study so that copies of the interview tapes could be released to the Stó:lo Nation archives. Once this process was completed, a list of thirty questions, the Stó:lo Nation's consent form, and my consent form were then handed in to the UNBC ethics review committee for approval. The questions and consent forms were approved by UNBC.

The proposal for this project was submitted to the Stó:lo Nation Cultural Heritage Research Registry for consideration. Initially three names were submitted at the proposal stage as possible interview candidates: Gwen Point, Steven Point, and Sonny McHalsie. Upon approval of the proposal by the research registry of the Stó:lo Nation, arrangements were made to interview Gwen Point and Sonny McHalsie. As each interview took place, the interviewee suggested names for further possible interviews. The selections of interviewees were based on these suggested names or were chosen by me. I selected the sample keeping in mind that gender balance was an important consideration in this study. The remaining interviewees were: Clarence Pennier, Herb Joe, and Jo-ann Archibald. Shirley Norris was also interviewed because of her insight into the Halq'emeylem language. In addition, I chose to interview two Cheam Nation spokespersons, the Chief of Cheam, June Quipp, and Joe Aleck. Since Joe Aleck, like Shirley Norris, is one of the speakers of Halq'emeylem, there was a heavy emphasis on the language component in the interview with him. None of the interviewees who participated in this study requested anonymity.

The interviewee's responses were transcribed. Then, as Jo-ann Archibald (Jo-ann Archibald, personal communication, July 15, 1999) noted, I had the responsibility of making meaning of it all. By integrating the excerpts from the interviews into the paper, it is clear that the
views of all involved are quite clearly their own. The answers to the questions I was asking in this study were answered, guidance was provided, or my concerns about the implications of the *Thomas v. Norris* case were validated by the interviewees. The attractive feature of this form of presentation is that any readers of this paper can also learn, as well as form their own interpretations, from these transcript excerpts. In total there were eight interviews conducted, each done on a one on one basis. Four of the interviewees are women and four are men. Two of the eight interviews are language interviews, while the remaining six (three men and three women) are interviews based on the *Thomas v. Norris* case. The interviewees in this study are from seven of the 24 cultural communities of the Stó:lō Nation (see Appendix A for a map\(^3\)).

This study, then, does not represent the whole of Stó:lō Nation, but it is based on a small sample of Stó:lō spokespersons. The two Elders involved in this study were involved with *Halq’eméylem* language issues. Excerpts from the interviews are dispersed throughout chapters two, three, and four. Once a first draft of the thesis was completed four copies were provided so they could be reviewed by Stó:lō members who were involved in the study. The four Stó:lō reviewers were: Gwen Point, Herb Joe, Jo-ann Archibald, and Clarence Pennier. Their suggested revisions were taken into consideration and changes were done accordingly.

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\(^3\)The map of the Stó:lō Nation provided distinguishes which nations belong, administratively, to the Stó:lō Nation. Culturally, those nations from the mouth of the Fraser River up to Spuzzum, British Columbia are Stó:lō.
All interviewees involved are prominent Stó:lō community members. Below I give profiles of the interviewees:

Shirley Norris, *Tseloyothelwet*, is a *Halq’eméylem* language instructor and *Halq’eméylem* textbook writer. She is a member of the Sumas First Nation.

Joe Aleck, *Siyamalalexw, Chi’i’yee*, is a recently retired *Halq’eméylem* and Stó:lō culture teacher at the Seabird Island Community School. He is also the Stó:lō House of Elders official representative and a member of the Stó:lō Nation House of Justice. Joe has been a band councillor at his community, Cheam First Nation, for ten years.

Gwen Point, M.Ed., was program manager for the Stó:lō Nation Education Department at the Stó:lō Nation administration center until just recently. She has recently accepted a position with the Ministry of Education, Aboriginal Branch, as the regional coordinator for the Northeast and Northwest. Gwen is a member of the Skowkale First Nation and is a prominent member of the longhouse.

June Quipp is the Chief of the Cheam First Nation.

Herb Joe, *Tixwelatsa*, is a Cultural advisor for the *Xyolhemeylh* division of Stó:lō Nation administration center. Herb is a member of the Tzeachten First Nation and is also a prominent member of the longhouse.

Albert “Sonny” McHalsie is a researcher and the Cultural Advisor at Stó:lō Nation administrative center. Sonny is a member of the Shxw’ōwhamel First Nation.

Clarence Pennier is Grand Chief of the Stó:lō First Nation and is also the Executive Director of Aboriginal Rights and Title at the administrative centre of the Stó:lō Nation. Clarence is a member of the Scowlitz First Nation.

Jo-ann Archibald, Ph.D., is the Director of the First Nations House of Learning and is a member of the Faculty of Education at the University of British Columbia. Jo-ann is a member of the Soowahlie First Nation.
This thesis consists of four chapters. Chapter One (this chapter), the introduction and methodology chapter, has outlined how this project came about and gives an overview of the methods employed throughout the study. Profiles of Stó:lō interviewees and a section dealing with definitions and terms are presented in this chapter. In Chapter Two I define, with the assistance of the Stó:lō interviewees, what Stó:lō holism is, as well as identifying, through the available literature, the way holism is expressed in the winter dances. At the close of Chapter Two the status of the holistic world view in today’s contemporary Stó:lō society is examined. Chapter Three entails an exploration of the *Thomas v. Norris* decision and how court cases such as this may impact on the holistic aspect of Stó:lō culture. The final chapter summarizes the contradictions between Western individualism in Canadian law and Stó:lō holism, concluding arguments are made, and recommendations for future study in this area are made.

### Terms and Definitions

Before we move on to Chapter Two, I want to introduce some useful Stó:lō terms.

"Stó:lō" was the self-chosen name for Stó:lō Nation whose territory runs from the mouth of the Fraser River up the river to Spuzzum, British Columbia. Stó:lō was the *Halq’eméylem* name of the Fraser River in precontact times.

"*Halq’eméylem*" is the language of the Stó:lō people.

"Aboriginal" is the term that I chose to use throughout this thesis rather than "First Nation", "Native", or "Indian" because it was decided by Stó:lō Nation members as the term to use in the book, *You are Asked to Witness: The Stó:lō in Canada’s Pacific Coast History* (Carlson, 1997). I find that this term is particularly well suited for this thesis that deals with legal issues as the term "Aboriginal" is usually used in legal contexts.
“Shxweli” is the *Halq’eméylem* name for the Stó:lō concept of “life force”. In the traditional Stó:lō world view everything (humans, animals, elements, the landscape, etc.) has a life force which gives spiritual meaning to virtually everything in the universe.
CHAPTER TWO
HOLISM IN STÓ:LO CULTURE

"Equality is thus not simply a human attribute but a recognition of the creatureness of all creation" (Deloria, 1994, 90).

Holism in Stó:lo Culture

From the mouth of the Fraser River (Stó:lō) up to Spuzzum, British Columbia is traditional Stó:lō territory. Simon Fraser was the first European visitor to this part of the country in 1808. In grade school we have typically been taught about the heroics of such visitors, much to the exclusion of the fact that what he found here were sophisticated societies of Aboriginal peoples. The fact that everything in this country was already named, such as the Fraser River which was called Stó:lō before Simon Fraser’s arrival, is usually not mentioned. Much of Simon Fraser’s exploration through Aboriginal country was made much easier than it would have been had this country been uninhabited.

Simon Fraser found foot trails to follow along the river where the water was too rough to take canoes. Aboriginal people provided Simon Fraser with horses, guides, canoes, and food all along the river as he traveled south. Around the rugged waters of the Boston Bar area an Aboriginal man helped Simon Fraser and 23 of his crew when he, “scaled the walls [of the canyon], lowered a pole and drew them up to where they could stand, one by one” (Nuffield, 1990, 237). It’s unfortunate that this Aboriginal man’s name was not recorded for the significant part he played in Fraser’s journey, just as many Aboriginal people’s contributions to the European
settlement of this land were left anonymous or not mentioned at all. At Hell’s Gate Simon Fraser found an elaborate system of poles strategically strung over the canyon engineered by the Aboriginal people to traverse the canyon (Nuffield, 1990).

As Simon Fraser entered Stó:lō territory he found the markings of a complex society. He described a longhouse he saw around what is now Langley:

Their houses are built of cedar planks and in shape, ...the whole range, which is six hundred and forty feet long by sixty broad, is under one roof; the front is eighteen feet high and the covering is slanting: all the appartements(sic), which are separated by partitions, are square, except the chief’s, which is ninety feet long....Above, on the outside, are carved a human figure as large as life, with other figures in imitation of beasts and birds (Duff, 1952, 48).

In and around these elaborate structures he found remarkable loom woven blankets. This description is of blankets he saw around Agassiz, “They make, with dogs hair, rugs with stripes of different colours, crossing at right angles and resembling, at a distance, Highland plaid” (Masson, in Duff, 1952, 57). This only touches on the material wealth of the Stó:lō. There was, and still is, a very distinct way of seeing the world. Unfortunately, much of this way of seeing the world is locked away in the Halq’eméylem language, there for only the few fluent speakers to really experience.

There are approximately 5700 Stó:lō people on and off reserve (Archibald, 1997). There are only about 20 fluent speakers of the Halq’eméylem language left (Norris, Interview, 1999; Aleck, Interview, 1999). In the following passages Shirley Norris gives insight into the difficulties of translating from Halq’eméylem to English, as well as vice versa, and the fact that much is lost:
DENISE McDONALD: Are there any problems that you notice when you are translating from Halq’eméylem to English? Are there certain things that you notice that are different in translating Halq’eméylem from English?

SHIRLEY NORRIS: It’s hard to translate a lot of Halq’eméylem to English. Don’t translate it word for word; think about how it was said and it comes out different because I can tell if it’s just directly translated word for word because you say it in Halq’eméylem and sometimes it sounds a little broken. But if they say it the way it should be said, the way it was said a long time ago. If that was it, it sounds like a good phrase, a good sentence.

DENISE McDONALD: So there are, you do find that there are some translations that are particularly hard?

SHIRLEY NORRIS: There are difficulties. There are some that are very difficult to translate to Halq’eméylem because I think there are some that cannot be. Translating Halq’eméylem to English loses the meaning a lot of times. It loses the meaning. I think it loses a lot of the feeling, the good thing that’s in Halq’eméylem. It loses that if we just directly translate and not think of long ago when in the natural days conversation that we would be talking maybe along the same line. But when we come to translating Halq’eméylem to English, word for word, it loses some of the goodness, some of the real meaning.

DENISE McDONALD: You can see the culture in the language, the cultural difference?

SHIRLEY NORRIS: You listen to the Elders talk. That is the right way; that is the correct way; that’s the real way. And the young ones now are trying and doing their very best. And they put together phrases or they build new phrases and some of it, it’s comical when the Elders listen to it. But they are trying and I always tell them that they should always make time to visit Elders and have them say things in our language (Interview, 1999).

Many Stó:lō are trying to learn the language; hopefully, they will attain the level of understanding and speaking the language that our Elders have because much of the richness of the Stó:lō outlook on life is in the language. Translation difficulties in this study are a significant obstacle, just as in Euro-Canadian institutions such as courts, in trying to convey Stó:lō concepts by using the English language.

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4Shirley Norris explained that because of today’s technology there are English terms that cannot be easily translated to Halq’eméylem (Norris, personal communication, July 19, 1999).
The Stó:lo way of seeing the world has been called "holistic" which has been defined as, "A holistic approach considers whole systems rather than taking a fragmented approach which ignores the relationships and focuses on the parts" (Friesen, Archibald, & Jack, 1992, 19). The argument can be made that all cultures are holistic to degrees; this I acknowledge. Where I depart is in the distinction of "to degrees". Holism is a hallmark of many Aboriginal cultures because it is so pervasive in Aboriginal world views. The holism of Aboriginal cultures also has a very strong spiritual basis which sets it apart from the Euro-Canadian world view.

Huron author George Sioui points out that one of the commonalties amongst many Aboriginal cultures is the holistic way of seeing the world. “The reality of the sacred circle of life, wherein all beings, material and immaterial are equal and interdependent, permeates the entire Amerindian vision of life and universe” (1992, 8). Vine Deloria explains that many Aboriginal people hold a distinct holistic world view and provides a few examples:

Behind the apparent kinship between animals, reptiles, birds, and human beings in the Indian way stands a great conception shared by a great majority of the tribes. Other living things are not regarded as insensitive species. Rather they are "people" in the same manner as the various tribes of human beings are people. The reason why the Hopi use live reptiles in their ceremony goes back to one of their folk heroes who lived with the snake people for a while and learned from them the secret of making rain for crops. It was a ceremony freely given by the snake people to the Hopi. In the same manner the Plains Indians considered the buffalo as a distinct people, the Northwest Coast Indians regarded the salmon as people (1994, 89-90).

This way of seeing the world does not have a hierarchical value system for the species of the earth. Equality means something totally different because there are no clean divisions between man, deities, and animal. Equality in Aboriginal terms typically means that everything in the universe should be respected as everything has its role and purpose.
The interviewees shared how they see holism in Stó:lo culture:

HERB JOE: Holism in Stó:lo culture is probably a good description of the way in which our people, through the centuries, evolved. You can't separate one part of yourself from the other and expect to be healthy. Holism, in terms of personal health, and, of course, then projected into your family, your extended family, your community, your nation, still applies today. We, of course, particularly the people who are products of families who are still very traditional in their approach in education, they still very much believe in a more holistic approach to life. That, of course, would include taking care of the physical, which is our bodies, the emotions, you know, the emotions of a heart, the feelings, the mental, of course, the way we think and use our brains and, of course, the spiritual part of us. Without all four being addressed by our people, as individuals, then there's not as much likelihood that they're going to be well balanced people, harmonious, living in a harmonious way with all and everyone that is around them. And then, of course, if that isn't the case, then, as individuals, likely, will end up being not very healthy people, in one way or another (Interview, 1999).

GWEN POINT: How do I see holism? Again, I see it as a very real part of who we are. I went through a time when I was a young girl of hearing about it and the stories and legends. I grew up and witnessed some of it. Nobody comes up and says, 'This is what it is'. No one comes up to you and says, 'You know we're being holistic. You know we're interconnected'. People don’t come up and say that. It’s not until you become an adult that you realize that, that’s what exists; that’s what sets us apart. That’s what makes us different from the larger society is that we are holistic in our thinking and how we approach things and anything done in the traditional sense is done from a holistic way of thinking (Interview, 1999).

JO-ANN ARCHIBALD: I guess I see it in the way of our stories, where our stories are holistic. They make us think; they make us feel; they help us be better human beings; they can connect to our spiritual center; they make us think about our actions, what we do; that’s part of being physical. An example of holism would be our various types of stories. The other part of holism to me is relational. We have the individual within the family, the community, and then nation. And to me, they’re like concentric rings and they interrelate to one another so that even though we can have a ring that focuses on the individual, it’s the individual placed within the other rings which are the collective. So there is always the relationship; the individual is never separate from the collective, but ‘a part of’ and the collective is also part of the individual. So the collective can never be separate from the individual either. So, to me, there is an interrelatedness, a synergy between them (Interview, 1999).

CLARENCE PENNIER: Well, I agree with the definition that you've given that Stó:lo culture is all encompassing and that we're at one with the world and the trees and the rocks. All things are our relatives. It’s important that people realize or understand that that’s the way we lived in the past and that’s our history. That’s been skewed by our own people and the non-Indian people as well. [DENISE McDONALD: Would you be able to elaborate on your last comment?] Well, in terms of the non-Indians trying to understand that part of our stories that we descended from, like in terms of Scowlitz, the sturgeon was one of our ancestors. It’s kind of difficult for them to
understand that. And it’s also difficult for them to understand that the cedar tree was a person in the past, so it’s difficult for them to understand that (Interview, 1999).

SONNY McHALSIE: Everything’s connected, like the spirits, the spirits of our ancestors are out there at night. There’s the little people that live in the ponds, the little people that live in the mountains, and you have to take care of the spirits, pay respect to them. Bertha Peters shared that story quite a few years ago about how a very good man was, because of his generosity as a man he was transformed into a cedar tree. That’s why we get all the different things that we get today from the tree. His shxweli is inside that tree. It’s like all the different transformer rocks in the territory, the shxweli....And so we look at all those different aspects of our culture, anytime, all together. It’s all interconnected. It’s made up the winter dance (Interview, 1999).

JUNE QUIPP: When we look at holism, we have a special attachment to certain things in our territory. You know, here in Cheam we had the mountain goat where we went up to the mountains every year. Our ancestors did anyway to pick the wool off the trees to use for blankets. We have the salmon that has been part of our life. We depend on it for our food supply and many of our people have not lost this tradition that we depend on it for our food in the winter in all different ways. So we do have a real attachment to the environment around us. We look at our forests and how we use that for healing (Interview, 1999).

Collectively, the interviewees provide a definition of Stó:lō holism that shares many of the classic characteristics of the holism of many other Aboriginal cultures, but has its own distinct Stó:lō version. Stó:lō holism is a unique, spiritually based, way of perceiving the world in which everything is interconnected and, ideally, in balance. Since everything in the universe is interconnected, mainly through shxweli, it is natural, then, that everything is worthy of equal status with humans. We are not, as humans, separated out from this world. We are only a part of something larger and it is through this spiritual system that the Stó:lō have a special connection with the land. It is also this way of seeing the world that can make it difficult for Euro-Canadians to understand the Stó:lō concept of holism.

We, as humans, have our place in the world where we are only part of a much larger picture. So what we take of the earth, we have an obligation to or are responsible for giving thanks. If we do not express this gratitude and give back, then the food and material we take to
that keeps everything in balance. It is through this spiritually-based concept of reciprocity that Stó:lō cultural values derive their roots.

The concept of sharing comes out of the cycle of reciprocity which is the give and take cycle that we are to honour. Someone who only takes, without giving and sharing, is breaking spiritual protocol. *Siyémches te Yeqwyeqwi:ws* (Frank Mallow) explains the spiritual nature of the reciprocity behind the First Salmon Ceremony:

> He said that one of the *shxwla:m* [Indian Doctor] had a dream that the creator was sending something up the river and told him to go down to the river and scoop their dip nets, and it was the salmon. They told them how to respect the salmon and thank the ones that sent the salmon. The salmon people from out in the ocean, you pray to them and thank them for what they sent. He used the word children. I don’t hear it often but, he used the word children. The salmon people sent their children up to you so you’d have something different to eat that gives you better energy. Those are the words that Ed Leon used. I don’t see them written down like that anymore. Now they just talk about the salmon people sending the salmon up the river. But the words that Ed Leon used to describe it was as children. You have to just thank them; take the bones and send them back after you have eaten the first salmon. He said that if you didn’t do that you weren’t showing your respect for the salmon people and they would quit sending their children out to you. So you have to show respect for the things that people give to you in the Sto:lo way (Carlson, 1997, 3-4).

This ceremony perpetuates the reciprocal relationship with salmon people and acts as a check against secular consumerism. This kind of reciprocal relationship with the world around us acts to keep the focus away from ourselves and keeps us focussed on our responsibility to stay spiritually accountable in everything we do. Taking for granted is highly frowned upon in Stó:lō culture; taking only for living (necessity) and giving (sharing) is the ideal. Many of these values that have their origins in the holistic world view are clearly in Stó:lō stories in order that children would start learning these values at a young age.
Jo-ann Archibald's point that Stó:lō stories are holistic is one that calls for closer examination of Stó:lō stories, bearing in mind that when stories are written down their very purpose and nature changes:

Long ago the world was not quite right. Everything was mixed up. Our Elders tell us that animals could talk to people and people could change their shape. Into this world came Xá:ls. Xá:ls came to transform the world and make it right. Some people call Xá:ls the “transformer,” others say he was the “Little Christ,” and some call him the “magician.” These names help people to understand who he was and what he did. I call him Xá:ls because that is his name in our Halq’eméylem language.

Xá:ls had very special magical powers. He traveled throughout the land transforming things into their permanent shape. He punished wicked people by transforming them into stone, but he also rewarded some good people by transforming them into useful things.

As Xá:ls traveled up the Fraser River he transformed people at many places along his journey. It was winter when Xá:ls reached the village of Shwe’ówhámél. He saw that the people there were starving because it was difficult to find food in the winter. The salmon and eulachon only came into the river in the spring and summer. In the winter the river was empty.

Xá:ls wanted to help the people so he transformed one of the village men into a sturgeon. The man’s wife was very lonely without her husband, and so she was told to stand by the edge of the river. She carried her lunch - a small piece of deer meat tied in her wrist. As she stood there in the snow, her husband called her to join him. She dove into the icy cold river. She was suddenly transformed into a sturgeon herself. Because she had her lunch tied to her wrist, all sturgeon today have dark tasty meat behind their gills (Carlson, with Albert "Sonny" McHalsie, 1998, 29-30).

Transformers are very much a part of Stó:lō stories. The act of transforming is indicative of the fact that there is no clean division between humans and all other entities in the universe (Hallowell, 1992). The cultural phenomenon of transformation plays a pivotal role in the holistic makeup of the Stó:lō world view which makes the Stó:lō world a spiritual one in which the human spirit can connect with all the other forms of life around it.
A couple of communities in Stó:lō Nation, Cheam and Chehalis, through the Transformer Xx̱ix̱s, descend from the mountain goat. The Stó:lō wove blankets out of cedar, dogs' hair, and mountain goat wool. The mountain goat wool that was used to weave the highest valued blankets, in itself, symbolized purification (Suttles, in Mohs, 1992). These blankets were used as a form of currency before the Europeans arrived. A variety of blankets are still used today which is symbolic of the traditional Salish woven blankets. The act of “transforming”, particularly mountain goat wool, into blankets (wealth) put spiritual meaning into the Salish blankets that the women made (Mohs, 1992). This is an example of the significance of the act of transformation and the sacred value that this process brings. These blankets were far more than the connotation of the English term “blanket” as they were valued for far more than for warmth and bedding only.

Sonny McHalsie explains how everything is alive due to the life force, or shxwelí, which gives spiritual significance to all creation. Many Aboriginal cultures have a concept that is similar to shxwelí or life force. For example, the Maori call the life force mauri; the earth and everything on it truly has egalitarian status as no one form of mauri is more important than another because of the interconnecting force, the mana, between everything’s mauri (Patterson, 1999). So if there is a temptation to consider something “useless” or “less than” something else, this is offset by the mana. Nothing on earth can be discounted because everything on earth in one way or another is connected to you. The Maori also have rituals to pay respect to the mauri of the heavens and earth and they also warn, as many Aboriginal peoples do, that if the earth and everything on it are not treated with respect there will be consequences to pay.
The Maori *mauri* has much in common with the Stó:lō *shxweli*. Sonny McHalsie explains what *shxweli* is and its ubiquitous nature:

Our Elders taught us that there are spirits everywhere. The *shxweli* has to do with the life force or spirit. I asked Rosalee George what that was and she said that *shxweli* is inside of you; it’s in your parents; it’s in your grandparents; it’s in your great-grandparents; it’s in the trees, the rocks, and the grass and the ground. It’s all around you, so that’s what the Elders mean when they say, “there’s spirits all around” (Interview, 1999).

To the Stó:lō the *shxweli* provides the strongest link that allows Stó:lō people to be interconnected to all creation. It is the *shxweli* that is the cultural regulator of the Stó:lō peoples' concerns for human impact on the land and its resources (elements, plants, animals, fish, etc.). Everything around us are our relatives and are to be treated with respect.

**Holism in the Winter Dances**

In order to identify the holism in the winter dance, the first step is to explain what the winter dance is. This is a challenge. Two difficulties are presented here. The first problem is that I grew up next door to the longhouse on the Tzeachten reserve and regularly attended so when conducting the interviews I did not think to ask “what is the winter dance?” during the interviews. It is similar to asking a Euro-Canadian what a church is. The second difficulty is that many in Stó:lō Nation strongly believe that the winter dances are too sacred to talk about to anyone outside of the Stó:lō community. I was keenly aware that, at times, during the interview I did not want to go too close to the topic of the winter dances myself.

There are boundaries around the discussion of the winter dances, as Sonny McHalsie points out, “They are very important right now, in fact, it’s so important that people can’t go in and tape record and film it. It’s kept very private and that was the traditional way of looking
after special things was not revealing the location or talking too much about things” (Interview, 1999). Jo-ann Archibald’s advice will be a guiding principle at this point, “...when you think of a principle, a philosophy, it’s like a guideline, a way of thinking about something and then you can understand the actual practice, the doing of it” (Interview, 1999). Once the philosophy of the winter dance is understood, the spiritual purposes of the winter dance practices can be better understood. Although the practices and deities may differ from Stó:lō, the philosophies and purpose underlying many Aboriginal spiritual practices have similarities. For the purposes of this discourse a mix of sources that are already available are utilized to try to capture the philosophy of the Stó:lō winter dances. My use of the literature and other resources that are already available serves the purpose of relieving all Stó:lō involved in this project of having to discuss the spiritual details of the winter dances.

Chief Bobby Joseph is a cultural leader of the nearby Kwakwag̱i’ya people. He explains their version of spiritual dances:

There was only just a thin veil between our mortal world and the spirit world. They had this very spiritual connection to everything around them. In the old days when this young man was taken into the woods, he fasted and he prayed. During his initiation the young Hamatsa would come face to face with...the Cannibal Spirit of the north end of the world. And it was at that point that he began to learn that there was more than one dimension to his existence, that there was a spiritual dimension as well (von Puttkamer, 1992).

He further explains, “After the initiation in the wilderness were done there were ceremonies that enticed Hamatsa to come back” (von Puttkamer, 1992). It is at this point that the initiate performed his dance in the longhouse which is the expression of the initiate's connection to the

5Young Stó:lō girls typically did not vision quest because “they couldn’t go out and train because they were never allowed out of sight of some older woman until they were married” according to the late Edmond Lorenzetto (Duff, 1952,99). The same was true of the Nooksack people, although it was pointed out that women were highly susceptible to vision experiences
spirit world. Although the Hamatsa dance is different, the holistic philosophy in which it is embedded is similar to Stó:lō philosophy. The fact that there is only a "thin veil" between us and the spirit world and that the vision quest, culminating with a song, is a way to connect with the spirit world holds a similar philosophical base with Stó:lō belief systems. There is an abundance of evidence that initiates in the Stó:lō Nation used to practice the vision quest as many of the Stó:lō Nation's neighbouring communities did.

Sonny McHalsie acknowledges that the initiation ceremonies that the Stó:lō practice are done differently today than they were in the past (Interview, 1999). June Quipp states that the Stó:lō used to vision quest, but that the loss of sacred grounds had ended this practice (Interview, 1999). These statements are supported by the literature. Wilson Duff (1955) observes that vision questing was not practiced anymore by the Coast Salish, but that it had been replaced by a process where the initiates gain their spirit power through the Elder winter dancers in the longhouse. The Nooksack are a Coast Salish people who also practiced the vision quest, but also had virtually halted the practice because, as Amoss (1978) terms it, "...all of the haunts of spirit powers, the regions of 'wet and wildness', had been polluted by human use" (53).

As with the Nooksack, one of the reasons that the vision quest is not practiced by most Stó:lō initiates anymore is because most of the sacred vision questing locations are no longer the Stó:lō Nation's to exclusively use. June Quipp addresses this problem:

To us, we have a lot of spiritual connection with water and we really have no way of trying to keep that serenity or looking at what it really means to us to have that part of our territory protected. The government had their own ways of saying this is how we're going to protect this area, but what it does is it either really restricts our access to our spirituality or it opens up an area to

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after her menses and during pregnancy (Amoss, 1978). Stó:lō women do participate in the longhouse initiations that are done today.
too much to the public where it's not protecting some of our spiritual sites that we've learned from our ancestors that this is where our ancestors practiced some of the spiritual activities they believed in (Interview, 1999).

Mohs (1987) points out that some of the Washington state Coast Salish have been given back land specifically for this purpose. This would have to happen for the Stō:lō as well in order for a full revival of the vision quest, particularly since the Stō:lō Nation is in such close proximity to urban areas.

Whether the initiation takes place in the vision quest or in the longhouse as it is generally practiced today, the goal is still the same. Duff (1955) explains the spiritual aspect of the Katzie (culturally Stō:lō) vision quest as one of connecting with an animal spirit. He claims that the fasting and cleansing component of the vision quest enables the initiate's “vitality” to travel through dreams to the home of the animal spirit. The song that comes to the initiate during this process enables the initiate to call back his vitality. It is this renewed vitality, embodied in the newly acquired song, that is the initiate's spirit guardian as it is now empowered by an animal vitality. Jilek (1982) compares this process to a rebirth process.

This description, derived from the literature, of the process that is a part of the winter dances illustrates the connecting of the Stō:lō initiate into the holistic world in the deepest way: spiritually. This process of immersing a Stō:lō person into his or her proper place in the Stō:lō world was probably a matter of spiritually reinforcing a Stō:lō person’s world view in precontact times. Today, with the reality of living with two vastly different worlds, the winter dances serve dual purposes: spiritually reinforcing the view of a Stō:lō person who always knew his or her place in the world and, second, healing a Stō:lō person by spiritually immersing the Stō:lō individual into a Stō:lō world view (Jilek, 1982). The Stō:lō person can then be spiritually
grounded in the holistic way of viewing the world which helps balance the two worlds in their life.

Chief Bobby Joseph goes on further to explain the purpose of the Kwakwaka'wakw Hamatsa dances:

It was through this process that our Elders and the wise ones taught our younger people, 'you are now a Hamatsa. These are the things you should know. You should know your center, your balance. You should honour all living things; honour people. Be respectful.' And this was conducted throughout our dances, this kind of training and orientation. It was an educational process in itself (von Puttkamer, 1992).

Although the practice may be different, the philosophy of the Hamatsa dances is not unlike the Stó:lō winter dances as Gwen Point indicates in her comments on the purpose that the winter dances serve for Stó:lō people:

It's a very real thing with the winter dancing and the basic teaching that comes from belonging to the winter dancing, what we find is that it applies to everything. You give up your individualism for the good of everyone and not just the people, but for spirit and all that you use. I guess it's just another level of enlightenment, I guess would be a good word (Interview, 1999).

Jo-ann Archibald reiterates Gwen's point on the purpose of the Stó:lō winter dances, "It's very spiritual and people are taught about behaviour and rules" (Interview, 1999). June Quipp also identifies the winter dances as a place of teaching, "It's a place of teaching; our people that go in there are taught and taught and taught" (Interview, 1999). On of the fundamental teachings in the winter dances is to spiritually place the self into the web of life in an egalitarian manner; one is not an island, but a part of an intricate interconnected world.

Herb Joe focuses on the fact that the winter dances help to keep the Stó:lō winter dance participants healthy. For Aboriginal people, a state of balance and health is to be interconnected with family, community, and the world around us and the winter dances play a role in maintaining
this interconnection with the world around us. As Herb Joe states, “You can’t separate one part of yourself from the other and expect to be healthy” (Interview, 1999). In order for Stó:lo people to be considered healthy by Stó:lo standards, one would have to have a holistic world view and behave accordingly.

These are the responses from the interviewees when I asked how important the winter dances are to the Stó:lo community:

CLARENCE PENNIER: The dances are very important because it’s a continuation of the culture and the past, and, basically, similar today and will continue into the future. It’s one of those things that we can’t really do without (Interview, 1999).

SONNY McHALSIE: They are very important right now, in fact, it’s so important that there’s rules of not having people go in and tape record and film it. It’s kept very private and that was the traditional way of looking after special things was not revealing the location or not revealing or talking too much about things and so it is an important part. Although some of the discussions I’ve had with Elders talk about how there have been changes in the winter dance, for instance, things are done a little bit differently. When my cousins first started joining, he joined to see one of the Elders and asked him what is the significance and that of the winter dance and his comment to me was that the Sxwó:yxwey dance is from here and the way the winter dance is done today comes from the Island. It moved in. He said prior to that we had something very similar to the way the winter dance is done but the initiation ceremonies were quite a bit different than the way it’s done today. So it was an important part of our history, it’s just that a lot of influences from the coast have made its way up. It’s still important. It still ties into the whole land and ties into the spirituality of the land. Our Elders taught us that there’s spirits everywhere. The shxweli has to do with the life force or spirit (Interview, 1999).

JUNE QUIPP: That kind of varies. I think some Stó:lo community members probably aren’t as familiar with the winter dancing as others are. So to those that are really familiar with it, it’s very important. I’m very familiar with it so it’s very important to me and my family. Some people are a bit afraid of it because they don’t understand it. As you’re aware, it was banned for many years and this had an affect that some of our community members are a bit afraid because they don’t fully understand it. And to some it’s like a religious belief and it’s like anything else, I feel I should have my choices of whether I really want to participate with the winter dancing or not. It’s the same as if I chose to go to church on Sundays, that would be my choice (Interview, 1999).

GWEN POINT: I think they are very, very important and an integral part of our communities and I grew up hearing about them when I was a young girl because the people didn’t practice anymore and it wasn’t until I was older that I learned why and all of that was taken away from
our people. We were told that it was bad and not a good thing and so when it did start coming over the last twenty, thirty years, there was a real learning curve there for our people as well and kind of a returning to our own spirituality. It’s not the only spiritual, spirituality, or spiritualism that we have, but it’s one of. And it really, really is integral. It really is a part of. That should have never been taken away in the first place (Interview, 1999).

HERB JOE: The winter dances, historically, have always been a part of the way in which our people looked after our health and, of course, that includes our spiritual, emotional, psychological health. The winter dancing is and has been one way that our ancestors looked after each other and themselves, spiritually in particular. And I believe that it is still a very good way to keep ourselves, as Stó:lō people, grounded and healthier spiritually, emotionally, and psychologically. So, yes, I believe that it is very much a part of who we are today (Interview, 1999).

JO-ANN ARCHIBALD: I think they are very important as I’ve come to understand, especially the significance of the traditional philosophies and teachings that are passed on or shared to people who either become members of the longhouse, the winter dancing, or those who go there and attend. So, I think what I’ve witnessed is that a lot of the time the good teachings that come from the ancestors are shared. Teachings about respect for people, for everyone, and just general things like that are often talked about. And, so, to me, that’s something that is important and it’s part of the winter dancing, but isn’t restricted only to winter dancing, but a lot of those are values that should be practiced in our everyday lives. But I think when people gather in the winter dances it’s an opportunity to reinforce those teachings. And I think that it is also another important way for those who are winter dancers to gain another part of their identity and I know that it was almost lost and now it’s gained a strong resurgence. And that had been important especially to younger people. So I would say it’s been important for a sense of creating a distinctness to Stó:lō identity (Interview, 1999).

As Gwen Point states, the winter dances are very integral to the Stó:lō (Interview, 1999). The winter dance is a part of the very fabric of Stó:lō society as it encompasses Stó:lō teachings and spirituality which perpetuates the culture as well as helping Stó:lō people stay healthy and balanced. Since many Stó:lō leaders have been and are also spiritual leaders, one can see how critical this institution is.

Some of the interviewees mentioned the colonial history, the role that it played in the erosion of Stó:lō spiritual practices, and how it has estranged some of the community members from the winter dances even to this day. According to Paul Tennant (1990) two factors played a
significant role in the greater impact that Euro-Canadian settlement had on the cultures of the south coast of British Columbia which includes Stó:lō territory. The south coast was more heavily populated at earlier dates upon contact than other areas of the province of British Columbia so this meant that the Aboriginal people of the south coast found themselves minorities amongst the newcomers relatively early. The second point that Tennant (1990) makes is that Protestants welcomed some indigenization of their religious services while Catholics did not. Because the south coast was missionized most heavily by the Catholic church the affects on these Aboriginal cultures were probably more severe. Simon Fraser had just come down the Fraser River in 1808. By the 1860’s Bishop Durieu had ordered the Aboriginal people of the Georgia Strait to stop winter dancing (Jilek, 1982). So missionary forces were at work dismantling the winter dances even before the official anti-potlatching laws came into affect in 1884, but the anti-potlatching law gave "teeth" to this trend.

The anti-potlatching law was enforced in Stó:lō territory as the archives show; this is an excerpt from a letter by the Indian agent of the day to the Indian superintendent of British Columbia:

Only two Potlatches have been held in this Agency since I took charge five years ago. One was given by an Indian named Bill Uslick who resides at Chilliwack. Bill claims to be a Methodist. Rev. E. Robson who was to prevail upon Bill not to hold the potlatch but without success. He then wrote to me explaining the situation and I in turn wrote the Indian and pointed out the law to him on the matter and warned him that if he gave the Potlatch I would punish him. Notwithstanding this, Bill Uslick gave the potlatch. It lasted one week at the expiration of which time everything he had in the world was either eaten or given away. To some he gave a horse, to another a wagon, to another a canoe, and so on. After the Potlatch was over I had Bill Uslick arrested and sentenced to two months imprisonment (Devlin, June 23, 1897).
Although these forces did much to devastate Stó:lo traditional dances, the dances did not totally disappear. Resistance to this law, for many Aboriginal nations, came in the form of underground winter dance activities until the ban was lifted in 1951 (Sewid-Smith, 1979).

The Syúwél [winter dance spirit power] continued to traverse the land, not acknowledging Canadian law. Siyémches' te Yeqwyeqwi:ws (Frank Malloway) shed some insight into the spiritual nature of the winter dances that draws the Stó:lo into the longhouses every winter:

...the power of Syúwél [winter dance spirit power] is in the mountains, and in the mountains, and in the fall when the snow has come Syúwél hits people and then they wake up and start singing; and Syúwél goes around the world. And I used to often wonder, “what do you mean it goes around the world? Goes right around to China and comes back?” And then I was looking at a map of the Coast Salish Territory and it sort of goes in a circle: Sechelt, Nanaimo down to Victoria, across to Neah Bay, you know, and up to Nooksack and it comes back, and its almost like that’s the only world the Coast Salish knew. And I was thinking “that’s how the Elders described their territory, the Coast Salish territory: around the world (Carlson, 1997, 14-15).

The Stó:lo winter dances were still being practiced, although in a clandestine manner. My mother remembers the dances going on in her home when she was young, before she went to residential school. Despite the underground activities that took place, there was tremendous loss because the official ban lasted 67 years.

When I asked how the interviewees saw holism in the winter dance, once again, each interviewee had something different to contribute:

JO-ANN ARCHIBALD: I would say it is because, of course, it’s at the core. It’s very spiritual and people are taught about behaviour, in the sense of respecting and they’re taught rules. Again, teachings and rules. When you think of holistic it’s physical and there’s always good food, good nourishment. I think the emotions are certainly dealt with there and knowledge. I think that has it’s own type of knowledge. So, to me, it’s an example of, if we think of holism as in these four realms: of the intellectual, the physical, the emotional, and spiritual (Interview, 1999).
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HERB JOE: I see it as a part of the winter dances. Same as, if you want to use an analogy, the same as Euro-Canadians would see religion as being a part of their lives. They have a different methodology, I suppose, in practicing their religions and view of spirituality, but yes, I think the winter dancing is still relevant today. It still helps our people stay healthy. I think, again, some of our younger people are having some difficulty understanding some of the concepts because they don’t have more traditional educational backgrounds that would include all of the foundation knowledge that they would need to make this initiation into winter dancing a much more meaningful part of their lives. So it’s, for the younger people, it’s a lack of traditional education (Interview, 1999).

GWEN POINT: I think it’s a very real thing with the winter dancing and I think the basic teaching that comes from belonging to say the winter dancing, what we find is that it applies to everything. You give up your individualism for the good of everyone and not just people, but for spirit and for all that you use. I guess it’s just another level of enlightenment, I guess would be a good word....If you were to be a hunter and you were trained to be a hunter, you can’t just go and shoot a deer or go out and kill for the sake of killing. You had to prepare yourself. You had to cleanse mind, body, and spirit and so there was no real separation with the winter dancing. It’s just more isolated, more intense, and it’s held in a higher regard because the people that belonged to the winter dancing were seen as gifts to the community. With them they brought the knowledge that the people needed or they brought an understanding that the people needed so I guess it’s another level of spirituality that our people were seeing it was a gift given to them by the Creator to use to benefit everybody, not necessarily an individual, but the people that belonged to the winter dancing were seen as gifts to the community. With them they brought the knowledge that the people needed or they brought an understanding that the people needed so I guess it’s another level of spirituality that our people were seeing it was a gift given to them by the Creator to use to benefit everybody, not necessarily an individual, but the people that belonged to the winter dancing were held in regard and were taken care of, and, yet in the same breath, they never put themselves above the people, that they were ‘better than’, but they carried what they had and that understanding, unspoken understanding, is that was to benefit the people (Interview, 1999).

JUNE QUIPP: Yes, it is. I consider the winter dances when, I don’t really say winter dances, I talk more about spirituality. And that, to me, is part of the winter dancing. Our winter dancing is part of our spirituality, but it relates to the environment around us. We have our people that have their special clothing for winter dancing and how they have to be put away. Even some of our food, when we feed ourselves, our children, and we don’t quite finish what we have on our plate, a lot of our spiritual dancers do have a belief that you don’t just throw it out. You have a special place you bring that leftover food so you can share it. You’re sharing it still. And it’s so hard to look at trying to stop anything. When our culture, our nature has always been of a sharing nature and I guess this makes it really difficult for some of us when we look at, ‘Do we want to stop any of the development that’s going on? Do we want to keep things the way they were?’ We know there’s people out there that may need something we have, but I really feel that
that sharing has been abused. And so when we look at, that's part of our holistic living, sharing. You know, you don’t have anyone come into your community, coming from a long way, without feeding them. That’s part of our culture because in the past people had to travel days and days or weeks to some kind of gathering and so it was always said that we feed them. Any food that's leftover you pack them a bag to go so on their trip home they are taken care of as well. When you’re looking at the Charter of Rights and laws, even in the area where you feed people that come to visit you or whatever there’s the health bylaws now that are put into place. You can feed anything to your family or I can feed my family anything and the health department can’t say anything, but if I’m feeding people that are from not within my family or not even with my community they like to come in and inspect the facilities and the people that are cooking. So there’s a lot of people may not think about it; it is an infringement on me and my community (Interview, 1999).

SONNY McHALSIE: I’m not sure because I don’t wear the paint. I haven’t been involved with the very specific ceremonies, the teachings that they get while they’re in there. You can only participate in certain activities and they share their song when they dance and what are those other things that they’re taught, I’m not sure. I can’t really say whether or not that view is in there. This is where a fellow from Fort Langley said, ‘We’re all in our own personal voyages of self-discovery and everyone is at their own stage of that (Interview, 1999).’

It is quite clear that most of the interviewees agree that the winter dances are holistic in nature. The winter dances are integrated into the Stó:lō community in a way that is quite different from churches in Canadian society. Gwen Point expresses this by stating that "...there was no real separation with the winter dancing. It's just more isolated, more intense..." (Interview, 1999). June Quipp also explains that the winter dances spiritually connect the Stó:lō to the land, "Our winter dancing is part of our spirituality, but it relates to the environment around us" (Interview, 1999). These statements describe the interconnection of the winter dances with the rest of the Stó:lō world.

Note that June Quipp states that she prefers to call the winter dances “spirituality”. Jo-ann Archibald and Gwen Point acknowledge the spiritual component of the winter dances. Herb Joe makes a very interesting comment when he states that the winter dances are spiritual, but notes that there are similarities and differences between Christian religion and the spirituality of
the winter dance. George Tinker (1996), an Osage/Cherokee author, makes the distinction that Aboriginal spirituality is not a religion, but is a way of life. All four of the Stó:lō interviewees explain how the winter dance is holistic in nature by giving examples of how it ties back into the everyday life of the individual, the community, and the surrounding environment. This is also a characteristic of the Stó:lō winter dances: it is a way of life. This is true of not only the dancers in the longhouse, but the many Stó:lō that attend the dances as well as they are also a part of it.

Gwen Point gives an example of how holism and everything that it entailed was not restricted to just the winter dance, but was also a part of everyday practices. She explains that Stó:lō hunters could not just go out and shoot a deer because they had to cleanse and purify before the hunt. Andrew Callicum, or Andrew Kaa-Laq-mai, a Nuu-Cha-Nulth Potlatch Host from Vancouver Island explains that his people also had purification practices:

In the old days a person was commanded by law of our forefathers to go through a period of purification. Normally, there is a two year period of planning for a feast and then within that two years the dancers would be purifying themselves. And essentially you had to be clean physically, and spiritually and they say that when you’re going through this cleansing you’re not going to know lust, that you’re not going to know greed, and that you’re not going to be angry. The bottom line for the whole ritual is discipline (von Puttkamer, 1992).

There were attempts at undermining the Stó:lō value system and the mechanisms that the Stó:lō used to instil the discipline to adhere to these values through the anti-potlatch laws, residential schools, and Indian agents. Since Stó:lō people are the only people who can restore and maintain the Stó:lō winter dances, the Stó:lō Nation needs the tools (self-determination, land, language restoration, etc.) to be able to recover as much of its rituals as the Stó:lō people see fit.
Holistic World View Today

I asked the interviewee how they felt that the holistic aspect of Stó:lō culture was doing today:

GWEN POINT: I think that’s a really good question. And I think it’s a really important question. When I was a young girl I was fortunate to grow up with that holistic way of thinking and being, and still the larger society’s education system was being imposed on our people for the last three or four generations and with the thought in mind to take that away....So now, I would say, in the last generation, our people have realized that we’ve lost an awful lot in our culture, in our way of thinking, in our way of life. And that we live at a time when we need to survive in today’s society. So how do you do that? Our Elders will still tell us, ‘you go to school, you go to university, but don’t forget who you are’. So, in a sense, a lot of our people are turning back to our traditional ways and Stó:lō Nation is an example of that. Where we’re doing business and getting ready for the year 2000 and we’re sending our children to universities to get higher education so we can co-exist with the larger society and, at the same time, we’re working hard to bring back our language because embedded in the language is our values and the way we think. So, yes, we’ve been affected by Euro-Canadian culture. We’ve lost an awful lot in the way of our traditions. Our people are struggling, as a nation, to become healthy again in body, mind, and spirit, but the acknowledgement and the recognition of what our people have been through, I would say from our leaders, to our spiritual people, to our children in the schools are turning back to our culture and our survival is going to be based on using the best of both worlds. And we don’t necessarily directly benefit from that. It’s going to be the grandchildren and it’s our hope that our grandchildren are going to be able to be Xwel:lemexw [Aboriginal] and have that well being and that integrity in our values and our spirituality as a natural part of who they are (Interview, 1999).

HERB JOE: Well, of course, Euro-Canadian culture, Western European philosophy of life has impacted our people and very significantly. The strategy on the part of the, first, the British, and then the Canadian government for assimilation of our people and the strategy that they implemented has definitely impacted our people and, initially, I’m sure that there was a universal struggle on the part of all First Nations people to reject what the assimilation process was [and the] pressure that was putting on our people. And, gradually, I guess over five to six generations and now we’re into the seventh generation, there has been a more significant impact in this last, I would say, two generations. And the last two generations are struggling to fully understand how holism and that whole philosophy of life is a very much a part of who they are today. They’ve been educated in this Euro-Canadian education model and that, of course, stresses the exact opposite of holism. It, in fact, stresses individualism. And a lot of, I would say a good percentage of our younger people, the last two generations, would definitely fall into that category where they would have some difficulty in fully understanding what the meaning of life is in terms of holism. They would probably look upon their parents, grandparents, and their
ancestors as being old fashioned and not fitting into this modern new world of technology and kind of thing, but I find quite the opposite to be true. In my own life, for instance, I feel that I can be very much a part of this new technological world and still maintain my holistic view on life and trying to stay healthy... (Interview, 1999). 

JO-ANN ARCHIBALD: I think the generations that have these teaching and then maybe follow them are the Elder generation who take their role as Elders. That means that they have the wisdom and they are the teachers. Where in the schools there's been curriculum about Stó:lō people some of those values are taught so maybe the school kids who have that teaching from the curriculum might have it. I would think those involved in the ceremonies, winter dances, and especially cultural activities would know it and have it. There are, I think, a big segment of our population that are lost, that have been colonized and haven't gone through decolonization, don't have those beliefs and teachings (Interview, 1999).

SONNY McHALSIE: I think this world view is slowly coming back. It's part of the revival. I think because of the assimilation processes imposed by government, the residential school experiences, the epidemics that our people have undergone, a lot of our culture has been lost. That whole world view, it's something that we're still trying to get back and the more we learn about our culture, the stronger we get to be accepting more about it. I think that view is slowly, slowly coming back to us and we're glad the Elders still have that. We're still fortunate to have fluent Halq'eméylem speakers and that's one of the things we're trying to look at right now and we look at the whole treaty process and you start looking at all the different substantive issues. You start looking at the policies and guidelines that need to be developed. We need to look at that in terms of "what is the Stó:lō perspective in the past? How did our ancestors look at those resources?" When you look at the heritage policies that we have, basically it was written by an archaeologist, from an archaeological perspective and we need to revise that. We need to incorporate into that the Halq'eméylem language and Halq'eméylem language will reveal to us what perspectives our Elders had towards heritage issues and any of those issues, environment, hunting, fishing, all of those. So, that world view is going to slowly come around, and it needs to because if we're going to have to define what Aboriginal rights, what it is. We need to look at what our traditional laws are and those traditional laws are going to help us define what Aboriginal rights and title are because the courts sustain that the courts can't do it for us, the provincial and federal government can't do it. Only the First Nations define what their Aboriginal right and title means. When we look at our traditional laws of whether they're oral history or whether they're through rocks that have been transformed and the stories associated with that. All of those things tied into all the different teachings, different stages of life. Those have to come together into our traditional law and we'll have that very unique world view (Interview, 1999).

CLARENCE PENNIER: A lot of people, a lot of our own people don't really understand the significance of the holistic approach, our relationships with our land and the resources. And it has been changed by the way our people have been educated, not only today, but starting from probably the residential school era when our people were forbidden to speak the language. And that's where we learned all of our history. Through the language our people used to tell us all
these stories and once they ceased to learn our language it really prevented the continuation of a lot of our stories. A lot of people, not all (Interview, 1999).

JUNE QUIPP: ...they [Euro-Canadians] put more value on the economy than our holistic beliefs or even in the protection of our resources....So when you talk about how can we hold on to this, I don’t think we are going to be able to unless we really take direct action in protecting what we believe in ourselves rather than let someone decide how its going to be protected for us (Interview, 1999).

All six interviewees felt that the Stó:lō holistic world view has been affected by Euro-Canadian culture. Four interviewees identify the public education system that Stó:lō children are a part of as presenting a challenge in maintaining this world view. Three mention the assimilation strategies of the state as having affected this world view; two name language loss as playing a crucial role, while one went further to say that, as a result, this language loss meant a decline in the storytelling. There is hope though, as three interviewees mention, that the Elders still have this world view and two state that Stó:lō people are turning back to their culture. The interviewees give advice to help solve this dilemma: use the best of both worlds, keep learning traditional ways which will help the Stó:lō learn how to balance the two worlds in their lives, and take direct action to protect what the Stó:lō believe in. Sonny McHalsie points out that the Stó:lō Nation will have to eventually address their heritage policies in order to have these policies reflect the Stó:lō world view.

There is little doubt that the Stó:lō holistic world view has been affected. The deck has been very much stacked to work against the survival of the Stó:lō world view, from assimilationist policies, to the public education system, and massive language loss. The hope and spirit have not been lost, despite all of this, as indicated by the interviewees and their acknowledgement that the tides are turning. This is good because how the community is doing collectively is a good indicator of individual well-being within the community. Like the webbing
inside the circle of the dream catcher, if the interconnected webbing (collective) is strong it will catch someone (individual) when they fall. If the webbing is tattered and worn out, a person may fall.
CHAPTER THREE

THE THOMAS V. NORRIS CASE

"Harmony, not justice, is the ideal" (Alex Denny, in Monture-Angus, 1995, 243).

In discussing individual versus collective rights and the Constitution many people are quick to point out that there are significant collective rights within the Constitution. This is true. In fact, about one third of the rights in the Constitution are of a collective nature (Magnet, 1986). Radha Jhappan (1993) makes an important distinction though: there is a difference between collective rights between groups and collective rights within groups. It would appear that the collective rights in the Constitution are collective rights between groups. An example of between group rights would be the actual dilemma that Stó:lō Nation regularly faces:

Those reserves surrounded by dense urban development face different problems. For example, Xwelitem [Euro-Canadians] living on private property near reserves sometimes complain that drumming and singing associated with the smilha, or “Winter Dance,” ceremonies disturb their sleep and infringe upon their right to peace and quiet. This places Stó:lō communities in an awkward position. They want to establish positive relationships with their neighbours, but do not want to compromise their right to practise their spiritual activities in accordance with tradition (Carlson, 1997,83).

The between group rights of concern in this scenario are the Stó:lō Nation’s right to practice their winter dances and Euro-Canadians’ right to quiet. The term “collective rights” suggests

1Interestingly, section 33 was offered to Aboriginal groups during the Charlottetown Accord talks to accommodate some within group collective rights.
that there has been acknowledgement and accommodation of the collective nature of Aboriginal societies; this is only partly true. The collective rights that have been recognized are mainly between group collective rights while Canadian law reins supreme within our Aboriginal communities as can be seen in the increasing court cases between Aboriginal community members.

Within group collective rights would protect the collective practices that are an essential part of the everyday functioning within the Stó:lō community. To determine if there are any within group collective rights I consulted Steven Point, a former chief of Stó:lō Nation who is currently serving as a provincial court judge, to help me answer this question. His answer can be summarized by three points (Personal communication, September 1, 1999). His first observation is that the Stó:lō community, in its everyday functioning, is very collective in nature. Steven Point's second comment is that this collective way of living is not formally recognized by the state. Finally, Steven Point explains that we will only know the answer to the question of what (within group) collective rights we legally have on a case by case basis as cases such as the Thomas v. Norris occur. We may retain some of the collective practices of the community or the Canadian courts could potentially undermine them. In this particular case the court ruled in favour of the plaintiff's individual rights.

The Thomas v. Norris court case is a good example to illustrate Jhappan's (1993) concept of between and within collective rights. In much of the literature about this case, the focus of the debate is at the within group level. When the attention is maintained at the within group level, the result is that many authors, who are not a part of the winter dance cultures, are preoccupied with arguing about an internal Aboriginal issue that is preferably the Aboriginal
nation's to resolve. Arguments are made that try to provide an answer to an Aboriginal issue, arguments that center around issues such as who was right in this case or whether individual or collective rights should prevail. This is not the intent here. My concern is to determine how these Euro-Canadian laws may affect the holistic aspect of the winter dances. In attempting to uncover an answer to this question, it does not bring my attention to the case specific details, but leads me to question the court's role in mediating an Aboriginal issue which is more of a between group concern. I, therefore, do not want to become drawn into the argument of who was right or wrong (the individual or the collective), but will focus on the role that the Canadian court played in this case that involves the private and sacred winter dances.

According to Jilek (1982) the winter dances took on a new social function that was a direct result of European contact, that of addressing acculturation stress. This stress could manifest itself as behaviours that are harmful to the self or others in which case involuntary initiation was called for, not unlike situations that Euro-Canadians take matters into their own hands in difficult situations such as this. A Stó:lō informant identifies the point at which the Stó:lō community might attempt to avert crisis:

It's when you don't regard your life. You mistreat yourself and those around you, and probably you're going to be a candidate for suicide. People will see this and will say it would be safer if you come in sýe yên and change your life (Jilek, 1982, 80).

Numerous examples of acculturation stress are given in Jilek's (1982) book. It is also mentioned that there is a "rebirth" process that is very symbolic and is part of a process that has potential to bring much positive change to a Stó:lō person's life. Acculturation stress is still a very real phenomenon for some Stó:lō people as there will always be many colonial institutions to deal
with on a daily basis. The winter dances can serve to ground a Stó:lō person more securely in a Stó:lō world view, providing a base to balance a bicultural existence.

It appears that many of the changes in the longhouse are directly due to the dramatic change that resulted from the arrival of Europeans here in North America. As discussed in Chapter Two, the training and vision questing are no longer practiced as it once was as a direct result of missionary pressure, anti-potlatching laws, and land loss. Contemporary initiation practices have been altered largely because of the land loss upon the arrival of Europeans. One of the reasons that Salish members were involuntarily initiated was because of destructive behaviour due mainly to acculturation stress; therefore, the colonization of Aboriginal peoples needs to be a factor in the overall picture of the winter dance. The Coast Salish cultures have been relatively fast and efficient in adapting to change, especially considering the restrictive environment that they are thriving in. The nature of Coast Salish spirituality has been fluid enough to accommodate acculturation stress and the winter dance changed to address this problem.

The events of concern in the *Thomas v. Norris* case started when Kim Johnny requested that her common law husband be initiated into the longhouse because, as she stated, "for us, it was the right thing to do - I thought it would help our relationship" (*Thomas v. Norris*, 18). Kim Johnny requested help from the longhouse community with regards to her relationship with the plaintiff, David Thomas, and, despite the fact that there was not complete agreement amongst all community members who were aware of the request for initiation, the longhouse community members responded to her request for help. They decided that David Thomas would be brought into the longhouse and initiated. He was taken from his home and kept in the longhouse for five
days of initiation before the police became involved in the situation. David Thomas filed a complaint against the men who were involved in the initiation for "nonpecuiary, aggravated, punitive and special damages, for assault, battery and false imprisonment" (Thomas v. Norris, 2).

The court ruled in favour of the plaintiff, David Thomas. Justice Hood stated in his judgement that, "His [David Thomas'] freedoms and rights are not 'subject to the collective rights of the aboriginal nation to which he belongs'"(Thomas v. Norris, 52). The judge awarded David Thomas $12,000 in damages for nonpecuniary and exemplary damages.

The Thomas v. Norris case is an example of the Canadian court's legal and cultural authority over Coast Salish societies. This court ruled that individual rights take precedence over collective rights in the Coast Salish longhouse. This 1992 British Columbia case is illustrative because the courts ruled in favour of individual rights for a community that is essentially collective in nature. This case is an example of the manifestation of the individualism within Canadian law clashing with the collective functioning of an Aboriginal community. The collective nature of the Stó:lō Nation, as will be discussed later in this paper, derives from and is a part of the holistic world of the Stó:lō. This case is pertinent to the Stó:lō Nation because this case sets a precedent for our winter dances as well. On these grounds, this case was chosen to examine the affects of individualistic law on an Aboriginal culture.

Not only did this court case force discussion of the winter dancing of this Vancouver Island nation into the public realm, but the judge ruled in favour of individual rights in this case as well. Coast Salish people prefer not to even discuss the winter dances outside of their community because the winter dances are sacred (Denis, 1997). Winter dances are a part of Stó:lō culture as well. As Sonny McHalsie explains in Chapter Two, "They [winter dances]are
very important right now, in fact, it's so important that people can't go in and tape record and film it. It's kept very private and that was the traditional way of looking after special things was not revealing the location or talking too much about things" (Interview, 1999). Unfortunately, the details of the winter dances of that were unwillingly divulged are now a part of the public record.

In the literature that was located regarding this case, none had originated from the communities that were affected by this case and its decision. The major commentary, to date, on this case is a book written by a Quebecois author called *We Are Not You: First Nations & Canadian Modernity* (Denis, 1997) who questions modernity and its institutions' ability to interpret and judge another's spiritual practices and beliefs. Interestingly, the author Claude Denis aligns his Quebec community alongside Aboriginal communities throughout the book and highlights the common problems that both of these communities experience in Canada. The authority of modernity is questioned in this book, particularly with regard to Aboriginal issues like those brought up in the *Thomas v. Norris* case. Denis outlines how the European history of religious wars played a key role in modernity's practice of separating religious/spirituality and politics and questions how the separation of religion and politics can be assumed to be a universal principle when it is based upon a European specific experience. He urges Canadians to look upon other cultures as possible sources for alternative "lessons in political and moral philosophy" (Denis, 1997, 152).

Claude Denis (1997) explains that he was not successful in getting cooperation from anyone from the Aboriginal community that was involved in this case to consult with in the writing of his book. One contact warned him that the Aboriginal community of interest may not cooperate
because the winter dances have always been presented as "savage" by Euro-Canadian writers. This contact spoke to the Aboriginal community on the author's behalf and reported that no one wanted to participate in the writing of this book. The members of this Aboriginal community did not want to talk to a Euro-Canadian author whose book was favourable to the winter dance, so one can imagine how repugnant it must have been for the Aboriginal people of this nation to be forced by law to talk in detail about the winter dances in the actual court case. The action that the community took in response to Denis, in itself, illustrates the collective nature of Aboriginal communities as many decisions are made and adhered to collectively. Despite not having access to the Aboriginal community, Denis argues that Aboriginal communities are perfectly capable of looking after their own internal justice issues.

Avigail Eisenburg (1994) takes a different stance in analyzing the issues of individual and collective rights in three cases of which the Thomas v. Norris case is one. She states that the dominant view, which she identifies as the individual versus collective rights paradigm, is misleading and that the values underlying rights should be identified in order to appreciate the court's decision in this case. Eisenburg calls this perspective she endorses the difference perspective. Toleration of difference in the Canadian justice system requires rights to protect these differences (particularly against the state). Rights, then, enforce the value of tolerance for difference. Eisenburg views the court's decision as one of defending the plaintiff's right to his differences from the community that his common law wife belonged to.

I agree with Eisenburg (1994) when she states that the dominant paradigm of individual versus collective rights may not suffice when considering the decision in the Thomas v. Norris case. She states that, "Because rights are understood to be fundamental values, conflicts
between them appear to juxtapose values which cannot be compared to or weighed against each other" and then argues that we need to examine the values that underlie these rights (1994, 8). I concede her position this far, but contend that we also need to consider the values underlying Aboriginal systems of justice. It is at this point that I would like to add Stó:lō values to this debate.

Responsibility, rather than rights, is a main "tool" of the Stó:lō theory of justice. This value derives from the Stó:lō holistic world view and is a more expedient value in order to maintain this view. Herb Joe addresses one way that the value of responsibility is encouraged in Stó:lō culture:

There's a saying in our language that when translated in English means 'when you come to your senses, or when you become a young man, or you become a man' and that doesn't mean when you've reached the age of nineteen and legally become an adult, or twenty one, or whatever arbitrary age is decided upon by law. It basically means when you're mature and responsible enough to be considered a man [my emphasis] (Interview, 1999).

The Stó:lō cultural value of responsibility prepares the Stó:lō person to take his or her place in the Stó:lō holistic world because it encourages a Stó:lō member to focus outward and take into consideration all that which is around them. It is in this context and from this view that the Stó:lō person, ideally, finds his or her place in the world. This value of responsibility is most likely to encourage the exercise of a Stó:lō person's culturally sanctioned autonomy in the most responsible manner. This traditionally valued way of conducting the self promotes harmony which is the Stó:lō equivalent to the Euro-Canadian concept of justice (Aleck, Interview, 1999).

I will utilize the concepts of rights and the value of difference that underlies those rights which are based on Eisenburg's (1994) argument, Jhappan's (1993) model of between and within
collective rights, and Stó:lō values. The Stó:lō values that are pivotal in justice issues are responsibility and harmony. Although Canadian courts rule in favour of individual or collective rights when these rights are at odds, there are gradations of individualism and collectivism in societies. This chart is only a tool to examine differences between two cultural systems and is not meant to be comprehensive.

I. Canadian
   A. Individual Level
      a) Rights = difference
   B. Collective Level
      1. Between Group
         a) Rights = difference
      2. Within Group
         a) Rights = difference

II. Stó:lō
   A. Individual Level
      a) Responsibility = harmony
   B. Collective Level
      1. Between Group
         a) (Aboriginal) Rights = difference
      2. Within Group
         a) Responsibility = harmony

Fig. 1 Canadian Law and Stó:lō Differences in Emphasis of Values

Eisenburg’s (1994) concept that rights serve to protect difference works well for the Stó:lō Nation at the "between group" level (II. B1) because Stó:lō culture is different and needs protection from the assimilating forces of dominant Canadian culture, just as Canada needs rights at this level to protect Canadian culture from the potentially overpowering American culture. Although rights are suitable to use within Canadian society (I. A and I. B2), potential problems can emerge for the Stó:lō Nation when these values that the Canadian courts enforce are applied within Stó:lō (II. A and II. B2) society. Within Stó:lō society there may be times when the Euro-
Canadian concepts of rights are incongruent with Stó:lō concepts of justice because Stó:lō concepts of justice derive from the holistic world view.

The dissonance I experience when I ponder this case is mainly a result of the cultural differences in conceptions of justice. The Canadian values of rights are enforced in an adversarial manner which is not consistent with the traditional Stó:lō holistic world view as the Stó:lō versions of justice demand that conflict be resolved by the people and in a manner that best encourages harmony. In the Thomas v. Norris case, the dispute between the Aboriginal man and the Aboriginal community appeared to be agitated simply by the fact that the Canadian courts were involved in this case at all as well as by the manner in which the Canadian court dealt with it. Since the Stó:lō, traditionally, see the world as interconnected and we, as humans, are only a part of this interconnected world, harmony is the goal. The Stó:lō cultural value of responsibility is the main mechanism employed to maintain the harmony of Stó:lō society. Rather than the Stó:lō individual being bestowed with rights to test and exercise, Stó:lō culture is culturally structured in a way that the onus is on the individual to know their place in the world in order that harmony can be maintained. Disputes between Stó:lō individuals and the Stó:lō collective need to be resolved in a Stó:lō holistic manner in order to best preserve relationships once the dispute is resolved.

One could argue that the defendant, David Thomas, in the Thomas v. Norris case should have the individual right to choose whether or not he wished to be initiated. I concur with this argument, but add that the Aboriginal nation involved in this case could have mediated this conflict just as competently as the Canadian courts if this nation had the authority to resolve its own internal issues. My concern is the manner in which these kind of decisions are arrived at. A
decision such as this could be determined through a process that maintains the integrity of the institution of the winter dances while resolving disputes between community members. In order to facilitate this kind of a system of justice to deal with longhouse issues, the winter dancing nations would have to be the authorities in the process of creating such a system.

Most Aboriginal people are desperately trying to maintain as much of their traditional cultures amidst the dominant cultures that they are surrounded by. A Maori person expresses this concern that many Aboriginal people face, "I'm not a racist, but there's not many places left here can hold our identity" (Liu & Temara, 1998, 143). The winter dancing nations need to be able to monitor laws that pertain to the winter dances because it is one Stó:lō institution that is left that is relatively closed to the public. The winter dances are the Stó:lō Nation's most spiritual institution which requires a deep cultural understanding in order to appreciate the significance of this institution.

The winter dance nations, which include the Vancouver Island Nation involved in this case and the Stó:lō Nation, should have more cultural and legal authority to mediate issues pertaining to the winter dances. Aboriginal cultures and their institutions are not static so will change to reflect the times. If self-determining powers to mediate some of their own conflicts were practiced by the Stó:lō Nation, the Stó:lō could direct their own cultural change in a culturally appropriate manner. A case such as the Thomas v. Norris case should be delegated to the winter dancing nations to mediate because the manner and values that the Canadian courts employ derive from a different world view. This is not to say that the methods and values of the Canadian courts are wrong, but these courts simply do not originate from the same world view that the winter dances represent and derive from.
The liberal concept of equality is also a part of the rights paradigm as it is a concept that rights are based on. The term "equal" is typically taken to mean equal rights for all, which theoretically eliminates discrimination, despite differences. The problem is that the concept of "equality" tends to have an assimilating component as it tends to work against Aboriginal or group rights that are different than those that the typical Canadian holds. Frances Svensson (1980) addresses this very phenomenon and identifies the new kind of discrimination that "equal" rights spawn:

The objective is to eliminate discrimination, on the grounds that it is unjust. In the process, differentiation (for example, on a community basis) tends to be thrown out along with discrimination, in spite of legal, social, and possibly moral reasons for retaining it. The result is a new kind of discrimination [my emphasis], a refusal to distinguish the needs, rights, and interests of communities with right-claims against the dominant, policy-making components of individualized society (428).

This problem requires serious consideration, particularly since one of the main concerns of the Sto:lo Nation is to protect the Sto:lo culture from assimilating forces. There are cases, like the Thomas v. Norris case, in which special consideration should be given because of the private and sacred nature of the issue being dealt with.

Thomas Isaac (1992) outlines the arguments that the judge used to make his decision in the Thomas v. Norris case and points out the following matter of interest. A very significant issue is raised by this author:

In addition, the decision has introduced the possibility of limiting Aboriginal control over customs and traditions that goes beyond the threat of physical harm to an individual. Little in the decision lends direct support to the proposition that the decision is limited strictly to situations regarding direct physical harm. Indeed, in the macroscopic sense, the decision is seen by some as being one which adversely affects the nature of Aboriginal rights (Isaac, 1992, 628-629).
equivalent of Canadian justice: harmony. The problem was that the Canadian court had the final say in determining that its versions of justice be served in this case by adhering to individual rights.

The question of whether the Charter has the potential to change the nature of the winter dances was put to four of the interviewees; of the four that were asked this question these were their responses:

JO-ANN ARCHIBALD: Yes, back to the example then, that shows how it can change because from that court decision the people who performed the initiation were charged so, in a sense, if people don’t want to be charged for assault then they have to change what they do which may be going against tradition, but, again, maybe not. Because I think there’s a lot of problem anyway in trying to figure out what was our traditional way of initiation. And how have the practices changed? And again, there’s this whole area of when you think of a principle, a philosophy, it’s like a guideline, a way of thinking about something and then the actual practice, the doing of it. And I think in some cases, not only in winter dancing, but elsewhere, we have gone to too much reliance on the ritual and the practice without understanding what’s the underlying principle and philosophy. And where the actual practice takes precedence and we don’t understand why we do things anymore and I think if we get back to understanding the principle and philosophy then we’ve picked the appropriate practice. And I think that has got in the way and because of the language difference, all kinds of history we’ve experienced that it’s been easy to get away from what were the traditional practices (Interview, 1999).

GWEN POINT: Oh, yes, I think they do. I, personally, would never initiate someone this way. Or even in the family but, at the same time, we can’t have a law being used against the winter dancing then there’s something wrong, right? (Interview, 1999).

JUNE QUIPP: Oh, definitely. If we have people that refer back to this case. Again, I really feel they are violating our spiritual activities, our future, our spiritual laws. I mean, look at the Catholic church, they have the ten commandments. It’s similar [to] what our laws are in the longhouse and how they were never taken into consideration when the Charter of Rights was put together (Interview, 1999).

SONNY McHALSIE: Yes (Interview, 1999).

All four responses to the question of whether the Charter can affect the nature of the winter dances were answered in affirmation that it could. June Quipp points out that the longhouses are important institutions because they play a role in the upholding of the Stó:lō
moral order just as the ten commandments are an integral part of the Catholic church. Gwen
Point mentions that the Stó:lō have lost so much as a result of the legal ban on winter dances.
The Stó:lō revived the decriminalized winter dances and it appears that this revival is still in a
state of recovery and flux. If the Canadian courts, rather than a Stó:lō based justice system, have
jurisdiction over the longhouses, the legal values of the Canadian courts may eventually form the
basis of the moral order of the Stó:lō longhouses.

When I asked if the interviewees felt that the Charter should be the law governing the
longhouse there was a considerable amount of certainty amongst those interviewed that it should
not apply to the longhouses:

SONNY McHALSIE: I don’t know, like when you look at traditional law, everything seems to
stem around collective, or family rights to certain degrees (Interview, 1999).

JUNE QUIPP: There’s a bit of a difference in each initiation to the winter dancing. In our
area...like you say, it’s really difficult to talk about the initiation of the winter dancing and I don’t
really believe that the courts may have had all of the information to make a sound decision on
winter dancing or to dictate to us how we should initiate our winter dancing when we’ve
practiced it for generations. They violated us to begin with when they banned the winter dancing
and now what they’re trying to do is tell us that they can tell us how to do it. I’m not sure
whether they’ve done that with any other religion. In my mind, this is a religion to me
(Interview, 1999).

GWEN POINT: I think it makes it very difficult, right? For the people that belong to the
longhouse. I think that every situation has to be looked at. You can’t blanket. And I think that
maybe if I’ve learned anything it’s this, that you can’t make blanket statements like this to any
culture or any group. I think that there should have been maybe a little more work done. And if
that is a concern then I think how you do business say here in the valley and how you do business
on the Island is going to be two different things and there should have been some kind of
consultation with the people or the Elders in that community. Like because the longhouse
teachings, certainly for the valley, for the last generation, it would be different on the Island I
think. I don’t know if they’ve lost it as much as we have here. I think there needs to be some
discussion around it, right? They can’t blanket the Charter of Rights on this kind of work
(Interview, 1999).

CLARENCE PENNIER: I would disagree that the Charter of Rights should apply to our culture
and our traditions in the longhouse and I say that because one of the Charter rights was the
freedom of religion and, to a certain extent, the dances in the smokehouse would be similar to a religion and it would be difficult for our people to try to explain that to a judge. So, it’s probably one of the reasons that the judge came down saying it violated his individual rights (Interview, 1999).

HERB JOE: I haven’t really studied the Charter of Rights to know an awful lot about the intricacies of it, but just off the top of my head I would say the Charter of Rights is probably a good document as far as it goes. But I don’t think, from a Stó:lō perspective, that they’ve considered how our culture has evolved and that the whole philosophy of life, culture, traditions, customs of the Stó:lō people aren’t based on individualism. They’re based on communalism, on family, extended family. And I don’t think that the Charter of Rights is written from that perspective. It’s a different view of life. It’s a view of life that evolved out of Europe, not out of Canada. The Euro-Canadian people have their ancestors to thank for that philosophy of life and that philosophy of life came out of Europe, not out of the Aboriginal peoples of Canada (Interview, 1999).

The responses were close to unanimous amongst the five interviewees that were asked this question. Herb Joe and Sonny McHalsie point out that a basic unit in Stó:lō justice is the family rather than the individual. This is not to say that the individual is not considered in matters of Stó:lō justice, just as collective rights are not excluded from Canadian law, but that many matters in Stó:lō society are dealt with through the family unit. June Quipp and Gwen Point state that each longhouse situation is unique and this needs to be taken into consideration when resolving disputes. Not one of the five Stó:lō interviewees felt that the Charter should be the law governing the longhouse. The reasons given were based on fundamental issues of culture, tradition, spirituality, and the Stó:lō Nation's right to overlook these areas of Stó:lō life independently.

With the arrival of Europeans, the Stó:lō have had new and changing challenges to face because the colonial climate has gone through many phases. Although the Stó:lō are gaining more autonomy, harmony and balance are difficult to achieve when there is a dominant society all around the little patches of Stó:lō reserves. Achieving harmony was particularly difficult to
maintain when the Stó:lō were not consulted at all regarding issues that affected them, but
attaining and sustaining harmony is still a struggle that Stó:lō Nation faces today. June Quipp
gives an example of the kind of contemporary problem that the Stó:lō typically deal with:

We've talked about being part of the process right from the beginning in any kind of developments. What happens is we get a copy of a proposed development that's already had a lot of work put into it. [Then they] say, 'How do you think this will have an infringement on you?' Regardless of what we say or do we end up being the third party that may end up putting a stop to something or putting up a big fuss. Then we always end up looking like the bad people because we feel that it will have an impact on some of our spirituality (Interview, 1999).

June Quipp describes a scenario that the Stó:lō and other Nations regularly face. This concept also works for the Thomas v. Norris case. Aboriginal people have voiced their dissent with regard to any form of legally enforced individualism on Aboriginal communities by the Canadian state. For example, Aboriginal people recognized that the intent of the Gradual Civilization Act of 1857 was to legally enforce individualism on the collective nature of Aboriginal communities. One Aboriginal leader's reaction was documented, "Surely, one tribal leader noted accurately, it was an attempt 'to break them into pieces.' It did not, he continued, 'meet their views' since it was inconsistent with their desire to maintain tribal integrity within customary forms most recently expressed by their insistence on group rather than individual tenure of reserve land" (Milloy, 1985, 59). The government of Canada knew how Aboriginal nations across the country felt about legalized individualism well before they implemented individualistic Canadian laws and yet, they were applied to Aboriginal communities. When cases like Thomas v. Norris come around, even though Aboriginal people never wanted laws such as these in the first place, Aboriginal people end up looking like the unreasonable party.
The Iroquois concept of how they expected the newcomers and Iroquois to live in harmony is a useful concept to draw on and still a very important one today. The Iroquois envisioned the two societies living side by side with the least amount of trouble. The two parallel lines on the Two Row Wampum belt symbolizes the two societies, the newly arrived people and Iroquois, living autonomously side by side.\(^2\) Each society was to be entitled to run its own affairs and make its own laws. They were not to cross. The chart in Figure One can, for these purposes, illustrate how the two cultural views are different enough to consider parallel justice systems. Unfortunately, this did not happen and the Euro-Canadian and Aboriginal societies have crossed with the inevitable tangle as a result. The *Thomas v. Norris* case is an epitome of that cross of the lines and the resulting tangle.

\(^2\)This is not an unrealistic goal as far law goes. India has parallel forms of laws (Asch, 1992).
CHAPTER FOUR
LEGALIZED INDIVIDUALISM AND HOLISM

"The goal of therapy from a traditional healing perspective, then, is not to strengthen the client's ego but to encourage the client to transcend the ego by experiencing self as embedded in and expressive of community" (LaFromboise, Trimble, & Mohatt, 1990, 631).

In searching the academic literature with regards to Aboriginal people and the Charter it becomes apparent that a number of contentious issues have been identified. Ovide Mercredi and Mary Ellen Turpel (1993) identify two major factors that make the application of the Charter to Aboriginal communities problematic. The first point they make is that there was no consultation with Aboriginal people when the Charter was being implemented and applied to Aboriginal communities; this is a commonality that the Charter has with the Indian Act. Secondly, the Charter is being used to "fix" some of the problems that were created by the Indian Act. Other shortcomings of the Charter include the fact that the Charter has also, intentionally or inadvertently, become a tool that is, at times, used against culture (Bickerton & Gagnon, 1994). Denis (1997) charges that both Quebec and Aboriginal people have experienced increasing resistance against their claims for autonomy as a direct result of the Charter because it increases the "equality" argument which, in turn, negates "difference". One of the most damaging

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1For example, as a result of the Charter, Bill C-31 was created which allowed many Aboriginal women to gain their Indian status back, but the reason they lost their status in the first place was because of the Indian Act.
outcomes of the application of the Charter is that this issue of whether or not it should apply to Aboriginal communities has divided many of those same Aboriginal communities (Monture-Angus, 1995; Borrows, 1994).

Although Mary Ellen Turpel acknowledges that Aboriginal people have used the Charter to fight against colonialism, she identifies three major problems that may arise out of the legal enforcement of individualism onto Aboriginal communities. The first problem is that of undermining the cultural notion of responsibilities and substituting it with the Canadian value of rights. The second point is that the Charter works to break down traditional forms of conflict resolution. The third consequence is that internal conflicts are taken outside of the community to be resolved in the public courts rather than being resolved within the community via its own conflict resolution processes (Turpel, 1990).

When the United States was implementing the Bill of Rights and imposed it upon Native Americans, there was strong opposition by Native Americans. At a hearing before the Bill of Rights became law, a Sandia Pueblo Native, Domingo Montoya, voiced his dissent:

The demands of the Civil Rights Act, if imposed upon us against our most strenuous objections, will repeat once more the old pattern. Once more, we will lose the freedom to choose our own destiny. We ask only to be allowed to grow and change in our own way, true to the values and traditions of our people (Amendments in Svensson, 1980, 432).

The author, Frances Svensson, reports that the general belief by Americans was that they were liberating Native Americans by imposing the Bill of Rights on their communities. The debate regarding the application of colonial laws, particularly laws that encompass individual rights in this case, to Aboriginal nations is not limited to Canada.
The literature also bears out a concern by Aboriginal people that the Charter may ultimately be creating challenges for the Aboriginal communities regarding Aboriginal identity issues. Marie Smallface Marule, a member of the Blood Tribe, feels that our strength as Aboriginal people lies within our tribal identities and that Canadian policies work to break down that strength (Smallface Marule, 1984). She states that the cultural values of materialism and individualism, embodied in many Canadian policies, work against Aboriginal traditional value systems, therefore making this issue of Canadian policy one of the most pressing issues for Aboriginal people. It seems that the assimilation policies of the anti-potlatch laws and residential school days are still with us, only in a much more indirect and subtle way.

Marlene Brant Castellano identifies the problem as one of Aboriginal collective identity issues being all tied up in constitutional bureaucratic processes which results in the shelving of these Aboriginal issues along with other constitutional issues (Laponce & Meisel, 1994). She argues that Aboriginal collective identity issues are “life and death” issues and Aboriginal people live it and witness the urgency while this remains an academic issue in Canada. These words from Aboriginal spokespersons indicate that there is an identity factor at risk and, as Castellano points out, that there is no time to waste in addressing them. The Charter may be protecting Euro-Canadians at large, but may have negative side affects on Aboriginal communities. Issues of this kind require serious attention as the colonial history of Aboriginal people in Canada has been one of a constant struggle to protect Aboriginal cultures.

The affects that Canadian law has on Aboriginal cultures may not be obvious, but are of a more subtle nature as Mohawk author, Taiaiake Alfred, notes:

In this supposedly post-colonial world, what does it matter if the reserve is run by Indians, so long as they behave like bureaucrats and carry out the same old
policies? Redefined and reworded, the 'new' relationship still abuses indigenous people, albeit more subtly. In this 'new' relationship, indigenous people are still bound to another power's order (1999, xiii).

Aboriginal nations, in order to become strong, healthy, and self-determining, nations require the authority and power that truly self-determining nations hold. Aboriginal nations determined their own affairs for thousands of years before the relatively late arrival of newcomers and it is only through the direction of the Aboriginal people themselves that the Aboriginal nations will fully recover their full strength and potential. Stó:lo authority over their own internal justice issues needs to be expanded to realize this potential.

As with many other Aboriginal languages, there is no Halq'eméylem word that easily translates to "justice". Joe Aleck explains the Stó:lo concepts of justice, "One word that we use is 'slaq'... It means, sort of, like law if we're trying to find a word in English. In English it means everyone... all human beings living in harmony, working together, caring for one another, and loving one another and supporting one another. That's our justice" (Joe Aleck, Interview, 1999).

If a member of an Aboriginal community offends another (and therefore, their family) then the goal of Aboriginal justice is to have the offender compensate the offended party to restore harmony to the community. This is where the Elders' roles are crucial as they play a key role in teaching the offenders 1 the expected manner of conducting themselves. This whole process is one of restitution by the offender, healing, and reintegration of the offender back into the community, thereby, restoring harmony. Our responsibility is to recognize and respect this balance as well as the role and power that each element of the earth holds. No life or element is

\[\text{In the Navajo culture "offender" means, "He acts as if he had no relatives" (Monture-Angus, 1995, 256).}\]
perceived to be "useless" or designated for elimination because each has its role. To do so would be an injustice in Aboriginal value systems.

Donahue (1997) points out that the Canadian practice of justice is totally incompatible with Aboriginal notions of justice. First of all, the Canadian court system isolates the individual from their community which is antithetical to an Aboriginal justice system. Secondly, it places the individual in an adversarial position which can serve to reinforce the isolation of the individual. The third difference is that the truth is expected to emerge from this adversarial process, resulting in punishment as the solution to the problem. And, finally, the offender can be left stigmatized in the end (Donahue, 1997), many times unable to fully function within society, for example, as the record he/she acquires inhibits employers from hiring the offenders. A study by James Waldram (1997) on Aboriginal women in a prison system illustrates how ill-fitting the Canadian system is and how only Aboriginal justice systems will really work for Aboriginal people.

The study took place at the Kingston Prison for Women. As Waldram (1997) points out, many Aboriginal people do not encounter Aboriginal spirituality until they enter the prison system. It is noted in this particular study that some of these women committed suicide after being exposed to Aboriginal spirituality (Royal Commission on Aboriginal Peoples - The Path to Healing, 1993). It was found that, in many cases, it was too late at this point for these Aboriginal women to learn about the more culturally appropriate Aboriginal spirituality because they were already deep into dysfunctional lifestyles. The enlightening came too late:

Some of these women, who had lived anti-social lifestyles to the point where they had to be locked up for their own safety and the safety of others, became aware that life had meaning, purpose and direction; but when they returned to the cells and the ranges and were confronted with the harsh
realities of the oppressive and cruel prison structure, the change was too
too abrupt and overwhelming. *Suicide was their escape from this mind-
splitting discrepancy between the inner peace they had acquired and the
unspeakable cruelties of the prison system* (my emphasis - Royal Commission on

This is an explosive issue that should be read as a tragic example of what can happen to
Aboriginal people when the colonial climate makes it so difficult for us to maintain our cultural
ways. In “bringing our people back” in a culturally friendly environment, a holistic environment,
before Aboriginal people hit the prison systems, there should be no danger because, ideally, there
are supportive families and communities surrounding the person in healing. This is a function
that the winter dances serve amongst other functions.

The respect for the *shxweli* of everything on earth, which lends to harmony, manifests
itself as empathy for the *shxweli* of everything on earth. The ways of expressing this value are
real as the destruction of the earth or any life form on it can elicit genuine shock and/or sorrow
from Aboriginal peoples. Significant impacts on the land such as clear cuts, extinction of fish,
plants, or animals, and large scale pollution can educe genuine emotion. When David Suzuki
was walking through a forest with James Gosnell of the Nisga’a Nation, the forest ended and a
clear cut became apparent. James Gosnell’s response was, “It was as if the land had been
skinned of life. I couldn’t believe that anyone would deliberately do that to the earth” (Knudtson
& Suzuki, 1992, xxvi). Devastation of the earth and forms of life on it (injustice) can leave its
mark on the psyche of Aboriginal people.

The Stó:lō are no different. Val Friesen, Jo-ann Archibald, and Rita Jack, in making the
same point, quote Tillie Guiterrez of Stó:lō Nation who expressed her empathy that she felt when
Euro-Canadians were cutting down and chopping up cedar trees:
You know, when I was very small, I saw some other people come to Katz Landing there. They started building all these chutes. They were sliding blocks of cedar.

My heart cried. I was small, but I felt it. You know, even right now I feel like crying over it because I was unable to do anything about it. I was just standing there, watching all these cedar blocks coming down. It looks exciting all right. But I wasn’t excited about it. I was brokenhearted, because of that cedar coming down. They were shipping them out somewhere, I don’t know where, and making shingles and what have you, and right there and then my heart was already telling me that we were being robbed. And there was nothing I could do (Val Friesen, Jo-ann Archibald & Rita Jack, 1992, 59).

This is a typical reaction and is the usual intense emotion that is felt by many Aboriginal peoples when witnessing destruction to the earth. Aboriginal peoples still very much live a colonial legacy as our souls are regularly assaulted by witnessing destruction to the earth and, worse yet, to have to stand by helplessly.

I only now can begin to really understand why I silently felt so sad at all the “development” going on at home. Although I could not articulate these feelings by calling it respect for the shxweli of everything on the earth, I was raised with the philosophy, spoken and unspoken, that we should leave things be. Despite the fact that my mother went to residential school, I commonly heard her disapproval whenever Euro-Canadians cut down so much as one tree. My father’s family owns land that, other than the large swath of land that has to be permanently trimmed down for the three Hydro power lines a stones throw from our front door, has largely been left “undeveloped”. As Douglas Cardinal states, “The measure of a man is seen through the prospering life that surrounds him, not the inanimate objects he has forcefully acquired” (1977, 54-55). This applies to Aboriginal women as well. I grew up very rich.

Aboriginal people value their sense of justice just as Canadians hold their ideas of justice in very high esteem. The reality and intensity of both demonstrations of cultural empathy are
real, the only difference is that offences of Aboriginal forms of justice are legal in Canada so that Aboriginal people do not see their form of justice being addressed. So why would the Canadian form of justice be seen as more “real” or important than the Aboriginal form of justice? Aboriginal concepts of justice derived from their holistic world view, so Aboriginal justice should be a recognized part of our everyday world.

For Euro-Canadian culture, the ultimate offence of individual rights is to take another’s life. In the United States taking another’s life can result in the death penalty as a consequence. Offenses of Aboriginal justice go on every day around us with almost no redress. This has become too much to bear for one tribe in Columbia. This tribe, the U’wa, only ask that their land be left alone for their own cultural existence and survival, but this request is falling on deaf ears. There are plans for oil extraction on their lands. This tribe is so pained by their state of affairs and the injustice that they see that they have threatened collective tribal suicide if “development” does not stop (del Pilar Uribe Marin, 1999). This is an example of an overt assault on an Aboriginal peoples’ sense of holism, but what about the more subtle forces that work against the holistic aspect of Aboriginal world views?

What, for example, are the potential affects on the holistic aspect of Aboriginal cultures of legally enforced individual rights as defined by the Charter? In his 1997 study Rod McCormick interviewed 50 British Columbia Aboriginal people to determine what they felt facilitated the healing process for them. McCormick explains that in order for an Aboriginal individual to be healthy he or she needs to feel that they are a part of the interconnection of the world. He states that this culturally specific state of normalcy is in direct conflict with the

2This is with exception of some weak environmental laws which is not enough by Aboriginal peoples' standards.
mainstream Euro-Canadian cultural emphasis on individualism. An important finding emerged that is relevant to this study:

One difference that was discussed in this paper is that affective healing for First Nations people focuses on interconnectedness rather than on autonomy which is a more common goal for Western therapy. For the First Nations people in this study, connecting with family, community, culture, nature, and spirituality all seem important in successful healing (181).

Since most Aboriginal communities are holistic and collective in nature, it is impossible to separate or eliminate elements of that holistic world because to do so generally means altering a state of balance for an Aboriginal person. This has implications, then, with the Charter and Aboriginal communities.

If traditional healing practices serve a decolonization function by encouraging an immersion into the community rather than isolating and strengthening the ego, one can begin to see how potentially difficult it could be for a Stó:lō person to function in a society steeped with individualism as a value. The ideal in Stó:lō society is to develop strong "collective-esteem", rather than focussing only on self-esteem. The development of the "collective-esteem", in which a Stó:lō person learns how to fit smoothly into the harmony of the collectivity, requires a healthy, holistic world view. The Stó:lō expression of individualism is expressed in a different manner than it is expressed in Euro-Canadian culture. Calvin Morrisseau (1998) identifies the underlying value of non-interference to be the Aboriginal concept of the right of an individual. Gwen Point expresses the same value:

But, I think, some the work that’s happening here at Stó:lō Nation and in many of our communities is our people are going back to our traditional way of doing business. They’re going back to how our Elders taught, worked, and built in our values, built in our collective rights. You are free to be an individual and you’re encouraged to seek your strength as an individual and you’re encouraged to seek your strength as an individual.
and, at the same time, to use that strength to benefit all people, not just yourself (Interview, 1999).

Her advice adds further clarification that the non-interference principle is based on respect for the autonomy of an individual to seek their strength and to use the gift that the Creator gave them.

The Canadian and Stó:lō cultures both have concepts of individualism, but they originate from different cultural contexts and different socio-political settings.

The Stó:lō interviewees were asked how a Stó:lō community member’s well-being may be looked after in a more traditional Stó:lō sense. These are excerpts from their responses:

CLARENCE PENNIER: Well, part of the responsibility that we haven’t been maintaining through the years is that we’re responsible for our family members. Today, we’re just doing it as nuclear families more or less and we should be looking after ourselves more as extended families and we haven’t been doing that as much as we should have. So, that would be a way of going back to ensuring that things are a lot better for individuals (Interview, 1999).

JO-ANN ARCHIBALD: I think if we go back to what we were taught, to look after ourselves. I mean to be able to ensure that we provide a loving environment like how our Elders have looked after the grandchildren and talked about ways that we should, especially respect and care for one another (Interview, 1999).

JUNE QUIPP: We’ve had what we call ‘family circles’ and we’ve called in all sorts of people to work with an individual in a lot of cases. In order to have the circles the individual has to be willing to participate. Sometimes they are forced to participate and often it turns out that it’s been the best thing for that person and the family. But the communities are so infiltrated with European ways....There’s a poster that talks about measles, smallpox, TB, and all of these diseases that wiped out a lot of our people. Now we’ve got AIDS and a lot of these things are transmitted because of some of the lifestyles that some of our people are living right now....These are going to be really difficult issues to deal with, holistically, to try and make sure an individual’s rights or even well-being...I don’t know if we look so much at an individual’s rights as well as their well-being and I think that’s the big difference between First Nations and Stó:lō and the non-native. Quite often the Charter of Rights doesn’t really look at a person’s well-being. It just says that by law you can’t do this or you can’t do that, but, holistically, when we’re looking at an individual’s rights, it’s more the individual’s well-being than their rights that we try to really take care of (Interview, 1999).

SONNY McHALSIE: We’re still at the stage where we’re looking at trying to look at what are Nation rights; what are community rights, family rights, and individual rights? Now, for the most part, I think most of the other larger ones have been looked at and [we] probably haven’t spent a
lot of time looking at individual rights. Now, how those individual rights are, for all we know, we may have individual rights that are parallel to the Charter of Rights, but may somehow take a different form and may just not be aware of it...I think the way we’d have to look at that is look at the language and see how much of family and individual...the perspectives that they hold (Interview, 1999).

GWEN POINT: Again, I think that that is being done. It’s not something that people are saying, ‘Oh, we’re doing this over here’ and ‘Oh, we’re doing that over there’, and ‘Oh, we’re doing this’ because of the Charter. But, again, some of the work that’s happening here at Stó:lō Nation and in many of our communities is our people are going back to our traditional way of doing business. They’re going back to how our Elders taught and worked and built in that are our values, built in that are our collective rights. Yes, you are free to be an individual and you’re encouraged to seek your strength as an individual and, at the same time, to use that strength to benefit all people, not just yourself. So, I see it happening. I see it happening in a good way and I’m not saying all our issues are addressed because this is a very, to me, a recent phenomenon. It’s a very recent under-taking. Where, again, from our leaders, from our chiefs, to our children in the school, to our Elders, and our youth, are all taking an active role and working towards becoming healthy people and falling back on our traditions and it’s a good thing. So, while it’s not being spelled out how an individual’s well-being is being taken care of, it’s happening in a good way. And, again, I say it’s exciting (Interview, 1999).

HERB JOE: Historically, there was a respect for individual rights, but there wasn’t a glorification of individual rights as there is in the Euro-Canadian philosophy of life. Individual rights were balanced against the rights of the family, of the community, of the Nation. So everything was in balance rather than having a system set up where individual rights take precedence over most of the other rights of the community. What you end up with is a model where an individual is pitted against the society and you have a whole society, the rights of that society pitted against the rights of the individual. Well, to me, it’s the epitome of the Euro-Canadian philosophy of life and it’s so adversarial. It’s always pitting one side against another, one against the whole. It’s black and white; there’s always a winner and there’s always a loser. In our approach to life where we looked at the balance and the well-being of everyone in the community and everyone in the Nation, that balance of course would ensure that the individual’s rights were taken very much into consideration. So, I believe in the traditional approach of life that our Stó:lō ancestors took and that it was a successful one for us. That’s not to say that it could be successful for people who were raised out of a different culture, for instance, someone who came from Europe, Germany for instance. I would think that because of the centuries of education and educational process in their history would almost guarantee that that individual would have great difficulty in surviving in our culture (Interview, 1999).

Gwen Point describes the recent trend of the growing confidence that the people of the Stó:lō Nation have in their own culture to provide answers to many Stó:lō issues. The interviewees call for a return to our basic Stó:lō social structure and values, while pointing out
ways that the Euro-Canadian based concepts of justice are not well suited to the Sto:lo community. June Quipp points out that there is much healing to be done in the Sto:lo communities and that the Euro-Canadian concept of rights may not be sufficient to facilitate this healing process. Herb Joe explains that the adversarial nature of the Canadian justice system, which results in a winner and a loser, is not consistent with how the traditional Sto:lo culture functions. Overall, the interviewees' responses indicate a desire for the Sto:lo Nation to be based upon social structures that reflect Sto:lo traditions and values.

When I asked about how Sto:lo Nation might, in a more traditional sense, resolve conflict within the Sto:lo community these were the responses:

JUNE QUIPP: I really believe that we can work something out. As I mentioned earlier the really difficult part right now is that we are struggling with the First Nations and non-First Nations rules and regulations right now and it’s been really difficult to try and sort them all out and you try to put into place I guess you’d call laws for First Nations. Tried to protect some of our traditional laws and it really becomes difficult to separate the two, maybe even integrate the two to make something that’s going to be satisfactory to us, satisfactory to the non-natives. It’s something we’re working on. We’re working on it and it’s not going to be easy. I think it’s going to take quite some time to try and get something that’s at least satisfactory to a good majority of Sto:lo Nation. I’m sure whatever comes out of it is not going to be satisfactory one hundred percent, but it, hopefully, would be something that will be liveable (Interview, 1999).

HERB JOE: Historically, we’ve evolved as a people and in evolving as a people who learned to live together in communes, or a communal system, in family systems, we had to learn how to resolve conflict. And resolving conflict is a part of our culture, is a part of our traditions. Would we be able to continue to do that? Yes, of course we would. And, [in] particular, now in the beginning of the new millennium the culture has become more acceptable to learn from the perspective of our last two generations, they’re now seeing that there’s value in learning the traditions and the customs. And we’ve got a lot of young people now who are actively searching for a Sto:lo education that would include the culture, the traditions, the customs, the history of the Sto:lo people. And once they learn a little bit about the Sto:lo people, it’s addictive. They will continue to learn and, of course, in learning about Sto:lo people and the culture, as I said a little earlier, conflict resolution was one, was just one part of the culture that helped us to evolve through the centuries to what we were previous to European contact and we were a successful society at the time. And a fairly structured and sophisticated society that included conflict resolution as one of the means of maintaining balance in the community. So, yes, I think that it’ll continue; it would’ve continued and particularly now that there’s a renaissance in learning First
Nations culture, there’s going to be more and more of our people who learn how historically our people resolved conflict. And it wasn’t through warfare as the main way of resolving conflict. There were many other ways that assisted us in resolving even very serious conflict. That’s not to say that we didn’t have warriors and go to war. That seemed to be a necessary part of all cultures. You need to have ways and means of protecting oneself, particularly protecting those that are unable to protect themselves, defenseless ones, the children, and the Elders (Interview, 1999).

GWEN POINT: Yes, and I think we already do that, right? I think that, without going into detail, situations arise where people in the community seek out, whether they’re spiritual people, or whether they’re leaders in the community, or whether they’re cultural people, or Elders. This kind of work is already happening, where a family knows that someone in their family needs to be a ‘part of’. So I think, in a sense, that kind of work is already happening; it’s just not formalized. And I think that many of the longhouse community people that attend, or part of that, have carried it in a good way, that the kind of teaching and knowledge is just becoming a part of the community, so things are being addressed (Interview, 1999).

JO-ANN ARCHIBALD: Y[es], if we go by and if we agreed on cultural ways of conflict resolution. I think it’s of course best when you work it out within the family, in a way, or if there are ways to be able to have like a mediator, sometimes our Elders are asked to do those sort of things and in a way what they do is remind us about the values to help us figure it out ourselves and so, I guess there could be opportunities to do that (Interview, 1999).

CLARENCE PENNIER: This is one of our longer term goals within the Nation. The House of Justice has been established and that’s one of the primary responsibilities that the House of Justice should be able to set up dispute resolution processes to resolve issues between individuals and families, and families and families, and communities and communities. So, we’ll eventually get there (Interview, 1999).

Obviously, there are conflict resolution mechanisms built right into the culture, as the interviewees indicate. Jo-ann Archibald mentions that the Elders can not only mediate, but teach us, at the same time, about resolving conflict in a culturally appropriate way. Herb Joe addresses a stereotype by noting that our conflict resolution was not typically through warring. Gwen Point states that the conflict resolution methods in the Stó:lō culture have just not been formalized yet, while two interviewees state that it is in the long term goals of Stó:lō Nation to identify these strategies. Hopefully, these issues can eventually be resolved, to clarify and bring
forth some culturally relevant conflict resolution methods so as to reduce the use of the more adversarial conflict resolution styles that the Canadian courts practice.

By enforcing the Charter on Aboriginal people, there is potential to slowly erode the culturally appropriate place of Stó:lō individuals within the Stó:lō collectivity (ie. become assimilated, secular individuals) which would fulfil the historic plan (Indian Act, residential schools, White Paper, etc.) of getting rid of the "Indian problem". If:

Individuals cannot assert collective rights unless a group exists. If native groups freely chose [my emphasis] to assimilate into the dominant culture(s) in this country, it would be nonsensical for an Indian individually to assert an aboriginal right. The right would have to be extinguished with the group’s loss of identity (Pentney, 1987, 47).

Note that the matter of the application of the Charter is not necessarily a situation of “free choice” because, to date, Canadian law reins over Aboriginal nations. Once Aboriginal collectivities have been, over time, largely broken down into autonomous individuals, theoretically, the Canadian state has no obligation to Aboriginal rights.

The rights theory came from an adversarial environment that arose out of the creation of the state. The individual had to be endowed with claims that were legally codified to give the individual “political tools” to protect the self against the state and others (Pentney, 1987). Aboriginal people have been assimilated into this adversarial arena because of the colonial situation we have found ourselves in. Now the Aboriginal people need protection from the state and Aboriginal rights are recognized in response to that need.

Dworkin makes the distinction between rights being protected in a “strong sense” or a “weak sense” (Pentney, 1987). The protection in the “strong sense” means that this right is heavily protected. To infringe on a right that is protected in the "strong sense" is wrong, unless
there are special circumstances to justify the infringement. “Between” Aboriginal rights are protected in the strong sense now, but Aboriginal “within” group collective rights are, officially, virtually non-existent because Canadian law is the law within Stó:lo society. Canadian concepts of individual rights are protected, even in the Stó:lo community, in the “strong sense”: Euro-Canadians have their “within” group cultural value of individual rights protected in the “strong sense”, while Aboriginal “within” group cultural values are virtually non-existent in the Canadian laws that are applied to Aboriginal communities. In order to fully perpetuate the Stó:lo culture, Stó:lo people need to be able to administer Stó:lo laws over Stó:lo specific issues.

Despite all the variance of opinion in the literature, the Canadian public, and the Aboriginal nations about whether or not the Charter should or should not apply to Aboriginal communities, how possible is it that Aboriginal peoples may even have a choice in the matter? Boldt and Long (1984) bring up a couple of points that may give some glimmer of hope that Aboriginal nations may have some choice in the matter. They cite Douglas Sanders’ argument that Aboriginal people may be in a very unique position to reject the Charter, if they so wish, on the grounds that, unlike the provinces and municipalities, they are a group that was not created by the Constitution (Boldt & Long, 1984, note seven). They also point out that the Canadian state could opt to exempt Aboriginal nations, at least in part, from the Charter if they so chose.

The Royal Commission on Aboriginal Peoples (RCAP, 1996) present two possible interpretations regarding whether or not the Charter is applicable to Aboriginal nations. The first approach would find that the Charter does apply to Aboriginal nations because section 32(1) can be interpreted to mean that governments are subject to the Charter, while section 35(1) would

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3One of the proposals in the Charlottetown Accord was to recognize that Aboriginal peoples’ right to self-government existed before the Constitution (Jhappan, 1993).
include Aboriginal nations as an order of government. The second interpretation could potentially exclude Aboriginal nations from the jurisdiction of the Charter because the Charter is in Part I of the Constitution, while section 35, which recognizes Aboriginal rights to self-government, are in Part II of the Constitution. "This result, according to the second approach, is that the Charter cannot 'abrogate or derogate from' the exercise of inherent powers of Aboriginal self-government. Since any limitation on Aboriginal government powers would amount to such a derogation, section 25 affectively prevents Aboriginal governments from being held accountable for Charter violations" (RCAP, 1996, Vol. 2, pt. 1, 229). This interpretation holds some promise of exemption from the Charter for Aboriginal nations if Aboriginal nations are seeking an exemption through legal means via the Canadian legal system.

The Stó:lō interviewees were asked whether they thought that Stó:lō Nation should be able to reject, in whole, or in part, the Charter. The responses were mixed:

GWEN POINT: I guess I look at this [Thomas v. Norris] case and I wonder, if those people knew that this would happen would they have done it? Like, to me, not everybody has all the information, right? And, how do you do business and I know that different longhouses do business different ways, different families do business different ways and I think that there needs to be that understanding. We're a common sense people. We do things that are going to be in the best interests of all people, not individuals, right? So what's the right thing to do? And I think that question needs to be put to the people and I know that they would come up with an answer. They would say, 'Well, if this is the law, Canada's law, right? How does this apply to how we do our work? Why do we do, why do they do what they do?' And I think that they would...it could be addressed in a good way, a proper way (Interview, 1999).

CLARENCE PENNIER: Well, I don't think that we should probably reject the Charter of Rights. It has to be an accommodation of our collective rights. There has to be some recognition that we do have collective rights and I think that has been stated by the Supreme Court of Canada, that our rights are collective rights. Aboriginal rights or Aboriginal title rests in the collective. That gets into legal things that will come up a little later on once we've finally determined, 'OK, these are the collective rights that we have.' And whether we do that through the treaty negotiations or whether it comes out through further court cases when they've finally clarified what our rights are and changes the collective. There will be further court cases challenging the collective versus the individual rights of the Charter. So, it's a roundabout
answer. I believe the Charter should be there. It is there and it will stay there, but it shouldn’t really apply to our collective rights (Interview, 1999).

JO-ANN ARCHIBALD: It’s not the Charter, but it’s taking the Charter, which is a very Western document, if I generalize it, to, on the other hand, Aboriginal concepts of rights and I always find they’re very different. And when you try and place one to the other, you have these tensions, more than tensions often. And I think that’s the problem we have is trying to make one fit the other. And it’s important to define the concept on it’s own, like in the sense of an individual, “What is the relationship to an individual and collective right” and even, “What is a ‘right’? There might be different connotations of the meaning between a Western constitutional use and a cultural, Aboriginal, traditional use of the word. So, all of that is problematic and I think that really we need to be first, as a nation, defining these rights and responsibilities ourselves and developing that as part of our own constitution. And then once doing that, seeing how it relates to the general Charter of Rights (Interview, 1999).

JUNE QUIPP: Oh, I believe so. I believe that there are probably some good things in there, but, again, we’ve always been left out as part of the strategic planning of any of these laws, or acts, or legislature. You know, we just never had part of it. That in itself, I always find that it’s a violation to First Nations (Interview, 1999).

SONNY McHALSIE: I think there might have to be some kind of a compromise. I haven’t looked into that issue or talked too much about that. I don’t know (Interview, 1999).

HERB JOE: I don’t know if we should reject the Charter of Rights. I, personally, would say that, no, we shouldn’t reject the Charter of Rights. We should make every possible attempt to understand the Charter of Rights and its implications to the Stó:lō people and if we could become more aware of how it will impact on our people we can prepare our own political leaders. We can prepare our own educators to take into account when teaching our younger people. So, reject it, no. Take it as a part of an educational process, yes (Interview, 1999).

There is an interesting array of responses to the question of whether Stó:lō Nation should be able to reject, in whole or in part, the Charter. This is probably indicative of the variety of responses that would come from the community, as a whole, if the Stó:lō community was surveyed for their response to this question. There were two “no” responses, one “yes”, one position of “compromise”, and three (Gwen Point, Jo-ann Archibald, and Herb Joe) suggestions that further study of these issues are needed. The form of further study that Gwen Point articulates is for issues like this to go to the Stó:lō people for feedback on the issue. Jo-ann
Archibald’s suggestion is to define, in Stó:lō terms, what “rights” and “responsibilities” means, while the study that Herb Joe recommends is to study how the Charter may affect Stó:lō people and then educate Stó:lō people about these possible affects. Obviously, there is plenty of room for further exploration in this area.

Overall, there was unanimity in responses as far as the holistic nature of the winter dance, its integral place in Stó:lō society, that the Charter has potential to change the nature of the winter dance, and that the Charter should not apply to the longhouse. On the other hand, when queried whether the Charter should apply to the Stó:lō community there were diverse responses, suggesting that there may be a difference of context between the Charter applying to the longhouse and to the community. Why such a big difference between the responses given for the longhouse and those given for the Stó:lō community as a whole?

Those Stó:lō members interviewed preferred that the longhouse be kept Charter free because it is a very private, spiritual place where Stó:lō identity is reaffirmed and healing of Stó:lō members takes place. This institution is very private, is very distinctly Stó:lō, and the Stó:lō want to keep it that way. This is probably the reason why there tends to be a negative response from Aboriginal people who are aware of the Thomas v. Norris case, including the winter dance peoples who actually went through this court case. This Aboriginal nation was unsuccessful in “proving” that the winter dances are an Aboriginal right. This left the winter dances wide open to the discrimination of “equality” that is built into the justice system, particularly through the Charter. The winter dances should be an Aboriginal right as this is a “between” group issue and because it has not been determined to be an Aboriginal right yet, leaves winter dance issues open to the Canadian value of “equality”. This Canadian conception
of equality means that the winter dance peoples are to exhibit the same cultural values that those in Canadian society do, thereby, not allowing for difference.

As far as the Charter applying to the everyday community life of the Stó:lō, this is where there were more diverse responses. It is not surprising that the responses were more varied when referring to Stó:lō society being governed by the Charter as this would likely be the nature of the responses if this question was put to the Stó:lō community as a whole. As was pointed out in the literature, there does tend to be varied opinions amongst Aboriginal peoples with regard to the application of the Charter to their communities. There were three responses that indicated that this area needs more study which also lends insight into the individual variance of responses as these interviewees would prefer to make an informed decision.

It is speculated here that another reason for the difference of opinions may be because this aspect of life is, by necessity, a more bi-cultural existence because the Stó:lō are interacting with Canadian institutions on a daily basis in their lives. Gwen Point also brought up the fact that there are Euro-Canadian people that are married into Stó:lō Nation which makes it a more complicated issue to alter, discard, or replace the Charter (Gwen Point, personal communication, July 13, 1999). This may be a situation where the community would have to be consulted to determine whether or not the Charter should be applicable to Stó:lō Nation.

The responses are an indication that the issue of whether the Charter should or should not apply to Stó:lō Nation, as a society, requires more study and needs to be brought to the people. Further study is needed at the community level, particularly with regard to the Charter being the law for the Stó:lō community. It is also at this level that it could be very challenging to develop a more culturally appropriate charter because then the community would be barraged
with dilemmas such as, 'which law prevails in interactions between a Euro-Canadian and a Stó:lō person?', whereas, it would be less complex to have Stó:lō law governing the longhouse because it typically is only Stó:lō people who are in any way involved with the longhouse. Over time, solutions to these issues could be arrived at by the Stó:lō community.

Much work in the area of Stó:lō justice is being carried out today as Joe Aleck explains:

Right now, I'm in the House of Elders in the Stó:lō government and I'm the Elders representative and also in the House of Justice we are trying to get together our traditional system of justice by forming our own police force, our own court system, and, above all, to resolve some disputes within our families and communities by putting together a family group conference or some people say circle sentencing. It is more like a family group conferencing where our people, even long time ago, gathered and bring the victim and the offender together and their families to resolve things so that there's a 'win, win' situation, not 'lose, win'. But, the victim will be given something in return or supported by the offender and their families and so that, hopefully, that all the people that speak, whether its chiefs, Elders, families, to respond to the offender to say what he has done is not our traditional way of living. So it works together (Interview, 1999).

Hopefully, this good work will continue so that the Stó:lō Nation can, eventually, take on more of its own justice issues. It is particularly the internal, or within group, justice issues where it would be most beneficial to have the people resolve their own conflicts amongst themselves in a culturally relevant manner. This is one key to the Stó:lō Nation becoming a stronger, autonomous, and productive community.

**Conclusion**

This learning journey has been fruitful as the dissonance I experienced when reading about the *Thomas v. Norris* case has been explored. I now know that there were valid reasons for this reaction I was experiencing. My sense was, and still is, based on the fact that this Canadian court assumed authority over a longhouse issue. Since the winter dances are like the
cultural soul of the winter dance nations, there are strict protocols, such as privacy codes, around them and, to date, the only party "privileged" to be above and beyond these protocols is the Canadian state and its courts. The Canadian court publicly questioned the people of the Aboriginal nation involved in this case about the details of the winter dances and the initiation that took place in the case. The court ruled that the people of the longhouse were wrong in the way they dealt with the initiate. Certainly, there could be a more culturally appropriate system of justice to handle the affairs of the longhouses.

My stance regarding the Thomas v. Norris case was validated through this study when the responses to my questions that I asked the Stó:lō interviewees were given. None of the interviewees felt that the Charter should be applicable to the longhouses, while, interestingly, there were a variety of responses when I queried whether the Charter should be applicable to the Stó:lō Nation as a community. This difference in answers suggests that these Stó:lō interviewees hold the winter dances in high regard and that closer examination of how justice issues that involve the winter dances may need to be a part of the solution to justice issues that pertain to the winter dances. These responses by the interviewees validated my feelings about the Thomas v. Norris case because the source of my discomfort with the case centered around the fact that the winter dances are distinctly Stó:lō and, through the precedent set in the Thomas v. Norris case, I felt uncomfortable with the Canadian courts' authority over them. If the Stó:lō Nation have the authority to mediate issues specific to the winter dances, the winter dances can continue to be revived and evolve under the direction of the Stó:lō. This way the respect and reverence around the winter dances can be maintained because resolving conflicts that involve the winter
dances could be carried out in a more culturally appropriate manner and the public aspect of it could be contained more to the Stó:lô community.

Clearly, the winter dances are an institution where the Stó:lô holistic world view is perpetuated. It is expressed by the Stó:lô interviewees that the individualism of Canadian law could affect the holistic aspect of the winter dances because of the emphasis on individualism and the gulf that is created between the disputants because only one party "wins" in these courts. The Stó:lô Nation, in utilizing its own justice system, particularly with regard to the winter dances, would base this system on the values of the Stó:lô culture. The value of responsibility derives from the holistic world view; therefore, implementing this "tool" of Stó:lô justice would enable the Stó:lô to more easily maintain this world view.

Stó:lô conceptions of how individuality and the collective nature of society work have similarities and differences with Euro-Canadian society. The Stó:lô utilize the concept of responsibility in conjunction with autonomy or individuality in a way that the Stó:lô culture, ideally, encourages responsibility in individuals in order that they will exercise their autonomy in a responsible manner. This ensures harmony within the collectivity. The Euro-Canadian concept of rights does not accomplish this Stó:lô cultural task as it gives autonomy or individuality as a right.

The Canadian court is a fundamental institution that represents the values of Euro-Canadian society. Euro-Canadian society values individualism more highly and expresses it in a different way than Stó:lô society. With the Canadian courts handing down decisions that favour either individual or collective rights, Stó:lô Nation is in a position where it is likely that there will be further cases that rule in the favour of individual rights to the detriment of the collective
functioning of the Stó:lō community. In essence, the Canadian courts are replacing the collective powers of the Stó:lō community with Euro-Canadian laws because, in a sense, the Stó:lō collective is the law. It is critical that Stó:lō Nation mediate these kind of justice issues that pertain to internal Stó:lō issues in order for the Stó:lō Nation to be the authority in how the Stó:lō culture evolves. The winter dance nation involved in the *Thomas v. Norris* case should have handled this case, as it would have allowed this nation to find a solution on its own regarding how it manages its internal situations in these fast changing times. Euro-Canadian society has had the freedom to adjust its laws to changing times. Aboriginal nations, particularly considering the colonial disruptions to their cultures, require the same latitude and tolerance to adjust to changing times.

This study is important because it serves as a contribution to the literature done on Aboriginal issues by Aboriginal people. It also provides some data regarding Stó:lō concerns about the cultural protection of the winter dances, which is very timely in these times of modern treaty-making. Every culture has its institutions that are considered to be the pinnacles of its society and the health of these key institutions are almost a marker of the health and vitality of the culture of that people. Many of these cultures are fortunate enough to possess the self-determining powers to forge ahead and create systems and laws to protect their cultures and the institutions that help maintain those cultures. Issues that pertain to the winter dances are very important to the Stó:lō people because this institution is like the cultural soul of the Stó:lō community. Just as any person may question the right of another society to assume authority over their cultural institutions, and out of a concern about the state of the Stó:lō holistic worldview, my hope here is to move beyond the debate in the literature that tends to center around
whether the court decision in the *Thomas v. Norris* case was right or wrong and begin questioning how Canadian law may impact on aspects of Stó:lō culture. If I succeed in starting some debate around this issue, I will consider this paper to have completed its goal.
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The purpose of this map is to provide an overview of the First Nation Communities in the Stó:lō Traditional Territory.

Created by the Stó:lō Nation, AR&T Department, Leanna Rhodes, GIS Technician, Laura Fowler, GIS Technician, July 20, 1999.

Legend
- **Legend / Streams**
- **Water**
- **Stó:lō Nation Member**
- **Non Stó:lō Nation Member**
- **Stó:lō Traditional Territory**

Map - Courtesy of Stó:lō Nation