

# Maintaining the Reliability of Aboriginal Oral Records and Their Material Manifestations: Implications for Archival Practice

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**RÉSUMÉ** Disons, pour fins de discussion, que le besoin d'une mémoire véridique est universel parmi les populations humaines. Toutefois, ce que représente la vérité et comment elle est préservée varie d'une époque à l'autre au sein des différentes cultures; qui plus est, perspectives et traditions différentes ne coexistent pas toujours de manière harmonieuse. Basé sur l'idée que l'apothéose de la mémoire consignée dans les lois et valeurs occidentales a souvent entraîné la dépréciation des traditions orales autochtones, cet article soutient que la compréhension des processus de la tradition orale dans son contexte juridique endémique est essentiel pour les archivistes chargés des manifestations matérielles de cette activité. L'argumentation commence par la présentation d'un exemple, de façon très sommaire, d'une méthode orale employée par les autochtones pour créer, transmettre, et préserver des archives. Cet exercice permet de démontrer que la matérialité n'est pas la seule différence entre archives orales ou textuelles. De plus, même si des témoignages oraux sont fixés sur différents supports, on ne peut assumer d'emblée que les exigences occidentales en matière de fiabilité et d'authenticité sont appropriées pour en évaluer la véracité. En conséquence, la deuxième partie de l'article propose qu'il y ait des échanges significatifs entre les dépôts d'archives non-autochtones et chacune des Premières Nations dans le but de préserver les qualités essentielles des formes matérielles des témoignages oraux rendant compte de l'action même si cela doit passer par le rapatriement de certaines pièces. Le respect des lois et valeurs des communautés autochtones est essentiel pour s'assurer que leurs archives soient préservées de façons appropriées sur le plan culturel.

**ABSTRACT** It can be argued that the need for truthful memory is universal among human populations. But precisely what constitutes truth and how it is preserved varies across cultures and over time, and disparate perspectives and traditions do not always coexist harmoniously. Based on the notion that the apotheosis of material-based memory by Western laws and values has often led to a depreciation of aboriginal oral traditions, this article contends that understanding the process of oral tradition in its endemic juridical context is essential for archivists who handle the material manifestations of this activity. The argument begins by describing, on a very basic level, an example of an aboriginal method of orally creating, transmitting, and preserving records. This exercise helps to demonstrate that materiality is not the only difference between oral and written records; that is, even if oral accounts become affixed to various media, it cannot be assumed that Western requirements for reliability and authenticity are appropriate to assess their veracity. Consequently, the second part of the article proposes that, to maintain the essential qualities of materially manifested oral evidence of action, meaningful consulta-

tion between non-native archival institutions and individual First Nations should be undertaken, even if it results in the repatriation of certain items. Respect for the laws and values of aboriginal communities is critical to ensuring that their records are preserved in culturally appropriate ways.

## Introduction

Based on the contemporary Western view that objectified records are the only agents having the capacity to perpetuate trustworthy evidence of action, archivists have tended to devalue the traditional record-keeping practices of “non-literate” societies.<sup>1</sup> Ethnocentrism, represented by “the belief that one’s own culture represents the natural and best way to do things,” making it “therefore appropriate to evaluate other cultures on the basis of the precepts of one’s own,”<sup>2</sup> has fostered this narrow perspective of archives. The archival profession could benefit from greater cultural relativism, a philosophy that allows one to tolerate and be curious about cultural differences without having to surrender one’s own values. This can be achieved by recognizing that, irrespective of the information carrier used to create, transmit, or preserve records, all societies appear to institute controlled procedures to provide for trustworthy evidence of action through time.

The principles of cultural relativism are evident in the archival literature and have been applied by some Canadian archivists to their discussions of oral traditions—that is, the intergenerational *process* of creating, transmitting, and preserving essential cultural knowledge, as opposed to “oral history,” a term better used to describe the *method* by which aspects of an individual’s lifetime experience are gleaned by an interviewer.<sup>3</sup> According to Hugh Taylor, it was the long separation between Western record-keeping systems and their oral precursors that led to the apotheosis of material-based records and caused the widespread inability of contemporary archivists to address effectively the automated environment.<sup>4</sup> With the statement that “[e]lectronic communication, especially in its interactive mode, can become a continuous discourse without a trace, as both act and record occur simultaneously with little or no media delay or survival,”<sup>5</sup> Taylor equated an emerging technology with a very established oral mechanism and implored archivists to “rid [themselves] of preconceived approaches and assumptions.”<sup>6</sup>

Mary Ann Pylypchuk has applied Taylor’s advice to aboriginal cultural traditions and, in defining an oral record, has underscored the importance of considering context in its identification:

To analyze an oral document as an archival document and a record, the principles of archival and diplomatic science must be applied within a predominantly oral juridical system. When an oral document has been spontaneously and organically created or received, and used, by a creator in the course of a practical activity, and when the will to generate the oral document, the document’s intellectual formation, and its consequences

are all foreseen by an oral society's rules, then the oral document may be considered to fulfill the function of a record within that juridical system.<sup>7</sup>

The purpose behind Pylypchuk's specificity between a record-keeping technique and its juridical milieu is starkly revealed by the assessments of aboriginal oral accounts in the various Canadian court case judgements she presents.<sup>8</sup> While the authenticity of oral records has been generally accepted, their reliability, and hence weight as evidence, has been substantially undervalued or completely unrecognized by judges schooled in Western juridical thought.<sup>9</sup> In other words, although aboriginal oral traditions may help to demonstrate the abstract *concept* of "records" as universal, actual oral records are likely to be presumed genuine or truthful only within their own local juridical context.<sup>10</sup>

Archival science makes this last point clear: the facts that are represented in documents made or received as a means or residue of human activity—that is, in records—are those that are recognized by the rules considered temporally and spatially binding by a given social group. Such facts cannot, therefore, be necessarily or universally guaranteed by all juridical systems. Moreover, many predetermined elements of form are required by law in order for certain records, such as dispositive and probative instruments,<sup>11</sup> to be considered authentic and reliable evidence of action. Thus, the documentary proof used by human groups to verify their truths should be expected to differ between societies. For example, those conditioned within a Western juridical paradigm recognize the differing degrees of trustworthiness that objectified records can represent, yet they are invariably accorded more weight as evidence than their orally maintained counterparts. European rules simply prescribe this eventuality in many cases.<sup>12</sup> The regulations of a different society, however, may value other forms. Since the dominant juridical system of Canada is firmly rooted in the Western model, the rights and privileges of First Nations—as these are conceived by aboriginal rules—have been seriously compromised by alien laws which devalue their oral records as proof for establishing their facts.

This article is a response to this situation and it is designed to encourage archivists along a path toward greater understanding and tolerance of cultural differences in order to begin to rectify, in a small way, the pervasive problem of ethnocentrism. It applies cultural relativism and traditional archival theory—admittedly Western constructs—to demonstrate that the creation, transmission, and preservation of records, whether this is achieved orally or materially, are deeply embedded in social process. Although this approach could be adopted to emphasize the *dissimilarities* between European and aboriginal record-making and record-keeping, this article explores, from a Western perspective, the seemingly *universal* human necessity for truthful memory, however that "truth" may be defined in *specific* social contexts.<sup>13</sup> In using this reasoning, neither the obfuscation of significant cultural differences nor the invocation of value judgments is intended, and this is precisely why a detailed examination of

aboriginal oral records, including how techniques of communication might have changed over time, is not undertaken. To elucidate the intricacies of such a topic, if even appropriate, would require a cultural expertise that likely rests only with members of First Nations. Consequently, for the present purposes, the level of analysis has been limited to what could be distilled from the ethnographic and anthropological literature, which is sufficient to address the major aims of this article: to present, on the one hand, an example of an oral method of creating, transmitting, and preserving records and to demonstrate, on the other hand, why this should be important to non-native archivists who handle their material manifestations. In short, this article is about the intersection of oral traditions with the non-native archival sphere. By employing archival standards that are familiar to non-native archivists, it suggests how tapes and transcripts of oral accounts in their custody should be contemplated and treated by them, based on the nature that such records *appear* to have in their endemic juridical domains. The use of archival science as a framework for this discussion is not meant to imply that this particular suite of ideas is exempted from bias; certainly, it is difficult, if not impossible, to divest oneself entirely of cultural “baggage,” and this fact is acknowledged by the concept of cultural relativism.

That said, it is now possible to be more specific about the subject of this article. Using a diplomatic paradigm, the objective of the first part is to illustrate how reliable oral archival documents and their probative counterparts are generated and maintained by considering a *contemporary* example of their expression and material confirmation during the traditional administration of land ownership among the Coast Tsimshian, Gitanyow, Gitxsan, Nisga’a, and Southern Tsimshian nations of the North Coast of British Columbia.<sup>14</sup> The article then turns to the assertion of land ownership, which today involves the Canadian state and its institutions. This process requires reliable records, which have often been limited to those with Euro-Canadian forms or to those that have been physically preserved by non-native archival institutions. To accommodate this reality, many oral records have been fixed and deposited in Canadian archives.<sup>15</sup> In many cases, however, the process of objectification assumes that the only difference between oral and written records is materiality, and that once this is achieved, oral records then conform to a Western prerequisite for verifying truth; that is, they appear more trustworthy because they become immutable and hence can be assumed genuine based on Western standards. This assumption, however, reveals a fundamental tautology: aboriginal oral traditions are not Western and, therefore, cannot be assessed for veracity based on Western requirements for authenticity and reliability. Furthermore, as will be shown, this thinking does not follow the precepts of archival theory, which should guide archival method and practice. Therefore, since the first section of this article deals with an example of how reliability—albeit from a diplomatic perspective—is traditionally maintained within a specific aboriginal system,

the second part discusses the nature of this reliability within the non-native archival milieu and the circumstances in which this quality may be maintained, diminished, or negated subsequent to the fixation of oral records to a material base. It is at this point that the implications for the appraisal, selection, acquisition, or reappraisal of such material will be considered.

### **Expressing Ownership: Administrative and Oral Documentary Relationships<sup>16</sup>**

In presenting an example of traditional aboriginal record-keeping within a specific juridical context, the reader is cautioned: anthropologists have often collectively referred to the Coast Tsimshian, Gitanyow, Gitksan, Nisga'a, and Southern Tsimshian nations of the North Coast of British Columbia as simply the "Tsimshian" in order to convey the close linguistic and cultural relatedness of these societies.<sup>17</sup> It is a convenient label, but it glosses over appreciable differences. Since these groups do not have a common name for themselves, one is not invoked here. Nevertheless, the information drawn from the anthropological and ethnographic literature has been interpreted and presented as a highly generalized model that is probably applicable to all five of these First Nations, notwithstanding some variation in the spelling and pronunciation of the aboriginal terms used to describe social phenomena.<sup>18</sup> It is important, however, to acknowledge the limitations of such a study: many of the sources used for this article have been written by non-natives, and the problems inherent in the assumptions and biases accompanying any world-view are compounded by subsequent interpretations. This is a distillation, and perhaps an oversimplification, of some of these perspectives, and it is bound to be imperfect.

As defined by tribal laws, the feast or potlatch complex represents the central socio-political institution among the First Nations on the North Coast of British Columbia.<sup>19</sup> The governing of land ownership occurs during the 'oix or "to proclaim or make known" feast, wherein assuming a name, validating a crest,<sup>20</sup> or erecting a totem pole may be considered juridical acts demonstrating land tenure. The authority to produce such consequences is vested in the name bestowed on a chief of a House or *wilp*,<sup>21</sup> a corporate group of people related through their mothers—that is, a matrilineage—that owns, among other privileges, territory and its attending resources. The House is sovereign, its authority devolving from the original maternal ancestors that had formed a connection to the animals and hence the land. When the laws, territories, and resources are administered properly by its chief, sovereignty is reaffirmed. Upon the death of a chief, however, the authority to act for the House is not automatically assumed by his successor: in the context of the 'oix feast, the new chief must prove that he has the ability to govern the matrilineal territory by demonstrating that he is a living manifestation—a reincarnation—of the original authority.<sup>22</sup>

Anthropologist Antonia Mills has explained the Gitksan view of reincarnation this way:

[A]n individual's subconscious contains the memories of past lives, ultimately reaching back to the time of the origin myths which situate the ancestors on the land. To the Gitksan, reincarnation means the ancestors are themselves. In childhood the ancient memories are re-awakened by the stimulus of returning to the same places and seeing the same people. The land, passed on through the matriline, contains all these memories.<sup>23</sup>

In other words, to express land ownership, the House chief must first show that he is the keeper of the public memory. This is acquired not only through rebirth, but also via the life-long training that he must undertake in anticipation of his chieftainship.<sup>24</sup> Once authorized, the chief acts legally within the 'oix feast as a *sm'ooygit* or "real person," and thus may be considered a "juridical person."<sup>25</sup> Similarly, most individuals who participate in the potlatch have a ranked name to which is attached the competence to act under a specific function.<sup>26</sup> Since the juridical acts of juridical persons must be considered transactions when performed within the 'oix feast, the dispositive documents generated within such a context constitute the oral *public records* of land ownership or *adaawk*.<sup>27</sup> As part of the archives of a House—which, being "invested with the sovereign power," is the only entity that has the right, through a concept akin to the Roman *jus archivi*, to establish and perpetuate the public memory in its jurisdiction—the *adaawk* are endowed with public faith.<sup>28</sup>

It is possible to apply the concepts of diplomatics to *adaawk*, even though they are not necessarily made manifest in a material form.<sup>29</sup> Considering the administrative setting outlined above, a useful entry point into the documentary context—and the only aspect discussed in this article—is an examination of the persons concurring in the formation of an archival document, since these are the elements "most tightly linked to juridical conceptions and systems."<sup>30</sup> The chief of a House is essentially the writer of a document,<sup>31</sup> being delegated to do so by the highest authority—the matriline—which serves as the author of both the action and the documentation, given that these moments coincide during an oratory. Insofar as the purpose of the transactions within the 'oix feast is generally to reinforce the territorial rights of the House, the addressee of the act and the document is the corporate matrilineage; thus, the author and addressee are one in the same. Those present, usually chiefs of other Houses, serve as both witnesses to the recorded transactions to validate their content and countersigners to validate the form of the presentation. Therefore, through the controlled procedures of creation, transmission, and preservation that are demanded by the laws regulating the 'oix feast, the oral public records that are generated therein via expressions of land ownership may be considered both authentic and reliable and, by extension, truthful.<sup>32</sup>

## Confirming Ownership: Traditional Material Manifestations

### *Totem Poles*

Despite the wider perception that proof of land ownership transactions exists only in spoken form, oral records of land ownership made during the 'oix feast are *confirmed* by tangible archival documents known as totem poles or *pts'aan*.<sup>33</sup> Based on the anthropological literature from the North Coast of British Columbia, these probative records may be viewed in one of two ways: 1) as single archival documents, much like title-deeds;<sup>34</sup> or 2) as aggregates of their representations, in the same way that a cartulary is "a collection of title-deeds copied into a register for greater security."<sup>35</sup> The reasoning of an eleventh-century cenobite in Worcester underscores the purpose of this second type:

I, Heming the monk, have composed this little book concerning the possessions of this our monastery, so that it may be clear to our posterity which and how many possessions in land pertain to the endowment of this monastery for the sustenance of the monks, the servants of God; or rather which [possessions] ought by right [to be ours], although we have been unjustly dispossessed of them by force and fraud.<sup>36</sup>

Further clarification may elucidate the distinction between the two perspectives. In the first case, registration proceeds orally as the expression of ownership during the feast, and the totem pole portrays a title-deed which is an irrefutable "witness to the legally significant content"<sup>37</sup> of the oral transaction. Alternatively, the oral record may be perceived as the title-deed, and registration may be marked by the action of raising a totem pole; thus, in the second instance, *pts'aan* would be transcriptions, through symbols, of the spoken statements.

Whether conceptualized as an original or a "paraphrased" copy, the persons concurring in the formation of the totem pole differ slightly from those involved with the oral testimony. Although the author of the act and the document remains the corporate matrilineage, the writer of the *pts'aan* is the patriliney, and not the chief of the House. In the communities of the North Coast of British Columbia, it is the jurisdiction of the *wilksiw'itxw* or "the fathers"—as delegated by the matriliney—to obtain a red cedar tree and to write upon it the information that confirms the land ownership of the House.<sup>38</sup> The crest of the patriliney often appears as a "signature" on the totem pole.<sup>39</sup> Moreover, while the addressee of the act is still the matriliney, the addressee of the document is "to all to whom these presents shall come," given that the *pts'aan* conveys evidence of land ownership to anyone recognizing its symbolism. Finally, as with oral records, the assembled House chiefs validate totemic representations. Such a "display of crests," anthropologist Marjorie Halpin has observed,

can be considered the visual dimension of the potlatch: the visual celebration and

*confirmation* of the social order. The power of these visual statements was such that they were not to be made during the course of ordinary day-to-day life. They were statements to be made only in front of witnesses who could attest to their propriety.<sup>40</sup>

Having such rigid rules govern the creation of totem poles indicates their importance as reliable records of land tenure; in fact, a House lacking *pts'aan* signified that it was without territory.<sup>41</sup> Thus, ensuring that these records *remain* powerful statements of land ownership through time requires controlled procedures of preservation to confer such authenticity. According to the early twentieth-century ethnographer Marius Barbeau, however, totem poles stood for as many years as nature would permit, but were then destroyed after they fell, either by decay or by use as fuel, and never replaced.<sup>42</sup> This contradicts anthropologist Wilson Duff, who observed that, at the end of its lifespan, reportedly about two hundred years, a new pole was erected on the same ground.<sup>43</sup> Co-requisite with this occurrence was another feast, which thereby provided for an *authentic copy* of the of *pts'aan* that needed to be replaced.<sup>44</sup> Accordingly, the reliability and hence evidential force of the original was transferred to its successor.

Totem poles, then, functionally resemble, for instance, the legal archival documents that would be found among the “archives treasure” of medieval European authorities.<sup>45</sup> Endowed with public faith, *pts'aan* reinforce the rights and privileges of Houses as received from the original maternal ancestors and maintained by their chiefs. The significance of this meaning, however, is lost for those who believe that preservation is only attainable in sterile, climate-controlled museums; it assumes that a totem pole is simply a work of art, an end-product, or, worse yet, a relic of the past with no current administrative relevance to its creators. Denied their context of creation and their place on the land, *pts'aan* are effectively eviscerated of their archival nature and their probatory power as proof of action. Within their endemic juridical systems, on the other hand, totem poles are “instruments ... perfectly conceived for the registration of acts of juridical significance through pre-determined formalities,”<sup>46</sup> which confer upon these records the greatest authority and trustworthiness as evidence that, when carefully transmitted and preserved *intact*, may be presumed truthful.

### *Rock and Tree “Art”*

Other material documents may be considered candidates for records of land ownership, but, stemming largely from their treatment as “art” in the ethnographic and anthropological literature, it has been difficult to ascertain whether features such as petroglyphs, petrographs, dendroglyphs, and dendrographs are recognized as legal confirmation of land title by First Nations on the North Coast of British Columbia.<sup>47</sup> Some ethnological studies have indicated, however, that, in certain circumstances, such objects may pertain to land tenure,

particularly those that have been identified as delineating territory.<sup>48</sup> Michael Blackstock, in a recently completed thesis on “tree art,” has, in part, supported this interpretation: “Everyone knows each others boundaries and [Olive Mulwain, a Gitxsan elder] says they are called ‘Anliit’iisxw’ (blazing mark or post marking boundary of a territory).”<sup>49</sup> When those responsible for drawing or carving the information are commissioned by the chiefs to “communicate ownership of important trails or territory” that are recounted in oral records—the *adaawk*<sup>50</sup>—these material objects may be considered to function in much the same way as totem poles. Mary Johnson, a Gitxsan hereditary chief of the House of Antgulilbix, has explained, through the retelling of an ancient *adaawk*, the relationship between oral land records, dendroglyphs, and the feast system: during a potlatch held long ago, the chiefs decided to compensate a murder victim’s house with territory that belonged to the offender’s lineage, and therefore along the adjusted boundary, a tree was incised with the matrilineal crest of the land’s new owners to manifest materially this authoritative agreement. Since it is important that such a *reliable* boundary marker endure “until the end of the world,”<sup>51</sup> Blackstock thought it conceivable that “the image would be re-carved as the original tree carving rotted,”<sup>52</sup> a practice that would resemble the preservation of a disintegrating totem pole through its replacement with an *authentic* copy. Thus, if, as it seems, both the controlled making and keeping of these material records are considered juridically consequential as confirmation of a transaction—that is, their physical form is required as *evidence* of the creation, maintenance, alteration, or termination of a legal relationship between persons—it would allow them to be classified, like totem poles, as probative archival documents of land tenure.<sup>53</sup>

Western customs that similarly demarcate land have been noted by, among others, James O’Toole:

Records could ... serve ... legal purposes, including the determination of stable property lines. In describing the complex geographical configuration of Asia Minor, Herodotus noted a pillar, set up by Croesus (he of legendary wealth), “declaring in its inscription, the boundary” between Phrygia and Lydia (7.30). Markers of this kind, not always inscribed in such detail, have been used in many other times and places....In the New England states ... town boundary lines have been indicated since the seventeenth century by an upright granite slab with the first initial of the two adjacent towns carved on opposite sides.<sup>54</sup>

Assuming that the objects O’Toole describes may be considered reliable and authentic means or residue of practical activities, such analogies between European and aboriginal cultures are useful to indicate the universality of communicating and maintaining “truthful” information. But to arrive at a more developed conceptualization of aboriginal graphic and glyphic forms—and, for that matter, of all the public records of land ownership briefly outlined

above—their representation by their creating communities is absolutely necessary to ensure that the dynamics of the social systems in which they arise are not perpetually distorted by non-native interpretations. To illustrate, this article has emphasized the secular, as opposed to the sacred, dimensions of the potlatch to make it more amenable to European-derived archival ideas. Although the feast complex, like any other governing system, simultaneously performs a multiplicity of practical functions, the potlatch is much more spiritually integrated than its Western counterparts, and thus it and its records cannot be easily deconstructed into discrete categories of activity without severe misrepresentation. It is important, therefore, that First Nations *themselves* continue to transmit and preserve their own records according to *their* rules. The implications this has for maintaining their reliability as evidence of action—especially after the fixation of oral accounts onto *foreign* media—is the subject of the next section.

### **Asserting Ownership: Oral Records, Their Fixation, and Archival Practice**

Since European contact, the institutions of First Nations have been harshly derogated by an imperious Euro-Canadian culture. Missionaries believed, for instance, that the feast was the root of all iniquity and totem poles the symbols of idolatry. At the exhortation of the clergy, an 1884 amendment to the Indian Act effectively outlawed the feast:

Every Indian or other person who engages in or assists in celebrating the Indian festival known as the “Potlatch”... is guilty of a misdemeanor, and shall be liable to imprisonment for a term of not more than six nor less than two months in any gaol or other place of confinement; and any Indian or other person who encourages, directly or indirectly, an Indian or Indians to get up such a festival ..., or to celebrate the same, or who shall assist in the celebration of the same is guilty of a like offence, and shall be liable to the same punishment.<sup>55</sup>

This legislation—together with the incessant inculcation of aboriginal people with Christian doctrine and Eurocentric notions of “civilization”—precipitated the long absence of the totem pole. While potlatches continued to be held illegally or in adapted, licit forms, a new juridical framework was forced upon the autochthonous societies. Chief Joe Mathias of the Squamish Nation on the southern coast of British Columbia has explained:

The band council system was introduced through the Indian Act and functioned on European perceptions of what constituted proper government. It was a system ... that had little meaning in Indian communities. Moreover, band councils were left with little or no ability to control the destiny of Indian political affairs. The jurisdiction of band councils

was superficial. No substantive powers rested with these councils, and any decisions made were subject to the ultimate approval of the Minister of Indian Affairs.<sup>56</sup>

Thus, although the anti-potlatching law was repealed in 1951, the effects of enacted acculturation have been and continue to be significant across Canada. Among them, two means of records creation, transmission, and preservation now exist among First Nations, one which satisfies their own traditional juridical system and another that accommodates the juridical conceptions of the Canadian state. To assert ownership over the land, however, aboriginal communities must largely rely on the oral records created in both pre- and post-contact times that pertain to this tenure. This requirement for the pre-contact period is clear enough: there were no written records. As for the post-contact era, treaties, for example, have been made between the colonial or Canadian administrations and First Nations, and while one party considers the written form to represent the agreement entirely, the other party may not. Vine Deloria Jr. has articulated the point: “If we have a piece of paper we can always go into a court which accepts paper as symbolic of legal activities and that is the main purpose of the document. But to suggest that a treaty is *only* valid if it meets the white man’s criterion is silly.”<sup>57</sup> Indeed, the facts embodied by such a written treaty may be very different from the facts contained within the oral records that a First Nation has of the agreement; in other terms, the facts and the forms are being considered by two very different juridical systems.<sup>58</sup>

It is evident that the nuances of “fact” in this sense are unlikely to be entertained by the positivistic constrictions of the courts, which automatically default to Western law. There are indications, however, that a negotiatory setting may offer a more pluralistic understanding of records and the facts to which they relate. In April 1996, the Department of Indian Affairs and Northern Development (DIAND), contrary to their own written evidence, conceded to an assertion of land ownership by the Nak’azdli Band of northern British Columbia, based on the oral records maintained by three elders.<sup>59</sup> In reaching this decision, DIAND essentially acknowledged that, as prescribed by the Nak’azdli, the accounts were created and have been maintained by controlled procedures, they are considered complete, and those recreating the records—the elders—have the competence to do so. This “recreation” is, in a sense, analogous to data migration across platforms: a new record is created by virtue of new metadata. The authentication of migrated information is achieved by ensuring that the old metadata are captured and maintained in the new record. Likewise, a controlled chain of transmission of oral records is important to their authenticity in aboriginal communities, such as the Nak’azdli and the First Nations of the British Columbia North Coast.

Being an authoritative and accurate source of records is considered one of the most important social assets in some communities. Among the Dene Tha of northwestern Alberta, for instance, speakers of firsthand oral accounts will use

phrases like “I saw,” “I heard,” or “I know.” In the case of a secondhand report, “[i]t is not uncommon for a Dene Tha speaker to conclude with an expression such as *inla ghedih sehdi*, *edu edahdi*, *edu sián edahdi*, ‘this is what they said he told me, I do not know, I myself do not know.’”<sup>60</sup> The distinction serves to highlight that, to be considered reliable evidence, the “knowledge” must be obtained firsthand and, when further transmitted, authenticated by naming the people from whom the knowledge came. To claim to know more than one has been told directly risks one’s trustworthiness as an intermediary “between the original speaker long ago and a contemporary audience.”<sup>61</sup> This underscores the *continuing* importance of oral transmission in many First Nations, and indicates why some elders are unwilling to be recorded.<sup>62</sup> Indeed, control over the appropriate transmission and preservation can be lost once tapes or transcriptions are made. Many elders understand, though, the need for the younger generations to have these accounts in some form. Nevertheless, maintaining the reliability of oral records through time becomes an issue when spoken words become things.

It is true that the physical fixation of oral archival documents onto alien media (as opposed to totem poles, rocks, or living trees) revokes their archival nature, that is, the whole of the characteristics of authenticity, impartiality, interrelatedness, naturalness, and uniqueness with which archival documents are endowed by the circumstances of their creation and which are therefore natural to them. Treated as independent things, oral accounts may be disembodied from their appropriate arena of transmission and preservation, their interrelationships could be endangered, and their uniqueness-in-context may be abandoned. In short, as autonomous objects, such fixed accounts may be rendered and remain inauthentic and unreliable: they are no longer what they purport to be because they are no longer *dynamic orally transmitted records*; they can, as transportable items, be readily removed from their appropriate *context of use*; their *authors’ reliability* may not be ascertainable; and the *completeness* of their form, which is required, to some degree, by the originary juridical system to confer trustworthiness to them, may not be assessable.

In many ways, the objectification of oral memory is equivalent to keeping electronic memory without metadata and archival description: neither is self-validating nor self-explanatory. In addition to the speakers, “the settings,...audience, and reasons for telling the stories need to be known.”<sup>63</sup> But since oral records are “ongoing cultural conversations”<sup>64</sup>—that is, they are not just viewed as detailing circumscribable, discrete events in time—it is impossible entirely to describe their conditioning elements on a physical medium. Preserving words stripped of context, therefore, only ensures that the information content of the oral records is maintained, leaving the resulting “naked” documents vulnerable to misuse by positivistic approaches that “search for so-called original, authentic, or accurate accounts,”<sup>65</sup> in order to determine “what really happened.” Historical constructions, just like authenticity and reliability, cannot be assumed to be established in the same way by all cultures. As

anthropologist Julie Cruikshank has emphasized, “the idea of recording oral accounts to store in archives for future analysis ignores the way their social meaning is linked to how they are actually used to discuss contemporary events.”<sup>66</sup> Thus, despite their retrospective character, oral records *never* become “non-current” and thereby do not conform to the holdings of archival institutions that have been established since the French Revolution. Rather, oral traditions bear a closer resemblance to the record-keeping practices of the chanceries of Europe prior to the end of the eighteenth century, whereby *only* those records that remained administratively relevant were preserved through their inclusion in registries, while the originals and those considered obsolete were destroyed. This activity has been described as incidental appraisal for selection,<sup>67</sup> yet when oral records are not maintained, *memoria hominum labilis*—the fallibility of human memory—is often blamed by individuals raised with the rhetoric of the written tradition.<sup>68</sup> Far more compelling, however, is the submission that there is no society that willingly forgets or destroys the evidence needed for self-continuance, and that each of them responds in the way it must to ensure that what is required for indisputable proof or future decision-making is remembered and transmitted.

Therefore, considerably misinformed, though perhaps well-intentioned, are statements like the one submitted by William Moss, who has asserted that the “*most important use* of oral tradition ... lies in documenting societies without written records ... [which] [i]n many cases ... may be the chief way ... the society’s past may be reconstructed and recorded for future research.”<sup>69</sup> Whereas this use might be the most significant for some—and, arguably, for non-natives in particular—it is unlikely that aboriginal people wish to have their oral traditions materialized specifically for these purposes; rather, it is infinitely more probable that this is done to preserve, *for themselves*, the knowledge *they* still require. Accordingly, information about who has commissioned the taping or transcribing is critical. Often, the impetus to fix oral traditions physically has not originated in the communities, in which instance it is not the oral records of a First Nation that are actually documented, but the activities and agenda of the initiators, such as anthropologists or archivists. In this case, it is they who are the records’ creators, which means that the material manifestations of what was said to them become part of their fonds. Although the resulting documents contain the traditions of aboriginal people, unless the anthropologist or archivist is working *for them*, they do not, in a strict archival sense, form part of their records.<sup>70</sup> This is not to suggest that such material is of little worth; on the contrary, if the connections between these documents and the other records of the creator are maintained, they remain a vital, supporting part of what is required to provide evidence of the *creator’s* actions. They cannot, however, be treated in isolation. A serious problem arises if tapes and transcripts of oral accounts are never situated within, or are removed from, this context and made into *collections that purport to be aggregations of oral records*. Quite simply,

they are not what they purport to be, and they are, therefore, inauthentic. Considering the observations that have been made above concerning the archival nature of authentic oral records, it is perhaps this type of misrepresentation of their material manifestations that has provoked criticism of archival endeavours relating to them and hence the entire issue of the right of dominion over them.<sup>71</sup>

Indeed, it cannot be overlooked that these documents contain accounts that form, in part, the intellectual and cultural property of First Nations, which raises both ethical and legal questions. Archivists, like their counterparts are having to do in museums, should be rethinking these objects of ethnographic collection,<sup>72</sup> including any mandates, real or perceived, to acquire this material. This is not to imply that these issues have been heretofore completely ignored by the archival community. Nearly two decades ago, the *American Archivist* published an article by William Hagan entitled “Archival Captive – The American Indian,” which was succinctly summarized by the author’s observation that “[t]o be an Indian is having non-Indians *control* the documents from which other non-Indians write their version of your history.”<sup>73</sup> Merata Mita, a Maori filmmaker, elaborated on this point during a symposium organized by the National Archives of Canada in 1990:

Too often, the collection becomes a process of selecting and arranging my ancestors images to validate what is occurring, what the latest train of modern thought is in various academic fields of anthropology, history, sociology and so on. To take it further, the collecting, selecting and arranging of preserved material assumes the cultural dominance that the archive in question ... represents. The institution and not the living members of the family or tribe makes the decision according to its own particular cultural values, what it thinks will be the most important and appropriate. This leads to what has unfortunately become a norm where indigenous culture is mythologized and becomes another vehicle of cultural oppression alienated from genuine indigenous experience.<sup>74</sup>

Mita, of course, did not suggest that this has occurred in *every* instance, but, regrettably, too many First Nations have witnessed the process she outlines. Her thoughts are equally applicable to some of the sound recordings and paper transcripts of aboriginal oral accounts that have been garnered by “media missionaries”—as Métis filmmaker Loretta Todd has called them<sup>75</sup>—“dedicated to the goal of self-consciously documenting society.”<sup>76</sup> Notwithstanding the anti-archival theory labels attached to such undoubtedly well-meant efforts, from a methodological position, the linkages that these oral documents may have had with other oral records cannot be assessed by archivists who are unfamiliar with the people who uttered them and the juridical systems in which they were conditioned. Thoroughly the opposite, they can only be authenticated by those who know, for example, from whom the oral account might have come, if that person had the authority to speak on the topic, and whether the

information was conveyed in the correct way and in the correct context. But it is equally important that the knowledge contained within such accounts remains vital through its appropriate appreciation. Again, Mita has eloquently put this into perspective:

Material divorced from the people loses its value, the people keep it alive....We want our treasures to be handled with the right respect. We want to decide where and when they can be seen and who is to see them. We want to say how they should be screened....Indigenous culture is not simply a remnant of the past, it is a living force with its own momentum and dynamism....Screening our images is seeing and recognizing the process of retrieving and restoring our history, our heritage, our pride, our consciousness and our identity. It is essential therefore, that they be protected and treated with the respect they deserve. And only we, the living family of those subjects, can absolutely guarantee that.<sup>77</sup>

Recalling that oral accounts are perpetually “current,” the transfer of control over tapes and transcripts to First Nations would provide an opportunity for these materials to participate fully in the present social context and would allow interrelationships to be formed between them and the other records of the community to which they relate. It is in this way that their meaning and importance as reliable evidence of aboriginal experiences may be rejuvenated, since it is unlikely that the communities would incorporate untrustworthy accounts into their practical activities. Furthermore, whether these fixed documents are employed to assist traditional transactional procedures that result in the creation of more oral records—within the potlatch, for example—or to aid in the decision-making of a band council that generates written records, they develop a bond with the archival documents and records that are created as a means or residue of these pursuits, and thus they *become records themselves*. Given these circumstances, such material could be considered similar to the radio drama scripts, radio drama programme recordings, and television news programme recordings of a broadcast station, which, Janice Simpson has noted, “fully participate in administrative procedures, and are interrelated with typical transactional documents; thus, their individual nature is subsumed by the nature of the aggregation of which they are part, and they come to share the same function accomplished by the archival documents contained in the same group.”<sup>78</sup>

Archivally speaking, this is an important consideration for First Nations in maintaining the reliability of oral records once they have been fixed to various media. Because aboriginal cultures have been and continue to be oppressed, thereby frequently preventing the transmission of many records by traditional methods, essential knowledge held by aging elders has in numerous cases become vulnerable to the passage of time.<sup>79</sup> *Community-initiated* “oral history” projects have been conducted by members of some First Nations to ensure that

their collective evidence of action will be properly integrated—either by oral or material transmission—into future decision-making and therefore preserved. Shoring up these activities are community records management and archival programmes that are bridging the gap between oral and material-based systems and thereby helping to maintain the entire reliable memory of the people, by the people, for the people.<sup>80</sup> If, however, these tapes or transcripts are “sold or accumulated as single items, they lose their archival nature and acquire that of autonomous ‘products,’ rather than ‘means’”<sup>81</sup> of, for example, traditional governing activity, as the links to their administrative and documentary context have been severed. Consequently, aboriginal oral accounts that are maintained as collections in archives are simply documentary products, not aggregations of *records*. But when integrated, through their use, with the archival means and residue of the First Nations to which they pertain, these tapes and transcripts become “archival material that can be diplomatically analyzed in itself and in its relationship with its creator, its activities, and its other documentary output.”<sup>82</sup> Providing for such a situation is, therefore, from an archival outlook, critical to aboriginal communities in ensuring that fixed accounts remain reliable and that the integrity of the whole of their evidence is protected.

As a result, the channels of communication should be opened to consult with First Nations about their opinions on the importance of collaboration to the representation of oral accounts and even the repatriation of such cultural property to their communities from often distant archival institutions. The development of policies, protocols, and relationships between archivists and First Nations would then enable “Canadian society and the common heritage of mankind,” Cynthia Callison, a member of the Tahltan Nation of northwestern British Columbia, explains, to “benefit from access to, and knowledge of, ...*intact* aboriginal narratives.”<sup>83</sup> Clearly, it is only the communities that can evaluate their own records for reliability and authenticity by their knowledge of the rules and the people who created and maintained them prior to their materialization—the provenancial relationships—and by understanding the complexities of and between the records themselves—the documentary relationships. This top-down, bottom-up analysis “is critical in order to ensure that the documents brought into archival custody actually reflect—accurately and meaningfully—the functions, activities, transactions and rules of procedure that shaped their formation; in other words, that they do what they are supposed to do.”<sup>84</sup> In the interests of protecting the integrity of such evidence of action—an archival duty entrenched in the Association of Canadian Archivists Code of Ethics—*respect des fonds* is a principle that should be upheld. Whether this is achieved through the maintenance of these materials in non-native archival institutions in collaboration with their creating communities or by their repatriation is a determination to be made in negotiation with *individual* First Nations. Both approaches have been advocated in the Australian archival sphere.<sup>85</sup> It would seem, however, that the return of cultural patrimony should be the long-term

goal in all cases. Even with other types of records, large and centralized archives, like museums, are struggling with the “problem of context, of site-specific authenticity, of materials...remaining in the locality of creation”<sup>86</sup>—otherwise known as the principle of territoriality. Therefore, as a remedy, the Ontario Heritage Foundation has recommended “[t]he establishment of local and regional archival facilities to allow for the maintenance of archival materials within their geographic context.”<sup>87</sup> This is a sound recommendation.

By heeding such advice—and thereby facilitating the assessment of aboriginal oral accounts according to their endemic juridical requirements—archivists, simply by upholding their own principles, might help to correct assumptions that underlie misguided ideas about “universally” reliable records and catholic methodologies for reconstructing history or “the” truth. Archives—oral or material—have traditionally functioned not to satisfy retrospective curiosity on any and every subject but to preserve evidence of action in specific juridical domains. All archivists, therefore, must limit themselves to what they can achieve; that is, to establish and assure the provenance and custodial history of their holdings in order that the records’ authenticity—as this is conceived in a particular juridical context—may be presumed and henceforth guaranteed. In this way, keepers of this evidence of action hold the public faith in their respective societies, and therefore all archivists should employ culturally appropriate procedures in order to maintain that trust. Since aboriginal oral traditions are neither Western nor “non-current,” their physical manifestations should *not*, in the interests of public faith, be promoted by non-native archives as representing entities that, like written records, can be used for historical research to satisfy Western world-views and values. They should be appreciated and respected for what they are and for what they mean to the people to whom they belong, and this is why the knowledge of the communities is so critical to ensuring that tapes and transcripts of oral accounts are preserved in an appropriate manner.

Terry Cook has recently faulted “classic European archival theory” for viewing oral traditions as “suspect” or unreliable, leading him to ask the question: “[W]ithout oral history sources...how can we end the cultural appropriation of aboriginal life caused by the exclusive preservation of records created by Euro-Canadians?”<sup>88</sup> The short answer: by letting First Nations continue to create, transmit, preserve, and thus represent their records *how they wish*, as do all other nations. Traditional “European” archival theory, by contextualizing the records of societies and thereby allowing self-evidence to be defined in each particular case, actually *supports* this prerogative—as Cook surely does—and therefore it should fundamentally guide the methodological principle of *respect des fonds* in the appraisal, selection, acquisition, or reappraisal of material. As argued here, it is, in fact, the largely non-European archival practice of *collecting*—and occasionally actively documenting—aboriginal oral accounts in an effort to form “representative” holdings that

often ignores this principle, and if their contextualization, as undertaken by aboriginal people, is not achieved or is not possible, such items remain inauthentic and unreliable instruments with no force of proof for anyone's purposes. As such, it is conceivable that investigations by courts and treaty commissions into the rights and privileges of First Nations, which frequently utilize archival sources in the course of their proceedings, could be negatively affected. Although this undoubtedly is not the intention of those who collect or document spoken words, the potential for misunderstanding makes it worthwhile for archivists to use caution when dealing with fixed versions of oral accounts. Much of the disenfranchisement of aboriginal people that has occurred is due, in part, to the Eurocentric idea of the superiority of static objectified records over dynamic oral testimony as proof for establishing "fact" or attaining absolute notions of "truth." But it should be remembered that contingencies always exist: every society has rules to which the facts of its records relate and, in turn, whose facts form the basis of its truths. As Heather MacNeil has advised:

[T]he truthfulness of our truths if you will ... is necessarily constrained by the limitations of our individual perspectives: our truths are, at best, partial ones. We need for that reason to listen, attentively and tolerantly, to other, alternative, truths and as far as possible work toward their mutual reconciliation. Such attentiveness and tolerance will only enrich archival discourse, opening doors and windows for further exploration and transformations.<sup>89</sup>

## Notes

- 1 A good example of such thinking has been provided by Michael Clanchy, "Tenacious Letters": Archives and Memory in the Middle Ages," *Archivaria* 11 (Winter 1980-81), p. 115:

The characteristic of writing of most relevance to archivists is its relative permanence when contrasted with speech....Non-literate societies attempt to achieve the same effect...by employing remembrancers to transmit formulaic phrases or by constructing memorable objects (like the "totem" poles of the Pacific coasts [*sic*] Indians...)....Nevertheless these methods of transmitting information are not as reliable as script because their meaning can more easily get distorted.

The term "non-literate," though not perfect, is used instead of the term "pre-literate" to describe societies which do not have a written tradition, but which are not *completely* oral by virtue of a system of signs or signification. The former term does not invoke the technological determinism which often characterizes the lexicon of colonialism, of which the latter word is an example. In "The Language of Colonialism" (presentation at the "Partnerships and Powershifts" workshop of the British Columbia Museums Association, Coqualeetza Cultural Education Centre, Sardis, B.C., 18 May 1995), p. 1, Allan Wade has explained that, through various strategies, such designations are "used in concealing, justifying, or minimizing colonialist oppression of aboriginal peoples," and they are perpetuated by appearing in, for example, public history displays, journalism, and high school textbooks. Since Western society is often

- characterized as entering a “post-literate” age, to apply the word “pre-literate” to another is to imply that these cultures are less advanced or evolved on a scale that Westerners themselves have conceived. The idea that aboriginal societies should enjoy literacy and other “benefits of European civilization” has often been employed as justification for forced assimilation.
- 2 Michael Asch, “Errors in *Delgamuukw*: An Anthropological Perspective,” in Frank Cassidy, ed., *Aboriginal Title in British Columbia: Delgamuukw v. the Queen* (Lantzville, 1992), p. 225.
  - 3 See Julie Cruikshank, “Oral Tradition and Oral History: Reviewing Some Issues,” *Canadian Historical Review* 75, no. 3 (1994), p. 404; Ruth Finnegan, *Oral Traditions and the Verbal Arts: A Guide to Research Practices* (London, 1992), p. 7.
  - 4 Hugh Taylor, “‘My Very Act and Deed’: Some Reflections on the Role of Textual Records in the Conduct of Affairs,” *American Archivist* 51 (Fall 1988), pp. 457–58.
  - 5 *Ibid.*, p. 468.
  - 6 *Ibid.*, p. 466.
  - 7 Mary Ann Pylypchuk, “The Value of Aboriginal Records as Legal Evidence in Canada: An Examination of Sources,” *Archivaria* 32 (Summer 1991), p. 54, citing Luciana Duranti, “Diplomatics: New Uses for an Old Science,” *Archivaria* 28 (Summer 1989), p. 15, and *idem*, “Diplomatics: New Uses for an Old Science (Part II),” *Archivaria* 29 (Winter 1989–90), pp. 9–10.
  - 8 Pylypchuk, “Aboriginal Records,” pp. 58–66, 72.
  - 9 The archival conceptions of authenticity and reliability have been effectively described by Luciana Duranti in “Reliability and Authenticity: The Concepts and Their Implications,” *Archivaria* 39 (Spring 1995), p. 8. Whereas the authenticity condition is met when a record is “the document that it claims to be,” reliability concerns the degree to which records hold “authority and trustworthiness...as evidence, the ability to stand for the facts they are about.” When these two qualities are present, records “can be *presumed* to be truthful (that is, *genuine*) as to their content” (emphasis in original).
  - 10 Luciana Duranti, “The Records: Where Archival Universality Resides,” *Archival Issues* 19, no. 2 (1994), pp. 90–91. Duranti also tests the record concept in Chinese societies, juxtaposing these and aboriginal groups with those of western Europe. For a definition of *genuine*, see note 9, above.
  - 11 A dispositive archival document embodies an act which can only come into existence by means of a written form, such as a contract or a will. A probative archival document, on the other hand, is required when an oral act needs a written form as proof of its completion, like a certificate or receipt. See Duranti, “Diplomatics (Part II),” pp. 7–8.
  - 12 Some of the better examples of this are the English Statute of Frauds (1677) and the French Ordinance of Moulins (1565). For discussions on historical requirements for written records, see, for instance, Jean-Phillipe Levy, “The Evolution of Written Proof,” *American University Law Review* 13 (1964), pp. 133–53; John W. Salmond, “The Superiority of Written Evidence,” *Law Quarterly Review* 6 (1890), pp. 75–85.
  - 13 For an extended treatment of some of the ideas presented in this article, the reader is directed to the author’s Master of Archival Studies thesis, which is currently underway and tentatively titled, “Eurocentric Expectations: Objectified Records, Aboriginal Oral Traditions, and Archival Science.” To highlight the tight correlation that exists between a given juridical system and its records, the thesis presents an outline of the historical development of Western requirements for written proof, particularly in English common law, and juxtaposes it with a corresponding discussion of traditional rules and records among First Nations, particularly those of coastal British Columbia. Following this exploration, the implications for archival practice that arise from it are addressed.
  - 14 It has been argued by Sidney L. Harring in *Crow Dog’s Case: American Indian Sovereignty, Tribal Law, and United States Law in the Nineteenth Century* (Cambridge, 1994), p. 10, n. 21, that appending the term “traditional” to aboriginal practices implies that these activities

are somehow inferior to their Western counterparts. My invocation of the word attempts to describe the methods of record-keeping used by First Nations since pre-contact times, for the purposes of distinguishing these from the Western techniques that are also currently employed by aboriginal individuals and organizations. Thus, "traditional" is employed as a qualifier that, as Stuart Pidocke has explained in "Land, Community, Corporation: Intercultural Correlation Between Ideas of Land in Dene and Inuit Tradition and in Canadian Law" (Ph.D. dissertation, Department of Anthropology and Sociology, University of British Columbia, 1985), pp. 12–13, differentiates the practices accepted by the people as their own and thought to be worth preserving, from those that are imposed by outsiders. Accordingly, the endemic (or, for that matter, established) institutions of every society may be described as traditional.

- 15 The authors of a 1986 RAMP study pertaining to archives, oral history, and oral tradition reported that, of the five Canadian institutions that responded to their survey, all claimed to house oral histories and accounts from oral traditions, and, by that time, each had done so for a considerable period: National Archives of Canada, fifteen years; Provincial Archives of Alberta, nineteen years; Simon Fraser University Archives, fifteen years; and the British Columbia Archives and Records Service, Sound and Moving Image Division, eleven years. In the case of the Archives nationales du Québec, the number of years was not reported. See William W. Moss and Peter C. Mazikana, *Archives, Oral History and Oral Tradition: A RAMP Study* (Paris, 1986), p. 75.
- 16 Credit for the introductory elements of the subtitles in this article is due to Julie Cruikshank, "Invention of Anthropology in British Columbia's Supreme Court: Oral Tradition as Evidence in *Delgamuukw v. B.C.*," *B.C. Studies* 95 (Autumn 1992), p. 35.
- 17 Marjorie Halpin and Margaret Seguin, "Tsimshian Peoples: Southern Tsimshian, Nishga, and Gitksan," in Wayne Suttles, ed., *Handbook of North American Indians (Northwest Coast)* 7 (Washington, D.C., 1990), pp. 267, 282.
- 18 The conversion of aboriginal language forms into English phonology has resulted in a variety of spellings for aboriginal terms. The words used herein are not necessarily the variations used by any or all of the First Nations listed; they are simply the spellings employed in the sources from which this article has drawn.
- 19 The word "potlatch" derives from the Chinook Jargon (trade language) term *paalhad*. On the North Coast of British Columbia, the endemic name for the feast has been noted as, for example, *yaakw*, *yaokw*, or *yukw*. See Halpin and Seguin, "Tsimshian Peoples," p. 278; G.B. Inglis, D.R. Hudson, B.R. Rigsby, and B. Rigsby, "Tsimshian of British Columbia Since 1900," in Wayne Suttles, ed., *Handbook of North American Indians (Northwest Coast)* 7, p. 291. What is described in the present article for the feast is exclusive to the First Nations of the North Coast of British Columbia. Variations of the potlatch system, however, are integral to aboriginal communities along the Northwest Coast of North America and parts of the adjacent interior.
- 20 Marjorie Halpin has explained that "Tsimshian crests are a series of named entities or objects, usually referring to animals, which were owned by [the matrilineal] groups who were privileged to represent them according to certain rules....[Crests] were a legacy from myth time, acquired by the ancestors, and held in perpetuity by their lineal descendants." See her chapter, "The Structure of Tsimshian Totemism," in Jay Miller and Carol M. Eastman, eds., *The Tsimshian and Their Neighbors of the North Pacific Coast* (Seattle, 1984), pp. 17–18.
- 21 A *wilp* or *waalp* is the basic social unit among the aboriginal communities on the North Coast of British Columbia. See Halpin and Seguin, "Tsimshian Peoples," p. 274; Inglis et al., "Tsimshian," p. 289.
- 22 Margaret Seguin, *Interpretive Contexts for Traditional and Current Coast Tsimshian Feasts* (National Museum of Man Mercury Series, Canadian Ethnology Service Paper no. 98) (Ottawa, 1985), pp. 5–7.

- 23 Antonia Mills, "The British Columbia Court's Evaluation of the Gitksan-Wet'suwet'en and Their Own Sense of Self-Worth as Revealed in Cases of Reported Reincarnation," *B.C. Studies* 104 (Winter 1994), p. 161. For more on reincarnation, see Margaret Seguin, ed., *The Tsimshian: Images of the Past, Views for the Present* (Vancouver, 1984), p. 123.
- 24 Seguin, "Interpretive Contexts," p. 6.
- 25 The term *sm'ooygit* has also been translated as "political leader." It is the singular of *smkikét*, and may also appear as, for instance, *sim'ookit*, *semooget*, or *sm'óóket*. See Halpin and Seguin, "Tsimshian Peoples," pp. 275, 279. For a full treatment of "juridical" concepts, see Duranti, "Diplomatics," pp. 25, n. 20, 26, n. 22 and idem, "Diplomatics (Part II)," pp. 5-12.
- 26 Seguin, "Interpretive Contexts," pp. 5, 20, 49. The name to which competence is attached is a hereditary title.
- 27 The term "public records" is used here to indicate what Trevor Livelton, in "Public Records: A Study in Archival Theory" (M.A.S. Thesis, University of British Columbia, 1991), p. 160, has defined as the "documents made or received and preserved in the legitimate conduct of governance by the Sovereign or its agents." Discussions of *adaawk* may be found in Antonia Mills, *Eagle Down is Our Law: Witsuwit'en Law, Feasts, and Land Claims* (Vancouver, 1994), p. 76; Halpin and Seguin, "Tsimshian Peoples," p. 280; Inglis et al., "Tsimshian," p. 291. The word *adaawk* is also spelled, by way of illustration, *'ataawq*, *adaawak*, *'atáux*, or *adaox*.
- 28 Luciana Duranti, "The Concept of Appraisal and Archival Theory," *American Archivist* 57 (Spring 1994), p. 332.
- 29 As Duranti has noted in "Diplomatics," p. 15, "diplomatics studies *the written document*," that expresses ideas "in a form which is both objectified (documentary) and syntactic (governed by rules of arrangement)." (Emphasis in original.)
- 30 Luciana Duranti, "Diplomatics: New Uses for an Old Science (Part III)," *Archivaria* 30 (Summer 1990), p. 5.
- 31 See *Ibid.*, pp. 5-8, for explanations pertaining to the persons concurring in the formation of an archival document.
- 32 Duranti, "Reliability and Authenticity," p. 8.
- 33 Nisga'a Tribal Council, *Nisga'a: People of the Nass River* (Gitlakdamiks, 1993), p. 120; Cruikshank, "Invention of Anthropology," p. 35; idem, "Oral Tradition and Oral History," p. 412. As Gisday Wa and Delgam Uukw have related in *The Spirit in the Land: The Opening Statement of the Gitksan and Wet'suwet'en Hereditary Chiefs in the Supreme Court of British Columbia, May 11, 1987* (Gabriola, 1989), p. 26, there is evidence to suggest that the totem pole was, long ago, preceded by a cane which would be touched to the ground "to signify the power of the...house...merging with that of that land." Michael D. Blackstock, in "Gyetim Gan: Faces in the Forest" (M.A. Thesis, Department of First Nations Studies, University of Northern British Columbia, 1996), p. 13, has commented that he prefers the term "crest pole" to "totem pole" since "First Nations people do not 'pray' to a crest pole as a totemic god." Although perhaps a misnomer, I have used the "totem pole" designation simply because it is the most widely recognized name for the object it represents.
- 34 A "title-deed" should not be confused with a "deed of land," as the latter is generally understood to embody a contract—that is, a sale or a conveyance of land between two parties. On the North Coast of British Columbia, the land remains within the corporate matrilineage, and the totem pole represents confirmation of the *renewal* of title for this group.
- 35 M.T. Clanchy, *From Memory to Written Record: England, 1066-1307*, 2nd ed. (Oxford, 1993), p. 101.
- 36 *Ibid.*, quoting N.R. Ker, *Books, Collectors and Libraries* (1983), p. 47.
- 37 Gian Giacomo Fissore, "Conceptual Development and Organizational Techniques in the Documents and Archives of the Earliest Near Eastern Civilizations," in P. Ferioli, E. Fiandra, G. Giacomo Fissore, and M. Frangipane, eds., *Archives Before Writing: Proceedings of the International Colloquium Oriolo Roman, October 23-25, 1991* (Rome, 1994), p. 340.

- 38 Inglis et al., "Tsimshian," p. 291; J. Daniel Vaughan, "Tsimshian Potlatch and Society: Examining a Structural Analysis," *The Tsimshian and Their Neighbors of the North Pacific Coast*, pp. 64–65.
- 39 Halpin and Seguin, "Tsimshian Peoples," p. 273.
- 40 Halpin, "Tsimshian Totemism," p. 20. (Emphasis added.)
- 41 John J. Cove, "The Gitksan Traditional Concept of Land Ownership," *Anthropologica* 24 (1982), p. 9.
- 42 Marius Barbeau, *Totem Poles of the Gitksan, Upper Skeena River, British Columbia* (National Museum of Canada Anthropological Series no. 12) (Ottawa, 1929), p. 7.
- 43 Wilson Duff, *Histories, Territories and Laws of the Kitwancool* (Anthropology in British Columbia, Memoir no. 4, Reprint) (Victoria, 1989), p. 18. The Kitwancool refer to themselves as the Gitanyow.
- 44 An "authentic copy" represents "a copy certified by officials authorized to execute such a function, so as to render it legally admissible in evidence." See Duranti, "Diplomatics," p. 21.
- 45 Luciana Duranti, "Medieval Universities and Archives," *Archivaria* 38 (Fall 1994), p. 42.
- 46 Gian Giacomo Fissore, "Introduction," *Archives Before Writing*, p. 11.
- 47 Collectively referred to as "rock art," petroglyphs and petrographs are documents etched in and drawn on stone. Dendroglyphs and dendrographs, on the other hand, are documents etched in and drawn on intentionally debarked trees. These phenomena have also been labelled "arborglyphs," "arboroglyphs," "arborographs," and "arborographs." A basic tenet of technical term construction holds, however, that Latin and Greek elements should not be mixed. Since "arbor" is Latin for "tree," the Greek equivalent, "dendron," is more appropriate when used in conjunction with the Greek "graph" and "glyph."
- 48 See, for example, Diana Alexander, "Ethnoarchaeology of the Fountain and Pavilion Indian Bands, Southwestern British Columbia" (Manuscript on file at the Archaeology Branch, Ministry of Small Business, Tourism and Culture, Victoria, B.C., 1989), p. 119; Morley Eldridge, "Kispiox Pictograph Tree," *Midden* 23, no. 1 (February 1991), p. 8; Polly Schaafsma, "Form, Content, and Function: Theory and Method in North American Rock Art Studies," in Michael B. Schiffer, ed., *Advances in Archaeological Method and Theory* 8 (Orlando, 1985), p. 264; David S. Whitley, "Ethnography and Rock Art in the Far West: Some Archeological Implications," in David S. Whitley and Lawrence L. Loendorf, eds., *New Light on Old Art: Recent Advances in Hunter-Gatherer Rock Art Research* (UCLA Institute of Archaeology Monograph 36) (Los Angeles, 1994), p. 90; Annie York, Richard Daly, and Chris Arnett, *They Write Their Dreams on the Rock Forever: Rock Writings in the Stein River Valley of British Columbia* (Vancouver, 1993), pp. 214, 276, n.76.
- 49 Blackstock, "Gyetim Gan," p. 108.
- 50 *Ibid.*, p. 160.
- 51 *Ibid.*, p. 105.
- 52 *Ibid.*, p. 106.
- 53 Heather Heywood, "Appraising Legal Value: Concepts and Issues" (M.A.S. Thesis, University of British Columbia, 1990), pp. 41–43. On the other hand, a dispositive archival document is the form required to *execute* such a legal relationship. See also note 11, above.
- 54 James O'Toole, "Herodotus and the Written Record," *Archivaria* 33 (Winter 1991–92), p. 152. For other discussions of boundary markers, see, for instance, Robert C. Ellickson and Charles DiA. Thorland, "Ancient Land Law: Mesopotamia, Egypt, Israel," *Chicago-Kent Law Review* 71, no. 1 (1995), p. 385, n. 369; Johannes M. Renger, "Institutional, Communal, and Individual Ownership or Possession of Arable Land in Ancient Mesopotamia from the End of the Fourth to the End of the First Millennium B.C.," *Chicago-Kent Law Review* 71, no. 1 (1995), p. 303; Rosalind Thomas, *Oral Tradition and Written Record in Classical Athens* (Cambridge, 1989), pp. 55–9.
- 55 *Statutes of Canada, Indian Act*, 1880 as amended, S.C. 1884, 47 Vict., c.27, s.3.

- 56 Chief Joe Mathias and Gary R. Yabsley, "Conspiracy of Legislation: The Suppression of Indian Rights in Canada," *B.C. Studies* 89 (Spring 1991), p. 38.
- 57 Vine Deloria Jr., "The Subject Nobody Knows," review of Father Francis Paul Prucha, "American Indian Treaties: The History of Political Anomaly," *American Indian Quarterly* 19, no. 1 (Winter 1995), p. 144.
- 58 In her article, "Oral Traditions and Written Accounts: An Incident from the Klondike Gold Rush," *Culture* 9, no. 2 (1989), pp. 25–31, Julie Cruikshank has provided a good example of how the facts represented in the traditional forms of evidence of Euro-Canadians and aboriginals can be very different, simply because the records of each group are designed to correspond to the binding rules of their respective societies. As she has outlined, the killing of a prospector by four aboriginal men is noted in both written and oral records, but otherwise the accounts diverge. To illustrate, the written records describe how the aboriginal men showed no remorse for what they had done, that they did not respond in acceptable ways in the courtroom, and that they had no defense for doing what they did—that is, according to Euro-Canadian law. The oral records, on the other hand, mention, among other things, the clan affiliation of the aboriginal men, which was important for determining the appropriateness of their behaviour and thus justification for what they did—that is, according to tribal law. The Euro-Canadian interpretation of the "facts" prevailed: two of the men were hanged in August 1899; the other two had died in custody earlier that year.
- 59 Stewart Bell, "Ottawa Accepts Word of Indian Band's Elders in Land-Claim Dispute," *Vancouver Sun*, Wednesday, 3 April 1996, sec. A, pp. 1–2. The term "elder" is used differently across communities, but generally refers to someone who is knowledgeable, respected, and wise.
- 60 Graham Watson and Jean-Guy A. Goulet, "Gold In; Gold Out: The Objectification of Dene Thaw Accounts of Dreams and Visions," *Journal of Anthropological Research* 48 (1992), p. 226.
- 61 *Ibid.*
- 62 Claudia E. J. Haagan, "Strategies for Cultural Maintenance: Aboriginal Cultural Education Programs and Centres in Canada" (M.A. Thesis, Department of Anthropology and Sociology, University of British Columbia, 1990), p. 150. See also note 79, below.
- 63 Phyllis Morrow and William Schneider, eds., *When Our Words Return: Writing, Hearing, and Remembering Oral Traditions of Alaska and the Yukon* (Logan, Utah, 1995), p. 3.
- 64 This phrase conveys the essence of oral traditions as a multitude of oral accounts that are inextricably connected to each other. See James Ruppert, "A Bright Light Ahead of Us: Belle Deacon's Stories in English and Deg Hit'an," in *When Our Words Return*, p. 133.
- 65 Cruikshank, "Oral Traditions and Oral History," p. 409. Such misuse may also take the form of historical appropriation. Cynthia Callison, in "Appropriation of Aboriginal Oral Traditions," *U.B.C. Law Review Special Issue: Material Culture in Flux: Law and Policy of Repatriation of Cultural Property* (1995), p. 16, has written that this occurred when

ethnographers randomly recorded excerpts of our oral traditions as relics, artifacts, and monuments of past human life or as remains of our culture; they often purported to be working with the "last of the real Indians." These western scholars, trained in European critical traditions, worked with different assumptions and narrative structures. Scholars who had not learned the particular language missed connotations and mistranslated the significance and meaning of the stories. Although ethnographers' written accounts of our oral literature were limited, partial and inaccurate, the Canadian state gives them greater authority and weight than our own concepts of heritage.

- 66 Julie Cruikshank et al., *Life Lived Like a Story: Life Stories of Three Native Elders* (Vancouver, 1990), p. 346.
- 67 Luciana Duranti has explained that, beginning with Innocent III, "a sort of appraisal activity

- took place in the [papal] chancery,...[where] only the records considered of enduring value were included in the registries" and thereby preserved. See her essay, "The Odyssey Of Records Managers," in Tom Nesmith, ed., *Canadian Archival Studies and the Rediscovery of Provenance* (Metuchen, 1993), p. 46. Maria Guercio (personal communication) has said that this activity was the general rule of record-keeping from the thirteenth century until the establishment of historical archives following the French Revolution in the eighteenth century.
- 68 See, by way of illustration, Clanchy, "Tenacious Letters," p. 116; Levy, "Written Proof," p. 146.
- 69 William W. Moss, "Oral History," in James G. Bradsher, ed., *Managing Archives and Archival Institutions* (London, 1988), p. 151. For more on this perspective, see Moss and Mazikana, "RAMP Study."
- 70 This view is reinforced by copyright legislation; that is, it is the individual or organization *arranging* for the taping or transcribing that holds copyright to the material. Accordingly, it is becoming standard practice among anthropologists to transfer, by contract, copyright to the First Nation. Moreover, the communities are increasingly requesting that *all* copies be returned to or remain in their custody, in which case there should be an attendant decrease in the appearance of tapes and transcripts of oral accounts in anthropologists' fonds.
- 71 Criticism has emanated from the anthropological community in particular. Renato Rosaldo, in "Doing Oral History," *Social Analysis* 4 (1980), p. 91 and cited by Julie Cruikshank in "Oral Tradition and Material Culture: Multiplying the Meaning of 'Words' and 'Things'," *Anthropology Today* 8, no. 3 (June 1992), p. 6, "has been critical of the ways some historians equate oral testimony with archival records that can be stored for eventual use. He argues...that oral traditions are texts to be heard, not documents to be stored – cultural forms that organize perceptions about the past, not 'containers of brute facts'."
- 72 For more on this in the context of museums, see Julie Cruikshank, "Imperfect Translations: Rethinking Objects of Ethnographic Collection," *Museum Anthropology* 19, no. 1 (1995), pp. 25–38.
- 73 William T. Hagan, "Archival Captive—The American Indian," *American Archivist* 41, no. 2 (1978), p. 135. (Emphasis added.)
- 74 Merata Mita, "The Preserved Image Speaks Out: Objectification and Reification of Living Images in Archiving and Preservation," in National Archives of Canada Staff, ed., *Documents that Move and Speak: Audiovisual Archives in the New Information Age* (München, 1992), p. 74. I am indebted to Heather MacNeil for directing me to this source.
- 75 I have borrowed the term "media missionaries" from an article by Michael Ames, "Cultural Copyright and the Politics of Documents that Move and Speak," in *Documents that Move and Speak*, p. 69, who, in turn, is quoting from Loretta Todd, "Native Video in B.C.: Media Missionaries to the Native Film and Video Association," *Video Guide: Vancouver's Video Magazine* 9, no. 2, issue 42 (1987), p. 6.
- 76 Terry Eastwood, "Nailing a Little Jelly to the Wall of Archival Studies," *Archivaria* 35 (Spring 1993), p. 240.
- 77 Mita, "Preserved Image," p. 75.
- 78 Janice Simpson, "Broadcast Archives: A Diplomatic Examination" (M.A.S. Thesis, University of British Columbia, 1994), p. 16.
- 79 Based on her own experience as a filmmaker, Loretta Todd has commented upon elders' ambivalence toward affixing oral traditions to a material base:

Many feel that the information they held was sacred, not intended for just anyone and certainly not intended for entertainment use by others who were not directly in lines of authority. Others did not feel comfortable with the camera; still others felt that the knowledge they possess must be acquired in the same way that they had learned it, i.e., through oral traditions. In the traditional way, the student was engaged in the responsibility of listening and learning and was

an active participant in the whole process of learning. Now, many elders are saying, "Preserve us, we want to talk. We are getting older." Is it that they now feel film and video can approximate a parallel oral transmission of oral tradition? No I think *not*. I think the resistance to taping and video was legitimate and continues to be so. It was not a substitute and should not be a substitute for oral tradition. In fact, the elders understood that the process of taping and filming had the potential to change the very information that they helped transmit.

See her paper, "Naming Ourselves," in *Documents that Move and Speak*, p. 79.

- 80 In "Strategies for Cultural Maintenance," p. 146, Haagan has written that cultural education centres, such as those run by the Secwepmec and the Stó:lō in British Columbia, are mandated to gather certain extant evidence and to employ "many techniques and media for capturing and transcribing this knowledge." Apparently, their integrated information management systems that support both traditional and Euro-Canadian-style records "would leave archivists...in awe."
- 81 *Ibid.*, p. 173.
- 82 *Ibid.*, p. 173–74. The term *creator* is used here in the sense of one who makes, receives, and/or accumulates records by reasons of its function, and the entirety of these documents constitute the creator's fonds. In this light, integrated tapes and transcripts of oral accounts would be considered *supporting* documents with *archival quality*; that is, they acquire the whole of the characteristics of archival nature by becoming an essential part of an archival fonds of an aboriginal creator.
- 83 Callison, "Appropriation," p. 181. (Emphasis added.)
- 84 Heather MacNeil, "Weaving Provenancial and Documentary Relations," *Archivaria* 34 (Summer 1992), p. 197.
- 85 For a survey of various approaches, see Judy English-Ellis, "Aboriginal and Torres Strait Islander Protocols for Archives," review commentary of Alex Byrne, Alana Garwood, Heather Moorcroft, and Alan Barnes, comps., "Aboriginal and Torres Strait Islander Protocols for Libraries, Archives, and Information Services" *Archives and Manuscripts* 24, no. 1 (1996), pp. 146–53. A more probing discussion of the Australian archival experience with aboriginal records has been presented by Baiba Berzins in "Archivists and Aboriginal Records," *Archives and Manuscripts* 19, no. 2 (1991), pp. 193–205, which includes the following observation (p. 198):
- In the Anglo-Saxon tradition the archivist is the impartial guardian of the records. But we cannot maintain a neutral stance when dealing with Aboriginal records and we need to take positive measures to resolve the problems which they raise even at the cost of modifying hallowed practices. Other professions have had to re-examine or are revising their thinking, but archivists have not paid much attention to the issue and few archival institutions have taken appropriate initiatives.
- 86 Hugh Taylor, "'Heritage' Revisited: Documents as Artifacts in the Context of Museums and Material Culture," *Archivaria* 40 (Fall 1995), p. 16.
- 87 *Ibid.*, p. 20, n. 29.
- 88 Terry Cook, "Indian Legacy, Aboriginal Future," *The Archivist* 112 (1996), p. 5.
- 89 Heather MacNeil, "Archival Theory and Practice: Between Two Paradigms," *Archivaria* 37 (Spring 1994), p. 18.