

*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*, by Gisday Wa and Delgam Uukw. Gabriola, B.C.: Reflections, 1990.

On May 11, 1987, fifty-four hereditary chiefs of the Gitksan and Wet'suwet'en peoples presented Chief Justice Alan McEachern of the B.C. Supreme Court with an opening statement of their suit against the provincial government. The purpose of the suit was to force the government to recognize existing Gitksan and Wet'suwet'en title to traditional territories encompassing about 22,000 square miles in the Skeena, Bulkley, and Nechako river systems. By the time the chiefs presented their closing statement on 14 May 1990, almost every available surface in courtroom 53 of the Vancouver Law Courts was heavy with paper generated by three years of evidence and argument. No one person will ever be able to read and understand it all. It is fortunate, therefore, that the issues to be decided were set out with great eloquence by the chiefs in their opening statement.

*The Spirit in the Land* makes their statement available to the general public in the form of a handsomely produced book that includes background information, photographs, and original artwork. These complement chapters on the history of the claim, the nature of the evidence, and the nature of the legal argument.

This case is about translation between divergent systems of government, one native to the land now referred to as northwestern British Columbia and the other imported from Europe. The chiefs are asking a judge trained in western law to understand their laws and institutions in relation to an authority they recognize as "the spirit in the land." They are asking him to treat their law and government as equal to his own. Delgam Uukw explains that,

For us, the ownership of territory is a marriage of the Chief and the land. Each Chief has an ancestor who encountered and acknowledged the life of the land. From such encounters come power. The land, the plants, the animals and the people all have spirit — they all must be shown respect. That is the basis of our law. (17)

This case will certainly become the definitive test of aboriginal land title by the time it has passed through the Supreme Court of Canada. Beyond that historic significance, though, it has provided an opportunity for people knowledgeable in a native tradition to place that knowledge on record in writing. It is a matter of record, now, that a chief of the Gitksan and

Wet'suwet'en is "responsible for ensuring that all the people in his House respect the spirit in the land and in all living things." (7) It is on record that a chief's power is carried in the histories, songs, dances, and crests of his House. It is on record that the Feast recreates the mythic events from which power derives. What is not on record, as of now, is the ability of our court system to include this information within its own records and practices.

Reflections publishers have done us all a service by publishing these eloquent statements of the chiefs. *The Spirit in the Land* also provides us with clear information written by lawyers representing the chiefs about the legal arguments integral to the case. The words of the chiefs and their lawyers are beautiful and full of power. By contrast, the opening statement of the Province (which is quite properly not included in this book) seems petulant and legalistic in its denial that the Gitksan "share a common language, laws, spirituality, culture, economy or authority," and that the Wet'suwet'en similarly are said not to "share in common any territory, language, laws, spirituality, culture, economy or authority" (statement of defence by Province of B.C. No. 0843 Smithers Registry). To this observer, there seems to be considerably more spirit in the land than in the obstructionistic legalism with which our government denies the obvious.

This book should be required reading for any course in the history of British Columbia. It both cites history and makes it. The book is highly ethnographic in its description of how Gitksan and Wet'suwet'en government functions. It is one of the clearest statements available about the nature of Northwest Coast First Nations government in relation to spiritual values and the land. It explains the multiple functions of the feast system. It will make a contribution to a variety of courses in anthropology, history, political science, law, and Canadian literature. *The Spirit in the Land* should be required reading for law students and lawyers alike. Perhaps because of this case, lawyers in the future may have a better understanding of how to understand laws that derive from a spirit in the land.