

**STSQEY'ULÉCW RE ST'EXELCEMC (ST'EXELEMC LAWS FROM THE LAND)**

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*This article is a journey to uncover the foundation of the laws that kept children safe at **T'exelc** – the place where the salmon charge up the river. **T'exelc** is one village on **Secwepemculécw** – land of the **Secwepemc** People. The people who live at **T'exelc** are known as **St'exelcemic**.*

*The **St'exelcemic** laws are drawn from the land and unearthed in the stories of the **Stet'ex7ém** – the Elders reminiscing about how they were raised, the stories they heard and how they lived their lives. The **Stet'ex7ém** place themselves first on the land to describe the activity they are involved in and with the people who they do their work with. This rich methodology is our legal process to define the laws that still govern our relationships to the land and its resources, with our kinship ties in our community of relations, and those of other surrounding Indigenous nations. As the **Stet'ex7ém** describe these legal relationships they recognize they only speak about their laws - **Stsqey'ulécw re st'exelcemic** – **St'exelemc** Laws From The Land, and each story captures the values and legal principles that form the **ctk'wenme7iple7ten** – all the laws in every aspect of our lives. Those laws, values and principles are expressed in **Secwepemctsín** – our language to tell us what is right and what is wrong – the heart of any legal regime. It is important you hear these stories and transmit this knowledge for all of our **kw'séltken** – all our relatives so others know we like all other Indigenous Peoples had our own government and our own laws since time immemorial. This witnessing is an important journey to reconciliation for the revival of **S'texlecemc** governance and nation-building. The **Stet'ex7ém** stories are a healing and living testament to the power of how we utilized our laws to continually maintain our legal order in the face of colonialism.*

*Cet article constitue un voyage exploratoire visant à découvrir le fondement des lois qui ont permis d'assurer la sécurité des enfants à **T'exelc** – l'endroit où le saumon remonte la rivière. **T'exelc** est un village situé à **Secwepemculécw** – soit le territoire des **Secwepemc**. Les personnes qui vivent à **T'exelc** sont appelées les **St'exelcemic**.*

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The hook after the T' in the word **T'exelc** indicates a silent l and the c at the end of the word sounds like a cat hissing. Phonetically, the word would be pronounced **Tlahelccc**. In the word **St'exelcemic**, phonetically it would sound like **Stlahelccc** with an emphasis on the em – like a hard letter m and the hissing sound to complete the word. Any spelling errors or omissions of emphasis on certain letters are those of the author.

*Les lois des **St'exelcemic** sont tirées des enseignements de la terre et se dégagent des récits des **Stet'ex7ém**, dans lesquels les Anciens racontent la façon dont ils ont été élevés et ont vécu leurs vies, et les histoires qu'ils ont entendues. Les **Stet'ex7ém** se placent d'abord sur la terre pour décrire l'activité à laquelle ils se livrent et les personnes avec lesquelles ils travaillent. Cette riche méthodologie représente la base de notre processus juridique servant à définir les lois qui régissent encore nos rapports avec la terre et ses ressources, avec les autres membres de notre collectivité et avec les autres nations autochtones environnantes. Dans leur description de ces liens juridiques, les **Stet'ex7ém** reconnaissent qu'ils parlent uniquement de leurs lois – **Stsqey'ulécw re st'exelcemic** – les lois de la terre des **St'exelcemic**, et chaque récit couvre les valeurs et les principes de droit qui forment le **ctk'wenme7iple7ten** – soit l'ensemble des lois qui gouvernent chaque aspect de nos vies. Ces lois, valeurs et principes sont exprimés en langue **Secwepemctsin** – la langue dont nous nous servons pour décrire ce qui est bien et ce qui est mal – soit le cœur de tout régime juridique. Il est important que vous entendiez ces récits et que vous transmettiez ce savoir pour tous nos **kw'séltken** – tous nos parents, afin que les autres sachent que nous avons déjà, à l'instar de tous les autres peuples autochtones, notre propre gouvernement et nos propres lois depuis des temps immémoriaux. Ce témoignage constitue une étape importante du processus de réconciliation à suivre afin de faire revivre la gouvernance des **S'texlecemic** et de donner un nouveau souffle à leur nation. Les récits des **Stet'ex7ém** sont des témoignages vivants et apaisants sur la façon efficace dont nous avons utilisé nos lois pour préserver notre ordre juridique face au colonialisme.*

## I. INTRODUCTION

When I was a very young girl my older sister took me berry-picking up in the hills behind our house at **T'exelc**. This place was a particularly good place to pick low bush saskatoons. The kind that are very plump and juicy. As we walked from bush to bush she stopped and looked up. She said “See that tree there? That is where the old folks hung my baby basket.” The basket had by then fallen to the elements. We stood looking at the tree for a while and then carried on picking berries. I don't remember her telling me why the old folks did that. I have thought back to that memory many times and remember that little girl looking up at that tree and wondering “why would they do that?” My sister and I stood in that moment and looked back at our **Secwepemic** world.

**T'exelc** is my home village where I was born and raised. The word **T'exelc** means the place where the salmon charge up the river. The people who live here are called the **St'exelcémic**.<sup>1</sup> **T'exelc** is one village

<sup>1</sup> This beautiful personal memory reminds me I am deeply grateful to all the **Stetex7ém** Jean William, Philosopher **Stetex7ém**, Ellen Gilbert, Sally Wynja, Chris Wycotte, Ann Louie, Richard Sellars, Amy Sandy, Estkwelálnik, and Kristy Alphonse Palmantier who add their memories of our **Secwpeemic** world as the living sources for this article. All of these interviews and personal communications are on file with the author. They are nine of the twelve **Stetex7ém** re **T'exelc** who are guiding me on this journey of reviving **ST'exelcemic** law. I am also grateful to the members of the

among seventeen that belong to the *Secwepemc* Nation. Our language is *Secwepemctsin*. Our land is *Secwepemcúlecw*. *Secwepemc* has been anglicized, and most people know us by the name Shuswap. I have lived at *T'exelc* most of my life. As I grew up, I never thought too much about the knowledge we had about the type of berries we picked, where we picked them, what time of the year we picked them, or how we preserved them.

I did not question why there were different types of the same berry or why one may have been favoured over the other. Nor did I think about whom I went picking berries with or why I only went with these relatives and not those. I followed the old ladies to particular spots whether we walked there or rode in a wagon. My mom packed my lunch, and all the berry pickers shared their food among one another. The old ladies showed me how to tie my berry bucket around my waist so I would have two free hands to pick. I was lucky if I got to use a birch bark basket. They demonstrated the best way to pick the berries so as not to squish them. The old ladies also instructed me to be a clean picker so I would not have as much work to do when I got home.

When I got bored and did not pick as much as I should have, one or the other of the old ladies would fill my basket to bring home to my mom. They showed me the different kinds of skat we had seen on the ground, the tender leaves and shoots that were eaten by the deer, and the tracks and trails made by different animals. The old ladies taught me to watch the sun and clouds so I would know how to read the weather before venturing out into the woods. They cautioned me when there was a bear sharing our berry-picking spots. I remember them telling me the bear understands *Secwepemctsin*. So if you tell them in *Secwepemctsin* to go somewhere else, they will go away. Or maybe you can just bang on your berry bucket, and they will run away.

The bear, like us, was getting his food for the winter. The old ladies and I were getting our food for our families for the winter. We shared the land, the berries, the water, the air. We were a part of the same *Secwepemc* world. Within that world were the rules on how we shared those resources. These rules were unwritten and acted upon as they were passed on orally from one generation to the next. It was our world, unquestionably our world. How the ideal of that world became shattered and then rebuilt with *Secwepemc* law forms the background of this article. The *Secwepemc* world and the traumatized and resilient *qelmúcw* (people of the land) grieve, deny, anger, accept, and rebuild. The strength the revival has taken is built within that *Secwepemc* world of spirituality, pride, and accomplishment. The challenges are daily on the individual psyche and body – the internal organs of the land and its people. The old ladies' and my goal on our berry-picking ventures was to pick that one berry, all day, until we had enough. Then the next venture would be for the next berry in its own location and in its own part of the same season.

Rebuilding and reviving *Secwepemc* law is like that. One piece at a time, and we need to do it well. I remember the pace we moved through the berry bushes was slow and methodical. Once in a while, we would have a race to see who could pick the most berries in the shortest amount of time. But, mostly, we did our work slowly, methodically, and meticulously. Once we took the berries from the bush, their

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*Spi7uy Sququluts* Language and Culture Society who are keeping *Secwepemctsin* alive. Most importantly, I am grateful to the Society and especially to Jean William and Amy Sandy for spending hours interpreting Canadian legal principles and concepts into *Secwepemctsin* and making sure I have the correct spelling. I recognize there are spelling variations between the dialects of each community within the Secwepemc Nation. *Kukstetemc tqeltkúkwi7 – xwexweyt te kwséltekten* (thank you Creator – all my relations)!

branches were devoid of the berry life for that season – we left little scars where the berries had been or broken branches that we broke in reaching for the best berry. The old ladies carefully cleared the ground of debris, pulled dead branches from the base of the berry bush and piled them on the side. They took care of the berry bush so as to renew itself for the next cycle of berries – to allow new shoots to grow the next spring.

The berry bush primed in this way was left to the elements of the air, rain, and wind to renew itself, and so the cycle continued. A part of healing is the memory of the original cut, broken bone, or illness and what it felt like when it was fresh and new. We make comparisons between then and now. If we healed well, we have the same body, stronger, older, and perhaps wiser. Sometimes the interventions do not work, whether traditional or contemporary, and we are no more. Adapting to our healed bodies and minds creates a new space for fresh ideas, innovative methods, and creative ways of moving on. The old is the new or the new is the old as mirror reflections. Concepts and principles for writing, thinking, creating, and exploring flow in the same ripples whether they come from he, or she, or they. The same ideas in different languages, different times, and different places respect the boundaries of others sometimes intentionally or sometimes not at all.

### **A. Individual, Community, and Nation Healing: *Secwepemc* Law Is Vital, Alive, and as Resilient as the *Secwepemc***

This article is about the necessity of reviving and revitalizing laws held within the customs, traditions, and practices of the *St'exelcémc* in every area of our lives as a vital nation-building movement and, especially, for the well-being of our citizens. It also speaks to how the *Secwepemc* have adapted their laws to fit within the times and the resiliency of those laws. If we, as the *Secwepemc* Nation, are to move past the talk of the trauma we have individually and collectively experienced, we must exercise our inherent jurisdiction at the individual, family, community, and national levels to complete the storytelling of the trauma we experienced so we can move forward to genuine healing and nation building. We have relied upon these laws for generations to survive the imposition of non-*Secwepemc* law making in the social, political, legal, and economic realms of our lives. Non-*Secwepemc* law making makes valiant, but futile, attempts to transform constitutionally recognized “existing rights” into Aboriginal rights and legal principles that are often inconsistent with the *Secwepemc* world view.

We have the ability and the tools to heal from within, and we can utilize all of the methods of healing when we know and understand the roots of our collective trauma. *Secwepemc* culture, spirituality, and trust in the Creator (*Tqelt kúkwpí7*) a power greater than ourselves has already helped us immensely. So has traditional medicine (*melámen*) when we trust it will work for us, as one of the esteemed *Stetex7ém* has said: “If you believe, it will work.”<sup>2</sup> We recognize there are positive lessons even in traumatic events and hold firm the belief that we will find ways and means to heal ourselves. Through our individual and collective healing, we must acknowledge the hurt and accept the responsibility through honesty and truth telling to change our circumstance no matter the depth of despair.

Our individual experiences of healing contribute to the healing in our communities as a whole and is the foundation to revitalize *St'exelémc* law. The connection to the land and the ability to speak our

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<sup>2</sup> Personal communication with the late Agnes Anderson, June 2006.

language and to practice our culture and spirituality are important in our recovery from decades of trauma and addictive self-destructive lifestyles. For the *Stetex7ém*, the Elders, who have told me their stories, returning to their *Secwepemc* world was key for their spiritual and mental strength so that they could attain a healthy lifestyle, and it became their cognitive life raft in the journey for individual healing from the dehumanizing experiences that shattered their souls at the St Joseph's Indian Residential School ("the Mission school"). I also know these things from personal experience.

My son was accidentally shot in the head the day after Christmas in 2005 while out hunting. His recovery from this traumatic brain injury was a miracle. In retrospect, he attributes Western medicine for keeping him alive, but, more importantly, he attributes our family's strong belief in our culture, spirituality, and power of *melamén* for his incredible recovery. He believes the relationship he developed with the land through his life adventures helped him survive – learning how to fish and hunt, taking only what he needed from the land, doing silviculture work like tree spacing, being a fish guardian at the river, planting trees over acres of clear-cut, and restoring the creek beds. He says: "I learned how to take care of Mother Earth and she took care of me on that cold snowy day by packing the wound so I didn't bleed out and kept my body temperature hypothermic." He understood and respected the spiritual practice of prayer and ceremony, the recognition of our ancestors in their guidance and through food offerings, and the proper way to treat one another from teachings he had received from his uncle, my late brother Pierro Sandy, and his *kye7e*, my mother – his survival mirrors that of *Stexelcémc* law through the proactive use of *melamén*, prayer (*xqweqwentsín*), and ceremony (*xqwentsínten*).

When news of my son's injury got out, the communities surrounding *T'exelc* began holding prayer circles, sweat lodges, and pipe ceremonies. *Tektekwílc* (Indian doctors) actively began treating him long distance, and a family friend offered *melámen* made into a tea for brain injuries. Even the non-Indigenous community came together in worldwide prayer to offer their spiritual strength. A non-Indigenous healer did long distance healing. The *Tektekwílc* and the non-Indigenous healer said he was going to survive and be all right. His medical doctor told me there were three things about his recovery: it would be a miracle if he survived the night; if he survived, he might not be physically or mentally functional and be institutionalized for life; or, by some miracle, he could survive and go home to recover.

I requested permission to use *melámen* in his treatment. The doctors were resigned to his fate and said: "He is so badly injured now the medicine couldn't hurt." The medicine woman told me to wash the inside of his mouth with the *melámen* so it would go directly to his brain and to wash all his pulse points. A supportive nurse showed me pulse points I did not know about and provided sponges for the washing. My sister or I did this every hour during the day, and his girlfriend did it every two hours during the night. My family performed prayers to the ancestors in his room, and we did not let any negative energy surround him. My sister and I cleansed his room with *reikei*, and I used aromatherapy, reflexology, and massage treatments on his feet. I gave him daily instructions to do like the old people and conserve his energy to help his recovery. The nurses were interested and observed our prayers, our *melámen* treatments, and our alternative health care, in addition to actively performing their duties.

The doctors and nurses were always surprised when they came back on shift and my son was still there – alive. He spent three weeks in intensive care with two of them in an induced coma hooked up to an assortment of machines to measure the swelling in his brain, to keep him breathing, to keep him hydrated and nourished, and to monitor his blood pressure. After the second week, he started breathing

on his own. From there, he progressed to the rehabilitation unit where he had to learn to sit up, eat, walk, and dress himself and then to outpatient care four months after the accident. My son has gone beyond the limited prognosis of the doctors and now lives independently. We continue our forays out on the land and to the river for their healing power. He thanks the *TqeltKúkwpí7* daily and prays to the ancestors for continued strength and support. He says he will never give up on his rehabilitation in honour of the ancestors and all those who helped him.

His resiliency and determination to survive is a reflection of the collective desire of Indigenous peoples to survive the onslaught of colonization. If he can survive such a traumatic injury using the same spirituality, culture, language, and medicine that our colonizers tried to destroy, then our people, our communities, and our governing Nations and legal structures can use this powerful medicine and spirit not only to survive but also to thrive. Healing in the context I am speaking of is bi-national – ‘our’ Canada has, and continues to be, the perpetrator as long as the nation-state exercises colonial and paternalistic powers designed to suppress and oppress Indigenous Nations’ power to govern themselves. Transformation must take place within the institutions that implement Canadian laws, regulations, and policies. Without going through a grieving process of its own, no state or its bureaucracies can divest itself of disrespectful and unlawful ways of control. I say this because I know that the loss of power and control engenders a grieving process of its own. This journey of healing is bi-national – the Indigenous Nations, like the *Secwepemc*, and Canada – rebuilding from the genocidal oppression with mutual recognition, mutual respect, mutual sharing, and mutual responsibility to achieve recognition of a third order of government – what the *Secwepemc* recognize as independent, free-thinking, self-governing, and self-determining peoples.

### **B. Transformative Journeys Guided by the *St’excelcém* Living Sources: Recitation of Law Embedded in *Secwepemc* Culture, Language, and Spirituality**

Journeys – geographically or personally – take courage to embark upon. Sometimes, all a journey takes is to get physically from here to there. Other times, a journey, like community healing, is an inner psychological journey to uncover our destination. We have been off the path for a long time, but we have the genes imprinted in us to make our way back to our *Secwepemc* world. The Philosopher *Stetex7ém* indicated to me that when it has been imprinted “up here in your head,” you do not need words to tell you what to do – you already know.<sup>3</sup> The research that went into this article unearthed stories of the *Stetex7ém* journeys back to the village, back to the language, back to the spirituality, back to the culture, and back to their families of origin and the *St’excelcém* laws held within. All of the *Stetex7ém* journeys relied upon the map imprinted at birth for the return journey and guidance from the Creator and the ancestors – like the salmon charging up the river. A vision of what we want to accomplish is vital to this journey to revive and rebuild the *Secwepemc* legal order. Spiritual, physical, and psychological sustenance provides the strength we need to reach our destination.

In order to achieve this vision, it is important to draw on the *Stetex7ém*, the “living sources” to help identify and define our laws and transmit their knowledge for the benefit of the *stsmémelt* (children) and *im7imts* (grandchildren) of future generations. The family units are the foundation of the *St’excelcém* and from whom we derive our strength. These family units, individually and collectively, exercise the

<sup>3</sup> Interview with Philosopher *Stetex7ém*, 14 July 2009 at 7. This *Stetex7ém* would be known as *ret’ te sllek’wminém* – a deep thinker.

powers and authorities to keep our children safe and our families united. Our family laws have been transgressed and suppressed, and we rebuild them by going back to who we are as *Secwepemc*, our laws, our traditions, and customs around becoming good people. There is no short cut to do the work. The *St'exelcémic* have been mightily hurt by church and state intervention through laws banning our ceremonies (*xqwentsínten*) and our language (*Secwepemctsín*), which destroyed our family units and colonized our minds. Tender early lives learning what it was to be good people had been broken like the berry branches – not to get at the best but, rather, to take the best and remake the *Secwepemc*, the *St'exelcémic*, the *Qelmuw* into brown English-speaking, Roman Catholic farmers of the land. The children of those old ladies I picked berries with tell their stories in this article. The world needs to listen and “hear” their stories so they too can heal and move on. We must acknowledge the pain and sorrow, understand it, caress it, nurse it, heal it, and move on – truth and reconciliation.

Their stories are not just about woe. They carry the legal terminology in the language, in their memories of all of the things their parents and grandparents taught them in their homes and on the land. These stories epitomize the exercise of *St'exelcémic* law-making, the implementation of the law, and respect for the law that is awakened at each telling. The stories are the precedents of how law is enacted over and over again. This article is also about changes that create new *St'exelcémic* law, new ways of governing, and new forms of exercising authority. The Philosopher *Stetex7ém* told me if people ask you “who is [your] authority?” when you are telling them about *St'exelcémic* laws you tell them “[the *Stetex7ém*] here are your authority.”<sup>4</sup> That central comment became a guidepost for me on this journey to revive *St'exelcémic* law as it directed me again and again to the language and the stories of the *St'exelcémic*. I can look at other law and other stories, but my scope is on *St'exelcémic* authority.

The *Stetex7ém* recognize their authority and that of the others who are gifted to become advisors (*stwemíple7*), knowledge holders, artisans, and storytellers – the historians, hunters, fisherman, healers, spiritual leaders, philosophers, and advisors – those who could speak about the *St'exelcémic* way of life. The *Stetex7ém* also recognize the limits of their own authority and the need for their authority to be reciprocated by others. The *Stetex7ém* understand how the land dictates the law and, by extension, the relationships one has with another person or family within *T'exelc* or another community within the *Secwepemc* Nation and how they conduct their affairs. The *Stetex7ém* worked hard to decipher the *St'exelcémic* legal principles and process in their storytelling (*stseptékwlem*) – *Secwepemctsín* to English, English to *Secwepemctsín*. I accept those translations as they painstakingly broke down each word, each concept to capture and recapture our legal order. I also go back to the words of my mother, and as my son, Ira Sandy, has said: “I can remember all the lessons my [late] *Kyé7e* taught me. Anytime I need her, her voice comes into my head and she reminds me what to do.”<sup>5</sup> My responsibilities are to the words of the *Stetex7ém* and to keep true to the direction, instruction, and resolution of the dilemmas I face in writing this article and to future generations who will benefit from this work.

The *Stetex7ém* who are my guides on this journey to revive *St'exelcémic* law come from each major family unit of *T'exelc*. Since our population is not huge and our village is small in comparison to others, I am related to more than one of these *Stetex7ém*. The benefit of my relations is the accountability with which I will be held in relaying their information. The knowledge the *Stetex7ém* have passed on to me is a gift and comes with a responsibility to relay the information for the benefit of *xwexweyt te kwséltkten*

<sup>4</sup> Focus Group, 24 September 2009.

<sup>5</sup> Personal communication, Ira Sandy, Spring 2008.

(all my relatives) – the people of all nations, the animals, the birds, the fish, and the insects – to demonstrate our belief in the interconnectedness of all living beings. Sharing the knowledge will benefit my people, the *Secwepemc*, and the people of the world to help understand each other and respect one another and each other's worlds.

The *Stetex7ém* are *xpé7e* (grandfathers), *kyé7e* (grandmothers), *kí7ce* (mothers), and *qét7tse* (fathers). Several were fluent in *Secwepemtsín*, and others were semi-fluent or learning the language. Their *Stetex7ém* status comes not so much from their age but, rather, from the oral history and traditions passed on to them by their grandparents and their individual life experiences. Due to the social changes that have shortened the life span of individuals, the age of *Stetex7ém* at *T'exelc* is younger than in days past. This latter fact creates an urgency to capture the laws that need to be revived, reconstructed to fit our needs, and then implemented for the well-being of our citizens.

*St'exelcémc* law requires a strong foundation of values and legal principles that are found in *Secwepemtsín* and the invaluable knowledge of the *St'exelcémc* living sources, the *Stetex7ém*. For instance, the legal concepts and principles of structure, observation, discipline, storytelling, listening, respect, sharing, helping, and spirituality are captured in the *Secwepemc* term *ctwenme7íple7ten*, which means law or rule. The literal translation of *ctwenme7íple7ten* is "all the law, all the power one might have" and, as Jean William says, "it is like the Constitution."<sup>6</sup> The *Secwepemc* Creation Story is our Constitution because it speaks to the powers and authorities "to put things right" that are exercisable by those within the *Secwepemc* Nation, like the *St'exelcémc* – the people of *T'exelc* – the place where the salmon charge up the river. The *Secwepemc* Creation Story describes how we came to be on our land, it describes and defines who we are as *Secwepemc*, living with laws that guide our conduct among each other and with others. In *Secwepemtsín*, one says good morning by saying *tscwinúcw-k*, meaning, in essence, you have survived the night. Our day begins with thanking the Creator – *kukcwstsétsemc tqeltk kúkwpi7* – for giving us another day. We use the smoke of the sage or cedar to send our prayers to the universe. In praying to the *Tqeltk kúkwpi7*, we are recognizing that our existence is dependent upon that power putting us here on the land, on *Secwepemculécw*.

The *Stetex7ém* take the readers of this article on a journey as they describe the social and legal order governing their family units within the village and the relations with other peoples, the land, and its vast resources. The *St'exelcémc* yearn to practice their laws in their entirety everywhere and with everything on the land – *xwexwyúlecwem* – in their entire country. Every concept about Indigenous law, and specifically about *Stsqey'ulécw re St'exelcémc* (*St'exelcémc* law from the land), that I have learned is incorporated into my life's work in the area of children and family services and the instruction of post-secondary courses on Indigenous world views. I work hard to assist other Indigenous Nations recognize their law in how they relate to each other and the land. I write from the perspective that the *St'exelcémc* (and other Indigenous Nations) have, and always have had, a legal order of values, principles, and laws promoting and living the best life. This legal order is exemplified by the story of the little chickadee and encourages a strong moral code to resolve conflict before something bad happens.

<sup>6</sup> Interview with Jean William, 22 May 2011. Jean clarified the term that she gave in her first interview on 14 July 2009.

## II. LEXEYEM TE ST'EXELCEMC RE STETÉX7EM (STORIES OF THE ELDERS FROM T'EXELC)

A long time ago the brother chickadee was playing with his little sister and he got annoyed with her and hit her or yelled at her. So she went away into the forest, and you know, the animals and the birds talk in Shuswap. So, now when you go in the forest you can hear the little brother chickadee whistling and it sounds like *tsetsé7* (which means little sister in Shuswap).

The moral of the story is “be good to your littler sister” I guess.<sup>7</sup>

The story of the careless chickadee captures how the *St'exelceme* passed on their law of caring for one another through *stseptékwlem* (storytelling). What is significant is that the story is told in a gentle way as opposed to a harsh lecture, which is closer to expounding what the law is around keeping one another safe. Of course, a harsh lecture could be the necessary outcome; however, it was never the starting point in the traditional style of child rearing among the *St'exelceme*. When the *Stetéx7em* told stories, they were more than transmitting their knowledge; they were also about making you whole as a person, to feel the emotion, to visualize the pictures in the story, to feel the heartbreak – in essence to develop your humanity and respect the universality of all sentient beings. The *St'exelceme* legal principles derived from these stories, and recollections capture the essence of the laws for child safety and family unity that form the basis of the *St'exelceme* legal order. This journey into the heart of *St'exelceme* stories is awakening our legal process that is utilized to implement our laws.

Beginning a journey, one usually knows why one wants to take the trip, where one wants to go, what one will do upon arrival, and when one will leave on the journey. However, embarking on a philosophical journey in uncharted territory without a map (such as this one) may lead one to question one's intellectual ability to complete the journey. I began this journey with a clear vision. But having a vision is not the same as accomplishing the mission. Being hungry and almost getting a vision is not the same as going to the mountain, fasting, and achieving a vision. My vision was to rediscover the *St'exelceme* laws in relation to child safety in order to recapture the laws that have lain dormant under the freshets of colonized minds. On this journey, the *St'exelceme* with me had to go deep within themselves as human beings to draw on *Secwepemtsín* and the knowledge transmitted to them by their *tsqwétsten* (family elders).

It is difficult for a non-fluent speaker of *Secwepemtsín* like myself to translate the *Secwepemc* concepts without corrupting the deep meaning held in *Secwepemtsín*. However, as Cecelia DeRose, an *Stetéx7em re Esketemc* (an Elder from Alkali Lake) has told me, “you, you have a different kind of knowledge, and you will be able to say what we want to in English and can't.”<sup>8</sup> I have the unenviable job of interpreting Canadian-made law to the *Stetéx7em*, and they translate that into *St'exelceme* law.

<sup>7</sup> Interview with Ellen Gilbert, 20 July 2009 at 6.

<sup>8</sup> *Spi7uy Sququlust* Language and Culture Society Meeting, 25 January 2012. At this meeting, the *Stetéx7em* from the surrounding communities of *T'exelc*, *Esket*, *Xatsull*, and *Tsqéscen* refined all the terminology that relates to what is known as “custom adoption,” and in this exercise defined not only the law but also the legal process and principles of custom adoption.

The Philosopher *Stextéx7em* would get excited when he was satisfied that I captured his meaning, nod, smile, and point at his head and say “you got it – *re7 newí7 xeqpenwéllen*.”<sup>9</sup> I have also been reminded that I am not on this journey by myself. The *Secwepemc* ancestors relayed the precedents of *Secwepemc* law for the *Stetéx7em* teaching them to observe *xwexwyúlecw* (everything on the land) to draw the law from the muses inherent in them. As the *Stetéx7em* recalled being raised according to *Secwepemc* custom, the foundation of their concepts and legal principles were captured in stories about human relations, inter-species communication, the constellations, dreams and vision quests, cultural values, knowledge of the land, water, and resources – all in the beautiful *Secwepemtsín*, the *qelstín* (the pretty language).

### III. *STSQEY’ULECW RE ST’EXELCEMC (ST’EXELCEMC LAW FROM THE LAND)*

The *Stetéx7em* who tell their stories were custom adopted by grandparents, an aunt and uncle, or an unrelated family in another community. Custom adoption is succinct evidence of the *St’excelcemic* jurisdiction in the area of family law – then and today. One *Stetéx7em* was raised by his birth parents while other *Stetéx7em* were *skwenlé* (adopted by grandparents or a couple selected by the birth mother). Their responsibilities towards their siblings depended upon whether they were an only child or had one other sibling or where the family was large in contrast to today’s standards. The majority of the *Stetéx7em* were raised in *T’exelc*, while one was raised in another northern *Secwepemc* community, and another in a southern *Secwepemc* community. The *Stetéx7em* were related to one of the seven main family units that existed when I was a young child. I did not refer to any detailed genealogy other than the memories of the living sources – the *Stetéx7em* – who knew the inter-family connections and my own knowledge of their kinship ties. The compilation of a community genealogy of all the families will be a continuing project, and the information documented in their compilation will be of great benefit because the kinship ties are at the heart of the *St’excelcemic* laws.

#### A. *St’excelcemic* Law, Legal Process, and Legal Principles Are Derived from Their Environment (*Xwexyúlecw*) and Their Kinship Ties and Implemented by the People

The *Stetéx7em* needed the time during their *stseptékwlem* to situate themselves in their family unit and then on the land before they described their lives. Their early life experiences profoundly formed who they had become before their lives were interrupted by non-*Secwepemc* values, customs, and traditions. So they wanted to be calm (*qemqém*) and be thoughtful about their words – to gather their thoughts. This is our civil procedure in relating *St’excelcemic* law and a rich methodological practice, and one example is when Jean was asked to advise the Chief and Council at a natural resources meeting about the proposed development on *St’excelcemic* territory. She asked “what is the process?” She wanted to know more than the details of the decision-making process. She wanted to know: where on the land; whose territory would the proposed development happen upon; would consultation happen with that family; what were the powers and authorities of all the people around the table; how would the provincial legislation apply; what time of the year was the development to occur; and what were the plans for protecting the ecosystem on the land? The answer to questions like these would help draw on

<sup>9</sup> Philosopher *Stextéx7em* said this to me over and over again during our interview.

her traditional knowledge to make recommendations about the proposed development. It was not merely a question of providing responses to help the developer mitigate the damages to the environment but also a clear understanding of her role as an advisor (*stwemíple7*) to speak clearly to the issue at hand.<sup>10</sup>

The *Stetéx7em* describe their roles and responsibilities within the family unit depending on where on the land they lived and in which daily or seasonal activities they were involved. As Jean said, “in the ‘old times’ one could always connect the people to the land by their names – the genealogy is in the land because they got their names by what the land looked like where they lived.”<sup>11</sup> These recollections reaffirmed their rights to the resources and the responsibility to maintain and manage those rights as they visually travelled the land within the seasons. The *St'exelcemic* in the 1940s and 1950s lived during the winter months in the main village of *T'exelc*. In early July, they moved to their fishing camps on the Fraser River, and the fishing time could last into August (*pell'éxelcten*), the salmon coming up moon. They often hunted during the fishing season, and the hunt could last into September (*pellctsikenten*), the cache food moon. They returned to *T'exelc* and their respective hay fields and meadows, harvesting their gardens, and preparing for winter (*pesllwélsten*), the fall moon. Once they completed the summer and fall activities, they settled in for *pellctíteqem*, first real cold and cross-over moon.

This “seasonal round” was very similar to the seasonal rounds that the *St'exelcemic* practised prior to being concentrated on reserve lands – a devastating unlawful ejection from our *Secwepemculécw*.<sup>12</sup> When the *Stetéx7em* became of school age, the parents were legally required to send them to the mission school upon threat of jail time if they did not. The family structure was fractured, and every means of transmitting *St'exelcemic* knowledge was interrupted by the genocidal practice of denying us the use of our language, our spirituality, and our culture – everything that is contained in making, implementing, and maintaining our laws. Participation in the fishing and hunting camps and the haying season eventually stopped. Our local economy deteriorated, and the ensuing wage economy saw local settler's ranches prosper from *St'exelcemic* labour, while we became reliant on government handouts. The ensuing poverty and social dysfunction further institutionalized our children in far-away non-Indigenous homes and culture – away from the structure of the *Secwepemc* way of life that the *Stetéx7em* are committed to reviving.

#### IV. STRUCTURE (*TS'ÍLEM*): THE WAY THINGS ARE

Structure as relayed by the *Stetéx7em* relates to a time element: of days and of seasons. Structure also relates to the routine nature of doing the same activities over and over again so that they are ingrained in the mind as second nature (*ts'ílem*). This is how customary and other law is formed and continues. This concept of structure is an important element in the development of *St'exelcemic* legal order because law requires structure and the organization of the people creating the law, applying the law, and evolving the law as circumstances change. Our laws value wise counsellors and decision makers. Time often has a way of bringing to our attention those who are wise and those who are foolish. Those who are wise and

<sup>10</sup> This meeting occurred during my term as *Kúkwpí7* (Chief) of *T'exelc*.

<sup>11</sup> Interview with Jean William, *supra* note 6 at 5.

<sup>12</sup> An in-depth retelling of this story how the Williams Lake Indian Band became landless is recorded in the Indian Claims Commission, *Williams Lake Indian Band – Village Site Inquiry* (1 May 2003). The case will be heard by the Supreme Court of Canada in the spring of 2017.

have lived a respected life would be consulted when problems arose that needed their guidance. The *Stetéx7em* authority is an important aspect of our law as recognized in their role as advisors (*skwemíple7*) and implementers of the law (*tk'wem7íple7*). Each *T'exelc* family had a matriarch or patriarch who governed the conduct of their nuclear and extended family, depending on who was the dominant partner in the relationship. (It may be argued that the impacts of the residential school rendered *Secwepemc* society a matriarchal one, but further research would be needed to verify this idea). Jean's *xpé7e* (grandfather) was certainly the patriarch of his extended family, but not all of his male children followed suit. His daughters were very strong-willed women and became the matriarchs. Her *xpé7e* was widowed, and he married a woman from another community. She helped him raise his eight children, and then later, according to *skwénle* (custom), he adopted Jean and her brother, Jimmy Sandy. This large family meant a lot of responsibility for the well-being of the whole family and Jean said:

We had four gardens, two potato gardens, two vegetable gardens and three cellars. My grandfather had eight children so if any of the family needed any food we always had plenty to share.<sup>13</sup>

She continually emphasized the importance of sharing and helping each other. She focused on the strength of the family unit and stated: "We were always a family and we did everything together as a family."<sup>14</sup> Her early memories are of a very structured daily routine in which the family rose early, and each member carried out their responsibilities. She stated: "When I got up I lit my lamp, and went and fed the horses. When I got home I washed up."<sup>15</sup> She further stated: "We all set down for meals and we all had our responsibilities for that table."<sup>16</sup> When her *xpé7e* announced it was time to go to the river, to the meadows, or to town, she, her *kyé7e*, and her younger brother each knew their responsibility to prepare for the trip.

Once they were at their destination, they carried out their responsibilities. She recalled the men and boys did all the outside work and the women and girls carried out all the inside work. The men and boys fished, hunted, chopped wood, cut the hay, and made the implements needed for these activities. The women and girls prepared the fish and game, gathered and dried the berries and roots, and made the implements and containers for these activities. In a sense, this was a true and equal partnership where the spouses respected and expected the work to be carried by their significant other as they observed their daily or seasonal routine. This shows how our laws were attentive to peoples' strength and abilities. People were not forced into pre-determined gender roles if there were reasons to change the way people related to one another. They were, in fact, respected for the gifts they exhibited and developed over time.

## V. OBSERVATION (*CWECWELPÚSEM*): TO LOOK IN ALL DIRECTIONS

Laws are learned through observation (*cwecwelpúsem*) to look in all directions. Thus, our "law schools" were found wherever our peoples watch others to learn about their responsibilities. In this way,

<sup>13</sup> Interview with Jean William, *supra* note 6 at 3.

<sup>14</sup> *Ibid* at 2.

<sup>15</sup> *Ibid* at 18.

<sup>16</sup> *Ibid* at 2.

we would then know how to bring order to the world from what we learned. As such, the purpose of observation was for an individual to gain knowledge of the world and how to do specific tasks. Prior to birth, the women were instructed to eat well, rest, and be active in order to help with the baby's birth. The *ki7ce* or *kyé7e* made each baby its own basket in which the baby would sleep until she was too big for the basket. The baby was tied securely into the basket so that it would be propped up or hung in a tree. This way the baby was able to observe her surroundings and watch the people and their actions while listening to their talk or singing. The baby started seeing the whole world in a 180° angle and observed each element in its place. In her basket, she saw the world from an expansive world view, focusing on people and things at a distance and near – general and specific – as in analyzing the principles of law.

When the baby was outside her basket, the mother securely wrapped the baby's arms down by her sides. This was not only to keep the baby warm in inclement weather but also to ensure the baby felt secure. As the baby grew bigger, one arm was released to give her a bit of freedom of movement and then the other arm would be released. The baby would be given a rattle to hold, giving her the feeling of holding an object, moving it about and making noise, defining the space around her. Ellen Gilbert spoke of the importance of the “basket teaching” as it was taught to her, and she passed the knowledge on to her daughter:

The baby basket is really, really important. Nowadays the young mothers have a tendency to be too modern. My children weren't brought up like that – when they were little babies their arms were wrapped in the blankets so they'll always feel secure. You'll notice the difference with those who haven't been raised in a baby basket.<sup>17</sup>

Being secure leads to confidence in oneself and the boundaries one must operate within. Boundaries are an important element of law – a place you should not go to (*tah7ulécw*). People need to know the spheres they can properly act within to bring peace and order to a community. They also need to know how to appropriately test these boundaries, which is also a part of this teaching.

#### **A. Transmission of Knowledge Perfects and Embeds St'exelcemic Law with Each Telling**

To assist in these goals, there was someone (a grandparent, older siblings) always watching when the child was beginning to walk and talk as she moved in her surroundings to keep her from harm. As the child moved about, the parents observed her activities and became aware of her “gifts” and began encouraging the child in her independence within boundaries depending on where on the land they were. As the child grew, she was given responsibilities commensurate with her abilities. She may start off by packing kindling for the fire, which grew to carrying blocks of wood. As her strength developed, her water buckets would get bigger. While there were clearly male and female roles and responsibilities in the household, no child was discouraged from participating in an opposite gender role or responsibility. In fact, they were encouraged in the activity. For example, Jean recalled:

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<sup>17</sup> Interview with Ellen Gilbert, *supra* note 7 at 5–6.

As a teen I could drive the wagon and the slip when we were haying which was more responsibility. I wasn't very good at it but I was encouraged to try it out. I was successful at some things and unsuccessful at others.<sup>18</sup>

Operating the wagon and the slip built her confidence and developed the skills that developed into her current role as a respected *Skwemiple7* and one who is really knowledgeable about our ways (*tselexemwilcem re swe7es*).

When the young boys were taught to hunt they would start off as a packer – the one responsible to make sure all of the implements were ready for the hunt – the ropes, the bags to carry the heart and liver. Out on the land, they were taught to observe their surroundings – the habitat of the animals they were hunting – what they ate, where they rested, where they drank. As their competence grew, the young boys were involved with each level of the hunt, from snaring small animals like rabbits, to hunting big animals like moose. As their participation increased so did their skills for which they were recognized. Chris Wycotte carries on this practice and observed:

Going back to my childhood I learned how to fish and hunt. When I went on those trips I was being taught by observation. I did that first with my sons and then now with my grandkids. I give them responsibilities like one gets the rope, one gets the bag for the heart and liver and now when we go hunt they automatically go get what they have to. They all have jobs when we gut and prepare the meat. Like the one time when my granddaughter got the knife and started taking the heart and the liver out of the guts and I thought to myself “there you go.” I didn't have to tell her. I had just shown her before how to do it.<sup>19</sup>

The same teachings applied to fishing. As each person grew stronger, their load increased – as they packed salmon from the river, to the camp, to actually dipping the net to catch the salmon. The strength of transmitting the knowledge at each stage of growth is the *St'exelceme* legal process for exercising rights and responsibilities with the restriction or freedom to exercise a right with the safety measures in place to protect the right from misuse or abuse.

Young girl and boys were brought out berry-picking and learned where to go to pick specific types of berries, what was safe to eat, and what was not safe to eat, which plants were for medicinal purposes and which roots were for basket making. Chris said:

I remember growing up that is how I learned it being down the river and watching and learning and observing when I was growing up. The simple things we learned by ourselves. That was the main reason our grandparents took us out on trips berry picking. We could eat berries all day, but we were being taught what to eat, what not to eat and we were being taught without knowing it.<sup>20</sup>

<sup>18</sup> Interview with Jean William, *supra* note 6 at 10.

<sup>19</sup> Interview with Chris Wycotte, 11 July 2009 at 5.

<sup>20</sup> *Ibid* at 6.

Children learn about the resources on the land through the family activity of gathering food for their livelihood, and through those activities they learned about their family laws of taking care of one another.

Likewise, the young girls took on additional responsibilities in the household, such as sweeping floor or keeping the ground around the campsite clear, preparing the vegetables for the main meal, washing dishes and implements, packing all the knives and tools, blankets and clothing, packing up the chickens and camp food, and watching over their siblings. Small jobs around preparing meals grew until the young girl could cook a whole meal on her own. They were instructed to watch as their *kí7ce* or *kyé7e* cut the salmon, deer, or moose for drying. The young girl would start with the smaller pieces of fish or meat and graduate to the larger pieces. If she made a mistake during the process, a kind *kyé7e* would gently show her how to correct her mistake. The same applied to sewing – if she were to make a mistake, she was instructed to take the piece apart and do it again until she got it right.<sup>21</sup> Like articling in a common law legal context, legal rules and procedures were taught by doing. Law is a practice, not just an idea, and thus it requires an apprenticeship-like opportunity to learn how to properly apply law in the real world.

The observation and listening skills lead to children becoming competent at a very young age. Jean had many stories about the skills she acquired from her grandmother on how to preserve food. She said:

Nothing had to be demonstrated anymore as I could cut and dry a deer and the same with the cleaning and cutting the salmon. I could do almost as much work as she did. Trying for perfection seemed to take forever for me to cut the salmon but she wasn't as critical. She praised me anyway and said "I'll do this and fix it up" – she praised me. I was able to prepare meals like soup and bannock with tea. I think I could prepare a meal by the time I was 13 or 14 years old and maybe even younger than that.<sup>22</sup>

The perfection Jean strove for closely resembles how law gets "perfected" over time to meet the social and policy demands of a changing world. Law and legal practice is subject to revision and refinement. It can move with the times as people learn more about the world and what is required of them. In this example, the *kyé7e* is the authority on how to properly prepare the salmon for drying. She knows it takes time to become experienced at preparing the salmon and acknowledges what has to be done to "fix" it. In time, Jean became competent and adept at preserving food necessary for family sustenance. She revelled in her responsibility to transmit her acquired knowledge about the right conditions for fishing, preserving the food without waste, and protecting the environment on *Secwpmculécw*.

Observation is closely connected with listening since one requires skills to survive. In the area of child rearing even if one did not have any siblings one could learn from observing an aunt care for her children. For example, Jean had only one younger sibling in the household and was never taught how to care for an infant, yet she explained:

<sup>21</sup> This comment is based on personal experience with my *kyé7e* in the early 1970s when I made my first pair of moccasins. She took one look at the sad boat-shaped moccasin, smiled, and handed it back to me saying "you have to do this over again."

<sup>22</sup> Interview with Jean William, *supra* note 6 at 10.

I used to watch my aunt and how she raised her babies, bath the babies, preparing the bath water, changing and washing the diapers, making formula, washing diapers. She demonstrated and I observed. Everyone in the family was responsible for those children. For them not to be around the horses, stoves – it was common sense.<sup>23</sup>

On the other hand, Sally Wynja became “everything to my brothers and sisters,” and when she got married at twenty-four or twenty-five years old, she had long before taken over that responsibility due to her parents’ inability to care for the family.<sup>24</sup> Her father was a residential school survivor and a war veteran, and he brought the wounds from both into his marital relationship. Her mother died on the highway walking home from town – the driver who hit her was never identified. While watching over one’s siblings was an expectation, this type of early parenting was not the norm. However, it did provide a very strong example of becoming capable of applying the skills required of becoming a parent and exercising the jurisdiction to keep her siblings in the family and in the community – protected from non-*Secwepemc* intervention.

## VI. DISCIPLINE AND BOUNDARIES (*LLEQ’MÉNTES ELL TA7ULÉCW*)

Discipline is an important part of the law. Discipline speaks to two things: first, the discipline required to learn and acquire a new skill to provide for oneself and one’s family and, second, the discipline one would receive when crossing boundaries that were taboo. Boundaries are a very important part of the law – understanding your place or the place you should not go to (*tah7ulécw*). People need to know when they are acting within proper spheres and when they are transgressing what is expected of them. They also need judgment to determine when it is appropriate to test, expand, or contract those boundaries. The child-rearing practices draw a visual picture of how one acquired skills related to one’s age that carries on indefinitely through one’s life. Discipline and clear physical and personal boundaries were values that were incorporated into the roles and responsibilities of the children as they grew into adulthood. The *Stetéx7em* took pains to explain the nuances of discipline. For example, the kind of discipline to ensure your family had all the necessities of life contrasts with *lleqméntes* (the discipline for correcting inappropriate or bad behaviour). Jean recalled:

In the meadows we had racks and racks of dry meat, sacks and sacks of dry meat. Back on the reserve in the winter time we stored all the dry meat, berries, we put everything away. All the potatoes and vegetables – everything that we gathered in the late summer and from the meadows we put in the cellar. We had so much food.

In the winter time we had to make sure we had wood supply. My grandfather continued to hunt and he would drag some big trees down to be cut. He made sure the horses and cows were fed. There was lots and lots of work. My grandmother did all her hides, soaked, scraped, and my brother and I had our chores we had to do to help her. We took our turns and scraped the hides, oiled the hides, washing with Sunlight soap – the hides making them nice, soft and clean. I get all happy when I see Sunlight soap because

<sup>23</sup> *Ibid* at 12.

<sup>24</sup> Interview with Sally Wynja, 10 March 2009 at 4.

it reminds me of that time. We washed and cleaned – our little hands were busy – oiling the hides, then putting them again in warm soapy water. We helped cut the lacing for the frame. We took part in everything. It wasn't like this is your job and this is my job.<sup>25</sup>

The second type of discipline relates to the social control mechanisms for conduct and behaviour. In order for law to be effective, a society requires ways to facilitate social control. This type of discipline could entail a story meant to correct a child's behaviour, a lecture relating to dangerous behaviour, or it could extend to a willow switching for repetitive or fearless misconduct like playing with fire or being near dangerous water, to banishment for offences of a sexual nature or trouble-making that brings disrepute and disrespect upon one's family or village, to stealing another's spouse. These "remedies" were calibrated on a sliding scale and would be applied as the circumstances warranted. Some of the laws related to social control, and remedies were learned from the world around us.

#### **A. Discipline and Knowing One's Boundaries Builds Our Individual, Community, and National Character**

For example, Ellen remembered hearing the story of the swallow to teach children the value of gathering enough food and preparing for the winter months:

The people or the animals were telling the swallow "it's going to be winter pretty soon you better get ready." The swallow would say "I know, I know." Someone else would come along and remind the swallow "you better do something" and the swallow would say "I know, I know." So the people or the animals quit telling the swallow what to do – pretty soon the swallow was dead on the ground.<sup>26</sup>

This story highlights the consequence of failing to follow the legal responsibility of taking care of your family's needs. Ellen's former husband would chide her whenever she procrastinated about some chore saying: "I know, I know" and tell her "*tsut te sullnentkwe*" ("so said the swallow"). Chris recalled the responsibilities he had as a child at the river camp: "Down there you were given responsibility and had to take care of it. The division of work was split up and you understood your responsibility but if you didn't do it you got a lecture."<sup>27</sup> This type of discipline is a reminder of the power of parental authority. Authority is an important aspect of law. In many cases, our extended families might be the source of enforcement of individual duty. In addition, a higher authority could be engaged in enforcing the laws, such as the swallow or person losing their life for not following the law. The swallow story is a reminder that something could take your life for transgressing the power of nature. The season moves on whether you are ready or not. Appeals for proper behaviour came from the parental authority and, if broken, then the appeal went to the next level, which may or may not be the final authority.

Discipline was also never just for discipline's sake but, rather, done with a long-term goal in mind of building one's character. In this sense, the law was teleological – it had an end goal in mind, the development of good people. Ann Louie recollected:

<sup>25</sup> Interview with Jean William, *supra* note 6 at 4–5.

<sup>26</sup> Interview with Ellen Gilbert, *supra* note 7 at 5.

<sup>27</sup> Interview with Chris Wycotte, *supra* note 19 at 4.

When we were fishing and hunting I was not allowed to wander because it was the men who went fishing down the river. I remember having to be beside my mom all the time. That is the difference between the culture then and now – where a child was taught how to cope and it's not the same now.<sup>28</sup>

Discipline as a coping mechanism teaches one to operate within certain rules of conduct in order to be safe and to be disciplined in one's behaviour. Discipline is also about learning to self-regulate – a safe time to act and a time to flee or to fight, and when this is disrupted by family disconnection troubling behaviours become the norm.

Parents or older siblings were quick to discipline inappropriate behaviour lest it continue unabated, as the Philosopher *Stetex7ém* stated:

What I heard back there was some older ones saying to each other of younger ones “you will get after them if they behave too roughly.” I found some strictness back then when they really got after the kids as opposed to what I see today. They were right on top of it – they were harder terms, straight forward with the kids and quick to confront the behavior, to correct it; “correct you, tell you right now, get after them right away” as soon as something happened – quick.

...

The parents' authority didn't diminish as you were growing up. They kept abreast of the development of each and every child. This is my estimation – somebody might do better but don't know, better you – always heard it and can still hear in *Secwepemc* “always listen” and very often heard “always watch the older ones and what they're doing” it was the learning process.<sup>29</sup>

The *Stetex7ém* recalled hearing the phrase *qeqnímentsemcen* many times in his young life, which means can you hear me and understand what I am saying? Quickness to confront unruly conduct meant protection for the child and retaining harmony within the family structure. This quickness to correct unruly behaviour was meant to arrest the conflict before it became a problem. Law has to be administered at the appropriate times. If our civil procedures were not drawn upon in a timely fashion, this could violate a person's due process.

Laws also included provisions related to land use as an element of its discipline. Children were expected to stay within their nuclear families' homes and camps out on the land. They never ventured into other people's homes and never went anywhere unless permission was granted. Jean remembers her grandparents were quite adamant about the boundaries of herself and her younger brother:

We had a boundary, a very strict boundary which was around the house, the horse barn, the cow barn or the hayfields wherever we were. We were not allowed to go swimming by ourselves and my grandmother always came along with us. If we went fishing we

<sup>28</sup> Interview with Anne Louie, 15 July 2009 at 5.

<sup>29</sup> Interview with Philosopher *Stetex7ém*, *supra* note 4 at 2–3.

were always accompanied by my grandfather or uncle. We were never allowed to go by ourselves. Of course, sometimes I managed to sneak away. But, they were very strict with us.<sup>30</sup>

Being respectful of boundaries let children know they were under the watchful eye of an adult or adults. Since everyone knew to which family the child belonged, a communal responsibility was exercised to keep children safe. Everyone took their responsibility seriously to report misbehaviour. I recall my mother telling my younger sister “everyone sees you” – this was not only in the literal sense but also interpretive in the sense of having one’s behaviour judged by the observers. Discipline through storytelling was another gentle method of keeping a young child on track through praise and mentorship.

## VII. STORIES: *LEXEYEM* (TO TELL A STORY)

Law is also embedded in stories. Like common law cases, they communicate appropriate and inappropriate behaviour. Stories recorded punishments or chronicled when mercy or justice was extended or retracted. Our stories accomplished these purposes and so much more. The stories were also told for entertainment, intellectual interest, and life lessons. They were used in place of stern lectures to impress the *St'exelceme* belief system on young children. Stories also told of messages one received from the animals. The consequences of not listening to the message usually meant death of oneself or of a close relative. Stories were used to teach one how to interpret communication from the fish, animals, birds, insects, and the elements to predict what might be in store. If one was taught well, Richard Sellars believes one learned to respect the messages from the animals, and

[i]f you are not well-rounded it dwindles away. A lot of our culture has been lost but I pay attention to it. Like if the coyotes are howling in the middle of the day in February I don't worry about it because they are mating then. But, if it was mid-July I'd tell my kids to watch out – it could be a close friend.<sup>31</sup>

Children were encouraged to see beyond the story itself and extract lessons that would help them develop their intellect as a *qelmúcw* (human being). For instance, Philosopher *Stetex7ém* stated:

I heard them talking about the owl and be careful of what is in the dark. Listen to what the owls are saying in the sense of what could be in the darkness. Fear itself has a reason as a self-protection mechanism. It is quite natural if you don't fear you don't know what could happen consequently.<sup>32</sup>

When a young child did not receive this discipline, he could potentially come to harm himself or others, and psychologically these stories were meant to be a mechanism to protect oneself.

<sup>30</sup> Interview with Jean William, *supra* note 6 at 6.

<sup>31</sup> Interview with Richard Sellars, 18 July 2009 at 27.

<sup>32</sup> Interview with Philosopher *Stetex7ém*, *supra* note 4 at 3.

Stories were told when the child needed the lesson and most often at bedtime. In essence, these lessons are lessons about how one nurtures oneself – you must rest your mind for the next day (*he7éy*) to quiet down. Our law was teleological – goal oriented – it was taught to live. It was to be lived to allow us to develop better character. These lessons permitted a time for reflection just before sleep time, and the stories became impressed in their subconscious. Silence permitted one time to reflect, to rest, and to quiet the mind. The end of the day and arrival of darkness signalled it was time to stop one’s activity, lie down, and rest while listening to the bed time stories. The night time was for sleep, and one was cautioned to put their house in order before bedtime, the food was cleared away, everything was put in its place lest the spirits come and take one into the spirit world while they lay sleeping. *St’exelemc* believe the spirits are strongest in the darkness for they have their own work to do, and if they were to be interrupted in their space they would not be pleased. Silence also permitted one to hear more clearly the messages being communicated. If one were to be talking all the time then one may not hear; on the other hand, if one were a good storyteller, then it was good to listen rather than be bothersome.

#### A. Keeping the *Stsmémelt* Safe

All of the *Stetéx7em* were told stories that taught them how to keep safe. Our laws are directed towards safety. A well-ordered and peaceful society is concerned with the physical well-being of its members, especially its children. For instance, the stories of the “sasquatch” or the “Big Man” were told to encourage the children to stay within the confines of the village. Stories about the bats grabbing them by the hair and taking them away were to encourage the children to come inside before it got dark. For instance, when my younger sisters and I visited our *xpé7e* and *kyé7e* after dinner, he taught us to watch the birds feeding on insects in the sky. When the birds disappeared into the forest, he would say “okay, it’s time to go home to your Momma now.” They also heard stories of the owl coming to take you away if you were not inside before it got dark outside. These stories may not sound like law to some trained in the common law; however, we must remember that *Secwepemc* laws have their own unique form, structure, and purposes. They are the products of our own cultural ideas, values, and practices.

There could be dire consequences if one did not listen to what they were told and spoke when one should have kept quiet. Chris remembers this story told to him by his *xpé7e*:

The turtle wanted to get to a place but it was too far. The geese said to the turtle “we’ll take you there” and they put a stick between them in their mouths. The geese told the turtle “but, there is one thing, you can’t talk” and the turtle agreed, but as soon as they got in the air the turtle started to talk and he fell to earth.<sup>33</sup>

His conclusion from this story was the stories were told and retold to teach life lessons until the lesson became a part of your mind. But, as a young child he remembered thinking, “you expect us to believe that stuff old man?” and now as an adult he appreciates the moral of the story. The stories taught children listening skills as well as a deeper understanding of the values that came from the stories.

<sup>33</sup> Interview with Kristy Alphonse Palmantier, 11 July 2009 at 4.

### VIII. LISTEN, OBEY (*Kelélnem*)

To learn *Secwepemc* law, one has to listen. In an oral tradition, listening skills are the means of gaining and passing on knowledge. Listening not only to what one is being told but also listening for the underlying message obtained from an instruction or story. Listening well, and learning the nuances of what was being told, could help a person develop the power of interpreting what they heard. Listening helped one memorize and imprint in their brains the knowledge they needed for the task at hand. Hearing is distinct from the art of listening since actions flowed from an ability to critically analyze a troubling situation. When one listened, they learned to respect the authority of the speaker for the knowledge that was being transmitted. Not listening and hearing could lead to negative consequences such as the demise of the poor turtle in the above story or ruining a food supply because one did not accomplish all that was needed to prepare dried salmon, for instance.

One not only listened to the voice of their *qellmín* (parents) or *Stetéx7em* but also observed the sounds and activity of the birds, insects, and animals. You had to observe the elements like rain and wind to predict a successful hunt. This could help in understanding the weather or could greatly assist someone in interpreting messages of impending death. When Jean spoke of the vast amount of knowledge transmitted to her, she became overwhelmed and said:

We were taught so many things like how to predict when the salmon were coming you would look on a cherry tree there is a kind of a nut you break open and there would be little pink worms in there and if there were only a few the run would be weak but if there was lots then there would be a good healthy salmon run; the weather – an incredible amount of stuff, the lightning flashes would mean either lots or a small run. With the weather, you look out on the trees and if no frost on trees you know it will be warm. If the smoke from the fire goes straight up it will be cold. The way animals act – a lot to do with that. If the cattle seem to want to cling together it would be cold. When you shoot a moose or deer and cut open you could tell by whatever was there. There are lots of signals. When the bees would hibernate if they go in the ground means it will be cold and if the hives are high there will be deep snow. Then the bees – the hornets have one way of acting and the yellow jackets have another way as signals they used to read. With the different birds, I don't know the difference between birds but whatever song they sang my grandmother would say "oh this is what is going to happen." Robins – when they were really singing – you'd have to give them heck if they were predicting rain and tell them to be quiet.<sup>34</sup>

When one's sense of listening and observing was acutely developed, one learned to communicate telepathically with nature and the supernatural – from one mind to another without the need for words. Listening meant hearing and acting on what one heard or saw, and, in some instances, communication without speaking was so keen that "[w]e talked so much with our thoughts it was as if we were speaking."<sup>35</sup> Listening and singing with reverence, as in the death songs in tribute of the life journeying

<sup>34</sup> Interview with Jean William, *supra* note 6 at 16.

<sup>35</sup> Interview with Kristy Alphonse Palmantier, *supra* note 33 at 11.

to the spirit world, exemplifies the *St'exelcemic* belief of how all life is related and the importance of “hearing and seeing” one another. These communication skills are important for the development and evolution of *Secwepemc* law over the generations and as circumstances change.

## IX. MESSAGES/INTER-SPECIES COMMUNICATION: ST'EXELCEMC LAW IS SACRED

Laws were not only of the land but also developed through the respectful communication between man and other sentient beings, and this is demonstrated in how Jean was taught to read the environment around her. The coyote and the owl, for instance, were considered messengers of ill health or death, and when they spoke to individuals who did not pay heed they did so to their own or their families peril. Jean remembered:

The coyotes and owls – they talk to one another – when old Annie died we were at the meadow. At the time granny and I went to the washroom and there were owls up on the roost talking to each other. My grandmother said “they told me” and then she told my grandfather. The old people didn’t sleep – they kind of rested but because of the anticipation of what was going to happen they had a restless sleep. We had a peephole in the wall and we had to keep an eye because there was someone going to come up to tell us the news. Pretty soon old David Grouse came up and said old Annie had burned to death. We got ready to come back down right away. When my grandfather lost one of his daughters he was out towards Rim Rock getting wood, way past there, and for some reason he stopped and he heard a coyote bark or howl and he got really angry with it and told it to shut up. He said: “I should have come home then but I made wood then came home and when I got home my little girl was dead.” Those messages I believe in. He thought he should have shot the coyote at the time as well and maybe his daughter wouldn’t have died.<sup>36</sup>

When the coyote or the owl spoke to an individual, it was a warning to be careful lest something bad happen or it could be an inevitable message, as Kristy relayed:

The owls were the messengers for death and it is so true. Like when it was time to take my first husband to the hospital there were two owls which came and sat on our deck and looked right at him. We both knew – it was too hard to talk about and we knew it was the signal.<sup>37</sup>

Richard’s remembers his *kyé7e* was a visionary, and when she had her dreams she would say “look out, don’t fool around something is going to happen,” and “she was very strict about the messages,” and she’d say “you guys don’t do anything.”<sup>38</sup> He abides by her teachings, and every time Richard forewarns his children he is affirming and reaffirming the *St'exelcemic* law he learned from his *kyé7e*.

<sup>36</sup> Interview with Jean William, *supra* note 6 at 17.

<sup>37</sup> Interview with Kristy Alphonse Palmantier, *supra* note 33 at 7.

<sup>38</sup> Interview with Richard Sellars, *supra* note 31 at 2.

Learning to listen to the messages relayed – whether through another person or through the natural world – demands a deep-held respect for what is being transmitted. This is another way of learning law that is cumulative and depends on practising the other aspects of law. The *Stetex7em* generally spoke of the stages of life in relation to their accumulated knowledge of living a good life and where it would lead. In particular, Philosopher *Stetex7em* stated:

I got to where I am today because I “listened.” I wouldn’t be here if I didn’t listen. I see the difference between those who are here physically but not here because they may not be listening. Something stuck to me because I listened all those years and think of all those years when I didn’t listen. The stages of life are like a full circle – drew a circle in the air – and concluded it makes more sense to listen to your fellow native rather than the *séme7* [white man].

...

From an early part of their upbringing kids were held close to principle – *kélnem*, *kelélnem* “hear it” “always obey” “don’t talk back to them” “don’t question” – it was very constant what I heard growing up *qnim* – “listen.” It wasn’t a big deal after you grew up when you always have been told to listen. Nowadays it’s taken as a correction. “*TqeltKúkwpí7* – Creator – *qeqnímc tsemus* – listen he hears you now” held close too principle was a very constant for me. From around the 40s when I started to notice this in 42 I was about 4 years old then – things were more sedate then now – people moving slowly – not only in physical movement – take it easy go slow – sometimes I hear it in prayer “take your time about things – to listen”; “words would talk straight – tell the truth. They were quick to tell you when you were coming to a non-truth quick to tell you to talk straight to the younger ones and to the teens. *Ta7sqwilenst*, *Tecwelekwe* – don’t lie, tell the truth – it is the same back there as it is today.<sup>39</sup>

Philosopher *Stetex7ém* went on to speak of “listening” as a principle for guiding one’s conduct through abiding by the authority of the speaker and telling the truth. He remembered his parents and older siblings saying:

*Wenécewem* – talk straight about something, *wenécwmes* – talk the truth about something. The older ones talked that way to one another and it wasn’t only to the younger ones. It seems closer to principle then you would nowadays. They carried their lesson into later days when they would listen.<sup>40</sup>

The principle of listening ties in with deliberation – to deliberate before one speaks and being fully conscious of how one’s actions will resonate today and for the future. This *St'exelcemc* concept relates to making a decision with thoughtful deliberation based on truth telling and respect for the authority upon which the knowledge is transmitted.

<sup>39</sup> Interview with Philosopher *Stetex7ém*, *supra* note 4 at 8–9.

<sup>40</sup> *Ibid* at 10.

## X. RESPECT (*XYEMSTWECW*): RESPECT ONE ANOTHER

Respect has many connotations and is the major element in the development, sustaining, and evolution of *St'exelceme* laws. If laws are not respected by enough people, society can fall apart. In our law, respect begins with respect for oneself and respect for one another (*xyemstwecw*) – in their personal space and property. It grows to embrace respect for parental authority and expands to include the leadership of the *Stexté7em* and the *kúkwpí7*, whose role it is to maintain an orderly society. Finally, respect eventually comes to embrace the ancestors and the knowledge they have transmitted in their stories – their markers on the land – *stsqey'ulécw*. As Chris says,

[t]here were a lot of lines you couldn't cross. Respect was one, respect for your Elders, respect [for] the authority of the leadership. Disrespect was out of bounds and you paid more than once for it as the person you disrespected would have the authority to discipline you then it would be your parents who would be next to discipline you. Anything that caused harm to the community would be disallowed. There was a line you couldn't cross. Today there is a lot of disrespect – and that was one of the higher taboos.<sup>41</sup>

...

The repetitiveness of being taught and it didn't take much to know you went over the line. If you got a look you either had to correct it or not do it. You wouldn't have the same respect if it was beaten into you – you wouldn't have that respect as if you were taught it in a repetitive way – traditional – old way of banishment practice was something people were really afraid of and how they kept themselves in line in the community. You can repair what you have done but you can't do it overnight you have to work your way back into the family circle.<sup>42</sup>

The practice of banishment is currently practised in the old method of “not seeing” an individual in the community where the individual's presence is not acknowledged. Individuals, however, are not left to their own devices to correct their behaviours, especially when they need help to find their equilibrium again with some form of intervention.

### A. The Healing Powers of *St'exelceme* Spirituality in Exercising Our Rights and Responsibilities

Respect for another's powers as a healer, doctor, or spiritual person whether they be male or female was also very important, and Jean remembered that

[e]ach healer had their special skill in each area, and if my grandmother, for instance couldn't help then they would be sent [to another healer]. Specialities with plants, with coughs, and with skin problems – are some examples. Granny talked of other people who used pitch medicine from the trees that were hit by lightning but we never used it.<sup>43</sup>

<sup>41</sup> Interview with Chris Wycotte, *supra* note 19 at 6

<sup>42</sup> *Ibid* at 9.

<sup>43</sup> Interview with Jean William, *supra* note 6 at 16.

*Melamén* was not only used for physical ailments but also those of a psychological and spiritual nature that required the expertise of a *tekwílc* – for instance, to help an individual suffering from mental distress that negatively affected themselves or the rights of others. One respected not only the personal space of others but also the boundaries of their berry-picking spots, the fishing sites where they fished, and the territories they hunted. This shows how our laws had strong resource and land-use implications. It was who was connected to certain areas of land that determined who had the right to utilize the resources and the authority to preserve and manage those resources. This respect for boundaries extended to the powers of the land and elements. Children learned very young to respect the river as a giver of life and sustenance and to fear its power to take one's life if it was treated with disrespect. Chris remembered:

There were areas of grave danger where you couldn't play around and the river and be stupid. For example, like you were kept away or were prevented from going to the river – like if you disrespected the river the river would actually take you. There were stories of the salmon but I can't remember them but I remember being told at the river. You had to show respect or you would have bad luck getting your supply.<sup>44</sup>

This is a prime example of natural law and man-made law – if one disrespected the river, the salmon would not be plentiful and if one disrespected instructions about how to conduct oneself at the river, then someone of authority could withhold the privilege of fishing; thus, *tknémenten* (respect the earth and not waste)!

The same respect was paid to fire as it could provide warmth and cook one's food and as Kristy said:

I wasn't allowed to play with fire and that was a given. We needed the fire to warm the house and to cook. It was something recognized that we were not to play with fire. I was taught how to make kindling. It was survival and not to waste matches. It was a waste if you had to use more than one match when you made a fire.<sup>45</sup>

Fire could take one's life if one did not take the time to keep it within its boundaries. Fire could take away acres of resources one depended upon for their livelihood if one disrespected the force of natural law.

One also had to respect each other's spiritual places such as the sweat houses (*sqílye*). Each family had their spot where their *sqílye* was built, and the women and men bathed separately.<sup>46</sup> One never entered the *sqílye* of a *tekwílc* (Indian doctor). Entering another's space, home, or camp without permission was one of the greatest taboos as it was a sign of disrespect. Young girls who had begun menstruating were not permitted to touch the men's tools or walk over their heads. Jean recalled:

We had our own cups, plates and when I started menstruating I had my own commode. I washed in my own tub where I rinsed my own personal belonging so they wouldn't get

<sup>44</sup> Interview with Chris Wycotte, *supra* note 19 at 4.

<sup>45</sup> Interview with Kristy Alphonse Palmantier, *supra* note 33 at 8.

<sup>46</sup> Interview with Jean William, *supra* note 6 at 9.

mixed up with my grandfather's personal belongings. There were restrictions around men like I couldn't walk right in front of them (it's called *twéxmens*, meaning do not step over their legs). I had to walk way around them. If Uncle George was laying on the floor or ground I had to walk a ways from his head especially when I was menstruating. I couldn't share my things with others like food or water, but if my grandfather said here *sté7ce*, meaning drink in *Secwepemtsín*, then I could drink. We only went if we were invited to others house.<sup>47</sup>

These customs reflect the young girl's status changing as she grew into a young woman. You could say that she started becoming the owner of personal property like her commode and clothing. She must learn the value of the "thing" as hers and her ownership over it. In another sense, her womanhood changes her status as a sexual being and the personal boundaries that had to be respected between woman and man in the village for social harmony. Marital status was respected and demonstrated even by the woman's father who would not enter her home when her husband was not at home.<sup>48</sup> The father recognized the separation between his role as the father and his son-in-law's role as the husband of his daughter by respecting the boundary between the two relationships.

Jean was taught to also respect the status of other citizens and her own power as the giver of life. She also spoke of this power and how it could alter or affect the man's ability to provide for his family and said:

If I was menstruating I couldn't walk where they put the fish in where the branches lay – as a matter of fact no one did. They were cultural things my grandmother taught us even when I was not menstruating I wasn't allowed to touch the men's tools. The men had a big responsibility to look after the family and they needed those things, is the way I look at it.<sup>49</sup>

Responsibility to honour the laws of conduct around people and on the land was a shared one, for without knowing these laws there would be chaos. Everyone shared in the village to abide by these laws for the benefit of all.

## **XI. SHARING (XQWENQWNÉLLTS'E): KIND HEARTED, GENEROUS**

Law not only separates through boundaries; by parceling out personal ownership and responsibility, law also has a collective aspect. Law is also directed towards sharing, where people lives can overlap and harmonize with one another without violating boundaries. Sharing kept the community, family, and individuals sustained with food and spirituality. The consequences of not sharing meant that one might not have luck in the hunt or with their life. One shared their food, their knowledge, their stories, their home, their work, and their moments together in sadness and happiness. One gained much respect

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<sup>47</sup> *Ibid* at 7.

<sup>48</sup> *Ibid* at 7.

<sup>49</sup> *Ibid* at 8.

through their generosity, whether it was giving sustenance or sharing the workload to obtain sustenance. These principles Chris remembered as being the

roles and responsibilities [we] were taught via repetition and we learned that way and it became automatic in later years as you grew. Respect and harmony was a big part of culture because without it you didn't survive. If you didn't live up to your roles and responsibility there would be severe consequences for that – not only for yourself but for your whole community. It was people looking after people. Sharing was a big part of the culture. Labour, the distribution of labour was shared, the hunting and fishing.<sup>50</sup>

Respect for oneself, one's family, the land, and all sentient beings is incorporated into recognition that "we" share this world (*xwexwyúlecw*) with others, and respect for powers of "authority" be they human, natural, or spiritual elements is at the root of what is law.

## **XII. MEDICINE (*MELÁMEN*), TO DOCTOR SOMEONE (*PWENTÉS*), SPIRITUALITY (*TYEGWYEGWTÉN*), AND SPIRITUAL POWERS: DEVELOPING THE HIGHEST AND BEST RULES IN *ST'EXELCEMC* SOCIETY**

The discipline taught around medicine (*melámen*) and spirituality (*tyegwyegwtén*) was equally important for the safety and well-being of children. There was a kind of legal accreditation that could come into play with certain medicinal and spiritual practices. Both men and women could become healers, and they could specialize in certain areas. If the healer could not heal the ailment, then the person was referred to the *tekwílc* (Indian doctor). Jean recalled:

There was a lot of responsibility around medicine men, around health and you had to take care otherwise you would have to be brought to a medicine man. Once when I was sick out at fish camp, I don't know what happened, but [the *tekwílc*] came and I was laid out in the tent and he started working on my stomach. Maybe it was due to eating too much salmon. He closed the tent door and worked on me. He blew on me and that was one of the treatments I got and used to scare the hell out of me after that because I didn't want to be sick. Everyone knew when one medicine man would come around and everybody that needed to go to the medicine person – he would be at [our neighbor's house] for a few days.

When people got sick there were healers you could count on and medicine men only came for specific situations. Maybe it was to break a lengthy sickness that the healers couldn't make better or it was recommended by the healer that you see a medicine men.<sup>51</sup>

*Melámen* (medicine) could be concocted out of plants, roots, berries, or pitch, for instance, but the main medicine was a diet rich in natural foods and clean water to keep one healthy and free of sickness.

<sup>50</sup> Interview with Chris Wycotte, *supra* note 19 at 8.

<sup>51</sup> Interview with Jean William, *supra* note 6 at 16.

Another form of medicine is known as “bad medicine.” This could take the form of a spell cast on one to bring harm or bad luck (*qéwem*). This would be akin to one trying to circumvent the law to one’s own benefit at the expense of another’s rights. For example, this “bad medicine” could be practised in the area of human relations where a man might have been fixated on a woman and wanted that woman for his wife. He would obtain the help of an Indian doctor who practised “bad medicine” to bring the woman to him. Once she was in a relationship with him, she could not leave as long as the medicine was powerful. Only when the *qéwem* (“bad medicine”) was removed could she free herself.<sup>52</sup> In this instance, it was through the power of “bad medicine” that she entered the marriage as opposed to a “good” arrangement or by consent. The practice of “bad medicine,” like the practice of bad law, engenders distrust where the transgression may mean disbarment from the practice of law in the case of a practising lawyer. All societies have good laws and bad laws, and the goal of a wise practitioner is to ensure that society is ordered in accordance with its highest and best rules. For instance, to promote good laws, children were expected to conduct themselves in a respectful manner around the *Stetéx7em* and medicine people, and there was a protective mechanism built into this respect. As Ellen Gilbert explained,

[w]hen we walk in front of our Elders we were always told never to stop over an Elders’ feet – that was a bad thing. It was disrespectful and bad manners, but it was especially bad for women who were menstruating because they could get hurt. This was because people could practice bad medicine – they could get hit with bad medicine if they walked over the Elders feet or close in front of them.<sup>53</sup>

...

Whenever we went where there was older men around I had to go sit behind my dad. My dad was a medicine person and wherever he’d do work he would make me sit behind him with my back against his back. He helped a lot of women during the birthing process and if they were having a hard time he would help my mom. Nine times out of ten they weren’t taken to the hospital in those days. If they were haemorrhaging he’d go over and work on them and they would stop. There were others on the reserve who practised medicine and they were pretty powerful.

I don’t remember them going to the mountain but they were expected to behave in a certain way. I really believe it was a gift because not just anybody could do that.<sup>54</sup>

While some may doubt the veracity of communication between man and animals or man and birds, Ellen said that the *Secwepemc* belief system was so strong that there was a spiritual or supernatural quality about their beliefs:

<sup>52</sup> This is a story known in the village of *T’exelc* about old Elena who married a man with these powers. To maintain control over her, he kept the medicine in his vest pocket. She discovered the medicine and burned it breaking his hold over her, and he was very angry.

<sup>53</sup> Interview with Ellen Gilbert, *supra* note 7 at 4.

<sup>54</sup> *Ibid* at 7.

If my Dad was out hunting and an owl came and told him a story about someone dying or getting hurt he would get the skull of a grouse and spin it around, and say some kind of chant in *Secwepemc*. He'd ask the grouse what direction the sad story was and the nose would point towards Sugar Cane, or Dog Creek (or wherever) and right away they'd send the runners, and somebody from that community would run and they'd meet half way. They always knew the meeting place and meet each other half way.<sup>55</sup>

Ellen did not understand how the runners from the other villages knew to meet the messengers – they just did. The importance of paying attention to one's environment (*xwexwyúlecw*) and the messages one receives is significant as a form of sacred law.

Ellen was also taught the importance of ceremony (*xqwentsínten*) and to respect all forms of life, and she remembered:

When I was little I cut off my dog Baldy's hair, and I guess you're not supposed to do that to that kind of dog (he was like a sheepdog), and Baldy died. So my uncle went into the forest at a beautiful spot and he dug a grave for Baldy. He told me to go get flowers and berries and told me to put it in the grave and he buried him like that. He made a big ceremony out of it for me. He was a beautiful man. He told me to go and get some more berries and flowers and put it on top of Baldy's grave. He let me cry for a bit and then he took me back to the camp. I was so blessed with wonderful parents and a wonderful uncle.<sup>56</sup>

Her uncle's actions taught her respect for the contribution this dog made to keep her safe and protected on the land, to transport her in the deep snow, to keep her company, and to comfort her. Ellen insisted that the importance of ceremony is missing in our contemporary lives and is one of the reasons our family units have become weakened.

Other aspects of medicine the *St'exelcenc* practised were meant to prepare the child to be of good character and to prepare them to be good providers for their families along with the hunting and gathering skills taught out on the land and on the water. Ellen also recalled her daughter wanting to change the destiny of her other children after her son had been *pwentés* (medicine) by her uncle with a piece of beaver pelt tied to his wrist to make him busy all the time. The daughter sought Ellen's advice, she explained that she "told her to take her belly button and put it under a spruce tree and she'll be a leader. Some mothers put the belly button on an ant pile and their babies will always be busy."<sup>57</sup> Jean also remembers her neighbour wanting to *pwentés* her son in order

[t]o make him a good picker, hard worker, for a specialty kind of job but my grandmother said no because he would have to live up to it and he would have a hard life.

You can medicine them with berry juice to make them a hard worker or put their belly button in an ant pile so they would be busy all the time. Or you could give them certain

<sup>55</sup> *Ibid* at 7.

<sup>56</sup> *Ibid* at 3.

<sup>57</sup> *Ibid* at 5.

foods – those are a few examples. If you wanted you could put the chokecherry juice and paint their faces with the juice. It is the same with going into another territory they would paint their face for protection.<sup>58</sup>

The refusal by Jean's *kye7e* for her great-grandson's treatment may have been recognition of the changing times or it could have been because her husband was recognized for his gift as counsel to the hereditary chief and the personal dilemmas this created for him. As we know, "gifts" are in some ways a burden when one is being called upon to do their work. Her *kyé7e* was many times in the position of having to remind her husband of his commitment when he did not feel like fulfilling his responsibility. Her *kyé7e* would say: "*Tseq'yet te me7 sxílem*" ("It is as you have said now you will do as you promised"). "*Ta7 me7 te7 stsot*" ("You cannot back down from your word").

The *Stetéx7em* training in the *stsqey'ulécw* (laws written on the land) have crystallized in their respective roles as historians (*skwemíple7*), healers, artisans, philosophers, and storytellers, and they are reflected in their characters today as:

- *tsexemwílcem re swe7es* (he or she is knowledgeable of our ways);
- *tselcemú(y)istes wenecwem sélksts* (one who really knows his or her work);
- *wenécwem ne txextén(s)* (one with exceptional skills or gifted with understanding unusual concepts in an almost supernatural way);
- *ne skúwetems te swe7es* (one who knows his ways);
- *weckwnémstens* (he or she has cultural practices);
- *ckul'tens ne Secwepemc* (born a *Secwepemc*);
- *ckul'ten* (hereditary blood);
- *stwetíl'e* (adopted out of the community);
- *xepqenwens re swe7es* (he or she obtained or learned knowledge);
- *re newi7 tsexem u7wistc te Secwepemc k* (you remember you are *Secwepemc*);
- *sxexe7s ne swe7es* (he or she is intelligent (note that this term is too praiseworthy and would not normally be used by a *Secwepemc* to describe oneself or others); and
- *ret' te sllek'wminém* (to think deep, a deep thinker).

These characteristics exemplify the principles and concepts of structure, observation, discipline, stories, listening, respect, sharing, helping, and spirituality that are so vital to the construction and reconstruction of *St'exelcemic* law. I am relying on these legal precedents as *stsqey'ulécw re St'exelcemic* (laws written on the land of the *St'exelcemic*). They are recounted to form a new memory in the minds of the *stsmémelt* (the children).<sup>59</sup> The characteristics are also a reflection of each individual's level of understanding of *St'exelcemic* law, not unlike attaining a Bachelor of Law and a Master's of Law degree. The *Stetéx7em* stories are a living testament to the power of how the *St'exelcemic* utilized our laws to continually maintain our legal order in the face of colonialism. We have relied upon these laws for

<sup>58</sup> Interview with Jean William, *supra* note 6 at 15.

<sup>59</sup> Personal communication with Satsan (Herb George) during *Delgamuukw v British Columbia*, [1997] 3 SCR 1010, outlining a principle as told to him by an Elder from his community.

generations to survive the imposition of non-*Secwepemc* law-making in the social, political, legal, and economic realms of our lives. My son has told me:

*Kyé7e* taught me a lot about medicines and how to treat people, how to listen to them when they talk to you. ... She said “you laugh when they laugh, and you cry when they cry.” ... My *Kyé7e* also told me to always share the best of what I had in my house with people who visited. And she said, “when you don’t have food or drink, then you tell them a story because there might come a time when they don’t have anything. But, they will always have your story to remember, to help through the rough times, to make them feel better.”<sup>60</sup>

At first glance, this story may seem like any *kyé7e* teaching her grandson about the importance of being a good person. But the underlying message is about true empathy for another person, to see that other person as someone with feelings, dreams, and someone who has a place in life – a *qelmúcw* (human being). *St'exelemc* law is like that – about how Canada fits into our *Secwepemculécw*, our land. Law is how we make rules based on how we would like to be treated, how we can think, how we can theorize how certain things must be in order to “put things right.” My mother’s words are *stsqey’ulécw re St'exelemc* – and I am passing them on to you.

<i>Secwepemctśn</i> (Glossary)	
Legal Concepts	
Structure ( <i>ts’ilem</i> ) – same, similar, like this/that; the way things are	Respect ( <i>xyemstwecw</i> ) – respect one another <i>Tknémenten</i> – respect the earth and not waste
Observation ( <i>cwecwelpúsem</i> ) – to look in all directions (as in observe)	Sharing ( <i>xqwenqwnéllts’e</i> ) – kind hearted, generous person
Discipline ( <i>lleq’-méntes</i> ) – to correct the behaviour of children or others <i>w7ec-es’k le7 stsut-ucw</i> – behave yourself	Helper ( <i>knúcwmen</i> ) – someone who helps <i>knúcwem</i> – to help
Stories ( <i>lexeyem</i> ) – to tell a story; give an account; someone has brought news; to inform <i>Lexlexeyem</i> – to tell about to get information <i>Lexlexeyem</i> – she tells about; she/he gets information <i>Ctsetsúns</i> – tell another to do what is forbidden <i>Stseptékwlem</i> – telling stories	Spirituality ( <i>tyegwyegwtén</i> ) – spiritual powers <i>Xqwentsúnten</i> – ceremony

<sup>60</sup> This story was told to me by my son who consented to its use. He spent a lot time with her while I was away working, and in her later years, he helped look after her as her health declined. I have told this story many times in my work in child safety and in the post-secondary classes I have taught. My daughter, Dancing Water Sandy, who is pursuing a Master’s degree in education also utilizes this story in her studies and in her class discussions.

Listening ( <i>qnim</i> ) – to hear <i>qeqnim</i> – hear what is being said; <i>qeqnim-enk</i> – understand what I am saying <i>qeqnímentsemcen</i> – hear and understand I am saying? <i>elénemens</i> – listen, obey	Silence ( <i>he7éy</i> ) – quiet down, subside  Calm ( <i>qemqém</i> )
Boundary ( <i>ta7ulécw</i> ) – specific place you should not go to	Environment ( <i>xwexwyúlecw</i> ) – everything on the land
<i>Tseqyet te me7 scilem</i> – it is as you have said now you will do as you promised	<i>ta7 me te stsot</i> – you cannot back down from your word
<i>re newi7 xeqpenwéllen</i> – you got it	<i>tsut te sullnentkwe</i> – so said the swallow (in the context of not doing an action that is good for you in the long means consequences)
<i>tsexemwilcem re swe7es</i> – he or she is really knowledgeable about our ways	<i>txelcemú(y)istes wenecwem s7élkst</i> – he who really knows his or her work
<i>wenécwem ne txexténs(s)</i> – one with exceptional skills; or gifted with understanding unusual concepts in an almost supernatural way	<i>ne skúwetems te swe7es</i> – one who knows his ways
<i>xepqenwens re swe7es</i> – he or she obtained or learned knowledge	<i>seckwnémstens</i> – he or she has cultural practices
<i>ckul'tens ne Secwepemc</i> – born a <i>Secwepemc</i>	<i>re newi7 tsexemu7wistc te Secwepemc k</i> – you remember you are born a <i>Secwepemc</i>
<i>xxexe7s ne swe7es</i> – he or she is intelligent (too praiseworthy and would not normally be used by <i>Secwepemc</i> to describe oneself or others)	<i>txwéxmens</i> – do not step over their legs (in the context of being respectful of another's space and your own behaviour)
<i>Stsqey'ulécw</i> – laws from the land	
Law, Legal Advisors, and Law-Makers	
<i>iple7</i> – good law	<i>ctk'wenme7iple7ten</i> – all the law, all the power one might have
<i>tk'wen7iple7</i> – implementers of the law	<i>skwénle</i> – custom adoption
<i>Stwetíl'e</i> – adopted out of the community	<i>tqeltk kúkwipi7</i> – the Creator, or highest authority or chief
<i>stkwenme7iple</i> – to act on the law	<i>stwemíple7</i> – advisors

<i>tsqwétsten</i> – family elders <i>Stetex7ém</i> - elders	<i>Ret' te sllek'wminém</i> – to think deep, a deep thinker
Names and Place Names	
<i>T'exelc</i> – Place where the salmon charge up the river	<i>7i7imts/im7imts</i> – grandchildren/all grandchildren
<i>St'exelcemic</i> – People of the place where the salmon charge up the river	<i>stsmémelt</i> – children
<i>Secwepemc</i> – People of the Shuswap Nation	<i>kí7ce</i> – mother
<i>Secwepemculécw</i> – land of the <i>Secwepemc</i>	<i>qét7tse</i> – father
<i>Secwepemctsin</i> – language of the <i>Secwepemc</i>	<i>xwexwyúlecwem</i> – everything on the land
<i>qelmúcw</i> – people of the land	<i>pell'éxelcten</i> – the salmon coming up moon
<i>qelstin</i> – the pretty language	<i>pellctsíkten</i> – the cache food moon
<i>stet'ex7ém</i> – elders	<i>pesllwélsten</i> – the fall moon
<i>tsk'ewelc</i> – ancestors <i>q'7es te qelmucw</i> – ancestors	<i>pellctéqem</i> – first real cold and cross-over moon
<i>kyé7e</i> – grandmother	<i>kúkwpi7</i> – chief
<i>xpé7e</i> – grandfather	<i>kw'séltken</i> – all our relatives
<i>imts</i> – grandchild	<i>Yucwt</i> – place of the mist (?)
<i>pellkik-ey</i> – place of the deserted people as in vanished – to be all gone – currently known as Glendale	<i>seqwu'tcen</i> – gathering place to race horses – currently known as the Mission
<i>pell'tseqwstsisen</i> – place of the red mouth sucker	<i>tekwílc</i> – Indian doctor
<i>semé7</i> – white man	<i>Sqilye</i> – sweat house