The Final Oral Examination
for the Degree of

DOCTOR OF PHILOSOPHY
(Faculty of Law)

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2006 University of Arizona LL.M.
2004 University of Victoria J.D.

“Snuw’uyulh: Fostering an Understanding of the Hul’qumi’num Legal Tradition”

Thursday, January 22, 2015
9:00 AM PST
David Turpin Building
Room A136

Supervisory Committee:
Dr. John Borrows, Faculty of Law, UVic (Co-Supervisor)
Dr. James Tully, Faculty of Political Science, UVic (Co-Supervisor)
Professor Hamar Foster, Faculty of Law, UVic (Member)

External Examiner:
Prof. Paige Raibmon
Department of History,
University of British Columbia

Chair of Oral Examination:
Dr. Nancy Turner
School of Environmental Studies, UVic
Abstract

One cannot begin to understand the nature of Hul’qmi’num legal tradition without first acknowledging and understanding the relationship between culture and law. The Coast Salish people have a vibrant culture, influenced heavily by the nature of their relationships with their ancestors, their kin and their lands. These relationships permeate their legal tradition. Influencing not only regulatory aspects of law, but also dispute resolution processes. Trying to understand and appreciate this tradition outside of this worldview would be detrimental to the tradition itself, as I believe it would result in a transformation of the laws and practices.

In thinking about the relationship between law and culture, this research has identified two fundamental categories of law within the Hul’qumi’num legal tradition: 1) *snuw’uyulh* and 2) family laws. *Snuw’uyulh* refers to a condition generated by the application of seven teachings: 1) *Sts’ihnuts’amat* (“Kinship/Family”); 2) *Si’emstuhw* (“Respect”); 3) *Nu stl’lch* (“Love”); 4) *Hw’uywulh* (“Sharing/Support”); 5) *Sh-tiiwun* (“Responsibility”); 6) *Thu’it* (“Trust”); and 7) *Mel’qt* (“Forgiveness”). Accordingly, universal teachings seek to foster harmony, peacefulness, solidarity and kinship between all living beings and nature in the world. In a sense, *snuw’uyulh* is a state or condition and Hul’qumi’num legal tradition encompasses all the animating norms, customs and traditions that produce or maintain that state. As a result, Hul’qumi’num law functions as the device that produces or maintains the state of *snuw’uyulh*. There is another fundamental category of law present within the Hul’qumi’num world – family laws. Family laws encompass the norms, customs and traditions, or customary laws, which produce or maintain the state of *snuw’uyulh*.

Law is a practice – an activity. Arguably, much of the practice of law takes places in the form of regulation and conflict and dispute resolution. Similar to how law cannot be separate from its surrounding culture, nor can the processes developed to resolve conflicts in the law. Since time immemorial the Hul’qumi’num Mustimuhw have utilized processes and practices to resolve conflicts and disputes both within their communities and with other communities in the Coast Salish world. Although the processes and practices have varied over time, it is possible to identify several inherent standards of conflict resolution which the Hul’qumi’num people continue to utilize in resolving their disputes.
Awards, Scholarships, Fellowships

2010  University of Illinois Chancellor’s Post-Doctoral Fellow
2009-10  New Relationship Trust Doctoral Scholarship
2007  Social Sciences Humanities Research Council – Canadian Graduate
2006  University of Victoria Doctoral Fellowship
Aboriginal Policy Research Conference Graduate Award
University of Arizona Department of Justice Congressional Fellow
2004  Oyen, Wiggs, Green & Mutala Prize in Intellectual Property
2001  Cowichan Valley Bar Association Bursary
BC Law Association Bursary
BC Law Foundation Entrance Scholarship
2000  Hope Adrian Award in Cree Culture
Johnny Samson Prize in Native Studies
Golden Key Society Recipient
1999  National Aboriginal Achievement Foundation Award
1999-2009  Cowichan Tribes Academic Initiative Award

Presentations


Publications
1) Chapters in Books

2) Papers in Refereed Journals

3) Papers in Non-refereed Conference Proceedings

4) Book Reviews