Notice of the Final Oral Examination
for the Degree of Doctor of Philosophy

of

VERNON KYLE WILSON

MA (Trinity Western University, 2015)
BA (Thompson Rivers University, 2013)

“Reincarnating Law in the Cosmos”

Faculty of Law

Wednesday, July 15, 2020
10:00 A.M.
Conducted Remotely

Supervisory Committee:
Dr. Val Napoleon, Faculty of Law, University of Victoria (Supervisor)
Dr. James Tully, Faculty of Law, UVic (Member)
Dr. Monica Prendergast, Department of Curriculum and Instruction, UVic (Outside Member)
Prof. Kevin Kerr, Department of Writing, UVic (Outside Member)

External Examiner:
Dr. Pierrot Ross-Tremblay, Institute of Indigenous Research and Studies, University of Ottawa

Chair of Oral Examination:
Dr. Kimberly Speers, Department of Public Administration, UVic

Dr. Stephen Evans, Acting Dean, Faculty of Graduate Studies
Abstract

*Reincarnating Law in the Cosmos* is a local contribution to a global jurisprudence, offering as it does the first substantive engagement with Val Napoleon’s theses advanced in *Ayook: Gitksan Legal Order, Law, and Legal Theory* (2009). The study evaluates Napoleon’s reification thesis on Gitxsan law and society in relation to a case study of a pipeline agreement signed between a segment of Gitxsan hereditary leaders and the province of British Columbia in 2016. Translating Charles Taylor’s concept of excarnation, it then expands upon Napoleon’s thesis by postulating the steady disembodying and disenchanting reduction of Gitxsan lawful life.

To address this dilemma, the study supplements the active and reasoned sense of Gitxsan citizenship posited in *Ayook* by recasting it in phenomenological terms as a distinctly embodied form of legal agency. Elucidating this enfleshed agency, the study applies critical race feminist Preeti Dhaliwal’s legal research and playwriting method known as jurisprudential theatre. Dhaliwal’s method shapes the study in two significant ways. First, her impetus for developing the method draws from her own witnessing and overcoming of excarnation in the Canadian law school and immigration system, demonstrating it to be a larger problem traversing multi-juridical borders. Secondly, jurisprudential theatre, in turn, invites readers to bear witness to an original play that reveals the real-world struggle of reincarnating the Gitxsan legal order across generations.

To encourage the broader reincarnation of law, and building on Jeremy Webber’s critique of the functionalist construal of law espoused by Lon Fuller and Gerald Postema, the study invites readers to find their voice in a shared grammar of incarnational law, a grammar deepened by embodied modes of relationality, reimagined cosmologies, and creative fluency in multiple languages and traditions.