



University  
of Victoria

# GRADUATE COLLOQUIUM

## DEPARTMENT OF ANTHROPOLOGY

### Archaeology, Oral Tradition, and the Law

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**Monday, February 6<sup>th</sup>, 2017**

**11:30 am – 12:50 pm**

**Cornett Building, Room A225**

The archaeological exploration of Indigenous oral records was advanced in Canada by the 1997 Delgamuukw decision and subsequently constrained the 2011 Lax Kw'alaams ruling. I am the most-cited author in the Crown's expert witness report that was heavily relied upon by the Court in Lax Kw'alaams. Of the 70 references to my work 87% are incorrect including the report's central thesis. Thus, I am in the unusual position of being defined in Canadian law by the opposite of what I have argued in scholarship. My response has been to develop a research project that tests the historical accuracy of Indigenous oral records from a pre-contact era in a manner that will withstand the legal context of an Aboriginal rights case, including title rights. In this presentation, I summarize the legal context, the narratives of the Tsimshian oral records that we explored, and the logic by which we framed a research evaluation. I present the results of our 4 year project and conclude that the Tsimshian oral record withstands our test: we cannot disprove the historical validity of the Tsimshian adawx. We have set a high bar that unlikely to be contradicted by increasing the archaeological sample size, re-assessment of the evidence, or alternate causal explanations. Thus, I argue that archaeologists and legal scholars should embark upon fulsome and good faith explorations of history via Indigenous oral records with the caveat that these are complex texts which exist within distinct epistemological and philosophical frameworks, which non-Indigenous scholars ignore at their peril.

**EVERYONE WELCOME.**

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