

Sustainability and the Rights of Nature in Practise

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Chapter 6

'When God Put Daylight on Earth We Had One Voice' Kwakwaka'wakw Perspectives on Sustainability and the Rights of Nature

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Introduction

This book, and the intellectual and legal movement summarised within its pages, charts a bold alternative course for humanity. That there are certain 'rights of Nature' intrinsic to landscapes and life-forms around the world is a revolutionary assertion, yet an assertion with abundant and venerable precedents. By the logic of this movement, nonhuman beings have intrinsic existential rights and, by extension, should possess certain rights protecting their survival and interests within the evolving legal practises of modern nations. Concepts akin to human rights are thus extended to populations of wild nonhuman species, and to landforms such as mountains or rivers, on which many other lives depend. These entities might then possess rights to representation in legal arenas akin to personhood – so that certain keystone landforms or living beings cannot be destroyed for the profit of human individuals without overwhelmingly compelling reasons, nor damaged without efforts to directly compensate nonhuman 'claimants' for damages.

The Rights of Nature movement has proven compelling as a critique. One can now see the tentative but transformative effects of this foment internationally as legal challenges, applying concepts of personhood to nonhuman entities, upend a variety of destructive

land and resource regimes. Litigation asserting the intrinsic rights of mountains and rivers, forests, birds and orcas has extended meaningful protections to these landforms and life-forms. At the time of this writing, additional litigation is pending.¹

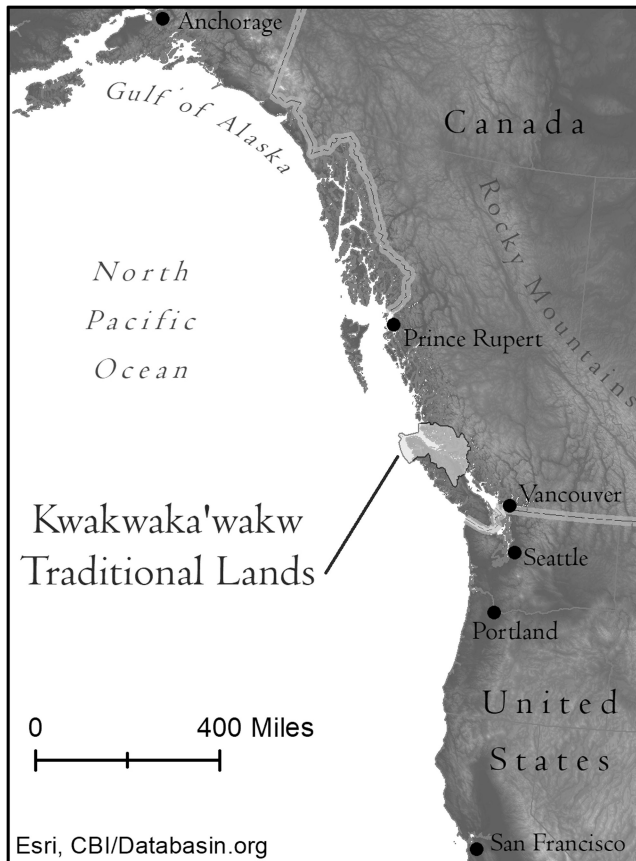
As these instances demonstrate, extending legal rights to these entities beyond their role as commodities and disposable human ‘properties’ has broad conservation outcomes that are frequently prosocial and sustaining of human life. The present volume posits that by formally extending such rights to certain categories of landforms and life-forms around the world, nations will support the linked goals of environmental sustainability and biosocial resiliency – ultimately supporting some of humanity’s most urgent shared interests and needs. In time, by acknowledging the intrinsic values of key landscapes and landforms, this realignment of legal tradition might benefit humanity, such as by protecting ‘ecosystem services’ that benefit all of humanity and extend well beyond whatever benefits are accrued by one individual with the unfettered right to exploit for private gain.

This literature, and the foment underlying it, draws significant inspiration from a few key precedents. Among these, Western legal history provides examples of revolutionary changes effectively extending rights of personhood to categories of individuals formerly treated as ‘property’ and denied such rights. To name a few cornerstone examples, changes in the legal status of women, slaves and indigenous peoples over the last two centuries provide compelling reminders of how concepts of ‘personhood’ have evolved and expanded in ways leading to overwhelmingly positive social outcomes.²

Beyond this, the Rights of Nature movement draws foundational inspiration, sometimes explicitly and sometimes implicitly, from the perspectives of indigenous peoples. At certain times, perhaps all human societies have extended concepts of personhood to nonhuman beings and viewed nonhuman beings as being on parallel, even coequal, life trajectories. This is ostensibly an ancient part of human experience and worldview, much eclipsed in the industrialised world. Yet, modern indigenous societies still uphold such values. On this basis, some modern writers suggest indigenous peoples have a clear and edifying perspective of the Rights of Nature by virtue of their animistic and holistic worldviews, and especially by virtue of direct connections to the land and life-forms with which they coexist. Generally such writings are quite empathetic with Native peoples and their worldviews, and sometimes draw genuine insights from Native precedents. Yet too often, these depictions of aboriginal concepts of the ‘rights of nature’ remain shallow and unexamined – a kind of obligatory preface to broader philosophical arguments, a simplified caricature of primordial virtue to be used as both inspiration and as a counterpoint to the crude materialism of the industrialised capitalist world. Corrective steps, including a more nuanced and careful examination of genuine aboriginal perspectives, seems in order. The present chapter is but one step in that direction.

Accordingly, in this chapter we ask: How are the ‘Rights of Nature’ truly manifested in an indigenous context? We contend that one especially illuminating example can be found in the teachings of the Kwakwaka’wakw (Kwakiutl) people of coastal British Columbia. The Kwakwaka’wakw are among the most studied indigenous people in the Americas, and are thus a key reference point, providing a rich tradition that is widely known and accessible through the accounts of past anthropologists and a handful of living experts. Though so much remains unclear, or was misconstrued in early accounts, Kwakwaka’wakw culture provides a universally known example, worthy of attention as Native communities, researchers and policy-makers seek to advance an aboriginal perspective on the Rights of Nature movement.³

The authors of this article all speak from a deep grounding in Kwakwaka’wakw tradition. No person in our time was, however, as knowledgeable on these traditions as co-author *Kwaxistalla wa-thla* – the Clan Chief, Adam Dick, who held the chiefly name *Kwaxistalla*.



Map of Kwakwaka'wakw Territory. (Map produced by Eric Owen.)

He long served as chief of the *Qawadiliqalla* [wolf] clan of the *Dzawada'enuxw* [Tsawataineuk] Kwakwaka'wakw – hailing from Kingcome Village, on the mainland coast of British Columbia, Canada. Chief Adam passed away as the present manuscript was being prepared, but was able to provide his co-authors with sufficient guidance to make his message clear in the pages that follow. We assert that many important clarifications can be found in the teachings carried by Chief Adam into our time.

Our co-author and teacher, Kwaxistalla⁴ Clan Chief Adam Dick, was the last chief of the Kwakwaka'wakw world to be fully trained in the traditional way. As the peoples of the British Columbia coast were increasingly persecuted and even arrested for their practises and religious beliefs in the early twentieth century, their children taken by force to residential schools for colonial re-education, many Kwakwaka'wakw actively resisted colonial control. Ceremonies had to be held 'underground', often with lookouts posted to scan the horizon for approaching police boats; regalia and even children were sometimes hidden to avoid confiscation.⁵ Within this context, a prophesy arose – that a child would be born who would serve as a special bearer of cultural and spiritual knowledge through the very difficult times ahead, to carry these things forward for the benefit of future generations. Young Adam was chosen, and by age 4 he began his focused training to serve this keystone role within the sweep of Kwakwaka'wakw history. Intentionally isolated from the non-Native world for most of his youth, clan chiefs (*oqwa'mey*) and other specialised knowledge-holders

systematically educated young Adam in every domain of traditional chiefly knowledge, from the most sacred to the most mundane. Overseeing his education was an association of four clan chiefs born in the nineteenth century. Secluding and training this young boy, they entrusted their central cultural teachings to Adam, urgently hoping that he might carry forth this information through his life and beyond – like a time capsule in human form. The faithful retelling of these cultural lessons was key to Chief Adam’s mission; he often asserted that he was not the originator of the ideas transmitted to him, but the person appointed with a sacred duty to convey ancient teachings to the modern world. As he often remarked, he was the designated living conduit of this knowledge, though credit for this knowledge was to be attributed to the ancestors: ‘when you honor me, you honor my teachers’.⁶

The wealth of knowledge conveyed by Chief Adam – especially knowledge pertaining to traditional environmental practise and values – provided Native and non-Native researchers with a wealth of detail omitted from past writings on Northwest Coast Native cultures. In recent decades, his teachings on topics from fishing ethics to the cultivation of native plants have prompted a revolutionary reinterpretation of traditional human-environment relations along the entire coast.⁷ It is from that authority, rooted in the teachings of the deep past, that we offer comment and clarification on how ‘Rights of Nature’ have been engaged in this indigenous context since time immemorial. It is from that authority, rooted in the teachings of the ancestors, that we explore what lessons Kwakwaka’wakw teachings might hold for modern legal concepts and frameworks across the modern industrialised world.

Speaking with One Voice

An Introduction to Kwakwaka’wakw Relationships with the Natural World

Around the globe, an understanding is mounting regarding how indigenous cultural values shape Native societies’ understanding, engagement and modification of natural landscapes and life-forms within their homelands.⁸ This nexus between core cultural values and traditional resource practises certainly defines much of Kwakwaka’wakw social, ceremonial and economic life, as is true for indigenous societies around the world. But although generations of anthropologists have produced a vast literature on Kwakwaka’wakw or ‘Kwakiutl’ cultural life, lucid writings on the topic of human–environmental relationships remain scant. This reflects idiosyncrasies within anthropological praxis over the last century and a half. Researchers of Northwest Coast societies commonly focused on the most striking ceremonial traditions and visibly exotic aspects of the culture, bringing their own theoretical proclivities and agendas to bear.

When natural resource topics were addressed in this corpus, they were commonly dissociated from the larger system of cultural values and practises of which they are a part.⁹ Even discussions of traditional religious concepts, woven intricately into our natural resource practises and values, were commonly presented with attention to the most exotic aspects of traditional ceremonialism, but in curious isolation from relationships with the natural world.¹⁰ The teachings carried by Chief Adam have provided an important correction to this oversight. Indeed, Kwakwaka’wakw relationships with the natural world are central within the growing body of literature rooted in his teachings, which point toward a number of fundamental concepts – ‘underlying principles’ providing critical context for the discussion to follow.

According to the Kwakwaka'wakw worldview, animals, plants and landforms – indeed, all living things – certainly possess distinctive identities, as well as spiritual lives and power, and this significantly influences how our people treat these beings. All beings are said to possess a fundamental similarity to humankind, in marked contrast to traditionally dualistic Western views of nature that set humankind apart. All beings are said to 'breathe the same air', to share the same basic fears and motivations, to have the same genetic processes and imperatives, to depend on their communities and to experience the same basic arc of life and death. Living beings have a spirit and sentience, and many things the Western world sees as inert are 'living' in the Kwakwaka'wakw view. Like humans, living beings are permeated and animated in part by *nawalux*, the spiritual energy latent within the universe and flowing from the Creator and through all of creation – a power traditionally engaged and cultivated by highly trained specialists including certain healers and clan chiefs. In all these ways, we are one. To underscore this point, in the oldest Kwakwaka'wakw oral traditions, all beings and even certain landscapes are said to have been capable of open intercommunication, of fundamentally 'speaking the same language' in ancient times. As Chief Adam reminds us, 'When God put daylight on this Earth, we all had one voice'.

In this respect, our values may stand apart from certain Western philosophical and religious traditions, which have asserted varying degrees of human separateness from the natural world – especially from the time of the Enlightenment and Western industrialisation. In the Kwakwaka'wakw world, our traditional values resonate with other, eclipsed domains of the Western tradition that situate humanity closer to the natural world, as well as relatively recent developments in Western science, cosmology and values that place humanity back in its biophysical context, back in its sprawling web of deep kinship, back into the flows of nature. Indeed, we are pleased that Western science is beginning to catch up with Kwakwaka'wakw teachings on this point and hope the Western mind continues to evolve in this regard for our common good.

This appreciation of the importance and sanctity of nonhuman life is embodied within all aspects of resource management. Clan chiefs and their associates, who control land and resource decisions in our world, all traditionally start their work from a set of core values and assumptions asserting the essential value of nonhuman life. Our patterns of property ownership and exchange; our mechanisms for resource monitoring, management and harvest and adjudication that occurs within and between communities are all permeated with this understanding. A clan chief effectively controls the resources within his territory, but also upholds profound obligations: to other human communities, but also to nonhuman communities and the biotic systems on which their lives depend. This reverence, along with an intimate and detailed understanding of local environments, contributes to sustainable patterns of use over deep time in indigenous societies, in Kwakwaka'wakw country and beyond – a point receiving more attention in the pages that follow.¹¹ But this observation, so simple yet fundamental, is only part of the story.

These values are also manifested in every Kwakwaka'wakw social, ceremonial and economic institution. Prominent among these is what anthropologists have often called the 'potlatch' – an inexact term that encompasses many ceremonies, but especially the system called the *pa'sa* in the Kwak'wala language.¹² The term 'potlatch' is deeply woven into academic discourse and is commonly depicted as a ceremonial tradition involving lavish displays of hoarded wealth through reciprocal gift-giving between communities, as well as the destruction of property, purportedly to allow chiefs to advertise their wealth and thus elevate their relative status in society. Though quite famous, this representation is also shockingly misrepresentative of the cultural realities of Kwakwaka'wakw. Indeed,

the gluttony and wanton destruction of property described in some old anthropological writings might suggest that our ancestors were not wise resource stewards but megalomaniacal buffoons, obsessed with conspicuous resource consumption and little else.¹³ These writings also suggested our people live in a land of resource superabundance, where resource stewardship was simply unnecessary and wasteful consumption would have negligible effects on our relationships with the natural world.¹⁴ Nothing could be further from the truth. The roots of this misrepresentation are deep, reflecting persisting biases and transmission errors. Though this topic is beyond the scope of this chapter, the origins of the bias have been addressed in prior publications by the authors, and in other venues.¹⁵ Tragically, this misrepresentation has, until very recently, eclipsed the potential gift of Kwakwaka'wakw environmental wisdom to the wider world.

A generation or two ago, environmental anthropologists began to realise that these misrepresentations could not be entirely correct. Cultural ecologists began asking whether potlatch traditions might actually have ecological influences or positive environmental consequences. Some noted that higher-status Kwakwaka'wakw clans and chiefs were those who possessed the most abundant natural resources, and resource abundance, they suggested, contributes to the status of clans. Such wealth allowed chiefs to enhance their standing relative to other chiefs not just through displays of wealth in the potlatch. Careful management and redistribution of the resources was also key.¹⁶ Authors such as Pidocke concluded that the potlatch tradition 'had a very real pro-survival or subsistence function' that worked 'to counter the effects of varying resource productivity by promoting exchanges of food from those groups enjoying a temporary surplus to those groups suffering a temporary deficit'.¹⁷ This was closer to the truth, but still not quite correct.

We counter that the idea of reciprocal exchanges, as made famous in the potlatch literature, permeate almost all other traditional Kwakwaka'wakw institutions, and help organise every aspect of social, ceremonial and economic life. These reciprocal exchanges are guided by a system of ethics and belief asserting the importance of maintaining 'balance' in all relationships. The chiefs, especially the Clan chiefs, serve as mediators and managers of these relationships, aided by an entourage of specialists – 'potlatch recorders' who carefully monitor specific exchanges, along with resource specialists, public speakers, spiritual practitioners and others. Clan chiefs traditionally work in diverse arenas to maintain balance between communities through reciprocal exchanges – on the potlatch floor and beyond. With the goal of achieving 'balance', and the assistance of a coterie of specialists, clan chiefs actively monitor and correct imbalances between communities through the giving of material gifts, the repayment of specific debts, the offering of ceremonial honours and praise and other mechanisms. When neighbours experience hardship, they are given support through these exchanges; when one's home village experiences hardship, our community expects their support in return – making all communities stronger, our wealth greater than the sum of its parts. The long-term equity and stability in the social, economic and ceremonial relationships affecting our home communities are the goal of the potlatch, not flamboyant displays of wealth and status. All of the interventions by clan chiefs, interventions both material and intangible, are means to achieve these greater ends, including the avoidance of 'imbalance' within relationships of mutual benefit and dependence.

The 'gifts' that are exchanged in the Kwakwaka'wakw world are understood to come in many forms – not only as gifts of property exchanged between communities in the potlatch. The food one harvests is a gift; even a single fish is understood as a gift both from the Creator and the fish that gave its life, a gift to the many beings and living systems dependent on fish for survival. The weight of this gift is even greater, recognising that any living being that a person might consume is traditionally understood to be sentient,

possessing a spiritual identity all its own.¹⁸ Killing is a weighty act, even as it must be an everyday act. Life-sustaining relationships may be upended if humans take life casually, without acknowledging the weight of that gift. Embedded in Kwakwaka'wakw values is the understanding that if one shows disrespect toward other species, if a person unbalances our relationships with those on which our communities depend, those species are likely to reciprocate in kind. Receiving a gift, such as that of a life given for food, requires repayment and deep demonstrations of respect – as it would with a gift received from a human neighbour. Relationships with our neighbours, human or otherwise, are 'systematically monitored and rebalanced' over time to protect mutually beneficial relationships in the long term. The essential kinship between species is assumed. Our ancestors have recognised that many mutual obligations link communities – not only human, but also nonhuman communities, obligations that must be monitored and maintained over the long term.¹⁹

Western concepts of the individual, of individualism, are alien and potentially dysfunctional in the Kwakwaka'wakw view. Traditional knowledge-holders recognise that humans serve in no small part as conduits (of genetic material, of culture and knowledge, of values, of water and matter). To eat something is to commune with it – to bind your life and its life together, even at a molecular level.

Connections to nonhuman species were not arbitrary, then, but represent systematic and strategically negotiated relationships carried out repeatedly over generations. Poor care of living things by humans could profoundly affect our relationships with nonhuman communities. Over time, this could create instabilities likely to undermine our own wealth and standing, our relationships with other human communities and our relationships with the Creator and the *nawalux*. Wise resource stewardship requires seeking 'balances on every ledger', with all of our human and nonhuman neighbours, resulting in a healthier local environment and a richer human community, as well as peace and resilience. The cultural ecologists were correct on this count: when Kwakwaka'wakw communities practise wise 'resource stewardship', we thrive and become wealthy in myriad ways.

Importantly, this is done with a time perception quite different from that of the Western world. Kwakwaka'wakw tradition asserts that – in all endeavours – we are operating within long-term relationships that extend into the very distant past and far into the distant future. Our clans and communities are bounded, existing in place over deep time. If the ancestors overexploited local resources, they did not traditionally have the option of picking up and moving to another undamaged place. Inevitably, one's children, one's children's children and beyond become direct beneficiaries or victims of the resource decisions being made today. The great-great grandparents of the salmon in the stream beside our village fed our great-great grandparents; if we honour all obligations and show due respect, the great-great-grandchildren of today's salmon will make themselves available to feed our own great-great-grandchildren.

Yet, the obligations across generations are even more pressing than this suggests. The clan chiefs, indeed all Kwakwaka'wakw nobility, hold names and identities that first appear at the time of creation. When one ceremonially receives those names and titles, one is not simply being ennobled by a chiefly moniker; a person takes on what is arguably a 'symbiotic relationship' with an eternal identity, an identity that came before our present time and will live on in perpetuity. One receives the name and works to 'keep our name good' for future generations in life. When one dies, our spirits endure and the noble identities one held are passed on in good condition to the next generation. Even now, in the wake of Chief Adam's passing, the name and chiefly identity of Kwaxsistalla is being transmitted to his successor.

In this light, human obligations to future generations seem especially urgent. To some extent our identities are eternal. And even as these identities persist long after human bodies

fail and perish, overexploitation can have effects haunting individuals and communities for generations. Conversely, wise resource stewardship can have benefits that persist and benefit our entire community, and communities beyond, all for generations.

The Wolves and the Mountains

Special Obligations to Places and Beings

In the Kwakwaka'wakw world, as in many Native societies, people hold singular obligations to certain animals by virtue of enduring connections encoded in our most ancient ceremonies and oral histories. In Kwakwaka'wakw tradition, humans are declared to be bound to these living beings from the beginning of remembered time. This is especially true as an outcome of one special branch of our oral tradition – the *gilgalis*, which is the cornerstone of our 'creation story cycle' describing how humans took shape on the land.

Each clan's *gilgalis* story cycle is transmitted and owned as chiefly property. Each describes a first ancestor of the clan's chiefly lineage arriving in the world in the form of a living being. The being takes human or humanlike form and in that form becomes ancestral to the lineage of clan chiefs who follow across the generations. These beings appear in the dramatic crests and regalia of Kwakwaka'wakw people and others along the coast; images of these ancestral beings are featured in the regionally iconic 'totem poles' and other totemic art, which are to be displayed only by the chiefly lineages possessing rights to use those crests.

The ancestral being of Chief Adam's clan, the *Qawadillikala*, is the wolf. Based on this cornerstone of the clan's origin story, the human bond with wolves is one of important, enduring connections across the generations – for members of the clan in general, but for the clan chief in particular. Within each generation, the clan chief is understood to be a lineal descendent of the wolf, possessing unique rights to use wolf crests and other clan images within carvings and regalia. Wolves are treated as near-kin by the larger community, while the living line of chiefs holds a unique sense of kinship with the wolf. As Chief Adam asserted, 'I am the wolf man ... that's where I came from'.

In the spirit of kinship, traditions prohibit the hunting of this animal. As Chief Adam often observed of his teachers, 'they say don't ever hurt the wolf, or you hurt yourself'. Members of the clan are said to have learned key lessons by watching wolves. The enduring practise of using Sitka spruce (*Picea sitchensis*) pitch as a salve and sealant for wounds, for example, is said to have been taught to the *Qawadillikala* by watching wolves rub their own wounds against pitchy trees. The wolf educates, and clan members reciprocate. Elders of Chief Adam's youth attest that his grandfather, the former holder of the chiefly title *Kwaxistalla*, once aided a wolf that ran into the longhouse seeking assistance, with a bone stuck in its teeth. When the chief removed the bone, the wolf darted out the door, pausing briefly in front of the ceremonial building to howl. Oral tradition teaches that even in ancient times these mutualistic connections existed between the wolf and its human kin.

So too, the *gilgalis* of each clan mentions key landmarks throughout their homeland – mountain peaks, rivers, glaciers, rock outcrops and more – that are shaped by the events of creation described within the story cycle. These places of origin are invoked in songs, stories, teachings and traditional rites relating to the clan, all owned by the clan and managed by the chief as clan property. These places are sometimes represented artistically in clan crests and regalia, and are even sometimes depicted with modern artistic styles, produced



Kwaxsiistalla Clan Chief Adam Dick, in chiefly regalia, standing beside a carved 'totem pole' at his home. Carved on poles, painted on houses or worn as regalia – wolf crests are chiefly property, reflecting a sense of deep kinship with wolves and enduring connections between species. (Photograph by Bert Crowfoot.)

by contemporary clan members for more secular purposes. These landmarks are treated with special reverence and respect, as places of origin and as the handwork of the Creator and ancestral beings – by the members of a clan, but also by others who comprehend their importance. These landmarks are sources of validation of chiefly prerogatives and events within oral tradition. They also serve as genuine sources of strength and power to traditionally trained clan chiefs who might tap into those powers to support efforts to heal and support the larger clan.

As in their relationships to wolves and other clan ancestors, Kwakwaka'wakw people are duty-bound to respect and protect these places and to keep their significance ever present through invocation in stories and ceremonies linking key oral traditions to key values and social relationships. These obligations to other species and landmarks are recorded in our most ancient origin narratives. Being at the root associated with the very moment of creation, these interspecific relationships are woven into the fabric of our culture and society.

Other places are treated with similar reverence, even as they are less directly related to the *gilgalis* story cycles. Some, for example, are linked to oral traditions of a great flood that swept across the coast, effectively ushering in a new era in human time. There are mountains such as *gwa'gwayems*, 'the whales', that resemble a pair of humpback whales near Kingcome Village, where it is said a pair of whales were trapped as the waters receded. And there are others of even greater significance. Chief Adam especially invoked the apex of one mountain looming over Kingcome Village, a mountain clearly topped with a rectangular rock outcropping. In Kwakwaka'wakw oral tradition, this is the giant box in which all chiefly possessions – including rights, regalia and chiefly knowledge – were held and protected from harm during the deluge. Through his life, when publicly performing

chiefly ceremonies or presenting chiefly crests far from home, Chief Adam referred to the acts as 'opening the box'. The meaning of his reference was understood by his clan and broader cultural circle: he was bringing forth true chiefly property while simultaneously invoking the landmark looming high above Kingcome Village. Like the wolf, this mountain has been inextricably linked to *Qawadillikala* clan chiefs. It is foundational to their identity and has a power, life and identity intrinsically worthy of reverence and protection.

Other powerful places are recognised for their capacity to teach and empower all people, for their significance encoded in oral tradition. This includes places created by the transformer, *Hethla'tusla*, whose name means 'the one who makes things right'. Kwakwaka'wakw oral tradition describes how he travelled across the land in ancient times. As he travelled, he shaped landmarks into their present forms, teaching humanity lessons by his actions and pronouncements at certain points along his route. Specific landmarks shaped by his handiwork hold moral, social and environmental lessons still instructing human observers today. They also possess an enduring power brought by *Hethla'tusla*, who continues to uplift Kwakwaka'wakw people with those powers and teachings if one approaches the locations with knowledge and reverence.

Many other places hold special identities and powers, too – other categories of what might generally be called 'sacred places'. There are special healing places, prayer places and training places. There are certain mountains visited by young chiefs, and sometimes shamans or others for prayer and meditation. There are specific waterfalls where young Chief Adam was taken as part of his training, to help him expand his abilities and sharpen his focus as a chief-in-training. There are certain rivers and streams considered to be unique sources of 'holy water', *kwelth'esta*, bringing forth strength, cleansing and success to people during especially intense healing or ceremonial work. These places dispel darkness, enrich the soul and allow trained people a portal into the *nawalux* to enliven and to heal.

These landmarks are all respected and revered, and are sometimes invoked in the songs, stories and even regalia of Kwakwaka'wakw clans. Each place, each waterway, is understood to be its own unique animated thing, with its own character and identity. They have unique potentials to enliven, heal, empower, inspire and enlighten. At the most powerful landmarks, one only approaches with preparation and reverence; everyday visits to these sites for mundane purposes are prohibited. To approach the landmarks without due respect is to invite danger, as accidents happen when people travel casually and disrespectfully through these places. As with other peoples or species of power, harming the landmarks almost inevitably brings harm in return. To destroy or deface them is to disrupt fundamental powers and balances in our world. Indeed, such acts would be unthinkable, in the way destroying a centuries-old church would be to a devotee of a Christian faith. This pattern of special reverence and specialised ceremonial use of distinctive landmarks is consistent with what is known of other Native societies along the Northwest Coast and, indeed, around the world.²⁰

Salmon, Eulachon, Clams and Plants

Relationships and Obligations to Game Species

We return to the question of how Kwakwaka'wakw people relate to the species on which our subsistence depends. Our relationships with these species are shaped by an appreciation of their spiritual identities and integrities, to be sure. Yet, they are also immediate and

direct – between a specific community of people and, say, a specific community of salmon that returns annually to maternal streams immediately beside our home villages. Human communities were not bound directly to all salmon, but were bound with particular directness to the community of salmon who returned to the clan territories – human and fishy fates linked in part by our shared geography, but also by the choreography of countless generations, repeated rounds of mutual giving and taking that shapes both communities' fates.

If treated disrespectfully, the salmon simply do not return. This is an inexorable fact of life, a fundamental law of the universe. Our oral traditions hint at how greed and overexploitation inevitably result in 'equal and opposite reactions' at once biological, social and spiritual. With the guidance of clan chiefs and sometimes their court of shamans and other resource specialists, Kwakwaka'wakw traditionally halt fishing when our catch is sufficient, in order not to 'offend' the fish and our Creator. Our people have transported smolts to blighted streams and sometimes removed obstacles to fish passage such as logjams. Even today, our people hold ceremonies to honour their sacrifice. In all these actions, Kwakwaka'wakw respectfully seek the enduring consent of the Creator and the fish, so that the fish might still participate in the ancient relationship that links our two communities. In the aggregate, over time, this may measurably sustain or even enhance the population of fish.²¹ So too with the seals, the berry bushes, the deer, the ducks and all other living communities that Kwakwaka'wakw rely on for survival. Kwakwaka'wakw people traditionally negotiate our own well-being from within a web of interdependency, linked to myriad species around us. Humans cannot unilaterally dictate terms to this vast network of natural sovereignties. In the natural world, just as within the potlatch ceremony, human stewards must therefore seek 'balance on every ledger'.²²

These values come into play in almost every aspect of our traditional resource management, especially through our intentional cultivation of natural resources across our clan territories and through the seasons. These cultivation practises were encapsulated by Chief Adam in a single term, "*qwak'qwala'owkw*", or literally 'keeping it living' – a concept that implies many things. The term implies mechanical efforts undertaken by the ancestors to sustain our most important native food species, based on their nuanced understandings of environmental cause and effect within our homeland. Yet, the term also implies the respect extended to these species, the efforts to help them thrive – in part as reciprocation for their many sacrifices on our behalf.

To demonstrate the practical and philosophical implications of *qwak'qwala'owkw*, Chief Adam often spoke of the traditional care of cultural 'keystone' species.²³ For example, he explained how his grandfather, in his role as clan chief, long ago served as a *de facto* 'fish warden' – monitoring not only salmon but also the eulachon smelt, an oily anadromous fish eaten whole or rendered into an oil that has long been a staple food along the Northwest Coast. Along Kingcome River, people awaited the arrival of the fish with respect bordering on reverence, even being careful to only speak respectfully about the fish as they ascended the river from the sea. Special precautions are taken to not interfere with the species' spawning, for reasons both ecological and spiritual: 'you don't even touch them until they start spawning', to be sure that they have the opportunity to reproduce before being caught. With fishing underway, Adam's grandfather monitored the fishing stations along Kingcome River, consulting with his entourage of specialists. At once, he would declare that all fishermen must remove their fishing gear from the water – determining that enough fish had been caught, and more fishing might overexploit and alienate the fish. When other rivers along the coast experienced cataclysmic damage to eulachon runs, Chief Adam recalls that families sometimes gathered eulachon from Kingcome River in wooden boxes

and paddled them by canoe to these other rivers to transplant.²⁴ Only if people observed these precautions and exhibited this kind of respect did 'the fish come back' as well as, or better than, before.

Such patterns are found in all manner of resources within Kwakwaka'wakw tradition. The same values and practises are expressed within the traditional cultivation and harvesting of clams. In suitable tidelands, our ancestors rolled rocks out of natural clam beds and into the low intertidal zone – at once improving clam habitat while also entrapping sediment that expanded the clam beds seaward. These specially managed places are sometimes termed 'clam gardens' – *luxiwey* in Kwak'wala. In these places, harvesters look after the clams: leaving young clams in place, intentionally aerating the soil and ensuring the clams are well. If done correctly, harvesters traditionally understand that the clams appreciate the changes and reciprocate by making themselves more available for harvest. Indeed, recent research confirms that these cultivated clam beds materially improved the quality and quantity of clams, beyond the conditions in naturally occurring clam beds.²⁵ When cultivated correctly, the *luxiwey* became both a source of everyday food and a risk-reducing resource to use when our ancestors experienced temporary downturns in productivity of salmon or other species. If the Kwakwaka'wakw kept our side of the bargain, the clams were there to keep theirs.

Throughout the Kwakwaka'wakw world, traditional resource management was carried out with similar objectives and outcomes – guided by understandings of ecological process and interspecific reciprocity calibrated over countless generations on the land. These values allowed our most important food species to thrive. This was seen in the management and care of maritime plant species as well. The production of estuarine 'root gardens', *tekilakw*, containing plants such as Pacific silverweed and Springbank clover, as taught to Chief Adam by his grandparents, followed similar protocols. By using selective harvest, soil amendments, soil aeration and other techniques that demonstrated respect for the plants and the people who depended on them, cultivators of these gardens verifiably enhanced production of these important root vegetables.²⁶ So too, the traditional harvesting of submerged beds of eelgrass, carried out selectively with long poles from canoes, also helped maintain and even enhance the productivity of these beds above and beyond the output of natural plots.²⁷ Berry patches and crabapple groves, burned and cared for in myriad ways by the ancestors, also follow this pattern.²⁸ In all these cases, Western science seems to confirm that *qwak'qwalaw'owkw* – 'keeping it living' – as a suite of biomechanical practises guided by consistent philosophical principles simply works. By longstanding attention to our obligations within and between communities, by applying concepts of reciprocity and even sovereignty within interspecific relationships, our people and the species on which we depend have been able to thrive on this coast since time immemorial.

In our intentional engagements with these beings, Kwakwaka'wakw stewards focus especially on our relationships with, and care for, communities of living beings with whom we have direct and enduring ties. The focus is significantly on what some have termed 'cultural keystone' species,²⁹ reflecting concepts and terminology used by Western land managers. In these modern Western contexts, keystone species and their habitats have often been used as a proxy for environmental health writ large. Yet, traditional Kwakwaka'wakw resource stewards understand that each of our 'keystone species' are themselves interwoven into bonds of interdependency and reciprocity with entire constellations of species beyond their linkages to humanity. To focus on keystone species in the traditional sense is not to forget the integrity of the whole, and the innumerable webs of life linking back to us. No community lives in isolation. To honour the salmon, one must also honour the insects, the plankton, the squid, shrimp and small fishes that they consume; one must honour the

cleanliness of waters instream and offshore, the temperature of the waters, the wellbeing of riparian trees and brackish bayshore meadows. Tracing our extrapolated connections out into the world, we find that the webs of interdependence call for respects to innumerable species and environmental systems that expand beyond our distant horizons, spreading out into the larger world.

Orca and Cedar

Relationships and Obligations to Other Species

Beyond those outlined above, many other respects are shown between species, rooted in deeply multigenerational reciprocities that link human communities to communities of other living beings. These are not only relationships contingent on specific clan obligations, or on the mutualism between predator and prey, but also on other reciprocal relationships rooted in deeply shared interests and respects.

To illustrate this point, Chief Adam often spoke of our close relationship with orcas, the 'killer whales' that ply the Northwest Coast. Kwakwaka'wakw people have long had a sense of kinship with these whales, and even have oral traditions suggesting certain whales are reincarnations of human hunters from long ago. As manifestations of these connections, enduring patterns of cooperation exist between orcas and human hunters. Among their foremost mutual prey species are harbour seals, which often come ashore to sun themselves on the salt marsh tide flats at the mouth of Kingcome River, or to congregate in the adjacent shallow waters. In Kingcome village, when orcas were seen near the flats, human hunters were summoned. In these intertidal areas, orcas and human hunters upheld mutual obligations: orcas flushed the seals shoreward and onto land, while hunters hiding behind drift logs flushed seals back into the water for waiting orcas, each side killing a few in turn. Both humans and orcas ate better because of this arrangement. When families harvested the seal meat from these hunts, they did so with deep respect – not only for the orcas who helped in the hunt, but also for the lives of the seals. Seal meat was divided ceremonially between the four clans of Kingcome village, each clan receiving a designated portion of the animal.

Orcas honoured their relationship with humans in other ways as well. Kwakwaka'wakw oral tradition abounds with accounts of orcas helping humans who were in distress. These whales might, for example, help people lost in the fog when travelling by canoe. As a boy, Chief Adam witnessed just such an event when lost in the fog while canoeing the open water with his grandfather. Sighting a pod of orcas, his grandfather asked Adam to be still in the canoe, and then stood and 'spoke to the orca at the top of his voice ... "Look after us friend!" he said ... he gave a halibut to that orca ... and asked it to take us back'. The orcas came alongside the canoe on either side, parallel to the craft, and began swimming slowly. His grandfather paddled along at the orca's pace. The moment they could see land clearly through the fog, the orcas dropped into the water and disappeared. The ancestors explained that the orcas – highly intelligent beings of spiritual significance – expect respect from humanity, and reciprocate what they receive. Receiving praise and food, the orcas recognise this respect as genuine and are compelled to assist. As a corollary, the ancestors shared accounts suggesting that people who disrespected orcas, such as in recent times by shooting at them, have been 'corrected' by orcas – even having their canoes sunk by the whales. The reciprocity human communities maintain with the species works both ways.

In addition to conferring success in the hunt, or helping Kwakwaka'wakw people in other tangible ways, some animals are said to grant humans special knowledge or power if we show proper respect, or have the potential to show respect. Chief Adam possessed the rights to one of the most sacred masked dance cycles of our people, the Atlikimma. It retells an account of a powerful vision dream that a grouse spirit brings to a young man who had killed grouse wantonly. The Atlikimma recalls the sequence of forest spirits called forward by this grouse to appear to the young man in turn, teaching him ethical and spiritual lessons that positively transformed his outlook and behaviour, allowing him to share these transformative lessons with others along the coast.

Mountain goats encountered in the rugged peaks along the coast are also said to confer powers. Chief Adam's grandfather reported receiving such powers from a mountain goat encountered high in the mountains above Kingcome Village – the animal teaching him skills, as well as a song he used in potlatches. As Chief Adam admonished, the ancestors taught that this aspect of human-animal encounters was to be honoured: it is 'not to be played with', but is a sacred power that has helped sustain humankind so long as the recipients are knowledgeable, prepared and respectful of the message and nonhuman messenger. Such potent communications between species are often mentioned as pivotal moments in the lives of individuals and communities. Owls, if treated respectfully, may carry information – such as when they appear and make a call sounding like a person's name, informing that person's friends and family of their death. Ravens are sometimes said to convey various messages to careful human observers as well. Similar examples are too numerous to list in a single chapter.



Chief Adam trains a young man who will dance the Atlikimma cycle in the grouse mask – a ceremonial event that reminds humankind of our shared obligations to the sentient and life-giving creatures of the forest.

(Photograph by Kim Recalma-Clutesi.)

Yet, there are less dramatic examples of our mutual relationships with other species. Kwakwaka'wakw traditionally do many things to show respects and to maintain balance – even with dangerous animals who might not share our interests. Bears, for example, are a persistent part of Kwakwaka'wakw life and often congregate at the very places we might go for traditional resource harvests. Unlike many animals, bears have a diet like our own. Thus, at salmon fishing stations, berry patches and many other places throughout our traditional lands, bears are a persistent and potentially dangerous presence. This is often true at crabapple (*Malus fusca*) groves, where humans and bears both find a favourite plant food. To address the dangers inherent in our mutual love of crabapples, pickers traditionally approach crabapple groves with caution and respect. Often paddling to these groves by canoe, young people have been taught to sing a special crabapple picking song – sung loudly enough that it temporarily disperses the bears from the grove while broadcasting a promise: 'we will leave a little for the bears'. When human harvesters pick at these groves, they honour the bargain, leaving a few crabapples for the bears so they might not suffer from the harvest.

Even plants are traditionally afforded these types of respect. For those outside the Kwakwaka'wakw world, this tradition may be known by practices relating to Western red cedar. When Kwakwaka'wakw harvesters take cedar bark for use in clothing, ceremonial regalia or other purposes, they only harvest a portion, in part to avoid killing the tree and thus to keep up the human side of the relationship, ensuring materials made from bark and wood are blessed by their living source. Bark peelers also offer a blessing, a statement of deep thanks, to the tree and the Creator as they prepare to remove the bark from a living tree. As quoted by Boas, and retranslated for this chapter by Kwakwaka'wakw linguist and cultural knowledge-holder, Daisy-Sewid Smith, the bark peeler speaks to the tree:

Go ahead and look at me, friend, for I have come to beg for your protection robe, for this is the reason you were created so that you may help us, you can be used for so many things, this is the reason you came to this world, we use your protective robe for everything whenever you are willing to give it to us. The reason I have come to beg for your protective robe long life maker is because I am going to make a basket for lily roots out of you.

Now, I ask for mercy from you my friend so you will not be uneasy for what I am about to do to you.

Now, I am now begging you my friend, to tell your friends that I will continue to beg for their protection robes.

Now, my friend, be careful, you will protect me so that I will not catch any of the sickness and to be in pain.

Now it is finished my friend.

Now, this is the praise spoken by those who peel cedar bark from young cedar trees and old cedar trees.³⁰

While past authors such as Franz Boas referred to these blessings as a 'prayer' to cedar, Kwakwaka'wakw people understand this to be a statement of praise and mutual respect, demonstrating gratitude and ensuring balance with a species that will suffer a little for the well-being of human harvesters.³¹

Such statements are offered at the harvest of almost any species of profound cultural significance, and there are many. Our ancestors have even held prayers of thanks for environmental phenomena; such statements of blessings and thanks are offered to falling snow, to thank it and the Creator for blanketing the land and the plants, 'letting them get the rest they need' before the next season. In all things, traditional Kwakwaka'wakw recognise the blessings bestowed on us, and seek to express thanks and to reciprocate in kind.

Having One Voice

A Conclusion

The Kwakwaka'wakw experience confirms the spirit and central thesis of this volume. Traditional concepts and values asserting intrinsic 'rights of nature' – rights extending well beyond those employed in current Western legal and philosophical traditions – have been essential to the long-term integrity of our homeland environments and the long-term resiliency of our society and culture. We contend that the following is verifiably true, even by the methods and standards of Western science: applying certain 'rights', akin to personhood, to nonhuman landscapes and life-forms has contributed to their reverential treatment in the Kwakwaka'wakw case, and this reverence is linked to their sustainable management and care. As a common practise among aboriginal peoples worldwide, this reverential treatment of nonhuman landscapes and life-forms reflects a deeper, even universal human perspective that has been lost through various historical developments in the formation of modern industrialised societies.

The Kwakwaka'wakw understanding of nonhuman life-forms and landscapes as having a fundamental sentience, spirit and consciousness is key. This perspective creates significant barriers to overexploitation or other forms of 'disrespectful' engagement. Treatment of living things is instead rooted in notions of mutualism, our relationships with them negotiated to some degree as one might negotiate with human counterparts. Yet, human decision-makers do serve as advocates and stewards for living things, such as salmon runs or orcas. As with most Rights of Nature writing, the Kwakwaka'wakw system does not presume an absence of human stewardship. Still, nonhuman beings are not considered inert or convertible 'commodities' at the disposal of human owners for unlimited exploitation. Instead, ancient bargains define these relational ties. Human communities are bound to other species – by a sense of ancient kinship, by mutual interdependence over deep time and by firm obligations to future generations of humans and nonhumans alike. Our ancestors and trained nobility admonish: if we do not observe these connections and respect them, we must live with the effects. The 'negative externalities' of disrespectful behaviour cannot be sidestepped but will be experienced quite directly by ourselves, our children and our children's children yet to come. So each generation shows respect to the orca, to the wolf, to the salmon and eulachon, to the clams and seals and cedar – indeed, to all the fish and plants and living things to sustain our people – and in doing so also shows the depth of our respect for our own ancestors, our descendants yet to come and the living human communities of today.

Of course, it is important to reassert that in the Kwakwaka'wakw world, many landforms and lifeforms are understood to be 'property' of a sort – lands attributed to the clan in the *gilgalis*, for example, or places such as estuarine root gardens and berry grounds that

were significantly the product of clan labour and investment. Yet this concept of property ownership differs markedly from property as it is understood in the context of Western industrial capitalism. Property is 'owned' by a clan chief but managed and stewarded on behalf of the larger clan; the clan chief inherits these things but must 'keep his name good' in part by ensuring that the standing of the clan, the chieftainship and the lands and resources in their control are passed on to the next generation in good condition. These relationships shift the objectives and the timeframes significantly, promoting sustainable harvests and long-term planning.

In all actions, the Kwakwaka'wakw employ a concept of time that peers into the dimly lit past and also into the dimly lit future. In our traditional laws, our understandings of environmental process and our views of the universe, it is obligatory to consider the effects of actions across vast spans of time. Chiefly titles and identities are rejuvenated, and our identities and concerns are spread across deep time. Obligations to future generations are thus much less abstract and contingent on goodwill. Just as one is obligated to be equitable with people of distant places, one is also compelled to be equitable with people of distant future times.

So too, it is important to reaffirm that in the Kwakwaka'wakw world, humans remain consumers and predators—no matter one's place or diet, and that killing is surely a part of life. With nonhuman species being on a cosmological plane akin to humans, Kwakwaka'wakw find ourselves in a context where 'to kill' is not necessarily a sin; however, to kill recklessly, without intention or ability to repay the great debts so incurred, is among the gravest of offences. Kwakwaka'wakw people are reminded of this by the grouse in the Atlikimma dance cycle, and in all manner of other stories, songs and sacred rites spanning across remembered time. Our people recognise the sacrifice with transcendent gratitude, respect and a sense of direct obligation. In myriad ways, the Kwakwaka'wakw honour those beings that give their lives for our sake: with songs, with ceremonies and with material actions to ensure their well-being. And when we do this well, these beings reciprocate.

If our people take too much from salmon, the salmon will not return in the times to come. If our people overharvest clams, they will disappear as well. So it is with all the other living things on which our lives depend. Their responses are arbitrated independent of human judgment, by inexorable laws humans cannot meaningfully control. These beings come and go in response to our actions, and in this way are unavoidably their own sovereigns.

To ignore these facts is to be either naïve or arrogant. Industrial societies tend to forget these facts by virtue of the sheer mobility of capital and the ability to move on to 'greener pastures' after overexploiting a resource, or by disconnecting the point of consumption from the place where the damage occurs. The natural world always reciprocates, however, always responds to our actions, and operates with will and autonomy no matter what a society might wish or prescribe by law. To have a legal system that embraces this fact and adapts to it – as is true of Kwakwaka'wakw traditional law – is one way to ensure a society thrives and does not ultimately collide with some of the most fundamental laws of the universe.

This way of living has served the Kwakwaka'wakw well for millennia and is worthy of consideration as humanity seeks new models for rebalancing human-environment relations worldwide. In seeking 'balances on all ledgers', any act of taking must be balanced by an act of giving. Damage requires remediation – that includes damage inflicted on other communities, whether or not they are human. With clan chiefs such as Kwaxsistalla Clan Chief Adam Dick as mediators, our people have vigilantly monitored for signs of imbalance, and pre-emptively sought to identify and redress imbalances where they occur. These 'rights' are encoded in chiefly rules and modes of conduct.

In these ways, the ancestors have continuously ‘minimised and mitigated’ anthropogenic environmental damage, to use contemporary terms from the Western industrial world. Modern Western resource management commonly seeks to mitigate damage to species and habitats through ‘wetlands mitigation’, ‘mitigation banks’, and similar mechanisms; sometimes these strategies work, but very often they do not. In contrast, Kwakwaka’wakw tradition focuses on ultimate outcomes across generations: mitigation is only acceptable if it is truly and fully restorative over deep time. If it is done poorly, or as an excuse for bad behaviour, the fish will know, the clams will know, the plants will know. The Creator will know. Ultimately one’s descendants will know – and suffer. Poor mitigation is like theft, and is punished as theft by a jury whose domain spans the land and waters, and the cosmos beyond.

Extending concepts of reciprocity and empathy to nonhuman species and landscapes produces reciprocal obligations that are interspecific and mutually sustaining. Even the Western industrial nations would seem likely to appreciate the protection of one’s own interests in these concepts. If they find the cosmological foundations unfamiliar, Western thinkers might still recognise the general wisdom of the approach, embracing a kind of ‘rational anthropomorphism’ in legal and resource planning arenas. Such a concept demonstrates our acceptance of humans’ position in the webs of causality and mutual obligations among species; it reverses centuries of missteps in Western legal tradition, each predicated on a false ontology that set humans fully apart from their position in the natural order.

What forms might Kwakwaka’wakw-influenced environmental law take? In the Kwakwaka’wakw world, there have traditionally been many legal mechanisms designed to review and arbitrate human effects on the natural world: clan chiefs, and their chiefly counsellors consisting of such people as shamans and resource specialists, conferred on how specific actions might affect the delicate balance with other species. When there was a need to seek opinions on these matters that were of great importance, the ancestors might debate these effects in specially organised ceremonial and social contexts. They might, for example, bring in those called the *Kw’kwikw* – literally the ‘eagles’ or ‘eagle sentinels’ – a sort of Supreme Court of specially trained nobility who assembled to review the facts of a case, making pronouncements that helped ensure balanced relationships between communities, human and otherwise, for the common good.

Yet, the strength of traditional values, the environmental and social systems that immediately pushed back against bad behaviour: these things limited the potential for extreme transgressions, and with it the need for organised arbitration. Here too, we might seek inspiration for the modern industrial world. Fostering an ethic of interspecific reciprocity and ‘balance on every ledger’ seems as urgent today as ever. Rooted in such an ethic, policy and legal mechanisms might facilitate the active monitoring of human relationships with those nonhuman entities on which we depend, those many sovereigns with which we are bound in a never-ending cycle of giving and taking. Communities of keystone species, the habitats that support them and even our ‘ecosystem services and infrastructure’, such as clean air and water – Kwakwaka’wakw experience suggests that our relationships with these things must be ‘systematically monitored and rebalanced’ continuously over time in order to protect mutually beneficial relationships in the long term. If this systematic evaluation reveals that we are indebted, that we owe more than we are owed, that this debt causes or may someday cause imbalance, similarly systematic mechanisms are prescribed to meaningfully repay the debt. These repayments cannot be mere ‘window dressing’ to satisfy short-term needs; the repayments must verifiably facilitate balance and the wellbeing of future generations, human and nonhuman, into the distant reaches of imaginable future time.

In all things, the Kwakwaka'wakw clan chiefs traditionally seek to balance and rebalance myriad relationships guided by an intricate understanding of cause and effect within the full web of life that supports us. Yet, modern technology now allows environmental causes and effects to play out at global scales. The Earth now begins to push back in response to the greed and disrespect of the industrialised world, on its own terms and by rules humans do not control. Resource stewards, seeking balance, must begin to think on unprecedented scales and with an understanding of vast webs of cause and effect that exist on a global scale. In this way, the Earth is its own sovereign. Will humanity soon grant this shared home of ours rights befitting its importance to our shared survival? Will peoples around the world seek 'balance on every ledger', as the Kwakwaka'wakw do within our own homelands? We offer Kwakwaka'wakw cultural values, outlined here, as one source of inspiration as people worldwide endeavour to answer these urgent questions. In light of the scale and urgency of the task, humanity may need to learn to 'speak with one voice'. Humanity may need to relearn ancient teachings that place concepts of respect and reciprocity at the centre of all relationships – including those with our nonhuman kin.

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Notes

1. See, for example, overviews of past litigation in (a) Boyd, D.R. 2017. *The Rights of Nature: A Legal Revolution That Could Save the World*. ECW Press, Toronto; (b) Pecharroman, L.C. 2018. 'Rights of Nature: Rivers That Can Stand in Court'. *Resources* 7(1); (c) Babcock, Hope M. 2016. 'A Brook with Legal Rights: The Rights of Nature in Court'. *Ecology Law Quarterly* 43. (<https://scholarship.law.georgetown.edu/facpub/1906>); and (d) Stone, C.D. 2010. *Should Trees Have Standing?: Law, morality, and the Environment*. Oxford Univ. Press. At the time of this writing, some of the most compelling litigation centres on efforts to extend rights to the Colorado River in the American Southwest. A U.S. district court dismissed a 2017 lawsuit brought against the State of Colorado for environmental damages, based on the precept that the River holds 'legal personhood'. While this case was dismissed, NGOs are presently coordinating on potential litigation to protect the integrity of the Colorado River utilizing a refined 'rights of nature' case.
2. For an overview of the philosophical foundations of the Rights of Nature movement, and its linkages to expanded notions of 'personhood' and indigenous precedents, see for example (a) Nash, R. 1989. *The Rights of Nature: A History of Environmental Ethics*. Univ. of Wisconsin Press, Madison, WI; (b) Biggs, S. 2011. *The Rights of Nature: The Case for a Universal Declaration on the Rights of Mother Earth*. The Council of Canadians, Fundación Pachamama and Global Exchange,

- Ottawa; (c) Boyd, D.R. 2017. *The Rights of Nature: A Legal Revolution That Could Save the World*. ECW Press, Toronto, ON; and (d) La Follette, C. and Maser, C. (eds.). 2017. *Sustainability and the Rights of Nature: An Introduction*. CRC Press, Boca Raton, FL.
3. For an overview of key Kwakwaka'wakw values and concepts addressed in this manuscript, see also Deur, D., Recalma-Clutesi, K. and Dick, A. 2019. 'Balance on Every Ledger: Kwakwaka'wakw Resource Values and Traditional Ecological Management' in *Handbook of Indigenous Environmental Knowledge: Global Themes and Practice*. T. Thornton and S. Bhagwat. (eds.), Routledge, London.
 4. *Kwaxsistalla* is an ancient name that appears in oral traditions relating to the origin of his clan; the name denotes Adam Dick's chiefly status – akin to a royal title within a European context – and was bestowed upon him in adulthood. The full name and title 'Kwaxsistalla Clan Chief Adam Dick' is the formal and proper form address. We recognize that the use of that full name throughout this chapter would be cumbersome, so use the name 'Chief Adam' to refer to him less formally; when speaking of his childhood, we simply call him 'Adam'.
 5. On this period and its implications, see for example (a) Cole, D. and Chaikin, I. 1990. *An Iron Hand upon the People: The Law against the Potlatch on the Northwest Coast*. Douglas & McIntyre, Vancouver, B.C. and (b) Sewid-Smith, D. 1979. *Prosecution or Persecution*. Nu-Yum-Baleess Society, Cape Mudge, B.C.
 6. This, and related philosophical pronouncements, can be found in Deur, D., Recalma-Clutesi, K. and White, W. 2019. 'A Benediction: The Teachings of Kwaxsistalla Clan Chief Adam Dick' in *Plants, People and Places: The Roles of Ethnobotany and Ethnoecology in Indigenous Peoples' Land Rights in Canada and beyond*, N.J. Turner (ed.), McGill-Queens University Press, Montreal, Canada.
 7. A full summary of Chief Adam's contributions to the academic literature on traditional ecological knowledge would require a chapter-length review. Summaries and keystones may be found in Mathewes, D. and Turner, N.J. 2017. 'Ocean Cultures: Northwest Coast Ecosystems and Indigenous Management Systems' in *Conservation for the Anthropocene Ocean: Interdisciplinary Science in Support of Nature and People*, P.S. Levin and M.R. Poe (eds.), 169–199. Academic Press, Cambridge, MA; and Deur, D. and Turner, N.J. (eds.) 2005. *Keeping It Living: Traditions of Plant Use and Cultivation on the Northwest Coast of North America*. University of Washington Press, Seattle and University of British Columbia Press, Vancouver, B.C. A wide range of resource-specific studies have also been developed with his significant guidance. See, for example (a) Deur, D., Dick, A. Recalma-Clutesi, K. and Turner, N.J. 2015. 'Kwakwaka'wakw "Clam Gardens": Motive and Agency in Traditional Northwest Coast Mariculture'. *Human Ecology* 43(1): 201–212; (b) Cullis-Suzuki, S., Wyllie-Echeverria, S., Dick, A. and Turner, N.J. 2015. 'Tending the Meadows of the Sea: A Disturbance Experiment Based on Traditional Indigenous Harvesting of *Zostera marina* L. (*Zosteraceae*) in the Southern Region of Canada's West Coast'. *Aquatic Botany* 127: 26–34; (c) Wyllie-Echeverria, S.R. 2013. *Moolks (Pacific Crabapple, *Malus fusca*) on the North Coast of British Columbia: Knowledge and Meaning in Gitga'at Culture*. Unpub. MSc. thesis. University of Victoria (BC) School of the Environment; (d) Lloyd, T.A. 2011. *Cultivating the Tekkillakw, the Ethnoecology of Tleksem, Pacific Silverweed or Cinquefoil (*Argentina egedii* (Wormsk.) Rydb; Rosaceae): Lessons from Kwaxsistalla, Clan Chief Adam Dick, of the Qawadiliqella Clan of the Dzawadaenuxw of Kingcome Inlet (Kwakwaka'wakw)*. Unpub. M.Sc. thesis. School of Environmental Studies, University of Victoria, Victoria B.C.; and (e) Sewid-Smith, D., Dick, A. and Turner, N.J. 1998. 'The Sacred Cedar Tree of the Kwakwaka'wakw People' in *Stars above, Earth below: Native Americans and Nature*, M. Bol (ed.), 189–209. The Carnegie Museum of Natural History, Pittsburgh, PA.
 8. See, for example (a) Berkes, F. 2008. *Sacred Ecology: Traditional Ecological Knowledge and Resource Management*, 2nd ed. Routledge, New York; (b) Turner, N.J. 2005. *The Earth's Blanket. Traditional Teachings for Sustainable Living*. Douglas & McIntyre, Vancouver and Seattle, and University of Washington Press, Seattle; and (c) Turner, N.J. 2014. *Ancient Pathways, Ancestral Knowledge: Ethnobotany and Ecological Wisdom of Indigenous Peoples of Northwestern North America*, 2 vols. McGill-Queens University Press, Montreal.

9. This tendency was significantly due to the influence of Franz Boas, the father of American anthropology, who published on Kwakwaka'wakw topics throughout his career. Efforts to address environmental topics were mixed. See Boas, F. 1921. *Ethnology of the Kwakiutl*. 35th Ann. Rept. of the Bureau of American Ethnology, Parts 1 and 2. U.S. Govt. Printing Office, Washington, D.C.; and Boas, F. 1966. *Kwakiutl Ethnology*. H. Codere. (ed.). University of Chicago Press; cf. Deur, Recalma-Clutesi and Dick, *op cit*.
10. For example: (a) Boas, F. 1930. *The Religion of the Kwakiutl Indians*. Columbia University Press, New York; (b) Goldman, I. 1975. *The Mouth of Heaven: An Introduction to Kwakiutl Religious Thought*. John Wiley and Sons, New York; and (c) Walens, S.D. 1981. *Feasting with Cannibals: An Essay on Kwakiutl Cosmology*. Princeton University Press, Princeton, NJ.
11. Turner 2014, 2005 *op cit*; see also Turner, N.J. and Wilson, B.J. (Kii'iljuus) 2008. 'The Culture of Forests: Haida Traditional Knowledge and Forestry in the 21st Century' in *Wild Forestry: Practicing Nature's Wisdom*, A. Drengson and D.M. Taylor (eds.), 130–137. Island Press, Washington, D.C.
12. Boas often blurred the distinction between the pa'sa and the yaqw'qwa – conflating both under the term 'potlatch'. Pa'sa was an intricate system, in which contributed resources accrue value or dividends through their exchange. The yaqw'qwa involved a series of ceremonial payments to witnesses in order to validate and accurately recall ceremonies, namings, and transactions. Both organized Kwakwaka'wakw social, economic, and ceremonial life for countless generations until the 'potlatch ban' that forbade both traditions from the nineteenth through the mid-twentieth century (Daisy Sewid-Smith, pers. comm. 2005, 2018).
13. There is a significant literature that depicts the potlatch in this manner, some portion of it rooted in the work of Boas' students. See, for example, (a) Benedict, R. 1934. *Patterns of Culture*. Houghton Mifflin, Boston; and (b) Codere, H. 1950. 'Fighting with Property' *Monographs of the American Ethnological Society*, 18, M.W. Smith (ed.), J.J. Augustin, New York.
14. Among the more sophisticated examples were the influential works of Suttles. See (a) Suttles, W. 1960. 'Affinal Ties, Subsistence, and Prestige among the Coast Salish'. *American Anthropologist* 62: 296–305; (b) Suttles, W. 1968. 'Coping with Abundance: Subsistence on the Northwest Coast' in *Man the Hunter*, R.B. Lee and I. DeVore (eds.), 56–68. Aldine, Chicago; and (c) Suttles, W. 1974. 'Variation in Habitat and Culture on the Northwest Coast' in *Man in Adaptation: The Cultural Present*, Y. Cohen (ed.), 93–106. Aldine, Chicago.
15. Deur, Recalma-Clutesi and Dick, *op cit*.; Deur and Turner 2005, *op cit*; see also Deur, D. 2000. *A Domesticated Landscape: Native American Plant Cultivation on the Northwest Coast of North America*. Unpub. Ph.D. diss. Louisiana State University Department of Geography and Anthropology.
16. See (a) Vayda, A.P. 1961. 'A Re-Examination of Northwest Coast Economic Systems'. *Transactions of the New York Academy of Sciences*, 23: 618–624; (b) Pidocke, S. 1965. 'The Potlatch System of the Southern Kwakiutl: A New Perspective'. *Southwestern Journal of Anthropology* 21(3): 244–264; and (c) Suttles 1960, *op cit*.
17. Pidocke, *op cit*: 244.
18. Walens, *op cit*; Goldman, *op cit*.
19. Deur, Recalma-Clutesi, and Dick, *op cit*.
20. For other Northwest Coast examples, see (a) Thornton, T.F. 2008. *Being and Place among the Tlingit*. University of Washington Press Seattle; (b) 'Scientific Panel for Sustainable Forest Practices in Clayoquot Sound'. 1995. *First Nations' Perspectives on Forest Practices in Clayoquot Sound*. Report 3. Victoria, B.C.
21. Thornton, T.F., Deur, D. and Kitka, Sr., H. 2015. 'Cultivation of Salmon and Other Marine Resources on the Northwest Coast of North America'. *Human Ecology* 43(2): 189–199.
22. Deur, Recalma-Clutesi, and Dick, *op cit*.
23. Garibaldi, Ann and Turner, Nancy J. 2004. 'Cultural Keystone Species: Implications for Ecological Conservation and Restoration'. *Ecology and Society* 9(3).
24. Thornton, Deur, and Kitka, *op cit*.

25. (a) Groesbeck A.S., Rowell, K., Lepofsky, D. and Salomon. A.K. 2014. 'Ancient Clam Gardens Increased Shellfish Production: Adaptive Strategies from the Past Can Inform Food Security Today'. *PLOS ONE*. 9(3): e91235; (b) Deur, D., Recalma-Clutesi and Turner, *op cit*.
26. (a) Deur, D. 2005. 'Tending the Garden, Making the Soil: Northwest Coast Estuarine Gardens as Engineered Environments'. in *Keeping It Living: Traditions of Plant Use and Cultivation on the Northwest Coast of North America*, D.E. Deur and N.J. Turner (eds.), 296–330. University of Washington Press, Seattle, WA and University of British Columbia Press, Vancouver, B.C.; (c) Deur 2000, *op cit*; Boas 1921, *op cit*.; Lloyd, *op cit*.
27. Cullis-Suzuki et al., *op cit*.
28. (a) Lepofsky, D., Hallett, D., Lertzman, K., Mathewes, R. McHalsie, A. and Washbrook. K. 2005. 'Documenting Precontact Plant Management on the Northwest Coast, an Example of Prescribed Burning in the Central and Upper Fraser Valley, British Columbia'. in *Keeping It Living: Traditions of Plant Use and Cultivation on the Northwest Coast of North America*, D.E. Deur and N.J. Turner (eds.), University of Washington Press, Seattle, WA and University of British Columbia Press, Vancouver, B.C.; (b) Wyllie de Echeverria, *op cit*.
29. Garibaldi and Turner, *op cit*.
30. Retranslated by Daisy Sewid-Smith, February 2019, from the original Kwak'wala language version of the blessing printed in Boas 1921, *op cit*: 619.
31. *Ibid*. For comparison, see Sewid-Smith, *op cit*.

Appendix: Common and Scientific Names of Plants and Animals

GRASSES AND GRASSLIKE PLANTS

Eelgrass *Zostera marina*

FORBES

Lily *Lilium* spp.
 Pacific silverweed *Argentina pacifica*
 Springbank clover *Trifolium wormskioldii*

TREES AND SHRUBS

Crabapple *Malus fusca*
 Sitka spruce *Picea sitchensis*
 Western red cedar *Thuja plicata*

INVERTEBRATES**MOLLUSKS**

Clams Mollusca
 Squids Cephalopoda

CRUSTACEANS

Shrimp Pleocyemata

VERTEBRATES**FISH**

Eulachon smelt *Thaleichthys pacificus*
 Salmon *Salmo* spp.

BIRDS

Eagles Accipitridae
 Grouse Tetraoninae
 Owls Strigiformes
 Raven *Corvus corax*

MAMMALS

Bears Ursidae
 Harbour seal *Phoca vitulina*
 Mountain goat *Oreamnos americanus*
 Orca *Orcinus orca*
 Wolf *Canis lupus*
