From Ear to Ear:
Cross-Cultural Understandings of Aboriginal Oral Tradition

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My friend, Louis Bird, used to tell me how he learned stories as a child. He used to sit close to the fire and listen to his uncle tell stories, all the while counting the number of times his uncle's spit would sizzle into the flames as he got more animated. Later he and his cousins would laugh and imitate their uncle.

For many years, Louis learned and told stories only in the context of the communities along the rugged muskeg coastline of western Hudson and James Bay. By the 1980's Louis began to be invited to story-telling festivals in Canada and internationally. The stories that originated with his ancestors, passed from ear to ear in Mushkego Cree, now had a much wider audience. Louis talks about how he learned that there are different levels of delivery depending whether you were telling the story to a child, a teenager, an adult or an Elder. He regularly adjusts the stories to edit the harshness or the elements that he doesn't think the listener is ready for. He also learned that telling Cree stories to non-Native people required another layer of editing, yet he felt that these were important stories to share.

Just like Louis felt the need to collect, tape, transcribe and translate stories from his area, many communities across Canada are also initiating oral history projects for their own reasons. Since the Supreme Court recommendations in the Delgamuukw case were released in 1997, discussions are ongoing and more questions are being posed regarding the use of oral histories in cross-cultural forums. The Supreme Court recommended that oral historical evidence be "placed on an equal footing with the types of historical evidence that courts are familiar with, which largely consists of historical documents"(Delgamuukw v. British Columbia [1997] 3 S.C.R. 1010). This recommendation gave many communities and individuals much cause for optimism, yet the judges gave little guidance about how oral histories were to be interpreted in a legal context.

In this paper I will be examining some of the issues identified when Aboriginal oral histories are brought into cross-cultural contexts. While the legal system is often the central focus of discussion, I will also touch on interpersonal issues such as ways of listening and understanding interculturally.

The term "cross-cultural" refers to a comparative approach to understanding phenomena in different cultures. Individuals from each culture find ways to work together based on this comparative understanding. Whereas the term "intercultural" implies that there is potential for cultural change, when two or more cultures interact (UBC, Foundations of Intercultural Studies 2002, p. 11). The two terms tend to be used interchangeably.

The terms "oral history" and "oral tradition" in certain contexts have very different definitions. Typically oral history is based on first hand experience occurring during the lifetime of an eyewitness (Cruikshank, 1994, p. 404). Oral tradition on the other hand, refers to the "process by which the information is transmitted from one generation to the next" (Cruikshank, 1994, p. 404). Often this information is second or third hand. Yet in practice the definitions of oral tradition and oral history are not so rigid. For some, the product and the process of communication are inseparably intertwined (Borrows, 2001, p. 5). I will be using the terms "oral

history" and "oral tradition" interchangeably throughout this paper depending on the source used.

Julie Cruikshank (1993) elaborates on this: "Oral tradition is more than a body of stories to be recorded and stored away. It is not always passed on in the form of complete narratives. In communities where I have worked, oral tradition is discussed and debated as part of a lively process, a way of understanding the present as well as the past" (p.2).

While it is easy to view Aboriginal oral history simply as evidence or data separate from community, culture and history when in the context of the courtroom, to Aboriginal peoples oral history embodies a system of Indigenous knowledge based on traditional beliefs and values. The themes that emerged from my research show that although the issues discussed are linked to the legal system, oral histories are intricately a part of the community and the culture in which they originated.

Issues such as interpretation, evaluation and comparison of the written and the oral loosely fall within the category of contextual issues. These issues take us away from the way in which Aboriginal rights and title are litigated, to the contextual differences between the culture of the courtroom and the culture of Aboriginal communities.

In 1991, in the British Columbia courts, Judge McEachern ruled against the claims of the Gitxsan and Wet'suwet'en peoples. One of the main reasons he cited was, "I am unable to accept oral histories as reliable bases for detailed history, but they could confirm findings based on other admissible evidence" (Delgamuukw v. British Columbia, [1991] 3 W.W.R.97). After that judgment was announced, Julie Cruikshank (1998) wrote that: "the inescapable lesson seems to be that removing oral tradition from a context where it has self-evident power and performing it in a context where it is open to evaluation by the state poses enormous problems for understanding its historical value" (p.64).

Within the context of the community the transmission of oral tradition is not conveyed in a singular, detached and decontextualized way. John Borrows describes that oral history in many Aboriginal groups is "conveyed through interwoven layers of culture that entwine to sustain national memories over the lifetime of many generations" (2001, p. 8). He goes on to say that there are many types of traditions that are a product of this process such as "memorized speech, historical gossip, personal reminiscences, formalized group accounts, representations of origins and genesis, genealogies, epics, tales, proverbs and sayings" (Vansina, 1985, 13-27). And each of these are reinforced by specific cultural practices such as ceremonial repetition, witnessing by assigned individuals, dances, feasts, songs, poems, the use of testing and the use and importance of place. The point being that oral tradition does not stand alone, but is given meaning through the context of specific cultural practices (Borrows, 2001, p. 9).

Part of understanding oral histories in their proper context is knowing that they often come with a complex set of rules. These rules stipulate when stories should be told, who has the right to tell the story and restrictions as to how much interpretation the teller can add (Spielmann, 1998, p. 184). In the context of the courtroom some rules of this type may be compromised. In creating the circumstances that are true to oral histories being told outside of the context of the community concessions are made for non-Aboriginal listeners and for the courts in particular.

One of the biggest challenges to cross-cultural interpretation of Aboriginal oral histories within the courts is due to the variety of interpretation modes. The courts have a tendency to make a distinction between what is viewed as 'historical fact' and what is viewed as 'beliefs' (Culhane, 1998, p. 123), thus differing interpretations of Aboriginal oral histories risk being

categorized as ‘beliefs’ which have not held the same legitimacy in the courts as ‘historical facts’.

Cruikshank also identifies the difference between ‘beliefs’ and ‘facts’ as an important interpretive issue and uses beliefs about glaciers as an example:

> I don't think judges would believe that the glaciers listen, that the glaciers respond to humans, but he might believe that people believe that, but then he is assessing the beliefs rather than understanding that these are ways of thinking about things (1999, personal interview).

It should also be noted that the adversarial foundations of the Canadian judicial system may distort oral traditions. “Distortion may unintentionally occur to the oral history evidence of given the passions and prejudices associated with the adversarial system. When oral traditions are collected as pieces of evidence to support positions, interpretations are influenced by anthropologists, historians, ethnographers, and by decisions-makers” (Hanna, 2000, p. 13).

Despite the difficulties in interpretation and verification, there is no doubt that at times, oral histories present greater opportunities for understanding historical events than the recitation of bare facts. It can teach us much about the intellectual, social, spiritual and emotional state of the event for that specific group (Borrows, 2001, p. 13). The importance of oral history may not lie in its adherence to fact, but rather in its departure from it, as imagination, symbolism and perception. (von Gernet, 1996, p.51). “Wrong” statements can still be psychologically true and reveal more about the people and the context of events than the mere fact under study (Borrows, 2001, p.13). von Gernet reinforces this sentiment when he says that “what informants believe, is indeed a historical fact (this is, the fact that they believe it), as much as what really happened” (1996, p. 50).

Just as what we view as “fact” comes out of our own cultural experience, so too is how we learn (or don’t learn) how to listen. Ted Chamberlin pointed out that: “just as we learn how to read, so we learn how to listen; and these learnings do not come naturally. Nor are they the same across different traditions, listening to which may be as different as reading English and Chinese and Arabic” (1999, personal interview).

Yet listening is so central to human existence that we seldom give it a second thought. To listen is to take an interest in, take to heart, validate, acknowledge, to be moved by and appreciate another’s experience (Nichols, 1995, p. 13). The essence of good listening is empathy, which means suspending our preoccupation with ourselves and entering into the experience of another (Nichols, p. 10). This is a skill that is acquired only after much effort and practice.

Learning to listen and the time it takes to truly learn about and understand Aboriginal oral histories is an area that needs more attention. It is also important not just to learn to listen, but to learn about specific Aboriginal cultures, as all oral traditions are unique to each individual culture. Much of a good interview with someone relating oral histories is dependant on the skill of the interviewer and the rapport of the teller and the listener. Judges and lawyers are skilled at asking questions and in articulating circumstances, but typically the courts do not provide the time or the context for a rapport that is conducive to such cross-cultural understanding.

Simon Ortiz, says that as participants in a story, “we must listen for more than just the sounds, listen for more than just the words and phrases; we must try to perceive the context, meaning, purpose” (1977, p. 9). Taking Aboriginal oral histories from the community to the courtroom is not an easy transition. It has been suggested that taking the judge to the Aboriginal community to participate in significant cultural events such as a potlatch might encourage cultural understanding (Culhane, personal interview, 1999). While this is no doubt a step in the right

direction in trying to get the judge to think outside of his or her own culture, "even the most intimate story-telling situation does not ensure identical understandings of a story" (Sarris, 1993, p.40).

Brian Thom believes that "when the listener hears oral histories from a very different perspective than the tellers', these oral histories will not and cannot be meaningfully understood (Thom, 2001, p. 10). Rosaldo (1989) on the other hand, believes that it is possible to learn and understand those outside of one's own culture. He writes that:

> The translation of cultures requires one to try to understand other forms of life in their own terms. We should not impose our categories on other people's lives because they probably do not apply, at least not without serious revision. We can learn about other cultures only by reading, listening, or being there. The informal practices of everyday life make sense in their own context and on their own terms. Cultures are learned, not genetically encoded. (p. 26)

Bennett makes the point that intercultural sensitivity is not natural. Historically cross-cultural contact was often accompanied by bloodshed, oppression or genocide. There are few historical models for sensitive or empathic cross-cultural communication (1993, p. 21).

It takes a lot of unlearning to begin to understand culture and experiences outside our own. One oral historian, stated that it took a decade before she felt liberated from her own "filtering". What she heard as an interviewer was filtered through her own perceptions and personal infrastructure, and it took years before she was able to separate the narrative and interpretation from her internal one (Tydor Baumel, 2000, p. 20). Understanding oral tradition in a meaningful way involves understanding cultural context and taking the time necessary to learn empathic listening.

Before oral tradition is shared outside of the original community or context, there are also issues related to community participation, control and evaluation. Researchers have traditionally used methods such as external testing to compare oral history with other evidence such as written accounts or archeological data to access degrees of validity (von Gernet, 1996, p. 5.3.3; Hoffman, 1996, p. 89). Others use internal testing to evaluate an oral history in terms of its own self-consistency, which may involve cross-checking and collation of multiple versions.

Many communities are also in the process of creating new ways to validate and evaluate their own oral histories on their own cultural terms. For one community certain types of oral histories such as treaty stories can only be validated through a particular family line, as they are the keepers for those oral histories. For another community it may be a House or Clan group that validates the oral history. External testing and documentary triangulation may shed light on the "factual" occurrences of past events. Internal cross-referencing may reveal the "factual" truth of the community's perception of particular events (Borrows, 2001, p. 24-25).

Perhaps a fuller "understanding of First Nations law will only occur when people are more familiar with the myriad stories of a particular culture and the surrounding interpretations given to them by their people" (Borrows,1997, p. 455). Perhaps the various narratives could be viewed for their rich interwoven context which in turn constitutes the tapestry of Aboriginal oral traditions which involves the whole culture of the community.

Marlene Brant Castellano (1999) describes how the community both creates the oral history and validates it:

> That in an oral society the validation of particular perspectives on events is tested, modified and confirmed within the oral community, with people talking about what is being talked about. And then as the event recedes in time, what emerges from the discussion in the community becomes the oral history. If you don't have those functioning small communities

who understand their possibility and their responsibility to talk about and to synthesize the communities perspective on that event, to sort of solidify the history. The written record then takes on, just because of being attached to a literate tradition of authenticity and authority, the written version becomes the real thing (Personal interview). It is important to acknowledge that interpretation can and should be contested by other community members (Cruikshank, 1998, p. 41).

The contextual issues touch on questions and discussions occurring at the community level when Aboriginal oral tradition is compared or evaluated with written historical documents or listened to by those outside the culture. It is the community that can help define and control how that knowledge is shared and documented. Each community has its own cultural and historical traditions. While it would be impossible to come up with standardized rules for the use of Aboriginal oral tradition in cross-cultural settings, some of the areas identified, such as contextually based practices could be deepened as the community identifies their own specific cultural rules and strategies for collecting and sharing their oral traditions. Many communities are now grappling with how to adapt traditional methods of validation to contemporary issues and settings. For some communities their connection to oral tradition was broken as generations went away to residential schools. This process of identifying cultural practices and adapting to cross-cultural settings while maintaining community control is an on-going process that differs from community to community.

There was an acknowledgment that there needs to be considerable community preparation before the oral histories get into the courts (or any other cross-cultural setting). It should be the community that decides and validates what and how oral histories will be heard.

Some of the issues identified were: the fact that Aboriginal oral tradition is very much part of contextual cultural practices; the perceived difference, within the courts in particular, between "beliefs" and "facts"; that listening is a culturally based skill. Community validation and evaluation of oral tradition was also identified as a part of cultural practice.

"We need to find better ways of putting these stories together, of mediating between both their realities and their two imaginative traditions, and of understanding such stories and songs - truth tellings - not by hearing them in isolation but by seeing where they meet each other, and the world" (Chamberlin, 1996, p. 32).

When I listen to Cree storyteller Louis Bird tell stories, I am swept into his world along the coast of Hudson and James Bay, to a time before the arrival of guns and Europeans, when survival was intricately linked to knowledge of animals, plants, weather, and the land. Whatever the type of story, whether it is a factual account of a skirmish with another Aboriginal group or a story involving characters with supernatural powers, my world opens up just a little more.

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