A Cultural Hearing Aid

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When lawyer Peter Grant asked Chief Mary Johnson to sing a Gitksan song as an essential part of her evidence on the "Ayook," the ancient but still effective Gitksan law, Judge McEachern objected. He said he did not want any "performance" in his court of law. "I can't hear your Indian song, Mrs. Johnson, I've got a tin ear."

Most of us non-Aboriginal Canadians also wear a tin ear. It seems natural because we have worn it all our lives. We are not even aware of the significant sound we cannot hear.

—Walt Taylor, *The Three Rivers Report*, July 15, 1987.

Taylor's description of Justice McEachern's "tin ear"—his inability or willful refusal to hear Gitksan song as an Indigenous legal order that Gitksan people understand it to be—provides just one example of the many ways in which listening is guided by positionality as an intersection of perceptual habit, ability, and bias.

The colonial imposition of settling listening seeks to compel sensory engagement through practices of focusing attention that are "settled"—in the sense of coming to rest or becoming calm—and in doing so effect perceptual reform sought through the "civilizing mission" of missionaries and the Canadian state. Listening regimes imposed and implemented "fixed listening" strategies that are part of a larger reorientation toward Western categorizations of single-sense engagement, as well as toward Western ontologies of music located in aesthetic appreciation. Such regimes often continue today in an entirely different way through structural listening practices taught to students in university programs. Unifying these listening practices is the "civilizing" drive for selective attention that renders listening as a process of the ear rather than of the body.

Foundational differences between Indigenous and settler modes of listening are guided by their respective ontologies of song and music. Western music is largely, though not exclusively, oriented toward aesthetic contemplation and for the affordances it provides: getting through our work days, setting and focusing moods, and creating a sense of home (DeNora 2000). Indigenous song, in contrast, serves strikingly different functions, including that of law and primary historical documentation. A striking example of this clash between Western aesthetic and Indigenous "functional" ontologies of song is apparent in Delgamuukw v. the Queen (1985), a land claim trial in which Gitxsan and Wet'suwet'en sought jurisdiction over their territories in northern British Columbia, Canada. For our purposes here, I will restrict my discussion to the contested inclusion of song in the court proceedings, and in particular the moment

when counsel for the plaintiffs directed Mary Johnson, Gitxsan hereditary chief Antgulilibix, to perform a limx'ooy (dirge song)[1] associated with her adaawk (formal, ancient, collectively owned oral history).[2]

Following Mary Johnson's singing of the limx'ooy, MacEachern continued to demand explanation and justification of it:

> **McEachern:** All right Mr. Grant, would you explain to me, because this may happen again, why you think it was neces sary to sing the song? This is a trial, not a performance… It is not necessary in a matter of this kind for that song to have been sung, and I think that I must say now that I ought not to have been exposed to it. I don't think it should happen again. I think I'm being imposed upon and I don't think that should happen in a trial like this... (British Columbia Supreme Court 1985, 670–71).

Throughout the trial, Justice McEachern refused to acknowledge the legitimacy of the limx'ooy as evidence, let alone as the equivalent documentation of law as upheld by the Gitxsan people. He conflates the song with "a performance" that can have no effect on pleasing his "tin ear." McEachern treats Johnson's singing as an attempt to win him over, either through the song's aesthetic beauty or the affective appeal of her voice. McEachern cannot hear what Mary Johnson shares as anything other than a song in the Western context of what songs are; or rather, he asserts willful ignorance that it can function as anything other than a song that might penetrate the armour of his "tin ear." In contrast, it is useful to consider from a Gitxsan perspective what this song is, and the function it holds as an Indigenous legal order. As described by James Morrison (Txaaxwok) during the same trial, the limx oo'y has far more than an aesthetic function; it is far more than a song with the aesthetic powers to please the ear:

> Well when, while they ever singing that song, that's memorial, that's today, when they are singing it and rattle, when they are singing it in a quiet way, while they are singing that song, I can feel it today that you can feel something in your life, it memories back to the past what's happened in the territory. This is why this song, this memorial song. While the chief is sitting there I can still feel it today while I am sitting here, I can hear the brook, I can hear the river runs. This is what the song is all about. You can feel the air of the mountain. This is what the memorial song is. To bring your memory back into that territory. This is why the song is sung, the song. And it goes on for many thousands of years ago. And that's why we are still doing it today. I can feel it. That's how they know the law of Indian people, as this goes on for many years.[3]

Songs at their best serve this function of memory, they capture a time in our lives, they produce nostalgia. I want to refrain from categorizing Morrison's word here as a kind of nostalgia, however, given the way that songs, again, as law have a function, and are more than representational.

In this more-than-representational frame, the limx'ooy is not simply representing the place, speaking about a place, or making those who hear it remember this place; it acts as the "law of Indian people." It functions as a primary legal and living document with importance for conveying the embodied feeling of history "to the past [thousands of years of] what's happened in the territory." This embodiment, the literal emplacement of the listener back among sensual experience of place is thus a legal order that functions through embodiment. We must here distinguish between the Western form of law represented in the "The Law vs. The Ayook" image and the Gitxsan construction of law through the singing voice that brings listeners back into relationship with place not just through its hearing but through its feeling. In contrast with Western law, this Indigenous legal order is "felicitous" (Austin) or legitimate only because Morrison "can feel it", and by feeling it "that's how they know the law of Indian people."

The title of this article, "A Cultural Hearing Aid," asks how we might need to reorient our practices of listening, first by recognizing that all of us have adopted settler colonial forms of perception, or "tin ears," that disallow us from understanding Indigenous song as both an aesthetic thing and as more-than-song. Indigenous ontologies of song ask us to reorient what we think we are listening to and how we go about our practices of listening with responsibilities to listen differently, while also requiring us to examine how we have become fixated—how listening has in effect been "fixed"—in practices of aesthetic contemplation, as a pastime or entertainment, and through its various affordances.

In reorienting our listening practices from normative settler and multicultural forms to the agonistically and irreducibly sovereign forms of listening, we must also reconsider what we think we are listening to. This is particularly the case for Indigenous song. Ontologically, many of our songs have their primary significance as law, history, teachings, or function as forms of doing. This is to say they are history, teaching, law that take the form of song, just as Western forms of law and history take the form of writing. Yet can they cannot also be reduced to merely an alternative form of Western documentation—the exact equivalent to a book, to written title of land. I have repeatedly been asked to account for the ways in which our songs serve as law, or how songs have life. At the heart of these questions has been a demand to explain how our songs fulfill the necessary and sufficient Western criteria that constitute a thing. To measure the "fit" of Indigenous processes by Western standards subjects them (and the Indigenous person who explains them) to epistemic violence, and re-entrenches colonial principles and values.

The song presented by Mary Johnson as a Gitksan legal order is what some might refer to as a "traditional" song, as a song that has existed for many generations. Some may be inclined to draw a line between the capacity of "traditional" Indigenous songs to function as law, medicine, teachings and primary historical documentation, while understanding more recently created Indigenous songs in contemporary popular

genres as not holding such functions. I am hesitant, however, to draw such a sharp line between these categories. For this assertion would imply that Indigenous music composed today, and in contemporary genres, carries less of the teachings, histories and laws that our older music does. While it may be the case that Indigenous contemporary music does not explicitly claim to enact law, provide healing, or convey knowledge (locations and practices for hunting, for example), my belief is that this knowledge is still present to varying degrees even when not made explicit.

Keeping this context of Indigenous ontology at the forefront of my examination of inclusionary performance and Indigenous+classical music is key for understanding the relationship between Indigenous and non-Indigenous musical and performance encounters.[4] Within the context of Indigenous resurgence, this context holds even greater importance for Indigenous composers and artists as a provocation to reclaim the actions that our songs take part in. Yet to re-claim song as holding a function beyond the aesthetic aspect is little more than a leap of imagination unless we define ways in which we, as listeners, also consider the ways in which listening affirms and legitimates these actions. How does listening serve as an affirmation or legitimation of law? What is listening as a responsibility in documenting our histories (to the extent and level of detail that a book does so)?

Reorienting our ears toward Indigenous ontologies of song requires us to return to the place that musicologist Susan McClary found herself nearly thirty years ago. In 1991 McClary, advancing new models for feminist music analysis, noted that in considering the intersections of gender, sexuality, and music, we might reach a point where we might be productively "no longer sure of what MUSIC is."[5] Decolonizing musical practice involves becoming no longer sure what LISTENING is.

To decolonize perception in general, and listening in particular, requires different strategies for settler and Indigenous listeners. While it is important for Indigenous listeners to understand and practice forms of resurgent perception based in our individual nations and communities' cultural logics, for settler listeners decolonial strategies may at times be necessarily agonistic, as encounters between nation-to-nation sound sources and perception predicated upon the rough edges of a nonconsensual conception of democracy. They may, moreover, require new frames for listening that do not treat listening as a single-sense activity, while resisting the hunger to consume alterity and Indigenous content.

[1] Often referred to as a dirge song, within the Delgamuukw court proceedings Gitxsan elder Martha Brown, Xhliimlaxha, noted that "whenever a Chief dies they use the limx'ooy in many different ways… it's a crying song, or a mourning song. That's all" (British Columbia Supreme Court 1985, 7).

[2] Val Napoleon describes the adaawk as that which "links each House to its territories and establishes ownership of the land and resources. The adaawk tell of the origins and migrations of groups to their current territories, explorations, covenants established with the land, and songs, crests, and names that result from the spiritual connection between people and their land." in Napoleon, Valerie R. "Ayook: Gitksan Legal Order, Law, and Legal Theory." PhD diss., University of Victoria, 2001, 169.

[3] Napoleon (2001: 169).

[4] Hungry Listening, the book from which this text is excerpted and adapted, moves away from the term "intercultural music" in order to gain increased precision around the particular politics of aesthetics that subtends this music in the period following Canada's official enshrinement of multiculturalism and subsequent Truth and Reconciliation Commission on the Indian Residential Schools. Hungry Listening thus proposes a terminological shift that recharacterizes a subset of intercultural Indigenous music and performance as "inclusionary." The phrases "inclusionary music" and "inclusionary performance" are used throughout the book to signal the ways in which Indigenous performers and artists have been structurally accommodated in ways that "fit" them into classical composition and performance systems. Such inclusionary efforts bolster an intransigent system of presentation guided by an interest in—and often a fixation upon—Indigenous content, but not Indigenous structure. Inclusionary music, which on the surface sounds like a socially progressive act, performs the very opposite of its enunciation.

As a counterbalance to my examination of inclusionary performance, "Indigenous+art music" is a term that foregrounds a resistance to integration, and signals the affectively awkward, incompatible, or irreconcilable nature of meetings between Indigenous artists and classical music ensembles/musicians. Linguistically, the logogram "+" in "Indigenous+art music" is employed in order to resist the conflation of difference within the encounter by conjoining (rather than merging) two areas of sound practice. I use the term in order to disrupt assumptions of seamless union that "intercultural" can imply.

[5] McClary, Susan. 1991. Feminine endings: music, gender, and sexuality. Minneapolis: University of Minnesota Press, 19.