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Protocols of Return

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## Rematriation: Ts'msyen Law, Rights of Relationality, and Protocols of Return

### *Abstract*

What do Indigenous peoples mean when we mobilize the term rematriation? Approached from a decolonial analysis of rematriation discourse and activism, rematriation is an Indigenous feminist paradigm, an embodied praxis of recovery and return, and a sociopolitical mode of resurgence and refusal. Indigenous laws and protocols are foundational to rematriation paradigms. Drawing from auto-ethnographic and community-based research with, by, and for Ts'msyen from Lax Kw'alaams, British Columbia, Canada, I focus on the nuances and active qualities of Ts'msyen rematriation. Analysis of examples of Ts'msyen feasting laws, rights frameworks in the Lax Kxeen Ts'msyen dance group, and protocols in return ceremonies between Indigenous nations on the northwest coast of British Columbia, Canada, illustrates what rematriation is, what it wants, what it takes, and what it does. A case study of a Ts'msyen song collection now held by Columbia University demonstrates that rematriation is the antithesis of repatriation. Considering the legal obstacles Indigenous peoples face when seeking redress for prior thefts from settler states, subjects, and institutions, new legal paradigms for reparation and return are essential.

OVER THE LAST DECADE, the term “rematriation” has become popularized in Indigenous discourse and through Indigenous activism. From the founding of rematriation collectives and the generation of hashtags on social media platforms to the 2017 launch of *Rematriation* magazine, the increasing prevalence of rematriation discourse and activism demonstrates the term’s resonance for Indigenous peoples in general and to Indigenous women more specifically.<sup>1</sup> No singular definition exists, and no one has yet to fully theorize or explicate the term in academic study.<sup>2</sup> What do Indigenous peoples mean when we mobilize the term rematriation? Based on a decolonial analysis of rematriation discourse and activism, I propose that rematriation is an Indigenous feminist paradigm, an embodied praxis of recovery and return, and a sociopolitical mode of resurgence and refusal.

Drawing from auto-ethnographic and community-based research with, by, and for Ts'msyen from Lax Kw'alaams, British Columbia, Canada, I examine the nuances and active qualities of Ts'msyen rematriation through the lens of Ts'msyen laws and protocols. Embodied analyses of feast work, song legality, return ceremonies, and heritage recovery demonstrate what rematriation is, what it wants, what it takes, and what it does.

I apply rematriation as a paradigm and protocol as an analytical frame to recast questions about ownership, access, and control, and understandings of Indigenous law, property, and nationhood. First, I explicate rematriation discourse and activism to theorize the concept and to provide a framework for analyzing rematriation in Ts'msyen society. A working definition illuminates the active qualities of rematriation and illustrates why Indigenous laws and protocols are foundational to rematriation work. I situate Ayaawx (Ts'msyen law) as the bedrock of Ts'msyen nationhood and the impetus for Ts'msyen rematriation. Ayaawx shapes Ts'msyen epistemology, ontology, axiology, and methodology, providing critical context for understanding matrilineal kinship structures, hereditary rights frameworks, conceptions of property, and the unique character of Ts'msyen rematriation. Not only do hereditary rights flow through women, Big "M" Matriarchs hold primary leadership positions and legal authority within our Houses and Tribes.<sup>3</sup> Ts'msyen laws, heritage protocols, and my family's resurgent feast work further illustrate why rematriation is a particularly salient paradigm to account for place-based, decolonial activism in societies like the Ts'msyen Nation.

Moving beyond hereditary rights, I examine how Ayaawx governs ownership, access, and control of songs in the Lax Kxeen Ts'msyen Dance Group. Rights are both rooted in and work beyond primary kinship structures of matrilineal descent and inheritance creating dynamic intellectual property systems characterized here as rights of relationality. Ownership, access, and control of songs are firmly grounded in Ayaawx but also include generative pathways for multiple configurations of rights that nurture and validate property relations, social relations, and political relations within and beyond the Ts'msyen Nation. Moving to examples of my own adoptions and accompanying adoption protocols reinforce how rights of relationality nurture positive international relations and diplomacy on the northwest coast of British Columbia. Rights of relationality also engender protocols of return between Indigenous nations. Legal protocols accompanying the return of a Ts'msyen song from Haida and the return of Chilkat weaving knowledge from Tlingit, offer alternative readings of property and rights, and amplify different paradigms for return. These dynamic examples of return, and the political possibilities they foster, expose colonial logics and legalities

embedded in repatriation processes, also illuminating why Indigenous laws must be respected as precedent for ownership, access, and control of Indigenous cultural heritage.

Rematriation, grounded in Indigenous law, means that any movement to recover disinterred ancestors or stolen, misappropriated, or commodified belongings from states, subjects, and institutions must go beyond repatriation to achieve true reparation and redress. For some nations like Ts'msyen, the work to recover our captured bodies, objects, and knowledge is just beginning. I draw on an ongoing case study to recover a collection of Ts'msyen songs with, by, and for Ts'msyen to show how rematriation goes beyond what repatriation can achieve. Although colonial configurations of ownership haunt repatriation processes, foregrounding a rematriation paradigm yields more decolonial potential than a typical repatriation paradigm. I provide final thoughts on the relationship between rematriation and research to show how our reclamation process is firmly grounded in Ayaawx and imbued with grounded refusals of “the white man’s law.” Instead of focusing on the history of acquisition, the collector, or the collection, I highlight Ts'msyen values and protocols in a community-based process of return. A focus on embodied protocols of return in rematriation work provides a situated and dynamic reading of law, property, ownership, and rights on Indigenous terms—not to flag our cultural difference but rather our socio-political density (Andersen 2009).

### *Foregrounding Rematriation*

My late aunty, Stó:lō thought leader Lee Maracle, first introduced the word “rematriation” more than three decades ago in her seminal manuscript *I Am Woman* (1988/1996) and revisited the concept in *Memory Serves* (2015). Maracle did not explicitly or comprehensively flesh out the term in either text, but it is implied that she identified rematriation as an Indigenous feminist concept with decolonial aims—mainly “the restoration of matriarchal authority and the restoration of male responsibility to these matriarchal structures to reinstate respect and support for the women within them” (Maracle 2015, 149). For Maracle, rematriation has as much to do with ending domestic and family violence as it does with reinstating the place of women in Indigenous governance systems. In the more recent discourse on rematriation burgeoning online, the term has come to connote a plethora of Indigenous needs, priorities, values, and interventions, but most uses focus on feminist articulations. For example, the ReMatriate Collective strives for visual sovereignty by creating anticolonial art interventions that counteract the ways Indigenous women are negatively portrayed in media. Likewise,

the Rematriation website was created by Haudenosaunee women as a multimedia initiative to connect Indigenous women, share stories, shift narratives, and defy stereotypes. The RAIR (Relational Accountability for Indigenous Rematriation) Collective and the Eastern Woodlands Rematriation Collective are both led by women and Two-Spirit people. While each of these two collectives has an online presence, their primary focus is on land-based reclamation and food sovereignty. The growth of rematriation collectives is proof of Maracle's (1996, 22) earlier prediction that "Native women are going to raise the roof and decry the dirty house which patriarchy and racism have built on our backs." Rematriation discourse and activism connect Indigenous women, celebrate Indigenous womanhood, illuminate the leadership and labor of Indigenous women, recognize the sociopolitical power of women in matrilineal societies, and affirm women's authority in Indigenous governance systems. From these Indigenous feminist perspectives, decolonization cannot fully be realized without Indigenous women at the center of our efforts. Grassroots Indigenous reclamation and revitalization efforts are most often led and sustained by women at the forefront and behind the scenes. Since Indigenous feminists are identifying the need for place-based cultural reclamation, and work to support the collective healing and resurgence of our nations, rematriation can also be described as an embodied praxis of recovery and return.

An analysis of Facebook, Twitter, and Instagram indicates that rematriation discourse is mobilized by Indigenous people in two primary ways: to foreground Indigenous feminisms and to signify a plethora of needs, priorities, values, and actions. Proponents of the term express strong socio-political commitments that range from women's and LGBTQ+ rights, return of lands, and safeguarding of waterways to recovering cultural objects and ancestral remains, reclaiming Indigenous ways of knowing, being, and doing—or even restoring female seeds in Indigenous territories. Rematriation discourse, on social media at least, is growing in scope. The growth is generative for theorizing the purpose, prevalence, and impact of the term, but because of its increasing circulation in popular, social media–driven discourse it may be at risk of appropriation similar to the way Tuck and Yang (2012) criticized and cautioned the ease with which academics superficially appropriate and adopt "decolonial" without fully accounting for what decolonization is, what it does, and what it wants. Applying this same critique, one can anticipate how rematriation might also be easily appropriated by non-Indigenous peoples and grafted onto nativist yearnings to reclaim a spiritual connection with a ubiquitous Mother Earth without considering the politics of place-based Indigenous sovereignty. Non-Indigenous people who utilize the term likely will not fully account for what rematriation is,

what it does, what it wants, and what it takes. Indigenous peoples direct their energies to projects of recovery and return because they have decolonial aims, which include healing the wounds of dispossession, prohibition, subjugation, alienation, and dislocation that resulted from centuries of targeted attacks on our indigeneities. Rematriation, as an embodied praxis of recovery and return, is about revitalizing the relationship between Indigenous lands, heritage, and bodies based on Indigenous values and ways of knowing, being, and doing.

In consideration of the interventions that Indigenous feminists aim to make, and the grounded, place-based, and critical modes of recovery and return that Indigenous peoples take up, rematriation must also be seen as a vital sociopolitical process that centers and uplifts Indigenous nationhood. Rematriation involves both a turn away from the colonial order of things and a turn toward Indigenous nationhood. It moves Indigenous peoples further away from the distractions and constraints of state-sanctioned recognition politics toward the resurgence not only of our own sociopolitical systems but also a politics of refusal in our dealings with settler states, subjects, and institutions (Coulthard 2007, 2014; A. Simpson 2014, 2016a, 2017; L. Simpson 2011, 2017, 2018). Rematriation not only signifies what we are refusing—such as dispossession, colonialism, heteropatriarchy, white supremacy, anthropocentrism, and lateral violence—but also how we are “producing and maintaining alternative structures of thought, politics and traditions away from and in critical relationship to states” (A. Simpson 2017, 2). Indigenous nations act not only in critical relation to states but also in relation to each other. Historical and evolving diplomatic relations between Indigenous nations are critical to contemporary “Indigenous resurgent mobilization” efforts (L. Simpson 2018).

As a sociopolitical mode of resurgence and refusal, rematriation redirects our energy, attention, activism, and resources toward sustaining, nurturing, managing, protecting, healing, adapting, renewing, creating, and generating our relationality with all of creation and within and between our families, communities, and nations. Relationality is the key to Indigenous resurgence. Relationality means much more than just “understanding our place in the world as situated within relations of interdependence with all of creation” but rather “living in a way that carries out our responsibilities within these relationships [original emphasis]” (Starblanket and Stark 2018, 177). Rematriation requires us to reconsider what it means to be a nation, what it takes to embody our sovereignty, what it means to be in relation with all of our relations, how we act in relation with other Indigenous nations, and how we act in relation to states. Indigenous laws and protocols provide the guidance we need to live our relationality and to put rematriation into practice.

## *Ayaawx: Ts'msyen Law*

Wai. Sm'gyigyet, Sigidmhana'nax, Lik'agyigyet, K'abawaalksk, K'abat-güülk. T'uut'k di waayu. Gisbutwada di pdeegu. Na waaps 'Liya'a'mlaxha di wil haytgu. Gitaxangiik di ts'abu. Ts'msyen nuuyu ada Lax Kw'alaams di wil 'waatgu. Mikisew Cree nuuyu ada Fort Chipewyan di wil 'waatgu [Chiefs, Matriarchs, women of high rank, House leaders, young people of high rank, and all of the children. My name is T'uut'k. Gisbutwada is my Clan, the House of 'Liya'a'mlaxha is where I stand, and Gitaxangiik is my Tribe. I am Ts'msyen from Lax Kw'alaams, British Columbia, and Mikisew Cree from Fort Chipewyan, Alberta, Canada].

Under Ts'msyen law, locating oneself is fundamental to oratory protocols; it puts us in relation to one another, distinguishes our place within our sovereignty structure, connects us to our territories, and situates our hereditary rights and responsibilities. The Ts'msyen Nation is a matrilineal society where kinship, personhood, and prerogatives are based on a complex system of matrilineal descent and inheritance. All Ts'msyen trace their lineage to one of the four Pdeex (clans): Laxsgiiik (Eagle), Ganhada (Raven), Gisbutwada (Blackfish), and Laxgibuu (Wolf). Identifying our Pdeex is the starting point for determining our Waap (House), and to which of the fourteen Galts'ap (Tribes) of the Ts'msyen Nation we belong. Hereditary rights flow through our mother's line. My brother and I are Gisbutwada, Gitaxangiik, from Waap 'Liya'a'mlaxha because our mother is, her mother was, and so on. I can pass on hereditary rights, whereas my brother cannot. As Łuum, a Ganhada Lakigyet (House leader) of the Gitgiis Tribe often reminds us, "All that matters is the mother's line!" when locating oneself, so father's or last names are secondary markers of our identity in terms of lineage, rights, and even oratory protocols.

Ayaawx (Ts'msyen law) encompasses Ts'msyen values. Ayaawx reflects Ts'msyen ways of knowing and shapes our ways of being and doing. Ayaawx guides and teaches us what it means to be Ts'msyen. Those teachings are reflected in our adaawx (sacred histories), maalsk (more recent historical narratives), and dzepk (crests), and they are expressed through material, aural, visual, and embodied art forms. Art forms include designs, carvings, weavings, songs, and dances that explain our origins, our unique place in the world, our enduring connection to lands and waterways, our interrelationality with human and other-than-human beings, our rights and responsibilities, and why we do what we do. There is no letter of the law, only the spirit of the law. "As a spiritual document, the Ayaawx is to be practiced and taught through action and by example" (Vickers 2008, 5). Ayaawx in action reminds us why we need to act in a good way and why we need to remember

how to relate and to be honorable and just, responsible, accountable, and good stewards; we should lead, host, share, teach, heal, find resolution, imagine solutions, and love. Ayaawx shapes our conceptions of property and systems of property ownership, providing a framework for the creation, management, protection, circulation, ownership, access, and control of our (in)tangible cultural heritage.<sup>4</sup> Ayaawx engenders a range of ethics and protocols that work to reinforce and validate Ts'msyen law, property, rights, and relationships.

In Ts'msyen society names are considered collective property. I currently wear the name T'uut'k, which, in its long form, roughly translates to "Prominent Voice of Raven." Ts'msyen women in my lineage before me wore this name, and Ts'msyen women in my lineage will wear it after me. The name belongs to the House of 'Liyaa'mlaxha. It was ceremoniously transferred on to me (or "moved") during our second House feast. When moving names, Ts'msyen follow an interconnected series of ethics and protocols before, during, and after the naming ceremony. Ayaawx teaches us that hanaa'nax, especially Matriarchs, are the keepers of the names. With their guidance, House members identify the next candidate for a name and come to consensus of opinion on a fitting name for that person. Meaningful decisions are made when determining who can legally move a name: Which Clan, House, and Tribe do they belong to? What is the nature of our relationship? Just as protocols direct how to request someone's permission to participate in your naming ceremony, protocols direct how to show gratitude to the name-mover. Naming ceremonies need witnesses to help validate the lawfulness of name transfers and to help keep the name wearer accountable to their name. Accordingly, naming ceremonies occur publicly at feasts. Carrying oneself in a good way and showing accountability to one's name are required as lawful and ethical in Ts'msyen society. When it is time to remove the name because one has outgrown it in terms of age or rank, is on one's deathbed, has passed suddenly, or has brought shame to their name, protocols for removal involve ceremony and witnessing to affirm the name's life and spirit as it makes its way back into the House's box of treasures. The legal life of names is firmly grounded in Ayaawx, and the life cycle of names is governed by dynamic protocols of embodiment, relationality, and return.

In addition to names, Ayaawx is expressed through other forms of (in) tangible cultural heritage. Whether song, dance, carving, or weaving, the medium works to assert and validate history, kinship, prerogatives, responsibilities, governance, and politics. For example, my uncles created talking sticks depicting our lineage and oral histories. We use the talking sticks to help ratify House business during our feast work. My brother created a cedar box of treasures depicting our crest designs that physically, symbolically, and

legally holds our House property. We also commissioned our friend, Christine, to weave a cedar mat that we use to welcome our guests into our feast hall. The talking sticks, cedar box, and cedar mat were publicly introduced, incorporated, and validated as our House property at both of our feasts.

The relationship between law, heritage, property, and politics is alive and well beyond the feast hall. For example, pts'aan (totem poles) are commissioned, carved, and erected to commemorate events, memorialize life, communicate oral histories, mark territory, assert rights, and express relationality. Pts'aan are monumental assertions of Ts'msyen sovereignty and, just as law and politics provide the impetus for their creation, many protocols accompany pole raisings. Button blankets are also a form of (in)tangible cultural heritage that many interpret as craft or costume but should be understood as law and politics. When we wear our button blankets, which are legal documents, we tell each other and the world to which of the four Clans of the Ts'msyen Nation we belong. That identity work begins a whole conversation about which village, House, and Tribe we are from, and, by extension, how to locate our responsibilities, rights, and relationality. No room for pretending here—if I wanted to dance with my people in a public setting but did not have my button blanket and someone from another Clan offered me theirs to wear, I would wear it inside out so as not to misidentify or mislocate myself.

It was imperative that I began this section with oration to locate myself within the Ts'msyen sovereignty structure. It is one thing to know how to identify oneself as a Ts'msyen, but it is another thing to have one's political identity recognized in Ts'msyen law. We ratify our political identities through feast work. For example, when people have been identified to take on a big name, one that puts them in the position of hereditary leadership, their authority is invalid until they yaawk (give a feast). That is our law. Our Elders teach us that Ayaawx is the bedrock of our feasting system and that the feast hall is our classroom. To yaawk is to enact law, honor lineage, assert prerogatives, recount oral history, move names, validate collective property, redistribute collective wealth, commemorate important historical events, honor our ancestors, reinforce relationships, and take care of important sociopolitical business. In Canada, the Indian Act's Potlatch Ban (1885–1951) made it illegal for northwest coast Indigenous peoples to feast, hoping to abolish our cultural, spiritual, social, economic, and political power (Bracken 1997). Feasting and potlatching activities were considered heathenish, antithetical to capitalist modes of accumulation and possession, and a significant obstacle to Canada's so-called civilizing project. The fact that Ts'msyen can locate ourselves within the Ts'msyen sovereignty structure today is proof that Canada cannot abolish our Ts'msyen-ness.

Many generations had passed since my House feasted, but in October 2012 my family hosted our first luulgit (feast) for Waap ‘Liyaam laxha. For years leading up to that historic event, we were on an incredibly steep learning curve conducting extensive family research, increasing our presence in our lax’yuubm (territory), having many conversations about Tribal business with other Ts’misyen, holding consistent House meetings to discuss our roles and responsibilities, and accumulating collective wealth in the form of money and goods to host our guests and to conduct our House business. In 2012, only our Lakigyet, ‘Liyaam laxha, lived in Ts’misyen territory, while I lived in Massachusetts in the United States, and the rest of my family lived in Vancouver. For anyone who lives far away from our lax’yuubm, it is a significant feat to sustain the learning, relationality, and work required to stand our Houses up after years in abeyance. My family—the House of ‘Liyaam laxha—has feasted twice since 2012. By feasting, we demonstrate our refusal to give in to the settler state’s elimination techniques or to give up our Ts’misyen-ness. Feasting is rematriation in action.

### *Rights of Relationality through Song*

Song legality—the laws that govern ownership, access, and control of songs—provides an entrance point to think about the relationship between law, heritage, and politics. Ts’misyen sound our sovereignty and embody our relationality whenever we sing and dance. Since its founding in the mid-1990s I have been a member of the Lax Kxeen Ts’misyen Dance Group in Vancouver, British Columbia. Lax Kxeen formed when my brother and I were teenagers; our noo (mother) made us join so that we could nurture our Ts’misyen identities and connect with our culture and community in weekly dance practices. Lax Kxeen is an intergenerational collective of families who primarily trace their lineage to Lax Kw’alaams. The dance group has proven to be a critical cultural enclave for Ts’misyen to feel a sense of placeness out of place. Lax Kxeen has helped to connect Ts’misyen dancing and singing communities throughout British Columbia, Alaska, and Washington state. We have many songs in our repertoire—some we were given permission to use while others we have the right to sing and dance due to our Ts’misyen identities. However, the founder and leader of Lax Kxeen, Christine, is responsible for composing the majority of the songs that Lax Kxeen sings and dances. Although they are *her* songs, she composed them for our people so we can sing and dance with each other again. In this context, rights to her songs are not entirely straightforward when grounded in Ts’misyen ways of knowing, being, and doing. Christine extends rights of relationality to other Ts’misyen to breathe life into her songs and to situate their meaning and value within a Ts’misyen legal framework.

Ts'msyen laws and protocols generate a dynamic intellectual property system that articulates, circulates, manages, and protects rights of relationality. As an example, Christine composed a Ganhada (Raven Clan) mask dancing song to honor her dad's lineage and to represent his and his brothers' ravenlike character. For the first few years only Lax Kxeen used it, but Christine later extended rights of relationality to Git Hoan, a Ts'msyen dance group in Seattle, Washington, whose members primarily trace their lineage to Metlakatla, Alaska. They continue to use the song when they sing and dance publicly. Years later, when her uncle Aldm ɬxah adopted her during his House feast, Christine placed all of her songs into a cedar chest belonging to his House. As a result, her songs now legally belong in the House of Aldm ɬxah, a Ganhada House in the Gitwilgyoots Tribe. Even though Christine's songs now legally belong in the House of Aldm ɬxah, Lax Kxeen and Git Hoan maintain relational rights to the Ganhada song because Christine has granted continued use. Our obligation is to adjust our oratory when we introduce her songs to acknowledge that, in addition to Christine composing them and our relational right to sing and dance them, under Ts'msyen kinship laws they belong in the House of Aldm ɬxah. In Ts'msyen society a single song can have multiple layers of legality enforced through a range of protocols. Ts'msyen sensibilities about property, and the relational systems of rights that derive from them, impact ownership, access, and control of Ts'msyen songs in various ways.

Rights of relationality reinforce Ts'msyen nationhood and law as well as sociopolitical relations between Indigenous nations on the northwest coast who have long histories of intermarriage, adoption, trade, diplomacy, warfare, and reconciliation. We dance and sing with one another, stand with each other in social and political activism, witness each other's feasts and potlatches, and attend each other's cultural events. These sociopolitical dynamics strengthen diplomatic relations and create vast extended kinship and alliance networks that impact the way that rights flow. Just as song legality in Lax Kxeen shows how Ts'msyen rights are relational beyond primary kinship structures, my experiences with adoption protocols demonstrate this dynamic from the vantage of international relationships. For example, my noo was adopted 'Namgis by four sisters from the Cranmer family of the Kwakwaka'wakw Nation at their 1993 potlatch in 'Yalis (Alert Bay, British Columbia). As her children, the adoption of my brother and I as an extension of her could also be considered a rights-of-relationality example. More recently, I was adopted into the House of Dhadhiyasila of the Heiltsuk Nation by four sisters from the Hunt family at their 2013 potlatch in Waglisla (Bella Bella, British Columbia). They dressed me in a cape with their family's crest during the adoption protocols. Adoptions and adoption

protocols on the northwest coast are enacted to nurture and affirm positive intercommunity relations between Indigenous nations.

In October 2019, I attended the Heiltsuk Nation's Big House opening where many northwest coast nations gathered to witness the historic event. Both of my potlatch families were present. Although I attended the three-day potlatch as a witness, I was expected to sing and dance with my potlatch families because, as they were quick to remind me, I also "belong" to them. When the House of Dhadhiyasila family song came up, I did not join the women in dancing because I did not realize it was my "right." I was told almost immediately afterward by one of the family matriarchs that she wondered where I was when "our" song came up. She reminded me that I am expected to dance with the women of the House because I have relational rights and responsibilities to do so. Later, when the Kwakwaka'wakw entered the Big House, my brother and I were invited to enter with them to show our relationality. When their dance group held the Big House floor, their matriarch summoned me from the bleachers, dressed me in their regalia behind the screen, and told me to go out and dance "our" song.

I would never claim ownership over these Heiltsuk and Kwakwaka'wakw songs and dances, but because of my adoptions, my rights of relationality were activated, reinforced, and recognized in the culturally appropriate context. I was expected to be accountable to the respective potlatch and adoption laws and protocols of the Heiltsuk and Kwakwaka'wakw, and to embody my accountability and relationality through song and dance. I would also be remiss if I did not recount that my brother, Müsii'n, was publicly recognized for his leadership and labor carving the House posts for the Heiltsuk Nation's new Big House. He volunteered his gifts, skills, and time to support Heiltsuk resurgence, not only because of our international relations with them but also because of his brotherhood with our friend Nusi. As an expression of gratitude and as a protocol of relationality, Nusi adopted my brother at that historic Big House opening, dressed him in a vest with his family's crest, and put a Heiltsuk name on him. Now my brother also has rights of relationality with Heiltsuk and will no doubt have concomitant obligations just as I have with my Heiltsuk potlatch family.

### *Protocols of Return*

In some instances, rights of relationality engender return between Indigenous nations. For example, sometime in the mid-nineteenth century Ts'msyen from Lax Kw'alaams gave a song and dance to Haida from Old Masset. The song and dance for peace ratified a legal agreement to end all the wars between our communities. Since then, we have not fought with our

Haida sisters and brothers. In 2002, a group of Ts'msyen from Lax Kw'alaams attended a potlatch hosted by Robert and Reg Davidson in Old Masset, Haida Gwaii. The Davidsons announced that they were going to give the peace song back to the people of Lax Kw'alaams. They called up all Ts'msyen from Lax Kw'alaams in attendance, and after singing and dancing the song, they placed the song in a cedar basket woven by Ts'maaymban, a master weaver from our village.

For Ts'msyen, protocol validates the legal transfer of intangible forms of cultural heritage such as songs and names by placing the spirit or essence of it into something tangible like a bentwood box, woven basket, or even a handkerchief. The vessel or container works to symbolize and validate the lawfulness of the transfer. The people in attendance at their potlatch served as witnesses to Haida and Ts'msyen law and politics, and they also played a role in corroborating the transfer of the song, just as those Ts'msyen and Haida witnesses did when the song was first gifted in the 1800s. This return reaffirmed the historical peace treaty made between our communities over a century ago and strengthened existing relationships between our nations by valuing our cultural heritage based on our unique ways of knowing, being, and doing. The legal case of return between Old Masset and Lax Kw'alaams centered and respected Ts'msyen and Haida sensibilities about law, property, ownership, and rights: it stands as a powerful example of rematriation.

Indigenous communities seek the *repatriation* of (in)tangible cultural heritage from non-Indigenous people and institutions to remedy historical injustice. Repatriations between Indigenous peoples, communities, and nations are historically unheard of because we were not prone to stealing cultural heritage from each other or robbing each other's graves. The impetus for the return of the song from Old Masset to Lax Kw'alaams was not based on a prior theft, nor was it meant to remedy dispossession, appropriation, misuse, or harm. When northwest coast Indigenous peoples initiate a process of return, they reinforce relationships, recount shared histories, and reaffirm legal agreements. This protocol of return both validates original ownership in the creators and rights of relationality in another community. Our Haida sisters and brothers responded to the systemic loss of cultural knowledge in Lax Kw'alaams due to the many restrictions on embodied heritage that my community has had to endure; our sisters and brothers went out of their way to initiate a culturally appropriate heritage return process based on our own grounded "policies and procedures." By following the legal traditions of our nations and respecting the original legal agreement between our communities, Haida recognized and respected original ownership of the song while maintaining their right to sing and dance

the song so long as our peace treaty remains. With the appropriate protocols, and through the reciprocal embodiment of the song and dance, each community plays a role in keeping our shared history and responsibilities alive. We have met our responsibility to remember the peace agreement, to acknowledge the return, and to learn and teach the next generations how to sing and dance the song based on our unique ways of knowing, being, and doing. Because of this return, I have learned how to sing and dance this song by way of my membership in Lax Kxeen, and for nearly two decades, we have continued to sing and dance it in our dance practices, and, in the select times and places, we have also shared the song and dance in public settings. The peace song is collective property belonging to the community of Lax Kw'alaams, while the community of Old Masset maintains relational rights to sing and dance it.

The peace song example is not the first time in our recent history that some aspect of our (in)tangible creations and gifts has been given back to us by another nation. In 1999 Tlingit Chilkat weavers symbolically returned the knowledge of Chilkat weaving back to Ts'msyen during a feast in Prince Rupert hosted by my weaving teacher, Ts'maayban. This historic event was documented in the film *Gwishalaayt: The Spirit Wraps Around You* (2001), written, directed, and produced by the late 'Namgis filmmaker (and my potlatch aunty) Barb Cranmer. In the film, Ts'maayban recounts the origins of Chilkat weaving:

[I]t comes from the Ts'msyen people. It originates with our people on the Skeena River. A long, long time ago this grandmother and her daughter were living in a little village and they were having a hard time because there was not enough food for everybody. So the young princess decided that she's not going to eat as much as everybody needs to eat. So she started fasting and eating little, very little. And at the back of the House they had this screen. And through her gift of sacrificing her food for her people, she was given this vision. This vision was so strong to her that she wove this piece of wool into a dance apron. That was the beginning of Chilkat. That's the real story of the beginning of Chilkat. It was done by a Ts'msyen woman on the Skeena River. Nowhere else, only on the Skeena. And it went to the Tlingit people years and years later through a marriage.

*Gwishalaayt*—Chilkat weaving—is a distinct Ts'msyen cultural expression that has supernatural power. This incredibly complex and unique art form originated in Ts'msyen territory. The vision of a Ts'msyen hana'ax created *gwishalaayt* for us, and it is Ts'msyen hanaa'nax that continued to weave for our people so we could dance with supernatural power and express our identities and rights. *Gwishalaayt* is a valuable art form that both our people and those of neighboring nations came to revere. The knowledge of

Chilkat weaving—the oral history, the process, the materials—were shared with Tlingit women through a marriage. It is a sign of Ts'msyen genius and the value of the art form that Chilkat weaving knowledge was shared at all. Sharing that sacred knowledge represented a sociopolitical statement of Ts'msyen-Tlingit relationality. Ts'msyen women have the inherent right to weave Chilkat. Tlingit women have the right to weave Chilkat because of our historical relationship.

Ts'maaymban was given the right to weave through a vision even though gwishalaayt is a woman's art form—he prayed and prayed on it, and he wove and wove. He never stopped weaving. He has dedicated his adult life to learning, weaving, and teaching gwishalaayt. Ts'msyen recognize Ts'maaymban's unique gift (unique also because he is a man), and we respect his role because he weaves for us and only teaches women. He almost single-handedly revitalized gwishalaayt in Ts'msyen society when it seemed the practice had gone into abeyance after so many ontological restrictions imposed on our community through settler colonialism. Tlingit initiating the return of the knowledge was powerful—the return was both a sociopolitical act of remembrance to demonstrate that Tlingit will not forget its origins and an ethic of gratitude for having the privilege and the right to weave Chilkat. Ts'maaymban hosted a feast to ratify the return of Chilkat weaving knowledge. He planned for our people, including Chiefs, Matriarchs, and Elders, to acknowledge and thank Tlingit for continuing to weave Chilkat and for “keeping it alive”: “We're going to honor them, we're going to feast for them, we're going to dance for them, we're going to make speeches for them. They, in turn, will symbolically return the knowledge of Chilkat weaving back to the Ts'msyen people. It's a big day. It's a welcome home to Chilkat weaving. We call it gwishalaayt in our language. Halaayt means it's spiritual. It wraps around you. The spirit wraps around you.” As part of the return, Tlingit women presented Ts'maaymban with wool, spun warp, cedar bark in the whole, and split cedar bark. To express acceptance, gratitude, and lawfulness, speeches, songs, dances, and feasting ensued. The return ceremony was a historic event for Ts'msyen.

The rematriation of Chilkat weaving knowledge was not a Tlingit response to a Ts'msyen grievance. The return ceremony recognized the origins of gwishalaayt and the Ts'msyen gift of rights to Tlingit based on laws of relationality. Initiating the return was a proclamation of Tlingit responsibility to that relationship and to those rights. Ts'msyen feasting protocols validated rights of relationality and ratified the lawful return. Since the return ceremony, Ts'maaymban has continued learning, weaving, and teaching gwishalaayt. In 2016 Ts'maaymban taught a month-long gwishalaayt weaving circle for a group of Ts'msyen hanaa'nax in Ts'msyen territory.

For the first time in centuries *a group of Ts'msyen women wove together in our lax'yuubm*. It was another historical event for Ts'msyen. I created three pieces that month—two bags and a pendant. The first piece I wove was a ghost face bag representing our ancestors—who we were before. I thought about my nts'iits (grandmother) with every stich I made. I gave my first piece to my noo 'Wiiksigoop, my mother, and a Matriarch of our House. The second piece, a bag with two whale fins to represent our Gisbutwada Matriarchs and a supernatural eye to represent their power, was made for my mother's eldest sister, Liimooks, who is like my second mother and the other Matriarch of our House. My brother, Müsii'n, has dressed our family and community for his entire artistic life, adorning us with his designs and creations. I made him a pendant with a design symbolizing his Ts'msyen name, which roughly translates to Copper Ears of Wolf. Following our protocols, I presented my gifts to each of them, dressed them in their weavings, and sang for them so they could dance and validate their new belongings in front of witnesses. *Gwishalaayt*: the spirit wrapped around them.

### *Rematriation, Repatriation, and Captured Songs*

The concept of rematriation accounts for two distinct modes of return. As the cases in the previous section exemplify, the desired path of return for Indigenous peoples is framed by Indigenous laws and paved with socio-political possibility. When working to recover disinterred, stolen, misappropriated, and captured heritage from states, subjects, and institutions the imposed path of return is framed by Euro-Western laws and paved with paternalism. The two modes of return reflect the fundamental differences between rematriation and repatriation, respectively. For instance, repatriation is defined as the return of someone or something to their home country. Derived from the Latin root word *patr-*, referring to the father or the patriline, repatriation assumes that the nation is patriarchal, or that “the state is a man” (Simpson 2016b). Repatriation expects that peoples, profits, and properties return to the “fatherland” and that what counts as being returnable are patriarchal possessions. Gender is not the only consideration here. If the state is a man, he is also white and very possessive. Legal conceptualizations of property and racialized conceptualizations of personhood (or “racial regimes of ownership”) have developed in tandem and in symbiotic fashion (Bhandar 2018). Whiteness is not only dogma and privilege but also a commodity protected by law because “possession—the act necessary to lay the basis for rights in property—was defined to include only the cultural practices of whites. This definition laid the foundation for the idea that whiteness—that which whites alone possess—is valuable and is property”

(Harris 1993, 1721). Whiteness is encoded in colonial property structures because owning is analogous to being (Butler and Athanasiou 2013).

One would be naïve to think that these colonial property structures do not persist alongside advancements in human rights or improved Indigenous-settler relations. Repatriation must be understood as a legal concept rife with colonial baggage that develops from Euro-Western ideas about nationhood, personhood, property, and ownership. It is just one cog in the wheel of settler law that operationalizes the “possessive logics” that underpin “patriarchal white sovereignty” (Moreton-Robinson 2015). Even a cursory look through time shows how Indigenous bodies, lands, knowledge, or “things,” are treated as white possessions, and whites tend to embody a possessive investment in whiteness to sustain their power and privilege over the lands, bodies, and resources of nonwhites (Lipsitz 2006, 2019; Moreton-Robinson 2015; Harris 1993; Reardon and TallBear 2012). This material reality helps to explain why Indigenous peoples worldwide have been met with incredible racism, privilege, and possessiveness from state actors since we began seeking redress for dispossession and making claims for the return of our stolen, misappropriated, and captured bodies, objects, and knowledge from academic institutions, museums, and archives.

Getting our ancestors and belongings back is a priority for Indigenous nations worldwide. In practice, claims for Indigenous repatriation are dealt with using colonial laws—the same laws that were used as justification to dispossess us in the first place. Considering the sociolegal obstacles Indigenous peoples continue to face when seeking redress for prior thefts and grievances, new paradigms for reparation and return are essential. While I have argued that rematriation requires a turn away from the colonial order of things, in reality we still have to deal with colonial laws and the settler state (and/or its institutions). Indigenous peoples have long-standing grievances that require reparation and redress for stolen lands, bodies, objects, and knowledge. To achieve justice for historical injustice in the Indigenous repatriation movement, we must imagine otherwise in processes of recovery and return. Rematriation is a decolonial alternative to repatriation, and it is the desired pathway for return.

When I was studying abroad as a master’s student in anthropology at the University of Massachusetts Amherst, Lax Kxeen’s leader Christine asked me to “keep an eye out for our songs while you’re out there doing your studies.” She knew that our songs were out there somewhere and that reclaiming them would be critical to the well-being of our community and nation. To our knowledge, Ts’msyen had yet to experience the lawful return of our illegally and unethically captured bodies, objects, or knowledge from subjects, states, or institutions. In late 2009, I was informed by a graduate colleague

about a collection of Ts'msyen songs that she saw listed in the Laura Boulton Collection of Traditional and Liturgical Music in the archives of the Center for Ethnomusicology at Columbia University in New York City. I was not actively looking for our songs at the time because, quite frankly, I did not know where to start. I was unsure how to begin a repatriation project, but when the songs serendipitously found me I was compelled to learn and respond. After two years of periodic consultations with Ts'msyen in Vancouver, I was encouraged to bring the songs home to our people.

The Laura Boulton Collection includes forty-one audio recordings of Ts'msyen songs and oral histories. Laura Boulton, an amateur collector and self-proclaimed “music hunter,” was commissioned by the National Film Board of Canada to record ethnic music for a Peoples of Canada project.<sup>5</sup> In June of 1942, Boulton recorded two Ts'msyen male Elders in Ts'msyen territory. She captured the voices of Matthew Johnson in Lax Kw'alaams and William Pierce in Prince Rupert. Recording Johnson and Pierce would be the first and last known interactions that Boulton had with them. Fast forward to 1962, Boulton arranged to sell her life's collection of recorded songs to Columbia University. She included the NFB content in the sale. The contract stipulated that Boulton would receive biannual payments of \$5000 “during her lifetime” beginning January 21, 1964. She passed away October 16, 1980.

The Center for Ethnomusicology at Columbia University claims ownership of the publication rights to the Boulton Collection, and, according to Columbia, anyone who researches or accesses the collection at any of its locations must seek permission from the center's director in order to duplicate or even transcribe them for any purpose. In this paternalistic scenario, Ts'msyen are forced to ask permission just to access our songs. I was granted permission by the director to access a digital copy of the Ts'msyen songs in the Boulton Collection so that I could bring them home, but I was also transparent about the probability of the return process turning into a repatriation case study to mitigate risks and to deal with the issue of control. It was fair warning.

Based on consultations with Ts'msyen in Vancouver, I was advised that the appropriate protocol was to begin the process of return in Ts'msyen territory. The songs had been recorded in our lax'yuubm, so they must return to Lax Kw'alaams and Prince Rupert prior to being shared with Ts'msyen in Vancouver. Coincidentally, my family was preparing for a long-anticipated return to Lax Kw'alaams to host our first House feast. I took advantage of our scheduled trip home and planned to host a listening gathering the day after our feast. The trip to Lax Kw'alaams was a critical moment for me because it was the first time in my then thirty-two years of life that I set

foot in my village. Rematriation was definitely at work that weekend in October 2012—my physical return home after thirty-two years, the reintegration of our family into the Ts'msyen sovereignty structure through feasting after many generations, and initiating protocols of return to bring back a collection of Ts'msyen songs to their place of origin after seventy years in capture.

When I issued the invitation for a listening gathering on the “Mickey Mouse” (CB radio), I began by situating myself as a Gisbutwada, Gitaxangik, from Waap ‘Liyaamlaxha. This was important protocol because people in the village did not know me yet. I invited all the people of Lax Kw’alaams to come hear the voices of our ancestors. The language teacher in our village, Sagipaayk, who is also a Ganhada Lakigyet from the Gispaxlo’ots, offered his classroom space for our gathering. He was pleasantly surprised at how many people showed up on such short notice; he initially thought ten chairs would be more than enough to accommodate folks. I provided food and drink and followed our protocols of engagement. I was transparent about who I was and where I stood, what I knew and did not know about the collector and collection, and why I was bringing the songs home. I took guidance from the nearly fifty people in attendance about process and protocol. I took my time and I listened. I recognized, affirmed, and responded to their comments and questions throughout our three-hour listening gathering. We began with oratory protocols to open the floor in a good way, and we ended with the same protocols.

The last round of oratory is a time for people to comment, question, agree, or disagree with the work being done. I had yet to conceptualize the repatriation of these songs as a research project, so the first listening gathering became my feasibility study. Was repatriation something my people wanted, needed, prioritized, and valued? Was it enough to have access to the songs? Was there more at stake in song repatriation? Would people want to be a part of a community-based repatriation process? Would it be appropriate for me to pursue repatriation on our behalf and also study the process? There were no objections, only words of gratitude, encouragement, and advisement. They humbled me and made me feel accountable and responsible. They made me feel like I have a role to play in the resurgence of our nation and that anthropological research could positively impact the lives of my people for perhaps the first time in our history.

The speakers who offered final oration affirmed these sentiments. One of the first women to speak said: “Mostly all our Elders are passing on, eh? Like my mom, almost three months now. My mom knew some songs from way back and she was going to teach us. We only got one left now. And another thing, we were going to get into that (reclaiming and relearning songs)

before our feast that comes up next year. And, I'm so proud you're here. You're filling us in what's going on with all your knowledge. You bring it back to us, and bring us our protocol, letting us taking on the floor here. What you do, I appreciate." Sagipaayk shared the healing qualities of listening and imagined the possibilities of return: "I'm really hoping and praying that this is just the beginning. You can hear and feel the power in these songs, and I was really connected with that. Because, just sitting here, it felt like someone was pouring water on my head as I was listening to these songs. It's really hitting me. So, I'm really praying that this is just the beginning."

Similarly, the late Xyuup, a respected Elder and Laxsgiiik Lakigyet from the Gispaxlo'ots, was the last to offer oration in response to the work that was being done that day:

My name is Xyuup. Where the cannery is standing, out there (pointing), that's where my name comes from. And we are sitting on Legaic's land. And we'd like to thank you. Gispaxlo'ots would like to thank you for what you're doing. This is what I've been bringing up when we have Tribal meetings. Let's try and gather our artifacts and stories. There's lots out there! Ladies and gentlemen, you see these people here come from the Moody family that left years ago. It's something wonderful that I didn't expect to hear, from her. Lots of other people that move away from here, never even try to do what this woman's doing. It's wonderful. She remembers where she comes from. She's doing the work that we try to ask the Council to do—gather information about Ts'msyen history. That is wonderful. Keep on doing what you're doing.

Many people at the first listening gathering emphasized that we had not experienced repatriation like our Haida, Kwakwaka'wakw, or Haisla neighbors and that there was no designated authority or resources to deal with repatriation within the Lax Kw'alaams Band Council. This helped to explain why many people, including the speakers quoted, were so hopeful for this repatriation case study and grateful that I had thought to bring our songs home in this way.

At the same time, I was held accountable by my own Chief, which shows how I am not immune to ethical concerns in research just because I am Ts'msyen from Lax Kw'alaams: "Will the people in the village here get feedback from you as you travel your journey's trying to put stuff back? Keep them updated exactly how far you are? See, a lot of times people come in here to do a study, and that's it, we don't hear from them anymore. So, it would be great to keep these people updated. Okay?" The gathering/feasibility study taught me while I have a role to play in facilitating the return of Ts'msyen songs, everyone else has a role to play, too. The work of recovery and return does not need a savior researcher at the helm. Reclamation

work is meaningless without Ts'msyen guiding the research process. The research had to be decolonial, community-based, participatory, collaborative, action-oriented, resurgent, and emancipatory. It had to be *with, by, and for* Ts'msyen. The project needed to be multisited to meet my people where they are. I prioritized engaging Ts'msyen (1) in Lax Kw'alaams, where most of the songs were recorded; (2) in Prince Rupert, the main urban locale in Ts'msyen territory and where the remaining songs were recorded; and (3) in Vancouver, the site of a significant Ts'msyen diaspora.

October 12–14, 2012, turned out to be a microcosm of the work we would do over the next eight years. In three days, I hosted three listening gatherings across the three sites, resulting in the engagement of approximately one hundred Ts'msyen from Lax Kw'alaams. This type of research engagement was unprecedented for our community, and it was achieved before I had secured any research funding. As the project evolved, Sagipaayk took on a vital role as consultant because of his linguistic expertise, cultural knowledge, and hereditary leadership role. He was invested in our reclamation work, and we relied on his expertise. Sagipaayk became my primary research collaborator in Lax Kw'alaams, and I often stay with him and his wife, Doris, during my trips home. Listening gatherings have been our primary research method, and we also added talking circles and linguistic translation workshops to meet community needs.

Listening gatherings were meant to provide access—not as individuals, but as collectives—to our songs. Listening gatherings supported the reunion between heritage, lands, and bodies; enticed an ethic of remembrance; and activated our collective memory. We prioritized reaction and response over seeking the right answers so that everyone's knowledge contribution was recognized as valid. Linguistic translation workshops, on the other hand, supported language learning and allowed for close assessment of the songs. What were the songs saying? Were the attributed titles and descriptions in the meta-data accurate and appropriate? How would we describe these songs and what is their use value in Ts'msyen society? Lastly, the talking circles created space for community dialogue to focus on questions of legality. What is the relationship between law and heritage? How do we apply Ayaawx to a repatriation case study? Is repatriation important to us, and if so, what would repatriation look like?

To date, I have engaged over three hundred Ts'msyen from infant to Elder across the three sites using these collaborative research methods. Through grassroots recruitment, advertisement, organization, and engagement, the Ts'msyen songs from this collection have also been shared, interpreted, and analyzed in partnership with K–12 students at the Coast Tsimshian Academy in Lax Kw'alaams, ninth through twelfth graders at the Pacific Coast

Alternate School in Prince Rupert, language learners in a Sm'algyax class at the University of Northern British Columbia, the Elders Group from Prince Rupert's Friendship House, and the Ts'msyen Sm'algyax Language Authority at Wap Sigatgyet in Prince Rupert.

Throughout the research process, I witnessed Ts'msyen of all ages bow their heads, close their eyes, and lull their bodies in reverence as each song played. They listened attentively with their ears, their entire body, and spirit. They let the songs move through them, and then they interpreted and articulated the feelings, memories, and futurities they engendered. In a poetic dialogue during one of our talking circles in Lax Kw'alaams, Ts'msyen articulated a common sentiment about our captured heritage: "When they are not being lived, they are like bones with no meat, no flesh"; "there's no life to it." When Ts'msyen cultural heritage is divorced from our people and the appropriate cultural context, this heritage is not alive. While non-Ts'msyen archives engender stasis in our songs, our community-based research engenders aural resuscitation: the act of breathing life back into our captured sonic heritage through place-based listening practices. In a process of recovery, revival, and reconstitution grounded in Ts'msyen listening protocols, we breathe life into our songs, and they breathe life into us. At a listening gathering with Lax Kxeen in Vancouver, Christine exclaimed, "It's amazing to hear! These are our people. I feel like I have butterflies! It's just overwhelming that it's finally come back. It's like having our ancestors back." Time and time again, Ts'msyen expressed reverence for the reunion and for hearing the voices of our ancestors.

Whether in listening gatherings, talking circles, or linguistic translation workshops, Ts'msyen foregrounded Ayaawx in process, inquiry, examination, and analysis. Any solutions to the problems we were facing in the repatriation case study—like questions of ownership and rights—always lead back to Ayaawx. As Łuum, a Ganhada Lakigyet and Elder of the Gits'iis, reminded us during one of our talking circles in Lax Kw'alaams, there will always be tension, confusion, and problems "whenever you're trying to apply the white man's law instead of going by our own law." Given the colonial configurations of ownership, access, and control that haunt the Boulton Collection, Ts'msyen consistently advised that I need to teach others (especially Columbia University) about our laws through this research. It was critical that I taught others about our laws and foregrounded our laws throughout the research process. Anchored in Ayaawx, our discussions inevitably affirmed the sovereignty in our songs; the relationship between lands, bodies, and heritage; and why song reclamation is important for us.

Xbinhoon, a Ganhada Lakigyet and Elder of the Gitzaxlaal, made important sociopolitical statements during a listening gathering in Prince Rupert:

You know, I like listening to these to really understand. You have to listen to that real close. That really links to our history way back. And we need it, as you know. Our people need it, the Ts'msyen people need it, and our future generations need that to go forth. For the Ts'msyen has a huge territory. And a lot of these songs are connected, and they have to know. K'amksiwah [white person] come say, "oh, you don't know your history over here." Well, you listen to our songs; we have our songs from way, way back. They're there! See, like what is here, like these songs, will tell this person that we were here for so many thousands and thousands of years. And it's nice. It has a connection. All of what we do as Ts'msyen—Lax Kw'alaams people, our nation—is that it always links back. But k'amksiwah don't see it that way, see. They just try to push us aside. Said, "Well, we'll take over this." So, this has a link with how it always has everything to do with what we do, what the Ts'msyen have done, all these years, always links back.

In his response, Xbinhoon recognizes the healing properties of our songs and why “our future generations need that to go forth.” He also makes a place-based political statement about the sovereignty in our songs—what Hopi scholar Trevor Reed (2019, 510) has described as “sonic sovereignty, or resonance of political authority within territory,” where Indigenous songs are “the actual material of governance and a source of Indigenous authority.” Xbinoon emphasizes what Ts'msyen songs *do*, namely how our songs sound our perpetual connection to place and how this sounding expresses and validates history, jurisdiction, and authority. He expresses how what we do as Ts'msyen “always links back” and why repatriating Ts'msyen songs is critical to our future well-being. In consideration of our history with dispossession, in particular the intergenerational effects of missionization, Indian Residential Schools, and the potlatch ban, our people “need it” for various reasons.

Although the potential exists to sing and dance the songs from the Boulton Collection again, our people must be cautious and mindful of our laws about who has the right to sing and dance certain songs. As Aldm Łah reminded us, we have to be “careful about who actually owns the songs before you say, ‘I’m gonna sing a song.’” Ts'msyen agree that although we have yet to identify specific ownership of the songs from a Ts'msyen legal standpoint, that should not preclude the songs from being legally returned to Lax Kw'alaams, especially to prevent further appropriation and misuse by non-Ts'msyen. Ts'msyen stress that our laws must be foregrounded and respected in a process of return. Mosgm Gyaax (Ganhada, Waap Lugi-isgagyo, Gitwilgyoots) articulated Ts'msyen priorities during our first talking circle in Lax Kw'alaams:

[T]hat's why we need to have these conversations when we look to the future. What is that going to look like for us? . . . we need to do it for Ts'msyen songs and Ts'msyen pieces that belong to us. And do it in a strong way, from our

perspective. Our laws state that we are this way in the world, in our society, in our life. Because we live Ts'msyen lives. And we have to talk about this in our context, according to our Ayaawx. Alert Bay [Kwakwaka'wakw] is a framework that's established for repatriation, but it's not enough. We need a template for the Ts'msyen context, according to our Ayaawx.

In this first case of repatriation, Ts'msyen are thinking collectively about an approach that will set a precedent for ownership, access, and control of the many (in)tangible forms of Ts'msyen cultural heritage that we know have been captured and scattered around the world.

In order to “repatriate” recorded song we need a clear distinction between access and control. The reproducibility of audio recordings and the easy duplication of sound make it all too easy for archival gatekeepers to make copies of audio recordings for source communities when they seek return. Gatekeepers will pat themselves on the back for “repatriating” songs to the source community when all they really did was provide easier access. When Ts'msyen access the recorded songs as any user would, or when we receive copies of recorded songs after asking the “proper” authorities for permission, it does not equate to a literal or lawful return. There's nothing decolonial about a scenario where the colonial configurations of ownership remain intact. For Ts'msyen the decolonial approach is to follow our laws in repatriation and to center Ayaawx as precedent for ownership, access, and control of Ts'msyen cultural heritage.

Our refusal to play by the “white man's law” is based in our laws, which predate and continue to exist despite the settler-colonial condition. We continue to operate within a sovereignty structure where a range of (in) tangible cultural heritage including songs can encompass both intra- and interdependent levels of individual, family, House, Clan, Tribe, community and nation-based ownership and responsibilities. The Euro-Western legal system cannot adequately account for the dynamism in our laws. Our laws engender relationality, while Euro-Western laws engender possessiveness. By Ts'msyen law, Columbia University must relinquish any assumed ownership rights to the Ts'msyen songs from the Boulton Collection and must take them out of public circulation to mitigate the threat of misappropriation, misuse, and misrepresentation. Taking our songs out of archives will be unsettling to archivists because it goes against the preservationist instinct. Yet, as Anishinaabe community-based archaeologist Sonya Atalay (2019, 88) has shown, “Through the processes of reclaiming and contributing to wider decolonization efforts, community members [are] engaging in the long-term, greatly needed work of transforming institutions.” Rematriation fosters more just political possibilities in Indigenous-settler relations. Institutions can be transformed and relationships can be improved if

gatekeepers decolonize expectations and assumptions about law, property, ownership, and rights. When our laws are respected, and when the multiple institutions that house our songs abide by our protocols of return and relinquish control, then they will be participating in Ts'msyen rematriation. That, in turn, will help to transform their disciplines and institutions. In the meantime, we abide by our laws and protocols to make sure that the songs and the voices of our ancestors are cared for and advocated for. As Sagi-paayk said, "This is just the beginning."

### ***Conclusion***

Rematriation is an Indigenous feminist paradigm, an embodied praxis of recovery and return, and a sociopolitical mode of resurgence and refusal. Rematriation is more than a play on words; it is the antithesis of repatriation. Rematriation recasts questions of nationhood, personhood, law, property, ownership, and rights on new terms. Reminding us of the socio-political power derived from matrilineal societies, rematriation celebrates the leadership and labor of Indigenous women and affirms matriarchal authority. The auto-ethnographic and community-based research examples presented above show why and how rematriation is a salient concept for characterizing decolonial activism in a matrilineal society like the Ts'msyen Nation. Ts'msyen law and protocols exemplify what rematriation is, what it wants, what it takes, and what it does in Ts'msyen society. Protocols illuminate the active qualities of rematriation. They work to nurture, ratify, and validate property relations, social relations, and political relations. When we lead with our protocols, we embody our laws, live our sovereignty, and strengthen our relationality. Protocols offer alternative paradigms, possibilities, and pathways for return between Indigenous nations. Because protocols are an extension of our laws, they shape the character of place-based resurgence and refusal. Protocol is a way to say yes to Indigenous law, politics, and nationhood, and it is also a way to say ayn (no) to every iteration of nullius, every elimination tactic, and every mode of dispossession.<sup>6</sup> In our modes of resurgence, we refuse to succumb, and we refuse "the white man's law." We refuse to give up on our laws and responsibilities, and we refuse to give up our Ts'msyen-ness. Protocols engender a meaningful turn toward (resurgence), turn away (refusal), and return (rematriation).

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## Notes

1. See the ReMatriate Collective; the RAIR Collective: Relational Accountability for Indigenous Rematriation; the Eastern Woodlands Rematriation Collective, and; the Rematriation website that houses the magazine, *Rematriation*.
2. The concept is used only in the title of Tuck (2011). It also shows up in the text of Tuck and Yang (2016, 9) where they identify rematriation as one

of many terms that articulate theories of justice and change—terms that are “born of specific material concerns that refuse the abstraction of justice and its limits in the nation-state.”

3. I make a political distinction between little “m” matriarchs who are respected as the eldest women in their families and communities (where age is the key factor) and big “M” Matriarchs who hold distinct sociopolitical leadership positions in hereditary governance systems (where law is the key factor).

4. I refuse the tangible/intangible binary. Instead, I deploy “(in)tangible” to signal the difficulty of separating the tangible from the intangible when speaking about heritage from a Ts’msyen standpoint. In deploying this term, I recognize that tangible heritage is imbued with intangible qualities and that intangible heritage often requires tangible accompaniments.

5. For information about the repatriation case study, including the history of acquisition, the collector, and the collection, see Gray (2015, 2018). Boulton’s (1969) self-titled autobiography is *The Music Hunter: The Autobiography of a Career*.

6. On *terra nullius*, see Moreton-Robinson (2015). On *res nullius* see Robert Nichols (2020). On *gnaritas nullius* see Greg Younging (2010).