HUNGRY LISTENING

> 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."
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> 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.
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> —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. In particular, this chapter examines formations of listening guided by settler and Indigenous positionality, and outlines strategies for resurgent and decolonial listening practices. It addresses the relative absence of scholarship on listening from Indigenous, settler colonial, and critical race studies perspectives in relation to the "whiteness of sound studies"[1] (Stadler 2015). It pursues this objective by proposing a number of non-totalizing conceptions for what different listening positionalities might encompass, and in doing so calls for further work on racialized and anti-colonial listening formations. I limit my focus here to a handful of Indigenous and settler listening practices including those shaped through processes of state subjectivation (official multiculturalism) and "educational reform" (missionization, residential schools, university music programs), and

those guided by Indigenous and Western ontologies of music through attunement to settler/xwelítem and Indigenous/xwélmexw auditory logics. Detailing these listening positionalities allows us to trace the unmarked normativity of listening but also reveals the ways in which the listening continuum has historically been consigned to a framework wherein one is listening well if one is able to capture the content of what is spoken, or the "fact" of musical form and structure. As this chapter will demonstrate, hungry listening prioritizes the capture and certainty of information over the affective feel, timbre, touch, and texture of sound. Attending to affect alongside normative listening habits and biases allows us to imagine (or audiate) otherwise—to develop strategies for different transformative politics of listening that are resurgent in their exploration of Indigenous epistemologies, foundations, languages, and sensory logics; or, ones that are decolonial in their ability to move us beyond settler listening fixations. The coming pages survey an array of Indigenous and settler listening formations: listening that emerges in relation with Indigenous ontologies of song, listening that is the result of settler colonial attempts to civilize attention and perception, and listening that is strategically flexible, agile, and responsive to the intersectional layering of positionality.

The "Tin Ear" of Settler Colonialism

Any attempt to define what "settler listening positionality" entails must begin by unpacking the unwieldy and reifying term "settler." Historically, the term describes those who first came to the United States and Canada with the intention to stay and make new lives, while more recently the term has become a statement of positionality that seeks to make visible the ways by which non-Indigenous people have benefitted from colonial policy such as Canada's Indian Act and genocidal policies of Indian residential schools. More and more frequently used by non-Indigenous Canadians since the Truth and Reconciliation Commission on the Indian Residential Schools, the term "settler" has become a form of self-identification for those who were not, historically, the first settlers of the already occupied Indigenous lands now known as Canada but nevertheless understand their complicity in ongoing colonial policies that continue to constrain Indigenous rights and resurgence.

As an everyday form of political activism, then, identifying as a settler subject marks oneself as possessing a certain awareness of ongoing inequities faced by Indigenous peoples. Understood as a fixed identity category, however, the term "settler" risks reifying a cohesive and essentialist form of subjectivity that does not take into account subtle gradations of relationship, history, and experience—for example queer settler subjects (Morgenson 2011), immigrants, refugees, and diasporic subjects. Expanding the terms available to speak more precisely about multiple orientations of subjectivity allows increased potential to acknowledge one's *particular* relationships, responsibilities, and complicity in the continued occupation of Indigenous territories. And yet, when offered as mere caveats, acknowledgments of positionality are what Sara Ahmed would call "non-performative" utterances (Ahmed 2004). In contrast to Austin's performative utterance, non-performative utterances don't accomplish what they say they accomplish; they perform a certain righteousness in one's support for the project of decolonization or reconciliation without actualizing individual responsibility that moves beyond mere commitment to change. Eve Tuck and Wayne Yang's oft-quoted assertion that "decolonization is not a metaphor" holds us accountable not to forms of consciousness raising (Tuck and Yang 2012; Tuck 2018) but to examining what substantive action must be taken in the return of Indigenous lands, waterways, as well as the remediation of other "grounds" and the demolition of settler foundations.[2] Within this frame, what does gaining a nuanced understanding of our positionality accomplish? Positionality's importance derives not from its prevalent use as confession or admission of guilt. Instead, its usefulness is predicated upon a step beyond the simple recognition of individual intersectional identity. That step involves understanding positionality not as a static construct, but as a process or state that fundamentally guides our actions and perception. Specifically, to shift from the reified construct of "settler" and toward forms of action that effect more than merely "unsettling" structures requires understanding how the "settling" of settler positionality functions. *Hungry Listening* asserts not only the need to consider the alignment of settler positionality with substantive action but to consider it as a stratified and intersectional *process.* One such way that settler positionality guides perception is by generating normative narratocracies (Panagia 2009) of experience, feeling, and the sensible. In

The Political Life of Sensation, Davide Panagia describes narratocracy as the privileging of narrative in rendering sensation readable:

> Narratocracy refers both to the governance of narrative as a standard for the expression of ideas and to the rules that parse the perceptual field according to what is and is not valuable action, speech, or thought. . . . by insisting on their narrative qualities, we condition appearances within a system of visibility and sayability that insists on their capacity to make sense. (Panagia 2009, 12)

Narratocracy here guides everything from the inability to hear Indigenous song as a form of legal evidence in land claims to historical attempts at civilizing savage attention. It is to these forms of settler colonial narratocracy that we will turn to first in this chapter's larger discussion of listening positionality.

The overview of settler and Indigenous listening positionalities offered here provides a small cross-section of the ways in which such listening takes place,[3] beginning with a discussion of the ontological differences between Western and Indigenous conceptions of song, and then moving to a historical overview of listening as itself a form of "settlement." The latter focus on the intersection between listening and historical settlement does not begin, as one might expect, with the ways that early settlers listened to the new world and its inhabitants upon their arrival to Canada,[4] but instead with the ways in which a particular group of settlers—missionaries, residential school staff, music teachers—set about to reform the Indigenous engagements with listening, through the action of "settling" perception itself. The act of settling Indigenous listening here does not refer firstly to an occupation of the sound world audibly available to Indigenous people (though this certainly did take place in residential schools through the wholesale replacement of listening to voices and song of beloved siblings and kin with hymnody, English language, and bells). Instead, 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, a discussion of which I will return to later in this chapter. 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.

As many of this book's case studies demonstrate, 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.

Several scholars have examined the complex history of this trial in detailed and nuanced ways (Mills 1994; Napoleon 2001; 2005), and to fully outline the case is beyond the aim of this chapter. Much oral history was recounted during the court case, and this aspect of the case has been of particular importance to writing on Indigenous legal traditions and customary law. For our purposes here, I will restrict my discussion to the contested inclusion of song[5] 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 oo'y (dirge song)[6] associated with her adaawk (formal, ancient, collectively owned oral history).[7] I quote the full exchange between Justice McEachern and the plaintiff's council, Mr. Grant, for its clear demonstration of the differences between Indigenous and Western ontologies of song:

Mr. Grant (Plaintiff's Counsel): The song is part of the history, and I am asking the witness to sing the song as part of the history, because I think in the song itself, invokes the history of the—of the particular adaawk to which she is referring.

Justice McEachern: How long is it?

Grant: It's not very long, it's very short.

McEachern: Could it not be written out and asked if this is the wording? Really, we are on the verge of getting way off track here, Mr. Grant. Again, I don't want to be sceptical, but to have to witness singing songs in court is in my respectful view not the proper way to approach this problem.

Grant: My Lord, Mr. Jackson will make a submission to you with respect—

McEachern: No, no, that isn't necessary. If this has to be done, if you say as counsel this has to be done, I'm going to listen to it. I just say, with respect, I've never heard it happen before, I never thought it necessary, and I don't think it necessary now. But I'll be glad to hear what the witness says if you say this is what she has to do. It doesn't seem to me she has to sing it.

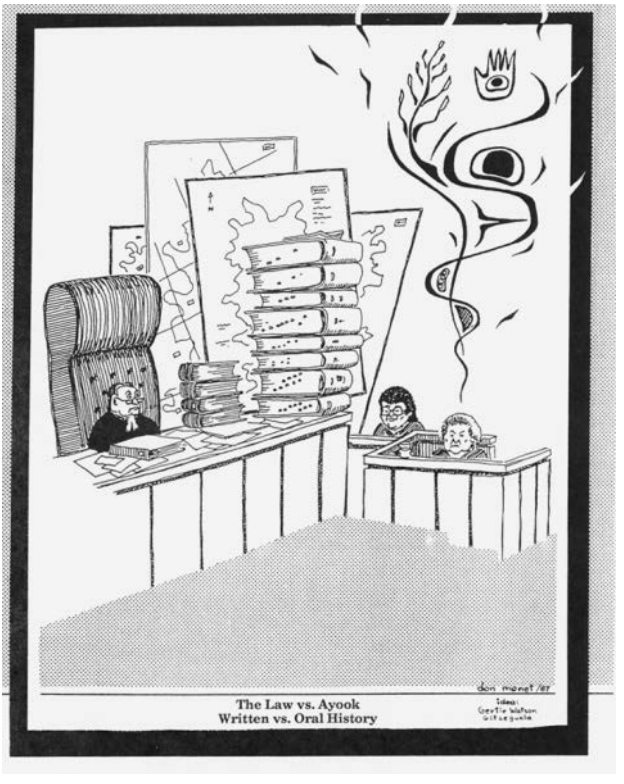

Figure 2. "The Law vs. Ayook / Written vs. Oral History" (1987) from *Colonialism on Trial* by Niis Biins (Don Monet) and Skanu'u (Ardythe Wilson) (New Society Publishers, 1992). Artwork by Don Monet.

Figure 3. "A Cultural Hearing Aid," reprinted from the Three Rivers Report, Wednesday, July 15, 1987, in *Colonialism on Trial* by Niis Biins (Don Monet) and Skanu'u (Ardythe Wilson) (New Society Publishers, 1992). Artwork by Don Monet.

Grant: Well, My Lord, with respect, the song is—is what one may refer to as a death song. It's a song which itself invokes the history and the depth of the history of what she is telling. And as counsel, it is—it is my submission that it is necessary for you to appreciate—

McEachern: I have a tin ear, Mr. Grant, so it's not going to do any good to sing it to me. (British Columbia Supreme Court 1985, 670–71)

Following Mary Johnson's singing of the limx oo'y, McEachern 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 necessary 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 . . .

Throughout the trial, Justice McEachern refused to acknowledge the legitimacy of the limx oo'y 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 armor 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. (Napoleon 2001, 169)

"I can feel it," says Morrison, "I can hear the brook, I can hear the river runs . . . the air of the mountain." 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 oo'y 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. Ayook" image (Figure 2) 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."

In the second drawing by Monet we see Chief Mary Johnson attempting to open McEachern's tin ear with a can opener (Figure 3). In a newspaper article by Walt Taylor, a resident of Smithers, British Columbia—and written in response to Monet's drawing—Taylor notes, "the cartoon shows Chief Johnson using her can opener to overcome the cross-cultural deafness caused by the judicial 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 sounds we cannot hear*" (Taylor qtd. in Monet and Skanu'u 1992, 46). The title of this article, "A Cultural Hearing Aid," asks how might we 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[8] to the agonistic 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 they cannot also be reduced to merely an alternative form of Western documentation—the exact equivalent to a book, or 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 reentrenches 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. 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 imagi-

nation 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 of production un-knowing, where we are "no longer sure of what MUSIC is" (McClary 1991, 19). Decolonizing musical practice involves becoming no longer sure what LISTENING is.