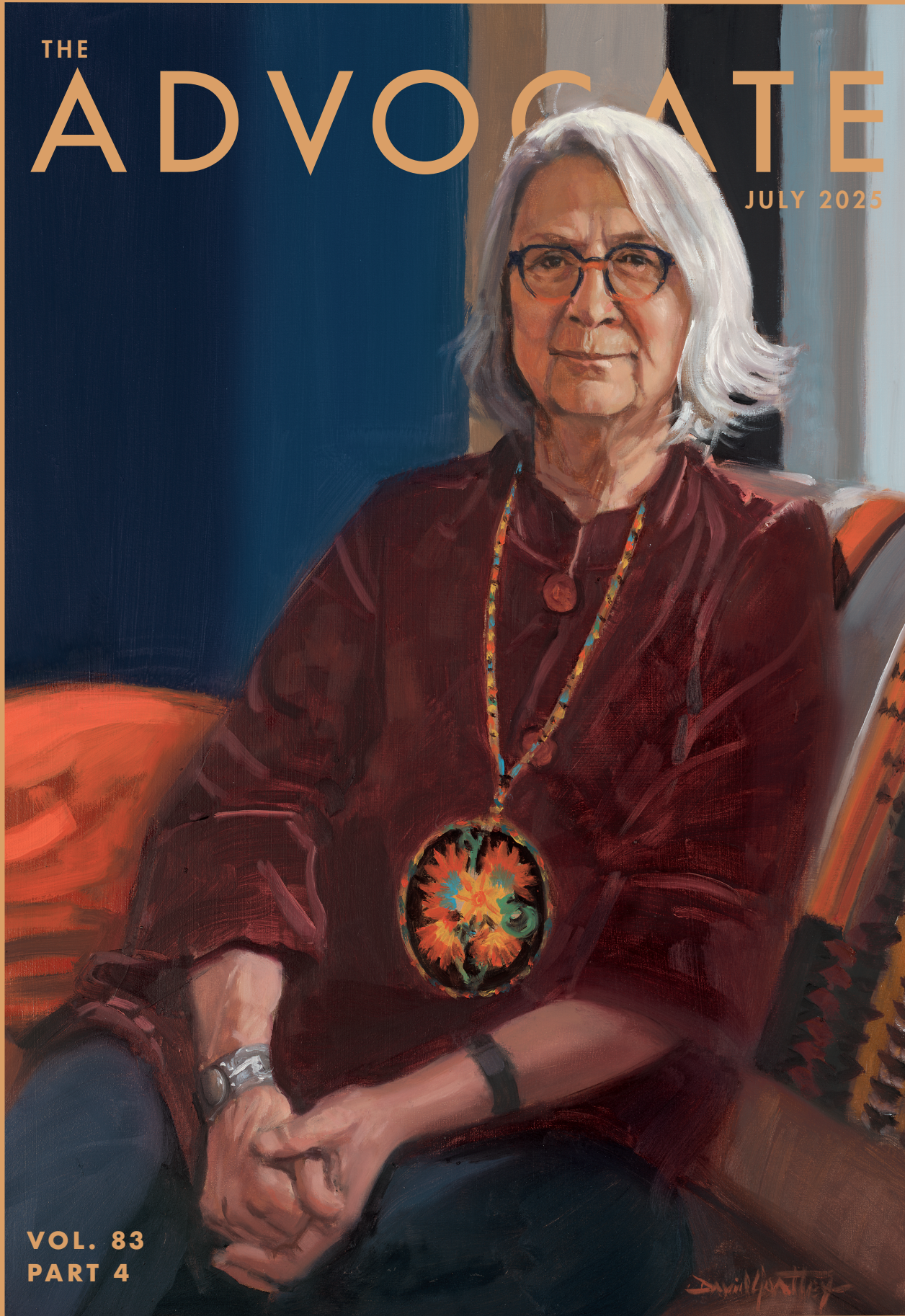


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ON THE FRONT COVER

VAL NAPOLEON

By Jeremy Webber



Val Napoleon holds the Law Foundation Chair of Indigenous Justice and Governance at the University of Victoria. She is the founding director of UVic's hugely influential Indigenous Law Research Unit ("ILRU"). She was co-founder with John Borrows and first director of UVic's joint degree program in the Common Law and Indigenous Legal Orders ("J.D./J.I.D."). She has co-led the development of the National Centre of Indigenous Laws ("NCIL"), including a new wing added to UVic's Murray and Anne Fraser Building that will open in fall 2025. Her work has had a profound impact on the recommendations of at least three nationally significant commissions of inquiry: the Truth and Reconciliation Commission of Canada; the National Inquiry into Missing and Murdered Indigenous Women and Girls; and Quebec's Commission d'enquête sur les relations entre les Autochtones et certains services publics. She—and ILRU under her direction—have worked with First Nations across Canada to apply those nations' legal orders to the structural and day-to-day challenges they face. She is a prolific writer and researcher. Although there is no central record of research grants, the value of grants secured by Val and by ILRU would, I am certain, far outstrip those of any other legal researcher in Canada. Her work has shaped developments throughout Canada and in Latin America, New Zealand/Aotearoa and Australia.

That impact has been recognized. To mention some of the honours conferred on her, she received a Lexpert Zenith Award (as a "change agent in law") (2019) and a Lawyer Monthly Legal Award (2020); she was named Indigenous Peoples' Counsel of the Indigenous Bar Association (2016); she was awarded the Indspire Award for Law and Justice (2021); she was named a Member of the College of New Scholars, Artists and Scientists of the Royal

Society of Canada (2017 to present—the Royal Society is the most prestigious scholarly association in Canada, composed of leading scholars across disciplines); she received the Yvan Allaire Medal of the Royal Society for “outstanding contributions in governance of public and private organizations” (2024); and two Canadian universities (Queen’s and UNBC) have conferred honorary doctorates on her. Her most recent honour was bestowed on May 28, 2025: a King Charles III Coronation Medal, on the nomination of the Law Commission of Canada.

That is a spectacular record. I will say more about the substance of some of those accomplishments below. But they are all the more impressive once one understands what Val did prior to coming to law school: the circumstances of her youth and her activity in support of education and self-government in the Wet’suwet’en and Gitxsan territories of the Bulkley and Skeena valleys during the heady days leading up to and through the *Delgamuukw* litigation. That activity laid the foundation for what she has done since. In fact, for all its remarkable accomplishments, her academic career has been short. She first enrolled in law school in 1998, already a grandmother. She obtained her Ph.D. in law in 2009. Her first full-time academic appointment was in 2005 at the University of Alberta. But more about those accomplishments later.

To begin, Val was born into the Saulneau First Nation of northeast British Columbia (Treaty 8) but she left the reserve at a very young age when her mother entered a relationship with a non-Indigenous man who became, for Val, her much-loved father. They then lived on a farm in Progress, British Columbia, about halfway between Chetwynd and Dawson Creek. It was, in Val’s words, “a tiny house, ... a one-room shack and it had another shack tacked onto it, and we hauled water from the creek and the dam.”¹ Much of their food and a little income (and, especially when they obtained a moose, days of celebration) came from hunting and trapping—moose, bear, squirrel, beaver. They remained in very close contact with folks on the reserve, about an hour away by car. Val’s family often visited relatives there, and, to her great pleasure, their relatives and many others would stay with them on their farm. She refers to that period as “beautiful, intense, with a lot of hard times woven into it for all kinds of reasons”. One reason was a tuberculosis epidemic that led to Val, two siblings and their grandfather being sent to a hospital in Vancouver, where they lived for about a year and a half. Another was her father’s struggle with mental illness—although, in conversation, she immediately noted two great gifts from her father and his parents. First, from her father, “the gift ... that my mind was my own and I could think whatever I wanted and nobody could control that except me—and I had to be careful sometimes who I told what I thought.” And, from her father’s

mother (who had been a schoolteacher), the ability to read, which Val learned at “a very young age”.

But, when Val was 11, “things came apart ... and then there were foster homes and all of that.” She recounts a realization she had, at age 13 and in foster care, walking away from a visit with her family (who were then living in awful conditions in a skid shack): “my little epiphany at the time was that the world lied and I could believe those lies or not, and what the world was lying about was that my parents were failures. But I knew that they did the best they could, so I didn’t believe the world anymore.” After living in several foster homes, when she was 16, her daughter, Tamara Goddard, was born in Fort Nelson (but had to be given up for adoption). Then, at 17, Val and her partner moved to Smithers, arriving there in 1973.

In Smithers, Val worked at a wide range of jobs (including running the concession at the local ice rink). But the most important jobs were two. First, she was a tree-planter, among whom she met “these amazing Wet’suwet’en women. They were so tough and so strong and they laughed so much. They were in many ways like my own family... I found the laughter again. ... I was really lucky to get all of that.” They also gave Val her first introduction to the legal order that the Wet’suwet’en share with the Gitksan, on which Val would later write her Ph.D. dissertation. Second, in 1975, she was drawn into the work of the Smithers Indian Friendship Centre (later renamed Dzw Ł Kant Friendship Centre).

The Friendship Centre was, at the time, in its infancy. It occupied one room in an old building. “We hung out in this little room. We didn’t know what we were supposed to be doing there. ... We had to figure everything out, and we were just kids.” Boy did they figure things out. Together they created a much larger organization. They raised money to buy a building. “We created a library, we created a place for kids, we created a shop where people could sell things, we had counselling, we had places where people could come and just be safe. ... We tried everything. We drove people to Moricetown. ... We ran classes. We had a radio program. ... It was quite lovely – and very energetic!” They also organized low-cost housing: “This is what’s interesting to me. Like when I look back now at what we were able to do. There were Indigenous people living in woodsheds. There were Indigenous people living just in terrible, terrible conditions. And they let me take pictures of where they were living. ... They talked to me. ... And with that we were able to bring in low-cost housing.”

Her time in the Friendship Centre was an important step in her political education. She “always read a lot”. She attended national conferences. International visitors came to Smithers. She remembers copying down the words speakers used in meetings so she could look up their meaning in the

evenings. But a major breakthrough was her participation, from 1977 to 1979, in a pathbreaking Aboriginal Studies program delivered in Terrace under the auspices of Northwest Community College. Val describes the program as a “lifesaver”. It was the initiative of Indigenous leaders across north-west British Columbia. Val remembers Jeff Marvin, Don Ryan, Ray Jones and Morris Squires as some of those behind it. It was heavy-duty. Students would attend classes in Terrace for one week every month, with teaching from 9 a.m. to 6 p.m. every day (across a range of disciplines) and “mountains of reading” in the evenings. She remembers Michael Jackson and Stuart Rush as two of the instructors on law. All the students were Indigenous young people from across the north.

It was also in Smithers that Val met her husband and partner in life, Will Lawson. In 1981 they moved from their home near Moricetown to Hazelton, where Val (now 25 years old) began work as Employment Councillor for what was then the “Gitksan-Carrier Tribal Council”. This period was the lead-up to the *Delgamuukw* litigation—the major Aboriginal title claim brought by the Gitksan and Wet’suwet’en. The taking of commission evidence for the trial began in 1985, the trial itself in May 1987.² But the period was not just about the preparation of evidence and legal arguments (important as those activities were). It was a time of massive self-organization and re-assertion among the Gitksan and Wet’suwet’en—a practical, far-reaching, self-generated exercise in societal recovery and self-governance.³ Val participated in many of those initiatives and was especially central to the Gitksan’s educational programs.

These were wide-ranging. In the Gitksan and Wet’suwet’en’s legal orders, primary stewardship of the land is exercised by “Houses” (in the Gitksan language, *wilp*)—some 68 kinship groups among the Gitksan alone, each headed by a chief who bears the name of the House.⁴ Each Gitksan individual inherits their membership in a House from their mother or acquires it by adoption. (In 1992 Val was adopted into the House of Luuxhon, Frog Clan, associated with the village of Gitanyow, receiving the name Gyooks-gan.) The Gitksan educational initiatives were designed to help the Houses restore their decentralized structures and build shared institutions after long years of disempowerment and dislocation. Programs focused on territorial management, fisheries administration, teacher training and child sexual abuse prevention. A Justice Program was established to support the Houses’ ability to deal with members who caused harm or who had suffered injuries, in ways that would draw on Gitksan principles. The Gitksan also lobbied successfully for the establishment of legal aid centres in Hazelton and Smithers; Val served for a time on the Legal Services Board of BC. They organized two new health authorities, one for the eastern and one for the

western villages. They organized a fisheries authority and social services agency. For some of these years, Val also was president of 'Ksan Historical Village—the famous and hugely influential museum, tourist attraction and carving school founded by Neil Sterritt, Polly Sargent and others. Many of these institutions are still in place.

Val was deeply involved in all these efforts. She was especially active in the schools. The Gitxsan did not seek to establish a separate school system (as the Nisga'a had done in 1975) but worked instead to make public schools welcoming and responsive to Gitxsan, Tsimshian and Haisla children and cultures. This led to Val and Gitxsan matriarch Katie Ludwig (Gal-sim-giget) successfully running for election to the School District 88 School Board, which had at the time the largest territory of any district in the province (it included the Hazeltons, Terrace, Stewart and—for a time—Kitimat), with Val serving as chair of the board for something like four years. Gitxsan language training was introduced into the local schools, several new schools were built, and a range of programs were initiated to retain Indigenous students, including the provision of daycare so that young mothers could complete their schooling.

There was a concerted attempt to ensure that all these activities worked in concert: the preparation for the court case; the rebuilding of institutions; community participation; skills training, language training, and education; and economic development through things like the carving school and tourism opportunities associated with 'Ksan. But there were also activities directly tied to the assertion of jurisdiction over the land. Many, including Val, worked with House groups on recording their genealogies, oral histories and territories. A training program was established for interpreters in the court proceedings with support from Carleton University. There was a constant need to raise funds to pay the lawyers. There were demonstrations, camps and blockades.

Sustaining the litigation was a marathon, with more than 12 years elapsing between the taking of the first commission evidence and the final decision of the Supreme Court of Canada. Although the Supreme Court's decision established important questions of principle, it certainly did not resolve the Gitxsan's and Wet'suwet'en's action. On the contrary, they were referred back to trial, faced with the prospect of beginning all over again, now on the foundation established by the court. The Gitxsan and Wet'suwet'en could no longer do so. It was a bitter victory.

In the wake of that outcome, Val decided to go to law school. She had applied to law school in the late 1970s but had decided not to go at that time. Now she applied to UVic again. She says, "I had started working as a consultant. I was working with different peoples across the north and elsewhere, and

I wondered about so where is my future going? ... Indigenous women were nowhere around doing the work that I was wanting to do. And I wanted to keep doing the kind of work I was doing and I needed some kind of 'drivers licence' that would enable me to do that." It was not certain that she would be admitted to law school. She only had grade 10. Her formal education since that time had been limited to the marvellous three-year college-level program in Aboriginal Studies she had taken in Terrace. But that program, her experience and an undertaking to complete the Program of Legal Studies for Native People at Saskatchewan (at the time, an eight-week residential program to prepare Indigenous students for law school) were sufficient to gain admission. She began law school in September 1998.

She was a superb student. She received nine awards and scholarships in achieving her LL.B., including the faculty's most prestigious essay prize—the *Advocate*-sponsored David Roberts Prize in Legal Writing—twice (once in first place, once in third). She then articulated with the firm Arvay Finlay and was called to the bar in 2002. By that time, however, with the encouragement of UVic Law Professor John McLaren, she had been bitten by the scholarly research bug. UVic Law did not have a graduate program at the time. She therefore began her studies in an interdisciplinary masters program, quickly transferred to an interdisciplinary Ph.D., and then transferred to the Law Ph.D. when it was created in 2004. I supervised Val in two of her research courses. She demonstrated qualities that have characterized all her work since: dedicated, insightful, imaginative, productive, bold—the kind of student who took one's paltry suggestions, reflected on them and transformed them into insights far beyond what one had imagined. She was invited to present one of her papers at an international conference we organized in October 2004. The paper was published in the resulting volume.⁵ She was recruited to teach a course on restorative justice at UVic Law in fall 2004. She was recruited to a full-time academic position in Law and Native Studies at the University of Alberta beginning January 2005.

At U of A she experimented with courses on Indigenous law, some focusing on how one should understand customary and informal legal orders generally. She served as an important mentor to Indigenous law students, receiving an "Aboriginal Justice Award" from the Aboriginal Law Students Association. She attracted talented graduate students and post-doctoral fellows, including Hadley Friedland, who became a close collaborator in many of Val's research initiatives and is now Academic Director and co-founder of the Wahkohtowin Law and Governance Lodge at U of A. Val remained close to UVic throughout this time. She continued to work on her Ph.D. dissertation on Gitxsan law. In 2009 UVic arranged for her to defend that thesis in the Gitxsan village of Gitanyow so that her defence would be answerable to

both academic and Gitxsan evaluation. Her thesis is a remarkable work, receiving the Governor General's award for the best dissertation, in any discipline, at UVic that year.⁶ These were also years of intense development of what became the joint degree program in Common Law and Indigenous Legal Orders (J.D./J.I.D.). Napoleon remained closely involved in that project, participating actively in the consultations and pilot projects through which the J.D./J.I.D. was refined.

Then, in 2011, John Borrows left UVic for a named chair at the University of Minnesota. That meant that UVic's Law Foundation Chair of Indigenous Justice and Governance became vacant. Val was immediately recruited, assuming the chair in January 2012. She brought with her a major project with the Truth and Reconciliation Commission and Indigenous Bar Association, designed to explore the resources available within Indigenous legal orders to address harms and conflicts within and between communities. Over the following summer student researchers participated in a training session, then fanned out across the country, working with seven First Nations from Snuneymuxw on Vancouver Island to Eskasoni on Cape Breton, comprising something like 23 communities across six Indigenous legal traditions. The results were a revelation, identifying practical tools, grounded in the peoples' cultures, for addressing harms. The project materially shaped the strong focus on Indigenous legal orders in the TRC's report. It also laid the foundation for UVic's ILRU, which Val founded and leads. ILRU works collaboratively with First Nations to identify resources within their law to address the challenges the Nations want to address, from land management to governance to child protection to water law (and more). To date, ILRU has worked with over 50 Indigenous communities and trained over 500 community members.⁷ That in turn has led to a recent major grant from the Law Foundation of BC, designed to support the rebuilding of a complete Indigenous legal order.

Val's return to UVic also meant that she became, unambiguously, the co-leader of the effort to establish the J.D./J.I.D. side by side with John Borrows (who returned to UVic in May 2014). The J.D./J.I.D. was a mammoth effort, the details of which can hardly be conveyed here.⁸ It involved the framing of a teaching program unprecedented in the world, designed to teach the common law and a sampling of Indigenous legal orders as evenhandedly as possible, with the rigour and critical engagement that any good law school brings to its task. To study both forms of law, students in the program would study for four years, not three. Because the J.D./J.I.D. cohort was in addition to UVic's J.D.-only student load, the total student load in UVic Law would, when it reached steady state in academic year 2021-22, have increased by more than twenty-five per cent. The program required an ambitious fundraising cam-

paign that engaged both levels of government, charitable foundations and corporations—a campaign in which Val was centrally involved. And it required the establishment of an administrative infrastructure that could support the program. This project was the work of many generous and dedicated faculty, staff, students and senior administrators, but none more than Val. She became the first director of the program. And then, in September 2018, the hard work of teaching and learning began, with Val taking responsibility for teaching “Transsystemic Property” (both British Columbia property law and Gitksan relationships to land, in intense comparison).

In recounting Val Napoleon’s career, I have tended to focus on the major institutional accomplishments—those that have broken substantially new ground and that elicit the hope of a transformed relationship between Indigenous peoples and Canadian law and governance. But it is important to realize that throughout she has carried a regular teaching load, supervised graduate students, and published in standard scholarly outlets. Indeed, her output in standard publications is far above that of most scholars in law, especially given the comparative brevity of her academic career: 5 edited books published or forthcoming; 19 journal articles published or forthcoming; 24 book chapters published or forthcoming; and many, many presentations at conferences and other scholarly contexts. This is in addition to the very large number of research reports produced by ILRU or Val individually for First Nations, other Indigenous organizations and non-Indigenous public entities.

Indeed her work tends to be intensely collaborative. Many of her publications are co-authored. Her work is critical; she has long believed that an Indigenous self-governance agenda must be combined with an Indigenous feminist agenda. Although the revitalization of Indigenous law is at the heart of her work, it is not backward-looking. It seeks to draw on Indigenous legal orders as tools for thinking, capable of inspiring creative action today, grounded in peoples’ particular inheritances. Her scholarship is constructive and practical, seeking always to have an impact. But the writing is also at times intensely beautiful, sometimes heartbreaking, sometimes joyful, sometimes both at once.⁹ Indeed, she is a talented artist—though, as you will see if you seek it out, one that embraces her hidden trickster.

This work has earned her a substantial international reputation. She and her colleagues regularly deliver an intensive course at UVic each May on how to conceive of and work with Indigenous legal orders. Students come to that course from across Canada and the United States, Scandinavia, New Zealand/Aotearoa, Australia and elsewhere. ILRU materials, translated into Spanish, have been influential in Latin America. When the new NCIL opens

in the fall of this year, those national and international activities will have facilities commensurate with their reach and importance.

I have to stop now, even though with Val there is always more to say. As she said of herself and the gang of youngsters at the Smithers Friendship Centre, “Very energetic”.

So let us close with these words—words she used in our interview when she was reflecting on what she hoped *Delgamuukw* might accomplish, words that speak to the driving force of all her life’s work:

I thought that the Gitksan and Wet’suwet’en would be rightfully restored to their land, that they would have a political voice, that they would be able to manage themselves with their strengths and take care of one another, that what we were doing was to strengthen all that enabled them to be a people, that we would restore those things that had been undermined by colonization. So that’s what I thought was possible.

ENDNOTES

1. This and all quotations from Val Napoleon in this article (unless otherwise attributed) are from an interview between Val and Jeremy Webber on June 3, 2025. The recording of the full interview will, once it is processed, be held in the McPherson Library – Mearns Centre for Learning of the University of Victoria.
2. *Delgamuukw v British Columbia*, [1997] 3 SCR 1010. The trial decision is reported at (1991) 79 DLR (4th) 185; the appeal at (1993) 104 DLR (4th) 470. The trial alone had 374 days of evidence and argument. Transcripts of the commission evidence and trial can be found at online; <<https://open.library.ubc.ca/collections/delgamuukw>>.
3. For a remarkable account of those years and much more besides, see Neil J Sterritt, *Mapping My Way Home: A Gitksan History* (Smithers BC: Creekstone Press, 2016).
4. The best work on Gitksan law is Napoleon’s PhD dissertation: Val Napoleon, *Ayook: Gitksan Legal Order, Law and Legal Theory* (PhD, University of Victoria, 2009). See also Val Napoleon, “Living Together: Gitksan Legal Reasoning as a Foundation for Consent”, in *Between Consenting Peoples: Political Community and the Meaning of Consent*, ed. Jeremy Webber and Colin M Macleod (Vancouver: UBC Press, 2010), 45–76; Richard Overstall, “Encountering the Spirit in the Land: ‘Property’ in a Kinship-Based Legal Order”, in *Despotic Dominion: Property Rights in British Settler Societies* (Vancouver: University of British Columbia Press, 2005), 22–4 (Overstall is a close friend of Val; they worked together in Gitksan country before encouraging each other to attend law school); Neil J Sterritt et al, *Tribal Boundaries in the Nass Watershed* (Vancouver, BC: UBC Press, 1998).
5. Napoleon, “Living Together: Gitksan Legal Reasoning as a Foundation for Consent”, *ibid.* Val also served, by invitation, on the organizing committee for that conference. Her post-conference feedback reveals both her insight and her humour. She suggested that we should “formally invite the Trickster to [our] next conference. This is an amazing intellectual instrument used by many indigenous peoples around the world to, among other things, reveal the absurd and the frailty of the gods in order to challenge our self-centred seriousness. ... I don’t know what such a conference would look like but it would be different – because the Trickster would have to be the Trickster.” Email, Muskwah [Val Napoleon] to Jeremy Webber, 4 October 2004.
6. Napoleon, ‘Ayook’, *supra* note 4.
7. For samples of this work, see <<https://ilru.ca/>>.
8. See Jeremy Webber, “UVic Law Faculty News: UVic Law’s Indigenous Law Program Opens Its Doors in September 2018” (2018) 76(3) *Advocate* 423-430 and especially Val Napoleon and Debra McKenzie, eds, *Intersocietal Pedagogies* (working title), currently under review with University of Toronto Press.
9. See, as one example, Val Napoleon, “An Imaginary for Our Sisters: Spirits and Indigenous Law”, in Jeffery Hewitt, Beverly Jacobs and Richard John Moon, eds, *Indigenous Spirituality and Religious Freedom* (Toronto: University of Toronto Press, forthcoming 2025). This is the text of a talk that Val delivered at what turned out to be a celebration of the funding of the JD/JID. For a video of that evening, including Val’s talk, see <<https://www.youtube.com/watch?v=fUbGtE6Yjhc>> (accessed 8 June 2025).