

Colonialism's Impact upon Métis Identity

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In this paper, I claim that colonialism destroyed the diversity of Aboriginal nationhood by producing then regulating Aboriginal ¹identity to serve the needs of the state - primarily seizure of Aboriginal territory and appropriation of their resources. The state then unilaterally defined Aboriginal people as 'Indian' then proceeded to control their movement and lives through a governmental department called 'Indian Affairs'. Through the production of Aboriginal identity Métis Indigeneity was lost and creation of the Aboriginal 'Other' was born. This was the genesis of Métis discontent. As a consequence, control over Aboriginal peoples is maintained through regulation of identity and Aboriginal difference has come to equate power, the politics of which serve as the arena in which colonial relations are produced and maintained. Overall, it is this production of difference and inequitable recognition of Aboriginal rights that created and maintained the marginal space in Canadian society that Métis have been forced into.

Métis marginalization began with non-recognition of their Aboriginality by the Canadian state, and contemporary constitutional recognition has done little to change Métis legitimacy within Canadian society. I fear that the recent Supreme Court ²rulings will have little impact against the damage caused by the 150 year legacy of colonial rule that denied Métis Aboriginal rights and territorial recognition. This impeded cultural cohesion. The divisions between Aboriginal peoples are now entrenched; they are

¹ Aboriginal and Indigenous are used interchangeably in this paper.

² On March 8, 2013, the Supreme Court of Canada declared that Canada breached obligations to implement promises made to the Métis in the Manitoba Act 1870 (*Manitoba Métis Federation v. Canada* 2013) and on April 14, 2016 the Supreme Court of Canada (*Daniels v. Canada* (Indian Affairs and Northern Development)), stated that the Métis and non-status Indians are included within the meaning of Section 91(24) of the Constitution Act 1867. Both of these Supreme Court of Canada rulings were welcomed by the Métis political organizations as great victories.

legitimate from the viewpoint of the state and by First Nation³ political institutions. Both are invested in Métis marginalization. Aboriginal people have naturalized state sanctioned identity regulation, initially because few alternatives were available to contest identity legislation, and contemporarily to shelter the few marginal rights recognized by the state for selectively few Aboriginal peoples. So, the Métis continue to struggle for the power to self determine as culturally distinct, diverse peoples who have been denied recognition and economic security.

This paper examines these claims by providing a theoretical account of how and why the state legitimated Aboriginal identity production, in the process denying Indigenous recognition to thousands of Indigenous individuals. This denial removed them from their homelands and severed their cultural roots. For the Métis, the categorical division of Aboriginal peoples coupled with non recognition of Métis indigeneity, devastated their capacity to thrive as collective peoples and relegated them to the bottom of the racial hierarchy of Aboriginal rights. The Métis became the Aboriginal ‘Other’. Edward Said’s theoretical lens illuminates Canadian justification of racist and discriminatory action in relation to their treatment of all Indigenous peoples of the territory that would become Canada.

This chapter is organized into six sections. In section one, The Personal is Political, I explore my family history, linking the diverse hardships faced by every generation, to our colonial history demonstrating that the personal is in fact very political. Section two, Racist Ideology Legislates Aboriginal Identity, discusses the genesis of state controlled production of Aboriginal identity guided by colonial racist ideology. Control of Aboriginal peoples was needed for Canadian state expansion facilitated by usurpation

³ First Nations refers to those Indigenous peoples who have status as determined by the Indian Act.

of Aboriginal territory and resources. Section three, the Aboriginal ‘Other’, examines the impact of legislated Aboriginal identity regulations upon the Métis who became the Aboriginal ‘Other’ due to the Canadian state disregard of Métis Aboriginality. Section four, Intergenerational Suffering, examines Métis identity convergence due to the imposed marginal space on the periphery of Canadian society. Section five, Contemporary Aboriginal Identify, discusses the Métis intergenerational suffering and finally I review the contemporary identity of Métis political action focused upon self determination and demands for recognition as distinct Métis Aboriginal peoples.

When the ‘Other’ is Métis

The Personal is Political

I am from a long line of Métis people; in fact, I cannot think of any member of my immediate family who is other than Métis. My father could be the caricature of the stereotypical Métis head of family – he was a Michif speaking, whisky drinking, fiddle playing, jigging around the house persona with a very unique sense of humor. My mother was the in your face – racist fighting – tell-it-like-it-is domineering woman, who joined the fledgling Saskatchewan Métis political organization of the 60s, because there was no political platform through which Métis people could voice their grievances. I remember, many times, coming home to a kitchen full of half-breeds plotting their next move of political action.

The other side of this picture is the memory of a grandmother stooped over a potato sack in the Lumsden Valley, picking potatoes for a dollar a bag, and a grandfather who lived alone in a shack a little larger than a garden shed. My mother’s health was always compromised because she had lost a lung at 15 from the Tuberculosis epidemic

that ravaged her entire family. My father was illiterate his entire life, and this is a prison in itself. These are the realities of colonialism, the impact of which scarred our lives. My identity was formed by those memories and the stories told me by both my mother and father. These are memories of their youth.

One day recently, in conversation with someone who declared herself Métis, I found myself agitated because I did not believe she was a ‘real’ Métis. Then, when she declared that her ‘Métis heritage came from her grandmother, who was ‘part’ Métis, I became very angry. Reflecting upon those feelings, I questioned the anger I felt toward the woman whose claim to Métis heritage came from her grandmother who was part Métis. Why was I so disturbed by how other individuals chose to claim their heritage? It was very disconcerting for me to discover that I too legitimized the division among Aboriginal people, a division imposed by colonialism. This led me to a more complex question: “For whose purpose are we defining ourselves and why?”

As Métis people, our identities are entrenched in how colonialism affected us. We have always been forced to negotiate our identities in relation to how the Canadian state defined ‘Indians’ and how that definition impacted First Nation identities (Lawrence 2004, 1). As such, Métis identities have evolved over the decades and our ‘Metisness’ has always been measured relative to our ‘Indian’ ancestors as opposed to being recognized for our distinct ethnicities. This has been difficult for the Métis both politically and economically. Because we were not ‘white’ enough to be considered European and not ‘Indian’ enough to be considered truly Indigenous to the land, in essence we were conceptualized as a derivative people. From this perspective, both our Aboriginal heritage **and** our European heritage served to undermine our authenticity

because we have not been acknowledged as unique and distinct Métis peoples. This has often forced us into untenable personal and economic circumstances, the legacy of which we carry to this day.

Non-recognition of my distinct Métis heritage has, many times in my life, forced me into a chameleon style existence. Too many times, I ignored my Métis heritage and upbringing as I tried to replicate the traditions of the Cree and/or Salteaux First Nation friends I kept company with. At other times I tried to blend into the white world, and during those times I did not understand that my cultural consciousness did not have to be measured against either my white ancestors or my First Nations ancestors, that being Métis was complete in and of itself.

Difference in identity produced by state recognition of some Aboriginals and not others was historically, and continues contemporarily, to be the nexus for the struggle for power within the Canadian/Aboriginal political paradigm. Power relations in the Aboriginal political arena have, since colonization, always been determined by race, and this fact has not been altered in contemporary Canada. Jean Teillet has stated that both Amer-Indians and Euro-Canadians have difficulty accepting another Aboriginal people with Euro-Canadian ancestry as this defies a deeply held notion of loyalty to one's ethnic ancestry, purity of races and entitlement as 'first peoples'. Canadians are not comfortable with collectives that have multiple identifications linked to special rights. The truth is that mixed race peoples challenge established racial hierarchies or boundaries (Teillet 2011, 5).

Post colonial theory investigates the political and cultural impact of primarily European conquest of colonized societies and how those societies responded and

continue to struggle for self representation (Ashcroft and Ahluwalia 2001, 290-291).

Colonization and the tensions between the colonized and colonizer remains a prominent topic in contemporary post colonial discourse. A primary example of discontent and legitimating misperception presented itself in 2009 when Prime Minister Steven Harper announced to the world at the G20 Summit that Canada had no history of colonialism (O’Keefe 2009); this comment insulted and enraged Aboriginal peoples across Canada. Colonialism is not a long past historic event but an organic reality that impacts the lives of Aboriginal people to this day.

In the process of Canadian nation building, the agents of Canadian governments divided Aboriginal peoples into racialized categories founded upon the premise of European superiority and racism. Mawani states that race-specific legislation, the Indian Act, allowed colonial agents to redraw the lines that distinguished ‘Indians’, ‘whites’, and ‘others’, and in their efforts to civilize Aboriginal peoples, the Dominion enacted and repeatedly revised this legislation so as to cultivate governable subjects, on the one hand, while punishing Aboriginal populations through coercion and violence on the other (Mawani 2009, 19, 177). Aboriginal capacity to determine membership in their societies was erased and replaced with a colonial legally-sanctioned definition of what constituted an ‘Indian’ person in the eyes of the state. The intent was to recreate Aboriginal people in the image of European society and culture.

The work and thoughts of Edward Said are helpful in considering the colonial experience of Aboriginal peoples. Said came to understand that the way we acquire knowledge has been directed and defined by European empire, primarily the British and French. These empires, through their literatures, vocabularies, scholarship, doctrines,

colonial bureaucracies and political institutions, portrayed and distorted the reality of other cultures (Said 1979, 2). The lens, through which other cultures are viewed, in Said's discourse, is called Orientalism.⁴

The relevance of Said's Orientalism in this discussion is twofold. Through Said's description, we can understand European colonials' justification of their treatment of peoples so unlike themselves, and alternatively, understand their arrogant belief that those who were different would welcome reformation of self and culture while being led to modernity. In the Canadian context, Aboriginal people were to be incorporated into Said's definition of the 'west', but I contend that Aboriginal people have always been perceived and treated like those of the 'east'. This has not changed.

Racist Ideology Legislates Aboriginal Identity

The colonial practice of defining Aboriginal people began over territory and the question of who claimed title to it and how could title be acquired. Without consultation with Aboriginal people, in 1851 the Act for Canada East undertook the task of defining the criteria for 'Indian' status:

⁴ Orientalism is not a mere political subject matter or field that is reflected passively by culture, scholarship, or institutions; nor is it a large and diffuse collection of texts about collection of texts about the Orient; nor is it representative and expressive of some nefarious "Western" imperialism plot to hold down the "Oriental" world. It is rather, a *distribution* of geopolitical awareness into aesthetic, scholarly, economic, sociological, historical, and philological texts; it is an *elaboration* not only of a basis geographical distinction (the world is made up of two unequal halves, Orient and Occident) but also of a whole series of interests" which, by such means as scholarly discovery, philological reconstruction, psychological analysis, landscape and sociological description, it not only creates but also maintains; it *is*, rather than expresses, a certain *will* or *intention* to understand, in some cases to control, manipulate, even to incorporate, what is a manifestly different (or alternative and novel) world; it is, above all, a discourse that is by no means in direct, corresponding relationship with political power in the raw, but rather is produced and exists in an uneven exchange with various kinds of power shaped to a degree by the exchange with power political (as with a colonial or imperial establishment), power intellectual (as with reigning sciences like comparative linguistics or anatomy, or any of the modern policy sciences), power cultural (as with orthodoxies and canons of taste, texts, values) power moral (as with ideas about what "we" do and what "they" cannot do or understand as "we" do). Indeed, my real argument is that Orientalism is – and does not simply represent – a considerable dimension of modern political-intellectual culture, and as such has less to do with the Orient than it does with "our world." (Said 1979, 12).

- All persons of Indian blood reputed to belong to the particular body or tribe of Indians interested in Indian lands or their descendants;
- All persons intermarried with any such Indians and living among them, and their descendants;
- All persons residing among such Indians, whose parents on either side were or are Indians of such body or tribe, or entitled to be considered as such and
- All persons adopted in infancy by any such Indians, and residing in the village or upon the land of such tribes or bodies of Indians and their descendants (Dickason 2006, 156).

The colonial administration decided that this definition was too inclusive and revised it to exclude non Indians living with the tribes, non-Indian men married to Indian women and identifying differences between ‘status’ Indians (those who were registered) and non-status Indians. Indian women who married non Indian men kept their status but their children could not claim status, and non-Indian women who married Indian men acquired status, as did their children. Therefore, determination of status was patriarchal (156). This colonial legislation was the genesis of how and why difference and division was created among Aboriginal people. It would provide the blueprint for all future policy development and legislation created by the Canadian state to recognize (or not) Aboriginal persons.

The racist ideology of the time permeated all interaction between Europeans and the multi-ethnic and diverse Indigenous nations of what would become Canada. The colonial vision was to re-create Aboriginal people into the image of Europeans and governments coercively and legislatively endeavored to make that happen. Aboriginal people were to become wards on their own territory, non citizens of the state until they could demonstrate themselves worthy of assimilation.

To help speed this process along, legislation was passed in 1857 to gradually civilize ‘Indians’. One has to know who the ‘Indian’ was before one could civilize him.

The law determined that if an 'Indian' could learn to read and write in either English or French and was of good moral character, he would be granted citizenship into the United Canadas (Tobias 1998, 150-176; 1990, 43). The primary objective was to assimilate all Aboriginal peoples and, ultimately, this meant men. It should be noted that in this time period, women were assumed to be secondary to their fathers and/or husbands, thus not of primary concern in these legislations. This premise is consistent with the British patriarchy of the time (Green 1985, 1995; Palmater 2011; Dyck 2011).

It was commonly believed by Europeans that Aboriginal people were primitive and backward, and therefore colonial rule over inferior peoples was not only a right but an obligation. This belief was supported and accepted by European cultures (Ashcroft and Ahluwalia 2001, 1416). Said argued that the role of culture in keeping Imperialism intact must be acknowledged because, through culture, the assumption of the right of Imperial power to rule was authoritatively supported (1416). This sustained the notion that primitive peoples "required and, in fact, beseeched domination" (Said 1993, 10). This arrogant belief of superiority, Said states, goes beyond the need to facilitate economic growth; central to European thought was that it was their god-given obligation to rule subordinate, inferior or less advanced peoples (1416). In essence, this racist ideology became the guiding principle for all future policy and legislation, effectively sanitizing, concealing and legitimating the bigoted premise by which the state came to dominate Aboriginal peoples.

Racism as a guiding principle was already evident in how agents of British Imperialism dealt with Aboriginals when establishing colonies on Indigenous territory the century previous to Confederation; by the time the Fathers of Confederation focused

westward to expand Canada, they were well experienced in tactics of exploitation, domination and exerting power over Aboriginal peoples. By 1867, colonial governance had over a century's experience of encroaching and usurping Aboriginal territory and therefore was well informed in establishing imperial/colonial policy legitimizing their actions. Treaty making had become the norm in colonial/Indigenous relations as 123 treaties had already been negotiated in British North America prior to confederation. Treaties were the favored method of avoiding conflict with Indigenous peoples and the easiest route to gain title to Indigenous territory; Canadian officials also wanted to avoid costly wars with Indigenous nations as had been the experience in the United States (Dickason 2006, 172-174)

When Métis scholar Emma Larocque states that mainstream Canadians can never comprehend our will to decolonize unless they can understand the place from which we speak (Larocque 2010, 11) she means that we carry in us the collective memory of what it means to be alienated from our territory: the territory that defines who we are, that was our spiritual home, our source of life. The trauma of dispossession is an aura that has travelled with us through the generations and the economic, political and spiritual chaos continues to shadow our collective reality. Attempting to communicate this to the dominant society equates to trying to describe the colour of the sky to someone who has been blind since birth

Loss of Indigenous Territory and Resources to make way for Canadian Nation Building

The foundation of Canadian nation building rested upon the acquisition of Aboriginal territory and resources (Green 1995). Belief in colonial supremacy was central justification of the treatment of Canada's original peoples. Todd Gordon writes that the Canadian Imperial project promoted 'civilization' by helping the savages to help themselves to become more like European/Canadians (Gordon 2010, 69). Taiaiake Alfred calls this the mistaken notion of racial superiority and a belief in the 'divine' right to domination but ultimately, Alfred states, this racist notion was fuelled by the interests of capitalism and the state's drive to acquire title to Indigenous territories. Canadian success permitted opening the gateway for large incoming populations of Europeans to settle the territory. The colonial regime pursued the objective of treaty making with Aboriginal peoples for the purpose of extinguishing Aboriginal title (Alfred 2009, 45-46; Alfred and Corntassel, 2005, Green 1995).

When colony evolved to nation, powerful colonial elites shaped self interested provinces into a cohesive economic, social and political project called Canada that crystallized through Sir John A. MacDonald's National Policy (Clement 1975, 62; Green, 1995). The genesis of this policy dated back to the 1840s when influential Anglo Canadian financiers generated a vision that placed central Canada as the centre of trade. Working in tandem, the political, economic and ruling class set in motion a plan that would guarantee their control over the extraction, transportation and exportation of Canadian resources. This plan was premised upon the successful completion of the railway and costs for its construction would be underwritten by government guarantees.

Key political leaders were linked to the companies that would build the railroad and at the very least these powerful men operated within the same social circles and represented the dominant political and economic forces (Clement 1975, 62-65, Warnock 2004, 122-124).

Innis believed that Canadian expansion after Confederation was a natural progression to ensure natural resources fuelled the success of the capitalist market; he believed that Canadian expansion had more to do with geography and the subsequent formation of the massive infrastructure in the creation of canals, railways and roads (McBride and Shields 1997, 6; Innis 1999). This vision required taking control of all territory in the west and this meant Canadian officials had to deal with aboriginal peoples of that territory. This was accomplished via Treaty, but only when the state needed to secure access to specific territories. When access was either already secured (British Columbia) or not needed (Northern Canada) no treaties were pursued at that time.

The Canadian treaty making process was always intended to serve the needs of the state. Canada had the military force behind its negotiators in the numbered treaty process and in this time period, Aboriginal nations were economically and physically vulnerable, which limited their negotiating power. The reserves that were set aside for 'Indian' possession in the treaty process covered only a fraction of their traditional lands. It was difficult if not impossible for Aboriginal communities to sustain any kind of economic independence on reserves; there was no ability for Aboriginal nations to access their natural resources (Gordon 2010, 69-71). Green states that treaty making was presented as a compulsory benefit, compulsory indicated by the military and police presence and beneficial, suggested in the promises of autonomy and the symbolic

representations of peace, mutuality and security, all overseen by the representatives of a benevolent parental deity, the Great White Mother (the Queen) (Green 1995). There was no mutual and equitable reciprocity in this process and in Fanon's words, "in the colonies the master laughs at the consciousness of the slave"; the Canadian representatives were always in a complete state of dominance (Coulthard, 2006; Fanon 2008, 195).

It is not my intent to imply that Aboriginal peoples did not resist the dispossession of their territory, or contest the imposed and compulsory governance structure that dictated that their leaders answer to the state and not their people. Nor am I suggesting that Aboriginal peoples did not resist the legislated redefinition of their citizenship and forced denial of centuries old cultures because there is ample literature produced by Aboriginal scholars that demonstrates their resistance. However, I wish to emphasize the policy intent of the colonial state and the disproportionate power it had to enforce that policy.

The Royal Commission on Aboriginal Peoples (RCAP) documents explain that Aboriginal people were always concerned with retaining and protecting their land and their way of life. They sought assurance that they could continue their traditional economies based on hunting, fishing, trapping and gathering. Treaty transcripts and historical record also show that Aboriginal people were not prepared to give up their lands without compensation (Royal Commission Aboriginal Peoples Volume 1 1996, 161-163). Although Canada insisted that the treaties were to be brief, simple and uniform in content, negotiators were often forced to make additions as evidenced in negotiation of Treaty 6, to which Canada added several clauses, one of which was the medicine chest section, which is contemporarily interpreted by Aboriginal people to mean the right to

health care. In spite of this, Canadian negotiators had the upper hand in bargaining because the treaties were all written by the government, were put forth in non-Indigenous languages with interpreters of dubious competence, and were often just presented to Aboriginal people for signing (Frideres and Gadacz 2008, 195).

Once the Canadian government obtained title to the territory via the treaty process they had little use for Aboriginal peoples but decisions had to be made about how Canada would incorporate 'Indians' into the state and this was governed by the Indian Act. The treaties did not acknowledge Aboriginal political power; in fact "Indians" were legally sanctioned wards of the state. Although 'Indians' were not recognized as citizens of Canada, through treaty they agreed and were ultimately compelled to abide by Canadian law (Whyte 1992, 106-107).

The 'Other' Aboriginals

As destructive as the Indian Act proved to be for Aboriginal peoples overall, this legislation provided the gel that would unite diverse "Indian" peoples nationwide; it was also the legislative tool that produced, then organized and ultimately regulated difference among Aboriginal peoples. The intent of the Indian Act was to track and categorize the 'Indian' and in so doing boundaries were established between "real" or "status" Indians and other Aboriginal peoples. Assimilation objectives determined that 'Indians' would be reconfigured to replicate in mind and spirit, Euro Canadians; they would then become productive consumers within the modern state, imbued with the ideals of liberal democracy and individualism. The Indian Act became the primary filter through which the institutions of the Canadian state, Canadian society and many Aboriginal groups have come to recognize those who are 'Indians'. All other Aboriginal people who were not

‘Indians’ as defined by the Indian Act became the ‘Other’ Aboriginals. The Métis were those ‘Others’ and were not, until 1982, recognized as Aboriginal by Canada.

Rita Dhamoon has described the creation of the ‘Other’ as colonial imagery. She argues that legally defining Indians who have ‘status’ within the state facilitated a split among Aboriginal peoples on the basis of status and non status; this placed them into distinct categories for the purpose of Canadian nation building. The Métis would be considered Canadian citizens thus erasing any need for recognition of their title to land and resources as prior occupants as was recognized for ‘Indians’ via treaty (Dhamoon 2009, 130). The Métis were to be considered citizens of Canada albeit deficient because of their hybridity. Mawani identifies the colonial belief that mixed-race individuals were dangerous because they would complicate and disrupt racial hierarchies between ruler and ruled and intermarriage between white settlers and Aboriginal women was therefore discouraged; mixed race populations were described to be the ‘enemy race’ that was sinister and dangerous, not easily developed, transformed or assimilated, the animus reflecting the contradictory colonial impulses of assimilation and exclusion (Mawani 2009, 89, 166).

That the Canadian state refused to recognize the Métis similarly to ‘Indians’ remains at the core of contemporary identity power relations. Both Coulthard and Dhamoon emphasize that difference between Aboriginal people was produced and rationalized through state power relations. Canada had the constitutional power to create difference through lawmaking, and Indian difference was legislated through the Indian Act. The power of this law was historically, and continues to be, the focal point of

identity politics and identity power relations (Coulthard 2008, 194-195; Dhamoon 2009, 11-12).

My analysis drew on Edward Said's contrapuntal analysis, a concept he borrowed from Western classical music. It can be described as a methodology for knowledge production; this analysis allows for the telling of alternative discourse by those who are currently exiled and marginalized (Chowdhry 2007, 102-103). In essence, contrapuntal analysis allows differing perspectives to be perceived simultaneously and against each other. The analysis expects the literature to be read in stereo, so to speak, which enables the reader to grasp the totality of the circumstance by understanding it from multiple positions. It also requires scholars to read for absence as well as for presence; for who is authoritative and who is derivative or erased. Linda Tuhiwai Smith advises Aboriginal scholars to sift through the disciplines of knowledge and extract those fragments of ourselves which were taken, catalogued, studied and stored so we can deconstruct what we have been taught to believe is truth (Smith 2001, 58).

Said defines contrapuntal analysis as:

“ reading a text with an understanding of what is involved when an author shows, for instance, that a colonial sugar plantation is seen as important to the process of maintaining a particular style of life in England....the point is that contrapuntal reading must take account of both processes, that of imperialism and that of resistance to it, which can be done by extending our readings of the texts to include what was once forcibly excluded” (Said 1993, 66-67).

Sugar plantations, for example, were dependent on the violently coercive enslavement of African peoples for their extraordinary profitability.

In the context of what is brought forth in this analysis, historically, several overlapping experiences simultaneously converged that established the pattern of Métis/Canadian state relations that, quite frankly, exists to this day. There is no way

Canadian history can be written without taking into consideration Indigenous history and the effects the Canadian experience had on Indigenous peoples, but sadly, Canadian political culture and intellectual hegemony effectively erased Indigenous memory by ignoring its legitimacy and worse, by not acknowledging it⁵. Turning one's back to our presence and our experience is in effect the greatest insult toward Indigenous peoples and that is exactly what happened to the Métis.

Métis identity crystallizes

Joe Sawchuk once stated that declaring oneself Métis means taking on aspects of 'Otherness' that have been defined by the dominant society; that Canada created Aboriginal identities for its own use (Sawchuk, 2000). I would add that Métis identity was shaped, in part, by the fact Canada had no use for the Métis and contemporary Métis identity reflects, and has certainly incorporated, the political struggles of the past 140 years. Ironically, Canada specifically regulated 'Indian' identity with a vision of erasing their distinctiveness but created Métis distinctiveness by ignoring them. Their struggle is the gel that has united the Métis and it has been a struggle for recognition of their distinct standing as peoples indigenous to the territory that became Canada. Recognition of Métis Aboriginality from these early days would have meant their validation as first peoples and with that the acknowledgement of their ties to the land. Instead, as Mawani points out, half-breeds were derogatorily defined as racial subjects who were predisposed to immorality, degeneracy and criminality (Mawani 2009, 182).

Because of this, Métis identity has been made political and has been distinguished by our personal and collective history. Contemporary Métis identity is both a

⁵ This concept was adopted by Said's reference to theorizing power and formulating a resistance today, expressed in an interview conducted in New York, July – August 1999. See 'An Interview with Edward Said', in *The Edward Said Reader*, 441.

consequence of colonialism and of our resistance to its devastating impact upon our communities. Our identity arises from resistance, from a deep counter consciousness born of a sense of powerlessness, of untenable circumstance created at the very birth of Canada.

Métis identity is often tied to the Canadian west where a vibrant culture emerged with a unique language, style and historic memory that included the Riel era proclamation of nationhood against Canada's declaration of sovereignty over their homelands. In the 1870s, the Métis population in the Red River area was 12,000 strong and when it was realized by Canadian officials that the Métis held political, social and familial influence with the Plains tribes, Canada acquiesced to the demands encoded as a 'List of Rights' and Manitoba was born in 1870. Section 31 of the Manitoba Act specified 1.4 million acres of land would be set aside for the children of half breed heads of family and with that came the Métis nation's agreement to cede their territory into Canada (Miller 1991, 154; Shore 2003, 73-75).

When Canada gained control of the territory, the Métis were soon displaced by burgeoning groups of immigrant newcomers who had no respect for Aboriginal peoples or their cultures. The settler population of the area tripled over a ten year period. In 1871, the population was 18,995 and by 1881, the population had grown to 65,954 (Boisvert and Turnbull 1985, 107-147). Additionally injurious, was how the Métis were portrayed in the press: in the *Globe* of 1869, an article told its readers of Métis as "half Indian, and all Aboriginals tended to be indistinguishable except on rare occasion...a more squalid looking set of beings I never saw, inferior I should judge, in all the elements of civilization" (Anderson and Robertson 2011, 34). This racist portrayal of the Métis is

consistent with the half-breed degeneracy so aptly described in Mawani's analysis. As well, Métis citizens of the pre-Canadian provisional government faced threats and harassment as did many members of the Métis community and governmental delays in settling Métis territorial claims as set out in the Manitoba Act exacerbated an already dire circumstance (Boisvert and Turnbull 1985, 126).

Canada chose not to deal with the Métis in the same way as it had dealt with First Nations, which eliminated any legal obligation for treaty negotiation; the Métis were to be dealt with as individuals. It was determined that land grants in the form of 'scrip' would be used to facilitate land transfers (Tough 2011, 115-142). Once Canada obtained title to the territory of the Northwest, the Métis were considered no different from any other newcomer citizen. Basically, they were on their own and the MacDonald government delayed the granting of scrip choosing first, to focus upon settlement of all treaty negotiations with First Nations (Boisvert and Turnbull 1985, 107-147).

Dispossession, racism and oppression became the formula for Métis/state relations thereafter. Once tenure of the territory was secure, the governments of Manitoba and Canada used delays to abort the terms of the Manitoba Act; 31 federal and 9 provincial enactments denied the Métis access to the agreed upon territorial selection meaning the Métis did not receive the land promised due to many reasons including the delays in the federal bureaucracy and new settler immigration taking the land originally intended to go to Métis people (Sprague 1988, 89-127; MMF, n.d.).

The tenuous relationship between the Canadian state and the Métis nation was born in this era. It was a time of transition in the Northwest, a time of struggle against the ever increasing newcomers laying claim to Métis homelands. It was a time when

foreign and unfamiliar laws bound them into a society that shunned them and whose English speaking writers and journalists portrayed the Métis as products of inferior civilizations. The mixture of French and First Nations were portrayed as the “most vicious type of half-breed and when one parent is French...the traits and characteristics of the red man prevail in them” (Payment 1986, 179)

Settler society distrusted the Métis who were stigmatized as ‘half-breeds’ and deviants. Mawani has demonstrated that mixed race populations were designated as ‘internal enemies’ who would compromise the longevity and well being of white settlement and the future of Aboriginal populations. She goes on to state that Britain’s colonies feared that mixed bloods challenged the boundaries of rule and threatened white privilege in significant ways. They could pass as Europeans, which would defraud the privileges of whiteness or this ‘in-between’ population could be mistaken as ‘Indian’ gain remedial rights including entitlement to land and social and natural resources (Mawani 2009, 166-167). Here rests the primary reason why the Canadian political institutions would not recognize the Aboriginality of the Métis nation and their individual citizens.

A decade after the Métis resettled in lands that eventually became the provinces of Saskatchewan and Alberta, Canada again claimed the territory the Métis had made their home and opened it up to homesteads for immigrant settlers. Frustrated, angry and fearing the loss, for the second time the Métis sought the leadership and guidance of Louise Riel. Riel again formed a provisional government and demanded acknowledgement of self government and recognition of Métis land tenure. The state’s response was given in Regina, Saskatchewan on November 16, 1885, when Louis Riel was hung for treason (Isaac 2004, 279).

After Riel's execution the Métis again were dispersed. Some went to the North; others went to the United States or different parts of the prairies. The Métis buffalo economy was destroyed and cultural and community cohesion was very difficult to maintain. They became the poorest segment of the Canadian population, worse off than Treaty Indians who at least became wards of the federal government after their treaties were signed. The Métis were not eligible for the kinds of support the Indians received and had to fend for themselves mostly as casual or seasonal laborers (Kienetz 1983, 12). Many squatted on Crown land and roadways thus the label 'Road Allowance People' and they would stay on the road allowance until they were forced to move to make way for homesteader settlers (Bell 1999, 8).

An amendment to the Dominion Lands Act 1879 allowed all Métis living in the Northwest Territories to become eligible for receipt of scrip but the diaspora of the Métis community, coupled with delays, fraudulent practices and government sanctioned speculators ensured the Métis lost the land. Because scrip was issued to the individual upon proof of eligibility, it could be easily transferred from person to person so speculators bought scrip under fraudulent circumstance at a reduced value (Bell 1999, 7). In a state of dire poverty and because land available to the Métis was often far from where they had relocated and established residence, many Métis chose to sell their scrip. For the Métis, scrip acted as cash in a cash starved economy and for others it was a source of profit. Many of the speculators were employees of the chartered banks and in the end, 52% of the scrip fell under the ownership of chartered banks (Boisevert and Turnbull 1985, 27-30).

The late Harry Daniels, Métis leader, writer, actor and dancer, believed that the actions of the provisional government in Red River demonstrated that Métis were the “only charter group in Canada with a history of national political independence before joining Confederation”. He stated that it was the:

“Métis, not the Francophone or Anglophones, that represented the true basis of Canadian culture. The Red River Métis were the embryo of a burgeoning Canadian identity but this identity was suppressed and denied by the federal government in Ottawa which looked to England and France for its notions of culture and thus blatantly violated the terms of the agreement that Louis Riel’s Métis Provisional Government negotiated for Manitoba’s entry into Confederation. Since then it has been the British and French notion of culture and not a distinctly Canadian one, which has dominated Canada” (Weinstein 2007, 39).

Within this context, Métis is more than a racial category as identity encompasses not only ethnicity but the historic memory of nationalism declared under the leadership of Louis Riel, confronting an emerging and predatory Canada. There is no question that Riel’s proclamation matured Métis nationalism, but many believe that this did not mark the beginnings of a distinctive Métis culture. Jacqueline Pederson and others have emphasize that the Riel led resistances were the culmination of nearly two centuries of ethnic formation rooted along the St. Lawrence and in the Upper Great Lakes and transplanted of necessity in the northern Red River Valley (Peterson 1978, 46). The point is that many believe that Métis culture/s did not just arise in the West but in fact Métis distinctiveness was present in many areas along the fur trade routes. These diverse perspectives are the focal point of contemporary debate relational to Métis identity.

Intergenerational Social suffering

In 1969, I was sixteen years old and in grade 10 Social Studies, when a discussion developed about ‘Indians’. I was one of a handful of Aboriginal students who attended the Roman Catholic high school in a white suburban neighborhood in Regina, Saskatchewan. In this particular class, I was the only Aboriginal student.

We must have been taking the ‘Indian’ module of grade 10 Social Studies and as the discussion progressed, a very popular, attractive girl with long flowing blond hair, a member of the school’s cheerleading team, stood up with vicious verbosity and declared that her father worked for Indian Affairs and she knew first hand Indians were lazy drunks who did not want to work, had little sense of value evidenced in the fact they destroyed their beautiful houses that Indian Affairs supplied for them on a regular basis. She relentlessly continued this assault exposing her racist view of the state of ‘Indian’ lifestyle and people. I can only assume she was mimicking dialogue heard at her kitchen table from a father whose career it was to oversee Indians recognized with status by the state.

Forty years later and that memory carries me back in time with perfect clarity, putting me in that desk, in that moment, seared by the words of a blond cheerleader mimicking the racist image passed onto her by dad, to a collective of teenage peers one of whom is a lone Aboriginal – me. This memory is potent not because of what blond cheerleader said but because of how I felt when I did not know enough about my own history to debate those racist comments and more importantly to defend those who I considered my relatives. All I wanted to do as my student peers glanced my way, some

with sympathetic eyes and others accusatory, was sink into the background and await the buzzer that would release me from my prison of academic ignorance.

The racism that was exposed in that moment was not just about a blond cheerleader and her middle class family whose livelihood came from the repressive industry created to suppress ‘Indians’ through ‘Indian Affairs’ but it was also about the racism inherent to an educational system; a racism that existed because of what was **not** taught – the truth - the truth about the birth of Canada and its devastating impact upon First Nations, Métis and the Inuit; a racism that is hidden within the mythology of a Canada that is praised in its anthem as a ‘true North strong and free’.

This is the reality of what Said talks about as he urges us to be ever cognizant of what is absent in what we are taught and how we are led to understand our world. There are multiple realities that exist outside the confines of white privilege and the contemporary circumstance of Aboriginal people exist because of our history, a history that was absent from the texts of my youth. It is from here that I react – because I live in that world that produced those texts and it has taken a lifetime to understand that which I could only sense in those troubling and innocent years.

Aboriginal people were incorporated into Canada as a means of clearing away any and all political and legal obstacles that could hinder capitalist development and Canadian expansion. The treaties stripped First Nations of their territory and the signing of these were often conducted with military presence and implied violence. Land and money scrip that could enter the sphere of the market, enriched charter banks who acquired the certificates through speculators hired to purchase these at the cheapest cost possible. Our territories were given in vast quantities to the Canadian Pacific Railroad

(CPR), our involuntary subsidy to the corporations that would profit from hauling settlers, goods and resources stolen from our lands.

The imposition of a new system of governance and ideology based upon individualism, property and free choice meant constraint and poverty for Aboriginal peoples and at the same time that ideology allowed and enticed settlers to create a home upon the territory made available by Canadian government policy. Any sign of resistance to this governmental order was ruthlessly quelled.

These are my roots and the memory from which I was created. The personal story told at the start of this chapter is the reality of what has come to pass because of these historic occurrences. My family, three generations past, were vilified for who they were; lost their homes to make room for newcomers; lived on road allowance land and were not allowed to attend school because they could not pay taxes, which ultimately denied the possibility to lucratively participate in the economy. The negative repercussions of these times have been felt inter-generationally and for some will continue into the future.

In what Said refers to as the Proustian memory – an involuntary memory – I am often filled with intense anger – and profound sadness, to know that my grandparents, from both sides of my family, lived through such difficult times and were it not for those few brave scholars – Aboriginal and non – their stories may never have been told.

I remember those stories my mother told, stories of road allowance people and how my grandmother build her own house from scraps of wood so she could shelter her family of seven and with that, the involuntary recollection of how my mother spent her youth in a sanatorium, losing her lung during those years.

My parents witnessed the transfer of Crown land from the federal to provincial governments, in 1930 Natural Resource Transfer Agreement and with that an already impoverished Métis were suddenly required to purchase a provincial license to hunt, trap and fish, further inhibiting their ability to make a living and provide for their families (Harrison 1985, 92-94) and leading to the more criminalization of us. There was no consideration of the fact that depletion of resources were caused by white settler society or sports activities overextending the capacity for reproduction of these resources. In essence the province penalized the most impoverished group to attend to the needs of white society.

The plight of the Métis and First Nations garnered very little white sympathy. As the blond cheerleader showed, it was commonly believed that the poverty was self induced because of outdated values and a disinclination to work. Much like today, the already rampant racism increased when the government assisted the most impoverished. In fact, in Saskatchewan, municipalities were reluctant to accept indigent Indian and Métis for fear their presence would drain welfare funds. Time has not changed that concern for it is prevalent today. It is also a fact that Indigenous peoples were systematically excluded from provincial schools on the grounds that they were dirty or unhealthy and a health problem for other students. (Barron 1997, 11) Unable to qualify for 'relief' benefits, many Métis were forced to the edges of urban centers, desperate to find work. Some managed to find casual labour, others cut firewood and sold it in towns and cities. Women worked as domestics, cleaning houses for white people, or worked as janitors (Harrison 1985, 97).

The Cooperative Commonwealth Federation (CCF) was guided by its political ideology when the Douglas government agreed to absorb the fiscal responsibility for assistance to the Métis. The CCF believed in a greater equality. The party held that marked inequality meant that some people would find themselves in a condition of near-poverty, and ‘borderline living’ inevitably involved minimal freedom. On the opposite end of the scale, affluence brought with it power, not only to satisfy one’s own wants but also power over others. “Both economic freedom and greater equality must accompany the conventionally accepted freedoms...the CCF’s quest for a brotherhood of man” (Johnson 2004, 27)

During this era Municipal government were in charge of social assistance and municipalities began to complain that due to the large number Métis people who were poor and unable to contribute to the local tax base, the increased financial burden placed on the municipalities would not withstand this financial burden (Barron 1997, 16). The real catalyst behind the CCF’s decision was to appease the self interested municipal councils who often described the Métis as “shiftless and disease-ridden group of paupers, often found squatting on road allowances in makeshift shacks”, concerned and disconcerted over the huge numbers of Métis people in their districts (Barron, 1997; 1990, 245). In response, Douglas implemented a plan to develop eight townships for Métis settlement (RCAP Volume 4 1996, 229). This decision, however well intended, was racialized and amounted to the forced relocation of the Métis poor. One of those settlements was Lebret – the hometown of my father and relatives.

These settlements were not successful for a number of reasons: many Métis had no wish to be agriculturalists, and the colonies were operated as co-operatives overseen

by non-Métis managers. The Métis were not in control of the land or the farms. The overall intent of the experiment reflected the principals of assimilation set out by the federal government in the establishment of reserves – segregation of the people for the intent of reframing their mindset for the purpose of economic usefulness and social assimilation (Barron 1990, 243-270).

My father was from Lebret and many of his cousins grew up on the Métis farm. As a child my family spent many hours visiting and I remember evenings of dance and fiddle music, laughter and great food. I did not realize the cultural significance of those moments. We were just living our lives. I certainly never realized, until recently, that the families of Lebret had endured devastatingly difficult times. I didn't realize that Métis farms were short term experiments designed to assimilate the Métis communities into the wider population and that the farms operated as temporary rehabilitation projects that were created under welfare legislation. I never realized that the farms in my father's home community were created for the purpose of employing and training Métis laborers. And I never realized that the curriculum design for the Métis communities was 'cultural specific' whereby the curriculum was altered so that cultural differences and 'special' circumstances would be acknowledged, i.e. dumbed way down; there was no expectation that the Métis children would aspire to any kind of professional career. Even the best students received no more than additional vocational education; the curriculum was very definitely biased in accordance to race and class (Barron 1997, 51).

The economic circumstance of Indigenous peoples of the north was not different than that of the south. David Quiring states that often the legal difference between Métis and First Nations caused tension and conflict because status Indians accepted the Indian

Act definitions and considered the Métis not 'real' Indians. Additionally, the disparities between federal and provincial services caused problems throughout the north because Métis received fewer benefits and faced more restrictive hunting and trapping rules but Métis could legally drink liquor and vote and status Indians could not (Quiring 2004, 41).

Contemporary Aboriginal Identity

Thobani writes that the invention of the Indian as a lawless political identity was legislated and bureaucratized by the colonial state through the ‘legal apartheid’ that is the Indian Act. (Thobani 2007, 14). Although how the state controls Indigenous people has shifted over the century, the Indian Act remains the filter through which Canada formally recognizes Indigenous identity in any meaningful way; Indian community membership is primarily determined through the Indian Act and frequently this legal recognition is the only accepted criteria due to legislated rules needed to satisfy Canadian governmental funding restrictions (Palmater 2009, 2011, 23). Lawrence emphasizes that the Indian Act effectively shaped the terrain within which Indigenous identities have been fashioned and this legislated codification disrupted and distorted Indigenous identity in relation to their community and in relation to the land; this notation of ‘authenticity’ has shaped the state’s treatment of Aboriginal peoples (Thobani 2007, 14; Lawrence 2004, 1)). I would take this a step further to say this notation of ‘authenticity’ has permeated Canadian consciousness.

It was never the intent of Canadian institutions to recognize all Aboriginal peoples because it was believed that assimilation would eradicate the need to do so. This did not happen but state produced divisions ensured the Métis remained the Aboriginal ‘Other’ ultimately denying the Métis the capacity to secure a land base or come together in cultural cohesion. The exclusionary parameters of identity regulation ensured all ‘rights’ were governed by proof of Indian authenticity (Lawrence 2004, 16) and this successfully blocked out the Métis’ collective claim to territory, resources and self rule.

Green argues that “Aboriginal rights are relational in that they only exist in conditions of colonization for it is the unequal imposed relationship of colonialism that aboriginality emerges as a political distinction from others” (Green 2005, 227-241). As discussed in this paper, Aboriginal peoples were dispossessed of their territory and resources to facilitate Canadian state expansion. The contemporary marginalization of **all** Aboriginal peoples is a direct result of these historic occurrences so when constitutional discussions occurred in the 1970s, Aboriginal peoples sought to participate to rectify these historic grievances. Constitutional recognition of Aboriginal rights, and the pursuit of self government as a primary right, became their highest priority. Sparing no resources or effort, Aboriginal leaders successfully mobilized a pan Aboriginal movement launching a Canada wide campaign to ensure their voices influenced discussions on a renewed Constitution. The tenacity of the political organizations, working in tandem accomplished what some believed impossible; in 1982 they secured constitutional protection of their rights in Canada’s highest law. Aboriginal peoples accomplished this in unity. This was a great victory for the Métis because at long last, in Canada’s highest law, they were finally acknowledged as Aboriginal to the territory that became Canada.

Constitutional recognition of Aboriginal rights links identity to rights in a very different context than had previously been experienced by Aboriginal peoples. Divisions had become firmly entrenched as identity difference signified not culture but an arena of power; Aboriginal identity became much more than a passive entity (Dhamoon 2009, 11). Constitutional negotiations in Canada are by their very nature divisive, evidenced by the fact an agreement between the federal and provincial governments on constitutional

renewal could not be reached until 1982 and final signatories excluded Quebec.

Moreover no subsequent Constitutional initiatives have been successful. During the negotiation process women's political organization, Aboriginal political organizations and native women's political organizations all vied for influence of a renewed federalism of rights recognition, and often these groups struggled with each other. This was true within the Aboriginal political paradigm also.

Although Aboriginal groups joined forces and became a powerful voice for their communities to ensure their rights were protected, the cohesiveness of the unit was not maintained during the sequence of the conferences⁶. The Native Women's Association of Canada [NWAC] publicly exposed their discontent with the position taken by the Aboriginal groups on the Aboriginal women's equality issues. The Native Council of Canada (NCC) was transformed after the Métis from the Prairie Provinces, thereafter represented by the Métis National Council [MNC], were unsatisfied in the constitutional

⁶ During Canadian constitutional negotiations, the Aboriginal political organization representing First Nations was the National Indian Brotherhood [NIB] later to regroup and become the Assembly of First Nations [AFN], represented 300,000 Canadian treaty and status Indians. The Inuit Tapirisat of Canada represented by the Inuit Committee of National Issues [ICNI] spoke for 25,000 Inuit, and the Native Council of Canada [NCC] represented half to one million Métis and non-status Indian people (Sheppard and Valpy 1982, 166). Negotiations were intense and not without considerable controversy. There were times when AFN refused to negotiate due to provincial involvement believing their dialogue should be solely with the federal government. There was much discomfort emanating from the federal and provincial governments surrounding the ambiguity of definition related to aboriginal rights. The provincial governments that had a high population of Métis and non status people were particularly sensitive of inclusion of the Métis in the definition due to potential land claims including the outstanding Métis claim for lands promised by the Manitoba Act 1870 (Gaffney, Gould and Semple 1984, 13). In spite of all the controversy, in 1982, aboriginal leaders were successful in securing the recognition and protection of their 'existing' aboriginal and treaty rights in the Constitution. It was agreed that a First Minister's Constitutional conference would be held with Aboriginal political organizations in hopes that an agreement on the definition of aboriginal rights could be obtained. Between 1983 and 1987, four conferences were held.

position put forth by NCC. The Métis believed that their rights originated from their ‘nationhood’ with rights to language, political, social, economic and cultural institutions culminating in the right to self-government and a land base. The position taken by the NCC was that Aboriginal rights originated in their ancestral link to First Nations and/or loss of status due to discriminatory action inherent in the Indian Act (Gaffney, Gould and Semple 1984, 22).

On the eve of the 1983 First Minister’s Conference (FMC), MNC was granted a seat at the constitutional table, challenging the representational legitimacy of the NCC. The MNC took the position that their membership was limited to the core group of Métis, descendents of those who received land grants and/or scrip under the provision of the Manitoba Act 1870 or the Dominion Land Act, 1879. By the FMC in 1984, the MNC not only pressured the government to recognize it as a sole representative of the Métis people in Canada but also asserted that Métis people were for constitutional purposes, limited to descendants of the Métis of western Canada (ibid, 24).

The last First Minister’s Conference was held in 1987 and the governments failed to agree on the meaning of Aboriginal self government therefore leaving to the judiciary the task of interpretation of “existing Aboriginal and treaty rights” (*Constitution Act* 1982, s. 35). Aboriginal rights are collective in nature so whatever rights are recognized must be litigated on a fact-based case by case basis, community by community. Considering the diversity of the Métis people, rights recognition will be difficult because of their history of exclusion, their diverse communities’ histories and politics, their poverty and continued divisions as to the definition of Métis citizens.

Canadian state imposed divisions are now firmly entrenched into the consciousness of Aboriginal people and into Aboriginal political organizations, and the scales of power in the Aboriginal political arena tip toward those recognized as ‘Indian’ under the Indian Act. The boundary that encloses ‘Indian’ people is fiercely guarded by the legal institutions of the Canadian state and by those recognized as ‘Indian’. The recent memory of the controversy and discrimination experienced by Aboriginal women subsequent to the passage of Bill C31 attest to this premise (See Dick, 2011, Green 1997).

The legal, political and cultural implications of the affirmation of Aboriginal and treaty rights in the 1982 Canadian *Constitution Act* connected identity to power in a new fashion. In Canadian jurisprudence, uncertainty attached to defining Métis citizenship means Métis identity remains controversial and rights are linked to criteria of ‘authenticity’. Contemporarily, definitions of citizenship have everything to do with land, resources and power and little to do with ethnicity (Chartrand and Giokas 2002, 88). The 2003 Supreme Court decision in *R. v. Powley* affirms this statement. Although the Supreme Court in *Powley* does not confirm a definition of Métis, a clear distinction is drawn between Métis for the purpose of asserting ‘rights’ and those Métis who self identify as mixed ancestry; the Powley decision states that:

“the term “Métis” in s. 35 does not encompass all individuals with mixed Indian and European heritage; rather, it refers to distinctive peoples who, in addition to their mixed ancestry, developed their own customs, way of life, and recognizable group identity separate from their Indian and Inuit and European forebears” (*R. v. Powley*, 2003)

Exclusionary definitions that reinforce state sanctioned divisions between Aboriginal people are now invoked by some Aboriginal politicians and the question is – are we, as Aboriginal people, in danger of becoming the keepers of the gate not of our making?

Coulthard illuminates this in his analysis of Fanon when he states that the long term stability of state structures of domination rely upon the ‘internalization’ of the racist forms of asymmetrical and non-mutual identity recognition and further, the terms of recognition are determined by and in the interests of the colonizer. The colonized came to legitimize these state sanctioned identity regulations and this is critical to maintaining the economic and political structures of the colonizer/colonized relations. Over time the colonized populations tend to develop a psycho affective⁷ attachment to the master/sanctioned forms of recognition and this subjective attachment is essential in maintenance of the economic and political structure of the colonial relationship (Coulthard 2008, 191; Fanon 2008, 65).

In the Canadian context, state imposed Aboriginal identity legislation still guides the discourse of rights recognition because it is the state, through its political institutions, that determine what those rights are or will be. The Métis are replicating exclusionary guidelines because rights affix to resources and there are too few to go around. Limited recognition and exclusion were always Canada’s intent because this echoes the Imperial practice from which it was born. It embodies the “divide and rule” strategy of all colonial states. At the core of this practice is still a hierarchy of people that must justify

⁷ Psycho-affective is defined as a disorder that affects your brain in any way such as ADD, ADHD, bipolar, schizophrenia or psychosis

its action of subjugation of Aboriginals, as land and resources are still being exploited⁸. Contemporarily, Aboriginal peoples legitimize this premise by protecting then replicating identity regulation imposed by the state. This means that there will always be an Aboriginal 'Other'. Some Aboriginal people may be fine with this but those who continue to suffer the ill effects of colonialism and who are not accepted as a 'real' Métis or a 'real' First Nations person, will continue to be agitated and victimized by exclusionary identity regulation.

Definitions of Métis identity fluctuate between Indigenous nationhood and cultural identity based on kinship, genealogy and community. Those who link identity to Indigenous nationhood believe the Métis "belong to and claim allegiance to a set of Métis memories, territories and leaders who challenged and continue to challenge colonial authorities' unitary claims to land and society, that Métis are not a race but a national community (Andersen 2008; Fedcan blog 2011). Chris Andersen states, whether or not an Indigenous individual or community self identifies as Métis today, and whether or not an Indigenous community is 'older' than Red River, if the individual or group lacks a connection to the historical core in the Red river region, that individual or group is not Métis; Anderson believes Métis nationhood or peoplehood can never begin or end with a discussion of hybridity (Andersen 2014, 6). Conjointly, others believe that historically the Métis' primary concern centered upon protection from Canadian colonialism, their well being and freedom as a people by creating social and cultural space between themselves and settlers thus avoiding cultural and political assimilation (Gaudry 2013).

⁸ This thought came out of a chapter I read: Engin R. Isin and Patricia K. Wood, *Citizen & Identity*. Sage Publications, 1999, 55. The thought came out of this chapter and I transpose it to the Aboriginal issue I discuss.

Adam Gaudry states Métis are a coherent socio-political entity with a common cultural formation, history and set of values; Métis people are not defined by their mixedness and he support Andersen's position that the Métis are a people and/or nation who share a history of political self-assertion (Gaudry 2013). These perspectives tie in to the Métis National Council's definition: Métis means a person, who self identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation.

Greg Dahl asks the question, "When did the Half-breeds become Métis? Could a Half-breed pass the Powley test?" (Dahl 2013, 98) Dahl draws a distinction between the English speaking Half breeds and French speaking Métis of the Red River settlements and reflects upon how Half breed came to be known as Métis. He points out that those Half-breeds of the Red River had a distinct culture and political community in Red River and in fact have equal constitutional status as the Métis⁹ (Dahl 2013, 104).

Other Métis believe that they are defined by common culture, kinship, genealogy and community and that identity is encompassed to one's connection to home, definable by land and family. Brenda Macdougall speaks of this and states that Métis identity developed in many parts of North America and concepts of nationalism take many forms; she speaks of the protocols of *Wahkootowin*, a worldview linking land, family and identity into one interconnected web of being (Macdougall 2010, 3) She states that it was the historic relationships between Indigenous women, grounded in the experiences and realities of their local environment and men not Indigenous to the region that the framework for Métis culture emerged, necessarily rooted in the homeland and worldview

⁹ The Constitution Act schedule in section 52(2) (b) includes the Manitoba Act, 1870 and the Rupert's Land and North-Western Territory Order...half breed is a term included in the Constitution of Canada (Dahl 2013, 104)

of maternal relatives rather than paternal relatives. Over time the regions they originated from became home to that group of Métis people creating community that was defined by the values of social obligation and mutual responsibility to family and community, a legacy bequeathed to their descendants (Macdougall 2010, 4).

Jacqueline Pederson has long held similar credence stating that Métis culture did not begin in the West, because Metis were present in many areas along the fur trade routes. She states that Métis culture was the result of the culmination of nearly two centuries of ethnic formation rooted along the St. Lawrence and in the Upper Great Lakes, transplanted of necessity in the northern Red River Valley (Peterson 1978, 46). Do those whose ancestral claims come from this rich history have less of a claim to be recognized as distinct Métis people? Said emphasizes that we are all in fact 'mixed' and produced by the history of our societies, that we are shaped and reshaped by that history. Because of Empire and our colonial histories, all of our cultures are involved in one another, none are single or pure, all are hybrid, heterogenous, extrodinarily differentiated and unmonolithic (Said 1993, xxii). There are currently 615 First Nations communities in Canada representing more than 50 nations or cultural groups and 50 Aboriginal languages (AANDC 2012) who are covered under one Indian Act. Is it so difficult to accept that the Métis may be as multi-ethnic? That is the question that continues to plague and divide us.

On April 14, 2016, the Supreme Court of Canada (SCC) rendered a decision in *Daniels v. Canada* (Indian Affairs and Northern Development). In this decision the SCC recognized and affirmed that the federal government's duties and responsibilities apply to all three of Canada's Indigenous peoples including the Métis. It was a unanimous

decision and SCC Justice Abella concluded that Canada has a constitutional and jurisdictional responsibility for Métis under s. 91(24) of the Constitution Act, 1867 (Eaglefeather News, 2016). This was a great day for the Métis; the issue of rights will be re-examined and some of these may include access to health care, education, land and resources, duty to consult, so on the face of it, this ruling looks promising but little is guaranteed. These must all be negotiated. The issue of identity is still ambiguous and determining who has access to any negotiated rights will undoubtedly be controversial. A few hours post SCC ruling, the Métis National Council President Clem Chartier stated “the only Métis body that enjoys a nation to nation relationship with the federal and provincial governments is the Métis National Council, and as such, in wake of the Daniels’ decision, it is the MNC that will be conducting negotiation with the other two levels of governments on behalf of the Métis people...we’ve made this point, and I believe we’ve won this point, with the provincial and federal government that we’re not an NAO, national Aboriginal organization, we’re a government, and so on that basis we will be moving forward’ (Narine 2016). What must be noted here is that Harry Daniels was a committed member of the Congress of Aboriginal Peoples when he launched this court challenge and he argued that the federal must acknowledge its authority to include Métis and non-status Indians in legislation to guide aboriginal policy (Chartrand, 2016). The SCC agreed.

In Canada, state Aboriginal identification originated with the Indian Act. Undeniably divisive, this legislation remains an intrinsic component of colonial history that indelibly secures identity to legislation, not culture or ethnicity. The Aboriginal majority outside the confines of the legislation became invisible and placeless and

represents the other part of Canadian colonialism. Our communities have been exploited, violated and our populations dispersed because of colonial rule. Our identity should not be negated by Canadian state policy or Aboriginal political bodies whose consciousness has been shaped by state imposed identity guidelines. It may be wise to move toward an inclusive definition of Métis citizenship, a citizenship created on our own terms united by the common ideology of resistance to the structures and institutions of power that places us in the margins of Canadian society.

Please note that this is a work in progress and my intention is to include more discussion on the recent SCC Daniels Case and include an enhanced theoretical analysis of state imposed identity regulation . Please do not cite.

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