Edited by Christopher Adams, Gregg Dahl & Ian Peach

Métis in Canada HISTORY, IDENTITY, LAW & POLITICS

Métis in Canada

Métis in Canada

Edited by Christopher Adams, Gregg Dahl & Ian Peach

ch HISTORY, IDENTITY, LAW & POLIT CS

THE UNIVERSITY OF ALBERTA PRESS

Published by

The University of Alberta Press Ring House 2 Edmonton, Alberta, Canada T6G 2E1 www.uap.ualberta.ca

Copyright © 2013 The University of Alberta Press

LIBRARY AND ARCHIVES CANADA CATALOGUING IN PUBLICATION

Métis in Canada : history, identity, law and politics / Christopher Adams, Gregg Dahl, and Ian Peach, editors.

Includes bibliographical references and index. Issued also in print. ISBN 978-0-88864-722-1

1. Métis—History. 2. Métis—Legal status, laws, etc. 3. Métis—Politics and government. 4. Métis— Ethnic identity. I. Adams, Christopher, 1960-II. Dahl, Gregg III. Peach, Ian, 1965-

FC109.M492 2013 971.004'97 C2013-901841-7

Print edition ISBN 978-0-88864-640-8. First edition, first printing, 2013. First electronic edition, 2013. Copyediting and proofreading by Brendan Wild. Indexing by Judy Dunlop. Book design by Alan Brownoff.

All rights reserved. No part of this publication may be produced, stored in a retrieval system, or transmitted in any form or by any means (electronic, mechanical, photocopying, recording, or otherwise) without prior written consent. Contact the University of Alberta Press for further details.

The University of Alberta Press is committed to protecting our natural environment. As part of our efforts, this book is printed on Enviro Paper: it contains 100% post-consumer recycled fibres and is acid- and chlorine-free.

The University of Alberta Press gratefully acknowledges the support received for its publishing program from The Canada Council for the Arts. The University of Alberta Press also gratefully acknowledges the financial support of the Government of Canada through the Canada Book Fund (CBF) and the Government of Alberta through the Alberta Multimedia Development Fund (AMDF) for its publishing activities.

This book has been published with the help of a grant from the Canadian Federation for the Humanities and Social Sciences, through the Awards to Scholarly Publications Program, using funds provided by the Social Sciences and Humanities Research Council of Canada.

Canadä

Canada Council Conseil des Arts

Albertan

To my wife Sue and my parents Paul and Louise Adams for their kindness, love and support; and numerous professors who helped guide me, sometimes with success, through days of intellectual darkness. — CHRISTOPHER

To my parents, for distilling my curious mind and always pointing out to me when the Emperor was naked. And, to the memory of my friend Dr. Jerry Hanham, for his willingness to listen tirelessly to my thoughts and offer encouragement nevertheless. -GREGG

To those who engaged my interest in constitutional law, equality, diversity and justice, most notably John D. Whyte; to my Métis friends, who taught me so much about the diversity of identities that exist within the community labelled "Métis"; and to the memory of our late friend Jerry Hanham, as loyal and generous a friend and colleague as one could ever ask for. — IAN

Contents

Introduction X1

PART ONE: IDENTITY

1 Oscillating Identities 3

Re-presentations of Métis in the Great Lakes Area in the Nineteenth Century GLORIA JANE BELL

2 (Re)claiming Métis Women Identities 59

Three Stories and the Storyteller

3 A Half-breed's Perspective on Being Métis 93 GREGG DAHL

PART TWO: HISTORY

4 | From Entity to Identity to Nation 143 The Ethnogenesis of the Wiisakodewininiwag (Bois-Brûlé) Reconsidered DARREN O'TOOLE

5 Métis Economics 205

Sharing and Exchange in Northwest Saskatchewan

LIAM J. HAGGARTY

6 Newly Discovered Writings of Louis Riel 249 Glen campbell & tom flanagan

PART THREE: LAW

- 7 | The Long, Slow Road to Recognizing Métis Rights 279
 Métis Aboriginal Rights Jurisprudence in Canada
 IAN PEACH
- 8 Even When We're Winning, Are We Losing? 307

Métis Rights in Canadian Courts JEREMY PATZER

PART FOUR: POLITICS

9 No Other Weapon 339 Métis Political Organization and Governance in Canada KELLY L. SAUNDERS

10 | Regional Nationalism or National Mobilization? 397

A Brief Social History of the Development of Métis Political Organization in Canada, 1815–2011 SIOMONN P. PULLA

11| From Service Providers to Decision Makers 433

Building a Métis Government in Saskatchewan JANIQUE DUBOIS

12 Government Relations and Métis People 463

Using Interest Group Strategies

Conclusion 491

"Métis" as a Unique, Diverse, Complex and Contingent Concept in Canada

Contributors 497

Index 501

Introduction



THE IDEA behind having a collection of essays devoted to Métis in Canada began developing at the 2009 Aboriginal Policy Research Conference in Ottawa, at which the three of us were in attendance and presenting papers. Over dinner one evening, possibly inspired by the breadth of research presented at the conference, we began to discuss the challenges involved in understanding the complexity that is the Métis reality in Canada, particularly after the 2003 *Powley* decision.¹ Out of this discussion came our two-year journey toward the completion of *Métis in Canada: History, Identity, Law and Politics,* which included a call for contributors across multiple disciplines and regions, the usual editing, and follow-up discussions with each of the worthy contributors you will meet in this volume, all of whom have been a joy to work with.

As indicated, our initial discussions revolved around the change to the Métis conceptual landscape that was the outcome of the 2003 *Powley* decision from the Supreme Court of Canada. One interesting aspect of the written decision was that the Court referred to a scholarly paper from a 1985 collection of essays on the Métis. This paper was "Many Roads to Red River: Métis Genesis in the Great Lakes Region, 1680–1815" in *The New* Peoples: Being and Becoming Métis in North America, edited by Jennifer Brown and Jacqueline Peterson.² This seminal collection contains several papers that were the most advanced scholarly writing on the Métis at the time. Over 20 years later, we wanted to bring together a collection of papers written after the *Powley* decision; a collection in which all the papers were written a sufficient amount of time after the decision that the implications of the conceptual change it produced had had time to seep into the thinking of people engaged with Métis issues. We also wanted to bring together a collection that provided a forum for some relative newcomers to Métis scholarship and policy because their novel and innovative approaches to the developing understanding of the Métis reality provide us the opportunity to make a unique contribution to the body of literature on the Métis in Canada.

One of the preoccupations of Métis studies prior to the Powley decision was a keen attention to terminology. Writers invented terms to clarify the concepts they used to identify the people they were talking about. We want to take notice of this issue and preoccupation, since it was the focus of much discussion in Métis studies.³ In this collection, the reader should rely on the explicit intentions of the authors, should any distinctions in spelling or word use be needed in order to bring clarity to the specific chapter. The general issue seems, ultimately, to have been anchored in a desire to distinguish the Red River Métis from other Métis populations, a consequence of an emerging nationalism and sense of distinct identity that the Red River Métis are widely acknowledged to have developed in the 1980s and 1990s. It is also important to point out that there has been an aversion to the use of the term "half-breed," which resulted in the invention of terms for the Half-breeds from the English-speaking parishes of the Red River Settlement, including "country-born" and "mixed-blood." As well, a mixture of capitalization and italics in the term Métis was used primarily to avoid the use of the word "half-breed."

For its part, the Supreme Court of Canada was far less concerned about terminology than it was about the historical realities of Métis communities—and certainly far less concerned about terminology than the scholarly and activist communities—when confronted with the need to make a decision in *Powley*. According to the Supreme Court, if a Métis group is to be considered a rights-bearing community, the historical dynamic of an ethnogenesis as a distinct community is a necessary condition. The Supreme Court did not, however, bother with any worries about terminology; whatever this distinct community decided to label itself, it was a Métis community, in the Court's sense of the term, if the substantive conditions had been met. It is the substantive aspects that were important to the Court that provided the following definition in the *Powley* decision: "A Métis community is a group of Métis with a distinctive collective identity, living together in the same geographic area and sharing a common way of life."⁴ Thus, according to the Supreme Court, a Métis community could conceivably exist anywhere in Canada.

After the *Powley* decision, the Métis were no longer bound to Rupert's Land. The Supreme Court conceptually set the Métis peoples free from the historical boundaries of the fur trade in Canada. And, for the first time, the possibility was raised in the *Powley* decision that the miscegenation of Inuit and Europeans could be Métis. Such changes were profound and completely undermined government policy on Métis issues, as well as the exclusiveness of Red River Métis nationalism. The changes also went beyond the issues debated in the earlier works of John Foster, Jacqueline Peterson and Jennifer Brown.⁵ Whereas these authors looked to the theoretical work of anthropologist Fredrik Barth when considering a theory of the roots of a Métis population, the Court looked more to the expertise of historians to provide documentary evidence to support factual findings that could then be used to support judgments. And finally, whereas the Métis scholars tried to distinguish community within diversity, the Court sought to allow greater diversity within community.

The use of expert historical witnesses and texts in trials has brought an interesting dynamic to Métis scholarship. In the recently published *Contours of a People: Métis Family, Mobility, and History,* Jacqueline Peterson expressed concern about the use of her paper "Many Roads to Red River: Métis Genesis in the Great Lakes Region, 1680–1815" in the *Powley* decision. In her chapter entitled "Red River Redux: Métis Ethonogenesis and the Great Lakes Region,"⁶ which was written almost a decade after the decision, Peterson has opined that the court missed the point of her earlier scholarship, which posited the potential formation of a rights-bearing community in the region. According to her, the necessary awakening did not actually occur in the region. The failure of the court to distinguish properly between "Métis" and "metis" erroneously resulted in the court recognizing a Métis community at Sault Ste. Marie. "Red River Redux" contains the idea that the term "Métis" should only be applied to the French-speaking Red River people and by extension should not be a term applied to any other communities, unless they also underwent a similar awakening of national consciousness.

Arthur Ray described exactly the same dynamic in his book Telling It to the Judge.⁷ An expert witness for many Aboriginal rights cases in Canada, including those related to the Métis, Professor Ray was an expert witness at the *Powley* trial. In relation to that particular case, Ray wrote: "I found that the government records pertaining to the preparation of the negotiation of the Robinson Treaties also affirmed the existence of the Métis as an Aboriginal People by the eve of the treaty and acknowledged that their concerns had to be addressed."⁸ It is clear here that Ray's use of the term "Métis" is related to the concept of a rights-bearing Aboriginal people as written in the Constitution of Canada, rather than the sense of the term "Métis" as used by Peterson. The conflation of these two different meanings for the term "Métis" blends the rights of an Aboriginal people in Canada with the rights of a people with a nationalist consciousness that also happens to be Aboriginal. The rights of the Métis in the vicinity of Sault Ste. Marie could arguably be rooted in a self-consciousness about rights to land, rather than being rooted in a consciousness about rights to land that is also nationalistic in nature. Such a distinction is rather nuanced and would not likely be found in a judgment about Aboriginal

rights. Scholars might proceed to embrace this rather subtle distinction in future work about the Métis. The resulting scholarship might be interesting. It might also produce greater worries for scholars who serve as expert witnesses, or whose works are referred to in Métis Aboriginal rights cases in Canada; they may find that judges necessarily gloss over their scholarly distinctions in favour of pragmatic and enforceable judgments.

Obviously, questions of terminology have not disappeared because of the Powley decision. In fact, the decision has resulted in further debate. In order to give the reader a sense of our approach in this collection of essays, we want to be as clear as possible about our use of the term "Métis." It is more akin to a signifier of a mode of being, a particular mode of humanity, peoples of a particular type, rather than the signifier of a particular population situated in a specific time or place. Our use of the term is perhaps most similar to the use of "Métis" by the Supreme Court of Canada in the Powley decision. Each chapter here may contain ideas that apply to a subset of the peoples we call "Métis," but this collection does not exhaust the possible applications of the term. For example, we do not have a chapter here on the Métis people of eastern Canada, nor the Métis in the territories of northern Canada, although we fully recognize the possibility that there are Métis people in these geographic areas. We have attempted to ensure clarity about which people an author addresses within each chapter, rather than attempt to craft a theoretical terminological framework into which all the contributions would fit. We do not believe such a framework exists and that it would be a fruitless exercise to attempt to create one. Hopefully, this idea should become evident once the reader has read the entire collection. The Métis are not a singularity; they are a distinct, but also diverse, group of Aboriginal peoples in Canada.

Given their diversity and uniqueness, the issues surrounding the Métis in Canada are actively considered today in academia and by courts and governments across the country. It is not just professors and students of Aboriginal issues that seize upon the idea of what it means to be Métis in Canada. While theories of Métis identity and rights may arise in an academic setting, governments across Canada continue to grapple with the practical implications of court decisions such as *Powley* that have changed the understanding of Métis rights, community and identity. In addition, Métis political organizations struggle to defend the interests of their constituents in light of these conceptual developments and their implications for people on the ground.

To illustrate our point that the issues contained in this collection are alive and occupy an element of the public discourse on Aboriginal issues in Canada, the reader should consider the following situation. As this book goes to print, the Supreme Court of Canada is considering the legal aspects of the promises made to the children of the Half-breeds and Métis people of the Red River Settlement at the time Canada created the province of Manitoba. The Métis of Manitoba, as represented by the Manitoba Metis Federation, and several Métis individuals in Manitoba are appealing the two decisions that went against them in both the trial and appeal courts of Manitoba.⁹

The legal strategy of the appellants was clearly stated at the Supreme Court of Canada hearing by their lawyer, Thomas Berger, on December 13, 2011. After obtaining a declaration from the Court that aspects of the promises, which became entrenched in sections 31 and 32 of the *Manitoba Act*, were not carried out properly, the appellants would then seek to begin negotiations with Canada and Manitoba on how to redress the failure of the Crown to completely fulfill those obligations. Most of the Court hearing focussed on the issues related to section 31. However, the facta of each of the parties give a more balanced approach to all of the issues argued in the case. These documents should be considered required reading for any students of the legal issues related to the Métis of Manitoba.

As one would expect, at the Supreme Court hearing several judges asked pointed questions, with many relating to several of the issues raised in our collection (i.e., identity, legal, political). As we indicated above, some of these issues have been alive in Manitoba and elsewhere for the past 140 years and continue to be debated in the courts of Canada. Such debates will evolve as the courts in Canada continue to rule on the Aboriginal rights of the Métis and render decisions that shift the legal debates between anthropological and historical influences. In the Manitoba case, Madam Justice Rosalie Abella asked the fundamental question about who would be the beneficiaries of any eventual land claim that the appellants wish to create from the declaration they seek. Thomas Berger, the lawyer for the Manitoba Métis, responded that the class of beneficiaries would be determined through initial negotiations between Canada, Manitoba, and the Métis.

Madam Justice Marie Deschamps also approached the issue of who would represent the beneficiaries of a modern land claim with the Métis of Manitoba and was told that the Manitoba Metis Federation (MMF) would be the body to speak on behalf of the Métis of Manitoba. However, any negotiations between Canada, Manitoba, and the Métis would be difficult and they may not result in the outcome described in Court. One difficulty relates to the membership rules of the MMF. If the beneficiaries of a modern claim would be the ancestors of the children who are described in section 31 of the Manitoba Act (who are the people logic would seem to imply), then the class of beneficiaries would not be congruent with the membership of the MMF; it may be both narrower and broader than the MMF membership. It is clear that not all the members of the MMF are ancestors of the children named in the Manitoba Act. Equally, it is possible that the negotiated class of beneficiaries may result in the formulation of a class of people that has very little relationship with the present-day MMF. Berger, however, maintained that any initial discussion between Canada, Manitoba, and the Métis should begin with the MMF. The parties named may be the most pragmatic start to such a conversation but the outcome is not a foregone conclusion. If the appellants win the declaration they are seeking, the result may be a close examination of the idea of who is a living descendant of the people named in the Manitoba Act, who would be included in the class of beneficiaries of any land claim negotiation with Canada, and who would represent such a class of beneficiaries. The

difficulties that animated the judges' questions at the hearing are reflected in the themes we have chosen to examine in this volume. Being Métis in Canada cannot be captured by a homogenous set of rules and descriptions. Being Métis in Canada, we think, is a unique modality of being that is accompanied by diverse histories, identities, laws and political dynamics.

Census data and the Métis

Census data say very little about a person who is Métis in Canada. So much more can and needs to be known about the context within which Métis identification occurs. To understand this point it is useful to consider a few possible examples. If considering a group of Métis from a legal perspective, other information—in addition to self-reported identity needs to be known. If the context is political, the details that need to be known are different again; if historical, still other information is important. The structure of our collection therefore includes four major sections containing chapters that are devoted to particular issue domains: identity, history, law and politics.

Some readers may be surprised to learn it is not at all clear that the set of people who self-identify as Métis are exactly the same set of people who are affected by the issues raised and considered in these chapters. As well, the authors may not agree with each other on the issues raised. This lack of clarity and consensus is just one aspect of the interest and curiosity that surrounds the idea of being Métis in Canada. Examples that illustrate this complexity are numerous. A person can identify as Métis and not be legally entitled to exercise the Métis Aboriginal right to hunt for food as set out in the *Powley* decision of the Supreme Court of Canada. Selfidentification is only one aspect of the determination of which persons can legally hunt for food as Métis under the protection of a right embedded in the Constitution of Canada. Furthermore, being legally entitled to exercise the Métis right to hunt for food does not necessarily indicate that such a person is also a member of a Métis political organization. The Métis political organizations do not accept members simply on the basis of self-identification as a Métis person. As well, a Métis person does not need to be a member of a political organization in order to exercise his or her right to hunt for food.

Clearly, self-identification is just one of the many facets of being Métis. To say "I am Métis" definitely says something about the speaker, but more needs to be known before it can also be said how the speaker is involved in the issues contained in this collection of essays. At this point, however, let us begin with the basic Government of Canada–endorsed snapshot of the Métis based on the most recent Census data; as the reader moves through this collection of chapters it will (hopefully) become apparent that, as with the other Aboriginal populations, there is much more to being Métis in Canada.

The following table is based on the 2006 Canadian Census and provides an overview of the number of individuals in Canada who identified themselves (along with those in their household) as being Métis. The first column of figures shows the number of individuals who reported being Métis. Over one-third of a million (389,785) Canadians reported being Métis, with Alberta having the largest Métis population (85,500), followed by Ontario (73,605), Manitoba (71,805), British Columbia (59,445) and Saskatchewan (48,115). By adding up the relevant figures in the middle column ("Percentage Distribution"), one can see that a majority (52%) of self-reported Métis people in 2006 resided in the Prairie Provinces, and no less than 86% resided in provinces west of the Ontario-Quebec boundary.

The right hand column reveals that the number of Canadians who identify themselves as Métis grew significantly in the ten years between the 1996 and 2006 Census. According to Statistics Canada, Métis population growth outpaced "the growth of the other Aboriginal groups, as well as that of the non-Aboriginal population, over the past decade. Of the 1,172,790 people who identified themselves as an Aboriginal person in the 2006 Census, 389,785 reported that they were Métis. This population has almost doubled (increasing by 91%) since 1996. This rate of growth was more than 11 times that of the 8% in the non-Aboriginal population during

TABLE 0.1 P	Population profile (self-identification)	

	Population	Percentage Distribution (of total Canada)	Percentage Change from 1996 to 2006
British Columbia	59,445	15%	+132
Alberta	85,500	22%	+73
Saskatchewan	48,115	12%	+34
Manitoba	71,805	18%	+58
Ontario	73,605	19%	+242
Quebec	27,980	7%	+80
Atlantic Region	18,805	5%	+192
Territories	4,515	1%	+5
Canada	389,785	100%	+91

Source: Statistics Canada, 2006 Census.

the same period. In comparison, since 1996 the First Nations population increased by 29% and the Inuit population by 26%."¹⁰ This growth is attributed to a number of factors, most notably rising fertility rates, a growing sense of pride among Métis, and the benefits that are available to Métis, which include affirmative action hiring practices, social programs and hunting rights, among others.

Identity

The data, and particularly the trends in the data, are interesting, but what do they really tell us about Métis identity? In Part One of this collection there are three chapters that address the complex topic of Métis identity. While the issues are diverse, collectively they pertain to Métis identity and how it is essentially intertwined with the history of the Métis people. Their depiction in art and literature, produced contemporaneously with the emergence of the Métis in the Great Lakes region, is the focus of the chapter written by Gloria Bell; reconstructing feminine Métis identity through the use of narratives produced by Métis women occupies the thoughts of Laura-Lee Kearns; and finally, Gregg Dahl examines the change from the use of the term "Half-breed" to "Métis" for purposes of identity.

In "Oscillating Identities: Re-presentations of Métis in the Great Lakes Area in the Nineteenth Century," Gloria Bell argues that analyzing the written and visual documentation of the Métis in the Great Lakes region in the nineteenth century reveals much about both the observed (the Métis) and the observer (the European chroniclers). Asserting that the Métis have existed in the Great Lakes region for several centuries, the record of their presence depends on who is telling the story or creating the image. Nineteenth-century writers and artists, including Frances Anne Hopkins, Anna Jameson, Paul Kane, William Keating, Henry Rowe Schoolcraft, George Winter and others, described and depicted mixed-heritage peoples in order to entertain European audiences and to create government reports, primarily for the benefit of non-Aboriginal audiences. Describing how the Métis dressed and lived contributes to our understanding of what their clothing communicated to European audiences. It is true that literary and visual depictions were mediated through lenses of European superiority, colonization and racism, yet they provide insight into how the Métis were understood within frontier society. Bell suggests that the varied descriptions and images reflect a multiplicity of identities that the Métis in Canada had, and that they continue to have.

The next chapter in this first section draws upon the Indigenous practice of listening and sharing stories to increase understanding and knowledge. Laura-Lee Kearns explores the silence around Métis identities. She shares part of her own story, that of her mother, and that of two Métis Elders, to inform the reader about her response to understanding Métis identities. By recognizing that the legacies of colonialism and state-sanctioned assimilation policies have resulted in the raising of many people without their Aboriginal cultures, Kearns seeks to understand the everyday forces that contributed to the silence surrounding Métis identity. In recognizing that the many different stories of Métis people need to enter the public realm in order to enable us to begin learning about the past, the author presents her findings as poems to remind herself—and the reader—of the complexity of Métis people and their personal histories. She therefore invites and encourages multiple interpretations of the narratives—and endeavours to acknowledge, support, and affirm Métis identity construction, diversity, fluidity, resilience and silence—through these and other Métis narratives.

The section's third and final chapter was written by one of the editors of Métis in Canada, Gregg Dahl, who is a descendant of a Half-breed family that lived in St. Paul's parish in the Red River Settlement, which is now located in downtown Winnipeg, Manitoba. He clearly, and quite comfortably, identifies himself as a "Half-breed." In his chapter, Dahl examines the following questions: Is the term "Half-breed" in the Constitution of Canada? Are the terms "Half-breed" and "Métis "just a matter of English and French translation? Is the same set of people referred to by either term? When did the Half-breeds become the Métis? Could a Halfbreed pass the Powley test? If yes, would a Half-breed then have a Métis Aboriginal right to hunt for food or engage in other culturally important activities; or, could there be such a thing as a Half-breed Aboriginal right? The answers to these questions are a stark reminder that history is an essential element of the identity of the Métis in Canada, and should neither be ignored nor revised in accordance with the vagaries of language or political preferences.

History

The history of the Métis is quite often characterized as that of a "forgotten people." While understandable, this characterization is not entirely accurate. The amount of information and the written record generated contemporaneously with the ethnogenesis of the Métis in Canada is enormous. The archival records of the fur trade companies (i.e., those of the Hudson's Bay Company and the North West Company), the scrip records, and a wide range of the legal records all undermine the claim that the Métis are a "forgotten people." It may be more accurate to characterize the history of the Métis as the history of an "ignored people." After all, the extensive written record was nearly completely ignored until 1945, when an academic from France, Marcel Giraud, in *The Métis in the Canadian West*, spawned a focussed interest in the Métis.

Today, the Métis in Canada are the subject of extensive historical analyses using a variety of analytic approaches. The three chapters in this second section of the book help us to understand their history as a political rather than a purely social or anthropological phenomenon; these chapters also provide us with insights through the lens of economic history, political history and, lastly, through the newly discovered writings of Louis Riel.

In the first chapter of Part Two, Darren O'Toole argues that a particular brand of social history analysis has contributed to a better understanding of the ethnogenesis of the Métis in Canada. However, the author argues that there is a need to recall the nuances of the findings concerning Métis identity formation. The research produced, using what he claims is social history with a revisionist slant, does not support the claim made by Gloria Bell in an earlier chapter that a Métis identity crystallized in the Great Lakes region before it did on the Western Plains. He argues that the occupational niche of mixed-bloods was a factor in the leap from entity to identity, but it was not the only factor. Further, if there is no singular mixed-blood identity—as the distinction between the Half-Breeds and the Métis in Red River articulated by Dahl clearly illustrates—then the key factors in identity formation are institutional structures and practices. O'Toole concludes that a more robust understanding of the Métis in Canada must have recourse to political history, and in particular to historical institutionalism and social movement theory.

In the second chapter of Part Two, Liam J. Haggarty challenges the traditional economic history of the Métis in Canada that is often told as the story of the fur trade. That story begins with the emergence of "mixedbloods," the offspring of European male traders and Indigenous women, a result that, as a social phenomenon, was perfectly suited to economic patterns of trade between the two races. Working as translators, guides, freighters, trappers, middlemen and provisioners, the Métis prospered as the fur trade boomed. They raised families, built communities, and contributed significantly to the spread of mercantilism in North America and the building of a country. But this prosperity would not last. Over time the hunting and trapping economy declined as settlers and agents of the newly minted Dominion of Canada pushed farther west in increasing numbers. Lands that once were commercially valued only for the animals that lived on them became highly valued as potential sites for settlement, railways, and speculation. As told often, the Métis opposed encroachments onto their lands, yet, in the end, resistance appeared to be largely futile. The fur industry faded and the Métis in Canada were exiled to economic marginality. In fact, Haggarty argues the story of Métis economics actually begins before the fur trade and the arrival of non-indigenous peoples. Although seemingly illogical, Haggarty deftly argues that the experiences of Métis people are far more diverse and varied than the fur trade narrative allows. The author is therefore seeking to address the silences in the traditional narrative, and the reader will find that he posits admirably an alternative story of Métis economic history.

The writings by Louis Riel are presented by Glen Campbell and Tom Flanagan in their chapter, "Newly Discovered Writings of Louis Riel." Both Campbell and Flanagan were involved with others who in 1985 published *The Collected Writings of Louis Riel/Les Écrits complets de Louis Riel.*¹¹ This historically significant five-volume collection contains all of Riel's writings that had been discovered up to that point. The chapter put forward here in Part Two presents a few more materials that have recently come to light: a letter by Louis Riel to his patron Sophie Masson, written on December 30, 1858; a letter by Riel to his former schoolmate, the poet Eustache Prud'homme, on December 14, 1869; and a set of short English poems that Riel composed while imprisoned in Regina in 1885 just prior to his hanging. No doubt this new contribution by Campbell and Flanagan will further our understanding of this Métis leader.

Law

With the constitutional recognition of the Métis as one of the Aboriginal peoples of Canada in 1982, Métis identity is as much a matter of legal categorization as it is a matter of cultural, historical and sociological reality. The access to economic opportunities and political power that recognition as a Métis rights-bearer brings to individuals makes the appropriate determination of who is Métis all the more important, but it also creates incentives for the state to establish all-encompassing identity categories that are too abstract to reflect the complex reality of being Métis. The two essays in Part Three, which in many ways complement the chapters in Part One of this collection, address how the judicial system has defined Métis and the problematic aspects of converting identity questions into exercises in legal categorization.

The first chapter in this section, by co-editor Ian Peach, reviews the history of Métis Aboriginal rights jurisprudence in Canada. His essay shows that the approach used by the courts to determine Métis identity has changed radically in the last decade. He sees the positive in this change, in that the courts now recognize that the Métis are a distinct community, with a distinct history and culture, rather than merely a sort of not-quite-First Nations community. In contrast, the other essay in this section serves to reveal the problems inherent in turning identities into tools of legal categorization, an issue that Peach does not dispute.

Jeremy Patzer's essay challenges the conventional view of the Supreme Court of Canada's *Powley* decision, which affirmed the Métis' constitutional right to hunt, as an important accomplishment for Métis. He notes the risk that, in the search by the courts for a guide to understanding Métis identity, the courts have treated that identity as being determined by a few essential characteristics, ignoring much of the complexity of Métis identity as irrelevant to legal categorization. As such, the courts may have created new divisions and new exclusions among groups previously united by their shared history and social solidarity, even as they have recognized the group they label "Métis" as being a community bearing Aboriginal rights. Such criticisms pose serious normative challenges to the very exercise of legal categorization.

Politics

The fourth and final section of *Métis in Canada* contains four chapters that explore a number of political dimensions of the Métis people and their representative organizations. Two of these essays contribute to the existing literature by providing an overview of how Métis organizations have developed in response to historical circumstances, cultural survival and political necessity. In the first of these two chapters, Kelly Saunders shows how the Métis people and their leaders have developed their own governing institutions and organizations in the face of what she describes as "constraints imposed by the Crown." Building on the works of those such as Joe Sawchuk (1978), who writes about the circumstances of twentiethcentury Aboriginal organizations and their developments, Saunders examines the early arrangements of Métis governance, as well as the evolution of such modern organizations as the Métis National Council and provincial Métis Nation entities, such as the Manitoba Metis Federation.

Siomonn P. Pulla also builds on the work of Sawchuk (among others) and provides us with a historical overview of organizational developments among the Métis people. He places these developments within the contexts both of the efforts of Métis people to achieve self-determination and to exercise a voice in democratic politics, as well as the broader context of the politics of Aboriginal representation in Canada.

The third chapter in Part Four, authored by Janique Dubois, focusses on the particular history of the efforts by Métis in Saskatchewan to create institutions of self-government. She places recent developments in the context of the history of Métis self-government initiatives in the nineteenth and early twentieth centuries. With this history as background, Dubois explores how the adoption of a constitution by the Métis Nation-Saskatchewan in 1993 and the subsequent passage by the Saskatchewan Legislature of *The Métis Act* in 2002 has put the Métis of Saskatchewan on a path that leads away from being organizational service providers and toward being decision makers, with their own institutions of government and an intergovernmental relationship with the provincial government. She also notes, however, the challenges that still confront the Métis of Saskatchewan in making this conversion to a self-governing people, providing a thorough and honest discussion of the evolution of Métis institutions in Saskatchewan.

The fourth and final chapter in Part Four is written by the third co-editor of this collection, Christopher Adams. Here, Adams shifts the focus from the historical development of Métis governing organizations to an examination of the tools that Métis leaders and their organizations are currently using to influence their provincial government counterparts, as well as public opinion, on key issues. Using an interest group theoretical approach, Adams provides results based on his in-depth interviews with the leaders of Métis Nations and organizations across Canada.

The three editors take great pride in presenting to you this collection of essays. We hope that it furthers our understanding, as members of the multinational political community and society called Canada, of what it means to be Métis in Canada.

Notes

- 1. R. v. Powley, [2003] SCR 207, 2003 SCC 43 (hereafter *Powley*).
- 2. Powley, at paras 39, 41–42, which contain the references to Peterson's paper. It is contained in full in *The New Peoples: Being and Becoming Métis in North America*, ed. Jacqueline Peterson and Jennifer S.H. Brown (Winnipeg: University of Manitoba Press, 1985). The book is a collection of papers presented at a 1981 conference on the Métis in North America that focussed on understanding the Métis as an Aboriginal people emerging from post-European contact.

- 3. John Foster calls the debate over terminology unprofitable and refers his reader to Jennifer Brown's paper, "Linguistic Solitudes and Changing Social Categories" in Old Trails and New Directions: Papers of the Third North American Fur Trade Conference, ed. C.M. Judd and A.J. Ray (Toronto: University of Toronto Press, 1980), 150–58; John E. Foster, "Some Questions and Perspectives on the Problem of métis Roots," in *The New Peoples: Being and Becoming Métis in North America*, ed. Jacqueline Peterson and Jennifer S.H. Brown (Winnipeg: University of Manitoba Press, 1985), 73–91. The debate settles around the use of "mixed-blood" and "metis" to indicate English- and French-speaking people respectively. The term "Métis" is reserved for the nationalist people. We want to acknowledge these debates, which have, hopefully, been overcome here by explicit explanation in the chapters of this volume.
- 4. *Powley, supra* note 1, at para 12.
- See Foster, "Some Questions and Perspectives," 73–91. Also, see both Peterson's and Brown's papers in the same collection.
- See Jacqueline Peterson, "Red River Redux: Métis Ethnogenesis and the Great Lakes Region," in *Contours of a People: Metis Family, Mobility, and History*, ed. Nicole St-Onge, Carolyn Podruchny and Brenda Macdougall (Norman: University of Oklahoma Press, 2012), 22–58.
- Arthur J. Ray, Telling it to the Judge: Taking Native History to Court (Montreal: McGill-Queen's University Press, 2011).
- 8. Ray, Telling it to the Judge, 96.
- 9. At the time of writing, the decision was expected to be delivered in the first half of 2013.
- Statistics Canada, "2006 Census: Aboriginal Peoples in Canada in 2006," www12. statcan.gc.ca/census-recensement/2006/as-sa/97-558/tables-tableaux-noteseng.cfm.
- George F.G. Stanley, Raymond Huel, Gilles Martel, Thomas Flanagan and Glen Campbell, eds., The Collected Writings of Louis Riel/Les Écrits complets de Louis Riel, 5 vols. (Edmonton: University of Alberta Press, 1985).

