

Fighting the War Within:

A look at Ontario Métis life and the creation of a new standard post-Powley

Master's thesis for the department of Sociology and Anthropology

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Abstract

In Canada today there exists a new form of segregation towards the Métis people, called the Powley points. Because of it, Métis are being forced to become a different version of themselves, counter to their own personal identity, thereby creating a new standard of identity for Métis, one that not all Métis are able to meet because of historical factors. What the research shows is an over representation of Western Métis politics regarding Métis identity and the formation of it. I therefore, propose a change to the current status quo regarding how Métis are defined and how they are expected to define themselves within this system. For this thesis I rely primarily on archival research and textual analysis, such as journal articles, census data, and published material from the Métis organizations, to establish the current situation in Métis politics as well as my position regarding these issues.

Keywords

Métis, Powley, Identity, Canada, Ontario

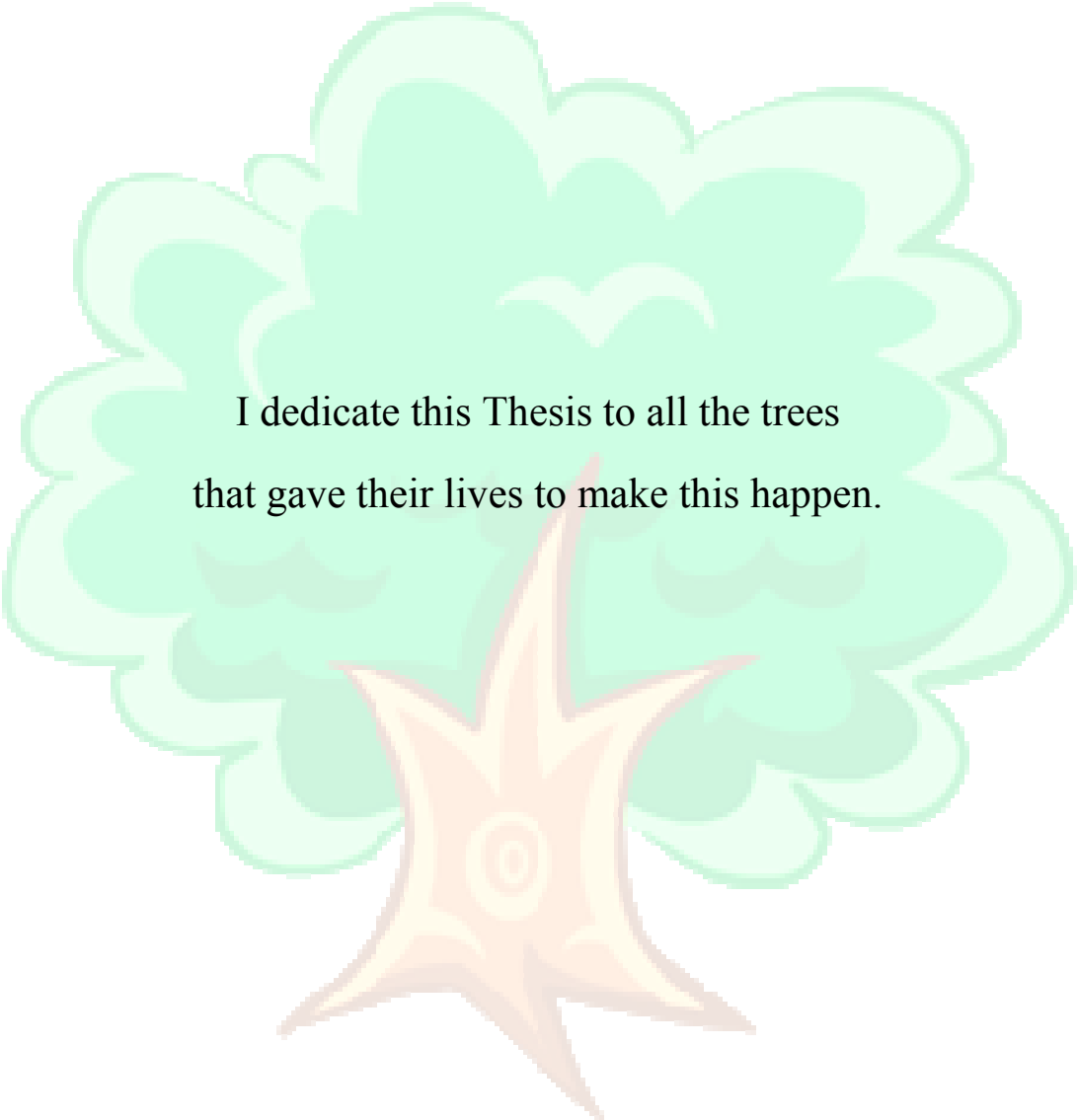
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I dedicate this Thesis to all the trees
that gave their lives to make this happen.

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Introduction:

The Métis: people of the wood, children of the fur trade, coureur de bois, mixed bloods, bastards, and half breeds. They have been known by many names and by many people. They are truly the last 'new' people of Canada. Métis are a people of two nations and two cultures, bound together by heritage and history. However Métis have had anything but an easy existence in Canada. Just like any other Aboriginal nation in Canada, the Métis have had issues of identity legitimacy and status within Canada, having fought constantly for their right to be. Today's issues are nothing new for the Métis as they continue their move forward towards full status and identity. The greatest success for the Métis came in 1982 when, as a people, the Métis were recognized as an official aboriginal people in Canada when the Constitution Act was adopted. Since then, the Métis have strived to fulfil that role and position as a people.

However even after thirty years since the introduction of Métis into the 1982 Constitution Act, Métis remain an undefined people and category. They are literally a people based off of assumptions and predeterminations of ideas and beliefs. As it stands right now, the closest thing the Métis have to a definition or an idea of how to define themselves is a system created through a lengthy court trail, but even this system, which will be looked at in great detail in this paper, is problematic and unfitting for the situation involving Métis identity. Recognition for Métis of their status is so much more than just acknowledgement; it becomes a confirmation of their identity. The idea of what a Métis is highly contested relying on both personal and government influence. Métis identity is something that is purely personal as it reflects personal beliefs, family heritage and historical events, while also mixing in the boundaries set by the government, each of which contribute to make a complete image and identity for the person making it. However Metis identity is becoming no longer a personal thing, it has become a question of belief and politics, causing many Métis to actually lose their Métis identity and become something else. This new image of Métis no longer reflects the person position of people and moves towards ideology and assumed beliefs on how a Métis should be. This is happening through the introduction of different Métis organization's standards being placed on the Métis, forcing them to change

their own perceptions of their identity to match that of the organization and the new governing system, Powley.

In Métis life today, there is a system called the Powley points, which is a series of points that basically define which people can be considered 'Métis', and through this system, all aspects of Métis life are whittled down to only three specific categories or requirements. In essence, this 'test' is the defining factor in Métis identity today. Ideologically speaking, there does not seem to be any actual problem or issue with the system, it was created to be a tool to help the process of identifying Métis, differentiating between actual Métis and those that are not. But when you actually look at and breakdown of the system, you can see that it is nothing more than a biased methodology, favoring one particular perspective of Métis. This new standard makes it extremely difficult for any other Métis group or persons, outside the specific group to even use it or meet its requirements. To put it into another context, think of it as if you were given a test to evaluate your knowledge of English, but the whole test was in a foreign language, how would you react? Not well I would assume, now imagine a Métis. For the Métis, this means that they are given a test to define themselves but all the questions and answers given, are geared in such a way that they are not able to answer it or even meet the standard set out by it.

It is because of this, that I say the Powley system does not work and only serves to promote one set of values over another and in doing so, isolates all the other Métis as being 'non-Métis'. The goal of this Thesis is to demonstrate, through many different aspects of Métis life, how the Powley system is failing the metis people. Because as it is now, the system does not reflect the actual people it was 'designed' to define, in essences it is not working, causing more confusion than it solves. Instead I offer an alternative to the Powley system, one where we go back to what it actually means to be Métis and focus on the main aspects of Métis heritage as being a defining factor, rather than focusing on trivial issues as proposed by the Powley points. The system I propose would function based on a Nation within a nation principle. This Nation would serve to promote Métis heritage as being a culture born in-between cultures, therefore making each Métis heritage and culture uniquely different in comparison to each other, thus making them their own people within the nation. Métis have developed throughout Canada each group developing their own culture based on

their geographical location and their particular livelihood, i.e. hunting, fishing or trapping, why then would this not be a focal point in their identity? The reason Powley is so instrumental and important to look at is because it reflects cases of exclusion and inclusion towards these Métis variations by not giving them the proper weight when defining Métis heritage. The question I ask, is how do a series of points define who can belong to a group and who does not, in other words who or what gives the right to the Powley test to define Métis life? In short, the Powley points are representing only one version of Métis, while at the same time imposing that belief onto ever other Métis culture as if they were wrong in their belief. It has even come to the point that the Powley points are not truly questioned regarding the power it has to control and determine status. This is why I felt this research needed to be done and why these questions needed to be asked

Methodology:

My goal has been to show the ‘other side’ of the Métis politics. As it stands right now, the whole idea and concept of being Métis is an extremely politically motivated, one that is deeply rooted in the belief of who can exactly be considered a Métis and claim that identity. However due to my position within the political divide, against the use of the Powley system, I was faced with several significant barriers to the extent my research could go. For the most part, these barriers had to do with the overall lack of information relevant or current, such as: overall cultural formation, political movement studies, or even culture impact studies. The problem is most of the material available is dated from the early eighties or just not having anything to do with actual Métis politics today. The biggest problem regarding the Métis topic is the extent these beliefs have become fractured and diverse between individuals, effectively creating pockets of individual and collective beliefs, i.e. the different organizations. This in turn continues to add to the confusion and disinformation regarding the main issues involved in Métis politics, such as identity formation and official definition of Métis. Hence making this research so important, because it looks at what allowed one belief to reach a point that influenced policy, effectively determining all the lives of Métis across Canada. This is why I found myself battling the idea of the ‘other Métis’ within the Métis political sphere. What is happening is that one particular Métis group is claiming to be the only ‘true’ Métis, labeling all ‘other’ Métis people in Canada as

not being Métis and belittling or downplaying their claim to identity. Therefore this thesis is on how the policy of Powley continues this separation between Métis by furthering and aiding the division over what constitutes a ‘true’ Métis, by imposing a specific standard on the Metis.

For this thesis, I will be focusing primarily on textual analysis, consisting of material from the different Métis organizations, the Census data, and numerous research articles regarding the Métis. The reason I focus on textual analysis is due mostly to the fact that none of the organizations wanted to speak to me about Métis issues. All the organizations I approached, either in person or through correspondence, made it clear that they did not want to discuss the subject regarding the Powley points. The closest I got for support was an informal acknowledgment from a particular organization agreeing with my position. Whereas the other made it clear that they did not support my belief and instead referred me to their parent organizations, who in turn informed me that I would need to contact their affiliate. Needless to say, the issue revolving around Powley and Métis are quite charged, which is why my research focuses on the printed material. These include, but not limited to, organizational websites, government websites, court records, scholarly articles, books, and raw census data, provided through the university.

Due to the standards of Powley forced onto Métis identity, it creates a new specific representation of what it deems to be Métis instead of actually reflecting the personal nature of self-identifying as Métis. This is because the Powley system, as mentioned before, does not allow for a true freedom of self-identification of what it means to be Métis and instead imposes a framework that only reflects the beliefs of one group in Canada. What this means for the Métis, is that only a select few can actually meet the requirements of this framework, thereby excluding anyone not meeting the test, from actually obtaining recognition of their identity, this issue will be discussed later more in the following chapters. As I will discuss throughout this thesis, the idea of there being a Métis category is in fact a socially constructed idea, meaning the actual understanding of what it means to be Métis, within the category, does not exist in the sense of a physical representation, i.e. a ‘thing’ that signifies and defines the category (Hacking, 1999). Instead they are a product of policy and rulings, which in turn, creates this belief of how something should be, which means there is not an

actual right way to categories Métis, only ‘approved’ ways. The issue we are faced with here is the question of power and the role of the governing institutions. As I will discuss later on, the Métis identity and the sense of it, is define by two main institutions, the Métis organizations, the Canadian Government. Both are directly responsible for Métis life today. The instructional power of the Canadian Government actually comes in two forms, the Canadian Census and the Canadian Court system, both of which determine policy and law regarding the representation of the Métis identity standard. Together with the Métis organizations, these three areas form the power base that defines a Métis identity, i.e. the Powley system. Therefore the Powley system is actually a continuation of the assumption of how something should be based on one person’s or group’s idea, thereby furthering the separation between the people and groups.

I will be structuring all this information to show that the current system, regarding the use of the Powley points, does not work and only serves to divide the Métis though notions of ‘the other’. Relying on such theorists as Fredrick Barth in his look into the creation of boundaries and how they define categories by creating the barrier between the people on the inside and on the outside. I will be coupling Barth’s ideas with those of essentialistic and non-essentialistic writers, starting with how a category can be created to become exclusionary by creating specific markers that need to be met, reflecting essentialistic thinking and ending with a suggested return to the non-essentialistic structure and view of the Métis category, which would reflect the actual relational heritage of Métis.

For this thesis, an important and key theory comes from philosopher Ian Hacking. The theory proposed by Hacking deals with social constructionism, specifically his work into how both people and categories are created and sustained. In his example of schizophrenia, Hacking discusses how the medical model of the mental illness changed with every new ‘standard’ or model that was imposed on the one before it, thereby changing the whole way the illness was perceived and treated (Hacking, 1999). Granted, as Hacking discusses, there are certain aspects of the illness that has everything to do with an actual chemical imbalance, but what Hacking is trying to show is how certain aspects or belief of schizophrenia changed historically with each new model. The question asked by Hacking was why are these changes happening? If a certain belief was relevant before, what changed

to render it no longer applicable? Was it because a new understanding of the illness allowed for better treatments or diagnoses or was it because a new belief rose to the point of being the 'right' treatment, such as the now disused treatment of electroshock therapy? Also what makes a current belief the right way, when history dictates it can and will probably be changed some point in time, given new standards and beliefs? Therefore does it mean all other beliefs are obsolete because they are not the current way of doing things?

For Métis, the emergence of Métis, as a people, is historically specific and based purely on divergent historical events, which allowed the people to maintain their identity as Métis while being separate from other aboriginal identities. What this means for the Métis, and will be discussed further in chapters one and two, is that there is not one specific or particular belief that defines what is right or wrong regarding Métis identity, rather there are just different ones, such as the current political divide between Western and Eastern Métis. Hacking's look at how categories are created and maintained as fact, shows how the Powley points/test, as a system for identification, does not and cannot work. For one, it does not represent or reflect the entirety of the Métis population and second it dismisses the divergent historical significances of the Métis, in how history has created the many culturally different Métis groups. Also, the test does little to show the significance in how the category of Métis is created based on assumptions and wishful thinking of how something should be. Therefore Hacking's theory becomes instrumental throughout this thesis, because it shows the fallacies that have been created to justify the perpetuation and continuation of these beliefs and standards.

I also focus on Hacking's three sticking points of social constructionism, using them to show how categories of people are made in such a way that these beliefs perpetuates itself to the point that it becomes untouchable in terms of analysis. While also looking at how the system has become something of an unquestionable aspect of Métis life forming such ideas like, having always been there, when in fact it has not, but rather it is just a fabricated ideology of how something should be. Using these three sticking points in conjunction with the other theories mentioned I hope to show how the Powley system and the political debate regarding the different Métis is all a fallacy and that it is actually hurting the Métis people by not represent actual Métis life. Rather it forces them to live a static existence spending more

time trying to dig up the past instead of looking to the future of their people. However before going into the research and history of the Métis, I first have to establish an important aspect the actual use of the term Métis.

Question of ‘M’:

Whenever there is a discussion regarding Métis, there is always an important issue that needs to be outlined before starting this issue being the actual use of the capital ‘M’ Métis term. At first glance this does not seem like an issue at all, because normally the use of a capital letter word means it holds some importance or it is a title of some sorts. However for Métis, this capital letter use takes on a whole other meaning. For such writers like Heather Devine, the use of a lowercase ‘m’ Métis or an uppercase ‘M’ Métis is a highly charged concept, Devine herself being reluctant to use either stating that, “ethnic labels arbitrarily assigned by outsiders may be quite different from personal and familial understandings of their own identity that individuals and groups share” (Devine, 2004 p xviii). However she offers a criteria for when using the terms, “[w]hen the spelling ‘métis’ is used, it refers to individuals or groups involved who are simply of mixed ancestry (e.g., French/Native). In contrast, the use of ‘Métis’ signifies that the individuals or groups involved are a distinct ethnic entity as perceived by others and/or by themselves” (Devine, 2004 p xviii). On the other hand, we have writers like Chris Andersen, that claim Métis identity and the use of the capital ‘M’ is not restricted to the western Métis groups like the Métis Nation Council, explained more later on. Instead Andersen uses the reality that there have been many other communities and historical settlements outside of the Red River area, since the beginning of Métis in Canada. For Andersen, the use of this diehard distinction only serves to continue the separation of the Métis from one another through what he refers to as ‘symbolic violence’, something that carries on in his discussion of Métis in the census which I will discuss in chapter five (Andersen, 2011).

Now both writers are Métis and are both researchers in the field of Aboriginal studies and as we can see, stand on two very different points of view. The question of who is right or who is wrong is a question of perspective and point of view taken on by the reader. In terms of this paper and my overall research, I have made the decision to remove myself from the political battle of who qualifies as the Metis and instead refer to everyone as ‘Métis’.

Because as I will discuss in the coming chapters, I believe there is no actual distinction between the different Métis in terms of who is right in the use of the capital ‘M’, instead I believe in the variation of cultures under the overarching use of the term Métis. Therefore in my opinion everyone is equally entitled to the use of the capital ‘M’ Métis and in doing so, I ensure I do not elevate one group over another and focus instead on the political and cultural differences instead. But what should be said, is that there is a true distinction between Métis and métis which is not negotiable, there are people who do not qualify as Métis regardless of situation, which is why the term ‘métis’ was originally distinguished, to incorporate those that do not meet the basic requirements or are not recognized as being a part of the whole debate of Métis-ness. The use of métis was for the categorical distinction whereas Métis is for cultural distinction. For the intents of this thesis, I refer to only Métis that are already, more or less, depending on political and organization affiliation, viewed as being Métis, therefore the use of ‘Métis’ is applying to those on both sides of the argument and not referring to the actual dictionary use of métis.

The Breakdown:

This thesis is divided into six chapters, each of which addresses a very important idea or issue in Métis life today. But like in any story, you first need to understand the past. From the past, we learn how the present has been shaped and defined to create the reality we see now. Therefore, to know the Métis and their reality, we first have to understand their story and how that story changed and shaped their world to what it is today. So with anything we need to begin with history, a story, which is why I start with the history. Chapter one, We have a History, focuses on the progression of Métis identity through Canadian history, emphasising significant points in time that marked major advancements and events in Métis history. The goal it is place into relevant context the issues that will be discussed through this thesis.

In Chapter two, Lost In-Between, I look at how Métis, as an in-between people, survived as a people and culture to form their own identity within the Canadian one. Specifically how a group of mixed raced people ended up resisting assimilation and becoming their own recognized people in Canada. In itself, this is no small feat. Chapter three, Powley Revolution, looks at the creation and implementation of the Powley

system/test. This system has become the center issue for all Métis today as well as the focus of this whole thesis. The focus will be on the actual points as they apply to Métis and how the points themselves are ineffective in measuring true Métis-ness.

Due to the conflict over opinions on who can call themselves a Métis and which Métis is actually a Métis, I was faced with a very important impasse regarding acquisition of information. Due to the highly personal nature of the situation and the current divide between Métis, it was impractical to carry out the traditional ethnographic research, an issue further exacerbated by the limitations of a Master's thesis. Therefore my focus moved away from direct personal interviews, and instead moved towards other means, such as the Canadian Census, Canadian Court Cases and select Métis Organizations. As mentioned before, these three sources were selected primarily due to their impersonal nature and their role in the creating of a Métis standard through the Powley points. The issues surround Métis politics is a highly emotionally contested one, which are also deeply rooted in personal beliefs and history; therefore to actually do any personal interviews would not have given me the real issues faced by the general Métis population. As I will discuss more later on, the idea of Métis politics and identity is not only governmentally influenced, but it is also personally created, meaning each interpretation is unique to the creator. However, within the confines of a master's thesis, doing a series of interviews to explore the various personal interpretations of identity would have been highly impractical in supporting my argument. Hence wanting to avoid the numerous personal interpretations, I opted for the impersonal sources mentioned above.

Another aspect as to why I selected these three institution, has to do with the point made earlier with Hacking's social constructionism. As I will discuss, the category and what it means to be Métis, is created and sustained purely on assumption and implied belief of how something should be without looking at the reality of the context. And just like how this new category is founded by assumption, so too are these three sources, each representing a specific aspect of Métis identity. All three define an image of how a Métis should be without ever discussing what a Métis really is, whatever that may be, based on the individual interpretation. What makes these three areas important is they are all in the position of governance over different areas of Métis life. The census defines Métis culture and

population, the court cases define the laws and rules for Métis and the organizations define the standards for their members, i.e. what they see as being Métis. However, going back to Hacking, the issue becomes that we forget that each of these institutions are just one interpretation of the reality, and yet they are being used as if they are pure representations of the facts (Hacking, 1999). Therefore I wanted to see the impact each of these areas had on Métis life since the introduction of Powley. The goal was to look at the influence the Powley points had on Métis politics since its adoption, in 2003, as the standard for identification of identity. With two of the three institutions being governmentally controlled and the other by the Métis, I also felt it prudent to examine the extent which the Powley points affected them as well. Not to mention that the Powley system derives its roots and standards from all three, as I will discuss in greater detail in the coming chapters.

In Chapter four, *Challenging the Courts*, I look at the influence the government had on Métis identity formation. Through court trials and law adoptions, definitions are made official which directly influence Métis lives. Because of them, Métis have to either incorporate or reject these new ideas being placed on them, thereby changing their own perception of self-identity. In my fifth Chapter, *Census Identity*, I focus on how through the census, there is a creation of a new identity for Métis. One that they are expected to agree with, without actually knowing what the term ‘Métis’ means in the context of the census. I look at how this link between expectations to be a certain way reflects the same ideas being pushed by the Powley points, in the end actually taking away from the Métis people themselves. In my final Chapter, *Organizational Fallout*, I discuss the importance and role of the different Métis organizations. I focus on how each organization works to established themselves as the right way to be Métis and because of this, furthering the conflict between the groups and the Métis. Going further into the chapter, I discuss how issues of Nationalism, Citizenship and Propaganda influence Métis politics to reflect a very specific idea and the belief of Métis-hood in Canada.

In my conclusion, I go back to the issues mentioned at the beginning of this introduction and that is the issues of social constructionism. Using Hacking’s three sticking points, I look at how we, as a society, form and build ideas of how something should be rather than how they are, relating that to how the Powley points are imposing and reinforcing

these constructions of what it means to be the ‘true’ Métis. By using their own standard to measure Métis-ness, the Powley points, and organizations that use it, impose their belief unto every Métis, without so much as a consideration for cultural variations between the people themselves. I end with a proposal for a possible solution to the vastness of the Métis population, one that would make a Métis Nation for all and not just for one.

Chapter 1: We have a History:

Fur Trade:

The concept of Métis is not a new one. The idea of people having mixed origins and cultures is as old as time itself. For as long as there have been people, there has been a constant intertwining of cultures and heritages between different people. There are 'mixed heritage' people everywhere in the world, but what makes Canadian Métis special and worth studying is how they came about and their shared story leading to an official status as a people in Canada. The Métis started out as any other mixed heritage people would, the by-product of different relationships and the diffusion of distinctive cultures and people. Métis existence formed from opposite sides of the world, with Europeans sailors and Canadian First Nations. European officials viewed the mixing as blasphemous and against religious purity sanctions and sought to crush it at its roots, whereas the natives saw it as the emergence of a new era of relationships. Whatever the belief, Métis found their beginning in Canada and are as much a part of the Canadian image as the Maple Leaf. What started out as a by-product of European traders and explorers and Native women of Canada became one of Canada's most complicated stories.

Métis have been around since the first day of first contact originating from European and Native heritage since the early days of Canada (Dickason and MacNab, 2009; Francis et.al, 2006; Steckley and Cummins, 2001). Their European heritage of the time primarily came from French, English and Scottish heritages, whereas their Native comes from an even more diverse heritage. Where the Europeans of the time were limited to mainly three origins, the natives were vastly diversified, depending on region and location, the first explorers could have met any number of First Nation tribes, such as the Mi'kmaq, Algonquian, Iroquois, Cree, and the list goes on, however in terms of Métis heritage, based on the Aboriginal mother's heritage vastly different traditions and heritages were passed down to the children and resulting different Métis. Blending all the different native cultures and practices with that of the European ones, the Métis became a new people in the 'new world', lumped together regardless of backgrounds into one people under this new title. With the fur trade being established around the 1690s in the Great Lakes, mixed marriages became increasingly common and by the 1800s becoming a normal practise for many of the early

traders and the few settlers (Francis et.al, 2006). Becoming a new people for a new world, they are the in-between people among two different nations.

At the time, there were only two ‘types’ of people, Natives and Foreigners. There was no room for new people during this time, yet the Métis still survived, as a people and as a culture. Many researchers, historians, and aboriginal groups have all offered numerous reasons as to why and how the Métis managed to keep their identity. Some believe that because of the relative isolation in most of Canada, the Métis were able to move around whenever they felt encroached upon. Others believe that the fur trade itself is responsible for the Métis. Through the fur trade a specific set of skills and resources were needed and by literally being ‘children of the land’, the Métis were able to draw upon different aspects of their heritage to develop the skills needed. Such as knowledge of the terrain and water ways, which the natives had, coupled with the knowledge of materials and resources provided by their European heritage. Another belief as to why they survived comes from their aboriginal heritage. The belief in the land, the unity of the Native life and the spirit of family are attributed to the successfulness of the Métis. Because of their ties to the aboriginal communities, Métis were able to go deeper and further into the land, while maintaining the support of their families to protect and guide them. As we can see, there are many different beliefs as to why the Métis survived the way they did. Yet there is not one single answer as to why. Even in the Métis organizations their belief as to why Métis are varies. The one thing that is clear is that the Métis remained because they developed their own culture during a time when nothing was cemented for Canadian Identity. The Métis through their vast connection have always been able to move around through the different communities, keeping their Métis identity while every other settler or native had to align themselves to a specific category.

I believe that the Métis as a people and as a culture remained solely because of their unique position in time and because of their adaptability to the changing Canadian culture. What I mean by this, is that because the Métis relied heavily on both parent cultures to define themselves as a people, their development of a culture was able to flourish on its own. For the most part of history, Métis were widely unregulated as was most of Canada. Settlers, hunters, traders, and Natives were basically able to do what they wanted without imposition

by a government. It is because of this, that I feel the Métis were able to grow and establish themselves as a presence in Canada. Therefore when the eventual Canadian Government was established, the Métis were just as established as any other people, allowing them to be the last 'new' mixed raced people in Canada. The reason is because today we have an established 'face' of Canadian identity. New cultural identities are almost unheard of, because the government will not allow for new groups to establish themselves counter to Canadian image. An example of this position can be found in the Quebec Nationalist movement. After two failed referendums the people have spoken, they do not want a new nation within a nation. But in the case of the Métis, they came during a time when talks of nationhood or national identity just did not matter. This then allowed for the people to develop themselves into a historical community; setting up roots and presence in Canadian History, basically establishing themselves as a people and as Métis.

Defining a People:

The name 'Métis' comes from the French word meaning to be 'mixed' (Brown, 1993) The Métis adopted this terminology to better define themselves against many of the racist negative terms surfacing around the emerging Métis population, such as 'burnt wood' and 'half-breed'. Mostly coming from the Europeans, referring to how the Métis were darker in skin color but not as dark as the natives, therefore they were 'burnt-wood' or only 'half' native. Because of their mixed heritages, Métis were more or less accepted into either nation and had the unique ability to traverse the cultural barriers of Native or European cultures (Macdougall 2010 (A) & (B)). This allowed them to access benefits or privileges from either group without having to identifying in either. The Métis held onto to their in-between status and used it to their advantage, but it was more than just wanting to hold onto something, I believe Métis held unto their Métis-ness because of a combination of pressures imposed on. As the Europeans began to actively separate themselves from Aboriginals, Métis were casted aside as being Indian. However, not wanting to be just considered another Indian, the Métis dived more into their identity, making it clear that they were not just aboriginal and they were not just European, they were Métis, a people of their own right.

With the fur trade and fishing industry taking root as the main economic trade in Canada, such practices like tracking, hunting, interior navigation, and trapping became a

very profitable market for both Europeans and Natives, resulting in Europeans becoming the dominate buyers and Natives becoming the dominate suppliers. However because of language and cultural barriers between the two groups, the Métis filled this gap with their own cultural (Dickason and MacNab, 2009). With the Europeans not speaking the different aboriginal languages and the Indians not speaking French or English, not to mention the different customs such as land ownership, the Métis stepped in to fill the needs, having married into aboriginal families. The Métis learned the languages and were able to link the two cultures, by literally being the middleman between these two major cultural and political groups the Métis ended up becoming the cultural bridge or brokers for the different traders, which positioned them in the middle of the fur-trade and thus reaffirming their cultural presence as a major player in the fur-trade (Macdougall 2010 (A) & (B)). By using their vast kinship networks, which branched into both Native and European families and settlements, early Métis were able to keep their heritage while maintaining their different relationships.

The Métis at this time were in a unique position of being able to both intermingle with the different groups and be considered a part of them, while at the same time able to distinguish themselves as being neither. For example Europeans could not declare themselves Natives and Indians could not call themselves Europeans because of the established cultural barriers. Métis however were not bound by these boundaries, allowing them to benefit from both. Because the Métis served as guides, brokers and translators during the height of the fur trade, thereby bridging cultures, which worked well for such companies like the Hudson Bay Company and the North West Company. These companies used the Métis to further expand their relations with different Aboriginal groups, allowing the companies to go deeper into the Canadian interior. History, like this, shows that Métis were crucial in early Canada and were more than just a bunch of ‘accidental’ people. By having unique aspects like their family ties to the different First Nation groups, they created some of the first ‘gatekeeper’ for explorers and traders, thus effectively expanding the reach of these new settlers.

Fall of the Fur and Moving Westward:

As the demand for furs and the need for the fur trade lessened in the early 1900s and the need for connections and translators became a thing of the past with the establishment of

trading posts and cities, the actual need for Métis began to wane (Francis et al., 2006). Because of the push towards more settlements and permanent cities, the government of Canada began to classify people into categories to better regulate them; classifying people based on country of origins, separating the desirable immigrant settlers from the undesirable ones. During this time, the preferred and valued immigrant settler was the white European workers, such as the: Irish, Russians, Germans, and others of Germanic descent. Whereas the Natives during this time were increasingly being pushed further and further into Canada and away from European settlements. Aboriginals became somewhat of a nuisance in the eyes of settlers, solely because the natives were resistant to encroachment onto their land. Most of the resistance on the part of the aboriginals was due to their lack of understanding of the concept of landownership, which the settlers took full advantage of, making claim to land. Not just the settlers but also the Government of Canada, at the time, was exceedingly responsible for claiming much of aboriginal land as their own without any regards for the natives living in it. What this caused was the push of First Nations further and deeper into the unsettled lands of Canada. Resistance on the part of aboriginals was met with harsh stigmatism and sometimes, hostility.

The push for settlers out west to settle the plains of Canada was done to connect one end of Canada to the other, while also stopping American territorial incursion. The cultural ‘bridgers’ that were Métis began to face barriers towards who they could identify as. The Government wanting clear cut categories of either Native or European, the in-between people that were Métis became something undesirable (Dickason and MacNab, 2009). What this meant was that Métis became separate from the Native in terms of rights, treaties and privileges, which the government began establishing between 1871 and 1877, forcing the Métis to choose to become either ‘fully’ Native, that is if the Native community would accept them as such, or hold on to their Métis identity and heritage and lose everything (Francis et al., 2006). Even more, the Europeans began isolating the Métis as not being part of them either; this was due mostly to racially based derogatory ideologies created by the Canadian Government. These were distinctions over what constituted each people, i.e. the boundaries of both European and Native decent, to make clear separation between each group (Devine, 2004; Sawchuk, 2001; Teillet, 2007 & 2009). The idea was that all the people of Canada would have fallen into either category because the belief was that the

distinction between the two was relevant. However the Government did not account for the Métis and their reluctance to be in either of the two categories. The separation resulted in the Métis being turned into the 'métis' category, which was actually not a set 'category' of people but rather a category to place individuals that did not fit into the other categories.

As the population of métis grew in Canada, both through family growth and through the government's actions of making the métis category for unclassifiable aboriginals and Métis, the Métis began to solidify their identity and place in Canada as something more than trappers and traders. This was done mostly through the introduction of Scrip in the 1900s (Devine, 2004). Scrip was specifically issued only to Métis; these were not treaties like what the First Nations were given, instead these were promises of lands or money at a later date. Sadly most of these became worthless as the government would not fulfill the promises, meaning the different land promises were often not honored. Because of this and of the expanding European settlers, a large portion of the Métis population moved further west into the hunting land owned by the Hudson Bay Company called Rupert's land. There, many Métis settled and began to create a life for themselves, creating many of the modern-day Métis communities, like Red River originally. The Red River community was created by the Hudson Bay Company as a retirement community for its employees after the fur trade ended (Francis et al., 2006). Many of the Métis families found themselves in Red River because the Hudson Bay Company guaranteed land to them after their term in the company was finished.

By distancing themselves from the settlers, the Métis were able to develop and establish their own community outside of the Canadian government, which at the time did not have control over this land. From these early communities, the Métis began to develop their own sense of people and culture, by drawing on their own heritages which had developed and cemented itself as being different from both European and Indian influence (Devine, 2004; Francis et al., 2006). However this Métis 'land' was short lived. With the fur trade ending and the Hudson Bay Company losing its only main source of income, things were bound to change. With Canada growing as a nation and country, further expansion became necessary as more immigrant settlers arrived from Europe. With the majority of Eastern Canada already settled, the only other means available was to move west. But at this time, a majority of the land out West was owned and operated by the Hudson Bay Company,

not to mention the currently residing Métis population in and around the Red River Community.

Rupert's Land Acquisition:

In 1869, the Canadian Government purchased the massive land territory owned by the Hudson Bay Company to add to growing country of Canada, which expanded to country while also connecting to the western territories and colonies (Dickason and MacNab, 2009; Francis et al., 2006). Before the purchase of Rupert's Land, the colony of British Columbia was all but cut-off from the rest of Canada, because at the time, the majority of 'Canada' was confined to eastern Canada in and around Ontario and Quebec. Effectively separated from 'Canada' and with the American government moving out west as well, the fear was that they would take control of the unsettled part of the country and that British Columbia would go to the Americans. Therefore the Canadian Government thought it prudent to connect Canada coast to coast and went ahead with the purchase of the land in hopes of settling it. For the most part, the idea was successful with British Columbia becoming part of the confederation in 1871 (Francis et al., 2006). However one very important detail was forgotten, the very large Métis population that was already living in the once Hudson Bay Company owned land (Dickason and MacNab, 2009).

One of the first issues to be faced by both the Métis and the Canadian government came from the inspectors sent by the Canadian government to inspect the newly purchased territory. These inspectors were basically land surveyors sent out to map out and divide the land into farming plots for the coming settlers. However, the government did not take into account the people already there, much less care for that matter (Devine, 2004). In essence the land that was the Métis' was now disregarded and seen as open land. So under the orders from the government, these surveyors set out into Métis owned land and began to tell them the land was not theirs and belonged to the Canadian government. Suffice to say this did not go over well with the Métis living on the land.

Red River Rebellion:

Because of the literal invasion of their land by government directed surveyors, the Métis groups, led by Louis Riel, barred all governmental officials from entering into their

land and territory, declaring sovereignty against the Canadian Government (Dickason and MacNab, 2009). So began the armed standoff known as the Red River Rebellion. Even though there were no real battles, there was one death. The whole purpose and result of the rebellion was to bring attention to the issue of encroachment onto Métis land, but at the time the Canadian Government had very little regard for the Métis out west. But for the most part, Eastern Canada did not care if anything they were seen as the issue ‘over there’, meaning there was need for concern. The real conflict began to unfold as the Métis group took over and occupied Upper Fort Henry; from there they launched their political agenda: control and acknowledgement of Métis presence and land out west (Francis et al., 2006). In 1870, a year after the government took control of Rupert’s Land, the Métis, under Louis Riel, created their own provisional government, which through the eventual capture and execution of Thomas Scott, a member of the raiding parties against the Métis, turned the ‘western problem’ into a nation crisis (Francis et al., 2006).

Because of Scott’s behaviour to provoke and disrupt Métis life in their communities, Riel decided to form the Métis’ first Métis court (Francis et al., 2006). In this court, Thomas Scott was convicted by the Métis tribunal and signed off for execution by the Riel government. In 1870, Scott was killed in front of a firing squad. Riel declaring that this was done to make Canada take them seriously in their demands and as a people (Francis et al., 2006). With the news of Scott’s death reaching Toronto, many saw this as a reason to take arms against the Métis. With the anti-Métis groups turning Thomas Scott into a martyr for their cause, Prime Minister John A. Macdonald was forced to take action concerning the Métis, thereby opening up for negotiation between the Métis and the government. The end of the Rebellion was marked by Macdonald conceding to negotiations with Riel, offering a compromise, the creation of the first Métis province: Manitoba (Francis et al., 2006). This meant an end to all hostility between Métis and non-Métis groups, along with the government’s retraction of surveyors from the new Métis land.

Manitoba Act:

1870 saw the first and only Métis province in Canada, acknowledged and approved by the Canadian government (Dickason and MacNab, 2009; Francis et al., 2006). The province created that year was a far cry from the province that we know today, refer to

Appendix 1 for a map of how Manitoba was in 1870. Regardless of size, it was still a province and a major win for the Métis people; however it is also basis for much of the future conflicts conflict between the Métis, creating the idea of an ‘official’ Métis ‘homeland’, which the ‘real’ Métis could lay ties to and claim heritage from (MNO, 2009). The English speaking Métis were not the only people who saw Riel as a leader and winner for the Métis people, many French speaking Métis throughout Canada were highly supportive of Riel because of his actions regarding the people (Francis et al., 2006).

From this agreement between the Métis and Canadian government, both parties got what they were after, land for the Métis, peace for the Canadian Government and control over Rupert’s Land. The Métis achieved independence and recognition, along with entry into Canadian Confederation. They were given their own legislative assembly and members in Parliament ensuring their position as a province in Canada (Francis et al., 2006). However there was a catch. Unlike the other provinces controlled by the government, Manitoba was not given control of its own public spaces or even control of their natural resources, without ever really stating why, basically the Métis could not control anything that was not private property (Francis et al., 2006). What it did do was allow the Federal Government to maintain control over the province, along with the rest of newly acquired Rupert’s Land, under the title of ‘Dominion Use’, meaning the government had access to the land and its resources, and were allowed to do what they wanted with it (Francis et al., 2006). However with tensions between Métis and European immigrant settlers still high and the push for more farmable land by the settlers, many wanting access to the highly farmable land and already established settlements. With pressure from the discontent immigrant, settlers growing and Ontario no longer able to meet the people’s needs or quell their unrest towards the Métis land. Coupled with the still high political tension between Manitoba and the rest of Canada, the government acted.

The Fall of Métis Manitoba:

In the year following the creation of Manitoba, the tensions on both sides of the border, Ontario and Manitoba, had not dispersed and continued to mount (Francis et al., 2006). Ontario settlers in search of new land and more space began to invade Métis Manitoba. Coupled with the past tensions and fear of more retaliation, the government

dispatched a military contingent out to Manitoba. In 1871, the military effectively took control of the province disbanded all Métis governments; sending Riel into exile in the States. The defeat of the Métis in Manitoba was mostly due to Riel and his supporters abandoning one of their main strongholds upon receiving word of the coming military force, thus leaving the area basically defenceless and easy for the military to establish their control (Francis et al., 2006). Because of this, the Métis lost their province and retreated further west into the less settled areas of the Northwest Territory, as it was called before the remaining provinces were created. Following these events, Riel was deemed a terrorist against the state of Canada, ending with a price being placed on his head. Another factor that began to take a heavy toll on the Métis was the start of Native only treaties being made in 1871. From 1871 to 1877, the Canadian issues seven number treaties to aboriginal people and communities in the North West (Francis et al., 2006). These treaties became known as the numbered treaties, which essentially outlined all rights and privileges that were to be held by the aboriginals, specifically the First Nations. Métis were excluded from all rights awarded to First Nation Indians, even though they were considered unofficially an aboriginal group with the introduction of the Métis scrip. Because of these treaties, strict guidelines were established to define 'Indian'. Basically leaving the Métis without a leg to stand on in regards to defining themselves as an aboriginal people.

Therefore with the fall of Manitoba to the Canadian Government, the Métis found themselves essentially without a home and without a recognized identity. This was because the Métis found status and recognition for who they were through their province and through their presence in Parliament, but with Manitoba no longer under Métis control, these representatives were ousted from Canadian politics, falling again into category obscurity. This became even more apparent with the creation of the Indian Act of 1876, later amended in 1880, which effectively created the 'idea' or category of 'Indian' (Francis et al., 2006). What this did was create a specific notion or expectation of what an Indian was and what was not, resulting in the division of what the government called Status Indians and Non-Status Indians. How this affected the Métis, was that after the passing of the Indian Act there emerged a whole new population of aboriginals that no longer classified as being an Aboriginal or rather First Nation. Therefore they were left out of treaties and policies being created between the Natives and the Canadian Government.

Now with all these people no longer a part of the Native category and nowhere else to go, per se, the Government expanded the use of the 'métis' category to include all the 'unclassifiable' people (Sawchuk, 2001; Teillet, 2007 & 2009). These people included Non-Status Natives, off reserve Natives, these are the individuals that either refused to live in the government designated settlement communities or were not able to qualify to live on these lands, and other 'unmentionables', these were the people were not classifiable in terms of government standards. This resulted in anyone who was not Indian in terms of being under a recognized treaty or under the Indian Act but was of aboriginal decent was classified and lumped together into one category: métis or half-breed (Devine, 2004). The purpose for the newly redefined métis category, from the government, was to eventually eliminate the category altogether, reducing the Aboriginal categories to only: Indian or Inuit (Macdougall 2010 (A) & (B)).

The Constitution Act:

For nearly 100 years the situation involving the Métis and government policy, remained filled with tension and ambiguity, with Métis remaining as a people undefined but growing. Though it was not until 1982 that the issue of Métis identity would be addressed again, marking a monumental moment in Métis history. This event was seen through the official recognition of Métis as an Aboriginal group in Canada, including rights and entitlements, through the adoption of the Canadian Constitution Act, more specifically section 35 (s.35). Under the Pierre Elliott Trudeau Government, Canada saw the adoption of the Canadian Charter of Rights and Freedoms, which outlined the basic rights and freedoms for every Canadian; addressing such issues as Quebec Nationalism, clarification of Aboriginal Rights, and rectification of Equality issues while also outlining the position of State within the household. Because of this constitution, Métis became recognized as an official Aboriginal group, protected under the Federal Government (Grammond and Groulx, 2009; Teillet, 2007 & 2009). What this meant was that the Métis were now officially seen as Métis and not just a category but now an actual people, no longer having to classify as something they were not, i.e. European descent (white) or Native.

Now unlike the Inuit and First Nations, the Federal Government took a different position regarding the Métis, in adding the Métis to the Constitution, the Trudeau

Government purposely left the term Métis undefined. For in the case of the other two Aboriginal groups, First Nations and Inuit, the government created definitions of what it meant to be either of them, like rules, standards and expectations, because these were already established historically with the many different treaties and Indian Act. Each of which established the guidelines concerning: traditional land, the people, the minimum blood requirements and the identity. These definitions were created by the government for the benefit of the government and not for the Aboriginals. These constructed definitions have continued, becoming the 'official' rules for First Nations and Inuit, which also created all the controversies, racist ambiguity, and discrimination seen today. Now in terms of the Métis, it can be assumed that the government, wanting to avoid another political disaster, did not define the Métis, allowing them to define themselves as a people (Lischke and McNab, 2007). This was seen as one of the major steps forward for Métis politics; however it was not without its complications.

Chapter 2: Lost In-Between:

As we have seen in the previous chapter, the Métis are anything but simple. They are a people filled with a rich history, which for the most part seems to be forgotten by the Métis themselves as they quibble over trivial differences regarding policy. What is happening is that only the selected aspects of Métis life are being focused on such things like location and heritage, pushing for a particular Métis ‘origin’ found only out west (Lundahl, 1998). Rather as Jean-Loup Amselle discusses, the history of a people defines a people. This is done through the continual redefinition of ethnic boundaries and perceptions of what the reality is or can be (Amselle, 1998; Meintel, 2000). The idea of how perceptions shape people within a category and how, what is perceived as the category, its boundaries and definition become internalized as the truth for the people. In essence the people become the beliefs imposed on them; internalizing it to the point that they become that particular idea, so that they perpetuate the ideology by feeding back into the category they first internalized (Meintel, 2000; LeBlanc, 1999). Many of the Métis today, define themselves based on what they are told they should be, taking away from the people actually defining themselves, in terms of personal perception and self-identification. What I mean by this is that the Métis are faced with both an external and internal conflict over identity. Internal identity for a Métis means that they themselves define how they view and understand their Métis identity, which is why the issue of self-identification is so important, because through it, they self-define their identity as a Métis. However the situation has become one where the Métis need to create a self-identity paradigm that reflects the external standard. Basically the Métis are encouraged to create their own identity as a Métis as long as it follows the ‘rules’. The rules for identity can be anything and everything at the same time. For the Métis these rules are dictated to them by their organizations and by the government, they tell them what they can and cannot do as well as who they can be. Thereby creating the external pressures imposed on them.

For you see, there are definitive cultural and heritage differences separating the Métis and the organizations from each other, creating two different defining philosophies. These philosophies deal directly with Métis identity and location. I will not go into detail regarding this issue because it serves no relevance to this chapter’s topic, instead it will be discussed in a future chapter. This chapter, however, will look at how métis as a category became Métis

the people, because in itself, Métis is a ‘troubling’ category. Quite frankly, what does it mean to be Métis? Even the Métis themselves struggle with this idea of identity. As mentioned before, the Métis are facing the issue of internal versus external ideologies of what it means to be a people. Encouraged to define themselves but expected to follow a metaphysical idea of a concept, in itself creating confusion on just who is a Métis. Which is why Amselle is so important here; his discussion into the issue of categorical imposition of identity reflects the issue felt by all Métis. The perceptions of what it means to be Métis becomes this thing of predetermination which then the Métis have to configure themselves into, regardless if the idea is applicable or not. Therefore the Métis are becoming something not of their own design but rather what one party dictates it should be, not what it is.

The In-Between:

What this means for the Métis, is that they are faced with a predetermination of their idea, regardless if they are told they can be however they want to define themselves (Teillet, 2009; Root, 2004). This predetermination ends up creating a series of categories or ‘ranks’ of acceptable Métis, all within the population of Métis. What I mean by this is that the Métis almost form a caste system of identity, based on how they define themselves or rather how they are defined. These categories consisted as pre-established concepts of people, like the European category which consisted of all the different immigrants and then you have the ‘Indian’ category made up of all the different aboriginal tribes. For the government these were clear defined categories and were easy to work with, based on dichotomous logic: Either you are a European or you are an Indian. But for the Métis, this category is complicated by the determinism expected of them. This consists of a heritage based identity, i.e. Red River Métis or everyone else. These ‘everyone else’ Metis were seen as not ‘being’ or should not be because they differ from the pushed ‘norm’, therefore these Métis become the ‘other’ or ‘non-Métis’. My reference to non-Métis plays on the non-human concept proposed by Ingold. In his research, Ingold discusses how a human can become a non-human simply because of categorical classification (Ingold, 2006). The idea is that if we follow and create categories in the strictest sense, we effectively exclude based on variations not accounted for in the category. What this means for the Métis is that their identity is being created for them, when in fact it was supposed to be created by themselves, a Métis

identity for Métis. So when the standard is created it becomes the expectation and the norm, therefore anything outside of it becomes the 'non'. Therefore, since a significant part of the Métis population becomes excluded from the métis category solely because of the category itself, they become the non-Métis. These are Métis that consider themselves Métis but are not given the 'official' title because they do not fit into the constructed category, by the controlling group, which dictate the standard.

As I have looked at in the previous chapter, Métis developed a unique and separate culture drawing upon both European and Aboriginal heritages to structure their own, which as discussed before, allowed for the Métis to travel between these cultural boundaries and assume whatever identity they wanted given the context (Root, 2004). The idea of Métis culture is one of living off the land with respect and knowledge from the aboriginal traditions and the practicality of techniques from European technologies, in essence forming a hybrid culture drawing on the strengths of both parent cultures (LaRocque 2004). This allowed them a unique position to develop their identity, to be their own people. However the categorical dichotomy mentioned earlier actually takes away from this hybridity and redirects the Métis towards another reality. The dichotomy I refer to is the difference being put onto the Métis, stating that they must be either Red River Métis or they are nothing, effectively brushing over the historical foundation of being in-between and unique. The reason being due to political and ideology, scaring the Métis to believe what is being told to them, this issue will be looked at in greater detail later on.

However, this in-betweenness of the Métis is not a new phenomenon. There have always been people with mixed origins, the result of two separate and distinct people and cultures mixing. Normally what happens in these cases, is that these 'new' people would assimilate into the dominate parent group. Though in many instances, the individuals would align themselves with whatever group they feel closest to, based on personal, political or philosophical beliefs which they feel that particular group offers (Gaetano, 2008). What is unique for the Métis is that they did not assimilate into either dominate group, rather they held on to their individuality and fought for their right to be their own people because of their history, which had developed alongside that of Canada (Anzaldua, 2004; LaRocque, 2004).

As Arianne Gaetano shows in her article involving the displacement of Chinese people, when “[d]enied the capacity to assimilate fully into urban society, migrants are viewed as social inferiors and are literally outsiders...” (Gaetano, 2008 p631). Even more so for the Métis because of their displacement from either of their parent cultures, they were considered outsiders. And because of this, there is a creation of a new identity by these people. For the most part, “...the relational quality of identity as it is constructed in the dynamic in-between space occupied by the migrant and traversed by the norms and practices associated with the village community” (Gaetano, 2008 p632) is defined by the powers that be. As you may recall, the Métis are highly nomadic and relatively migrant, therefore their place in actual society is dependent on the part societies. It is through them that the rules and regulations as to what is accepted come from, resulting in an identity defined and shaped by exclusionary forces (Gaetano, 2008; Stonequist, 2004). Therefore these people are connected through their lack of inclusion. As such, they take upon themselves different aspects of what it means to be in-between. By being excluded from either group, the Métis were forced to define themselves as people to offer support and image for their own people.

Indian Act and Beyond:

This form of exclusion served to only deny the Métis status through the government as an aboriginal people, at least until the 1982 with the Constitution Act. But it did not hinder the Métis identity formation, if anything it served to bring the people together and further bind the people to an idea of how they should be as a collected people (Anzaldúa, 2004; Root, 2004). However when dealing with binary logic, i.e. structuring policy towards ‘either/or’, people like the Métis tended to be caught in the crosshairs. Not to mention the rest of the aboriginal population in Canada. In 1876 the Canadian Government passed the Indian Act, which directly influences and affected aboriginals everywhere along with Métis. The Indian Act was meant to outline and define the position of ‘Indians’ in Canada. This Indian Act was the most racist and controversial piece of public policy in Canadian history regarding First Nations. The Act defined and specified what an Indian was according to the Government (Francis et.al, 2006; LaRocque, 2001). What this did for a vast part of the aboriginal/First Nation population were actually strip them of their Aboriginal title, specifying that because these people did not meet very specific ‘rules’, they could not be

constituted as 'Indians'. These included people living off of reservations and even aboriginal women who married European men. Because of their marriage, aboriginal women everywhere lost their right and identity as Indian (Francis et.al, 2006). In the end it is believed that "[b]etween 1876 and 1985 approximately 25,000 Indians directly lost their status, not counting the descendants who automatically became non-status" (LaRocque, 2001 p386). These are but a few of the many issues surrounding the Indian Act, but all of which were highly oppressive and repressive towards aboriginal culture.

For the Métis what happened was that because a large portion of the aboriginal population became status-less, the idea of Métis suddenly became an unofficial destination for the newly disenfranchised Indians. "When Indians lost their status, most of them had to move out of their reserves and, since they were not welcomed by Canadian society, many moved into Métis communities..." (LaRocque, 2001 p387). This influx of aboriginals into the Métis population served to bolster numbers and population. Due to the massive influx of people into the Métis populations, some of the Métis began to denounce their Métis identity and adopted into either European or Native society (Anzaldua, 2004; LaRocque, 2001). The reason these Métis did this was because of the increased numbers and people into the Métis population, they felt that it actually took away from what it meant to be Métis, so instead chose to ingrate their identity into either dominate culture, in essence, displacing their Métis identity into a second identity (Anzaldua, 2004; Stonequist, 2004). This also had to do with another factor in Métis history, because "[t]hey were also extremely vulnerable to repeat neocolonial incursions. From the late 1880s to about the 1970s, such Métis remained marginalized from Canadian culture and economic life" (LaRocque, 2001 p388). Therefore some felt that the only way to live a normal life was to abandon their Métis heritage and become something else, thereby maintaining a semblance of a normal life.

Defined by Numbers:

As we have seen, many of the non-status Aboriginals after the Indian Act, aligned themselves with the Métis, taking their identity as their own to have some sort of semblance to their previously lost identity (LaRocque, 2001; Teillet, 2009). What the government did not account for when they created the Indian Act was that all these people had to go somewhere. So with the massive increase into the Métis population, with all, more or less,

claiming to be Métis, something had to be done on the part of the government. Up till this point the Métis were undefined and unrecognized in the sense of what the government did with the Indian Act, so this allowed for the people to rally together and demand identity recognition as a separate group. Because now the Métis population was now facing an identity crisis, with more and more ex-First Nations entering into the Métis category, the basic understanding of what it meant to be Métis no longer applied, solely because the category itself no longer applied to the vast number of the people within it, and this continued until the 1970s (LaRocque, 2001).

Because of the government's interactions with the 'Indians', they indirectly became responsible for the massive surge of numbers into the Métis population. Therefore the question became what to do with all the 'métis' and how to define them differently based on who was there now. Because of the current situation, there began a cultural reformation within the metis population. Actual Métis began defining themselves in concrete ways to distinguish themselves from the 'métis' population, by establishing themselves on the basis of actually having a distinct cultural difference from all the others within the category. Outlining markers like lineage, culture and traditions, which they said differed from either of the two groups. By doing this, the Métis began to move away from the 'in-between' people and the non-status individuals, creating something that was uniquely their own identity (Stonequist, 2004). This self-naming or self-identifying became instrumental for the Métis, because it gave them a legitimacy and visibility as people, effectively reinforcing the cultural distinction as being separate from Native and European cultures yet not denying that they came from those heritages (Anzaldúa, 2004; Root, 2004).

Identifying the Self:

For the Métis, this self-identification as a separate people has been both the best thing and worse thing for them, being both their strength and weakness as a people. It has divided the people over culture and belief. As of right now, the Métis people are divided not by boundaries or laws, but rather they are divided by their own politics and fundamental beliefs in who they are. It all comes down to the question of who is a real Métis or rather who has the right to call themselves capital 'M' Métis. However with the 1982 Constitution Act recognizing Métis as an aboriginal group in Canada, conflict on how to define them has

caused an even further split over beliefs. Because as we saw earlier, non-status aboriginals continued to influx into the Métis population right up until the 1970s, therefore there needed to be a more concrete idea of what it meant to be Métis. This would entail creating an idea or belief that could be reinforced and perpetuated as the standard by which the Métis would compare themselves to. Therefore this resulted in another cultural and heritage identity reformation, the major difference this time, being centered on who is right and who is wrong in their view of an ideal Métis nation. This conflict between over who is right and who is wrong has resulted in many different organizations to be created, each claiming to be the right vision for Métis identity.

With the current split between Métis in Canada, it has been easy to forget the heritage and history of the Métis people. As they moved through many different definitions and expectations of who they should be, the Métis continued to define and redefine themselves as Métis. Always creating an identity that reflected their own heritage, thus always enforcing the idea of what it meant to be Métis; however the purpose of this chapter is not to look at who is right or who is wrong, but rather to look at how a category of people came about to be considered an official people. Through the actions of the government, in a much unrelated area, the Métis experienced one of its biggest increases in population size ever. Regardless if all these people identified as Métis or not, the fact of the matter is that the population size grew, causing the idea of Métis to be something more than just a missed place people.

What the increase actually did, was force the Métis to redefine themselves more concretely and specifically so as to distinguish themselves from everyone else that was claiming to be métis, thereby reinventing the idea and identity of Métis to reflect the unique people and culture. The point and reality I wish to convey here, is that the Government of Canada was both directly and indirectly involved in the creation of the Métis people today. Because for the most part, most hybrid categories, like the Métis, tend to get assimilated into dominate culture. But because of the population size and their strong belief in their own identity, I believe the Métis were able to establish themselves as a distinct people. With the majority of the 25,000 disenfranchised Indians turning to Métis status as a means to keeping their identity (LaRocque, 2001). This gave the Métis population the boost they need to go to

the next step in becoming a recognized people separate from the others, while also opening the door for official recognition through the 1982 Constitution. But it did not stop there. This idea of identity and who should be Métis is further hindered and questioned by the aforementioned Métis political organizations. As I will discuss in the next chapter, the issue of what it means to be Métis on a personal basis has become so much more than self-identification, it is no longer the creation of the people but rather of the government.

Chapter 3: Powley Revolution:

As I have discussed in the previous chapter, the differences of ideologies has cause the Métis to split based on perceptions of the same reality. This fracturing has led to different groups and associations to form and institute their own belief regarding the Métis. On one side we have the Métis National Council (MNC), formed in 1983, with their affiliated provincial Métis organizations located in the western part of Canada. The MNC is centered specially on Ontario to British Columbia Métis groups, claiming that they are the only true Métis people in Canada (MNC, n.d.; MNO, 2009). "...[T]he Métis National Council has made strong statements distancing themselves from their former constituency, calling them 'wannabees' (In much the same way that status Indian organizations currently dismiss Métis people)" (Lawrence, 2004 p85). This belief comes from the historical events that took place in Manitoba between 1869 and 1871. Because of this, they feel that they are the only true Métis due to their opposition to the Canadian settlement.

On the other side of this political divide, is the Congress of Aboriginal Peoples (CAP), founded in 1971. They believe in a more universal application to what it means to be a Métis. They believe that, given the nomadic heritage of the Métis, there is no clear set homeland for the Métis. The CAP believes that Métis have been across Canada from the very beginning of Métis history. For the Congress of Aboriginal People, there is no distinction between Western and Eastern Metis, rather just different types of Métis. All of which are determined by cultural heritage and unique cultural differences. For the most part the, the MNC is by far more predominantly portrayed in the literature and in the media, which according to the CAP has cause the information to be on sided and highly suggestive. However these issues will be looked in greater detail in the coming chapters. For now the issue remains focused on what happens when individual conflicts over identity begin to clash and the demand for an actual definition of Métis becomes increasingly problematic. This has occurred because there is a need for Métis to identify themselves in relation to an organization and a Métis identity. Because of this, there has been a constant critique over the legitimacy towards rulings and definitions put forward regarding Métis, which is why in 1993 the standard changed with one case.

Powley Case:

In 1993, Steve and Roddy Powley, father and son, were charged with hunting and killing a moose out of season and without a provincial licence (Teillet, 2009). The charges began with Steve Powley identifying himself as a Métis citizenship from the Sault Ste. Marie, Ontario Métis. Citing this membership as his reason for hunting without a licence, claiming he was within his rights, as a recognized Aboriginal group, to hunt for his subsistence needs. Upon investigation, the charges were dropped, claiming that the Powleys were in their rights to hunt as Métis, but the Ontario Attorney General appealed the decision, claiming they were still in violation of Ontario Hunting Laws. This appeal was denied, but it did not stop there. Through a series of appeals and denials, the case finally ended up in the Supreme Court of Canada. The trial concluded with the confirmation of the original ruling of the very first judge. The Supreme Court judge claimed that they were well within their rights as Métis citizens, to hunt for the purpose of necessity as covered by the harvesting rights in Ontario (Teillet, 2009). What made this case so important in relation to all the other cases before it is that the judges took all the issues regarding Métis identity and its lack of consistency between parties, and created a regulatory system. This system became known as the Powley test, the Powley points or quite simply the Powley trial.

The first part of the ruling saw the creation of the ten point testing guide, structured off of the Van der Peet test to better apply to Métis. The Van der Peet test, created in 1996, from a Canadian Supreme Court ruling, is a series of points that an Aboriginal individual has to meet to be considered a member of a First Nation's heritage and culture, basically whether or not they can call themselves an 'Indian' or Inuit. The reason this test was used and later modified for the Métis was because it outlines all the basic values and necessities for defining an Aboriginal person based on both traditional understandings and created beliefs, meaning the test was designed with aboriginal standards and practicality in mind. The part that was modified for the Métis was the issue of pre-contact. In the Van der Peet test, one of the points a candidate had to prove was a connection to and proof of a First Nation people in an area before European Contact (R. v. Powley, 2003). Basically for the Van der Peet test, the individual has to show that their aboriginal community existed in the area before Europeans took dominion over the land and implemented their laws over it. Seeing that the

Métis are a direct product of European contact, this point had to be changed to reflect the uniqueness of the Métis; therefore the point was changed to: ‘Before Effective Control’. What Effective Control referred to was the relative specific point in time when the Canadian government took control or dominion over the land (Teillet, 2009). How this applied to the Métis, as that individual had to prove the existence of a Métis community or settlement in an area before the Canadian Government instituted control over the land or area, i.e. before the creation of a province or territory. This was done through territorial records, census records, and traditional knowledge. In combination, the idea was that Métis would be able to prove their stake or place within a specific area before Canadian control. Only then would they be considered valid for the purpose of the test.

The second ruling created the Three Point Testing System, specifically geared towards identifying Métis individuals who ‘qualify’ for acknowledgement under the s.35 of the Constitution. This is where the distinction between the two levels of recognition in Canadian politics emerges. The way that the Powley system is set up to function, is that the individual first has to meet the requirements of these three points, referred to as the Three Point Test. Only after the individual has passed these points, can they go on to demonstrate the whole test, which is made up of the ten points from Van der Peet. The Powley points, which are the focus of this thesis, include: Self Identification, Blood Connection/Ancestral Heritage and Ties to the Community (R. v. Powley, 2003). To clarify, these three points form the basis for each provincial Métis group’s system for membership or citizenship to their community. To become a member of a community or citizen, an individual must first demonstrate each of these three points, meaning they must prove, an ancestral connection, ties to a community and they have to self-identify as a Métis. Only after meeting these requirements, to the standards of the particular provincial organization, can the person call themselves as Métis citizen, achieving citizenship or membership to that Métis community. This membership or citizenship is not an official status, rather only recognition of being Métis, which is the first step in actually attempting for Métis status. The way this works, is that the organizations offer membership to their organizations which then allows citizenship to their specific community. What this does for the Métis is allow them access to specific rights and privileges like Harvesting Rights, like those expressed by Steve Powley. To attain actual protected status as an Aboriginal Métis, the individual has to complete the Powley

points/test as a whole. Only then do they become covered by the 1982 Constitution Act. For the purposes of this thesis, I will use interchangeably membership and citizenship because the organizations themselves use them interchangeably. The use of either is solely based on the organization using the term.

Therefore, only after fulfilling these steps and having membership, can an individual then pursue a claim for status in the eyes of the Federal Government. Only through the Federal Government can official status be recognized, meaning recognition across Canada, whereas the citizenship/membership given by the provincial organizations only applies to the province it was issued in, basically it only means that the organization or community recognizes them as a Métis. It does not mean they are ‘officially’ Métis, only that they are recognized or seen as Métis by the people who gave it, but even that membership is challenged by the different groups of Métis. To achieve this ‘official status’ an individual needs to then meet the requirements put forward in the ten point system, the updated Van der Peet test. It is only then can a person achieve full recognition as a Métis. For a Métis, having official status means that the person is recognized and protected by the Constitutional Act as declared in the Constitution.

The final part to the Powley ruling, which directly affects and influences Métis identity, deals with the definition process, specifically the question of there being ‘other Métis communities’. The Judge concluded that all Métis communities are valid regardless of location within Canada, as long as they are proven to be a Métis community, a fact easily forgotten by most (R. v. Powley, 2003). This refers to other Métis communities outside of the Red River Area. As mentioned before, there is a disagreement over which communities are deemed as ‘true’ Métis homelands. The argument, put forward by the Métis National Council (MNC), is that only the communities in the west and specifically the Red River area in Manitoba are the only true communities (Pannekoek, 2001). This stems from the Red River Rebellion and Louis Riel which eventually saw the creation of the province of Manitoba for the Métis in 1870. Because of this belief of being the only ‘true’ Métis people, a universal definition was not made. Therefore, the case put forward by the Congress of Aboriginal Peoples (CAP) affiliated Métis, gains ground in their push for a universal

understanding of Métis identity. However this is one of the few good things to come from the Powley case.

The reason I focus on these three points specifically is because the Supreme Court directly said that the point system was never meant to be used as an official identification system, but rather to define the ‘Métis’ referred to in the 1982 Constitution. As Jean Teillet, a great grandniece of Louis Riel, writes in her Métis Law summary:

“The Court did not set out a comprehensive definition of Métis for all purposes. It did, however, set out the basic means to identify Métis rights-holders. The Courts identified three broad factors: self-identification, ancestral connection to the historic Métis community and community acceptance” (Teillet, 2009 p30).

What this meant was that the system was not created to define citizenship or membership for people to become Métis, rather it was created to define people who were already Métis citizens and give them the chance to attempt a case for official status in Canada, because not every métis is a Métis. There is a clear distinction between individuals who fall into the category of métis and are Métis versus people claiming to be ‘Métis’ but have no actual ties to the Métis community save for being in the category. The intention was to define individuals referred to in the Constitution Act, meaning those that qualified to be status holders or official Métis. One of the rulings outlined in the case was that there are two forms of Métis: those that qualify for Status and those that do not. What they meant by this, was that not all people of mixed heritage qualified to be Métis so a distinction between them was created (Lischke and McNab, 2007; Teillet n.d.). The created purpose of the Powley test was to define which individuals qualified to be official Métis under the Constitution, ones that were pre-acknowledged as being Métis through their communities. However because of the lack of agreement and clarity on what constitutes a Métis, the test has been repurposed to decide which individuals can enter into a Métis membership and achieve a citizenship, i.e. a Métis community test. Instead being used to define Métis who should have official status under the Constitution, the test is being used to ‘make’ Métis. Another way to look at this is that the test is being used to make métis (the category) instead of Métis (the people). What happens now is that the test is now being used out of context, away from its original purpose, to be used as a method to define community entry; thereby imposing a very specific idea

onto all Métis without considering the cultural variations and the applicability of the Three Point Test (Chartrand, 2008; Grammond and Groulx, 2009; Teillet, 2007 & 2009).

Points of Powley:

As mentioned before, the Powley test is made from an updated version of the Van Der Peet, updated to include the unique aspect of Métis. The first point in the test centers around the issue of rights, referred to as: Characterization of the Right. ‘Characterization’ refers to the use or manipulation of whatever ‘right’ the person or issue focuses on, this ‘right’ refers to anything covered by the provincial and organizational Harvesting Rights, this includes anything regarding subsistence acquisition such as hunting, fishing, or even foresting (Teillet, n.d. & 2009). The question asked in the first point is: what is the right being used for; such as is it being used for personal use or is it being used for commercial use. The second point in the test is: Identification of the Historical Rights Bearing Community, where “[a]n historical Métis community was a group of Métis with a distinct collective identity, who lived together in the same geographical area and shared a common way of life” (Teillet, n.d. p3). Basically meaning the community is not new, and has traditions that can be traced back to a much earlier Métis community that existed before the time of Effective Control. The third point in the test, Identification of the Contemporary Rights Bearing Community, is somewhat a unique point as it is made up of two parts. “First, the community must self-identify as a Métis community. Second, there must be proof that the contemporary Métis community is a continuation of the historical Métis community” (Teillet, n.d. p3). What this point does, is that it becomes reliant on the past to justify and give legitimacy to the person’s claim, meaning if the person is not able to prove a historical connection, then they risk not being defined as a true Métis community.

The fourth point in this test: Verification of Membership in the Contemporary Métis Community, involves identifying individuals ‘objectively’ through a process, to which the Supreme Court created the Powley points, self-identification, ancestral connection, and community acceptance, labeling them as a general basis for further exploration (Teillet, n.d.). For this point in the test to work, it involves the candidate meeting the Three Point Test, which in itself is redundant, because to get to this point, ‘taking the test’, the person had to already be considered a Métis, which now is through meeting the three points. The

fifth point in the test involves: Identification of the Relevant Time. This involves finding out if the said ‘practice’ was crucial and integral to their way of life. What is meant by ‘practice’ is anything that is culturally relevant to the community and culture. These would include anything from fishing techniques to clothes making. For this point to work, it had to have been important and instrumental, in both the historical and present, meaning that this need for the ‘practice’ is something that is not new to the community but rather something that has always been a part of their lives, therefore a continuation of it (Teillet, n.d. & 2009). Also they needed to establish if the ‘right’ in question was integral to their way of life before effective control by the government, before “European laws and customs” (Teillet, n.d., p 3).

The sixth point asks: Was the Practice Integral to the Claimant’s Distinctive Culture. “The Court asks whether the practice ... is an important aspect of Métis life and a defining feature of their special relationship to the land” (Teillet, n.d. p4). The key here is that the questioned ‘right’ or ‘practice’ was integral to that specific distinct culture, such as, is hunting for food necessary to that community or person (Teillet, n.d.). The seventh point in the test: Continuity Between the Historic Practice and the Contemporary Right, questions if the current claim for the ‘right’ is a proven continuation of historical traditions (Teillet, n.d. & 2009). In other words, is the current claim something that has ties to the past and continues to be integral in the contemporary community’s daily life or is it only a recent claim. In the eighth point: Extinguishment, asks if the ‘right’ of the aboriginal was abolished or taken away with the implementation of European laws. This could have happened in a number of ways, such as laws, treaties or agreement between the aboriginal people and the government (Teillet, n.d. & 2009). Did the aboriginal group or individual lose their rights due to the government’s actions? If so does it merit recognition or does it stay extinguished?

The ninth point involves the issue of: Infringement. “No rights are absolute and this is as true for Métis rights as for any other rights. This means that Métis rights can be limited (infringed) for various reasons” (Teillet, n.d., p. 4). What this meant Métis, was that rights can be changed or limited at any time, but the question is, if it did happen, was it necessary on the part of the government? If so, then why and can it be reversed? The tenth and final point in this Powley test involves: Justification. This final point plays into the ninth point, in that it asks if the infringement was justified. But the government has to prove that the

infringement was justified due to a threat to the environment such as through hunting or logging (Teillet, n.d. & 2009). From these ten points, we have the creation of the complete Powley points [for a complete detailed description as presented in the Powley trial records, refer to Appendix 2]. These ten points make up the whole system by which Métis applicants need to complete and prove for their Métis claim to be given legitimacy as Métis, protected under the s.35 of the 1982 Constitution Act. These points form a test of identity for the Métis. In essence this system becomes the whole reality for Métis, defining their world. Their identity becomes what the Powley points dictate it to be. This happens because the test becomes the standard and to be Métis, a person has to ‘be’ the test. Therefore a Métis’ identity becomes that of the test because the test defines how they should and can be.

Post-Powley Reality:

In a post-Powley reality, we see a change in the formation of Métis identity and self. “The test applies to Métis communities across Canada” (Teillet, n.d. p1), thus becoming the standard for identifying Métis, i.e. ‘making’ Métis. Through the Powley system, there is an inherent creation of a specific image of what a Métis should be, while giving very little weight to personal identification. Métis are able to self-identify as Métis but there is an inherent push for Métis to develop this identity within the confines of the Powley points. So now we have a situation where the people are no longer in charge of creating their own identity, in the sense of self as they did before Powley and after the Constitution was adopted. Instead they have to meet someone else’s idea of Métis identity (Chartrand, 2008; Grammond and Groulx, 2009; Lischke and McNab, 2007).

The Powley points have created a shift in power over who decides what a Métis is (Chartrand, 2008). Instead of bringing Métis closer to standardization, it is creating a new category of people or Métis, one that falls in-between the category of a ‘recognized’ Métis and the ‘other’ Métis, thereby making a ‘new’ Métis population. These are people that are not recognized as verified Métis but are still regarded as Métis by the community and/or organization to which they subscribe too, which I refer to as ‘Non-Member Métis’. These ‘Non-Member’ Métis are people recognized as Métis in their community or organization, but due to whatever reasons, such as not meeting a requirement, they are not able to meet the requirements of Powley and thus making them unable to qualify for status from the Federal

Government. However at the same time, these individuals may not qualify for status recognition, but are still considered Métis by their own people. Which begs the question: why are these people not qualifying to be Métis? If they already have acceptance by their community as being Métis then why are they not able to officially get the recognition? Having community acceptance is a requirement of the test, but why is that not enough? If a person is able to achieve acceptance from a community, does that not mean that person met whatever requirements set out by that particular community? This would mean the community accepts that person's claims towards aboriginality, and in this case Métis-ness, why then is this not enough for a claim to official status?

This I say comes from the current situation involving the use of the Powley points and system. This idea of 'New' Métis, comes from my belief that the three point Powley test/points is not working in defining true 'Métis-ness', but rather it denies people access to getting Federally recognized status. Because instead of looking at the life lived by the person claiming to be Métis, the test requires the person to become the Métis outline in the points, taking away from the actual meaning of being Métis, whatever that may be for that person or community. How can there be a set idea of Métis-ness if the very nature of the people is situated in the blending of heritages and cultures. Does that mean some aspects are valued over others? I say that there are aspects favored over others and this belief is perpetuated by the Powley points, because the points only look at specific areas of Métis existence and demand only that, thereby creating a bias towards one particular way while leaving the others to be excluded solely because of ideologies not fitting with the preferred one.

Self-Identification:

The first point of the three point test/system, self-identifying, raises the issue of what does it mean to self-identify? As a people, we change and shift between identities based on personal experience, expectations and societal pressures all of which directly influence and shape our internal and external perceptions of self. In all cases when a person subscribes to a particular identity, there is an associated understanding of what that identity is and how it should be. For Métis, this idea of self-identification becomes more cumbersome than practical, because of the super imposing of government ideologies over that of the people themselves (Alfred, 2011).

What this means for the Métis, is that identity has become a state delegated one. Based primarily on what has been determined as acceptable Métis identity markers (Simpson, 2011). This is being done through different court cases, where the ideals of the government become the standard for the people because it becomes official action. What I mean by this is that Métis is no longer 'Métis' identity, instead because of government policy and influence, has become what the government wants it to be. Therefore Métis identity is not from the Métis people themselves but rather from the government (Alfred, 2011). This goes back to the earlier notion of the fracturing of Métis people and their identity. Through the Powley system, the distinction between Métis of one type and Métis of another becomes more pronounced, causing the individuals to identify in numerous ways to meet the different requirements placed on them (Alfred, 2011; Simpson, 2011). The notion of self-identification becomes something no longer of the person but rather the requirements of the government through the use of the Powley system, which through extension of the courts and their ruling in this case, becomes a government instituted identity. To the point where natives have to meet the requirements of a non-native government to 'become' native and in this case, become Métis (Simpson, 2011). What is happening is the natives own system for recognition or self-identifying, pre-Powley, becomes overlapped by that of the government, with the government's view taking precedent over that of the people (Simpson, 2011). In essence self-identification becomes a form of government identification because the people identify in a way that reflects what the government imposes (Alfred, 2011). Therefore the new identity of the Powley system introduces a new manner of thinking, one which the people may not want to subscribe to, maybe because of not agreeing with or not being able to meet the underlining requirements. As mentioned before, the whole aspect of self-identity, through the Powley system, becomes something that is restrictively linked to the other parts of the system. To meet the very first part of the test you need to have already met the other aspects of the test. And this is just for self-identifying. With the new system, an individual has to show his or her connectedness across the specified markers of Métis identity. The Métis are forced from an open-ended understanding of self-identifying to a narrowly defined idea of Métis identity controlled by the government through policy and laws (Alfred, 2011).

As Audra Simpson discussed in her lecture on Aboriginal Identity: identity has become the property of the government, becoming a government governed institution (Simpson 2011). This new identity now becomes a controlled dispensary for benefits and rights. For an Aboriginal, achieving a Native status comes with certain benefits and privileges. These official Aboriginal status privileges differ from those of an organizational/community, in that they are a universal recognition of their rights as Métis and as an Aboriginal in Canada. This would mean their Metis identity is official acknowledge across Canada and cannot be contested, whereas recognition from an organization only gives site specific benefits within the province it was given. What is meant by site specific rights, is that this particular organization or community has achieved a recognition of a certain right, such as a harvesting privilege, that is only applicable that community alone. It cannot be transferred or applied to another group of Métis outside their own membership; therefore the rights remain within the specific group of Métis. These privileges or rights include such things as tax exemptions and access to certain benefits regarding hunting, such as not needing a permit to hunt or fish out of season. All of which are a source of revenue for the government, because they are regulated by permit sales. So by controlling the identity of an aboriginal group, the government can limit its financial obligations. With the government creating the Powley points, it controls who can become a Métis, and by controlling who become a Métis, they control how much revenue they lose through aboriginal only privileges (Simpson, 2011). Resulting in an identity standard not of the people and not controlled or maintained for their benefit.

In the Blood:

The system of self-identity then becomes something that needs to be controlled, but how to control who can identify as a Métis or native? The determinate then becomes reliant on blood, and the connection to the ancestor with a connection to the community, becoming a Blood quantum (Simpson, 2011, Strong and Van Winkle, 1996). Whereas before the system, proving blood ties was not that much of an issue but rather the focus was on community relationships and your involvement in it as a member. But after the introduction of the Powley system, it has come down to proving ‘facts’ of heritage and connection through ‘official’ means or ‘proofs’. All of which is done to achieve membership, which

leads to citizenship to a particular organization. However issues of “[b]lood quantum, important as it may be, is never the sole marker of Indian identity” (Strong and Van Winkle, 1996 p555). Instead identity should be “grounded more in shared history, social ties, and attachment to place than in objectified ancestry (Strong and Van Winkle, 1996 p555). However, words like citizenship and membership are used by the Métis and other aboriginal people, not because they want to, but rather because they have too and because it is expected of them (Simpson, 2011). This all related back to the idea that there needs to be a connection to the ‘blood’, since Métis do not have to prove this connection, they are then expected to prove another form of connectedness.

So the ‘blood’ connection is replaced with community and people connection, which is why the need for these connections and the actual use of the terms are deemed necessary by the government. The Métis, like any other aboriginal people, use these terms because this is how the government views them and expects from them. So therefore to be understood, the Métis use their ‘language’ (Simpson, 2011). This ‘language’ refers specifically to the vocabulary used by the government to define their terms of aboriginal life, much like how the Indian Act defined Indians. For example, how Eskimo was for the longest time used to refer to the Inuit. Regardless if the terminology was applicable to the people, it was still used in government policy, causing the Inuit to change their ‘words’ to fit with those of the government. When dealing with overlapping of identity standards, using a common vocabulary ensures the message is understood and not tossed aside as arbitrary or for incompatibility reasons, which is why the Métis use the government’s terminology as their own (Simpson, 2011). It ensures that they are ‘understood’ and that there cannot be any confusion later on.

Ancestral Connection:

The second point in the Powley system: Ancestral Connections or as it is more commonly known ‘blood ties’ involves the connection of the Métis individual to their ancestry, looking how connected are they to the traditional heritage. In Ancestral Connections, there is no blood quantum for a person to use to define their link to Métis heritage; however they are encouraged to prove recency to a certain extent, as discussed in the previous section. Blood quantum is the idea that there needs to be a ‘minimum’ amount

of aboriginal ancestry, focusing on how far removed the connection is to said ancestor (Strong and Van Winkle, 1996). So what that means, is that people applying for Métis citizenship or status can go as far back as needed to find the ancestral connection.

Aside from the ‘no minimum’ blood requirement issue, the courts did outline where and how ancestry is achieved or deemed valid. The judges in the Powley trial deemed three specific means to Ancestral Connection: Birth, Adoption and ‘Other Means’ (R. v. Powley, 2003; Teillet, n.d., 2007 & 2009). The first two are relatively self-evident in that they do not need an explanation, but the third poses a problem. What does by ‘Other Means’ mean or refer to? As Jean Teillet says in her evaluation of the Powley case, the courts declared that this issue would have to be defined in future court cases [and to my knowledge this still has not been addressed in any of the court cases since the Powley case] (Teillet, 2009 & n.d.). Just in itself, this point becomes problematic for its lack of clarity. For a system like the Powley points to work, there needs to be a level of stability, but with an aspect defined as ‘Other Means’ without defining it, the court opened the door to doubt and interpretation with every future court challenge. Just through an evaluation of the three sub-points, that define ancestry connection, we see that the third option begs the question, what ‘Other Means’ can there be when defining ancestry outside of the other two means: direct descent, descent through birth and blood relation, and descent through adoption, referring to family lineage of an adopted ancestor in a community. Therefore, what ‘other means’ is the system referring too?

Is the Powley system and the Supreme Court referring to people that are not adopted or not related, but are deemed part of the family, such as in the case with Fictive kinship? With fictive kinship, the connection to this particular person is so deep that relational boundaries become blurred and the person becomes a member of the family, such as a godparent. Or is it even as convoluted as something as a ‘blood brother’s pack’? Where a bond or promise is made between two people to form a family like connection between them? Or is the court referring to Affinal kinship where membership is through marriage, much in the same way a woman marrying a First Nation man receives full status as a Native? Would an individual marry a Métis be given Métis status, if said person had it from their community? It is issues like this, which cause doubt to surface in regards to the Powley

system, in how it is going to justify and define the ‘other means’ category. Is it going to leave people out or is it going to bring people in? But even more, what does that mean to have an ancestral community? Does that mean a village, town or settlement? Does it have to be Métis exclusive or Métis related, in other words solely a Métis community or just being associated with Métis? By using Métis exclusive terms, then the Red River Settlement would lose its claim, mostly due to the fact the community was created by the Hudson Bay Company as a retirement community for all its workers and not just the Métis. It only became Métis associated after the Métis reclaimed it as their homeland. This is why clarity is so important for issues like Powley. Without a clear standard or definition, the test becomes irrelevant because it will not be able to maintain its own standard. Because if every belief can be question due to its inconsistencies, how then can this system be considered reliable?

Community Acceptance:

The third and final sub-point in defining eligible Métis according to Powley is: Community Acceptance. What this category entails is that the applicant must have both ties to a current/contemporary community as well as ties to a historical community and that there is a connection and continuation between the two. In Community Acceptance, the goal is to ensure that the applicant’s claim to being ‘Métis’ is not a new thing. If we refer to a point made earlier, the original intent of the Powley test was to identify individuals that were already considered Métis, through an organization, giving these differentiated Métis the chance to attempt for official status under the s.35 section of the Constitution; therefore this point of ancestral connection was created to verify a person’s claim to status. Also for the applicant to be considered a candidate for membership, they have to prove acceptance as a member of a community by the community they lay claim to, it is not enough to just say that you live in a Métis or Native community, the applicants have to be actively viewed as a member (Gagne et al., 2011; Teillet, n.d.). Thus the group in question would have to validate your claims of community interaction, confirming your claims, which is how the issue of membership and citizenship comes into play.

This, indecently, reflects the main difference between the two levels of recognition. The main difference is that there are provincial/organizational Métis and there are the Constitution Métis. How these two relate and overlap is seen through the actual process. To

be a recognized Métis, though the Constitution, a Métis first has to be recognized by the community as being a Métis, thus making the Constitution Métis ‘official’ Métis, as they have proved their identity through the full ten points of the Powley test. To get to the point of the ten point test, individuals first had to meet the three point test of the Powley system. The purpose of the three point test is to differentiate Métis from the general métis population. These are people that claim to be Métis but have not proven or been accepted as such. From these people, individuals become affiliated with Métis organizations becoming an affiliated ‘Métis’. These affiliated Métis are then given the three point Powley test to determine which candidates qualify for the ten point test, which would untimely give them status if they are able to meet the requirements

The second part to this third requirement, involves the person proving that they have an ongoing connection to a historical community. “... [C]ommunity acceptance requirement is that in order to claim s. 35 status rights it is not enough to prove a genealogical connection to a historic Métis community and then join a Métis organization. One must have a ‘past and ongoing’ relationship to the Métis Community” (Teillet n.d. p5). What this means is that the candidate needs to prove a connection to the past, and like the other two points in the system before, this can be problematic. What this point is looking for, is the continuation of tradition and history with the past community all the way to the current community. As mentioned before, Métis were highly mobile and nomadic, making it hard to have a recognized established community to draw heritage from. The actual implications of this nomadism will be looked at in greater detail in the following chapter. Suffice to say, the third point to the Powley system, involves proof of a connection to a past that some Métis may not be able to provide, simply because their ancestor, does this make them any less of a Métis?

How then does someone constitute another person having enough connection to a community to be considered connected to it? The requirement set out by the Powley ruling, has it that the person needs to prove that his or her connection or claim of being Métis is something that is site specific, meaning the candidate has to prove his or her ancestors either lived in the same place and practiced the same traditions as the candidate does now, hereby proving that traditions and lifestyles have remained constant through the generations and remain important to that community. Begging the question, what if a person is not able to

show a link between the past to the present in an acceptable manner? What happens then is that these questions goes to Canadian court to be resolved; leading into my next chapter which looks at what happens after Powley creates ambiguity.

Chapter 4: Challenging the Courts:

As I have discussed in the previous chapter, the issues regarding Powley and what it means for Métis is not an easy one. By becoming so far rooted in Métis politics, Powley has become something more than just another court case; it has become ‘The Court Case’. In itself, the Powley points have created more confusion and questions than it actually solved when it was created. Métis have been left in ambiguity regarding their identity, causing many of them to actually take up their cases in court, to try to at least make sense of what is expected of them. Which is why in this chapter, the focus will be on the shortcomings of the Powley test as it applies to the different aspects of Métis life. I also want to look at how these trials changed the expectations of the Powley points by how they changed the standard.

From its lack of clarity to its restrictions in definitions, this chapter is geared to show how the Powley test has failed the Métis and how they themselves have had to clarify things that should have been done in the first place with Powley. For a Métis, historically speaking, they were caught between two different identities and because of that, were able to interact with both, therefore Métis identity is fluid. It changes and adapts based on the needs of the people and the context they are in, all of which reaffirms the fact that Métis identity is a combination of traditions and ideas based on availability and necessity (R. v. Blais 2003; Teillet, 2009). The reason this point is important is because Métis identity is not fixed and should not be treated as if it were and because of the search for the ‘one true Métis’, we have the current situation seen today in Métis politics, i.e. the division of Métis organizations. With the organizations using the Powley system as a tool to identify Métis, Métis themselves are getting lost within the less defined areas of the whole system.

The Van der Peet Influence:

Today there is the Powley test but before Powley there was Van der Peet. The original purpose of the Van der Peet test, as discussed in the previous chapters, was to identify First Nations claims regarding their ancestral claims to rights, traditions, culture, and treaties before the influence of European settlers and government. The reason this test was chosen as a template for Powley, was because it was already universally used and recognized within Canadian courts, as a working system for First Nations, Indians. When the courts

redefined Van der Peet for Powley, they instituted a new clause for Métis, which changed the actual time frame for the Métis regarding one of the points, institution ‘Before Effective Control’. However for Métis this meant that their settlement or community had to have existed or been established as a separate distinct community before the European (Canadian) Government laws and regulations. “The Supreme Court held that a Métis community can be defined as a group of Métis with a distinct identity, living together in a same geographical area and sharing a common way of life” (R. v. Belhumeur, 2007 para. 144), thereby expanding the actual boundaries not specified in Powley.

In the end, this new explanation or standard implemented creates two assumptions of all Métis. One, that all Métis were sedentary and living within a specific area. Two, that they were all visible, both publically and personally. The assumption was that all Métis were able to express themselves as Métis, thereby creating records of their identity. However what the courts did not consider, when Powley was created, was the issue of historical social pressures on Métis to not be Métis. As we have looked in the previous chapters, Métis were constantly in the process of defending and defining their identity as Métis within the newly formed Canadian Government, while at the same time being told they should not be and instead should assimilate. Because of this many Métis actually ended up hiding their identity as Métis from the public and socially, thereby becoming hidden Métis.

Hiding in Plain Sight:

The issues behind ‘hidden’ Métis, deals with the idea that communities disappeared, only to resurface later on. The question raised was, were these communities still valid in making claims for identity. The trail judge in Powley 2001 addressed these issues directly, stating that

“... although their [Métis] community became ‘invisible’ it did not disappear. The ‘invisibility’ or relative lack of profile of the Métis community was explained not by its disappearance, but by the fact that powerful social and political factors discouraged visibility and that the community reacted accordingly. It is simply not possible to assess the resilience of the Métis community without taking into account the historical context in which it existed and the pressures to which it was subject” (R. v. Powley, 2001 para. 135).

What this meant was that regardless of Métis being ‘hidden’, they still carried the Métis traditions and life styles. But because of either personal choice or societal pressures, the Métis kept these beliefs and identity hidden, thereby removing themselves from the records as being Métis because they never declared that they were. The reasons remain numerous, but the point made by the Métis is that if people were keeping their Métis identity a ‘secret’, in the context of pre-1982 Constitution, but still practiced their beliefs and heritage, how do we valid date or prove these claims?

As the judge for 2001 Powley trial stated, “... the continuity test should be applied with sufficient flexibility to take into account the vulnerability and historical disadvantages of the Métis” (R. v. Powley, 2001 para. 136). If not, then we could easily become too rigid in our demands, causing people to be excluded based on historical decisions outside of their control. However it still remains quite difficult to prove, which is why each Métis applicant is given the chance to prove their case for a ‘hidden’ heritage. However regardless of the expressed belief in allowing Métis to prove their own heritage, the issue still remains on the lack of ‘proof’. In a court of law this would fall under hearsay, where a person’s retelling of events cannot be varied therefore questionable, which is why many Métis are not able to prove their cultural existence because quite simply, no one kept a record. This issue becomes even more exacerbated when dealing with nomadic heritage. How do you prove that someone had claim to an area, if there was never any concrete proof of them actually being there, besides minimal evidence such as traditions or oral history?

Nomads:

The Métis are known for their nomadism, it is their definition trait. They were traders, travelers, hunters, and foremost explorers, all following the fur trade, allowing the Métis to explore and visit vast portions of the Canadian wild. However, this aspect to Métis history has been made to be unimportant and irrelevant to today’s issues of identity. The whole fact that Métis were highly nomadic is no longer being given the weight it should be when evaluating an individual’s claim. When a Métis attempts an application for Métis status, he or she is expected to provide certain ‘proofs’ of their cultural background. These include proof of culture and proof of community in both the contemporary and historical, meaning the community had to be present in the past and continued to present day. But the

issue here is that this becomes increasingly difficult to prove for a nomadic people. How do you prove a land specific community for a people that for the majority of Canadian history did not stay in one place? What this does then, is that the Powley system is creating an assumption that early Métis were all settlers and therefore sedentary, making the belief that metis should be able to prove a certain community as being their own.

However what remains neglected is the fact that the Métis moved and did not begin to settle until much later into Canadian history. What happens and is happening is the exclusion of these Métis based on their history or rather lack of it. When dealing with nomadic people and heritage, it becomes increasingly complicated and difficult to record just when and where the people have been, unless a direct action was taken to register their movements, thereby making it significantly harder to follow than a recorded life of settlers. How this becomes an issue is because the Powley system introduces a specific way to look at Métis, basically creating one version of Métis. This new version then becomes counter to a vast number of Métis across Canada because they cannot actually meet the requirements. The system itself requires for an individual to provide proof of a connection to a historical Métis community, one that was cemented to an area and remained consistently Métis oriented. What this means, is that the person need to find records that their ancestors were associated to a specific area or community, i.e. a town like Sault Saint Marie. But the point I am trying to make, is that not all Métis were sedentary; therefore they may not have a physical community to speak of, what then? It is because of issues like this and the lack of clarity, that the remainder of this chapter will look at several recent court cases that directly address some of the many short comings of Powley.

Laviolette:

In 2005, the judge, in the R. v. Laviolette case, declared that a Métis community did not have to be confined to one specific place, such as Red River or Sault Saint Marie, thereby expanding the reach and definition of a community. The judge also stated that in general, Métis were highly mobile and thus formed vast networks of communities, which attributed to this extended community concept. This mobility led to the creation of ‘hubs’ or pockets of communities that varied in importance depending on the specific time (R. v. Laviolette, 2005). These Métis communities were not officially viewed or considered Métis

communities, but rather they became hubs for the different trading needs. This was mostly due to the mobility of the Métis, leaving the hubs to be maintained and regulated by vast family networks (Macdougall 2010 (A) & (B); R. v. Laviolette, 2005). These Métis ‘communities’ were the places the traders moved through depending on the time and current trade, which is why these places never really became Métis specific, instead they only became important when it was needed to be. The judge also made a statement saying he agreed with the Powley system in that a community is a group of people living in the same area, with a distinctive culture. But he also said that the community did not have to be part of a bigger community or group (2005).

“Within the larger network, certain fixed settlements developed as trade and transportation hubs. ... Constant movement between the fixed settlements allowed the Métis in the area to develop and maintain significant trade and kinship connections throughout the region and with the larger network of Métis people” (R. v. Laviolette, 2005 para 26).

The question now becomes why the push for static locations and proving of communities? If a people are defined by their movements, would not an expectation for them to be sedentary become contradictory? It leaves one to wonder why such belief exists, does it favor someone’s particular version of Métis-ness or is it reflective of an actual people? This is why the question of community or what constituted one is so important to Métis politics.

Willison:

This issue of sedentary community versus nomadic community was recently addressed in the court trial involving Gregory Willison in 2006. In this trial, the question of what constituted a community for the purposes of making a claim was questioned. Willison was initially denied his claim to Métis status because his ‘community’ could not be verified because of his lack of community proof. This issue revolved around having a fixed community versus a nomadic one. One of the important aspects to this trial result was the judge’s statement towards what constituted a Métis community on the land. “I am persuaded, as submitted by Mr. Willison, that the finding of a Métis community does not require evidence of a ‘settlement’ in a given area. However, there must be evidence of a community ‘on the land’” (R. v. Willison, 2006 para. 24). What this meant for nomadic Métis, is that there only had to proof of their existence on the land, which requires showing that they did

indeed live on the land at one point and that this land was important to their culture. The trial judge also made it clear that nomadic Métis moved and were constantly connected to different central hubs throughout the Métis network, addressing the issue of Powley's standard for fixed communities (R. v. Willison, 2006). Another important claim concerning mobility made during the trial made a distinction to the s.35 of the 1982 Constitution Act.

"Section 35 must be interpreted in light of its purpose. If Métis are characterized by mobility, a requirement that one find a Métis settlement before an aboriginal right to hunt can be established is to put a significant obstacle in the way of any finding of a Métis right. It is difficult to conclude that the frames of the Constitution intended that mobility, which is a key characteristic of Métis people, should at the same time be a bar to them exercising their s.35 rights (R. v. Willison, 2006 para. 28).

What this means for the Métis, is that their historical mobility should not be used against them, instead there should be an extension of what it means to be 'on the land'. Currently this trial is under appeal and the official results are not yet made. Therefore it should be interesting to see the impact this trial will have on the bearing on Métis communities and the Powley's definition of said communities.

The point this trial was trying to make, was that because some Métis are not able to prove an actual physical community in the area, they should not be excluded. This is why Métis, like Willison, are challenging the system, referring to the fact that Métis were nomadic and because of societal pressures, may have gone 'underground'. It is because of these ideas that the Métis feel they are missing out on their Métis identity for something they had little to no control over. This is the assumption being made by the use of the Powley test. So what this leaves us with is an exclusionary system catering to a specific idea of what a Métis should be not who they are. The reality is that not all Métis settled down and that many actually continued to travel and move around through a large portion of Canadian history. How then can we exclude this history in preference of an 'ideal' vision for Métis?

Because of these rigid thinking for standards, the focus for many of the Métis court cases has been to proving a continuation of ancestral traditions and culture along with proving a continuation of connection to a historical community, therefore the use of this system promotes being static and unchanging, whereas the Métis were not. This push for unchanged actually creates a discretion between what the people can provide and what is

expected from them. In the first part, the Métis need to prove that the traditions they do today were used by their ancestors. For example if you are cutting wood now for personal use, then you need to prove your ancestors in said historical community did the same thing. Which would then entitle the present person protection to do so, simple enough, but the catch is that the method and reasoning behind it has to be almost the same as their ancestors, meaning if they chop wood it had to be something that was vital to their ancestor. The issue here is the traditions and methods used by the past have to be continued to the present, which at the same time has to be linked to the other part of the Powley requirements. Such as proving you had an ancestral community or settlement in that particular area who practiced the same traditions as you. What happens now is that it takes away from the actual person and shifts the responsibility to the past, making it that the past generations becomes the deciding factor for present Métis. Without taking the present into consideration, the courts are expecting something of the Métis that is outside their control, such as early community and settlement creation.

Different Types:

Another major issue seen throughout many of the trials and in Métis politics is the question of ‘types’ of Métis. The basis of this issue comes from the different histories and traditions throughout Métis culture. As mentioned before, the Métis have always been considered one thing or another without actual consideration for the various Métis cultural variations, meaning they are expected to be one thing and only one thing. But in 2002, we see that this should not be the case. Métis are not all the same, yes they share a common history, but they are all different in how they created their identity. In the 2002 Howse trial, a claim was made that “... showed that Métis society was highly disparate in how they pursued their livelihoods. Many were hunters but many were ‘trappers and fishermen, while others worked as guides, interpreters tradesmen and post managers’ [Lafrance Exhibit 7, Tab2, p.2]” (R. v. Howse, 2002 para. 22). What this means for the Métis, is that there is more than one ‘type’ of Métis and that systems like Powley make it hard for these variations to come out. If their ancestor was one type of Métis, does that mean he or she was not the ‘right’ type of Métis. Also because of their historical trade, does that mean some Métis have fewer claims to a community than another? Would a trapper or a hunter have a harder time

claiming site specific residence versus a fisherman or a post manager who may never have left the community they were born in? In a sense we are penalising Métis based on their historical nomadism or rather their ancestor's choice of vocation.

Goodon:

This notion of their being a broader sense of a community was reconfirmed in 2009 with the Goodon trial. During this trial, the judge acknowledged that the Métis are historically nomadic and thus mobile, “[a]s the Métis were transient people, they gravitated between numerous small pockets of settlement that may or may not have remained permanent” (R. v. Goodon, 2009 para. 36). Therefore to expect an individual to prove that their ancestor had a specific community is unfair and unrealistic. Yes, there are those that do have a proven community but to expect this particular heritage on everyone without considering conditions beyond the individual, is a little extreme. This is why the trial judge in Goodon stressed the importance of community relations and the idea of Métis culture over that of specific land permanence.

“While the Métis community has changed, much of its traditions continue... In particular we heard descriptions of Métis dress, music, dance, oral history and storytelling, and food. We also heard about the attempt to preserve and emphasize the importance of the Métis language, Being Michif” (R. v. Goodon, 2009 para. 56).

So as you can see there is more to the idea of Métis than just land based community, it is the continuation of traditions beyond the past. To which the people are making it their own identity, going back to the fact that there are more than one ‘type’ of Métis.

Another aspect discussed in great length in most of the Métis cases, is the extent of their ‘Métis’ heritage, basically how long has your family been Métis? The question revolves around the notion of their being a blood quantum, as mentioned in the previous chapter. For most aboriginals in Canada, the minimum blood quantum is around one-eighth displacement from the sources. However, according to the courts and *Powley*, the Métis have no blood quantum. They can go back as far as needed, into their family, to prove their Métis connection. While according to the ruling in *Van der Peet*: “[t]he *Van der Peet* case makes it clear once again, that strict rules of evidence will not be used to deny aboriginal claimants the opportunity to prove their claim” (*Castonguay and Faucher v R.*, 2002 para 48), would

mean this no minimum blood quantum falls in line with this principle. However this notion of no blood quantum for the Métis is actually a fallacy.

Castonguay:

In 2002 during the trial of Castonguay and Faucher, the court actually ruled that there is in fact a blood quantum on the Métis heritage. The actual trial ended with both Mr. Castonguay and Mr. Faucher losing their case regarding their Métis claim due to a number of contributing factors, but one of the reasons dealt with the actual ‘distance’ the defendants used to make their claim to Métis heritage. For their case, Castonguay and Faucher had used an ancestral family member from the 1600s (Telliet, 2009), to which the judge concluded that, “[i]t would seem reasonable to conclude that evidence of more recent ancestral aboriginal connections would be required” (Castonguay and Faucher v. R., 2002 para 56). What this means in general for the Métis is that regardless of what is being said regarding their ancestral connection claims, there is indeed restrictions imposed that counter earlier claims. In this case, the claim that there is no blood quantum for the Métis is downright a claim towards a false statement. Why then even make the claim that there is not a minimum requirement, when one will be imposed regardless?

What these cases serve to show is that the Powley points are not complete and that they are not clear in their ‘directions’ and expectations from the Métis. This is something seen in many cases where before and after Powley the issues of Métis are not clear cut. Even the judge from the 2001 Powley trial made comment regarding the issues involving Métis identity.

“...It is impossible to define the rights of an entire people within the confines of one case. As the record in this case so amply demonstrates, claims of aboriginal rights are intensely fact specific, and involve a close, careful and detailed scrutiny of events long past. Recognition of a right on one set of factors does not necessarily mean that the right will be made out on the next set of facts. We must guard against the temptation to pronounce broadly upon all possible aspects of the rights of the Métis people and should instead confine ourselves to what is necessary for the resolution of the case before us...” (R. v. Powley, 2001 para. 75).

The current trend seen today, in where the Métis have to prove their Métis-ness through connection with their past, is that the courts already have an expectation of what these traditions should look like and those images are all based on historic beliefs. It is from

images and assumptions like these that end up holding back the Métis, not just in courts but life in general. In many court cases, the main reason anyone lost their case was due to lack of ‘evidence’ on the part of the defendant. This was because they could not prove their Métis-ness through ancestral connections or continuation of traditions. Judges would deem that whatever act was presented was not a ‘traditional’ act because it did not follow the acts of their ancestors in that area, meaning because their ancestors did not do it, then it cannot be a Métis tradition. Therefore because of these expectations, the Métis internalize this perceived reality solely for the purposes of the courts (Andersen, 2011). The people are becoming what the courts want and what they want is the traditional Métis. This is why I claim that, because of Powley, Métis today are holding back their culture so as to preserve the opportunity for future generations to make their claim to Métis status.

Courts and Powley as a Tool for Identity:

Because of the courts and the expectations created by them, the Métis are making certain aspects of their culture fixed. As mentioned before, the courts and Powley system are creating a standard to which many of the people cannot meet because quite simply the requirements are beyond them and catered to a certain perspective of what Métis reality should be. Therefore with this standard being imposed, the Métis are internalizing it as true and as being the only way to become ‘Métis’ (Andersen, 2011; Simpson, 2011). By internalizing these structures, the Métis are effectively perpetuating the ideology as being right, thereby ensuring that it continues. In fact the only reason, I feel, that this system continues to be used as such, is to allow future generations a chance to go after their own ‘Métis-ness’. By accepting what the courts deem as ‘traditional’ method of an ancestral connection, these become cemented as proof and valid for future generations. Thus ensuring these heritages cannot be refuted or changed later on, thereby allowing for the continuation of them.

Today Métis are governed by a system that directly influences their identity. This system is taken as being the answer to all the questions and issues concerning Métis politics and identity, but instead it has created more confusion and gaps than it fixed. Métis are left confused and lost in their claims because of the lack of clarity from the Powley system. Which is why since the end of the Powley trial, many of these issues have had to be taken to

the courts to actually provide clarification. This chapter was meant to show some of the many shortcomings created by Powley and what Métis have had to go through just to justify their own existence. From proving heritage to justifying cultural practices, Métis have had to prove all of them one way or another. Thus making the study of court cases so vital to anything Métis related, because Métis are essentially defined through the courts, effectively making them the product of policy and law. Even then, the identity of a Métis is never truly established, only parts of it. These parts are what make up Métis existence and reality. But what happens when Métis are asked to be Métis without stating what a Métis is? What happens to all the intricacies that define a personal belief regarding your own identity, does it shift the balance between real and make belief?

Chapter 5: Census Identity

According to the 2006 census, Métis are one of the fastest growing populations in Canada, boasting a massive 26% population increase since the 2001 census (Stats Can. 2012). Which is nothing compared to the staggering increase of 43% in the previous census, between 1996 and 2001 (Andersen, 2008). The census shows that the Métis are a growing and thriving people, at least on paper, what the census does not show is how this increase is happening. According to the compiled census information, this massive increase is not coming from births. Where then are these ‘Métis’ coming from? What kind of impact does this have on the actual population? Now you may be asking yourself why this matters at all, it matters because the census and its information determine Métis policy, not only policy but also political standing, government assistance and over all Métis identity.

Even researchers like Chris Andersen, who specializes in Native Studies, discredits the explanation given by census Canada. Who state that the increase comes from ‘métis’ individuals increased awareness of their identity and the position they are in (Andersen, 2008). It is impossible to say that these major increases in Métis population are attributed to heightened awareness of who they are. Instead, the reason lies elsewhere. As Andersen explains, “The term ‘Métis’ has been constituted according to *racial* rather than indigenous *national* constructions. In such an ordering, *any* (indigenous) individual who self identifies as Métis is counted as such” (Andersen, 2008 p348). Therefore, the way the census is created and laid out, anyone can claim to be Métis and be counted as such; thereby affecting the overall count of Métis within Canada. However this does not explain why people are claiming to be Métis, making it a very important question to consider. Are these people Métis or are they other aboriginal people claiming to be Métis? Or are they even aboriginals to begin with, could they be non-aboriginal people just claiming to be Métis for whatever reason? It is almost impossible to answer these questions or explain why people are claiming to be Métis in the first place, simply because no follow-up can be conducted to actually verify their claim to Métis-hood. Instead what is important here is how the census is setup to allow for this to even happen. As Andersen writes, the census is using a radicalized concept of Métis instead of a cultural one, meaning the census is making Métis out to be a race

instead of a culture. All of which directly influences the perception of Métis both within and political and cultural sphere.

The Survey:

Anything and everything Métis related on a census eventually comes from Statistics Canada every five years in the form of a follow-up survey. This survey is called the Aboriginal Peoples Survey (APS). The APS was created by the government in partnership with many different aboriginal groups, including both the Congress of Aboriginal People (CAP) and Métis National Council (MNC) who set out to outline the current status of all Aboriginals in Canada (Statistics Canada, n.d.). The APS is given as a supplement to the Canadian Census, but is subject to budget and allocated funding, as in the case of 1996 census in which funding was lacking and the APS was not given out. There have only been three surveys completed with the fourth having been given in 2011, with expected results to be released in 2014. This survey was created for the purpose of specifically addressing the issues directly important to the three Aboriginal peoples: First Nations (Indian), Inuit/Inuk, and Métis. The survey focuses on specific areas of aboriginal life and culture in hopes of better maintaining a record of the needs and development of aboriginal people, with such areas as culture, health, language and education are surveyed.

The APS first saw light in 1988 when Statistics Canada began a series of consultations between 500 representatives from numerous aboriginal groups across Canada, in the hopes of developing a means to record and survey the aboriginal people (Statistics Canada, 1995). However the idea of Aboriginal issues as an issue in need of being looked at and studied is not a new idea. On the heels of the monumental 1982 Canadian Constitution, in which aboriginal people became a major factor to Canadian society, the 1988 talks were nothing more than the continuation of talks already taking place at the time, readdressing the government's responsibility to the Aboriginal people in Canada. After many drafts and consultations, the APS was create and was given out three years after its conception in 1991. The resulting information from the survey was extensively used by the government through a project called the Royal Commission on Aboriginal Peoples (RCAP). The data taken from the survey by the RCAP was primarily used for its data on demographics, focusing on the social and cultural aspects of aboriginal people (Statistics Canada, 2001). The resulting

information produced by the RCAP, using the APS information of 1991, has been used by the Canadian Government to define and outline numerous aboriginal policies, such as health care and funding. The information was also open to all aboriginal organizations and groups to be used by them for the purposes of policy and regulation. On the recommendation of the RCAP, the APS would be carried out again with every regular census, thereby giving us the 2001, 2006 and 2011 surveys.

Methodology:

For this chapter, my material will be coming from these APS survey results. Through the COOL-RDC program provided by the University of Ottawa, I was able to have access to the 2001 and 2006 APS information, which allowed me access to the raw, un-complied information, from the two years. I was however unable to have access to the 1991 survey because of technological issues regarding the format of the material. From these two surveys I was able to perform my analyses and comparisons of the data. I specifically selected these years, because they coincide with the conclusion and introduction of the Powley trail and points to the general Métis population. Since the Powley case finished in 2003, the 2001 and 2006 APS surveys fall before and after the Powley trial.

In both cases I decided to do a systematic (random) sampling technique for my selection process, as outlined by Carol and Melvin Ember (2000). Systematic sampling involves selecting cases based on a set pattern or method, as in every 'Nth' case is chosen from a list and continued until the required quota is met. In my case, my goal was to attain twenty individuals randomly from my selected area. To do so, I also employed the use of a random number generator sheet, a database of random numbers within a specific parameter, i.e. to the factor of 10,000 numbers, which were printed out unto a sheet into columns. These numbers appeared in no particular order or progression [for examples refer to Appendix 3]. Using this method, I was able to select twenty cases randomly in both APS surveys, because each number from the random number sheet corresponded to a specific number from my subset of the APS; subset referring to the selected variables I wanted to look at. Because of the random number assignment, I was able to avoid issues like gender selection and age biases; thus maintaining a level randomness. In both APS surveys, my goal was to select and compare specific questions that spanned between the two years. The goal was to look

longitudinally at the responses of the people before and after the implementation of the Powley system, to see if there has been a change in the way Métis responded to the questions asked by the APS.

Initial Findings:

When I initially looked at the national standard and review of the APS survey, it showed that across Canada, Métis culture and population is on the rise. With questions like: ‘Attending cultural events’, ‘Importance of teaching traditions to children’ and basic Métis identification, all showed significant increase between the two years of the survey, some even showing a 5-10% increase from the previous survey. However when I did my analysis of my sample, specifically tailored to only look at Métis in Ontario, it showed that the reverse was happening, compared to the national average. In the very same questions, my sample research shows drops in both importance and frequency of Métis culture, yet with a population increase. What is happening, in comparison to the national results, is not an increase but rather a faltering in the passing of traditions with parents not passing down the traditions. The people and culture of Métis itself is not dying per se, rather the continuation of traditions is. When asked questions on cultural activities, Hunting, Fishing, Trapping, Gathering, the people are not practicing these activities or passing on the tradition down to their children, rather I noticed an increase in respondents not answering the questions.

Goal:

Now my original intent was to use the APS survey to look at the effect the Powley points had on the Métis’ sense of self and how that would transfer to the census. But upon researching and seeing the information first hand, I began to see that it is anything but straightforward. The biggest concern I found with the survey overall were the questions or rather lack of them. For a program that is meant to evaluate and document aboriginal people within Canada, I felt the survey was geared more towards government wants than the actual needs of the people. What I mean by this, is the questions being asked in the census, gave the impression that certain aspects of Métis life were valued more than others. For example, the Métis aspect of the survey is heavily inundated with health related questions. In general, the idea of health among the aboriginal people is important but is it important to know if Métis individuals owned a gaming console and how much time they play it? For a survey that was

created to monitor aboriginal culture, the survey was grossly lacking in this regard. However this was just one concern regarding the survey, another which I found more important is how the concept of Métis is created within the survey itself.

Defining the Term:

Quite simply, the term *métis*, on the census and survey, is nothing more than a created term with no meaning behind it. To be a Métis on a census means becoming an empirical manifestation of the way the nation views and represents the imagined community, meaning the census as no merit or position as a defining measure of Métis (Andersen, 2008). Solely because the whole idea of Métis is more complicated than it is being made out to be in the census. What happens is that the category of *métis* and its people are being created through the census' lack of definition. The problem is that the survey is using concepts like Métis without defining what it means and given the current controversy regarding the use of 'Métis', it becomes highly problematic. In the article: 'Cultural Constructions of the Concept of Household in Sample Surveys', by anthropologist Sara Randall, she discusses how using words like 'household' carries with it culturally specific understandings and meanings of it, all of which vary based on context and person (Randall et al., 2011). The point was that without defining or expanding the terms being used in a survey, or census, you effectively clump all meanings of it, into one idea. Thereby excluding and distancing the people from the survey because their perception of the term/concept does not fall with the one being provided. As mentioned before at the beginning of this chapter, the Métis population has grown substantially within the last ten years, but it cannot be explained fully through either birth or ethnic mobility. Basically the Métis are not reproducing the numbers that are being reported through the census, and for Andersen, this is because the category allows for people to define themselves as Métis without actually needing to prove it.

How this affects the Métis and other aboriginal people, is that these influxes of new members into their category offset the actual population representation by adding in information and data that do not belong there. The way the Aboriginal Peoples Survey works, is that it is reliant on the Canadian Census to create the survey population, meaning the census determines who receives the APS. When and if an individual declares they have an aboriginal identity, they become entered into the system as such, regardless if it is true or

not. What follows then, is that person become eligible to receive the APS survey, thereby contributing to the data. The issue here is that there is no accountability on the part of the person receiving the survey; no follow up to their responses to see if they are in fact an aboriginal person. So these people become added to the masses and adding their ‘number’ to the aboriginal population, when in fact they may not be.

For researchers like Andersen, this becomes problematic because it produces a false sense of the population and their needs. But it goes beyond just false input; it becomes a reflection on the lack of information within the survey and census. Here we have a survey that asks whether or not a person is aboriginal, however due to the severe ambiguity of categories like Métis; the census creates the illusion of the category having a concept behind it. What I mean by this is that categories like Métis are being made out to be something different than they actually are in society. The problem becomes that the “Canadian census categories thus reflect a mix of assumed cultural and legal distinction, such that one can conceivably self-identify as North American Indian, Métis or Inuit *and* as a member of a First Nation/Indian Band, with or without reporting ‘status’ as a registered Indian” (Andersen, 2008 p358). Basically anyone can claim to be a Métis without having to prove their claim, which becomes contrary to actual policy. For a Métis to be considered a Métis in the ‘real’ world, outside of the census, they have to go through the process of Powley, thereby proving their ancestral connection and community culture. Only then can that person be considered Métis. But what the census is doing, is allowing for individuals to circumvent this demand by just allowing individuals to define themselves as Métis and to be counted as such.

So in reality the census is creating another form of métis within the Canadian population. If the people claiming to be Métis on the census are not required to prove their status, but are yet considered and counted as a Métis, what does that make them? Because to be a Métis, a Métis has to go through the Powley test, however these ‘census Métis’ cannot prove they have done this test. Therefore, “no clear parameter exists for determining what respondents *mean* when they self-identify as they do and thus the term ‘Métis’ means nothing other than an official administrative designation for forecasting social spending budgets” (Andersen, 2008 p359). The problem is that even though the term Métis has no

meaning, it is still treated as if it does, thereby determining actual Métis life, through such government reports like the aforementioned RCAP report. “In this discursive context ‘Métis’ is neither a nation nor a culture but rather, is a tantamount to a polite, characteristically Canadian administrative categorization for indigenous individuals for whom Indian and Northern Affairs refuses to claim responsibility” (Andersen, 2008 p362), thereby becoming problematic as it offsets actual Métis numbers. With reports like the RCAP, Métis life is greatly impacted because these reports determine the status of the people. So if the information being used is wrong, the policies from which they are based off of will also be wrong.

Living by Expectation:

But not only that, the census creates the expectation of the people by the questions it does ask. The expectation here plays on the perceived reality being created by the census when using the terms hollowly like they do, therefore the questions feed into this category/term, making it its own product. Questions like: Have you hunted; Fished; Trapped; or Gathered in the past twelve months become irrelevant when actually taken into context. The idea is that all Métis exercise these cultural factors or rather are in the position to be able to. In my research, the population size was reduced to only Ontario, which consists of a Métis population over 73,000 in 2006 (Government of Ontario, 2010). Ontario is currently ranked the second highest Métis population in Canada, with the majority of these Métis living in highly metropolitan cities like Toronto, Sudbury and Ottawa (Government of Ontario, 2010). The reason this is important, is because it relates to the idea of site specific expectations. What I mean by this is that regardless of where a Métis lives, through the census, the expectation is that all Métis practice these cultural practices, giving the assumption that all Métis need to be this way.

The way the census creates the image of Métis, is that they first start off by making the idea of Métis something racial instead of cultural (Andersen, 2008). So when there are questions like hunting and fishing practices being made out to be deciding and key features of Métis life, you create the idea that anything outside of these is not Métis culture and life. In itself the census is creating its own categorical assumption on Métis life for all Métis without taking into consideration the context in which Métis live. The census itself shows

that the vast majority of Métis live in highly commercial areas, how then can the expectation be that they all are able to practice these Métis cultural activities? If a person in Toronto is not able to fish, hunt or trap, does that make him or her any less of a Métis? Through the census, the “Métis are produced as racialised objects rather than citizens *contra* Canadian citizenship” (Andersen, 2008 p 348). What is meant by this, is that the Métis are made out to be a category and to be in that category, they are expected to do the activities given in the census, therefore making ‘Métis’ in the census are nothing but a standard and expectation of actual Métis culture.

Power Control:

Chris Andersen also discusses how the census creates another form of power control over aboriginals, specifically the Métis, through the creation of symbolic power (Andersen, 2008; Bourdieu, 1989). As mentioned earlier, the term Métis in the census literally means nothing and has no bearing on actual Métis definition, but since the census is viewed as in an official capacity it gains a certain form of power. With the creation of these expectations in the census for the Métis to become the ‘ideal’ Métis, the census itself creates a symbolic power over the idea of Métis.

“Symbolic power is the power to make things with words. It is only if it is true, that is, adequate to things, that description makes things. In this sense, *symbolic power is a power of consecration or revelation*, the power to consecrate or to reveal things that are already there” (Bourdieu, 1989 p23).

Basically to have symbolic power means you have the ability and power to make people see and believe certain aspects of the reality around you, instead of others, meaning the person with the power can control what is created and viewed by the people. For the Métis, in regards to the census, the perception of what it means to be Métis is being created in a way that does to represent the actual population and is instead reflecting a non-existent concept.

By having a category or term like Métis being used without a definition that reflects the actual people, you leave it open to any form of application, such as the current case of the massive métis population increase. Even the Province of Ontario has noticed a significant increase in their Métis population, up 52% from 2001 to 2006 (Government of Canada, 2010). For Ontario, “[t]he increase is attributed in part to more people identifying themselves

as Métis” (Government of Ontario, 2010 p1). However this does not make them Métis, it only means that they consider themselves métis, but what this does, is give legitimacy to the census that produces these numbers. By having these numbers and increases, it serves to perpetuate the idea that the questions on the census are reliable and reflective of the Métis population. Because of that, the census itself achieves this symbolic power over the Métis identity. This is done through their application of their own standards for Métis culture and image, thereby creating the sense it is right. How this becomes applicable to Métis, is when information from the census is used by governmental agencies, like the RCAP report, to create and define Métis life and policy, such as laws and governance. Symbolic power for the census, “... is the power to make groups, to manipulate the objective structure of society” (Bourdieu, 1989 p23).

You may ask how does misrepresentation and assumptions matter and how does it affect the overall product? By having questions from a survey being used in official capacity to which people are expected to relate to regardless of context, there is the creation of assumptions and expectations that people just cannot relate to, which in turn could cause people to not answer the survey altogether, ultimately affecting the resulting data. The reason this data is important is because it will eventually be used in policy and research such as this thesis, all of which have direct bearing on the people taking the survey/census in the first place (Randall et al., 2011). This is evident in the RCAP’s use of the 1991 APS survey in their report to the Canadian Government on Aboriginal status and issues. But if only a percentage of the population answers, becoming the representative, then only one form of the reality is being represented or shown while also reflecting the imagined identity of Métis through the survey/census structure (Andersen, 2008).

“[C]ensus data today are fundamentally important to fiscal and program delivery relationships between federal, provincial and Aboriginal issues-specific government agencies and organizations in areas such as housing, education, health, unemployment, infrastructure and economic development and investment. As such, they represent a key site through which Aboriginal collectives negotiate their relationship with the Canadian nation-state and, thus, constitute a major site through which their claims of inequality are documented” (Andersen, 2008 p356).

When a system like the census is so important for representation, what happens when misrepresentation occurs?

Rethinking the ‘term’:

Here we have the census representing a people, a people that cannot agree upon a definition for themselves, claiming to be indicative of the Métis identity, are instead furthering the conflict by adding to the confusing of identity. The census itself is not representing the actual people, only the people claiming to be métis. This is because there is no real way to verify a claim of Métis-ness through the census, regardless if a person is asked if they belong to an organization, the person can easily answer falsely. There is no way to prove it; therefore the census actually loses its legitimacy because there is no accountability on its part. How then can this system represent the people if it cannot even prove that people answering are indeed Métis? This in turn reflects the issue of symbolic power over the Métis. As my research shows, the overall system is not representative of the Métis, much like how the Powley system is not representative of all Métis. Both the census and Powley create a specific image and expectation of how Métis should be, thereby enforcing this idea of symbolic power over the Métis. Both of these systems are using the created power regarding identification, to create a specific reality of Métis life, instead of showing all of them (Bourdieu, 1989). Because of this, people are not identifying with the system put in front of them, which is why in my research, I see that the Métis identity through both the census and the Powley system is not being reflective of the people. This in turn, affects all the Métis because they are not seeing themselves within the context and paradigm being created for them.

The notion of predetermination and the inability to relate to the survey, comes back to the overall issue of this thesis, in that essentialistic thinking only serves to promote one particular understanding of something without giving consideration to the variance of human culture (Brodwin, 2002). The census through the survey functions to create an essentialistic system by creating an undefined perception of the categories being used, causing individuals to align themselves into categories that are outside of themselves. Another way to look at this, is that the Métis are being asked to identify as being ‘Métis’ in the census without taking into consideration the multitude of variations and understanding there are of Métis, such as the political difference between Western and Eastern Métis. By identifying as Métis on the census, does that make the individual a Métis, thereby becoming a representative of the

Métis people? No, it does not, but because the census does not allow for verification, anyone who defines themselves as Métis is counted as such. What is happening is that the Aboriginal People Survey and the census are allowing for the creation of a separate category of Métis. This term 'métis' remains undefined and nothing more than a racial, categorical term to separate Métis from the other aboriginal people.

Because of this, the survey does not allow for individuals to express themselves as they see themselves, rather how they fit into the government's version, seeing that the government creates the census and survey. The census was created to 'hear' from the aboriginals regarding their life and culture, so that the government could have a better understanding on the functions and how to better aid the people. But since the program is designed in such a way that personal interpretation is next to impossible, the information being produced only reflects what the government allows to be on the survey. By having a closed format survey you eliminate the possibility for the people to express themselves as they feel. Therefore I believe there needs to be a reformat of the survey question system that allows for open-ended responses, doing so would allow for the people to answer the questions how they feel it should be answered and in their own worlds. Now I am not saying the census given out needs to be done in this matter, but rather the APS should include a section for openness, because remember the APS is given out as a supplement or companion to the census after the census is returned. The APS was designed to ask more personal questions of aboriginals that could not be asked in the National census. Why then can it not be more personalized since the questions being asked are personal?

Chapter 6: Organizational Fallout:

In the previous chapter we looked at the census and the information being produced from it. As I have discussed, it is not the information per se that is important, but rather it is how the idea of Métis is being perpetuated. On its own, the census is a tool for collect information on people to give estimation on how the population is functioning, but as I discuss, if the means of information gathering is skewed, then the resulting information will be faulty as well. Why this becomes important for my research, is because this information is being used and taken as a reliable source by different institutes. From the RCAP report to other governmental policy like health care and funding, the information being produced by the census cannot and should not be used as it is without considering the liability of it. Another very important institution using the census data is the Métis organizations.

The standardization and definition of Métis identity, on a social scale, relies heavily on the Métis organization, an individual aligns themselves with. There is an inherent tension about what it means to be Métis, coming from both the people and from the organizations. The reason this is happening is because the idea of what it means to be Métis is so subjective, it is a personal choice and decision on how you are going to be 'Métis'. The problem is, do the organizations speak for the people or do the people speak for the organization? Organizations create a collective agreement on beliefs of how a Métis should be both internally and externally, meaning the organization defines both the personal and communal spheres of Métis life. In tangent all these factors dictate how a people are going to act while outlining the boundaries for their existence. As Fredrick Barth discusses in his many writings, people are defined by the boundaries of exclusion and inclusion (1969). What Barth refers to is how through social barriers, a person's identity and sense of self are created through the 'allowed' acts (inclusive) and the 'not allowed' acts (exclusion). Through these we learn our limits and the expectations placed on us, directing us on how we should be and what we can be. It also determines how we ourselves as a people develop identity within a system competing against other forms of identity pressures. These boundaries are created by the powers in control. For the Métis these include both the government and the different Métis organizations throughout Canada, through these, Métis everywhere develop an identity based on the specific ideologies being imposed and created

for them. Which is why sources like the census and the different organizations become so influential in creating a Métis identity, because they are seen as legitimate and reliable sources of ‘facts’.

Because of the government’s direct influence in the creation of Métis identity through policy change like the Powley system, the courts trails, and the census with its ambiguous creation of a ‘Métis’ image, Métis are becoming a created perception of Métis identity, the constructed image of what is deemed to be ‘true’, meaning applicable to all universally without consideration for cultural variance. Due to these conflicts of identity, Métis across Canada rely heavily on both National and Provincial Métis organizations to define their being. Basing their values on beliefs of how a Métis should be according to personal convictions. The importance of organizations has only become more to the forefront because of recent government interactions and expectations such as Powley system, coupled with the ideological conflict between the Métis today. Métis are effectively split between how they see themselves and how everyone else sees them. Because on one hand you have the self-identified perceptions of what it means to be Métis and then you have the imposed belief of what it means to be Métis, causing a conflict over which identity is right. This then is why the organizations play such an instrumental role, because through an organization, an individual is given a standard for Métis identity. Through these, the person is able to achieve a form of legitimacy for their beliefs of Métis-ness because of their membership.

The Organizations:

Today as it stands there are two main political bodies that govern Métis politics and rights related issues: the Métis National Council (MNC) who represents all Western Métis from Ontario to British Columbia, whereas the Congress of Aboriginal Peoples (CAP) represents all the Métis not represented by the MNC, particularly the Eastern Métis from Ontario to Prince Edward Island. However the CAP does represent several organizations/affiliates in Western Canada. These two organizations, functioning at the Federal level of government, are responsible for the political representation of all the Métis in Canada as they make their claims for political and status rights. But this was not always the case, for the longest time there was only one Métis oriented organization that represented

all Métis and non-status Indians in Canada. It was not until after the 1982 Constitution Act was passed did difference in opinions surface. Before the 1982 Constitution, there was only the Native Council of Canada (NCC), founded in 1971. This governmental organization was responsible for all Aboriginal issues, with a specific emphasis towards laws, treaties and political awareness (Boivert, 1985, CAP, n.d. (B)). The role of this organization was to help aboriginal individuals make their claim towards status and rights within Canada, but with the official inclusion of Métis in 1982 to the Constitution, ideological difference emerged within the NCC. Tensions rose over differences of opinion regarding the Métis, causing the group known as the MNC to separate from the NCC, forming their own political organization in 1983 (Boivert, 1985; MNC, n.d. (B)).

Métis National Council:

The Métis National Council felt, that because of the events that took place during the 1869 Red River Rebellion, that these Métis were historically and culturally significant and were separate from the rest of the ‘metis’ in Canada and should be treated as such. The belief and explanation offered by the MNC on their website:

“Consistently throughout history, the Métis people have acted collectively to protect and fight for their rights, lands and ongoing existence as a distinct Aboriginal people and nation within the Canadian federation – from the Métis provisional governments of Riel in Manitoba (1869-70) and Saskatchewan (1885) to contemporary Métis governing bodies. This dedication continues to exist as citizens and communities throughout the Métis Nation Homeland keep the nation’s distinct culture, traditions language and lifestyle alive and pursue their own social and economic development” (MNC (C), n.d. p1).

These people shared a common heritage and culture that bound them together to oppose the encroaching settlers into their territory, with the end result being the creation of the province of Manitoba. The MNC believe that the Manitoba Act served to acknowledge and reaffirm the existence of these specific Métis. Therefore because of this event, the MNC and fellow affiliates believe that they are the only ‘true’ Métis in Canada, thus entitling them to the use of the capital ‘M’, whereas everyone outside of their association cannot (Lawrence, 2004). Going a step further, “[i]n September 2002, the Métis National Council (MNC), which Canada recognizes as the primary organization for Métis people, in Canada, through its provision of core programs for Métis people, adopted a new definition of Metisness, which

restricted membership in the Métis Nation solely to individuals who could claim descent from the historic Red River community. This not only excluded former member groups such as the Métis Nation of British Columbia and the Métis Nation of Ontario, it excludes a sizeable number of nonstatus individuals in western Canada whose diverse histories are not from the Red River but who identify strongly (and receives services) as Métis” (Lawrence, 2004 p85). Because of this, “[n]ewer, more inclusive, Métis organizations are forming to represent the various individuals now excluded from the MNC” (Lawrence, 2004 p85). An issue I will go into more detail shortly, but first a look at the opposition.

Congress of Aboriginal Peoples:

Going back to 1983, after the separation of the MNC from the Native Council of Canada (NCC), we see the emergence of a second national level Métis organization. Redefining themselves as the Congress of Aboriginal Peoples (CAP), the NCC took on a new role in Métis politics, focusing on the representation of “... interests nationally of Métis and nonstatus Indians, a population that outnumbered all other native people combined. In essence, the principle of the NCC’s [now CAP] organizations at that time was to address the lack of recognition of themselves as Aboriginal peoples and to challenge the exclusion of our constituency from federal responsibility” (CAP (B), n.d. p1). These ‘excluded’ aboriginal people actually make up the 800,000 plus affiliations under the CAP tenure, which have become the focus and direction of representation for the CAP (CAP (C), n.d.)

The CAP has no specific definition of what it means for a person to be a Métis like the MNC has. Instead, the Congress of Aboriginal Peoples gives more of a mission statement, stating that

“Métis people are located in all of the provinces and territories of Canada. These persons, who may or may not be entitled to status under the Indian Act, are Métis culturally, historically, and for the purposes of constitutional recognition. Some of this group are a distinctive mixed blood population, others are closely identified with the history and culture of the French/Cree Métis in southern Manitoba and central Saskatchewan in the 1860s” (CAP (C), n.d. p1).

What this meant was that there is no ‘one’ type of Métis and that they are radically different in how they create and define their heritage as a Métis people. So because of this, the CAP supports and helps the vast diversity of Métis identity throughout Canada and because of this

position, the CAP has taken under their affiliation many of the ‘disregarded’ Métis people from out west, having several provincial organizations in western Canada; many of which are in the same provinces as MNC organizations.

In Comparison:

The main difference between the CAP and the MNC is their particular belief in who can be a Métis. The MNC believe in a Métis Nation centered in the West specifically attuned to Red River Métis only, excluding all others, whereas the CAP believe that Métis are found throughout Canada, focusing on “[t]he idea that Métis people are ‘located’ in all parts of Canada may be taken to mean individuals who may reside anywhere in Canada, even though their domicile, or ancestral community and territory, may be elsewhere” (Chartrand, 2008 p66). A stark contrast to the MNC’s belief in region specific identity being the definer, using the events in 1869 with the Red River Rebellion as the basis for their identity (Lawrence, 2004). The CAP believes that there are many different ‘versions’ of Métis across Canada, all of which are valid. Because of this view there cannot be one definition to define all Métis, which is why they do not offer one and instead rely on the personal interpretations created by the Métis under their affiliation. Another position towards the main differences between the two organizations focuses primarily on the s35 section of the 1982 Constitution Act. In, “... that the Métis National Council takes the position that the Métis referred to in section 35 of the Constitution are the Métis people developed historically in the Northwest, while the Native Council of Canada argues that any person of mixed Indian and European ancestry who identifies as a Métis is a Métis for the purposes of section 35” (Boisvert, 1985 p140).

This belief has since been changed and modified to reflect more of the complicatedness of the Métis identity issue, which is why the current situation exists.

As the CAP discuss, confining a people to one specific event in history and making that as the only truth, actually only serves to exclude the people rather than include (CAP, n.d. (B)). The initial reason for the separation by the MNC was over political position concerning the Métis. The MNC offer this explanation for the split: “The pan-Aboriginal structures of the Native Council of Canada (now known as the Congress of Aboriginal Peoples) and its affiliates did not allow the Métis Nation to effectively represent itself” (MNC (B), n.d. p1), whereas the CAP offers this explanation: “Prairie Métis felt they had to

define a distinct ‘national’ content for Métis rights entrenched in The Constitution Act 1982 and they felt they could not do this if they were tied to non-status Indians or to ‘mixed’ populations in other regions who had a different historical pattern of recognition and political organization than developed out of the 1870 scrip system” (CAP (D), n.d. p1). Regardless of the position or reasoning, these two organizations have become the leading political bodies representing Métis rights and status in Canada. From them, all the provincially created Métis organizations are regulated and given political agendas as well as advice and guidance as affiliated members.

Affiliations:

For the purpose of this thesis, I decide to narrow my focus to only one province. I choose Ontario because it is one of only three provinces to be represented by both the MNC and the CAP, the other two being Saskatchewan and British Columbia, and because of feasibility for this thesis. Representing the MNC is the Métis Nation of Ontario (MNO) and for the CAP, the Ontario Coalition of Aboriginal Peoples (OCAP). These two organizations make up the political and ideological separation faced by Métis in Ontario. Carrying on the same ideas as their parent organizations, both of these groups continue the push for their position as right within the Métis community, effectively splitting the Métis amongst themselves within the same provinces. Of the two, the OCAP is by far the most recent having been formed in 2007, versus the MNO who were formed in 1993, therefore the OCAP entered into an already established MNO oriented political sphere (MNO, n.d.; OCAP, n.d.). With the relative closeness between these two groups in terms to location, they are not without its tension and controversy especially with the introduction of OCAP ideology, which is why I chose these two organizations as the focus for my research. Another reason I chose Ontario and its organizations was for their published material; both have made relatively strong comments regarding their positions, with the OCAP going as far as accusing the MNO of using propaganda to scare the Métis. However, the issues go beyond just name calling on both sides, it also boils down to the basic issue revolving around Métis today, the validity of the Powley system in the lives of Métis.

As it stands, the MNC has had direct influence and role in the Powley trial as consultant during the process of creating the Powley points (MNO (A), n.d.). Through the

MNO's position as representative, they were able to specifically represent the 'facts' of a western Métis Nation belief. Therefore, the system is specifically tailored to be met by their members and fellow affiliates, thus ensuring their claim of being the true Métis. As we know, the Powley test specifically asks for an ancestral community. For most, this can prove quite challenging based on family history or rather lack of it as we have looked at in previous chapters, which is why the MNC and the MNO use this to their advantage by offering to create a home and family with their history.

In their published material, the MNO has created physical barriers to their 'nation' by using terms like 'Historic Métis Nation Homeland' and 'Métis Nation Homeland' to create a sense of home for the Métis which they then turn over in their policy to be used as the deciding feature to their identity (MNO, 2004). What the MNO is doing is playing on the idea that they are the only group capable of offering a place or location for the Métis. This place becomes the mecca or homeland for the Métis, thus giving the people the feeling of heritage and belongingness to an idea. This movement plays on the feelings of Métis who are looking for proof and acknowledgement of their heritage and history. For a Métis identity and connectedness means everything. Which is why "[i]t is through school and mass media that people are taught to identify with an abstract, mythically rooted community of people 'of the same kind' (Eriksen, 2001 p61). This idea of wanting to be connected to an idea plays directly to the MNC/MNO creation of their own Métis culture through their Métis Homeland, creating almost an ethnic identity. Ethnic identity or "[e]thnicity is the enduring and systematic communication of cultural differences between groups considering themselves to be distinct. It appears whenever cultural differences are made relevant in social interaction..." (Eriksen, 2001 p46). What this means for the Métis, is that their identity and perception of it, is being directed towards a certain idea, based on the perceived cultural norms, meaning the Métis are expected to believe what is being told to them as if were true. Thereby enforcing the belief that having a Métis Nation is the only true means to becoming Métis, because doing so entitles an individual to that specific ethnic identity, meaning "... ethnic identity should be taken to refer to a notion of shared ancestry (a kind of fictive kinship), culture refers to shared representations, norms and practices" (Eriksen, 2001 p43).

One issue with the MNO and MNC is that they have made it very clear on the specific type of ‘Métis’ they accept into their ‘Homeland’, these being Métis specifically from the Red River area, as mentioned earlier. What these means for all Métis, is that they are encouraged to be Métis, but as long as it falls in line with MNO/MNC beliefs. The MNO and MNC intentionally or unintentionally end up playing on the identity issues of Métis by making it that an individual believes that to have a Métis identity and culture, they need to be under the MNC/MNO ideology. However when an individual actually does attempt a claim to this identity, the MNC/MNO turnabout and make it almost entirely exclusive, thereby actually distancing themselves from all other Métis, using the Powley system as a defence for their position, stating the legitimacy of Powley in deciding true Métis.

As mentioned before, the MNC is defined as the only official Métis organization in Canada, thus making all their affiliates like the MNO representatives of ‘official’ Métis-ness. Therefore they are considered the standard for Métis-ness. By setting the standard for all Métis to be from the Red River area and then use the Powley’s point of needing an ancestral community to reinforce this, the MNC effectively controls all Métis identity, forming their own ethnicity. Because if we go back to chapter 3, we know that Powley demands for an individual to prove an ancestral connection to a community that was/is Métis, but if the only accepted Métis community is the Red River one, then the monopoly becomes that of the MNC Métis. This notion became reality for many individuals when the MNC excluded many of their own members because they could not trace a link to Red River (Lawrence, 2004).

How then can an organization be considered the official representative body of Métis in Canada, when they directly exclude every other Métis outside their organizational borders? This is why the OCAP took offence to these actions by the MNC and MNO and made a direct statement and position stating that

“[t]he Powley decision is a complex Supreme Court of Canada decision and several key areas are vague. In addition to the decision itself, political propaganda and misinformation distributed by the Métis Nation of Ontario (MNO) has caused considerable confusion. MNO has attempted to use the implementation of the Powley decision to convince Métis that MNO is the sole legitimate voice of the Métis Nation in Ontario. While the MNO recognizes that confusion and misunderstandings exist, they continue to exacerbate the situation by mixing Métis politics into the issue” (OCAP, n.d. (B), p.1).

Here we have a situation and statement from the OCAP that presents a couple of issues that need clarification. First issue to be looked at is the declaration of propaganda use by the MNO from the OCAP. The OCAP believe that the information and material being produced by the MNO confuses Métis by making them believe there is only one type of Métis in Canada. For the OCAP this is not true, they instead believe that all variations of Métis culture are valid because they are representations of cultural and historical differences that developed into unique Métis groups. So by publishing material stating a one-sided belief of Métis, the OCAP believe that the MNO are actually turning Métis away because they cannot meet the MNO/MNC expectations of identity.

The second issue regarding the statement from the OCAP involves the ‘confusion and misunderstandings’ they claim the MNO is doing through their organizations. The OCAP states that the MNO is releasing information for Métis individuals that is not clear and actually counterintuitive. The example offered by the OCAP following their statement lists a quote taken from the MNO website. The reference given is on how a Métis individual is to proceed regarding Harvesting rights in Ontario. The statement tells people that “[i]n order to avoid any confusion or misunderstandings, all Métis harvesters should contact their regional government...” (OCAP (B), n.d. p1). To which the OCAP make a statement saying that “[a] Métis regional government does not exist in Ontario. Currently, the interests of Métis are represented by various Métis organizations in the province” (OCAP (B), n.d. p1). Now it may seem like the OCAP is grasping at straws to make their argument, but the point being made is that because the MNO is in the position to offer advice and council regarding Métis issues, misinformation like the statement above are detrimental to the Métis population and need to be addressed.

The ‘Non’:

Anthropologist Tim Ingold in his research tackled the issue of categorical determinism. Ingold looks at how the rigidity of a category created through expectations and definitions become irrelevant when the concept itself is fluid (2006). What this means is that because of human activity, there is no one set standard or definition for the category. Looking at the history of the human category, Ingold shows how a system is created based on beliefs and standards, dictating who could and could not be in the category, what he

showed was that variations to the ‘norm’ resulted in exclusion and isolation of the person or object based on the predetermined criteria. Thereby making the category reliant on itself to define itself, in other words, relying on its boundaries to create the standard (Barth, 1969). But as Ingold shows, this idea of boundary definition can in itself become bound, where the very logic that made up the category become so restrictive it excludes based on variations (Ingold, 2006).

Ingold gives the example of a one legged man, based on that description alone, that man would have been excluded from the human category, solely because that person did not fit the bipedalism requirement set out for the human description. The reason was because the category of human, in the purest form, is considered being bipedal, having two legs and mobile, therefore the norm and standard is set at that creating the category. But what Ingold was trying to show was that just because something is not exactly the same as the template does not mean it does not belong in the same category. A one legged man is still a man as much as an albino man is still a man. They are all men, just different versions or variations of the same thing, which means the category or understanding of it needs to change or allow for changes (Ingold, 2006). By having a category followed to its purest form, not deviating from the standard or template in anyway, we create, as Ingold terms it, non-humans. Because this is basically what happens when a category is upheld to its strictest sense, we end up creating subcategories of the same thing, just defined differently. As Ingold explains, ‘non-humans’ are in all sense still human but because of the terminology and expectations laid out in the category, they become something else excluded based on trivial nonsense of a definition set to one particular belief of the object (Ingold, 2006). Much in the same way in how Ingold discusses the faultiness of specific based definitions towards the category of human, Métis today are excluded from identity, because of the introduction of the Powley points and the MNO/MNC’s political position.

Because of the MNC’s declaration of what they consider Métis, Métis today are faced with a form of exclusion, as discussed by Ingold, solely because these Métis’ historical background does not come from Red River. With statements like those of the MNO, you create a belief that there is only one way to become Métis and that is through them. Anyone not with them becomes not a Métis and in this case, a ‘non’ Métis. I term the idea ‘non’

Métis on the basis that according to the MNC/MNO standard, all other people outside of the Red River affiliations cannot be considered a Métis, but as this thesis states, there are Métis everywhere within Canada, an idea supported by the CAP and OCAP. But because of the MNO belief, all these people are not Métis, becoming ‘non’ Métis, even though they themselves self-identify as being Métis. The same thing happens with the Powley system, it only serves to reinforce this belief as well by making it that every Métis, regardless of background or heritage, have to align with the Powley points if they want to get their Métis statuses.

When you have an organization like the MNO using emotionally charged words and concepts, they end up creating this belief of a “mythically rooted community of people ‘of the same kind’” (Eriksen, 2001 p61). Just for example, in the MNO’ Statement of Prime Purpose under the heading ‘Who We are as a People’, they rely heavily on this fantasied view of Métis identity to encourage people to believe their idea of Métis:

“We, the Métis are a people of the lands, which gave rise to our history and tradition and culture. We call those lands the Métis Homelands. The Homelands stretch from the lakes and rivers of Ontario; cross the wide prairies, traverse the mountains into British Columbia and into the northern reaches of the Northwest Territories. They include the hills and valleys of the north-central American States. These are our lands. They are Métis lands. They are the lands of our past which nurture us today and which we value as the precious foundation of our future. As Métis who live in the Homelands, we hold it to be a fundamental truth that we are one of the Aboriginal peoples of the Americas. The Métis Nation continues today to be the embodiment of our past, the source of sustenance for our present while giving rise to our hopes and aspirations for the future. We are a Nation, born of independence, and self-sufficiency whose teachings are founded on the values of honesty and truth. We are proud of our rich heritage. We are inspired by the values and traditions of our ancestors. The strength of our society is based on democracy, freedom, fairness, equality, generosity, justice and the customary and written law of our people. Above all, we cherish harmony and peace. As Aboriginal people we hold sacred the rights of the individual and of the collective. We have respect for each other, for the land and for the animal and plant life that surrounds us. We are people who honour and respect the family, our elders who hold the key to the past, and our children, who are our future. Guided by our spiritual values we aspire to attain our highest potential” (MNO, 2004 p1, 2).

This works very well in gathering support for a belief, in this case an organization. What happens is that they create this belief, becoming a perpetuation of an illusion that they right because they have a spiritual ‘Métis Nation’ for the Métis people. But like the OCAP said,

this is a poor representation of all Métis in Canada, there cannot be an expectation placed on Métis or any person for that matter, to be like what the MNO expects. But also this goes back to the issue of misinformation and confusion mentioned earlier. Here we have the idea that there is this perfect idea of what it means to be Métis and that it is for the Métis, but because of the restrictions and limitations placed on all Métis outside of the Red River, this dream becomes unattainable, thereby harming the idea of being Métis. By not meeting the specific demand of being a Métis as expected by the MNO, current Métis members may feel that their belief and identity of being a Métis might be untrue, thereby possibly discouraging a person from embracing their heritage because it does not meet up with another.

The problem faced by Métis right now, is that there are multiple organizations and different sides to the argument, which causes the people to pick sides in this conflict, instead of actually working together to create a functioning policy or definition for all Métis. The different organizations are actually competing against each other for memberships to their organizations and beliefs. Each Métis individual represents a voice in the ongoing conflict. Like in any situation the majority wins, they have the people and the support to defend their beliefs, thus making them the ‘right’ choice. The same things is going on with the different Métis organizations, specifically at the Federal level of government through the MNC and CAP organizations, but the tensions carry down to their affiliates who are in the same position and conflict over people, which is why Ontario is perfect for this research, solely because it is one of the few provinces that is represented by both Métis political parties. Because of these tensions between the two Ontario groups, Métis are faced with issues of citizenship and what it means to belong to one idea of Métis-hood, whereas in another province, where there may only be one organization Métis are not given the choice.

Claiming Citizenship:

The idea of what citizenship is and what it does for the people continues to be an important area in anthropology with such sociologist like Thomas Marshall, “who defined citizenship as a status which is enjoyed by a person who is a full member of a community” (Scott and Marshall, 2009 p1). Many different definitions and examples of how citizenship is and how it can be defined, both new and old still hold relevance today. Some recent

definitions refer more to the membership and belonging to a community. In Marshall's model of citizenship he includes

"... three components: civil, political, and social. Civil rights are necessary for individual freedoms and are institutionalized in the law courts. Political citizenship guarantees the right to participate in the exercise of political power in the community, either by voting, or by holding political office. Social citizenship is the right to participate in an appropriate standard of living..." (Scott and Marshall, 2009 p1)

These memberships include rights and privileges for the people along with their community (Glenn, 2011). What citizenship means for a Métis is acceptance and inclusion into an organizational family. Not only that, but it gives the individual a connection to something bigger and they have access to a community, which according to Marshall is an important aspect to citizenship. However it also means they have certain obligations to the community itself. When a person becomes a member of a group, the expectation is for the person to already be indoctrinated to their specific set of beliefs, which basically is the whole idea of belonging, in that you believe what the others believe. For Métis however, citizenship is more than just having membership to a group, it becomes a system of inclusions and exclusions, in which citizenship becomes selective on the part of the community giving memberships (Halfmann, 1998). A major factor to remember for the Métis is that through these memberships comes recognition and rights. These recognitions come through the acknowledgement of their heritage and Métis lifestyle, such as hunting, craftwork, fishing and other personal activities, while the rights are given as harvest privileges, which include rights towards hunting certain animals throughout the year and harvesting survival necessities like wood without a forester's license.

By an organizations creating an identity, they are creating a sense of 'self' for its members. The most significant aspect to membership is the feelings and emotions associated with belonging, whether with ideology or with the people with whom you share the membership (Scott and Marshall, 2009). The idea is that this 'belonging' takes place inside the person in regards to creating feelings of support for the organization or rather a belief in it, which feeds into your identity all the while being dependent on the people sharing it (Portis, 1986). Without recognition and support of your identity, it becomes meaningless, because it is nothing more than an idea without other people agreeing with it. It should be

remembered that citizenship is an idea, one that become internalized as part of personal identity, resulting in feelings of being part of something bigger. This is the key to how the organization functions and becomes legitimate in terms of being able to act and respond to the people under their care. And why through the use of Powley, the MNO is so influential. They offer a means to meeting Powley while also offering an identity, but at the same time restricting this idea to only one belief.

By creating an identity or feelings of commitment through citizenship to an organization, you create support and belief not only to the organization but also to the idea of what it means to be something, in that the belief becomes what the organization is doing, is right and that their policy is a means of action. Belief in the system then becomes support for the system, causing action and furthering of the organization through and by their member (Portis, 1986). Any group or organization is created and maintained by the people they let in and by who they leave out, creating a standard of segregation and differentiation. Basically forming barriers towards who can become a part of the system or who becomes the outsider, giving power to the in-group (Barth, 1969). These barriers then become the reality of the people involved in the system; the reality being whether or not a person can internalize their identity. Through the organization the people are able to find their identity because it brings recognition of their belief that they are Métis (Glenn, 2011). Therefore having overcome the barrier or obstacle of becoming a citizen of an organization they achieve a level of proof of their identity. By controlling this identity through the manipulation of Powley, the MNC/MNO is able to promote their values over those of everyone else.

People of Nationalism:

To have citizens, you need a nation; otherwise membership means nothing because there is nothing to believe in, which is why both main organizations and their affiliates all touch upon the issue of Nation within a Nation. Nations within a Nation is the physical representation and result of Nationalism, the united support in a belief leading to establish political boarder defining their beliefs as a separate people. A notion of being recognized as a collective people governed by a define set of rules or ideologies that serves to connect people, but at the same time defining who can and cannot be under the 'nation' Métis title. For the Métis in Canada, the issue is to become a nation within a nation, Canada being the

parent nation with a Métis nation being recognized as part of Canada yet apart in a separate category, similar to the much sought after Nation by the Quebec Nationalism movement. The issue felt by all Métis regardless of affiliation, is to be noticed for their heritage and as a people, able to define themselves as such, this then becomes the basis for an understanding of a Métis Nation proposed by the western affiliated Métis (Lee, 2008).

For Métis to assert themselves as a people and to be noticed as such, there needs to be a push for the assertion of Métis self-definition, which the Powley system is supposed to do just that when in reality it is lacking and actually hindering the Métis. To an extent, the Powley system offers a level of acknowledgement of Métis identity, but at the same time the Powley system serves to deny the people this ability to define themselves by instilling its own version of how the people should define themselves, one that reflects the MNO/MNC belief of Red River only Métis. By creating barriers as to who can be constituted as a Métis, there is a creation of a very specific standard to which people have to measure up to, if they want to be Métis, even if it is not reflective of the people (Barth; 1969; Siobhan, 2001). Whereas having a more universal look at Métis, a nation within the Nation of Canada, serving to Métis, the different variations between the Métis would be recognized and allow for these people to claim their heritage as a Métis.

As of right now, the Powley system is being used as the forefront argument to what Métis identity is and should be by the MNO and through them the MNC promoting their idea of a single Métis nation under the doctrine that they are the only true Métis. In itself the idea of a Métis nation is the goal for both parties, the only difference is that the OCAP and CAP propose a more inclusive idea for a Métis nation, one that is hotly debated, both inside and outside the courts. Regardless of who controls the Métis people in terms of nationhood, there is still a need for a Métis government to regulate and institute changes to Métis policy, through the form of Métis taking hold of their own situation and define their own direction and definition (Lee, 2008). A model like this would move beyond the one proposed by the MNC/MNO, by incorporating their belief in a Métis Nation but instead of being one type Métis specific, the new Nation would be more inclusive towards all historically different Métis groups (Sayer, 1997).

As Paul Browin discusses, identity is created by the individual's social interactions or performances, meaning their identity is not something that is fixed, let alone something that can be viewed in essentialistic perspectives, rather people are an amalgamation of many different parts which separately mean nothing, but together mean everything (Brodwin, 2002), which is why the OCAP made it clear that they would support any individual for their Métis claim, regardless if they met the Powley points or not (OCAP (B), n.d.). In response the OCAP states that,

“[f]rom a national perspective, it is clearly understood that each PTO [Métis group/organization] has a unique history and a distinct and valid perspective on how each of these elements should be addressed and presented so as to best serve their respective Métis constituencies. It is the task of the national component of the project to welcome the identification of these differences and to develop and articulate mutually acceptable national policies to further their eventual accommodation by the governments involved” (OCAP (C), n.d. p3).

What this means for the Métis and the prospect of a Métis nation, is that there needs to be a communication and cooperation regarding policy and the standards towards Métis. It would also mean identity for a Métis would reflect the non-essentialistic identity of Métis. For a non-essentialistic identity, the identity is not reliant on specifically defined markers but instead focuses on the difference of each individual's historical heritage. With non-essentialism ideology, the identity reflect the fluid nature of a person's identity, being that it draws on many different factors to institute itself as a true representation of the person's self-declaration of identity.

Propaganda Wars:

In this final section of this chapter, I want to look at the idea of propaganda. The reason this is actually important is because the OCAP directly claimed that the MNO was releasing misleading information regarding Métis politics, which only confuses and furthers Métis from the actual political issues, i.e. the identity and cultural differences between the organizations (OCAP (B), n.d.). But the question is why is the material released by the MNO propaganda at all? As Steuter and Wills discuss:

“Propaganda is not concern with dissemination information but with rallying emotion. Information is a distraction from propaganda's fundamental work: it is not intended to enlarge our understanding of complex issues but to narrow it, so that we will be both focused and manageable. Propaganda's intent is not to educate

but to generate and direct emotion, to boil the blood while it narrows the mind. Its most essential task, and its most dangerous, is to ensure that public emotion dominates public discussion” (Steuter and Wills, 2008 p18).

So in terms of the MNO’s policy, words and concepts like ‘Homeland’, ‘Home Nation’, and ‘Nationhood’ serve to instill a belief based on emotional thinking. “Propaganda values passion over reason. It implies that we already know everything we need to know to act” (Steuter and Wills, 2008 p23). All of these words are geared to a specific idea and emotion, one to stir support and belief in the organization and idea that there is a home with the organization, which they can provide if you join them, thereby fulfilling Powley. Having words like ‘Homeland’ used creates this feeling of naturalness of the situation or of the concept, boiling down to the idea that there is nothing wrong with ‘home’. This idea plays on the notion that everyone wants to be part of something or trace their heritage to a specific point of origin, this also plays on the current issue in Aboriginal politics and that being the issue of Canadian land as their own (Creel, 1941; White, 1971). By using words like ‘homeland’ the MNO has created this link to the overarching idea that all aboriginals were in Canada first, therefore it is their land.

The resulting image being created is the belief of the ‘other’ Métis, devaluing their claim to identity by marking up their own as true. “Orientalism allows us to fabricate an alien enemy effectively and dangerously. The more shadowy, unclear, or ambiguous the face of the enemy, the more urgently propaganda must fabricate an enemy that we can believe we know...” (Steuter and Wills, 2008 p26). The whole goal of propaganda is to create a feeling towards something and to get people to believe it. The Allies and Nazis, during World War II, relied heavily on this tactic to sway public opinion and gather support for their cause while at the same time demonizing the ‘other’, thereby blurring ideas and creating barriers of ‘us’ versus ‘them’ (Steuter and Wills, 2008). For MNO this ‘other’ comes to us in the form of other ‘métis’. These are the Métis that differ from the MNC ideology, and are therefore not Métis. This belief is continued through the propaganda by creating environment of separation or distancing of Métis as being the enemy; by using charged words like ‘homeland’ you create this hostility towards anyone that disagrees with this idea of there being only one Métis ‘homeland’ because it becomes an attack on your ‘home’ (Steuter and Wills, 2008; White, 1971).

This is why the Powley has become such a main focal point for the organizations, one the side of the MNO, the Powley points are a verification in their beliefs as a people and culture. Whereas with the OCAP, the Powley points become a discriminator tool against all other Métis, outside of the MNC, because it creates an expectation on these Métis that they may not be able to meet, thereby excluding them from identity and legitimacy as a people. As it stands now, a fixed Métis definition benefits the MNO by relying on essentialistic values. These become specific markers to what makes Red River Métis the true Métis, to which the Powley points aids by implementing a standard that all Métis have to meet. What it boils down to is the issue of essentialistic thinking versus non-essentialistic. The system restricts the movements of the people inside of the category by limiting how far they can expand their identity without breaching the boundary itself, while at the same time creating something outside of the people and expecting them to internalize it as their own (Barth, 1969). By doing so would mean they no longer become part of the category and therefore are excluded. From the essentialistic perspective we can see a series of restrictions being imposed on the people and the category, effectively controlling the category's progression (Cohen, 1978; Hirschfeld, 1998). In itself the essentialistic perspective does not read as bad in the sense that it offers the illusion of structure and direction, however in reality it is subject to control by those that impose this structure. The Powley points/system has become a tool for both exclusion and inclusion on the part of both organizations. As a system, the Powley points are being used as a means to divide the Métis by 'defining' which Métis belong in the perceived category of 'real' Métis, while at the same time it is being used as a tool to rally people against a purposed system.

In itself the idea of what the MNO is not a bad one, the whole prospect of having a homeland is inviting, but promoting the homeland only to restrict it to one type of Métis is rather counterproductive. Granted not everyone claiming to be a Métis is a Métis, this is fact, but excluding every type of Métis outside your own borders does not help the actual cause of the Métis to be a political body, representing all Métis their needs to be diversity. Because really, who or what is really a Métis? Just claiming to be a Métis does not make you one, there needs to be an actual connection with the identity and the people that live it. Who is to say that a Métis from Prince Edward Island is not a Métis because his or family heritage does not trace their roots to a western event? Or to even say a western Métis is not a truly

specific heritage that merits recognition? The point being made throughout this thesis is that there is no one type of Métis and to have a system like Powley, forcing that there be just one type only exacerbate the already tensioned situations between the Métis groups.

The point of Powley was not to say which group was right or wrong but rather to offer guidelines on how to determine a Métis identity. But somewhere along the line, the test became a standard for Métis identity, one that made it that anyone claiming to be Métis status had to do so through the Powley system. In effect removing the historical cultural variations that exist, this is why the different groups exist today and why membership is so center on Métis politics. Membership for the Métis becomes an identity. These organizations define and support the beliefs of their members, thereby securing the individuals identity, all the while leading to a collective community. This community becomes the backbone of an organization. It offers support and connection to an idea and belief; it also becomes the face of a cause. What I mean by this, is that the community forms the image of what the identity is for the people. But when this identity, or expectation of it, become rigid, like through the process of Powley, we lose on the diversity of a people and rely on a standard as if it was a rule. In the end we actually end up with no one being right and nothing to show for it.

Analysis and Conclusion:

As we have seen, the Powley trial and the resulting institution of its policy has been anything but simple. Because of the Powley trial and points, we now have a new standard for Métis identity, though it, Métis are required to prove very specific markers from their heritage to prove that they are in fact Métis. However, this new version of Métis actually ends up restricting more Métis than it 'creates'. What happens is that it forces Métis to be a particular type of Métis, making it that the Métis that do not meet the Powley test failed because they were not that 'right' type. As Ian Hacking writes, "[m]aking up people changes the space of possibilities for personhood" (Hacking, 2002 p. 66), what Hacking is referring to, is when we create a category, we effectively define the boundaries and limitations of it. So what is happening is the Powley system is taking away from the people their personal heritage and expecting them to become another. As we have seen in the previous chapters, there is the belief that only true Métis exist out west in the Red River area, because of this, they believe that anyone not from this heritage is not a Métis. This idea is enforced when groups like the MNC offer a means to completing the Powley requirements, which are in fact a reflection of MNC policy and belief.

This comes through the Powley's expectation that every person is able to prove a historic community that meets the test's requirements. Because the MNC and MNO offer the premise that they alone have a Métis Homeland, they are creating the belief that they alone are the true Métis. But as we have seen, the CAP and OCAP have made it clear that they believe that there are other Métis heritages in Canada. Ones that developed separately and uniquely based on context and situation. However because of these different histories, some Métis may in fact not be able to prove their heritage due to historical circumstances, thus excluding them from actually claiming their identity and status as Métis in Canada. Which why the Powley test, as an administrative test, is such a problematic one, it creates an image of what Métis should be instead of looking at how they are. By focusing on one particular belief, the Powley points impose this belief on the Métis, forcing them to change their own personal interpretations of being Métis to reflect those of the Powley test and by extension the MNC/MNO. Now a question to be asked, is why the Powley test or even the whole current political situation of the Métis, are the way they are. Why then is the Powley test

given the position it is, when through actual exploration, only seems to reflect one group of Métis over the rest? Is it because the Canadian Government views this as the standard for Métis or is it because of other factors?

Sticking Points:

In his book, *The Social Construction of What?*, Ian Hacking looks at how concepts and ideas are constructed and then perceived as something that has always been there and real. This happens to the extent that we no longer question its presence or functionality and take it as fact, i.e. the Powley test (Hacking, 1999). These concepts remain unchallenged or unchanged because of its status as the standard for Métis identification. But in reality it is nothing more than the sum of its cultural and historical parts, all of which are reliant on the social factors that created the ideology for that time and place. What happens is because the system is based on supposed ‘popular’ belief, the opinion becomes ‘fact’, even though it was not this idea beforehand and was only changed to be so. Hacking discusses how these categories become definers of people, to the point where people start acting out what is expected of them, thus altering their perceptions, actions, and mannerisms, becoming what Hacking refers to as the Looping Effect of human kind (Hacking, 1999). Basically people are internalizing what the category says they should be, becoming the category, thereby feeding into itself. The only reason this continues is because we allow the means for it do so, in essence people are taught how to behave and how to be (Hacking, 1999). In his third chapter, Hacking discusses three points, calling them his ‘Sticking Points’, which describe how ideas are constructed to be real and how they become a fallacy in their own right, to which the points expose these fallacies. These three Sticking Points are: Contingency, Nominalism, and Stability.

Contingency:

The first point looked at by Hacking is what he calls the Contingency point. This point involves the notion that something is no longer valid or good, solely because it is from the past or an earlier version of the process (Hacking, 1999). The reference to ‘old’ stems from alternative means of doing something, ‘new’ simply means and refers to the current accepted means of doing things. Even though it may be referenced as the new way of doing things, it does not mean it is the right way to do it. What this means is that everything is

questionable and just because of its status, as the current trend, does not make it right or the best course of action. It only means it is accepted or agreed upon at this point in time. Even more so, it does not even mean it is the right idea. What Hacking is trying to show, is that just because something is the current trend does not make it the right one, which goes back to the idea of everything being reliant on people to make the idea. Simply put, the people cannot exist if someone has not thought of it and defined it, meaning other opinions seem improbable just because no one else has thought of it yet.

In his example of schizophrenia, Hacking shows how the category of the illness changed with every new medical model or school of thought. Each new idea changed the whole perception of what the category was, reflecting the fact that people created the category and what constitutes it (Hacking, 1999). Each of these new perspectives adds and removes from the categories, changing the system so that it becomes the new ‘truth’, and the only way to look at the particular issue. But what we tend to forget that whatever was taken out was seen as the undeniable truth for that category before, therefore what Hacking is saying is that we are falling into this fallacy of immediate existence vision. What I mean by this is that we, as a society, take everything at face value, unquestioned and unchallenged, when a category or an idea is constructed it becomes something that is predetermined in how the course of action should follow, but the fact is, as Hacking puts it, results are not predetermined and should be considered as such (1999). Because what happens is that our field of vision narrows so that we only see certain aspects concerning the issue at hand, causing us to become bound to our own creation and its predetermination. This becomes a cycle of perpetuation of belief as right, because these categories are created by people and thus they are not actual proofs or realities, just created ones.

With the current situation regarding the Métis, the Powley system has become this created system of governance over the Métis, but is being perceived as being the only true reality, while at the same time disregarding every other possible Métis heritage as unviable means of actually constituting an identity and history. This idea is being pushed by such organizations like the MNC and MNO, who circulating the idea that the Powley system and their Métis heritage as being the true means to defining Métis. They end up disregarding all other beliefs, this referring to other ‘types’ of Métis like those from Atlantic Canada or the

newly formed Labrador Métis, as not being true Métis because they do not share the same heritage as the Red River Métis. These become what I consider the ‘non-Métis’ from the view point of the MNC. As mentioned before, the current system was constructed using only one way of thinking. But because the current method is the newest way of looking at Métis identity, it is seen as the only right way. The issue here is that since the introduction of Powley, a case that happened in one province and made to apply to all provinces, the test has been given superseding precedence over Métis identification. Whereas before an individual would build their case using different aspects of their unique heritage and culture when making their claim towards status as a Métis. However since the introduction of Powley, these have become the ‘old’ way to define a person’s Métis-ness. Past methods have just as much merit as current ones, in fact, by coming before they essentially laid out the groundwork for the Powley points to exist. The ‘success’ is determined by the failures before it (Hacking, 1999).

This statement of success being defined by the failures refers back to the original point of the Contingency sticking point, which asks whether things, and in this case Métis, could be something else. What Hacking was asking, was if everything we know today and deem as real, could they or would they have emerged the same way if we did went another route? Because as it stands, science and many other fields, believe that the current situation reflects how things are and that if given another chance, they would develop in the same way, thereby confirming the end result. But Hacking goes against this and ask is that really true, would we get the same results if we went by another route (Hacking, 1999)? In the case of the Métis, we have a system, Powley, which is defined as being the only way to define Métis. Powley is essentially a reformatted version of the Van der Peet test. So in Hacking’s question, without using Van der Peet, or if Van der Peet never existed, would we still have the same Powley test as we do now? Because if Powley is the actual truth and reality of Métis, then it would not matter because the end result would always be the same, in reality it would not. How can there be an expectation that one way is right, when possibly multiple different routes could lead to the same results. I am not saying Powley as it is now as being the end result but rather the concept of their being a system like Powley would probably exist. However this other system could or could not be same as Powley. Therefore the

question is how do we know that Powley is the right way? Since there could be many different ways to define a Métis, how do we know that Powley is the right and only way?

Which is why the CAP Métis, and through extension the OCAP, have advocated against the Powley, stating that the Powley system/test and the MNC belief are not the only way to look at Métis. For the CAP and OCAP, the Powley only serves to segregate Métis by making it the belief that they are not Métis because they cannot meet the test. This belief and Powley system/test is only being perpetuated like it is, is because there is nothing else offered to counter the Powley system/test, as in there being another viable and accepted means to identifying Métis. The reason there is not another means, is because nothing else is allowed to actually be put into the position for opposing the current status quo. As it stands right now, the Powley system/test is reliant on itself and the MNC affiliated organizations to prove its own worth as a legitimate means of Métis identification, forming the Looping Effect. The MNC affiliates provide the Métis to prove that Powley is working and the Powley test proves that the MNC belief is working by proving Métis status for the MNC Métis. In itself, the looping creates the legitimacy for the Powley test to be seen as the only right way to Métis identification, which brings us to Hacking's second Sticking Point: Nominalism.

Nominalism:

In Hacking's next sticking point, he looks into the issue of perceived or made up 'facts' used to justify a perpetuated belief as true or rather the only way of looking at the issue. For Hacking, Nominalism, simply means, "... a fancy way of saying name-isms" (Hacking, 1999 p82). In other words, it is the process of naming and classifying 'things'. Now the idea does not just pertain to just 'naming' but is applicable to all aspects of how something, anything for that matter, is created and labeled. How this label becomes the 'official' truth of the object, meaning it becomes unchanging or rather unchangeable, is due mostly in part to how the name or title placed on an item/concept/thing becomes its definer. Once a concept is defined and named, it becomes exceptionally hard to undo the preconceived notions that come with it. Think of it along these terms, a concept or name only exist because of its name. There is no physical representation of the 'thing' but yet it is treated as it is real because of the name. In a sense the name creates the reality for the

‘thing’. As mentioned, this ‘thing’ can be a name or a concept and represents the object without it actually being there or existing. In essence, these terms, whatever they may be, do not exist, yet they are treated as existing and therefore become ‘fact’ or real. Nominalism also states that objects of the same name or term are not actually linked except by name. Saying that two objects are green does not make the two objects the same thing.

Now to apply this to the Métis, the actual concept of ‘Métis’ has no reality, it is not a chair. It is a concept and identity placed onto a person, therefore making that person a ‘Métis’. Métis is only a term; there is no physical aspect aside from the people claiming to be Métis, however the term Métis is used as if it has a physical existence that transcends time and space, making it a concept. When in reality the word becomes the product of interpretation by the people using it. Going back to Hacking’s example of schizophrenia, in how as a category changed and was redefined based on influence and standards imposed by the different doctors and social influence. The point being made is that the concept of schizophrenia as we know it is a constructed reality. Much in the same way, Métis are or rather the term Métis and the expectations that come with it are created by the context in which they are conceived. With the MNC claiming to be true Métis, they are inherently creating the assumption that the term Métis they are using is a constant and does not change, giving it a physical existence. However this is not true, the term ‘Métis’ is not a constant and are therefore subject to change. What this means for the Métis, the people claiming to be such, is that two different people or groups claiming to be Métis are in no way the same thing and cannot and should not be treated as if they were, thereby removing the control over the term by the MNC. Yes there may be a consistent truth to what a ‘Métis’ can be, making these a form of ‘facts’, but that does not make it the only one. What happens is that these ‘facts’ get rearranged to reflect what we want to see, not what the actual reality is, because there is no reality for the term Métis. As Hacking writes, “The facts are there, arranged as they are, no matter how we describe them” (Hacking, 1999 p. 83).

So when the MNC claim to be the real Métis, they are only reflecting one possible manifestation of what the term ‘Métis’ can be. It does not mean they are right nor that they are wrong, instead it only shows what they want to believe and what they want others to see. However as the CAP state, they do not believe in one particular view of Métis, instead they

respect each Métis heritage as a reflection of that Métis' particular history. An idea like this actually fits into the nominalist belief. As mentioned before, Nominalism also states that just because separate items share the same name or term does not make them the same thing. However these two items are linked together by that term. In the case of the Métis, all Métis claim to be Métis therefore they are Métis, yet because the term Métis does not actually have a physical existence, all these Métis are only Métis based on their declaration of it, thus making them linked yet different from each other based on belief.

Looking back we know that, the MNC has had direct involvement in creating the standards for the Powley system, to the point that it reflects and supports their current doctrine regarding Métis identity. They have taken the facts of Métis history and heritage and shaped them into a reality that reflects only their specific interests and not those of all the Métis. So in effect, it could be said that the 'facts' are being taken out of context and used in such a way, that it creates the illusion that they are right. By using specific historical events like the Manitoba Act for their basis, the MNC and MNO effectively changed and limited the perception of Métis to only that of Powley. Therefore the fallacy is that the Powley system is only using certain 'facts' to create their version of Métis identity without actually taking into consideration that the base line assumption or perception of Métis remains true. This remains the fact, regardless of how they are placed or used, the thing or concept remains the same no matter how we define them or say how or what 'they' should be (Hacking, 1999). Countering this belief, the Congress of Aboriginal People making the bid for a universally applicable Métis identity, by saying that there are many different aspects to the idea of Métis and what the term stands for, because in reality there is not one just one type of Métis. Therefore this idea would create the assumption that all these people had the same family to have the same heritage, when in fact this is not true. Therefore, each interpretation of what it means to be Métis would be validated and given merit based on the legitimacy of their claim. For the CAP and OCAP, their goal is to implement an open-ended conception of what it means to be Métis across Canada (CAP, n.d.; Hacking, 1999). Doing so would directly reflect what it means to be Métis without relying on a name to define the concept, meaning the 'facts' of what it means to be a Métis, would define the title 'Métis', thus fulfilling the actual nature of the 'Métis concept' in that it has always been a constant in

the reality and it is subject to interpretations. This conception of constant reality as true fact, leads us to Hacking's third and final sticking point.

Explanations of Stability:

Hacking's third point "... raises the question of whether the stability exhibited by the natural sciences is to be provided with an external explanation (the social power exercised in the scientific community by leading scientists) or an internal explanation (the fact that as new members join the scientific community, they are shown the reasons that support the conclusions that have been reached, and see that these are decisive)" (McMahon, 2001 p229). What Hacking is showing is that knowledge and the stability of it is based on two different beliefs. The first belief, the external explanation, finds its stability through its 'position'. What I mean by position, is the regard a method, belief, or process is given by the community using it, making it an untouchable thing solely because of its precedence. Because a method is deemed to be right or proper, it gathers 'support' or 'credibility' that builds up its importance to the point that becomes more of an effort to take it apart the supporting beliefs than it is to create new ideas (McMahon, 2001). What Hacking is trying to show is that this method or belief is not necessarily wrong or the resulting products questionable, instead he is showing that this knowledge has stability because it is built up to be so by the powers in control (Hacking, 1999; McMahon, 2001).

The second belief proposed by Stability point, asks if that knowledge is from internal explanations. With this explanation, stability comes from the perpetuation of this knowledge by social pressures from the community. What happens is that this knowledge is continued because it functions under the system of 'this is how we do it' mentality. In this form, the community dictates what is the accepted knowledge or process and the professionals in charge ensure of its perpetuation and instillation with new members, thus continuing the knowledge (McMahon, 2001). Therefore the stability for the knowledge is created by the processes already in place because the position dictates what is going to be allowed and used by the members. With Métis these two forms of stabilities of knowledge reflect the positions of the organizations and current political systems in place, i.e. the Powley test.

We see this happening with the Powley points; they have reached a point in where they are deemed unquestionable, therefore infallible. They are unchangeable because it is perceived as a constant. The whole aspect of one side of the question on stability asked by Hacking, is that thing, and in this case Powley, is tested, retested and then it becomes ‘proven’, but what happens is we lose the ability to question the testing procedure, even the ‘proof’ and ‘results’ it provides is untouchable because it becomes more ineffective to do so as the system is cemented in its position (Hacking, 1999). For example, for the Métis, because it was created in the courts the Powley system is the defining aspect to Métis status. It is considered to be proven and established because it used by the controlling power, not only that, it is considered working because of the Métis it is producing. But if we remember in the previous section, the Powley test is nothing more than a looping effect feeding into itself and the organizations that support it. However this system is too established to be contested therefore it becomes this thing that beyond question or refute, thereby making it a ‘stable’ means to knowledge (McMahon, 2001). But like the point Hacking is making, this does not mean the results produced by the system are wrong, because of the effort put into it, however there needs to be a level of doubt towards the position it is given by the people in power, i.e. the MNC affiliated Métis. This is because it becomes believed to be true to the point it can never be wrong, hiding behind the idea that it is the only way ‘it’ is done.

On the other side of the question regarding Stability asked by Hacking, deals with the position of internal explanations. As mentioned, this is through social pressures, community expectations, and perpetuations of ideologies. This forms into the idea that processes are done in a certain way and it is the only way, therefore it becomes the only accepted way. For Métis this yet again reflected through the Powley test and the general opinion of their being one type of Métis. What happens is these beliefs are influenced by the community and imposed unto the knowledge being produced, thereby creating the stability for that particular belief. Because of the pressures, all other forms of knowledge are suppressed to maintain the control over the knowledge. For the Métis this knowledge refers to the belief and position of who is considered a true Métis. The MNC continue to propose their belief by imprinting this idea on all their members and policy. So when a system like the Powley is implemented, it creates a suppression of all other beliefs regarding Métis and narrows the focus to only one way of being Métis, the MNC’s version. Therefore the identity in this regard is

institutionalized and controlled by the social networks that come from joining an organization. Now I am not saying that only the MNC does this, any organization imposes their beliefs unto the new members, doing so ensures the beliefs actually carry on being beliefs, as discussed in the previous chapters. The point is regardless of the knowledge or belief; it is dominated and directed by the community that shape it thereby questioning the legitimacy of it being a real thing.

Regardless of what side of the question regarding the explanations of stability, external or internal, the question still remains, how is the knowledge or the explanation of it given the position it is. If both are created or constructed in one way or another, how then does one belief dominate another? Specific ideas and beliefs dominate others by being favored by the people in charge. As was mentioned in the previous chapter, the MNC is the only officially recognized Métis organization in Canada; whereas the CAP is not, but functions at the same capacity as the MNC. So because of the official position, the MNC is able to implement the belief that they feel represents their ideologies, thus making the Powley test is the current system in place. But as Hacking's third point states, the only reason the Powley system in the position it is now, is because of both internal and external explanations. The Powley points/test is both in a position that it would be more troublesome to refute and take apart, i.e. through revision or in other court cases, and in a position that it is determined by the governing party. How this becomes important to the Métis is that the system is not reflective of the Métis it supports. Each new member to the organizations becomes expected in one way or another to redefine themselves to fit within the Powley system. Powley points are continued without actually being representative of the people, because the system does not allow for different interpretations of it, thereby enforcing the looping effect of the system and belief because of the stability it creates to support itself.

Sticking the Points:

Because of Powley and the whole situation regarding the different opinions of Métis identity, there is a constant conflict between who is right and who is wrong. Even more, there is the question of politics versus actually helping people. What I tried to show through using Hacking's three sticking points is that every belief is constructed one way or another. With Powley, the idea is that the system was created to represent the ideals of Métis

everywhere in Canada, allowing them to prove their identity and achieve status as Métis in Canada. However because of politics and power control, the system has been handled in such a way that it actually hinders the overall Métis population because of the imposing belief it creates.

Regardless of the belief or position of the Powley points as being almost law, they are constructed based on a particular belief regarding Métis. This belief has now become truth and it is cemented in the Métis culture because of the constructed beliefs surrounding it, as explained using the Hacking points. The point is, this one type of Métis is being pushed as being the true ‘version’ of Métis without allowing other beliefs to influence or integrate into this belief, because the Powley belief has become untouchable. But in reality, we know that this belief is only one in many different possibilities, therefore there needs to be a re-evaluation of the current belief. Métis are a mixed people, why then do they not have a mixed heritage or definition?

Conclusion and Reflection:

The reason this testing does not work for Métis in general is because it is testing only specific aspects of a Métis life or rather a specific Métis life. It strips down what it means to be a Métis from the personal aspect, making it a mechanical testing schema. When testing only specific areas of Métis life from a particular group you create boundaries for anyone else, effectively declaring conformity over heritage. However with groups like the Ontario Coalition of Aboriginal People under the Congress of Aboriginal People ideology, the standards and beliefs differ reflecting more the uniqueness of the Métis. Differing to the point that it has become increasingly hard for these groups of Métis to meet the requirements being laid out, just because tests like Powley are restricting the scope of Métis life, thus making the CAP Métis rebels, or even worse, labeling them as not being true Métis. As Hacking asks, “[h]ow do new ways to classify open up, or close down, possibilities for human action” (Hacking, 2002 p61)? What Hacking is asking is how do beliefs rise and fall, taking with them opinion and rules to govern action? What I mean by this, in terms of Métis politics, is how do test/systems like Powley come into power and control over Métis identity, what makes that right over all other ideas and procedures that came before it? But

the issues go beyond that, given that a significant part of the Métis population are not able to meet the test yet still claim to be Métis, what does that make them, liars or something else?

The Powley system is being viewed as the right way and forgetting that it was a created concept and does not actually stand for anything. The idea of Métis is just that an idea, rather the concept and term of Métis is just a term. It has no substance, it is not physical nor real as Hacking demonstrates in his first sticking point (Hacking, 1999). What this means is that everything about the whole issue is created, even the expectations placed on the people. But these are never questioned, instead the idea of what a Métis should be, is taken as fact which supersedes all others. Effectively, by using the Powley system, we are creating a people, thereby making that "... this idea of 'making up people' affects our very idea of what it is to be an individual" (Hacking, 2002 p61). How then can there be a 'right' way to look at Métis identity. By creating a perception or idea of something, we create its reality, thereby governing its existence. In the case of the Métis, the thing being governed is their identity. However, the fact is, everything is constructed, so even the Powley points are a constructed belief. And as we saw in through the sticking points, these constructed beliefs are reliant on current social and ideology factors, easily added to and removed from it, which in turn change and redefine the concept or category (Hacking, 1999). Therefore regardless of whatever system is in place, it should never be taken as the only 'right' way because it is only one representation of the many possibilities that can exist.

But because of the Powley points, the MNC and MNO are telling Métis how to be Métis. By giving Métis only one option or definition of Métis identity, the MNC and MNO are deciding identity and the future of the Métis population. Métis are becoming deceived by what they perceive as being right as it is being told to them, to the point that they become oblivious to the whole picture and actual politics involved. "What was known about people of a kind may become false because people of that kind have changed in virtue of how they have been classified, what they believe about themselves, or because of how they have been classified. There is a looping effect" (Hacking, 1999 p104). What Hacking talks about here is how, by the very nature of defining something or classifying it, you change the very nature of it. This is because the 'thing' becomes what you make it out to be, but it does not stop there, it grows and changes, feeding into itself. Political powers like the Government and

Métis organizations have constantly tried to label and define the Métis into clean little categories but it never works, solely because people resist being labeled or having ones put on them. This is due to the ever changing perceptions of people and the person's actual self-perception of their identity.

Recent Happenings:

Recently in 2011, the Government of Canada, through the Indian and Northern Affairs Canada (INCA) department came under public backlash for their proposed plan regarding Métis status. In February it was announced by INCA that they had tentatively given a contract to the Canadian Standards Association (CSA) to create a standard for Métis status, basically creating a definition. "The CSA, best known for putting its stamp of approval on household products" (CBC, 2011 p1), was given the task to outline a consistent and credible definition or standard for who could be considered a Métis and who could not (Friesen, 2011). What this meant for the Métis is that their status would be directed by an association that was responsible "for such things as light bulbs and microwaves" (CBC, 2011 p1). Métis everywhere were outraged by this proposed contract; however this shows a bigger issue than just being defined by a company. It is the issue of identity. The Métis were afraid of being defined in a specific way because it would take away from their own personal beliefs on who they were. The biggest party to complain about this proposed contract was the Métis National Council. They claimed that by accepting a standard like that would undo years of work regarding Métis status since 1982 with the Constitution Act (Friesen, 2011). I found it rather ironic that an organization, like the MNC, that directly impose their belief of how a Métis should be to all Métis across Canada would be offended when the Canadian Government proposed the same thing. But the bigger issue is that there is not a standard of what a Métis is and there desperately needs to be one. However because Métis are diverse in the personal view of their identity and heritage, it is significantly hard to do. On this issue of why even bother defining a standard, Hacking asks a rather important question, "is making up people intimately linked to control" (Hacking, 2002 p64)? What he means by this, is the very act of defining a people linked to control over those people? The answer is yes.

Looking back on the Métis history we can see how ideas and expectations of Métis change based solely on who was in power or how the people themselves defined their

identity. Thus making Métis identity something to influence or control, controlling the identity equals controlling the people. By monopolising the availability of an identity, it “... changes the space of possibilities for personhood (Hacking, 2002 p66). Finding comfort in essentialistic thinking, groups like the MNO and MNC continue to hinder the actual growth of a people, by pushing a system that is one sided, thereby ensuring they maintain the control over the image of Métis and the people identifying as such. Thus making ideas from such groups like the CAP seem negative in relation to the current situation. However because of these tensions there will never be any progression because there will always be conflict on how to define the Métis. Which is why government institutions like INCA are entering into the picture by trying to implement a standardised method, doing so would in fact level the field and remove potential biases. In truth, there is no one answer or one definition of Métis, simply because there are many, as many as there are different Canadian identities.

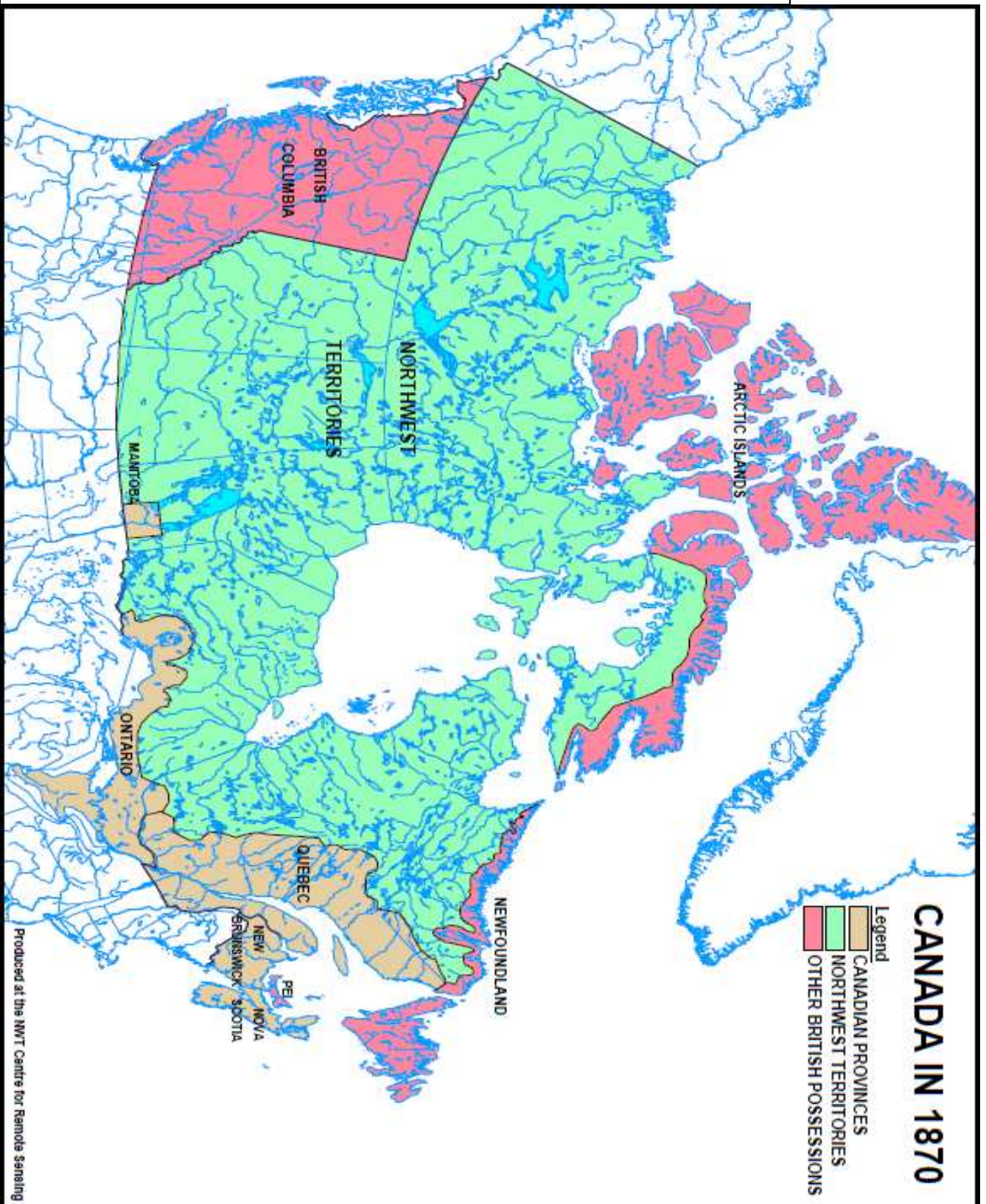
As I have shown with Hacking’s ideas regarding social constructionism, the current way of doing things is not always the right way or even the only way. For the Métis this means that there are numerous possible ways in which we could look at the current political divide and issues between the Métis groups. There just needs to be more information and research into the topic, which is why I am adamant about the need for more current and relevant research into the whole topic. At the beginning of this thesis, I mention how very little information exists regarding the current state of affairs of Métis politics since the introduction of the Powley system and points. This action alone has changed the perception of Métis significantly, the most important since the introduction of the 1982 Constitution Act, naming Métis as the third official aboriginal group in Canada. But the point I want to make, and ensure that it is clear, is that the topic of Métis politics and identity is not an easy one. It is deeply rooted in emotional and historical beliefs that have deeply divided the Métis people. However because of this, only one side of the issue is only being represented, while the other is being discredited. My goal has been and continues to be, to show the ‘other’ side of the argument, showing that they too have a valid claim to Métis identity but because of current policy, they are being denied any legitimacy. Also, you can only do so much with a Master’s thesis, which left me very limited in what I could do and what I could look at. Just showing the current issues as they present themselves to the Métis has been an enormous

undertaking and one that is still far from complete. I sincerely hope that more research will be done in this area.

People are the result of expectations and perceptions created of them; both internally and externally imposed on themselves. Quite simply, there is no 'one' Métis. Instead there should be one Métis 'nation', one that is inclusive and reflects all the people. In much the same way the Congress of Aboriginal People support the idea of geographical different culture Métis, I also believe that this idea to be the future of Métis. We need to stop looking at Métis as something to be defined in only unilinear thinking. Instead we need to look at Métis the same way we look at Canadians in Canada. In Canada there is no one type of Canadian, yes there are assumptions and expectation of what it means to be Canadian, but there is not a specific definition applied universally to all Canadians. Like thinking that all Canadians need to be white or they need to have been born here with links to a 'Canadian' heritage, they just do not make sense in a diverse society or a multicultural on for that matter. There has to be something more than just an imagined concept on how something should be. Therefore why do we expect it of the Métis? How can we expect a people, who know who they are, to be forced into something they are not?

Which is why I suggest there be a shift from wanting to making a universally specific definition of Métis, like the Powley points, to instead create an overarching conception of Métis, in much the same way Canada has many different Canadians, so too would the new Métis Nation. I propose regional or group based Métis identity nation. Doing so would reflect the diversity of the Métis aboriginal population. This would also give the justification and support for all the many different heritages and histories of Métis across Canada. Whether they found existence at the start of the Fur trade or with the creation of Manitoba, they would be all Métis. Another way to look at this would be the collective population of First Nations. There is no one First Nation, rather there are many, all of which are given equal rights and equal standing as viable aboriginal groups in Canada under the banner of First Nations. The Métis National Council is already after the concept of there being a Métis nation but for the wrong reasons. As it stands now, unless the Canadian Government and Métis organizations, stop trying to define everything in specific and essentialistic ways, the problem will never go away and only serve to further distance the people and the actual

issues. Current conflicts around Powley only serve to create dissent among the people because of its exclusionary tendencies. By creating only one way to become Métis, you lose out on the diversity of Métis. Métis have always been Métis, they are not European and they are not First Nations, rather they are a combined people connected through history. A culture, in-between cultures, has grown and changed with the people and with time, as variable as with any other Canadian, we all have a history and a heritage that is accepted. Why not give the same respect to Métis by letting them be who they are and not who we want them to be?



Appendix 2: The Powley Test from the Métis Nation of Ontario

<http://www.metisnation.org/harvesting/the-powley-story/establishing-a-metis-right---the-powley-test.aspx> Accessed March 2, 2012

Part 3: Establishing a Métis Right - The Powley Test

The Supreme Court said that the appropriate way to define Métis rights in s. 35 is to modify the test used to define the Aboriginal rights of Indians (the *Van der Peet* test). This modified Métis test came to be known as the *Powley* test. The test is set out in ten parts:

1. **Characterization of the right** - For a harvesting right, the term “characterization” refers to the ultimate use of the harvest. Is it for food, exchange or commercial purposes? The Court said that the Métis right to hunt is not limited to moose just because that is what the Powleys were hunting. Métis don’t have to separately prove a right to hunt every species of wildlife or fish they depend on. The right to hunt is not species-specific. The Métis right to hunt is a general right to hunt for food in the traditional hunting grounds of the Métis community.
2. **Identification of the historic rights bearing community** - An historic Métis community was a group of Métis with a distinctive collective identity, who lived together in the same geographic area and shared a common way of life. The historic Métis community must be shown to have existed as an identifiable Métis community prior to the time when Europeans effectively established political and legal control in a particular area.
3. **Identification of the contemporary rights bearing community** - Métis community identification requires two things. First, the community must self-identify as a Métis community. Second, there must be proof that the contemporary Métis community is a continuation of the historic Métis community.
4. **Verification of membership in the contemporary Métis community** - There must be an “objectively verifiable process” to identify members of the community. This means a process that is based on reasonable principles and historical fact that can be documented. The Court did not set out a comprehensive definition of Métis. However, it set out three components to guide the identification of Métis rights-holders: self-identification, ancestral connection to the historic Métis community, and community acceptance. Difficulty in determining membership in the Métis community does not mean that Métis people do not have rights.
5. **Identification of the relevant time** - In order to identify whether a practice was “integral” to the historic Aboriginal community, the Court looks for a relevant time. Ideally, this is a time when the practice can be identified and before it is forever changed by European influence. For Indians, the Court looks to a “pre-contact” time. The Court modified this test for Métis in recognition of the fact that Métis arose as an Aboriginal people after contact with Europeans. The Court called the appropriate time test for Métis the “post contact but pre-control” test and said that the focus should be on the period after a particular Métis community arose and before it came under the effective control and influence of European laws and customs.
6. **Was the practice integral to the claimant’s distinctive culture** – The Court asks whether the practice - subsistence hunting - is an important aspect of Métis life and a defining feature of their special

relationship to the land. The Court specifically noted that the availability of a particular species over time is not relevant. So even though the case may be about moose hunting, as it was with the Powleys, the issue is really about the right to hunt generally. The Court found that, for the historic Sault Ste Marie Métis community, hunting for food was an important and defining feature of their special relationship with the land.

7. **Continuity between the historic practice and the contemporary right** - There must be some evidence to support the claim that the contemporary practice is in continuity with the historic practice. Aboriginal practices can evolve and develop over time. The Court found that the Sault Ste. Marie Métis community had shown sufficient evidence to prove that hunting for food continues to be an integral practice.
8. **Extinguishment** - The doctrine of extinguishment applies equally to Métis and First Nation claims. Extinguishment means that the Crown has eliminated the Aboriginal right. Before 1982, this could be done by the constitution, legislation or by agreement with the Aboriginal people. In the case of the Sault Ste. Marie Métis community, there was no evidence of extinguishment by any of these means. The Robinson Huron Treaty did not extinguish the Aboriginal rights of the Métis because they were, as a collective, explicitly excluded from the treaty. A Métis individual, who is ancestrally connected to the historic Métis community, can claim Métis identity or rights even if he or she had ancestors who took treaty benefits in the past.
9. **Infringement** - No rights are absolute and this is as true for Métis rights as for any other rights. This means that Métis rights can be limited (infringed) for various reasons. If the infringement is found to have happened, then the government may be able to justify (excuse) its action. The Court said here that the total failure to recognize any Métis right to hunt for food or any special access rights to natural resources was an infringement of the Métis right to hunt.
10. **Justification** - Conservation, health and safety are all reasons that government can use to justify infringing an Aboriginal right, but they have to prove that there is a real threat. In the Powley case there was no evidence that the moose population was under threat. Even if it was, the Court said that the Métis would still be entitled to a priority allocation to satisfy their subsistence needs in accordance with the criteria set out by the Supreme Court in *R. v. Sparrow*. The Court said Ontario's blanket denial of any Métis right to hunt for food could not be justified.

[ers/](#) Accessed Dec. 9, 2011

True Random Number Service

Random Integer Generator

Here are your random numbers:

256	354	437	93	209	290	399	138	399	409	262	31
246	385	250	497	159	192	248	117	202	209	424	430
356	3	70	119	424	50	24	347	287	370	106	113
337	359	78	465	169	473	483	477	270	257	147	456
437	361	343	239	382	433	39	327	421	403	189	216
171	481	442	9	481	436	417	233	277	350	89	91
343	45	77	89	69	410	198	203	392	306	313	67
241	70	423	343	426	201	431	342	163	219	335	475
442	206	29	66	198	58	7	414	408	348	175	479
436	319	120	284	165	231	286	135	311	6	293	218
362	202	72	46	245	153	457	27	56	195	72	21
446	283	123	181	100	146	496	167	220	116	286	499
74	208	70	4	178	43	342	238	340	430	324	267
332	398	393	427	475	133	415	427	329	285	366	209
399	401	40	164	352	62	240	452	128	285	294	236
201	81	175	418	116	139	378	212	421	337	424	154
61	55	265	429	381	417	431	387	47	114	64	496
172	421	91	273	479	458	72	107	482	48	228	115
94	422	23	229	299	197	497	347	124	20	232	85
180	379	279	194	485	62	489	488	10	387	396	305
28	257	88	20	395	126	239	236	136	153	145	408
384	345	473	297	36	369	309	438	201	50	10	35
180	361	213	171	127	279	246	388	449	188	422	154
103	14	203	131	360	179	129	270	432	455	126	283
68	416	212	426	340	350	233	93	99	136	469	255
214	366	465	149	59	263	126	307	80	23	313	220
128	490	67	124	140	422	464	37	393	234	253	67
272	19	303	50	162	99	373	353	180	301	107	420
349	316	125	298	189	369	417	51	120	31	266	443
53	65	67	123	1	64	358	422	111	7	445	159
51	117	371	151	70	464	136	431	419	136	486	97
232	493	86	447	174	14	315	74	462	67	432	355
321	371	317	279	150	95	365	44	435	364	188	386
266	449	340	394	214	303	224	358	461	113	377	250
29	364	443	351	193	342	94	174	53	127	197	324
385	491	60	129	327	369	40	183	486	237	204	68
50	257	104	108	212	54	289	151	175	254	478	47
204	417	411	250	167	261	373	403	406	330	472	260
278	70	1	177	108	192	141	276	293	364	138	318
84	173	49	57	240	284	323	397	419	203	212	242
116	180	394	143	463	471	482	80	224	385	424	51
33	470	395	274	387	41	316	94				

Timestamp: 2011-12-09 22:12:13 UTC

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