THE INTERNAL MIGRATIONS OF THE MÉTIS OF THE CANADIAN NORTHWEST[1]

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ABSTRACT

The Métis of the Northwest are a mixed-race people and one of the aboriginal peoples of Canada. In the 19th Century, most of the aboriginal peoples of Canada, including the Métis, were highly mobile. In the 21st Century, the Métis are unique because, unlike other aboriginal peoples in Canada, they have continued to be mobile. This article discusses the reasons for their continued mobility.

提要

居住在加拿大西北部的梅蒂斯人是一个混合民族，也是加拿大的一个土著民族。19世纪，加拿大大多数的土著民族，其中包括梅蒂斯人，过着到处迁移的生活。21世纪，梅蒂斯人却是独一无二的，因为，与其他加拿大土著民族不同，他们继续过着迁移的生活。本文探讨了这种持续性迁移的原因。

The Métis are one of the aboriginal peoples of Canada. In 1982 they were recognized as such in s. 35 of the *Constitution Act, 1982*. The Supreme Court of Canada in *Powley* held that the Métis have "full status as distinctive rights-bearing peoples", a characteristic they share with the Indian and Inuit peoples of Canada.[2] When Canada adopted s. 35 into its *Constitution Act* in 1982, it was a unique constitutional enactment. Since then several countries have amended their constitutions to include recognition and protection of aboriginal (indigenous) peoples.[3] Indeed, such constitutional recognition appears to be emerging as a customary international law norm. However, Canada's constitution remains unique in one respect. It is still the only constitution in the world that recognizes a mixed-race culture, the Métis, as a rights-bearing aboriginal people.

Although census data is widely considered to underestimate the aboriginal peoples of Canada, some 350,000 people in Canada self-identified as Métis in the 2006 census. Métis leaders propose that a number of 500,000 would be more accurate. According to the census, the Métis are more rural than the non-aboriginal population. 41% of the Métis live in urban centers compared to 65% of the non-aboriginal population. They are also a young population. The median age of the Métis is 27 years compared to 39.4 for the non-aboriginal population. The Métis have another characteristic that distinguishes them from the non-aboriginal population and from the other aboriginal peoples of Canada: they are more mobile.

The Métis are a uniquely Canadian culture. They grew into a distinct culture and became a people in the Northwest of Canada prior to that territory becoming part of Canada. The Métis did not import European culture and values into the Northwest. Their culture was a unique response to the land. While they engaged in some farming, they were highly mobile and were not settlers. Theirs was a creative mixing of Amerindian and Euro-Canadian customs, languages and traditions. Métis culture in the Northwest had many long years to evolve before the settlers who did import European culture arrived.

As people of mixed race, the Métis have never fit comfortably into the cultural landscape in Canada. It was and still is difficult for many Amerindians and Canadians to accept that a new aboriginal people with mixed Euro-Canadian ancestry evolved in Canada. Most people are not comfortable with the idea that a new culture can arise. They accept as a fact the existence of old cultures, but typically resist the idea that cultures are born, evolve and die. The idea of a newly emerged mixed race culture in Canada also defied deeply held notions about loyalty to one's ethnic ancestry and the entitlements of the 'first peoples'. In addition, Canadians are not comfortable with individuals or a collective having multiple identification opportunities that give rise to special rights. It suggests an unfair advantage or preferential rights.

Mixed race *individuals* have traditionally inspired discomfort in others. As Mahtani has noted, the public imagination surrounding mixed race individuals has been marked by a "relentless negativity" and the very notion of a mixed race identity has been resisted.[4] This negativity is compounded when applied to a collective that claims special, constitutionally guaranteed rights. Part of the negativity can be explained by the fact that mixed race people challenge established racial hierarchies or boundaries. Historically the Métis were seen as a people who bridged the primitive and modern worlds as half-savage and half-civilized.

> *The half-breeds [the Métis] being more numerous and endowed with uncommon health and strength, esteem themselves the lords of the land. Though they hold the middle place between civilized and wild, one can say that, in respect to morality, they are as good as many civilized people.*[5]

This theory was accompanied by the convenient idea that the Métis identity was not permanent. The assumption was that when the primitive (Amerindian) component became more civilized (by becoming Euro-Canadian) - the Métis would cease to exist. The historical evidence suggests that no one, not Amerindians, Euro-Canadians, or the state wanted a mixed race people to arise or exist. The very concept of Métis, as a people, challenged the established boundaries of culture in Canada.

The Euro-Canadian dominant culture invested its treaty process in non-recognition of the Métis as a people, as a result of which only individual Métis were searched for and found. The expanding Canadian state established a bureaucracy to deal with "Indians and Lands reserved for the Indians".[6] The bureaucracy created new boundaries designed to enclose the lands and assimilate and immobilize Indian people. Indian lands were dramatically reduced by the surrender of traditional territory, the creation of tiny reserves and the division of the people into officially recognized 'bands'. In this way the new Canadian state rearranged Indians into different smaller groupings with new boundaries established according to its understandings and convenience. These newly defined small entities and their tiny land holdings in no way conformed to pre-existing Indian societies and traditional territories.

Canada has always focused its legal and policy attention on Indian collectives and to the extent that it has indulged this obsession, it has largely ignored the Métis. This myopia has been both a curse and a blessing for the Métis. They were not collectively enclosed on reserves and they were not removed or amalgamated or re-defined into small groups. In fact, they were only ever defined very loosely and even then usually with respect to how they could, as individuals, fit into either one of the recognized groups – white or Indian.

With some notable exceptions, Canada treated the Métis as individuals, sometimes understood to be aboriginal, sometimes understood to be 'white', but generally denied that they were an aboriginal people with any collective rights. The treaty commissioners repeatedly informed the Métis that they were not empowered to deal with the Métis as a collective and that they could chose to identify individually as Indians. There was no choice to identify as Métis in the treaty process. Historically, Métis, as groups, were only permitted to take treaty if they agreed to become "Indians." This is what happened with the 1875 Half Breed Adhesion to Treaty Three. At other times, Métis were told they had to choose. The available choices were to identify as Indian or white. If they chose to identify as Métis collectives, they were generally denied participation in treaty.

All of this is evidence of the discomfort Euro-Canadians had with the Métis. The treaty process was used not only to contain and define Indians, it was also used to preclude the possibility of the Métis continuing to act as a polity. After 1870, this process was continued when Canada decided to implement a land grant and scrip process to extinguish any Indian title individual Métis might possess. The scrip process finally was implemented beginning in 1885. It is notable because even though Canada created no bureaucracy comparable to the Department of Indian Affairs to regulate the Métis as a people, the scrip record contains a thorough record of the Métis who lived in, used and occupied the Northwest. After the scrip process was completed, the Métis virtually disappear from the historic record. In the eyes of the state, the Métis, as a people, had been extinguished by a process meant to extinguish their land title. To the state, the Métis were henceforth invisible.

Historians are in agreement that the Métis were highly mobile, that they transacted routinely with settlers and Indians, and that they used fixed settlements as bases. Where a fixed settlement was a base of operations for the Métis and their numbers were high, their movement in and out of the settlement was a notable event. *Le Métis,* the French language newspaper at Red River in the 19th Century, frequently reported on the arrivals and departures of the Métis hunters. However, as others began to settle in these settlements in larger numbers, the movement in and out by the Métis became less noticeable. Over time it became possible for those who permanently resided in the fixed settlement to believe that the Métis were gone.

The Métis lived in, used and occupied a vast area - east to west from Ontario to British Columbia and north to south from the Northwest Territories to the central northwest plains of the United States. The evidence suggests that the Métis who lived in, used and occupied this vast area were connected and formed one large historic society founded on kinship, a shared economy and a common way of life. Mobility, one of the primary characteristics of this Métis community, was the glue that kept the people connected throughout this vast territory.

Mobile peoples do not tread heavily on the earth and the Métis are one of these peoples. They left few historical markings, built no monuments or permanent buildings, and their constant movement meant they could be overlooked by other cultures that invested more heavily in settlement, infrastructure and possessions. Métis culture prized freedom first. The theme of independence has been a self-ascribed attribute of the Métis since their ethnogenesis; an attribute they continue to this day as they continue to describe themselves as *otipêyimisowak* (the independent ones). The cry of freedom from restraint echoes throughout Métis history. Their possessions of value were those that permitted and enhanced their mobility – their guns, tools, horses and their carts. Such mobile peoples do not invest their time and energy in building permanent homes or cities. To other more material cultures, this kind of mobile culture is largely invisible.

Mobility of the Métis, based on spatially extensive family networks and economies, was the foundation of their culture. Métis mobility appears to be of two different kinds; migration and a nomadic life-style based on trading and hunting. Migrations have occurred for three basic reasons. First, the Métis were economic migrants. They migrated in order to access animals on which they relied for their hunting and trading economy. With respect to the fur trade, as it shifted away from the Great Lakes after 1815 and moved further west in the northern boreal forest in the Northwest, the Métis followed. Dr. Arthur Ray has noted that as the Métis moved west they diversified their economy to include the buffalo, an activity that expanded their range out of the boreal forest and into the parklands and grasslands.[7]

Second, the Métis migrated for political reasons. For example, after the 1870 uprising at Red River many Métis migrated west to evade the reign of terror in Manitoba and in the hopes of maintaining their lifestyle. Finally, Métis migrated in response to natural events such as floods and fires. When these migrations occurred the entire Métis population did not vacate any of these areas. For example, the evidence in *Powley* showed that after 1815 and the economic migration from the Great Lakes to the Prairies, a significant Métis population remained in the Great Lakes-Boundary Waters region of Ontario. The evidence in other trials has showed that while many Métis were forced to move out of North Dakota in the early 1900s, they did not all leave the Turtle Mountain area. Similarly, not all Métis left Red River after 1870 and not all Métis left Saskatchewan after the rebellion in 1885. Further, the migrations were not all east to west.

The evidence of the migrations and the economic territorial use, taken together, show consistent use of the same large geographic area that stretches east to west from the Great Lakes to the Rocky Mountains and north to south from Great Slave Lake and the Mackenzie District to Montana and North Dakota. The many migrations of the Métis are one of the facts that have contributed to the invisibility of the Métis community. In fact, the migrations have led some historians to erroneously conclude that the Métis community itself disappeared from various areas. The evidence does not support this. A more nuanced examination supports a conclusion that the migrations of an already mobile people, far from acting to break up a collective identity, simply serve to embed their pre-existing identity as a mobile people with a network of relationships that exists over a vast landscape. Further, the migrations are internal in the sense that they are not migrating to unknown lands. They are migrating to known areas within the lands they lived in, used and occupied. The evidence does show that the people migrate from time to time. However, they do not leave their home and migrate to a new home. Their migrations simply serve to center their activities in another part of their homeland.

The Métis of the Northwest are well known as buffalo hunters. When the great buffalo herds were decimated, the Métis continued their mobile lifestyle. They became freighters, a mobile occupation they were able to maintain in an increasingly smaller and smaller area throughout the Northwest as the system of railways and roads was established. The Métis also continued their mobile lifestyle as bone pickers. Buffalo bones were scattered all over the prairies and the Métis collected these bones

and transported them to fertilizer plants. These two occupations, bone picking and freighting allowed the Métis to maintain their mobile lifestyle for another decade after Indians had been forced onto reserves. By the beginning of the 20th Century, the Métis too were moving less than before but continued to move. They shifted their economy to include work as itinerant farm workers, temporary work in construction, forestry or ranches, hunting other game such as moose, and commercial fishing. This is the Métis economy that survives into the 21st Century.

The Métis today continue to be more mobile than other Canadians. The 2006 Canadian census shows that Métis in Alberta in particular remain highly mobile. Even within urban centers Métis mobility rates are 35-40% higher than non-aboriginal population. Over a five-year period Métis are 11% more mobile than the non-aboriginal population and 16% more mobile than registered Indians. Over a one-year period Métis are 24% higher than the non-aboriginal population. Métis migration rates in the first decade of the 21st Century tend, with the exception of the Province of Saskatchewan, to be higher than those of the overall aboriginal population in all of the regions, especially in British Columbia, Alberta and the Northwest Territories.

FOOTNOTES

[1] This article contains some material from the author's thesis, *The Métis of the Northwest: Towards a definition of a rights-bearing community for a mobile people,* prepared for her Masters of Law, University of Toronto, 2008. Parts of this material also appear in the author's annually updated *Métis Law in Canada,* which is available at www.pstlaw.ca/resources.

[2] *R. v. Powley,* (2003) SCC 43, at para. 38.

[3] See the Brazilian Constitution, amended in 1988; the Columbian Constitution, amended in 1991; the Bolivian Constitution, amended in 1994; the Constitution of Nicaragua, amended in 1995; and the Ecuadorian Constitution, amended in 1998.

[4] Minelle Mahtani, "What's in a name? Exploring the employment of 'mixed race' as an identification" (2002) 4 Ethnicities 2 at 470.

[5] Father G.A. Belcourt, "Prince Rupert's Land", trans. by Mrs. Letitia May in J.B. Bond, *Minnesota and Its Resources* (Chicago: Keen and Lee, 1856) at 346 as cited in Ron Rivard and Catherine Littlejohn, *The History of the Métis of Willow Bunch* (Saskatoon: Rivard and Littlejohn, 2003): 37.

[6] Section 91(24) *Constitution Act, 1867.*

[7] Arthur Ray, *Métis Economic Communities in the 19th Century,* June 2009, expert historical report prepared for *R. v. Jones; R. v. Hirsekorn*