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From (Re)Ordering to Reconciliation: Early Settler Colonial Divide and Conquer Policies in Canada

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Abstract

In consideration of current conversations on systemic racism and reconciliation in Canada, this work extends collective understandings of the impact of Canada's policies towards Indigenous Peoples in Canada, including both the Manitoba Act (1870) and the Indian Act (1876), to examine how a "forcefield of settler colonialism" was deployed as a compounding tactic to divide and conquer Indigenous Peoples. These Acts fractured and divided Indigenous communities, ultimately re-ordering their relationships with one another and the Land, while creating competition between Indigenous Nations over rights, lands, and resources. The residual effects of these policies continue to be felt by Indigenous peoples in Canada in the form of cultural dislocation, disconnection from traditional homelands, and interpersonal lateral violence. Following over a century of policies that sought to disrupt historically positive relations, attending to Indigenous philosophies of relationality and reviving inter-Indigenous alliance building offers hope for reconciling Indigenous relationships to land, identity, and one another.

Only with the recent recovery of unmarked graves of the children who attended Canada's Indian Residential Schools, has acknowledgement of Canada's racist historical policies been put at the forefront of political discussions and debates, and added pressure on all Canadians to read the Truth and Reconciliation Commission's (2015) Report and enact all 94 Calls to Action. With attention to truth-telling and reconciliation, this work seeks to extend collective understandings of the impact of Canada's policies towards Indigenous Peoples in Canada including and beyond the Indian Act, to examine how a "forcefield of colonialism" based on ideologies of capitalism, individualism, paternalism, white supremacy, eurocentrism, racism, patriarchy and misogyny, was deployed as a compounding tactic to divide and conquer Indigenous Peoples through distancing

them from homelands, relations, and their ways of knowing and being in the world. Policies such as the Manitoba Act (1870) and the Indian Act (1876) fractured and divided Indigenous Peoples into smaller units over time, which ultimately re-ordered their relationships with one another and created competition over rights, lands, and resources. These policies enacted upon Indigenous Peoples reflect a divide and conquer line of reasoning that distanced Indigenous Peoples from one another, disconnected them from their distinct communities and cultures, and removed them from the land in order to facilitate colonial settlement. The residues of these logics persist into policies that continue to guide relationships between the Canadian Government and Indigenous Peoples in Canada. However, Indigenous resurgence that is focused on attending to relationality and interconnectedness while seeking reconciliation and allyship between and amongst Indigenous Peoples provides hope for resistance against settler colonial attempts to (re)order Indigenous relationships to land, identity, and one another.

Background

Relations between and among Indigenous Peoples in Canada are increasingly fraught, manifesting as both interpersonal lateral violence and nation-to-nation disagreements. Across Canada, Indigenous nations clash over governance and land rights.[1] Métis scholar Daniel Voth (2016) explains the divisiveness such litigation creates: "these divisions are incentivised by the Supreme Court's explication of Aboriginal title whereby it is in the strategic interest of a single Indigenous people to be found by a judge to have title to the exclusion of their kin in shared Indigenous territories" (244). Current conflicts between Indigenous organizations are a continuation of problems described by the Native Council of Canada in 1970, which they attributed to be rooted in the Department of Indian Affairs and Northern Development (now Crown-Indigenous Relations and Northern Affairs). In 1975, Métis scholar/activist Howard Adams argued existing divisions and conflicts among Indigenous Peoples resulted from the racist legal

[1] In July of 2021, when Canada announced a new governance agreement with the Manitoba Métis Federation, the Association of Manitoba Chiefs expressed disappointment with the agreement, stating that this agreement neglected to take into consideration the existing treaty rights of First Nations in Manitoba (AMC, 2021). Tensions between the Manitoba Métis Federation and Treaty 1 First Nations have been fraught for some time, but exacerbated during the Supreme Court of Canada v. MMF case, as Treaty 1 Peoples intervened against the Métis (Voth, 2016). Similarly, in British Columbia, pre-existing tensions between Métis and First Nations were exacerbated by Métis Nation British Columbia's intervention in R v Desautel, claiming that "the Kootenay region for the Métis Nation British Columbia is a core traditional territory", despite the region "falling squarely within Syilx/Okanagan Nation Territory" (Mussell, 2020, p. 2).

categorization Indigenous Peoples experienced and often internalized (Voth, 2016). Over 50 years ago, Indigenous leaders and activists pointed their fingers to colonial policies as the source of forced competition and division between Indigenous nations, a (re)ordering of relations that have become naturalized to the point they are made to appear invisible and considered inevitable. However, these inter and intracommunity divisions are neither natural nor inevitable, but were intentionally created through government policy and law. One needs to only look to pre-colonial relations to understand how Indigenous Peoples existed outside of contemporary colonial identity categories and interacted with one another, bound by traditional Indigenous protocols, and dispute resolution processes that emphasized good relations over competition.

The Manitoba Act and the Indian Act have impacted almost every aspect of Indigenous Peoples' daily lives and had the effect of forcefully surveilling and controlling Indigenous Peoples (RCAP, 2011 [1996]), yet Indigenous women have borne and continue to bear the brunt of discrimination by way of gendered status provisions coded into the Indian Act and the displacement of their authority through the Manitoba Act (Brodsky, 2016; Day, 2019; Gehl, 2000; Hamill, 2011; McIvor et al., 2019; Neeganagwedgin, 2019; Simon & Clark, 2013). Not only did the Manitoba Act have the effect of dislocating Métis from land through land fraud via scrip, but patriarchal imposition displaced Indigenous women from traditional roles, communities (which were traditionally matrilocal), and positions of authority, dismantling sacred identities within a complex system of relations, and thus distancing Métis women from the practices of their Indigenous mothers (see Anderson, 2016; Campbell, 2012; and Macdougall, 2010).

Forcing Indigenous Peoples to engage in practices that European society valued, mainly settlement and agricultural production, discouraged Indigenous Peoples from practicing traditional lifestyles and their own culture. The idea of 'a march toward progress' is encoded with racial connotations that justify violent colonization and the subjugation of Indigenous Peoples and their languages, cultures, knowledges, and ways of being. The Manitoba Act and the Indian Act imposed deliberate exclusions and barriers to capitalist endeavors, thus creating a multiplicity of systematic socioeconomic disadvantages that continue to impact Indigenous Peoples today. The contemporary effect of such past policy is that the mere offer of funds from colonial governments elicits competition between and among Indigenous nations, propagating further divisions and lateral violence.

While political battles between Indigenous Peoples and the Canadian state that play out in the courts highlight obvious Indigenous-settler state conflicts, what is less obvious is how these legal battles set different Indigenous nations against one another (Voth, 2018). Because the Canadian state has forced different Indigenous nations to advocate for their inherent rights to land in the courts, when issues arise that could set a precedent seen to harm another group's interests, Indigenous nations are left with no other choice but to argue against each other. In order to be successful in court, Indigenous nations must work from within the colonial legal system, one that was designed by and for non-Indigenous Peoples, is reductive in nature, and has an oppositional structure at its core. Colonial legal systems that apply the logics of private and individual property to land not only alienate communities, but (re)order relations, thus breaking Indigenous communities into ever increasing fragments.

The historical attention paid to differences between Métis and First Nations has been overemphasized and disregards their shared cultural characteristics, most notably kinship practices (Hancock, 2021). Historically, political alliances between Indigenous nations were solidified through kinship bonds and reinforced by ceremonies. In some cases, Métis were heavily intermarried into many First Nation bands. Plains Cree scholar Rob Innes describes the permeability of pre- and post-reserve bands and early advocacy on behalf of First Nations to include Métis Peoples in treaties to counteract dominant narratives, which he defines as "racist fiction" that "benefitted the government's aim to undermine Indigenous rights, primarily Indigenous land rights" and which continues to position Métis and First Nations tensions as rooted in racial and cultural differences (2013, p. 109). Indigenous Peoples have a history of engaging in treaty relations with one another long before settlement, advocating for one another during the numbered treaty process, and even forming post-contact treaties with one another (Augustus, 2005; Chartrand, 2007; Hayter, 2017; Lightfoot & Macdonald, 2017). Such inter-Indigenous relations or "diplomatic relationality" which were once central to Indigenous Peoples' ways of being, protocols, and political thought were disrupted through colonial attempts to 'divide and conquer' through policies that disrupted relations to kin, traditional territory as well as trading and political alliances (Andersen, 2021, p. 34; Gaudry, 2014; Teillet, 2019).

Theoretical Framework

Despite conflicting paradigms, Indigenous Studies scholarship has become increasingly engaged in western critical theory, employing concepts to critically evaluate the historical and contemporary circulation of power through disciplining mechanisms (for example, see Brayboy, 2005). At this intersection exists a shared argument for fundamental transformation of relationships to capitalism and colonialism, due to the incompatibility of Indigenous relationships to land and values that centre resource exploitation (see Coulthard, 2014). As Starblanket & Stark (2018) explain, "settler colonialism aims to separate land from the rest of Creation in order to facilitate territorial expansion" (p. 190). Settler colonialism objectifies the land as a resource to be extracted, in opposition to Indigenous perspectives, which view the Land not as a delimited geographical space, but as an interconnected web of Creation, of which humans are not superior to, but inextricably bound within.

It is upon this foundation, with the knowledge that "material dispossession and dehumanizing ideologies are seen as indissociable aspects of contemporary colonial relationships" (Coburn, 2016, p. 9), that the analogy of a forcefield of settler colonialism is imagined, whereby a web of intersecting beliefs, values, and ideas are knitted together to create a nearly impenetrable and invisible power formation. This web includes Eurocentric ideologies that justify the imposition of capitalist private property regimes and the control and assimilation of Indigenous Peoples, informed by racist notions of the 'Vanishing Indian' and legal doctrines such as *Terra Nullius* and the Doctrine of Discovery.[2] This assumed and innate racial hierarchy not only positions white settlers as superior to Indigenous Peoples, but also creates an internalized stratification of Indigenous subjectivities among Indigenous communities, and further, has the effect of limiting and demarcating the legitimacy of Indigenous sovereignty (Moreton-Robinson, 2009).

Though I do not seek to provide a comprehensive description of the complexity of settler colonialism, this is an important starting point for thinking deeply about the intent and effect of early Canadian policies as they pertain to Indigenous Peoples and the underlying interlocking ideologies of settler colonial policies that persist and have resounding impacts on Indigenous

[2] The myth of the 'Vanishing Indian' or that Indigenous Peoples are destined to disappear is deeply ingrained in Canadian and related to the myth that "there are no real Indians left." *Terra nullius* and the Doctrine of Discovery, the myths that Canada was founded on, were racist beliefs calcified into legal doctrine (Mandell, 2019). *Terra nullius*, or the notion that the America's were "empty lands" was based on a fabricated assumption that Indigenous Peoples were inferior (subhuman) and so not capable of occupying land, while the Doctrine of Discovery was founded on an erroneous belief that Crown law and government were superior.

communities and the lives of Indigenous individuals. Writing from the position of a Métis scholar interested in Indigenous rights, the circulation of power, the dispossession of land, and the formation of individual and collective identities, I'm hopeful this contribution will activate wider conversations regarding inter and intra community conflicts and the root causes that perpetuate interpersonal lateral violence many Indigenous Peoples in Canada continue to experience (Bailey, 2019). I argue it is this interaction with the forcefield of settler colonialism through enforced policy in Canada that creates and sustains distance between Indigenous Peoples and their relations, culture, identity, and the Land.

In the following review, I illustrate how many facets of the forcefield of settler colonialism underpinned early Indian policy, namely the Manitoba Act (1870), and the Indian Act (1876), which continue to impact Indigenous Peoples throughout Canada today. The imposition of capitalism, through forcing individual property regime on Indigenous People and the individualizing and categorization of collective identities through Indian status and Halfbreed scrip had the intended effect of (re)ordering Indigenous relations, creating divisions between and among Indigenous People, while at the same time removing them from their traditional territories. The development and implementation of these policies were informed by racist, Eurocentric ideologies and purposefully used as political tools to control and assimilate Indigenous Peoples. While much of the analysis of settler colonialism has indeed focused on Indigenous erasure and the eliminatory quality of this process, as Starblanket & Stark (2018) point out, when viewed through the lens of relationality, settler colonialism can also be viewed as generative, as it "doesn't just try to eliminate but, in its place, seeks to produce something new" (p. 182). In the sections that follow, the eliminatory quality of settler colonialism is described, but also a regulating or (re)ordering of relationships between Indigenous Peoples, the land, their knowledges and cultural practices, and Indigenous nations.

Literature Review

The Manitoba Act

The recognition of three distinct groups of Aboriginal people in Canada (First Nations, Métis, and Inuit) in Section 35 of the Canadian Constitution, 1982, and the First Minister Conferences that followed have been criticized for exacerbating conflicts between Status and Non-status Indigenous Peoples (Fiske, 1995; Weinstein, 2007), but such government-created cleavages

between and among First Nations and Métis began over 100 years earlier. While the Indian Act effectively re-named diverse nations of Indigenous Peoples under the homogenized policy category of Indian, the Manitoba Act remains a significant piece of legislation for the effect it had on Métis Peoples and the distance it created between Métis People and the land they inhabited, their culture as a People, and other related and non-related Indigenous Peoples.

In 1869 Britain transferred control of Rupert's Land from the Hudson's Bay Company to Canada's fledgling Dominion government. Concerned that their occupancy would not be recognized, the Métis obstructed government surveyors, the Red River uprising began, and the Métis formed a provisional government which sent a delegation to Ottawa to negotiate.[3] These negotiations resulted in a series of concessions which came to be known as the *Manitoba Act* (Hayter, 2017). At the time when the *Manitoba Act* was being forged, the government spoke with clear contempt for Métis Peoples,[4] and providing them with a land base that could become a potential stronghold for an already 'rebellious' population troubled policy-makers (Hayter, 2017; Sprague, 1980).

Sections 31 and 32 of the *Manitoba Act* dealt with land grants by creating a mechanism for extinguishing Métis Aboriginal title (Augustus, 2005). Out of Section 31 came Métis scrip, the exchange of Aboriginal title for a certificate redeemable for land.[5] The entire scrip process proved a complex, and convoluted affair rife with fraud and strategic circumvention of law (Hayter, 2017;

[3] Eager to see what is now the southern region of the Province of Manitoba become an agricultural hub and a source of increased revenue, Ottawa sent a survey group to measure and subdivide the land (Teillet, 2019). Ottawa did not consult the Métis population who was already living in the area, and concerns developed that their occupancy would not be recognized (Augustus, 2005). The Métis petitioned the federal government and did not receive a timely response, so they obstructed the survey, and the Red River uprising began. The Legislative Assembly of Assiniboia formed and sent the delegation to Ottawa in the Spring of 1870 (Teillet, 2019). The Métis were advocating for a host of rights but were primarily concerned with maintaining a land base in an area where they were practicing customary land usage.

[4] John A. Macdonald wrote "the Métis were 'impulsive' and 'spoilt,' a people to be 'kept down by a strong hand until they are swamped by the influx of settlers'" (quoted in Sprague, 1980, p. 74). The then Minister of the Interior David Laird had outright disdain for Métis Peoples and "wanted to see them evicted from their river lots and encouraged to move north and west" (Sprague, 1980, p. 81).

[5] Scrip policy is often erroneously depicted as a consolidated policy and the focus tends to be on the Manitoba Scrip Commissions which represent only a portion of the federal government's commitment to the *Manitoba Act* of 1870 (Augustus 2005). This focus obscures the North West Half-Breed Commissions, which took place in 1885, 1886, and 1887, and merely set the framework for a patchwork of federal Metis policies that continued until 1924. Scrip policy has been meticulously pieced together by examining the Manitoba and the North West scrip commissions, correspondences between officials, Orders-in-Council, Métis testimony, and a massive archive of scrip certificates and the paper trail they created.

Sprague, 1980; Teillet, 2019; Tough, 1996).[6] There was little possibility that Métis families could obtain land in areas where they were already engaging in familial land use practices, thus disrupting existing land use and occupancy.

Not surprisingly, racism was omnipresent at the time of the scrip commissions. A taxonomy of mixed-race peoples was created that focused on the appearance, behaviour, habits, and conduct of the Métis.[7] Canada's early definition of Indianness was not only centered on possession of Indian blood, but also extended to "anyone who was married to an Indian, anyone who lived on Indian lands or anyone who was accepted by an Indian community" (p. 52).[8] By such a definition, many mixed-blood peoples, such as those who were termed by others or self-identified as half-breeds or Métis, would have been considered Indians. This definition became more restrictive with the 1869 Lands and Enfranchisement Act, which required registered Indians to have a minimum of 1/4th blood quantum. The 1876 Indian Act simply replaced blood quantum with the principle of patrilineal descent, sometimes referred to as "Indian Act Blood" (Green, 2009).

At the time of the North West Half-Breed Commission, there was no comprehensible definition of who exactly constituted a 'half-breed', but an 1885 amendment to the *Indian Act* changed the definition of 'half-breed' (Augustus, 2005). Where once it implied a person of mixed ancestry, it now expanded to "include children born of 'half-breed' parents, [and] also those born of 'pure Indian and white parents'" (p. 68). Such classifications were not determined until after a situation arose which required one. Such case-by-case (*ad hoc*) development of scrip policy had significant long-term implications for Indigenous identities and related policies. The historical re-naming of those without Indian status as 'Halfbreed' or 'Métis' remains a challenge for contemporary scholars who are trying to understand historical Métis communities.

[6] The systematic fraud that took place throughout the scrip commissions has been further documented by Sprague (1980), who, like Tough, describes the corrupt collaborations between elected government officials, land speculators, and civil servants, which resulted in "virtually all of the money scrip which was supposed to have been awarded to Half-breed heads of families never reach[ing] the claimants" (79). In the area Tough (1996) examined, only 1% of the 138,320 acres of land allocated for the Métis there was located and patented by Métis claimants.

[7] Government officials designated individuals with darker skin as full-bloods (and thus receiving Indian Status), and those with lighter skin as mixed bloods, despite being offspring of the same set of parents. Later, children were forcibly removed from their families who appeared "too White to be Indian" (Gehl, 2000, p. 64).

[8] This definition is from the 1850 Act for the Better Protection of the Lands and Property of Indians in Lower Canada.

While it took up to fifteen years for Métis land claims to be settled after the passing of the *Manitoba Act* in 1870, an Order-in-Council was passed in 1871 that protected white settler land claims until the land could be surveyed (Hayter, 2017).[9] There was a clear preference for expediting white settlers access to land, while delaying and further restricting Métis scrip claims.[10] Two successive governments in Ottawa took over a decade to implement what it promised in the *Manitoba Act*. The notion that such delays were inadvertent have been contested, yet by examining historical records (such as Sessional Papers between 1873-1880), it is evident that the "Manitoba land question" was not only the dominant preoccupation of the Department of the Interior, but was directed by the Department of Justice.[11] The disastrous implementation of s.31 of the Manitoba Act was challenged by the Manitoba Métis Federation in 1981, eventually resulting in a Supreme Court case. In 2013, the Court issued the following declaration: "the federal Crown failed to implement the land grant provision set out in s. 31 of the Manitoba Act, 1870 in accordance with the honour of the Crown" (MMF v. Canada 2013, para 154). Historical records and secondary literature demonstrate that while significant delays were the norm for attending to Métis land claims, settlers were afforded very expedient legal protections and land allocations. Métis land was granted on an individual basis, which encouraged their disbursement and the breaking up of a land base they inhabited.

[9] Many of these settlers simply travelled to Manitoba and built homesteads on land the Métis already occupied.

[10] In 1873, the government amended the *Manitoba Act* by "restricting allotments to persons who were children of partly Indian parentage and not themselves also heads of families" which had the effect of reducing the number of Métis who qualified by 40% (Sprague, 1980, p. 77). Two weeks later they proposed a bill which sought to grant allotments to 2000 descendants of the original white settlers. This bill received a first, second, and third reading in Parliament in one day. Sprague writes "[o]n the grounds that the two populations should be treated equally, the descendants of original white settlers thus gained what the partly Indian heads of families had just lost" (p. 77). Adams G. Archibald, the first Lieutenant Governor of Manitoba, put forth a proposal which sought to see Manitoba recognized as a province so Section 31 and Section 32 of the *Manitoba Act* could be implemented inside of a year. Archibald's proposal was rejected and he was subsequently dismissed.

[11] So much so that the Department of Justice wrote an amendment to the British North America Act which "left the Canadian Parliament free to alter the Manitoba Act at any time and in any way that it might wish" (Sprague, 1980, p. 77). Britain responded, recognizing the extra legality of such a provision, by adding a sixth section to the British North America Act of 1871 declaring that it would not be acceptable for the Parliament of Canada to make any changes to provisions of the Manitoba Act. The Department of Justice ignored Section 6 and "superintended revisions of Sections 31 and 32 on no fewer than nine occasions between 1872 and 1880" (p. 77). Sprague points out, "by the mid 1870s [these] unconstitutional amendments to the Manitoba Act displaced the unalterable original law" and a "policy of dispersal triumphed" (p. 77).

The Indian Act

In 1876, federal legislation known as the *Indian Act* was passed, a consolidation of pre-confederation colonial legislation (Bartlett, 1978; RCAP, 2011 [1996]). The *Indian Act* defined who was an 'Indian', who was not, and created a mechanism whereby people would lose their status in the eyes of Canadian law in an effort to rid the government of its so-called "Indian problem" (TRC, 2015).[12] The *Indian Act* is highly contentious, paternalistic, and racist, yet one of the only pieces of legislation that provides Indigenous Peoples with legal protections for their lands, culture, and identity (Grammond, 2009; Kelm & Smith, 2018). It is also highly divisive and discriminatory.

Indigenous Peoples were forced to embrace conceptions of individual ownership of land as it was dictated by British law. In 1873, Minister of Interior David Laird stated "the great aim of the Government should be to give each Indian his individual property as soon as possible" (ibid, p. 66). The distribution of private property was perceived as the only means to end Indian dependence on relief, which many at the time believed to be rooted in their communal lifestyle. Indigenous Peoples were encouraged to adopt agriculture and participate in the free exercise of capitalism, but to their impediment, barriers were established to prevent them from participating in that exercise at all. Moreover, the Indian Act ensured their participation in capitalism did not take place on equal footing with white settler society. Hayter Reed, Indian Commissioner for the North-West Territories in the 1880s, took active steps to ensure the agrarian lifestyle Indigenous Peoples were being forced to transition to was limited to small plots of land and the use of hand tools (Kelm & Smith, 2018). Reed effectively prohibited bands from cultivating larger masses of land with machinery, ensuring they couldn't compete with incoming settler farmers. Indigenous Peoples were effectively excluded from fair participation in the settler-imposed capitalist project.

Not only were Indigenous Peoples forced into a European lifestyle and distanced from traditional ways of interrelating with the Land, but the very small amount of land they were relegated to, Indian Reserves, were continuously reduced. The shrinking of reserves to a relatively miniscule land mass is material evidence of Canada's distancing of Indigenous Peoples from the

[12] The often quoted goal of colonial government, to "get rid of the Indian problem" is attributed to Deputy Superintendent of the Department of Indian Affairs Duncan Campbell Scott.

Land so it could be opened for colonial expansion and settlement (Göcke, 2013).[13] Even during the period when the British colonial government was supposedly working to protect Indigenous lands from settler encroachment, the Crown was already imposing restrictions to their rights and excluding them from the freedoms white settlers enjoyed.[14] Even today, band members are prohibited from using reserve lands as collateral to acquire loans for construction of housing or for starting businesses, a right most Canadians take for granted and anyone with equity can exercise. As home and land ownership is not possible on reserves, there is a lack of cumulative generational wealth passed through Indigenous families, compounding other significant economic obstacles that were legislated through the Indian Act (Pfeffer & Killewald, 2018).

Colonial and Federal governments consistently used a paternalistic framework to guide their governance and control of Indigenous Peoples (Abele & Graham, 2011; Bartlett, 1978). Roe (2003) explains "bureaucratic paternalism was founded on mistaken assumptions that Euro-Canadian managerial strategies (implemented through policies, laws, and institutions) would ensure fair treatment of Aboriginal Peoples while bettering their living conditions" (para. 6). These paternalistic values that underpin the Indian Act relegate Indigenous Peoples to the status of 'wards of the state' who are in need of 'protection' (Fiske, 1995). This policy is consistent with historical race-based stereotypes of Indigenous Peoples as being incapable of defending themselves, and thus requiring others to speak on their behalf, advocate for their needs, and that they thus required guardianship. While on the public face these paternalistic policies aimed to protect Indigenous Peoples, "guardianship carried with it many repressive denials dressed up as necessary for [their] welfare" (Grammond, 2009, p. 73).[15]

[13] Following amendments to the *Indian Act*, the federal government had the power to alienate reserve lands (1894 amendment), appropriate reserve land without the consent of the band council (1911 amendment), and grant mining companies surface rights despite band council refusal (1919 amendment) (Kelm & Smith, 2018).

[14] As early as the Royal Proclamation of 1763, the British government implemented policies which limited what Indigenous Peoples could do with their land.

[15] Examples include Indigenous wills requiring government approval, exclusion from the right to vote, the prohibition of selling alcohol to Indigenous Peoples, and the Pass System, which restricted the mobility of residents of Indian reserves in Canada from 1885 until 1951 (Joseph, 2018). Through the Indian Act, Indigenous people could be incarcerated and isolated from their communities for intoxication (1876 amendment), participating or leading outlawed traditional ceremonies (1884 amendment), leaving the reserve without permission from an Indian Agent (1884 amendment), and participation in acts of resistance (such as the 1885 North West Resistance).

While paternalistic ideologies that inform policy and law affect all Indigenous Peoples, they do not do so equally. Under the *Indian Act*, both men and women were classified as 'minors' and 'wards of the Crown', yet women have experienced an unrelenting share of paternalistic subjugation (Neeganagwedgin, 2019). Discrimination on the basis of gender has been woven into Canada's Indian policy since at least 1869, when legal status was rendered to patrilineal affiliation (Fiske, 1990; Gehl, 2000).[16] Married women took on the socio-legal status of their husbands and were required to leave their natal band upon marriage to a non-Indigenous man or an Indigenous man from another band. Furthermore, divorced or widowed women were legally prohibited from returning to their natal reserves. Through marriage, Indigenous women had their legal protections removed and were stripped of their social, political, and economic rights and displaced from their lands, families, and communities. Yet if a non-Indigenous woman married an Indigenous man with status, his status is conferred upon her, a strategy to further assimilation on reserve, due to the key role women play in transmitting culture across generations (Hamill, 2011). As a result, the Enfranchisement Act of 1869 left Indigenous women without rights or legal protections and between the years of 1876 and 1985, roughly 25,000 Indigenous Peoples were denied status and forever divided from the communities they were forced to leave (Mawani, 2005).

The *Indian Act* created gender discrimination by only allowing status to be passed patrilineally up until 1985 (Alcantara, 2008; Kelm & Smith, 2018). Even subsequent moves to eliminate the discrimination have consistently failed (Bartlett, 1978; Day, 2019; Gehl, 2000; Hamil, 2011). Attempts to address gender discrimination through policy were not fully successful as the children of women who were reinstated after Bill C-31 were granted an inferior 6(2) status, which is not transmissible (Day, 2019).[17]

[16] Initially, the definition of 'Indian' was broad, but was narrowed in the *Enfranchisement Act of 1869,* which created membership restrictions against women who married non-Indians, and their children (Fiske, 1990). An 1850 statute pertaining to Lower Canada stated "a person was considered an Indian if he or she was descended on either side from Indians" but in both the 1876 *Indian Act* and the revised Act of 1951, status was passed only through patrilineal descent (Grammond, 2009, p. 85-86). The amendment Section 12(1)(b), pronounced under law that an Indigenous woman who married a non-status or non-Indigenous man lost her status (Gehl, 2000).

[17] Subsequent amendments created a second-class status known as 6(1)(c) status, which devalues Indigenous women by stripping them of the ability to pass status onto their children (McIvor et al., 2019). The Inter-American Commission on Human Rights found this devaluation is the root cause of missing and murdered Indigenous women and girls in Canada. The United Nations Committee on the Elimination of Discrimination against Women urged Canada to address this longstanding discrimination, but successive federal governments have delayed any action, noting they need to consult Indigenous Peoples and enact sweeping changes to Indigenous policy.

For many of the women and their descendants who lost status due to the gendered discrimination embedded in the Indian Act, living on-reserve was never an option, thus making participation in continued cultural practices difficult due to a lack of physical proximity. Furthermore, those who live off-reserve may be excluded from the right to vote in band council elections, which at times sets family members against one another, disrupting existing relations, but also prohibits off-reserve community members from political participation (Grammond, 2009; Simon & Clark, 2013). For many urban Indigenous Peoples, connecting to their cultures, traditional territories, and communities remains a present-day challenge.

State intervention into the lives of Indigenous women has disrupted their lives to a much greater degree than any other women in Canada (Fiske, 1995). Up until 1951 women with Indian status did not have the right to vote in band council elections, could not participate in public meetings, and had limited rights to inherit property (Fiske, 1990). Fiske (1995) notes that "by devising new sociolegal categories with differing entitlement to benefits, the state aggravated community tensions" (p. 7). Although populations on reserves grew by 32 percent as women whose status was reinstated by Bill C-31 returned to reserves, placing an added financial burden to such an extent that bands could not afford housing and postsecondary education, the state began to shift their responsibilities onto band councils. This amendment in particular created a situation whereby the individual rights of Indigenous women are set in opposition to the collective rights of Indigenous nations and the women who advocate for their human rights are seen to be directly challenging the authority of band councils (Hamill, 2011; RCAP, 2011 [1996]; Simon & Clark, 2013).

Fractures also occurred within families and extended families (Kelm & Smith, 2018; Neeganagwedgin, 2019). Women who 'married out' were seen as traitors to their communities (Day, 2019). These women have faced painful expressions of discrimination and lateral violence due to internalized Eurocentric values (Fiske, 1995; Grammond, 2009). Further divisions have been manufactured by policy related to so-called legitimate and illegitimate children and their rights to status (Bartlett, 1978; Day, 2019; Hamill, 2011; Kelm & Smith, 2018).[18] Like the Manitoba Act, the Indian Act was a historical source of divisions that persist today.

[18] For instance, the Supreme Court of Canada (SCC) case *Martin v Chapman* ruled based on the status provisions of the *Indian Act* that the illegitimate sons of Indigenous men are entitled to status while their illegitimate daughters are not (see Grammond, 2009).

Analysis

So often the language of 'good intentions' is taken up to describe the superficial benevolence of settler colonialism as a means to gloss over historical atrocities and the systemic racism embedded in policies that have a lasting impact on Indigenous Peoples. Yet, there is ample evidence to indicate that the Manitoba Act and Indian Act were designed to forcibly assimilate Indigenous Peoples and solve once and for all "the Indian Problem."

Contrary to their official position, the government seemed intent on using the Manitoba Act to separate the Métis from their relations and disbursing them to weaken their power as a collective in order to mitigate any further exercise in political agency. Individual extinguishment of Métis title counters the collective extinguishment the colonial government pursued using treaty policy (Augustus, 2005). The tactic of shifting the goalposts of 'Halfbreed' identity and further restricting Indigenous Peoples' ability to qualify for Indian status, the government effectively increased the number of Métis who were eligible to apply for scrip, and through the land fraud and delays that occurred, opened up more land for white settlers.

Historical research demonstrates the continued revision of the boundaries of official classifications to suit the needs of colonial governments.[19] Historians Kelm & Smith (2018) use the term "logic of elimination" to describe the gendered status provisions inherent in the *Indian Act*, noting that even after the 1985 amendments, the trajectory of the status provisions entailed that Indigenous Peoples would in short order "become extinct as a legally defined people" (p. 4). Since the federal government continues to delay and narrowly interpret mandates set by high courts and international tribunals (McIvor et al., 2019), it is difficult to escape the conclusion that Canada remains on the mission handed down from Duncan Campbell Scott: to continue until there are no longer any Indigenous Peoples (TRC, 2015). Not only does this renaming of a diverse collective identities into a single category amount to a complete banishment of the essence of Indigeneity (Neeganagwedgin, 2019), but this legislation has created innumerable fractures and divisions within both physical and social spaces across communities, families, kinship relations, and

[19] For instance, initially with the 1850 *Act for the Better Protection of the Lands and Property of Indians in Lower Canada*, which was the first piece of legislation enacted to create reserves and legally define 'Indian', the definition remained broad. Mawani (2005) observes, "[b]etween 1850 and 1869, the colonial and later Dominion government revised their juridical definition of Indian-ness almost every year. The end result was a restrictive and exclusionary category that was further contemplated and revised under Canada's *Indian Act* and in subsequent federal and provincial legislation" (p. 320). The aim to restrict identification as 'Indian' appeared to largely be based on concerns over cost and occupation of land.

arbitrary provincial and national settler borders.

Despite its assimilationist aims rooted entirely in Eurocentric hierarchical conceptions of reality and racist colonial ideologies and its unconstitutional nature,[20] the Indian Act has upheld as remarkably resistant to reform (Alcantara, 2008; Bartlett, 1978; Hamill, 2011) and notably resilient in the face of rights challenges (Borrows, 2016).[21] 145 years later, the *Indian Act* is still in force, called upon in Canadian courts, and continues to discriminate on the basis of gender – a move to ensure that in due course, there will no longer be any status 'Indians' and the Canadian state will be free of its obligations to Indigenous Peoples (Kelm & Smith, 2018).

The stated aim was to offer protection from the throes of poverty, but in reality, Indigenous Peoples were forced into a capitalist project they could never fully participate in on fair and equal terms. The colonial regime converted collectively used land into private property, thus promoting individualism, which had the effect of distancing Indigenous Peoples from their lands, relations, and cultures. The values which Europeans embraced and imposed upon land were contrary to Indigenous ways of being because the Dominion government's official view emphasized individualism and objectification of the land.

The divisions and fractures that stem from the *Indian Act* are significant. Indigenous Peoples were divided into arbitrary groupings as bands and thrown together with little consideration of Indigenous kinship relations, traditional networks, or traditional land use areas prior to colonization (Innes, 2013; Grammond, 2009; Vowel, 2016). Colonial and Dominion governments distinguished between those who were registered as having Indian status and those who were not (Abele & Graham, 2011). By creating this demarcation, divisions were formed between Status, non-Status, Métis, and Inuit Peoples (Abele & Graham, 2011; Desbiens et al., 2016; Grammond, 2009; Kelm & Smith, 2018). People who moved to cities were and continue to experience exclusion from their home communities and territories, while divisions separating those who live on reserve and those who live off reserve are reified (Abel & Graham, 2011; Desbiens et al., 2016).

[20] The Royal Commission on Aboriginal Peoples note the Indian Act "was marked by singular disparities in legal rights, with Indian people subject to penalties and prohibitions that would have been ruled illegal and unconstitutional if they had been applied to anyone else in Canada" (2011 [1996], p. 236).

[21] This is not to say the Act has not been altered to better suit the evolving needs of the Canadian state. Indeed, the *Indian Act* has been amended twenty times since 1881 and has been through two major reforms, one in 1951 and the other in 1985 (Desbiens et al., 2016).

Discussion

The intents and outcomes of the Indian Act and the Manitoba Act illustrate how the forcefield of settler colonialism was and continues to be deployed as a means of limiting Indigenous access to rights, land, culture, and relations as a means of freeing up lands and resources for colonial governments to the distinct advantage of those who benefitted and continue to benefit: settlers. A central feature of these policies are the ways in which Indigenous identities were categorized to suit colonial social, political, and economic influences and needs. Indigenous conceptions of identity are fluid and dynamic, whereas the *Indian Act* constructed a rigid and unvarying notion of Indigenous identity steeped in racism and sexism (Grammond, 2009). As a result of the categorization created through both the Manitoba Act and Indian Act, Indigenous Peoples are forced to fit into neatly-defined artificial categories antithetical to their own conceptions of who they are.

As Métis scholar Chris Andersen (2014) explains, the legacy of colonialism in the form of particular racialized discourses such as the Indian Act "have today congealed into a hardened foundation of 'truths' that continue to play a powerful role in forming the worldview for most Canadians" (p. 30). In Canada, Indigenous identity has been largely homogenized by the settler state, conflating macro-categories such as 'Indian' with particular communities that have significant differences in terms of values, governance structures, language, culture, and practices (Green, 2009).[22]

The hierarchies that underpin colonial thinking and the colonial creation of Indigenous identities, informed by *Terra Nullius* and the Doctrine of Discovery, require a construction of difference based on race, culture, and historical trajectories (Mawani, 2005). Indigenous authenticity has been measured based on antiquated racist ideas that have a tendency to exoticize those considered to be The Other. An extension of the historical distancing of Indigenous Peoples from one another is the contemporary construction of Indigenous Peoples as inauthentic in relation to their ancestors (Vowel, 2016).

[22] A more recent example of such homogenization occurred with the 1982 constitutional recognition of Canada's Aboriginal people as 'Indians,' 'Métis,' and 'Inuit'; whereby hundreds of Indigenous nations throughout Canada were classified as simply 'First Nations'. Similarly, Metis who may have identified as such on different understandings including both ancestral connections to the historical Métis nation and those who may identify based on mixedness have been conflated under Section 35, as well as more recent rulings such as the Powley Decision (Andersen, 2014).

Using a model of cultural difference inherently relies on a fundamental assumption that "real indigeneity *was* rather than *is*- the more modern we appear, the manifestly less Indigenous we must be" (Andersen, 2014, p. 105). Undermining not only Indigenous assertions of nationhood, but also modern indigeneity, a model of cultural difference is particularly problematic for dispersed, landless, and urban Indigenous populations (including most Métis). Such an approach denies Indigenous nations any form of political equal footing with the state, instead placing Indigenous 'cultures' neatly alongside other ethnic minorities under the umbrella of the Canadian nation-state. By offering differential rights through imposed racial constructions, the state fractured peoples and (re)ordered existing relations to be in opposition to one another.

Policy Recommendation

It is only with recent mainstream awareness of these antiquated interlocking beliefs that we are seeing the beginnings of the disintegration of this forcefield. Indigenous and non-Indigenous scholars point to Indigenous philosophies of relationality, guided by principles of interconnectedness, as offering alternatives to the limited exploitative, human-centred and primarily individualistic ideas advanced by settler colonialism (Starblanket & Stark, 2018). Resurgence in the form of attending to relationships amongst humans, between humans and the land, and between Indigenous governments and Canadian government has largely been the focus of Indigenous/non-Indigenous reconciliation. However, there has been limited focus on improving and reconciling relations between and within Indigenous nations. Though it is helpful to understand the truths of how we became divided from one another, moving forward with reconciliation requires that we focus on our interdependence and importantly, our roles and responsibilities in caring for our relationships with one another and the lands we are from and inhabit, as they too are interconnected (Starblanket & Stark, 2018).

Kinship bonds and common political interests should compel unity between Indigenous Peoples (Chartrand, 2007). Possibilities for temporary allyship exist (Tuck & Yang, 2012) to confront broader issues that all Indigenous Peoples face including the current climate crisis, anti-Indigenous racism, health crises, and the continued loss of life borne out of the policies discussed in this paper. Temporary allyship is not new to Indigenous nations across Canada, as demonstrated

by the continued resistance to government policies.[23] While Métis and First Nations joined forces successfully during the Red Power movement of the 1960s, the constitutional talks of the 1980s, and the more recent Idle No More Movement, there has been little support for inter-Indigenous nation reconciliation in Canada.

Following over a century of policies that sought to disrupt historically positive relations, reviving inter-Indigenous alliance building has the potential to improve relations within political, scholarly, and community spheres, which would be especially beneficial for organizations that serve both Métis and First Nations Peoples (such as urban Indigenous organizations like Friendship Centres). Lightfoot & Macdonald (2017) illustrate the potential impacts of such positive relations and contemporary inter-Indigenous treaty making, stating "such a normative shift would have tremendous implications not only on the need for governments to interact more collaboratively with Indigenous Peoples, but the ripple effects of such a shift may eventually broaden and flatten the notion of self-determination for all peoples, Indigenous and non-Indigenous alike" (p. 33). It is imperative that inter-Indigenous nation reconciliation is supported by the Canadian government, through funded gatherings and opportunities to engage collectively to address policies that affect all Indigenous Peoples in Canada. Additionally, it is crucial that Indigenous Peoples recentre philosophies of relationality to guide us in fulfilling our roles and responsibilities to one another and the land. As demonstrated by instances where Métis and First Nations people joined forces, inter-Indigenous reconciliation and allyship has the potential to be transformative for all of Canadian society.

[23] This began prior to Confederation and includes the Northwest Resistance in 1885. During the 1920s-1940s, Indigenous Peoples continued to form alliances, to petition government for support, especially following depression, during which starvation, disease, poverty, and drought conditions decimated the population. In the 1930s, Métis and non-status Indians joined forces to form L'Association des Métis d'Alberta et des Territoires des Nord Ouest, which resulted in formation of twelve Métis Settlements, only eight of which remain, and form the only Métis land base in Canada (Teillet, 2019). Following WW1 and WW2, many Indigenous veterans came together to share experiences, and understand their experiences were not isolated to their own communities, but shared across Canada. By the late 1960s, Indigenous political leaders and educators such as Howard Adams and Harry Daniels were inspired by Malcolm X, Black Panther Party, and Martin Luther King, leading to the formation in 1971 of the Native Council of Canada.

References

Abele, F. & Graham, K. (2011). What Now? Future Federal Responsibilities Towards Aboriginal People Living in Cities. *Aboriginal Policy Studies, 1*(1), 162-182, https://doi.org/10.5663/aps.v1i1.10135

Alcantara, C. (2008). Aboriginal policy reform and the subsidiarity principle: A case study of the division of matrimonial real property on Canadian Indian Reserves. *Canadian Public Administration, 51*(2), 317–333. https://doi.org/10.1111/j.1754-7121.2008.00020.x

Assembly of Manitoba Chiefs (AMC). (July 2021). *AMC disappointed with Canada's prioritization of Metis over First Nations in Manitoba*. https://manitobachiefs.com/amc disappointed-with-canadas-prioritization-of-metis-over-first-nations-in-manitoba/

Augustus, C. (2005). *The Scrip Solution: The North West Métis Scrip Policy, 1885–1887*. (Master's thesis) University of Calgary. https://doi.org/10.11575/PRISM/17441

Andersen, C. (2014). *Métis: Race, Recognition, and the Struggle for Indigenous Peoplehood*. University of British Columbia Press.

Andersen, C. (2021). Peoplehood and the Nation Form: Core Concepts for a Critical Métis Studies. In J. Adese & C. Andersen (Eds.) *A People and a Nation: New Directions in Contemporary Métis Studies.* (pp. 18-39). University of British Columbia Press.

Anderson, K. (2016). *A Recognition of Being: Reconstructing Native Womanhood*, 2nd Ed. Canadian Scholars' Press.

Bailey, K. A. (2020). Indigenous students: Resilient and empowered in the midst of racism and lateral violence. *Ethnic and Racial Studies, 43*(6), 1032-1051. https://doi.org/10.1080/01419870.2019.1626015

Bartlett, R. H. (1978). The Indian Act of Canada. *Buffalo Law Review, 27*(4), 581–616.

Borrows, J. (2016). Unextinguished: Rights and the Indian Act. *University of New Brunswick Law Journal, 67*, 3–35.

Brayboy, B. M. J. (2005). Toward a Tribal Critical Race Theory in Education. *Urban Review, 37*(5), 425-446. https://doi.org/10.1007/s11256-005-0018-y

Brodsky, G. (2016). "Indian Act Sex Discrimination: Enough Inquiry Already, Just Fix It." *Canadian Journal of Women and the Law, 28*(2), 314–320. https://doi.org/10.3138/cjwl.28.2.314

Campbell, M. (2012). Foreword: Charting the Way. In *Contours of a People: Metis Family, Mobility, and History*, In B. MacDougall, N. St-Onge, & C. Podruchny, (Eds). viii-xxvi. University of Oklahoma Press.

Chartrand, P. L.A.H. (2007). *Niw_hk_m_kanak ("All My Relations") Metis-First Nations Relations*, Research Paper for National Centre for First Nations Governance. https://fngovernance.org/wp-content/uploads/2020/09/paul_chartrand.pdf

Coburn, E. (2016). Theorizing colonialism and Indigenous liberation: contemporary Indigenous scholarship from lands claimed by Canada. *Studies in Political Economy, 97*(3), 285-307. https://doi.org/10.1080/07078552.2016.1249126

Coulthard, G. S. (2014). *Red skin, white masks: Rejecting the colonial politics of recognition*, University of Minnesota Press.

Day, S. (2018). Equal status for Indigenous women-sometime, not now: The Indian Act and Bill S 3. *Canadian Woman Studies, 33*(1/2), 174–185. https://cws.journals.yorku.ca/index.php/cws/article/view/37770

Desbiens, C., C. Lévesque, & I. Comat (2016). 'Inventing new places': Urban Aboriginal visibility and the co-construction of citizenship in Val-d'Or (Québec). *City & Society, 28*(1), 74 98. https://doi.org/10.1111/ciso.12074

Fiske, J. (1990). Native women in reserve politics: Strategies and struggles. *Journal of Legal Pluralism and Unofficial Law, 30/31*, 121–138. ISSN: 0732-9113

Fiske, J. (1995). Political status of Native Indian women: Contradictory implications of Canadian state policy. *American Indian Culture and Research Journal, 19*(2), 1–30. https://doi.org/10.17953/aicr.19.2.217215u557043668

Gaudry, A. (2014). *Kaa-tipeyimishoyaahk - 'We are those who own ourselves': A political history of Métis self-determination in the North-West, 1830-1870* (PhD Dissertation), University of Victoria. http://hdl.handle.net/1828/5180

Gehl, L. (2000). The queen and I: Discrimination against women in the Indian Act continues. *Canadian Woman Studies, 20*(2), 64–69. https://cws.journals.yorku.ca/index.php/cws/article/view/7611

Grammond, S. (2009). *Identity captured by law: Membership in Canada's Indigenous Peoples and linguistic minorities*. McGill-Queen's University Press.

Göcke, K. (2013). Protection and realization of Indigenous Peoples' land rights at the national and international level. *Goettingen Journal of International Law, 5*(1), 87-154. http://dx.doi.org/10.3249/1868-1581-5-1-goecke

Green, J. (2009). The complexity of Indigenous identity formation and politics in Canada: Self determination and decolonisation. *International Journal of Critical Indigenous Studies, 2*(2), 3646. https://doi.org/10.5204/ijcis.v2i2.29

Hamill, S. E. (2011). McIvor v. Canada and the 2010 Amendments to the Indian Act: A half -hearted remedy to historical injustice. *Constitutional Forum, 19*(2), 75–84. https://doi.org/10.21991/cf29363

Hancock, R. L. A. (2021). The power of peoplehood: Reimagining Metis relationships, research, and responsibilities. In *A People and a Nation: New Directions in Contemporary Métis Studies,* J. Adese & C. Andersen (Eds.). pp. 40-66. University of British Columbia Press.

Hayter, J. (2017). *Racially 'Indian', Legally 'White': The Canadian state's struggles to categorize the Métis, 1850-1900.* (PhD Dissertation) University of Toronto. https://tspace.library.utoronto.ca/bitstream/1807/80832/3/Hayter_Jennifer_201711_PhD thesis.pdf

Innes, R. A. (2013). *Elder Brother and the Law of the People: Contemporary Kinship and Cowessess First Nation.* University of Manitoba Press.

Joseph, B. (2018). *21 Things you may not know about the Indian Act: Helping Canadians make reconciliation with Indigenous Peoples a reality*. Indigenous Relations Press.

Kelm, M. & K. D. Smith. (2018). *Talking back to the Indian Act: Critical reading in settler colonial histories*. University of Toronto Press.

Lightfoot, S. R. & MacDonald, D. (2017). Treaty relations between Indigenous Peoples: Advancing global understandings of self-determination. *New Diversities, 19*(2), 25-39.

Macdougall, B. (2010). *One of the family: Métis culture in nineteenth-century Northwestern Saskatchewan.* University of British Columbia Press.

Mandell, L. (2019). Our Interconnected Journey. *BC Studies, 200*(1), 53-75. https://doi.org/10.14288/bcs.v0i200

Mawani, R. (2005). Genealogies of the Land: Aboriginality, law, and territory in Vancouver's Stanley Park. *Social & Legal Studies, 14*(3), 315–339. https://doi.org/10.1177/0964663905054907

McIvor, S., P. Palmater & S. Day (2019). Equality Delayed Is Equality Denied. *Canadian Woman Studies, 33*(1/2), 171–173. https://cws.journals.yorku.ca/index.php/cws/article/view/37769

Moreton-Robinson, A. (2009). Imagining the good Indigenous citizen: Race war and the pathology of patriarchal white sovereignty. *Cultural Studies Review, 15*(2), 61–79. https://doi.org/10.5130/csr.v15i2.2038

Mussell, S. (2020). Do Métis have Rights in British Columbia? Let our Métis People be heard in a Good Way. Policy Brief. *Yellowhead Institute, 78*(1), 1-3. https://yellowheadinstitute.org/wp-content/uploads/2020/10/stephen-musseel-metis rights-in-bc-yi-brief-10.22.2020.pdf

Neeganagwedgin, E. (2019). The land since time immemorial: A review of the assimilation policies on Indigenous Peoples through Canada's Indian Act. *Ab-Original, 3*(1), 136–142. https://doi.org/10.5325/aboriginal.3.1.0136

Pfeffer, F. T., & Killewald, A. (2018). Generations of advantage: Multigenerational correlations in family wealth. *Social Forces, 96*(4), 1411–1442. https://doi.org/10.1093/sf/sox086

Roe, S. (2003). 'If the story could be heard':1 Colonial discourse and the surrender of Indian reserve 172. *BC Studies, 138/139*(2), 115–136. https://doi.org/10.14288/bcs.v0i138/9.1674

Royal Commission on Aboriginal Peoples [RCAP]. 2011. *Report of the Royal Commission on Aboriginal Peoples: Looking Forward, Looking Back, Vol 1*. Canadian Electronic Library. http://data2.archives.ca/e/e448/e011188230-01.pdf

Simon, C. & Clark, J. (2013). Exploring Inequities Under the Indian Act. *University of New Brunswick Law Journal, 64*, 103–122. https://journals.lib.unb.ca/index.php/unblj/article/view/29125/1882524307

Sprague, D. N. (1980). The Manitoba Land Question, 1870-1882. *Journal of Canadian Studies, 15*(3), 74–84. https://doi.org/10.3138/jcs.15.3.74

Starblanket, G. & Stark, H. K. (2018). Towards a Relational Paradigm- Four Points for Consideration: Knowledge, Gender, Land, and Modernity. In M. Asch, J. Tully & J. Borrows (Eds.), *Research and Reconciliation: Indigenous-Settler Relations and Earth Teachings*, 186-218. University of Toronto Press.

Teillet, J. (2019). *The North-west is Our Mother: The story of Louis Riel's People, The Métis Nation*. HarperCollins.

Tough, F. (1996). *As their natural resources fail: Native Peoples and the economic history of Northern Manitoba, 1870-1930*. UBC Press.

Truth and Reconciliation Commission of Canada (TRC) (2015). *Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada*. McGill-Queen's University Press. https://irsi.ubc.ca/sites/default/files/inline files/Executive_Summary_English_Web.pdf

Tuck, E. & Yang, K. W. (2012). Decolonization is not a metaphor. *Decolonization: Indigeneity, Education & Society, 1*(1), 1-40. https://jps.library.utoronto.ca/index.php/des/article/view/18630/15554

Voth, D. (2016). Her Majesty's justice be done: Métis legal mobilization and the pitfalls to Indigenous political movement building. *Canadian Journal of Political Science, 49*(2), 243-266. https://doi.org/10.1017/S0008423916000378

Voth, D. (2018). The choices we make and the world they create: Métis conflicts with Treaty One Peoples in MMF v Canada. *University of Toronto Law Journal, 68*(3), 358–404. https://doi.org/10.3138/utlj.2017-0059

Vowel, C. (2016). *Indigenous writes: A guide to First Nations, Métis, and Inuit issues in Canada*. Portage & Main Press.

Weinstein, J. (2007). *Quiet revolution west: The rebirth of Métis nationalism.* Fifth House Publishers.

Legal Documents

Manitoba Metis Federation Inc. v. Canada (2013) SCC 14, https://scc-csc.lexum.com/scc csc/scc-csc/en/item/12888/index.do

R. v. Desautel (2021) SCC 17 (CanLII), https://www.canlii.org/en/ca/scc/doc/2021/2021scc17/2021scc17.html