

world-view is lost" (p. 187). Given the current state of aboriginal language retention, it is difficult to be optimistic. However, Boldt underestimates the role that traditional economic activities can play in the survival of Indians as *Indians*. Much of Boldt's own experience is with the Indian communities of southern Alberta, where settler populations and agricultural development have significantly eroded, if not eliminated, the possibility of traditional economies serving as a basis for cultural revival. By contrast, in the northern half of Alberta, hunting, fishing, and berry picking remain very important activities, for many — not a few — Indians families and communities. Thus, it may be true for many aboriginal communities that traditional economies cannot serve as a basis for cultural survival, but it is certainly not true for all.

The final chapter is devoted to aboriginal economic development. It is an excellent starting point for the discussion of the economic future of aboriginal peoples in Canada. Boldt accounts for the economic dependence of contemporary Indian communities and offers alternatives to overcome this dependence. The two key alternatives Boldt recommends are the integration of Indian people into the Canadian mainstream economy and the taxation of Indians both on and off reserve. Boldt argues this can be done without compromising the fundamental elements of *Indian* culture. Moreover, without economic self-sufficiency, self-government will hold little meaning. These alternatives are controversial, but Boldt should be commended for putting these perspectives into the debate on aboriginal self-government.

Unfortunately, today many academics are concerned more about being seen as "cheerleaders" for the Indian movement, rather than offering frank, critical assessments (both the good and the bad) of aboriginal communities and aboriginal leaders, as well as of Canadian people and Canadian governments. It is only by dealing with the key issues surrounding aboriginal self-government in a candid manner that meaningful solutions can be achieved. *Surviving as Indians* is an extremely important book to head debate in Canada in the right direction.

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*Alberta's Metis Settlements Legislation: An Overview of Ownership and Management of Settlement Lands*, by Catherine E. Bell. Regina: Canadian Plains Research Center, 1994. Pp 144.

Of all the Canadian provinces, Alberta has occupied the vanguard in recognizing and entrenching land-base rights for the Metis in the Canadian Constitution as a prelude to self-government. Until 1982 the precise constitutional status of the Metis was uncertain and political responsibility for the community remains uncertain to this day. Although they are not "Indians" for the purposes of the Indian Act,<sup>1</sup> the Supreme Court of Canada had ruled

in 1939 that the Inuit were embraced within the term "Indians" in section 91(24) of the Constitution Act, 1867.<sup>2</sup> No similar judicial determination had ever been made with respect to the Metis, however, with neither Canada nor the provinces (save for Alberta) ready to accept legal or financial responsibility for them.<sup>3</sup> Even section 35(2) of the Constitution Act, 1982, did not definitively resolve the matter, although it did acknowledge the Metis (along with the Indians and the Inuit) to be an "aboriginal people."

In this comprehensive overview of the evolution of Alberta's legislative policy relating to the Metis, Catherine Bell describes the work of successive provincial governments and commissions which grappled with the community's land entitlement rights and self-governing powers. With the assistance of helpful summaries, maps and appendices (for example, the sample letters patent and collection of regulations and General Council policies), the reader never gets lost in the necessary detail used to outline complex matters.

As defined in Alberta's Metis Betterment Act of 1938, Metis are persons "of mixed white and Indian blood having not less than one-quarter Indian blood," but excluding anyone defined in the Indian Act as a treaty or non-treaty Indian. Actually, the nomenclature for members of the community is variable (for example, michif, bois brûlé, chicot, halfbreed, mixed blood),<sup>4</sup> and statutory classifications are often arbitrary. Acceptance of an aspirant by the Metis community, regardless of fixed criteria, is one important hallmark of membership. In absolute numbers, Alberta had the densest Metis population in 1991 (56,310), followed by Manitoba (45,575) and Saskatchewan (32,840). As with the Boers in South Africa, the Metis were pushed northwards and westwards in their prairie homeland by the more technologically advanced settlers comprising a later wave of migration. The defeat of Riel and Dumont at Batoche in 1885 began a second dispersal of many of the Metis to central and northern Alberta.<sup>5</sup> In the same year Sir John A. Macdonald viewed the Metis as a somewhat nondescript group: "If they are Indians, they go with the tribe; if they are half-breeds they are whites."<sup>6</sup>

As the author shows, the Alberta approach throughout has been a pragmatic one. It has been result-oriented rather than preoccupied with the niceties of constitutional definition.<sup>7</sup> Without an adequate land base or financial resources, the Metis of Alberta suffered grievously during the Great Depression of the 1930s. When Metis leaders, such as Joseph Dion, pressed the provincial government for assistance, the Ewing Commission was appointed, holding hearings throughout the province and issuing its report in 1936. The commissioners acknowledged the existence of group rights in the Metis settlements, recommending the allotment of further farmland and advancing proposals for the supervision of community activities. Pursuant to the Metis Betterment Act of 1938, a number of widely dispersed settlement areas with a total area of 1.25 million acres were established. Features of the legislation, as amended in 1940, included: the ministerial power to designate settlement areas as Improvement Districts for tax assessment purposes, the prohibition of pledging the property of

settlement members as security for loans, the exemption of such property from seizure, and the heritability of settlement land on the part of spouses and children of settlement members.<sup>8</sup>

The 1938 Act was experimental in nature and the parts of it that were unworkable were simply ignored. In the early 1970s a task force struck to reexamine the legislation recommended more grassroots input, greater access to resources, progress towards self-government, and greater attention to the Metis culture and the value system in community development. Following the report there was a significant devolution of powers to local settlement councils, particularly for the delivery of programs relating to local housing, education, and economic and cultural development. With the advent of the Charter in 1982, the status of the Metis was constitutionalized and an aboriginal right to land protected by section 35(1) was recognized. The province took the view that Metis aboriginal rights were extinguished prior to 1982 while the Metis saw the establishment of the eight settlements as recognition by Alberta of historic Metis political and aboriginal rights. In July 1984, a further commission presided over by Grant MacEwan acknowledged in its report the aboriginal ancestry and the distinct role in the history of Alberta of the Metis community, while adopting a practical, "nonconstitutional" approach to development. The commission made extensive recommendations on the creation of a more adequate resource base, a broader definition of who had Metis status, dispute resolution procedures and self-governing powers.<sup>9</sup> Resolution 18, passed by the Alberta legislature in 1985, went far towards adopting the MacEwen Report proposals<sup>10</sup> for future legislative implementation.

The most comprehensive Alberta legislation enacted to date was the 1990 Metis settlements legislation which the author describes in Chapter 3. Each of the eight settlements was to have a governing settlement council, and was to enjoy the legal rights, privileges and powers of a natural person. A General Council was also established to oversee collective interests. Extensive bylaw authority was established for the councils. A Metis Settlement Appeal Tribunal was created and, as of April 1994, had issued twenty-one orders.<sup>11</sup> A consolidated fund was created to be administered by the General Council, and the issues of membership (to be jointly determined by settlement councils and the government) and land interests and management were addressed.

Succeeding chapters investigate in detail the present legal arrangements in relation to the Alberta Metis. Topics so considered are the Metis Settlement Land Registry rights and interest in settlement lands, land use planning, resource management, and hunting, fishing and trapping.

There is still considerable confusion about which unit of government is responsible for the Metis. With the exception of Alberta the provinces generally are inclined to consider the Metis a federal responsibility.<sup>12</sup> The federal government, conversely, regards the Metis south of the 60th parallel as a provincial responsibility.<sup>13</sup> While Ottawa continues to fund "Indian" students who meet certain standards and are registered at the University of

Saskatchewan's College of Law, for example, it no longer funds Metis students. This dereliction on the part of the federal government could quite possibly be successfully challenged in the courts by Metis students invoking the aboriginal and equality rights provisions in the Charter. Another wrinkle in the tangled constitutional background of aboriginal rights is that it is now possible to argue, pursuant to Article 35(3) of the Constitution Act, 1982, that provinces, as well as the federal government, can enter into "treaties," the effect of which would be to constitutionalize the Alberta settlements agreement, thereby affording an additional guarantee to Metis land rights.<sup>14</sup>

The author of this work is to be commended for writing a lucid, detailed and comprehensive overview of the legislative history of the Alberta Metis which will comprise a valuable addition to the growing literature on aboriginal rights in Canada.

#### NOTES

1. Indian Act, *Statutes of Canada*, 1985, c. 1-6.
2. Re Eskimo [1939] S.C.R. 104.
3. See, for example, *Clem Chartier*, " 'Indian': An Analysis of the Term as Used in Section 91(24) of the British North America Act, 1967," *Saskatchewan Law Review* 43 (1978-79): 37.
4. Compare with Jennifer S.H. Brown, "Metis," *The Canadian Encyclopedia*, 2nd ed., vol. 2 (Edmonton: Hertz, 1988), 1343.
5. *Ibid.*, 1345.
6. *Ibid.*
7. Catherine E. Bell, *Alberta Metis Settlements Legislation*, 3.
8. *Ibid.*, 5-6.
9. *Ibid.*, 12-13.
10. *Ibid.*, 15.
11. *Ibid.*, 23.
12. *Ibid.*, 76.
13. *Ibid.*
14. *Ibid.*, 80.

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*In Subordination: Professional Women, 1870-1970.* By Mary Kinnear. Montreal and Kingston: McGill-Queen's University Press, 1995. Pp. 245.

Ever since the mid-1970s, when researchers, academic and popular, undertook the task of rediscovery of the history of Canadian women, the topic of women's paid labour has attracted attention. We now have available