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Article

Some Preliminary Considerations for a Métis-Catalan Comparison

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Abstract: *This paper argues for the value of a comparison of the Métis national movement with the Catalan national movement. It pays special attention to the matter of federalism (especially the writings of Harry Daniels and the recent court rulings about Catalonia's status and bid for independence), of small communities that have been "carved out" (especially the Métis Settlements of Alberta and the microstate of Andorra) and the existence of communities that cross borders (especially the Turtle Mountain Reservation in North Dakota and the Catalan communities of France).*

Serious reform of the Canadian state with an eye to functioning self-government for the Métis remains unfinished business (for a survey of such efforts, see Gaudry [2018]). In what follows, I will argue that the recent (post-1978) experience of Catalonia can offer some key insights into the nature of that business, and the ways in which it might move forward. Proceeding from the assumption that the Catalans, like the Métis, constitute a nation within a larger state that has been unable to fully engage with their clearly expressed will for self-determination, I want to show how these two *petites nations* can learn from one another and, in so doing, find new ways of pushing against the limitations that these larger states have imposed upon them.

A significant part of the difficulty the Métis have had in consolidating self-government can be ascribed to the degree to which Canadian political actors have been unable to depart from a conventional understanding of recognition. Richard Day explains that, because recognition implies inclusion, "This theory therefore cannot comprehend a situation where a group might desire greater autonomy from, rather than greater integration within, a dominant form of social life such as a white settler state" (2001, 176). Too much of the discussion of the Métis' place in Canada has followed along just these lines, which are closer to the spirit of multiculturalism than they are to federalism—that is to say, they follow the assumption that the Métis are basically Canadian and are seeking fuller integration into the Canadian state and majority culture. This is, of course, a category error: The Métis are not just another minority group, another ethnic population, akin to Irish-Canadians or the like. Multiculturalist-led approaches neutralise the *national* components of the Métis' claim to self-government.

This has been a longstanding critique of multiculturalism offered by Quebec scholars, many of whom see it as a means by which claims to autonomy can be kept within the bounds of a uniquely Canadian sovereignty. Most relevant for our purposes here is Alain-G. Gagnon's argument that "With the avowed aim of opposing the tenants of Canadian duality

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[sic], Prime Minister Trudeau, in power in Ottawa from 1968–1974 and 1980–1984, made himself the defender of individual rights, all while using multiculturalism in order to maximally weaken all the demands for national recognition formulated by Quebec" (2008, 98).[1] Richard Day has put this critique in more explicitly Indigenous terms, writing that "Although it presents itself as a realisation of the ideal of equality appropriate to the contemporary condition of fragmented identities, liberal multiculturalism is seen by many Indigenous groups as a perpetuation of long-standing *inequalities* between colonisers and colonised" (2001, 182). However, Gagnon (2008) is especially relevant here because it is a sustained "plaidoyer pour le fédéralisme multinational," one that makes frequent comparisons to Catalonia. His overall argument is that a federalism worthy of the name will recognise the legitimacy of national subjects beyond the majority and ensure that they have the agency to engage in the federal system as equals; he holds that this has not happened with Quebec vis-à-vis the Canadian federal system, just as it has not happened with Catalonia vis-à-vis the Spanish state. Nor has this happened with the Métis vis-à-vis Canada, something that, as we will see below, figures such as Harry Daniels have been pointing out for many years. These difficulties with securing self-government are not identical to those that the Catalans (or Quebec) have experienced, but there are discernible points of connection that can offer useful insights into the position of the Métis within the Canadian state and the history of attempts at repositioning.

While I certainly do not wish to claim that the situation of these two "small nations" are identical, it is worth pointing out some key similarities in terms of the broad history of each, which should provide a roadmap for this article. Overall, I am following in the footsteps of Philip D. Wolfart's chapter "Against Spatialized Identity," in which he writes:

> In that multilayered, multidimensional and multisite contest between old and new models, the more advanced nation-states like France and England (later and more painfully followed by Germany and Italy) succeeded at the expense of smaller, less visible, less territorially focused groups that to this day, like the Métis in North America, struggle for recognition within the nation-state framework: the Basques, Bretons, Catalans, Welsh, and all the others. (2016, 125)

While I bristle at terms like "more advanced" and assume that, by "England," Wolfart means "the United Kingdom" (created by the *Act of Union [1707]*, which was passed by the Scottish parliament as opposed to the English conquest of Wales in 1283), I am keen for those interested in Métis politics to come to better understand "all the others," and I will show in this paper that the Catalan case is especially relevant. It is thus useful to draw attention to some key aspects of the Catalan experience: (1) the significance of federalism and the rejection of narrowly centralising approaches to state formation; (2) the territorial nature of the national identity, as opposed to one based in strictly ethnic or racial

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1 "Dans le but avoué de s'opposer aux tenants de la dualité [*sic*] canadienne, le premier ministre Trudeau, au pouvoir d'Ottawa de 1968 à 1979 et de 1980 à 1984, s'est fait le défenseur des droits individuels, tout en misant sur le multiculturalisme pour atténuer au maximum toute demande de reconnaissance nationale formulée par le Québec."

conceptualisations, and (3) the degree to which the borders of the nation are in more than one nation-state (that is to say, a governmental structure that holds, *inter alia*, what Bob Jessop calls "the territorial organization of political authority" [2016, 29]; for a thorough theorisation see Jessop's book *The State: Past, Present, Future*). I think we will see that these three aspects of recent Catalan political history intersect with the Métis experience in ways that offer new ways of understanding both.

I. A Brief Explanation of the "Catalan Crisis"

Readers might benefit from a very brief explanation of the Catalan nation, especially leading up to what is now generally known as the "Catalan crisis."

The Catalan language (a Romance language whose grammatical structure is closer to French than to Spanish) has historically been spoken not only in Catalonia proper (that is to say, the devolved region of northern Spain) but also in Valencia (in central-eastern Spain), in Franja de Ponent (just west of Catalonia), on the Balearic islands (Mallorca, Menorca, Ibiza, and Formentera), in the city of L'Alguer on the Italian island of Sardinia, in a corner of southern France (roughly coterminous with the Département des Pyrénées Orientales), and in the micro-state of Andorra. Collectively, these areas are known as *els Països Catalans*, the Catalan countries. Except for the island communities, this is a geographically contiguous region, one that is marked, as this list indicates, by a wide variety of political arrangements. That is to say, *els Països Catalans* are highly diverse culturally and politically, but they are marked by *limits* and *territory*. It is not simply a collection of everyone who considers themselves to be in some way Catalan, wherever they may be. I will make the case below that there are strong similarities with the Métis Homeland and its combination of territorial limits and internal diversity.

The "Catalan Crisis" refers to a history of political strife in one of these *països,* Catalonia. While many Valencians, Andorrans, etc. take a strong interest in what goes on in that region, whose capital is Barcelona, their political situations are not inherently linked. This "Catalan Crisis" arguably began in 2006, when the Catalan parliament passed a revised *Estatut d'autonomia* or *Statute of Autonomy*. This revised statute would have given Catalonia more control over language, education, and taxation and also recognised it as a "nation" (as opposed to the more anodyne "nationality" that is in the Spanish constitution, a term I will discuss below). This new statute was approved by both the Catalan and Spanish parliaments, as well as by a referendum in Catalonia, before having large parts rejected by Spain's Constitutional Court in 2010. This rejection hardened positions on the Catalan nationalist centre-right, whose leading voice, Convergència i Unió, had long been seen as nationalist without being expressly separatist (as opposed to their nationalist rivals on the left, Esquerra Republicana de Catalunya). Catalan governments led by Convergència or its successor coalition Junts pel Sí ("Together for the Yes"), with the support of Esquerra Republicana, staged two referenda on independence, in 2014 and 2017. The Spanish government refused to recognise either one as legitimate, insisting that, since the Spanish constitution declared Spain to be indivisible, any attempt at separation was illegal. This

has led to a widespread perception that, in both referenda, unionist voters by and large stayed home (a view that is borne out by the fact that, during both referenda, nationalist parties controlled the Catalan parliament by a fairly narrow margin of seats). The 2014 vote passed without much strife; about 80% voted in favour of an independent state. The 2017 vote, on the other hand, while producing a comparable result of 92% in favour of independence (with a comparably close split in nationalist and unionist seats in the Catalan parliament of the day), led to an unprecedented repression on the part of the Spanish state. The Guardia Civil, Spain's paramilitary national police force, was brought in to close polling places and confiscate ballot papers; the size of that task proved well beyond their capabilities, although reports of serious brutality were widespread. In the wake of the 2017 referendum, the Spanish government charged 22 politicians (across party lines) and civil society leaders with various offences, from misappropriation of funds to sedition. This included the then-president of Catalonia, Carles Puigdemont, who has been in exile in Belgium since 30 October 2017. On 14 October 2019, nine of these figures were sentenced to prison, including Oriol Junqueras, still the leader of Esquerra Republicana and, at the time of the referendum, the vice-president of Catalonia, who was sentenced to 13 years in prison for sedition and misappropriation of funds.

A more historically minded observer might argue that the "Catalan Crisis" began in 1978. The 1978 constitution of Spain is what brought the country out of Franco-era fascism (Franco died in 1975) and into democracy. As a result, there is widespread idealism throughout Spain about its status as a document that is not to be trifled with. However, the adoption of the constitution was marked by a compromise between Hispanophilic "one-nation" approaches (some of which were led by a left-wing antinationalism) and the demands of the constituent nations of that part of the Iberian peninsula, such as the Galicians, the Basques, the Valencians, and the Catalans. That compromise emerged in the form of the constitution's Section Two, which I alluded to above as the source of so much trouble in 2006, 2010, 2014, and 2017. It reads, "The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards; it recognises and guarantees the right to self-government of the nationalities and regions of which it is composed and the solidarity among them all."[2] That set up a tension between "la Nación española" and "las nacionalidades," which remains unresolved today. The 1978 constitution had mandated, in essence, a multiculturalism-led approach to difference and irreparably blocked a multinational approach, effectively rendering the emergence of a federal Spain impossible (for more detail see Moreno [2001, 2007]). One reader of an earlier version of this article offered the insight that "nested sovereignties" would intuitively seem to be part of this constitutional framework, but César Colino, recounting the "debates among the constituent deputies and senators" that led to the adoption of that constitution, recalls that this was by no means the case. He writes that the status of Spain as a nation emerged as

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2 "La Constitución se fundamenta en la indisoluble unidad de la Nación española, patria común e indivisible de todos los españoles, y reconoce y garantiza el derecho a la autonomía de las nacionalidades y regiones que la integran y la solidaridad entre todas ellas" [official translation].

a near-consensus position and that "Only two minority groups defended the right of self-determination for the Spanish regions, but this position was defeated by the majority and not even defended by most of the regional nationalists" (2016, 228). The tone of sceptical dismissiveness towards the very possibility of self-determination on the part of any nation other than Spain is by no means unusual among Spanish political actors. While this is not identical to the situation with the Métis, an examination of the Catalan crisis of the last decade makes it clear just what needs to change within multinational states such as Canada and gives some sense of the degree to which new approaches to federalism can be a central part of that change. However, this will be the case only if the renewal is fully engaged with the status of all partners as *nations*: not as nationalities, or cultural groups, or any comparably vague and anodyne formulation. Fortunately, the Métis have a long tradition of thinking through federalism in just this way, as we can see in the writings of the Métis politician Harry Daniels. It is through his work, especially the papers collected in his 1977 book *We Are the New Nation*, that we can see how relevant the problems with the recognition of Catalan sovereignty are for a greater understanding of the situation and future of the Métis within the Canadian federation. I propose that both cases show how federalist approaches need to push against multiculturalism and towards *nació*.

II. Federalism: nations, nationalities, and the deflection of sovereignty

The attention focused on both Catalan referenda has obscured the degree to which Catalan nationalism has until recently embraced federal rather than strictly separatist strategies. Enric Prat de la Riba, one of the major figures of early twentieth-century Catalan nationalism, once wrote of a "Catalan nationalism, which has never been separatist, which has always felt the brotherly union of the Iberian nationalities most intensely within a federal organisation" (1998, 125).[3] One can hear in this idealism the statement made by Harry Daniels in his brief to a 1978 First Ministers' conference that "We suggest most emphatically that the place of native people is certainly within Confederation which is a reality however threatened, and not in some abstraction called 'Canadian society'" (1979, 49).

In both jurisdictions, then, we can see a serious need for the revitalisation of a federal project via a more robust recognition of *national* difference, one that avoids the conflation of such difference with *ethnic* difference, the recognition of which has generally been held to be the job of multiculturalism; what we see, to follow Alain-G. Gagnon (2008), is a call for a multinational federalism. Daniels was as blunt about the inadequacy of this model for addressing the imperatives of Métis sovereignty as Gagnon would be 30 years later, at one point stating, simply, "we do not believe that this can be accomplished through multiculturalism" (1979, 49). Similarly, Spanish authorities have generally seen cultural difference as something that they can acknowledge as a "nacionalidad" and reconcile through the benevolent understanding of the nation as a whole, a nation which can only be

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3 "Aixi'l nacionalisme català, que may ha estat separatista, que sempre ha sentit intensament l'unió germanívo-la de les nacionalitats ibèriques dintre de l'organisació federativa" [my translation; the spelling here is pre-reform].

ever be Spain. The aforementioned Section Two of Spain's 1978 constitution is clear on this, with its mention of "the indissoluble unity of the Spanish Nation," even as it "guarantees the right to self-government of the nationalities and regions of which it is composed." That section's easy conflation of "las nacionalidades y regiones" speaks to the basic problem: the elision of the concept of "nation" and the rights to self-government and self-determination that go along with it. Nations and regions are, after all, not at all the same, despite what the constitution implies. In Spain's current system of *Comunidades autónomas*, Madrid, Castilla-La-Mancha and Murcia all have the status of autonomous communities, even though there is no *national* identity connected to these territories other than Spanish. This is not the case with other *Comunidades autónomas* such as Catalonia, as it is not the case with Euskadi (the Basque Country). These are *nations*, not regions within an indissoluble *Nación española*. Self-government for regions, as for nations, may be possible, and this possibility is indeed enunciated in the text of the constitution. However, *self-determination*, something that accrues to nations in a way that it does not to regions, has always been a different matter (as César Colino makes clear).

Invocations of federalism on the part of Harry Daniels may seem to go against the grain of recent scholarship on Métis politics, much of which has been reasonably sceptical of attempts to "claim" the Métis for Canada. Adam Gaudry's critique of Jennifer Reid (specifically *Louis Riel and the Creation of Modern Canada*) and John Ralston Saul (specifically *A Fair Country*) is a key intervention, as he argues that both authors "appropriate Métisness / métissage as a foundational Canadian value, while downplaying the resistance of both Riel and the Métis people to involuntary incorporation into Canada" (2013, 66). It is worth pointing out, however, that one of Reid's central arguments is that the experiences of Riel at Red River and Batoche were progenitors of Canadian multiculturalism, something that was close to the argument that was being made at the Third Canadian Conference on Multiculturalism, where Harry Daniels was presenting. Reid writes that "it is Riel as the emblem of 'in-between-ness' who expresses a most basic fact of the Canadian experience: that of cultural hybridity, or *métissage*. It is this hybridity that I wish to suggest rests at the foundation of an elusive Canadian identity" (2012, 71). This may sound similar to Daniels' position that "Metis nationalism is Canadian nationalism" (1979, 13), but it is not. Daniels asserted that in a paper titled "The Metis: Cornerstone of Canadian Confederation," where he pressed the position that it was *federalism* that was key to Canadian identity, and that true federalism demanded the recognition of national units. "Today, there is an opportunity once again to recognize that one of the cornerstones of federation is represented in Canada's native history," he wrote. "To ignore this reality is to undermine the essential concept of federation and distort the development of a nation which has the potential to become truly Canadian" (1979, 13). Daniels goes on to recall how "It was the Metis who insisted on federation with Canada and resisted American annexation policies. Two Metis wars of resistance were fought to protect their land rights and to gain such other democratic freedoms as representation in parliament, language rights for both French and English, etc." (1979, 11). However, this is still a long way from assertions that Red River and Batoche provided a blueprint for a

Canadian identity defined by an all-encompassing mosaic, a mosaic whose fundamentally unitary quality prevents the recognition of national groups that are part of the Canadian federation (in the sense of adhering to certain common institutions) without necessarily being "Canadian" (in a cultural or national sense).

What is also significant in the passage of Reid's I quoted, as well as in the opening words of Saul's book that "We are a métis civilization" (2008, 1), is the easy conflation of the Métis and métissage (Saul's use of the lowercase "métis" is one way he elides the difference), a racialised logic that has been forcefully rejected by (among others) Chris Andersen's book *Métis* (2014) as obscuring the political stakes of the game in favour of the more sentimental and unmistakeably colonial logic of blood-lines. The Spanish government has been comparably reluctant to grant substantive political recognition to these devolved parliaments. Moreno has pointed out that, even though Spain is constituted as a multinational state, concrete political decision-making tends to be as a result of negotiations between the upper and lower houses of its bicameral legislature rather than via the engagement of fully recognised regional parliaments. In his position paper on federal models for Spain, he writes "'bilateralism' is still the preferred manner to reach political agreements rather than the multilateral institutionalization of 'shared rule' in a genuine federal Senate. Power-sharing at the federal level is a crucial feature of federations which is not institutionalised in the case of Spain" (2007, 12–13). In terms of recognition of the Métis, that crucial feature is not institutionalised in the case of Canada either; rhetoric led by multiculturalist assumptions rather than federalist ones have defined much of the contemporary discourse. I want to point out that it is precisely the *multiculturalism-led* understanding of Canadian identity so central to Reid's analysis that Daniels was rallying against. He saw the need to rally against such understandings because of Pierre Trudeau's multicultural policy directives of 1971 and the momentum they generated. "Multiculturalism" was coming to stand for Canadian identity overall, an identity into which Daniels had no wish to see the Métis assimilated. Moreno has also discussed this matter of assimilation in terms of resistance to Spanish centralism: "The case of Spain shows the lack of one single and all-embracing national state identity extended throughout the country" (2007, 13). Much of the discourse of post-1978 Catalan nationalism can be traced to this reluctance to accept an "all-embracing national state identity," multiculturally inflected though it may have been. A brief that Daniels presented in 1978 to the Third Canadian Conference on Multiculturalism spoke in blunt terms on this front, even while affirming support for the Conference's broad spirit of pluralism: "It should be stressed that while the Metis political leadership must vigorously oppose the federal government's policy of multiculturalism which relegates a native and national minority such as the Metis to ethnic status within the so-called Canadian mosaic, the Metis are not opposed to multiculturalism in principle. In fact the Metis are pioneers of multiculturalism!... However, we believe that the official policy of multiculturalism suppresses the aspirations and hopes of the Metis people" (1979, 51). Daniels always saw those aspirations and hopes as based not in the desire to become more fully Canadian, in the manner of recent immigrants struggling against discrimination

and the resulting marginalisation, but rather in the recognition of the Métis' nationhood and the emergence of political institutions that would secure that nationhood. Daniels said as much in a brief to a First Ministers' conference that same year, arguing in the same anti-multiculturalist terms that "We are an historic national minority with rights inherent in that status which go beyond the right to equality of opportunity. The latter right assumes that we may be assimilated into either French or English versions of Canadian society. As a historical national minority we have the right to remain separate and distinct from both versions and develop along lines dictated by our own cultural aspirations" (1979, 47–48). The Catalan political theorist Ferran Requejo Coll has offered a comparable argument with multiculturalist-led approaches, to the effect that "Multinational democracies are not uni-national realities with some 'regional' sub-units which still pertain to a single national *demos*. They are 'different societies' in the sense that they show distinctive traits and express a desire to be distinguished from other societies" (2009, 30).[4] Requejo Coll is a leading Catalan theorist of both minority politics and federalism. In a public talk he gave in 2014 at Dalhousie University, he recalled that, as a younger man (in the immediately post-Franco '70s and '80s), he would have identified as a federalist, but that, as a democratised Spanish state became ever-more centralising, he has since shifted towards separatism as the most viable political strategy for the future of Catalonia. This is common among Catalan nationalists of the immediately post-Franco generation; the leading Catalanist party, the centre-right Convergència i Unió, has always been nationalist but has become explicitly separatist only in the wake of the aforementioned 2010 Constitutional Tribunal ruling.

That desire to "remain separate and distinct," *ser distingides* in Requejo Coll's formulation, was a big part of what was at stake in Catalonia's 2006 *Estatut d'autonomia* or *Statute of Autonomy*. The 2010 rejection of the *Statute* served as a kind of catalyst for the 2014 and 2017 referenda on independence. Particularly at issue for the court was the *Statute*'s deployment of the term "nation." In the *Statute*'s preamble we read, "In reflection of the feelings and the wishes of the citizens of Catalonia, the Parliament of Catalonia has defined [Catalonia as a nation] by an ample majority."[5] The Court's ruling on that passage, specifically the bit that its ruling consigned to brackets and thus *stricto sensu* outside of the *Statue* itself, served as a summary of the way that many Catalans believed that a de facto mononational Spanish state had systematically denied their rights to self-determination. The ruling states, for instance, that "from the point of view of the constitution, Catalonia is not a nation in the sense that Spain is, although it is a nationality with the right to autonomy" and that "from

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4 "Les democràcies plurinacionals, doncs, no són realitats uninacionals amb subunitats «regionals» que pertanyen a un sol *demos* nacional. Són «societats diferents» en el sentit que mostren trets distintius i expressen un desig de ser distingides d'altres societats" [my translation].

5 "El Parlament de Catalunya, recollint el sentiment i la voluntat de la ciutadania de Catalunya, ha definit [Catalunya com a nació] d'una manera àmpliament majoritària." *Estatut d'autonomia de Catalunya*, bit.ly/2006-Catalan-Statute [official translation].

the constitutional point of view there is no other nation than the Spanish one."[6] That denial of the status of "nation" (*nación*) while nevertheless acknowledging that the constitution recognises Catalonia as a "nationality" (*nacionalidad*) will no doubt seem familiar to Indigenous political actors in Canada. The latter, *nacionalidad*, is the form of difference that multiculturalism was designed to defend. Multicultural policies have historically been about bringing diverse groups into a singular (*indisoluble*) national identity in a way that corrects a previously exclusionary or mono-ethnic conception of that national identity. *Into* is the key point there.

In short, the ruling of Spain's Constitutional Tribunal distinguishes between nations as repositories of *sovereignty* and "nationalities" as repositories of *autonomy*; nations have rights, nationalities exist within those nations. While Spain's 1978 constitution did the necessary work of bringing the country out of fascism, its calls to "la indisoluble unidad de la Nación española" have made the emergence of a federal system that recognises the real political rights of *nations* impossible. In Canada as in Spain, what we have seen in the last decades is not a meaningful rethink of federalism but rather a series of frameworks to accommodate difference marked by an unmistakeable influence from multiculturalism. Such frameworks, though, are generally *legal* ones, and so take the state institutions under which they unfold as a given rather than being opposed to dynamic factors subject to change following conflict and negotiation. That is to say, multiculturalism is generally about *law* and not *politics*.

This sort of primacy is at the centre of Lawrence Rosen's critique of Will Kymlicka alongside that of S. James Anaya's *Indigenous Peoples in International Law*. In his classic text *Multicultural Citizenship*, Kymlicka seeks to distinguish between claims such as those made on the part of minority groups and minority nations. He identifies three kinds of rights-claims: "(1) Self-government rights"; "(2) Polyethnic rights" and "(3) Special representation rights" (1995, 26–33). It is clearly (1) that is at issue for Indigenous nations, and Kymlicka understands this. He talks mostly about the Québécois but also discusses the Inuit and the creation of Nunavut, as well as recalling how "a recent study showed that the single largest cause of ethnic conflict in the world today is the struggle by indigenous peoples for the protection of their land rights" (30). Having said that, there have been occasional calls along the lines of (3), that is to say for minimum representation of Indigenous groups via "safe seats" in Parliament. Harry Daniels, for instance, wrote that "What we are seeking and what we have always sought is a guarantee of a fixed number of seats for natives in both federal and provincial legislative assemblies" (1979, 49). What is clear, though, is the irrelevance of (2), which is basically where the bailiwick of multiculturalism is to be found. Later, in *Multicultural Citizenship*, Kymlicka writes that "The case of the Sikhs in the RCMP is a good example—the policy is intended, not to allow Sikhs to withdraw from the larger society, but precisely to modify the institutions of mainstream society so that Sikhs can integrate

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6"… observado desde la perspectiva de la Constitución, Cataluña no sería nación en el sentido en que lo es España, sino nacionalidad con derecho a la autonomía. …desde el punto de vista constitucional no hay más nación que la Española." *Sentencia 31/2010, de 28 de junio de 2010*; bit.ly/Catalan-2010-ruling [my translation].

into them as fully as possible" (1995, 177). The situation with the Québécois is radically different; to continue with the policing example, the existence of the Sûreté du Québec, a police force that is only for Quebec, makes this point very clearly. I would suggest that, although the word "nation" is deployed more easily in Canada than in Spain, for too long the Métis have been thought of as being more or less like the Sikhs in Canada, as have the Catalans vis-à-vis Spain. The nation-states in both cases clearly prefer to file all these claims under "(2) Polyethnic rights" and hope that various forms of multiculturalism will smooth it all over. It is high time that the Métis, like the Catalans, have their claims filed under "(1) Self-government rights," with the institutions of confederation reformed accordingly. James Tully has written along these exact lines in several analyses; Gaudry has noted that "One of the most ground-breaking books in theorizing what a modern relationship between Indigenous peoples and Canada would look like is James Tully's *Strange Multiplicity: Constitutionalism in an Age of Diversity* (1995)" (2013, 82). However, it is in volume 1 of his 2008 book *Public Philosophy in a New Key* where Tully recalls how "This sort of demand has become increasingly familiar in the latter twentieth century." He invokes countries that include Belgium and the United Kingdom, as well as (and most relevant for our purposes here) Canada and Spain, before also discussing how "the struggles of Indigenous peoples to overcome internal colonisation and gain recognition as 'free peoples' are giving rise to experiments in new forms of Indigenous self-government and federalism within the larger, surrounding non-Indigenous governments" (2008, 174).

In Canada (as is also the case elsewhere), what has arisen is not serious experimentation with federalism but rather a series of frameworks to accommodate difference marked by an unmistakeable influence from multiculturalism. This is clearly visible in the way it has emerged in Canada, via the anti-discrimination policies that flow from the *Multiculturalism Act* of 1988, for instance. However, that *legal* primacy has been just as visible in the Catalan context, where the Spanish government justified its crackdown on the 2017 referendum via appeals to the 1978 constitution's "the indissoluble unity of the Spanish nation" clause. This sort of primacy is at the centre of Lawrence Rosen's 1997 critique of Kymlicka's *Multicultural Citizenship* alongside that of S. James Anaya's *Indigenous Peoples in International Law*. Rosen writes that "Anaya is more sensitive than Kymlicka to the range of ways in which the relations among indigenous and state governments may be organized, negotiated and revised, but he does share with Kymlicka the assumption that it is through law, more than through politics, that all such relationships should be cast" (1997, 246).

It is precisely this shift from law to politics that marked Métis activism of the 1970s and '80s (a reader of an earlier version of this article noted that this "has been consistently encouraged through Indigenous rights cases flowing through the Supreme Courts of Canada"). A similar shift has been underway in Catalonia since the aforementioned Constitutional Tribunal's 2010 ruling on the *Statute of Autonomy*. J. M. Colomer argues that "The main change in Catalan politics since the turn of the century was a switch from nation-building to state-building, that is, the replacement of the priority to culture with a focus on institutions" (2017, 952). This focus on institutions began tentatively in 1978, not only

with the constitutional recognition of "*nacionalidades*" but also in the re-establishing of the Generalitat. This is the name of the Catalan parliament which traces its history to the 14th century, thrived in a devolved government during the Spanish Republic of the 1930s, and was shut down under Franco. To return to Colomer's analysis, it was not Catalan identity or Catalan culture generally but precisely institutions such as the Generalitat that the Spanish government attacked in the aftermath of the 2017 referendum, as it dissolved the body to force new regional elections, imposing direct rule from Madrid until a new parliament was seated. (Those new elections produced another victory for nationalist parties, albeit a relatively close one, as did the most recent election on 14 February 2021.) Madrid also closed all Catalan missions to foreign countries except for the mission to the European Union. (DiploCat, the umbrella organisation for those missions, was reactivated by a newly re-elected nationalist coalition government in 2018.)

The question of institutions has been equally important in the Métis case; it is their creation (rather than their destruction, as in Catalonia of the recent past) that was a key preoccupation of Métis political actors during Canada's constitutional transitional process, that is to say the period right before and right after the Trudeau government's 1982 patriation. Some of the proposals made by the camp John Weinstein dubs "nationalist" (as opposed to the "confederalist" wing led by Jim Sinclair, whose goals Weinstein presents as more limited) were closer to this "Catalan spirit" of discernible devolution with roots in fleetingly successful armed struggle (the Civil War in the Catalan case, Red River and Batoche in the Métis case) than is widely remembered. Reporting on the meeting of 22 January 1983 that established the Métis Constitutional Council, Weinstein recalls:

> A "nationalist" wing of delegates called for the establishment of a third Métis provisional government with a mandate transcending provincial boundaries and, in effect, replacing provincial Métis associations. The concept was sweeping: a directly elected national legislature or Métis Parliament located in Batoche (close to Saskatoon), Saskatchewan; an executive branch initially responsible for intergovernmental negotiations leading to a land base and self-government and then applying the legislation of the Métis Parliament; an administration to absorb the self-delivery apparatus of the provincial bodies and Métis institutions such as the Dumont Institute; and a judicial branch to adjudicate disputes over matters within the jurisdiction of the Métis government…. Its foremost proponents were Elmer Ghostkeeper, who believed that the [Alberta] Métis settlements would constitute a natural electoral district for the representation in this national legislature, [Métis Nation of Saskatchewan president] Clément Chartier, and the Manitoba Métis. (2008, 75)

The leadership of this "nationalist wing," at least as Weinstein recalls it, makes a third provisional government sound like a federation itself, and one whose "asymmetrical" qualities recall *els Països Catalans*, which I discussed above.

All to say that this third Provisional Métis Government as sketched out by Ghostkeeper and explained by Weinstein would have consisted of a distinct political entity (the Métis Settlements), a province with a significant Métis presence and history, and a delegation with connections to the original Red River settlement. In many ways, it sounds like the multi-national federations proposed by comparably radical parts of the Catalan movement. Nicholas Berjoan has recalled how the group Esquerra catalana dels treballadors (Catalan Workers' Left) were advocating for the following outcome: "An autonomous French Catalonia would conclude an association agreement with France, before integrating into a 'supra-state federation of els Països Catalans, which would be under a socialist government'" (270).[7] All of this is different from the federation that eventually emerged in the form of the Métis National Council. Jean Teillet recalls:

> The Métis Association of Alberta agreed to come on board, but only if it was the sole organization representing the Métis in Alberta. The decision to run the Métis National Council as a federation of provincial organizations left the Federation of Métis Settlements, the body that represented the only Métis with a land base, out of the national body. The Métis settlements would have to be represented by the Métis Association of Alberta, the province-wide body, or not be part of the Métis National Council at all. The Métis settlements opted to stay out, and to this day this particular political rift within the Métis Nation has not been healed. (2019, 447)

This kind of rift is a special problem because of what the Métis Settlements of Alberta represent: eight distinct territories, each of which is governed by an elected Settlement Council, which in turn sends a representative to the General Council in Edmonton, which serves as an executive branch. The Settlements also have a judiciary in the form of the Métis Settlements Appeals Tribunal (MSAT), which adjudicates disputes around membership as well as land tenure and usage. Itself a federation, the Settlements also encompass the "sweeping" governance institutions that the Ghostkeeper-led "nationalist" camp had envisioned for the entire Métis Nation. In terms of political institutions, the Métis Settlements of Alberta actually go beyond what has been achieved in Catalonia, inasmuch as the establishment of a separate Catalan judiciary is a goal that has long eluded nationalist political actors.

III. Territory: Settlements, micro-states, and cross-border connections

As I mentioned above when discussing *els Països Catalans*, the concept of both Métis and Catalan identity is broad but finite and, as such, is tied to a zone that can be reasonably expected to be governed by the people who live there, even if parts of this zone are marked by shared and overlapping sovereignties. That is to say, the Occitan presence in southern France or the Aragonese presence in Franja de Ponent are not entirely dissimilar to the presence of Cree, Blackfoot, and Saulteaux sovereignties *inter alia* on the historic Métis

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7 "La Catalogne française autonome conclura un contracte d'association avec la France avant d'intégrer une « federació supra estatal des països catalans » sous régime socialiste" [my translation].

Homeland. The projection of this kind of diverse belonging moves beyond externally imposed borders without sprawling off into an infinity of vague senses of ethnic affinity. Such a projection thus strongly recalls the Métis National Council's *Homeland Map Resolution (2018)*, which sought to define the borders of the historic Métis Nation.

Although it has caused some controversy in eastern and central Canada as well as among some First Nations groups (such as the Blackfoot), the enunciation of the territory, like the Métis National Council's 2018 map, has its roots in oral tradition, patterns of economic relationships, kinship, and settlement histories. The Métis Homeland, like *els Països Catalans*, is a territory that is not limited by borders externally imposed by force (such as the Spain/France or Canada/United States border) but is still *limited*, that is to say connected to a discernible territory. These limitations, in both cases, do not mean that the territory is in any way homogenous in a political or social sense; these internal diversities represent serious challenges to conventional conceptions of state formation and national belonging. With these commonalities in mind, the analogy that I am proposing here is basically an inverted one. *Els Països Catalans* are made up of people of many geographically specific nationalities (Catalan, Valencian, Aragonese, Balearic, French, Italian, Andorran), connected by a common language (Catalan). The Métis Homeland is the site of a common nationality (Métis) that contains many languages (Cree, Michif, Bungee, English, French).

It is in this context that I think there is a more precise (although, of course, not perfect) analogy to be made with the microstate of Andorra and the Métis Settlements of Alberta.[8] Andorra, a country about the size of the city of Montreal, lies between central Spain and France; its population of 77,000 represents around 0.7% of *els Països Catalans*' total population of about 10.3 million. According to the 2016 Canadian census, the Métis Settlements population is 4,858 which represents about 1.2% of the Metis National Council's total citizenship of approximately 400,000. The relative population figures are thus reasonably close. Perhaps more importantly, both are marked by unique jurisdictional qualities. The only fully independent state in the world whose official language is Catalan is Andorra; it is Andorra that brings the Catalan language to the United Nations, for instance. The only Métis land base that is written into legislation, affirmed by an accord, and governed by an autonomous Métis government is that of the Métis Settlements of Alberta. The legal scholar Catherine Bell documents the Settlements' formation and their legal structure in two books: *Alberta's Metis Settlements Legislation* (1994) and *Contemporary Metis Justice:*

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8 I know that this may seem an odd analogy, although I am not the first to offer something like it. For instance, Rosen writes in the context of Indigenous communities contained within larger states that "Just as nation-states like Sikkim, Monaco, and the Vatican have agreements by which their defense or foreign policy is contractually assigned to another state, so, too, encouragement could be given through international agencies to apportionment of some sovereign powers among indigenous groups and surrounding states" (1997, 256).

The Settlement Way (1999).[9] Her 2014 Guth Lecture (co-authored with Paul Seaman and subsequently published in the *Manitoba Law Review* [2015]) examined the Settlements' situation in the light of legislation and jurisprudence around the s. 35 Aboriginal rights of the Métis since the signing of the *Alberta–Metis Settlements Accord (1989)*. Bell and Seaman are clear about the overall importance of the Settlements, writing that "Before and after *Powley*, some provincial governments entered into agreements with Métis communities and organizations…The most comprehensive of these is found in the Alberta Métis Settlements, the modern origins of which is the settlement of litigation in relation to provincial statutory obligations to Métis" (2015, 36). Summarising the importance of the *Alberta–Metis Settlements Accord*, they write that "the Métis settlements regime is not 'ordinary' legislation. As outlined above, the MSA has important, solemn and constitutional aspects, and is steeped in historical promises unmet by the federal Crown that give rise to arguments of equitable estoppel and engage the honour of the Crown" (2015, 67).

One crucial reason for this "extra-ordinary" quality of the Métis Settlements, one that makes the Andorra analogy seem especially relevant, is explained in one of Bell and Seaman's footnotes. Surveying the difficulties of establishing Aboriginal status for the purposes of asserting s. 35 Aboriginal rights, they write:

> This, in turn, creates potential vulnerability to provincial laws directed at Aboriginal status, including the provisions of the Métis settlement legislation that define Métis status. In order to avoid any resulting uncertainty, the better approach may be for Canada and Alberta to establish a constitutional "carve out" for the Alberta Métis, as was contemplated in the failed *Charlottetown Accord of 1992*, which had proposed that "the Constitution should be amended to safeguard the legislative authority of the government of Alberta for the Métis and Métis settlement lands" (Article 55, *Charlottetown Accord of 1992*). (2015, 39–40n53)

This is not as far from the situation of modern Andorra as might be suspected. Although claims to sovereignty date back to the 13th century, Andorra really only achieved an internationally recognised independence in 1993, the year in which it adopted a fully revised constitution and was finally seated at the United Nations. Until that time, it had been a *de facto* (and in some ways a *de jure*) protectorate of France and Spain, who to this day continue to assume responsibility for the military (Andorra has a national police force but no armed forces as such) and post (Andorra issues its own stamps, but it is France's La Poste and Spain's Correros that actually provide postal services). In short, something like the "carve out" for the Settlements that was promised by the failed *Charlottetown Accord of 1992* was achieved the next year in the Pyrenees. This was the moment when *els Països*

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9 In terms of historical work, Nicole O'Byrne (2003) devotes a chapter to the 1934 Ewing Commission and the *Metis Population Betterment Act (1938),* which led to the creation of the Settlements; Siomonn Pulla (2013) also discusses the Ewing Commission and *Betterment Act* (409–411). Sawchuk et al. (1981) devote a chapter to the Settlements. T.C. Pocklington's book (1991) is an important starting place for an understanding of the establishment of the contemporary Settlements and was published just as they were formalised in the legislation of the *Alberta Metis Settlements Accord (1989) and the Metis Settlements Act (1990).*

Catalans finally had inarguably acquired a *país*—that is to say, a nation-state—among their constituent territories. The Métis Settlements find themselves in a comparable (not identical, but comparable) situation: They are the locus of a curious jurisdictional overlap because their relationship with the Crown flows through the province of Alberta rather than the federal government,[10] much as Andorra was long stuck between being an independent nation-state and a French-Spanish condominium. Andorra found itself "carved out" of this and correctly placed in the family of independent states via a revised constitution that made UN membership possible. The "carve out" envisioned by Bell and Seaman and mooted in *Charlottetown* Article 55 would have correctly placed the Settlements in the Constitutional fold rather than the purely legal framework of a relation enshrined in provincial legislation. That article was titled "Metis in Alberta/Section 91(24)" and opened by mandating that "The Constitution should be amended to safeguard the *legislative authority* of the government of Alberta for the Metis and Metis settlement lands." Those italics are mine, for it is worth noting the degree to which this would have restored *authority* to a Métis *government*. That kind of constitutionally inscribed authority is not exactly a seat at the United Nations, but the degree of difference that it represented from the patchwork of an accord with Alberta and appeals to s. 35 seems roughly equivalent to the degree of difference between being a protectorate/condominium of France and Spain and a globally recognised independent nation-state.

Bell and Seaman (2015) also acknowledges that there is an identity that attaches to the Métis Settlements, one that is distinct, although not separate from, Métis identity writ large. Critiquing the Alberta Court of Appeal's tendency to rely solely on residency, voting rights and so forth, they write:

> This focus on "lists" by the Court of Appeal obfuscates the real issue, which in our view is the relationship between Métis settlement identity, s. 35 identity, and the parallel purposes of the Métis Settlements Accord (implemented through MSA [*Metis Settlements Act*] regime) and the inclusion of Métis in s. 35, as stated by the SCC in the *Alberta (Aboriginal Affairs and Northern Development) v. Cunningham* case. Those purposes are to "protect practices that were historically important features" of "distinctive" Métis communities "that persist in the present day as integral elements of their Métis culture."…the Court of Appeal, and later the SCC, does not appear to have had the benefit of a full analysis required to achieve the "contextual understanding of the membership" as mandated in Powley, or the SCC's decision in *MMF* [*Manitoba Metis Federation Inc. v. Canada (2013)*].

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10 The Alberta government's proposed Bill 57: the Métis Settlements Amendment Act, still in progress as of this writing (and the subject of significant criticism on the part of the Settlements' leaders), could bring radical changes to this relationship. On 10 December 2020 Settlements President Herb Lehr told LakeLandConnect.net that "So if the [provincial] minister wants to do Métis Settlement Act modernization, that modernization should be focused on vacating so that the federal government can live up to their responsibilities and then the province doesn't have to foot the bill for the Métis." See https://lakelandconnect.net/2020/12/10/metis-settlements-face-bankruptcy-if-agreement-not-reached/.

The starting point in contextually understanding the Métis settlements regime is Canada's scrip system, the failure of which contributed to the socio-economic conditions resulting in a need to create the settlements. (2015, 60)

The Métis Settlements, then, embody a historically and territorially specific enunciation of Métis identity, one with roots in the experience of scrip but also based in the patterns of life that were distinct to the Métis communities of Northern Alberta. The communities are part of the larger history of the Métis Homeland, just as Andorra is part of *els Països Catalans*. However, the Settlements are also the home of a distinctive sense of cultural belonging (the "Métis settlement identity" that Bell and Seaman refer to) and are defined by a unique jurisdictional status. This is also a decent way of describing Andorra, whose ability to assert political authority derived in part from the presence of a discernible Andorran identity going back centuries, UN seat or no. (For comprehensive histories, see Guilera [1960/1993] and Meteu/Luchaire [2000])

Another key issue for the Catalans' and Métis' relationship to borders is the complex manner in which these national identities both shift and remain discernible across nation-states. As I mentioned earlier, Catalan culture is well-preserved in an area of southern France that is roughly coterminous with the Département des Pyrénées Orientales. This is mostly a matter of cultural identity rather than language (Catalan is very weak in France, owing to the Republic's strongly centralising tendencies) or political institutions (there is almost no formal devolution to Catalan areas, for basically the same reason). However, the persistence of Métis identity has quite a lot to do with language, and therein lies the example for the Catalans of France, who have received almost no government recognition. Catalan identity in France has long been in danger of being made invisible by a French government that is both rigorously centralising and strongly committed to preserving French as the state's sole medium of communication, and in this way is close to how Martha Harroun Foster describes the Métis of the United States: "Being Métis in the United States is truly ambiguous. Métis people are not quite invisible, but, unlike Métis in Canada, who have received government recognition, U.S. Métis, as a people, are virtually unseen, unrecognized, and anonymous" (2006a, 4). Since Michif was spoken in Saskatchewan and Manitoba, it has been documented and supported by institutions located there, such as the Manitoba Métis Federation and the Louis Riel Centre in Winnipeg or the Gabriel Dumont Institute in Saskatoon and Regina. All have published resources aimed at Michif learners, both in print and online, and serve as an entry point for most people seeking to recover the language. However, the only comprehensive dictionary of Michif,[11] published by the Winnipeg-based Pemmican Publications, is *The Michif Dictionary: Turtle Mountain Chippewa Cree*, edited by John Crawford. In a 1983 article that compared language usage on the Turtle Mountain Reservation with three

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11 This is opposed to Norman Fleury's *La Lawng: Michif Peekishkwewin/The Canadian Michif Language Dictionary* (2000), a 42-page booklet that is more of a phrase-book and is explicitly aimed at learners. Fleury's introduction opens by saying that "The purpose of this dictionary is to give readers with no knowledge of Michif an introduction to the language" (2000, 4).

historically Michif-speaking communities in Manitoba, Crawford wrote that "Of the places discussed in this study, it is on the Turtle Mountain Reservation in North Dakota where Michif seems best preserved and with the greatest likelihood of survival" (50). The reasons for this offer the real lesson for Catalan in France. Crawford recalls:

> Although it has always been a Chippewa reservation, and there are still speakers of that language on the reservation and nearby, the evidence is strong not only that Michif is still spoken by more people than is Ojibwa, but also that it has replaced Ojibwa in many cases…. Programs for cultural values have operated in the primary, secondary and post-secondary levels, and focus on the tribal identity is Chippewa, but the language teaching, whenever it has been formally involved in such programs, has always to my knowledge been Michif. (1985, 50–51)

Foster writes of a similar dynamic in the Spring Creek band (near what is today Lewistown, Montana) in the late 1800s, noting that "Many of the Spring Creek band elders were educated and could speak and read French, as well as speak Cree, Chippewa and Michif" (2006b, 196). What Crawford and Foster are describing here has always been very difficult to imagine in a French Catalan setting: the adaptation of the language by an inter-mingled community that retains its national identity while adapting an endangered language. That would be the equivalent of Occitan communities (which are present in some parts of the Département des Pyrénées Orientales) sometimes speaking Occitan but also adopting Catalan, even to the point of having it be the choice for second-language teaching in state schools.

Among Indigenous languages, Michif is severely endangered, with the 2016 Canadian census recording 465 mother-tongue speakers and the 2010 US census recording 75. However, the importance of its trans-border history, the significance of Turtle Mountain and other Montana Métis communities (of which Foster [2006a] is a wide-ranging history) is not only a matter of observing the degree to which Indigenous nations, like European minority nations, cross the borders of nation-states. In the previous section of this article, I proposed something of an "Andorran understanding" for the Métis Settlements of Alberta; here, I am suggesting that Catalan outside of Catalonia, and especially in France, should "aspire to the condition of Michif."

IV. Conclusion

The Catalan experience since 1978 can help illuminate crucial elements of Métis politics. Such a comparison calls back to other conceptual frameworks: the importance of federalism (so crucial in the pre-patriation period, when Harry Daniels was at the peak of his form), the significance of the Métis Settlements of Alberta (whose struggles for consolidation have been an important part of that post-partition constitutional framework) and the historical experience of the cross-border life of Michif. My overall goal with this discussion has been to rally to the analysis that holds that the Métis are a *people*, in the manner of the Catalans: They are marked by an internal diversity that includes political diversity, and they

cross the borders of the nation-states that have sprung up around them, but, like all peoples, they are finite and defined by common experiences, relationships, and histories. Chris Andersen's book *Métis* threw down the gauntlet on this question. I certainly take his point that, "while Métis nationalism doesn't fit European-based notions, there is no reason to expect that it would" (2014, 124), but I wonder how much of Catalan nationalism, with its flexible, ever-shifting approach to federalism and its political and jurisdictional "chunkiness," would fit the European-based notions he has in mind. Overall, though, his book is a call to see the Métis as a people, as he says early on that "much of this book is focused on countering the administrative racialization of 'Métis' with a definition rooted in Métis peoplehood" (2014, 23). Spain has employed the ideology of "*nacionalidades*" to deny the idea that the Catalans are a people in this manner—that is to say a national collective that is entitled to the political institutions of self-government, up to and including full independence if that is the democratically expressed will of that people. Avoiding the recognition of this kind of substantive political sovereignty by appealing instead to race, *nacionalidad*, or, in many cases, "culture" is an old strategy. Kristina Fagan's engagement with Taiaiake Alfred's *Peace, Power and Righteousness* makes this clear, as she recalls that "The 'cultural' approach (sometimes called 'culturalism') has been the most popular way of thinking about Aboriginal literature and identifying particular aspects of Aboriginal cultures (such as tricksters or medicine wheels) in a text. Compared to 'nation,' however, 'culture' can be a politically soft and shifty term" (2004, 13–14). As the Catalans learned the hard way, it may seem acceptable for a centralising state to recognise a general sense of nationality, but, when it really comes down to it, "there is no other nation than the Spanish one." Métis political history is the story of resistance to this kind of supremacy. There is a lot to be gained by comparisons with other groups whose struggles against such domination are also still in progress.

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