

# Debating Metis Rights

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### Metis Lands in Manitoba

by Thomas Flanagan  
University of Calgary Press,  
245 pp. \$19.95 hc, \$12.95pb

### Canada and the Metis, 1869-1885

by Douglas Sprague  
Wilfrid Laurier University Press,  
310 pp. \$24.95 hc, \$15.95

Thomas Flanagan usually manages to place himself at the centre of controversy whenever he writes about the Metis. While his work may often appear to be motivated by ideology rather than the persuasiveness of historical evidence, he nevertheless has provided a consistent academic argument in his various writings on Riel and the Metis (see in particular his *Louis 'David' Riel: 'Prophet of the New World'*) that those more sympathetic to the Metis experience must counter. Yet his most recent book is also an important one in that it brings into clear focus the ethical argument on the academic acceptability of what is euphemistically known as 'public history'. The discussion comes down to a single point - can historians in the employ of an agency with a predetermined mission be free of the constraints of the paymaster's ideology?

Flanagan's confessed motive in the writing of the book was a contract offered by the Federal Department of Justice to support their case against the land claims of the Manitoba Metis. While it is important to determine whether scholarship motivated by money rather than inherent intellectual curiosity impacts on the quality of the Professor Flanagan's conclusions, the situation is further complicated by the fact that the two are not mutually exclusive. Intellectually he would probably have passively supported the federal government's position in any case, although I suspect that he would not have written a book to refute Professor Douglas Sprague's work (particularly his *Canada and the Metis 1869-1885*) which is the result of research commissioned by the Manitoba Metis Federation to buttress their land claims.

Flanagan has an advantage in the debate in that he has a considerable body of Sprague's work to critique, and he knew of Sprague's work for the Manitoba Metis. Sprague, for his part, did not know who would be the Federal Government's hired gun when he started writing his own book. If he had, Sprague could have taken a slightly different direction and mounted different defences. Still, it would be interesting to speculate what Flanagan's argument would have been had the Manitoba Metis Federation hired him rather than Sprague. What would have been even more interesting would have been to see

what Sprague's position would have been had he been hired by the Department of Justice. Would we have had a kinder, gentler, less legalistic and more culturally aware Flanagan? Would we have had a more culturally aware Department of Justice? And some would lead you to believe that it does not matter who pays the bills!

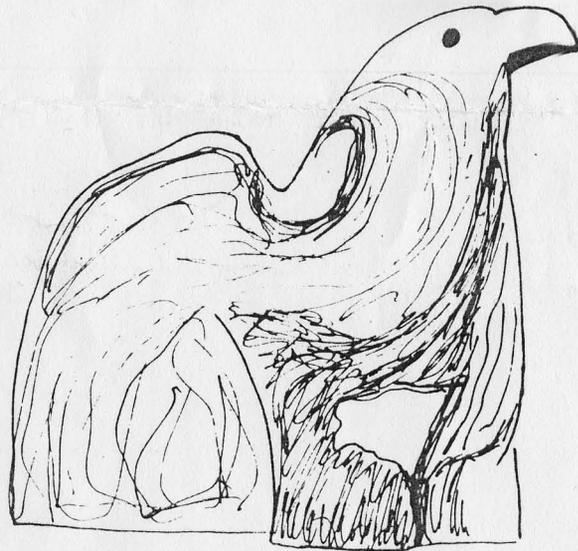
The Flanagan and Sprague volumes have leapt unconsciously into the question of the role of public history - 'history for hire' or 'buy a past'. Flanagan and Sprague are professors at the University of Calgary and Manitoba respectively—they in theory have the pursuit of knowledge as their principle motivation. Both are eligible (as distinct from non-university scholars) for a range of support from the Social Sciences and Humanities Research Council and their respective universities, and do not need what can best be described as advocacy

funding. An interesting aside is that the principal employer of public historians, the Canadian Parks Service, has for its part never advocated that its scholars assume any single direction. The Metis historian in their employ, Diane Payment, has produced probably one of the most thoroughly careful and competent works on the Metis experience, *Batoche (1870-1910)*. The question is of course whether we believe that Flanagan would have been allowed to publish his work if it were not supportive of the Federal case. To my knowledge, at least one other historian was approached by the Federal Government Department of Justice to work on the Metis land claim case. While he was guaranteed 'intellectual freedom' to pursue all documentation and present any interpretation, the release of a manuscript detrimental to the federal cause was understandably not guaranteed.

The Flanagan book has undoubtedly found favour with his employer. Flanagan would argue that my cynicism is misplaced since his research is now available for others to scrutinize and to

refute. Nevertheless Flanagan has possibly tainted his impartiality forever. His future interpretations must, to some degree, reflect the years of research he undertook for the Department of Justice. Whenever he criticizes Sprague, I cannot forget that he could be acting as an advocate for the Department of Justice rather than an advocate for the pursuit of knowledge. But I suppose that should govern ones thinking of Sprague's work as well.

Given Flanagan's mission, his approach will surprise no one. His primary assumptions, typical of Canada's dominant Eurocentric culture, is that the government acted essentially out of benevolence when dealing with the Manitoba Metis lands. He admits that there may have been some delays in distribution of the lands, but argues that the government's general intentions were honourable and that in the end the Metis got the deal that they negotiated with Ottawa. There was no complicity, only unavoidable delays. He maintains that Sprague's 'fallacious' argument that the Metis were not supported in their



legitimate cause through a 'formal process of discouragement' by the Federal government, has found its way into the mainstream of Canadian historical thinking. He cites Gerald Friesen's synthesis *The Canadian Prairies: A History* as a case in point. Obviously, any historian with pro-Metis sympathies has been misled in the view of Flanagan. But these sympathies do in some instance predate Flanagan. To accuse Sprague of manufacturing pro-Metis sympathies that pre-date Sprague's own birth is, of course, absurd. A.H. de Tremaudan's *Histoire de la Nation Méétisse dans l'ouest canadien*, published in 1935, is an obvious case in point.

Flanagan attempts to discredit Sprague's work much as a lawyer would in a court room. He first proceeds to slam Sprague by questioning his writing ability as well as his ability to draw logical conclusions from evidence. Sprague has descended, Flanagan says, into a 'labyrinth of conspiracy thinking, where things are never what they seem'. I would like to think that every document must be examined for its obvious

meaning, but that motive for writing should also always be examined, and that such motives are not always obvious. My own reading of Sprague sees no such 'labyrinth' but rather a suggestion that benevolence on the part of the Federal government should not be assumed. All Sprague does is argue that there is ample evidence to cast plausible doubt.

Flanagan immediately attacks Sprague's use of sources—actually two letters—and implies all evidence must be re-examined. It is worth investigating Sprague's alleged crimes. Sprague had, in 1980, mistakenly attributed a letter by Charles Napier Bell to David Laird's, the Minister of the Interior from 1873 to 1876. While Sprague made this mistake in his articles in the *Manitoba Law Review*, his full length book had corrected the misreading. In any case it is probable that Laird supported Bell's drafting. The second 'crime' revolves around a misread Order-in-Council which had apparently been drafted by Laird, but been withdrawn from cabinet. In any case two misread documents do not destroy Sprague's entire argument, which was based on generally sound research through literally thousands of documents.

Nevertheless, Flanagan says that 'having concluded that one cannot rely on Sprague's work of an accurate history of the implementation of the Manitoba Act, I have therefore gone over the same ground in the primary sources and written a fresh account of Metis lands in Manitoba'. If Flanagan had done so perhaps there might have been some resolution of the conflicting interpretations. He has not. The general impression is that he has not consulted many of Sprague's sources. For example, Sprague used the Coldwell papers in his book, while Flanagan does not. Sprague cites John A. Macdonald's papers. Flanagan cites some but does not include them in his bibliography. Does this mean that his research in these was peripheral? Sprague uses the William Pearce papers at the University of Alberta, while Flanagan does not. One could go on and on. But Flanagan has damned Sprague for two errors in use of evidence, so the several examples above should be sufficient. Clearly Flanagan has not done what he said he would do.

Flanagan also cites other studies which have questioned Sprague's interpretation, particularly Gerhard Ens's painstaking lot-by-lot study of St. Andrew's and St-François Xavier parishes in Red River. Gerhard Ens's research was in part done for the Department of Justice. I suspect that the Department of Justice involved Ens because his views supported their cause, although one could not be blamed for wondering whether his work for the Department of Justice did not further reinforce his interpretation. In any case I think it would have been appropriate for Flanagan to mention that Ens also supported the Department of Justice in

their case.

Flanagan's approach in criticizing Sprague is an inherently flawed one. First of all he alleges that he has gone over the same documents - when he has not. But he also maintains that he is not offering an interpretation rather he is going 'to tell the factual story.' I assume that he means that his story is free from 'bias' or as the more sophisticated would say 'historiographical implication.' But in the end Flanagan is offering only an alternative to Sprague. Yet he has not provided any additional evidence that is

more persuasive than Sprague's. Indeed, given that he had Sprague and his sources in front of him, his work can best be described as disappointing.

In the end Flanagan's case is not only not based on a review of some of the same evidence, he does not expand his search to include Metis oral sources. Flanagan's case, which supports the dominant cultural groups historical experience, is rather based on documents from dominant cultural traditions (a British and legal one). He uses these to argue that the 'allegedly disposed' Metis

were dealt with fairly. I would argue that Flanagan should have also dealt with the issue within the Metis cultural context—within their understanding of their law and custom. It may well be that the Canadian legal system does on the surface clearly deliver a justice as determined by the dominant culture. But does it deliver justice in terms of Metis culture and tradition? This too is where Sprague fails—he too argued his case largely within the confines of the dominant legal system and historical culture. Historians and political scientists seem reluctant to work with a

culture whose traditions may in large part be held orally. Neither Flanagan nor Sprague have consulted at length with the elders of the Metis community. They have not relied on their truths and attempted to see the past through their eyes. The past takes different forms with different cultures, and it is worth remembering that only some cultures know it as 'history'. What I long for is a version of the past communicated by the Metis people within their own cultural context. Only then perhaps can the beginnings of an understanding be laid. ♪