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Exiled, Executed, Exalted:
Louis Riel, *Homo Sacer* and the Production of Canadian Sovereignty

Prepared for Presentation at the
Canadian Political Science Association Conference
Vancouver, B.C. June 4-6, 2008

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Introduction

Riel's death would warn agitators not to meddle in Canada's west. . . . Macdonald was right. Riel's death ended thoughts of rebellion. For Métis and Native peoples, the aftermath may have been tragic; for Canada it was tranquil. Canada's sovereignty was unchallenged from Kenora to Esquimalt.

Desmond Morton, February 19, 1998.¹

Professor Desmond Morton, emeritus at McGill University, is one of the most esteemed scholars of Canadian history, especially military history. His contemporary words are a well-grounded, *realpolitik* reading of the political meaning and impact of Métis rebel Louis Riel's execution at the hands of the young Canadian state led by its first Prime Minister, John A Macdonald. Morton's claim is that Riel's public hanging directly aided the production of Canadian sovereignty; that it was even a necessary, foundational act in this production. I agree with Morton on this point, but not for the same reasons. The importance of Riel's execution has less to do with its service in intimidating racial others than in asserting Canadian sovereignty and defining, to this day, the Canadian political landscape and relationship between the country's two Euro-majorities, the English and French, which helped to secure their status over racial others, especially indigenous people.

In Canada, he is a fundamental figure. It is even fair to ask: What would Canada have done without Louis Riel? If he had not existed, Canadians would have had to invent him. Actually, we did invent him. I argue that in politically significant ways Louis Riel was and remains a necessary invention for the production of Canadian political identity and sovereignty. I make this argument through the work of Giorgio Agamben, as I find his theorization of the concept of "bare life, that is, the life of *homo sacer* (sacred man), who *may be killed and yet not sacrificed*" applicable for realizing the constitutive function of the often uncertain positioning and role of Louis Riel as a political figure in Canadian politics.² In 1870 Riel fled for his life into exile in the United States after leading the Red River Rebellion. In 1885, the Canadian government executed Riel in Regina after he helped lead the North West Rebellion. In 2008, the Province of Manitoba exalted him with the nation's first ever statutory holiday in his name: every third Monday in February is now Louis Riel Day. I argue that the life and legend of Louis Riel have come to represent a limit concept in which he is perpetually exiled, executed, and exalted in ways that serve to mark out the boundaries of Canadian sovereignty and peoplehood, but which also serve to expose the violent essence of these boundaries.

Prior to outlining the path of this paper, there are two conceptual/methodological clarifications I must make. First, I refer to the *political figure* of Louis Riel for a specific reason. This essay is primarily concerned with the way in which Riel's political actions, articulations and identity were and are constructed by others, specifically non-indigenous people of the Canadian historical and contemporary context. This is not to say that these constructions are detached from the actual life of Riel; in fact, they very much influenced the direction of his life, to its tragic end. Still, it is the created political image of "Louis Riel" (the legend as it were, whether read positively, negatively, or ambivalently) in distinction from the actual views and claims of Louis Riel himself that stand as the threshold or limit figure of Canadian political life as I see it. As a

¹ Desmond Morton. "Images of Riel in 1998," Lecture delivered at Queen's University, Kingston, Ontario. February 19, 1998. *Canadian Speeches*, May 1998, Volume 12, #2, p. 22

² Giorgio Agamben, (translated by Daniel Heller-Roazan). *Homo Sacer: Sovereign Power and Bare Life*. (Stanford CA: Stanford University Press, 1998), p. 8.

consequence, for the purposes of this study I focus on the voices and actions of those reading, creating, and locating the political figure that we have come to know, and in our time exalt, as Louis Riel. The second issue concerns the political history and theoretical argument I construct here. While on the surface I offer a chronological narrative, notably regarding the Riel-relevant occurrences of the late 19th century, this is not a straight historical, causal story, nor do I seek to tell one. Rather, the legend of Louis Riel remains pertinent to Canadian political life because his linear story folds over into a more important mutually constitutive rendering in which the production (and reproduction) of the state, space and identity of Canadian sovereignty requires that Riel be perpetually and simultaneously exiled, executed, and exalted.

The essay turns first to setting out the value of Agamben's work for understanding Louis Riel's persistently fecund role in Canadian political life. I then look at the production and location of Riel's political identity during and after the Red River Rebellion, which led to his exile. I follow this by examining the same processes during and after the North West Rebellion, especially as it concerns his execution. It is these first two aspects of my argument, that of exile and execution, that I address in this paper. In the conclusion, however, I will offer a sense of what I see to be the key elements of the contemporary exaltation of Riel, which is the final step in this argument.

Riel as *Homo Sacer*

As mentioned, Louis Riel was a Métis, specifically of French-Canadian and Cree ancestry. He was born in the Red River region (present-day Winnipeg) to a Métis father and a French-Canadian mother. He was educated in Montreal, raised Catholic, and spoke French, Cree, and English. His adult life took many twists and turns, to say the least. During his fourteen years in exile from Canada after the Red River rebellion, Riel was elected to the Canadian Federal Parliament three times, but he was never allowed to take his seat as he remained under threats of arrest and violence in Canada. Among his many other activities during this time, Riel naturalized as a U.S. citizen, denounced the Pope, and proclaimed himself a prophet of the New World. After returning in 1884 to lead the ultimately failed North West Rebellion, Riel was found guilty of treason and executed in Regina on November 16, 1885. Over a century later, in 2004, the Canadian Broadcasting Corporation held a nationwide public opinion poll to determine the Greatest Canadians. Louis Riel came in 11th; a rather respectable showing for someone executed as a traitor. Taken as whole, Riel's political identity is unique because he is simultaneously and necessarily positioned both inside and outside Canadian political life. His political identity is unique and necessary because no other single figure in Canadian history is positioned in a way that so serves the production of Canadian sovereignty and peoplehood.

To dig deeper into the meaning of Riel's political life, I find Agamben's work apt. In particular, he draws upon Carl Schmitt's notion of the sovereign as that which declares or invokes the exception – exception to the rule, to law – and out of that insight Agamben investigates those thresholds, zones of indistinction, acts of originary political violence and relations of ban that comprise the inner workings of the logic of sovereignty. It is in this regard that I see Riel's political identity as a "limit-figure of life, a threshold in which life is both inside and outside the juridical order, and this threshold is the place of sovereignty;"³ in this case, Canadian sovereignty. Each defining component of Riel's political identity – that of exile,

³ Ibid, p. 27.

execution and exaltation – references a relationship to the Canadian polity whereby Riel is positioned on the threshold, as the exception that proves the rule of Canada. In this way, Riel’s political figure is a Canadian version of *homo sacer*, which as Agamben explains comes from “an obscure figure of archaic Roman law, in which human life is included in the juridical order ... solely in the form of its exclusion (that is, its capacity to be killed)...”⁴ For Canada, Riel stands as “the originary figure of life taken into the sovereign ban and preserves the memory of the originary exclusion through which the political dimension was first constituted.”⁵ In other words, Riel’s exile (sovereign ban) does not simply place him outside Canada, it actually serves further constitutes and expands the Canadian state and Canadian nation-space. Exile thus maintains a fundamental place for Riel within the story of Canadian political development, via his exclusion and as the exception to the rule. Then, his execution (his capacity to be killed) shapes the fundamental relationship of the French and English majorities over and against racial others, specifically indigenous people, who dare to challenge Canadian sovereignty. In the contemporary era, the exaltation of Riel now serves as a way for Canadians to re-map their political history, and his exile and execution are very much part of his story, but now Riel is positioned as an ambivalent founding figure due to his rebellion against Canadian sovereignty itself.

Pursuing the idea of Louis Riel as Canada’s *homo sacer* provides a subtle and pointed way to upset and complicate any easy rendering of the political development and status of settler sovereignty, whether expressed as state sovereignty in a juridical sense or national/cultural sovereignty in terms of the status of dominant groups vis-à-vis non-dominant groups. For example, one of the hegemonic impressions that colonialism and subsequent settlement make upon a subject territory and people are those boundaries that seek to demarcate and define the settler society as a sovereign political space marked by order, rationality, and civilization over and against the disorder, irrationality and ‘savagery’ ostensibly dwelling on the other side of these boundaries. This creates a seemingly safe space for settlers, with dangers articulated outward. In this way, settler sovereignty – and in fact sovereignty generally – references a seemingly legitimate relationship between people, power and space. The concept of *homo sacer* upsets the legitimacy of this relationship and the seamlessness of the boundaries demarcating the sovereign domain. As the figure that represents the site of originary exclusion and violence, *homo sacer* reveals that the seeming order, rationality and civility of settler polities are built and maintained via the imposition of disorder, contingency, and violence upon subject peoples who remain the exception that must continue to be part of the settler story so as to prove the rule of the sovereign state. In other words, without *homo sacer*, there is no sovereignty, because declaring and imposing the exception is the defining act of sovereign rule itself. Thus, to read the story of Louis Riel in this way offers insight on the contingency and violence inherent and necessary to the production of Canadian sovereignty not only in its founding decades, but also in its reproduction in our time. I turn next to the first Riel-led Rebellion, at Red River, which occurred only a couple years after the formal creation of the Canadian state by the British Parliament.

Exiled: “Riel or Canada Must Go Down”

⁴ Ibid, p. 8. Emphasis original.

⁵ Ibid, p. 83.

The British North America Act of 1867 legally constituted and founded the Dominion of Canada into a federal state through the Confederation of the provinces of Nova Scotia, New Brunswick, and Canada, the latter subsequently divided into Ontario and Quebec. Unsurprisingly, the post-1867 decades were a critical period for the development and consolidation of the Canadian state and for the shaping of early notions of Canadian national identity, political space, and sovereignty. Immediately after Confederation, the Canadian government, a government with a territorial jurisdiction and sovereignty that ended at the western boundary of Ontario, sought to expand west. To this end, in 1869 Canada succeeded in inducing the then powerful Hudson's Bay Company to transfer to it the vast majority of the Company's long held title to Rupert's Land and the North-West for £300,000. This expanse of land included all of what is present day Manitoba, a significant portion of Saskatchewan and southern Alberta. This territorial transfer was done without the approval or even knowledge of the people residing in the region. As stated in one of the declarations of protest by the people of Rupert's Land and the North-West: the "Government we had always respected, abandoned us by transferring to a strange power the sacred authority confided to it."⁶ To be clear, the "government we had always respected" referred to here is that of Britain, and the "strange power" is Canada. What this transfer of power did, in essence, was expose a vacuum of sovereign authority in the region, centered especially in the Red River territory that had a population of approximately 12,000 people.

Red River territory was populated primarily by the French Métis, most of whom were Catholic. The region was also composed of smaller groups of Scottish and English farmers, primarily Protestant, who had settled many years earlier, a smaller number of English Métis, and indigenous people from various nations. With the land transfer from the Hudson's Bay Company pending, the Canadian Government sent in surveyors to begin to map out the land, and the people of Red River soon "found their ancient surveys, land marks, boundaries and muniments of title, set at naught and disregarded, and a government established over their heads."⁷ In response, on November 24, 1869, under Louis Riel's leadership the "Métis seized Fort Garry, the Hudson's Bay Company's fortified post at Red River, and declared a provisional government for the region."⁸ The provisional government "Of the People of Rupert's Land and the North West" rejected the transfer of the region from the British authorized Hudson's Bay Company to the Canadian government, because it was "contrary to the law of nations" to approve such a transaction "with which the people were considered unworthy to be acquainted."⁹ The Métis explicitly challenged Canadian sovereignty: "we refuse to recognise the authority of Canada, which pretends to have a right to coerce us and impose upon us a despotic form of government."¹⁰ Louis Riel would eventually be named President of the Provisional government, which was composed of forty men; twenty French and twenty English. With the provisional government in place, the Métis offered to "enter into such negotiations with the Canadian

⁶ "Declaration of the People of Rupert's Land and the North West." 12/08/1869, *The Collected Writings of Louis Riel. Les Ecrits Complets de Louis Riel: Volume 1*, #023. Edited by Gilles Martel and George F.G. Stanley. Edmonton: University of Alberta Press, 1985, p. 43.

⁷ "Memorial of the people of Rupert's Land and North-West" to Ulysses S. Grant. Red River. 03/10/1870. CW 1-076, p. 111.

⁸ Donald Creighton. *Canada's First Century* (Toronto: Macmillan of Canada, 1970), p. 18.

⁹ "Declaration. . . ." 12/08/1869, CW 1-023, p. 43.

¹⁰ "Declaration. . . ." 12/08/1869, CW 1-023, p. 43.

government, which may be favorable for the good government and prosperity of the people.”¹¹

The Provisional Government composed and sent to Ottawa a “List of Rights,” in which the Métis demanded that “treaties be concluded between Canada and the different Indian tribes of the [then entitled] Province of Assiniboia, by and with the advice and cooperation of the local Legislature.” To secure the land and political rights of the local citizenry, the document asserted “that all properties, rights, and privileges [enjoyed] by the people of this Province, up to the date of our entering Canada, be respected,” including of course Métis land claims. Furthermore, an amnesty was sought so that “none of the members of the Provisional Government . . . be in any way held liable or responsible with regard to the [rebellion].” In order to secure economic stability for the young province, a financial demand was made for an annual non-retiring sum of \$80,000, and “a sum of money equal to eighty cents per head of the population of this Province” until the population of Assiniboia reached 600,000. It was, in this regard, that Riel and the Métis “stood in the way of Sir John A. Macdonald’s dream of a Canada that stretched from sea to sea.”¹² This is the general background, setting and claims of the Riel-led Red River Rebellion that would expose the logic of sovereignty of Canadian expansionism and also draw out the particular colonialist perspectives of English and French Canada.

To English Canada, the Métis Rebellion and Riel in particular were a violent obstruction to nation-building. In 1869, *The Daily Telegraph* in Toronto dismissed the “the ‘rebels’ as “nothing more than a mob of disaffected half-breeds.”¹³ In December 1869, Prime Minister Macdonald was even more direct: “should these miserable half-breeds not disband, they must be put down . . . I shall be very glad to give Colonel Wolsely the chance and glory and the risk of the scalping knife!”¹⁴ Wolsely was the deputy quartermaster general who would command the military’s expeditionary force to the Red River region. In February 1870, Macdonald’s patience was trying: “These impulsive half-breeds have got spoilt by the *émeute* (riot), and must be kept down by a strong hand until they are swamped by the influx of settlers.”¹⁵ Macdonald wanted the rebellion crushed, preferably by the less direct colonizing process of mass settlement by Europeans and Canadians, but by direct military action if necessary.

In March 1870 the bridled hostility and suspicion of English Canada toward the rebellion would assume much greater focus when Thomas Scott, an Anglo-Protestant prisoner held by the Métis, was tried, convicted and executed for taking up arms against the Provisional government.¹⁶ This event sent English Canada into a rage against Riel and the Métis. The *Globe* newspaper in Toronto focused on Louis Riel and the Métis designs for the land – including the idea that Riel was talking to Americans about annexing the territory out from under Canada –

¹¹ “Declaration. . . .” 12/08/1869, *CW* 1-023, p. 44.

¹² Alan D. McMillan, *Native Peoples and Cultures of Canada*. (Vancouver and Toronto: Douglas & McIntyre, 1988), p.280.

¹³ *The Daily Telegraph*, Toronto, 1869. Hartwell Bowsfield. ed. *Louis Riel, Rebel of the Western Frontier or Victim of Politics and Prejudice?* Toronto: Copp Clark, 1969: p. 2.

¹⁴ From Sir John Macdonald to George Stephen, Esq., Ottawa, December 13, 1869. *Correspondence of Sir John Macdonald: Selections from the Correspondence of the Right Honourable Sir John Alexander Macdonald, G.C.B.* (Toronto: Oxford University Press, 1921), p. 113. [Hereafter cited as *Macdonald Corr.*]

¹⁵ From Sir John Macdonald to Sir John Rose, Ottawa, February 23, 1870. *Macdonald Corr.*, p. 128.

¹⁶ See Maggie Siggins. *Riel: A Life of Revolution*. (Toronto: HarperCollins, 1994), pp. 161-165. Siggins is one of the few historians who gives some credence to the notion that the execution, whether one agreed with it or not, was the legitimate act of a sovereign government. Many historians, whether generally sympathetic or not to Riel and the Rebellion, view the execution as, in the least, a rash mistake or, at worse, cold blooded murder.

and succinctly set out the choices their presence implied: due to the “handful of armed traitors” who threaten “to sell to the foreigner lands which, by natural right and money purchase, belong to [Canada,] the question has arrived at the point of issue; and either Riel or Canada must go down.”¹⁷ The theatrical stand-off – “Riel or Canada must go down” – captures the mutually constitutive dynamics of this relationship, one in which Riel and Canada are pitted as opposing forces as well as fundamentally linked political bodies. From the perspective of English Canada, Riel and Canada could not co-exist, the former could not be an unambiguous contributing citizen of the latter. More to the point, Riel is positioned here as a fundamental, foundational threat to Canada.

To French Canada, by contrast, Riel and the provisional government would come to stand as a geographically and culturally distant ‘provisional’ ally and instrument in fulfilling French Canadian priorities. During the early months of the Provisional government, there was neither overt support for the Métis emerging from Québec nor serious criticism of the federal government. This all started to change with the execution of Thomas Scott. The rage of English Canada toward the Métis and Riel – French-speakers after all – provoked French Canada to come to their defense. For example, *Le Journal des Trois-Rivières* asserted that “the inhabitants of Ontario want to see a policy adopted that will undermine French influence in the North-West. . . . on that point the Province of Québec will have only one answer: to protect and assist our brothers out there.”¹⁸ French Canada had quickly developed a fraternal identification with the Métis people and the cause of the Provisional government. According to one historian:

By the late spring of 1870, the Métis of the North-West, who had been unknown to French Quebecers a year before . . . were being found, thanks to Ontario extremists, to be civilized French-Catholic compatriots, whose struggle for local self-determination was becoming a question of ‘our position’ in the North-West and even the place of ‘the French race in Canada.’¹⁹

Taking the English and French claims together, notice that as the summer of 1870 drew near these two dominant groups read into the Red River conflict what they wanted to see, that which served their particular interests in Canadian national and state expansion. What Agamben calls “the old trinity, composed of the state, the nation (birth), and land” was at stake here for the two Euro-majorities.²⁰ For the English, the Métis rebellion most reflected an indigenous rebellion against settler sovereignty, whereas for the French the Métis claims reflected their own concerns about the future of English-French relations. To an important degree, the resolution of the Red River Rebellion came down to English and French Canada negotiating and seeking their particular aims, with the Métis benefiting, to the degree that they did, as a byproduct, and with Riel making the most notable sacrifice to bring this conflict to a happy conclusion for Canada.

In the face of these dueling interpretations and tensions between English and French Canada, and with Louis Riel maintaining his influence as the central mobilizing figure of the rebellion, the predominantly English-led Conservative government under Macdonald proposed legislation, based upon the Provisional government’s ‘List of Rights,’ and this became the *Manitoba Act* of 1870. This legislation was constructed through negotiations not only between

¹⁷ *The Toronto Globe*, 1870. Bowsfield (1969), p. 3.

¹⁸ Translation excerpted from A.I. Silver. *The French-Canadian Idea of Confederation, 1864-1900* (Toronto: University of Toronto Press, 1982), p. 81. Original citation, *Le Journal des Trois Rivières*, April 18, 1870.

¹⁹ Silver (1982), p. 82.

²⁰ Agamben (1988), p. 176.

the Canadian government and the Métis, but even more importantly between the representatives of Canada's English and French constituencies. The French-English deal allowed each of the two Canadian groups to achieve their most pressing objectives; the English wanted to crush the Rebellion and the French wanted a province west of Ontario constitutionally supportive of French Canadian language culture. Thus, "to please Québec they negotiated with the Red River delegates; to placate Ontario they dispatched the military force."²¹ The *Manitoba Act* was given royal assent as Canadian law on May 12, 1870, designating Manitoba's provincial status to commence on July 15, 1870. Thus, the Métis' Red River Rebellion led by Louis Riel played a direct role in the creation of Canada's fifth province, Manitoba.

Not long after Royal Assent of the *Manitoba Act* on May 12, 1870, the Métis Provisional government disbanded and ended its hostile tone towards the Canadian government. The Canadian military was closing in on Red River under the guise of bringing order to the region. Despite this order to keep the peace, from the very outset there were persistent words of threat from English soldiers toward the Métis, and Riel in particular, seeking revenge for the execution of Thomas Scott. Furthermore, the legal status of the rebels was unclear, as their request for amnesty had yet to receive any formal response. Given the physical and legal danger, Riel and a number of his comrades left Red River in late August and eventually made their way south to the United States. From 1870 until 1884 Riel would go back and forth between the United States and Canada – although he spent the vast majority of his time in the U.S. – but it is this moment right after the end of the Red River Rebellion that marks the beginning of Riel's exile. While Riel's exile may seem, on first blush, as self-imposed and thus not a necessary act for Canadian sovereignty, a look at a few major events and developments in his life over those fourteen years shows how his exile played a role in the production and maintenance of Canadian sovereignty, to the point of becoming explicit Canadian policy.

The hostile feelings of English Canada towards Louis Riel, delving specifically from the execution of Thomas Scott but more generally from his leadership of the Rebellion itself, lasted from the years immediately following the start of his exile all the way through to his execution. While living for the most part in states such as Minnesota and Montana, Riel was under constant threat of attack and arrest, as English Canadian elites in Red River and politicians from Eastern Canada kept stoking the fires of vengeance against him. These feelings took tangible form in March 1872 when the Ontario Provincial Government offered a reward of \$5000 for Riel's capture so that he could stand trial for the Scott killing. Less formally, an English Canadian from Red River who went through the Rebellion and was imprisoned at one point by the Provisional Government hired men to go to Minnesota to kill Riel, and he narrowly escaped them.²² While he was aware of these threats, Riel made quick and careful trips back to Red River in July 1872 to place himself up for nomination for one of the new Manitoba seats in the Canadian Parliament, specifically the seat in the Provenchar riding, which had the province's highest density of French speakers and parishes. He would have won the seat except for an odd development in which George-Étienne Cartier, a senior Quebec official of the Conservative Party and deputy prime minister to Macdonald, lost his seat in Quebec, and the Party looked to find a safe seat he could win to get him back in the Parliament and Macdonald's cabinet. Riel agreed to step aside, but insisted that in return "Cartier must promise to see that the lands

²¹ George F. Stanley. *The Birth of Western Canada: A History of the Riel Rebellions*. (Toronto: University of Toronto Press, 1960), p. 145.

²² Siggins (1985), p. 210.

allocated to the Métis by the Manitoba Act become a reality.”²³ Left unsaid, but what Riel and all those close to him were also expecting in return for his compliance to the needs of Macdonald’s government, was the granting of a formal amnesty. This amnesty was not forthcoming, and it never would be – at least not without a defining caveat – leaving Riel in perpetual exile, even while he kept trying to assert his place in the Canadian polity that he helped transform.

As the embodiment of the sovereign ban of Canadian rule, Riel could never be a full member of the Canadian polity without upsetting its boundaries, because his political figure served to demarcate those boundaries. Agamben explains the workings of the ban in this way: “What has been banned is delivered over to its own separateness and, at the same time, consigned to the mercy of the one who abandons it – at once excluded and included, removed and at the same time captured.”²⁴ Riel can never get permanent separation from Canada – get completely outside of it – by the logic of the ban, because his exile represents the expression of Canadian sovereign rule in the west. His exceptional vulnerability (“at once excluded and included”) as Canada’s archetypal *homo sacer* – vulnerable as bare life just enough outside the legal space to be at the “mercy of the one who abandons it” – proves the rule of Canada’s sovereign power. This dynamic was further demonstrated subsequent to Riel’s victory by acclimation of the Provenchar seat in 1873, after Cartier died suddenly, and then his formal election to the seat in 1874. When Riel sought to enter the House of Commons in Ottawa in March 1874 to take up his seat, all he was able to do was sign in with the House of the Clerk and leave quickly before being recognized and arrested. Just ten days later the Members of Parliament expelled him from the House of Commons. Still, in September of that same year the voters of Provenchar elected Riel again. But Riel could still not take his seat, and this time the Parliament not only expelled him again, it also voted 126 to 50 to give Riel a conditional amnesty; the condition being that “the amnesty would apply only after a period of banishment for five years from Her Majesty’s Dominions.” The premise upon which Parliament justified Riel’s banishment was that it deemed him to have met the legal standard to be deemed a “fugitive of justice and under sentence as an outlaw.”²⁵ Etymologically, the term ‘outlaw’ points to the exception, to *homo sacer*, who is both beyond the law and fundamentally tied to it (*outside the law* and still subject to it; out-law), vulnerable as bare life and unable to be free from sovereign rule. With this act, the House of Commons declared Riel to be the exception to the rule; the exception that *proved* their rule. Riel’s five year banishment officially began on April 25, 1875.²⁶

The years from 1875 until 1884 include many interesting developments in Riel’s life, but the five year banishment by the House of Commons epitomizes and enacts the key theme of Riel’s political life during this period. In fact, his banishment tells us even more about the production of Canadian sovereignty than it does about Riel. Agamben asserts that “the relation of

²³ Ibid, p. 214.

²⁴ Agamben (1988), p. 110.

²⁵ J.M. Bumsted. *Louis Riel v. Canada: The Making of a Rebel* (Winnipeg, MB: Great Plain Publications, 2001), p. 218, 219.

²⁶ In developing this section, I also drew upon the very helpful chronology of Riel’s life from the following volume: George F. G. Stanley, Thomas Flanagan, Claude Rogan eds *The Collected Writings of: Louis Riel* Volume 5 (Edmonton, AB: University of Alberta Press, 1985), pp. 75-95.

ban has constituted the essential structure of sovereign power from the beginning.”²⁷ Elaborating on this foundational relationship, he states: “The ban is the force of simultaneous attraction and repulsion that ties together the two poles of the sovereign exception; bare life and power, *homo sacer* and the sovereign. Because of this alone can the ban signify the insignia of sovereignty...and expulsion from the community.”²⁸ The act of creating a community necessitates exclusions, and the imposition of the rule of sovereignty – “the insignia of sovereignty” – starts with enforcing “expulsions from the community.” The expelled ones are those who must live outside the law – as bare life, the *outlaws* – so that there can be law and state power with demarcated boundaries, and thus it is their existence as the exception to the rule that remains fundamental to the maintenance of the rule itself. This is a historical and political experience tragically too familiar to indigenous people, who as much as any group in settler-state contexts became the first exception to the rule of settler sovereignty. Furthermore, the exception never goes away. It is not relegated to the past. And this is one reason why Riel’s political figure draws both “attraction and repulsion” from Canadians. He is part of the originary political act of Canadian sovereignty, intimately and inextricably tied to the story of the settler state and nation’s political development, and his role in that story becomes as much as anything about him being, in the first stage, the archetypal exception placed in the sovereign ban that signified Canadian sovereignty.

To close this section, finally, if we look back to his escape from Red River after the rebellion we see that Riel’s exile was a necessary act for securing the needs of English and French Canada. The English got to send the army into Red River. The French got the passage of the *Manitoba Act*. Riel exits this political stage leaving the two dominant groups to expand the nation westward. For the often antagonistic French and English Canadians, their respective visions for the Canadian nation were able to expand in great part as a consequence of the actions of a rebellion and a leader shaped in important ways by indigenous identities and claims, such as those for Métis rights to land and for fair treaties between Indian nations and Canada. Looking next to the 1885 North West Rebellion and its aftermath, we find that Riel’s status as Canada’s *homo sacer* – the one who can be “killed and yet not sacrificed” – takes on even more literal meaning.

Executed: “Killed but not Sacrificed”

The roots of the second so-called ‘Riel Rebellion’ lay in the deteriorating material conditions and rights of diverse groups residing in the North West region west of Manitoba (present-day Saskatchewan). The conditions of life for the Métis and for the local indigenous tribes of the North-West – as well as local white settlers – suffered badly in the years after the Red River Rebellion. This was due to the perpetual problem faced by indigenous nations and people; the settler-state’s inattention to land claims because of its attention to, in this particular case, Canadian political and economic development. In 1884, the movement began towards another rebellion. Eventually, a representative contingent of struggling North West residents journeyed to Montana to appeal for Louis Riel’s return to help lead them, which he did.

The North West Rebellion, from the point when it declared a provisional government and began armed resistance against Canada, lasted less than two months. On May 12, 1885, in the

²⁷ Agamben (1988), p. 110.

²⁸ Ibid, p. 110-111.

Battle of Batoche, the overwhelming number of government troops and militia sent westward by Macdonald were victorious over a much smaller Métis and indigenous tribal contingent. In the end, the rebellion was a violent failure, with many members of local indigenous nations, Métis as well as a number of North-West Mounted Police losing their lives. Three days after this defeat, Riel surrendered and was placed on trial for high treason. While it is the events of Riel's trial and the aftermath that would become the focal point of the nation's political discourse at that time and, in fact, to our time, it is important to note that Canadian state and nation building imperatives were facilitated by the government's response to the rebellion.

For John A. Macdonald – who was once again Prime Minister after a five year period when his party was out of power, ending in 1878 – these nation-building imperatives were embodied in his effort to keep the Canadian Pacific Railway moving westward, as both the symbolic and material carrier of his vision of a Canada 'stretching from coast to coast.' As historian Maggie Siggins notes, before the rebellion Macdonald's own cabinet "refused to grant the Canadian Pacific Railway any more money."²⁹ To this end, the North West Rebellion provided Macdonald with the opportunity to revive the flagging railway by justifying its importance for extending and securing Canadian sovereignty and territorial claims. In this regard, historian D.N. Sprague assessed Macdonald's plan as one that "envisioned" his troops on a "sudden dash to the Prairies, a mysterious 'escape' of Riel back to the United States, conciliatory gestures to the surrendering Métis, and aid for the railway after it played such a key role in breaking up the 'outbreak' so 'speedily and gallantly.'"³⁰ We see here, again, the manner in which Riel's exile, his banishment, was envisioned as serving to facilitate the imposition of the rule of Canadian sovereignty and expansion of the Canadian state and nation-space. By this scenario, once again Riel would be the exception that proved the rule of Canada, drawing the Canadian state westward, before being abandoned by it. One could validly speculate that if instead of surrendering Riel had indeed escaped after the North West Rebellion his exile would have been acceptable, even preferable, to Prime Minister Macdonald and his government. But he did surrender, and thus Riel's "inclusive exclusion as the referent of sovereign decision" – his archetypal Canadian status as "the originary exception in which human life is included in the political order in being exposed to an unconditional capacity to be killed" – would as a consequence not refer to his exile in which he *could* be killed but rather his execution in which he *would* be killed, but not sacrificed.³¹

On the day Riel was formally charged with treason, Macdonald continued to challenge the meaning of the "influence of the half-breeds" in the North West, accusing them of "play[ing] Indians" in order to contrive a claim and grievance against the Canadian government.³² The Prime Minister's phrasing is most telling for simultaneously recognizing and then withdrawing the idea that Canadian expansionism had provoked the rebellion of those indigenous peoples who stood to become the originary exception to the imposition of settler rule. He is in some sense granting a degree of legitimacy to the indigenous claim while saying that those who stood at the forefront of the North West Rebellion (as well as that at Red River) – the Métis and especially Riel – did not have a claim to it. This is not to say that Macdonald had any intention of

²⁹ Siggins. (1994), p. 392.

³⁰ D.N. Sprague. *Canada and the Métis, 1869-1885*. (Waterloo: Sir Wilfred Laurier Press, 1988), p. 175.

³¹ Agamben (1988), p. 85.

³² Sir John A. Macdonald. *House of Commons Debates*, July 6, 1885. In Bowsfield (1969), p. 128.

treating indigenous people who were not Métis any better, especially given the fact that in late November 1885 eight Cree warriors convicted of disloyalty for their perceived role in the North-West Rebellion were publicly hanged, all at once, in Canada's largest ever mass execution. I will return to that event a little later in discussing the role of originary violence in the logic of sovereignty, but for now it suffices to note that Macdonald, who would have the final say on Riel's fate, both acknowledged and sought to dismiss Riel and the Métis in terms of their status and ties to indigenous identity and claims. The absent presence or 'exclusive inclusion' of indigenous claims against settler sovereignty serves as the unstated but significant backdrop for how the Canadian Euro-majorities responded to Riel's fate after the trial.

As to the trial itself, on August 1, the jury took less than two hours to render a verdict of guilty on the count of high treason. Despite their alacrity, they did "recommend the prisoner to the mercy of the crown." Mercy, in this case, meant that the jury, though not convinced enough of the insanity or political defenses to acquit Riel, felt that either or both arguments held enough water to justify a sentence less than death.³³ Despite their recommendation, the judge sentenced Riel to hang. The debate between French and English Canada that emerged in response to this death sentence demonstrated Agamben's point that "sovereign violence opens a zone of indistinction between law and nature, outside and inside, violence and law."³⁴ While the two Canadian Euro-majorities took opposing stances on Riel's execution, the core of their disagreement on the issue had little to nothing to do with Riel's complex identity, the actual causes for which he fought, and the people that he most represented. In this way, Riel's identity and claims were placed outside, or on the threshold of "law and nature" in a way that fundamentally, if not explicitly, linked these concepts together within the deeper logic of sovereignty. To the French and English, Riel was the exception that proved their rule – he would be the most noted "bearer of the link between violence and law," that being "bare life" whose positioning and presence marks the site of sovereign rule – even if the two groups argued intensely over the terms and their relative statuses in that domain.³⁵

In truth, French Canada was actually not that sympathetic with the North West Rebellion when it arose, and was generally though not avidly supportive of the government's effort to crush it.³⁶ However, Riel's trial changed this view, as "the announcement of the sentence . . . turned moderation and ambivalence into anger and outrage."³⁷ French Canadian political empathy with the fate of Riel began to resonate with that felt fifteen years earlier. Given his political and symbolic importance in the Red River Rebellion as, among other things, a defender of the French language, leaders in French Canada eventually came to see Riel's impending fate

³³ Edward Blake (Liberal Leader). *House of Commons*, March 19, 1886. "The Jury Elaborates," in Bowsfield ed. (1969), p. 139-40.

³⁴ Agamben (1988), p. 64.

³⁵ Agamben (1988), p. 65.

³⁶ On the whole, French Canadians viewed the rebellion as an 'illegal' action against the Canadian state, and as such they were supportive of the military expedition to quell this action. However, to deal with the balance between supporting Canadian sovereignty and acknowledging the regional political identity of the Québécois, it was suggested by some local French elite that when deploying French troops mustered into the expedition, such as the 65th Battalion out of Montreal, "it might be wiser, considering public opinion, to send other battalions to the front instead." (Silver 1982, p. 154) Thus, in terms of the North West Rebellion itself, the image of French Canadian troops fighting for Canadian sovereignty, yet not as part of the expedition's avant garde, nicely depicts the political ambivalence felt by the French toward Métis political identity.

³⁷ Silver (1982), p. 158.

as representing the fate of the French within Canada. The idea that the French component of Riel's identity – and that alone – was the critical determinant in the decision to execute him gained legitimacy in the eyes of French Canadians due to the fact that an English-Canadian leader of the Rebellion, William Jackson, was found not guilty by reason of insanity and sentenced to a mental institution rather than death. The Québec press was not subtle in assessing this discrepancy: “Why this difference between Riel and Jackson? Because Jackson is English while Riel is French-Canadian. . . . It is only as a French-Canadian that they want to hang him.”³⁸ The operative word here is “only”. According to this argument, if Riel is executed, he will be sacrificed to the French cause alone, not that of the Métis specifically, indigenous people generally or to the cause of fighting for those who suffer the brutalities and ‘bare life’ vulnerabilities in the ‘sovereign ban’ produced by the expansion of the Canadian settler state and nation-space. As the debate raged on about Riel's fate, papers such as *L'Etendard*, *L'Electeur*, *La Patrie* and *La Presse* as well as political leaders in Québec appealed to the Canadian government for a reduction of the sentence.³⁹

For his part, Prime Minister Macdonald's view of the Rebellion and Riel was actually not that strident as it regarded the action and actor in of themselves. Rather, he was much more concerned with the possibility that a commutation of Riel's sentence might provoke the ire of English Canadians. In a letter to the Governor-General of Canada, Macdonald admitted that the rebellion “never endangered the safety of the State . . . [and though] it involved the danger of an Indian war . . . in that it would be similar to the arson of a small house.” Thus, while he did not see the threat of an “Indian war” to be of real concern to Canadian sovereignty and as such saw no real need to prove anything to or intimidate racial others such as the Métis and indigenous tribes out west, what Macdonald did fear was a “popular outburst of indignation in Ontario and the Northwest, that may as well be avoided.”⁴⁰ In other words, for him it what mattered was the production and maintenance of Canadian sovereignty and peoplehood amongst the dominant political groups; to appease his main constituency of English Canada, he needed to demonstrate the rule of Canadian sovereignty. By contrast, Macdonald was initially dismissive of French concerns, and soon developed outright hostility to them. In response to the persistent efforts of the French press and political leaders to reduce the sentence, Macdonald famously “declared: ‘He shall hang though every dog in Québec bark in his favor.’”⁴¹ On November 16, 1885, Louis Riel was executed by hanging.

It is with Riel's execution that we see his tragic role as Canada's archetypal *homo sacer* in its most literal form, one which I argue can shed light on the complex and fundamental relationship between the production of Canadian sovereignty and the lives and political status of, most notably, indigenous people. As Agamben puts it: “The sovereign sphere is the sphere in which it is permitted to kill without committing homicide and without celebrating sacrifice, and sacred life – that is, life that may be killed but not sacrificed, is the life that has been captured in this sphere”⁴² Prime Minister Macdonald's strongest justification for proceeding with the execution of Riel was that a commutation of his sentence would upset English Canada, and for

³⁸ *L'Electeur*, August 7, 1885. Translation by Silver (1982), p. 160.

³⁹ Silver (1982), p. 161.

⁴⁰ From Sir John Macdonald to Governor-General the Marquess of Lansdowne. Rivière de Loup. September 3, 1885. *Macdonald Corr.*, pp. 357, 358.

⁴¹ McMillan, (1988), p.285.

⁴² Agamben (1988), p. 83.

French Canada the only reason he was being killed was because he was French. The bloodlust of English Canada (avenging the killing of Thomas Scott and the violent rebellions against Canada) to kill Riel locates him on the threshold of law and violence, where “violence [is] a primordial juridical fact,” and Macdonald’s decision to go forward with the execution is a declaration of the exception to fulfill this demand of English Canada. The execution further demonstrated Riel’s location in the sovereign ban that began with his exile 15 years earlier: “What is captured in the sovereign ban is a human victim who may be killed but not sacrificed: *homo sacer*.”⁴³ It is the issue of sacrifice, or its absence in a particular form, which finally defines Riel’s status as the exception, which implicates both the English who authorized his execution and the French who opposed and then mourned it.

Less than a week after Riel’s execution, “a great meeting of mourning and protest was held in Montreal” where speakers “extolled Riel as a pitiable victim of English oppression and Protestant bigotry.”⁴⁴ At this rally, attended on some counts by up to 50,000 people, Honoré Mercier, the leader of the Liberal Party in Québec echoed the French Canadian historical analogy: “Riel died on the scaffold, as the [French] patriots of 1837 died.” Referring to Macdonald, Mercier asserted that “in killing Riel, Sir John has not only struck at the heart of our race but especially at the cause of justice and humanity.” As with their protestations after the declaration of the death sentence, in which the decision was “only” about Riel being French, here his execution strikes at the heart of the French race, not that of the Métis and indigenous people. Their justice and humanity is nowhere mentioned. Furthermore, with this massive number of his fellow French Canadians before him, Mercier thought it the proper moment to propose that “in order to defend French Canada against English injury and oppression, both Liberals and Conservatives in the province of Québec should unite to form a single ‘*parti national*.’”⁴⁵ In this way, the state execution of the leader of two rebellions defined in great part by the claims and concerns of indigenous people became a sacrifice to the French cause, and a site for the mobilization of its national claims. Riel’s death was, indeed, celebrated as a sacrifice, but only as a French Canadian. As to his identity as a Métis and his ancestral and political ties to indigenous people and claims, there is no such sacrifice, no such ‘celebration,’ for in that regard Riel remains in a zone of indistinction, neither included nor excluded, marking the production of Canadian sovereignty and maintenance of its boundaries. By contrast, should there have been any celebration of the sacrifice of Riel as an indigenous rebel, a sacrifice that strikes at the heart of indigenous people most notably, it would have raised questions about the status of those boundaries, and their violent essence.

To English Canadians, Riel was a murderer and a traitor to Canada. To French Canadians, he was a martyr to the French cause. A week before Riel’s death, the Anglo Prime Minister sees the forthcoming execution not in terms of its relationship to indigenous people – even though he makes reference to the prospect of an “Indian War” – but as defining the relationship to Québec, and thus defining the contours of the Canadian nation’s dominant political culture. A week after the execution, on the other hand, French leaders see Riel’s death not as a consequence of racism and the colonization of indigenous lands and culture but as a result of, to name one, English bigotry against French Catholics. Furthermore, his death stands

⁴³ Ibid

⁴⁴ Creighton. (1970), p. 57.

⁴⁵ Ibid

not as a call to stand up for indigenous rights or that of the Métis but rather as a sacrifice that is supposed to solidify and institutionalize Québec nationalism.

The story of the political figure of Louis Riel read through the frame of him being Canada's archetypal *homo sacer* shows that the boundaries of Canadian sovereignty were physically expanded, institutionally strengthened, and culturally defined through a process that involved more than simply excluding indigenous people and allied resistant political forces. Rather, the *homo sacer* framework reveals that the imposition of Canadian rule placed indigenous political life in general into the "sovereign ban," neither simply inside nor outside, existing in the vulnerable position of bare life, facing the "unconditional possibility" of being killed without being sacrificed. With this thought in mind, I have made an effort to note that Louis Riel is Canada's *homo sacer* in an archetypal sense; not that he is the only one but, fittingly, he is the exemplary one, that which proves the rule. One need look only at the event I referenced earlier, the mass hanging of eight Cree men a mere eleven days after Riel's execution, to see how Riel's political figure stands in for whole of 'bare life' that is made the originary exception. These eight men are *homo sacer* too, killed but not sacrificed, and compared to Riel hardly even remembered.⁴⁶ The fact that Riel is so remembered, so written about, and in our times so exalted, can easily lead one to think that his execution was unique. But my effort here is to argue that it is not unique but rather representative, archetypal, of the production of sovereignty as well as settler state institutions, peoplehood, and nation-space. A close reading of this process through the figure of *homo sacer* starkly reveals how "sovereign violence is in truth not founded on a pact but on the exclusive inclusion of bare life in the state," of those people placed in the sovereign ban, and in that regards Riel's exile and execution stand in for the experience of many.

The Final Step - Exaltation

This paper has worked through two of the three elements that I claim are key to the composition and meaning of Louis Riel's political figure in Canadian political life, that of exile and execution. To conclude, I will briefly offer a sense of Riel's contemporary exaltation and the subject matter I look to examine to tie together this argument and interpretive framework as I further develop this work.

Louis Riel's life and death are the subject of hundreds, if not thousands, of academic, popular, journalistic, and artistic studies.⁴⁷ It is not hyperbole to say that Canadians cannot get Riel out of their minds, or as esteemed historian George Stanley put it, "Riel's ghost still haunts" all realms of Canadian life: "He has become a Canadian legend, if not the Canadian legend. He is our Hamlet, the personification of the great themes in our history."⁴⁸ While there are many

⁴⁶ The one serious, comprehensive study of the fate of these eight indigenous people, as well as others such as Big Bear and Poundmaker who were imprisoned but not executed is: Blair Stonechild and Bill Waiser. *Loyal till Death: Indians and the North-West Rebellion* (Calgary: Fifth House Ltd., 1997).

⁴⁷ For stark evidence of the plethora of work on Riel, see: Ved Arora, ed. *Louis Riel: A Bibliography*. (Regina: Saskatchewan Library Association, 1985). This bibliography provides 1642 citations that range from academic texts, newspaper and magazine articles to radio performances, novellas and poetry. While not every single citation in this bibliography discusses Riel directly, the vast majority do. Furthermore, as noted, this bibliography – the last major one to be done – was published in 1985, and as will be evident from some of the materials I cite in this essay, the last twenty years has witnessed no decline in the scholarly and popular interest in Riel.

⁴⁸ George F. G. Stanley, in "The Last Word on Louis Riel - The Man of Several Faces," in Hartwell Bowsfield ed, *Louis Riel: Selected Readings* (Toronto: Copp Clark, 1988), p. 56.

different takes on Riel,⁴⁹ the most common approach is nicely captured by Stanley's reference to "Riel's ghost," of which he sees "several faces," including "the defender of the French language and religious rights"; "the half-breed patriot"; "the first Western Canadian leader"; and "the prophet and the visionary."⁵⁰ Of course, in standing symbolically for so many positions, Riel could not possibly represent any single one of them distinctly or adequately. Recognition of this fact is the defining feature of this approach.⁵¹ Works from this perspective are easily noted by their titles, which often end in a question mark, emphasizing the effort to struggle with the ambivalent feelings Riel and his political actions inspire. Such books include *Louis Riel: Rebel of the Western Frontier or Victim of Politics and Prejudice?*; *Louis Riel: Patriot or Rebel?*; *La Révolte des Métis: Louis Riel, Héros ou Rebelle?*; and *1885: Métis Rebellion or Government Conspiracy?*⁵² Unsurprisingly, the posing of these questions does not lead to definitive answers. Rather, what one finds worked out explicitly or implicitly in these works is how Louis Riel's life, death, and political identity serve to shape the way Canadians narrate their political history and define their national and racial identities. As Canadian literature scholar Albert Braz puts it, this more encompassing approach allows Euro-Canada to create "essentially the Riel it wishes – or needs – to see."⁵³

An increasingly prevalent take on Riel that I suggest Canadians "wish to see" in the contemporary era is the figure of the founding father. Earlier, I mentioned two expressions of

⁴⁹ For example, at the most uncomplicated level, there are those who read Riel's activities as a regrettable, counterproductive force on the Canadian political landscape and those who see him as a revolutionary hero of Canada's early years. The most notable author of the former school is Tom Flanagan, who reads Riel as a combination of a deeply disturbed megalomaniac and a self-appointed millenarian prophet. Readings of Riel that emphasize his mental state and/or religious visions often see his actions as reckless, unrepresentative of any constituency, and a threat to a young Canadian nation and state. Interpretations done through this lens usually lead to the conclusion that Riel's execution was procedurally and/or substantively a just act by the Canadian state. See Thomas Flanagan and Neil Watson. "The Riel Trial Revisited: Criminal Procedure and the Law in 1885," *Saskatchewan History* Vol. 34 (1981), pp. 57-73; D.H. Brown. "The Meaning of Treason in 1885," *Saskatchewan History* Vol. 28 (1975), pp. 65-73; Sandra Estlin Bingaman. "The Trials of the 'White Rebels', 1885," (1972) Vol. 25, pp. 41-54. A contrasting perspective on Riel is that which views his actions in a much more laudatory light, as a revolutionary fighting for the marginalized in the face of early Canadian expansion. For example, Siggins (1994) and Sprague (1988) present Riel as fighting for the rights of indigenous people. The very starkness of the readings provided by these contrasting perspectives points to their common problem, which is a similar inattentiveness to the complexity and even contradictory political identity of Louis Riel.

⁵⁰ Stanley, in Bowsfield ed (1988), p. 56.

⁵¹ Along with texts on Riel already cited, other books on him, from a range of perspectives and time periods, include: One Who Knows. *The Gibbet of Regina: Truth About Riel – Sir John Macdonald and his Cabinet Before Public Opinion*. (New York: Thompson & Moreau, 1886). E.B. Osler. *The Man Who Had to Hang: Louis Riel* (Toronto: Longmans Green & Co., 1961); George F. G. Stanley. *Louis Riel*. (Toronto: Ryerson Press, 1963); John W. Friesen. *The Riel/Real Story: An Interpretive History of the Métis People of Canada*. (Ottawa: Borealis Press, 1996); Ramon Hathorn and Patrick Holland eds *Images of Louis Riel in Canadian Culture*. (Queenston, Ontario: Edwin Mellen Press, 1992); and Chester Brown. *Louis Riel*. A 10 issue comic book serial. (Montreal: Drawn & Quarterly, 1999-2003)

⁵² Hartwell Bowsfield ed. *Louis Riel: Rebel of the Western Frontier or Victim of Politics and Prejudice?* (Toronto: The Copp Clark Publishing Company, 1969). George F.G. Stanley. *Louis Riel: Patriot or Rebel?* (Ottawa: The Canadian Historical Association, 1970). Georges Cerbelaud Salagnac. *La révolte des métis: Louis Riel, héros ou rebelle?* (Tours: Mame 1971). Don McLean. *1885: Métis Rebellion or Government Conspiracy?* (Winnipeg: Pemmican Publications, 1985).

⁵³ Albert Braz. *The False Traitor: Louis Riel in Canadian Culture* (Toronto: University of Toronto Press, 2003), p. 204.

this wish – or need – in the creation of Louis Riel Day and Riel’s relatively strong 11th place showing in a nation-wide survey ranking of the all time ‘Greatest Canadians’. Building upon these examples, I look to examine the meaning of and conflict over the change that was made in the form of *Louis Riel* statue located in front of the Manitoba Legislature in Winnipeg. From 1970 until 1994 the statue portrayed Riel as a tortured figure, his naked body compressed and distorted in a surreal fashion. The name of the piece is “Tortured.” But in 1996 a new statue was unveiled that displaced the image of the ‘tortured’ Riel with one of him as a gathered, groomed, and assertive Canadian founder, the List of Rights curled tightly in his raised, clenched fist. (See Appendix 1 for both images) But while this image may indicate a successful effort to redeem both Canada and Riel of their ‘tortured’ past of exile and execution, I argue that this contemporary exaltation continues to reproduce Riel as Canada’s *homo sacer*, because his exile and execution constitute key terms of his contemporary exaltation, one where he is, at best, an ambivalent founding father neither simply inside nor outside the Canadian political domain. And even the meaning of the sacrifice of Riel, to the degree that it is more appropriate to his identity and cause, still places his death on the threshold of law and violence, in bare life, and thus still an exception to the rule of Canadian sovereignty. As Agamben notes: “It does not matter...that the killing of *homo sacer* can be considered less than a homicide and the killing of the sovereign as more than homicide; what is essential is that in neither case does the killing of a man constitute an offense of homicide.”⁵⁴ In the contemporary exaltation of Riel, I suggest, his exile and execution are read variously as being both less and more than a homicide, either as the exceptional killing of an indigenous rebel who stood in the way of Canadian expansion (as asserted by Desmond Morton at the start of this essay) or the exceptional killing of a unique sovereign actor, a regicide if you will, who had to fall for a new province to be born and Canadian sovereignty and nation-space to expand. Both these views are important frames of reference in the contemporary political narrative and political conflicts over the way in which Riel’s history of being placed in the sovereign ban seems to now provide him a place of exemplary inclusion as a unique, and contested, founding father of Canada. This narrative of and contestation over Riel’s exaltation reproduces his position on the threshold, neither fully inside nor outside.

In all, while I was only able to fully explore the exile and execution components of Louis Riel’s political identity, it is my aim to argue that they are both fundamentally bound up with the contemporary exaltation of Riel. Through his exile and execution, Riel was included in the Canadian juridical, cultural, and political order by his exclusion, and with his contemporary exaltation Riel is now placed outside the nation, I will argue, via his exemplary inclusion. To read the story of Riel as being only about, say, his exile and execution and not his exaltation reveals the colonialist imperatives of Canadian political development but masks the liberal democratic norms that also shape Canadian political life in important ways. On the other hand, to reference only his contemporary exaltation, or read his story in a seamlessly linear fashion in which he *was* exiled and executed but *is* now exalted elides the persistent colonialist hierarchies that still shape Euro-canadian conceptualizations of the state, space and identity of Canada. Instead, by arguing that exile, execution, and exaltation occur simultaneously I hope to show that Riel still matters as a political figure in Canadian politics because the compatible relationship between colonialist and liberal democratic dynamics still matters for the reproduction and

⁵⁴ Agamben (1998), p. 102.

maintenance of Canadian sovereignty and peoplehood. Well, that is my plan anyway. I hope this essay has demonstrated the value of the first two of the three components of the argument, and offers a sense of where I look to go with the third and final component.

Appendix: The Riel Statues

Figure 1: “Tortured” by Étienne Gaboury and Marcien Lemay. Located in front of the Manitoba Legislature from 1970-1994. It is now located at the Collège universitaire de Saint-Boniface, in Manitoba.



Figure 2: “Riel” by Miguel Joyal. It has been located in front of the Manitoba legislature in Winnipeg since 1996.

