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

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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. (Morton, 1998)

The quotation above refers to Louis Riel, a Métis man who led two rebellions against Canadian settler state expansion, one in 1869 and one in 1885. It was subsequent to the second rebellion that the Canadian federal government executed Riel by hanging. The author of the quotation is Desmond Morton, an esteemed scholar of Canadian history. Above, he offers a *realpolitik* analysis of the political meaning and impact of Riel's execution at the hands of the young Canadian state led by its first prime minister, Sir John A. Macdonald. Morton's claim is that Riel's public hanging directly aided the production of Canadian sovereignty and advancement of Canadian political development. In essence, Morton applauds this state execution as a necessary, foundational act that fostered the creation of the liberal–democratic nation and government of Canada. I agree with Morton on the foundational importance of Riel's execution but for different reasons and without his approbation.

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I argue that Louis Riel was and remains a necessary invention for the production of Canadian political identity and sovereignty, including the colonial and racial legacies intertwined in this production. 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 (Agamben, 1998: 8, emphasis in original).

There are three basic elements to Riel's fecund standing in Canadian political life: his exile, execution and exaltation. In 1870, Riel fled 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. Looked at as a whole, Louis Riel's life, death and legacy have come to embody the nexus of colonial and liberal–democratic dynamics defining Canadian political life, where he is now constructed as both the victim of Canadian colonial practices and a founder of the Canadian liberal state. At this nexus, Riel's political figure is variously employed to reveal and mask the colonial history and present of Canadian politics and society. As a result, Riel is perpetually exiled, executed and exalted in ways that serve to mark out the boundaries of Canadian sovereignty and peoplehood but which also exposes the violent essence of these boundaries.

This essay first sets out the value of Agamben's work for understanding Louis Riel's role in Canadian political life. I then look at the production of Riel's political identity during and after the Red River Rebellion which led to his exile, and then at the same processes during and after the North-West Rebellion, especially as it concerns his execution. Finally, I bring this understanding of Riel's exile and execution into an examination of the contemporary exaltation of Riel. I pay specific attention to two contemporary statues of Riel, one appearing to render him a "tortured" soul and the other a "founding father." When read together, I argue, these statues offer a complicated and accurate, if unintended, picture of the intimate relationship between colonialism and liberalism in Canadian politics.

Riel as *Homo Sacer*

Giorgio Agamben draws upon Carl Schmitt's understanding of the sovereign as that which declares or invokes the exception—exception to the rule, to law—and out of that insight investigates those thresholds and zones of indistinction that comprise the inner workings of the logic of

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Abstract. In this article, I argue that Louis Riel is a necessary invention for the production of Canadian sovereignty. The argument builds on the work of Giorgio Agamben. I see Riel as a Canadian version of *homo sacer*, "who may be killed but not sacrificed," and thereby serves as the exception that proves the rule of Canadian sovereignty. I carry out this argument in three stages, focusing first on Riel's exile in 1870 after the Red River Rebellion. I then bring Agamben's insights into an examination of the tensions between French and English Canada over Riel's execution in 1885. Finally, I look at the contemporary exaltation of Riel, focusing on the two statues that have occupied the legislative grounds in Winnipeg, which, when considered in tandem, serve as a metaphor for the relationship between liberal and colonial dynamics in Canada political history. The liberal–colonial relationship is key to Riel's ambivalent standing in contemporary Canadian political life.

Résumé. Dans cet article, je tente de démontrer, en m'appuyant sur le travail de Giorgio Agamben, que Louis Riel est une invention qui fut nécessaire à la création de la souveraineté canadienne. Pour moi, Riel est un *homo sacer* version canadienne, quelqu'un qui peut être éliminé mais non sacrifié et qui, par conséquent, représente l'exception qui confirme la règle de la souveraineté canadienne. Mon argumentaire se développe en trois étapes, mettant d'abord l'emphase sur l'exil de Louis Riel en 1870, à la suite de la rébellion de la Rivière-Rouge. En tenant compte du point de vue d'Agamben, j'analyse ensuite les tensions entre francophones et anglophones exacerbées par l'exécution de Louis Riel en 1885. Enfin, je jette un regard sur la réhabilitation de Riel dans le Canada contemporain en comparant les deux statues qui ont tour à tour orné le Palais législatif à Winnipeg. On ne peut s'empêcher d'y voir une métaphore de la relation entre les dynamiques libérale et coloniale à travers l'histoire de la politique canadienne, cette relation étant un élément clé pour comprendre le statut ambivalent de Riel dans la politique canadienne contemporaine.

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" (Agamben, 1998: 27), in this case, Canadian sovereignty. I argue that each defining component of Riel's political identity—that of exile, 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)" (1998: 8). For Canada, then, 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" (Agamben, 1998: 83). In other words, Riel's exile (sovereign ban) serves to further constitute and expand the Canadian state and Canadian nation–space. His subsequent execution (his capacity to be killed) helps shape the status of and relationship between the French and English majorities over and against non-white minorities who dare to challenge Canadian sovereignty. In the contemporary era, the exaltation of Riel now serves as a way for Canadians to remap their political history, particularly as it concerns the nation's colonial roots, and, as a result, Riel is now positioned as an ambivalent founder of Canada.

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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. Colonial encounters, practices and violence are important roots of the Canadian polity, as with other white settler nations. As the figure that represents the site of originary exclusion and violence, *homo sacer* reveals that the apparent 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. Reading Louis Riel as *homo sacer* sheds insight on the contingency and violence inherent to the production and expression 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.

Exiled: "Riel or Canada Must Go Down"

Immediately after Canadian Confederation in 1867, the Canadian government sought to expand the nation's reach west of Ontario. To this end, in 1869 Canada succeeded in inducing the Hudson's Bay Company to transfer to it the vast majority of the company's long-held title to Rupert's Land and the northwest 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 knowledge of the people residing in the region. 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" (Riel, 1985 [1870]: 111). In response, on November 24, 1869, under Louis Riel's leadership "he and his Métis seized Fort Garry, the Hudson's Bay Company's fortified post at Red River, and declared a provisional government for the region" (Creighton, 1970: 18). Louis Riel would eventually be named president of the Provisional Government. The Provisional Government composed and sent to Ottawa the List of Rights, including demands for entrance of the region into Canadian confederation as a province, the security of Métis property holdings and land claims, an amnesty for leaders of the Provisional Government, financial support for the region's population, a guarantee that both the English and French languages would be official languages of the prov-

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ince, and the conclusion of treaties between local indigenous tribes and the Canadian government (Morton, 1956: 515–19).

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" (quoted in Bowsfield, ed., 1969: 2). And in February 1870, Prime Minister Macdonald stated, "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" (Correspondence, 1921 [1870]: 128). In March 1870 the bridled hostility of English Canada toward the rebellion assumed much greater focus when Thomas Scott, an Anglo-Protestant prisoner held by the Métis, was executed by the Provisional Government. In response, the *Toronto Globe* newspaper succinctly set out the choices for the federal government: "either Riel or Canada must go down" (quoted in Bowsfield, ed., 1969: 3). By contrast, for French Canada Riel and the Provisional Government came to stand as a geographically and culturally distant "provisional" ally. In particular, 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" (quoted in Silver, 1982: 81).[1]

In the face of the dueling interpretations and tensions between English and French Canada, the predominantly English-led Conservative government under Macdonald proposed legislation, based upon the Provisional Government's List of Rights, which became the *Manitoba Act* of 1870. The act allowed each of the two dominant 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 and culture. Thus, "to please Québec they negotiated with the Red River delegates; to placate Ontario they dispatched the military force" (Stanley, 1960: 145). The *Manitoba Act* was given royal assent on May 12, 1870, designating Manitoba's provincial status to commence on July 15, 1870.

Not long after passage of *Manitoba Act*, the Métis Provisional Government disbanded. The Canadian military was closing in on Red River, and 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 danger, Riel and a number of his comrades left Red River in late August and made their way to the United States. From 1870

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until 1884 Riel went back and forth between the United States and Canada—although he spent the vast majority of his time in the United States—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 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 settler sovereignty, to the point of becoming explicit Canadian policy.

While living for the most part in Minnesota and Montana, Riel was under threat of attack and arrest, as English Canadian elites in Red River and politicians from Eastern Canada stoked 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. 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 when 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. Riel agreed to step aside but insisted that in return Cartier fulfill the promise of lands to the Métis as set out in the *Manitoba Act* (Stanley, 1960: 214). Although left unsaid, what Riel and those close to him were also expecting was a formal amnesty in return for his compliance. This amnesty was not forthcoming, and it never would be, at least not without a defining caveat.

As the embodiment of the sovereign ban, 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" (1998: 110). This means that to our time Riel can never get permanent separation from Canada by the logic of the ban, because his exile represents the expression of Canadian sovereign rule in the west and binds him inextricably to the story of the expansion of Canadian settler sovereignty. His exceptional vulnerability 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's sudden death, and then his

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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 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 not take his seat, and this time 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" (Bumsted, 2001: 218, 219). Etymologically, the term "outlaw" points to the exception, to *homo sacer*, who is both beyond the law and fundamentally tied to it (*out*side 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 (for chronology, see Flanagan, 1985).

The five-year banishment by the House of Commons epitomizes and enacts the key theme of Riel's political life during this period. In truth, his banishment tells us more about the production of Canadian settler sovereignty than it does about Riel. Agamben asserts that "the relation of ban has constituted the essential structure of sovereign power from the beginning" (1998: 110). 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" (1998: 110–11). The act of creating a community necessitates exclusions, and the imposition of the rule 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 in particular, who, as much as any group, stood as 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 to this day. He is part of the originary political act of Canadian settler sovereignty, intimately and inextricably tied to the story of the settler state's political development, colo-

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nial practices and violence. Riel's role in this story becomes about him being, in this first stage of exile, the archetypal exception placed in the sovereign ban to serve in the production and signification of Canadian sovereignty.

Looking next to the aftermath of 1885 North-West Rebellion, we find that Riel's status as Canada's *homo sacer*—one who may be "killed and yet not sacrificed" —takes on a more literal meaning.

Executed: "Killed but not Sacrificed"

The North-West Rebellion lasted less than two months. On May 12, 1885, in the Battle of Batoche, the overwhelming number of government troops and militia sent westward by Macdonald were victorious over a much smaller Métis and Native contingent. Three days after this defeat, Riel surrendered and was placed on trial for high treason. While the events and aftermath of Riel's trial were the focal points of national political debate of the 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, these nation-building imperatives were embodied in his effort to keep the Canadian Pacific Railway moving westward. As historian Maggie Siggins notes, before the rebellion Macdonald's own cabinet "refused to grant the Canadian Pacific Railway any more money" (1994: 392). The North-West Rebellion provided Macdonald with the opportunity to revive the flagging railway. 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'" (Sprague, 1988: 175). We see here, again, how Riel's exile, his banishment, could well have served to facilitate the imposition of Canadian sovereign rule and the expansion of the Canadian settler state and nation–space, if he had once again gone into exile. But he did surrender, and as a result Riel's 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 not refer to his exile in which he *could* be killed but rather to his execution in which he *would* be killed, but not sacrificed (Agamben, 1998: 85).

In truth, French Canada was not that sympathetic to the North-West Rebellion when it arose. However, Riel's trial changed this view, as "the announcement of the [death] sentence ... turned moderation and ambivalence into anger and outrage" (Silver, 1982: 158). The view that

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it was the French component of Riel's identity, and that alone, that was critical to the decision to execute him gained legitimacy in the eyes of French Canadians when an English-Canadian leader of the rebellion, William Jackson, was found not guilty by reason of insanity and sentenced to a mental institution. 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" (quoted in Silver, 1982: 158). The operative word here is "only." According to this argument, the execution of Riel would stand as a sacrifice to the French cause alone, not that of the Métis specifically or indigenous people generally. 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 to commute the sentence (Silver, 1982: 161).

As to Prime Minister Macdonald's view, in a letter to the Governor-General of Canada, he 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, what Macdonald did fear was a "popular outburst of indignation in Ontario and the Northwest, that may as well be avoided" (Correspondence, 1921 [1885]: 357, 358). At the same time, Macdonald dismissed 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 favour" (McMillan, 1988: 255). 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. Prime Minister Macdonald's primary justification for proceeding with the execution of Riel was that a commutation of his sentence would upset English Canada, and to French Canada the only reason Riel was being killed was because he was of French descent. The bloodlust of English Canada to kill Riel located him on the threshold of law and violence, and Macdonald's decision to go forward with the execution was a declaration of the exception to fulfill this demand. 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*" (Agamben, 1998: 83). This distinction—"killed but not sacrificed"—speaks to the comprehensive vulnerability of "bare life," not only that of violent death but also that such a death would not be allowed to affirm or mobilize one's community by standing

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as an acknowledged sacrifice to it. And it is *sacrifice*, or its presence in one form and absence in another, which affirms Riel's status as the exception, as we can see by looking at the French reaction to his death.

As historian Donald Creighton put 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" (Creighton, 1970: 57). At this rally, attended on some counts by up to 50,000 people, Honorè Mercier, the leader of the Liberal Party in Québec 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" (quoted in Bowsfield, 1971: 153). As with their protestations after the declaration of the death sentence, Riel's execution is defined here as striking at the heart of the French race, whose particular plight comes to stand for the universals of justice and humanity. This viewpoint was echoed in French-Canadian pamphlets of the day, for example, "If Riel had not had French blood in his veins and if he had not been Catholic; if he had been English and Protestant, or even Turkish, there would never have been any question of hanging him" (quoted in Reid, 2008: 132). With this sentiment in the air, Mercier stood before this massive number of fellow French Canadians and "proposed 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*'" (Creighton, 1970: 57). In this way, the state execution of the leader of two rebellions defined in the greatest part by Métis concerns as well as those derived and linked to the claims and concerns of indigenous people is proclaimed to be a sacrifice to the French cause, and becomes a vehicle for the mobilization of Quebec national claims. So Riel's death was, in fact, celebrated as a sacrifice, but as a French Canadian. However, as to his identity as a Métis and his ancestral and political ties to indigenous people there was no such sacrifice or celebration, no "great meeting of mourning and protest" for the Métis and/or Indian cause.

The structured absence and presence regarding Riel's death exemplifies the structured absence and presence of Métis and Indian people in the production and maintenance of Canadian settler sovereignty; at once *present* potentially to be killed as bare life but also *absent* as political life worthy of standing as a sacrifice that affirms one's relationship to the community and thereby affirms the community itself. In this regard, 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. In our time, the deepest political contest over Riel concerns his exemplarity: about where, how, and for what and whom he stood and stands, in the political, cultural and even literal sense of the word "stance."

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Exaltation: The Sovereign Body and the Sacred Body

Louis Riel's life and death have been the subject of hundreds, if not thousands, of academic, popular, journalistic, and artistic studies (Arora, 1985). 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" (Stanley, 1988: 56). While there are many different takes on Riel,[2] 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" (Stanley, 1988: 56). Of course, in standing symbolically for so many positions, Riel could not possibly represent any single one of them distinctly or adequately. Instead, what one finds worked out in this literature is how Louis Riel's life, death and political identity serve as the cultural and political material through which Canadians narrate and construct their political history, define their national and racial identities and come to terms or avoid coming to terms with the colonial and liberal principles and practices that have shaped Canada (for example, Brown, 2003; Friesen, 1996; Hathorn and Holland, 1992; Thompson, 1886; Owram, 1988). In short, as Albert Braz puts it, much of the work on Riel allows Canada to create "essentially the Riel it wishes—or needs—to see" (2003: 204).

I argue that in the contemporary era the Riel that many Canadians "wish to see" is the figure of the founding father, although an ambivalent one. This effort to articulate and implement Riel as founding father has expressed itself in a number of Louis Riel acts introduced in the Canadian Parliament, such as Bill C-257, *An Act respecting Louis Riel*, submitted to the House of Commons in October 1999. Bill C-257 sought to "reverse the conviction of Louis Riel for high treason," formally recognize Riel as a "Father of Confederation and the Founder of the Province of Manitoba," declare that every July 15th will henceforth be "Louis Riel Day" across Canada and "authorize the placing of a statue of Louis Riel on Parliament Hill" (October 20, 1999). To gain a sense of the larger purpose to be served by such measures, consider the following justifications for Riel's exaltation as set out in the text of the *Louis Riel Act* submitted to the Canadian Senate in 2004:

> WHEREAS some of Louis Riel's activities as a leader brought him into conflict with Canadian law and authorities, thus creating both a need and an opportunity for future generations to reconcile his story with the national story of Canada;

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> AND WHEREAS it is now expedient for Parliament to effect that reconciliation and bring harmony to Canada's national story by honouring Louis Riel and the Métis people and enabling all Canadians to publicly acknowledge Louis Riel's contributions as a Métis patriot and Canadian hero. (Bill S-29, 2004)

The theme of reconciliation predominates in these passages, with the aim of bringing "harmony" to "Canada's national story" by reconciling the stories of Riel, the Métis and Canada. As the text states, this requires acknowledging and overcoming the historic "conflict" between Riel and the Canadian government, and doing so in a way that "honours" his positive "contribution" to the Métis and Canada in a unifying national gesture in which "all Canadians" can "publicly" partake.

Gestures such as national holidays and statues are expressions of a nation's political and cultural discourse, and in this case they are meant to situate Riel in the story of Canada so as to heal the historic political and racial breach he represents, a breach between him and Canada, between the Métis and Canada and, in a more encompassing sense, between indigenous people and Canada. But if by these and other measures Riel is eventually positioned in Canadian political and cultural discourse as, indeed, a publicly legitimated Canadian founding father, then what does this mean for these historic conflicts—these breaches to which Riel remains so famously at the centre? Are they resolved, wounds healed, with the Canadian nation restored and unified? Are Riel's exile and execution now firmly confined to the sepulchral of the past, never again to haunt us in the present as Canada's *homo sacer*? These questions point to the relationship between the liberal ideals of contemporary Canadian political and constitutional discourse and the colonial–settler roots that shape the form and practices of the Canadian state and nation. To reveal these dynamics and better grasp what this entails for Riel's status as Canada's archetypal *homo sacer*, I examine the meaning of and conflict over the two different statues of Louis Riel that have resided, one in place of the other, on the grounds of the Manitoba Provincial Legislature in Winnipeg.

Sculptor Marcien Lemay created the first Louis Riel statue to reside on the Manitoba legislative assembly grounds. Installed in 1970 between the rear of the legislative building and the north bank of the Assiniboine River, the statue portrays Riel as a seemingly tortured figure.[3] His naked body, genitalia visible, is distorted and compressed, twisted in a surreal fashion that appears to express the pain and torment Riel experienced. In this way, Riel's figure can be easily read as literally and figuratively standing as "bare life," stripped of all status as he is stripped of all clothing, located vulnerably on the threshold between law and violence, nature and law. The immediate reaction to the statue was primarily negative, in particular from Métis. Angus Spence, President of the Manitoba Métis Fed-

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eration (MMF), expressed his disdain: "It's a horrible caricature to see him standing there stark naked, his head stuck out and leering. It's a horrible looking statue...It's an insult to Louis Riel and the Métis people" (quoted in Mattes, 1998: 27).

By 1991, Métis discontent with the Lemay statue led to an agreement between the MMF and the Manitoba Government to create a second, more dignified statue of Riel that would supplant Lemay's work ("Vandalized Riel statue," 1991: B11). While sustained criticism of the statue drove the wider effort to replace it, a more pressing impetus came from the fact that the statue was repeatedly vandalized and denigrated, "its genitalia smashed on numerous occasions, litter was often strewn around the base, and a life preserver ... was once placed around the statue's neck" (Bower, 2001–2002: 34; see also "Riel statue damaged", 1991: A4;). These acts of vandalism highlighted concerns that local officials and citizens had with the condition of the grounds, as the area near the statue down to the riverbank had become known as a gay cruising spot and, at times, a dangerous one, "where homosexuals and male prostitutes look for each other and where skinhead thugs lie in wait for people they believe to be homosexual" (Moore, 1995: A8; Mattes, 1998: 29–30).[4] While the jarring way in which the statue was vandalized likely offered further evidence of local homophobia, it also pointed to the symbolic importance of masculinity in this controversy, indicated by the fact that the most frequent specific criticism of the statue concerned its nudity. One commentator from *The Globe and Mail* saw a "Canadian double standard" given that founders and leaders such as John A. Macdonald and John Diefenbaker would have never been portrayed in anything but appropriate dress (Sheppard, 1991: A19). Augustine Abraham, grandniece of Riel, asked, "Is Churchill naked somewhere in England? Is Lincoln naked somewhere?" (Manishen, 1994). For many Métis, Riel's exposed, nude figure represented an emasculation of his standing as a historic leader of the Métis and founding figure of Manitoba and Canada, an emasculation no one would dare attempt with historic leaders of the Canadian and American settler states or British imperial centre. By this reading, then, the nude rendering of Riel as well as the attacks on the genitalia of the figure itself are forms of colonial emasculation that undermine the standing and power of indigenous and Métis political leaders. In this regard, one can see the Métis protests against the Lemay statue as delving from an understandable resistance to having their historic leader—and thus the Métis generally—posited as "bare life," on the threshold of Canadian sovereignty. I will argue shortly that this is not the only viable reading of the Lemay statue, but without doubt it is a powerful interpretation that conveyed the Métis sense that the dominant parties of Canada did not recognize the historic role of Louis Riel and the Métis nation. It was also a critique that worked politically; in 1994 the Lemay statue was removed from the grounds.

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On May 12, 1996, Manitoba Day, the 126th anniversary of the passage of the *Manitoba Act*, a new statue of Louis Riel was unveiled on the assembly grounds. This work, created by sculptor Miguel Joyal and commissioned by the MMF, displaced the image of the "tortured" and nude Riel with one in which he stands as a gathered, assertive, *and* garbed Canadian founder holding a curled parchment—the *Manitoba Act* itself—in his raised clenched fist.[5] At the unveiling, Métis people in the crowd said they felt a sense of pride at the new image (MacKenzie, 1996: A4), while political leaders constructed a deeper historical meaning for it. Lloyd Axworthy, then the Canadian foreign minister and member of parliament for Winnipeg Centre, declared Riel "probably the most important Manitoban that has ever lived" (Roberts, 1996). Axworthy also called Riel "a father of Confederation for all Canadians," while Manitoba Lieutenant Governor W. Yvon Dumont, the first Métis to ever hold the office, said "the unveiling establishes Riel as Manitoba's founder" ("New Riel Statue," 1996: D4). But not all reactions were so positive. In an editorial, Terry Moore of the *Winnipeg Free Press* argued that "the sculpture is historically misleading and intellectually empty ... [Riel] was, in sum, an enormously interesting person, not much like the scroll-waving bronze character who, since Sunday afternoon, flashes his raincoat open on Assiniboine River Bank" (1996: A8).

Moore's disparaging claim about the "emptiness" of the second Riel statue stands in interesting juxtaposition with the disparaging claim about the first Riel statue said in 1994 by then MMF President Billy Jo Delaronde, who called it "the symbolic Riel" that "will definitely be removed" from the assembly grounds (Manishen, 1994). Moore and Delaronde disagreed about which statue should occupy the Manitoba legislative grounds, but they concurred in their readings of the respective sculptures: both saw the first statue as more symbolic than the second. The difference is that Moore lamented the loss of the "symbolic" to the "empty" gesture, while Delaronde wanted to remove the "symbolic" rendering and replace it with a straightforward statement about Riel. This productive tension signals the complexity of the contemporary exaltation of Louis Riel, with the political stakes centring on how Riel's political figure was to serve in the telling of the Canadian political narrative in which colonialism and liberalism both matter.

In November 1995, Marcien Lemay's Riel statue that had been removed from the legislative grounds the previous year was unveiled at its new home on the campus of the Collège Universitaire de Saint-Boniface, only two miles from the Manitoba legislature and Joyal's Riel statue. This physical proximity is a metaphor for the intimate discursive relationship between the two politically charged statues, one seeming to represent Riel as tortured political actor and the other positing him as a classic founding figure. In light of formal exaltations of Riel such as the

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proposed Louis Riel acts and Manitoba's Louis Riel Day, a defensible and likely popular take on the significance of the fact that the "founder" Riel supplanted the "tortured" Riel is that it demonstrates the movement toward Louis Riel taking his place in Canadian political history as a legitimate and uncontested "father of Confederation for all Canadians," to recall Lloyd Axworthy's words. Through this interpretive lens, Riel cannot be Canada's *homo sacer*, because as founding father he is now an agent of Canadian sovereignty, not an object of it. However, I maintain that Riel's exile and execution—his *torture*, if you will—are in fact key constituents of his contemporary exaltation by which he has been constructed as an ambivalent founding father. In this regard, I take the fact that the first statue was displaced and relocated to another site in the public realm just two miles from the second statue (and its original home) to be a metaphor for and an enactment of the interwoven relationship between exile, execution and exaltation. By this reading, when looked at together and not as one supplanting the other, the Lemay and Joyal statues provide a meaningful and complex articulation of the contemporary Canadian relationship to both Louis Riel and the liberal colonial dynamics of Canadian politics.

To be clear, my concern with the Riel statues is not their aesthetic merit, it is about politics, specifically the practices of political identity construction and sovereign rule of a nation that built its constitutionally liberal democratic polity upon a foundation of colonial practices against non-Europeans, in particular indigenous people. In this regard, one can see the Riel statues as representing two sides of the political history of settler sovereignty, those sides being the agents of its creation and maintenance—the founders and re-founders—and those who become objects of sovereign rule, the tortured and tormented. Or, to put it another way, the two sides are those who enact sovereign rule and those positioned on the threshold as the sacred exception (*homo sacer)* that proves the rule. And just as the rule and the exception are fundamentally intertwined in the practice of sovereignty, the images of Riel as the rule (founder) and Riel as the exception (tortured) are themselves so intertwined that they mutually constitute a more complex whole. Together, the Joyal statue on the legislative grounds and the Lemay statue on the university campus embody, in their two tangible bodies, the intimate relationship between liberalism and colonialism that defines Canadian political life. Canada is neither solely a liberal nor a colonial regime; it is both at once, in ways that complicate the effort to grasp the scope and meaning of Canadian sovereign rule. Colonialist exclusion and violence were fundamental to the formation of the Canadian state. This constitutive, historical fact points to the intertwined nature of the relationship between the constitutional liberal regime of Canada and the settler–colonial domination that served to create and maintain the state's inter-

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nal racial hierarchies and the terms and reach of the boundaries that purport to define the Canadian nation. In this regard, it is not so easy to disaggregate the distinction between the liberal legal Canadian order and the extra-legal colonial order that subtends it. When looked at in this light, the two statues that exemplify Riel's contemporary exaltation also become harder to distinguish as to which is really the sovereign figure and which is the tormented, sacred one. This dilemma echoes that which Agamben discerned in comparing the imaginary funeral rites for the emperor (the sovereign body) to those for the warrior who does not die in battle despite having dedicated himself to doing so (the sacred body): "And it is here that the body of the sovereign and the body of *homo sacer* enter into a zone of indistinction in which they can no longer be told apart" (1998: 96). This "zone of indistinction" highlights the "paradox of sovereignty" whereby both the sovereign body and the sacred body reside, at once, inside and outside the juridical order (Agamben, 1998: 13). The sovereign body is so positioned in order to generate the rule of law and declare the exception to it, and the sacred body is there as the exception to the rule itself, embodying the threshold between inclusion and exclusion, between law and violence. Usually, it is easy to make the distinction between the sovereign and the sacred, the emperor and the warrior, the rule and the exception, Sir John A. Macdonald and Louis Riel. But there are moments when this may not be so clear, when a longer look—sometimes provided by the rituals and memorials through which a people reconstructs its political identity—raises questions about why and how certain political actors get their heretofore presumptive status (be it a noble or ignoble status) in the story that a community tells itself about itself. Another look at the two Riel statues raises such questions, exposing a fertile zone of indistinction between, especially, the liberal and colonial dynamics that define Canadian political life.

What does a sovereign body look like? By contrast, how does one depict the experience and consequences of torment under colonial rule? At first blush, the Riel statues seem to offer straightforward answers: the second Riel statue, that by Joyal, presents Riel as a sovereign body (an assertive, gathered and confident founder), while with the first statue, by Lemay, we see Riel's literally naked suffering under the strain of Canadian colonial practices. The palatability of this reading reflects the way in which the statues can be seen as a metaphor for liberal Canadian society's redemption of itself and of Riel by means of folding him into the founding narrative via the second statue while the nation shows it has gained distance from its colonial past by moving the first statue off government grounds. Through the Euro-colonial gaze, this interpretation offers a clear "zone of distinction" between the liberal present and colonial past of Canadian political life. But if we turn this gaze around—on Canada specifically and on colonialism generally—then the statue con-

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ventionally perceived as the *founder* Riel may, in fact, be the tormented one. Through an anti-colonial gaze, Joyal's Riel that now resides on the grounds of the Manitoba Legislature can be seen as tormented into assimilating to the narrative of colonial power, as he is made to stand as an author of the Canadian political system, giving legitimacy to Canadian settler sovereignty and thus the settler state itself, a state that first banished and then executed him by hanging, after all. On the other hand, via the same gaze the seemingly *tortured* Riel may in fact provide a better representation of a sovereign body. In this reading, Lemay's Riel can be seen as standing for a form of anti-colonial politics and subaltern sovereignty resistant to the forces of colonial assimilation, conveying a muscular defiance that is even a little transgressive given its nudity and encompassing sexual milieu. This alternative reading opens up a zone of indistinction between liberal and colonial dynamics in Canadian politics; it is less clear what counts for what. In this way, a dialogic reading of the two statues, where the colonial and liberal dynamics can be justifiably read in either physical form, refuses Terry Moore's notion that the Joyal statue is "historically misleading and intellectually empty," but instead sees the pairing of the two statues as apt for grasping the complicated politics concerning the contemporary exaltation of Riel.[6] In short, together the statues reveal that to Canada Riel is both sovereign body and sacred body, representing the experience of liberal inclusion and colonial oppression in such a way that they do not stand as contradictory forces but rather exist in a productive relationship that locates subaltern groups like indigenous people in a vulnerable position on the threshold of the settler state.

In our time, then, Riel remains *homo sacer*, but in a more complicated way, because his contemporary exaltation has doubled his place on the threshold, as exile and as ambivalent founder; the former pushed outward and the latter looking inward. In order to grasp the complicated strands of Riel's political figure as they concern, especially, the presence and practices of Canadian liberal colonialism, Riel's exile, execution and exaltation must be read as mutually constitutive and simultaneous. 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, the simultaneity of Riel's exile, execution, and exaltation reveals that Riel still matters as a political figure in Canadian politics because the compatible relationship between colonialist and liberal democratic dynamics

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still matters for the reproduction and maintenance of Canadian sovereignty and political identity.

In the end, it does not fundamentally matter whether one ends up reading Riel more as a tortured rebel (the sacred body) or as a founder (the sovereign body). Through either lens Riel's political figure stands just outside the Canadian juridical, political and cultural order, serving in its very production as either a sacred figure embodying the bare life of the colonial threshold or as the ambivalent sovereign figure authorizing without being permitted to exist within the Canadian political domain. Regarding this relationship between a political community and its sacred and sovereign bodies, 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" (1998: 102). Similarly, in our time, Riel's execution is read as both less and more than a homicide. It is either the exceptional killing of a Métis rebel who stood in the way of Canadian expansion—and thus less than a homicide, the implication of Desmond Morton's quote 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 to expand, and thus for many Canadians, especially Métis, his death is much more than a homicide. In both cases, Louis Riel stands as the exception, one which has served in the production of Canadian sovereignty for a settler polity that has yet to come to terms with the political intimacy of its liberal and colonial roots. And no singular figure in Canadian history so embodies this intimacy as does Louis Riel.

Conclusion

In positing Louis Riel as Canada's archetypal *homo sacer* I have sought to demonstrate that he occupies a unique and productive space on the threshold of Canadian sovereignty and political identity. His figure maintains its fecundity because like no other person in Canadian history he signifies the defining thresholds of Canadian political life (be it between indigenous people and Euro-Canada, colonialism and liberalism, law and violence, inclusion and exclusion). Furthermore, reading Riel as *homo sacer* such that he is both the subject and object of sovereignty also provides a way to trouble and recast Agamben's approach to the politics of the threshold, sovereignty and bare life. For Agamben, the productivity of the threshold serves the purpose of the regeneration and legitimation of the dominant sovereign people and locale. While this insight is crucial, it does not account for the parallel possibility of political productivity from the subaltern position, such as in re-imagining the Lemay statue

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as not necessarily a representation of torture and abjection but rather one that could be read as expressing resistance and even counter-sovereignty against that of the settler–colonial regime. As I read it, torture, abjection, resistance *and* counter-sovereignty are all components of the story of Louis Riel, and while I claim that the figure of *homo sacer* is the most insightful way to grasp and illustrate his role in Canadian politics and political history, Riel's copious political legend also strains against the strictures of Agamben's threshold. By this I mean that, as the exemplar or archetype of *homo sacer* in the Canadian context, Louis Riel stands in for many and thereby also masks the bare life experience of these "many," especially indigenous people, in the settler–colonial context.

To close, then, I want to unmask one element of the story of the Riel-led rebellions that the myriad studies and portrayals of Riel usually omit or quickly set aside. I refer to the fact that subsequent to the North-West Rebellion eight Cree men were, like Riel but without the notoriety, executed by hanging after being convicted of disloyalty for their alleged role in the rebellion. Despite the fact that this was Canada's largest mass execution in history, the lives and legacies of these men are hardly remembered, and certainly not exalted.[7] The names of the eight men are Wandering Spirit, Round the Sky, Bad Arrow, Miserable Man, Itka, Man Without Blood, Iron Body, and Little Bear. Upon their mass hanging, Prime Minister Macdonald wrote to his Indian Commissioner Edgar Dewdney that the "executions ... ought to convince the Red Man that the White Man now governs" (Jenish, 1999: 50). These eight Cree men are *homo sacer* as well. In this regard, my hope is that reading Louis Riel's political figure as Canada's archetypal *homo sacer* does not deflect away or mask the life and death of people such as these eight men, but rather offers a vehicle for moving toward rather than away from the deep, troubling and as of yet unaccounted for truths of Canadian political life and history. Among these truths include the fact that these eight Cree men existed as *bare life* on the threshold between law and violence, residing in the vulnerable status of being able to be killed but not sacrificed, as they indeed were, while Prime Minister Macdonald in his day and Professor Desmond Morton in ours see their executions as well as that of Louis Riel as exceptions that were necessary to prove the rule of Canadian sovereignty.

Notes

1 This quotation is a translation excerpted from Silver, 1982. The original source is *Le Journal des Trois Rivières*, April 18, 1870.

2 For example, there are those who read Riel's activities as a generally 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

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Tom Flanagan, who reads Riel as a combination of a deeply disturbed megalomaniac and a self-appointed millenarian prophet (see Flanagan, 1979; Flanagan, 1983). 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 (for example, Estlin Bingaman, 1972: Brown, 1975; Flanagan and Watson, 1981) The contrasting perspective views Riel's actions in a laudatory light, as a revolutionary fighting for the marginalized (for example, Siggins, 1994; Sprague, 1988).

3 The statue is partially encased by two half shells engraved with Riel's name and his words. The shells were designed and made by architect Étienne Gaboury. The controversy over the exhibit, however, is really about the statue itself and that is why I leave them out of the discussion and focus on Lemay's statue alone. An image of Miguel Joyal's statue can be found in the Wikimedia Commons database: http://en.wikipedia.org/wiki/File:LouisRielTortured.jpg

4 I thank Arash Abizadeh for calling my attention to the condition of the area around the statue during this time and how this served to motivate local officials to push for a renewal project.

5 An image of Miguel Joyal's statue can be found in the Wikimedia Commons database: http://en.wikipedia.org/wiki/File:Louis_Riel_Statue.jpg

6 On the complicated interpretive relationship between the two statues, see Bower, 2001–2002.

7 For 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, see Stonechild and Waiser, 1997.

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