Hans V. Hansen, Ed., *Riel's Defence: Perspectives on His Speeches*, McGill-Queens University Press, 2014, 331 pp., $32.95 (pbk), ISBN 97807773543362.

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In 2010, the year of the 125th anniversary of Louis Riel's trial for high treason, a conference sponsored by the Centre for Research in Reasoning, Argumentation, and Rhetoric was held at the University of Windsor. This conference led to this volume of essays edited by Hans V. Hansen. The contents of the book both refine and expand upon the papers delivered at the CRRAR conference, and thus are mostly contributions from scholars in the disciplines of rhetoric and communication, philosophy, and legal history.

The volume begins with the editor's introduction to the issues and events relevant to Riel's trial, as well as a brief overview of each contributor's essay. Hansen has also contributed newly paragraphed and annotated texts of Riel's oft-anthologized address to the jury, as well as his lesser-known post-verdict but pre-sentencing address to the court. These thoughtfully edited texts are themselves contributions to the literature on Riel's trial, and will be especially valuable to students; they not only identify the persons mentioned in the speeches, but also indicate editorial choices in regard to punctuation and paragraphing.

The editor positions the first two essays by Morton and O'Byrne as introductions to Riel's historical context, and indeed, their authors' respective disciplinary specializations in military history and law and government shape the focus of the volume. The first essay, by military historian Desmond Morton, reflects his longstanding engagement with the issues surrounding Riel's trial. His contribution provides an overview of the themes with which many of the subsequent essays engage, and he cautions against presentism as he provides summaries of the status of Riel's citizenship and other issues relevant to Canadian legal procedures and strategies in 1885. Morton introduces the topic of Riel's sanity, and reminds readers that one must attend to the ways in which Riel's psychological status was evaluated prior to the trial by experts who concurred that although Riel was rational and accountable for his actions because he could distinguish right from wrong, he was utterly delusional on the topics of politics and religion. This framing of Riel's state of mind is taken for granted in many of the essays to follow. While Morton notes that twenty-first century secularists are more likely to see Riel as an advocate for the Métis nation than as a mentally disturbed person, in general, the essays in this volume do not problematize the pathologization of Riel. Instead, the essays in this volume are generally devoted to analysis of Riel's rhetorical strategies.

Nicole O'Byrne's contribution reflects her expertise in matters of law and government, and emphasizes Riel's role as one of the founders of Manitoba, dedicated to securing its political autonomy. She foregrounds Riel's contributions to the 1870 constitutional convention at Fort Garry, in which he argued for provincial rather than territorial status for Manitoba on the grounds that it would provide greater autonomy in regard to the control of the natural resources that, under the British North America Act of 1867, would then be considered its public domain, and would better protect the political and cultural interests of the Red River Métis. O'Byrne's essay is cogent, and her recognition of Riel's legal and political acumen contributes a great deal to the understanding of Riel's motives and loyalties. However, specific attention to indigenous understandings of the common use and ownership of land could have substantially enhanced both the strength and the scope of her argument.

The next three chapters in the volume offer rhetorical analyses of Riel's trial speeches. Thomas Flanagan's contribution to the volume is a contex-

tual Aristotelian interpretation of Riel's speeches. At the outset, Flanagan asserts that Riel's speeches were instrumental failures because they failed to persuade the jury to acquit him or to recommend clemency. Flanagan believes that Riel emphasized too many themes in his first speech to the jury, resulting in a rambling and incoherent presentation. Furthermore, Riel failed to adapt adequately to the realities of arguing his case in a criminal trial court, preferring instead to hope for a political trial in front of the Supreme Court. The chapter concludes with a quantitative analysis of Riel's use of the Aristotelian proofs of ethos, pathos, and logos in the two speeches. This analysis would benefit from further development. For example, Flanagan argues that Riel's claim to prophetic authority undermined his ethos because it required him to attack the insanity claims built by his attorneys. Yet Flanagan does not sufficiently define prophetic authority beyond noting how Riel himself defined his mission. Readers, particularly those unfamiliar with Flanagan's previous work on Riel, would have benefited from a more precise explanation of what is meant by prophetic authority here.

In contrast, Christopher Tindale's chapter provides a close textual reading of Riel's speeches. The chapter begins by situating Riel's speeches within the genre of trial defense speeches. Within this framework, Tindale analyzes Riel's defense strategies using rhetorical concepts drawn from Aristotle and Belgian philosophers Chaim Perelman and Lucie Olbrechts-Tyteca. Tindale sees intertextual allusions between Riel's trial speeches and the trial of Socrates. Although Tindale concedes that he cannot prove with certainty that Riel's parallel to Socrates was intentional, there is little doubt that Tindale believes a strong likelihood exists, given Riel's education at the Collège de Montréal. Ultimately, Tindale concludes that although Riel's speeches failed to persuade the jury, his arguments nevertheless "are designed to make the strongest case in the circumstances, and in that sense, they serve him well and he does himself credit" (p. 133).

Hans Hansen's chapter combines stasis theory with informal logic to provide a descriptive account of Riel's speech to the jury. Noting that previous scholarly accounts have regarded Riel's speech as poorly ordered, Hansen nevertheless asserts that a distinct narrative and logical order can be observed in the speech. From a narrative perspective, Hansen divides Riel's speech into eleven parts. Riel's narrative appeared disordered because it

had to respond to both the Crown's case and the defense pursued by Riel's own lawyers (p. 140). Hansen next asserts that Riel's speech has logical order, based on four argumentative standpoints that support his claim he should be found not guilty. Although Hansen's argument is interesting on a methodological level, he does little to show how it connects to broader historiography about Riel.

Kerry Sloan approaches her analysis through a vignette illustrating the complexities and border crossings inherent to Métis identity and to her own analysis--which is grounded in her own family's legacy, as well as her academic training in indigenous legal history. She explores the connections between Riel's own views of Métis rights, and the ways in which he advocated for multicultural immigration into the North-West, with a focus upon the larger implications for those views for the "'boundary-bashing' realities of his own life and Métis history" (p. 169). Sloan's explication of the messiness of Métis identity, its continually evolving linguistic, cultural, and ethnic sources, and the elements of the Manitoba Act in relation to these forces offer enormous insight into Riel's assumptions and goals in his speeches. The greatest strength of Sloan's argumentation as well as her pivotal contribution to this volume is her central contention that acknowledging and exploring the inherent complexity, the "third space" of Riel's Métis identity and experience is critical to any understanding of Riel's words and actions, and especially to his visionary perspective on immigration and land distribution.

Interestingly, while noting Riel's own conviction that Métis land rights drew from indigenous land rights, and mentioning the Red River uprising as the genesis of the formation of a provisional government, Sloan does not fully explore Riel's argument that the 1885 uprising was ""the result of fifteen years' war"" (p. 173) that had elapsed since the Red River uprising. Riel had, in fact, spent those 15 years in the U.S., living and working within the area of the "Plains Wars" between the American Plains Indians and the U.S. government, including the Battle of the Little Big Horn in 1876, with the ongoing unrest afterward. Stirred by the introduction of Circle Dance by the Paiute, religious resistance and collective religious action were already sweeping through the Red River region and surrounding areas long before they culminated in the Ghost Dance in 1890, and some degree of consideration for the effects of these events on Riel's evolving ideas seems relevant.

Paul Groarke turns to a substantive analysis of the merits of Riel's case in his essay, focused upon the two substantial defenses Riel offered, and noting that "the remarkable fact is that this has largely been overlooked" (p. 204). Riel's arguments, as Groarke outlines clearly, had precedent in the doctrine of lawful rebellion, relevant to both England's Glorious Revolution and to the American Revolution. In both cases, a government charged with the protection of peoples' liberties had instead become an oppressor and attacked the people. Groarke's analysis of Riel's speeches reveals a series of arguments grounded in British and U.S. precedent, a facet that was completely ignored, not only by the government lawyers appointed to defend him, but by much of current scholarship on the trial. In Groarke's opinion, much of this disregard for the merits of Riel's defense is a product of Thomas Flanagan's "formidable" influence through Flanagan's argument that Riel's choice of defenses was completely hopeless given that it had no hope of prevailing. As Groarke assesses this line of discussion (which pervades many of the essays in this volume), "it is no answer to suggest that the fact of political power is sufficient to justify itself" (p. 213).

Jennifer Reid, an historian of religions, finds in Riel's speeches an ontological critique of modernity, in which colonialism is understood as a religious problem with a religious solution. Reid notes that while Riel did not attack the fundamental existence of a Canadian state, he did resist a state "that systematized a disequilibrium of power" (p. 253) as well as the ideology of modern state creation that rests upon and is legitimated by that same state. Reid contends that Riel opposed the replacement of "one universalizing structure (God) with another (state sovereignty)" (p. 256). Instead, Riel appealed to the Law of Nations (international law) under which numerous sovereign states would have protection, and describes his plans for a Canadian confederation, in which the Metis and First Nations would retain their legitimacy and autonomy as Nations. For Riel, writes Reid, "a state that regarded itself as its own ultimate authority was a potentially destructive geopolitical entity" (p. 260). Riel's geopolitical vision was grounded in his religious vision, and was thereby sanctioned by sacred power.

The notion of responsibility provides the focus for Benjamin Authers's essay, which is focused upon Riels' efforts to resist his attorneys' characterization of him as insane and thus, under the law, not responsible for his conduct. Authers's examination of the tensions and anxieties surrounding

discussions of responsibility and sanity/insanity is framed by contemporary literary works, including Mackie's *The Rising of the Red Man: A Romance of the Louis Riel Rebellion*, first published in 1902. Riel, in seeking to frame himself as "a rational man acting in response to an 'irresponsible, and consequently insane government," was, in Authers's view, interacting with a larger-scale cultural and legal imbroglio. An examination of how Riel was perceived, per Authers, is more revealing of larger perceptions of the Métis people, and of the underclasses generally, than of Riel's personal situation. Riel, in his "barbarism and irrationality" (p. 231), was considered to be dangerous to public order, and thus served as an exemplar of a self-deluded and immoral charlatan fomenting unlawful resistance to the rightful ruler. Rather oddly, Authers, while on the one hand considering the stereotyping of Metis people as uncivilized and driven by base and irrational passions, neither frames his analysis in any larger consideration of perceptions and treatment of indigenous peoples, nor incorporates any postcolonial perspectives that would help to illuminate the colonial ambitions of the Anglo-Canadian elite.

Introducing Lyotard's concept of the *differend* to his analysis, Maurice Charland considers the degree of incommensurability between Riel's own system of meaning, and the assumptions and perspectives of the court system that tried him. As a result, Charland argues, while Riel saw himself as having full membership in the society that sought to convict him of treason, and further believed he had a right to a hearing before Canada's Supreme Court, in fact he lacked standing within that system in crucial ways. For example, Riel's sense of his political role and his resulting ability to speak for the Métis people was not recognized by the prevailing system. He was, in the eyes of the law, the accused, and further an accused who was considered not to be competent to speak for himself in court–rendering him unable to do anything beyond defending himself against the accusation of treason, as well as his own attorneys' attempts to label him as insane.

Like other contributors to this volume, Charland invokes the Aristotelian notion of rhetoric as "the art of determining the available means of persuasion in a given case" (p. 272), on which ground Riel fails to function effectively on even a minimal level, since he fails to account for his setting in constructing his defense. Per Charland, Riel needed to rhetorically convert the court to the view that he was not the accused, but rather a plaintiff

who had been injured by the government's actions– a tactic requiring that he establish Aristotelian *ethos* –respect for his standing to make his case. Riel's tactic, Charland argues, failed because he did not attend to the vital element of prudence. Charland's assessment is that, while the jury found Riel to be rather sympathetic in terms of his genuine goodwill, he nonetheless had displayed exceptionally poor judgment and therefore had to be convicted. This characterization, like that of other analyses in this volume, returns Charland to Flanagan's perspective, rooted in the notion of political power as the framer of justice.

Turning to a Socratic analysis, as did Tindale, Louis Groarke's chapter is "partly an exercise in argumentation theory and partly an exercise in applied ethics" (p. 280). Acknowledging that this kind of comparison across vast differences in culture and time is not ordinarily done any longer in academic discussion, Groarke nonetheless believes it is useful in this case because objective evaluation of the two historic figures using common criteria allows for greater fairness, absent the influence of contemporary moral and political ideologies. Groarke outlines the differences in textual evidence available to document each figure, acknowledging that the documents on Riel's case are far more revealing of the complex and fallible human being than are Plato's portrayals of Socrates.

Groarke then characterizes the two men as both having been judged to be troublemakers -- undermining authority and threatening public peace in their certainty that they had a heroic mission to fulfill. In Groarke's view, while Riel's speech was less self-righteous than Socrates', neither was effective, and both completely ignored the judicial context, with disastrous effect. Per Groarke also -- and despite the fact that this is often ignored -- Socrates shared with Riel a religiously based conviction of the justice of his message. Discussion of this last aspect of the two men's personal groundings occupies a significant portion of the chapter, as do considerations of their roles as social outsiders driven by deep necessity. Ultimately, Groarke concludes that to a significant degree Riel must be seen as "Socrates gone mad," "a mentally ill man who was obliged, by his own conscience, to do what he did" (p. 310) –and thus as a man convicted and executed unjustly.

As did other authors in this work, Louis Groarke examines Riel's case in terms of the pathology of the individual, accepting at face value the inevitably –if not explicitly the rightness– of the contemporary system of gov-

ernance and justice. To take Socrates's critiques seriously would, for his accusers, have served to comprehensively undermine the entire foundation of Athenian society. Likewise, to take Riel's arguments seriously was then, and still is today, to profoundly question if not to completely undermine the entire conduct of Canada's government toward indigenous and Metis peoples.

The essays by Paul Groarke, Sloan and Reid interrogate and problematize the normativity of these Anglo-Canadian structures, and in so doing, provide the most promising paths toward a greater understanding of Riel's argumentation as well as his larger significance in Canadian history. In contrast, the essays that do not specifically attend to Riel's historical, economic, and social contexts fail to contribute substantially to a more nuanced understanding of the content and intent of Riel's argumentation. Curiously, all of the essays in this volume, including the essays that do address Riel's socio-historical location, privilege his seminary education and his legal experience in Quebec as well as his political leadership in Manitoba, but neglect his experience in the United States–particularly the ways in which indigenous land rights cases in the U.S. Supreme Court had developed in ways that seem likely to have influenced Riel's beliefs about which arguments might sway a Canadian court.

Despite its shortcomings, this volume of essays is relevant to anyone interested in exploring Riel's speeches and other narratives associated with the continuing colonial relationship between Canada and its indigenous and Métis peoples. While the colonialist context that made it impossible for Riel to argue successfully for his innocence and freedom remains unproblematized in many of the contributions, even this fact recommends the volume to readers who wish to understand the operations of colonizing rhetoric. This volume gestures, sometimes deliberately and sometimes unwittingly, toward a future for Riel studies, Métis studies, and argumentation studies, and that future must involve decolonization – especially of our analytic methodologies.