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The Impersonal is Personal: Missing and Murdered Indigenous Women through the Lens of Roberto Esposito's Third Person

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Abstract:

This essay explores the issue of Missing and Murdered Women (MMIW) in Canada from a perspective that problematizes not only the racializing and gendering of indigenous women, but the normative conception of the human ascribed to settler Canadians as well. By examining these processes as part of a greater juridical-biological constitution of ‘the human,’ the ways in which this differentiation works to valorize the lives of some humans whilst simultaneously devaluing the lives of ‘others’ are revealed. This hierarchy is explored through the lens of Roberto Esposito’s book *Third Person* in order to illustrate how the subject-formations that have occurred and continue to occur at the intersection of Canada’s indigenous and settler populations stem from problematic notions of personhood. Inspired by Esposito’s problematization of both secular and Catholic notions of personhood, this essay discusses and critiques the ways in which these notions, in the form of the colonial and settler state dispositif, have contributed to the devaluation of indigenous peoples, cultures, sovereignty and bodies and simultaneous overvaluation of their non-indigenous counter-parts in the specific context of the phenomenon of MMIW. In response to Esposito’s proposed affirmative biopolitics, this essay concludes by proposing a way out of this dispositif, inspired by the work of Judith Butler and Walter Dignolo, through a “universal project of diversality” premised on the shared precariousness of life.

The Impersonal is Personal: Missing and Murdered Indigenous Women through the Lens of Roberto Esposito’s Third Person

*Even in my disconnection from song, from dance,
I am not tragic
Even in seeing you as privileged,
As an occupier of my homeland in my homeless state
Even as men abduct as I hitchhike along these new highways
To disappear along this lonely colonial road
I refuse to be tragic* (Maracle in Kino-nda-niimi Collective, 2014, p.216)

The phenomenon of Missing and Murdered Indigenous Women (MMIW) has been at the forefront of Canada’s national dialogue in recent years and in various forms from calls for a national inquiry and condemnation of Canada’s ongoing human rights abuses to greater policing of inter-community violence, harsh sentences for offenders, and healing from past abuses. What these rights-based, decolonial, or identity-based approaches have thus far been unable to grasp are the ways in which the gendered and racialized lives of Indigenous women are differentiated and thus devalued in relation to a supposed norm of the ‘person’. The processes that distribute

and normalize valuations of human lives operate at the intersection of Indigenous and settler existence and, as this essay will examine, have worked to create and sustain not only the conditions under which the phenomenon of MMIW has occurred, but also the way it is dealt with and perceived.

Inspired by Roberto Esposito's deconstruction of the "dispositif of the person," and his subsequent attempt to outline an affirmative biopolitics, this essay will deconstruct the specific juridical-biological constitution of the person that racialized and gendered Indigenous women are differentiated from and which has supported the conditions under which the phenomenon of MMIW has occurred. This will be followed by a discussion of the ways in which the lives of individuals who have been victims of violence have been apprehended in the processes of recognition, grievability, and reparative justice. This section will be premised on the inherent inability of such processes to conceive of the totality of human life. This is mirrored by the simultaneous inability of current ethical dispositions to undo the ontology of the settler state to the degree required to bridge "the still dramatically gaping chasm between the concept of human being and that of citizen" (Esposito, 2012, p.3). I will then examine Esposito's own attempt at an affirmative biopolitics by way of the category of the impersonal. While a vital step beyond the unpolitical, Esposito's positioning simply does not provide for the type of emancipatory politics required to replace the existing dispositif of the person. The final section of this essay will use the work of Walter D. Mignolo and Judith Butler to propose a way out of this dispositif through a "universal project of diversality" premised on the shared precariousness of life (Mignolo, 2011, p.235).

Expanding upon the work of Socrates and Plato, Aristotle asserted that while humans share their nutritive and instinctual life with plants (*bios*) and animals (*zoē*) respectively, the



ability of man to be rational elevates him above those more simplistic forms of life (Aristotle in Reale, 1990, p.320). This notion of ‘man’ being composed of a hierarchy of differentiated life is central to what Esposito refers to as “the dispositif of the person,” meaning the real effects produced by the simultaneous identification of the person with its body and elevation of the person above its body through the invocation of sovereignty (Esposito, 2012, p.9, 90; Rancière, 2004, p.299; Russell, 2014, p.214). As Esposito notes, this dispositif is “based on the assumed continuously recurring separation between person as an artificial entity and the human as a natural being, whom the status of person may or may not benefit” (2012, p.9). The condition of the slave in Roman law exemplifies such a separation, as slaves were essentially trapped in a constant struggle between the status of person and thing, like a poor swimmer caught in river rapids able to see both shores and perhaps come close to one but never able to escape the current (ibid).

Christian philosophy has a similar notion of the not-quite human as seen in the jurisprudence developed by the Holy Roman Church to deal with Saracens, who we would now consider Arab-Muslims (Vauchez, 2005). In order to justify the Church’s wars with these peoples, Saracens were characterized as heathens, idolatrous pagan warriors, and servants of the devil thus rendering them inherently incapable of waging a just war (ibid; Anghie, 1996, p.323, 329). The waging of just war was reserved for Christians because Christianity was considered the only path to redemption for the original sin that cast each individual as guilty, “regardless of the personal intent or actions involved” (Short, 2013, p.147). Therefore, as inherently guilty peoples the normal principles of just war did not apply to the Saracens, which meant that acts like the seizure of goods and enslavement of women and children were justifiable in the eyes of the Church (Anghie, 1996, p.330).

The refusal of Christian jurisprudence to recognize non-Christians as humans with equally valuable lives to theirs is the basis for much of colonial thinking, particularly the thinking of Francisco de Vitoria whose work justified the initial colonization of the Indigenous people of North America and is considered foundational to international law. Despite the overwhelming influence of Christian jurisprudence, Vitoria initially attempted to create a new system of international law based on natural, not divine law, to be managed by a secular sovereign, instead of the Pope (Anghie, 1996, p.323). This system of *jus gentium* was premised upon Vitoria's recognition of Indigenous peoples as human and in possession of reason; it was precisely because of this rationality that Vitoria argued they were bound to *jus gentium* (Anghie, 1996, p.325). While he did consider both Spaniards and the Natives to be human, he conceived of them as being part of two different orders on a cultural basis, laying the philosophical foundation for racialized laws that continue today in the form of Canada's Indian Act (ibid).



The notion that Native societies require management in the form of federal oversight despite their shared human status resulted from Vitoria's universalization of Spanish cultural practices and values into the framework and subsequent norms of the *jus gentium* system (Anghie, 1996, p.326). The consequence was a situation not unlike that of the Saracens and the Holy Roman Church, except in this case the laws that were inevitably violated by Indigenous peoples were purported to be secular, rational, and natural. Esposito locates the turning point of biopolitics in the late 1800s, early 1900s, with the "transfer of the dual-life principle from the sphere of the single living being to that of the human species as a whole, which now appeared to be split into two juxtaposed areas of unequal value, and hence endowed with a different right to survival" (2012, p.7). While this was undoubtedly the period in which the dispositif of the person became solidified across disciplines, most notably in science, it must not be forgotten that the



“point of division within humanity, between species of people who were separated by their relation to life – and thus to death,” was established into law and society far earlier (ibid).

The second part of Esposito’s quote immediately above, that “the easy life for some turned out to be directly proportional to the forced death of others,” once again applies to the Canadian case, particularly with regards to European expansion (Esposito, 2012, p.7). It is vital to state here that, “the forced death of others” need not be limited to physical death, as Andrea Smith asserts in her work on sexual violence and the American Indian genocide that, “sexual violence...encompasses a wide range of strategies designed not only to destroy peoples, but to destroy their sense of being a people” (Smith, 2005, p.3).

Despite Vitoria’s contribution to international jurisprudence, much of the pre-nineteenth century relationships between Indigenous nations and Britain were relatively amicable due to the U.K.’s reliance on them as economic and military allies, however this quickly came to an end with the decline of the fur trade and end of hostilities with America (Douglas, 2002, p.2). Hereafter the desire for the expansion of settler society, to which Indigenous populations were considered an impediment—particularly Indigenous women as bearers of future generations—led to the establishment of reserves and the creation of legal definitions of “Indian” that would determine entitlement to land (ibid). This drastic policy shift has proven essential to the narrative of the Canadian nation-state. As Smith notes, “...the colonized must seem to partially resemble the colonists in order to reinforce the dominant ideology...However, the colonized group can never be completely assimilated – otherwise they would be equal to the colonists, and there would be no reason to colonize them” (2005, p.26).

It is through the Indian Act’s gendered definitions of ‘Indian’ that the process of the legal disenfranchisement of Indigenous women began. Under the 1876 definition, women could only

be 'Indian' if they were married to an 'Indian' man, a definition that remained for over 100 years until the passage of Bill C-31 in 1985 (Douglas, 2002, p.2). The legal destruction of the matriarchal social system of many First Nations continues to have devastating effects on Indigenous individuals and societies as a whole. Darlene Ritchie gave a particularly stark example of this in her presentation *The Indian Act and Our Current Epidemic*. Ritchie is Oneida but married a Saugeen man and because of the Indian Act is no longer allowed to live on Oneida land. Therefore, Ritchie was just one of many young women forced to move far away from their families, friends and cultural heritage, to an unfamiliar community and situation (2015). The systematic separation of Indigenous peoples from their land and therefore their culture was central to the Indian Residential School System and continues today through the uneven distribution of public goods like education and healthcare, as well as the much maligned child welfare system. These were all contributing factors to the death of fifteen-year-old Tina Fontaine, whose body was found in Winnipeg's Red River on August 17, 2014, just weeks before she was meant to start the tenth grade (CBC News, 2014; Hunt, 2014). That the lives of Indigenous women continue to be accounted for primarily in terms of their involvement with government agencies, rather than as individuals deserving of respect and dignity provides yet another example of how racialized and gendered processes of recognition work to force certain human lives outside the designation of personhood, exposing them to violence.

It is with this notion of exposure in mind that I turn now to Judith Butler's work *Precarious Life, Grievable Life* and her discussion of the normative schemes that, "our very capacity to discern and name the 'being' of the subject [are] dependent on" (2009, p. 4-5). These allow members of settler society to be treated as subjects with the ability to act while the lives of Indigenous women are apprehended as objects to be acted upon. In Canada these normative



schemes have developed throughout our colonial history in such a way as to “maximize precariousness for some,” in this case Indigenous women, “and minimize precariousness for others,” meaning the settler society (ibid, p.2-3). A central feature of the norms framing the (lack of) subjectivity of Indigenous women is the colonization of sexual agency. As Smith’s work points out, the impunity towards Native women who have gone missing or been murdered is largely to do with the fact that a high proportion of these women are or have been sex workers, many of whom have experienced homelessness (2011, p.258). These conditions are related to the fact that “in Canada, 42.7% of Aboriginal women live in poverty, double the percentage of non-Aboriginal women and significantly more than the number of Aboriginal men” (Jacobs and Williams, 2008, p.128). While there is not sufficient space here to discuss the specific acts of colonial violence, like the Indian Residential Schools and the Sixties Scoop, that contribute to such conditions, *From Truth to Reconciliation: Transforming the Legacy of Residential Schools* provides a good description of these policies from a number of perspectives, while Lee Maracle’s *I Am Woman* provides a vital glimpse into the lived experiences of Indigenous women and men affected by these policies.

Individuals living in periods of homelessness or working in the sex trade have long been cast out by ‘mainstream society’ however the violence experienced by Indigenous women in such situations is compounded by a history of mutilation, sterilization and ascription of an inherent impurity to their bodies (Smith, 2011, p.253). The overwhelming preoccupation of settler society with the management of Indigenous women’s bodies, whether in terms of violation or preservation, is demonstrative of the dispositif of the person in that their lives are only apprehended in terms of their animality, or *zoē*. Nowhere are these tendencies clearer than in the case of Cindy Gladue, a 36 year old Cree woman, mother and sex worker who was

horrifyingly dehumanized at the hands of both her killer, Bradley Barton, and the Canadian legal system (Hunt, 2015). In its attempt to seek justice for the death of Ms. Gladue, the Crown displayed her preserved pelvis to the jury as evidence, thus centering the trial on the 11-centimetre injury to her vagina, rather than the injury to her as a person (DiManno, 2015). While trials for murder, assault, and other crimes are by nature invasive, the unprecedented display of a victim's body part is intimately connected to her status as a female Indigenous sex worker (Big Canoe, 2015). This is demonstrative of the fact that, as Smith asserts, "...issues of colonial, race and gender oppression cannot be separated" (2011, p.253). As in the case of Cindy Gladue, these issues tend to be either dismissed or co-opted by settler society in an effort to maintain the exclusive and immunizing conception of the person on which modern forms of community are modeled (Short, 2013, p.143).

This inability of modern forms of community to recognize the lives of Indigenous women as having the same value as settler individuals is in part an effect of the fact that recognisability "is *not* a quality or potential of individual humans," that it is distributed differentially in accordance with norms like those discussed above (Butler, 2009, p.6). Esposito locates this border between possible and real lives in the category of 'haecceity,' that which designates something's individuality (2012, p.148-149). In this case, the haecceity is the category of the person that splits humans into life and subject, a split that must be maintained by the constant (re)assertion of norms by which lives can be differentiated (ibid). Maintenance of this border is required for those on the inside to make sense of themselves and must be continuous because of the precarious, temporal nature of what it is attempting to divide (Butler, 2009, p.10).

One key effect produced by this structure of personhood is identified by Butler as grievability, "a presupposition for the life that matters" (2009, p.14). Through her assertion of

precarity as “a shared condition of human life,” the degree to which the loss of such life is grievable is a marker of the hierarchy of life from *anthropos* to *humanitas* or in this case from “Indian” to “person”—from one who is governed in accordance with their racialized and gendered status to one whose humanity is recognized, celebrated and deemed worthy of protection (ibid, p.14-15).



This notion of grievability is particularly salient in relation to the phenomenon of MMIW and the varying responses to the crisis. As Butler notes, “forms of racism [and sexism] instituted and active at the level of perception tend to produce iconic versions of populations who are eminently grievable, and others whose loss is no loss, and who remain ungrievable” (ibid, p.24). While I would argue that the racism and sexism aimed at Indigenous women in Canada goes beyond the level of perception, the notion of an iconic and therefore grievable version of Indigenous womanhood can be seen in the tendency of Canadian media to report exclusively on those MMIW who occupy the role of mother or daughter. These categories of relational identification are utilized in order to cross that border of personhood; it is primarily because settler society is able to recognize value in the shared concepts of mother and daughter that those whose lives would normally not be grievable may become so. In addition, Kristen Gilchrist’s work exploring the differences in Canadian local press coverage of MMIW and white women illustrates how the racialization and gendering of lives works to diminish their value (2010).



While much of the above is familiar or at least understandable to those who share the outrage and sadness that surrounds the phenomenon of MMIW, Carmen Murdocca’s work on Indigenous self-harm and suicide raises some important questions regarding calls for an inquiry and other potential solutions that dominate the conversation in settler society. Murdocca’s exploration of the issue of self-harm and suicide as a part of “reparation politics” points to the

creation of “a legitimate framework for the development of humanitarian and compassionate strategies that support the reparative aspiration of the liberal state,” through the frameworks of persistence and memorialisation that have characterised “the *problem of suicide*” (2013, p.94). While there are calls for an inquiry from both settler and Indigenous groups, Murdocca cautions against the ability of such tools to transform the settler state’s relationship to Indigenous peoples, particularly as it connotes an alteration in, rather than a shift away from, the concentration of “biopolitical and necropolitical forms of governance” in the hands of the settler state (2013, p.97). Not only would such a mechanism reinforce the power and legitimacy of the settler state, it would also further cement the dispositif of the person into ‘legitimate’ forms of ethics despite the fact that, as noted in the first section of the essay, this dispositif was instrumental in the creation of the conditions under which the phenomenon of MMIW is possible.



The second vital point to be gathered from Murdocca’s work is the way in which “contemporary colonial inquires” like the Truth and Reconciliation Commission on Indian Residential Schools and potential inquiry into MMIW, can work to obscure the overwhelming contribution of histories of colonial governance to everyday violence (2013, p.97-98). The most recent example of this is the RCMP’s publication of statistics noting that 70% of the solved murders of Aboriginal women in Canada were committed by people of Aboriginal descent (Paris, 2015). While this statistic is not particularly surprising given that this 70% statistic is the same across all ethnicities, the race-based ascription of guilt works to obscure the colonial roots of such inter-personal violence (ibid). Lee Maracle describes the pain and violence in the struggle to love both oneself and one another as a result of such colonial violence:

I am torn apart and terrorized, not by you my love, but by the war waging inside me. A new torment grips me for I know the battle will grow in intensity until my desire to love you without the need to use you prevails. As the war grows, so grows my madness.

I have no right to expect patience or ask you to carry on loving me in the face of madness. I do not ask you to forgive my behaviour nor do I expect you to forget. Secretly, passionately, I want you to help the patriot inside me win. Now you will be watchful, wary, waiting for my hysteria—the expression of internal war. Just as I am on guard against your anger, you watch for my hysteria. We are a pair of suspicious fools (1996, p.32).

This passage provides a far underrepresented glimpse into the lived experiences of Indigenous peoples in a settler state and allows for a much greater understanding of the “everyday violence” referred to by Murdocca (2013, p.97). Maracle’s deeply personal writing works to reinsert meaning into the everyday lives and deaths of individuals in direct contrast to the deprivation of meaning enacted by racial and gendered formations. Listening to the stories and the voices of Indigenous women is central to combating the notion that the phenomenon of MMIW is a state of exception, distinct and separate from hundreds of years of racialized and gendered colonial violence.

The value of such decolonial, re-politicized voices is precisely what is missing from Esposito’s attempts to address the inability of modern ontologies to escape modes of recognition that privilege those in possession of specific, temporal identities rather than the value in life itself through his notion of the impersonal. I use the term “re-politicized” above in order to differentiate from the existing forms of politicization that function in accordance with the *dispositif* of the person, “[separating] the whole of the community from itself,” which Esposito makes a point of avoiding. Russell refers to Esposito’s philosophy of the impersonal as belonging to Rancière’s category of ethical dissensus which disrupts “accepted ways of making sense (*sens*) of what is given in the world around us (*sens*),” by invoking the law of a figure of radical incomprehensibility (Russell, 2014, p.218-219). While such a dissensus of the person is vital for the creation of an affirmative bipolitics that Esposito calls for, his work stops short of providing even a hint of what such a politics would look like, yielding what Short describes as



“an unstructured, unlimited affirmation of an ontological ‘drift’ that complicates but never poses an alternative” (Short, 2013, p.146). The importance of Esposito’s work to a more holistic understanding of the phenomenon of MMIW is clear from the discussions of the role of the *dispositif* of the person in the processes of creation, maintenance and management that occur at the intersection of Indigenous and settler societies. Despite this, and in consideration of Murdocca’s cautions against the fetishization of MMIW, Esposito’s philosophy offers no direction to those seeking an alternative ethics that is able to recognize the implicit value of a life (Murdocca, 2013, p.96).



In light of this, I would like to put forth a possibility for an alternative ethics, building on the work of Butler, and Rancière, as well as notions of decoloniality (Esposito, 2012, p.74-75). Butler’s call for recognition of the shared precariousness of life is vital to this endeavour because of its ability to transcend the unequal distribution of precarity produced through the *dispositif* of the person (2009, p.28-29). While the promotion of such a universalizing principle appears contrary to all the deconstructive work above, what differentiates Butler’s notion is its explicit recognition that “no conditions can fully solve human precariousness” (ibid, p.30). This notion is actually quite similar to Deleuze’s conception of *a* life, which Esposito refers to as, “what does not allow – what contradicts at its roots – the hierarchical division between these two entities within a separating *dispositif* of the person” (Esposito, 2012, p.147).



Butler’s call for “a movement sheltering certain kinds of ongoing antagonisms among its participants, valuing such persistent and animating differences,” which she labels a kind of “radical democratic politics,” is echoed in Rancière’s description of democracy as “the power of those who have no qualification for exercising power” (Butler, 2009, p.32; Rancière, 2004, p.304). While the term democracy, particularly when proposed as a solution by settlers and

Europeans, is obviously fraught with negative implications for Indigenous peoples, the type of democracy Butler and Rancière refer to is infused with politics of plurality and “the maximal inclusion of singularities” (Short, 2013, p.151). It must be noted that many of the suggestions put forth for an affirmative biopolitics are already being enacted in local, everyday acts of decolonization by Indigenous peoples, as has been seen in the flourishing of Indigenous activism since the Idle No More movement (see Leanne Simpson, 2011; and Kino-nda-niimi Collective, 2014 for more). For the future of these respective efforts at the creation of an alternative ethics, more acts of double translation are required in which “forms of knowledge that had been discredited from the very inception of modernity/coloniality enter into a double movement of ‘getting in/letting in’” (Mignolo, 2011, p.222). Central to such efforts is the notion that “decolonization is as much a process as a goal,” an inherently optimistic idea that recognizes that each one of us has a role to play in the shaping of our families, communities, countries and world (Harsha Walia in Kino-nda-niimi Collective, 2014, p.45).

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