

UNMAPPING MYTHS AND DETERRITORIALIZING KNOWLEDGE(S): A REVIEW OF *RACE, SPACE AND THE LAW: UNMAPPING A WHITE SETTLER SOCIETY*, EDITED BY SHERENE H. RAZACK

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This collection of articles, edited by Sherene Razack, presents a diverse range of critical perspectives of how space is constructed and utilized to produce the racialized and gendered subject. This general problematic is situated in the particular context of the colonial settlement and creation of Canada.

While drawing on a wide range of subject matters and empirical contexts, the pieces share several common threads. One common theme is an exploration of how narratives and mythologies are central to the nation building project and the construction and meaning of citizenship. National mythologies – histories of colonial occupation and settlement – are constitutive of space, place and time. This collection of essays reveals how the role of history and the concept of *spatialized histories* provide both a means of understanding the foundation upon which the technē of colonial settlement, occupation and governance ground themselves as well as the potential for political change of existing relations of power. The project of unmapping settler mythologies and the laws that ground, structure and reinforce such mythologies is a political one which seeks to challenge the ideological and material displacement of aboriginal peoples from their lands and the body politic, and to keep immigrant people of colour at the borders of citizenship. As Razack states in the introduction, the project is undertaken in the belief that “[w]hite settler societies can transcend their bloody beginnings and contemporary inequalities by remembering and confronting the racial hierarchies that structure our lives.” (5) *Race, Space and the Law* is an important contribution to this political and intellectual project.

Two things in particular distinguish this collection of articles from others. First, the articles effectively provide a much needed framework for understanding how the

racialization of immigrant settlers sits side by side with the production of a racialized aboriginal other. The articles collectively address the violence of colonization and its implications for both aboriginal peoples and immigrants of colour, rupturing dominant understandings of Canada as a *post*-colonial nation, one that is founded on an ethos of legal and cultural pluralism, in which an ideal of universal equality has been realized. These articles show that precisely to the contrary, the paradox of liberal universality requires that certain groups of people be kept at the periphery of the ideological, material and spatial borders of territory and citizenship, and that these exclusions are situated within a capitalist settler paradigm that is profoundly racialized and gendered.

Second, the articles do not only utilize and illuminate theoretical-political frameworks that explore how space is racialized, but fundamentally, how space and territories are racialized and gendered. The articles succeed in utilizing an intersection framework, and explore the ways in which race *and* gender are central to the production of space in a liberal, democratic capitalist (yet) colonial settler society- with all of the contradictions and disjunctures¹ that inhere in these legal-political and institutional structures. This is a valuable anti-racist feminist intervention into the existing literatures on citizenship, nation formation, and critical geography.

The relationship between access to property ownership, proper place and propriety is illuminated through a series of articles which broach a wide range of contexts. Renissa Mawani, in her chapter entitled “In Between and Out of Place: Mixed-Race Identity, Liquor, and the Law in British Columbia, 1850-1913,” explores how the imposition of racial distinctions and definitions of “Indianness” became central to the settlement project in post-Confederation British Columbia, particularly in reaction to mixed-race people who blurred the distinctions between white and aboriginal, thereby threatening the stability of a regime of property in which access to land was dependent on such racial distinctions. Defining and maintaining the boundaries between racial categories meant policing the everyday activities and space of those racialized subjects who were deemed

¹ See Himani Bannerji, *The Dark Side of the Nation: Essays on Multiculturalism, Nationalism and Gender* (Toronto: Canadian Scholars Press, 2000)

to be degenerate or immoral.

Leaping to the present day, Carol Schick's chapter entitled "Keeping the Ivory Tower White: Discourses of Racial Domination" explores how the phenomena of white privilege and entitlement manifest themselves in the university setting. Schick demonstrates how the sense of ownership over the elite space of the university that white education students enjoyed was disrupted by narratives about the "colonizing process that threatens Aboriginal people with geographic, cultural, and economic erasure." (105) The taken-for-granted sense of propriety about who belongs where, which bodies belong in spaces marked as proper and spaces marked as degenerate, were challenged by counter-narratives about Canadian history and colonial settlement. The chapters by Isin and Siemiatycki, and Sheila Dawn Gill, discussed below, address the consequences for the racialized other who attempts to create a "counter-geography"² and resist dominant narratives about who belongs inside the parameters of the state.

As a way of spatializing history,³ the unmapping of settler mythologies unsettles dominant ideas of who is entitled to own property, to occupy particular spaces, and who is worthy of the fruits of citizenship. Bringing historical narratives about the realities of colonial settlement and its attendant injustices to the surface in order to rupture existing relations of inequality requires the telling of these histories, as Bonita Lawrence does very successfully in her chapter entitled "Rewriting Histories of the Land: Colonization and Indigenous Resistance in Eastern Canada." Lawrence challenges traditional historiographies of First Nations and aboriginal communities in eastern Canada, detailing the various means of resistance and assertions of self-hood that characterized the early settlement period.

Beyond the uncovering and telling of hitherto marginalized narratives, spatializing

² See Chapter 6, Sheila Dawn Gill, "The Unspeakability of Racism: Mapping Law's Complicity in Manitoba's Racialized Spaces" 157 at 165

³ Wendy Brown, *Politics Out of History* (Princeton: Princeton University Press, 2001)

history also requires a different treatment of time. Histories cannot be recovered and told only to be acknowledged and then forgotten. Jennifer Nelson uncovers the legal and social history of the creation and eventual dismantling of Africville in her piece entitled “The Space of Africville: Creating, Regulating, and Remembering the Urban Slum.” She explores how municipal by-laws and planning law created a space that was marked by unsanitary conditions without proper infrastructure, thus enabling the marking of Africville, and its Black residents, as degenerate. (216) The result is a “self-fulfilling prophecy” in which “Africville [becomes] exactly what it was set up to become in the eyes of the outer white community- the slum legitimates dominance by offering concrete examples of filthy, intolerable conditions, a notion of helplessness and a lack of self-determination that are seen as inherent to its inhabitants.” (217)

Nelson goes on to problematize the memorialization of the space of Africville. The park which now exists in the space of what was Africville, Seaview Memorial Park, contains a monument erected in 1988 that displays the names of the area’s first Black settlers.(227) Wiped clean of any reminders of the construction and destruction of the community, white visitors and residents of the area are able to maintain a degree of innocence regarding the treatment of Africville’s residents. To carry the history and memories of Africville as recounted by past residents – and as documented and analyzed by Nelson – into the present would make it difficult, if not impossible, for white residents to maintain an innocence and blindness (albeit willful) in relation to the black residents of Africville-rupturing the dominant understanding of the story of “relocation,” which presents the city’s actions of dismantling the community as “compassionate, non-racist, integrative, progressive, and, perhaps above all, innocent.” (231)

Spatializing history thus provides an intervention into dominant notions of propriety and proper place which erase the violence and systemic oppression that relegate certain peoples to the margins of the body politic. Mona Oikawa writes that by “spatializing the historical narrative... we can conceptualize history as not solely about time but also about space, [which] enables us to develop a picture of violence.” (76) In her chapter, “Cartographies of Violence: Women, Memory, and the Subject(s) of the ‘Internment,’”

Oikawa analyzes the internment of Japanese Canadians during World War II, emphasizing the ways in which communal and familial relations were destroyed. (79)

Oikawa goes further than conventional accounts of this history by disrupting the myth of internment as (simply) a bad chapter in Canada's past. She examines how the incarceration of men and women produced racialized constructions of masculinity and femininity which linger in the memories and consciousness of those who were interned and their communities. Like the pieces of Mawani, Gill, Nelson and Razack, Oikawa also illustrates how the civilized subject was constituted in opposition to those who were deemed to be uncivilized; relegating Japanese Canadians to "pathological and dehumanized" carceral spaces produced and legitimated the idea of the detainees as uncivilized and therefore deserving of such treatment.(82)

The articles in this book each demonstrate, in a variety of ways, how the mutually supportive relationship between the physical displacement and dispossession of racialized Others and the construction of aboriginal peoples and people of colour as degenerate, immoral, and in some instances inhuman produces and maintains ideas of who is entitled to land and resources, who is worthy of inclusion in the body politic, who belongs in certain places and spaces, and what kinds of behaviour are tolerable in those spaces. The relation of exclusion and inclusion is embedded within a liberal (legal) paradigm that feigns universality when it comes to equality among individual citizens. While the ideal of liberal universalism purports to encompass every individual within its embrace - "equally"- the very citizen or the subject that is recognized by the state as deserving of inclusion is resolutely defined through and by what it is *not*; that is, the uncivilized, dehumanized Other who inevitably sits on the outside of the "universal" realm of human rights, equality, justice, and citizenship.⁴ The liberal paradox is that this universality of equality and inclusive citizenship *requires* exclusion for its very self-definition. We could go further in arguing that the universal ideal of human rights, democracy, etc... requires an exteriority in order so that it can continually reproduce itself in the act of extending its

⁴ Peter Fitzpatrick, *Modernism and the Grounds of Law* (Cambridge: Cambridge University Press, 2001) 125

reach, ever further, to encompass and capture that which lies beyond its reach.⁵ For what happens when “everything” is on the inside – what are the implications for a political, ideological and economic paradigm which, as outlined above, requires the exclusion of certain peoples for its very self-definition?

This paradox is kept intact through the strategic deployment (and performance) of a notion of “equality”. Histories of inequality and the violence of exclusion that lie at the foundation of a capitalist white settler society are literally *written over* by a narrative of democratic values, legal pluralism, and equality. Within the colonial settler liberal legal paradigm, which proudly identifies itself with principles of justice, democracy, and equality, among others, the violence of exclusion upon which it is grounded becomes normalized. The absence of an historical understanding of how violence lies at the foundation of the liberal legal order makes specific acts of violence appear as exceptions to the general state of things. As exceptional instances of violence in an otherwise peaceful, tolerant multicultural state, they are divorced from the social and historical contexts which arguably give rise to such acts in the first place. The chapters by Sherene Razack and Shiela Dawn Gill illuminate the normalization of violent exclusions from the body politic and territorial parameters of urban and rural spaces in Canada.

The normalization of racist-sexist violence was evident in the actual murder and the trial of the murderers of Pamela George, a native woman in Manitoba. As Sherene Razack demonstrates in her article, “Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George,” the brutal murder of George was deemed to be a “lesser violence” because she was a native prostitute.(150) The history of violence inflicted on native women at the hands of a racist, patriarchal settler state was normalized to the point of being taken for granted and therefore absent. George was dehumanized by the two young white men who killed her in the first instance, and then dehumanized again when placed in a realm beyond universal justice during the course of the trial.

Exploring the relationship between space and law, Razack shows how the spatial

⁵ Peter Fitzpatrick, *Modernism and the Grounds of Law*, 120

dimension of the “facts” of the case enabled George to be posited as being outside the realm of universal justice during the trial. The murder took place in an area on the outskirts of the city of Winnipeg known as the Stroll, an area in which prostitution occurred regularly. Razack argues that this area was perceived as a borderland between “civilized” and “degenerate” spaces in which bodies marked as respectable (those of the two young white men convicted of manslaughter in the killing of Pamela George) could venture as voyeurs with few consequences.(145) Violence was to be expected in this space. Violence enacted on those bodies marked as degenerate was normalized, and the extent to which the murder of Pamela George was unacceptable, it was still deemed to be a lesser violence because she was an aboriginal prostitute.

Sheila Dawn Gill illuminates what she calls the “violence of liberal democratic abstraction” through an analysis of the series of events that culminated in the expulsion of an Aboriginal MLA from the Manitoba’s Legislative Assembly in 1995 “for refusing to retract his use of “racist” from an earlier critique of provincial government policy and programs affecting Aboriginal communities.”(159) Racism is rendered “unspeakable” in a context where performing a “racism-free Manitoba” means that historically and institutionally entrenched inequality cannot be named as racist.(159) A discourse of universal sameness is mapped onto the political terrain of the legislature, as well as the geographical terrain of Manitoba, burying the reality of how colonial practices and relations of power produce a racialized body politic and devastating material inequalities for aboriginal occupants of rural Manitoba.

The author analyzes the symbolic significance of the expulsion of Oscar Lathlin for refusing to retract his assertion that particular policies of the provincial government affecting aboriginal peoples were racist. (159) The words and body of Lathlin are racially marked as unacceptable and expelled from the Legislative Assembly in order to “preserve” a space and terrain that is not marked by “racism” (read: any mention of racism), and one may surmise, “race” (read: colour).(166) Within the “race-infused liberal paradox, exclusion and separation along racial lines make (dominant) cultural sense.” (160) The parallel path of racial exclusion is one of white privilege. The author

explores how policy embodied in the *Manitoba Hydro Act*⁶ reflects an unimpeded access to land and resources, one that is premised on the imperial desire for (and presumption of) unquestioned access to territory and the lives of the people who inhabit those territories.(160) Tracing the words and actions of Premier Filmon, she illuminates how the access to space and place that is the prerogative of the universal (imperial white male) subject is reflected through the Premier's stories about his adventurous mapping expeditions in northern Manitoba, or his "autogeography".(169, 176)

Oscar Lathlin refused to retract his critique of the racist nature of provincial policies that affected aboriginal communities and was subsequently expelled from the Legislative Assembly. This is one example of how the very presence of a racialized subject who resists the disciplining power of legal-political authority will be cast out of the realm of the body politic as unacceptable, as intolerable. The discourse of tolerance is central to the maintenance of a multicultural state in which a white (male) middle class subject remains firmly entrenched as the universal citizen, while Others are permitted to occupy a place within the parameters of citizenship, while forever retaining their difference or otherness. Moreover, to push the boundaries of what is deemed as *tolerable* difference, to not stay in one's proper place as it were, creates anxiety and fear in the dominant community.

The chapter by Engin F. Isin and Myer Siemiatycki, "Making Space for Mosques: Struggles for Urban Citizenship in Diasporic Toronto" analyzes the challenges brought by Muslim communities to urban planning laws that stymied their attempts to construct mosques in different areas of the city of Toronto. The proposed construction of mosques created anxieties in the non-Muslim population, who used zoning by-laws to prevent the construction of the buildings. The themes of proper place, propriety and property that were discussed in the context of Renissa Mawani's chapter (see above) also arise in the context of contested uses of urban space. Zoning laws are used to maintain property values based on racialized notions of who properly belongs in certain spaces. As the

⁶ *An Act Respecting the Manitoba Hydroelectric Board*, 1961, R.S.M. 1970 (2nd Sess), c.HI90

authors state, “[c]lashes over public space sometimes embody different conceptions of citizenship and the raise the question, Who belongs, and on what terms?” (197)

The desire of Muslim communities to build a mosques in East York, North York and Mississauga contests the boundaries of racially inscribed urban spaces and in doing so, contests the boundaries of a universal liberal citizenship.(193) In their case studies, Muslim communities became active participants in civic planning debates in order to construct mosques, and in doing so, solidified their identity as an active, politicized community and challenged the terms under which they would be recognized as citizens by the dominant community. The recognition sought was not simply for inclusion in the borders of the state, but for the spatial, material and tangible representation in the form of the distinctly unique architecture of the mosques, which are “*collective, cultural expressions of their identity*”.(197) Thus, the authors contend that the desire for recognition in this context goes beyond a multicultural citizenship; it is not just recognition of difference that is at stake but exposing the racist and orientalist nature of a western liberal paradigm of citizenship in which planning by-laws are used to contain and keep out a symbolic and real representation of Muslim collective difference in urban space.

Sheryl Nestel’s piece, “Delivering Subjects: Race, Space, and the Emergence of Legalized Midwifery in Ontario”, concludes the collection and examines the complicity of western feminist practices in the exploitation of women in the Third World. She places this theme in the context of midwifery and birth clinics in the U.S.-Mexico border zone, where women from Canada traveled in order to gain experience as midwives. Women with Canadian citizenship and white skin, the women who traveled to border zones in the 1970s and 1980s in an era before and after midwifery became legally regulated, not only gained instant access to these sites but also instant authority.(240)

Nestel explores how the formation of the subjectivities of both the “respectable white western midwife” and the “third world woman” (who, uncorrupted by civilization, gives birth in a wholly natural fashion) come to be in a relation which, caught within a

historically entrenched colonial paradigm, is thoroughly exploitative. Nestel analyzes “midwifery tourism” both in the context of colonial history and also, importantly, in its contemporary manifestations of a global economic imperialism that facilitates the unimpeded movement of capital and white bodies into “third world” spaces while keeping third world labourers firmly contained within their own national borders and border zones. In the context of midwifery tourism, the Mexican women giving birth are there to be used as objects for observation and practice.

The “willful blindness”⁷ or willful innocence of the midwifery tourists enabled them to come away from their travels without questioning the politics of the transaction that had taken place between themselves and the Mexican women. In addition to the white privilege that is taken for granted by the white western midwives, Nestel asserts that “the ‘forgetting’ of marginalizing processes” enables them to adhere to a particular narrative of events. That narrative is one of “heroic... meritocratic achievement by a determined and dedicated group of women who endured both legal jeopardy and personal sacrifice to create ‘not just another profession, but a tool to gain community-based woman-defined care.’” (250)

To conclude, *Race, Space and the Law* goes some distance in unmapping the white settler society that is Canada. Each article takes myths and dominant narratives of the history of settlement, immigration and the ideal of universality that purport to hold all subjects as equal before the law, and renders them bare. Taking apart these dominant narratives, the authors rupture the linearity of a totalizing historical discourse that would capture, contain, and expel resistance to the relations of power that racialize and gender the spaces and places which we occupy. The collection foregrounds law’s complicity in maintaining and structuring space, place and property along lines of racial and gendered privilege and hierarchy. Such counter-geographies – or spatialized histories – are necessary to disrupt and resist the “sanitized landscape of national forgetting”.(Oikawa, 75)

⁷ For a thorough discussion of this term see Sheila McIntyre, “Studied Ignorance and Privileged Innocence” (2000) 12 *Canadian Journal of Women and the Law*, 147