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Decolonizing 'Femicide' in International Frameworks: A Decolonial Feminist Approach

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Decolonizing ‘Femicide’ in International Frameworks:

A Decolonial Feminist Approach

by

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Abstract

Indigenous women are significantly overrepresented in homicide statistics in colonial states around the world. The term femicide is currently defined in international legal and political frameworks as ‘the killing of women and girls because of their gender.’ This definition, while seemingly straightforward, is limited by its racelessness and by the way colonial logic constructs gender. By deconstructing colonial logic, it becomes evident that the gender binary itself, is a colonial attempt to dehumanize the group which it terms ‘Indigenous women.’ My research evaluates solutions to decolonizing ‘femicide’ in international frameworks through an extensive literature review of decolonial feminist scholarship. The only solution to observing femicide clearly, is to deconstruct the category based logic of colonial modernity. In seeing beyond what is accepted as common sense, it becomes clear that coloniality manifested through race, gender, class, and space work congruously to construct the frame that sees Indigenous women as inhuman and disposable in colonial societies. Therein, deconstructing the concept of femicide in international legal and political frameworks is integral to better addressing the violence experienced by Indigenous women.

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Introduction

In Canada, Indigenous women compose 16 percent of all female homicide victims where they represent only 4 percent of the overall population and similar trends persist across colonial societies worldwide.¹ This is no aimless concurrence; Indigenous women are intended victims of femicide. As the ensuing discussion will demonstrate, femicide is constructed as a product of colonial conquest that specifically targets Indigenous women. The intention of this literature review is to underline the need to decolonize the term ‘femicide’ in international law through a decolonial feminist approach. This will be accomplished through six sections that provide distinct contributions to the discussion. First, an elaboration on the ways femicide has been defined in contemporary scholarship relating to international law. Second, an analysis of colonial history which demonstrates the dehumanization of Indigenous women in colonial societies. Third, a critique of the radical feminist conception of femicide which has failed to provide visibility for gendered violence against Indigenous women. Fourth, a demonstration of the coloniality embedded in international frameworks surrounding Violence Against Women (VAW) and the need to decolonize femicide accordingly. Fifth, a discussion of the solutions proposed to decolonize the concept in international frameworks in hopes of moving towards a decolonial feminist approach. Sixth and finally, a case study of Indigenous femicide in Canada will demonstrate how the national inquiry has failed to fully identify the colonial structures perpetuating femicide. Thereby, the concept of ‘femicide’ needs to be decolonized in international legal and political frameworks to assure the visibility of Indigenous women.

¹ Jenna Walsh, 2017, “The National Inquiry into the Missing and Murdered Indigenous Women and Girls of Canada: A Probe in Peril.” *Indigenous Law Bulletin* 8 (30): 6.

Defining Femicide

‘Femicide’ finds its roots from the term homicide. Homicide comes from the Latin word *hom* meaning man. Homicide is dually definable, because it often refers to “‘the killing of one human being by another’ but also ‘as a person who kills another.’”² Femicide however, has conventionally been used to define the killing of women. In other words, femicide is most commonly used in situations where women are victims to the murder. This however, often excludes murder committed during war time. Goldstein’s thesis justifiably suggests that colonial conquest itself and the increased level of violence experienced by women is an extension of the gendered exploits experienced by women in wartime.³ Yet, much of the contemporary violence endured by Indigenous women is not classified as war time deaths under common law. This contentious matter certainly could be further assessed. With the intention of critiquing the law for its colonial disposition this discussion will mainly focus on femicide in its non-war time existence as recognized by colonial law. This however is fully supplemented by the recognition that common law wrongly asserts colonial societies as at peace. Therein, at its most basic level femicide is defined as, “the killing of a woman.”⁴

Given the broadness of this term, scholars have attempted to narrow the definition on multiple occasions. This has led to a more comprehensive understanding of the phenomenon which sees femicide as directly relational to patriarchal structures of power. However, each definition is not without its flaws. To begin, an evaluation of a definition that seeks to limit the

² Diana E. H. Russell, 2002, “Defining Femicide and Related Concepts,” In *Femicide in Global Perspective* eds. Diana E. H. Russell and Roberta A. Harnes (New York: Teachers College Press): 12.

³ Joshua Goldstein, 2001, *War and Gender: How Gender Shapes the War System* (Cambridge: Cambridge University Press): 332.

⁴ Russell, 2002, 14.

perpetrator status to only men. Second, another definition furthered this notion by inciting the need for misogynist or sexist motive on part of the perpetrator. Thirdly, a definition of the term which includes women as potential perpetrators of femicide. Most noticeably, race is not explicitly included in any of the definitions evaluated. For the purposes of this paper, race is conceptualized using Mills delineation in *The Racial Contract*. With this, race is understood as a constructed status which attempts to mark non-white people as lesser than white people in the ultimate governing system of white supremacy. This system as described by Mills is, “a political system, a particular power structure of formal or informal rule, socioeconomic privilege, and norms for the differential distribution of material wealth and opportunities, benefits and burdens, rights and duties.”⁵ Rather than observing race as a fundamental pillar of gender related oppression, it is computed by many scholars as a mere definitional complication.⁶ However as asserted by Mills, race is both fundamental and foundational to every oppression by and large. Owing to this, each definition of ‘femicide’ evaluated is admittedly flawed in this omission. Still, I intend to reflect on the definition that will provide the starting point to understand the violence perpetrated against Indigenous women in colonial settings.

First, many scholars have put forth that the definition of femicide should be limited to situations of men killing women. Dawson proposes the definition of femicide as “the killing of women by men.”⁷ At present, gendered violence is often embedded in gender neutral or male

⁵ Charles W. Mills, 1997, *The Racial Contract* (Ithaca, NY: Cornell University Press): 3.

⁶ Sharene H. Razack, 2016, “Gendering Disposability,” *Canadian Journal of Women and the Law* 28 (2): 292.

⁷ Myrna Dawson, 2016, “Punishing Femicide: Criminal Justice Responses to the Killing of Women over Four Decades,” *Current Sociology* 64(7): 997, <https://doi.org/10.1177/0011392115611192>

biased terms such as homicide and manslaughter.⁸ Much like the abeyance of race in the definition of femicide works to downplay the disparity between white and non-white victims, gender neutral language severely downplays the gender disparity in perpetrators of femicide. Accordingly, a definition which establishes the perpetrator's gender, provides better access to the forces that substantiate the disproportionality of women reflected in victim statistics and men in perpetrator statistics. As discussed by Ingala-Smith, an average across countries suggests men are thought to compose up to 70% of all perpetrators in female homicide cases.⁹ In the case of female killing specifically, the overwhelming majority of murders of women are perpetrated by men.¹⁰ With this, it only seems a proportionate reflection that the concept of femicide should specify an act of men killing women. As suggested by Dawson, the information needed to observe femicide is relatively easy to extract under this definition; statistics on the perpetrator's gender are more readily available than the perpetrator's motive.¹¹ Though as Ingala-Smith specifies, obtaining even simple information such as the sex of the perpetrator and victim can be difficult depending on the country.¹² Permitting such information can be obtained, Dawson specifies that the information is the "most obvious and easy to document for prevalence and comparative purposes."¹³ This accompanies tertiary benefits that come with accruing a greater amount of information that is relevant across borders; this is an attribute when studying the phenomenon in the global context because it offers greater comparability.

⁸ Karen Ingala-Smith, 2018. "Femicide," In *The Routledge Handbook of Gender and Violence* eds. Nancy Lombard (New York: Routledge): 160; Russell & Harmes, 2002, 8.

⁹ Karen Ingala-Smith, 2018, 160.

¹⁰ Diana E. H. Russell, 2002, "Introduction: The Politics of Femicide," In *Femicide in Global Perspective* eds. Diana E. H. Russell and Roberta A. Harmes (New York: Teachers College Press): 5.

¹¹ Dawson, 2016, 997.

¹² Ingala-Smith, 2018, 160.

¹³ Dawson, 2016, 997.

However, this definition promotes a subtext which potentially increases the oppression of women as gendered objects. This definition is at risk of underlining consequentialist tropes which normalize the narrative that women are objects of unavoidable violence. Marcus's gendered grammar of violence proscribes, a definition which characterizes women as inherently vulnerable (1) undermines female agency and (2) naturalizes women as objects of violence.¹⁴ As Garcia-Del Moral discussed, it “positions men as “the subjects of violence” and women as “the objects of violence and subjects of fear.”¹⁵ This is non-constructive because it does little to change the narrative and advocate for an alternate reality where women are not abundantly overrepresented in victim statistics. Furthermore, it suggests that all women are subjects of the same narrative. As will be discussed later, white women and Indigenous women are illustrated in colonial societies by very different narratives.¹⁶ Recognizing the first named limitation, scholars attempted to add greater context to the definition by more precisely identifying the patriarchal structures which substantiate these realities.

Second, femicide is conceptualized as a man killing a woman on accord of misogynist or sexist pretense. Dianna E. H. Russell is the founding supporter of this definition and cites femicide as, “the killing of females by males because they are females.”¹⁷ Though Garcia-Del Moral argues that Russel's definition continues to place women as the “objects of violence.”¹⁸

¹⁴ Marcus, Sharon. 1992. “Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention.” In *Feminists Theorize the Political*, eds. Judith Butler and Joan Scott, (New York: Routledge): 395.

¹⁵ Paulina Garcia-Del Moral, 2018, “The Murders of Indigenous Women in Canada as Femicides: Toward a Decolonial Intersectional Reconceptualization of Femicide,” *Signs: Journal of Women in Culture & Society* 43 (4): 933, <https://doi.org/10.1086/696692>.

¹⁶ Maria Lugones, 2016, “The Coloniality of Gender,” In *The Palgrave Handbook of Gender and Development* eds. Harcourt Wendy (Palgrave Macmillan: London): 25, https://doi.org/10.1007/978-1-137-38273-3_2

¹⁷ Russell, 2002, 13.

¹⁸ Garcia-Del Moral, 2018, 934.

Russell asserts that a definition which includes sexist or misogynist pretense, can help unmask the underlying context for violence. Russell states:

“The murder and mutilation of a woman is not considered a political event. Men tell us that they cannot be blamed for what a few maniacs do. Yet the very process of denying the political content of the terror helps to perpetuate it, keeps us weak, vulnerable, and fearful. These are the twentieth century witchburnings. The so-called maniacs who commit these atrocities are acting out the logical conclusion of the woman hatred which pervades the entire culture.”¹⁹

By citing femicidal killings as gender motivated, it asserts a space to recognize the underlying forces of said violence; one of the most notable benefits of this definition. Furthermore, Russell’s definition favourably encompasses both misogynist and sexist killings. Misogynist killings describe killings motivated by the general hatred of females, sexist killings are “motivated by a sense of entitlement to and/or superiority over females, by pleasure of sadistic desires towards them, and/or by an assumption of ownership over women.”²⁰ By stating “because they are females,” Russell avoids specifying whether killings need to constitute misogyny or sexism in order to be classified as femicide. Given that both are underpinned by patriarchal power disparities, this definition best captures the context that the concept of *femicide* is meant to address.

This definition could be weak when employed in legal settings. Though the definition more accurately describes what the term ‘femicide’ is attempting to observe, it may not be as

¹⁹ Diana E. H. Russell, 2012, “Introductory Speech,” Transcript of speech presented to the *United Nations Symposium on Femicide* (Vienna: November 26), 1-2, <https://www.femicideincanada.ca/sites/default/files/2017-12/RUSSELL%20%282012%29%20DEFINING%20FEMICIDE.pdf>

²⁰ Russell, 2002, 14.

easy to prove. In legal proceedings, establishing intent can be challenging because it is difficult to provide tangible proof of it.²¹ Russell purposefully avoids the concept of ‘intent’ or ‘intentional’ within the definition because it is too discriminatory. Russell critiques Ellis & DeKeseredy’s conception that contends that femicide should not discriminate between intentional and non-intentional killings.²² She cites that defining femicide as “intentional murder” is inhibiting because non-intentional murders can also constitute femicide. The example put forth is a “battering husband who may not have intended to kill his wife when he attacked her.”²³ Most agree that such a scenario warrants femicide, though it remains in the absence of intent to kill. However, despite Russell’s attempt to avoid intention, the definition put forth is stymied by the fact that it remains difficult to assess whether a man killed a woman because she was female, without establishing intent. Accordingly, Russell’s definition may better access the concept of femicide but its application risks being illusive in legal terms. Russell addresses this issue,

Although inferring motives can be difficult or even impossible at times, all hate crimes require the assessment of the criminals’ motives. However, it seems doubtful that any politically progressive individual would endorse forgoing the concept of racist murder because of the difficulty of establishing motive.²⁴

Accordingly, this definition provides an instance where discriminatory power might be a better vehicle for advocacy than legal applicability because it identifies the underlying gender

²¹ Russell, 2002, 15.

²² Desmond Ellis & Walter S. DeKeseredy. 1996. “Homicide and Femicide.” In *The Wrong Stuff: An Introduction to Sociological Study of Deviance* eds. Desmond Ellis & Walter S. DeKeseredy (Scarborough: Allyn and Bacon Canada): 70.

²³ Russell, 2002, 15.

²⁴ Russell, 2002, 15.

hierarchies that facilitate violence against women. Still and as will be discussed, the absence of race leaves this definition utterly incomplete.

Third, a definition of femicide that includes females as potential perpetrators. Campbell & Runyan define femicide as “all killings of women, regardless of motive or perpetrator status.”²⁵ Evidenced by the use of the word “regardless,” Campbell & Runyan indicate that they are willing to consider females as potential perpetrators of femicide. Though as previously stated, this definition is wholly problematic because it fails to relate gendered violence to structures which specifically privilege men. I will address the complications of this definition by evaluating the two major clauses put forth, ‘regardless of perpetrator status’ and ‘regardless of motive.’ To begin, the mention of ‘regardless of perpetrator status,’ signifies the attempt to neutralize the relationship between perpetrator’s gender and the perpetrator. This is most likely an attempt by Campbell & Runyan to create an all-inclusive definition that suggests all female killings have the potential to be femicide. However, others have demonstrated that this accrues more harm than good because it distracts from the gender dynamics at play. First, Campbell & Runyan’s definition is merely a distortion of reality by omission; statistics demonstrate that men compose the overwhelming majority of perpetrators of female killing.²⁶ By including women as potential perpetrators of femicide, it risks downplaying the encircling reality that demonstrates femicide as predominantly male perpetrated.²⁷ Moreover, Ingala-Smith indicates that sex neutral language in this context leads to invisibility not inclusivity. For example, when a woman is killed out of misogynist entitlement and it is termed manslaughter, it fails to identify the larger colonial

²⁵ Jacquelyn Campbell & Carol W. Runyan. 1998. “Femicide: Guest Editors Introduction.” *Homicide Studies* 2 (4): 348.

²⁶ Russell, 2002, 5.

²⁷ Ingala-Smith, 2018, 160; Russell, 2002, 15.

culture which authorizes violence against women because it suggests that said killing is not different than a man killing another man. However, a man killing another man is distinct from a man killing a woman because colonial power structures abundantly privilege men. With this, the social structures that facilitate a woman's vulnerability to violence by men, becomes invisible in the definition of manslaughter or murder. Ingala-Smith further asserts, this 'gender-neutral' language can "render the killing of women invisible and making something invisible is not a neutral act but serves a purpose."²⁸ Rather than de-naturalizing women as objects of violence, this definition simply makes gendered violence invisible. Campbell & Runyan's attempt for inclusiveness in this definition by failing to specify the perpetrator's sex, lacks the discriminatory power to understand gendered violence as causally separate from homicide or manslaughter.

Next, the 'regardless of motive' part of this definition fails to place gendered killings as an intended byproduct of colonial structures.²⁹ Russell's definition highlighted the importance of contextualizing the killings. If in fact femicide is meant to observe killings as a part of a larger structure of violence against women, Campbell & Runyan's definition does not suffice because their attempt for inclusivity is manifested as a lack of accuracy in describing the phenomenon. Whether 'femicide' seeks to identify the causal patriarchal forces that support killing as described by Russell or the overrepresentation of men in perpetrator statistics as described Dawson, the inclusion of female perpetrators debunks the intention of asserting the definition of femicide as different from homicide. If the intent of defining femicide separately from homicide is to create visibility for gendered based violence, it requires the capacity to be discriminatory.³⁰ This definition holds neither the capacity to identify the gender nor motive as a symptom of

²⁸ Ingala-Smith, 2018, 161.

²⁹ Russell, 2002, 15.

³⁰ Garcia-Del Moral, 2018, 933.

patriarchal condoned violence. By neutralizing the relevance of the perpetrator's gender and failing to specify any relation to causal patriarchal structures, this definition does not hold the discriminatory capacity to observe the structural components of the phenomenon at hand.³¹

Thereby, this definition can be seen as ineffective at defining femicide.

Upon consideration of each definition, I am inclined to side with the decolonial feminist critique that the aforementioned definitions do not hold adequate appreciation for femicide in colonial contexts. As stated, "Femicide is a limited concept to analyze the killing of women as a product of intersecting structures of inequality and colonial histories."³² Though imperfect, Russell's definition will provide the starting point for the basis of this analysis.³³ To reiterate Russell defines 'femicide' as, "the killing of females by males because they are females."³⁴ This definition is appreciable for its consideration of patriarchal context. Furthermore, its inclusion of sexist and misogynist killings is highly important in assessing entitlement killings observed under the colonial context.³⁵ However and as stated earlier, Russell's definition is flawed in one major way. As suggested by Garcia- Del Moral, Russell's definition fails to recognize elements beyond gender or sex.³⁶ Russell's definition sees "racial inequality as an added effect on the gendered oppression."³⁷ For the case of Indigenous women, Indigenous women are not murdered just "because they are females" and because they are Indigenous; they are murdered because they are Indigenous females. Russell's definition insufficiently characterizes this issue because the experience of gendered violence for Indigenous women is constructed by an entirely different

³¹ Russell, 2002, 16.

³² Garcia-Del Moral, 2018, 929.

³³ Garcia-Del Moral, 2018, 933.

³⁴ Russell, 2002, 13.

³⁵ Razack, 2016, 290.

³⁶ Garcia-De Moral, 2018, 935.

³⁷ Garcia-Del Moral, 2018, 945.

reality than gendered violence for non-Indigenous women. As discussed by Razack, “If one approaches these deaths as the outcome of a generic male violence against women, then race and coloniality enter as mere complications.”³⁸ Colonial history constructed a very specific frame which dehumanizes Indigenous women and targets them as objects of violence and disposability.³⁹ In the following section, I will redress colonial history to demonstrate how these frames have dehumanized Indigenous women in colonial societies.

Colonialism: The History of Dehumanization

Indigenous women are uniquely framed in the Western patriarchal context as deserving objects of violence. As this section will prove, this is done through a process of dehumanization. As conceptualized by Bustamante, Jashnani & Stoudt, cumulative dehumanization encompasses:

(i) an active condition of becoming, experienced as an accumulation of dehumanizing moments, structurally imposed on racialized communities under siege; (ii) a wearing down of the racialized and affective body, creating circuits of dispossession for entire communities; (iii) a product and (re) producer of the material and ideological modes undergirding racial capitalism; and (iv) a force met with individual and collective resistance.⁴⁰

³⁸ Razack, 2016, 292.

³⁹ Rosemary Nagy, 2015, “Combatting Violence Against Indigenous Women: Reconciliation as Decolonisation for Canada’s Stolen Sisters,” In *Rape Justice: Beyond the Criminal Law* ed. Nicola Henry, Anastasia Powell & Asher Flynn (Basingstoke: Palgrave Macmillan UK, 2015): 183-184, <https://ebookcentral-proquest.com.proxy1.lib.uwo.ca/lib/west/detail.action?docID=4001073>; Garcia-Del Moral, 2018, 943; Razack, 2016, 290.

⁴⁰ Priscilla Busamante, Gaurav Jashnani & Brett G. Stoudt, 2018, “Theorizing Cumulative Dehumanization: An Embodied Praxis of ‘Becoming’ and Resisting Sanctioned Violence,” *Social and Personality Psychology Compass* 13(1): 1, <https://doi.org/10.1111/spc3.12429>

Cumulative dehumanization is compounded by the construct of violence which “exacerbates racial inequality and normalizes further structural violence, while simultaneously legitimating and perpetuating the cultural violence that maintains racial capitalism.”⁴¹ Western human rights jargon falsely asserts personhood is a matter of biological inheritance. However as discussed by Fregoso, “Humanity is a status that can be taken away and given back.”⁴² Being classified as a human deserving of rights, is very much a social construction which maintains exclusion through the process of cumulative dehumanization previously discussed.

In this section, I attempt to unpack some of the frames and processes that led to the cumulative dehumanization of Indigenous women in colonial societies. First, I will discuss gender as a manifestation of colonialism itself. Second, the colonial construction of Indigenous women as sexualized gendered and objects led to their exclusion from personhood. Third, this was followed by process of abjection and othering which assured their exclusion under morality and law. Fourth, elements such as class and space work as reinforcements of the aforementioned frames which deepen the level of dehumanization experienced by Indigenous women. Fifth, the media continues to reinforce these colonial imposed frames as a masked attempt of bringing awareness to the issue of Indigenous femicide. Taken together, these forces effectively dehumanized Indigenous women and placed them as naturalized objects of violence in colonial settler societies.

First, gender as it exists in present colonial societies is entirely a concept of colonial imposition. Gender and the binary that exists between man and women, is a product of colonial

⁴¹ Busamante, Jashnani & Stoudt, 2018, 8.

⁴² Rosa-Linda Fregoso, 2014, “For a Pluriversal Declaration of Human Rights,” *American Quarterly* 66(3): 585, <https://www.jstor.org/stable/43823420>.

modernity and its use of categorical logic meant to reinforce hierarchy.⁴³ Oppositional binaries and the concept of ‘woman’ and ‘man,’ is a dichotomy engineered to conquer and divide.⁴⁴ The Eurocentric view observes Europe as the mecca of modernization. Out of the enlightenment, the European man was constructed as an extension of this reputation; rational, civilized and advanced. Conversely, European women were constructed as naturalized unequal’s. Lugones stated, “The European bourgeois woman was not understood as his complement, but as someone who reproduced race and capital through her sexual purity, passivity, and being home- bound in the service of the white, European, bourgeois man.”⁴⁵ This in part derives from post dark age absolutist notions of familial structures that observe European husbands as having naturalized authority over European wives.⁴⁶ This very notion was used to assert that colonists had natural authority over people they constructed as dependants.⁴⁷ These sentiments were fundamentally adopted, strengthened by the state and were used to justify the mission of ‘civilization’ that ensued under colonial rule. However, as pointed out by Lugones, there was never a ‘civilizing’ mission because the construction of civilian vs. non-civilian and man vs. women, is an attempt by colonizers to dehumanize persons who are not white men.⁴⁸ With this, the terms ‘man’ and ‘woman’ become markers of humanity more than they were ever markers of sex or gender.⁴⁹

⁴³ María Lugones, 2010, “Toward a Decolonial Feminism,” *Hypatia* 25(4):742.
<https://www.jstor.org/stable/40928654>

⁴⁴ Lucy Nicholas & Christine Agius, 2018, *The Persistence of Global Masculinism: Discourse, Gender, and Neo-Colonial Re-Articulations of Violence* (Cham: Palgrave Macmillan): 7,
<https://doi.org/10.1007/978-3-319-68360-7>

⁴⁵ Lugones, 2010, 743.

⁴⁶ Vrushali Patil, 2013, “From Patriarchy to Intersectionality: A Transnational Feminist Assessment of How Far We’ve Really Come,” *Signs: Journal of Women in Culture and Society* 38(4):854, <http://www.jstor.com/stable/10.1086/669560>

⁴⁷ Patil, 2013, 848.

⁴⁸ Lugones, 2010, 745.

⁴⁹ Garcia-Del Moral, 2018, 943.

Accordingly, Indigenous peoples are not just a man or a woman, but a non-white non-man and a non-white non-woman.⁵⁰ In the following paragraph, I will address arguments that assert that gender and the idea of ‘man’ and ‘woman,’ did exist prior to colonization.

Prior to colonial contact, many scholars assert that Indigenous communities could be largely defined as matriarchal societies.⁵¹ Naming pre-colonial Indigenous societies as ‘matriarchal,’ has dually served as evidence which confirms that gender did exist prior to colonial rule. However, this assumption wrongly conflates Eurocentric conceptions of gender and Indigenous understandings of gender. To begin, pre-colonial Indigenous communities recognized more than two ‘genders’ and held fluid presumptions regarding what constituted them; two spirit individuals are a reflection of this. In many Indigenous societies, gender is considered more behavioural than biological. As Gunn Allen asserts, “gender is understood in a psychological or psychospiritual sense much more than in a physiological one.”⁵² Next, gender did not serve as a hierarchical indicator in pre-colonial Indigenous societies. As stated, “gender has never been an organizing principle or hierarchical category in tribal communities before ‘contact.’ In Native American communities, the sexual division of labour did not exist, and economic relations were based on reciprocity and complementarity.”⁵³ In contrast, Eurocentric conceptions of gender are founded on (1) observing a close relationship between sex and gender (2) establishing social hierarchy. Indigenous perceptions of gender are simply untranslatable to

⁵⁰ Lugones, 2016, 25.

⁵¹ Paula Gunn Allen, 1992, *The Sacred Hoop: Recovering Feminine in American Indian Traditions* (Boston: Beacon Press): 253.

⁵² Gunn Allen, 1992, 207.

⁵³ Claudia De Lima Costa, 2016, “Gender and Equivocation: Notes on Decolonial Feminist Translations,” In *The Palgrave Handbook of Gender and Development* ed. Harcourt Wendy (Palgrave Macmillan: London): 51, https://doi.org/10.1007/978-1-137-38273-3_2

Eurocentric conceptions of gender.⁵⁴ Therein, gendered notions that existed prior in pre-colonial Indigenous societies should be recognized as an entirely different concept.. This in which reinforces the truth that gender and sex, as they are understood as ‘man’ and ‘woman,’ is a colonial creation.⁵⁵ Conclusively, gender itself and oppositional binaries are a manifestation of the colonial desire to dehumanize non-white, non-male persons. Therein, from here forward, any reference to “Indigenous ‘women’” is made under the understanding that such a classification is rooted in colonial context and used merely for purposes of identifying a group which has been especially targeted under colonial classification.

Second, the colonial construction of Indigenous women as sexualized gendered objects framed their exclusion from personhood. Indigenous women were strategic targets of the process of colonization. The egalitarian status enjoyed by women in pre-colonial society was a threat to the Eurocentric patriarchy and the development of the capitalist colonial state.⁵⁶ Federici discusses how ‘witch hunts,’ woman hunting and mass male perpetrated attacks on women throughout European history, are a calculated attempt to control a group whose existence challenges the capitalist domination of men.⁵⁷ The prospect of a system which gave women power, was viewed as inherently threatening to male dominance; for any power held by women is observed as a loss for men. Therein, the target placed on dehumanizing Indigenous women was in part a reaction to the threat which Indigenous societies posed to a male dominated social organization system. As discussed by Nagy, “The ‘demonization of Native women’ was part of

⁵⁴ Goldstein, 2001, 2; Gunn Allen, 1992, 207; Patil, 2013, 855; Lugones, 2016, 15.

⁵⁵ Lugones, 2010, 742.

⁵⁶ Andrea Smith, 2003, “Not an Indian Tradition: The Sexual Colonization of Native Peoples,” *Hypatia* 18(2): 76, <https://www.jstor.org/stable/3811012>; Nagy, 2015, 183; Sylvia Federici, 2004, *Caliban and The Witch* (Brooklyn, NY: Autonomedia): 170.

⁵⁷ Federici, 2004, 165.

‘white men’s desires to maintain control over white women’, as well as the key to subjugating indigenous peoples.”⁵⁸ Accordingly, Indigenous women were targeted in specific ways that relegated their power and dehumanized them in colonial society. The unique dehumanization of Indigenous women in colonial society is justified by their relational value to European women. In the following paragraph, I will evaluate the ways that coloniality juxtaposes European women and Indigenous women.

European women and Indigenous ‘women’ are constructed in the colonial gaze in entirely different ways. As previously discussed, Eurocentric ideas of gender view European men as the perfect image of human and women, an inversion of this image. White women are considered human, only for their ability reproduce race and capital.⁵⁹ In contrast, Indigenous ‘women’ are constructed in the colonial eye as a mere aberration of man, unworthy of personhood status and unfit to reproduce race.⁶⁰ Sexualization is central to how women are valued in colonial settler societies because settler colonialism is based upon “special sovereign charge and regenerative capacity” both of which are achieved through reproduction, solidifying white settlers as the demographic majority and cementing this power through the construct of the state.⁶¹ Furthermore, Goldstein cites conquest as an extension of the violence and exploitation experienced by women in wartime.⁶² With this, male sexuality becomes a foundation for

⁵⁸ Nagy, 2015, 184.

⁵⁹ Lugones, 2010, 743.

⁶⁰ Lugones, 2016, 25.

⁶¹ Lorenzo Veracini, 2010, *Settler Colonialism: A Theoretical Overview* (Basingstroke, Hampshire, UK: Palgrave Macmillan): 3-4; Daniela Bandelli, 2017, *Femicide, Gender & Violence: Discourses and Counterdiscourses in Italy* (Cham: Palgrave Macmillan) 15; Razack, 2016, 307.

⁶² Goldstein, 2001, 333.

aggression and feminization a symbol of conquest.⁶³ For European women, their ability to uphold the moral order and reproduce is founded in passivity and purity. Conversely, Indigenous women are constructed as “promiscuous, grotesquely sexual, and sinful.”⁶⁴ This construction prevents Indigenous women from personhood and renders them unable to serve European men in purist social reproduction.⁶⁵ By gendering Indigenous women, their value to colonial society becomes relational to the function they provide to European men. These kind of sentiments are reinforced by stories of exception. For example, Sacajawea, Pocahontas and La Malinche were permitted to bore children with European men, only after proving their value by acting as collaborators in conquest.⁶⁶ This too is a reflection of provisions of the Indian Act which predicated that in order to marry a European man, Indigenous women were required to relegate their ‘Indian’ status. By forcing Indigenous women to relegate their status, it reflects a broader goal of settler colonialism which seeks to “jeopardize the very existence of the historic Indigenous communities.”⁶⁷ Cohesively, these examples illustrate that Indigenous women are valued in colonial societies only by the function they serve European men. By dehumanizing and sexually demonizing Indigenous women, European men constructed them as disposable; justified by the constructed superior functionality of white women.⁶⁸ Resultantly, the process of gendering Indigenous women was an intentional plot to dehumanize them in colonial settler societies.

⁶³ Goldstein, 2001, 335; Nelson Maldonado-Torres, 2007, “On the Coloniality of Being,” *Cultural Studies* 21(2-3): 248, DOI: 10.1080/09502380601162548

⁶⁴ Lugones, 2010, 743.

⁶⁵ Garcia-Del Moral, 2018, 945.

⁶⁶ Shari M. Huhndorf, 2021, “Scenes from the Fringe: Gendered Violence and the Geographies of Indigenous Feminism,” *Signs: Journal of Women and Culture in Society* 46(3): 567, <https://doi-org.proxy1.lib.uwo.ca/10.1086/712045>

⁶⁷ Pamela D. Palmater, 2011, *Beyond Blood: Rethinking Indigenous Identity* (Saskatoon, SK: Purich Publishing): 124.

⁶⁸ Garcia-Del Moral, 2018, 945.

Third, the dehumanization of Indigenous women was reinforced by processes of othering and abjection which assured their exclusion from morality and law. The construction of Indigenous women as deviously sexual, immoral, and disposable, afforded them less respect than Indigenous men.⁶⁹ This dehumanization was reinforced by a process of othering and abjection that placed Indigenous women not only at the bottom of the colonial hierarchy, but outside the moral order of society.⁷⁰ The processes of othering and abjection work cohesively and encompass many of the same frames. Though to demonstrate the different processes of subjectivity at play, the process of othering will be used to explain marginalization of all Indigenous women and the process of abjection will be used to explain the apathy which society holds towards victims of Indigenous femicide. Below, I will explain each in greater depth and demonstrate their relevance to the dehumanization of Indigenous women.

‘Othering’ is defined as “the process whereby an individual or groups of people attribute negative characteristics to other individuals or groups of people that set them apart as representing that which is opposite to them.”⁷¹ This too which reflects the divisive based thought of Western colonial subjectivity. One way that colonizers established Indigenous women as the ‘other’ was through the conflation of Indigenous women as prostitutes. Examined by Simone de Beauvoir, women generally are objects of the ‘other,’ only to be defined by their

⁶⁹ Garcia-Del Moral, 2018, 944.

⁷⁰ Paulina García-Del Moral, 2011, “Representation as a Technology of Violence: On the Representation of the Murders and Disappearances of Aboriginal Women in Canada and Women in Ciudad Juarez,” *Canadian Journal of Latin American and Caribbean Studies* 36(72): 38; Sharene H. Razack, 2000, “Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George,” *Canadian Journal of Law and Society* 15 (2): 99.

⁷¹ Poul Rohleder, 2014, “Othering,” In *Encyclopedia of Critical Psychology* (New York: Springer) https://doi.org/10.1007/978-1-4614-5583-7_414

proximity to the man who defines what it means to be human.⁷² As discussed previously, Indigenous women were constructed by colonizers as ‘grotesquely sexual,’ ‘disposable,’ and ‘sinful.’⁷³ To supplement this narrative, colonizers naturalized Indigenous women in the context of prostitution. Female sexuality holds negative connotation in colonial societies and by framing Indigenous women as prostitutes, it helped to simplify the negative frame for the rest of society to evaluate their humanity.⁷⁴ This frame was then utilized as a technology to ‘other’ Indigenous women; illustrating them as inhuman and undeserving of the benefits of morality. This too excluded Indigenous women from the protection of the law.⁷⁵ There is an inseparable relationship between what constitutes what is defined as human, and who qualifies for protection under white made Western law.⁷⁶ Indigenous bodies and prostitutes alike are viewed as violable in colonial societies.⁷⁷ As discussed by Smith, “only a body that is ‘pure’ can be violated.”⁷⁸ With this, Indigenous women were effectively placed outside the bounds of law and morality which rendered them as the ‘other.’ Palmater furthers this argument by demonstrating the ways in which the Indian Act was intentionally discriminatory to women for the reason of othering them.⁷⁹ For example, many revisions that outwardly claimed to reduce gender discrimination such as Bill C-31, made outsiders out of women who were newly eligible to reclaim their status.

⁷² Simone De Beauvoir, 1964, *The Second Sex* ed. H. M. Parshley (New York: Alfred A. Knoff Inc): 556; Megan Burke, 2019, *When Time Warps: The Lived Experience of Gender, Race, and Sexual Violence* (Minneapolis: University of Minneapolis Press): 18.

⁷³ Lugones, 2010, 743; Razack, 2016, 307.

⁷⁴ Garcia-Del Moral, 2018, 932; Nadera Shalhoub-Kervorkian & Suhad Dasher-Nashif, 2014, “Femicide and Colonization: Between the Politics of Exclusion and the Culture of Control,” *Violence Against Women* 19 (3): 301, DOI: 10.1177/1077801213485548

⁷⁵ Garcia-Del Moral, 2011, 38.

⁷⁶ Fregoso, 2014, 588.

⁷⁷ Smith, 2003, 73; Fregoso, 2014, 588; García-Del Moral, 2011, 38.

⁷⁸ Smith, 2003, 73.

⁷⁹ Palmater, 2011, 102.

By proscribing ‘Indianness’ as a matter of what Palmater terms as ‘blood quantum,’ described as the degree of decent, the state was able to further ‘other’ Indigenous women who had been previously classified out of their status.⁸⁰ Therein, the process of ‘othering’ Indigenous women was dually achieved through means of narrative building and law, both in which dehumanized them and assured their exclusion from the moral bounds of society.

Conversely, abjection refers to the reaction “to a threatened breakdown in meaning caused by the loss of the distinction between subject and object or between self and other.”⁸¹ The deaths of Indigenous women often go unnoticed because they merely reinforce a distinction between the self and other in colonial society; where Indigenous women firmly establish the ‘other.’⁸² However, a breakdown in the distinction between self and other most strongly occurs where the subjects own ‘materiality and frailty’ are questioned; where the fragility of the line between life and death becomes most evident.⁸³ To illustrate instances where abjection occurs and this distinction breaks down, I employ two examples. First, Crenshaw observes, “Prosecutors who handle sexual assault cases acknowledge that they often exclude women as potential jurors because women tend to empathize the least with the victim.”⁸⁴ This is a clear manifestation of the conscience rejecting vulnerability to death. Female jurors reproduce oppressive frames to

⁸⁰ Palmater, 2011, 110.

⁸¹ Dino Felluga, 2011, “Modules on Kristeva: On the Abject,” Introductory Guide to Critical Theory, <http://www.purdue.edu/guidetotheory/psychoanalysis/kristevaabject.html> ; Julia Kristeva & John Lechte, 1982, “Approaching Abjection.” *Oxford Literary Review* 5 (1/2): 125, <https://www.jstor.org/stable/43973647>

⁸² García-Del Moral, 2011, 38.

⁸³ Tea Fredriksson, 2018, “Abject (M) Othering: A Narratological Study of the Prison as an Abject and Uncanny Institution,” *Critical Criminology* 27: 263, <https://doi.org/10.1007/s10612-018-9412-0>; Kristeva & Lechte, 1982, 127.

⁸⁴ Kimberlé Williams Crenshaw, 1991, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” *Stanford Law Review* 43(6):1275, <https://www.jstor.org/stable/1229039>

justify the deaths of victimized women in an attempt to reassert their own safety and security in a society plagued by gendered violence.⁸⁵ This permits the deaths of Indigenous women to be discarded as separate and unrelated to the broader structures of violence; reinforcing the distinction between self and abject.⁸⁶ Second, Razack discusses the case of Cindy Gladue, a Cree woman who bled to death after Bradley Barton, a white man, fisted and stabbed her vagina.⁸⁷ Despite the horrific nature of the case, “few seemed to notice the death of an Indigenous woman in the context of prostitution.”⁸⁸ It did not warrant much media attention until the chief medical examiner suggested bringing her wounded vagina into the court room for evidence. Public outcry cited opposition on the grounds of inappropriateness, degradation, and dehumanization. While all these grounds reasonably hold some validity, the public outcry too could be construed as a reaction to a threatened breakdown between the subject and the abject, between life and death.⁸⁹ By presenting the actual body, it is more difficult to conceptualize Indigenous women as inhuman; it becomes more difficult to observe her as a deserving object of violence. This disturbs the construction of the ‘other’ or the ‘abject’ as inhuman and elicits a reaction by the public.⁹⁰ Therein, these cases of abjection demonstrate breakdowns in the distinction between self and other, exposing the frames in which dehumanization of Indigenous women occurs. Conclusively, processes of ‘othering’ and abjection assert Indigenous women as non-human objects deserving of violence.

⁸⁵ Crenshaw, 1991, 1275-1276.

⁸⁶ García-Del Moral, 2011, 37.

⁸⁷ Razack, 2016, 286.

⁸⁸ Razack, 2016, 286.

⁸⁹ Kristeva & Lechte, 1982, 127.

⁹⁰ Smith, 2003, 73.

Fourth, elements such as class and space reinforce the aforementioned frames which deepen the level of dehumanization experienced by Indigenous women. By naturalizing Indigenous women as objects of the other or the abject, it influences their relation with other intersections such as class and space. This works to solidify oppression in these realms and simultaneously reinforces the frames initially used to other Indigenous women. Most importantly, it disassociates the exploits of colonizers and implicitly justifies the other elements of their vulnerability.⁹¹ Rather than gendered violence being maintained as the causal connection between colonialism and femicide, class and space become default explanations for the violence experienced by Indigenous women.⁹² Rather than their vulnerability being understood as a product of colonial exploit, Indigenous women are observed as a product of their class and environment. By naturalizing Indigenous women in the context of prostitution it becomes dually associative with class and space. Though they are inherently linked, I will discuss class and space separately.

To begin, class most notably blurs the colonial history which preceded the socioeconomic status of Indigenous women, specifically for sex workers. Many people substantiate a connection between socioeconomic status and sex work, though few extend the connection further back. As discussed by Nagy, “Residential schooling is a direct explanation for the over-representation of indigenous female homicides, particularly in the case of the most vulnerable women.”⁹³ Issues of dislocation, identity confusion, and sexual violence were further compounded by gender discriminatory status provisions of the Indian Act and the sixties scoop which saw some 11,000

⁹¹ Garcia-Del Moral, 2018, 933; Razack, 2016, 293; Razack, 2000, 99.

⁹² Garcia-Del Moral, 2018, 930.

⁹³ Nagy, 2015, 190.

children stolen from Indigenous families and put into the child welfare system.⁹⁴ Instead of observing the vulnerability of Indigenous women as a matter of the aforementioned colonial exploits, their vulnerability is viewed as a matter of class spatiality. In summation, each of these vulnerabilities therein becomes another reason for ‘othering’ said individuals.⁹⁵ Courts have played a fundamental role in affirming violence as a naturalized part of sex work, especially when the bodies in question are Indigenous.⁹⁶ This is demonstrated in the case of Pamela George. George was “a woman of the Saulteaux (Ojibway) nation” who was brutally murdered in Regina by two young white middle-class men who purchased her sexual services and upon receiving them, beat her to death.⁹⁷ “The defense naturalized the violence by framing it as merely something that happens in prostitution and in those spaces.”⁹⁸ Her status as an occasional prostitute or as lower class, served to confirm violence as a naturalized experience of Indigeneity.⁹⁹ During the court proceedings, George’s mother commented ““it felt she was on trial because she was a prostitute.””¹⁰⁰ By identifying George as a prostitute, the court was able to justify her ‘non-human’ status as a matter of class and the inherent dangers that accompany existing as lower class.

In the same way that the experience of violence becomes an inherent consequence of class, spaces become naturalized as inherently violence prone.¹⁰¹ These spaces become characterized as natural contexts of violence, and in those contexts, the people within become

⁹⁴ Nagy, 2015, 190.

⁹⁵ Nagy, 2015, 189.

⁹⁶ Razack, 2000, 117.

⁹⁷ Razack, 2000, 91.

⁹⁸ Razack, 2000, 123.

⁹⁹ Razack, 2000, 122.

¹⁰⁰ Garcia-Del Moral, 2011, 38; Razack, 2000, 128.

¹⁰¹ Huhndorf, 2021, 564; Shalhoub-Kervorkian & Dasher-Nashif, 2014, 305.

‘destined’ objects of violence. To reiterate George’s case, George was picked up by her murderers in “the Stroll” which is known as a common area for prostitution in the city of Regina. As discussed in relation to George’s case:

The history of dispossession, and its accompanying violence, that brought both Pamela George and her murderers to the Stroll; white people's historic participation in and benefit from that dispossession and violence; and the law's complicity in settler violence, particularly through an insistence on racelessness and on contract, all remained invisible. At the end of the day, the record showed only that two white "boys" lost control and an Aboriginal woman got a little more than she bargained for.¹⁰²

As mentioned, the classification of space relates back to the foundations of land dispossession.¹⁰³ Wealthy white men are entitled to the land in its entirety, even in spaces labelled as violent they find security whereas impoverished Indigenous women are only privy to lower class spaces and still remain violable within them.¹⁰⁴ This reality is entirely rooted in a colonial history which wrongfully treats the establishment of reserve areas, deceitful treaty establishment, and the confiscation of lands by government bodies as inherently legitimate. Razack asserts this phenomenon as ‘slum administration’ replacing ‘colonial administration.’¹⁰⁵ Federici echoes these sentiments and discusses the specific intention of hunting women in settings colonially asserted as ‘low class’ is a strategy of enclosure “serving to justify enslavement and genocide” with intent of solidifying capital and power for the colonizer.¹⁰⁶ Furthermore, by categorizing these spaces on assertion of class, it actively works to mask the dispossession, oppression, and

¹⁰² Razack, 2000, 95.

¹⁰³ Nagy, 2015, 190.

¹⁰⁴ Razack, 2000, 93.

¹⁰⁵ Razack, 2000, 97.

¹⁰⁶ Federici, 2004, 220.

exploitation perpetrated by colonizers, which forced Indigenous people into the spaces which colonizers assert as less than.¹⁰⁷ Simply by existing in these spaces, Indigenous women are more vulnerable. Yet, it is solely by colonial construct, that they are forced to exist in these spaces to begin with.

Therein, class and space are often alienated from their colonial origins and used to defer blame from colonizers onto the women themselves. Owing to the prevailing mentality that socioeconomic status is largely a product of hard work and meritocracy, class is rarely attributed to structural factors, especially in colonial societies. To understand vulnerability as a matter of class perpetuated by colonialism, it requires the recognition that colonialism initially produced and continues to produce such inequalities. As stated by Lugones, ““if the dialogue is to be had with the modern man, his occupation of the colonial difference involves his redemption but also his self-destruction.”¹⁰⁸ In fear of accruing blame for continued oppression of Indigenous women, it is much easier for colonial society to attribute the vulnerable situations of Indigenous women to class or space abstractly, as opposed to understanding them as a regenerative product of coloniality.¹⁰⁹ By doing so, it deepens the frames established and works to further assert Indigenous women as the ‘other.’¹¹⁰ Conclusively, the assertion that certain classes or spaces are inherently prone to violence further dehumanizes Indigenous women as the other.¹¹¹ In the next argument, I will discuss how the media plays a primary and foundational role in reaffirming these frames.

¹⁰⁷ Huhndorf, 2021, 564.

¹⁰⁸ Lugones, 2010, 752.

¹⁰⁹ Garcia-Del Moral, 2018, 930.

¹¹⁰ Nagy, 2015, 189.

¹¹¹ Razack, 2000, 122.

Fifth, the media continues to reinforce these colonial imposed frames as a masked attempt at bringing awareness to the issue of Indigenous femicide. Most specifically, this section will look at the role of journalistic media. As stated by Garcia-Del Moral, “We cannot know ourselves as subjects without constantly redrawing the boundaries that differentiate us from what is not.”¹¹² In order for frames to continue to exist they need to be reasserted regularly. As the literature demonstrates, the media plays an integral role in reasserting the boundaries between human and non-human, subject from other, and settler society from Indigenous women.¹¹³ In doing so, it dulls the conscience of colonial society and results in a normalization of the overrepresentation of Indigenous women in femicide statistics. To begin, media coverage tends to naturalize or sensationalize stories involving Indigenous femicide, both of which dehumanize Indigenous women. Furthermore, male perpetrators are reframed in a way that suggests their inhumanity, which causes a disconnect between each instance of femicide and the larger structure of gendered violence. Cohesively, this reproduces the narrative of Indigenous women as in-human objects of violence.

As discussed, media coverage on cases of Indigenous femicide are naturalized or sensationalized, both of which reinforce the dehumanization of Indigenous women. To begin, the media naturalizes violence against Indigenous women. This is often done in two ways. First, by presenting the case minimally in a “matter-of-fact manner.” As described by Godoy-Paiz, the media often reports on cases of Indigenous femicide “containing indications only of where the body was found, in what condition, and what time.”¹¹⁴ The repeated presence of these stories

¹¹² Garcia-Del Moral, 2011, 36.

¹¹³ Garcia-Del Moral, 2011, 35.

¹¹⁴ Paula Godoy-Paiz, 2012, “Not Just ‘Another Woman’: Femicide and Representation in Guatemala,” *The Journal of Latin American and Caribbean Anthropology* 17(1): 98, <https://doi-org.proxy1.lib.uwo.ca/10.1111/j.1935-4940.2012.01192.x>

suggests the violence as expected rather than exceptional; justifying the invisibility of said violence.¹¹⁵ Conversely, when the media covers the issues in a more elaborate manner, it often suggests Indigenous women as products of their environment or situation. Media has long dehumanized Indigenous women by reinforcing the frame that illustrates them as sex workers and drug addicts; this renders victims as immoral and consequently unworthy of humanity in colonial society.¹¹⁶ As discussed, “nineteenth-century newspapers consistently depicted Aboriginal women as ‘squalid and immoral’ even when they reported incidents of violence against them at the hands of British men.”¹¹⁷ Though in masked terms, this pattern continues. Indigenous women inherit the constructed ‘degeneracy’ of the spaces which they inhabit. For example, victims who are associated with violent spaces such as Vancouver’s Downtown Eastside or in areas surrounding the maquilas in Ciudad Juarez, are often overlooked as inevitable victims of their environment.¹¹⁸ As discussed by Garcia-Del Moral, an article from the Toronto Star cites Indigenous women are described as having “plummeted to the bottom of a human cesspool inhabited by whores, drug addicts, and vagrants.”¹¹⁹ This statement entirely rooted in settler denialism which fails to recognize the causal exploits of colonization and the perpetual reproduction of “exclusive dichotomies” that fixate on the notion of good and evil. This in which reinforces a ‘blame the victim’ mentality and simultaneously expunges colonialism from the story.”¹²⁰

¹¹⁵ Godoy-Paiz, 2012, 98-99; Razack, 2016, 286.

¹¹⁶ Nagy, 2015, 188.

¹¹⁷ Garcia-Del Moral, 2011, 38.

¹¹⁸ Garcia-Del Moral, 2011, 47.

¹¹⁹ Garcia-Del Moral, 2011, 46.

¹²⁰ Nagy, 2015, 188.

Next, the media sensationalizes the cases of Indigenous women in a way that reasserts their constructed inhumanity. When cases of Indigenous femicide do receive substantial media attention, they are sensationalized in accompaniment of the gory details of the murder.¹²¹ To distance the public from conscionable emotion, the media emphasizes the forensic and scientific elements of the case. By focusing on the forensics, it simultaneously highlights the gore of the murder whilst allowing the public to lose sight of the fact that women were horrifically and brutally murdered.¹²² Garcia-Del Moral discussed, “the rationality of scientific knowledge represents a glimmer of hope, a promise to solve what are otherwise portrayed as irrational murders that are ‘as bad as a horror movie.’ Science and entertainment sanitize.”¹²³ This too erases other elements of the story that could humanize Indigenous women in eyes of the public. Rather than learning about the life story of the victim, the victim is relegated to a violated corpse.¹²⁴ Congruently, this reasserts the normalcy of violence against Indigenous women and distances the public from feeling grief for their deaths. Furthermore, violent journalism often sensationalizes the violence experienced by sexualizing the context of the murders.¹²⁵ Article titles such as “Orgy of Blood and Terror: The Body of a Raped Woman was Found,” are exemplary of this.¹²⁶ This article recounts the case where a women was gang-raped, tortured, and thrown off of a bridge. The use of sexualized language in the article, renders the violence

¹²¹ Godoy-Paiz, 2012, 98.

¹²² Garcia-Del Moral, 2011, 53.

¹²³ Garcia-Del Moral, 2011, 53.

¹²⁴ Razack, 2000, 111.

¹²⁵ Ignacio Corona, 2010, “Over Their Dead Bodies: Reading the Newspapers on Gender Violence,” In *Gender Violence at the US-Mexico Border: Media Representation and Public Response* eds. Hector Dominguez-Ruvalcaba & Ignacio Corona (Tucson: University of Arizona Press): 114, <https://www.jstor.org/stable/j.ctt1814jwp>

¹²⁶ Garcia-Del Moral, 2011, 54.

experienced by victims as an inadvertent byproduct of sexual entertainment gone too far.¹²⁷ This too normalizes violence against Indigenous women and reasserts the blame the victim mentality. Therein, by sensationalizing the story by manner of scientification or sexualization, the actual violence experienced by Indigenous women becomes distanced from the story and the broader structure of gendered violence. As will be discussed in the following paragraph, this is supplemented by a complimentary narrative which centralizes the perpetrator as a non-man, non-human.

Until this point, I have focused my discussion on the frames that directly supplement the narrative regarding the humanity of Indigenous women. In this paragraph, I will discuss how the media dually frames perpetrators in a way that distracts from the overhanging culture of gendered violence. Sexual violence and femicidal violence are inherently tied by the myths that insulate their existence. Colonial society has been taught to conceptualize rape and violence with a fundamentally racialized lens. Racialization is “a psychosocial process explicitly involving the visible body, perhaps most prominently highlights the racialized being as hypervisible as a representation while invisible as a human being.”¹²⁸ Accordingly, racialized persons are intended targets of villanization because they are ‘hypervisible’ but not considered as a ‘human being.’ As discussed by Burke, the “real rape script” involves a racialized male perpetrator who is a stranger to the white female victim, violating her in a public setting.¹²⁹ Owing to the deep entrenchment of this myth, ‘real rape’ is entirely premised on the violation of whiteness.¹³⁰ As previously mentioned by Smith, only ‘pure’ bodies can be violated.¹³¹ While the rape of Indigenous women

¹²⁷ Garcia-Del Moral, 2011, 54-55.

¹²⁸ Busamante, Jashnani & Stoudt, 2018, 4.

¹²⁹ Burke, 2019, 71.

¹³⁰ Burke, 2019, 69.

¹³¹ Smith, 2003, 73.

works to reassert their ‘animalistic sexuality,’ it reinforces the passivity of white women; this simultaneously grants the humanity of white women and the inhumanity of Indigenous women.¹³² Dually, only racialized people can be framed as real rapists. For when white men are found guilty of egregious crimes, they are framed as ‘not a real white man.’¹³³ The stranger myth asserts perpetrators as men who are ‘pathological and different.’¹³⁴ The media has traditionally reinforced these notions by framing the actions of perpetrators as “evil beyond rational human understanding.”¹³⁵ This negates the larger structures of gendered violence and suggests that ‘real men’ could not possibly perpetrate such evilness. The reality of these events is then marked as an anomaly rather than a product of a broader colonial structure that violates women. Conclusively, the media’s role in framing perpetrators is dually important in negating responsibility from the colonizers and reasserting the inhumanity of the colonized.

Together, the victim and perpetrator narratives immortalized by the media work to reinforce frames that negate colonial responsibility in creating a hierarchy fueled by gendered violence. Often, when media does draw attention to cases involving Indigenous femicide it is viewed upon heroically as an attempt to bring awareness to the issue. As Mills attests, the reality is far more sinister. For awareness is only necessary through ignorance and as stated, ignorance is “militant, aggressive, not to be intimidated...indeed presenting itself unblushingly as knowledge.”¹³⁶ By the media assessing the malicious deaths of Indigenous women through the veneer of investigative knowledge, it merely works to reassert the frames that substantiate the

¹³² Burke, 2019, 56.

¹³³ Garcia-Del Moral, 2011, 51.

¹³⁴ Burke, 2019, 71.

¹³⁵ Garcia-Del Moral, 2011, 48.

¹³⁶ Charles W. Mills, 2007, “White Ignorance,” In *Race and Epistemologies of Ignorance*. Eds. Shannon Sullivan & Nancy Tuana (Albany, NY: University of New York Press): 13.

reality which they seek to unmask.¹³⁷ Media coverage dually reinforces the frames that justify the oppression of Indigenous women and the invisibility of the violence committed against them. Moreover, it continues to draw the line between the colonizer and the colonized. To reiterate, Garcia-Del Moral asserts that the continued existence of the ‘other’ requires the repeated assertion of the boundary between ‘us’ and ‘them.’¹³⁸ Therein, the media plays a fundamental role in continued dehumanization of Indigenous women and the complimentary assertion of ‘real men’ as white.

Conclusively, colonialism is essentially the history of dehumanizing Indigenous women. Colonizers have uniquely constructed Indigenous women as deserving objects of violence. As discussed throughout this section, numerous frames substantiate this process of dehumanization. First, gender is a technology of violence manifested by colonialism itself. Second, the construction of ‘Indigenous women’ as sexualized gendered objects rendered them as inhuman in the conscience of colonial society. Third, this was embedded by processes of othering and abjection which assured the exclusion of Indigenous women under morality and law. Fourth, class and space are embedded reinforcements of the aforementioned frames which deepen the dehumanization of Indigenous women. Fifth, the media reasserts the boundary between the subject and other as a masked attempt to achieve awareness. In combination, these forces uniquely dehumanize Indigenous women in colonial settler societies. For this reason, the concept of femicide needs to be decolonized. To further substantiate this claim, the next section will discuss the ways in which Indigenous women are not deservingly represented in the field of radical feminism which originally coined the term femicide.

¹³⁷ Godoy-Paiz, 2012, 99.

¹³⁸ Garcia-Del Moral, 2011, 37.

Revisiting the Method: A Critique of Radical Feminism

The term femicide as it is conceptualized presently, emerged “as part of radical feminist efforts to politicize violence against women, by claiming that women constitute a ‘sex class’ oppressed under a transhistorical patriarchal order.”¹³⁹ Accordingly, the implementation of the term largely reflects the tradition of radical feminism.¹⁴⁰ In response, critical theorists have developed a well-founded position which demonstrates the inherent ‘whiteness’ embedded in the radical feminist tradition.¹⁴¹ The previous section of the paper proved that Indigenous women are framed in fundamentally different ways than white women in colonial societies. With this, Indigenous women do not fit into the framework provided by radical feminism and have consequently become obscured under its conceptions of femicide.¹⁴² In this section of the paper, I will summarize the main critiques which demonstrate the exclusion of Indigenous women under the radical feminist conceptualization of femicide. First, the radical feminist theory embodies a strong sense of racial blindness that results in the invisibility of violence against racialized women. Second, this racial blindness dually encourages intersecting identities to be misrepresented through what Razack terms, “the optic of vulnerability.”¹⁴³ Third, radical feminist theory has traditionally advocated for a path of inclusion which fundamentally reinforces colonial structures of power. Therein, the concept of femicide as conceptualized by radical feminist tradition fails to address gendered violence against Indigenous women and the structural causes of it.

¹³⁹ Garcia-Del Moral, 2018, 933.

¹⁴⁰ Bandelli, 2017, 17.

¹⁴¹ Burke, 2019, 18.

¹⁴² Garcia-Del Moral, 2018, 945.

¹⁴³ Razack, 2016, 292; Garcia-Del Moral, 2018, 930-931.

First, the radical feminist' definition of femicide has been critiqued as fundamentally colour blind. As defined by Willis, radical feminism intended to "end male supremacy in all areas of social and economic life."¹⁴⁴ Though, Willis later argues that the radical feminist tradition evolved into what she termed as cultural feminism; a counterculture movement that essentially seeks to liberate women from male imposed values.¹⁴⁵ This in itself embodies the gendered binary of Western culture and accepts it as universal. Furthermore, the radical feminist tradition continues the historic feminist tradition of conceptualizing all women as one collective which can lead to the exclusion and invisibility of racialized women.¹⁴⁶ First, it numbs the connection between colonialism and gendered violence in colonial societies. As discussed by Huhndorf, "gendered violence is not merely a consequence of colonial assaults on land, culture, and political power but is rather the very paradigm of those assaults."¹⁴⁷ By viewing women as one collective, it fails to address the specific frames that have contextualized the oppression of Indigenous women. Second, it requires the separation of identities that are otherwise inseparable. If women are seen as one collective, how can one explain the context in which racialized women are more represented in femicide statistics as compared to white women?¹⁴⁸ The radical feminist perspective has traditionally opted to "layer rather than integrate" citing various types of femicide including racist femicide, marital femicide, homophobic femicide, etc .¹⁴⁹ As discussed by Lugones, such categorization is the foundation of a racialized women's invisibility, "If woman and black are terms for homogeneous, atomic, separable categories, then their

¹⁴⁴ Ellen Willis, 1984. "Radical Feminism and Feminist Radicalism," *Social Text* 9(10): 91, <https://www.jstor.org/stable/466537>

¹⁴⁵ Willis, 1984, 91-92.

¹⁴⁶ Burke, 2019, 18.

¹⁴⁷ Huhndorf, 2021, 566.

¹⁴⁸ Garcia-Del Moral, 2018, 935.

¹⁴⁹ Garcia-Del Moral, 2018, 934; Russell, 2002, 14.

intersection shows us the absence of black women rather than their presence.”¹⁵⁰ Consequently, the duality of being female and Indigenous renders Indigenous women invisible in a categorical dimension. Therein, the invisibility of Indigenous women is founded in the abeyances of radical feminism which failed to account for coloniality as a fundamental paradigm of gendered violence.

Second, the radical feminist conception of femicide views femicide through an optic of vulnerability. Coined by Razack, the optic of vulnerability observes Indigenous women as doubly or triply vulnerable to violence as a product of intersectional identity.¹⁵¹ This misrepresents reality because it separates, as opposed to integrates, the components of an Indigenous woman’s identity. Radical feminism tends to see race as an additional rather than integral component of racialized women’s oppression.¹⁵² As discussed by Garcia-Del Moral, “the radical feminist approach sees racial inequality as an added effect... not as a structure imbued with symbolic and material effects that are also imbricated in the construction of a white masculine settler subject.”¹⁵³ The optic of vulnerability furthers this idea. Razack states, “If one approaches the deaths as the outcome of a generic male violence against women, then race and coloniality enter as mere complications...Utilizing an optic of vulnerability it is difficult to consider the perpetrators of the violence and to consider what sexualized violence has to do with colonialism.”¹⁵⁴ By prioritizing oppression through multiple jeopardy conceptualizations, it separates the present and historical harms perpetrated against Indigenous women.¹⁵⁵ Carastathis

¹⁵⁰ Lugones, 2010, 742.

¹⁵¹ Razack, 2016, 292.

¹⁵² Garcia-Del Moral, 2018, 934.

¹⁵³ Garcia-Del Moral, 2018, 944.

¹⁵⁴ Razack, 2016, 292.

¹⁵⁵ Garcia-Del Moral, 2018, 945.

asserts, “Heteropatriarchy power should not be seen as an event but rather as an ongoing structure that continues to be reproduced.”¹⁵⁶ The fragmented categorization of one’s identity alongside the separation of historic and present violence, dually distorts the connection between colonialism and the overall structure of gendered violence in colonial settler societies. Therein, by considering Indigenous femicide through an optic of vulnerability, it alienates the structural history which underpins the oppression and violence experienced by Indigenous women.

Third, radical feminist theory has often advocated for a path of inclusion in revising the conception of femicide, this in which retrenches coloniality. To begin, inclusion can work to silence decolonial critiques. As discussed by Arvin, Tuck & Morrill, “inclusion confers a preeminent hierarchy, and inclusion is central to hierarchical power. The project of inclusion can serve to control and absorb dissent rather than allow institutions like feminism and the nation-state to be radically transformed by differing perspectives and goals.”¹⁵⁷ Velez & Tuana reinforce this notion. They discuss how inclusion can often devolve into an awareness likened to ‘epistemic tourism,’ which merely encourages settlers to see beyond their privilege.¹⁵⁸ However, this awareness does little to reinforce Indigenous perspectives and subsequently renders the ‘inclusion’ completely inadequate. Next, the mere inclusion of Indigenous perspectives is inadequate in changing the fundamental structures that perpetuate the exclusion of Indigenous

¹⁵⁶ Anna Carastathis, 2016, “Intersectionality and Decolonial Feminism,” In *Intersectionality: Origins, Contestations, Horizons* (Lincoln: University of Nebraska Press): 202.

¹⁵⁷ Maile Arvin, Eve Tuck & Angie Morrill, 2013, “Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy,” *Feminist Formations* 25(1): 17, doi:10.1353/ff.2013.0006.

¹⁵⁸ Emma D. Velez & Nanacy Tuana, 2020, “Toward Decolonial Feminisms: Tracing the Lineages of Decolonial Thinking through Latin American/Latinx Feminist Philosophy,” *Hypatia* 35 (3):369, doi: <http://dx.doi.org.proxy1.lib.uwo.ca/10.1017/hyp.2020.26>; Melanie Bowman, 2020, “Privileged Ignorance, ‘World’- Traveling, and Epistemic Tourism,” *Hypatia* 35 (3): 485, DOI:10.1017/hyp.2020.25

women. Carastathis cites that ‘inclusion’ is falsely purported to be the complimentary opposite to ‘exclusion.’¹⁵⁹ For in reality, the roots of exclusion are far more embedded then can be remedied by inclusion because the colonial settler model itself is built upon legitimating exclusion.¹⁶⁰ Crenshaw furthers this notion, with the claim that the intersection of racism and sexism is far greater than what could be possibly reflected in a white colonial framework.¹⁶¹ This simply cannot be accomplished through the process of inclusion because the institutions in question are intrinsically bound to the expansion of the settler colonial state. Thereby, the process of inclusion is inadequate both in terms of restructuring colonial society and the radical feminist tradition. This in which requires a decolonial feminist lens when approaching the issue of femicide.

The radical feminist tradition fails to embody the kind of intersectional approach needed to appreciate femicide in colonial settings. First, the aforementioned method embodies a strong sense of racial blindness. Second, this racial blindness dually privileges multiple jeopardy understandings that view intersecting identities through “the optic of vulnerability.”¹⁶² Third, attempts for inclusion are inequipped to remedy the exclusion of Indigenous women because they are predicated on the ultimate reinforcement of coloniality. In the following section, I will discuss the ways that international conceptions of femicide largely embody the radical feminist tradition, as well as provide other critiques to its cotemporary implementation.

¹⁵⁹ Carastathis, 2016, 204.

¹⁶⁰ Veracini, 2010, 16.

¹⁶¹ Kimberlé Williams Crenshaw, 1989, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics,” In *Living with Contradictions: Controversies in Feminist Social Ethics* ed. Alison M. Jaggar (Boulder: Westview Press): 40.

¹⁶² Razack, 2016, 292; Garcia-Del Moral, 2018, 930-931.

Coloniality and Conceptualizing Femicide in International Frameworks

This section will discuss coloniality and its relevance to the term femicide as it is situated in international frameworks and the international regime on VAW. For the purposes of this work, I evaluate international legal and political frameworks broadly; this is intended to demonstrate how the conception of femicide needs to be decolonized in all aspects of international structures. As discussed by Arvin, Tuck & Morrill, settler colonialism is maintained because inclusion places justice in parallel with the expansion of the settler state.¹⁶³ With this and as will be discussed in greater detail in the following section, true decolonization must include a breakdown in the logic of colonial modernity which identifies the implicit maintenance of settler colonialism and Indigenous oppression. As such, Lugones describes “Decolonizing gender is a necessarily praxical task. It is to enact a critique of racialized, colonial, and capitalist heterosexual gender oppression as a lived transformation of the social.”¹⁶⁴ In addition, though it has been used previously and throughout the paper, the term coloniality “refers to long-standing patterns of power that emerged as a result of colonialism, but that define culture, labor, intersubjective relations, and knowledge production well beyond the strict limits of colonial administrations. Thus, coloniality survives colonialism.”¹⁶⁵ Similarly, settler colonialism survives colonialism because “The primary object of settler-colonization is the land itself rather than the surplus value to be derived from mixing native labour with it.”¹⁶⁶ This is especially

¹⁶³ Arvin, Tuck & Morrill, 2013, 10.

¹⁶⁴ Lugones, 2010, 746.

¹⁶⁵ Maldonado-Torres, 2007, 243.

¹⁶⁶ Patrick Wolfe, 1999, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London: Cassell): 163.

relevant in relation to this discussion because international law is rooted in a history which observes states founded on the dispossession of Indigenous lands as inherently legitimate and it is a direct product of the coloniality of power. The following critiques will demonstrate international frameworks and law as a product of coloniality. First, likened to the radical feminist tradition, contemporary conceptualizations of femicide understand all women as a single collective. Second, the current VAW framework is situated in a broader human rights regime which reinforces colonial power structures. Finally, international frameworks continue to rely on a priori approach to determining discrimination as a matter of one identity or another, as opposed to the holistic conception of identity. Thereby, international frameworks uphold a conception of femicide that does not address the situation of Indigenous women adequately.

First, contemporary conceptualizations of femicide understand all women as a single collective. As per the Vienna Declaration on Femicide, femicide is defined as “the killing of women and girls because of their gender.”¹⁶⁷ This definition is generally congruent with Russell’s definition aforementioned which cites femicide as “the killing of females by males because they are females.”¹⁶⁸ As previously critiqued, this definition does not have the capacity to appreciate oppression beyond elements of gender or sex.¹⁶⁹ In failing to recognize the depth of various identities, it continues to perpetuate aforementioned myths that see all women as white.¹⁷⁰ With this, it reinforces the bias in the radical feminist tradition which conceptualizes women as one collective. New approaches in the field have gained ground in promoting a greater

¹⁶⁷ Shalva Weil, 2016, “Making Femicide Visible,” *Current Sociology* 64 (7): 1127, <https://doi.org/10.1177/0011392115623602>

¹⁶⁸ Russell, 2002, 13.

¹⁶⁹ Garcia-De Moral, 2018, 935.

¹⁷⁰ Lorena P. A. Sosa, 2017, “Inter-American Case Law on *Femicide*: Obscuring Intersections?” *Netherlands Quarterly of Human Rights* 35 (2): 89, DOI: 10.1177/0924051917708382

appreciation for intersectionality. VAW frameworks have increasingly broadened their initial focus on gender and patriarchy to include other intersectional elements.¹⁷¹ Even still and as Lugones suggests, it does not go far enough.¹⁷² As will be discussed in greater depth below, international frameworks fail to recognize the degree of coloniality that exists because international relations are a product of colonial creation.

Second, the current VAW framework is situated in a broader human rights regime which reinforces colonial power structures. Maldonado-Torres, Shalhoub-Kervorkian & Dasher-Nashif, and Fregoso cite coloniality is strongly tied to law at both the domestic and international level.¹⁷³ Meyersfield discusses, international law is based on the primacy of sovereignty where intervention is only possible where a state fails to protect the human rights of a particular group and the international community agrees on the decision to intervene.¹⁷⁴ Nagy states, “the state-centric nature of international law assumes the legitimacy of settler state sovereignty.”¹⁷⁵ Accordingly, international law is a product of coloniality which reproduces itself through the constructed legitimacy of colonial settler states. This permeates virtually every aspect of international legal and political mechanisms, including the human rights regime. Asserted by Fregoso, there is an inexorable relationship between what constitutes human and human rights.¹⁷⁶ As previously discussed, Indigenous women have been constructed as non-women, inhuman in

¹⁷¹ Sosa, 2017, 90.

¹⁷² María Lugones, 2014, “Radical Multiculturalism and Women of Color Feminisms,” *Journal for Culture and Religious Theory* 13 (1): 74.

¹⁷³ Maldonado-Torres, 2007, 250; Shalhoub-Kervorkian & Dasher-Nashif, 2014,301; Fregoso, 2014, 588.

¹⁷⁴ Bonita Meyersfield, 2010, *Domestic Violence and International Law* (Portland: Hart Publishing): ii.

¹⁷⁵ Nagy, 2015, 193.

¹⁷⁶ Fregoso, 2014, 589-590.

colonial societies.¹⁷⁷ Therein, broadly excluding Indigenous women from the benefit of the VAW framework, which assures justice on the basis of being constructed as human.¹⁷⁸ In failing to recognize coloniality explicitly, the current VAW framework and human rights regime is stymied in its ability to address the root causes of femicide perpetrated against Indigenous women. Thereby, coloniality needs to be specifically accounted for to assure the visibility of Indigenous women in international frameworks.

Third, international frameworks continue to rely on a priori approach to determining discrimination as a matter of one identity or another, as opposed to the holistic conception of identity. This is especially relevant where cases of femicide are tried in international courts such as the Inter-American Court of Human Rights. Sosa studied the implementation of intersectional approaches in cases relating to femicide tried the Inter-American Court of Human Rights. This research found, intersectionality typically emerges in international courts in the form of the non-discrimination clause. As stated, “The traditional approach to equality includes the non-discrimination clause (non-discrimination based on race, colour, sex, language, etc), which is often the only tangible basis for defending intersectionality legally. But even this only focuses on a single ground as the basis of legal claims.”¹⁷⁹ To put this finding into conversation with Maldonado-Torres work on the coloniality of being, a characteristic feature of social classifications such as ‘race, colour, sex, language, etc’ is that it assures that the subject embodiment of those terms are vertical in nature.¹⁸⁰ Therein, the categorical nature of this clause requires that one factor of identity is privileged over another. Yet as previously discussed, the

¹⁷⁷ Lugones, 2016, 25.

¹⁷⁸ Fregoso, 2014, 585; Lugones, 2016, 25.

¹⁷⁹ Sosa, 2017, 91.

¹⁸⁰ Maldonado-Torres, 2007, 244.

frames which oppress Indigenous women are specifically tailored to Indigenous women; not separate byproducts of being classified as ‘Indigenous’ and as ‘woman.’ As further discussed by Sosa, “relation among multiple categories of difference cannot be determined a priori. In other words, while recognizing that gender, race and class intersect, one cannot assume that gender is per se predominant over race, class or whatever other category, and vice versa.”¹⁸¹ Given that the non-discrimination clause ‘focuses on a single ground,’ it inherently violates adept understandings of identity. Furthermore, it continues to create invisibility for the experiences of women who have multifaceted identities. Conclusively, international legal frameworks continue to obstruct the visibility of Indigenous women and limit their space for recourse in the broader VAW framework.

Therein, the concept of femicide exists in international frameworks and international law as a product of coloniality. The following critiques demonstrated this. First, the definition of femicide used by international frameworks embodies the radical feminist tradition in conceptualizing all women as a single collective. Second, the current VAW framework is situated in a broader human rights regime which reinforces colonial power structures. Finally, international frameworks reinforce categorical divisions in failing to appreciate the intersection of various factors of identity. To reiterate, international frameworks uphold a conception of femicide that does not address the situation of Indigenous women adequately. Many critical scholars have come to recognize this fact as true and have theorized solutions accordingly. In the following section, I will discuss some of the solutions put forth to address the decolonization of the concept of femicide at the international level.

¹⁸¹ Sosa, 2017, 90.

Towards Decolonial Feminism: Identifying Solutions to Decolonize ‘Femicide’ in International Frameworks

The school of decolonial feminism emerged as a revisionist philosophy which identified the need to think beyond the bounds of modernity and its links to Eurocentric thought.¹⁸² As discussed by Grosfoguel, “the hegemonic Euro-centric paradigms that have informed western philosophy and sciences in the ‘modern/colonial capitalist/patriarchal world-system’ for the last 500 hundred years assume a universalistic, neutral, objective point of view.”¹⁸³ The school of decolonial feminism attempts to disturb these views. Though somewhat incongruous to use an anecdote traditionally rooted in Eurocentric thought, decolonial feminism demands that Plato’s prisoners attempt to understand the world from outside of the cave. The school of decolonial feminism provides space to think beyond the bounds of modern thought and as will be discussed, this can take numerous forms. In the following paragraphs, I will present three solutions put forth by scholars that seek to achieve the goals of decolonial feminism and attempt to decolonize the term femicide in international frameworks. First, a pluriversal human rights regime envisions alternate understandings of rights that supersede Eurocentric enlightenment theory. Second, many Latin American scholars have looked upon the term ‘Feminicidio’ as a conceptualization of the phenomenon which gives greater credence to colonial history. Third, a brief evaluation of how intersectionality both contradicts and supplements decolonial feminism in constructing decolonial frameworks. Though not all solutions inherently stem from the decolonial feminist method, they all share the decolonial feminist goal of decolonizing frameworks at large.

¹⁸² Madina Tlostanova, 2010, “Decolonial Feminism and the Decolonial Turn,” In *Gender Epistemologies and Eurasian Borderlands* (New York: Palgrave Macmillan): 19.

¹⁸³ Ramon Grosfoguel, 2007, “The Epistemic Decolonial Turn,” *Cultural Studies* 21 (2-3): 213, DOI: 10.1080/09502380601162514

First, a pluriversal human rights regime attempts to develop understandings of rights that supersede Eurocentric enlightenment theory. The international VAW framework is embedded in a larger human rights regime that observes femicide and VAW as an infringement on human rights. Eurocentric conception of rights are based upon the realization of rights through a subjective version of what constitutes humanity.¹⁸⁴ ‘Natural rights’ and philosophies developed through the Enlightenment, compose the foundation of the present human rights regime.¹⁸⁵ Rene Descartes is often cited as the “founder of Modern Western Philosophy.”¹⁸⁶ The Cartesian ego-cogito embodied through “I think, therefore I am,” is a fundamental marking in philosophy that placed white men at the helm of subjectivity. As described by Grosfoguel, “By producing a dualism between mind and body and between mind and nature, Descartes was able to claim non-situated, universal, God-eyed view knowledge.”¹⁸⁷ More than this, by substantiating the line between mind and body, it evokes questions about the line between human and non-human. Maldonado-Torres explains:

If the ego cogito was built upon the foundations of the ego conquiro, the ‘I think, therefore I am’ presupposes two unacknowledged dimensions. Beneath the ‘I think’ we can read ‘others do not think’, and behind the ‘I am’ it is possible to locate the philosophical justification for the idea that ‘others are not’ or do not have being. In this way we are led to uncover the complexity of the Cartesian formulation.¹⁸⁸

Accordingly, the ego cogito dually reinforces the legitimacy of Western men as proprietors of subjectivity and the separation of humanity from other. It is this logic that underpins the

¹⁸⁴ Fregoso, 2014, 589.

¹⁸⁵ Fregoso, 2014, 593.

¹⁸⁶ Grosfoguel, 2007, 214; Fregoso, 2014, 593; Maldonado-Torres, 2007, 252.

¹⁸⁷ Grosfoguel, 2007, 214.

¹⁸⁸ Maldonado-Torres, 2007, 252.

contemporary human rights regime. Though said regime does claim universality and equality for all, it becomes evident that universality refers to the universe of coloniality and equality only applies to colonial subjectivity of human. With this, Fregoso proposes the notion of pluriversal human rights to be discussed in the next paragraph.

Coined by Fregoso, pluriversal human rights re-envision rights “beyond European time/space and the normative view of rights as abstract legal principles that seem as though they have existed since time without memory.”¹⁸⁹ Fregoso provides an in-depth manifesto as to what a Declaration of Pluriversal Human Rights would embody. Risking oversimplification, I briefly cite three distinctive features which characterize a pluriversal human rights regime. To begin, a pluriversal human rights regime would move away from state-centrism. As mentioned previously, the state centric logic of contemporary international law reinforces the legitimacy of settler colonial states.¹⁹⁰ Accordingly, a pluriversal human rights regime would avoid such legitimization and instead link the concept of rights back to a social collective rather than a social contract. Next, a pluriversal human rights regime would detach itself from law by bounding itself to a social collective rather than a state centric institution. As stated, state-centrism bounds people to rights through law. Repeated numerously throughout this paper, law itself is a colonial tool that holds little appreciation for the prevention of violence against Indigenous women.¹⁹¹ Fregoso elaborates on this, “By redefining the ethical human as the “juridical human,” colonial/modern law instituted a “relationship of bondage to the law,” which in effect “worked to

¹⁸⁹ Fregoso, 2014, 593.

¹⁹⁰ Nagy, 2015, 193.

¹⁹¹ Jacqui True, 2012, “What has Poverty Got to Do With It? Feminist Frameworks for Analyzing Violence Against Women,” In *The Political Economy of Violence Against Women*. (New York: Oxford University Press): 24; Shalhoub-Kervorkian & Dasher-Nashif, 2014, 301.

foreclose other scenarios for the human."¹⁹² Therein, a pluriversal human rights regime would be bound by a responsibility to the social collective as opposed to law; this in which leads to the last point. Finally, pluriversal human rights hold a greater appreciation for collective rights.

Foreshadowed throughout this paragraph, pluriversal human rights are fundamentally based on responsibility or duty to a social collective. This greatly reflects Indigenous rights frameworks where “an individual s interrelatedness and sense of belonging entails a multiplicity of duties and obligations to the social/collective.”¹⁹³ This too does not necessitate a ‘universal’ or prevailing code of morality. As discussed, “arguing for the world of pluriversal coexistence instead of universal dominance, imposed by force or cunning of the ruling minority.”¹⁹⁴ Conclusively, a pluriversal human rights regime seeks to decolonize the rights by operating outside the bounds of logic which substantiate it; allowing greater visibility for Indigenous women as deserving subjects of rights.

Second, Latin American scholars have looked upon the term ‘Feminicidio’ for greater appreciation of the colonial context. As previously discussed, femicide as it is understood by Western scholars, is a limited concept to understand the killing of women as a product of colonial structures of power.¹⁹⁵ Latin American scholars Marcela Lagarde and Julia Monárrez are largely credited with translating the concept of femicide to feminicidio. Upon analyzing the murders of women in Ciudad Juarez, Lagarde and Monárrez independently sought to develop a concept that was more contextual than just the gendered version of homicide.¹⁹⁶ For Lagarde, the most major difference between the conceptualization of femicide and feminicidio is the way they

¹⁹² Fregoso, 2014, 589.

¹⁹³ Fregoso, 2014, 595.

¹⁹⁴ Tlostanova, 2010, 21.

¹⁹⁵ Garcia-Del Moral, 2018, 929.

¹⁹⁶ Garcia-Del Moral, 2018, 936.

understand the role of the state.¹⁹⁷ Lagarde understands the murders in Ciudad Juárez as a failure of the state to protect women as a result of gendered institutions complicit in violence.¹⁹⁸ Identifying the state as a culpable party in gendered violence is an important step in unpacking the coloniality of colonial settler states. Yet as will be discussed in the following paragraph, Lagarde fell just short in this endeavour. For Monárrez, feminicidio is the product of a complex intersection between state, class and power.¹⁹⁹ Monárrez links the state's failure to protect women as a matter of gendered neoliberalism.²⁰⁰ Garcia-Del Moral cites this notion as generally congruent with the decolonial feminist understanding of "capitalist colonial modernity."²⁰¹ With special emphasis on class, Monárrez discusses how female maquila workers are exploited and discarded, rendering them as disposable as any other object commodity.²⁰² This conception of feminicidio helps to access the notion put forth by Razack which cites the idea that slum administration replaced colonial administration. Where certain spaces and the class objects within them are naturalized as violent.²⁰³ Still, Monárrez does not unpack the full relevance of the colonial history that underpins these intersections. In the following paragraph, I discuss the critiques made towards the concept of feminicidio.

¹⁹⁷ Garcia-Del Moral, 2018, 940.

¹⁹⁸ Marcela Lagarde, 2010, "Preface: Feminist Keys for Understanding Feminicide: Theoretical, Political, and Legal Construction." In *Terrorizing Women: Feminicide in the Américas*, eds. Rosa-Linda Fregoso and Cynthia Bejarano (Durham, NC: Duke University Press): xxii; Garcia-Del Moral, 2018, 936.

¹⁹⁹ Monárrez, Julia, 2010, "The Victims of Ciudad Juárez Feminicide: Sexually Fetishized Commodities," In *Terrorizing Women: Feminicide in the Américas* eds. Rosa- Linda Fregoso & Cynthia Bejarano (Durham, NC: Duke University Press): 60; Garcia-Del Moral, 2018, 936.

²⁰⁰ Monárrez, 2010, 68.

²⁰¹ Garcia-Del Moral, 2018, 938.

²⁰² Monárrez, 2010, 64.

²⁰³ Razack, 2000, 97.

While feminicidio provides greater intersectional context, it too fails to decolonize the concept of study. Garcia-Del Moral asserts, the aforementioned conceptions of feminicidio reflect the previous critiques cited against the radical feminist tradition. To begin, Garcia-Del Moral states that Lagarde's conception sees "gender as a principle of social organization premised on hierarchical relations."²⁰⁴ As previously discussed, this is a direct manifestation of colonial imposed understandings of gender.²⁰⁵ Too, Lagarde's conception of feminicidio only sees the phenomenon of feminicidio as "a partial breakdown of the rule of law" because the state is incapable of adhering to human rights. With this, aforementioned critiques regarding the coloniality of the international human rights regime become relevant. Next, Monárrez takes a more comprehensive stance with understandings of class and modernity, but too is stymied by the pitfalls of the radical feminist approach.²⁰⁶ Monárrez cites that the systemic reproductions of violence in Ciudad Juarez are predominantly the result of the state reinforcing "patriarchal dominance and forces."²⁰⁷ This however, fails to identify the coloniality imbued within the state's assertions of patriarchy. Accordingly, Monárrez concept of feminicidio somewhat mimics the decolonial feminist assertions of patriarchy of a product of colonial modernity. But it fails to draw the connection explicitly and subsequently reinforces coloniality. Therein, Latin American scholarship has adopted more contextual understandings of femicide, though have not come to decolonize the concept completely.

Third, intersectionality holds potential to both contradict and supplement decolonial feminism in constructing decolonial frameworks. As previously discussed, international human

²⁰⁴ Garcia-Del Moral, 2018, 936.

²⁰⁵ De Lima Costa, 2016, 51; Lugones, 2010, 742.

²⁰⁶ Garcia-Del Moral, 2018, 939.

²⁰⁷ Julia Monárrez, 2009, "An Inventory of Femicide in Ciudad Juárez," *Women's Health Journal* (1):30.

rights courts and the regime at large, has adopted more intersectional approaches in recent years.²⁰⁸ This however has received mixed reviews in the school of decolonial feminism. In this school, intersectionality is often viewed as a reinforcement of colonial imposed logic. To begin, intersectionality attempts to understand the experience of a person through the intersection of categorical identities.²⁰⁹ As previously discussed, categories in and of themselves, are technologies engineered to reinforce hierarchy in colonial societies.²¹⁰ As stated by Lugones, “Crenshaw understands race and gender as categories of oppression in the very logical terms assumed in the hegemonic mainstream: as logically separate from each other.”²¹¹ With this, intersectionality inherently reinforces the assumption that such categories are naturally separate.²¹² As stated by Mingolo, “it is not enough to change the content of the conversation, that it is of the essence to change the *terms* of the conversation.” Accordingly, intersectionality fails to go beyond the logic imposed by coloniality and subsequently reinforces it. Furthermore, intersectionality wrongly asserts visibility through intersection, in actuality, exceeding categorical logic results in invisibility. Lugones argues that intersectionality assumes the convergence of separate identities rather than a holistic existence of them.²¹³ As asserted by Keating, this serves as a relabeling process more than it creates visibility for vulnerable groups.²¹⁴ Ultimately, this suggests that intersectionality dually reinforces colonial logic and the

²⁰⁸ Sosa, 2017, 92.

²⁰⁹ Crenshaw, 1991, 1242.

²¹⁰ Lugones, 2010, 752.

²¹¹ Lugones, 2014, 74.

²¹² K. Bailey Thomas, 2020, “Intersectionality and Epistemic Erasure: A Caution to Decolonial Feminism,” *Hypatia* 35 (3): 518.

²¹³ Lugones, 2010, 752.

²¹⁴ AnaLouise Keating, 2013, “Beyond Intersectionality: Theorizing Interconnectivity with/in *This Bridge Called My Back: Writings by Radical Women of Color*,” In *Transformation Now! Toward a Post-Operational Politics of Change* (Chicago: University of Illinois Press): 37.

continued invisibility of groups targeted by categorization.²¹⁵ Thereby, critiques of intersectionality made by the decolonial feminist school have called to question whether the two can be employed cohesively; this will be further discussed in the following paragraph.

As demonstrated, many decolonial feminist scholars assert that decolonial feminism and intersectionality are incompatible.²¹⁶ However, others suggest that there is potential for partnership between the two. Thomas provides a bridging critique which suggests the theories are more compatible than suggested by Lugones.²¹⁷ As stated:

Although it may appear on the surface that intersectional theory argues for a separation of identities like race and gender, it must be understood that intersectional theory (properly performed) refers to the single-axis logics already in place...an analytical tool to be used to challenge the misgivings epistemic subjects feel because of a lack of multidimensional frameworks.²¹⁸

In this understanding, Thomas suggests that intersectionality does not justify categorical distinction but rather acknowledges the flaws of their existence.²¹⁹ These assertions demonstrate the ways in which the theories could work in epistemic parallel. Still, Thomas admits that intersectionality certainly engages with the assumption that race and gender are categorically separate; this in which ultimately conflicts with decolonial feminist tradition.²²⁰ With this Carastathis suggests, “a deployment of intersectionality that would be compatible with decolonial politics would have to go “beyond narrow forms of identity and left-liberal

²¹⁵ Patil, 2013, 853.

²¹⁶ Lugones, 2014, 74.

²¹⁷ Thomas, 2020, 518.

²¹⁸ Thomas, 2020, 511-512.

²¹⁹ Thomas, 2020, 512.

²²⁰ Thomas, 2020, 518.

discourse,” in which it is, currently, too often mired.”²²¹ By integrating more intersectional approaches, it has potential to work towards an ultimate project of decolonization. Still, Carastathis asserts that intersectionality “cannot itself be equated with ‘decolonizing’...but seems to be a necessary condition for moving in a decolonial direction.”²²² By engaging intersectionality strictly as a critique of the falsity of categorical logic, it has the potential to aid the process of decolonization. Still, there is contention in the decolonial feminist school regarding the validity of this matter. Therein, disagreement exists regarding whether integrating intersectional approaches would help or harm the project of decolonization regarding terms such as ‘femicide’ at the international level.

Conclusively, the solutions proposed intend to decolonize the concept of ‘femicide’ in international frameworks. Though not all solutions inherently stem from the decolonial feminist method, they bear some relation to, and semblance with the goals of the method. First, a pluriversal human rights regime attempts to decolonize the concept of femicide by decolonizing the contemporary human rights regime for which it is embedded. Second, the term ‘Feminicidio’ has been revered as a more whole conception of femicide which grants greater space to make connections with colonial history. Third, intersectionality remains a controversial partner for decolonial feminism as it has the potential to both contradict and supplement the decolonization of political and legal frameworks. In the next section, I discuss critiques of the inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) that essentially stem from these notions.

²²¹ Carastathis, 2016, 209.

²²² Carastathis, 2016, 208.

Applying the Argument: Femicide, the MMIWG Inquiry and Canada

In this section, I will apply the preceding discussion to the case of Indigenous femicide in Canada. In Canada, Indigenous women are almost 4.5 times more likely to be murdered than their non-Indigenous counterparts. Indigenous women compose 16 percent of all female homicide victims where they represent only 4 percent of the overall population. Of these cases, only 54 percent have led to a homicide charge as compared to the national indictment rate of 84 percent.²²³ Evidently, the law plays an immense role in perpetuating, defining, and potentially reducing the phenomenon of discussion. As discussed by Razack, it is through the ‘grey zones’ of the law that violence not just occurs, but is ‘authorized’ against Indigenous women.²²⁴ In Canada, political action on the issue of missing and murdered Indigenous women has been largely pursued through the mobilization of international human rights law.²²⁵ The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) is an example of this. In 2016, a symposium of Canadian legal scholars, human rights experts from the United Nations, and representatives from the Inter-American Court on Human Rights assembled to discuss a national inquiry into MMIWG.²²⁶ Throughout the process, the MMIWG inquiry report has been critiqued on numerous grounds, most of which stem from the ways that the inquiry has retrenched coloniality.²²⁷ First, the inquiry is embedded in a larger human rights law tradition that views colonial states as legitimate. Second, the inquiry worked to reproduce what Razack cites as ‘colonial truths’ that continue to frame Indigenous women as the ‘other.’ Third, the

²²³ Walsh, 2017, 6.

²²⁴ Sharene H. Razack, 2016, “Sexualized Violence and Colonialism: Reflections on the Inquiry into Missing and Murdered Indigenous Women,” *Canadian Journal of Women and the Law* 28 (2): ii, <https://doi.org/10.3138/cjwl.28.2.i>.

²²⁵ Garcia-Del Moral, 2018, 948

²²⁶ Razack, 2016, i.

²²⁷ Walsh, 2017, 8.

inquiry failed to use language that gave due culpability to present structures of colonial power. Thereby, this section will demonstrate the ways the contemporary conception of femicide has failed to properly address the issue of femicide in Canada, specifically in relation to the Inquiry into MMIWG.

First, the inquiry into MMIWG reinforced the legitimacy of the Canadian state and colonial structures of power. As previously discussed, human rights law is state-centric and consequently reaffirms the legitimacy of settler colonial states.²²⁸ Given that the MMIWG inquiry was largely designed by and embedded within a broader human rights framework, it inherited the state-centric quality. Therein, the inquiry into MMIWG observed the state as a moderator rather than a biased party with entrenched interest in the reaffirmation of coloniality. Part of the way in which the legitimacy of the Canadian state was affirmed in the inquiry, was the way in which the report addressed ‘colonial structures.’ The report recognizes that structures of colonialism exist today.²²⁹ The report discusses structures as an extenuation of poverty, lack of services, the justice system and so on. However, as the decolonial feminist school advocates, the truth of the matter is insufficient if it fails to reveal the fundamental constructions of power that perpetuate coloniality. This includes the frames that construct colonial subjectivity through oppositional binaries and categorical dimensions.²³⁰ The report fell short of doing so and accordingly, reinforced the legitimacy of the state by endorsing its conceptions of subjectivity through omission. A decolonized conception of the term ‘femicide’ would understand such

²²⁸ Nagy, 2015, 193.

²²⁹ Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Canada,” 2019, 233, https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf.

²³⁰ Lugones, 2010, 742.

constructions as the fundamental cause of the violence experienced by Indigenous women. Therein, disallowing the state to avoid its role in the perpetration of coloniality.

Second, the inquiry into MMIWG sought to reaffirm ‘colonial truths’ that other Indigenous women. As discussed by Razack, “Inquiries often function to reproduce colonial truths. In the case of an inquiry into missing and murdered Indigenous women, the colonial truth that is reproduced can be a story about Indigenous dysfunction rather than a story of colonial violence and dispossession.” This often manifests itself in narratives about class and space, especially in relation to victims who are sex workers. A passage from the report cites, “Many survivors who shared their experience of poverty, homelessness, and violence talked about exchanging sex in order to meet their basic needs.”²³¹ While factors such as class and space undoubtedly play a role, the lack of explicit connection drawn between these factors and colonial history simultaneously distances the culpability of colonizers in constructing those realities. Without the continuous mention of explicit connections to colonialism, the report quickly devolves into a reinforcement of ‘colonial truths’ that contribute to the othering of Indigenous women as previously discussed. Therein, the reassertion of ‘colonial truths’ existent in the inquiry into MMIWG is indicative of the need to draw explicit connections between colonialism and the violence experienced by Indigenous women; a decolonized conceptualization of femicide would assure this.

Third, the inquiry failed to utilize language that assigned due responsibility to colonial structures of power. ‘Femicide’ is not mentioned in either volume of the MMIWG report. Garcia-Del Moral finds, “The murders of Indigenous women in Canada have only been

²³¹ “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Canada,” 2019, 661.

sporadically characterized as femicides.”²³² There are two important reasons for this. First, by merely suggesting that Indigenous women are ‘overrepresented’ in homicide statistics, it fails to cite colonial structures of power as the cause. The Canadian government has long insisted on pursuing a strategy of racelessness that hides “the law’s complicity in settler violence.”²³³ With this, the exclusion of the word femicide eludes to the problem without initially citing the structural causes. Second, the absence of the term could point to the fact that the concept as it exists presently inadequately describes the phenomenon of discussion.²³⁴ Often activists adopt terms that the government avoids in an attempt to politicize a particular issue. For example, the way in which the radical feminist movement attempted to politicize the issue of gendered violence by employing the term femicide.²³⁵ However, the term femicide has largely not been utilized in this way. As Garcia-Del Moral finds, “Indigenous activists mobilizing against these killings do not use the concept of femicide; neither do their feminist allies, the Canadian Feminist Alliance for International Action (FAFIA) raises the question of whether femicide is an adequate concept to analyze violence against Indigenous women.”²³⁶ Garcia-Del Moral later asserts the inadequacy of femicide and the need for a reconceptualization that more precisely and explicitly identifies the role of colonial powers in perpetuating violence.²³⁷ With this, I concur and contend that the MMIWG inquiry failed to adopt a concept that placed due blame of coloniality and colonial structures of power in Canada.

²³² Garcia-Del Moral, 2018, 943.

²³³ Razack, 2010, 95.

²³⁴ Garcia-Del Moral, 2018, 944.

²³⁵ Garcia-Del Moral, 2018, 933.

²³⁶ Garcia-Del Moral, 2018, 944.

²³⁷ Garcia-Del Moral, 2018, 949.

Thereby, the contemporary understandings of femicide have failed to properly address the issue of femicide in Canada, specifically in relation to the Inquiry into MMIWG. As result, the MMIWG inquiry report has retrenched coloniality.²³⁸ First, the inquiry inherently reinforced the legitimacy of the Canadian state and the colonial structures of power which fuel it. Second, the inquiry worked to reproduced ‘colonial truths’ that reinforced frames which see Indigenous women as the ‘other.’ Third, the inquiry failed to employ a concept of the phenomenon that gave due culpability to present structures of colonial power. In the case of the MMIWG inquiry, though it did not cite the term ‘femicide’ explicitly it observed the phenomenon of study through the legitimation of coloniality. This is dually indicative of the need to decolonize the concept of femicide and subsequently promote the use of the decolonized concept. Razack cites that “An inquiry that breaks this pattern is one that keeps Indigenous sovereignty at the centre of its vision... Such an inquiry would ask: what does sexualized violence have to do with colonialism?”²³⁹ It is for this reason that a reconceptualization of the term femicide is integral to the process of decolonization. A decolonized conceptualization of femicide would cite structures of coloniality as eminent in the creation of frames that authorize violence against Indigenous women.

²³⁸ Walsh, 2017, 8.

²³⁹ Razack, 2016, iv.

Conclusion

There is an immense need for the term ‘femicide’ to be decolonized in international legal and political frameworks, as the entirety of this literature review attests. An elaboration on the definition, history, and methods surrounding the concept of ‘femicide’ has identified the invisibility of Indigenous women under the contemporary concept and the subsequent need for decolonization. The solutions proposed are not without flaw, but at the very least, demonstrate a necessary movement towards the decolonial feminist approach. Further to this, the Canadian case proves the need to decolonize the term through a demonstration of the pitfalls of its current conceptualization at the intersection of international law and domestic adaptations. True discusses that in issues of gendered violence, “funding is focused on protection and prosecution, not prevention of violence against women.”²⁴⁰ Certainly, increasing attention should be given to the prevention of violence against women. However, there is a profound importance in creating visibility for Indigenous women in the law. At both the domestic and international law, law is the essence of coloniality. In dismantling coloniality, any small adjustment or attempt at ‘inclusion’ only reinforces existing structures of power. With this, there is a compelling necessity to adopt decolonial solutions wholly; a necessity to deconstruct what colonial societies understand as ‘common sense’ or as natural truth; and a necessity to assure that all of this happens in a timely manner. For anything less, only seeks to assure that the violence experienced by Indigenous women is never seen for what it truly is; an attempt by white men to annihilate a group who challenged their dominance through an egalitarian existence.

²⁴⁰ True, 2012, 22.

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