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Carving a Space: 
Dignity, Aboriginal Rights and the Colonial Matrix of Power

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Abstract: Taking a non-hierarchical perspective of decolonial projects, this paper considers Walter D. Mignolo's concept of "dignity" and Peter Kulchyski's notion of "Aboriginal rights" in an attempt to explore the space existing between a hegemonic paradigm of universal human rights and Indigenous struggles against oppression. It seeks to locate the place of colonial difference in the authors’ respective notions by emphasizing the role of local histories, knowledge, and struggles. An acknowledgment of the limitations inherent in exploring these notions from a privileged location in the colonial matrix of power, a discussion of the intersection of Indigenous and non-Indigenous peoples in their struggles against the colonial matrix of power, and a consideration of Mignolo's "universal project of diversality" conclude with discourse on the term "sovereignty" in light of its roles both within and against the colonial matrix of power.

Keywords: decoloniality; human rights; colonial difference; dignity; Aboriginal rights

The notion that power is implicitly in the production, dissemination and corresponding location of knowledge is central to both Walter D. Mignolo's Zapatista-inspired concept of "dignity" and Peter Kulchyski's notion of "Aboriginal rights." In particular, the respective arguments of these authors speak to the shift in power achieved
by moving one's focus to differing—in this case Indigenous—sites of knowledge. Thus, the starting point for my discussion will be the authors' shared understandings of the role of the hegemonic paradigm of universal human rights in the emergence of their concepts of "dignity" and "Aboriginal rights." Following this, I will delve more deeply into the similarities of the expression of "dignity" and "Aboriginal rights," paying particular attention to the role of local histories, knowledge, and struggles. The second half of this paper will build upon Mignolo's notion of “diversality as a universal project,” particularly in relation to the power that comes with the recognition of the legitimacy of multiple, differing zero-point epistemologies (2011, p. 235). Finally, I will end with a brief discussion of "sovereignty" as a potential label for the combined notions of "Aboriginal rights" and "dignity."

When considering Mignolo’s term "dignity" it is vital to note that he intentionally does not explicitly define it; rather, he locates the term as part of the Zapatista movement, as something that “the coloniality of power enacted in the making of the modern/colonial world” has taken away from Indigenous peoples (2011, p. 216). To understand Mignolo's concept, we must first examine Anibal Quijano’s colonial matrix of power (CMP), the paradigm that allows us to identify ways to locate material and abstract manifestations of coloniality through which the dignity of Indigenous peoples has been extracted (2011, p. 8). The CMP consists of “four interrelated domains: control of the economy, of authority, of gender and sexuality, and of knowledge and subjectivity,” which are supported by the patriarchal foundation of knowledge that began as Christian theology and later progressed to secular philosophy (2011, p. 8-9). It is the abstract and material notions resulting from these four spheres of control that create colonial difference, a key tool for
the extraction of dignity, as “to feel that our dignity has been taken away is to feel that we are lesser humans” (2011, p. 218). The term "colonial difference" refers to the hierarchization of humanity that occurs in numerous intersecting ways through the “four interrelated domains” of the CMP (2011, p.8). By attributing gendered, racialized and epistemological difference to human bodies, the CMP works to normalize and internalize the simultaneous devaluation and overvaluation of peoples that colonialism requires. Normalization occurs through the CMP’s zero-point epistemology, which Mignolo describes as “the ultimate grounding of knowledge” in which “the geopolitical and biographic politics…of knowledge is hidden in the transparency and universality of the zero-point” (2011, p. 79-80). Therefore, by basing its operation on the purportedly universal notions of Christian theology and secular philosophy, the CMP blinds those living within it to the epistemologies that run parallel to it— the many Indigenous ways of living. As a result, the modern world has an inability to acknowledge that Indigenous ways of living are the reason that Indigenous peoples and cultures continue to survive despite the overwhelming force of the CMP.

The CMP, with its tool of colonial difference, is precisely what Mignolo’s notion of "dignity" cuts through. By denying the CMP the ability to dictate their value as a people, Indigenous groups are asserting their dignity (2011, p. 214). Therefore "dignity" is that which denies the totalizing power of the CMP; it is the myriad of "other" ways of thinking and doing that Indigenous peoples have practiced alongside the CMP since its very inception (2011, p. 217). Kulchyski’s term "Aboriginal rights" also originates in Indigenous ways of thinking and doing; such rights “come from the struggle of indigenous peoples to have their customary practices and land ownership respected”
A key point that both Mignolo and Kulchyski emphasize is that their respective concepts of "dignity" and "Aboriginal rights" stem directly from a rejection of the abstract universal framework that has informed the conception, operationalization of and interaction with so-called "human rights." Speaking from a privileged position in the CMP, Kulchyski sums up the problematic logic of the paradigm of "human rights": “our notion of human becomes the notion of human, our notion of freedom and equality becomes the notion of freedom and equality, [and] our notion of rights becomes the only notion possible." This sentiment is echoed by Mignolo in his question, “Who speaks for the human in human rights?” (Kulchyski, 2013, p. 68; Mignolo, 2011, p. 218). As demonstrated by Mignolo, Agamben's reference to "the refugee" as “perhaps the only thinkable figure...in which one may see today...the forms and limits of a coming political community,” argues that even present-day notions of human rights continue to be grounded in a Eurocentric zero-point epistemology (as cited in Mignolo, 2011, p. 236, 239). Since both Kulchyski and Mignolo agree that Indigenous people have human rights “inasmuch as they are human,” the authors' notions of "dignity" and "Aboriginal rights" are a rejection of the Eurocentric conception of "human" in "human rights" constructed by colonial difference (Kulchyski, 2013, p. 20).

In describing Indigenous rights as rights that people possess only by virtue of
being Indigenous, Kulchyski does not explicitly call out the role of colonial difference in their construction. In contrast, Mignolo's concept of "dignity" demonstrates a more complex relationship with colonial difference and its extractive nature in his discussion of "indignity." Kulchyski does, however, acknowledge the ways in which "the differences between indigenous peoples and settler-newcomers" are marked, and his lack of specific reference to the more obvious racializing component of the creation of colonial difference, which he refers to instead as "ways of organizing time, space and subjectivity," is largely attributable to his materialist leanings (2013, p. 21). Thus both concepts are built upon the acknowledgement, and therefore the deconstruction, of colonial difference. However, the question of whether the authors explicitly reject it remains.

For Mignolo, the ability of colonial difference to "[extract] dignity from people" does not mean that the CMP is therefore able to attribute dignity, which is precisely what necessitates its existence as separate but parallel to human rights (2011, p. 214). By changing the zero-point epistemology through which things like "rights" are conceived, Mignolo is also changing the ability of the CMP to exercise its power. While Kulchyski also stresses that "Aboriginal rights" operate on a separate "plateau of rights discourse" than the human, citizenship and property rights perceived as universal by European groups, I assert that his continued use of such a "rights discourse" is the true point where his concept of "Aboriginal rights" becomes separate from Mignolo's notion of "dignity" (Kulchyski, 2013, p. 64). Mignolo's discussion of double translation and the ability of language to illustrate different zero-point epistemologies is precisely why I feel so constricted by using phrases such as "things like 'rights'." Double translation is the risky, bi-directional sharing of ontologies and epistemologies of two different cosmologies in a
way that “[dissolves] cultural relativism into colonial differences…to reveal the colonial structure of power…in the production and reproduction of the colonial difference” (Mignolo, 2011, p. 219-221). By revealing this power structure, double translation opens a space for forms of knowledge other than those permitted in the CMP, allowing for the imagining of a future beyond the limits of abstract-universals (Mignolo, 2011, p. 221-222). The inability of colonial languages such as English to conceive of and accurately describe a concept like "dignity" is indicative of the way in which the CMP is “totalizing,” to use Kulchyski’s name for the “process of reconfiguring notions and practices of space, time and subjectivity…to accord with the new modalities for producing wealth” (2013, p. 47). I mention this criticism not to discount Kulchyski’s notion of "Aboriginal rights"; instead, I wish to use it to reiterate the power in looking to other zero-points, power that both Kulchyski and Mignolo locate in Indigenous struggle. The idea that the meaning of both the concepts of "dignity" and "Aboriginal rights" originates “first within and as a consequence of...local history” once again marks a purposeful departure from the abstract universality of human rights (Mignolo, 2011, p. 217). Importantly, Kulchyski’s discussion of the cultural, economic, political, spiritual and intellectual practices and ways of being that are protected by "Aboriginal rights" is more than a laundry list of specific needs or desires but rather a more fluid concept that, like Mignolo’s notion of dignity, cannot be fully expressed in colonial language. A lack of suitable colonial language serves not so much as a barrier to the CMP, but is a further indication of its fallibility and an incentive to step outside of its zero-point epistemology.

Interestingly, both Kulchyski and Mignolo describe the practice involved in actualizing their respective concepts as “carving a space,” a phrase that I contend has
more meaning in this case than initially appears (Kulchyski, 2013, p. 32; Mignolo, 2011, p. 217). It is easy when thinking about the practice of carving to focus on the implicitly solid, dense object that is being chipped away at—in this case, the CMP. However, what should be emphasized in this analogy is the presence of a tool that can be used to dismantle that structure. For both Mignolo and Kulchyski, that tool is the “practice of indigenous culture,” whether that be widespread movements such as Idle No More or everyday actions like fishing or hunting using traditional methods (Kulchyski, 2013, p. 70). We can bring the carving analogy even further by applying it to the Zapatismo movement and the notion of double translation, recognized by Subcomandante Marcos when he states that “dignity...is not our contribution, a contribution of the urban component, but a contribution from and by indigenous communities” (Mignolo, 2011, p. 217). The Zapatismo movement is a case in which Indigenous people are using double translation to share the tools that can dismantle the CMP with non-Indigenous communities locally and globally.

While the above analogy is applied to just a few cases, what must be emphasized is its relevance to any situation in which the CMP exists. Just as the CMP has embedded itself in a number of paradigms from gender and race to language, the decolonial tools that can chip away at it take a number of different forms, including Mignolo and Kulchyski's respective notions of "dignity" and "Aboriginal rights." This brings us back to the notion of the universal, or in Mignolo's case, the “universal project of diversality,” which he describes as “a project of inter-connections from the subaltern perspective and beyond the managerial power and monotopic inspiration of any abstract universals” (2011, p. 235). The specific usage of the term “subaltern” is particularly interesting when
we consider the words of post-colonial scholar Gayatri Chakravorty Spivak, who stated that "in post-colonial terms, everything that has limited or no access to the cultural imperialism is subaltern—a space of difference. Now, who would say that's just the oppressed?" (de Kock, 1992, p. 45). Spivak does more than just reiterate the role that colonial difference plays in border thinking and decolonial projects like the notions of "dignity" and "Aboriginal rights" explored here. By calling out the fact that it is not only the oppressed who experience cultural imperialism, Spivak is emphasizing two key points which I believe she shares with Mignolo. First is the idea of double-translation between Indigenous and non-Indigenous peoples, and second is the rejection of the premise that the subaltern, in this case Indigenous peoples, can only exist within the space given to them in the CMP, that of the oppressed. The emancipatory nature of Mignolo’s “universal project of diversality” rejects the singular categorization of abstract universals by moving past their “managerial power and monotopic inspiration,” instead drawing its power and inspiration from the zero-points and “non-persons” overlooked and discarded as worthless by the CMP (2011, p. 235, 228).

The notion of "sovereignty" is unique in that it has been vital to the construction and implementation of the colonial project and yet is now being cited as a potentially helpful label for Indigenous decolonial struggles (Kulchyski, 2013, p. 32). In this last section I will briefly explore whether a double translation of the term “sovereignty” could have the same potential as Mignolo’s "dignity" and Kulchyski’s "Aboriginal rights." Mignolo locates the origin of sovereignty as we know it in the work of Francisco de Vitoria, who used the notion of ius gentium (rights of the people or rights of nations) to simultaneously deny the authority of the pope and grant the Spanish legal authority “to
take possessions of Indian lands” (2011, p. 86-87, 276-277). While de Vitoria conceded that both the Spanish and Indigenous peoples of the New World possessed *ius gentium*, he was able to authorize Spanish colonialism through the application of colonial difference (2011, p. 277). By suggesting that Indigenous peoples were lacking in rationality and maturity de Vitoria, supported by theories of “racial epistemic hierarchies,” authorized Spanish colonialism through the premise that Indigenous peoples required guidance and protection (2011, p. 87, 277). In order to decolonize this conception of sovereignty, we must consider the fact that at the time, the power to define and dictate natural law was concentrated in the hands of a few European legal theologians and was founded on the presumed supremacy of European rationality and theology, as we can see from the dual purposes of de Vitoria’s work (2011, p. 278).

One must be conscious of all of the above when considering Kulchyski’s assertion that the cultural struggle for "Aboriginal rights" is “in its pores a struggle for sovereignty” (2013, p. 32). In this sense, the term sovereignty refers to something irreducible, something like Mignolo’s "dignity" which “cannot be attributed, but is taken by the non-person whose rights are being defended,” something akin to self-determination (2011, p. 214). This conception of sovereignty is particularly interesting in light of Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which states that "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" (Kulchyski, 2013, p. 61). While UNDRIP contains a number of important provisions and I would argue is born of good intentions, it puts forth the general implication that Indigenous rights are simply extensions of human rights, an idea that is
completely contrary to Mignolo and Kulchyski’s respective notions (Kulchyski, 2013, p. 20).

Taking the above discussion into account, I feel it would be inappropriate to call the notions of "Aboriginal rights" and "dignity," when combined, "sovereignty." While I understand the temptation to make use of the term "sovereignty," particularly in reference to Mignolo's recognition of the power of various zero-point epistemologies, I think that the term "sovereignty" simply does not do this power justice. Continuing the use of a term that, despite shifts in its meaning over time, is not only associated with Eurocentric notions of monarchy ("the sovereign") and statehood but has also been used throughout modern history to justify theft and murder within the colonial project is problematic when applied to the living, breathing concepts of "dignity" and "Aboriginal rights." There cannot be one universal definition of "sovereignty" for Indigenous peoples that each have localized concepts of "dignity"; as Kulchyski states, “extending universalism basically means assimilation: the precise approach that indigenous peoples have been fighting for hundreds of years” (2013, p. 23). Therefore I contend that using Mignolo's tool of double translation, we must look outside our zero-point epistemology for a more suitable term, a term that will have power precisely because of its illegibility to the colonial matrix of power.

In sum, in my discussion of the similarities between Mignolo's concept of "dignity" and Kulchyski's notion of "Aboriginal rights" as decolonial projects I have attempted to demonstrate the power of diversality. While these two notions share much in common, they are not the same and nor should they be. Just as the struggles of the Zapatistas differ from those of Indigenous peoples in Bolivia, one is not better than the
other. The true value of the concepts of "dignity" and "Indigenous rights" lies in their ability to stay true to their own zero-point epistemologies and local histories. As I have emphasized, this is not to say they are limited to a local scale of action. The similarities that stem from the varying applications of colonial difference are precisely what allows these decolonial projects to serve as connectors, as sites of double-translation in a universal project of diversality.

CLAIRE WINDSOR is in her final year of a double major in Global Development and Political Science at Huron. After taking time for work and travel she expects to attend graduate school, furthering her research into the application of critical and feminist theory to the spheres of Indigeneity, human rights and conflict.
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