

# Mediating Non-Persons: On Daniel Heller-Roazen's *Absentees*

---

James Purdon\*

## Abstract

Daniel Heller-Roazen's *Absentees: On Various Missing Persons* (2021) develops a general theory of the "nonperson" through critical and philological analysis of legal, theological, and literary texts. This review-essay engages with Heller-Roazen's arguments firstly by considering how social and political constructions of personhood and nonpersonhood have been mediated by processes and artifacts that are historically and culturally specific. Acknowledging the specificity of such forms is, the essay argues, of crucial importance if we are to understand historical and cultural differences in the allocation of both personhood and nonpersonhood. In its final part, the essay turns from historical specifics to the somewhat more abstract question of future persons, in order to consider how Heller-Roazen's theorization of nonpersonhood might inform contemporary debates about the ethical claim of future generations to the attention and care of present societies.

## I.

Entombed in his illuminated bunker, self-exiled from all human society, the narrator of Ralph Ellison's *Invisible Man* (1952) is surely one of modernity's exemplary absentees. A "man of substance, of flesh and bone," Ellison's embodiment of Black American experience is nonetheless fated to exist in a society which relegates Black citizens to a condition in which their claim to recognition as full human beings remains precarious. "I *was* and yet I was invisible, that was the fundamental contradiction. I was and yet I was unseen." To be unseen, in Ellison's novel, is not simply to be unnoticed, but to be actively disregarded; to become part of that very specific constitutive absence which the novel reveals to be at the heart of American society. Time and again, through education, labor, and revolutionary action, the Invisible Man searches for a positive identity that would affirm the reality of his social existence, only to find himself condemned to live as—in the words of a Black military veteran early in the novel—"a walking personification of the Negative."<sup>1</sup>

It is the signature achievement of Daniel Heller-Roazen's *Absentees: On Various Missing Persons* (2021) to demonstrate how crucial such "personifications of the Negative" have been to the development of human communities. Drawing on legal, philosophical, theological, and literary sources, and subjecting each of those sources to minute philological and critical attention, *Absentees* opens up an array of stimulating and productive approaches to thinking about the fundamental rights of persons, and about the contributions of law,

---

\* Senior Lecturer in Modern and Contemporary Literature, School of English, University of St. Andrews, Scotland.

<sup>1</sup> Ralph Ellison, *Invisible Man* 3, 383, 72 (1952).

literature, and philosophy to the establishment of such rights, as well as their limits. In chapters that range eruditely across languages, cultures, and historical periods from Aristotelian philosophy to the modernism of Kafka, Heller-Roazen shows how debates about the boundaries of human community and the limits of personhood have shaped imaginative fictions, funerary rituals, identification practices, and laws both civil and religious.

At the center of these debates are those figures whom Heller-Roazen categorizes as “nonpersons.” Of such ubiquitous and diverse entities the Preface to *Absentees* provides a preliminary, if non-exhaustive, catalogue:

Those who are legally declared as missing from their place of residence; those who have “disappeared” without any official recognition; servants, serfs, and slaves; foreigners and visitors; native people; convicts; those of a gender considered out of place; the disabled; the very old; infants and children; the ailing; the dead—they, and not only they, compose an unruly multitude.<sup>2</sup>

This is a wide net to cast, and Heller-Roazen, quite reasonably, chooses to limit his discussion to three types of nonpersons. The first are those who disappear without explanation. This includes persons lost at sea, soldiers who disappear in wartime, absconding husbands (though, curiously, few absconding wives), and others “defined by lacking a present body.” Such individuals are understood here to inhabit a form of legal purgatory in relation to the community from which they have vanished, the length of which has varied according to social and legislative convention. They are absentees who, though out of sight, cannot yet be deemed entirely out of mind. The second group encompasses those who, though present within their communities, have lost or been deprived of certain rights. These are the “tainted and degraded” (8): convicted criminals, social outcasts, racial others, enslaved persons, apostates, and other nonpersons “conceived not by vanishing, but by lessening” (79). The final category is reserved for those who become nonpersons in the most obvious and starkly recognizable way: through death. Here Heller-Roazen shows how the human corpse, or cadaver—a subtle distinction the implications of which are carefully elucidated—concentrates ontological difficulties that are not only theological in nature, but which go to the heart of the problem of representation itself. In its perfect resemblance to the living figure, the dead body becomes a figure of abyssal horror, an uncanny image in which we see “the remains that every language evokes and that none can name” (179). In becoming nonpersons in this way, the dead confront us with the dissolution of all difference, thereby undermining the possibility of signification itself.

That it is possible for some “nonpersons” at least to become persons again—for the missing soldier to return; for the convicted criminal to be pardoned or exonerated—suggests a certain kind of flexibility in these categories. Likewise, the fact that certain categories of “nonpersons” can be abolished by legal fiat—as, for instance, in the abolition of serfdom or chattel slavery—raises interesting and significant questions. I do not mean to suggest that the legal dismantling of certain categories of “nonperson” invalidates Heller-

---

<sup>2</sup> Daniel Heller-Roazen, *Absentees: On Various Missing Persons* 7-8 (2021). Further references to this volume are given in brackets.

Roazen's argument. Nonpersons continue to exist beyond the lifetime of the legal categories that create them, as Ellison's novel makes clear, and as we can see all too plainly in the fact that it remains necessary, even in the twenty-first century, to assert clearly the personhood of Black lives, along with the lives of other marginalized, disempowered, and disenfranchised groups. But it may be that the carefully delimited categories around which this volume is structured purchase some of their heuristic clarity at the cost of obscuring the ways that different types of "nonpersonhood" are formed and reformed in the context of historically and culturally specific arrangements of power and status. That price may be well worth paying for the theoretical lucidity and intellectual range of this study. But I should like briefly to draw attention to some of those specifics in order to consider the wider implications of the argument that *Absentees* lays out. One reason for thinking such details important is that—as Jenny Edkins has put it—"[S]omeone (not 'anyone') is only ever missing *in relation*. *People are not missing in the abstract*."<sup>3</sup>

## II.

After three sections focusing on the vanished, the diminished, and the spectral, *Absentees* concludes with a pointedly unnumbered final chapter or coda, entitled "Being *It*." The emphasis here is on children's counting rhymes: those prefatory rituals which, taking place prior to the commencement of play proper, allocate roles within the game to come. ("One potato, two potato . . ."; "Eenie, meenie, miney, mo . . .") This subject makes for a fitting conclusion because, as Heller-Roazen notes, the principles involved in such childhood numberings neatly encapsulate many of the wider questions of personhood and quasi-personhood discussed in the preceding chapters. Kids' counting-rhymes "testify to human multiplicity and to the uncertain possibilities of its representation, laying bare an arithmetic of persons that is exemplary precisely in its patent unsteadiness" (236). This is certainly true. For children are, in a sense, neither persons, nor nonpersons, but provisional persons: persons, as it were, in training. Rarely are children accorded all of the same rights as adult members of society. By the same token, however, they are usually absolved of certain kinds of responsibility.

Children learn and develop within communities whose social and legal norms they inherit, and which in due course they may either internalize or repudiate. It is to children, first of all, that we transmit our traditions: whether through the officially recognized institutions of home and school, where they are expected to learn principles of right conduct in accordance with the laws and social expectations of adult society; or through those unofficial and apparently trivial cultural forms, such as Heller-Roazen's counting games, that circulate primarily among children themselves. It is for this very reason that such children's practices have been, as Heller-Roazen notes, of special interest to folklorists and anthropologists. They were also of interest to Rudyard Kipling, whose poem "A Counting-Out Song," collected in *Land and Sea Tales for Scouts and Guides* (1923) builds a kind of anthropological fantasy out of one of the same rhymes cited by Heller-Roazen. In Kipling's version,

---

<sup>3</sup> Jenny Edkins, *Missing: Persons and Politics* 13 (2011).

Eenee, Meenee, Mainee and Mo are mock-heroically transformed into mythic figures of prehistory, “the First Big Four of the Long Ago,” sent out from civilization to subdue the barbarian tribes. Having accomplished their task, they fade from cultural memory, preserved only in “a tag of gibberish tacked to a tune / That ends the waiting and settles the claims / Of children arguing over their games.”<sup>4</sup>

But Kipling’s riff on the counting-song differs in another respect from the version cited in *Absentees*, since in place of the familiar second line—“Eenie, meenie, miney, mo. / Catch a tiger by the toe”—it preserves the racist epithet that more commonly featured in the verse as sung by children in the early twentieth century:

Eenee, Meenee, Mainee, Mo!  
 Catch a n—— by the toe!  
 If he hollers let him go  
 Eenee, Meenee, Mainee Mo!  
 You — are — It!

The rhyme, then, is indeed what Heller-Roazen calls “an abbreviated image of the relations between persons and nonpersons” (236): but not only in its practical effect of determining who does and doesn’t “count” within the game being prepared. It is, in addition, in the version recorded by Kipling, a vehicle for the inculcation and replication of the racist ideology of Empire. In determining who is to be excluded from the present game, the participants learn, simply by absorbing the language of an apparently nonsensical rhyme, to distinguish between those who are and those who are not to be counted as persons in a wider sociological sense.

These children’s games, then, offer an opportunity to think about how ideas about personhood come to be established and transmitted not only through the legal, philosophical, and philological developments which Heller-Roazen expertly analyzes in *Absentees*, but through cultural forms both vernacular and canonical. They help us see, in other words, how personhood is mediated through certain acts of acculturation that shape the everyday lives of communities, not only at moments when an individual’s personhood is in question, but continually, ideologically. And this in turn helps to elucidate something which, in *Absentees*, is left largely implicit: namely, the processes according to which cultural forms participate in the shaping of ideology. “Epic, fable, drama, and the novel have long appropriated what the law has been uninterested in ascertaining” (37). Yet it seems important to insist that such “appropriations” are not merely of the nature of representations. Not merely dramatizations of problems that originate in the domain of law or theology, they are instead dynamic and historically contingent interventions which not only reproduce and naturalize the social “systems” that sort persons from non-persons (to borrow a word from the Hawthorne story with which *Absentees* begins), but also demonstrate that such systems are of human creation, susceptible to inconsistency and irrationality, and capable of radical transformation.

---

<sup>4</sup> Rudyard Kipling, A Counting-Out Song, in *Land and Sea Tales for Scouts and Guides* 279 (1923).

## III.

Clearly, no single volume can be expected to account for all those ways of being which might entail the kind of absence described here, and it is therefore not unreasonable that Heller-Roazen should choose to delimit the subject as he does. One might, however—and I do—wish that *Absentees* had more to say, for instance, about the various conditions of diminished personhood that can come about through disability or through illness. (I would like to know, for instance, what philology can tell us about that now thankfully archaic term, “invalid,” which would appear to make robust health a precondition of full personhood.) Among the many consequences of the Covid-19 pandemic has been a sharpened awareness of how the rights of vulnerable persons—among others: the immunosuppressed, the elderly, and those living with chronic health conditions—can be overridden by the economic and political imperative to abandon public health mitigations. Such circumstances should also remind us that, even if the creation of “nonpersons” is, as Heller-Roazen argues, a constant practice within human societies, the allocation of certain groups and not others to the condition of “nonpersonhood” is historically, culturally, and socially contingent, a function of political decisions taken within a given community at specific moments in its historical development.

To take one example, there are moments in *Absentees* when the reader is offered a glimpse of the role played by science and technology in such historical transformations in the conception of personhood. One such moment comes in the chapter “The Semblant Body,” in which Heller-Roazen explains how new developments in medical science, from the invention of the mechanical ventilator to the establishment of standard criteria for measuring brain function, have challenged prior conceptions, as well as medical and legal definitions, of the transition from life to death. The division of entities into persons and nonpersons is of course not simply a matter of medical or legal judgement. But this instance of technological change as a factor in our changing conceptions of the limits of personhood should remind us that our personhood is always already mediated through social systems—technological, informational, legal, economic—that are not entirely of our choosing. The continuities established in *Absentees* between ancient and modern societies are fascinating in their own right, and help us to see how different polities have understood their various kinds of “missing persons.” Yet to tell the story in this way is also, perhaps, to gloss over or minimize real and significant differences in how different forms of life might entail different conceptions of personhood, and of personal identity, at different times and places. If, for instance, one important way of being absent is to be declared “missing” from a “place of residence” (8), how might conceptions of being “missing” differ between nomadic societies as compared with sedentary ones? Nor need this question be of purely anthropological interest, since among those groups most likely to be declared “missing” are those of no fixed abode: the destitute, the homeless.

#### IV.

Anyone can become a nonperson. For to belong to a community is always, as Heller-Rozan points out, to confront “the ineradicable possibility of being subtracted from the number of the whole” (237). And yet the transformation from person to nonperson (and vice versa) is by no means spontaneous. It requires certain specific forms of mediation: legal procedures, bureaucratic record-keeping, rituals of disaffiliation, and so on. The sifting of persons from nonpersons is a matter not only of concepts but of techniques. *Absentees* recounts, for instance, how in ancient Greece, the setting up of *kolossoi*—upright statues of the dead or missing—could be used to mediate between the world of persons and the world of nonpersons. Such images were designed to mediate between the living and the dead, or between human beings and the gods, or between those present in the community and those whose fates remained obscure. In a further fascinating excursus, *Absentees* introduces Pliny’s mythic account of the origin of painting and of sculptural portraiture: a young woman traces on a wall the shadow of her departing lover, whereupon her father “pressed clay on this and made a relief, which he hardened by exposure to the fire with the rest of his pottery” (61).

It is a short step from this making of likenesses in order to capture the image of missing persons or departing travelers to those forms of identification which in our own time have been developed to the point that they not only represent but underwrite our personhood, such as passports, ID cards, and facial-recognition systems. In such bureaucratic formations, we find our own personhood materialized, reified, even fetishized, such that our ability to claim certain rights and prerogatives requires not only—or not even—our bodily presence, but rather the production of its authenticated image. This transfer of rights from human beings to their images complicates the argument put forward in *Absentees*, for it inverts our ordinary intuitions about what personhood is and where it resides. In a sense—the sense that matters to governments and other official institutions—the subjects of modern states are not, by default, persons who might be transformed into nonpersons, but rather nonpersons who may, through certain processes and protocols, lay claim to the status of persons.

This strange state of affairs is neatly encapsulated in a passage from Mike McCormack’s 2016 novel *Solar Bones*, when the narrator—a civil engineer named Marcus Conway—remembers the birth of his first child. What occupies the bulk of Conway’s attention is not the brief (for him) moment of childbirth, but rather that second entrance into human community marked by the child’s registration in the archives of the Irish state, by means of the birth certificate through which her existence is “completely realised”:

the uncanny feeling that my child was elevated into something above being my daughter or my own flesh and blood—there was a metaphysical reality to her now—she had stepped into that political index which held a space for her in the state’s mindfulness, a place that was hers alone and could not be occupied by anyone else nor infringed on in any way which

might blur her identity or smudge her destiny, this document which did not tag or enumerate her but freed her into her own political space, our citizen daughter[.]<sup>5</sup>

Crucially, it is for Marcus the documentation of his daughter's identity that confers upon her the "metaphysical reality" of citizenship, inscribing her, as it were, in the book of life.

In order to enter "political space," it is necessary for citizens to be mediated into it. This mediation can take various forms, depending on the organization of the community within which the individual is to be recognized as a person. Rituals of naming or baptism, circumcision or other forms of body modification, initiations, oath-takings, and official registration procedures are all processes through which persons come to be recognized as members of a specified community. Precisely because of the long entanglement between our concepts of identity and the systematized procedures through which those identities are not only confirmed but created, it seems to me important not to fall back on the assumption that "personhood" is any kind of originary and unitary condition from which various subsidiary forms of nonpersonhood derive. But I think Heller-Roazen is very well aware of this point, since, as he astutely points out, "It might be argued that among human beings there are mainly, so to speak, such lesser ones" (8). To be a nonperson, indeed, one of the missing, may be the default condition in which we live. Such a thought may be an encouraging one for those who would wish to think anew about the legacies of humanist inquiry and the possibility of a world without *anthropos* at its center.

## V.

To "become a nonperson"—that particular way of not being a person upon which *Absentees* bases its claims—is, Heller-Roazen writes, "open to human beings alone" (7). And yet, might it not also be possible to conceive of a form of "nonpersonhood" that does not involve any such process of "becoming"; that does not follow on from membership in the community of human beings, but rather precedes it? I have in mind here not those "missing" persons whose nonpersonhood comes about by virtue of their having absconded from legal or social responsibilities; or through the kind of diminution of citizenship that involves the stripping of existing rights and privileges; or because they are approaching or have crossed the threshold of death. I am thinking, rather, of those who have not yet laid claim to the status of personhood: of children, perhaps; but also and *a fortiori* of those persons-to-come—the unborn, the unconceived, and the generations who may yet arrive into the community of human beings—whose ethical claims resolve into sharper focus when we turn our attention to the greater futurity which children might be thought to represent.

Such ethical claims are not merely theoretical. They feature prominently on both sides of the political spectrum and give rise to knotty questions about the nature of personhood. It is, for instance, to the perspective of future generations that progressive authors and activists often turn when attempting to impress upon their audiences the folly of short-termist thinking, as when Rachel Carson, in the environmental classic *Silent Spring*, warns her readers that "[f]uture generations are unlikely to condone our lack of prudent concern

---

<sup>5</sup> Mike McCormack, *Solar Bones* 41 (2017).

for the integrity of the natural world that supports all life.”<sup>6</sup> The anticipated rights of one sort of nonperson (the yet-unborn) are here asserted as part of an argument for the preservation of another set of nonpersons (natural organisms and ecological systems) to which the rights of personhood are not typically extended. Assuming we grant that only human beings can, in fact, be persons (an assumption which is itself far from uncontentious, given the existence of such phenomena as the legal fiction of corporate personhood) it remains unclear how the rights of those human beings who have lived or are now living are to be balanced against the rights of those who have not yet come into existence.

Meanwhile, conservative arguments against abortion frequently turn on establishing the rights of the unborn on the basis that, at a certain point, they too count (or will count) as persons. This claim that an embryo or fetus constitutes a person whose rights must be preserved is one which inevitably comes into conflict with the claim to full and discrete personhood of the individual upon whose bodily functions that embryo or fetus depends for its continued existence and development. Some maintain that an embryo or fetus is, from the moment of conception, a person; or that the potential personhood of the unborn is sufficient to merit the protection in law of an embryo or fetus as a *de facto* person. Others take the opposing view that such entities, up to some defined point in their development—and here again opinions vary—are not yet persons, and are therefore not (yet) entitled to the same legal protections as persons *per se*. The significant point here, in relation to *Absentees*, is that a full account of personhood and nonpersonhood must at some point turn its attention not only to how and when human beings come to be excluded from the category of persons, but to how and when they are understood to enter that category in the first place.

As the philosopher William MacAskill has recently put it, in his argument for a “longtermist” approach to social and political problems, “Future people count. . . . They will exist. They will have hopes and joys and pains and regrets, just like the rest of us. They just don’t exist yet.”<sup>7</sup> This viewpoint is not new, though it is clearly borne in upon us with particular urgency in circumstances when the future of human society itself is understood to be precarious. Forty years ago, Jonathan Schell wrote in *The Fate of the Earth* about how the possibility of human extinction through thermonuclear mass destruction marked a threshold in our thinking about the life of our species in time:

The possibility that the living can stop the future generations from entering into life compels us to ask basic new questions about our existence, the most sweeping of which is what these unborn ones, most of whom we will never meet even if they are born, mean to us. . . . And if we find the subject strangely “impersonal” it may be in part because the unborn, who are the ones directly imperilled by extinction, are not yet persons. What are they, then?<sup>8</sup>

---

<sup>6</sup> Rachel Carson, *Silent Spring* 13 (1962).

<sup>7</sup> William MacAskill, *What We Owe the Future* 18 (2022).

<sup>8</sup> Jonathan Schell, *The Fate of the Earth* 116 (1982).



What, indeed? Heller-Roazen's account of absent persons offers one avenue for thinking through the implications of that question, which in our own time has become all the more pressing as new existential threats—anthropogenic climate change, mass extinction, pandemic disease, artificial intelligence—have been added to the nuclear anxieties which animated Schell's polemic. It is greatly to the credit of this volume that it opens up such avenues of thought, enabling us to think anew about the fundamental rights of persons, and about the contributions of law, literature, and philosophy to the establishment of such rights as well as their limits. Against a backdrop of institutional crisis in the humanities—a crisis involving a prolonged society-wide devaluation of humanistic knowledge as well as unprecedented organizational and economic pressures affecting the institutions in which humanities education has traditionally taken place—*Absentees* asks fundamental questions about how human communities define their own limits, and about the role to be played by humanistic inquiry in shaping the communities of the future.