



Utrecht University
Faculty of Humanities
Gender Studies Master Programme

RAFAELA TIBÚRCIO DE MIRANDA

RETHINKING HUMAN RIGHTS: A COUNTER-EPISTEMOLOGICAL ENDEAVOR

Thesis supervisor: Jamila Mascot
Second reader: Katrine Smiet

Utrecht
2018

For all who fight for a future with less human suffering.

ABSTRACT

As the past has shown and the present insists on reminding us, the hegemonic and ‘universal’ conception of human rights has repeatedly failed to recognize the importance of attempting a dialogue with subaltern understandings of human dignity. In what follows, this work aims to debate whether rethinking human rights could be one of the paths towards understanding the muting of subaltern conceptions of human dignity. Nevertheless, to recognize the epistemic violence performed by the hegemonic conception of human rights is insufficient. In other words, it is not enough to understand the muting of subaltern knowledge. It is necessary to activate these multiple understandings and to challenge the understanding of human rights as a consensus. In order to do so, human rights must be re-defined as counterhegemonic and, therefore, as Santos (2015) argues, be feminist, decolonial and anticapitalist.

KEYWORDS: human rights, human dignity, counterhegemonic human rights, counter-epistemology, subaltern knowledges, status of universality.

TABLE OF CONTENTS

INTRODUCTION	5
1. NOTES ON THE NECESSITY OF SITUATED KNOWLEDGES TO THE RECONCEPTUALIZATION OF HUMAN RIGHTS	10
2. UNLEARNING PRIVILEGES AS A PATH TOWARDS A COUNTERHEGEMONIC CONCEPTION OF HUMAN RIGHTS.....	21
3. HUMAN DIGNITY OUTSIDE (AND AS A RESISTANCE TO) WESTERN NORMS	31
CONCLUSION, OR BETTER, WHAT WAS LEFT UNSAID.....	40
REFERENCES	44

INTRODUCTION

Departing from Boaventura de Sousa Santo's (2008 and 2015) belief on the possibility of a counterhegemonic transformation of human rights, Gayatri Spivak's (1990, 1998 and 2000) ideas of 'unlearning privileges' and of 'learning to learn from below', the necessity of cognitive justice (Santos, 2016) and of activating subaltern knowledges (Cherniasvsky, 2011, p. 152-153); I would like to debate the idea of a counterhegemonic reconceptualization of human rights as a path to activate subaltern understandings of human dignity.

Firstly, I considered debating the following question: Is a counterhegemonic reconstruction of human rights necessary in order to approach subaltern knowledges? However, I restrained from asking if this transformation would be a 'necessary tool' because I did not want to give the impression that a reconceptualization of human rights would be the only path that could lead to an emancipatory epistemology. Besides, I also avoided asking if it was a tool that could lead to an "approach of subaltern knowledges" since a counterhegemonic conception of human rights should not be confused with "an attempt to shorten the distances between the subalterns [and subaltern knowledges] and its possible interlocutors in the name of too-easy transnational alliances" (de Jong and Mascot, 2016, p. 717). On the contrary, it is exactly through the recognition of the distances and of the epistemological (as well as social and political) violence that results from the hegemonic conception and practice of human rights, that it is possible to revisit the idea of human rights – and to understand its role in the *epistemicide*¹ (Santos, 2016) of subaltern understandings of human dignity. In this light, I came to my research question: Is a counterhegemonic redefinition of human rights, as proposed by Santos, one of the paths to understand the muting of subaltern understandings of human dignity?

As with most questions, this is one that ends up raising many others, such as: Who are the subjects of the reformulation of human rights? Where is it located? Is it possible to imagine such reformulation through the practices of *cross-cultural dialogues* and of *intercultural translation* (as proposed by Boaventura)? Lastly, but most importantly: Is vindicating for a counterhegemonic conception and practice of human

¹ *Epistemicide* should be understood according to Boaventura's definition: "the massive destruction of ways of knowing that did not fit the dominant epistemological canon" (Santos, 2016)

rights a way of granting subaltern struggles for human dignity a chance at hegemony?². As the past has shown and as the present insists on reminding us, the hegemonic and ‘universal’ conception of human rights has repeatedly failed this task. In what follows, as inspired by Santos (2015), I argue that the hegemonic conceptions and practices of human rights, whilst claiming to be universal and ahistorical, have failed to even recognize the importance of attempting a dialogue with subaltern knowledges. As Santos states: “it [hegemonic conceptions of human rights] applies the same abstract recipe across the board, hoping that thereby the nature of alternative ideologies or symbolic universes will be reduced to local specificities with no impact on the universal canon of human rights” (Santos, 2015, p. 8-9). In fact, very little seems to compromise the ‘universality’ of the hegemonic conception of human rights (Santos, 2008). Not even the violations of human rights perpetrated in the ‘name of human rights’ (from the Iraq war, the Bosnia war, the Latin-American dictatorships supported by the United States to the military invasion of the *favelas* in Rio de Janeiro) seem to destabilize the consensus regarding the notion of the universality of human rights. As Santos stresses: “modern western thinking goes on operating through abyssal lines that divide the human from the nonhuman in such a way that human principles do not get compromised by inhuman practices” (Santos, 2016). Nevertheless, human rights continue to be portrayed as, in the exact words that the UN High Commissioner for Human Rights has used in the Introduction to the Universal Declaration of Human Rights: “not country-specific, or particular to a certain era or social group. They are the inalienable entitlements of all people, at all times, and in all places”.

In the face of this scenario, one might question if it would not be preferable to simply get rid of human rights (Santos, 2015, p. 58) and focus efforts on other epistemological or political strategies. However, as Boaventura underlines, in times of crisis where many have lost hope in a future with less human suffering, we cannot afford to lose tools of resistance (Santos, 2015, p. 85). The muting of alternative conceptions of human dignity and the cognitive³ and socioeconomic injustice⁴ that resulted from understanding – and acting upon – an idea of universal, ahistorical and

² Question inspired by Halley as cited in de Jong and Mascot, 2016, p. 719.

³ Understood as deriving “from the confrontational actions and interpretations between distinct cultural paradigms, ethical principles, and forms of rationality” (Santos, 2015, p. 59) and in terms of epistemicide - the suppression of non-Western knowledges. (Santos, 2015, p. 56).

⁴ Understood as deriving “from unfulfilled promises and from the many inequalities and inequalities and discriminations that are not considered human rights violations or are silenced by the dominant discourses and practices of human rights.” (Santos, 2015, p. 59).

monolithic (Santos, 2015, p. 4) human rights are evident. However, whenever we consider the failure of the hegemonic approach to human rights (and we should never forget it!), we should also bear in mind, as underlined by Santos, that “this is not the whole story” (Santos, 2008, p. 14). All around the globe many have been struggling to fight against systemic oppressions (Santos, 2015, p. 14 and 80). Struggles that are usually high-risk or even life threatening (Santos, 2015, p. 14 and 80). Many of which have formulated their efforts in terms of human rights. With this in mind, I am in complete consonance with Santos’s statement that the idea of human rights should not be simply discarded. But, instead, reformulated. In fact, it is vital to protect ideas and practices that offer resistance to power domination while, at the same time, questioning and recreating them (Santos, 2015, p. 58 and 85). In Santos’s words:

[...] we live in a time in which the most appalling social injustices and unjust human suffering no longer seem to generate the moral indignation and political will needed both to combat them effectively and to create a more just and fair society. Under such circumstances, it seems evident that we cannot afford to waste any genuine social experience that we might resort to in order to strengthen the organization and the determination of those who have not given up the struggle for a better society, and specifically those who have done so under the banner of human rights. Not to waste social experience means also to recycle and transform it in light of the objectives in hand (Santos, 2015, p. 85).

Besides, departing from the fact that neoliberalism bases its conception of social change around the hegemonic idea of human rights (Santos, 2015, p. 46), the urgent need to formulate a counterhegemonic epistemology of human rights becomes self-evident. In my understanding, the hegemonic idea of human rights, even when aiming for the reduction of human suffering (a possibility that should not be denied), can only be understood as an alternative *within* neoliberalism. In opposition, a counterhegemonic conception of human rights needs to emerge as an alternative *to* “the system of oppression and domination” (Santos, 2016). It must be neither a pillar nor an arm of neoliberalism. Thus, the conception of human rights *per se* should not be discarded, rather it should be reformulated aiming at designing a counterhegemonic use of such a conception (Santos, 2016). Moreover, the task of reconstructing human rights is itself important since it requires examining the failures and fragilities of current hegemonic human rights. Besides, as I will argue further, it is important to formulate a new conception of social change that does not derive from a hegemonic (ahistorical, monolithic, decontextualized – besides all other illusions better analyzed by Santos)

understanding of human rights but from a multicultural understanding of human dignity (Santos, 2016) aimed at activating subaltern knowledges.

In this regard, in order to redefine human rights, it is crucial to adopt knowledges that are situated – situated knowledges. First and foremost, there is the necessity of addressing debates regarding dialogue. In this light, I intend to start from the beginning. In Chapter 1, I intend to discuss the idea of situated knowledge as elaborated by Donna Haraway. Haraway’s idea of feminist objectivity and of embodied and situated knowledges evidentiates what the ‘God trick’, “of seeing everything from nowhere” believes to dismiss or camouflage (Haraway, 1998, p. 582). An idea similar to what the decolonial scholar Santiago Castro-Gómez (2007) refers to as the “hubris of zero point”, that is, a portray of the knowing subject as transparent and as detached from the “geo-political configuration of the world” (Mignolo, 2009, p. 2). In other words, the belief that the knowing subject would depart from a “neutral point of observation” (Mignolo, 2009, p. 2). Moreover, another central idea on Haraway’s argumentation is the notion of accountability. The acknowledgment of limited and situated knowledges allows one to be accountable for what it has learned how to see (Haraway, 1988, 583). In this sense, Haraway clarifies the necessity of situated knowledges in opposition to unlocated and irresponsible claims – by irresponsible she means “unable to be taken into account” (Haraway, 1998, 583). This analysis is precisely relevant when rethinking the concept of human rights. The hegemonic formulation of human rights is a master in the art of performing the ‘God trick’ and of not being held accountable for the resulting *epistemicide* (Santos, 2016) it has occasioned. That being said, the counterhegemonic conception of human rights must be formulated through a feminist and situated epistemology.

In chapter 2, based on Boaventura’s statement that the field of human rights is precisely where Western culture must learn from the South⁵ (Santos, 2008, p. 24), I will argue that in order for the North to “learn from the South” it must continuously attempt to unlearn privileges so that it has a change of learning to learn from subaltern knowledges – an effort that visits Spivak’s ideas of unlearning privileges and of learning to learn from below and that dislocates them into a different context in order to imagine a possibility of dialogue between hegemonic knowledges and subaltern

⁵ Whenever referring to the Global South and to the Global North I am not referring to a geographic location but to an epistemological one (Santos, 2016).

knowledges. In summary, I will discuss possible ways of activating subaltern understandings of human dignity into the current hegemony.

In Chapter 3, I will discuss how different struggles for human dignity, which exist outside of western norms, question the status of the universality of human rights. In order to do so I will base my discussions on two different ideas: Siba Grovogui's (2011) statements regarding the possibility of imagining human rights "outside of the strictures of liberal constitutionalism and republicanism" and on Santos' criticism of the universality of human rights. By the end, I will debate a possibility of yet another shift to the status of the universality of human rights. With all this being said, I will proceed to debate the idea of situated knowledge as fundamental for a reconceptualization of human rights.

1. NOTES ON THE NECESSITY OF SITUATED KNOWLEDGES TO THE RECONCEPTUALIZATION OF HUMAN RIGHTS

Different scholars have offered distinctive responses to debates surrounding knowledge production. I would like to focus on Donna Haraway's response in order to analyze its possible contribution for the formulation of a counterhegemonic conception of human rights.

Haraway in her attempt to "go beyond showing bias in science" (Haraway, 1988, p. 578), which she defines as too easy of a task, and to unmask the doctrines of objectivity, proposed a feminist "doctrine of embodied objectivity" (Haraway, 1988, p. 581). In Haraway's understanding, feminist objectivity is about particular and embodied visions (Haraway, 1988, p. 582). The *objectiveness* of feminist objectivity is precisely centered on its emphasis on embodied partiality and on situated knowledges. Haraway's idea of feminist objectivity and of embodied and situated knowledges evidentiates what the 'god trick of science' – the pretense "of seeing everything from nowhere" (Haraway, 1988, p. 581) – believes to dismiss or camouflage (Haraway, 1998, p. 582). Haraway makes this point clear when she emphasizes that "the moral is simple: only partial perspectives promise objective vision" (Haraway, 1988, p. 583). Moreover, together with the acknowledgement of the importance of knowledges being conceived as "partial, located and critical" (that is to say, situated), the idea of accountability permeates Haraway's statements. In fact, the realization of limited locations allows one to be accountable for what it has learned how to see (Haraway, 1988, p. 583). In this sense, Haraway emphasizes the necessity of situated and embodied knowledges in opposition to unlocated and irresponsible claims – by irresponsible she means "unable to be taken into account" (Haraway, 1988, p. 583).

Haraway argues that she and others started out by attempting to deconstruct the "truth claims of hostile science" (Haraway, 1988, p. 578). Their goal was to show that these 'truths' are not disembodied claims but historically specific statements. In fact, they aimed at evidentiating the historical specificity of "every layer of the onion of scientific and technological construction" (Haraway, 1988, p. 578). Taking this line of thought into account, and perhaps influenced by my own trajectory, whenever I think about a clear example of disembodied knowledge camouflaged as objective truth, the first example that comes to my mind is the concept of *rights*. The idea of *universal rights* is usually conceived as something inherent and, thus, as a universal truth. In this

sense, since the hegemonic conception of human rights is based on the idea of ‘universality’ of human rights, I believe that a good way of debating the fragilities of this hegemonic conception is by attempting to peel every layer in which it has hidden itself. That is, to embark on the basic task of showing bias in what is presented as universal truth.

Boaventura de Sousa Santos, while debating the fragile hegemony of human rights, states that “there is no question today about the global hegemony of human rights as a discourse of human dignity” (Santos, 2015, p. 1). According to Santos, the hegemonic conception of human rights was built disguised as an idea of “long-established consensus” (Santos, 2015, p. 2). The idea of long-established consensus manifests itself in different ways. Each of them correspond to an illusion (Santos, 2015, p. 2). He identifies four big illusions: *teleology*, *triumphalism*, *decontextualization*, and *monolithism* (Santos, 2015, p. 2). Although Boaventura never uses the metaphor of the onion himself (and I am sorry for using it again), it is safe to state that, by exploring each of these illusions, one is also attempting to peel the onion and to expose the historical specificity of the hegemonic conception of human rights.

In this context, it is important to address the illusions studied by Santos in his work entitled *If God were a human rights activist* (2015). The first illusion that he explored is the illusion of teleology. In his words: “the teleological illusion consists in reading the history backwards, beginning with the consensus that exists today concerning the unconditional good human rights entail, and reading past history as a linear path inexorably leading toward such a result” (Santos, 2015, p. 3). The consequence of such an illusion is that it erases from history the existence of other concepts of human dignity that were in dispute with the concept of human rights (Santos, 2015, p. 3). In this sense, actions that “would be considered actions of oppression and domination” according to other understandings of human rights “were reconfigured as actions of emancipation and liberation when carried out in the name of human rights” (Santos, 2015, p. 3). In other words, multiple conceptions of human dignity coexist and do not necessarily share the same beliefs regarding what are actions of liberation and emancipation as the hegemonic conception of human rights. However, the historical victory of hegemonic human rights camouflages these possible clashes – besides also obscuring the existence of these other concepts of human dignity.

The second illusion analyzed by Santos is the illusion of triumphalism. As done previously, I believe it is better to define the illusion in his own terms: “the illusion of

triumphalism [is] the notion that the victory of human rights is an unconditional good” (Santos, 2015, p. 3). That is, the belief that all other understandings of human dignity that coexist and coexisted with the concept of human rights were somehow “inherently inferior in ethical and political terms” since they did not prevail into hegemony (Santos, 2015, p. 3). What this illusion camouflages is that other understandings of human dignity might have been defeated not because they were inherently inferior but because the disputes were marked by unequal power relations. Taking this into account, Santos concludes:

That other grammars and discourses of emancipation have been defeated by human rights discourse should be considered inherently positive only if it could be demonstrated that human rights, while a discourse of human emancipation, have superior merit for reasons other than the fact that they have emerged as the winner. Until then, the triumph of human rights may be considered by some a progress, a historical victory, while by others as regression, a historical defeat (Santos, 2015, p. 3).

The third illusion, very much related to the previous two, is the illusion of decontextualization. According to Santos, it is undeniable that human rights have its origin in the context of the “eighteenth-century Enlightenment, the French Revolution, and the American Revolution” (Santos, 2015, p. 3-4). Nevertheless, as Santos underlines, the concept of human rights has been used in many different contexts from then on and it has been used “with contradictory objectives” (Santos, 2015, p. 4). In fact, many of its uses are distant from the eighteenth-century revolutionary processes from which they “were the central language” (Santos, 2015, p. 4). As Santos better elaborates: “they [human rights] were also used to legitimate practices that we would consider oppressive if not altogether counterrevolutionary” (Santos, 2015, p. 4). Besides, as Santos underlines, once dissociated from its revolutionary origin, the vocabulary of human rights started being marked by “a grammar of depoliticized social change” and being conceived as an antipolitics discourse (Santos, 2015, p. 4). Once more, it is important to underline Santos’ conclusion:

Gradually, the predominant discourse of human rights became the discourse of human dignity consonant with liberal politics, capitalist development, and its different metamorphoses (liberal, social-democratic, neoliberal, dependent, Fordist, post-Fordist, peripheral Fordist, corporative, state capitalism), and colonialism (neocolonialism, internal colonialism, racism, slave-like labor, xenophobia). [...] Today we cannot

even be sure if present-day human rights are a legacy of the modern revolutions or of their ruins, or if they have behind them a revolutionary, emancipatory energy or a counterrevolutionary energy (Santos, 2015, p. 4).

Finally, the last illusion studied by Santos is the illusion of monolithism. As he defines: “this illusion consists in denying or minimizing the tensions and even internal contradictions of the theories of human rights” (Santos, 2015, p. 4-5). In his work, Santos further explores the internal tensions present in the discourse of human rights, such as the tensions between man and citizen, and between collective and individual rights (Santos, 2015). A detailed reading of the tensions that he underlines is highly recommended in order to better understand the illusion of monolithism. However, as far as the discussion addressed in this chapter is concerned, a basic understanding of the illusion of monolithism as the denial of internal contradictions (in order to present the conception of human rights as a monolithic structure) is sufficient.

Taking these illusions into account is particularly useful when attempting to emphasize that the conception of human rights has a historically specific revolutionary origin, from which it has drifted apart, and that the discourse of human rights is not actually a monolithic “view from above, from nowhere, from simplicity” (Haraway, 1988, p. 589). On the contrary, it is a hegemonic discourse that is used in different contexts following specific political purposes (consonant with liberal politics and with capitalist development, as Santos reminds us) – and marked by a “depoliticized grammar of social change” (Santos, 2015, p. 4).

However, simply criticizing the hegemonic conception of human rights of performing the ‘god trick’ is not enough. Even though analyzing and emphasizing the fragilities and the failures of human rights is necessary for the possibility of formulating a counterhegemonic conception, it is also important to go beyond the move of attempting to deconstruct truth claims. In fact, Haraway argues that in her pursuit of showing bias in science she almost ended up with a “kind of epistemological electroshock therapy” that nearly left her on “a table with self-induced multiple personality disorder” (Haraway, 1988, p. 578). Indeed, the task of showing bias in truth claims is an exhausting one – especially when arguments fall on deaf ears. In order to move forward, Haraway proposes a feminist theory of objectivity. I would like to appropriate Haraway’s alternative and suggest that the reconceptualization of human rights needs to be based on feminist objectivity – and on all that constitutes it: partial

perspectives, situated knowledge, shared conversations and accountability. Meanwhile, we try to avoid a *self-induced personality disorder* while still insisting on an *epistemological electroshock therapy*. In fact, perhaps the only way of advocating for a redefinition of human rights is through *epistemic disobedience*⁶ (Mignolo, 2009, p. 15), in which subaltern conceptions of human dignity (that coexist with the hegemonic conception of human rights) will be given the chance to oppose to the hegemonic understanding of human rights as the only way of knowing.

However, before discussing the next steps of this epistemological disobedience (Mignolo, 2009), I would like to stress the necessity of accountability (crucial to the task of re-defining human rights). As Haraway (1988) emphasizes, a central idea of the debate surrounding partial perspectives and situated knowledges is the question of accountability. She has systematically argued for the necessity of responsible claims (based on situated knowledges) in opposition to irresponsible claims (unlocated and unable to be taken into account). Similarly, Santos gives an interesting example regarding the necessity of accountability that is worth mentioning here. Santos argues that there are some “founding, underground rights [...] which the Western colonialist and capitalist modernity suppressed in order to build, upon their ruins, the monumental cathedral of fundamental human rights” (Santos, 2008, p. 29). He calls them *ur-rights* – or, even better, *ur-wrongs* (since they are rights that just exist “in the process of being negated and as negations”). The *ur-right* that directly relates to the question of accountability and that I would like to mention here is *the right to bring historical capitalism to trial in a world tribunal* (Santos, 2008, p. 30). Santos’ words:

The vindication of this *ur-right* demands that capitalism, as represented by core capitalist actors (states, multilateral financial agencies, and transnational corporations [TNCs]), be accountable for its crucial quota of responsibility for massive violations of human rights, occurring in the form of mass immiseration, cultural impoverishment, and ecological destruction. As this *ur-right* emerges from the archeological excavation of Western capitalist and colonialist modernity, the history of world capitalism and Western modernity will gradually evolve into a tragic history of ethical degradation (Santos, 2008, p. 30).

⁶ A move that Walter D. Mignolo defines as: “Epistemic disobedience is necessary to take civil disobedience (Gandhi, Martin Luther King) to its point of non-return. Civil disobedience, within modern Western epistemology (and remember: Greek and Latin, and six vernacular European modern and imperial languages), could only lead to reforms, not to transformation. For this simple reason, the task of decolonize thinking and the enactment of the de-colonial option in the 21st century starts from epistemic de-linking: from acts of epistemic disobedience.” (Mignolo, 2009, p. 15).

As much as the idea may appear to many as delusional or utopic, I believe it is, at least, an interesting theoretical reflection. The idea of holding capitalism accountable for the human suffering it has produced is by no means an idea that should be ignored. Likewise, the idea of holding the hegemonic conception of human rights accountable for the epistemic violence it has caused also seems charming (Santos, 2015). Taking the risk of sounding too *sci-fi* for my own taste, I cannot help but imagine a big world tribunal, whose institutional setting will be a “transnational time-space of its own” (Santos, 2008, p. 30), where the hegemonic conception of human rights would receive a guilty verdict, and, as a result, the participants would engage in a debate regarding the formulation of a multicultural counterhegemonic conception of human rights. Nevertheless, in a more practical tone, Santos’ *ur-right* is an important reminder of the necessity of accountability.

However, it is indeed necessary to go beyond separating the good sheep from the bad goats of knowledge production – as Haraway insists (Haraway, 1988, p. 578). What would then be the first step? In my understanding, the first step is realizing the importance of the counterhegemonic conception of human rights being based on the idea of situated knowledges and of partial perspectives. As mentioned, Haraway has argued that one of the ways that some feminists have “tried to stay sane” during the process of questioning and of deconstructing the “truth claims of bad science” was by “holding out for a feminist version of objectivity” (Haraway, 1988, p. 578). That is, holding on to a version of objectivity that is based on situated knowledges and on partial perspectives. Once again, I argue that the same move must be made when trying to reformulate the conception of human rights. Besides, while discussing feminist objectivity, Haraway constantly reminds the reader of the importance of Sandra Harding’s call for the desire of constructing a *successor science project* (Haraway, 1988, p. 579) and insists:

Feminists have stakes in a successor science project that offers a more adequate, richer, better account of the world, in order to live in it well and in critical, reflexive relation to our own as well as others’ practices of domination and the unequal parts of privileges and oppression that make up all positions (Haraway, 1988, p. 579).

I believe that committing to rethink and to re-define human rights is to participate in the construction of a feminist successor science project. It is “to insist on a better account of the world” (Haraway, 1988, p. 579). And, thus, an important epistemological task. Moreover, only through an understanding of partial perspectives and of situated knowledges can the process of *intercultural translation* (Santos, 2008 and 2015) be understood – a concept, developed by Santos, that will be more carefully discussed further on and which I believe to be crucial for the possibility of redefining human rights. The need, on the one hand, to deconstruct and to expose the illusions on which the hegemonic conception of human rights is based on and, on the other hand, to advocate for a feminist reformulation that is built on the idea of situated knowledges, is what sets the guidelines for this epistemological project. Only through exposing the totalizing illusions of the god trick performed by the hegemonic conception of human rights is it possible to reformulate human rights based on partial perspectives. Nevertheless, there is one more important detail that needs to be considered. As Haraway underlines: “not just any partial perspective will do” (Haraway, 1988, p. 585). That said, it is essential to emphasize the need to avoid the easy trap of relativism.

According to Haraway, both relativism and totalization are masters in the art of performing the god trick (Haraway, 1988, p. 584). They are two sides of the same coin. In her words: “relativism and totalization are both ‘god tricks’ promising views from everywhere and nowhere equally and fully, common myths in rhetorics surrounding Science” (Haraway, 1988, p. 584). Thus, we cannot, as a resistance to the totalizing illusion of human rights, offer a relativist one. Haraway defines relativism as “a way of being nowhere while claiming to be everywhere equally” (Haraway, 1988, p. 584) and presents the following path as a way forward: “the alternative to relativism is partial, located, critical knowledges sustaining the possibility of webs of connections called solidarity in politics and shared conversations in epistemology” (Haraway, 1988, p. 584). Santos, on the other hand, argues that the first premise for the possibility of transformation of the conception of human rights is transcending the debate between universalism and relativism (Santos, 2008, p. 14). He argues that both concepts are harmful for an emancipatory understanding of human rights and offers, as an alternative to universalism, *cross-culture dialogues* and *isomorphic concerns* and, as an alternative to relativism, *cross-cultural procedural criteria to distinguish progressive politics from regressive politics, empowerment from disempowerment, emancipation from regulation* (Santos, 2008, p. 14). In his words:

The first premise [for a transformation of human rights] is that it is imperative to transcend the debate on universalism and cultural relativism. The debate is an inherently false debate, the polar concepts of which are both equally detrimental to an emancipatory conception of human rights. All cultures are relative, but cultural relativism, as a philosophical posture, is wrong. All cultures aspire to ultimate concerns and values, but cultural universalism, as a philosophical posture, is wrong. Against universalism, we must propose cross-cultural dialogues on isomorphic concerns. Against relativism, we must develop cross-cultural procedural criteria to distinguish progressive politics from regressive politics, empowerment from disempowerment, emancipation from regulation (Santos, 2008, p. 14).

Although both authors depart from different premises – Haraway is engaging with the debate in order to argue against both universalism and relativism and Santos, although also engaging with the debate, urges for the necessity of transcending it – I believe that the alternatives offered share vast similarities. In my understanding, the premise for the possibility of truly engaging both in *shared conversations* and in *cross-cultural dialogues* is to believe in the possibility of *intercultural translations* aimed at searching for isomorphic concerns amongst different knowledges (Santos, 2016) – an idea that will be discussed in further detail in the second chapter. In other words, the possibility of looking for “local and mutually intelligible means” across cultures (Santos, 2008, p. 15) is what allows for what Haraway (1988) has defined as *shared conversations* and for what Santos (2008) has defined as *cross-cultural dialogues*. Following the same line of thought, when aiming at reformulating the conception of human rights, “local and mutually intelligible” understandings of human dignity (that is, isomorphic concerns regarding human dignity) must be searched across different knowledges (Santos, 2008, p. 14). Thus, hopefully resulting in an *emancipatory multicultural conception of human rights* (Santos, 2008, p. 15).

Moreover, Santos points out that another precondition for the possibility of dialogue between different knowledges and cultures is the “principal of incompleteness of all knowledges” (Santos, 2016) and of all cultures (Santos, 2008, p. 15). In Santos’ words: “[...] such incompleteness derives from the very fact that there is a plurality of cultures. If each culture would be as complete as it claims to be, there would be just one culture” (Santos, 2008, p. 15). Besides, he also emphasizes that the incompleteness of a culture is “best visible from the outside, from the perspective of another culture” (Santos, 2008, p. 15). In this light, Santos argues that the incompleteness of all cultures

and, therefore, of all knowledges, is what constitutes the core of what he defines as *ecology of knowledges* – a counterepistemology based on the idea that only through the mutual recognition of the incompleteness of all cultures is it possible to achieve cognitive justice (Santos, 2016). Regarding the concept of *ecology of knowledges*, Santos once more underlines his criticism towards relativist approaches:

The ecology of knowledges does not entail accepting relativism. On the contrary, from the point of view of pragmatics of social emancipation, relativism, considered as an absence of criteria of hierarchy among knowledges, is an unsustainable position, for it renders impossible any relation between knowledge and the meaning of social transformation. If all knowledges are equally valid as knowledge, every project of social transformation is equally valid or, likewise, equally invalid (Santos, 2016).

In this sense, rather than supporting relativist approaches, the *ecology of knowledges* strives to create a new relation between scientific knowledge (that according to Santos should not be simply discarded) and other knowledges in order to allow for the possibility of cognitive justice (Santos, 2016). In fact, the idea of cognitive justice is what guides Santos' work. He constantly underlines that “global social justice is not possible without global cognitive justice” (Santos, 2016). That is, without “equity between different ways of knowing and different kinds of knowledge” (Santos, 2016). However, the idea of equity should not be interpreted as attributing the same validity to all knowledges (which would be a relativist approach). On the contrary, it should be interpreted as the possibility for dialogue amongst different knowledges without automatically classifying subaltern knowledges – or knowledges outside of the scientific epistemology – as ‘not worth knowing from’ (Santos, 2016). In Santos' words: “the point is not to ascribe the same validity to every kind of knowledge but rather to allow for a pragmatic discussion among alternative, valid criteria without immediately disqualifying whatever does not fit the epistemological canon of science” (Santos, 2016).

With this in mind, it is important to emphasize that different power relations play a big part on what we consider as knowledges worth knowing or worth engaging in ‘shared conversations’ with. When looking for cross-cultural isomorphic concerns regarding human dignity, a move that Santos suggests as a premise for the reformulation of human rights, one must be aware of cultural imperialism in order to

avoid the same path followed by the hegemonic conception of human rights. Ignoring the power relations is to offer cross-cultural dialogues as an easy remedy and as an unproblematic solution. In this sense, I believe that the practice of *shared conversation* can only be sustained as an ethical practice if knowledges that are usually not conceived as ‘worth knowing’ by the hegemonic Western discourse are valued as worth knowing from – that is, if there is a true engagement with subaltern knowledges. Many will deem this project as a utopic one. However, perhaps moved by my education as a progressive lawyer, I rather believe that it is possible – not to say necessary – until proven otherwise. In light of this, I would like to quote one example explored by Santos in which knowledges usually ignored by hegemonic discourse have been incorporated into a legal text (usually marked by disembodied knowledge):

Until recently it would be unthinkable to imagine the constitution of a country adopting a new relation between human nature and non-human nature, extending to nature the philosophy of human rights, thus guaranteeing the rights of nature. Yet this is precisely what is established by Article 71 of the Constitution of Ecuador, approved by national referendum in 2008. Article 71 states: ‘Nature, or Pacha Mama, has the right to have its existence fully respected, together with the maintenance and regeneration of its vital cycles, structure, and evolutionary processes.’ In this conception of nature as Mother Earth, the impact of indigenous cosmogony and ontology is clearly reflected (Santos, 2015, p. 62).

Additionally, it is crucial to state that I am not advocating for the incorporation of subaltern understandings of human dignity only into legal texts. In fact, the ‘incorporation’ of subaltern knowledges into legal texts is not at all unproblematic. On the contrary, it can also be itself an act of epistemic violence. In what follows, so far, all that I dare to state is that, inspired by Santos’ work, I advocate for a re-definition of human rights (rather than advocating for rejecting human rights) that is compromised with critical cross-cultural dialogues regarding human dignity and that is based on situated knowledges.

Moreover, I would like to conclude by stating that the hegemonic conception of human rights, disguised by an idea of “long-established consensus” (Santos, 2015, p. 2), is a good example of the epistemological violence of dismissing subaltern knowledges. This can be observed, for example, by acknowledging that the discourse of human rights has viewed the global South more as the object of human rights than as subjects or as participants in the formulation of human rights (Santos, 2015, p. 1). In fact, as

Santos suggests, the conception of human rights as universal will always operate as a “globalization from above” – as the North providing international aid to ‘the rest’ (Santos, 2008, p. 11). In addition, the hegemonic conception does not hold the North accountable for the constant human rights violations that are part, both of colonialism and of capitalism – understood here as entangled (I do not believe in an understanding that conceives them as dissociated). This is exactly why I would like to suggest that rethinking the concept of human rights is one of the paths of addressing (in an attempt of understanding) the role of human rights in the muting of subaltern knowledges. In fact, as defended by Santos, perhaps it is “precisely on the field of human rights that Western culture must learn from the South” (Santos, 2008, p. 24). However, how must that be done? How should one attempt to formulate a concept that engages and is based on subaltern knowledges? Who are the subjects of this reconceptualization of human rights? Where is it located? Is vindicating for a counterhegemonic conception and practice of human rights a way of granting subaltern knowledges the chance to oppose the hegemonic order? Matters such as these are precisely what I would like to discuss in the next chapters.

2. UNLEARNING PRIVILEGES AS A PATH TOWARDS A COUNTERHEGEMONIC CONCEPTION OF HUMAN RIGHTS

The reflections of the last chapter ended with Santos' statement that perhaps the field of human rights is precisely where Western culture must learn from the South (Santos, 2008). However, this thought must be completed. Santos also argues that "learning from the South is only the starting point, and it may actually be a false starting point if it is not borne in mind that the North has been actively unlearning the South all along" (Santos, 2008, p. 22). I would like to depart from Santos' statement in order to argue that for the North to "learn from the South" it must continuously attempt to *unlearn privileges* so that it has a chance of *learning to learn from below* – an argumentation inspired by Gayatri Spivak's (1998) ideas. In fact, I would argue that the process of "learning from the South" can only ever be conceived if the North actively attempts to *unlearn what it knows* based on the acknowledgment of the epistemic violence that Western epistemology systematically produces. Nevertheless, before jumping into these conclusions I would like to go back to the crucial idea of cognitive justice.

As previously mentioned, the idea that "there is no global social justice without global cognitive justice" is central to Santos' work. Two other ideas follow this one: firstly, the idea that the "understanding of the world by far exceeds the Western understanding of the World" and, secondly, the idea that the "emancipatory transformation in the world may follow grammars and scripts other than those developed by Western-centric theory" (Santos, 2016). With this in mind, I argue that the path to achieve cognitive justice must be through the activation of subaltern knowledge. In other words, cognitive justice can only be achieved by giving subaltern knowledges the possibility of challenging the hegemony as the only way of knowing. I believe this goal to be in consonance with Santos' proposal in *Epistemologies of the South* – which he characterizes as "a set of inquiries into the construction and validation of knowledge born in struggle, of ways of knowing developed by social groups as part of their resistance against the systemic injustices and oppression caused by capitalism, colonialism and patriarchy" (Santos, 2016). However, I would like to narrow down the scope of observation and focus on the activation of subaltern understandings of human dignity.

Nevertheless, one might question why the choice of insisting on the re-definition of human rights as the path to be followed. There are several reasons. As previously mentioned, one of them is that around the globe many have been struggling to fight against systemic oppressions, struggles that are usually high-risk or even life threatening and have formulated their efforts in terms of human rights (Santos, 2015). Thus, we cannot afford to lose this ongoing resistance (Santos, 2015). Besides, as Santos has argued, neoliberalism bases its conception of social change around the hegemonic idea of human rights (Santos, 2015). In light of this, I see the possibility of engaging with a Western-centric conception in order to advocate for its appropriation and re-definition – what Santos defines as “proposing counterhegemonic understandings and uses of Eurocentric concepts” (Santos, 2016). That is, to do exactly what regressive politics constantly does with progressive politics when appropriating vocabulary to fit their own political agenda. But, most importantly: because dialogues regarding human dignity are a good epistemological starting point to imagine a future with less human suffering.

Nevertheless, how should subaltern conceptions of human dignity be activated? In my understanding, the path towards giving subaltern conceptions of human dignity the possibility of opposing hegemony is through the two main procedures that guide Santos’ project in *Epistemologies of the South*. In fact, I understand the re-definition of human rights as part of the project of *Epistemologies of the South*. According to Santos, *Epistemologies of the South* are “built in two main procedures: ecologies of knowledges and intercultural translations” (Santos, 2016). I would like to focus on the latter since Santos’ (2016) understanding of ecology of knowledges (the core idea being the incompleteness of all knowledges) has already been tackled here. However, one last central point regarding ecology of knowledges should be emphasized before moving on to the concept of intercultural translations: ecology of knowledge is a counterepistemology aimed at questioning the monoculture idea of scientific knowledge and at designing a new relation between knowledges (Santos, 2016). That is, it is not an attempt to dismiss scientific knowledge but rather an attempt to activate subaltern knowledges and to recognize that “the future can be found at the crossroads of different knowledges and different technologies” (Santos, 2016).

Following the same line of thought, Boaventura defines the procedure of intercultural translation. In short, intercultural translation is based on the idea of dialogue amongst different knowledges (Santos, 2016). It questions both the idea of

incommensurability between different kinds of knowledges and the idea of universality in which western-centric epistemology is based on (Santos, 2016). In Santos' words:

As understood here, intercultural translation consists of searching for isomorphic concerns and underlying assumptions among cultures, identifying differences and similarities, and developing, whenever appropriate, new hybrid forms of cultural understanding and intercommunication that may be useful in favoring interactions and strengthening all alliances among social movements fighting, in different cultural contexts, against capitalism, colonialism and patriarchy and for social justice, human dignity, or human decency (Santos, 2016).

The main concern that emerges from the idea of dialogue is that of the different power relations between knowledges. In other words, it is the understanding that subaltern knowledges have been actively silenced by hegemonic scientific knowledge that systematically dismisses its credibility (or worse, does not even recognize its existence). This can be observed in many different scenarios: from a hospital room in which the knowledge of a *doula* or of a *parteira* is completely ignored by the authoritative knowledge of the doctors to the abstract universality of the conception of human rights that actively silences other understandings of human dignity. Therefore, Santos reminds us that even though ideally intercultural translations would be established between knowledges that have a relation of “shared authority”, this is not always the case (Santos, 2016). In light of this, he identifies “two major kinds of intercultural translation”: one between Western and non-Western conceptions and the other amongst different non-Western conceptions (Santos, 2016). I would like to focus on the first. However, I would like to refer to it as North/South translations – being from the global South myself, the idea of North/South insists on being more tangible to me than the idea of Western/non-Western.

Santos argues that since intercultural translation is a work of mediation, it requires the participants to “defamiliarize themselves to a certain extent *vis-à-vis* their respective cultural backgrounds” (Santos, 2016). Besides, he points out that: “in the case of North/South translation, which tend to be also Western/non-Western translations, the task to defamiliarize is particularly difficult because the imperial North has no memory of itself as other than imperial and, therefore, as unique and universal” (Santos, 2016). I am in complete consonance with the last statement – and that is exactly why I will insist that in order for the North to learn from the South it must

unlearn privileges and *unlearn what it knows*. However, before jumping into Gayatri Spivak's ideas, I would like to elaborate on Santos' notion of defamiliarization. In this regard, I would like to underline Santos' concerns regarding South/South translations:

It would seem at first that there should be no such difficulty [referring to the task of defamiliarization] in the case of South/South translations. Nothing could be further from the truth. As a product of empire, the South is the house of the South where the South is not at home. That is to say, the construction of epistemologies of the South through intercultural translation must undergo a process of defamiliarization vis-à-vis both the imperial North and the imperial South. The imperial South is how the South relinquishes the possibility of representing itself other than as facilitating and desiring oppression by the imperial North (Santos, 2016).

In what follows, I would like to suggest that the move of defamiliarization of both the imperial North and the imperial South can benefit from Gayatri Spivak's (1998) ideas of *unlearning privileges* and of *learning to learn from below*. However, I would like to insist that subaltern knowledges cannot afford such defamiliarization and argue that two processes need to happen simultaneously in order for the product of intercultural translation to be the activation of subaltern knowledges: on the one hand, the imperial North and the imperial South must *unlearn their privileges* in order to *learn to learn from* subaltern knowledges; on the other hand, subaltern knowledges must hold on to their understanding of self (which is not the same as advocating for a return to "the past" or for a static understanding of culture). But first, I would like to make a formal disclaimer.

I understand that Santos is a decolonial scholar while Spivak is a postcolonial scholar. The first line of thought is often described by their supporters as an attempt to "de-link" from the hegemony (Mignolo, 2009) while the latter is criticized by the first for "attempting to cautiously explain the experience of the colonized others through the concepts invented by the same (and within the Western system of knowledge and the modern subject-object division) (Tlostanova, 2017, p. 28). Nevertheless, although belonging to different line of thoughts (with mutual critiques), I believe that the use and the abuse of terms and reflections elaborated in different fields can sometimes be of great value. In what follows, I am also aware that Spivak's conception of subalternity (in her essays *Can the subaltern speak?* and *Righting Wrongs*) is different from Santos'

conception of subalternity. Spivak characterizes the subaltern as “those removed from the lines of social mobility” (Spivak, 2004, p. 531). Santos, on the other hand, has a wider conception of subalternity and characterizes it as what exists on the other side of the abyssal line that divides the metropolitan societies and the colonial territories (Santos, 2016). And, thus, defines subaltern knowledges as “popular, lay, plebeian, or indigenous knowledges on the other side of the line” – knowledges that “vanish as relevant or commensurable knowledges because they are beyond truth and falsehood” (Santos, 2016). Nevertheless, I insist that it is relevant to visit Spivak’s (1998) ideas of *unlearning privileges* and of *learning to learn from below* and to dislocate them into a different context in order to imagine the possibility of dialogue (and intercultural translation) between hegemonic knowledges and subaltern knowledges. In this regard, I would like to refer to Spivak’s work.

Spivak – in a different context (regarding the debate surrounding representation and the criticism of subjective essentialism) – while referring to the postcolonial intellectual, underlines that in her search to learn to “speak to (rather than to listen or speak for) the historically muted subject of the subaltern woman, the postcolonial intellectual *systematically* ‘unlearns’ female privilege” (Spivak, 1988, p. 295). However, what does it mean to *unlearn privileges*? Although not offering a clear-cut answer to this question on the essay *Can the subaltern speak?*, Spivak points out that part of the unlearning project involves learning to criticize postcolonial discourse (Spivak, 1988, p. 295) as well as to understand that the postcolonial intellectual’s responsibility is to address the conditions of the muting of the subaltern (Cherniavsky, 2011, p. 153). In this sense, Spivak points out *unlearning privileges* and *speaking to (rather than listening or speaking for)* as possible ways to approach the subaltern⁷ (Sara de Jong and Mascot, 2016, p. 719). Moreover, in her later work, Spivak introduces yet another new formula: the idea of *leaning to learn from below*.

Regarding the ideas of *unlearning privileges* and of *learning to learn from below*, Eva Cherniavsky stressed some important differences between them. She points out that the idea of *unlearning privileges* (articulated by Spivak in *Can the subaltern speak?*) is a call to the fact that “the intellectual’s responsibility is to the history of the subaltern’s silencing” and, therefore, from that emerges the need to speak to (rather than

⁷ Once again, it is important to stress that, in the context of Spivak’s work, the subaltern group refers to those whose (*non*)*place* (de Jong and Mascot, 2016, p. 718) is “outside (though not completely so) the circuit of the international division of labor” (Spivak, 1998, p. 288)

for) the subaltern and the need to address its muting (Cherniasvsky, 2011, p. 153). On the other hand, the idea of *learning to learn from below* refers to the necessity of “activating the subaltern knowledges” (Cherniasvsky, 2011, p. 152) and, thus, it would be a call for a “mobilization of the subaltern subject into the public sphere” (Cherniasvsky, 2011, p. 153). In her words:

The difference I mean to suggest between ‘unlearning privileges’ and ‘activating subalterns (or staging ‘Enlightenment from below’) is nicely marked in Spivak’s own retrospective on ‘Can the subaltern speak?’, which here opens a rather different agenda for the politically engaged intellectual than did her essay itself: [...] However, in ‘Can the subaltern speak?’ the intellectual’s responsibility is to the history of the subaltern’s silencing, a silence that cannot be ‘filled’ without repeating the original act of erasure (by representing her who cannot represent herself). Hence the imperative to ‘speak to’ (rather than ‘speak for’) the subaltern – to address the conditions of her muting (which are also the conditions of the possibility of the intellectual’s discourse). Here, by contrast, our obligation is to a *mobilization* of the subaltern subject – a suturing of subaltern difference of ‘Enlightenment’, broadly speaking, as it renders human emancipation a regulative political norm (Cherniasvsky, 2011, p. 153).

Nonetheless, despite of the differences – whose extensions I am still trying to grasp –, I believe that both processes, *unlearning one’s privileges* and *learning to learn from below*, are complementary to a certain extent. In my interpretation, the continuous process of *unlearning one’s privilege* and of *unlearning what one knows* (always through the acknowledgement of the causes of the muting) are necessary in order to allow for the possibility – if there is in fact one – of *learning to learn from below*. In other words, the continuous practice of *unlearning privileges* is indispensable so that one can actively engage with the knowledges it will encounter. In Cherniasvsky words: “it is first a matter of learning to recognize as knowledge and worth knowing what will appear as neither within the precincts of academic instruction” (Cherniasvsky, 2011, p. 152).

However, it is not only a matter of considering subaltern knowledges as worth knowing. In the move towards seeking to speak to “other constituencies”, one should aim at becoming both able to listen to other constituencies as well as to learn “to speak in such a way that one will be taken seriously by that other constituency” (Spivak, 1990, p. 42). Still within the same frame of thought, Spivak stresses: “and, furthermore, to

recognize that the position of the speaking subject within theory can be a historically powerful position when it wants the other to actually be able to answer back” (Spivak, 1990, p. 42). Then, would it be fair to conclude that it is through strategies (although I am not sure that this is the best word for it) of aiming to *speak to*, of valuing subaltern knowledges as worth knowing from and of speaking in a way that one actually intends for the other to answer back, that the subaltern might be given a chance at hegemony? This is a question I cannot provide a precise answer to.

Moreover, another of Spivak’s concerns is crucial: the importance of questioning the desire to access the subaltern and subaltern knowledges. It is essential to question if the search for accessing the subaltern (and subaltern knowledges) is not in fact resulting in a narcissistic silencing. In this sense, when referring to the postcolonial intellectual desire to access the subaltern, de Jong and Mascot point out in their article *Relocating subalternity: scattered speculations on the conundrum of a concept* that the benevolence of the intellectual and its desire to access the subaltern – not through the line of hegemony but in its subalternity (de Jong and Mascot, 2016, p. 719) – may be one of the roots of the silencing of the subaltern by the intellectual (de Jong and Mascot, 2016, p. 719). Thus, Maggio (as cited in de Jong and Mascot’s article) states: “In fact, well-meaning liberals are implicated even deeper than mean-spirited conservatives in the silencing of the subaltern” (de Jong and Mascot, 2016 p. 719). In other words, when aiming at speaking to (rather than for) subaltern groups and knowledges one must resist the desire of accessing the subaltern not in hegemony but in its subalternity (Halley as cited in de Jong and Mascot, 2016, p. 719). In fact, Spivak has stressed that subalternity should not be conserved. Or, as de Jong and Mascot better phrase it: “Spivak has repeatedly stated that subalternity should not be preserved, that it is no romantic condition to ‘accept wretchedness as normality’ (2009, p. 79; cf. also Spivak 1999, p. 310) which one would desire to return or to remain in” (de Jong and Mascot, 2016, p. 718-719).

With this in mind, I would like to conclude this digression in order to propose the same line of thought when debating the idea of intercultural translation between the imperial North’s or the imperial South’s epistemologies and subaltern knowledges. In Santos’ work, he suggests that an epistemological break is needed in order to achieve cognitive justice (Santos, 2016). Hence the importance of establishing intercultural translation between both Northern and Southern epistemologies and amongst different subaltern epistemologies. In my understanding, the practice of intercultural translation

can only effectively happen and sustain itself as an ethical practice if the imperial North and the imperial South *unlearns their privileges, unlearns what they know* (that is, unlearns northern cultural imperialism), in order *to learn to learn from* subaltern knowledges. But why is it so important that the imperial North and the imperial South unlearn what they know? I believe the answer for this question is in Santos' work and has already been mentioned here: "because the imperial North has no memory of itself other than imperial and, therefore, as unique and universal" (Santos, 2016).

Besides, to *unlearn privileges* is also a necessary step in order to *learn to learn from the South* since it involves recognizing that the possibility of the hegemony of northern scientific knowledge is the same condition of the subalternization of southern knowledge. It helps to not automatically dismiss anything that does not correspond to the canon of western epistemology – and, therefore, helps to prevent *epistemicide* (Santos, 2016). Only by *unlearning privilege* (which obviously presupposes the acknowledgement of privilege) and by *unlearning what one knows* can Western culture "learn from the South" whilst bearing in mind that the "North has been actively unlearning the South all along" (Santos, 2008, p. 22).

Besides, it is important to underline that the practice of *unlearning privileges* and of *unlearning what one knows* is not a comfortable or easy challenge. On the contrary, it is a constant struggle. And it should remain as such. Thus, the discomfort is an indispensable part of this epistemological task. That is, the continuous attempts of *systematically unlearning privileges* and of *unlearning what one knows* (paths in order to activate subaltern knowledges) must never be easy. In fact, the realization that the discomfort might have lessened should serve as alarm bells – it is likely that by then the initial project of recognizing privileges has already failed. In short, the attempt of *unlearning privileges* and of *learning to learn from below*, indispensable to the pursuit of cognitive justice, must not be lessened by any easy remedy. Without the discomfort, cultural imperialism will play its course and we might end up with an epistemology that is the exact image of the hegemonic one.

Nevertheless, one might question how this line of thought applies to the reformulation of human rights? I have emphasized the importance of Santos' (2016) *Epistemologies of the South* and the importance of establishing cross-cultural dialogues (Santos, 2008) and intercultural translation (Santos, 2016). However, what should the topic of this mediation be? Well, I believe it obviously needs to correspond to the interests of the participants. Nevertheless, I would like to maintain that the task of re-

defining human rights is an interesting starting point. If we consider Santos' statement that "the fragility of human rights, as far as cognitive injustice is concerned, derives from the fact that the dominant conception and practices of human rights themselves produce cognitive injustice" (Santos, 2015, p. 59), it is easy to conclude that to rethink human rights is to aim for global cognitive justice. In this sense, cross-cultural dialogues and intercultural translation regarding different understandings of human dignity might lead to what Santos calls a "mestizo conception of human rights". That is, "a conception that instead of resorting to false universalisms organizes itself as a constellation of local and mutually intelligible meanings, networks of empowering normative references" (Santos, 2008, p. 15). Hence, in my understanding, the location of the activation of a counterhegemonic conception of human rights is precisely in the *contact zone*⁸ between hegemonic epistemologies (whose cultural imperialism must be unlearned) and subaltern epistemologies of human dignity or amongst dialogues between different subaltern understandings of human dignity. Through the process of *unlearning* the presupposed 'status of consensus' of human rights, a "*mestizo* conception" perhaps can be achieved.

Accordingly, this new "*mestizo* conception of human rights" (Santos, 2008) might raise fruitful solutions regarding how to pursue a future with less human and non-human suffering. However, and most importantly, in order to imagine a possible future and to avoid a re-definition of human rights that is in fact just a copy of the hegemonic conception, this counterhegemonic understanding of human rights cannot emerge from intercultural translations as a "depoliticized grammar of social change" (Santos, 2015, p. 4). In fact, it must have a strong counterhegemonic potential and, therefore, as Santos argues, be feminist, decolonial and anticapitalist. In his words:

Whenever human rights are part of counterhegemonic struggles – whether for canceling the debt of poor countries, for access to land and water, or for self-determination of indigenous people – they undergo a process of political and philosophical reconstruction that renders all the more visible and condemnable the discrepancy between principles and practices that underlies the hegemonic liberal, imperialist human rights complex (Santos, 2015, p. 47).

⁸ Here I refer to Santos' definition of contact zone as "social fields in which different cultural life worlds meet, mediate, negotiate, and clash. Contact zones are therefore zones in which rival normative ideas, knowledges, power forms, symbolic universes, and agencies meet in usually unequal conditions and resist, reject, assimilate, imitate, translate, and subvert each other, this giving rise to hybrid cultural constellations in which the inequality of exchanges may be either reinforced or reduced." (Santos, 2016).

With this in mind, in the next chapter, I intend to briefly discuss how struggles for human dignity that do not fit into the depoliticized grammar of hegemonic human rights (ultimately consonant with capitalism, colonialism and patriarchy) question the status of universality of human rights. By no means do I intend on converting this debate into case studies. Mostly, because the brief analysis presented here and the lack of historical account harm any projects of carefully learning from the specificities of these movements. Nevertheless, I strongly believe that debating the shifts that the struggles of different groups from the global South engender to the status of universality of hegemonic human rights is an important task. Accordingly, I will end by finally problematizing the question regarding who might be the subjects of the reformulation of human rights.

3. HUMAN DIGNITY OUTSIDE (AND AS A RESISTANCE TO) WESTERN NORMS

In the article entitled *To the Orphaned, Dispossessed, and Illegitimate Children: Human Rights Beyond Republican and Liberal Traditions*, Siba N. Grovogui (2011) proposes a “historical and comparative analysis of what human rights meant to Haitian slaves in the dawn of the Haitian Revolution from 1791-1804” and came to very important conclusions. I would like to emphasize three of Grovogui’s findings in his own words: firstly, that “multiple genealogies of human rights have existed in the modern world and those that have the greatest appeal to – and in – the Global South are not the ones often emanating from the West” (Grovogui, 2011, p. 44); secondly, that “human rights-related obligation [such as the responsibility to protect] and duties [such as the prosecution of human rights abusers] can be defended without conceding the universality and conclusiveness of Western ideas and practices of human rights” (Grovogui, 2011, p. 45); and thirdly, that “a richer historical account of the eighteenth and nineteenth centuries demonstrates that Haitian slaves and, later, anti-colonialists and some postcolonial entities found that liberal human rights were consonant with capitalism and expansionist state and systems” (Grovogui, 2011, p. 46). In what follows, he stresses that the goal of his intervention was to imagine human rights as capable of existing (as his retrospective of the Haitian revolution clearly evidentiates) outside of the Western conception – “outside of the strictures of liberal constitutionalism and republicanism” (Grovogui, 2011, p. 46). Ultimately, all of his very well elaborated conclusions point out to one evident factor: there are multiple conceptions regarding human dignity that exist concomitant to the hegemonic conception of human rights and that do not (and cannot!) fit the canon of the Western universality of human rights. The main reason for many of these diverse conceptions of human dignity not fitting in the canon of Western norms is the fact that the hegemonic discourse regarding human rights is conniving with capitalist development, colonialism and patriarchy (Santos, 2008).

Moreover, Grovogui (2011) ends his article with a crucial reflection regarding the universality of human rights and the dualism between civil and political rights versus socio-economic rights. His conclusion is helpful to the task of analyzing the shifts that movements whose struggles cannot be elaborated in terms of hegemonic human rights entails to the status of the universality of human rights. Grovogui stresses

that in 1975 in Helsinki (Helsinki Final Act) civil and political rights were labelled fundamental to the concept of human rights (Grovoqui, 2011, p. 63). Socio-economic rights, on the other hand, were valued as secondary rights (Grovoqui, 2011, p. 63). In other words, civil and political rights were deemed as central to human rights (and its application conceived as a global consensus) whereas socio-economic rights were regarded as “a matter of public policy” (Grovoqui, 2011, p. 63). Santos has raised a similar point. Based on the ideas of Francisco de Vitória, he has repeatedly stressed that, since the beginning of the eighteenth century, there has been an inversion of human rights: disguised under the idea of equality between rights; the right to private property has emerged as the prevalent human right (Santos, 2018, lecture). Since then, the people that are constant victims of human rights violations, when resisting the colonizers “right to property”, turned into the violators of human rights (Santos, 2018, lecture). In other words, the inversion of human rights culminated in the people whose human rights were violated turning into the violators of the primal human right: the right to private property (Santos, 2018, lecture). In what follows, he argues that gradual hegemonic human rights have emerged as a discourse consonant with capitalist development, colonialism and patriarchy (Santos, 2015, p. 4).

In an attempt to resist the hegemonic path of human rights, Santos advocates for the need to repoliticize human rights. In fact, if Santos’ *Epistemologies of the South* is an attempt to validate knowledges born in struggle (Santos, 2018, lecture), accordingly, a counterhegemonic conception of human rights is an attempt to activate understandings of human dignity that are born in struggles against capitalism, colonialism and patriarchy. In summary, the path towards imagining human rights outside of Western hegemonic norms is through resisting capitalism, colonialism and patriarchy (which the hegemonic conception of human rights is conniving with). However, what affects might these counterhegemonic formulations of human rights – that exist outside of Western norms – have on the status of the universality of human rights?

Grovoqui openly argues that the status of the universality of human rights must be preserved. In fact, he argues that the goal of imagining “protected human rights as existing outside of Western norms” does not imply in “negating the possibility of universalism, of universality” (Grovoqui, 2011, p. 62). According to his argumentation, the universality of human rights should be preserved since it is precisely the appeal of the concept of human rights in the first place (Grovoqui, 2011, p. 62). However, he points out a crucial shift in how we should conceive such a universality. He stresses that

the one category of rights that should apply universally to all humans is “the so-called socio-economic rights” – “with the faculties they aspire to protect and the capacities they seek to enhance” (Grovoqui, 2011, p. 63). Moreover, it is interesting to emphasize that even when considering legal western norms as guidance for the definition of rights (an approach that is to a certain extent contradictory to the goals here defended), such as the *International Covenant on Economic, Social and Cultural rights* (ICESCR 1966), the so-called socio-economic and cultural human rights there defined resemble the idea of “bread and shelter” discussed by Grovoqui (“the rights that are most required from birth to death – the rights most needed when the social compact has dissolved or when the sovereign disowns some entities”). For example, the rights defined in the ICESCR (1966) encompass the rights to self-determination (article 1); the prohibition of being “deprived of its own means of subsistence” (article 1, paragraph 2); the right for “a decent living for themselves [‘everyone’] and their families” (article 7, a, ii); the right for “safe and healthy work conditions” (article 7, b); the right for “adequate food, clothing and housing, and to the continuous improvement of living conditions” (article 11, paragraph 1); the “fundamental right of everyone to be free from hunger” (article 11, paragraph 2); the “right of everyone to the enjoyment of the highest attainable standard of physical and mental health” (article 12, paragraph 1); the “right of everyone to education” (article 13); the “progressive introduction of free education” (article 1, paragraph 2, c), amongst others.

In this sense, the shift that Grovoqui proposes is particularly interesting since the socio-economic human rights (which he argues to “unqualifiedly apply to all humans”) are exactly the rights that hegemonic human rights deem secondary and, therefore, treat as either a matter of public policy (Grovoqui, 2011, p. 63) or as ‘aid’ from the North to ‘the rest’ (Boaventura, 2008). What is the reason behind such hypocrisy? In my understanding, it is precisely the fact that socio-economic rights (even as defined in Western legal norms) cannot be truly achieved within a capitalist, colonial and patriarchal system. By ‘truly achieved’ I mean achieved on both sides of the line⁹. That is precisely why defending the prevalence of social-economic rights as universal cannot resume to defending the idea of social democracy – an idea most relevant in the European context. As Santos (2018) insists on stressing:

⁹ In reference to Santos’ idea of an abyssal line that divides the metropolitan societies and the colonial territories (Santos, 2016)

Why was social democracy possible in Europe? Under the cost of the violent perishment of the Third World. The beautiful social democracy in Europe would not be possible without colonialism, without the oppression of the rest of the world as colonies. [...] They [colonies] were violently appropriated to build social democracy in Europe. So, you cannot understand social democracy without the savage violence. The two belong together (Santos, 2018, transcription of lecture).

With this in mind and with the aim of imagining human rights as existing outside of Western norms, Grovogui ends his article with an interesting provocation. He argues that: “the dispositions of the Haitian Revolution would thus be universally claimed today if jurists, lawyers, and others had the courage and the imagination to rise above the authorized societal order” (Grovogui, 2011, p. 63). That is, to imagine the universality of human rights not emanating from a liberal Western conception but from a Revolution born in struggle against colonialism, capitalism and patriarchy. About the Haitian Revolution he underlines:

[T]he Haiti Revolution was the first formal constitutional order of the trans-Atlantic world dedicated to the protection of those orphaned by modern political technologies, including constitutional orders, and the structures of the global political economy. This revolution sought not only to protect persons disinherited by law and constitution, but it also stipulated an explicit commitment to those cast by modern morality and legal dispositions as illegitimate: children, divorced women, white women in illicit relations with blacks, and all those deprived of constitutional protection from the sovereign. It was also the first to protect the resources of life, and life itself, as a necessary requirement of the security pledged by the state to its citizenry without preference or discrimination (Grovogui, 2011, p. 61-62).

In this light, if we go back to the idea of intercultural translation between western hegemonic conceptions of human rights and subaltern conceptions of human dignity, it is easier to argue that the “liberal, imperialist human rights complex” (Santos, 2015, p. 47) must be unlearned by the imperial North and the imperial South. Accordingly, socio-economic rights must be activated as primal rights. However, although the idea of granting socio-economic rights the status of universal is an appealing one, it must be done carefully. When choosing to defend the universality of social-economic rights, one must do it as an opposition to how the liberal West deals with the matter of socio-economic rights. That is, in order to defend the universal potential of socio-economic rights, their universality must be presented as an alternative

(and as a resistance) to a capitalist, colonialist and patriarchal system. In other words, the typical western solution to the question of socio-economic rights, social democracy for Europe and aid for ‘the rest’, must be resisted.

Santos, on the other hand, presents a different criticism regarding the status of the universality of human rights. He underlines that whenever human rights are presented as universal they will end up operating as another hegemony (Santos, 2008, p. 11). On the other hand, in order to be conceived as a *globalization from below*, human rights must be re-defined as multicultural (Santos, 2008, p. 11). In fact, he underlines that multiculturalism (achieved through *cross-cultural dialogues*, *intercultural translation* and *isomorphic concerns*) is the precondition for a balance between the *global competence* and the *local legitimacy* of human rights – which he defines as the “two attributes of a counterhegemonic human rights politics in our time” (Santos, 2008, p. 12). Relatedly, he emphasizes that the question of the universality of human rights is ultimately a western cultural question (Santos, 2008, p. 12). In his words:

[T]he question of universality is a particular question, a western cultural question. The extent to which this standpoint can be shared, rejected, appropriated or modified by other cultures depends on cross-cultural dialogues made possible by the concrete political and sociological power relations among different countries involved. Because the question of universality is the answer to an aspiration of completeness, and because each culture ‘situates’ such an aspiration around ultimate values and universal validity, different aspirations to different ultimate values in different cultures will lead to isomorphic concerns that, given the adequate hermeneutical procedures, may become mutually intelligible and mutually translatable. At best it is even possible to achieve a mixture of interpretation of concerns and concepts. The more equal the power relations among cultures, the more probable it is that such *mestizaje* might occur (Santos, 2008, p. 12-13).

In light of this, I would like to finalize by doing the minimum. When I started this discussion, the decision of engaging with the idea of a possible re-definition of human rights was based on Santos’ optimism regarding the necessity of valuing the high-risk struggles of those currently fighting in the name of human rights against systemic oppression around the globe (Santos, 2015, p. 14 and 80). These movements (and overall these lived experiences) are what create the possibility of imagining and evidentiating how the fight for human rights can exist, and is in fact existing, outside of western norms. Learning from those who are putting their lives on the line for the protection of human dignity against capitalism, colonialism and patriarchy is what

drives this epistemological task. A task that is, and could not be differently, actually a combination of both an epistemological and a political task. With this in mind, the least I could do is to refer to the lived experiences of those who fight for human dignity and whose fight elucidates the same conclusion: a counterhegemonic redefinition of human dignity must exist as a resistance to capitalism, colonialism and patriarchy (Santos, 2008).

I would like to begin with the fight of Marielle Franco. In the past months, many have tried to give justice to her life and fight through words. Different activists, journalists, professors and loved ones have tried to find the correct words in order to narrate her life and to explain the meaning of her death. I have come to the conclusion that it is impossible to give her story justice by narrating it. Words will always be missing. There is just one reason for that: Marielle should still be here to narrate her own story. Thus, I apologize for the injustices I am about to make in this brief presentation. Marielle Franco was an activist of human rights, a black LGBT woman from the Favela da Maré in Rio de Janeiro, Brazil. Marielle was also an elected councilor of Câmara do Rio de Janeiro and a member of Partido Socialismo e Liberdade. She was assassinated in March this year (2018) with four shots to her head. Despite the inherent fear of affirming something not yet confirmed, I dare to say that she was assassinated by the conservative forces (whether the military police or the conservative politicians already linked to her death) that wished to silence a symbol of resistance against racism, the killing of black people, homophobia, patriarchy, police brutality and capitalism. Marielle formulated her fight in terms of human rights. In Brazil, between January and August 2017 alone, 58 activists of human rights were assassinated¹⁰. Many of these brutal crimes happened in the rural areas, in the fight for access to land and for the demarcation of indigenous land. Most of the investigations, like Marielle's, have not yet been concluded (or worse, have not even taken place). Many have risked and lost their lives in fights that are diverse but common in the struggle against a system of oppression. Their struggles, formulated in terms of human rights, are not conniving with capitalism, colonialism or patriarchy. On the contrary, they are resistances and alternatives to this oppressive system. In other words, they are counterhegemonic struggles. Marielle is a potent counterhegemonic symbol of this fight and resistance. Marielle, *presente!*

¹⁰ Data from Anistia Internacional Brasil. Available at: < <https://anistia.org.br/noticias/ataques-letais-mas-evitaveis-assassinatos-e-desaparecimento-de-defensores-dos-direitos-humanos/>>.

There are infinite other fights and lived experiences that should be highlighted – many of which I am not even aware of. The stories of the *ribeirinhos* in Rio Negro in the state of Amazonas in Brazil and the story of Dona Dôra, from the community Daracuá, that once taught me things that my privileges obfuscated. Dôra once explained that she simply could not understand how her family sells *o milheiro* (a thousand) of cardinalfish for ten reais, which is then sold at the city of Barcelos for thirty reais, yet to be sold again in Manaus for a hundred reais. And how in the shopping malls of Manaus each fish is finally sold for ten reais – resulting in a total of 10.000 reais for the *milheiro*. She talked about the sleepless nights she spent trying to make sense of it meanwhile she showed the scars she had from fishing.

If I would look only at Brazil, from north to south, there are many lived experiences to learn from: the stories of the women in the northeast of Brazil that were infected by the *zika* virus and who gave birth to children with microcephaly and who now face an endless journey of struggles to have access to basic rights in order to give their children (and themselves) a decent living – women whose stories were not discussed by the Supreme Court judges and by the politicians who systematically refuse to decriminalize abortion; the fight of the Landless Rural Workers Movements for the more than necessary *reforma agrária* (agrarian reform); the resistance of the *quilombolas*; the resistance of the Kayapó to the construction of Belo Monte Dam; the constant struggles against a system of oppression of the people in *cracolândia* in the center of São Paulo, one of the biggest cities in the world...

What changes do these different lived realities engender to the status of the universality of human rights? Firstly, they evidenciate that there is a common ground in the different struggles for human dignity and that it is precisely the need to resist a system of oppression (patriarchy, colonialism and capitalism – very often intertwined). In other words, all these different, “local and yet mutually intelligible” fights for human dignity are born in struggles against capitalism, colonialism and patriarchy. In this sense, the hegemonic universal vocabulary of human rights, conniving with the same system of oppression that others struggle against, does tackle the system of oppression but rather uses it as its ground. Thus, from this emerges the need to repoliticize human rights (as argued by Santos, 2015).

In this regard, I would also like to propose a shift in how we conceive the universality of human rights. I believe that the re-definition of human rights must result in a universality that is based on the counterhegemonic potential of human rights. In

other words, what must be universal in human rights is its strong counterhegemonic energy to resist patriarchy, colonialism and capitalism. Based on these common struggles it will be possible to establish dialogues that, through *intercultural translation* (Santos, 2016), may result in the possibility of establishing “cross-cultural procedural criteria to distinguish progressive politics from regressive politics, empowerment from disempowerment, emancipation from regulation” amongst different cultures (Santos, 2008, p. 14). In other words, through *intercultural translations* aimed at evidentiating *isomorphic concerns* and at distinguishing progressive politics from regressive politics, the hegemonic ‘universal’ human rights will be unlearned and a multicultural conception of human dignity (universal in its counterhegemonic energy) will be activated into hegemony.

Finally, I would like to make some final observations. The path I propose here is opposed neither to Santos’ understanding nor to Grovogui’s suggestions. On the contrary, it learns from both. Even though I do not end up by suggesting that we must transcend the universality of human rights (like Santos does), I rely on the ideas of *cross-cultural dialogues* and *intercultural translation* in order to advocate that the appeal of the universality of politicized human rights must be based on its shared counterhegemonic potential to resist systems of oppression. In addition, I also believe that the shift Grovogui (2011) proposes to the status of the universality of human rights – that is, to value socio-economic rights as the truly universal human rights – is extremely helpful. The fact that socio-economic rights cannot be achieved (at least not on both sides of the line) in a patriarchal, colonial and capitalist society is what evidentiates the need to establish *cross-culture dialogues* in order to identify local, yet mutually intelligible, ways of distinguishing regressive politics from progressive politics in the fight against capitalism, colonialism and patriarchy (Santos, 2016 and 2008). Put succinctly, as Santos (2008) argues, human rights must be anticapitalist, feminist and decolonial. To this I would add: and the counterhegemonic energy of human rights is what must define its universality.

Lastly, I would like to conclude - inspired by Grovogui’s provocation - by stating that the dispositions of the Haitian Revolution, the non-written commitment of the Kayapós to common land; the struggles against police brutality; the fight of the Ribeirinhos for a decent living and for the preservation of the environment; the struggles of different women over their rights to make decisions about their own bodies; the fight for *reforma agrária*; the resistance of the quilombolas; and overall, the lived

experiences born in the common (local and yet mutually intelligible) struggles against capitalism, patriarchy and colonialism “would thus be universally claimed today if jurists, lawyers, and others have the courage and the imagination to rise above the authorized societal order” (Grovgoui, 2011, p. 63).

CONCLUSION, OR BETTER, WHAT WAS LEFT UNSAID

With the intention of referring to what was left (both intentionally and unintentionally) unsaid, I would like to provide an overview of what has been discussed so far. When first starting this debate, I based my ideas on the following question: Is a counterhegemonic redefinition of human rights one of the paths to understand the muting of subaltern understandings of human dignity? In my understanding, there is no answer to this question other than yes. The hegemonic conception of human rights is only one of the multiple genealogies of human dignity. As Santos emphasizes, the illusion of theology erases from history the existence of other concepts of human dignity that are in dispute with the concept of human rights (Santos, 2015, p. 3). In this light, through the process of evidentiating the “God trick” (Haraway, 1988) performed by the hegemonic conception of human rights, it is possible to finally acknowledge its historical specificity. In doing so, is thus, to recognize the hegemonic discourse of human rights as conniving with colonialism, patriarchy and capitalism (Santos, 2015). In what follows, is an emergence of the need to build a counterhegemonic re-definition of human rights based on situated knowledges and as a resistance to colonialism, patriarchy and capitalism.

However, to recognize the epistemic violence performed by the hegemonic conception of human rights is insufficient. In other words, it is not enough to understand the muting of subaltern understandings of human dignity. It is necessary to activate these multiple understandings into hegemony. Nevertheless, it is crucial to do so without falling into the easy trap of cultural relativism. How would that be possible? Firstly, by bearing in mind that if *Epistemologies of the South* is an attempt to validate knowledges born in struggle (Santos, 2016), accordingly, a counterhegemonic conception of human rights must be an attempt to activate into hegemony understandings of human dignity born in struggle against a system of oppression. In this sense, I insist that the path to activate subaltern understandings of human rights into hegemony is through the same two procedures that guide Santos’ project in *Epistemologies of the South*, that is, through the *ecology of knowledge* and *intercultural translation* (Santos, 2016). Nevertheless, I chose to focus on the procedure of *intercultural translation* – a work of meditation that requires the participants to defamiliarize from their respective cultural backgrounds (Santos, 2016).

In what follows, I suggest that the processes of defamiliarization of both the imperial North and the imperial South could benefit from Spivak's ideas of *unlearning privileges* and of *learning to learn from below*. Yet, departing from the premise that subaltern understandings of human dignity cannot afford such defamiliarization, I argue that two processes must happen simultaneously in order for the product of intercultural translations to be the activation of understandings of human dignity outside of western norms: on the one hand, the imperial North and the imperial South must *unlearn their privileges* and *unlearn what they know* (that is, northern cultural imperialism) in order to *learn to learn from* subaltern knowledges; on the other hand, subaltern understandings of human dignity must hold on to their understandings of self (which is not the same as advocating for a return to 'the past' or for a static understanding of culture). In this sense, through *intercultural translations*, it might be possible to engage in shared conversations based on situated knowledges in order to evidenciate *isomorphic concerns* and to distinguish progressive politics from regressive politics (Santos, 2015) across cultures – whilst avoiding cultural relativism and cultural imperialism. Perhaps it is an easy answer to a complex problem. Nevertheless, I insist to convince myself that it is, at least, the right direction.

With this in mind, I move on to briefly discussing how struggles for human dignity that exist outside of western norms question the status of the universality of human rights. Departing from both Grovogui's and Santos' concern regarding the status of the universality of human rights, I propose a shift myself. It consists of valuing the counterhegemonic energy to resist patriarchy, colonialism and capitalism as the true universality of the 'reformulated' human rights. A move that does not reject the universal appeal of human rights (an idea inspired by Grovogui's statement) but that relocates that appeal. I would like to think of it as a political provocation. The universality of hegemonic human rights is conceived as if, in order to be 'universal', it must exist outside of politics. As a resistance, I propose that the universality of the 'reformulated' human rights must reside in its politics, that is, in its counterhegemonic potential to resist patriarchy, colonialism and capitalism.

Nonetheless, many other questions are still left unresolved. In my understanding, the main problem still waiting to be debated is the question regarding who the subjects of the reformulation of human rights are. The lived experiences of those who resist against patriarchy, colonialism and capitalism and their fight for human dignity are the evidence that human rights exist outside of western norms. In fact, a crucial contribution

of feminism is to value lived experiences as knowledge worth knowing from. In this sense, those who vindicate human dignity against capitalism, patriarchy and colonialism are, beyond doubt, the main subjects of the reformulation. However, I would like to suggest that the re-definition of human rights is not located only in the resistance but also in the *contact zones*¹¹ between the hegemonic conception of human rights and subaltern understandings of human dignity. Thus, importance lies in the imperial North and the imperial South *unlearning* the hegemonic conception of human rights, and consequently, of the field of human rights perhaps being precisely the field that Western culture must learn from the South while bearing in mind that “the North has been actively unlearning the South all along” (Santos, 2008, p. 24).

Nonetheless, the one question that was intentionally left out is the question of representation. Was I presuming that all of those who struggle against capitalism, patriarchy and colonialism “know and can speak for themselves”? Spivak, when confronted with the question – or with the immense problem, as she defined it (Spivak, 1988, p. 275) – of the consciousness of the subaltern woman, stressed that to ignore such a debate “is an unacknowledged political gesture that has a long history and collaborates with a masculine radicalism that renders the place of the investigator as transparent” (Spivak, 1988, p. 275). In fact, the intellectual’s desire for transparency and the belief on the possibility of “letting the oppressed speak for themselves” is precisely one of Spivak’s focus points when criticizing Foucault and Deleuze’s work (Spivak, 1988, p. 279). More specifically, when criticizing their conversation entitled *Intellectual and Power* (1977) – in which Foucault stated that “in recent upheaval, the intellectual discovered that the masses no longer need him to gain knowledge: they *know* well, without illusion; they know far better than he and they are certainly capable expressing themselves” (Deleuze and Foucault, 1977, p. 207). In the face of this line of thinking, Spivak underlines that one of the main problems in both Foucault’s and Deleuze’s work is that there is “no signifier” (Spivak, 1988, p. 279). These are questions that must be tackled and I do not think we can find an answer to them in Santos’ work.

¹¹ Here I also refer to Santos definition of contact zone as “social fields in which different cultural life worlds meet, mediate, negotiate, and clash. Contact zones are therefore zones in which rival normative ideas, knowledges, power forms, symbolic universes, and agencies meet in usually unequal conditions and resist, reject, assimilate, imitate, translate, and subvert each other, this giving rise to hybrid cultural constellations in which the inequality of exchanges may be either reinforced or reduced.” (Santos, 2016).

Although Santos (2016) underlines the abyssal line that divides metropolitan societies and the colonial territories, his concept of subalternity better encompassing those who are capable of organizing themselves. However, what happens when we rethink human dignity from Spivak's conception of subalternity? From those removed "from the line of social mobility"? When the subaltern inhabits a (non)place (de Jong and Mascot, 2016, p. 718) where no voice can be given back? How can we rethink the universality of human rights then? These questions were left unasked throughout the debate. All those who write also write in silences. Silences meant to avoid the paths they are still unable or unprepared to navigate. These are questions I cannot yet provide answers to.

Nevertheless, I would like to conclude by underlining once more that to rethink human rights should not only be a path to understand the muting of subaltern understandings of human dignity but also a path to activate these multiple understandings into hegemony. The task of redefining human rights and of appealing for a universality based on its potential to resist capitalism, colonialism and patriarchy, is one of the paths towards cognitive justice. Once more, inspired by Grovogui's statements, I would urge for other legalist and jurists to claim as universal dispositions (and understandings based on lived experiences) that exist outside of western norms and that are common on their counterhegemonic energy: from the dispositions of the Haitian Revolution (Grovogui, 2011); the rights of the Pacha Mama (Constitution of Ecuador, Article 71); the fight for *reforma agrária*; the struggles of the Ribeirinhos; to granting rights comparable to human rights to 'non-human' beings. Perhaps, one way forward is remembering Deleuze's statement: "there is no need to fear or hope, but only to look for new weapons" (Deleuze, 1992, p. 3-7).

REFERENCES

Cherniasvsky, E. (2011). The canny subaltern. *Theory after 'theory'*. London: Routledge.

de Jong, S. and Mascot, J. (2016). Relocating subalternity: scattered speculations on the conundrum of a concept. *Cultural Studies*, 30(5), pp.717-729.

Grovogui, S. (2011). To the Orphaned, Dispossessed, and Illegitimate Children: Human Rights Beyond Republican and Liberal Traditions. *Indiana Journal of Global Legal Studies*, 18(1), p.41.

Haraway, D. (1988). Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective. *Feminist Studies*, 14(3).

Mignolo, W. (2009). Epistemic Disobedience, Independent Thought and Decolonial Freedom. *Theory, Culture & Society*, 26(7-8), pp.1-23.

Santos, B. (2008). *Another knowledge is possible*. London [u.a.]: Verso.

Santos, B. (2015). *If God were a human rights activist*. Stanford: Stanford University Press.

Santos, B. (2016). *Epistemologies of the South*. New York: Routledge.

Spivak, G. (1998). Can the subaltern speak? *Marxism and the interpretation of culture*. Urbana: University of Illinois Press, pp. 271-315.

Spivak, G. (1990). Strategy, identity, writing. *The post-colonial critic. Interviews, strategies, dialogues*. London: Routledge, pp. 35-49.

Spivak, G. (2000). The new subaltern: a silent interview. *Mapping subaltern studies and the postcolonial*. London: Verso, pp. 324-340.

Spivak, G. (2004). Righting Wrongs. *South Atlantic Quarterly*, 103(2-3), pp.523-581.

Tlostanova, M. (2017). Transcending the human/non-human divide. *Angelaki*, 22(2), pp.25-37.