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Who Speaks for the "Human" in Human Rights?

Walter D. Mignolo

The Issues: Experience and Philosophical Categories

"Human Rights"—as they are conceived in the Universal Declaration of 1948—presupposes that "human" is a universal category accepted by all and that as such the concept of human does justice to everyone. However, the concept of human used in general conversations, by the media, in university seminars and conferences, is a concept that leaves outside of "humanity" a quite large portion of the global population. That men (and women) are all born equal, is a statement that since eighteenth-century Europe we can find in Bills of Rights and European and American constitutions. The statement has been made under the presupposition that everybody with a basic education, no matter where (in China, in the Middle East, in any region of Africa, Central Asia and South America, in Russia, etc.), will agree with such a statement. Indeed, it makes a lot of sense and it can be taken as, if not universal, a global truth. The problem rests there, in the idea of equal status at birth. The problem is that if men (and women) are born equal, they do not remain equal the rest of their lives. The statement that I have never seen written as such but implied in countless places—"men and women are all born equal but they do not remain equal the rest of their lives"—should also be globally, if not universally, accepted. Surely it will be endorsed by the majority of the population of the planet who know by experience that such a statement is true. For all human beings born equal, losing their equality is a humiliating experience.

I will not trace the history of losing equality since the origin of the world (as told in the Bible, the Popol Vuj, or by Big-Bang physical theorists). I will examine how, when, why, and which populations of the planet were classified and ranked. The classification and ranking was not a "representation" of a previously existing world already classified and ranked. Some one did the classification. Who did it and how was it legitimized? I will also argue that the concepts of "man" and "human" went

hand in hand with the emergence of the concept of "rights." In other words, the idea of human and the idea of rights both separately and in conjunction have been invented by humanists of the European Renaissance. These ideas responded, on the one hand, to the internal history of Western Christians in what would become Europe in their long lasting conflicts with Islam and, on the other hand, to an external history of Christianity. Indeed this was the beginning of a historical process with no precedent. The emergence of the New World and new people forced Renaissance humanists to review their epistemic premises, and forced Indigenous intellectuals in Anahuac and Tawantinsuyu, as well as leaders and thinkers of enslaved Africans in the New World, to make sense of a history in which they were the real origin. Cut off from African histories, enslaved Africans had to start anew in the New World. This is the initial moment in which massive number of people began to lose their equality, their humanness and their rights.

Concepts such as "man" and "human" were an invention of European humanists of the fifteenth and sixteenth centuries, an invention that served them well for several purposes. First, humanists introduced the concept of man to detach themselves (humanists) from the control of the Church. For the Church, being Christian, rather than being man, was what counted. Second, by inventing the idea of man, humanists distinguished themselves from co-existing communities they perceived as a threat, challenge or enemies: Saracens or Easterners and pagans or rustic religions served to establish the difference with man. These two terms are already revealing: He the humanist was the one who placed himself in relation to the Saracens or Easterner, placed himself as Westerner. Westerners then defined the locus of enunciation (not as geo-historically and geo-politically located, but as the enunciation of the universal). Easterners defined instead the enunciated to whom the enunciation was denied: Easterners were defined by Westerners as if Westerners had the universal authority to name without being named in return. He (the humanist) who defined the pagans assumed that his own religion (Christianity in this case) was the point of reference and the most sophisticated religion in relation to more rustic religions, the pagans. He (the humanist) who named and described the heathen anchored his locus of enunciation in Christianity and Judaism, since "heathen" was used to refer and describe all those who were neither Christian nor Jews.

I have no doubt that the ones who were labeled by Christians and humanists did not see themselves as pagans, heathens and Saracens. First of all because the Arab speaking population in the East of Jerusalem and in the South of the Mediterranean, and the Latin and vernacular speaking population in the West of Jerusalem and North of the Mediterranean, did not share the same history, memories, subjectivities, experiences. What we have here is just half of the story—the regional and provincial history told by Western Christians and Renaissance humanists. However, it was the Latin and Western vernacular categories that have been naturalized in a one-to-one

correspondence with the designated entity. I am writing this article inhabiting the Latin and Western vernacular cosmology, not in its uninterrupted form but in its discontinuity: the discontinuity of Western classical tradition disrupted by the emergence of the New World in the consciousness of Western Europeans. Christians repeated with the population of the New World what they had been practicing with their undesirable neighbors and far away co-existing populations (far-east, where Marco Polo went): they named all Indians the inhabitants of the New World and Black people in Africa and enslaved Africans in the New World.

Being and feeling oneself Western Christian meant also having "dominium" over the enunciation and assuming that whatever was named and conceived according to Greco-Latin principles and categories of knowledge, corresponded to how the world really was. In the sixteenth century treatise of historiography it is often stated that history is made of word and things, an assumption that was analyzed by Michel Foucault. Humanists felt authorized to speak for man and the human. The warranty of such belief was religious and epistemological—religious, because it was stated in Biblical narratives (which was the dictation of God); and epistemological, because it has been framed by Saint Thomas Aquinas (1224–1275), who brought together Greek philosophy and Biblical narratives. Needless to say, while Western Christians in the fifteenth and the sixteenth centuries were demonizing differences that allowed them to create their own identity as Western Christians, Muslims from Africa to Central Asia where living their lives and doing their deeds in the same way as communities and societies in China and India.

It was not quite the same however for the communities and societies of Anahuac and Tawantinsuyu. Since the first half of the sixteenth century they could no longer continue living their lives as it was before that time. Kingdoms of Africa that were broken by the kidnapping and enslavement of their young population and Black communities in America had to rebuild overcoming the differences of their original Kingdom. It was force and violence from the part of Western Christians and merchants (Portugal, Spain, Holland, France, England), but it was mainly the growing power of their own locus of enunciation that allowed themselves to assume that there was just one God and that they were His representatives on earth. At the top of the species were Western Christians and placed below the rest: Saracens, Heathens, Pagans, Indians and Blacks. The assumption here is the belief in the absolute possession and control of knowledge and the denial of it to all the people classified outside and below.

Thus, when the idea and the category of man came into the picture, it came already with a privilege: the privilege of being under the framework already created by Western Christians. If then, being Christian was—for Christians themselves—the ultimate point of reference of civility and the correct life, being man was the ultimate point of reference of beauty,

morality, knowledge for humanists. Man and Humanities updated the Roman idea of *humanitas* and the sphere of learning. *Humanitas* and *civitas* (close to the modern idea of citizens), presupposed an educated person. During the European Renaissance man was conceived at the intersection of his body and his mind, his body proportion and his intellect. Leonardo da Vinci's *Vitruvian Man* translated into visual language what humanists were portraying in words.[1] Man and *humanitas* became the frame of reference allowing the enunciator inscribed in Greco-Latin genealogy of thoughts to decide who belonged (not just to Christianity) but to humanity. During the European Renaissance He who spoke for the human was the humanist.

He Who Spoke for the Human Spoke Also for Rights

In the European Renaissance the question of rights was not much of a question. The question was of law: divine and natural law. The distinction came from Roman law and the influential works of Cicero. The question of rights is properly a question of the modern/colonial world and not of ancient Rome; and even less ancient Greece. The question of rights was inaugurated by and of the historical foundation of modern colonialism; by the initial moment of imperial/colonial expansion of the Western world and the "spread" of the ideal of being Christian, the ideal man and—by the eighteenth century—the idea of citizen and of democracy. From the sixteenth century to the Universal Declaration of Human Rights, He who speaks for the human is an actor embodying the Western ideal of being Christian, being man and being human. In other words, "human" in human rights is an invention of Western imperial knowledge rather than the name of an existing entity to which everyone will have access too. Being an invention of Western knowledge means that the idea of man and human is controlled by certain categories of thoughts entrenched in particular, regional history and experience—for a Jamaican woman like Sylvia Wynter the idea and ideal of what does it mean to be human will certainly differ from the same question asked and responded by Francesco Petrarca, for example.[2]

In this regard, Western imperial knowledge (that is, based on Greek and Latin categories and translated into modern European vernacular languages—Italian, Spanish, Portuguese, German, French and English) controls (e.g., owns) the concept of human. If you want to dispute it from the genealogy of thoughts of Arabic, Urdu, Russian, Aymara, Bambara, or any other language and experiences embedded in non-Western history or indirectly related to Western categories of thoughts (and indirection here refers to imperial expansion and colonization), you would have two options: to bend and accept what is human according to Western knowledge

(grounded in Greek and Latin; that is, not in Greek and Arabic) is; or you would prefer to de-link, to engage in epistemic disobedience denouncing the provincialism of the universal and engage in a collective, differential, planetary assumption that being human is not being Vitruvian, Christian or Kantian but is instead being able first to dispute the imperial definition humanity. Secondly it is to engage in building a society in which human is not defined and rhetorically affirming that we are all equal, but human will be what comes out of building societies on principles that prevent classification and ranking to justify domination and exploitation among people who are supposed to be equal by birth. If you decide this option, please do not attempt to provide a new truth, a new definition of what does it mean to be human that will correct the mistakes of previous definitions of human. Since there is no such entity, the second option would be de-colonial, that is, to move away (de-link) from the imperial consequences of a standard of human, humanity and the related ideal of civilization. If you choose this option it doesn't mean that you accept that you are not human and you are also a barbarian. On the contrary, placing yourself in the space that imperial discourse gave to lesser humans, uncivilized and barbarians, you would argue for radical interventions from the perspective of those who have been made barbarians, abnormal and uncivilized. That is, you will argue for justice and equality from the perspective and interests of those who lost their equality and have been subjected to injustices.

Rights then emerged in the process of building what today is conceived as modern/colonial world. In other words, rights is a concept responding to imperial necessity. I will sketch three moments of the trajectory of rights and conclude by showing that human rights today continues to be an imperial tool at the same time that it became a site to fight injustices qualified as violations of human rights. "Humanitarian interventions," which entered the vocabulary of international relations in the past decades, brings back to the present the generally forgotten history of human and rights.[3]

In the first stage, the question of rights was linked to people or nations (e.g., communities of birth, *nation*). Theological and legal theorists at the University of Salamanca, in the sixteenth century, began to address such questions prompted by the "apparition" (much like the apparition of Virgin Mary) on the intellectual horizon of Western Christians, of people who were not accounted for in Biblical narratives. Led by Dominican Francisco de Vitoria, one of the main issues was to solve the problem of *ius gentium*, rights of people or of nations. The question of "natural, divine law and human law" where not new issues; both had a tradition in Christian theology and were laid out by Saint Thomas Aquinas. What is crucial here is not so much the "novelty" within the same classical European tradition (that is, the newness within a uni-linear and uni-versal idea of history) but the *discontinuity*; the moment in which Western genealogy that men of the European Renaissance were attempting to build upon the legacies of Greece

and Rome, the project is *dislocated* by the emergence of people totally outside Greek-Roman (and Jerusalem) legacies. Vitoria had to deal then with the authority of the Pope and the authority of the Monarch. Vitoria questioned the authority of the Pope arrogating to himself the power to "give" half of the New World to the Spaniards and half to the Portuguese and the Emperor. A second issue Vitoria had to deal with was the relation between "belief" and "right to property." He argued that unbelief does not cancel natural law and since ownership and dominion are based on natural law, the right to property is not cancelled either by unbelief. Indians are not believers but because of natural law they have, like the Spaniards, property rights. Vitoria's openness and fairness missed a crucial point: he did not stop to ponder whether Indians cared about rights and whether Indians relationship to land was a relation of property, like the Spaniards, and not something else. In other words, as a good humanist and theologian, Vitoria spoke for humanity and told half of the story without realizing it; assuming, indeed, that he (and his colleagues) was dealing with the world as is, and not as it was for him/them.

The logic of Vitoria's argument is flawless. The premises are suspect. Why would Vitoria assume that Aztecs and Incas and other communities in the New World would have the same "avarice" toward property as Spanish Christian? Why did he not stop to think for a minute that life and economy, among the inhabitants of the New World, was organized upon different principles? He did not. And therefore the next step was to justify the rights of the Spaniards to dispossess "Indians" (not Aztecs or Incas) of the "property" that Indians did not conceive as such. Remember, Indians have property rights, and the question was how to find a way to legitimize Spaniards' appropriation of Indian properties having acknowledged that Indians had property rights. There were two positions among Spanish men of letter about the "nature" (humanity) of the Indians. For the most conservative, Indians were irrational, dirty, immature, barbarians, etc. For more progressive men of letters like Dominicans Bartolomé de Las Casas and Francisco de Vitoria himself, Spaniards and "Indians"—and not for them Náhuatl, Aymara, Quechua, Tojolabal, etc. speaking people) were rational in their own way. Spaniards and Indians were both bound by a system of natural law; therefore, both Spaniards and Indians were subjected to *ius gentium* (natural law of the people or nations). However, there was something "lacking" among the Indians that placed them in an inferior echelon vis-à-vis Spaniards.

As he was Spaniard and not Aymara or Tojolabal, Vitoria managed to articulate the *legal colonial difference*, based on his control of knowledge (e.g., his assumptions on the principle of argumentations as well as the belief that whatever questions were relevant for the Spaniards were also relevant for Indians because his questions were uni-versal).

Here we have in a nutshell the material apparatus of enunciation upon which racial classification will be based, from then on, and the concept of man and human that was established in its universality by the regional enunciation of an ethno-class controlling knowledge. Man and human (and not blood of skin color) is the bottom line of racial classification. And racial classification is nothing more than one answer to the question "who speaks for the human"? Classified races do not exist in the world but in the discursive universe of Western theology, philosophy and science. Since existing racial classification—since the Renaissance—presupposes a ranking of human beings depending on their approximation to principles of knowledge (belief and rationality; form of life and socio-economic organization) and ontological approximation to *Vitruvian Man* (form and social uses of the body such as posture, walking, dance, rituals, and Christian and non-Christian rituals), the actors who perform and maintain racial classification *are the ones who speak for the human*. Theology was the overarching edifice of knowledge in Christian Europe and the New World in the sixteenth and seventeenth centuries. Of course Christian Theology was not the overarching edifice of knowledge, during the sixteenth and seventeenth century, in China; in the Ottoman, Mughal or Safavid Sultanates. Neither was it among Incas and Aztecs in the New World. But for European Christian males it was universal knowledge. That is why Vitoria did not stop for a second to ponder whether the concept of "property' as he understood it, was the same among his "Indians."

Siba N'Zatioula Grovogui summarized the issue (which has been alive and well since then) in two of the major thesis of investigation of the *historical foundation of international law which is one aspect of the foundation of the modern/colonial world and the colonial matrix of power*, as follows:

> I seek to demonstrate that the dependence of international politics on the European dominated political economy and its legal apparatus resulted in two of the most significant paradoxes of decolonization: The first is that only the rights sanctioned by the former colonialists were accorded to the colonized, regardless of the needs and demands of the latter [. . .] The second paradox is that the rules and procedures of decolonization were determined and controlled by the former colonial power to effect specific outcome. This is a paradox because *the rights to self-determination* is generally understood to mean *the absolute political authority to create rights and obligations for oneself* [. . .] The rules and processes of decolonization not only denied African communities the right to the protection of the law, *they failed to recognize African's need for such protection*. (96)

There is a straight line, to which I will return in the next two sections, in the history interrelating the concept of people, men, citizen, human and rights, from the *colonial revolution* of the sixteenth century to the *de-colonial revolutions* of the second half of the twentieth century (starting with India in 1947). Although Grovogui begins his argument with Hugo Grotius (which is a common beginning for scholars of International Law in the English and French speaking worlds), it is obvious for most scholars in the Spanish and Portuguese worlds,[4] that his two paradoxes are nothing but the two cases of the constitutive and complementary character of modernity/coloniality. What appears as paradox is, and has been, the node, the technological key of the simultaneity, always simultaneity, between the rhetoric of modernity announcing salvation, happiness, progress, development, etc., and the necessary logic of coloniality—appropriation of natural resources, exploitation of labor, legal control of undesirables, military enforcements of the law in order to ensure "salvation" through the imposition the interests and world view inherent to capitalist economy.

The second moment was self-fashioned and enacted between the Glorious Revolution in England (and the Bill of Rights), at the end of the seventeenth century, and the American (Virginia Declaration of Rights [1776]) and the English Bill of Rights (1791) and French Revolutions (The Rights of Man and of Citizen)], at the end of the eighteenth century. The main difference between the centuries in which the Bill of Rights and The Rights of Man and of Citizens came to the forefront and the century of Vitoria (in Spain) and Grotius (in Holland), for whom *ius gentium* was integral to the historical foundation of international law, was that the pronunciation that the Bill of Rights and The Rights of Man and of Citizen were no longer dealing in an international arena but, instead, were limited to national issues. It was indeed the period in which nation-states were being forged and the advent of the bourgeois ethno-class being legitimized. Rights were linked to the construction of nation-states and the coming into being and the stabilization of an ethno-class commonly known as the European bourgeoisie. Being human meant to be rational, and rationality was limited to what philosophers and political theorists of the Enlightenment said it was.

By the end of the seventeenth century, being human became more identified with being secular bourgeois than with being Christian. However, being Christian did not vanish; it remained in the background. Exteriority was no longer a problem. The battle had been already won and the energy was concentrated on an idea of humanity that was re-cast as The Rights of Man and of Citizen after the French Revolution. "Nations," in the emerging nation-states displaced the idea of "nation" (*gentium*) in Vitoria and Grotius. A new figure of exteriority was necessary when the concept of "citizen" was introduced: the "foreigner" enriched the list of "exterior human," that is, of "defective humans" next to pagan, Saracens, Blacks, Indians, women, non-normative sexual preferences. The enlightenment idea and ideal of man and

humanity was adopted and adapted in the colonies. The so-called "American Revolution" was in the hands of white men of British descent. They did not have yet the problem of the "foreigner" as in Europe, but the Founding Fathers had the problem of Indian and Black populations, which of course Europe did not have. In other words, man and human in the United States were defined at the crossroads of British and European philosophy and in contradistinction with Indians and Blacks surrounding the Founding Fathers.

In South America (Spanish and Portuguese colonies and ex-colonies), the situation was similar to that of the United States but with significant differences. The similarity was that independence was in the hands of white men from European descent (Spain and Portugal). Leaders of independence movements and nation-state builders of continental South America and Ibero-Caribbean also conceived man and humanity in the European tradition and in contradistinction with Indians (mainly continental Spanish America) and Blacks (mainly Brazil and the Caribbean). However, in the dominant discourse of Northern European ranking of man and human, Spain and Portugal, and their nationals, were already considered second class Europeans. Immanuel Kant and George W.F. Hegel canonized this view. In short, by the eighteenth century, those who spoke for the human were secular philosophers and political theorists in the heart of Europe (France, Germany and England). That vision was adopted by Creoles from European descent in the United States, South America and the Caribbean. And that vision became constitutive also of the model of man and humanity when England and France began their expansion to Asia and Africa. "The civilizing mission" was nothing else but: a) imposing a model of man and humanity; and b) assuming (after Kant and Hegel's canonization) that not only non-Christian religions were inferior, but that people of color speaking languages non-derived from Greek and Latin were less human. Roman legacy of *humanitas* and *civitas* were rehearsed when European men and citizens appointed themselves to carry civilization to the *anthropos* of the planet.[5]

This view did disappear with the Universal Declaration of Human Rights in 1948. All the talks, problems, and dramas of immigration in the European Union and the United States cannot be properly understood, nor addressed, without asking who speaks for the human in the modern/colonial and casts immigrants in different scales of the sub-human. Old racial categories are being recast when it is no longer the colonist who encounters the *anthropos* but the *anthropos* that is knocking at the door of the colonist in his imperial home.

"Human" in the Universal Declaration was redefined according to changing world order and the change of hands in imperial leadership, from England to the United States. Subsuming the nation-state stage of the Bills of Rights and The Rights of Man and Citizen, the Universal Declaration returns to the arena of inter-state relations and international law set up by

Vitoria and Grotius. In fact, for Grotius, distinct from Vitoria, the problem of international law was twofold: on the one hand, international law meant inter-Europe. He was living and writing in the middle of the Thirty Years Religious War. And indeed he was sitting, literally and metaphorically, in Holland during the short-lasting but quite influential imperial moment. Grotius and Descartes, indeed, were in Amsterdam when Holland was gaining its imperial momentum. Grotious' *Mare Liberum* could have been named "universal declaration of rights to the sea in international law." Vitoria did not label the issue he was discussing "universal declaration of rights and international law," but that is what he was doing: defining and profiling the human by tracing the colonial difference, epistemic and ontological.

After the interregnum of nation-state building in Europe and nation-state imperial expansion (mainly England and France) the Declaration was forged with three horizons in mind, under the leadership of the United States: a) the rebuilding of Europe after the Holocaust and World War II; b) the "communist menace," which was added to the old list of pagans, Saracens, Indians, Blacks, and now communists; and c) the uprising in the Third World, of which the independence of India was already a strong sign of alert. United States politics of foreign relations strongly supported self-determination of colonial locales. The motifs were not so much the right to self determination but, rather, the United States global designs. Very much like the "independence" of South Americans from Spain and Portugal, to build a nation-state that under the fiction of sovereignty depended on France in knowledge, culture and politics and from England in the economy, de-colonized countries in Asia and Africa sooner or later moved under the arm of uncle Sam.

The idea of "human" in the Universal Declaration was taken for granted: it had been already profiled in the Renaissance and rehearsed in the Enlightenment. What else could be said about what being human means? However, a geo-political remapping took place with the same hidden assumptions under which Renaissance humanists were operating. Parallel to the Universal Declaration, a reclassification of the planet was taking place: First, Second and Third World. By the seventies, Indigenous people from all the Americas, New Zealand and Australia made themselves heard: where is our face, they asked, in this world order? A new category was invented to "please them": the Fourth World. Do you think indigenous people of the planet were happy to be a fourth-class global citizen? And who is talking and celebrating, today, global citizenship?

"First World" looked like an objective category, the naming of an existing entity. What was hidden was that the classification was made from the perspective of the First and not from the Second, Third or Fourth World. Five hundred years separated political scientists and economists after World War II from Renaissance humanists. The logic, however, was exactly the

same. Only the content changed. No more pagans, heathens or Saracens, but communists, underdeveloped and—still!—Indians.

The First World was where humanity par excellence dwelled. The rest was inhabited by different kinds of *anthropos*. Liberalism and Christianity set the ideological stage against Communism. Humanity par excellence was surrounded by the dangerous Second World, communism, in the Soviet Union, in its colonies at the border of Europe (The Caucasus, Belarusia and Ukraine), in Central Europe and the Balkans. And then the Third World, the farthest away from the model of humanity par excellence. But, since the Declaration of Human Rights was universal, the entire population of the planet had the right to have rights. This was the First World's gift to the Second and Third Worlds. But it was a gift similar to stating that all men and women are born equal. People of the Second and Third Worlds were told that they have the right to have rights. However, they were also told that they were in the Second and Third World; that the latter were underdeveloped and that the former were under a totalitarian regime. And that it was mainly in the land of the *anthropos* where, it is expected, human rights will be violated. Human rights were not expected to be violated in the First World. The First World was not setting up a Declaration to shoot on their own foot; particularly after Hitler had been already defeated . . . but Stalin was still alive and well.

In other words, the international order was mapped no longer in terms of *ius gentium* but of *human rights*. Until 1989 one of the main functions of human rights was to watch closely their violations in communist countries and in countries of the Third World not aligned with the United States. The violators or perpetrators of human rights were denounced, accused and if possible penalized. The saviors, in the First World, defended the cause of democracy. It was mainly with Guantánamo and Abu-Grahib that the First World was caught as violator and perpetrator and no longer as—just—a savior. The difference with the Second and Third World was that the violation did not take place in the First World but in Third World territory. Humanity was not, it is not, a transcendental and neutral essence that just anyone can appropriate and describe. Humanity has been created upon philosophical and anthropological categories of Western thought and based on epistemic and ontological colonial differences. If someone else wants to use human rights they must specify what kind of human he or she is. For example, "Indigenous rights" are predicated on the assumption of their difference from "universal" (or White Euro-American) rights. However, by the sheer fact of naming a set of rights "Indigenous" it becomes clear that they cannot be universal rights and that what passes as universal is indeed "Euro-American white rights." That is, two "species" of the human, by convention, which is spoken by everybody who want to speak and locate him or himself in a specific community of rights.

When the Cold War ended, human rights took a new impulse and it was associated with the second wave of development. The first wave took place between 1950 and 1970 and the labels were "development and modernization of underdeveloped countries." The International Monetary Fund and World Bank were the two main institutions in charge of advancing the project. After the fall of the Soviet Union, development came back under the label of "globalization and market democracy." Human rights have been recast since the fall of the Soviet Union, with one of its consequences being the Washington Consensus and the neo-liberal doctrine. This scenario that dominated the 90s was extended to deal with the consequences of 9/11's aftermath. The question of Islam and human rights then became central.

Basically, the Washington Consensus (a doctrine of about ten points advanced by John Williamson in 1989) was the second wave of "development and modernization" launched in the 1950s and ending around 1970.[6] In the interregnum, Western rhetoric turned to "modernity" and "globalization" and, in the nineties, modernity and globalization were subsumed under the Washington Consensus. What does all of this have to do with human and rights? Quite a bit, indeed.

It has been documented by many that Washington Consensus doctrine was a road to global disasters. One well informed analysis is the classic book by Joseph Stiglitz, *Globalization and its Discontent* (2000). Parallel to the implementation of the Washington Consensus a significant expansion of Non-Governmental Organizations took place. Although a civil society organization to help the needy can be dated back to the mid-nineteenth century, it was officially established as Non-Governmental Organization in 1945 within the charter of United Nations. As the growing influence of neo-liberal doctrine increased, since Ronald Reagan and Margaret Thatcher, so did its devastating consequences. NGOs proliferated. The Washington Consensus operated, at the economic level, in the same frame of mind that missionaries operated at the religious level in the sixteenth century. Conquering the soul of the Indians by conversion is equivalent to conquering the soul and labor of underdeveloped countries and people. The differences are also important: conversion did not imply exploitation. Exploitation, in the sixteenth and seventeenth century, was the job of merchants, plantation owners, encomenderos and gold and silver mine owners. However, at that time, they were not attempting to impose their economic behavior; just taking advantage and accumulating wealth.

Thus, parallel to the increase of poverty and widening of the line separating the have from the have-nots, violations of human rights proliferated under damaging conditions. Whether leaders of the Washington Consensus and NGO officers see the connection or not, the fact remains that NGOs have been working to take care of damages inflicted by neo-liberalism and the Washington Consensus. Both, the Washington Consensus and NGOs are a Western creation under the global mask of the United

Nations. The proliferation of nationally based NGOs still depends on the master plan. In the same vein, The Washington Consensus managed to find and establish their branches in the underdeveloped world (i.e., Menem in Argentina, Gonzales de Losada in Bolivia). Consequently, both the Washington Consensus and NGOs were based in the ex-First World and their action directed mainly toward the ex-Second, Third and Fourth Worlds. Or, if you wish, they were both institutions in the *humanitas* geared toward developing and taking care of the *anthropos*. The consequences of the logic of coloniality (disastrous consequences of the Washington Consensus doctrine), were sold and disguised by updating the rhetoric of modernity (development, market, and democracy). With the injuries inflicted by the logic of coloniality in order to advance what the rhetoric of modernity promised, someone has to take care of the damage. And the NGOs were there to help the *anthropos*.

The situation reached a point in which the closed circuit of the rhetoric of modernity, the apparent collateral damages which indeed are the actual consequences of the logic of coloniality, prompted the emergence of a global political society taking destiny in their own hands. In other words, while NGOs operate in the sphere of civil society repairing the damages of neo-liberal capitalism, the political society came into being with a different horizon in mind: de-coloniality. While NGOs work to help the *anthropos*, the political society is the *anthropos* in arms and thoughts. This very essay is located in the sphere of the *anthropos* and of the political society. Issues of humanity and rights, for the First and Third World, of developed and underdeveloped countries, are called into question. Indeed, what is being called into question is not exactly these categories, but the epistemic locus of enunciation that created them as if they were uni-versal and good for all. What is being called into question is the saying behind the said. That is, it is a call and a process toward de-colonization of knowledge and of being, knowledge and being entrapped by the imperial and modern idea of man, human and Humanities. If then the Humanities (a field of knowledge since the Renaissance), is in part responsible for the creation and maintenance of the concept of human, the first step is to engage in de-colonial Humanities. Or if you wish, de-colonizing the Humanities, tantamount to engaging in practicing de-colonial Humanities.[7]

De-colonial Humanities and the Question of Rights

Contrary to the global order during the European Renaissance and Enlightenment, the control of knowledge and the relative success of Western empires to control and managed discontent, today everyone is speaking. The political society is marching next to—and sometimes in confrontation

with—the civil society and NGOs. Muslim and Aymara intellectuals are jumping on the debate about human, humanity and rights. And scholars in the Humanities and Chinese history are putting in conversation Confucianism and human rights. Afro-Caribbean philosophers are taking front stage. Global projects such as *La via capeskin* is following Monsanto's steps more closely and proposing alternatives for the enhancement and preservation of life rather than initiatives for growth and accumulation and the fertilization of death.

What this means is that human and rights are no longer trusted to Western initiatives and its rhetoric of salvation. Human and rights have been placed in a different universe of discourse, that of the political society and de-colonization. And what all of this amounts to, with pros and cons that should be analyzed in each case, is that everyone is ready to speak for the human and for rights. The premise is to *change the terms and not just the content of the conversation*. To provide a "new" (and satisfy modernity's desire for newness) will be akin to the task of NGOs than to de-colonial projects. When, for example, Jamaican intellectual and activist, Sylvia Wynter, outlined a horizon "after man, toward the human" —a statement in which the story I told above is implied—we are already in a change of terrain in our conversation about Wynter's question of "what does it mean to be human." Once we asked this question, the next questioned followed: how is it that human relations became "enclosed" in relation to rights and not in other terms? What if not a society organized on domination and exploitation to produce more and to succeed, can be the "perpetrator" of rights violation and creator of a concept of human that legitimizes him or her as "savior" when indeed they are a "perpetrator?" Not long ago I attended a talk by Danish NGO's representative about violence in Guatemala. The NGO in question was heavily engaged in solving the problem of violence so that a transnational corporation, a principally Danish one, could invest and make Guatemala prosper. While it has to be recognized that Guatemalans have the right to live in a consumer society, it is not at all clear that that is what all Guatemalans are looking for. Certainly Danish are looking for that, but Danish and Guatemalan interests could be in conflict. It was in a following talk, by a Guatemalan himself, when I learned that many communities in Guatemala see themselves as poor but not as victims, and as poor they are taking their lives in their own hand and not putting their lives in the hands of Danish NGOs.[8]

The idea of human, humanity and rights became a contested arena. The "victims" are not always waiting for the "savior," and the "savior" willingly or not may work to the benefit of the "perpetrator." Taking their destinies into their own hands, political society's diversity of projects involve actors whose experiences and subjectivities do not match the expectations of NGOs or of peripheral European economic investments. Some actors place themselves in the wide array of imperial interests, now widespread.

At another level, that of the nation-states (instead of the sphere of the civil and political society), current conflicts between the United States and the European Union on the one hand, and Russia, China, Iran, India and Brazil on the other, are conflicts between two types of nation-states: Western nation-states embedded in an imperial history congruent with capitalist economy, and nation-states encountering capitalism. A polycentric capitalist world is emerging. The principles of a capitalist economy are the same, but national histories, sensibilities, desires, tensions and anger with Western imperial arrogance, places the same economic logic at the service of particular interests, national or regional. The question of human rights emerge here as a place in which the so called "democratic and industrialized" state uses the rhetoric of human rights violation to confront their economic rivals. Western expansion and capitalist economy is a terrain of "capitalist contention" today. In that contention, a polycentric capitalist world order goes hand in hand with a polycentric discourse on human and rights in non-Western histories and sensibilities that cut across Western history of the idea of human and of rights from the European Renaissance to World War II. The distinction made above between civil society and NGOs and political society is also valid for the following analysis.[9]

The political society has been and continues to be formed by dissenters and activists whose goal is not to remedy the damages of capitalist economy in order to make its functioning smoother, but to de-link from that system of belief and work toward a society not built on principles of accumulation and the belief that the more it is produced the better it is for "the people." There is already enough evidence sustaining and justifying the directions (de-colonial I would say) of the political society.

Let's make clear that the political society cannot be subsumed under de-colonial processes. Many sectors and projects advanced in the political society have a vision and horizon frame which is not de-colonial: theology of liberation, Marxism or progressive liberalism. Having said that, it is imperative to remember that the de-colonial option (or de-colonial options if you prefer the plural) is NOT the new and only game in town. It is called "option" precisely because it is an option among others. The purpose of de-colonial thinking is not to debunk concurrent projects neither to capture more converts and became the one and only. Pluriversality, and not universality, is the horizon of de-colonial thinking.

Under the de-colonial processes projects are under way and are emerging and proliferating all over the world and de-linking from the major spheres of dissension in the West (liberation theology, progressive and critical liberalism, Marxism; white feminism and white queer activists). De-colonial projects and the political society join forces when the horizon and the vision are guided by the struggle of liberation from Western control of economy (control of labor and of natural resources), authority, knowledge, subjectivity, gender and sexuality.

De-colonial Humanities (or the de-colonial option in the Humanities) is coming into sight as a consequence born of the demands of the de-colonial political society.[10] De-colonial Humanities assumes, in the first place, that the Humanities has been and continues to be a fundamental dimension of Western scholarship. Secondly, it is assumed that the Humanities (as a set of disciplinary formations) are bound to the renaissance concept of human and the enlightenment concept of Reason. In Western genealogy of thought the Humanities have a double face: on one hand under the name of Humanities arts, literature, philosophy, and in certain degree the social sciences, flourished in the West and enchanted the non-Western world. On the other, the Humanities were the epistemic site in which it was possible, for social actors, to speak for the human. The Humanities naturalized, in the modern/colonial world the distinction has been brilliantly summarized and argued by Japanese scholar Nishitani Osamy in the long lasting distinction, since the sixteenth century, between *humanitas* and *anthropos*.[11]

Osamy's argument can be recast, I hope without making violence to it, in the language and the purposes of de-colonial Humanities. A de-colonial Humanities project is not to take in their hands the definition of the human, a definition that *includes* (inclusion is off de-colonial discourse) everybody and that present de-colonial thinking as THE point of arrival. De-colonial thinking in this sense is naturally non-Hegelian. What the de-colonial option proposes, and Osamy's article clearly illustrates this, is that: a) concepts of man, human and humanity are inventions of Western scholarship since the Renaissance; b) these concepts have links to the concept of rights, which is also a European Renaissance invention in its colonial expansion (e.g., its darker side); and c) in a world order of polycentric capitalist economies, the concepts of man, human and humanity became also a polycentric dispute in at the level of States (Jordan, Iran, France) and international institutions. For example, Mohammad Khatami, former President of Iran, launched the project *Dialogue among Civilizations* to counter Samuel Huntington's *Clash of Civilizations*[12] and UNESCO in 2005 formed a truly international committee, *Alliance of Civilizations*[13] whose main charge has been to work toward peace. UNESCO's project is not the only one. Prince Hassan of Jordan has been leading a similar project under the name of *Dialogue of Civilizations,* which follows Khatami's pronunciation. In the Middle East, Prince Hassan is mainly concerned with dialogue between Muslims, Jews and Christians. All these projects are, I repeat, unfolding at the level of States and institutions of international scope.[14]

De-colonial projects are closer to grass-roots movements than they are to States and institutions in which directly or indirectly the question of human, humanity and rights is being redressed. This of course does not mean that collaboration between de-colonial and institutional are not possible. It only means that these two kinds of projects operate at different

levels: one at the level of institutions and the civil society; the other in the sphere of the political society.

In de-colonial thinking, peace, a peaceful world, a peaceful society, requires two main conditions:

1) To de-link from capitalist economy, organized societies, nationally and internationally;
2) To accept (even if for the ruling minority it will be difficult) that indeed the vast majority of marginal human beings are human as well as the privileged economic and political elites, nationally and internationally.

If these two conditions are fulfilled, no one in particular will speak for the human because the human will just be taken for granted. And in such societies, there will be no need for rights, because there will be no perpetrators violating human and the life rights, in which case the victim is the life of the planet. That is to say, the life of all, including the species described as humanity. The concept of human, as it has been articulated in Western discourse since the sixteenth century—from Francisco de Vitoria to John Locke to the Universal Declaration of Human Rights—went hand in hand with Frances Bacon's conceptualization of Nature as something that has to be controlled and dominated by man.

In sum, de-colonial thinking is not arrogating upon itself the right of having the last word about what human is, but proposing instead that there is no need for someone specific to talk about the human, because human is what we are talking about. However, what lingers are five hundred years of epistemic and ontological racism constructed by imperial discourses and engrained in the last five hundred years of planetary (not global, because global reproduces the uni-dimensional view of history) history.

Notes

1. http://leonardodavinci.stanford.edu/submissions/clabaugh/welcome.html.
2. On Sylvia Wynter's ideas on the subject, and bibliography, see *After Man, Towards the Human. Critical Essays on Sylvia Wynter*.
3. Concurrent arguments can be found in Franz Hinkelammert's essay "The Hidden Logic of Modernity: Locke and the Inversion of Human Rights."
4. With some exceptions, such as German Catholic Carl Schmitt for whom the Catholic Spanish intellectual tradition was a necessity; which also prompted his polemic with Max Weber .
5. On the distinction *humanitas/anthropos* see Nishitani Osamu, "Anthropos and Humanitas: Two Western Concepts of "Human Beings'" in *Translation, Biopolitics, Colonial Difference*.

6. Regarding the Washington Consensus, see www.cid.harvard.edu/cidtrade/issues/washington.html.
7. On "de-colonial Humanities" see www.fb10.uni-bremen.de/inputs/tagungen/berich t2006.htm.
8. I am referring the presentations at the Business School and at the Rehabilitation and Research Center for Torture Victims, Copenhagen www.cbs.dk/content/download/81673/1084891/file/PROGRAMME-FINAL%208.5.08.pdf.
9. This concept has been introduced by Partha Chaterjee. See, for example, Chaterjee's *The Politics of the Governed. Reflections on Popular Politics in Most of the World*. I found it appropriate to refer to a variety of global manifestations such as social movements.
10. An example of how de-colonial Humanities are being thought out in Russia, see www.jhfc.duke.edu/globalstudies/currentpartnerships.html; www.jhfc.duke.edu/globalstudies/Tlostanova_how%20can%20the%20decolonial%20project.pdf
11. See note 6, above.
12. www.un.org/Pubs/chronicle/2006/webArticles/102006_Khatami.htm.
13. www.unaoc.org/
14. On these issues, see: www.qantara.de/webcom/show_article.php/_c-476/_nr-983/webcom/show_article.php/_c-478/_nr742/i.html?PHPSESSID=ad16a32480e888ca549942f86da5191e).

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http://spanport.cla.umn.edu/publications/HispanicIssues/pdfs/MIGNOLO_HRLAIC.pdf.