

After Rights? Politics, Ethics, Aesthetics

Workshop Series 2021-22

AUT 2021

WORKSHOP 1: Rights, Process and Practice

Wed. 10 Nov 9.00-13.30 UK Time

20.00 Melbourne
19.30 Adelaide
13.30 Delhi
10.00 Kassel/Oslo/Tilburg [Central European Time]
04.00 Dayton, Ohio / Allendale, Michigan
03.00 Austin, Texas
01.00 Vancouver/San Francisco

PANEL A: Rights, Process and Political Imaginings **9.00-11.00 UK Time**

Organisers' Introduction: *Louiza Odyseos & Bal Sokhi-Bulley*

Chair: Bal Sokhi-Bulley | Discussant: Ben Golder, University of New South Wales

Forging new habits: Critical drugs scholarship as an otherwise to rights ***Kate Seear & Sean Mulcahy, La Trobe University***

The field of global drug policy is currently dominated by great enthusiasm about human rights. A key assumption is that human rights can provide a normative framework to guide law and policy reforms, leading to less punitive approaches to drug use and greatly improving the lives of people who use drugs. But seventy years after the *Universal Declaration of Human Rights* promised rights protections, millions worldwide still endure human rights abuses. If human rights were an effective framework for the prevention of punitive approaches towards people who use drugs, why haven't they prevented them until now? One possibility is that rights are less reliable for those society considers 'less than human'. People who use drugs are frequently constituted as such; as compulsive, irrational, duplicitous and chaotic, and less than human within Western liberal contexts that valorise voluntariness, rationality, authenticity and order. Rights processes can disenfranchise by reproducing these logics of abjection. One way this happens is through the repetition of ideas about drugs and proper ways of being, through deliberative rights processes. Against this, a nascent body of critical drug scholarship informed by feminist, posthumanist and new materialist theories seeks to intervene in dominant material-discursive constructions of people who use drugs. This work deliberately mobilises 'habit' as an otherwise to 'addiction' (Sedgwick 1993) and argues that habit is the foundation of realities (Fraser, Moore and Keane 2014). Habits and thus, realities, can be changed. This paper draws on these 'ontopolitically-oriented' approaches (Fraser 2020) to speculatively explore whether insights from critical drug scholarship can help us to remake rights. In particular, we ask whether the concept of habit and practices of repetition (Butler 1988) can help us rethink current failings

in human rights? Might the forging of new habits open up new pathways (following Latour 2013) with greater promise?

Azaadi and Muslim womens re-imagination of constitutional and human rights

Rishika Sahgal, Oxford University

In 2019, the Indian Parliament amended the Citizenship Act (CAA) to ease the grant of citizenship to non-Muslim immigrants. It was immediately evident to activists that this was a consolidation of Hindutva (Hindu nationalism) under a Hindu right-wing government. Activists took to the streets in protest, led by Muslim women. Two practices became a common feature of these protests – shouting slogans of azaadi (liberation), and reading out the preamble to the Indian Constitution. These practices form an ideal starting point for my reflections on struggling with, over and beyond rights.

I reflect on the epistemic contributions of azaadi to a project of re-imagining rights. Azaadi, unlike narrow liberalism, is a call for dismantling intersecting structures of oppression including patriarchy, the caste system, capitalism, and Hindutva. These ideas are reflected in the long-form text of the slogan; in the history of how the slogan came to be used by feminist movements, left student movements, especially in Jawaharlal Nehru University, and the movement against state oppression in Kashmir. During the anti-CAA protests, activists interpreted the Constitution, and rights, through the lens of azaadi. They made a demand of rights – that these enable a dismantling of intersecting structures of oppression. The ‘political imaginings’ of azaadi takes rights out of the narrow ‘liberal fishbowl’, helping us to re-imagine rights.

I also reflect on the praxis of azaadi during the anti-CAA protests, and its contribution to re-imagining a praxis of beyond, and after rights. The protest saw hijab-clad women take over the streets through songs and slogans of azaadi, while studying and performing care-work. By bringing the home on to the streets, they broke down all barriers between the public and private, and made us question what an ‘activist’ and ‘activism’ for azaadi might look like.

Human Rights after Information Politics?

Joshua Bowsher, Brunel University London

Over the last decade, a growing body of scholarship has critically examined the political limits of human rights. The contemporary human rights movement, it is increasingly argued, not only emerged in parallel with neoliberal globalization in the 1970s but also shares its individualising models of human subjectivity and community. Intervening in these discussions, this paper first argues that an underexplored but crucial part of this picture is the movement’s emergence as a particular mode of “information politics.” With an ongoing commitment to mobilising ‘thick rivers of fact,’ to name and shame governments, the fight for human rights has primarily become a positivistic informational project that constructs and disseminates empirical ‘facts’ about violations. The cost of this project has been a hostility to, and exclusion of, more transformative and political forms of knowledge-making. Consequently, the crisis of human rights today is as much an epistemological problem regarding our ‘machineries of knowing,’ as it is a political one. Responding to this difficulty, the second half of this paper argues that a radical reimagining of human rights information, and the epistemological assumptions underpinning it, could productively inform attempts to realize the radical potential of human rights. To do so, I explore what “information politics” could mean through a series of reflections that bring together Donna Haraway’s work on ‘situated knowledges’, Maurizio Lazzarato’s writing on ‘counter-expertise’, and postcolonial

conceptions of human rights. Through these reflections, I call for a more speculative and perspectival approach to human rights information, one which brings together theoretical conceptions of exploitation with the experiences of the exploited. In this more radical mode, I conclude, information provides possibilities for engaging with what Adom Getachew calls ‘world-making,’ a process which bridges the gap between a critique of the world as it is and imagining how it might be otherwise.

(30 minute break)

PANEL B: Queering Rights

11.30-13.30 UK Time

Chair: Louiza Odysseos | Discussant: Elena Loizidou, Birkbeck University

After rights, after LGBTI rights

Anthony J. Langlois, Flinders University

Over the last decade, institutions within the international human rights regime have finally extended their rights coverage to explicitly include people of diverse sexuality and gender, specified through two commonly used acronyms: LGBTI and SOGIESC (lesbians, gays, bisexuals, trans and intersex; and, more capaciously: sexual orientation, gender identity & expression, and sex characteristics). This recognition remains tenuous, with continuing opposition in the halls of the UN, and a right-populist mood swing in the politics of many regions. Nonetheless, the change represents a significant inflection point.

But what *exactly* is this significance? And what does it mean to be *after* the arrival of “gay rights”, LGBTI rights – even rights for queers? Indeed, what exactly was it that arrived with “gay rights”? Observing that Q for queer is *not* included in the UN-recognised sexuality and gender diversity acronym, and that queers (activists and theorists alike) are commonly sceptical about the value of liberal rights discourse for achieving anything approaching liberation or emancipation, my discussion will consider the polysemic meanings of “after rights” for sexuality and gender diverse individuals and communities only just credited with rights bearing status, in a global context.

I will argue that the resources that feed queer scepticism about rights have much to contribute to the broader debate: the “after” being grappled with in contemporary discussions appears familiar under some gazes to the “always-already” experience of queers – for many not noticeably interrupted or alleviated by the arrival of LGBTI rights. In this experience, any promise or hope associated with rights is countered by ongoing social, material and racialized exclusions which prevent access to or refuse action by rights mechanisms. A more fundamental social transformation is required than rights alone can provide.

At the same time, the late-occurring extension of the plenitude of human rights to the sexuality and gender diverse has also foreshortened the gap between the elaboration of these individuals and communities as rights bearing subjects and their instrumentalization within the global politics of rights, viscerally challenging the idea of what rights are for and what they do, hastening the onset of scepticism about or the turn away from rights-based activism within communities, and in so doing providing additional layers of meaning for “after rights”.

Drawing on theoretical resources and reflecting on the diverse experiences of those engaged in rights advocacy for sexuality and gender diverse people in different regional contexts, this article will offer a queer provocation about what it means to be “after rights”, “after LGBTI rights”.

Locating spaces of ‘after’: Non-linear temporalities of progress and LGBTI rights
Kay Lalor, Manchester Metropolitan University

This paper explores how ‘after rights’ might be imagined outside linear temporality. It asks whether an ‘after’ of rights presupposes a steady progression from before rights, to a present of rights to after rights, or whether this linear narrative might be usefully complicated. To do this, the paper draws upon Deleuzian temporal multiplicities and queer critiques of linear progress narratives in international human rights law to analyse how ‘after’ could be conceived in a non-linear or multi-linear fashion.

Focusing on the recent and relative success of LGBTI rights in international human rights law, the paper seeks to complicate the lens of the ‘progress’ of LGBTI rights. It does so by exploring how the recognition and institutionalisation of sexual orientation and gender identity within international organisations and processes – from the UN to the World Bank, to bilateral treaty negotiations – are spatial and ontological rather than just representational. In short, the growth of international LGBTI rights relies not just on the creation of LGBTI subjects but on the rendering visible and intelligible of particular assemblages of bodies, practices and knowledges within dynamic and interactive legal terrains and a corresponding unintelligibility of other bodies and practices. These processes and assemblages operate unevenly across international spaces. The paper suggests that progress narratives of LGBTI rights in international human rights law both rely on, and deny, this uneven spatial dynamic. Through this reading of the spatio-temporalities of LGBTI rights, the paper identifies what elements might be required to think ‘after rights’ in a non-linear fashion, as material, dynamic and multiplicitous. It conceives ‘after’ not as a moment or a condition to be achieved, but as a practice, or an eternal return of difference that resonates in different ways across fractured legal landscapes.

From Rights to Politics: The Politics of the Governed and emergent post-rights subjectivities in South Africa
Eric Otieno Sumba, University of Kasse

This contribution advances a conceptualization of emerging subjectivities in the context of an ongoing transition from rights to politics in South Africa. It builds upon and responds to Steven L. Robins’ analysis in *From Revolution to Rights in South Africa* (2008), which retraced the early trajectory of ‘rights talk’, a by-product of South Africa’s liberal democratic revolution that is attributable to one of the most progressive constitutions in the world.

Simultaneously, this contribution also affirms Tshepo Madlingozi’s critique of neo-apartheid constitutionalism in ‘post-revolution’ South Africa: a dispensation within which constitutional democracy, a culture of human rights, and a hegemonic discourse of social justice fail to account for the stasis and death that many (primarily poor, black and female) South Africans continue to face —and resist— on a daily basis.

By tracing the transformation *from rights to politics* over the last two decades, this contribution argues that incipient notions of ‘after rights’ are already being articulated in the form of what Partha Chatterjee has called ‘the Politics of the governed’: that is, the politics

of those for whom state-of-the-art rights—such as those constitutionally enshrined in South Africa—have remained a common but abstract refrain at the sole disposal of an elitist, self-proclaimed civil society.

On this view, and drawing from the example of HIV/AIDS activism (among others), ‘after rights’ is parsed as an era-defining (re)turn to (insurgent) politics that rejects governmentality and seeks to bypass the afterlives of settler-colonialism to radically rethink processes of constitution that break with inherent and inherited configurations of the political. This contribution therefore challenges the meagre significance accorded to how politics in most of the World consistently problematizes the remit of Eurocentric liberal rights discourses.

WORKSHOP 2: Rights, Abandonment and Protest

Wed. 8 Dec at 13.00 to 17.30 UK time

00.00 NEXT DAY / 9 Dec Melbourne

23.30 NEXT DAY / 9 Dec Adelaide

17.00 Delhi

14.00 Kassel/Oslo/Tilburg [Central European Time]

08.00 Dayton/Allendale

07.00 Austin, Texas

05.00 Vancouver/San Francisco

PANEL A: Citizenship, Abandonment and the Politics of Justice

13.00-15.00 UK Time

Chair: Louiza Odysseos | Discussant: Scott Veitch, The University of Hong Kong

The Right not to be Deported: The Condition of Citizenship in a Hostile Environment

Andrew Schaap, University of Exeter

In the UK, the rights of citizens have increasingly been defined and enacted in relation to immigration control. This was exemplified in the 1981 Nationality Act and subsequent legislation, which consolidated the so-called ‘hostile’ environment for ‘illegal migrants’ in the UK. As the Windrush scandal and ongoing deportation of Black Britons convicted as ‘foreign criminals’ reveals, immigration controls racially order society by differentiating the population according to citizenship status in ways that make people from former British colonies vulnerable to being made ‘illegal’. At the same time as citizenship for (non-white) ‘immigrants’ is conditional on continuously demonstrating their integration into society, so the condition of citizenship for working and out-of-work citizens is increasingly precarious as social rights are withdrawn. This paper will consider how state racism might be contested ‘after’ the condition of citizenship has been reduced to a ‘right not to be deported’.

The paper will begin by revisiting Hannah Arendt’s germinal characterisation of the rightlessness of the stateless person vis-à-vis the relative ‘respectability’ of the criminal. It will consider how tenable Arendt’s distinction between the situation of the criminal (inside the law) and the stateless person (outside the law) is, given the condition of citizenship in

the UK today. On the one hand, the paper will explore how immigration control racially differentiates the population by disproportionately exposing negatively racialized non-citizens and citizens to state violence. Practices such as character assessment reflect and reproduce a racialized understanding of citizenship as conditional on immigrants being able to properly 'integrate.' On the other hand, 'ordinary' citizens are interpellated as agents of immigration control through deputization. The involvement of landlords, employers, healthcare workers, police, etc. in sustaining a hostile environment mobilises and produces racisms by inciting citizens to participate in the illegalisation of others. The paper will conclude by reflecting on the political significance of recent anti-deportation mobilisations in the UK. It will consider whether what Etienne Balibar calls a politics of civility indicates a form of political agency that contests racialised state violence without reproducing the logic of sovereignty to which discourses of rights are, perhaps, inevitably bound.

'After Rights' is Friendship: On Abandonment, Obligation and the Stranger
Bal Sokhi-Bulley, University of Sussex

This paper starts from the premise that rights produce abandonment. It is not simply that abandonment is an ethical problem that (juridical) rights cannot solve but that the state has appropriated rights such that it exercises a supreme 'right to maim'. As Puar has argued, the right to maim allows for the violent control of populations through the debilitating logics of racial capitalism, extracting value from them yet producing 'slow death' (Berlant) through the everyday work of living on. I understand abandonment as debility, and examine the 'maiming' of Muslim populations in Britain's hostile environment through an analysis of the case of Shamima Begum and deprivation of citizenship as 'slow death'. Can we imagine, I ask, a right not to be abandoned for the maimed subject of the postcolonial state? I propose a radical reimagining of rights *as friendship*; a way of life that performs political spirituality as a counter-conductive practice of collective care. Friendship, which I come to through Foucault but which I inject with a feminine poetic consciousness inflected with radical Sikhi, has the potential to create an *obligation* towards the maimed. The essence of obligation can be found in the notion of *hukum*; taken from Sikhi, this political-spiritual imperative moves us to strive for Oneness (*Ek Onkar*) via a constant creative mode of existence. It requires a radical conception of the self as spirit, or *aatma*, that moves away from contained western enlightenment notions of the self, ethics and relationality towards a cosmic consciousness that embraces Begum as a stranger, not despite but because of her estrangement and 'betrayal'. Begum can exercise, then, a *relational* right to make a mistake, a right to come home and ultimately a right not to be abandoned. 'After rights', therefore, is friendship as decolonial and revolutionary praxis that urges a rethinking of the western philosophical subject (as *aatma*), of rights language (as relational right) and of liberation from the hostile environment itself (as a political *and spiritual* project).

Re-making rights and justice 'after rights'
Sumi Madhok, London School of Economics and Political Science

What if the politics of human rights were, in effect, the politics of justice? What transformational effect would this philosophical alignment have for both philosophical and theoretical thinking on justice and rights but also for squaring the circle on global coloniality, epistemic injustice, structural inequality, and human rights? What political imaginaries, critical conceptual vocabularies, intersectional subjectivities, and political struggles would come into epistemic view as a result of this philosophical coupling? And what different and emancipatory anti-colonial, anti-racist and gender politics of rights would such an alignment call into being? Drawing on longstanding ethnographic tracking of subaltern politics of

justice across South Asia, this paper seeks to centre these questions in order to re-imagine political futures 'after rights'.

(30 minute Break)

PANEL B: Human Rights Experimentalism, Protest and the City
15.30-17.30 UK Time

Chair: Bal Sokhi-Bulley | Discussant: Lucy Finchett-Maddock, University of Sussex

Beyond the Right to Protest
Illan rua Wall, University of Warwick

As the call identifies, critical approaches to rights have long identified their operation as an apparatus of capture in which radical, progressive or ruptural politics become transformed by their interaction with judicial and institutional logics. These critical accounts sometimes also gesture to a different sense of rights, where rights open a distinctive site of struggle within and beyond law. This paper uses this bifurcation to explore the right to protest: On one side it identifies the right to 'peaceful' protest which is little more than a right to calmly petition parliament; On the other it points to a right to protest that has more in common with the paradoxical right to revolt. This other right to protest includes the destruction of property, fighting with the police and holding territory to the exclusion of the state's claim to control, but it does so while abandoned to the extraordinary police power of contemporary states. The effect of this debate leads us ultimately to the utility of 'rights' as a framework for gleaning some legitimacy for otherwise illegal protest. As a terrain of debate, 'rights' distracts us from another scene. It distracts us from the attempt to impact the affective life of the populace such that a growing popular sentiment emerges behind the protestors.

A Human Right to Our City? Derivè, heterotopia, racial banishment in the remaking of global urban space
Joseph Hoover, Queen Mary University of London

A key dimension of human rights expansion has been the linking of human rights and cities, encompassing discourses of "human rights in the city", "human rights cities", and "the right to the city". These developments variously link human rights responsibilities to local authorities, incorporate international human rights standards into local law, and declare the rights of individuals to "inhabit, use, occupy, produce, govern and enjoy" cities. While the move to localise and urbanise human rights is partly driven by urban justice movements, as well as a recognition of the dangers of a hierarchical international human rights regime, it nonetheless retains the legalistic, individualising, and depoliticising orientation of conventional liberal human rights. This gives rise to the question of whether the linking of human rights and cities provides space for creatively and radically rethinking rights, or merely transposes existing human rights, and their attendant closures and limitations, to a different geographic scale. To explore the possibilities of cities as spaces of creative rights praxis I return to Henri Lefebvre, focusing on his linking of the right to the city to the social production of space. I argue that in our contemporary moment, a meaningfully radical right to the city must confront the social production of globalised urban space under racial neoliberal capitalism. Drawing on Guy Debord's notion of derivè, Michel Foucault's concept of heterotopia, and Ananya Roy's analysis of racial banishment, I argue a human rights praxis

conceptually and ethically adequate to the injustice of contemporary global urbanism must enable a reimagining of the city as pluralistic public space, in which all denizens are able to take an equal part in the creation of the city, as a political, cultural, and economic space.

The Ferguson Uprising, Shadow Reporting, and Human Rights Experimentalism
Joel R. Pruce, University of Dayton

In Fall 2014, a delegation of frontline activists and lawyers from Ferguson, Missouri, including Michael Brown's parents, traveled to Geneva, Switzerland to testify in front of the UN Committee Against Torture while the US government appeared before the treaty monitoring body. But, why? Why would a grassroots movement for racial justice, whose comrades were literally facing down sniper rifles and tanks in the streets of a small American town, go to all the trouble—especially when critical observers have remarked about the futility of international law and limitations or even colonial nature of human rights?

The Ferguson to Geneva delegation, with support from the US Human Rights Network, participated in “shadow reporting,” a term that describes opportunities for impacted people to confront the state in a multilateral forum and to challenge the state's official account. Shadow reporting transforms international legalism into participatory politics. In these spaces, ordinary people interpret and shape international law based on their experience to suit their interests. Shadow reporting provides a crucial tool for grassroots activists and impacted people to assert themselves as global citizens with international human rights.

In this paper, I will establish shadow reporting as a key platform for a critical form of transnational politics and contribute to an evolving view on the inherently political nature of international law. Shadow reporting processes reveal that bureaucratic measures such as these can become charged venues for making claims and demanding accountability. By considering how these spaces can be utilized and leveraged, human rights activists affect the meaning and purpose of international law, which provides evidence for what Seyla Ben-Habib terms “jurisgenerativity” or Gráinne de Búrca describes as “human rights experimentalism.” In pursuing this platform, activists seek not formal criminal justice nor even justice associated with public shaming; but, rather, a deeply personal justice connected to notions of recognition and dignity written into the bedrock of the human rights project.

SPR 2022
WORKSHOP 3: Rights, Temporality and Place
Wed. 19 Jan 2022 17.00-21.30 UK Time

04.00 NEXT DAY / 20 Jan. Melbourne
03.30 NEXT DAY / 20 Jan. Adelaide
21.30 19 Jan. Delhi
16.00 19 Jan. Kassel/Oslo/Tilburg
12.00 19 Jan. Allendale, Michigan / Dayton, Ohio
11.00 19 Jan. Austin, Texas
09.00 19 Jan. Vancouver / San Francisco, California

PANEL A: Subaltern, Indigenous and Women's challenges
17.00-19.00 UK Time

Chair: Louiza Odysseos | Discussant: Lisa Tilley, SOAS University of London

Rethinking Justice for an 'After Rights': Victim Subjecthood and the Impossibility of Dignity in Seeking Rights through Justice Framework
Nayan Prabha, IIT Delhi

The critique of rights as it exists in a liberal democratic framework often takes a Foucauldian approach to evoke its double bind, especially in the context of marginalized groups and identities who in seeking of rights simultaneously submit to state surveillance. However, it is just as crucial to think of rights in their immediate socio-historical and juridical contexts. Justice has been the main framework through which rights have been deployed in the postcolonial India.

This paper argues that a rethinking of rights inevitably necessitates a rethinking of justice in this postcolonial nation. The concept of justice requires injustice as its precedent to allow it to prevail as a positive value. However, justice seeking and deployment of justice are processes entwined with a requirement of a harmed subject. This notion of harm and violation implies a victimhood onto the justice seeking subject. Approaching state and law anthropologically reveals that victimhood is rendered legible only through the fulfillment of particular forms of comportment. For instance, in a recent ruling, a sessions court in India dismissed the authenticity of a sexual assault as the 'woman/victim' did not behave like a sexual assault victim. The legislative discussions around the several versions of Transgender Persons (Protection of Rights) Act revealed how the transgender person is constructed as a welfare subject by taking a recourse to the language of pity.

The demand for justice for the marginalized persons and communities is also inevitably tied to demand for dignity. A recent report on the transgender communities, one of the worst hit during Covid-19 lockdown, describes how the communities managed and distributed resources to guarantee their survival and emphasizes the assertion of dignity as a modality of being as they refused attempts of state channels which sought to provide conditional relief with their philanthropic spectacle.

This paper seeks to explore how justice and dignity can prevail outside the frameworks of legality which then also resists the biopolitical tendencies of the state. Simultaneously, it also tries to imagine if the delivery of justice within the legal sites can bypass the concept of

harm and the construction of a victim subject and center dignity of the person. Such a rethinking of justice, I argue, is crucial to understand the contemporary limits of the rights paradigm and envisage an 'after' to it.

Nông Dân Being Wronged: Agrarian Struggles and Subaltern Dissensus
Quỳnh N. Phạm, University of San Francisco

Agrarian displacement in the Global South is rendered intelligible primarily within the frameworks of dispossession or the denial of rights. While the former highlights the structural violence of dispossession, the latter argues for human rights on behalf of the dispossessed. Since neither framework addresses the constitutive vitality of postcolonial lifeworlds, they miss the ethico-political stakes of subaltern struggles against agrarian displacement. Contrary to prevailing scholarly as well as policy discourses, I argue that agrarian displacement is more than the loss of properties, livelihoods, or rights, as important as these may be. Rather than restricting the violence of displacement in the postcolony to the analytics of capitalist accumulation or inalienable rights, I suggest that it is critical to comprehend it as a relational and ontological violation. This calls for listening carefully to the subaltern's sense of *being wronged* and their refusal to give up the land in specific contexts. Analyzing contemporary agrarian protests in Việt Nam, this paper asks: What can we learn from nông dân oan ("wronged peasant-villagers") who refuse to give up and are determined to "fight to the end" to keep "land" from "dying"? Examining subaltern dissensus in this context, I find that the peasant-villagers' articulations of violation, dialogue, and revolt are not reducible to demands for rights although they often get framed as such. Rather, Vietnamese villagers speak against the violation of intimate relations, both between peasants and land, and between the governed and those in authority. I delve into the discursive layers of their contestations to translate a subaltern imaginary of relational justice that takes dân (the common people) and nông dân (agri-people) to be the constitutive basis of an intimate collective. My analysis excavates an alternative grammar of political community and just relations that exceeds state governance and rights.

From Rights to Responsibilities: Pathways to Sustainable Self- Determination
Jeff Corntassel, University of Victoria

When addressing contemporary shape-shifting colonialism, the rights discourse can only take struggles for Indigenous resurgence and self-determination so far. Indigenous mobilization strategies that invoke existing human rights norms, such as the United Nations Declaration on the Rights of Indigenous Peoples, which are premised on state recognition, have distinct shortcomings that can impede pathways to a sustainable self-determination process. By decentering the state and focusing on Indigenous relational responsibilities and Indigenous internationalism, one gains a clearer focus on the ways that sustainability and climate justice are pursued and honored by Indigenous nations as expressions of critical Indigenous relationships that transcend state borders. These expressions of Indigenous relationships are embodied and practiced in several different ways, from honoring complex interrelationships with the natural world to engaging in new treaty arrangements and/or acts of solidarity. Overall, this project examines ways that Indigenous nations, communities and peoples challenge the territoriality of states and other patriarchal institutions in order to generate new understandings of how Indigenous relationships develop and persist beyond boundaries and beyond the rights discourse. By interrogating terms such as nationhood, international and self-determination, this project seeks to advance a deeper understanding of how these terms and relationships are viewed on from diverse Indigenous perspectives. This paper draws on examples from Indigenous nations across Turtle Island and the

Americas to gain a deeper understanding of how the rights discourse is utilized as well as extended to include relational responsibilities, which form the basis for Indigenous nationhood and self-determining authority.

(30 minute break)

PANEL B: Embodiment, Justice & Feminist Political Desire

19.30-21.30 UK Time

Chair: Bal Sokhi-Bulley | Discussant: Yassin Brunger, Queen's University Belfast

After Choice: Race, Reproductive Justice, and the Uncertain Futures of Feminist Political Desire

Samantha Pinto, University of Texas at Austin

The black womb, site of the reproduction of the system of chattel slavery, is an interior space re-created as a site of horror in the booming sci-fi dystopia industry, from *Battlestar Galactica* to *The Handmaid's Tale*, and in the research on modern day maternal mortality rates for black mothers in the US and across the diaspora. In this paper, I look to these speculative narratives, histories of enslavement, as well as stories about thwarted black reproduction in the contemporary fiction of Brit Bennett's *The Mothers*, Zinzi Clemmons's *What We Lose*, and Tayari Jones's *An American Marriage*, to reconsider the difficult ways that race and rational "choice" have been tied together in political and medical discourse around reproductive rights. Feminist choice debates have been intentionally reframed away from "rights" and toward "reproductive justice" by black feminist scholars such as Dorothy Roberts as an attempt to account for the hyper-control of Black reproduction across modern history, including both enslavement, carcerality, and myths of hyper-reproduction. This essay engages contemporary narratives of black maternal ambivalence to unsettle residual romantic attachments to uncomplicated desire and choice even within the frame of justice. The feminist womb is figured in this essay as an embodied space of historical trauma *and* as a lively terrain for the feminist political imagination. These futures are built from the embodied experiences of blackness without romanticizing or solidifying around motherhood, birth, or choice. Instead, I sit with the deep ambivalences, uncertainties, and desires that append to the Black maternal, asking what is the weight on black feminism to conceive and carry children—symbolic and material-- into and through precarious life chances? How might a feminism politics after choice, and after rights, represent this intersection between sentimentality, biology, sexuality.

Embodying Subjects and Disorienting Rights: Towards a Phenomenology of Human Rights

Karen Zivi, Grand Valley State University

Despite persuasive left critiques that illuminate the ways human rights -- at least in their hegemonic liberal or neoliberal incarnations -- disappoint, frustrate, and even undermine efforts to address the most pressing crises of the day, human rights remain an important element of grassroots efforts to alleviate suffering. In this essay, I argue that greater attention to embodiment, rooted in feminist and queer phenomenology (e.g., Ahmed, Beauvoir, Bergoffen, Young), can help us understand why that is while also disrupting some of the conventional wisdom of these critiques. I explore grassroots activism on menstruation and human rights to show how a phenomenological orientation to human rights can

illuminate the disorienting and thus potentially transformative capacity and effects of human rights practice. My point is not to show that human rights practice is or can be a pure politics of emancipation or transformation. Instead, in centering embodiment, I offer a phenomenological orientation towards human rights that embraces ambiguity on ontological, temporal, and political registers.

I explore this ambiguity through engagement with menstrual human rights activism, paying special attention to practices that bring menstrual blood into the public realm. On the ontological register, such practices remind us that while embodied beings are always situated in a matrix of objects that shape and constrain consciousness in profound ways, embodiment is not simply a site of suffering or source of vulnerability. Embodied subjects can disorient in ways that open up a different future without fully displacing the ideological and structural conditions that can also debilitate. Appreciating this potentiality requires, however, a political ethos comfortable with ambiguity of outcomes and of time. Attention to embodiment, that is, complicates that way we think about cause and effect, and about past/present/future such that we must understand that the “emancipation” or “transformation” we seek, whether through human rights or some other means, is an unending practice rather than a finalized state of being.

WORKSHOP 4: Rights, Justice and Ecology

Date: Wed. 16 Feb 13.00- 17.30 UK Time

00.00 NEXT DAY / 17 Feb Melbourne
23.30 Adelaide
17.00 Delhi
14.00 Kassel/Oslo/Tilburg [Central European Time]
08.00 Dayton/Allendale
07.00 Austin
05.00 Vancouver/San Francisco

PANEL A: Revolution, Relation and Abolitionist Praxis 13.00-15.00 UK Time

Chair: TBC | Discussant: TBC

After Rights...Renarration, Reparation, Relation *Louiza Odysseos, University of Sussex*

Sylvia Wynter’s thought charges human rights as always already caught up in the discourses of Man, in which claims to humanity comfortably coexist with historical and contemporary practices of extermination and exclusion of colonised, racialised and enslaved others on the grounds of “no humans involved”. Spelling out the ways in which rights limit and circumscribe the universe of application (Helen Fein), her provocation requires a tremendous undertaking of renarration. For Wynter, such a renarration mobilises Aime Cesaire’s ‘new science of the word’ towards a new autopoetic description of the human, which disputes its boundaries from historically constituted animality and inhumanity. Departing from this challenge the paper claims that renarrating the ‘hybridly human’, however, is but a first step striving for a reparative thinking of human rights ‘made to the measure of a world’ marked by legacies of colonialism and enslavement; that renarration

and reparation call on us to think a future of after rights, where a future human rights hangs in the balance. After-rights requires not only a decentring of the sovereign subject of rights as Man and a centring of post-sovereign subjectivities; but also probing how rights might be enacted *sociopoetically* as Relation (Glissant), itself resulting from the material histories and legacies of enslavement and colonisation.

“After” the Haitian Revolution: A recursive analysis of the concept of liberation
Taylor Borowetz, SOAS University of London

This inquiry will explore the political and symbolic potentiality of liberation beyond rights by proposing a recursive-historical analysis of the Haitian revolutionary concept of liberty. This paper points to the foundational inadequacy of juridical liberal humanist freedom by tracing the conceptual displacements of Haitian revolutionary emancipation through contemporary abolitionism, complicating the classical teleological temporality of concept analysis. This perspective challenges accounts that narrate the Haitian Revolution through the lens of liberal Enlightenment progress and universalising discourses of the history of rights. Data will include primary source documents from Toussaint Louverture alongside the Haitian constitutions of 1801 and 1805, focusing on the way that the opposing concepts of slavery and emancipation inform the concept of liberty. It finds that echoes of abolitionism and the drive to move beyond rights can be found throughout the conceptual category of liberation, notably within the Haitian Revolution itself. Despite the legal designation of “freedom” after the revolution, cultivators’ lived realities were similar to conditions of slavery (Lundahl 1984). This paper argues that the same haunting animates Walcott’s (2021) description of our failure to rupture the foundational plantation logics structuring the temporality of the long emancipation. Using a recursive method “[...] marked by the uneven, unsettled, contingent quality of histories that fold back on themselves and, in that refolding, reveal new surfaces, and new planes,” (Stoler 2016 p. 26), Haitian revolutionary history re-emerges in dialogue with our contemporary problem-space (Scott 2004) of colonial racial capitalism. Burdened individuality (Hartman 1997) or the ontological project of our legal systems (Warren 2018), are always already salient. This troubled temporality provides an opportunity to imagine new abolitionist politics beyond juridical frameworks that perpetuate logics of unfreedom (Walcott 2021), contributing to the project of theorising liberation “after” the Haitian Revolution.

Freedom now: Envisioning Palestinian liberation through abolitionist praxis
Shaimaa Abdelkarim, University of Birmingham

The paper moves beyond the failures of international human rights law in answering to the dehumanisation of Palestinians to offer abolitionist praxis as an answer to processual colonial violence. While international human rights law and counter-hegemonic human rights practices can offer recognition of breaches in human rights norms, it does not offer an understanding of freedom beyond such recognition. For that, this paper initiates from the premise that the settler-colonial violence that Palestinians experience surpasses a human rights approach. The paper analyses how abolitionist thought makes us rethink anti-colonial tactics beyond the aim of recognition. As Rinaldo Walcott and Angela Davis assert, persisting anti-blackness shows that we are not past the conditions of coloniality. Such conditions are visible in the forceful eviction of Palestinians from Sheikh Jarrah. They create an urgency to invest in envisioning postcolonial conditions to actualise Palestinian freedom. The paper examines the effects of the *Boycott, Divestment, Sanctions* (BDS) movement beyond the prevalent NGO-isation of Palestinian struggles in the West and traces its relationship with

anti-colonial mobilisations. Reading the aims of BDS along with abolitionist thought, anti-normalisation of relations with Israel carries out the anti-imperialist work that resonated in different social mobilisations, like the 2011 uprisings in African and Asian countries. Through this resonance, the paper reorients the BDS movement to an anti-colonial tactic while arguing that abolitionist thought can help us envision the conditions necessary for Palestinian liberation. Abolition (and its speculative zones and different genres of action) have exceeded the international as a governance project to invigorate solidarity across borders. This reorientation affects not only the function of international human rights that becomes regulative of the Palestinian struggle. But also, it highlights how the annihilation of Palestinian livelihood is not exceptional but an effect of the limited genre of humanity that human rights law offers us. This creates an urgency to shift from critiquing the limitations of liberal humanism to envisioning what the afterlives of colonialism look like, in which Palestinian livelihood is possible.

(30 Minute break)

PANEL B: Grief, Fugitivity and Art Worlds
15.30-17.30 UK Time

Chair: TBC | Discussant: TBC

Ecology of Grief: Climatic Events, Rights of River and the Anthropocene in the Himalayas
Rahul Ranjan, Oslo Metropolitan University

Soaked in the thrust for modernity and securing frontiers, the young and rising mountains of the Himalayas are bearing witness to the unprecedented effects of climate change. Much of these effects are evident in the register of climatic events – ceasing to display horrific avalanche, cloud bursts, landslides and glacier ruptures. While increasing focus on the study of climate change in this region, especially Uttarakhand, has brought considerable attention in the popular media and emphasises the role of climate change, there remains considerable focus only on solution-driven approach and development-based projects. However, these valuable approaches render the emotive and affective reading of climatic events as an appendix to the explanation.

This paper is invested in understanding the problem as it were now -and unfolding; it chooses to *stay with troubles*. In doing so, the author delineates a new perspective on the idea of “environmental grief” to approach two inter-related interest. First, it situates the emergent category of Anthropocene, which is featured through climate change to understand the climatic event in the Himalayas. Second, it explores the possibilities of legal endeavours such as rights of rivers and glaciers as a way of thinking about climate change.

The paper uses a case study of climatic events in Uttarakhand, such as cloud burst, to situate the environmental grief within the broader discussion of law, non-human and the Anthropocene.

Beyond Representation – Fugitive Law for More-than-human Worlds
Marie-Catherine Petersmann, Tilburg University

Non-, in- or more-than-human interests are today routinely framed in a register of rights, as epitomized with the turn to ‘rights of nature’, nonhuman ‘animal rights’ or ‘rights of robots’. A reconfiguration of human-nonhuman relations underpins these approaches, which tend to be premised on a recognition of humans’ dependency on and entanglement with nonhumans, thereby calling for a strengthened protection of the latter. This article starts by problematizing the deployment of rights to nonhumans, and unpacks the particular ontology and epistemology it sustains. Any ‘rights’ formulation, I argue, requires the representation of a collective that claims its entitlements as part of a given legal framework, thereby recognizing the latter, its authority and mode of action. When applied to nonhumans, a rights approach therefore presupposes a prior self-recognition and representation of a delimited more-thanhuman collective operating within a given legal framework, in which both human and nonhuman interests are subsumed, and on whose behalf the law speaks. This article focuses on the process of self-recognition and representation of a collective and its expansion to nonhumans. It argues that more-than-human collectives are inherently open-ended, composite collectives in-becoming, which fit uncomfortably with ‘rights’ formulations that re-inscribe and always already pre-define and pre-determine the world-to-come. What novel legal expressions could be imagined to capture modes of human-nonhuman sociality that do not enclose a fixed collectivity presumed stable within a given legal framework, but can make sense of more-than-human, emerging and contingent worlds-in-becoming? Against this backdrop, this article inquires into avenues for legal thought and practice for more-thanhuman worlds-in-the-making, and the possibility for law to think with fugitive and opaque modes of collective action and poesis.

Before, Beside and Beyond Rights
Lola Frost, King’s College London

Our rights are often not realised, remain unequally distributed and have been instrumentalised, even if we do also need them. In addressing the question of what alternative forms of ethical comportment and aesthetic/poetic imaginaries are possible when the efficacy of rights is questioned, this paper will explore the ethical potential of being-in-common-without-identity through art practice. My claim is that such an ethics predates and exceeds an ethics of rights and social justice whose successes and failures presume some form of collective entitlement. Ideally, art practices are the production of collective gift, whose sense-based precariousness cannot be legislated against, but whose performative gifting is also a foundational value that tends to be displaced by our pre-occupation with representation and rights.

Judith Butler has made the case for an ethics of recognition lodged in activist projects through which individuals, collectively and in public, contest those norms which sustain injustice to perform an ethics of encounter that elides the fixities of identity, mastery and power. Along these lines I explore the overlaps between political activism and art in the photography of Zanele Muholi which addresses the failure of constitutional rights for LGBTQI+ practitioners in contemporary South Africa. Beyond that pressing equality project, I

will explore how Muholi's practice also invites something of the precariousness of an ethics of being-in-common-without-identity via the pluralities of affective experience.

Drawing on Fiona Jenkins' insights, I go on to explore the collective and ethical potential of an aesthetics of encounter in art that does not make claims to solidarity or identity. I do so through a consideration of the pluralising and self-disaggregating grammars of my painting practice. In so doing, I will explore how this painting practice invests in both the vulnerability of being human and of the non-human landscape, whilst simultaneously offering a deconstructive critique of the phallogocentric and territorialising legacies of the western tradition of landscape painting - to invite a life-force ethics of being-in-common-without-identity that pulses, generatively, before, beside and beyond rights and the law.
