

On the Coloniality of Human Rights

Sobre a colonialidade dos Direitos Humanos

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On the Coloniality of Human Rights

The universality of human rights is delimited by what is considered to effectively constitute the state of being human in the first place. In addition to a secular-line that separated the divine from the human, the hegemonic modern Western concept of the human emerged in relation to an onto-Manichean colonial line that often makes human rights discourse inefficient for addressing modern colonialism, or complicit with it. For any decolonization of human rights to occur, there needs to be a decolonization of the concept of the human. Frantz Fanon's prayer to his body in *Black Skin, White Masks* offers a basis for building a decolonial humanism and humanities that counter the coloniality of human rights and serve as propaedeutics for any effort to make human rights relevant for decolonization.

Keywords: coloniality; colonialism; decolonization; Frantz Fanon (1925-1961); human rights.

It is widely recognized today that coloniality is not just colonialism. While colonialism is typically considered to be a political arrangement that has existed since time immemorial, coloniality refers to the logic, culture, and structure of the modern world-system. As Quijano and Wallerstein stated in their analysis of Americanity and coloniality: "The Americas were not incorporated into an already existing capitalist world-economy. There could not have been a capitalist world-economy without the Americas" (Quijano and Wallerstein, 1992: 549). This "world economy" had at its core a concept of "newness" that was inseparably tied to notions of social and global order that allowed relations of a colonial type to become a central feature of the unfolding "New World." Rather than solely defining the relationship between Europe and the Americas, "as the centuries went by, the New World became the pattern, the model of the entire world-system" (*ibidem*: 449-450).

While the Western concept of the human has always been a contested one, this does not mean that hegemonic key traits are lacking. This paper will identify some of those traits and critically review them with reference to coloniality. In that sense, one of the goals of this essay is to contribute to the

analysis of the human and of human rights from the perspective of the coloniality of power, knowledge, and being (Castro-Gómez and Grosfoguel, 2007; Lander, 2000; Maldonado-Torres, 2007; Mignolo, 2000, 2010, 2011; Quijano, 2000; Walsh, 2005; Walsh, Schiwy, and Castro-Gómez, 2002; Wynter, 2003). This literature can contribute significantly to human rights debates, and there is much to be gained in discussing human rights and the dominant Western idea of the human for the understanding of coloniality and, as will be seen, for the opposition to it.

Any analysis that critically engages the structures and ideas that sustain coloniality would be incomplete without considering the other side of the challenge that coloniality creates: decolonization. Just as European societies experienced a *colonizing turn* that led them to an understanding of civilization that authorized colonization in the globalized New World that they sought to create (see Césaire, 2000), a *decolonial turn* also took place globally, one that refused to consider colonialism as secondary in the analysis of modernity and that proposed decolonization as an unfinished project (see Ballestrin, 2013; Castro-Gómez and Grosfoguel, 2007; Maldonado-Torres, 2006, 2006-2007, 2011, 2017).

The decolonial turn consists of the shift from the acceptance of inferiority and the conditions of slavery to the assumption of the position of a questioner. It is a position that entails not only a skepticism of the a priori superiority of Europe, but also radical doubt about the lack of the full humanity of the colonized. As a result of this turn, the colonized subject emerges not only as a questioner but also as an embodied being who seeks to become an agent. From here the two basic dimensions of the decolonial turn: the identification of colonialism as a fundamental problem (see Césaire 2000: 32), and the idea of decolonization as a continued and unfinished project (Grosfoguel, Maldonado-Torres, and Saldívar, 2005; Maldonado-Torres, 2017).

Along with identifying and critically revising dominant ideas of the human from the perspective of coloniality, I will examine recent literature in the study of decolonization and human rights. Absent in such discussions is the relevance of coloniality and the decolonial turn. Césaire and his former student, Frantz Fanon, will be introduced as key figures in the decolonial turn, as they challenged the hegemonic Western concept of the human and called for a new definition of humanity on the basis of the practices of the colonized. Decolonization, for figures such as Césaire and Fanon, is more basic than preconceived concepts of the human and any notion of rights. This is a missing point in the recent literature on human rights and decolonization, and one to which the analysis of coloniality and the decolonial turn have much to contribute. In addition to Césaire and Fanon, I will integrate

aspects of the work of Walter Dignolo, Gayatri Spivak, and Sylvia Wynter. Their views help to further expand the importance of decolonial humanities and social movements in face of the coloniality of human rights.

I. From the “Oration” to the “Declaration”: Tracing the Meaning of the Human in Human Rights

In *Inventing Human Rights: A History*, Lynn Hunt offers an overview of the history of human rights from the late eighteenth century to the twentieth, cited here as a point of reference in order to clarify the contributions of decolonial thinking to reflections on human rights. The claim is not that each contribution is a totally new invention, but that they help to challenge certain tendencies in human rights discourse, such as the notion of a linear and triumphal development of human rights, as well as underscore the importance of the analysis of coloniality in human rights discourse.

The first point to highlight in Hunt’s account of human rights is that while she begins the analysis of human rights with the eighteenth-century French *Declaration of the Rights of Man and Citizen* and the United States’ *Declaration of Independence*, she notes that

During the eighteenth century, in English and in French, ‘human rights,’ ‘rights of mankind,’ and ‘rights of humanity’ all proved to be too general to be of direct political use. They referred to what distinguished humans from the divine on one end of the scale and from animals on the other, rather than to politically relevant rights such as freedom of speech or the right to participate in politics. (Hunt, 2007: 23)

This observation calls attention, not only to the usually referenced “seventeenth-century revolution in political thinking” that started with the works of Hugo Grotius and John Locke (Hunt, 2007: 60), but also with earlier figures and pivotal intellectual moments that advanced these fundamental distinctions that Hunt mentions here. Walter Dignolo points in the right direction when he asserts early on in his analysis of human rights that “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” (Dignolo, 2009: 8). One of these purposes was for humanists “to detach themselves... from the control of the Church” (*ibidem*), which points to the role of notions akin to “human rights” in an emerging discourse and consciousness of having some autonomy from Christian-centered frameworks for understanding the world.

In short, the philosophical exploration of the “Rights of Man” is part of the larger humanistic, and increasingly secular, project of creating clear lines of

demarcation and distinction between the divine, the human, and the animal world. The difference between God, human beings, and animals was generally understood in the medieval Christian world and in the Renaissance in terms of a “great chain of being,” a concept present in the work of Aristotle and of Neoplatonists such as Plotinus, who influenced Christian theology. The assertion of the “Rights of Man” in the eighteenth century testifies to a long process of debate about the characterization of the chain of being and the place of “Man” in it. It is a debate that can be traced back to artistic and literary works from the twelfth to the sixteenth-century that started to express the notion that there was something inherently valuable in human activity and human production. If similar works had been created in the past, it was now that they were collectively making, or being appropriated to make, an impact on what was later going to become “Western” consciousness.

Perhaps the clearest text that went in the direction of finding an alternative conception of “Man” was Giovanni Pico della Mirandola’s “Oration on the Dignity of Man” (Pico della Mirandola, 1956, originally published in 1486 as *Oratio de hominis dignitate*), which is often depicted as a manifesto of the European Renaissance (see, for example, Wynter, 2003, which is key in the present approach to the *Oration*). In the *Oration*, as Sylvia Wynter points out, “Pico rewrote the Judeo-Christian origin narrative of Genesis” (Wynter, 2003: 276). He tells the Christian story of the creation of the world in a way that positions “Man” between God and animals. “Man” appears as a being who is endowed with an open-ended set of possibilities in comparison to nature and animals, which are prescribed one meaning or function by the Creator. The *Oration* is an essay with philosophical content but not a traditional philosophical treatise per se. It uses literary devices such as storytelling to convey a concept and an image with the view of “Man” that Renaissance artists, scientists, and philosophers were also putting forward.

It is very illuminating that while one finds the most direct and influential initial assertion of the dignity of “Man” in an “Oration,” the most explicit and perhaps enduring claims to the “Rights of Man” is found in “Declarations” – the U.S. *Declaration of Independence* and the *Declaration of the Rights of Man and the Citizen*. These are two different genres with different presuppositions and implications. The Latin word *oratio* means ‘discourse’ as well as ‘prayer,’ and Pico’s text concludes with a prayer: “let us now, with the prayer that the outcome may be fortunate and favorable, as to the sound of the trumpets, join battle” (Pico della Mirandola, 1956: 69). The assertion of the dignity of Man is both a discourse and a prayer, simultaneously directed to peers as well as to someone who is beyond the limits of the worldly sphere. The prayer is, rhetorically at least, a humble

recognition of something beyond. This is different from a “declaration” in which there is the sense of the creation of a new beginning or at least the assumption of a status already enjoyed but not fully understood or adopted until it is formally declared.

Hunt’s analysis of the overwhelming use of the notion of rights before the “declarations” that she studies suggest that if the “oration” is at the start of a process that seeks to fundamentally rethink the premises of the Christian understanding of humanity (with reference to the chain of being), the “declarations” reflect a moment of assertion where a new social order can be built on the basis of the discursive space and practices opened up by the “oration.” This does not mean that there is a direct line between one and the other, or that everything that is found in the “declarations” is already present in the “oration,” but that the “oration” initiates a reflection upon the human in which the notion of rights will appear. Between the “oration” and the “declarations” one finds that multiple other modes of writing or genres were used in the effort to clarify the new emerging concept of the human. They included the “meditations” and the “discourse” (as in Descartes’ *Meditations on First Philosophy* and Descartes’ *Discourse on Method* as well as Rousseau’s *Discourse on the Origin of Inequality* and *Discourse on the Arts and Sciences*), the “essay” (as in John Locke’s *An Essay Concerning Human Understanding*) and the “treatise” (as in Locke’s *Two Treatises on Government* and David Hume’s *Treatise on Human Nature*), among others. For the purposes of the discussion at hand, I will focus on the late fifteenth century “oration” and the late eighteenth century “declarations.”

Two reasons underlie the importance of reflecting in greater depth upon the nature of Pico’s *Oration* and the U.S. *Declaration of Independence* and the *Declaration of the Rights of Man*, and what they reveal about an increasingly hegemonic idea of the human. The first is that such a reflection contributes to the understanding of the meaning and significance of the twentieth-century *Universal Declaration on Human Rights*, which in turn directly informs the most recent and contemporary uses of human rights discourse. This concern is central for Hunt and this reflection should be viewed as a complement to what she discusses. The second reason is that the distinction between the “oration” and the “declaration” helps to better understand decolonization and the decolonial turn.

Following the lead of Sylvia Wynter (Wynter, 1984, 2003), the argument here is that the work of figures such as Césaire and Fanon is characterized by the effort to engage in a new “oration,” that is to say, a new reflection on and a new practice of being human. This is different from the idea of making a “declaration” or wanting to be included in one, which is not without significance

as both Césaire and Fanon lived in the context of a renewed declaration of human rights. The United Nations General Assembly adopted the *Universal Declaration of Human Rights* in 1948. Césaire published his manifesto about decolonization, *Discourse on Colonialism*, in 1950 and Fanon published his first book, a classic in the understanding of blackness and colonization, *Black Skin, White Masks*, in 1952. This does not mean that the new “declaration” was irrelevant for the anti-colonial struggle. To the extent that the European powers were committed to it, it was important for the colonized to infuse the *Declaration* with ideas that would make it appear incompatible with segregation and colonialism. The new *Declaration* could also be used in the newly independent countries to criticize political formations that ignored the value of the individual. However, Césaire and Fanon were pointing to a more fundamental task the equivalent of which, if there is any, is a discourse along the lines of Pico’s *Oration*, with significant differences, of course.

The fundamental difference between Pico’s humanistic turn, and Césaire’s and Fanon’s decolonial turn is that while the former sought to challenge the Christian discourse of the chain of being by putting Man in a more central position than before, Césaire and Fanon challenged the modern/colonial order and its various forms of coloniality from the embodied positionality and lived experience of the colonized. The problem that Césaire and Fanon encountered was that the effort made in European countries to find a place for Man involved the creation of a new entity separate from God and nature or animals. Following Fanon, I refer to this new entity as the *damnés* (condemned; Fanon, 2004).

In addition to a secular-line that distinguishes the space of Man from the realm of the divine, the concept of the human that becomes dominant in the West – and dominant does not mean that it was not contested in some important ways, or that it has completely imposed itself over every other conception – also poses a colonial or color-line that makes it possible to distinguish humans from non-humans and to think of humanity in terms of degrees – that one can be more or less human (Maldonado-Torres, 2015). In its most extreme form, this line is one that distinguishes different forms of being, or so posed Frantz Fanon when he described colonialism as a form of Manicheism (Fanon, 2004: 6). Manicheism makes reference to a divide between an essentially defined good and an essentially defined evil. In Fanon’s work, this appears, not as a religious formation, but as an onto-Manichean-line that defines and delimits the space of authentic humanity and separates it from lesser forms of humanity. The Renaissance Humanist revolution, the eighteenth century psychological literature that Hunt discusses, and the declarations of independence and the “Rights of Man” have to be understood

not only in relation to the emergence and expansion of secularism, but also in relation to this onto-Manichean-line and coloniality.

The onto-Manichean colonial-line is perhaps the most basic and primary expression of coloniality, understood as the production of ontological differences hierarchically organized in colonial forms as part of the modern civilizational order. In this sense, the colonial-line can also be referred to as the modern/colonial-line. The modern/colonial-line is responsible for dividing the world in lighter zones, closer to civilization, and darker zones, closer to contexts defined by early death and torture – torture being worse than death itself. In that sense, both the European Renaissance and Enlightenment, which are typically identified with civilization, also had what Walter Mignolo has called their “darker side” (Mignolo, 2003).

The modern/colonial onto-Manichean line has been theorized in multiple ways, including as an abyssal line (Santos, 2007) and with reference to the production of gender (Lugones, 2007). I join Sylvia Wynter and Lewis Gordon in following Frantz Fanon’s lead to explore ontological colonial difference in terms of damnation and then examine its relationship with decolonization, all of which contributes to determining the coloniality of human rights with more precision (Wynter, 2001; Gordon, 2005, 2015). Damnation is a form of onto-Manichean differentiation that includes racial difference but it is more fundamental. The onto-Manichean colonial-line or line of damnation creates two zones: a zone of salvation where the world and its resources are perceived as being there “for our sake” (*propter nos*; see Wynter, 1991), and another that is populated by entities whose very existence is regarded as problematic and dangerous. Since the world is perceived to be best without these entities, ideally, they would disappear after their bodies are used to build civilization and to satisfy the needs of the civilized. In the worst case scenario, the condemned remain alive but only outside of the zone of civilization, or having limited access to it. The task of managing the modern/colonial-line so as to determine how and at what speed subjects marked as condemned can have access to which area of ‘civilization’ is what today is meant by diversity and inclusion (at the level of civil society and the institutions of the nation-state) and development (at the geopolitical level). From a Fanonian point of view, diversity, inclusion, and development are forms of coloniality that should be distinguished from decolonization. They all work within the modern/colonial order of things and fail to address the specificity of damnation and the lived experience of the *damnés*.

Damnation is the starting point where Fanon considers the possibility of a new concept of the human. Instead of inclusion into the existing dominant

humanism, Fanon argued for “a new start,” “a new way of thinking,” and for the creation of a “new man” (Fanon, 2004: 239). If there is to be a humanism, from Fanon’s point of view, it is one that emerges from this “new humanity” and one “written into the objectives and methods of the struggle” (*ibidem*: 178). Fanon was talking more about reinitiating the process through which we arrive at a shared notion of the human than about relying on already existing ideas about it. The origin of those ideas did not matter for Fanon: they could have come from European countries or from local traditions. In that sense, Fanon’s critique of the existing Western humanism and human rights discourse in his time was not simply based on the rejection of Eurocentrism or the defense of local cultures. With regard to understanding the human, both the perspectives that originated in Europe and those that originated in the local colonial societies, however universalist they had aspired to be, had to give way to the more basic task of the affirmation of the collective humanity of the dehumanized in decolonization struggles.

For Fanon, decolonization was the response to a form of radical separation between some humans and others. This response was to be a very material, and indeed corporal, exercise: “Let us decide not to imitate Europe and let us tense our muscles and our brains in a new direction. Let us endeavor to invent a man in full, something which Europe has been incapable of achieving” (*ibidem*: 236). Fanon found that “the European spirit is built on strange foundations” and called for the creation of a new material, practical, and intellectual basis to define the human (*ibidem*). This meant that the colonized could not simply rely on former “declarations” of “We, the People” or of the “Rights of Man.” This also meant that decolonization is a much more profound activity than simply obtaining independence. For that reason, more than just calling for declarations of rights or independence that built on the dominant view of the human, he engaged in a form of “oration,” not about the dignity of Man, but about the condition of the *damnés* and their struggle for liberation.

Fanon starts his “oration” in his first book, *Black Skin, White Masks* and it is one that continues through his books up through *Wretched of the Earth*. My suggestion here is that Fanon’s concept of decolonization is not only the result of the imperatives of struggle in a war for independence, but a practice that is sustained by a philosophical anthropology that he started to elaborate beginning with his first book *Black Skin, White Masks*. In that sense, there is a fundamental continuity among various forms of discontinuity in Fanon’s writings. This essay will limit itself to shedding more light on the concept of Fanon’s “oration” and link it to the form of agency that he calls for in *Black Skin, White Masks* and in *Wretched of the Earth*.

The reference to “oration” cannot be more straightforward in *Black Skin, White Masks*. Consider that Fanon concludes his text, much like Pico, with a prayer:

My final prayer:

O my body, always make me a man who questions! (Fanon, 2008: 205)

The prayer is not simply an innocent rhetorical device in *Black Skin, White Masks*. The reference to the prayer comes after several discussions about the positionality of the Black subject and of the narrator/analyst in the text. It starts with reference to the narrator/analyst (Fanon himself) not being “the bearer of absolute truths” at the beginning of the book, along with the idea that he considers it necessary to say “some things” and that he will “say” them, “not shout,” because he had “long given up shouting” (Fanon, 2004: xi). The suggestion here is that prayer plays a role in the transition from shouting to saying. The “things” that Fanon indicates in the introduction, ones which must be said, emerge as a response to the questions that the body in prayer makes possible. The body is the source of the questions and the prayer to the body – from the body – is for the body itself to remain open, which is why Fanon characterizes the body as “the open dimension of every consciousness” (Fanon, 2008: 205).

The prayer is for the body to serve as a site of questions, for which it has to shed the “masks” that colonial subjects wear in order to attempt to appear as human in a context defined by coloniality. The prayer is about shedding the masks, emerging as a subject who questions, and, as a result, finally being able to “touch the other, feel the other, discover each other” (*ibidem*). These are the conditions of possibility for the *damnés* to find each other and join in the revolutionary struggle.

The path from *Black Skin, White Masks* to *Wretched of the Earth* is one of a journey from prayer to questioning, to saying, and to doing with others who are also engaged in the struggle for decolonization. Whatever ‘human’ means beyond “being with a body” is to be enacted, practiced, and established in a process that begins with a prayer. The “declaration” is more like a way of saying, or maybe shouting, depending on the case, as if one is the bearer of absolute truths. This attitude and point of departure is what Fanon wishes to question. Instead, praying, departing from the very condition of being an embodied subject in damnation, becomes his new point of departure for what could end up being a new humanity.

II. Decolonization and the Coloniality of Twentieth-Century Human Rights

While Fanon was so deeply engaged in his “oration” and in the process of decolonization, the crisis of Europe in the Second World War had led the United States, European countries, and the Allies to engage in yet another “declaration.” This was the *Universal Declaration of Human Rights*. As Hunt points out, this declaration expanded the number of inalienable rights typically recognized in uses of human rights: it “prohibited slavery and provided for universal and equal suffrage by secret ballot. In addition, it called for freedom of movement, the right to a nationality, the right to marry, and more controversially, the right to social security; the right to work, with equal pay for equal work at a life-sustaining wage; the right to rest and leisure; and the right to education, which should be free at the elementary levels” (Hunt, 2007: 204). For Hunt, this represented a triumphant return to the human rights discourse, now anchored institutionally in the nation-state as well as above and beyond the nation-state, in the form of the United Nations and in international courts of justice.

Consistent with her triumphalist and evolutionary framework, Hunt concludes her book on the invention of human rights with the idea that “The human rights framework, with its international bodies, international courts, and international conventions, might be exasperating in its slowness to respond or repeated inability to achieve its ultimate goals, but there is no better structure available for confronting these issues” (*ibidem*: 213). The idea is that human rights went from their appearance in the context of debates about the place of the human in relation to God and to the animal world, to “declarations” that invoked specific political rights for individuals, to a new declaration in the twentieth-century that responded to the devastating effects of totalitarianism and included a larger number of inalienable rights.

Using a similar evolutionary model, Roland Burke argues that the larger expansion of these rights in the twentieth-century cannot be properly understood without the effect of decolonization (Burke, 2010). Burke’s *Decolonization and the Evolution of International Human Rights* (2010) is one of the few studies dedicated to examining the impact of decolonization in twentieth-century human rights discourse. He argues that, starting in the 1940’s and 1950’s, delegates from Asia and Africa who were opposing colonialism in various forums embraced human rights and its emphasis on universality and the value of the individual. In the process, they helped to cement and expand human rights. However, later on in the 1960’s and 1970’s, with the spread of various forms of authoritarianism in Africa and Asia, leaders in these regions started to denounce human rights as not being much more than cultural imperialism.

Burke's argument about the productive role of anticolonial and decolonization struggles in twentieth-century human rights discourse also appears in recent texts by Fabian Klose (2013 [2009]) and Meredith Terretta (2012), all of whom intentionally seek to fill a vacuum in the literature. While Burke and Klose focus on anticolonial leaders and colonial administrators who openly engaged in human rights debates, Terretta focuses on an "anti-colonial activists who did invoke human rights as a way of delegitimizing colonial rule" (Terretta, 2012: 331). An aspect that they have in common is the evolutionary perspective that is so clear in Burke's and Hunt's work. Jan Eckel targets this tendency as the object of critique in his review essay of Burke's and Klose's books. He also questions the notion that human rights discourse had the level of significance that Burke and Klose find in the struggle for decolonization. For Eckel,

The role of human rights in anticolonial thought is a question of proportions. It is true that in the vast number of anticolonial pamphlets numerous authors can be found who at one time or another adopted the term 'human rights.' However, they are outweighed by the sheer mass of texts that do not mention it at all. Many more political activists could be cited who simply did not refer to human rights... (Eckel, 2010: 115)

Eckel also cites Nkrumah and Fanon among those at the other end of the spectrum who denounced human rights and related principles as hypocritical (Eckel, 2010: 116-117; see also Moyn, 2014 for a similar approach to Eckel's).

In his response to Eckel, Klose considers that Eckel's analysis is Eurocentric because it declares that "metropolitan governments were arguably the most important actors in the process of decolonization" (cited in Klose, 2014; original in Eckel, 2010: 123). In fact, there are forms of Eurocentrism in both accounts. On the one hand there is the evolutionist, developmentalist, and triumphalist view of Klose, Burke, and Terretta, along with Hunt, which subordinates the struggle for decolonization to a progressive historical line that misses the ways in which Third World figures questioned the basis of the dominant understanding of the human. From this perspective, criticisms of human rights discourse can only appear as attempts to shield emerging forms of authoritarianism in the former colonies from critique (Burke, 2010: 4), which is far too simplistic, as Eckel notes (2010: 122).

On the other hand, there is Eurocentrism in the analysis of Eckel, who not only fails to give due consideration to decolonization movements,

but who is also unable to identify the original ways in which Third World figures engaged the idea of the human beyond their specific responses to human rights discourse. Missing this originality is what opens the door for him to claim that “metropolitan governments were arguably the most important actors in the process of decolonization” (Eckel, 2010: 123). Eckel is concerned with the “cultural relativist turn” of Third World leaders in the 1970s, but misses the “decolonial turn” that figures like Aimé Césaire and Fanon propose in their work in the 1950s and 1960s.

As we have seen, the decolonial turn is a shift of perspective and attitude that poses colonialism as a fundamental problem and decolonization as a project. Fanon’s understanding of decolonization as the condition of possibility to start a new thinking and concrete realization of humanity is a reflection of this turn. For Fanon, modern colonialism is not a slight deviation or problem created by Western countries in their march to an ever more encompassing understanding of freedom and equality, but the primary ground of the most widespread understandings of humanity in the modern/colonial world. Decolonization from the modern/colonial matrix of power, knowledge, and being is likewise the primary ground of any new decolonial view of humanity.

The decolonial turn was also present in the work of Césaire, who, shortly after the publication of the *Universal Declaration of Human Rights*, conducted an incisive analysis of Nazism and the turn to human rights. For Césaire, the turn to human rights was a limited response to an inadequately formulated problem. The problem at the moment was predominantly conceived in European countries and the United States in terms of Nazism and anti-semitism, and not in the wider context of colonialism and racism. And when Europeans were pushed to consider the problem of colonialism, the response that Césaire found was that colonialism was different from Nazism because colonialism was a means of civilizing the colonized. This led Césaire to conclude that if “the very humanistic, very Christian bourgeois of the twentieth century” railed against Hitler, then he was being inconsistent and that, in fact, what he could not “forgive Hitler for is not *crime* in itself, *the crime against man*, it is not *the humiliation of man as such*, it is the crime against the white man, the humiliation of the white man, and the fact that he applied to Europe colonialist procedures which until then had been reserved exclusively for the Arabs of Algeria, the coolies of India, and the blacks of Africa” (Césaire, 2000: 36). Césaire considered this form of thinking a trait of what he referred to as “pseudo-humanism” a form of humanism that “for too long it has diminished the rights of man, that its concept of those rights has been – and still is – narrow

and fragmentary, incomplete and biased and, all things considered, sordidly racist” (*ibidem*: 37).

That Césaire considered that European “pseudo-humanism” had “diminished the rights of man” does not mean that his approach to colonialism was limited to a mere affirmation of the universality of human rights, just as it does not mean that he did not believe in some kind of universality. To start, Césaire concludes the *Discourse* with a call for Europe to engage, not in a “revolution in methods,” but in “the Revolution” (*ibidem*: 78). That is, Césaire was a committed communist whose idea of universalism was more connected to Marxism than to liberal individualism and human rights discourse. Césaire ended up distancing himself from the Communist party and its brand of universalism, but not because he took a liberal turn. After explaining his preference for concrete forms of fraternity and solidarity in his letter of resignation from the French Communist Party he asserts:

I shall anticipate an objection.

Provincialism? Not at all. I am not burying myself in a narrow particularism. But neither do I want to lose myself in an emaciated universalism. There are two ways to lose oneself: walled segregation in the particular or dilution in the ‘universal.’

My conception of the universal is that of a universal enriched by all that is particular, a universal enriched by every particular: the deepening and coexistence of all particulars.

And so? So we need to have the patience to take up the task anew; the strength to redo that which has been undone; the strength to invent instead of follow; the strength to ‘invent’ our path and to clear it of ready-made forms, those petrified forms that obstruct it. (Césaire, 2010 [1956]: 104)

Here we have again, prior to Fanon’s sentences in *The Wretched of the Earth*, the idea of the main task in the struggle for decolonization and anti-racism as being not the extension of existing universalisms, either Marxist or liberal, or, for that matter, of existing provincialisms or culturalisms, but a series of struggles aimed at bringing about the humanity of the colonized and in that process letting them discover or define what they take the universality of humanity to be.

III. Decoloniality, the Human, the Humanities and Human Rights

Césaire and Fanon are pointing to an idea that appears in the recent work of figures such as Mignolo and Gayatri Spivak. In their critical analysis of human rights discourse they focus on the question of “who speaks for the human in human rights?” (Mignolo, 2009), or, as Spivak formulates it, the discontinuity

between human rights advocates, including advocates of human rights in the South, and “those whom they protect” (Spivak, 2011: 82). Their common concern is that there is a pattern in which the definition of human rights leads to the creation of experts who are designated to speak to the colonized and other marginalized peoples about the rights that they possess.

In response to this issue, Spivak calls for a new kind of education for children in poor rural areas in the Global South (*ibidem*). That is, the goal is not to have experts in human rights addressing the denial of various sorts of rights among the rural poor, but creating the conditions for the rural poor themselves to engage in the process of affirming their humanity and defining it and their rights – if that is the way in which they think that defining their humanity is most appropriate. For Spivak, this calls for the creation of a new kind of humanities education that attempts to be “an *uncoercive* rearrangement of desires” (*ibidem*: 81). Parallel to this, Mignolo calls for a “de-colonial humanities” and for a form of “de-colonial thinking” that does not arrogate “upon itself the right to having the last word about what human is,” but proposes instead “that there is no need for someone specific to talk about the human, because human is what we are talking about” (Mignolo, 2009: 23).

Leaving the discussion and critical analysis of Mignolo’s and Spivak’s proposals for the moment, there are nevertheless two considerations that connect with other points in this essay. First, Mignolo’s and Spivak’s calls for new humanities would seem to resonate with Hunt’s idea that human rights have needed more than philosophical debates to reach a sense of the human on which human rights can find a base. Hunt focuses on epistolary novels in the late eighteenth century. But epistolary novels themselves, or literature at large alone, will not do this work, or so Mignolo’s and Spivak’s analyses suggest. Likewise, no ordinary conception of the humanities would do either. Also, what these new humanities would offer is not so much the basis for empathizing with others, which is Hunt’s focus, so much as the possibility of dispelling any sense of inferiority and motivating a process of self and collective affirmation directed to end coloniality. The goal is rather to eliminate the forms of skepticism about the full humanity of the colonized, including the idea that the colonized needs to wear masks in order to appear as a human. It would be in that process that the condemned would know themselves and be in the position to more fully grasp and articulate their own view of the human. In that sense, a text such as *Black Skin, White Masks*, which seeks to critically intervene in the process of subject formation of the Black, almost as a clinical procedure, to motivate him/her to strive to become an agent, would be a key representative of these new decolonial humanities. In turn, this means that,

in spite of their differences, Spivak's and Mignolo's reflections on human rights can be seen as an extension of Fanon's decolonial turn. Fanon's decolonial turn is sustained with a prayer to the body to always make him someone who questions. In this prayer, we can find the basis for a decolonial humanities that can serve as a counter to the coloniality of human rights and as propaedeutics for any attempt to make human rights significant for decolonization.

The second point is that, taken seriously, the call for decolonial humanities takes us away from the existing humanities and the modern Western university. The existing humanities presuppose a division between them, the sciences, professional education, and the world outside the university. The decolonial humanities takes us back to a point prior to these divisions, as in Pico's *Oration*, but also to a different body, subjectivity, and geopolitical location, as in Fanon's *prayer* or Gloria Anzaldúa's *wound* (Anzaldúa, 2007). A decolonial humanities takes us in the direction of decolonial thinking, creating, and acting at large beyond disciplinary divisions and the strictures of method. It takes us towards the eradication of coloniality and to the formation of communities that emerge or are cultivated in this very struggle, including new universities (Santos, 2003).

One can further develop the notion of decolonial humanities as a counter to the coloniality of human rights by distinguishing different layers in the expression of coloniality. The first layer is that of the coloniality that is part of the notion of the human in the hegemonic concept of human rights. This is tied to the "oration" of the Renaissance and to the "declarations" of independence and of the Rights of Man. The problem with this layer of the coloniality of human rights is that the concept of the human is loaded with ideas about secularism, individualism, and racism that motivate certain problematic forms of skepticism about what constitutes being human. The skepticism in question expresses itself in the doubt about the full humanity of the *damnés*. Fanon's prayer, which involves a full appreciation of the body of the *damné* as a source of questions, is a counter to this Manichean misanthropic skepticism (Maldonado-Torres, 2007). In this sense, the decolonial humanities are grounded as much on a radical questioning of the onto-Manichean colonial line as on a rejection of the essentialistic division between body and mind. The vulnerable body and subject who seeks to be open and ask questions becomes an indicator of a sense of humanity that the *damnés* and others who join them can claim in common in the struggle for decolonization.

The second layer in the coloniality of human rights is that of human right activists, both in the north and south, who, as Mignolo and Spivak discuss, speak about the human more than they speak to and work with

the condemned. They seem to engage in the performative contradiction of denying humanity in the very process of seeking to affirm human rights. More than just calling for a more consistent application of human rights, Mignolo and Spivak call for the formation of a new framework of education and humanities. This is consistent with the decolonial turn in Césaire and Fanon, which considers the very struggle for decolonization as a more fundamental task than the exploration and assertion of human rights. To be sure, Césaire and Fanon would insist on the importance of recognizing the terrain of these decolonial humanities beyond the school and the university. Given the modern/colonial design of knowledge in the university, it should not be surprising that the decolonial humanities are found mainly across and outside universities – in social, artistic, and intellectual movements. Contributing to those projects is critical for the advancement of decolonization. This does not mean that human rights cannot be used strategically in the struggle for decolonization if they proved helpful. But this strategic use is not a defense of human rights in principle or a commitment with any particular formulation.

Finally, there is the coloniality of the scholars of human rights, such as Lynn Hunt, Roland Burke, and Fabian Klose, among others, who tend to have, in the words of Ibhawoh, “a rather triumphant vision of the role of rights talk in securing progressive and transformative social change” (Ibhawoh, 2007: 2). Added to that, there is also the Eurocentrism of scholars such as Eckel, who criticize those triumphalist narratives but whose lack of substantive attention to the lived experience and condition of the colonized, as well as to discourses produced by intellectuals from the colonial world, lead them to over-value the activities and even the intellectual production of the former colonizing countries and miss the specific contributions from the colonial world. Césaire’s and Fanon’s work introduce a decolonial turn, different from Eurocentrism and cultural relativism, that seeks to ground whatever is universal in humanity in the very struggles of the colonized in affirming their humanity.

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Sobre a colonialidade dos Direitos Humanos

A universalidade dos direitos humanos é, em primeiro lugar, delimitada pelo que é considerado constituir efectivamente o estado de ser humano. Além de uma linha secular que separou o divino do humano, o conceito hegemónico ocidental

De la colonialité des Droits Humains

L’universalité des droits humains est, en premier lieu, déterminée par ce qu’il est convenu d’appeler l’état d’être humain. En plus d’une ligne séculière qui a séparé le divin de l’humain, le concept hégémonique occidental moderne de l’être humain est

moderno do ser humano surgiu em relação a uma linha colonial maniqueísta que muitas vezes torna o discurso dos direitos humanos ineficaz para abordar o colonialismo moderno ou cúmplice dele. Para que ocorra a descolonização dos direitos humanos tem de haver uma descolonização do conceito de humano. A oração de Franz Fanon ao seu corpo em *Black Skin, White Masks* oferece uma base para a construção de um humanismo e humanidades descoloniais que combatem a colonialidade dos direitos humanos e servem de propedêutica para qualquer esforço que vise tornar os direitos humanos relevantes para a descolonização.

Palavras-chave: colonialidade; colonialismo; descolonização; direitos humanos; Frantz Fanon (1925-1961).

apparu en relation à une ligne coloniale manichéiste qui, maintes fois, rend inefficace le discours des droits humains dans l'approche du colonialisme moderne ou en fait son complice. Pour que la décolonisation des droits humains ait lieu, il faut qu'existe une décolonisation du concept d'humain. La prière de Franz Fanon à son corps dans *Black Skin, White Masks* offre une base à la construction d'un humanisme et d'humanités décoloniaux luttant contre la colonialité des droits humains et servent de propédeutique à tout effort permettant que les droits humains soient importants pour la décolonisation.

Mots-clés: colonialité; colonialisme; décolonisation; droits humains; Frantz Fanon (1925-1961).