



A critical engagement with the social and political consequences of human rights: the contribution of the affective turn and posthumanism

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Responding to human rights critiques, this article draws on some of the literature in the *affective turn* and *posthumanism* to critique the liberal framework as well as the moral superiority of humanism on which the human rights regime has been built. Both the affective turn and posthumanism – although not monolithic – are based on two important premises that favour an *agonistic* account of rights: the first is that human beings are regarded in social and relational rather than in atomistic terms or as individuals without connections. Secondly, a reading of human rights through perspectives of the affective turn and posthumanism highlights a critical posthumanist engagement with human rights, conducted in the name of an unfinished and ambiguous humanity connected to other sentient beings and the environment, rather than a singular or absolute political identity of humanity. This reading recognises the social, economic and political consequences of human rights and thus their potential to upset the dominant social, economic and political order, rather than accepting human rights as universal norms of social life while ignoring the ideological frame in which they are exercised.

Since the adoption of the United Nations Universal Declaration of Human Rights (UDHR) in 1948, the rhetoric of human rights has become almost universal and has been “elevated to political correctness where a denial of them taints the innocent philosophical skeptic” (Knowles 2003: 133). As Baxi (1997: 1) observes, “the language of rights nearly replaces all other moral languages [and] emerges as the only ideology-in-the-making, enabling both legitimization and delegitimation of power and anticipatory critiques of human rights features”. However, the extent of global human rights violations has gradually begun to cast doubts as to whether the rhetoric of human rights remains simply an empty and abstract moral ideology (Keet 2009).

Human rights critiques have proliferated in recent years, highlighting more systematically the social and political consequences of human rights as well as debates on the meaning-making frame of human rights – particularly the widely debated issue on the universality or particularity of human rights. Moving beyond debates on universalism and particularism, recent critiques have focused on “the problematic consequences of the *desire* for universal human rights” (Hoover 2013: 935) [emphasis in the original]. That is, questions are increasingly being raised by critics not only about the philosophical justification of universal moral rights, but also about the effectiveness of the international human rights regime. For example, some critics (Brown 2004, Žižek 2005) suggest that human rights are often masked under a moral ideology centring on identity, intention, demand and ought-to-be (Cistelean 2011) that ends up legitimating the power structures and social inequalities of Western imperialism and neo-colonialism (Hoover 2013, Mutua 2002).

While human rights critiques raise various concerns and tensions, they seem to be divided into two major categories when it comes to the stance they take regarding the desire for human rights. On the one hand, there are those critics who still defend human rights and are willing to accept elements of these critiques in their reformulations (for example, Douzinas 2000); despite their scepticism, these critics make an attempt to offer a clearer account of what it means to claim that human rights do valuable work (Hoover 2013). On the other hand, there are those critics who completely oppose the social and political vision of human rights and suggest that we should pursue alternatives to human rights, because there are such deep pathologies of rights-thinking as political ethics that not a great deal can be done to ‘fix’ them (for example, Agamben 2000).

Despite the growing critiques, we share the view that human rights should not be abandoned, because there is still ethical as well as some effective power in human rights that could be strengthened and offer viable social and political alternatives, if clearer accounts of human rights are offered (Hoover 2013). This

attempt, as Hoover points out, requires a conceptual reconstruction of what we want human rights to do. Moving away from a view of human rights that is limited to a set of universal moral principles enforced by a sovereign state to a perspective that reformulates human rights as points of departure for making new social and political claims, could make it possible to construct what Hoover calls an *agonistic* understanding of rights. An agonistic account of human rights embraces the ambiguity of humanity as a political identity – in other words, the fact that there is no singular or absolute political identity of humanity in human rights claims – thus allowing the potential for fundamental changes in the contemporary social, economic and political order.

Responding to these engagements with human rights critiques, this article draws on some of the literature in the *affective turn* and *posthumanism* to critique the liberal framework as well as the moral superiority of humanism on which the human rights regime has been built. Why do we turn to these two perspectives? Both the affective turn and posthumanism – although not monolithic – are based on two important premises that favour an agonistic account of rights. First, human beings are regarded in social and relational rather than in atomistic terms or as individuals without connections. Although the critique of human rights for relying on an atomistic view of the human being might, at this stage, be somewhat commonplace, what is less so is the theoretical and political emphasis on vulnerability and interdependence by both the affective turn and posthumanism. Secondly, a reading of human rights through perspectives of the affective turn and posthumanism highlights a critical posthumanist engagement with human rights, conducted in the name of an unfinished and ambiguous humanity connected to other sentient beings and the environment, rather than a singular or absolute political identity of humanity. Once again, many of the arguments rehearsed in this instance have been made before by communitarians, civic republicans, feminist theorists, but also from within the liberal tradition itself; however, our reading highlights the agonistic view of human rights and its focus on the ambiguity of humanity. In addition, our reading puts on the forefront the social, economic and political consequences of human rights and thus their potential to upset the dominant social, economic and political order, rather than accepting human rights as universal norms of social life while ignoring the ideological frame in which they are exercised.

The article is divided into three sections. The first section offers a brief overview of contemporary human rights critiques, highlighting, in particular, their social and political consequences. The second section presents basic tenets of the affective turn and posthumanism; it begins by showing how these two perspectives might offer 'responses' to the human rights critiques outlined earlier. The third section delves into further analysis of how the combination of

the affective turn and posthumanism may inspire new ways of thinking about human rights and provide alternative possibilities of making claims about human rights, particularly in relation to justice. Our thesis is that these two combined perspectives contribute toward an agonistic understanding of human rights, because they critically engage with the social and political consequences of human rights.

1. A brief overview of human rights critiques

If we accept that human rights are social and historical constructions, created within a particular political order and its power relations, then a host of concerns can be raised regarding their ideological underpinnings, the motives of authorities claiming to protect human rights, the effectiveness of their implementation, and, ultimately, the social and political consequences of human rights (Hoover 2013). Contemporary critiques of human rights are usually grounded in the following arguments: over the years, human rights have become essentialised and universal norms often expressed in juridical terms, when their history indicates that human rights are a Western concept grounded in liberal views and serve the interests of Western powers (see Mutua 2002) acting in neo-colonial terms (Baxi 2007, Spivak 2004); human rights are vague, abstract and more symbolic than substantive (Ignatieff 2001, Rorty 1993); human rights are used to impose and legitimate political hegemony and especially neo-liberal politics (Brown 2004, Žižek 2005) and, finally, human rights are potentially dangerous, not only because they are useless abstractions, but also because they limit social, economic and political possibilities for change and are complicit in anti-democratic and neo-imperial politics (Agamben 2000, Brown 2004). Each of these critiques is briefly revisited below; the purpose is not to provide a comprehensive review of critiques, but to highlight, in particular, their social and political consequences.

Some interpretations of human rights as a philosophical system have essentialised human rights and often reached the point of codifying them only in juridical terms (Donnelly 2003, Sevenhuijsen 2003), or in terms grounded in problematic assumptions about a universal human nature and the sovereign subject (Douzinas 2000). As scholars from different philosophical perspectives have noted, the emergence and application of human rights ideas are embedded in power structures, whether national or international (Bhabha 1999, Evans 1998, Ignatieff 2001). This alerts us to the need to constantly re-examine whether current interpretations of human rights are really what we want them to be in order to prevent and correct human suffering, misery, and wrongs.

First, there are concerns about whether legalistic approaches to human rights – that is, approaches that treat human rights as legal norms – can adequately

respond to the multiple complexities that arise around human rights issues in conflict societies (Donnelly 2003). As Donnelly explains, the codification of human rights in legalistic terms is unable to address the multiple social and political issues that arise when a human rights-based approach is followed in complicated situations – such as a conflict zone in which there are several groups involved and multiple violations of human rights by all sides.

In addition, there are concerns whether Eurocentric approaches to human rights ultimately correct dominant power structures that are responsible for human suffering in the first place. In a rather polemical tone, Mutua (2002: 10) argues that interpretations of human rights are not neutral, but very much embedded in cultural and political assumptions: “The grand narrative of human rights contains a subtext which depicts an epochal contest pitting savages, on the one hand, against victims and saviours, on the other”. Human rights discourses function as a subtle form of neo-colonialist crusade, where ‘civilized’ nations must teach ‘primitive savages’ the proper way of living and behaving. Mutua’s (2002: 157) main assertion is that “[c]onstructed primarily as the moral guardian of global capitalism and liberal internationalism, the human rights corpus is simply unable to confront structurally and in a meaningful way the deep-seated imbalances of power and privilege which bedevil our world”.

Postcolonial theorists such as Bhabha (1999), Chakrabarty (2000), Spivak (2004) and Baxi (2007) further highlight the influence of colonial thinking and practices on human rights and argue that Eurocentric thinking entails the danger of perpetuating colonial power relations. In particular, Bhabha’s (1999) work acknowledges how rights and obligations constitute modernist myths that perpetuate colonial power relations. He questions whether the global human rights discourse, framed in legal terms, can be a tool with which colonialism can be overcome. Similarly, Chakrabarty (2000) analyses how western political concepts such as human rights are neither stable nor singular in their meaning – contrary to how they are often presented by ideological discourses of modernity. Likewise, Spivak (2004: 524) argues that a critical historical analysis of human rights in the past one hundred and fifty years reveals how human rights are articulated within the language frame of the hegemonic culture: “The idea of human rights, in other words, may carry within itself the agenda of a kind of social Darwinism – the fittest must shoulder the burden of righting the wrongs of the unfit – and the possibility of an alibi”. For Spivak, the only chance of correcting this structural injustice of human rights is to appeal to responsibility; that is, to develop social responsibility through learning from the subaltern. Likewise, Baxi (2007) suggests that the modern conception of human rights was based on mechanisms of exclusion; thus, a major task of human rights narratology is to give language to histories of human pain and suffering. All in all, these views

reject the reflection of essential or universal traits of the subject, seeing them as socially and historically constructed and, therefore, adopt a critical posture towards juridical or Eurocentric forms of human rights to open up spaces for their productive re-construction and integration into struggles for social justice (Christie 2010, Keet 2010).

Another critique is that human rights are vague, abstract and more symbolic than substantive (Ignatieff 2001, Rorty 1993). Liberal thinkers such as Rorty and Ignatieff argue that the idea of universal human rights should not be based on a metaphysical or transcendental truth about humanity, but rather on the pragmatic consequences of suffering and the need of sensitivity to cruelty. Rorty (1993) argues that human rights are worthy ideas, but they are instrumentally fruitless; therefore, the best, and probably the only, argument for human rights, according to Rorty, is sentimentalism grounded in a pragmatic basis. People may help others in the name of human rights, but they are really motivated by sentimental stories of cruelty and suffering. Similarly, Ignatieff (2001: 173) emphasises that human rights ideas are valuable, because they are effective in limiting violence and reducing cruelty: "That I take to be the elemental priority of all human rights activism: to stop torture, beatings, killings, rape, and assault and to improve, as best as we can, the security of ordinary people. My minimalism is not strategic at all. It is the most we can hope for."

In her critique of human rights, Brown (1995, 2004) argues that liberal views on rights, in general, and human rights, in particular, are not intended to address the causes of social grievance and suffering. Therefore, a faith in the capacity of human rights – as moral and legal rights – to alleviate social cruelty and suffering is pernicious, because it distracts us from the work of changing the structures of exploitation and oppression. In addition, although human rights offer recognition and emancipation, they create a dependence upon the regime of the state, thus reinforcing existing power structures, as social inequalities are not really redressed through political and collective struggles for comprehensive justice. Brown argues that human rights discourses not only fail to address these forms of power structures, but also construct political subjects that are dependent and vulnerable who must seek out the state to provide for their well-being (Hoover 2013). Therefore, the political possibilities that are produced do not lead toward substantive justice or political empowerment; consequently, human rights activism is a moral-political project that perpetuates particular forms of political and economic power carrying a particular image of justice.

Responding to Ignatieff's liberal account of human rights as a minimalist morality, Brown (2004: 456) concludes that this minimalism "would seem to be as much a brief for capitalism as for human rights", because human rights simply

protect the freedom of individuals to act in a competitive and unequal society. Brown's critique suggests that the ideology of liberalism that is embedded in human rights makes it difficult to see that they are grounded in particular forms of power – that do not only come in sovereign or juridical form – and that construct individuals in particular ways. This means that human rights will tend to co-opt alternative political projects seeking more comprehensive visions of justice (Hoover 2013). Brown's (2004: 461) critique focuses on the social, economic and political consequences of attempting to prevent certain forms of state violence within a framework of "liberal imperialism and global free trade", while ignoring the human suffering caused by "the relatively unchecked globalization of capital, postcolonial political formations, and superpower imperialism combining to disenfranchise peoples in many parts of the first, second, and third worlds from the prospects of self-governance to a degree of historically unparalleled in modernity". As she is unwilling to completely reject the idea of human rights, Brown is concerned with the hegemonic vision of human rights that places limits on what justice can achieve, making the human rights regime complicit to an anti-democratic and neo-colonial politics.

Along similar lines, Žižek (2005) offers a ruthless critique directed against the moral and political regime of human rights (Cistelecán 2011). According to Žižek, the moral core of universal rights is a mere façade for the expansion of global capitalism and neo-colonialism under the pretences of free choice. The notion of free choice is naturalised in such a way that it is ignored how choice is always grounded in particular power structures and emerges "as the result of an extremely violent process of being uprooted from one's particular life-world" (Žižek 2005: 131). The ideological universality that is generated presents Western liberal capitalism as the only genuine or natural form of order: "What the 'human rights of Third World suffering victims' effectively means today, in the predominant discourse, is the right of Western Powers themselves to intervene politically, economically, culturally and militarily" (Žižek 2005: 128).

Finally, Agamben (2000) completes the anti-universalist line of critique by calling on us to abandon and go beyond human rights. Agamben problematises the fact that a person who is reduced to his/her bare humanity is an individual without political community. The hegemonic moral and political regime of human rights privileges bare life and thus fails to recognise that it is the displaced and the stateless individual that constitutes the exemplary subject of human rights. Given that it is the sovereign state that has the power to make this distinction, Agamben suggests that the rights of human beings are essentially meaningless, especially when national belonging is stripped away.

2. Reconstructing human rights

In general, human rights critiques raise two important concerns or tensions in relation to the social and political consequences of human rights. First, many critiques embrace a political orientation towards human rights as opposed to a juridical or transcendental one. The latter orientation, under the pretence of a false universality of humanity, carries implicitly anti-political aspirations for individuals, casting subjects as yearning to be free of politics and collective determinations (Cistelean 2011). As Hoover (2013) explains, universal human rights appeal to a universal human identity that does violence to difference as it constructs individuals stripped from the dominant social and political order in which they live. These critiques suggest that human rights have to be understood as a political project embedded in social structures rather than limiting the conversation to juridical or transcendental justifications.

Secondly, human rights discourse organises political space in ways that support the aims of liberal capitalism and global free trade and may hinder other political possibilities such as social justice. That is, while human rights can be a means to social justice, their assumption about a universal political identity in capitalist society limits different formulations of justice that are not rooted in individual claims, but rather in collective determinations. Therefore, more attention needs to be paid to the ways in which human rights might lead to forms of empowerment equated with liberal individualism and might prevent or reject the manifestation of particular social justice agendas. There has to be recognition that the human rights regime maintains the coercive power of the state and might fail to address significant social injustices as a result of global capitalism (Hoover 2013). Such considerations require us to depart from the prevailing attitude of “human rights idolatry” towards a critical engagement with human rights that is resistant to essentialist or politically naive claims (Ignatieff 2001).

The question we are left with now is whether there is any hope to salvage the project of human rights and reconstruct it, or whether we should abandon it in favour of other kinds of political projects that may offer a more appropriate remedy for social injustices. Our effort joins other scholars’ contributions from various traditions in developing arguments for the reconstruction of human rights by broadening the agenda to resist the politics of universal rights, while confronting the consequences of social suffering and creating political space for making new justice claims. This ‘agonistic’ approach, as Hoover (2013) calls it, opposes any normative determinations of human essence; rather, it is rooted in a plural conception of political identity that “opens up important connections to human rights practice, enabling us to make better sense of the claim that human rights do good work” (Hoover 2013: 945). This agonistic approach is constructed

here by drawing on two recent theoretical perspectives: the *affective turn* and *posthumanism*. Although the argument about the use of agonism in political theory is not new (see Mouffe 2000, 2013, Schmitt 1976), our modest contribution, in this article, is focused on the theoretical openings offered by the affective turn and posthumanism in enriching an agonistic approach to human rights.

2.1 The affective turn

The 'affective turn' (Clough 2007) in the humanities and social sciences has developed some of the most innovative and productive theoretical ideas in recent years, bringing together psychoanalytically informed theories of subjectivity and subjection, theories of the body and embodiment, and political theories and critical analysis. As Clough (2007: 2) writes, the affective turn marks "critical theory's turn to affect at a time when critical theory is facing the analytic challenges of ongoing war, trauma, torture, massacre, and counter/terrorism". Although there are clearly different approaches in the affective turn ranging from psychoanalysis, post-Deleuzian perspectives, theories of the body and embodiment to affective politics, there is a substantial turn to the intersections of the social, cultural and political with the psychic and the unconscious. The affective turn, then, marks a shift in thought in critical theory through an exploration of the complex interrelations of discursive practices, the human body, social and cultural forces, and individually experienced, but historically situated emotions and affects.

The scholarship on the affective turn has challenged conventional oppositions between the discursive and the psychic, or the social and the psychoanalytic, highlighting the complex relations among power, emotion, affect, and subjectivity. For example, Ahmed (2004) uses the term 'affective economies', while Gandhi (2006) proposes the notion of 'affective communities' to describe how emotions bind subjects together into collectivities. These theorists consider what the sociality of emotions and affects means in terms of historical changes and power configurations. This new scholarship shows us that what is felt "is neither internally produced nor simply imposed on us from external ideological structures", but rather that affects and emotions cannot be thought outside the complexities, reconfigurations and re-articulations of power, history and politics (Rice 2008: 205, Athanasiou et al. 2008). The affective turn scholarship raises questions such as: How do affect and emotion create new types of subjects and new relations and encounters between those subjects in the contexts of traumas, war and global injustice? What new spaces or possibilities of justice, knowledge and politics do such relations and encounters generate?

Athanasiou et al. (2008), reiterating Clough (2007), Hook (2011) and others, point out that what is crucial to the affective turn, epistemologically and

ontologically, is the transition from one-sided paradigms (for example, crude social constructivism) to *both* psychoanalytically informed theories *and* critical social and political theories. The turn to affect, then, points to a dynamism that recognises bodily matters and their interrelations with political economies; this may be the most provocative and enduring contribution of the affective turn, which has profound implications for our attempts to reconstruct human rights and think with some of the interventions and arguments of affect theory beyond the naïve assumptions made about the value of sentimental education (Clough 2008, Zembylas 2013).

To consider more specifically these implications in our efforts to formulate an agonistic account of human rights, we will briefly discuss two contributions of the affective turn. First, the affective turn has a significant impact on how we conceptualise the relationship between private and public sphere, or the connection between the individual and the collective political identity in understanding human rights. Increasing interest in the role of affects and emotions in psychoanalytic, historical, social and political terms highlights more clearly the attention to the social and political consequences of human rights. Thus critical analysis of emotions such as fear and resentment provide further explanations about the selective implementation of human rights; or the explicit analysis of how pity and naïve sentimentalism fail to address social injustices shows that the power structures in which human rights violations are rooted remain unchanged (Zembylas 2013). These issues push the boundaries of thinking about what human rights can *do* in the context of multiple temporalities and historical changes in local and global power relations, (post)colonial processes, (post)national discourses and biopolitical arrangements (see Athanasiou et al. 2008).

Secondly, the affective turn raises new questions about human rights and their transformative possibilities. How can explorations of human rights activism become strategic sites of ethical and political transformation that pay attention to different manifestations of social injustice? How can human rights create possibilities to resignify emotional and social injury in ways that continuously rework and unsettle affective attachments to particular bodies, discourses and practices such as the mythology of national belonging? How do biopolitics emerge as a crucial feature of human rights in the making of modern individuals and communities imagined through the normativity of emotional bonds and solidified through the emotional power and performative force of identity work? (Zembylas 2014)

Taken together, the contributions of the affective turn signal the movement towards an orientation that recognises the multiple complexities of the affects and emotions that constitute the political, the social, and the psychic aspects of

our bodies and subjectivities, and seeks political and activist interventions that offer a productive way out of tensions and concerns in relation to human rights activism. These contributions enable us to create openings that formulate more political possibilities into the terrain of human rights in the face of social injustices. The affective turn accepts that rights claims are biopolitical and can be used to formulate political trajectories that go beyond sovereignty and universalist claims.

2.2 Posthumanism

Posthumanism builds on the epistemological and political foundations of anti-humanism, post-colonialism, anti-racism and material feminisms.¹ *Critical posthumanism*, in particular, embraces a critical view of a disembodied liberal humanism, with its assumptions of a society with equally placed autonomous agents and rational scientific control over others (Adams 2014, Donovan & Adams 2007). The posthuman turn rejects this liberal subject, and supports its critique of this with an ontological relationality that emphasises the interconnections of self with others and a view of a subject as a dynamic non-unitary entity. Critical posthumanism claims that all knowledge is embodied, political, partial, situated and accountable.² It also rejects both human exceptionalism – the assumption that humans are unique and should be the main focus of our concern – and human instrumentalism – the assumption that humans should be in a position to control the world. It calls for a self-reflexivity on the part of humans to re-evaluate their positions in the world (Nayar 2014).

Most importantly, critical posthumanism rejects the hierarchical dualisms articulated by Cartesian objectivism, which differentiates mind from body or matter, human from nature, and views these as continuums.³ Following a monist and animist view of the world, critical posthumanism also rejects the assumption that matter is lifeless and without energy, but views living matter as self-organising or autopoietic, having a life force or, as Braidotti (2013) refers to it, *zoe*. Critical posthumanism is also part of the post-anthropocentric turn, which has unsettled the human/non-human animal divide (Pick 2011), and also views human beings as continuous with technologies and other forms of living matter. Based on a relational ontology in critical posthumanism, subjectivities are regarded as assemblages that include non-human agents (Braidotti 2013).

1 See Alaimo & Hekman 2008, Coole & Frost 2010, Dolphijn & Van der Tuin 2012, Nayar 2014, Wolfe 2014.

2 See Barad 2008, Braidotti 2013, Haraway 2008, Herbrechter 2013, O'Brien 2005.

3 See Barad 2007, Braidotti 2013, Donovan & Adams 2007, Nayar 2014, Pick 2011, Plumwood 2002, Sands 2014.

Matter-realist such as Barad (2007) and Braidotti (2013), who creatively embrace the interaction between matter and culture to be on a continuum, use both the post-structural turn and posthumanism to provide a complex and non-essentialist vision of fluidity in contemporary vitalism.

Critical posthumanism follows postcoloniality in rejecting Eurocentric forms of humanism which are based on a white, heterosexual, breadwinning male as a universalised normative subject, and looks to critical, alternative and creative ways of imagining the alterity of the posthuman counter-subject (Braidotti 2013). Similar to our discussion about postcoloniality earlier, those who have been devalued, othered and regarded as different – “the sexualized other (woman), the racialized other (the native) and the naturalized other (animals, the environment or earth)” – should be the foci of human rights considerations and deliberations (Braidotti 2013: 27).

The aspects of critical posthumanism, upon which we have elaborated in this section, have a number of implications for thinking about human rights. The exclusion of nature, non-human animals and matter, as well as the normative assumption of a rational autonomous individual, which is implicit in human rights, means that a narrow Cartesian dualism is upheld in the rights framework. Critical posthumanism’s relational ontological position is elided in the individualism upon which human rights theories are based (Plumwood 2002). What critical posthumanism clarifies in its contextual locatedness and its focus on difference is how privileging species and certain categories of humans can lead to structural and political factors rather than the concerns of individual rights holders. The connectivist continuums of critical posthumanism open creative possibilities for alliances between those affected politically, socially and economically by similar issues such as those affected by toxic conditions or subjugation across different geographical contexts, rather than as claimants against a nation-state (Alaimo & Hekman 2008). These potentialities remain underdeveloped in rights theory based on a reductive Cartesian rationalist position where context and connections are not considered.

Critical posthumanists provide valuable ideas for us to think about human rights differently. First, we need to consider both human and non-human others including animals, technology, the earth and the environment in our deliberations about rights. Secondly, those who occupy positions of difference, who have been devalued or othered, should be the ones telling their stories and be involved in deliberations about rights. Difference, fluidity and otherness need to be taken seriously so as not to predicate human rights on the assumptions of a normative liberal humanist subject. Thirdly, conceptions of human rights need to be informed by perspectives of collectivity and relationality that include perspectives of

otherised subjectivities who are the least privileged; these perspectives provide alternative visions to those of traditional Eurocentric, dualistic notions of humanity. Finally, from a critical posthumanist perspective, human rights are useful, but not sufficient answers – they alert us to the “structural insufficiency of *all* models” (Sands 2014: 62) [emphasis in the original].

3. A critical posthumanist engagement with human rights

The brief overview of human rights critiques and the openings identified by the affective turn and posthumanism offer a critical engagement with human rights discourses. Far from rejecting human rights, a critical posthumanist posture towards human rights, as opposed to accepting modernist ‘myths’ and ‘fictions’ (Keet 2010), opens up spaces for the “continual re-construction” of human rights (Christie 2010: 5). This idea implies that the theoretical assumptions and implications of human rights need to be constantly interrogated in order not to be put in terms of hegemonic thinking and practice. This position provides valuable argumentation to justify the idea that, despite critiques, human rights discourses can still provide a useful approach that addresses issues of social injustice, suffering and wrong-doing. In light of the social and political concerns identified earlier, this last section of the article takes a step further toward an agonistic understanding of human rights (Hoover 2013). In particular, we want to argue that the combination of the affective turn and posthumanism provides some valuable ‘responses’ to the human rights critiques outlined earlier. However, before we delve into the contribution of the affective turn and posthumanism, it is necessary to briefly clarify the use of agonism.

Our understanding of agonism is grounded in Mouffe’s (2000, 2013) analysis of democratic politics. Mouffe’s argument is that we must develop *agonistic* relations, that is, relations that do not essentialise by fixing others into given identities such as ‘friends’ and ‘enemies’ on the basis of moralistic arguments or traits perceived as immutable (for example, good/evil); rather, agonistic relations recognise opponents as legitimate adversaries on the basis of political terms and arguments. *Agonistic democracy*, argues Mouffe, emphasises that democracy’s specificity lies in the recognition and legitimation of conflict, as the very condition of a vibrant democracy. Therefore, agonistic democracy for Mouffe is not something fixed, but it is a continually evolving political process in which conflict/dissensus and harmony/consensus are not permanent states, but contingent political practices. An agonistic understanding of human rights accepts that rights claims will remain political – which implies that they remain a contested territory – and it also embraces the conflict that those political claims generate (Hoover 2013). Agonistic human rights also eschews rationalism and

individualism, recognising the importance of “passions in the creation of political identities [which offer] different forms of collective identification around clearly defined alternatives” (Mouffe 2013: 139). More specifically, we want to highlight two ideas emerging from an agonistic approach to human rights.

First, a critical posthumanist engagement with human rights moves away from a universalist conception of human rights to an account that recognises political identity as always incomplete and ambiguous (Hoover 2013). Both the affective turn and posthumanism reject that there is a transcendental or supra-historical essence of humanity according to which rights are rooted in metaphysical assumptions. This approach to human rights accepts that rights claims are always social and political, which is to say, as Hoover points out, that rights claims are partial and contestable. A critical posthumanist approach starts from a dialectical point of departure, which draws attention to how the political identity of humanity is historically produced. It is thus important to preserve the plurality of ‘the human’ and what goes to constitute it, and the consequent contingency of any form of human rights (Golder 2010). According to Golder (2010: 662), “[h]uman rights are not simply read off the metaphysical face of humanity but are particular historic-political emanations, the shifting expression of the needs and incidents of membership in particular political communities”.

Such an understanding of human rights entails simultaneously the conditions of possibility and impossibility of change, because it recognises the political orientation of human rights. The refusal of a metaphysical essence of humanity does not constitute ground for rejecting human rights or becoming paralysed to act. On the contrary, the critical posthumanist engagement with human rights offers an alternative that criticises the sedimentations practised by humanism in the name of human rights and engages in the activity of politics as a condition of claiming and developing human rights (Golder 2010): “Any understanding of human rights which operated according to a definitive and finished logic of the human would unavoidably curtail human possibilities in the manner of essentialist humanisms” (Golder 2010: 661). Hence, the way to resist the politics of essentialism in human rights is by confronting the limits set by this politics, while also subverting the notion that there is a predetermined political identity (on the basis of national imaginaries, for instance).

Secondly, [a critical posthumanist engagement with human rights suggests that any human rights discourse or practice organises political space in ways that may fail to advance some social justice agendas. The contribution of approaching human rights from a critical posthumanist approach is that it recognises the entanglement of politics and morality and challenges the consequences and effectiveness of human rights agendas. This approach, therefore, makes it

impossible to use human rights as simply a moral authority that fails to recognise the power relations involved (Hoover 2013). A critical posthumanist approach is purposely political in that it does not take for granted that rights claims are naturally 'positive' and offer 'solutions' to social suffering.

Rather, an agonistic perspective embraces the possibility that there have to be political action and contestation in the advancement of social justice agendas; this is very different from presuming a blind faith imposed by governments. As Brown (2004) emphasised, a moral discourse centred on pain and suffering rather than on a political discourse of comprehensive justice, "depoliticizes [the victims and perpetrators of human rights abuses,] producing disabling subject positions and domains of possible (in)action whilst serving simultaneously to place beyond critique the unspoken political presuppositions of human rights discourse itself and the structures of inequality it maintains" (Golder 2010: 663).

Consequently, a critical posthumanist engagement with human rights is not driven by a naïve perception of the value of sentimental education or the desire to transcend the limits of humanism or the politics involved. On the contrary, it is acknowledged that there are no uncontaminated spaces of resistance and that any resistance has to take place within the available structures of power (Golder 2010). This implies that human rights politics exceeds the legalistic frameworks, discourses and practices of the international human rights regime, "reconnecting human rights claims with the political contestations and social movements that have led to the establishment of new rights" (Hoover 2013: 956). Human rights can alter the possibilities of promoting social justice agendas, if they generate political spaces for contesting social inequalities and provide openings for new political claims that do not naturalise political identity. Our position on human rights comes close to that of Foucault's in the recently published lectures on *Wrong-doing truth-telling*:

I try to consider human rights in their historical reality while not admitting that there is a human nature. Human rights were acquired in the process of a struggle, a political struggle that posed a certain number of limits on governments and that attempted to define general principles that no government should break. It is very important to have clearly defined frontiers against governments – no matter which governments – that incite indignation, revolt and permanent struggle when they are crossed. So, as a historical fact and as a political instrument, human rights appear to me to be something important. But I do not associate them with human nature or the essence of the human being in general. Nor do I associate them with any form of government; for by definition, no form of government has, as a vocation, to

respect human rights – they have, to the contrary, a vocation not to respect them. I would go so far as to say that human rights are the rights of the governed (Foucault 2014: 266-7).

4. Conclusion

We have argued in this article that a critical posthumanist engagement with human rights provides productive perspectives to creatively re-imagine human rights. Our effort joins other scholars in various traditions putting forward arguments for reconstruction rather than elimination of the human rights approach, despite its weaknesses. Our brief overview of critiques of human rights and the possible 'responses' by the affective turn and posthumanism provide an alternative trajectory of approaching human rights, especially by considering the perspectives of those who have been excluded from mainstream human rights debates and discourses. The rationalist roots of human rights, which do not register emotions as valuable, have been challenged in our article through the lens of the affective turn. We have noted that this would require the valorisation of those categories that have been regarded as 'less than', including non-human others, as well as political, economic and social understandings of how these categories have been devalued and elided from consideration. Such attention to differences makes it possible to eschew the ideology of sameness, which assumes an equally placed disembodied, rational autonomous man (Adams 2014, Donovan & Adams 2007), ignoring the relational connections that are necessary to maintain well-being. Human rights could perhaps be regarded as a misnomer from these perspectives, considering the hybridity to which we have referred in this article, especially in this age in which human activities are affecting everything on the planet (MacCormack 2012). A human rights approach that seeks an expanded sense of equality should encourage different ways of living that would refuse to privilege the human over animals and the environment, thus rejecting forms of speciesism similar to racism and sexism.⁴

The way in which the free market economy, self-interest and the profit motive has, to a large extent, been ignored in prior conceptions of human rights and the ways in which the fundamentally unequal circumstances profoundly affect the bodies of human and non-human others will need to be addressed in our efforts to reconstruct human rights. This 'agonistic' attempt will need to recognise the social, economic and political consequences of human rights, detaching them from civilising crusades that are complicit to xenophobia, racism and nationalism, and seeking more affirmative alternatives (Braidotti 2013, Mutua 2002).

4 See Adams 2014, Braidotti 2013, Herbrechter 2013, MacCormack 2012.

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