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**To cite this article:** Sumi Madhok (16 Jan 2024): Anti-imperial epistemic justice and re-making rights and justice 'after rights', The International Journal of Human Rights, DOI: [10.1080/13642987.2023.2299669](https://doi.org/10.1080/13642987.2023.2299669)

**To link to this article:** <https://doi.org/10.1080/13642987.2023.2299669>



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Published online: 16 Jan 2024.



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# Anti-imperial epistemic justice and re-making rights and justice ‘after rights’

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## ABSTRACT

This article focuses on rights politics in most of the world and on knowledge production ‘after rights’. It assembles a few key elements of anti-imperial epistemic justice which it argues is a necessary lens for producing knowledges on rights politics in most of the world ‘after rights’. Its key argument is that knowledge production on rights politics ‘after rights’ is one that is invested in challenging existing coloniality, structural injustice, exploitation, oppression and methodological nationalism. It is also one that is invested in producing conceptual descriptions of rights politics in most of the world.

## ARTICLE HISTORY

Received 4 March 2023  
Accepted 3 November 2023

## KEYWORDS

Human rights; anti-imperial epistemic justice; rights politics; concepts; knowledge production; political theory

## Introduction

This article focuses on rights politics in most of the world. It is specifically concerned with knowledge production on rights politics in most of the world ‘after rights’. In the article, I argue that anti-imperial epistemic justice is both a necessary pre-requisite but also an essential accompaniment of knowledge production ‘after rights’. By ‘most of the world’,<sup>1</sup> I refuse the binarism of geopolitical imaginaries and the epistemic authority attached to these. Consequently, ‘most of the world’ in this article refers to epistemic thinking and worldmaking outside of methodological nationalism, heteropatriarchal and caste supremacist contexts but also those outside, even if not always in opposition to, Eurocentred and North Atlantic epistemologies.

My key argument in the article is organised around unlocking a paradox, which is this: To speak meaningfully of rights politics in most of the world is to necessarily invoke elements of anti-imperial epistemic justice in one way or another. But at the same time, we cannot, in fact, enunciate anti-imperial epistemic justice in any effective manner without retooling received theorising of both rights and justice. This is because dominant thinking on justice and rights tends to be mired in questions other than injustice and inequality. It is therefore, unable to capture a key facet of subaltern

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politics in most of the world, which is the alignment of the politics of rights and the politics of justice that emerges within subaltern mobilisations in most of the world.

By anti-imperial epistemic justice, I do not mean prejudicial individual and micro level instances of being institutionally unheard or unjustly treated that can be combated through applying methodologically conservative ‘ethically neutral ideology’<sup>2</sup> and intellectual resources or indeed through clearing intellectual obstacles to a neutral view of social relations.<sup>3</sup> On the contrary, anti-imperial epistemic justice is concerned with the ‘epistemic location’<sup>4</sup> and the material and ethical contexts of knowledge production as well as with the epistemic presence of knowledge production from most of the world. As an ethical and intellectual practice, it is linked to ‘epistemic disobedience’<sup>5</sup> and to a desideratum that epistemic interventions from ‘most of the world’ must matter in a way that matters epistemically. By anti-imperial epistemic justice, I signal a transnational methodological orientation as well as an epistemic commitment to feminist anti-imperial scholarship for transnational justice.<sup>6</sup> Furthermore, I also seek to critique the hardwired colonial unknowing<sup>7</sup> and the methodological insularity [in this case, within the scholarship on politics of global justice and global human rights] on the one hand, but also the all-pervasive methodological nationalism when people do talk about worldmaking in the Global South. The problem with methodological nationalism and the many ‘great men’s stories’ for national rights, honour and justice that are reinscribed and rehearsed over and over in academic and popular texts alike, and which eclipse and erase ‘other’ revolutionary actors and struggles, especially those fronted by revolutionary women, is not only that nation states are among the chief violators of rights through their security, development and corporate apparatuses and interests but also because of the dismal levels of representational legitimacy of the nation state in relation to subaltern groups as a result of subjecting them to irresistible and unrelenting state violence both contemporary and historical.

Key to anti-imperial epistemic justice [and also to thinking ‘after rights’] are: Firstly, an insistence on conceptual production from most of the world and this is a matter of an epistemic urgency – we urgently need conceptual work from site-specific contexts in most of the world. Secondly, anti-imperial epistemic justice demands an insistence on the epistemic presence and epistemic accounting of these most of the world concepts in ways that matter epistemically, ethically and politically. The epistemic presence of rights politics is crucial to avoid categorising rights struggles in most of the world and the epistemic difference they institute as either ‘cultural’, ‘custom’, ‘local’ or as ‘case studies’ of global human rights talk, which results in keeping existing epistemic hierarchies fixed and intact. Moreover, it is the appearance of rights politics in most of the world as an epistemic presence that disrupts the immeasurable power of Eurocentric frameworks, which convert ‘other places’ into ‘case studies’ of the global, and consequently, as devoid of epistemic authority, or as having something to say that matters epistemically. Thirdly anti-imperial epistemic justice is concerned with producing an epistemic shift in the sites of knowledge production from Europe to most of the world. It stipulates an insistence on ethical, methodological and political engagement with political concepts and vernaculars of rights and justice that are cognate, yet not bound to mainstream received theories of rights and justice. Finally, anti-imperial epistemic justice demands a careful and systematic imperative at ‘speaking back’ to the received and Eurocentred ethical, philosophical and political conceptual languages with a view to not only retooling them towards anti-imperial epistemic justice but to also reorienting these so that they

become partakers in conversations on the different theorisations of justice, rights and worldmaking occurring around the globe.

The article unfolds to reflect on each of these constitutive elements of anti-imperial epistemic justice and its enunciation within rights politics in most of the world. I will first make the case for the urgent imperative of producing conceptual work on rights politics in most of the world. Next I will argue that an epistemic presencing and epistemic accounting of this rights politics requires re-tooling of received concepts of global human rights and global justice so that their Eurocentred sanctioned separation is refused. Finally, I will assemble some intellectual resources required for conceptualising and theorising anti-imperial epistemic justice and rights politics in most of the world ‘after rights’.

### **Global human rights talk and rights politics in most of the world**

For the last two decades, I have been tracking the critical conceptual vocabularies of rights politics in most of the world. This rights politics in most of the world appears as the politics of structural justice. It is therefore, not the civilisational, racialised, minimalist, depoliticised, humanitarian politics of moralism and despair.<sup>8</sup> Rather, it is one that is located within political struggles for freedom, rights and justice, and underpinned by a conception of justice as non-exploitative and structural. This rights politics includes imaginaries of freedom rooted in structural justice and envision a life outside of colonial occupation, settler colonialism, state corruption, corporate extractivism, intersectional inequalities, forced dispossession, statelessness and internal displacement among other injustices. It is of course, telling that empirical realities of actually existing structural injustices have hardly found an outlet in mainstream theorising and activism on global human rights, which have historically been tightly bound to a civil political centrism and are by and large unmoved by questions of structural injustices or intersecting and complex inequalities.

This rights politics in most of the world confronts the two deeply in-built assumptions within global human rights, which I shall call the politics of origins and as time-space provincialism.<sup>9</sup> Both are key drivers of wilful colonial unknowing and also of epistemic and structural injustice around the globe. The politics of origins is a racialised and a binary global human rights discourse which stipulates that human rights originate, belong, travel from and operate for the West. This politics of origins is shared by not only celebrators and detractors of human rights but also by critical and progressive scholarship on human rights. The politics of origins, which is primarily a racial story, puts in place particular forms of racial, epistemic and political erasures. Significantly, it organises the global human rights discourse into a series of binary distinctions, the key ones being between West/non-West, universalism vs cultural particularism and, ‘Asian values’ vs ‘Western political and civil human rights’.

The binarism of rights talk has led to a spectacular failure to pay attention to the forms of rights politics, to the political cultures and to the modes of activism mobilised by subaltern groups in ‘most of the world’ – not least by nation states who have deployed the binarism of rights talk to silence democratic aspirations to great effect. The politics of origins is not without consequences. In the hand of the detractors, and particularly authoritarian nation states, it places a politically expedient argument to delegitimize

modes of protest and questioning of excessive state power on the basis that human rights are illegitimate, alien and foreign and therefore with little cultural traction and legitimacy. In critical/progressive scholarship on human rights, on the other hand, this originary story shores up the 'West' as the epistemic subject of human rights, although this time via critique and through displaying wilful ignorance and historical amnesia around rights struggles in most of the world.

I want to draw your attention to a specific effect of this politics of origins, which is the pervasive time-space provincialism: of historiographical, philosophical and moral, that characterises human rights scholarship. By time-space provincialism, I simply mean that the epistemic centre of human rights intellectual thinking is temporally and geographically located in the West. So even if the timeline of the originary stories of human rights might shift, the location of the human rights story remained steadfastly in place with the result that the geopolitical context of epistemic enquiry remains stationary.

The important work that this time-space provincialism does is that it invests epistemic authority in the Global North, thereby leading to a lack of theoretical, philosophical and conceptual attention to rights struggles in the Global South. The widespread time-space provincialism in human rights scholarship shows up in its predominant focus on post-World War II Anglo-Euro-American stories of the growth and spread of global governance, international law and international institutions and of the 'global' histories and politics of globalisation, neoliberalism and global non-governmental organisations (NGOs), and, more recently, of accounts explicitly focused on the pursuit of global justice and the growth of Western sponsored international humanitarianism. These dominant stories of human rights that populate conservative and liberal accounts but are also rehearsed by radical democratic theorists<sup>10</sup> have led to a widespread acceptance of a depoliticisation thesis that not only silences and eclipses accounts of the ongoing mobilisations for rights in most of the world but has also resulted in the absence of at least two kinds of enquiries. First, it has meant that (human) rights mobilisations in most of the world have yet to centrally preoccupy scholarship on human rights within radical democratic theory and political philosophy, which continue to be predominantly focused on the Euro-American experience of the 'right to have rights' and on the paradoxes and aporias resulting from the founding or originary moments of republicanism (that is, on the abstract theoretical and philosophical problems set off by the French and the American revolutions). Second, despite the growing awareness on the need for scholarly work on human rights and rights from different parts of the globe, there exists a striking lack of scholarship that is explicitly aimed at not only tracking alternative genealogies of human rights but also towards producing conceptual work that captures the stakes and struggles over rights and human rights in most of the world, which is also able to critically engage, challenge and speak back to the scholarly field of global human rights.

### **Aligning rights politics with the politics of justice 'after rights'**

The critical vocabularies of rights in most of the world not only suture the politics of rights to the politics of justice but also ground rights in alternative justificatory premises that neither privilege methodological nationalism and/or statism, nor indeed

methodological individualism or abstraction. Methodological nationalism makes rights conditional on the will of nation states and enables the legal exclusion of particular groups from rights,<sup>11</sup> while methodological abstraction and individualism lock standard and received theories of justice and rights into a 'pre-social' framework of both persons and their conditions and into existing outside structures of power and injustice. As a consequence, these theories of justice and rights are unable to either address or transform existing political economies of oppression and domination. Yet another obstacle constraining standard and received theories of justice, and here I refer to Euro-North Atlantic ideal theories, is their methodological insularity from most of the world. And, in particular, their obliviousness to global structural inequalities, to the prevailing global coloniality and the foundational racial violence that organises global politics within and among countries. A case in point is the remarkable methodological insularity shown by the twentieth century ideal theories of justice from the scholarship on anticolonial critique and justice which were in circulation or published either contemporaneously or immediately preceding these. The philosopher Charles Mills argues that the methodological abstraction of liberal theories springs from their investment in the 'epistemologies of white ignorance'.<sup>12</sup> These epistemologies of white ignorance' enable the philosophical refusals to ask questions about the forms of justice possible in a historically unjust society.<sup>13</sup> But it also springs from a hardwired 'colonial unknowing'<sup>14</sup> that activates a methodological insularity from 'most of the world' and from debates on the forms of structural justice around the globe. Oblivious of or even defying any interest in or evidence of what Edward Said has called 'contrapuntal thinking'<sup>15</sup> – a concern with epistemic simultaneity around the globe<sup>16</sup> – the philosophical thinking on justice in an ideal mode eschews questions of global coloniality, transhistorical justice,<sup>17</sup> racial justice, structural injustice and even global economic justice, the latter a key concern of the debates and discussions on global human rights and justice that animated 'most of the world'<sup>18</sup> just around the time that several philosophical treatises on justice were being published. It's interesting to note for instance that the philosopher John Rawls published his book *A Theory of Justice*,<sup>19</sup> often regarded to be the most widely read and also the pre-eminent philosophical text published in the twentieth century, in the shadow of the civil rights struggles in the United States, and directly coinciding with the ongoing heated discussions on global justice and the establishment of the New International Economic Order (NIEO)<sup>20</sup> taking place both within and outside the UN General Assembly in New York. Prefiguring the publication of *A Theory of Justice* were two other significant events focusing centrally on global justice: the first of these was the 1963 publication of Frantz Fanon's *Wretched of the Earth*, and the second was adoption of the International Convention on the Elimination of All Forms of Racial Discrimination by the General Assembly of the United Nations on 21 December 1965.<sup>21</sup> However, anyone wanting to read the *Theory of Justice* to garner a sense of the key questions of justice animating the globe at the time of its writing would come away without even an inkling whatsoever that any of these events or contexts were in fact the key questions of justice in the world at the time.

Standard Eurocentric conceptual thinking is unable to capture the alignment of the politics of rights and that of justice that emerges in subaltern mobilisations in most of the world. Not least so because the dominant Eurocentred modes of theorising rights and justice insist on a conceptual separation between the two. Even though some

philosophers note that philosophical discussions of global justice are more or less already ‘couched in the language of human rights’<sup>22</sup> and that ‘the global politics of justice in the latter half of the twentieth century became more and more involved with ... second generation rights’.<sup>23</sup> These acknowledgments notwithstanding, to a great extent, however, theories of rights are seen as separate in scope, form and content from those of justice. These distinctions are drawn along the lines of classifying theories of rights as those which are concerned with drawing up a distribution ‘list’ of rights while those of justice as demonstrating a concern with the general distribution of ‘things we prize – income and wealth, duties, and rights, powers and opportunities and offices and honours’<sup>24</sup> and with ‘some very general principles governing the basic structure of society in regard to their impact on the life prospects of and the enjoyment of primary goods by individuals’.<sup>25</sup> To a great extent, the conceptual separation of rights and justice is helped along by a diverse set of thinkers including ‘Aristotelians, Hobbesians, Kantians utilitarians, liberals conservatives, and theologians’ who work with what Judith Shklar calls the ‘normal model of justice’.<sup>26</sup> Common to the ‘normal models of justice’ is the ‘complacent view of injustice’ which Shklar argues, ‘take it for granted that injustice is simply absence of justice and once we know what is just, we will know all we need to know’.<sup>27</sup> Consequently, these models of justice fail to offer a comprehensive account of injustice because ‘they cling to the groundless belief that we can know and draw a stable and rigid distinction between the unjust and the unfortunate. Moreover, this belief inclines us to ignore passive injustice, and ultimately the full, complex and enduring nature of a social phenomenon’.<sup>28</sup>

The philosopher Charles Mills<sup>29</sup> links this refusal of philosophical texts to theorise concrete and material injustice to a mode of thinking that ‘abstracts away from oppression’. He argues that this ‘problematic mode of idealizing abstractions’ is neither ‘ideologically neutral nor is it without material consequences. It erases and ‘conceals’ actually existing oppression as a starting point for philosophical thinking ‘and inhibits the development of conceptual tools necessary for understanding and dealing with its workings’.<sup>30</sup> According to him, the abstractions of ideal theory uphold a ‘political economy of domination’ in which race becomes the ‘demarcator of full and diminished personhood’.<sup>31</sup> In short, the history and contemporary articulations of hegemonic conceptions of liberalism, and those within ideal theory in particular, have really been the history of a ‘racial liberalism, in which conceptions of personhood and resulting schedule of rights duties and government responsibilities have all been racialized’.<sup>32</sup> Even though, it’s increasingly becoming well known, it is important, however, to insist on glossing the long historical antecedents of racial liberalism and its justifications of empire, racialisation, colonial genocide, imperialism, and dispossession of the Indigenous, and especially of its exclusionary and racialised ‘suppression of equal black rights’.<sup>33</sup> As critical scholars have written, the enlightenment philosophers wrote eloquently about equality at home and justified colonial victories, slavery, racial subjugation, Indigenous dispossession and land expropriation abroad, and in the colonies. Michel Rolph Trouillot<sup>34</sup> powerfully reminds that ‘the more European merchants conquered and bought and sold men and women for economic profit, the more philosophers wrote and talked about [rights of] man’. The eighteenth century enlightenment philosophers were of course very clear about the ‘idea of man’ who would embody rights and be the rights bearing subject. At the same, they were also clear about those who had to bide their time in the

‘waiting room of history’ and of rights as this was not their time of rights yet. They were to remain outside of the time and age of rights because they weren’t sufficiently human yet; and because they weren’t sufficiently civilised, yet. And, moreover, because they were not co-terminus with white liberal subject and in the image of what Sylvia Wynter calls ‘Man 1, and Man 2’ yet.<sup>35</sup> As Anne Phillips notes in *Unconditional Equals* the exclusionary justifications that they built into theorisations of equality, and especially around finding ‘some shared properties’ in order to be deemed equal were intentionally programmed in such a manner for this to never be an empirical reality for all peoples.<sup>36</sup> Moreover, these justifications were a result of a very specific set of particular ontological commitment and political and racialised investments, which not only aligned Western political philosophy with a very particular set of political, economic, practical, and symbolic outcomes but also helped institutionalise structural and violent exclusions around the globe.

Recently, several important interventions focusing on non-ideal forms of thinking on justice, rights and equality have opened up some methodological and theoretical insights both for retooling theories of justice but also for potentially theorising anti-imperial epistemic justice.<sup>37</sup> For instance, Amartya Sen’s *The Idea of Justice* sets out a detailed and expansive critique of the social contractalist tradition of theorising justice which he proposes to replace with a different tradition of thinking that is more linked to ‘social choice theories’. Sen critiques the ‘transcendental institutionalisation’ of ideal theories of justice, and the work of John Rawls in particular, with its inordinate focus on choosing perfect institutions and finding ‘ideal social arrangements’.<sup>38</sup> Justice, argues Sen, ‘cannot be indifferent to the lives that people can actually live’<sup>39</sup> and requires a ‘perspective of social realizations’<sup>40</sup> i.e. a focus on ‘what actually happens’, and an ‘accomplished’ understanding of justice together with a ‘diagnosis of injustice’<sup>41</sup> aimed at ‘eradicating injustice’. Iris Marion Young’s book *Responsibility for Justice* names the object of her critique of justice as structural injustice and sets out to ask: how shall agents both individual and organisational think about our responsibility in relation to structural injustice? Young defines structural injustice as a ‘kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state. Structural injustice occurs as a consequence of many individuals and institutions acting to pursue their particular goals and interests, for the most part within the limits of accepted rules and norms’.<sup>42</sup> Iris Marion Young’s theorising of structural injustice is applicable to theories of global justice as much as it is to those of social justice as according to her, philosophical arguments on both follow ‘similar pattern’ of thinking along ideal lines. Consequently, the existence of structural injustice does not begin or stop at national borders, and consequently, the sphere of responsibility for it transcends national borders. The objective of Serene Khader’s *Decolonizing Universalism* is not to produce a new theory of justice but to argue for a ‘feminist normative position’ premised on a non-ideal universalism as a ‘justice enhancing praxis’ premised on ‘eliminating sexist oppression’.<sup>43</sup> Khader develops an ‘anti-imperial transnational feminist praxis’ which neither relinquishes a commitment to a universalism nor to a normative ethics. Khader is unequivocal that an anti-imperialist transnational praxis requires the formulation of normative judgments but if these are to be anti-imperialist then either new concepts will need developing by anti-imperialist feminists<sup>44</sup> or that existing concepts will ‘need to be tailored’ to avoid the commitments of ‘missionary feminism’ to ‘idealized

global social ontology, ethnocentrism, justice monism and moralism’, and to ‘the culturalist category error’.<sup>45</sup> Both Khader and Young provide instructions on how to intervene in injustice in real world contexts. Khader sets out ‘non-ideal universalist normative guidelines’ and epistemic prescriptions on how to operationalise an anti-imperial transnational feminist ethic that is ‘... capable of responding to gender injustices on a global scale’.<sup>46</sup> While Young’s proposes four ‘parameters’ of reasoning – power, privilege, interest and collective ability – to guide individual and collective action to ‘undermine injustice’ both within and outside national borders.<sup>47</sup>

In my view, the non-ideal theories of justice I have discussed here offer potentially useful resources for theorising anti-imperial epistemic justice for the following reasons: Firstly, their refusal methodological abstraction in favour of a methodological orientation that begins from identifying and diagnosing the forms and modalities of injustice and inequality as the starting point of theorising justice [and equality] spotlights the constituent workings of injustice in historical and real time. Secondly, non-ideal theories demand that political concepts should help diagnose and respond to existing injustices,<sup>48</sup> which aligns closely with the desideratum of anti-imperial epistemic justice that building conceptual interventions from anti-imperial contexts is key to decolonising knowledge projects. Thirdly, their refusal of methodological nationalism aligns with an intellectual pre-requisite of anti-imperial epistemic justice. Finally, theorising structural injustice<sup>49</sup> coincides with the investment of anti-imperial epistemic justice in challenging coloniality, structural injustice, exploitation and oppression.

### **The imperative of conceptual work from most of the world**

Refusing methodological abstraction requires a keen attentiveness to the patterns, forms and constitutive elements of structural injustice around the globe. In other words, structural injustice must be theorised in different locations in order to identify and intervene into the intersecting fields of power that produce structures of inequality and injustice in specific locations. However, this is no straightforward task. Primarily because Euro and North Atlantic centred scholarly thinking accommodates difference through the dominant logics of simplistic and uni-directional translation, i.e. it keeps knowledge production firmly in place to a fixed epistemic centre which it disseminates, circulates and diffuses across the globe through translational practices that assume linguistic correspondence across different languages but refuses conceptual difference. To put it differently, the epistemic arrow of this translational activity almost always proceeds in one direction only from the circuits of privileged access in the Global North to the circuits of privileged access in the Global South. There is little room in this accommodation of difference for ‘speaking back’ to theory or indeed the recognition of different conceptual architectures located ‘elsewhere’. The fixed epistemic centre of knowledge production that operates in and from the Euro-North Atlantic world has meant that the work of theory building and formulating concepts is not only located here but also that both theory and concepts that emanate from the epistemic centre describe the worldmaking practices of dominant locations in the Euro-North Atlantic; these formulations are of course, carefully unmarked to remove them from associational links with particular historical and political contexts and subjects, so that they can appear as universally applicable and valid.

In recent years, important intellectual interventions have drawn attention to the prevailing global coloniality<sup>50</sup> of knowledge production and to the ‘provincial’ nature of knowledge production that masquerades as the global and the universal,<sup>51</sup> and to the oppressive and colonial ‘political economy of knowledge production’ with its particular ‘material mechanisms and economic strategies’.<sup>52</sup> Anti-imperial epistemic justice draws and builds on these interventions. Additionally, however, it also demands that it is not enough to only focus on producing critiques of Eurocentrism and of the practices of extractivism backed by racialised universalism. The work of critique, although important is nowhere sufficient. The epistemic challenge to coloniality of knowledge production requires concerted epistemic efforts to think systematically and epistemically about ‘multiplicity of ways of worlding’<sup>53</sup> which must not be viewed as niche and exotic exercises but rather as engaged in changing the ‘baseline of politics’.<sup>54</sup> A key intervention for challenging and transforming the racialised, extractivist and colonial epistemic framework and ‘design’<sup>55</sup> underpinning the organisation of global knowledge production is to produce concepts and conceptual descriptions of worldmaking from ‘most of the world’.

The glaring absence of a broad repository of concepts drawn from different geographical and ‘non-standard’ background contexts and conditions, i.e. contexts outside those of which concepts are standardly produced, described, and visualised, lies at the heart of the coloniality of knowledge production. Not least because it keeps Eurocentrism alive; maintains racialised epistemic hierarchies, material inequalities and political economies of knowledge production<sup>56</sup>; actively produces ‘colonial unknowing,’<sup>57</sup> epistemic violence, and conceptual misdescriptions; aggressively insists on the unidirectional travel, simplistic translation and radical commensurability of different worlds and forms of world-making; and authorises, and enacts powerful refusals of epistemic relationality and epistemic ‘simultaneity’ across the globe. And, even though, there are now important and significant decolonising interventions focused on ‘theorising from the global south’, however, in my view, the problem lies not so much in producing theories from the global south but in producing concepts from the global south. There simply are not enough concepts in place that are situated in and emerge from life contexts in most of the world. Concepts are the ‘building blocks’ of theory and make our world ‘visualisable and discussable’<sup>58</sup> and, therefore, the work of theory building requires concepts able to capture different political and social imaginaries of life, living, and world-making in different locations around the globe. The production of new concepts illuminating different ways of being in the world are no ethically abstract, strict intellectual or analytic affairs or virtues but rather are forged within and through everyday political struggles and modes of sociality.

However, not only is there a need for concepts to describe and visualise different lifeworlds but also for these different conceptual descriptions to intervene in and disrupt the normal and ordinary work of theory production that carries on thoughtlessly and wilfully ignorant of different lifeworlds and their conceptual architectures. To put it differently, in the absence of concepts ‘made to the measure of the world’,<sup>59</sup> the ‘universal’ concepts that are put to use in producing theoretical descriptions of the world are in fact, ‘provincial’,<sup>60</sup> and reflect particular temporal, spatial, social and historical contexts. These not only describe and uphold their particular locations as the ‘standard’ but also do specific work: of eclipsing and erasing *other* locations and sites of knowledge production in most of the world, and, of representing these most of the world locations as the ‘local’,

strictly descriptive, and non-epistemic. Moreover, they block the visualising of different ways of worldmaking but also render these ‘unthinkable’.<sup>61</sup> A key example of this epistemic blocking is the (continuing) ‘unthinkability’ of the Haitian revolution in the terms of the enlightenment framework. As Michel Rolph Trouillot has argued:

The Haitian revolution thus entered history with the peculiar characteristic of being unthinkable even as it happened ... The events that shook up Saint-Domingue from 1791 to 1804 constituted a sequence for which not even the extreme left in France or in England had a conceptual frame of reference. They were “unthinkable” facts in the framework of Western thought.<sup>62</sup>

I have been arguing, thus far, that a key element of anti-imperial epistemic justice is the production of materially, intersectionally and historically specific embedded and situated conceptual thinking arising from historically and politically specific encounters in the world. My insistence on a concerted effort to produce new conceptual knowledges with which to build the world anew is neither novel nor original. It has been a key facet of anti-colonial thinking. For instance, consider Frantz Fanon’s powerful call to ‘work out new concepts’ in the concluding lines of *The Wretched of the Earth* where he writes:

It is a question of the Third World starting a new history of Man, a history which will have regard to the sometimes prodigious theses which Europe has put forward, but which will also not forget Europe’s crimes, of which the most horrible was committed in the heart of man ... .

So, comrades, let us not pay tribute to Europe by creating states, institutions and societies which draw their inspiration from her ... .

For Europe, for ourselves and for humanity, comrades, we must turn over a new leaf, we must work out new concepts, and try to set afoot a new man.<sup>63</sup>

At different points in the ‘Wretched of the Earth’, Fanon makes specific observations on the intellectual content and inspiration of these new concepts. The new concepts, are neither pulled out of Eurocentred intellectual repertoires nor are they products of some ‘populist abstraction’ or indeed of ossified notions of the ‘cultural or ‘traditional’. Fanon is unequivocal that these concepts emerge from and draw their intellectual inspiration from people’s struggles for freedom.<sup>64</sup> Fanon’s refusal to ‘attach oneself to tradition or bring abandoned traditions to life again’<sup>65</sup> is shared by the other famous Martiniquan intellectual, Aimé Césaire, who foreshadowed Fanon’s *Wretched of the Earth* by a decade, and powerfully argued that while the important task was to mount a defence of African civilisations, this work however, did not consist of a return to any mythical or traditional past. In a *Discourse on Colonialism*, published in 1951, Césaire writes: ‘For us the problem is not to make a utopian and sterile attempt to repeat the past, but to go beyond. It is not a dead society that we want to review. We leave that to those who go in for exoticism ... It is a new society that we must create’.<sup>66</sup>

For many scholars, including Fanon, social movements or people’s struggles for freedom constitute the epistemic site for the formulation of new concepts. In their scholarship, social movements are important and crucial repositories for alternative imaginaries, designs, frameworks for equality, democracy and justice.<sup>67</sup> While some explicitly refer to Indigenous movements as repository sites of theory building, others point to

non-specific and generic social movements. For instance, Arturo Escobar in his book, *The Pluriverse* calls for an ontological politics that recognises ‘multiplicity of ways of worlding’.<sup>68</sup> He defines ontology as a way of knowing, being, doing, and ontological politics as one of ‘radical relationality’ and ‘autonomous place based thinking’. What is immediately striking about Arturo Escobar’s book is his insistence on the epistemic authority of the knowledges produced by Indigenous social movements. Escobar acknowledges that while there is no ‘blueprint for pluriversal’ politics, there are however, active and ongoing social experiments within social movements of pluriversal struggles. Escobar’s important book and longstanding scholarship invites us to think along a range of important alternative epistemic imperatives and imaginaries but as has often been remarked, there are also some questions of representation and romanticisation of Indigenous struggles<sup>69</sup> that continue to follow his work. And, while I do not wish to rehearse these critiques here, I do want to raise a few questions on the politics of care and ethical epistemic work which I believe are critical to a careful, ethical and a non-extractivist engagement with social movements as an alternative ground for concepts and theory building. These questions straddle methodological, epistemological and political concerns and are the following: How to do the work of theorising from social movements without falling into the epistemic traps of either romanticising social movements as power-free horizontal ontologies outside of articulation of power or converting them into them into the ‘local’, ‘cultural’ or niche epistemologies? How to ethically and faithfully document, translate and theorise the conceptual tools used by social movements to enunciate their epistemic and political presence and demands? And, finally, how to theorise the conceptual tools that emerge from social movements without rendering these *native* and *unfamiliar* but rather as active participants in the knowledge production in the social sciences? This is by no means an exhaustive list of questions that I pose here, however, in my view, these are part an ethical and epistemic toolkit required in order to provide an ethical epistemic accounting of the conceptual tools used by social movements and for engaging with these concepts epistemically so that they appear as an epistemic presence.

### **Epistemic presence and epistemic accounting of rights politics**

At this point, you might ask: But how to make rights politics in most of the world appear as an epistemic presence and also to matter epistemically? And, to which my answer is this: An important way to do this is through scholarly work aimed at producing conceptual descriptions of the languages of rights and human rights deployed across the globe. And, in particular, through conceptual work on the critical vocabularies, political activisms and philosophical perspectives that animate rights politics around the globe. It bears worth repeating that the production of concepts from ‘most of the world’ is a matter of urgency. We simply do not have the concepts we need in order to produce theorised accounts of our different and historically specific encounters with the world. The conceptual descriptions of rights politics in most of the world are crucial because they not only illuminate the contested, conflictual and fraught nature of political struggles of exploited, marginalised and subaltern groups which are seldom viewed as epistemic sites of knowledge production and epistemic authority but also show up the expansive and different conceptual architectures and worldviews that animate these

struggles. Moreover, the subaltern political struggles for freedom, rights and justice in most of the world have their own specific political imaginaries and conceptual vocabularies that cannot be reduced to simple translational strategies geared to discover direct linguistic correspondences. Therefore, the work on concepts in most of the world is neither the work of simplistic unidirectional translation of Eurocentric concepts in 'local' languages nor is it the work that exists in a conceptual and political silos or inhabits radical unintelligibility or indeed is one of forcing violent commensurability in relation to dominant concepts and epistemologies. If anything, it is an epistemic-ethical-political exercise that aims to foreground and centre the conceptual work from most of the world to provincialise Eurocentric concepts and also retool these through foregrounding rights politics in most of the world and the stakes and struggles that animate these. The critical engagement with conceptual work from most of the world and its retooling of existing Eurocentred concepts has the potential of not only 'stretching' the background conditions for conceptual work and of theory building to include conditions of global coloniality, epistemic inequality, and structural injustice but also of shifting the standard background context of philosophical, conceptual and empirical location of rights and justice talk and theory building to most of the world.

For the best part of two decades, I have been engaged in a project of epistemic accounting of subaltern rights struggles in most of the world, and specifically, in India and Pakistan. In order to give an epistemic accounting of this politics of rights, I have devised a theoretical framework for their study, which I call vernacular rights cultures, as well as a methodological device, which I call feminist historical ontology.<sup>70</sup> The lens of vernacular rights cultures allows the curation, assembly and documentation of different registers, imaginaries and possibilities for rights encounters and politics in the world. The 'vernacular' in *vernacular rights cultures* is first and foremost, of course, an epistemic positioning. It signals an epistemic position in relation to the hegemonic global human rights discourse. Crucially, the vernacular also flags the different literal and conceptual languages of rights deployed by subaltern groups across the globe. A feminist historical ontology on the other hand, couples investigations into historical ontology with a critical reflexive politics of location. As a methodological device it allows us to examine how concepts come into being in particular locations, produce specific political cultures, and 'make up people',<sup>71</sup> while also putting in place different possibilities and paradigms for justice and democracy.

My epistemic accounting of subaltern rights struggles<sup>72</sup> has involved ethnographically tracking these through northwest India and central Eastern Pakistan. What unites these subaltern mobilisations spanning India and Pakistan is the critical vocabularies of rights that are employed to enunciate rights and to forge a rights politics. All the subaltern mobilisations I have been tracking use the Urdu and Arabic word for a right, which is the word *haq*. It is striking that even though these mobilisations are located in different sites with their own specific languages, which are Punjabi, Rajasthani, Bhili-Bhilodi, Hindi and Urdu, all of them without exception use the word *haq* to articulate and claim rights. Consequently, I have been tracking the deployment of *haq* through the deserts of Rajasthan in northwest India where different subaltern groups have been mobilising to demand rights to food, public information, gender and caste equality and employment from the state, and Adivasi groups are demanding rights to sacred and ancestral forests, streams, rivers and lands. The word *haq*, does not recognise

national borders and formations; if anything, it undermines these and the epistemic and methodological imperatives which are framed around it. And, consequently, I have travelled with *haq* further northwest into the subcontinent and into the central eastern province of Punjab in Pakistan, where for the last two decades years landless tenant farmers have been involved in a long struggle for land rights against the military, which is also the largest landowner in postcolonial Pakistan.

Readers would know, of course, that the word *haq* is hardly confined to South Asia alone. Remarkably cosmopolitan, the word can be traced to classical Hebrew and has been known to appear in pre-Islamic poetry and in the Quran. *Haq*, *hak* or *hukk* is the principal word for a right used across the Middle East, North and East Africa, Iran, and South Asia, appearing in at least eight contemporarily used languages, including Hebrew, Persian, Arabic, Swahili, Manipuri, Turkish, Hindi, Punjabi and Urdu. In the Indian subcontinent, *haq* appears in Hindustani and Urdu lexicon through the influence of Persian where it cuts across geographical, religious and linguistic boundaries to become the principal word deployed to claim rights by subaltern groups in northwestern India and Pakistan. The critical vocabularies of *haq* emerge within multiple, diverse and conflictual and gendered encounters with developmentalism, militarism, state authoritarianism, statism, legal constitutionalism, and social movement activism. Therefore, the contemporary meaning of *haq* appears not as some freestanding abstraction but rather gains its enunciatory power and meaning within and through contemporary subaltern struggles. My conceptual work on *haq* has involved documenting the different justificatory premises of *haq* that animate but also sustain these different political mobilisations, while also putting in place a particular relation to the self. These justificatory premises at times intersect with liberal democratic theorising on rights and human rights but also turn away towards a radically different direction. Significantly, however, these offer up political possibilities for conceptualising rights politics away from the depoliticised/ising, minimalist, legalist, and state centric discourses of human rights and towards those that centre questions of structural justice – transhistorical, epistemic, gendered racialised and material. In my work I document and provide an epistemic accounting of the four justificatory premises that underpin the deployment of *haq* in these subaltern mobilisations on rights. These justificatory premises are the following: constitutional/ legal citizenship; justification of rights on the basis of morality and ‘Truth’; justification based on the entitlements of the prior; and justification based on Islam. All of these groundings and justifications for rights emerge within live political contexts of struggle and precarity and provide insights into how vernacular rights cultures come into being.<sup>73</sup>

A striking feature of these four justificatory premises of *haq* is their refusal of not only methodological nationalism and statism but also of methodological individualism. For instance, even though, existing citizenship rights and legal constitutionalist guarantees constitute an important justificatory premise of *haq* used to claim rights, however, this claim to citizenship rights do not render *haq* or indeed rights guaranteed to one as citizen as dependent or indeed derived from the state. To put it differently, the justificatory premise of *haq* as a citizenship right locates its authority and source of rights outside the nation state even as the state is held both responsible and accountable for protecting and upholding rights. This is a noticeably salient move because it clears room for rights to be upheld and provisioned through the state while not founding rights on the state. The

epistemic and political grounding of rights as exogenous to the state does three things: Firstly, it makes the state central to rights politics while not tying the destiny of citizenship rights as beholden to the state. Secondly, it breaks free from the organic connection often drawn by legal positivists between the state and citizenship rights and places itself outside of the Arendtian paradox of ‘the right to have rights’,<sup>74</sup> which operates within methodological nationalism and already assumed and existing categories of who are already citizens.<sup>75</sup> In other words, the existence of *haq* does not rely on an originary, symmetric, coincident and correlative relations between itself and the positive legal order of the state. The absence of a straightforward and direct tethering of rights to the state has implications for mainstream and received theories of rights, some of which tend to recognise the existence of rights only if these are legal rights with corresponding legally recognised duty holders who are under obligation to uphold these rights.<sup>76</sup> Thirdly, it creates a route for securing rights through legislation and legal provision while keeping the dynamism of rights politics intact and open to areas and entitlements not already in place or secured through existing legislation. By this I mean that *haq* as non-derivative from the state opens up fecund possibilities for declaring and naming new rights other than those already named and included by the state as legal rights. The possibility of naming new rights allows rights to be regarded, following Amartya Sen, as ‘ethical assertions’<sup>77</sup> which require legislation and legal protection, to open up a more expansive rights politics. The rights politics of *haq* is therefore not one that only seeks the legal provision of already declared/legislated rights but rather one that insists on naming an expansive and dynamic framework for constituting liberties and envisioning justice. To be sure, in arguing for human rights as ethical claims, Amartya Sen is very clear that he does not mean to say that all ethical assertions linked to human rights should automatically also be routes to legislating those ethical claims. Rather, Sen argues that ethical claims that require legal backing need to be assessed through impartial public reasoning and only after being affirmed through such a process, can these be judged as available for legislation. The ethical assertions linked to *haq* in the subaltern political struggles tracked in this article, however, are grounded in very different justificatory premises than the principle of freedom that ground human rights in Amartya Sen’s *The Idea of Justice*. These different justificatory premises, in turn, produce a very particular subaltern rights politics that not only envisions justice through naming and describing existing injustices, albeit, not without generating contestation conflict and even violence, while also urgently seeking a recognition and redressal of this existing injustice through demanding legal rights for institutionalising justice. Finally, a pragmatic and sober intersectional gender politics keeps rights tied to the state although, in the final instance, this rights politics too is not *of* or *from* the state. The fierce institutional, social and political pushbacks and backlash against rights claims for intersectional gender equality has meant that Dalit, Adivasi and Muslim women’s claims for equal rights have invariably needed to be justified through existing constitutionally guaranteed and declared rights for women as equal citizens, at least, in the first instance. The practical encounter with the state over rights guarantees produces a severe disenchantment with the state [ but not with rights *per se*] and sets in motion a more graded and cautious enunciation of the relationship between rights and the state.

An important faultline between the justificatory premises of *haq* and standard liberal theorising of rights as personal liberties secured from the state is that the four justificatory

premises of *haq* I have documented over nearly two decades, are not firmly tied to methodological individualism. Among one of the most intense and enduring set of debates within the social sciences and the humanities<sup>78</sup>, methodological individualism has its share of different versions: that the social world is made up of individuals and that phenomena can be ‘fully explained’ by individual behaviour and action, to more graded arguments i.e. that it can only ever partially be explained thus.<sup>79</sup> Although, methodological individualism is often used as an analytical and explanatory grid for explaining social phenomena, it is also a ‘principle, rule, or program telling historians and social scientists how to define collective concepts ...’<sup>80</sup>. For purposes of the argument of this paper, how does a refusal of methodological individualism enable a different conceptualisation of rights? The articulations of *haq* in subaltern struggles I have been tracking draw non-dichotomous and relational connections between individuals (as bearers and claimants of *haq*) and the existence of a collective *public good*. In some of these struggles, *haq* is used to signify a cosmic inseparability and indivisibility from the public good and consequently, the public good is conceived as not only in collective terms but also as exceeding the welfare and interests of individuals alone. Furthermore, unlike methodological individualism which privileges the causal role of individuals and their behaviour in explaining social phenomena, the narratives of *haq* weave complex relational webs of sociality that included materiality of the social world and institutional systems of law, coercion, exploitation and norms. Crucially, however, these narratives do not only uphold the ontological status and claims of individuals alone. To the contrary, the justificatory premises of *haq* locate the epistemic and ethical foundations of *haq* in nature both as a source of rights but also to whom obligation is owed. This obligation to nature is upheld through *haq*: of possessing *haq* through the presence of ancestral lands and forests, and also discharging the obligations to nature that such a concept of *haq* entails.

Another persistent and vast area of debate within different sections of political philosophy has been the conceptual meaning of freedom. In these discussions too, it is methodological individualism which is taken as the assumed and necessary standard background condition. Consider for instance, how Isaiah Berlin’s influential essay *Two Concepts of Liberty*<sup>81</sup> often seen as paradigmatic of liberal thinking theorises freedom in relation to the state; and specifically, as freedom *from* state interference. Berlin famously dismisses the other side of the binary, which is the freedom *to* as failing to constitute legitimate grounds of liberty on the basis that such a formulation is too vulnerable to the aspirations and goals of totalitarian regimes. However, even in this rejection, it is the vulnerability of positive freedom of autonomous individuals that concern Berlin and not the worldmaking aspirations wrought through collective political struggles for another world here and now waged by world historic groups. To be clear, the protection of individual from state power is of course, paramount, but as anti-colonial, Black, Indigenous and decolonial scholarship have shown, it is only the possessive elite subjects, and in particular the White property owning homo economicus<sup>82</sup> who has historically been recognised as the sovereign and originary subject of liberty or indeed to have experienced liberty as freedom *from* state power in any real way. Moreover, the lineages of racial liberalism<sup>83</sup> racial capitalism<sup>84</sup> and caste supremacist worldviews underwritten by the colonial, settler colonial and postcolonial states has not only continued but also legitimised the violence of private accumulation but also but also the systematic dispossession of collective goods through the theft of communal ownership of property and destruction of

more egalitarian property arrangements.<sup>85</sup> The articulations of *haq* within Indigenous mobilisations in North Western India that I have been tracking and documenting also draw attention to the overwhelming and unremitting violent dispossession of Indigenous peoples from their ancestral lands and from collective ownership over ancestral lands, forests, rivers and streams by the national state in the name of development.<sup>86</sup> Through claiming their individual and collective *haq* and ownership over communal ancestral lands, forests and rivers, these Indigenous struggles assert a non-atomistic, non-individualist and collective political imaginary of freedom, justice and liberty.

The conceptual description of *haq* I have been describing is a complex articulation that includes within it imaginaries of freedom from the violent statist imaginary of development but also a demand for structural justice, which is embedded in an expansive language of claim making that evokes powerful descriptions of existing structural injustice, state corruption, corporate extractivism, gender and caste inequalities, forced dispossession and internal displacement. While these conceptual descriptions of *haq* reveal a collective subject that is called into being by *haq*, the concept of *haq* is neither horizontal nor egalitarian in its structure, and nor is it a concept that is able to accommodate and stretch itself to unintended and non-normative subjects of rights either easily or without struggle. Therefore, to speak of relational and communal imaginaries of *haq* is not the same as saying that these relational connections and descriptions articulated through deploying *haq* are always already horizontal connections but rather that the meanings of *haq* as justice are forged in political struggles to claim communal rights in political struggles. It is in these political struggles against the state that these relational connections and demands for structural justice are re-articulated and resignified. Unsurprisingly though, the resignification and stretching of *haq* by those who have never been the intended or normative subjects of rights makes the politics of *haq* a deeply conflictual and contested one. Nowhere are these conflicts and contestations more marked or acute than over the *haq* claims by subaltern women for gender equality. For example, a striking transformation of the meaning of *haq* occurs when it's seized by Dalit and Adivasi women to articulate claim rights and gender justice. For instance, it was often brought up in my ethnographies as to how *haq* was a word that only upper caste men would use to refer to their property rights. And, how it was unthinkable that it could be used by subaltern women to name and challenge existing structural injustices and intersecting oppressions. As I noted earlier, justifications of gender equality and women's rights are almost always invariably premised on constitutionally recognised rights of women as equal citizens. These justifications articulated mostly by subaltern women in the face of their inability to forge a collective demand or a political stand, including from participants engaged in common struggles, in support of upholding women's rights. At such moments of crises in collective identity and solidarity of movements, justifications of rights as constitutional guarantees and as recognition of one's citizenship became useful in order to resist collective refusals of gender equality. And, it is also at these moments of crises and failure to secure *haq* to all participants in these collective mobilisations that the gendered subject of *haq* appears separated and disaggregated along caste and gender lines; and as a subject left potentially left standing outside of the collective identity forged through struggles over *haq*. It is because of this precarious inclusion and participation of gendered subjects within collective struggles that there is an overwhelming statist justification of rights by gendered subjects. However, on close scrutiny,

this statist justification of *haq* proves to be neither uncritical nor foundational but only instrumental and strategic and one revoked, in the wake of sustained disavowal and abandonment of subaltern women by the state, to ground rights in an alternate source external to the state.<sup>87</sup>

The politics of *haq* as structural justice with its tightly woven imaginaries of intersectional and complex equalities renders it very conflictual and at times injurious but also as dynamic and expansive. The complex and gendered contestations over existing iniquitous and unjust structures and relations of power including identity based rights makes methodological exercises in obtaining simplistic and unidirectional translations based on establishing straightforward correspondences between abstract received concepts of rights and justice and of abstract meanings of *haq* an unsatisfying and compromised intellectual exercise. These are compromised and unproductive translations for at least three reasons: firstly, because, shorn of the dynamic rights politics that *haq* is articulated within and from, the abstract translations of *haq* as a right fail to capture the alignment of rights politics with the politics of justice that occurs in subaltern struggles. And, secondly, it is in the seizing of *haq* and its subsequent resignification by non-normative subjects of rights that its deeply conflictual, hierarchical and masculinist politics is revealed as are its normative limitations. The normative and power hierarchies of *haq* are placed under challenge and critique by non-normative subjects of rights who claim *haq* to forge a different rights politics of *haq* of their own. And, thirdly, it is only by theorising concepts in their specific locations and by making an effort to translate the intersectional politics of contestation, avowal and of refusal accompanying the formulation and articulation of concepts in different locations can there be a genuinely interesting and ethically grounded practice of translation: one that is epistemically ‘multidirectional’<sup>88</sup> and methodologically transnational in its knowledge production.

Rights politics in most of the world is not a utopian horizontal power free politics, and vernacular rights cultures is a key framework for capturing and articulating the politics of struggle for freedom engaged by different groups, and their stakes and struggles of rights politics in most of the world. Like all phenomena, this rights politics is intersectionally gendered phenomena and mired in conflictual, contested and violent power relations. And, even while *haq* generates political possibilities and shifts normative horizons of rights talk, however, these normative possibilities are deeply gendered and marked by intersectional inequalities. It is worth noting that in each of the cases of political mobilisations that I have been studying and documenting, I have not come across a single instance where the demand for gender equality came up organically within these or was raised as part of the collectively raised demands for rights.

## Conclusion

This article makes a case for anti-imperial epistemic justice, which it argues is a necessary pre-requisite for thinking ‘after rights’. It assembles the different intellectual resources for theorising anti-imperial epistemic justice. These intellectual resources are not only generative of ethical work on rights politics in most of the world but through foregrounding the conceptual work on rights politics in most of the world, and in particular, on the political imaginaries, political struggles and critical vocabularies, they allow rights politics in most of the world to appear as an epistemic presence and to matter epistemically.

Crucially, the appearance of rights politics as an epistemic presence not only enables a shift in the epistemic centre of human rights scholarship to ‘most of the world’ but also an epistemic shift towards thinking ‘after rights’. This epistemic shift to thinking ‘after rights’ is made possible by scholarship that moves beyond the endless and ultimately self-serving cycle of ‘critique upon critique’<sup>89</sup> that has come to take so much space within critical scholarship on human rights, and actually engages with the epistemic difference that rights politics in most of the world makes to human rights thinking.

The intellectual resources assembled in the article also foreground conceptual work oriented towards movements and peoples struggles. As I noted earlier, the work of building concepts and theories from social movements must be a scholarship of ethical care and non extractivism founded on a commitment to anti-imperial epistemic justice. It is not a scholarship of disinterestedness but one that ethically binds the researcher to the people’s struggles they are theorising. The conceptual work on rights politics in most of the world not only requires but also leads to a retooling of mainstream and dominant theorising on rights and justice. The retooling of rights and justice must address the racialised structures of ‘colonial unknowing’<sup>90</sup> that hardwire theoretical thinking on human rights and global justice but also block off the epistemic presence of rights politics for justice in ‘most of the world’. This retooling must not only insist on an explicitly transnational orientation of justice theories, with a view to foreground questions of historical injustice, exploitation, empire and colonialism but also produce conceptual descriptions of the politics of rights around the globe that are neither mired in methodological statism or nationalism nor invested in producing ‘case studies’ of simple translations of global human rights in different ‘local’ locations. Accordingly, my argument in this regard has been a threefold one. Firstly, that the conceptual separation of rights and justice into separately organised theories is a forced one, and emerges from a particular and long history of thinking, which Charles Mills has called racial liberalism. Secondly, given this history of racial liberalism, it is crucial to retool thinking on both rights and justice through different intellectual resources, and in particular from resources that emerge within and from people’s struggles for rights, freedom and justice and from a decolonial commitment to anti-imperial epistemic justice. And, finally, that the commitment to anti-imperial epistemic justice requires the production of new conceptual descriptions and theorising of rights and justice, which are able to provision an epistemic accounting of this rights politics but also foreground the epistemic presence of rights politics in ‘most of the world’: by foregrounding the stakes and struggles that animate this politics, conceptual repertoires that informs it, as well as the rights subjects that come into being in the wake of this rights politics. In short, the rights politics ‘after rights’ must be a politics of anti-imperial epistemic justice and one oriented towards invested in challenging coloniality, structural injustice, exploitation and oppression. It is my hope that even though the story of *haq* I provide here is one conceptual articulation of rights politics in most of the world. I very much hope that there will be others.

Before I close the article, in the last lines I have left here, I want to emphasise that to speak of vernacular rights cultures and of pluriversal ways of being in the world is neither to remove these from ethical judgments (this is not the same as judgmentalism or moralism) or from ongoing philosophical disagreements. It is quite the converse. If anything, such a move isolates this thinking by categorising it into niche or ethnic pigeonholes

requiring no epistemic engagement. In so doing, it renders it absent, silenced and consigned to be left alone to exist on its own and only in its own terms and never to matter epistemically to the regular business of global knowledge production. At the same time, however, nor is it to also fall into a romanticised mythical argument of it representing a ‘golden tradition’ or a ‘tradition’ that is being revived through an attention to the vernacular. I have in mind here the recent dangers of the co-optation of decolonial thinking by authoritarian right-wing groups as a case in point.<sup>91</sup> It is my view that there will always be ‘co-optations’ of emancipatory languages by reactionary constituencies, but that the important thing is to always insist on an epistemic accounting of the specific politics and intellectual genealogies that undergird conceptual production in different parts of the globe, including of social movements. The work of conceptually theorising rights politics in most of the world, which is a historically specific, situated and conceptual enunciation located in people’s struggles for rights and justice, and one firmly tethered to the broader project of anti-imperial justice, is an important way of imagining rights politics ‘after rights’. Such a task of anti-imperial epistemic justice is indebted to not only peoples struggles for rights and structural justice in different parts of the world but also draws on the work of anti-colonial thinkers who have refused any ossified view of culture as ‘custom’ or ‘tradition’ and have insisted on making the world anew through the production of new concepts and knowledges that are borne in people’s struggles for after racialised man, nation and rights. And, it is this vision and imaginary that animates this paper.

## Notes

1. Readers will know that I am here drawing in part on the sub-title of Partha Chatterjee’s book, *The Politics of the Governed: Reflections on Popular Politics in Most of the World* (Columbia: Columbia University Press, 2004). I find Chatterjee’s formulation, ‘most of the world’ very effective in challenging the geopolitical and epistemic binaries of West/ Non West. In my work, I both adopt but also build differently on Chatterjee’s formulation, which I discuss in the main text.
2. See for instance, Alice Crary’s critique of methodological conservatism of Miranda Fricker’s account of ‘Epistemic Injustice’ in Alice Crary, ‘The Methodological is Political: What’s the Matter with “Analytic Feminism”?’ *Radical Philosophy* 202 (2018): 58.
3. Crary, ‘The Methodological is Political’.
4. Ramón Grosfoguel, ‘The Epistemic Decolonial Turn’, *Cultural Studies* 21, no. 2–3 (2007): 211–22.
5. Walter D. Mignolo, ‘What Does It Mean to Decolonize?’, in *On Decoloniality* (Durham: Duke University Press, 2018), 134.
6. Here I am also partly drawing on Serene Khader’s use of ‘anti-imperialist feminist’ to ‘capture postcolonial, transnational and decolonial feminist positions’. To this list of literatures, I add Marxist feminist and anticolonial literatures to make up the ‘anti-imperial epistemic’ lens explored in this paper. See Serene J. Khader, *Decolonizing Universalism: A Transnational Feminist Ethic* (New York: Oxford University Press, 2018), 19.
7. M. Vimalassery, J.H. Pegues, and A. Goldstein, ‘Introduction: On Colonial Unknowing’, *Theory & Event* 19, no. 4 (2016).
8. For various influential critiques that cover a range of different questions see Giorgio Agamben, *Homo Sacer: Sovereign power and bare life* (Stanford: Stanford University Press, 1998); Alain Badiou, *The Rebirth of History: Times of Riots and Uprisings* (London: Verso Books, 2012); Wendy Brown, *Undoing the Demos: Neoliberalism’s Stealth Revolution* (Massachusetts: MIT Press, 2015); Wendy Brown, ‘Suffering Rights as Paradoxes’,

- Constellations* 7, no. 2 (2000); C.L.R. James, *The Black Jacobins: Toussaint L’ouverture and the San Domingo Revolution* (New York: Vintage, 1989 [1938]); Inderpal Grewal, *Transnational America: Feminisms, Diasporas, Neoliberalisms* (Durham: Duke University Press, 2005); Ratna Kapur, *Gender, Alterity and Human Rights: Freedom in a Fishbowl* (London: Edward Elgar Publishing, 2018); Robert Meister, *After Evil: A Politics of Human Rights* (Columbia: Columbia University Press, 2010); Walter D. Mignolo, “From Human Rights” to “Life Rights”, in *The Meanings of Rights: The Philosophy and Social Theory of Human Rights*, ed. Costas Douzinas and Conor Gearty (Cambridge: Cambridge University Press, 2014); Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Cambridge: Harvard University Press, 2018); Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2018); Sherene Razack, *Dark Threats and White Knights: The Somalia Affair, Peacekeeping, and the New Imperialism* (Toronto: University of Toronto Press, 2004); Jacques Rancière, ‘Who is the Subject of the Rights of Man?’ *South Atlantic Quarterly* 103, no. 2/3 (2004): 297–310; Gayatri C. Spivak, ‘Righting Wrongs’, *The South Atlantic Quarterly* 103, no. 2 (2004): 523–81; Michel R. Trouillot, *Silencing the Past: Power and the Production of History* (Massachusetts: Beacon Press, 2015); Kalpana Wilson, *Race, Racism and Development: Interrogating History, Discourse and Practice* (London: Bloomsbury Publishing, 2013); Sylvia Wynter, ‘Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation – An Argument’, *The New Centennial Review* 3, no. 3 (2003): 253–337.
9. Sumi Madhok, *Vernacular Rights Cultures: The Politics of Origins, Human Rights, and Gendered Struggles for Justice* (Cambridge: Cambridge University Press, 2021).
  10. See in particular, Étienne Balibar, *Politics and the Other Scene* (London: Verso, 2002); Wendy Brown, *Undoing the Demos: Neoliberalism’s Stealth Revolution* (Massachusetts: MIT Press, 2015); Jacques Rancière, ‘Who is the Subject of the Rights of Man?’ *South Atlantic Quarterly* 103, no. 2/3 (2004).
  11. Agamben, *Homo Sacer*.
  12. Charles W. Mills, ‘White Ignorance’, in *Race and Epistemologies of Ignorance*, ed. Shannon Sullivan, and Nancy Tuana (New York: Suny Press, 2007), 12–38.
  13. Charles W. Mills, *Black Rights/White Wrongs: The Critique of Racial Liberalism* (Oxford University Press, 2017), 34.
  14. Vimalassery et al., ‘Introduction: On Colonial Unknowing’.
  15. Edward Said, *Culture and Imperialism* (London: Vintage, 1993).
  16. For a similar understanding see also Ngũgĩ wa Thiong’o, *Gloablectics: Theory and the Politics of Knowing* (Columbia: Columbia University Press, 2014).
  17. See Oumar Ba, ‘Global Justice and Race’, *International Politics Reviews* 9, (2021): 375–89, for a critique of the lack of attention by scholars of global justice to racial, gender and transhistorical injustice.
  18. For instance, the General Assembly Resolution on the NIEO (New International Economic Order) notes that: The ‘the remaining vestiges of alien and colonial domination, foreign occupation, racial discrimination, apartheid and neo-colonialism in all its forms continue to be among the greatest obstacles to the full emancipation and progress of the developing countries and all the peoples involved’. The full text of the resolution can be accessed here: <https://www.un-documents.net/s6r3201.htm> (accessed August 26, 2023).
  19. John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).
  20. For a useful discussion on the NIEO see in particular, Margot E. Salomon, ‘From NIEO to Now and the Unfinishable Story of Economic Justice’, *International & Comparative Law Quarterly* 62, no. 1 (2013): 31–54.
  21. The full text of the convention can be accessed here: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>.
  22. Dale Dorsey, ‘Global Justice and the Limits of Human Rights’, *The Philosophical Quarterly* 55, no. 221 (2005): 562.
  23. Amartya Sen, *The Idea of Justice* (London: Penguin Books, 2009), 380.

24. Michael Sandel, *Justice: What's the Right Thing to Do?* (New York: Farrar, Straus and Giroux, 2009), 19.
25. Jeremy Waldron, 'Socioeconomic Rights and Theories of Justice', *San Diego L. Rev.* 48, no. 773 (2011): 774.
26. Judith N. Shklar, *The Faces of Injustice* (New Haven: Yale University Press, 1990).
27. Shklar, *The Faces of Injustice*, 15.
28. *Ibid.*, 9.
29. Mills, *Black Rights/White Wrongs*, 37.
30. *Ibid.*, xv.
31. *Ibid.*, 8.
32. *Ibid.*, 29.
33. *Ibid.*, xvi; see also Frantz Fanon, *The Wretched of the Earth* (1963; London: Penguin, 2004); Trouillot, *Silencing the Past*; James, *The Black Jacobins*.
34. Trouillot, *Silencing the Past*, 75.
35. Sylvia Wynter, 'Unsettling the Coloniality of Being/Power/Truth/Freedom'.
36. Anne Phillips, *Unconditional Equals* (New Jersey: Princeton University Press, 2021).
37. See Mills, *Black rights/White Wrongs*; Sen, *The Idea of Justice*; Iris Marion Young, *Responsibility for Justice* (New York: Oxford University Press, 2010); Khader, *Decolonizing Universalism*; Shklar, *The Faces of Injustice*; Catherine Lu, *Justice and Reconciliation in World Politics* (Cambridge: Cambridge University Press, 2017); Phillips, *Unconditional Equals*.
38. Sen, *The Idea of Justice*, 14.
39. *Ibid.*, 18.
40. *Ibid.*, 19.
41. *Ibid.*, 259.
42. Young, *Responsibility for Justice*, 52.
43. Khader, *Decolonizing Universalism*, 7.
44. *Ibid.*, 36.
45. *Ibid.*, 123–32.
46. *Ibid.*, 20.
47. Young, *Responsibility for Justice*, 145.
48. See especially, Khader, *Decolonizing Universalism* and Sen, *The Idea of Justice*.
49. Young, *Responsibility for Justice*.
50. The conceptual and theoretical work on coloniality is pioneered by decolonial scholars working on Latin America but not exclusively so. The decolonial school of thinking includes among others, the following: Linda M. Alcoff, 'Decolonizing Feminist Theory: Latina Contributions to the Debate', in *Theories of the Flesh: Latinx and Latin American Feminisms, Transformation, and Resistance*, ed. Andrea Pitts, Mariana Ortega and José Medina (New York: Oxford University Press, 2020), 11–28; Dussel, *Philosophy of Liberation*; Grosfoguel, *The Epistemic Decolonial Turn*; Maria Lugones, 'Toward a Decolonial Feminism', *Hypatia* 25, no. 4 (2010): 742–59, and 'Gender and Universality in Colonial Methodology', *Critical Philosophy of Race* 8, no. 1–2 (2020): 25–47; Arturo Escobar, *Designs for the Pluriverse: Radical Interdependence, Autonomy, and the Making of Worlds* (Durham, NC: Duke University Press, 2018) and *Pluriversal Politics: The Real and the Possible* (Durham: Duke University Press, 2020); Nelson Maldonado-Torres, *Against War: Views from the underside of modernity* (Durham: Duke University Press, 2008); Walter D. Mignolo, *Local Histories/Global Designs: Coloniality, Subaltern Knowledges, and Border Thinking* (New Jersey: Princeton University Press, 2012); Anibal Quijano, 'Coloniality of Power and Eurocentrism in Latin America', *International Sociology* 15, no. 2 (2000): 215–32; Walter D. Mignolo and Catherine E. Walsh, *On Decoloniality: Concepts, Analytics, Praxis* (Durham: Duke University Press, 2018).
51. See for instance, Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton, NJ: Princeton University Press, 2000); Kapur, *Gender, Alterity and Human Rights*; Mignolo and Walsh, *On Decoloniality*; Françoise Vergès, *A Decolonial Feminism* (London: Pluto Press, 2021); Sylvia Tamale, *Decolonization and Afro-Feminism*

- (Ottawa: Daraja Press, 2020); Escobar, *Designs for the Pluriverse and Pluriversal Politics*; and Lugones, 'Gender and Universality in Colonial Methodology'.
52. Silvia Rivera Cusicanqui, *Ch'ixinakax Utxiwa: On Practices and Discourses of Decolonization* (Cambridge: Polity Press, 2020).
  53. Escobar, *Pluriversal Politics*.
  54. Marisol De la Cadena, 'Indigenous Cosmopolitics in the Andes: Conceptual Reflections Beyond Politics', *Cultural Anthropology* 25, no. 2 (2010): 334–70.
  55. Escobar, *Designs for the Pluriverse*.
  56. Cusicanqui, *Ch'ixinakax Utxiwa*.
  57. Vimalassery et al., 'Introduction: On Colonial Unknowing'.
  58. Paul Rabinow, *The Accompaniment: Assembling the Contemporary* (Chicago: University of Chicago Press, 2011), 122.
  59. I am here citing and drawing on Aimé Césaire's Preface to the *Discourse on Colonialism* where he writes: 'At the very time when it most often mouths the word, the West has never been further from being able to live a true humanism – a humanism made to the measure of the world'. See Aimé Césaire, *Discourse on Colonialism* (New York: NYU Press, 2001).
  60. Chakrabarty, *Provincializing Europe*.
  61. Trouillot, *Silencing the Past*.
  62. *Ibid.*, 73; 82.
  63. Frantz Fanon, *The Wretched of the Earth* (London: Penguin, 1963), 255.
  64. Fanon, *The Wretched of the Earth*, 189.
  65. *Ibid.*, 190.
  66. Césaire, *Discourse on Colonialism*, 52.
  67. See for instance, Escobar, *Pluriversal Politics* and Phillips, *Unconditional Equals*.
  68. Escobar, *Pluriversal Politics*, xiii.
  69. Kiran Asher and J. Wainwright, 'After Post-Development: On Capitalism, Difference, and Representation', *Antipode* 51, no. 1 (2019): 25–44.
  70. Sumi Madhok, *Vernacular Rights Cultures: The Politics of Origins, Human Rights, and Gendered Struggles for Justice* (Cambridge: Cambridge University Press, 2021).
  71. Ian Hacking, *Historical Ontology* (Cambridge, MA: Harvard University Press 2002), 99.
  72. These subaltern mobilisations consist of a range of different actors and groups engaged in movement building for rights entitlements from the state. These include Indigenous and *Dalit* mobilisations demanding rights to food, employment, public information, accountability and land rights in India and Pakistan.
  73. Madhok, *Vernacular Rights Cultures*.
  74. Hannah Arendt, *The Origins of Totalitarianism* (New York: Meridian Books, 1958; San Diego: Harvest Books, 1973).
  75. Rancière, 'Who is the Subject of the Rights of Man?'.
  76. Madhok, *Vernacular Rights Cultures*.
  77. Amartya Sen in *An Idea of Justice*, argues that human rights are 'ethical assertions' that require public reasoning for their affirmation. Sen is very clear that even though human rights as ethical assertions can be prompts for legislation, not all ethical claims espousing human rights can be seen as only being routes to legal rights.
  78. For a very useful account of the different intellectual trajectories and versions of methodological individualism see Lars Udehn, 'The Changing Face of Methodological Individualism', *Annual Review of Sociology* 28, no. 1 (2002): 479–507. See also Sally Haslanger, 'Failures of Methodological Individualism: The Materiality of Social Systems', *Journal of Social Philosophy* 53 (2022): 512–34.
  79. Udehn, 'The Changing Face of Methodological Individualism'; Haslanger, 'Failures of Methodological Individualism'.
  80. Udehn, 'The Changing Face of Methodological Individualism', 497.
  81. Isaiah Berlin, 'Two Concepts of Liberty', in *Four Essays on Liberty*, ed. I. Berlin (London: Oxford University Press, 1969; New edition, 2002, 118–72).

82. Mills, 'White Ignorance'; Wynter, 'Unsettling the Coloniality of Being/Power/Truth/Freedom'.
83. Mills, *Black Rights/White Wrongs*.
84. Cedric J. Robinson, *Black Marxism, The Making of the Black Radical Tradition* (University of North Carolina Press, 1983).
85. See Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Durham: Duke University Press, 2018); Leanne B. Simpson, *As We Have Always Done: Indigenous Freedom Through Radical Resistance* (Minnesota: University of Minnesota Press, 2017); Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press, 2014); Robin. D. Kelley, *Freedom Dreams: The Black Radical Imagination* (Massachusetts: Beacon Press, 2022).
86. Figures published in 2016 by the Internal Displacement Monitoring Centre (IDMC) show that between 1950 and 2015, 60–70 million people have been displaced in India as a result of development projects (IDMC 2016). Among the displaced peoples, as many as 40 per cent of all those have been Indigenous people. <https://www.internal-displacement.org/expert-opinion/the-people-behind-the-dams-mines-riverfront-development-projects>. See also Madhok, *Vernacular Rights Cultures*.
87. Madhok, *Vernacular Rights Cultures*.
88. Nikita Dhawan, 'The Empire Prays Back: Religion, Secularity, and Queer Critique', *Boundary* 40, no. 1 (2013): 191–222.
89. Kapur, *Gender, Alterity and Human Rights*.
90. Vimalassery et al., 'Introduction: On Colonial Unknowing'.
91. See for instance, Kalpana Wilson, Giti Chandra and Lata Narayanswamy, *Contested development imaginaries: Hindutva and the co-optation of 'decolonisation'* (2023) <https://www.developmentresearch.eu/?p=1596>.

## Acknowledgements

My thanks to Louiza Odysseos, Bal Sokhi Bulley and colleagues at the Sussex 'After Rights' Workshop for their helpful comments on earlier drafts.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

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