

1 An Introduction

Vernacular Rights Cultures and Decolonising Human Rights

Haq is the Arabic word for a right. It is also the word for a right in Urdu, Persian, Turkish and Hindustani. The first recorded existence of *haq* can be traced to classical Hebrew and it is also found in the older Semitic languages such as Aramaic and Mendenian. Over the centuries, the word has travelled across the globe to become the principal word to signify a right in South Asia, the Middle East and North Africa. *Haq* or *hukk* appears in Hindustani and Urdu lexicon through the influence of Persian in the Indian subcontinent 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. Not surprisingly, in the course of its travels, it has gathered complex meanings and iterations that inform political imaginaries, subjectivities and political cultures of rights and rights claim-making. What can the presence of *haq* in the vernacular and its use tell us about contemporary articulations, practices and discourses of rights and human rights in ‘most of the world’? What can it tell us about the different contexts of rights, meanings of rights, and about the conceptual languages of rights in ‘other’ parts of the globe? What does an attention to *haq* tell us about the forms of rights politics, subjectivities and the processes of political subjectivation these engender? And, furthermore, what can it tell us about the ‘other’ political cultures, imaginaries, contestations and struggles for rights? How can scholarly investigations of contemporary struggles for *haq* inform global human rights scholarship? And how useful is the global human rights framework for conceptually capturing political struggles for *haq*?

In South Asia, *haq* is a key literal and conceptual term used to signify a right or an entitlement in contemporary subaltern political struggles. Many at the forefront of these multitudinous subaltern rights mobilisations in the Indian subcontinent are engaged in struggles for their ‘life rights’. While some are resisting precarity and dispossession heralded in by neoliberal

developmentalism and its championing of privatisation of natural resources, others are struggling to redefine the substantive content of existing formal constitutional guarantees and are mobilising to put in place new and expanded entitlements. What different stories of human rights would we tell if we produced human rights scholarship from the standpoint of the stakes and the struggles of these subaltern groups at the frontline of human rights mobilisations demanding *haq* in ‘most of the world’?¹ What difference would such a standpoint make to the stories of human rights that we are accustomed to telling and hearing? What would human rights scholarship look like? What kinds of disciplinary and scholarly labours would it involve? And what kinds of epistemic erasures of human rights politics would this disrupt and what kinds of new possibilities for imagining and expanding rights and human rights would it bring into view?

By asking these questions, this book produces a perspectival shift in the study of human rights—a shift in standpoint that is explicitly oriented towards the study of vernacular rights cultures. The vernacular political cultures of rights documented in this book are neither ‘modes of literary’ (Pollock 2000: 593), nor are they ‘print cultures’ (Mir 2011) or indeed, involved in ‘ways of doing things with texts’ (Pollock 2000: 594). They are active sites of subaltern politics, struggles and contestations over rights and human rights. And, although, there is some literary production at these sites,² this book predominantly tracks and documents the oral narratives of subaltern groups engaged in contemporary struggles for rights entitlements in order to provide an epistemic accounting of the political imaginaries, gendered subjectivities and critical vocabularies of rights and political agency that inform these struggles. By all accounts, these are non-elite, particular and unprivileged sites of rights articulation and politics. They are therefore, not the ‘universal’, the ‘cosmopolitan’ and the ‘global’ but rather signal the unequal epistemic power relations between global human rights and the politics of vernacular rights cultures, and this is why the latter are ‘the vernacular’ and not ‘the global’. Vernacular rights cultures do not ‘emerge’ but are “made”³ through subaltern political struggles that are intersectional, gendered and intensely conflictual. In the book, I refer to the subaltern as a specifically material, gendered and epistemic location in historically specific power relations that are ‘relational’, ‘intersectional’ and ‘dynamic’ (Nilsen and Roy 2015).⁴ As historically specific, gendered and material locations and relations, the subaltern, as a group and as a politics, have increasingly registered their presence as resisters, activists and also as grassroots mobilisations⁵ but rarely as epistemic sites with their specific political

imaginaries, critical vocabularies of world-making and conceptual languages of rights and entitlements. And therefore, even while subaltern historical and political presence is increasingly noted, their epistemic presence is often actively ignored or wilfully refused and erased.

A focus on vernacular rights cultures enables the following: First, to attend to the urgent problem of the lack of conceptual diversity by facilitating the production of conceptual work from and in different geographical and 'non-standard' background contexts and conditions, that is, contexts outside those in which concepts are standardly produced, described and visualised. If anything, building conceptual diversity is *the* key intellectual project of vernacular rights cultures. Second, to shift dominant epistemic and methodological perspectives, from telling mainly state-centric stories about histories of institutional and legal progress of human rights and about the conduct of nation states and large organisations in the international arena to examining the multiple and differential circuits of geopolitical power within which global human rights operate. Third, it allows a focus on the different conceptual languages invoked by subaltern groups to articulate entitlements. Fourth, it facilitates assessments of how rights operate politically and the political cultures they produce at different geographical locations. And, finally, it allows to put in place serious epistemic, conceptual and methodological attention to the different political imaginaries, gendered relations and citizenship practices and subjectivities that come into being as a result of subaltern rights politics. This book orients this shift in perspective from exclusively institutionally focused studies on human rights to the actual work that rights and human rights politics does in subaltern settings in 'most of the world': a shift in perspective towards the study of vernacular rights cultures.

The word *haq* provides me with my cue for studying vernacular rights cultures. For nearly two decades, 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 Adivasi⁶ groups are demanding rights to sacred and ancestral forests, streams and lands. The word *haq*, however, does not recognise national borders and formations; if anything, it undermines them. Consequently, I have been ethnographically tracking the deployment of *haq* within subaltern mobilisations in India and in Pakistan; from Rajasthan's eastern regions, which are mostly rocky, thorn scrub forested and sand filled terrains to the Aravalli hills in its south, where the dry tropical forests burst into thick lush undergrowth in the monsoons.

And, tracking it further across the border and into the green fertile plains of the Punjab in Pakistan, a land fed by South Asia's five large rivers, where the word *haq* is mobilised by very poor marginal peasants, who are taking on the great might of Pakistan's military over their struggle for land ownership to emerge as the most significant working class struggle against the military in postcolonial Pakistan.

Through such an ethnographic tracking of *haq* across different subaltern mobilisations in India and Pakistan, this book puts together a conceptual account of *haq* and tells a different story of human rights. This different story of human rights documents the different political imaginaries of *haq* that animate rights struggles of subaltern groups in the region, and the ways in which these disrupt, speak back, expand and also help decolonise global human rights talk. In particular, it documents the political imaginaries of *haq* that underpin the claims for rights or *haq* articulated by subaltern and very poor women, including Dalit⁷ and Adivasi women, within grassroots mobilisations demanding rights to food, employment, public information, accountability and land rights in rural movements in India and Pakistan. Tracking *haq* across India and Pakistan allows us to view the dispossession, exclusion and privilege that uphold contemporary power relations in the region and also the nature of resistance mounted by subaltern groups against these. The deployment of rights and human rights by these subaltern groups show up the legal and political promise of rights but also their fraught, conflictual, gendered and precarious nature to reveal the specific configurations of power within which rights and human rights operate, and the particular work they do in different historical contexts. A gender lens in studying vernacular rights cultures is vital, not least because demands for gender equality or *haq* for women and for those identifying outside the binary gender divide is a question that almost invariably needs to be begged separately and seldom occurs organically within citizen mobilisations. Moreover, bringing a gendered perspective is to demonstrate not only an awareness of the power relations that govern political struggles but also of the intersectional and conflictual nature of rights politics—a politics that for marginalised groups is always a matter of political struggle.

Decolonising Human Rights

In the last two decades, human rights have captured the scholarly imagination. In some critical strands of this contemporary human rights discourse, however,

one is able to discern an unmistakable strain of wariness and reflexivity. The wariness owes in large part to the paradoxical, alienating, exclusionary and politically conservative effects of global human rights, and the growing reflexivity can be traced to increasing calls for more empirical research on human rights and for studying the different normative meanings and practices of rights in different contexts. In some sections, this reflexivity has also led to calls to decolonise human rights (Gilroy 2010; Suárez-Krabbe 2016; Dunford 2016; Maldonado-Torres 2017). The question of decolonising human rights is part of a larger project to decolonise academia and academic scholarship. There are different views on what decolonising might mean and involve. For some scholars, decolonisation is a noun and is not a 'metaphor' for 'social justice projects' (Tuck and Yang 2012: 1). Here, decolonisation is very clearly associated with the question of Indigenous sovereignty and involves the 'repatriation of Indigenous land and life.' Others understand decolonisation as challenging the racialist and hetero-capitalist imperialist formations underpinning academia. In this regard, their intervention is to produce ethical, epistemic and structural transformations in the production of knowledge (Smith 1999; Wynter 2003; de Sousa Santos 2007; Maldonado-Torres 2007, 2017; Gilroy 2010; Lugones 2010; Mignolo 2012; Connell 2014; Mbembe 2016; Mignolo and Walsh 2018; Cusicanqui 2012). In recent years, the location of knowledge production has emerged as an important question in debates that seek to decolonise knowledge production with some scholars explicitly bringing their location in the 'colonial present' under epistemic and ethical scrutiny to ask: 'how do we understand our locations in the colonial present, as we contemplate and work towards the imperative of decolonization?' (Vimalassery et al. 2016: 1). Others call for a re-location of theory building to and from the Global South (Comaroff and Comaroff 2012; Connell 2014) and the 'third world' (Mignolo 2018). I acknowledge these important and critically significant interventions towards 'doing theory from the global south' but also suggest that the problem, however, lies not so much at the level of theory production, for that simply reflects on the patterns that one looks at and assumes, but at the level of concepts. In other words, it is not so much the lack of diversity in theory production that is the problem but the lack of diversity of conceptual production in different parts of the globe which constitutes the difficulty at hand. There is a need for different and a wide-ranging set of concepts that are able to describe different worlds, practices and ethics and, therefore, different concepts need to be in hand before the work of theory can proceed to describe the different patterns of thinking that emerge from 'most of the world'. For quite simply, there are

not enough concepts in place to produce theorised accounts of phenomena and of different and historically specific encounters with the world.

But what does it mean to decolonise human rights? In this book, I argue that the work of decolonising human rights, which is mostly engaged in tracking different genealogies and historical trajectories of rights, must be supplemented by conceptual work aimed at capturing the gendered stakes and struggles over rights and human rights in ‘most of the world’, without losing sight of the global fields of power in which they operate and the power relations they put in place and reproduce. This attention to conceptual work on rights and human rights is crucial if we are to shift the epistemic centre of human rights talk and politics. Now, of course, to produce alternative genealogies of human rights is to produce a critique of the Eurocentred nature of historiography and of philosophical discourses of human rights and their reflection within human rights politics, laws and institutions (Gilroy 2010; Maldonado-Torres 2017). These interventions are very important and significant in drawing attention to the epistemic, institutional and normative power of global human rights. However, we also require a theoretical framework that is able to capture the generative and productive nature of rights and human rights discourses: to produce not only political struggles on the ground but also particular political imaginaries, subjectivities and gendered relations that contest and challenge oppressive practices and relations and importantly, generate new visions of justice. To insist on the conceptual descriptions of human rights in ‘most of the world’ is to insist on the productivity of rights; the two are hardly separate projects, even if they might have a slightly different focus.

But how to conceptually capture the politics of rights and human rights in ‘most of the world’? And how to undertake such a task and why does it matter? Engaging these questions seriously is to commit oneself to telling those *other* stories of rights and human rights; stories that fall outside of the hegemonic institutionally focused accounts of global human rights. The feminist theorist Clare Hemmings insightfully reminds us of the ‘importance of telling stories differently’. Stories matter, she writes, ‘in part because of the ways in which they intersect with wider institutionalizations ...’ (Hemmings 2011: 1). This book commits itself to telling different stories of rights and human rights differently. The *other* stories of rights and human rights that appear in this book are neither uncritically celebratory nor are they outrightly dismissive of rights and human rights, but seek to excavate instead the power structures and epistemic relations that produce such binary responses. These other stories refuse originary frameworks and premises with their ascription of epistemic

and political agency to nation states and global human rights organisations mostly based in the Global North. While recognising that nation states are vital to meeting human rights obligations, they also contend that scholarly judgements and narratives of rights and human rights do not begin and end with accounts detailing with minute precision the myriad ways in which nation states perform *realpolitik* over human rights. Instead, these stories insist on holding nation states to account for their doing of human rights. These are stories that refuse Eurocentric and originary discourses of human rights to establish a different starting point: they bring into view subaltern mobilisations that demand rights and human rights taking place in ‘most of the world’. Through this epistemic standpoint, they engage in a serious and sustained critique of Eurocentrism of global human rights discourse while insisting on the productivity and creative dynamism of human rights struggles and politics in ‘most of the world’. Finally, these other stories do not focus on the ‘translations of global human rights’ alone but insist on documenting the particular political imaginaries, gendered subjectivities and political cultures of rights that come into being as a result of struggles over rights and human rights. In short, these are the stories of vernacular rights cultures—and, are also the stories that this book sets out to tell.

In particular, stories of vernacular rights cultures eschew three hegemonic stories of human rights. Consider, for instance, how we have become accustomed to speaking and hearing about human rights in terms of three dominant visions: a particular temporality linked to their ‘origin’; of a particular rights bearing subjectivity and legal personhood; and finally of particular institutional structures and forms of institutional activity. That human rights originate in the West and that human rights belong to, operate from and perform for the West are a standard preoccupation of both celebratory and critical human rights accounts. In effect, this politics of origins is the key framework for thinking of human rights—shared by not only its celebrators and detractors but also by critical and progressive scholarship on human rights. The politics of origins is not without effects: it puts in place particular forms of racial, epistemic and political erasures. The story of the politics of origins is first and foremost a racial story. As scholars have noted, institutional histories of racism haunt historical, philosophical and legal accounts of human rights.⁸ In more recent times, the politics of origins contributes to eclipsing the role of anticolonial movements against imperial power, preferring to focus on the role of Western lawmakers and peacemakers,⁹ but also in epistemically silencing the scale and momentum of contemporary rights mobilisations

and claim-making across the globe. Its other epistemic effects include the production of theoretical foreclosures and binary 'cultural' rights talk. These are exemplified by the binary distinctions and hermetically sealed epistemic borders that are readily sketched between what are seen as 'Asian cultural values' and Western human rights, between universalist ideas of human rights and culturally particularist preferences that do not rate human rights, between choosing either economic development or human rights, and so forth. The binarism of rights talk has led to a spectacular failure to pay attention to the forms of rights politics, the political cultures and the modes of activism engaged in by subaltern groups in 'most of the world'—not least by nation states who have deployed the binarisms of rights talk to silence democratic aspirations to great effect. The lack of epistemic agency and authority accorded to rights mobilisations in the Global South has led to a widespread time-space provincialism in human rights scholarship with 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 (Balibar 2002; Rancière 2004; Brown 2015) 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 for a need for scholarly work on human rights and rights in 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 producing conceptual work that captures the stakes and struggles over rights and human rights besides being able to critically engage, challenge and speak back to the scholarly field of global human rights. For instance, it is

certainly the case that, in recent years, there have been powerful critiques of teleological and originary histories of human rights. However, these have not opened the door to an acknowledgement of 'other' human rights stories and struggles and, importantly, to how these other stories might expand theoretical conceptual and empirical thinking on the meanings and work that human rights do in different parts of the world.

Vernacular Rights Cultures sidesteps the politics of origins. As a conceptual intervention, the lens of vernacular rights cultures refuses the theoretical foreclosures and binary deadlock of mainstream discussions on human rights to argue that vernacular rights cultures are not wholly derivative from or entirely oppositional to Western notions and conventions of human rights or, indeed, entirely discrete in form. This is not an argument of there being hermetically sealed or 'pure', authentic and originary rights traditions. In fact, quite the contrary. These stories of vernacular rights cultures are made and remade through interlocking relations that are historically, productively, intimately, and coercively produced and experienced. They come into being within specific historical encounters through which their contemporary meanings are forged, including encounters with the forms of anticolonial nationalism and legal settlements of the postcolonial state, with developmentalism, bureaucratisation, neoliberalism, and the proliferation of the non-state organisations advocating 'human rights'. Therefore, the claims of vernacular rights cultures are not claims to purity or authenticity.

If anything, the ubiquitous use of *haq*, an Arabic, Persian and Urdu word, invoked by subaltern groups who speak a range of different languages—Punjabi, Rajasthani, Hindi, Bhili and Bhilodi—renders this claim to purity and authenticity somewhat weak. I must however, make clear here that although, the work on vernacular rights cultures draws on important insights of critical Indigenous scholarship, there are crucial differences between them, not least because they respond to very different historical relations of coloniality. Consequently, the critique of the politics of origins advanced in this book is directed specifically at the stories that global human rights likes telling about itself, and is, therefore, a different argument from those of 'origin' and 'prior' theorised by theorists of Indigeneity and from their critiques of the settler colonial state (Bruyneel 2007; Povinelli 2011; Simpson 2014).

Alongside the question of origins and temporality of human rights, a second dominant strand of human rights storytelling focuses on a particular rights bearing subjectivity and a sovereign legal and moral personhood that is meant to embody the subject of human rights. But who are the subjects of human rights?

Are the subjects of human rights individuals or are they nation states? Scholars point out that while human rights offer protections for individual rights, it is also the case that human rights have been ‘*made empty words by the relentless focus on the nation state as the only conceivable form of political community*’ (Phillips 2015: 67, emphasis added). And, who is this individual or human of human rights? The ‘human’ of human rights is often seen to correspond to an eighteenth century idea of an unencumbered legal person who is a world citizen and who owes allegiance not to parochial identities, attachments and feelings but rather to cosmopolitan ideals of world citizenship. But as influential feminist, postcolonial, anticolonial, Black, queer, and Indigenous scholarship has shown, the concrete human of human rights is a binary and cisgendered, heterosexual, unencumbered, possessive, propertied, able bodied, white male abstracted from all relations and commitments, and predominantly located in the Global North.¹⁰ Scholars have drawn links between this exclusive figure of the human and the exclusionary histories and politics of human rights. Powerfully noting that the history of human rights is a history of exclusions, they point out that the routinely invoked self-evidence of human rights is, in effect, a fraught, exclusivist and a contested claim, one that is supported by neither historical evidence (James 1989; Trouillot 1995) nor philosophical argument (Wynter 2003). And, furthermore, that the history and philosophy of human rights has neither been universally applicable to all humans and, nor has it actually ever been applied without qualifications (James 1939; Trouillot 1995; Wynter 2003; Phillips 2015; Suárez-Krabbe 2016). Indeed, ideas of human rights flourished alongside colonialism, empires bankrolled by slavery, indentured labour and unspeakable violence on slaves and colonial subjects. And, they continue to flourish today amidst existing forms of coloniality, settler colonialism and modern forms of slavery, imperialism and racism. If anything, where human rights have been won, it has hardly been as a result of the persuasive strength of their ideals alone or as a result of inevitable historical progress set in motion by human rights but rather as the outcome of long histories of struggles—histories that have been forced into silence (Trouillot 1995).

Quite unlike the subjects of human rights, the subjects of vernacular rights cultures are not ‘world citizens’, nor are they only nation states. They are neither privileged nor propertied but are precarious, very poor, racialised, bureaucratically marked and surveilled subjects many of whom are Dalit and Adivasi groups. While the book documents the rights encounters and experiences of these subjects mostly with the nation state, the latter is neither

the chief protagonist in this story nor are nation states the only subjects of human rights here. By not centring the nation state as the only subject of human rights is however, not to be led by a form of 'state phobia' (Dhawan 2015: 51) but rather to recognise those 'other' subjects of rights who have been marginalised by the nation state and global human rights scholarship, and who encounter and experience the state in myriad intimate, coercive and agential ways.¹¹

Finally, the stories in this book are not stories of humanitarian actors who animate contemporary stories of human rights by enacting the rights of the 'victims' of human rights (Rancière 2004: 307). Humanitarianism, as a 'moral and political project' (Ticktin 2014: 273), encompasses a range of actors, events, spaces, violence, ethics and politics. Although a fragmented and a heterogenous enterprise, the last 30 years have witnessed humanitarianism's moral project of care and rescue increasingly underwritten by military support and intervention, leading scholars to describe the contemporary global context as one of the 'humanitarian present' (Weizman 2011: 1), where human rights, humanitarianism, international human rights law and military interventions share aims and objectives for 'calculating and managing' contemporary violence (Weizman 2011: 4). Together they constitute an 'integrated' humanitarian–political–legal approach favoured by the United Nations (UN) and other international NGOs (INGOs) which converts refugees from indistinguishable 'victims' and 'objects of compassion' into an indistinguishable mass of 'unwanted and undesirable' 'migrants' to be confined, managed and administered in the refugee camps that keep them at a safe distance from the West. A striking consequence of these camps being set up and managed 'outside' Europe has been the steady disappearance of the 'refugee' from Europe's borders and from its political discourse, and of the appearance of the figure of the 'migrant' in its place. This figure of the 'migrant' performs important symbolic, legal and political work for Europe—of releasing Europe from structural and political accountability for the humanitarian emergencies brought on and worsened by its military interventions while at the same time also temporarily discharging Europe from its responsibility under the refugee conventions. These contemporary humanitarian assemblages are hardly critique-free zones, and scholarly arguments rage on over the politics of humanitarianism that refuses difficult questions to do with structural inequalities and injustices (de Waal 1997; Ticktin 2014), preferring to engage instead in a politics of 'moral sentiments' focused on suffering and misfortune (Fassin 2011: 1). Many of these critiques of humanitarianism mostly focus on the 'antipolitics'

(Ferguson 1994; Ticktin 2014: 277) of humanitarian interventions, and on the operations of international aid and refugee administrations across different sites. There are also however, other critical and politically generative accounts of humanitarianism, which emphasise the 'politics of the displaced' (Weizman 2011: 61) and provide important insights into humanitarianism as a 'condition', where refugees 'enact the politics of living' (Feldman 2012: 155), and negotiate competing demands of humanitarianism and development (Gabiam 2012).

This book does not travel in the direction of either of these three dominant narratives but rather shifts our theoretical, conceptual and empirical focus to subaltern mobilisations on the ground that produce vernacular rights cultures. These political cultures of rights arise as subaltern mobilisations and movements make demands for rights that are inflected by their particular literal and conceptual languages, cultures, histories and political contexts of struggles. Vernacular rights cultures produce rights claims directed at the state and through different modes of 'acts of citizenship' (Isin and Nielsen 2008: 2) change not only the forms of citizenship through which rights are enacted but also the content of rights themselves.

To summarise, viewing rights politics in 'most of the world' through the framework of vernacular rights cultures offers a lens through which the complexity and dynamism of rights-based mobilisations might be analytically captured—not simply as those which are mimetic and engaged in the translation, enactment and localisation of global human rights but rather as those which have their specific languages of rights and entitlements grounded in specific political imaginaries, justificatory premises and subjectivities. In other words, vernacular rights cultures are productive and generative: they generate both a distinct set of rights and distinct practices through which rights are delivered, but also transform the rights that are inscribed in constitutions and political imaginaries.

Accordingly, the study of vernacular rights cultures is the study of the forms that rights politics takes in 'most of the world' and of the ways it disrupts hegemonic global human rights talk. It is a conceptual, epistemic and empirical project, which refuses the binary deadlock between triumphant universalism and a regressive cultural relativism produced by the pervasive politics of origins and the time-space provincialism that governs global human rights.

Instead, it enables a conceptual optic into the 'active' empirical, epistemic and political life of rights and into the specific politics that drives struggles for rights in different locations. At stake therefore, in displacing the politics of origins and its time-space provincialism are questions of epistemic authority,

agency and democratic politics. Thinking in terms of vernacular rights cultures enables us to do the following: first, to refuse originary discourses of human rights and to insist on theoretical and empirical specificity—both of rights subjectivities and of the political stakes and struggles over rights. Second, to disrupt the binarism of nomenclatural politics of West and non-West without missing either historical or political specificity and geopolitical location or indeed mischaracterising their relationship to hegemonic human rights discourses. Third, to underscore the importance of attending to forms of meaning-making including ‘strategies’ of utilisation of rights, the precise usage and meaning of which is linked not only to the historical and cultural identity of the group making a rights claim but also to the particular kinds of politics and institutional settings that they inhabit and strive towards. Finally, it allows us to resignify rights politics, subjectivities and discourses as not simply local variants of ‘global human rights cultures’ but as historically, socially and politically located practices whose spatial, temporal and epistemic specificities require careful theorisation.

The Vernacular of Human Rights and Human Rights in the Vernacular

As would be evident by now, vernacular rights cultures put in place a multi-perspectival shift in thinking about human rights that are temporal, scalar and spatial on the one hand, and ethical, methodological and conceptual on the other. First, they enable a focus on a different temporality of human rights. Recent scholarship on human rights has engaged in producing a different timeline for the emergence of human rights (Hunt 2007; Moyn 2010). However, this shift in the temporality of human rights remains mired in a time-space provincialism, that is, even though the temporality of human rights discussions shifts, the geopolitical location of human rights enquiry remains firmly located in the West. Second, this framework allows a shift in the scale of analysis from a dominant nation-centric and institutionalist-statist one to a transnational one. A transnational scale as opposed to an international one enables an analysis of the different circuits and sites of power within which human rights operate but also allows the examination of the different articulations and critical engagements with rights and human rights by differently positioned subjects of rights. Consequently, by refusing to accord privilege to only nation states and/or international organisations as the principal actors in contemporary human rights, deploying the framework of vernacular rights cultures brings into focus

different actors as knowledge producers and stakeholders of human rights. This scalar shift is essential as much of the progressive and critical scholarship of human rights, even where it engages in producing temporal shifts (Hunt 2007; Bourke 2011; Moyn 2010; Jensen 2015), mainly concerns itself with retracing the histories of the institutional embedding of human rights within nation states and large international organisations. This begs the question as to what might be the gains and the losses of exclusively centring the human rights deliberations, initiatives and lobbying of nation states in global forums when it is, in fact, nation states which are the chief violators of human rights? Furthermore, what might be the correspondence between these histories of institutional discourses on human rights and the actually recognised rights either enjoyed in and/or violated by those nation states? Third, vernacular rights cultures signify an epistemic intervention into knowledge production from the standpoint of subaltern groups declaring and struggling for rights and human rights. The context of struggle is vital here, and, in this book, it is the contemporary subaltern political mobilisations for rights in India and Pakistan that provide the context of struggle. These rights struggles stand testimony to the fact that human rights are not only the stuff of institutional and legal rights talk but that they are productive and generative—producing particular rights bearing subjects and also political cultures of rights.

These subaltern struggles tie rights firmly to gendered struggles for economic, political, epistemic and ontological justice. An attention to these rights struggles and to the ‘active social life’ of rights (Abu Lughod 2010) clearly demonstrates that not only are human rights and rights politics conflictual but they are also gendered and intersectional. It also highlights that the subjects of rights that come into being through this rights politics are not homogenous and interchangeable, sovereign and unencumbered subjects of global human rights but vernacular subjects of rights who come into being under existing intersectional power hierarchies. Consequently, the politics of human rights in ‘most of the world’ is not one of simply enacting or reproducing the global subject of human rights or indeed of local translations of ‘global human rights’. The term ‘vernacular’ signifies two strategic interventions. First, it crucially flags the fact that the exercise of ethical political agency that accompanies demands for entitlements is not individualist, discrete or indeed privately articulated, but one that is predominantly expressed in collective and also in religious, caste and gendered terms, even if this demand for expanded entitlements in the vernacular arises out of the failure of democratic representative politics and state developmentalism. The key point here is that

the subject of rights is not the *a priori* subject, always already given, but comes into being through particular institutional, policy, political and discursive interventions and contexts. Second, a critical aspect of vernacular rights cultures as a framework of analysis is an attention to the languages—both literal and conceptual—of rights and human rights deployed by marginal groups to articulate entitlements and rights, paying special attention to the political imaginaries and subjectivities that these conceptual languages make available. A key intervention of this book is to track the deployment of rights in the vernacular across different subaltern citizen mobilisations in southern Asia.

But how is the study of vernacular rights cultures to be undertaken? And how is the conceptual work on human rights from the Global South to be done? This book introduces and assembles together a *feminist historical ontology* as a potentially enabling conceptual–empirical–methodological framework for documenting the stakes and struggles over rights and human rights in ‘most of the world’. Through deploying a feminist historical ontology, I show how *haq* comes into being as the chief literal and conceptual term used to signify a right/human right, acquires meanings, produces rights subjectivities, while also putting in place possibilities for becoming a (gendered) subject of rights. A feminist historical ontology is invested in producing accounts of the coming into being of concepts in particular historical contexts but also how these concepts make up people (Hacking 2002: 99) and produce particular political imaginaries and political cultures of rights and human rights.

Readers will discern that through assembling together a feminist historical ontology as a methodological device, I am not only drawing on but also supplementing the work of the philosopher Ian Hacking. An important element of Hacking’s historical ontology projects is the focus on words and concepts: of how concepts come into being and acquire traction at particular historical points. And, it is Hacking’s focus on words and concepts and their role in ‘making up people’ together with my longstanding interest in the gendered processes of political subjectivation and in the self-fashioning exercises undertaken by subaltern subjects (Madhok 2013, 2018) that draws me to his work on historical ontology.

However historical ontology needs to be gendered and rendered more sociologically aware of the power relations that make up and sustain concepts in specific historical locations, including of the kinds of work concepts do. Quite simply, historical ontologies need to be read alongside a critical reflexive politics

of location (Rich 1981; Mani 1990; Frankenberg and Mani 1993; Kaplan 1994; Hill Collins 2000; Probyn 2003; Mohanty 1996; see Chapter 3). A feminist historical ontology is this fusion of the two—of historical ontology with a critical reflexive politics of location. Accordingly, feminist historical ontologies produce an orientation towards generating conceptual accounts of encounters with the world that are responsive to a critical reflexive politics of location, to gendered power relations and struggles, and to the coming into being of gendered subjects.

Beyond Suffering Rights as Paradoxes: A Critical Productive Lens on Human Rights

Vernacular rights cultures focus on the productive¹² and generative nature of rights. To draw attention to the productivity of rights and human rights is neither to extol the virtues of rights nor to engage in a politics of despair. It is instead to focus on the double-edged nature of human rights—at once aligning with hegemonic power around the globe but also providing a language for mobilising against hegemonic power relations on the ground. Their double-sidedness produces the push and pull which characterises their operation: of enchantments and the disappointments; the enablements that rights put in place but also their regulatory effects; their mobilisational power and democratic potential but also their civilisationalism; the unremitting northern pressure behind their power but also their take up by the powerless and the precarious across the Global North and South; the politically conservative effects of rights and human rights but also the ‘insurgent imaginaries’ (Natera 2013) they produce, which not only engender challenges and ‘interruptions’ to the business of neoliberal politics as usual but also exceed the existing terms of recognition/inclusion/justice and rights. Consequently, a key strength of the study of vernacular rights cultures is to focus on this productive double-sidedness¹³ of human rights politics and the intellectual resources they provide for forging political claims and subaltern struggles on the ground. Furthermore, it also enables analyses of the continuing, if contested, epistemic power of human rights in scholarly contexts and brings to attention the inordinate focus on specific privileged subjects who are always seen as paradigmatic subjects of rights and human rights, and on those ‘others’ who are almost always left outside of this academic scholarship on rights and human rights and, when included, are always required to make the case for being subjects of rights.

And, finally, studying vernacular rights cultures attends to the possibilities for but also equally the impossibilities of becoming subjects of rights within and through particular normative conceptual repertoires of rights.

Influential critiques of rights and human rights sometimes allude to the productivity of rights by drawing attention to the paradoxical outcomes that result from the deployment of rights. As Joseph Slaughter (2007) reminds, paradoxes are in effect the staple of critical scholarship on human rights. While none has been more productive in generating influential interventions on human rights than what is referred to as the foundational paradox of republicanism or the paradox between the rights of man and that of citizen, feminist scholars too have produced powerful critiques of the paradoxical politics and outcomes of rights and human rights. They have pointed to their contradictory, alienating, exclusionary and politically conservative effects, arguing that human rights are not only politically expedient but also politically retrogressive, that they are both inclusionary as well as exclusionary, and are at once regulatory and identity fixing. As Wendy Brown notes, 'to have a right *as* a woman is not to be free of being designated and subordinated by gender' (Brown 2000: 232). The double bind of human rights is that rights 'must be specific and concrete in order to reveal and redress women's subordination, yet potentially entrench our subordination through that specificity' (Brown 2000: 238). But, of course, critical scholarship on human rights does more than highlight their paradoxical outcomes. Queer theorists, for instance, note that the liberal imaginary of autonomy and sexual rights actively excludes those who do not 'fit' the normative lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) subject mould and, by doing so, upholds and maintains unequal geopolitical relations by assiduously policing and converting national borders into civilisational ones on the basis of recognition of sexual rights (Puar 2007; Sabsay 2016). Scholars also highlight the ways in which human rights constitute a 'central' element of United States (US)-led globalisation, capitalism and world trade (Mignolo 2000) and, are thereby, implicated and invested in upholding existing global power relations and racialised hierarchies of representation (Menon 2004; Kapur 2013). They have been characterised as a 'global secular religion' (Meister 2002: 91) and as being another word for neoliberal globalisation and free market economics (Badiou 2012); human rights are also critiqued as a form of 'transnational governmentality' (Grewal 2005: 125), as a form of biopolitical rights (Agamben 1998: 126; Cheah 2014: 215), as 'biocultural' (Chandra 2016: xxiii) and as rights to 'humanitarian interference' (Rancière 2004: 298).

However, critique alone cannot account for the productive and generative struggles over rights and human rights in their historicity, specificity, dynamism and difference. As Ratna Kapur (2018) notes, the steady flow of critique upon critique of global human rights has successfully mobilised despair but done little to explore alternative epistemic routes through which to think of human rights politics; and where alternative registers have indeed been considered, these have invariably ended up in the altogether familiar staging of a chastised return to the fold of human rights. The work of critique, of course, is vital; it demystifies the workings of power to show why and how particular operations of power produce the particular effects they do. However, the work of critique can only ever be one part of the story, albeit an important and critical one. Critique must also lead to the formulation of alternative social designs and thinking that would not only enable the shift in perspective but also generate a more expansive repertoire of conceptual and methodological tools with which to think with. Therefore, the question is not only one of bringing new and different experiences of rights and human rights to the fore but also to devise different ways to think about these in ways that matter epistemically and take into account the epistemic difference these make.¹⁴

This book builds on and owes a great deal to the critical interventions on rights and human rights even if it uses their insights to construct a perspective that focuses not only on the critiques of human rights but also on the political cultures of rights. By shifting focus from the production of critique alone and towards thinking about the productivity of rights and human rights, this book draws, builds and critically engages with four different strands of recent, critical disciplinary-based scholarship on human rights. In particular, it brings together different geographically located ethnographic descriptions of the politics of *haq* with the philosophical work on rights and human rights on the one hand, and the anthropology and the political theory of a 'global' phenomena called human rights, on the other. It aligns itself with the recent historiographies of human rights that critique originary timelines that forge a long unbroken 'Western tradition' of international human rights (Hunt 2007; Moyn 2010; Jensen 2016). However, it also diverges from these progressive historiographies, which remain tied to investigating temporal questions and establishing different timelines for the origins, ascendance, and the breakthrough of human rights. It engages seriously with political philosophy and critical political theory that concerns itself mostly with the logics of equality, democracy and citizenship and in particular with the 'right to have

rights' (Arendt 1958) and, also with the productive and the regulative work of human rights (Brown 2000, 2015; Slaughter 2007; Lefebvre 2018). In this case too, vernacular rights cultures instigate the need for further complexity and incite different questions. For instance, recent debates on the relation between rights and citizenship have focused on the 'logic of equality' (Rojas 2013: 581–95) or on acts of citizenship through which non-citizens seek the right to have rights that have already been declared (Rancière 1999; Balibar 2002). However, paying attention to the production of vernacular rights cultures reveals that mobilisations of subaltern and dispossessed groups do not just involve a logic of equality and inclusion through which these groups demand already existing rights. Rather, these mobilisations seek to alter the means through which rights are delivered but also transform the content and meaning of the rights that are already in place while also demanding that new rights are brought into being, as the right to food movement and also those to forest lands described in this book will make clear. As I will go on to illustrate through the rights ethnographies in this book, vernacular rights cultures inhabit particular political imaginaries and arise as movements that make demands for rights that are inflected with particular rights cultures, histories and contexts of political mobilisations. Although they can be transnational in nature—in terms of shared legal and political histories, resonances and even active linkages with similar forms of oppression and related historical cultural contexts, such as the newly developing links between the right to food movement in India and the *Via Campensina*¹⁵—they are rooted in an insistence that we do not lose sight of the historical, linguistic, conceptual and political specificity of rights claims and also of the political imaginaries that these inhabit. Finally, the study of vernacular rights cultures draws on the anthropological scholarship that engages thoughtfully with the limits of liberalism and legal constitutionalism in the post colony (Povinelli 2011; Comaroff and Comaroff 2012), on the 'active social life' of rights (Abu Lughod 2010: 1), of their 'vernacularization on the ground' (Levitt and Merry 2009: 441) and on the intersection of biopolitical technologies, law and the market (Biehl 2013: 419). But these too are by themselves insufficient for thinking about vernacular rights cultures and require further supplementation. For instance, the recent efforts to study 'vernacularization on the ground' (Merry 2006, 2009), where 'vernacularization' refers to the 'process of appropriation and local adoption of globally generated ideas and strategies of vernacularization' (Levitt and Merry 2009: 441), is an important

intervention into studying the 'local uses' (Levitt and Merry 2009: 441) of global women's rights in different sites. Ultimately though, it suffers from a significant conceptual difficulty: it not only operates within and through the binaries of the epistemic and authorial Global North *versus* the non-epistemic and only ever translating local, that is, the Global South, but it also actively reproduces these. Vernacularisation as a verb reinforces the work of 'doing' rights on others and for those others to have the work of rights done on them. It does not allow for conversations on rights and human rights to flow in both directions and, thereby, forecloses agentival activity and authorship of rights from different and other epistemic sites, not least from the margins. A key component of vernacularisation of human rights according to Levitt and Merry is their 'translation' which is done by a 'chain' of 'vernacularizers' from the global to the national and all the way to the local. Levitt and Merry are careful to point out the differential power relations and vulnerabilities of vernacularisers that impact their effectiveness in different contexts to 'talk back' to the 'global values packages'. However, it is unclear from the examples they provide how this 'talking back' displaces either the epistemic centre of human rights, which they identify as the 'West' (and from where they travel to other places and are vernacularised), or indeed their content or forms and modes of expression. In other words, my point here is quite simply this: vernacularisation or indeed vernacularisers leave epistemic hierarchies put in place by global human rights intact. To think in terms of vernacular rights cultures, on the other hand, is to refuse an insistence on the unidirectional travel and simplistic translation of global right and human rights. Instead it is to demand a non-linear, intersectional and materially informed thinking arising from historically and politically specific struggles around world-making taking place in different locations, while also accounting for the transnational power dynamics in which these operate. Furthermore, while I think it is important and interesting to track how 'global rights' transfer, and 'translate' in different contexts, it is, however, only one strand/aspect of rights activism and must be accompanied by analyses of how not only certain rights became global/universal but also how these in turn are undergoing expansion and change under pressure from collective struggles. In other words, rights and human rights activism need to be viewed beyond prisms of discrete agent-based activism, even though individual agents play important roles in 'transferring and translating' rights.

Finally, the rights struggles described in this book are not only struggles against inequality and for justice, but significantly, these are struggles that are taking place in the high tide of neoliberalism. Neoliberalism is a 'loose and shifting signifier' (Brown 2015: 20) that takes up different forms in different parts of the globe (Rofel 2007). However, there are a few key characteristics integral and common to the different forms that neoliberalism takes around the globe: the downgrading of political arguments for economic and redistributive justice, the elevation of market rationality as the governing rationality for all social life, and consequently, the conversion of all social relations into market and financialised relations, and the elevation of an imperial, racialised and gendered *homo economicus*. An important feature of neoliberalism is its distrust of politics (Whyte 2018) and the steady erosion of political life including the steady demise of the political figure most associated with liberal democratic life, the *homo politicus* (Brown 2015). An important set of political arguments that have been considerably sidelined by the ascendance of neoliberalism are those of global economic justice and redistributive politics. We not only live in neoliberal times but also in the time of global human rights; the rise of global human rights shares a temporal affinity with the rise of global neoliberalism. Given that the overarching characteristic of the global present is one of unprecedented and exponential levels of global inequality, the shared temporality of the global ascendance of human rights and of neoliberalism as the accepted, albeit not uncontested, economic rationality have inevitably led to questions being asked about not only the nature of the relationship between neoliberalism and human rights but also that between global human rights and global inequality (Salomon 2013; Moyn 2014; Marks 2014; Brown 2015; Whyte 2018; Slobodian 2018). In other words, what has been the role played by global human rights in shoring up neoliberalism and also in politically sidelining global redistributive politics of economic justice?

As is well known, the dominant storylines of global human rights hierarchically organise global human rights into separate categories and 'generations' comprising civil, political and economic rights, and accords generational and normative priority to civil and political rights over other rights commitments endorsed in the Universal Declaration of Human Rights (UDHR, 1948). This categorical priority of civil and political rights can be seen in their ready operationalisation by international human rights and humanitarian organisations but is also evidenced in the fact that international human rights instruments have often been much stronger on 'status equality' and against discrimination on the basis of one's status, such as gender, race

and sexuality, and somewhat less forthcoming on 'vertical' equality', which is that of income or wealth distribution (Balakrishnan and Heintz 2019: 396). Significantly, this generational story eclipses other stories of global human rights that contest the justice deficit of individuated civil and political centrism of the global human rights discourse and which have historically put questions of global inequality and global redistributive politics at the heart of international human rights law and politics. One such story spans the 1960s and the 1970s and is about the attempts of non-aligned and newly decolonised states to restructure the global economy via the establishment of a New International Economic Order (NIEO). The NIEO sought to restructure the critical vocabulary of international human rights by making economic justice and global redistributive politics as its key pillars. As Anthony Anghie (2019) explains, even though the NIEO used the language of rights, especially rights of states over their natural resources, these rights were not the individual human rights championed by human rights organisations. The advocates of the NIEO in the UN argued that poverty and economic justice were a key question for international human rights and that the prevailing global economic injustice was an active legacy of the colonialist extractivist policies and unfair control over natural resources, a legacy that was being actively carried forward by the work of post-World War II international institutions such as the World Bank and the International Monetary Fund (IMF) (Salomon 2013). Hence, what was urgently required was the setting up of the NIEO, which would provide an international legal framework for reorganising the colonial, unfair and unequal terms and rules of international trade agreements. The attempts by the supporters of NIEO to have 'economic justice reflected in international law' (Salomon 2013: 31) resulted in the UN General Assembly adopting resolutions on Permanent Sovereignty over Natural Resources, and the Charter of Economic Rights and Duties of States (Salomon 2013:37). In the end, however, the alternative vision advocated by the NIEO was short-lived and it could not ride out the combined storm of different oppositional forces that came its way in the form of the global debt crises of the 1980s, the exponential rise in commodity prices and, perhaps the most significant of them all, the oppositional strength of the conglomerate of the powerful industrialised countries (Salomon 2013: 46), intent on driving forward the mantra of the 'magic of the market'. If the ascendance of the neoliberal international order rudely interrupted the prospects for a deeper relationship between global distributive politics and global human rights, then what does this interruption and also the demise of the NIEO tell us about the relationship between

neoliberalism and global human rights? There are different scholarly views on this. While Samuel Moyn (2015) writes that there is no intrinsic relationship between neoliberalism and human rights and that 'parallel trajectories' is the most effective way of describing the temporal alignment of global human rights and neoliberalism, scholars such as Susan Marks (2013) and Jessica Whyte (2018) disagree. According to Whyte, neoliberals

saw in human rights the possibility of securing rights of investors and the wealthy in the face of challenges to their property and power. The human rights discourse they developed aimed to provide an institutional and moral foundation for a competitive market economy and to shape entrepreneurial subjects. In contrast to the anticolonialists who had fought to establish the right to self-determination, the neoliberals saw the promise of human rights in constraining sovereign power, especially in the postcolony, and in restraining politicisation of the economy. (Whyte 2018: 24)

Now while these are very persuasive arguments, how do they enable us to give an accounting of the rights struggles of subaltern groups contesting the hegemonic power of neoliberalism and of global human rights through an insistence on a politics of economic justice, redistribution and intersectionally experienced citizenship? How to square the circle between the shared temporal fortunes of the rise of global human rights and those of neoliberalism without leaving out the struggles of subaltern groups against neoliberalism? In other words, how to provide an accounting of the global ascendance of neoliberalism without reproducing the power of the already powerful advocates and beneficiaries of neoliberalism? And, equally, how to tell stories about interrupting the juggernaut of neoliberalism without either advocating a philosophical return to the provincial and racialised ideals of the *homo politicus*¹⁶ or indeed, by viewing the subaltern struggles against neoliberalism as the latter's radical other? This book argues that an accounting for the global ascendance of neoliberalism must also attend to ongoing political struggles against neoliberalism in 'most of the world'. These political struggles are historically and politically specific and reflect the push back against the different economic and political forms that neoliberalism assumes in different parts of the world. Paying attention to these political struggles is an important cautionary against the tendency towards overgeneralisations declaring the death of the politics of equality and justice everywhere. Importantly, however, it also brings into view the 'other' subaltern critical political vocabularies and imaginaries of

rights and justice and alternative ways of world-making. Having said this, it is also important to guard against romanticising these political struggles against neoliberalism as either egalitarian, non-hierarchical or indeed as waged from outside of neoliberalism. If anything, these political struggles take place within specific historical conditions resulting from particular encounters with neoliberalism and are consequently, also shaped by it (see Chapter 4).

As a feminist scholar, I am acutely aware of the gendered and paradoxical outcomes of rights discourses, of their solely mitigating nature and innate inability to resolve harm on their own, of being identity fixing and also essentialising (Brown 2000). And I am only too aware of the dangers, injuries, asymmetrical power relations, violence and precarities surrounding the 'doing' of human rights around the globe. I am deeply attentive to feminist scholarship that has demystified the gendered/exclusionary/culture-reifying/civilisational discourses that human rights lend themselves to. In particular, it has shown how a certain form of racial imperial politics plays out when human rights are deployed as championing women's rights—one where the discourse of 'saving' the natives from themselves, or indeed Spivak's formulation of 'white men saving brown women from brown men', comes in only too handy. And yet, an important paradox of the politics of rights is also that despite their paradoxical outcomes, the disappointments and the despair arising from their attachment to privileged raced and gendered bodies, they continue to be desired, claimed, contested and fought for by the marginalised, the precarious and the powerless. A dilemma for our present, therefore, is one of how to reconcile the often paradoxical conservatism of rights thinking, including their implication within imperial and racialised politics and in structures of coloniality, with the articulations and mobilisations around rights by subaltern groups in different parts of the world? In my view, feminist intellectual work on the politics of rights must be accompanied by an attention to the ways in which rights languages are put to use differently in different political contexts by subaltern groups. Rights are inherently political and must be seen as operating within fields of power, and, therefore, the task is not only one of examining the discursive formulations and the political use that rights are put to but also one of investigating the political cultures that rights create and the new forms of subjectivities and subjection these produce. Given the marginalised contexts within which vernacular rights cultures operate, the work of documenting rights talk and thinking in these contexts involves undertaking detailed ethnographic work that documents the conceptual languages in which the gendered subaltern groups stake their wager as 'active

claimants of modernity' (Ram 2008: 145). In addition to the work of tracking and documenting subaltern rights languages, there also need to be analytical frameworks in place that allow for the conceptual capture of different political and normative strategies and imaginaries of rights. The conceptual work on rights from the margins is essential in order to not only stretch and dislodge the existing normative boundaries of the universal (Butler 1997), expand the existing languages of entitlements, impact and transform public policy but also to provide different visions for equality and justice.

Vernacular Rights Cultures in South Asia

In India and Pakistan, several strands of rights discourses circulate, of which three prominent ones are legal constitutionalism, developmentalism and religious or ethnic nationalism, the latter expressed more in the language of freedom and autonomy from the nation state than of citizen rights per se. Although 'divergent' (Oldenburg 2010) in their experience of democracy, representative government and citizenship, both countries guarantee fundamental rights to citizens,¹⁷ albeit with qualifications¹⁸ and with varying degrees of success and coverage. Both have superior judiciaries that have been less reticent in referencing and upholding international human rights law,¹⁹ and while judicial activism is a recent phenomenon in the case of Pakistan (Newberg 2012), the Indian Supreme Court in the post-Emergency era has wrought a reputation for itself as a 'torchbearer of human rights' (Balakrishnan 2007: 157) even if 'its impact on the ground is not consistent'²⁰ and its recent judgments have substantially weakened fundamental rights protections in the country (Yamunan 2020). Moreover, both India and Pakistan have a visible and vibrant women's movement and an active institutional discourse on gender equality.²¹ Finally, discourses of development and human rights have a discernible presence on both sides of the border, particularly in the NGO sector (Jaffrelot 2015).

The book tracks the deployment of *haq* across vernacular rights cultures in India and Pakistan. I draw attention to the four different political imaginaries and justificatory premises that underpin the deployment of *haq* rights within contemporary subaltern rights struggles in India and Pakistan. Many of the rights struggles I study, particularly in India, have had policy and legislative successes and several pioneering and innovative legislative acts are now in place guaranteeing citizen entitlements to information, food, employment and land rights. There also exists now a growing and sophisticated scholarship analysing

the functioning, shortfalls as well as the impact of these newly introduced acts and policy measures (Drèze 2004; Shah 2007; Khera 2008, 2011; Bannerjee and Saha 2010; Drèze and Khera 2017; Nilsen 2018). Within this burgeoning scholarship and more generally, however, more attention could be paid to the conceptual and epistemic languages of rights that underpin the struggles by subaltern groups and of the nature of subjectivities and subjection these mobilisations engender, or indeed to the forms of rights politics these generate. In other words, we are yet to know of the justificatory premises of rights that inform and activate demands for expanded entitlements, and of the nature of rights languages that underpin 'self-making' exercises mobilised in becoming a subject of formal rights, and of the traversal of rights and human rights, and indeed of the ways by which statecraft, governmentalities and the market intersect and facilitate the dissemination of particular rights subjectivities. In short, we know very little of how rights languages are constituted and articulated by subaltern subjects. This book argues that it is not only the case that these questions spearhead the study of the emergence and operation of rights cultures in subaltern contexts in 'most of the world' but also that their study requires a different conceptual lens: one that is able to capture their dynamism but also their difference.

The different justificatory premises of rights or *haq* that I document in this book, and which span India and Pakistan, occur not in some conceptual bubble but are articulated and negotiated in contexts of sustained encounters and interactions with developmentalism, colonial and postcolonial law, militarism, statism and constitutionalism. By 'developmentalism', a term I prefer to 'development', I refer to not only a set of institutions, discourses and practices but also a 'condition' or a 'way of being'. Developmentalism is normative in its aims and includes both state and non-state actors. It speaks the language of self-empowerment and individual rights and has the transformation of subjectivities as its explicit aim. And, it mediates the experience and knowledge of constitutional settlement on postcolonial citizenship (Madhok 2013: 120).

In India, social movements are a variegated lot comprising 'identity' and 'interest' groups who more often than not practice a 'dual level political activism' that engages the government in order to influence public policy while also challenging societal norms and practices (Katzenstein et al. 2001: 267). Although some social movements see the state as the main oppressor, others participate in a much more 'situationally developed politics' (Katzenstein et al. 2001: 247) directing their campaigns at the judiciary for legal and policy reforms and for redressing injustices meted out by the state. I must hasten

to add here that while this book focuses on the claim-making by subaltern mobilisations for rights, it is not a study of social movements in India or Pakistan.²² In other words, it is neither a study examining the effectiveness of social movements in either of these countries to bring about social change or indeed reduce poverty²³ nor one that examines to what extent these social movements have 'served the constituencies of the least advantaged' (Ray and Katzenstein 2005: 2). The social mobilisations covered in this book are instead the key sites where rights talk takes place. They are dynamic, productive, generative and conflictual sites where the potential of rights as well as their limitations play out. To put it in another way: rights undergo transformation and expansion when claimed by subaltern groups but it is also when rights are claimed by subaltern groups that some of the particular limitations of rights become visible.

In India, my fieldwork has over the years spread to five districts of Rajasthan and has consisted mainly of recording narratives demanding *haq* by development workers, grassroots political workers and participants of various citizen mobilisations organising under the right to food movement as well as the independent rights activism of women development workers within a state-sponsored women's development programme in Rajasthan. The right to food movement is an umbrella organisation that includes a number of citizenship struggles, including those to the right to information, employment, forest rights and Dalit rights, among a host of others. Drawing on ethnographic tracking of these subaltern mobilisations in Rajasthan, I identify and document the political imaginaries but also three principal justificatory premises that underpin the deployment of rights and human rights, which are legal constitutionalism and citizenship; the cosmological, the historical and the prior; and finally, a gendered normative moral order based on 'Truth' (Chapters 4 and 5). I show how these justificatory premises resonate with several ideas of citizenship and rights or human rights within liberal democratic theories but also identify the marked differences between the liberal imaginaries of rights and citizenship and the political imaginaries of *haq*. Tracking *haq* further northwest and into Pakistan, the mobilisations of the Anjuman Mazarain or the AMP (Tenants Association Punjab) in rural Punjab, demanding the restoration of their ownership and sharecropping rights to the land taken over by the Pakistani military, provides yet another insight into the specific political imaginaries which produce particular vernacular rights cultures (Chapter 5). The justificatory premise of their deployment of *haq* is embedded in and derives its justification from Islamic jurisprudentialism and Qur'anic meanings and is

consequently tied very strongly to the idea of 'right conduct'. It is interesting to note that although *haq* in this context derives its mainstay from a popular Islamic understanding, it is deployed outside of a strictly religious context and towards what might be seen as secular ends.

The political imaginaries I document in Chapters 4 and 5 are produced, articulated and negotiated within live political contexts of struggle and precarity and provide insights into how vernacular rights cultures are mobilised by filtering, mediating and interpreting rights through particular political imaginaries of struggle and claim-making. Importantly, these ideas, too, are not articulated in a discrete or an ahistorical way but emerge in particular political, institutional, historical and activist contexts.

Before I bring this introduction to the book to a close, I want to underline that there are at least six significant things to note about the contemporary applications of rights language or *haq* that I will document. First, the deployment of a right is not through a neologism but within the vernacular and as *haq*. Rights articulations do not occur as singular or even odd prototypes but draw on and are negotiated through existing moral vocabularies and the political grammar of norms, law, rules, entitlements, rights and identities. Second, vernacular rights cultures signal the overlapping and intersecting nature of the languages of rights and those of human rights, rather than insisting on either historical continuity or separation. In doing so, they resist theoretical foreclosure by sidestepping the paradox between the rights of man and the rights of the citizen that characterises much of the human rights debates in the Anglo-American and European world. If anything, vernacular rights cultures show that rights of man and rights of citizen are co-dependent, intersectional, struggled for and intricately interwoven rather than only paradoxical. Third, these rights cultures are co-produced through and invoked within multiple and diverse encounters with developmentalism, statism, legal constitutionalism, and activism; therefore, it is at the intersection of these and not as some freestanding abstraction, that *haq* as a contemporary idea operates. In fact, as the ethnographic descriptions demonstrate, these intersections are integral to the formation of vernacular rights cultures. Fourth, despite the extensive deployment of *haq* within citizen mobilisations, individual rights regulate neither interpersonal relations nor social life in either India or Pakistan. Fifth, the demand for gender equality or *haq* for women is a question that almost invariably needs to be addressed separately and seldom occurs organically within citizen mobilisations. Finally, the movements for *haq* I am tracking in this book are precariously positioned live struggles. The

Anjuman Mazarain continue to protest in the face of heavy securitisation of their lands; India's forest communities face the impending threat of a dilution of the hard won institutional guarantees and increased state violence, coercion and dispossession in order to make way for easier land acquisition for private investment and also further restrictions on forest land through their conversion into national parks; the right to food movement is seeing its legislative gains eroded with the ruling right-wing Bharatiya Janata Party (BJP)-led government threatening to cut back food security entitlements. In effect, the four different political imaginaries of *haq* that I document in this book—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—emerge within live political contexts of struggle and provide insights into how vernacular rights cultures are mobilised.

Conclusion

Through a focus on the generative and productive nature of rights, this book details how human rights are key sites of subjectification and conceptual innovation. In a significant sense, vernacular rights cultures are concerned with documenting political, epistemic and ethical agency. However, political mobilisations are not only sites for political agency, and a focus on vernacular rights cultures draws attention to the modes of subject formation set off by human rights/rights discourses. And, even as rights/human rights talk provides the site of subjectification (Rancière 2004), this subjectification does not result in the production of a homogenous subject of global human rights but a vernacular subject of rights.

The epistemic compass of vernacular rights cultures enables us to think carefully about the conceptual and literal languages for rights in 'most of the world'. It does this through a focus on the *other* conceptual and normative languages of rights. This focus on *other* languages of rights and of claim-making is crucial if we are to disrupt the politics of origins and the time-space provincialism it puts in place but also if we are serious about making epistemic difference matter. Making epistemic difference matter is also to say that *other* traditions and languages of rights must speak back to global human rights thinking and must not be reduced to a study of 'norm diffusion' (Dunford 2017)—where norms travel from the Global North to the South and are sought to be translated into local idioms. In other words, a focus on vernacular

rights cultures is a call to think carefully about the normative, ontological and philosophical nature of the languages of rights that are deployed in 'most of the world'.

Notes

1. I am alluding in part to the subtitle of Partha Chatterjee's book (2004) *The Politics of the Governed: Reflections on Popular Politics in Most of the World*. I find Chatterjee's formulation of 'most of the world' a significant intervention into disrupting the binary of the West/Western and non-West/non-Western. This binary as I shall go on to argue in this book has crucial implications not only for human rights politics but also for politics of gender and sexuality in South Asia. Throughout the book, I shall be deploying this formulation 'most of the world' to refer to the epistemic and political worlds and thinking outside of Eurocentred and European, Anglo and North American contexts.
2. Priya Raghavan (2020) assembles a subaltern archive from some formal writing, mainly letters, petitions and rural newsletters that have been produced in the wake of some of the subaltern mobilisations.
3. For an account of the 'unselfconscious' making of vernacular literary cultures, see Pollock (1998).
4. For an important discussion on the subaltern and on subaltern groups, see in particular Nilsen and Roy (2015).
5. There is now a substantial, well acknowledged and growing multidisciplinary scholarship on subaltern historiographies, geographies and politics. For a range of debates, see in particular Guha (1983), Spivak (1988), Guha and Spivak (1989), Prakash (1994), Rodriguez and López (2001), Chakrabarty (2002), Chatterjee (2004) and Nilsen and Roy (2015).
6. The term 'Adivasi' is the 'Indian language' term for the Indigenous. There is considerable nomenclatural controversy over the use of both 'Adivasi' and 'Indigenous' (Karlsson 2003; Sundar 2016). The term 'Adivasi' has associations with 'civilisational backwardness' and also with very problematic institutional terms and politics of recognition. In international circles, the recognition of the rights of the Indigenous, which grants specific rights of self-determination to Indigenous groups, has led the Indian government to oppose the term and to deny the presence of Indigenous groups in India (Xaxa 1999). It is also important to note that not all Indigenous groups identify as Adivasi; the latter is mainly used to identify Indigenous communities in India's mainland. The administrative category established by the postcolonial Indian state for governing all Indigenous groups is the Scheduled Tribe (ST). In this book, I will be using the terms 'Adivasi', 'Indigenous', and 'ST' as appropriate, the latter mostly to refer to administrative and governance matters.

7. The Dalits or Scheduled Castes were also previously called Untouchables.
8. I am grateful to Sherene Razack for encouraging me to engage with the politics of origins as a racialist discourse (personal communication, January 2019). See in particular James (1938, 1989), Fanon (1952), Trouillot (1995), Wynter (2003) and Suárez-Krabbe (2016). For an overview of the racism of human rights, especially of human rights law, see Bradley (2019) and on 'racially inflected' humanitarian politics and interventions, see in particular Razack (2004) and Wilson (2012).
9. See Barkawi (2018).
10. See in particular Fanon (1952), Bunch (1990), Charlesworth (1994), Kiss (1995), Trouillot (1995), Wynter (2003), Simpson (2014), Suárez-Krabbe (2016) and Bruce-Jones (2015).
11. For a detailed ethnographic account of subaltern encounters with the state, see Nilsen (2018a).
12. Although, not specifically on the productive nature of human rights politics as such, Saida Hodžić's book *The Twilight of Cutting* engages in 'illuminating the productivity and instability of repressive character of law' (2017: 248) on genital cutting in Ghana.
13. Rajshree Chandra (2016) refers to this double-sidedness of rights as the 'cunning of rights'.
14. There is now an emerging body of feminist scholarship which scrupulously locates theoretical and conceptual work in specific geographies, engages with intellectual registers of those geographies to produce theoretical and conceptual interventions on rights and human rights in productive and generative ways. Ratna Kapur's *Freedom in a Fish Bowl* (2018) positions itself in the aftermath of human rights critique to argue that while the work of human rights must carry on, this work must, however, be delinked from the epistemologies of freedom that it is embedded in. It intervenes to uncouple the link between predominant visions of liberal freedom and human rights, and to direct attention towards different intellectual registers and resources for thinking about freedom. She draws on non-liberal philosophical and agnostic spiritual traditions of Persian Sufism and also the subcontinental episteme of no-dualism—*advaita*. In each of these, Kapur argues that meaningful freedom becomes possible through self transformation and self reflection, and that ethical self care can provide us with a vision of what the futurity of rights might be. Located in very different intellectual, historical and political registers, Audra Simpson's book *Mohawk Interruptus* (2014) firmly situates the colonial logic of liberal freedom in the liberal multicultural governance of settler colonial states. Simpson argues that the presence and workings of settler colonial states exemplify both the operation of colonialism but also its failure. The insistence on and exercise of political sovereignty by the Indigenous and their refusal to disappear points

- to not only that 'sovereignty may exist within sovereignty' but also that there is an ethical alternative to liberal multicultural recognition, which is that of 'refusal'. The ethical and political alternative of 'refusal' catapults questions of sovereignty, nationhood, citizenship, legitimacy and authority to the forefront of settler colonial politics to demand an 'accounting' that deals with Indigenous politics and how they challenge the perceived status of 'settled' state (2014: 11).
15. Interview with Kavita Srivastava, Secretary General, Right to Food Campaign (personal communication, Jaipur, July 2016). See also Dunford and Madhok (2015).
 16. See Sylvia Wynter (2003) for a critique of the *homo politicus* as a raced subject.
 17. India's constitution adopted in 1950 sets out fundamental rights in Part III of the document, and while Pakistan's constitutional history is more chequered having gone through three enacted constitutions but it too guarantees fundamental rights in Part II of the 1973 constitutional arrangement.
 18. In the case of Pakistan, the establishment of Shariah federal courts qualifies the nature of remedies available to citizens. The operation of Muslim Personal Law in India similarly qualifies aspects of state civil law in relation to Muslims.
 19. Pronouncing on gender equality, the Indian Supreme Court famously referenced CEDAW in *Vishakha vs State of Rajasthan* to lay down legal guidelines for the prevention of sexual harassment of women in the workplace (*All India Reporter of the Supreme Court* 1997: 3011). More recently, the Delhi High Court in *Laxmi Mandal vs the Deen Dayal Harinagar Hospital* (W.P.C.C. 8853/2008) drew on India's commitments to various international rights protocols in order to pronounce a legal basis for the protection of reproductive rights of women. In Pakistan's plural legal system, writes Shaheen Sardar Ali (2012: 22), 'human rights treaties appear to be invoked by the judiciary as effortlessly as customary and Islamic norms as well as constitutional provisions of equality and non-discrimination'.
 20. Balakrishnan (2007) points out that this is due to the 'ideological character of the Court's particular approach to human rights and its biases ... in favor of the state and development, in favor of the rich and against workers, in favor of the urban middle-class and against rural farmers, and in favor of a globalitarian class and against the distributive ethos of the Indian Constitution' (2007: 158).
 21. For discussions on the feminist and women's movement in India and Pakistan, see in particular Kumar (1999), Gandhi and Shah (1992), Ram (2000), John (1996), Menon (1999), Sunder Rajan (2003), Phadke (2003), Kalpagam (2000), Roy (2015), Khan (2018), Khan and Kirmani (2018), Madhok (2010), Basu (2005) and Shaheed (2010).
 22. The study of social movements, at least in India, has emerged as an important and distinct area of study. See, for instance, Nielsen and Nilsen (2016).

23. Writing on social movements in India, Ray and Katzenstein (2005: 4) note that scholars writing on the state and poverty 'have not paid much attention to the social movements as actors who may buffer, accelerate, ameliorate, and challenge the shifting agendas of the state' (2005: 4). Rather, they have preferred to focus on the 'failure of poverty remediation', 'capture of state by elite interests', failure of state capacity, the relationship of political parties and the state and also intra party democracy, or indeed 'excessive democratization of Indian polity'.