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On Writing and Rights:

Some Thoughts on the Culture of Human Rights

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“It is injustice, not justice, which brings us into normative politics; despotism, not freedom. Moral political theory should start with negative politics: the politics that informs us how to tackle evil before it tells us how to pursue the good.”

Avishai Margalit: *The Lesser Evil*

The problem of human rights is most readily associated with history, law, and politics—historical records, legal protection, and political provisions. However, human experiences that accompany the violation and vindication of rights—the struggle against oppression, forbearance in the face of trauma, agency *in extremis*, the quest for freedom and solidarity—draw on the emotions, the imagination, vivid images and moving narratives, all of which are a profound part of the practice of the arts and the pedagogies of humanistic knowledge. In what way do the arts and humanities enhance policy-oriented legal and political perspectives on human rights?

We take a narrow measure of the participation of the arts and humanities in the struggle for rights when we see them only as handmaidens to history's horrors, keeping alive the memory of injury and injustice by recording or describing the traumatic event. Important as the act of testimony surely is, it is the aspirational role and the interpretational power of the arts and the humanities that have the creative potential to transform human relations and historical disasters.

Political and legal approaches to problems of human rights are justifiably focused on seeking institutional solutions to rights abuses. They are driven by an important instrumental desire to change the climate of legal decision-making and establish fair practices and just policies. It is in the realm of advocacy that lawyers and politicians make their major contribution to the struggle for rights. The imaginative reach of the arts and humanities works alongside this institutional approach to reveal vital links between human affect—the emotional and inter-subjective realm of suffering and survival—and the aspirational mission of human rights. Rights aspire to a kind of perfectibility of human progress—a world of fairness and freedom, of dignity and respect for the minds and bodies of human beings irrespective of the distinguishing marks of race, gender, or geopolitical location. However, prior to this perfectibility there is the misery of violation, torture, humiliation, discrimination—the affective realm of human degradation from which is born the political will to resist and challenge, as well as the imaginative desire to overcome, to survive, to make retributions and restitutions, to apologize, to reconcile, and to represent—in art, music, literature,

dance—the lives and times of “others” who are hidden from history or are its victims. In giving voice and body to the aspirational and affective aspects of rights, students of the humanities and practitioners of the arts shape a culture of community and citizenship based on an ethic of public virtue that goes beyond legal status and social standing.

The quality of aspiration that dwells deep in the arts and humanities does not merely idealize rights and reach out to utopian forms of freedom. Aspiration in the arts and humanities is not an indulgent form of free-play for the benevolent imagination. Humanistic knowledge is profoundly grounded in social context and human discourse—language, dialogue, narrative, symbols, images; and the value of aspiration is achieved through acts of interpretation. The humanistic commitment to interpretation encourages the exercise of independent free will and judgment; but the act of interpretation is a gesture of reaching out, of empathy towards the lives, works, and histories of others. The interpretation of a score or a poem is both an act of agency on the part of the musician or the critic and an act of empathetic intercession—a way of giving voice to another person, place, or period and setting the stage in their interest and from their perspective. Interpretation affirms the individual’s right to free expression and belief, but it also makes it possible for laws, customs, and traditions to be read “against the grain,” so that those who are discriminated against or disempowered might be able to take up positions from which they may imagine the unjust world and their perilous present condition otherwise than it is.

Performers and practitioners of the arts articulate aspirational values through empathetic acts of making—*poesis*—that transform the material elements of a known and shared world into an instructive aesthetic experience. In this transformative process, authors and readers, artists and audiences acknowledge their responsibility to the spirit of Article 27 of the Universal Declaration of Human Rights, which states, “Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.” The empathy that is expressed in the realms of affect and interpretation—in the arts and humanities—makes sure that our aspirational thinking maintains a reachable, human measure. Law and politics often confront us with necessary normative frameworks and social forces that are essential to civic virtue but have an overbearing presence that seems “larger than life” and beyond our control. The arts and humanities translate the exigent materialities of everyday life into forms of consciousness, and designs for communal, political living—the cultural realm of the affective and the aesthetic—that frequently exceed human expectations but never overshadow the human imagination nor supersede the human spirit.

The overbearing “letter” of the Law may often obscure the profound *affective* and emotional realm of “negative politics” that informs our complex desire for fairness and freedom. Anger against injustice; the anxiety of oppression; humiliations caused by discrimination and deprivation; the trauma that never sleeps in the wake of violence --- these are the political passions of the *via negativa* that set us on the hard road to normative politics and its horizon of political virtues. And it

is the aim of language and literature, --- ever attentive to the Kantian ethics of means rather than ends ----, to protect the ethical and aesthetic place of individuation in the midst of instrumentality and institutionalisation; to awaken the voice of Love in the rule of Law. Or so, at least, is the burden of W. H. Auden's great poem *Law Like Love* where the rule-bound respect for the idea of the Law (*not* legal practice) is finally tempered by the open-ended embrace of *agape* --- the love of the brother, the neighbour, the Other.

Law, says the judge as he looks down his nose,

Speaking clearly and most severely,

Law is as I have told you before,

Law is as you know I suppose,

Law is but let me explain it once more.

Law is the Law.

.....

Unlike so many men

I cannot say Law is again,

No more than they can we suppress

The universal wish to guess

Or slip out of our own position

Into an unconcerned condition

.....

It would be a mistake to suggest that Auden asks us to choose between Justice and Love, or Law and Literature. His title *Law Like Love* makes it plain that he is playfully pursuing an analogy, displaying (what he calls) a “timid similarity” between them that might, at first, seem elusive. Despite the resemblance between the conservative U.S. Supreme Court Justice Scalia’s originalist position and that of the Judge who, looking down his nose, intones, “Law is the Law”, Auden does not deny the arts of advocacy or interpretation in the practice of the Law. What he suggests, in the small minoritarian voice of the “soft idiot softly me [who] cannot say Law *is* again,” is the limited ethical and experiential scope of a proceduralist legal discourse that functions on the relatively prescriptive principles of “ought and is”. Ungraspable emotions, unclassifiable experiences, indeterminate causes, ambiguous states of mind and being, doubt and despair, life *at the limits*—these “negative” pre-conditions that inform the construction of moral and political norms lose their affective power when they are suppressed in the quest for Universality embodied in something similar to what John Rawl’s defined as the “original position”—“the universal wish to .../slip out of our own position/Into an unconcerned condition”. Besides and beyond Law’s prescriptions and procedures lies the suppressed presence of Love as *Agape*, and a more generous, psychologically and emotionally

productive vision of the jurisdiction of Justice. Once these affective psychopolitical passions are allowed to emerge and take their place in an adjacent, analogous relationship to the normativity of Law and its rationalities—once the rule of *Law* can be conceived in a conversation with *Love*—then, there is a transformation in the very “subject” of the Law and a change of voice in its mode of discourse.

[Law] like love I say.

Like love we don't know where or why

Like Love we can't compel or fly

Like love we often weep

Like love we seldom keep.

Vacating the “unconcerned condition” of the Rawlsian original position, Law achieves something of the dialogical and communicative rationality of “reconciliation” rather than adjudication. Like love, the idea of Law is more open to contradictory states, incommensurable causalities and ambivalent identifications—Like Love we don't know where or why/Like Love we can't compel or fly.” The world of “empathy”—tears, pain and loss—emerges at the heart of the Law not to unseat its regulatory norms or to tip its scales, but to introduce, into the argument, a more generous **reading** of extenuating circumstances; social conditions; psychological states; human frailties. *Law As Love* echoes Portia's plea in Shakespeare's *Merchant of Venice* that “mercy

seasons justice” because “in the course of justice we must *all* see salvation”. The Law must represent not only those who say, “Law is We”; its moral authority depends upon it being relevant to, and representative of, the dissident and the minority, “the soft idiot softly Me”.

There is a significant suggestion in *Law As Love* that goes beyond the plea for the tempering of Law with mercy or empathy, or even the admission of extenuating circumstances. Following the *via negativa*—Margalit’s *negative politics*—in understanding the formation of normativity, I have suggested that the agonising, raw-materials of individual destruction or collective despair, often indeterminate and indescribable, are prone to be suppressed (to use Auden’s word) or surmounted, in formulating the rules and regulations of the good life. The claims of Universality or Impartiality—however procedurally essential or instrumentally important—cannot be taken at face value. The purpose here is not to refute the Law as to understand, in any given time and place, its exclusions and evasions, as well as the limits of its moral jurisdiction. The truth of my argument is borne out in moving from the poetic justice of Auden’s *Law As Love* to the drafting of the Universal Declaration of Human Rights. The mere addition of a qualifying phrase such as “a member of society”ⁱ as in the statement “Every person, as a member of society, is entitled to the realization of the economic, social and cultural rights enumerated below....”, (Article 22) particularises the citizen-subject of second generation rights, and renders him or her subsidiary to the a priori entitlement of the “individual” cited as the foundational subject of “first generation” civil and political rights. Behind this rhetorical art of qualification in

the drafting of “new rights” there lies a complex history of the Cold War and decolonisation; nation-states’ protection and the emergence of minority rights.

The Declaration is frequently read as a distillation of opinion and negotiation, whereas it must be read as part of a network of documentations, regulations, discussions and decisions, as the *travaux préparatoires* make clear. The innocuous, Universal-sounding phrase “as a member of society” is the denomination of a “subject” of second-generation rights that is a strange composite of divergent cultural and political concepts of “subjectivity” that cast their shadows on the drafting of the phrase. The liberal individual subject vs. the Marxian subject of collective rights; the citizen-subject articulated with the subject of international law; the (failed) attempt by Western governments to damage the cause of social rights by designating Article 22 as an “umbrella” article—these are some of the contradictory forces that created the *mise-en-scene* for second-generation social rights. Ideologies at odds with each other; concepts of agency conceived in the overlap between the national and the international; the ontology of rights balanced precariously between Transcendence and Territoriality. The “subject” of Article 22, present in the nondescript phrase “a member of society”, is the sublimated (or suppressed) “self” that arises from such a conflict of political and ethical norms that haunts the universal, abstract enunciation of Human Rights.

To bring to the fore the human and historical raw materials that haunt the norms of rights and recognition foregrounds the importance of an aspirational cultural right to narration, interlocution and interpretation. The swerve that

Auden's poem takes from the dogmatic and authoritarian "Law is We" to the voice of Justice in the First-person, the "soft idiot softly me", leads towards an idea of justice and rights that is closer to Reconciliation than Adjudication. A right of interlocution and interpretation expands the role of language and discourse from being a mere vehicle of meaning and communication, to becoming an ethical value-system in the very practice of enunciation. Interlocution and interpretation go beyond individual free speech issues. They take a more processual rather than procedural approach to the norms and practices of Justice; they are committed to the agent-revealing capacity of action and speech. These cultural rights of interlocution and interpretation are embedded in Hannah Arendt's framework of mutual human recognition within the language-game: "Action and speech go on between men, as they are directed toward them, and they reveal their agent-revealing capacity."ⁱⁱ She writes. Thus interlocution and interpretation as integral parts of the right to narrate, are concerned with "something which *inter-est*, which lies between people and therefore can relate and bind them together."ⁱⁱⁱ

The rights of interlocution and interpretation play a central role in articulating the aspirational spirit of human rights and therefore belong at the heart of any theory of justice. In his recently published magnum opus, *The Idea of Justice*, Amartya Sen makes an argument that is congruent with my proposal. He writes: "Not only are dialogue and communication part of the subject matter of the theory of justice, it is also the case that the nature, robustness and reach of the theories [of justice I have proposed] themselves depend on contributions

from discussion and discourse.... Indeed it is not defeatist for [a normative] approach to allow incompleteness of judgments and also to accept the absence of once-and-for-all finality". Sen's theory implies that the circle of justice widens its powers of inclusion and protection by embracing the incompleteness and lack of finality that is part of the very dialogical nature of discourse. It is part of the on-going, process-oriented nature of making progress in the realm of Rights and Duties that "reasoned decisions can come from incomplete orderings that reflect unresolved conflicts"^{iv}The future-oriented aspirations that characterise Rights discourse and give Freedom its wings, nest in the "incompleteness of judgments" and the 'open-endedness" of interlocution. It is, indeed, the rhetorical and conceptual structure of rights as ethical assertions—"not propositions about what is already guaranteed", Sen argues -- that ensures that that "the public articulations of human rights are invitations to initiate some fresh legislations... and not just one more humane interpretation of existing legal protections." In this humanistic act of the narrative imagination, rights are ideally, and ethically, one *step ahead* of their legal or instrumental efficacy.

My emphasis on interlocution and interpretation as central motivations in the ethical discourse of Rights—and my Sen-like insistence on the incomplete and open-ended language of the norms of Justice—allows rights to be deeply grounded in specific cultural communities, local vocabularies of values, and particular historical struggles. Rights can be both time-bound and part of an open aspirational future so long as we are aware of the productive tension in-between this double temporality of practical finality in conversation with a philosophical

futurity. Where rights derive from on-going, open-ended and processual democratic dialogues—difficult though this is in the face of the asymmetry of power and influence—there can be no ‘end-game’ in which Western rights trump Asian Values, or *vice versa*, and end up in a grotesque clash of civilizations.

In writing of the aspirational ethic of “Interconnectedness—towards—Wholeness” as both the foundation and the horizon of Reconciliation, the poet Antje Krog acknowledges the differential cultural genealogies of African communal traditions while emphasising the importance of what she calls the “interpretational foundation.” Let me cite her:

“In other words, Christianity (or human rights, restorative justice, or for that matter the theology of Tutu, the politics of Mandela) is not simply linked to, or a (pagan) add-on to interconnectedness, but is in fact embedded therein, it forms the interpretive foundation of it. It is this (interpretive) foundation that enabled people to re-interpret western concepts such as forgiveness, reconciliation, amnesty, justice etc in a new and useable way... In other words, these concepts moved across cultural borders and were infused and energised by a sense of interconnectedness-towards-wholeness...mould[ing] them anew and giving them an interpretation more reminiscent of their traditional practice.”

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The art of interlocution and interpretation can be heard in the Krog’s words as she reflects on crossing the borders between poetry and politics. She

struggles unceasingly with what Arendt describes as the “agent-revealing” capacity of speech and action; and she mobilises her agency as woman, writer, activist, dreamer “in the face of so much injustice”. Krog struggles with the open-endedness of the language of justice—with its translational and interpretational foundations—to seek her right to interpretation. However, living “on the other side of injustice” makes her radically uncertain about arriving at the right interpretation.

If my senses

Cannot wean the cries from the leaves

Or the blood from the barricade of groceries

Or pick up murder from the blockades near to my desk

I will die hardened

In the crossfire of pencil and paper

Which always fight back to the truth

All the writers are dead aren't they

They can't write about or of the oppressed

And the oppressed writer is drowning in anger

---- this is what's being said

“aesthetics is the only ethic”

they say as well

but the demands do not tolerate neutral ground

Between two evils I chose neither



Beware of propaganda rhetoric

Coarse chains of words under the whip of lies

Without even the charm of consciousness

Is aesthetics ever useful?

I never stop

Studying

Survival

With this fragile most light-hearted category

I investigate diligently every relation

To breathe to breathe yes to breathe

Language has never been useless or fake

The most telling line in the poem is the almost silent one, practically without words. It is the line that merely “breathes”, performing the fundamental act of being alive which is also the precondition of all acts of language, be they narrative, interlocutory or interpretational.

To breathe to breathe yes to breathe

Language has never been useless or fake

Breath is the sign of life; rapid breath, the signal of the struggle to survive; the give and take of breath bears the burden of the circulation of language; and the act of breathing—*aspire*—is also the etymological root of aspiration. This fragile philology leads the poet to pose a problem for the domain of writing: *Is aesthetics the only ethics? Is aesthetics ever useful?*

To answer these questions I want to circle back to where I started, to the realm of the humanities, and to the *via negativa* that that paves the treacherous road to the norms of the good life. Now the leaves cry, blood runs from the groceries and murder is the view from the desk. How does the fragility of the aesthetic, queen of the humanities, withstand the charnel house of violence? How do philologists and philosophers, who diligently follow the realm of the linguistic arts—narrative, speech, verse, interlocution, interpretation—deal with the fact that breath that turns language into poetry can, in another breath, turn the world to fire and dust? Yes, as the poet says, “Language has never been useless or fake”; at the same time, however, history has taught us that there is

no more than a hair's breadth between the language of humanity and the discourse of death.

Krog's profound concern for human words and human wounds brought back the post-genocide testimony of Jean-Baptiste Munyankore, a teacher of the humanities in the Nyamata region of Rwanda.

"What happened in Nyamata, in the churches, in the marshes and the hills, are the supernatural doings of ordinary people... The headmaster and the school inspector [struck] blows with their own hands... A priest, the magistrate, the assistant chief of police, a doctor, killed with their own hands... These learned people were calm, and they rolled up their sleeves to get a firm grip on a machete. So for people like me who have taught the Humanities their life long, criminals such as these are a terrible mystery."

If, for Adorno, the price of Auschwitz is to turn Poetry into dumb hostage and silent witness, then is there a similar concern in Rwanda --- a highly literary and literate culture ---- with the corruption of language and the redemption of discourse? Was it fair to ask how public rhetoric --- record, report, memory, testimony --- mediated the symbolic and affective experience of fear, anxiety, antagonism death?

For Rwandan humanists and intellectuals rhetorical discourse is an *agent* of violence. The term "rhetorical element" comes from the National Unity and Reconciliation the genocide alongside other factors such as "extreme poverty; shortage of resources Commission Report, in which "Rhetoric" is listed as a

major structural cause of; corrupt undemocratic governance; human underdevelopment (“Human Security”, Sen/Odaka); land conflicts; the failure of the UN Security Council ; and the poor management of refugee camps in Tanzania” etc. The conceptual understanding of “rhetoric”, in the report, goes beyond the notion of writing as a second-order activity of recording and representing, scribbled in the margins of history.

The ‘rhetorical element’ becomes a policy issue as crucial to the re-making of citizenship as legal identity or the protection of individual and group rights. What gives “rhetoric” its acknowledged quasi-autonomous causality and agency --- not unlike Vico’s *verum/factum* relation --- is the Commission’s serious and sophisticated understanding of the layered conditionalities and disjunctive temporalities that constitute the ‘meaning’ of any historical event. Analysing the rhetorical matrices of political causes and historic events suggests that language is not simply the surface beneath which action constitutes reality. Rhetoric is a forensic and diagnostic medium that allows the authors of the NURC Report to see how symbolic and affective relations both enflamed and justified the violence. Causes like poverty, the lack of human security or land-conflicts have longer, corrosive time-lines in the making of the catastrophe; the ‘rhetorical elements’ of media propaganda constitute shorter time-lines of *imminence* and *emergency* that convert long-standing socio-economic ‘causes’ into rapid-fire, affective responses that may lead to violence. Throughout the NURC report the ‘rhetorical factor’ provides a discursive space of critical and analytic reflection. It allows for the careful epistemological braiding of phenomenology, economics,

and politics so that, in the words of the report, ‘unequal distribution of public wealth and existential fear’ work together in an irresolvable tension, to create the ethnically polarised object of violence, or what the report describes as “the psycho-political phenomena of demonisation and dehumanisation”.(31)

The rhetorical element provides an analytic key to understanding the efficacy of psycho-political strategies of genocide. It may sound fanciful to suggest that mass-killing bears any relation to “figures of speech” but that is precisely the case in one of the most widely used ploys to whip up a persecutory paranoia amongst the Hutus in order to mobilise the *Interahamwe* death-squads. The death-dealing, verminous abuse hurled at Tutsis has been heard too often. “The Tutsis are “Inyenzi” (cockroaches) or “Inzoka”(snakes)”, Radio-Television Les Milles Collines broadcast, day and night, with a pall-bearer’s punctuality: “The graves are only half-full; who will help us fill them?” But that is not the whole story of the “rhetorical element’ as the archive tells it.

In the Human Rights Watch Report *Leave None To Tell the Story*, the late Alison Des Forges carefully documents the frequent – and fatal – uses of that deliberately crafted rhetorical strategy widely used in anti-Tutsi propaganda, and known as **“accusation in a mirror”**. A form of “projective inversion”, accusation-in-a- mirror, was a way of creating a suspended, yet recurrent, temporality of anxiety and fear by widely disseminating false reports of impending Tutsi massacres of Hutus. After a time-lapse during which anxiety would run wild on both sides while the Hutu leadership used the ‘fabricated’ threat as a recruiting opportunity, the Hutus would perpetrate that very crime as if in retaliation of an

attack *that had never taken place*. Stories would be widely disseminated (as in Sept 1991) claiming that the Tutsis intended “to clean up Rwanda by throwing the Hutu in the Nyabarongo River”. Almost a year later Leon Mugesera, one of the most notorious university professors-turned-political leaders- turned -genocidaire, with a PhD. from Canada, ordered the *Interahamawhe* death-squads, *in the very same words*, to exterminate the Tutsi’s by massacring them in that very River. This double rhetorical strategy of a falsely projected fear about Hutu security, and its fabricated paranoia, now pivots around a trigger-like *time-lapse* , a year later, to find its true Tutsi target. The death-machine is thrown out of control. One of Professor Mugesera’s erstwhile academic colleagues wrote an open-letter accusing him of “[having done} much *textual analysis* in his work, [so that he] certainly understood exactly what he was doing with his use of coarse language” ^{vi} ,and his deliberate mis-use of traditional Rwandan folk proverbs like “Know that the person whose throat you do not cut *now* will be the one who will cut yours.” In Freudian terms, the agency of the rhetorical element converts the “threat” of the death-drive into an unbearable anxiety that envelops both parties who live in a constant state of imminent, about-to-happen violence. As the NURC Report concludes, “Deathly “otherness” is not rational but that does not prevent it from being functional in society.” The role of the rhetorical element --- in action and analysis --- is to help us to understand the effectiveness of psycho-political strategies that are, at once, irrational and functional.

After such knowledge, what forgiveness?

In spite of the profound moral asymmetry of the genocidaire and the victim - -- the quick and the dead --- there survives an affiliative nerve which , after the genocide, drove a great number of Hutu and Tutsi away from the UN sponsored TRC, and drew them to congregate around the 'grass mat' or "*gacaca*" courts of a rural, traditional provenance. The African Rights Report on the Gacaca Trials, "*Confessing to Genocide*", conspicuously locates the subject of "truth" and testimony on the site of the moral, memorial, and political knowledge of "neighbourliness" – its spatial networks; its customary laws; its memory of neighbourly negotiations; its epistemological and enunciative practices of orality and conviviality. Although the new codifications and procedures of *Gacaca* trials have adopted a great deal from International law, Truth Commissions and Western jurisprudence, in many respects "Truth" remains a dialogical legal and moral practice within the *gacaca courts* where neighbours play the role of the Greek chorus. Noah Weisbord's eyewitness report, amongst many, suggests that because the aim of *gacaca* is reconciliation, and not adjudication , – itself a neighbourly ethic and hermeneutic--, the individual parties to the dispute, in these small tight-knit communities, depend on popular participation. "Traditional *gacaca* is about the thoughts, feelings and relationships of particular people in groups, not the violation of abstract rules....The *gacaca* process is a part of community life, not an exceptional event elevated by special dress, buildings , institutions and procedures.^{vii} The transmission of tradition takes place in daily life, so no one can enjoy the privileged role of scribe or repository, thereby becoming a source of the Truth." The memory of truth, and the very possibility of reconciliation,

depends on the self-reckoning and repentant repetition of murdered neighbours, their names and places, in order to re-establish a memorial jurisdiction of custom and kinship (rather than abstract rules):

“I shot them all. I knew nearly all of them. They were: Josephine brought by Frederic....a child of Nyakazungu...Finally an old woman, Anastasie brought by Bernard and Martin...^{viii}

Despite their vastly different fates, both the *genocidaires* and their victims display a sustained sense of the value of the commonplace, of the ordinariness of things. The destruction of the ordinary plumbs the depths of evil, and at the same time, the survival of the ordinary provides a measure of moral and social recovery. Indeed, the *banality* of what is held in common—the schoolhouse, the hospital, the church, goats, sheep and cows, *urwagwa* (banana beer), Primus beer, cabarets, machetes—become the most intimate and imminent instruments of evil. Yet, years after the genocide, it is these intimate instruments of a shared “community of fate” that enables the Rwandans to re-build their lives. “Amongst ourselves we never grow tired of talking about this post-genocide state of things. We talk to one another about the moments we went through, we swap explanations, we tease one another....”^{ix}

To end with the mordant mirth of these survivors is to recall, once again, the ethical function of the right of interlocution and interpretation amongst particular people in a particular time and place. The universality of Rights lies less, I believe, in the value of the Individual as an end-in-itself. The value of

Universality comes with our growing awareness that to fulfill our ends --- of equality, freedom, well-being ---, or to find a means to survive our fates --- of pain, oppression, humiliation, failure --- we need to belong to the solidarity and the community of Others, be they Neighbours or Strangers, and through their alterity derive a sense of agency.

ⁱ Morsink, 227

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^{iv} Sen justice 144

^v Krog, S.African journal of philosophy, 2008, 361

^{vi} ibid 86

^{vii} Noah Weisbord, law school PhD, 82-4

^{viii} African Rights, confessions to genocide, 78-79

^{ix} quick,94