Liberatio
Journal of the World Forum on Theology and Liberation
Revista del Foro mundial de teología y liberación
Revista do Fórum mundial de teologia e libertação
Revue du Forum mondial de théologie et libération

Potential Responses to the Coloniality of Human Rights and "Man" in Light of Animal Rights Talk: To Imagine What Never Was

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Volume 1, 2024

URI : https://id.erudit.org/iderudit/1115307ar
DOI : https://doi.org/10.7202/1115307ar

Aller au sommaire du numéro

Éditeur(s)

PUM

ISSN

3078-1671 (numérique)

Découvrir la revue

Citer cet article

Baldelomar, C. ". (2024). Potential Responses to the Coloniality of Human Rights and "Man" in Light of Animal Rights Talk: To Imagine What Never Was. *Liberatio*, *1*, 71–83. https://doi.org/10.7202/1115307ar

Résumé de l'article

Presented as a thought experiment, this essay urges readers to (re)consider how critiques of the colonial concept of *man* (as a rational being) can disrupt and expand dominant ontologies to birth creative reimaginings of rights talk and protections, especially since rights discourses privilege rationality as the marker of full humanity. The same claims used to debunk animal rights can also be used to debunk human rights, especially for humans lacking a certain cognitive capacity or will. As evident throughout history and in the present, not all flesh and bodies (including hominine ones) are worth the same, notwithstanding aspirational and humanist rhetoric and rights bolstered by colonial and theological concepts. Some "humans" have been and continue to be equated with the savage and with animality — casting doubt on the universal applicability of rights talk as currently framed and deployed. Discussing the potential for animal rights would reconstitute and strengthen human rights — for it would force scholars, activists, judges, lawyers, students and professors to rethink the basis for global and local human rights regimes in light of creative jurisprudences and ontologies not based exclusively on Judeo-Christian or Western paradigms and worldviews. Such project also challenges coloniality and colonialism — the foundational paradigms of "modernity" and existing rights talk. The essay ends with some notes and suggestions on reimagining the human as an important step in demystifying human rights as a universal, eternal paradigm that protects all flesh equally, if at all.

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CÉSAR "CJ" BALDELOMAR

ABSTRACT: Presented as a thought experiment, this essay urges readers to (re)consider how critiques of the colonial concept of *man* (as a rational being) can disrupt and expand dominant ontologies to birth creative reimaginings of rights talk and protections, especially since rights discourses privilege rationality as the marker of full humanity. The same claims used to debunk animal rights can also be used to debunk human rights, especially for humans lacking a certain cognitive capacity or will. As evident throughout history and in the present, not all flesh and bodies (including hominine ones) are worth the same, notwithstanding aspirational and humanist rhetoric and rights bolstered by colonial and theological concepts. Some "humans" have been and continue to be equated with the savage and with animality — casting doubt on the universal applicability of rights talk as currently framed and deployed. Discussing the potential for animal rights would reconstitute and strengthen human rights — for it would force scholars, activists, judges, lawyers, students and professors to rethink the basis for global and local human rights regimes in light of creative jurisprudences and ontologies not based exclusively on Judeo-Christian or Western paradigms and worldviews. Such project also challenges coloniality and colonialism — the foundational paradigms of "modernity" and existing rights talk. The essay ends with some notes and suggestions on reimagining the human as an important step in demystifying human rights as a universal, eternal paradigm that protects all flesh equally, if at all.

KEYWORDS: coloniality; human rights; animal rights; hierarchical constructs; ethical imagination

Introduction: Aren't we all animals?

Although sentient non-human animals[1] share the spaces we inhabit, although many of us consume their flesh and wear their hides and, although human economic, political and social decisions affect them too, non-human animals are seen as "rightless" in the international legal imagination. These sentient non-human beings exist as inferior creatures within some seemingly preordained divine order in which certain hominins — because of their "natural reason" — occupy the natural world's apex.[2] But the scale of being applies to hominins as well, despite rhetoric to the opposite. Certain flesh — black flesh in particular — has too been viewed as animalistic.[3]

1. Throughout the essay, I use *non-human animals* and *animals* interchangeably.

2. In *Politics*, Aristotle notes that animals are servants of humans in the "natural order." See Carnes Lord, trans., *Aristotle's Politics*, 2nd ed. (Chicago: University of Chicago Press, 2013).

3. See especially Zakiyyah Iman Jackson, *Becoming Human: Matter and Meaning in an Antiblack World* (New York: New York University Press, 2020).

Conquistadors and their progeny labeled indigenous populations as demonic-prone savages.[4] And Aquinas, following Aristotle, described women as defective males, falling somewhere between males and animals on the chain of being. *Animals* is thus a term that has applied and continues to apply to certain hominines.

The law treats animals as property: as property of a human owner, as property of the state (land in which they reside) or as *res nullis* (no one's property).[5] Such a rigid natural law understanding of the place of animals in the social matrix prevents scholars, leaders and the general public from envisioning new scripts — new narratives, a new jurisprudence — for animals, animal rights and even human rights.[6]

For example, the same claims used to debunk animal rights can also be used to weaken human rights, especially for humans lacking a certain cognitive capacity or will. Discussing the potential for international animal rights would disrupt and possibly strengthen the search for more expansive human rights — for it would force scholars, activists, judges, lawyers, students and professors to rethink the basis for global and local human rights regimes in light of creative jurisprudences and ontologies not based exclusively on Judeo-Christian anthropocentric paradigms and worldviews.

What if discussions about animal rights and welfare could be had alongside discussions of human rights? Could they not strengthen each other when discussed in a creative and realistic fashion, namely one that blurs the strict but fictitious distinctions between humans and animals? Might discussions of animal rights and welfare lead to fresh approaches to international human rights jurisprudence — or at the very least to a reimagining of narratives used to defend an allegedly "inherent" dignity of all humans, as stated in the Universal Declaration of Human Rights? Have human rights entered an era that requires new conceptual tools and paradigms, especially in light of decolonial critiques and the animal rights turn? During the past decade, academia and certain legal circles have witnessed the animal rights turn, which, as Jessica Eisen describes, "has been characterized by both an increasing subject-matter interest in animals and human-animal relationships, and a qualitative shift toward viewing animals as 'selves' whose lived experiences are morally, socially, politically, and even legally significant."[7] An important question surfaces, one that Peter Singer asks: What makes *humans* different from non-human animals, particu-

4. See, for example, Willie James Jennings, *The Christian Imagination: Theology and the Origins of Race* (New Haven: Yale University Press, 2010).

5. Jessica Eisen, "Animals in the Constitutional State," *International Journal of Constitutional Law* 15, no. 4 (October 2017): 911. https://doi.org/10.1093/icon/mox088.

6. Melanie Bujok, "Animals, Women and Social Hierarchies: Reflections on Power Relations," *DEP* 23 (2013): 32-47. https://www.unive.it/pag/fileadmin/user_upload/dipartimenti/DSLCC/documenti/DEP/numeri/n23/Dep_03.pdf.

7. Eisen, "Animals in the Constitutional State," 912.

larly when not relying on markers of species? Are considerations of animal rights so foreign because they conceptually threaten some unqualified claims to inherent human dignity stemming from metaphysical imaginations?

Your responses to these questions reflect certain ethical and moral biases and commitments. A dominant narrative (metanarrative) in Western theological and later humanist texts presents certain hominines as the pinnacle of creation, set apart from non-hominines by virtue of certain faculties (such as the use of reason or language)[8] or because of some theological principles (such as *imago Dei* or dominion theology stemming from some readings of Genesis 1:28). Rene Descartes — often referred to as the father of modern Western philosophy — separated beings into those who think (*res cogitans*) and those who do not (mindless automata), with the former retaining all superiority.

The question I pose here as a thought experiment is: Can talk of animal rights disrupt normative (read: colonial) anthropocentric anthropologies in an effort to expand rights for bodies that domestic and international legal systems consider *human* but which in practice are treated as animals (savages) themselves? In other words, might animal rights talk challenge the dominant paradigms of coloniality and the colonial matrix of power, thereby opening the door for a more robust and expansive understanding of *all* bodies beyond contemporary rights talk and regimes (many of which remain highly utopian and impractical)?

Dominant paradigm: Coloniality and colonial matrix of power

One does not have to delve into sociological analysis to acknowledge that the drama of life unfolds on multiple planes of difference and inequality. Despite humanist-liberal rhetoric that all "men are created equal" or Catholic theological anthropological speeches about inherent human dignity stemming from *imago Dei* (made in the image and likeness of God), the reality is that bodies matter differently in practice — with some mattering negatively, if at all.[9] This is one of the consequences of colonialism and coloniality, with *difference* now recast as signifiers of meaning and value according to its own set of norms and rules.[10]

8. See Jacques Derrida, *The Animal That Therefore I Am,* trans. David Wills (New York: Fordham University Press, 2008).

9. See Biko Mandela Gray, *Black Life Matter: Blackness, Religion, and the Subject* (Durham: Duke University Press, 2022).

10. See Jeannine Hill Fletcher, *The Sin of White Supremacy: Christianity, Racism, and Religious Diversity in America* (Maryknoll: Orbis, 2017), 39-44.

According to Anibal Quijano, the long and enduring process of "colonization of cognitive perspectives"[11] characterises coloniality. Foreclosing narratives different from the ones that bolster, as Nelson Maldonado-Torres writes, "the logic, culture, and structure of the modern world-system" is the distinctive feature of coloniality.[12] Modernity (neoliberal capitalism) and coloniality (continuation of colonialism in epistemic and ontological forms) are the byproducts of violent territorial conquests and the trans-Atlantic slave trade, as well as the ideologies (often metaphysical and theological) used to justify those incursions into unfamiliar territories in order to kill, handle and ship bodies not considered human or as subhuman. European myth-making-turned-narrative-logic (episteme) sustained European prominence as a centre of enunciation that dictated for the rest of the world what and who counts.

Coloniality, therefore, as distinct from colonialism (the foundations of the modern global system) underscores that domination concerns itself not simply with material conditions but with epistemological and imaginative ones as well. Lynching of the mind (meaning indoctrination into a certain episteme) continues to occur, despite former colonies and colonial subjects gaining "independence."

The colonial episteme, as a "spatial articulation of power,"[13] spread on a perceived linear trajectory out from the west (centre of enunciation) to the globe through the Atlantic circuit and mercantile capitalism. Walter Mignolo states, "The expansion of Western capitalism implied the expansion of Western epistemology in all its ramifications, from the instrumental reason that went along with capitalism and the industrial revolution, to the theories of the state, to the criticism of both capitalism and the state."[14] Capitalism and socialism, then, are two sides of the same colonial coin — a coin that takes for granted its own existence, logics and narratives about human existence, purpose and meaning on both an individual and societal level.

Dignity and rights flow from the pervasive logics (or narratives) of *man* — all within a Western rights system founded on categorisations and marked differences between civilised and savage, man and animals.[15] The genealogy of *man* as the pinnacle of creation can be traced at least to the conquest of 1492, which opened the door to modernity's distinctions between civilised and savage based on differences between rationality and irrationality. Mignolo contends that modernity and coloniality are one

11. Aníbal Quijano, "Coloniality of Power, Eurocentrism, and Latin America," *Nepantla: Views from South* 1, no. 3 (2000): 541.

12. Nelson Maldonado-Torres, "On the Coloniality of Human Rights," *Revista Crítica de Ciências Sociais* 114 (2007): 117-136, https://doi.org/10.4000/rccs.6793.

13. Walter Mignolo, "The Geopolitics of Knowledge and the Colonial Difference," *South Atlantic Quarterly* 101, no. 1 (2002): 57-96,. https://doi.org/10.1215/00382876-101-1-57.

14. Mignolo, "The Geopolitics of Knowledge," 60.

15. See Robert A. Williams, Jr., *Savage Anxieties: The Invention of Western Civilization* (New York: St. Martin's Press, 2012).

and the same since he places the origins of modernity in the Spanish colonial encounter of 1492. This "encounter," which resulted in colonial difference (a meeting between beings and tentative or suspended (non)beings), reveals "the underlying structure that sustains and governs … the order of knowledge and manages the order of being."[16] Of course, the coloniser (as the master signifier) emerged as the norm, while the colonised body became a contested site of subject (dis)formation.[17]

The logic, culture and structure of coloniality stem from certain metaphysical assumptions that have been — through rhetorical and educational transmission (often through forced religious/faith education) — accepted as normative, as the one true way to see and understand the world.[18] Hence, critiques of coloniality — or even colonialism — should interrogate more than the control of material resources or the insidious effects of epistemic domination.[19] Mignolo summarizes the four interrelated domains that, according to Quijano, make possible the colonial matrix of power that constitutes coloniality: "control of the economy, control of authority, control of gender and sexuality, and control of subjectivity and knowledge (epistemology, education and formation of subjectivity."[20]

The focus throughout will be mostly on the last domain. Since coloniality depends on a worldview built on a metaphysical foundation, critiques must assess the role of theologies and philosophies that legitimate and rationalise the norms and values of the worldview. Colonial Christianity, as noted by Frantz Fanon[21] and Tink Tinker,[22] is part and parcel of the colonial enterprise.

The Valladolid debates, for example, "mark the inception of a new theology that established clear hierarchies demarcating the division between humans and less-than-humans or between rational humans and humans who were lacking."[23] Such theology, in turn, depended on traditional theologies of the *imago Dei* and human dignity, to which we briefly turn as an example of an enduring form of colonial categorisation and arrangement now simply taken for granted.

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16. Walter Mignolo, "Decoloniality and Phenomenology: The Geopolitics of Knowing and Epistemic/Ontological Colonial Differences," *Journal of Speculative Philosophy* 32, no. 3 (2018): 360-387, https://doi.org/10.5325/jspecphil.32.3.0360.

17. An Yountae, "On Violence and Redemption," in *Beyond Man: Race, Coloniality, and Philosophy of Religion,* ed. An Yountae and Eleanor Craig (Durham: Duke University Press, 2021), 220.

18. See Walter Mignolo, *The Idea of Latin America* (Malden: Blackwell Publishing, 2005).

19. Yountae, "On Violence and Redemption," 207.

20. Walter Mignolo, "Introduction: Coloniality of Power and De-Colonial Thinking," *Cultural Studies* 21, no. 2-3 (2007): 155-167, https://doi.org/10.1080/09502380601162498

21. See Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1963).

22. See George E. Tinker, *Missionary Conquest: The Gospel and Native American Cultural Genocide* (Minneapolis: Fortress Press, 1993).

23. Yountae, "On Violence and Redemption," 207.

Valladolid and the native question: Conditioned humanity and non-being[24]

The new world "encounters" posed fundamental challenges to existing hermeneutics and ontologies, which in turn threatened the entire Western metaphysical project.[25] The European matrix had to find a way to make sense of the cosmological disruption (and anxiety) caused by an anthropological upheaval, namely previously unaccounted indigenous peoples that fell outside the Judeo-Christian, Western timeline and genealogy.[26] And so emerged the Native Question: What to do with these newly "discovered" bodies, these wholly alien life forms with irreconcilable cosmologies and worldviews? The colonisers used their existing colonial paradigms and theological-juridical reasoning — which they viewed as superior — to grapple with the Native Question.[27] The first order of business: to determine whether these bodies are made in the image of God and so can be considered humans with dignity and deserving of benevolent protections from the Spanish crown and the Catholic church?

Bartolomé de las Casas and Juan Ginés de Sepúlveda debated this exact question during the Valladolid debates (1550-51) in Spain. Accounts tend to demonise Sepúlveda for his position that indigenous bodies were not human because of their diminished rationality and "barbarous customs."[28] The same accounts laud las Casas as a champion of early human rights. But both men believed humanity was conditioned by approximation to the rational European Christian man, the so-called Vitruvian man.[29] This virtuous man — the pinnacle of creation — is rational, able to comprehend sophisticated philosophical and theological discourses that allow him (always a *him*) to understand Christian doctrine. With the rise of humanism (due in large part to Francesco Petrarca) and a renewed premium on human agency to shape the world and approximate God (thanks to the Council of Trent), reason took precedence over belief. Indeed, reason was the precondition for the right belief and the right way of being. This "shift was really the emergence of a new way of being human tied to conquest and slavery.[30]" The shift began within Christian scholastic theology (represented most notably by the School of Salamanca), "where human rationality

24. Portions of this section derive from my doctoral dissertation, "Not Out of the Dark Night: Beyond Sanitized Scenes of Instruction" (Ph.D. diss., Boston College, 2024).

25. See Eleanor Craig, "We Have Never Been Human/e: The Laws of Burgos and the Philosophy of Coloniality in the Americas," in Yountae and Craig, eds., *Beyond Man*, 90.

26. See Mark Rifkin, *Beyond Settler Time: Temporal Sovereignty and Indigenous Self-Determination* (Durham: Duke University Press, 2017).

27. Hill Fletcher calls this the "witchcraft of white supremacy." See *Sin of White Supremacy*, especially Chapter 2.

28. Mayra Rivera, "Embodied Counterpoetics: Sylvia Wynter on Religion and Race," in Yountae and Craig, eds., *Beyond Man*, 62.

29. See César J. Baldelomar, "Toward a Reimagined Theological Anthropology: Freeing the Excluded and Re-envisioning Scenes of Instruction," *Journal of Hispanic/Latino Theology* 22, no. 1 (2020): 1-24. https://repository.usfca.edu/jhlt/vol22/iss1/4.

30. Rivera, "Embodied Counterpoetics," 61.

began to be described as a divine quality that allowed humans to choose to rise above the fallen world and stand closer to God."[31]

Las Casas, trained in such scholastic theology, argued that natives could be human because they had the potential to be Christians, meaning to understand (through reason) Christian precepts and then accept Jesus Christ (the logos, the ultimate signifier of reason or reason itself). This *was* the redemptive factor that conditioned their human status: "The indigenous population was naturally predisposed to healthy and moderate customs and was therefore ready to receive the word of God."[32] Further, las Casas asserted that natives were passive infidels compared to the much worse active infidels (Moors and Turks) who know the "true Doctrine" but refuse to accept it.[33] To gain ontological status as beings, the petulant but noble natives simply had to submit to instruction in the "truth," to the pastoral care and cultural instruction of the friars.[34] This necessitated cultural annihilation, or cultural genocide, as Tink Tinker calls it.[35] Replace one culture, seen as limited and mythological, with another sold as universal, divine and eternal.

Las Casas, celebrated as an indigenous advocate, was anything but.[36] He imposed his exclusivist metaphysical and ontological paradigms onto flesh for the taking — onto bodies that would become disposable if not for their meeting the conditions of a worldview inherently foreign to them. The hierarchy of being, with the virtuous (asexual?) and rational Euro-Christian male at the top, was reaffirmed during the Valladolid debates. Those farthest in degrees from the ideal were presented as pure savages and objects, unable to participate in salvation and full humanity.[37]

But they could not be fully eradicated. Colonial order depended (depends) on these non-beings for its conceptual clarity. As Eleanor Craig writes

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31. Rivera, "Embodied Counterpoetics," 61.

32. David M. Solodkow, "The Rhetoric of War and Justice in the Conquest of the Americas: Ethnography, Law, and Humanism in Juan Ginés de Sepúlveda and Bartolomé de Las Casas," in *Coloniality, Religion, and the Law in the Early Iberian World*, ed. Santa Arias and Raúl Marrero-Fente (Nashville: Vanderbilt University Press, 2014), 191.

33. Solodkow, "The Rhetoric of War," 191.

34. Craig, "We Have Never Been Human/e," 98.

35. Tink Tinker defines cultural genocide as "the effective destruction of a people by systematically (intentionally or unintentionally in order to achieve other goals) destroying, eroding, or undermining the integrity of the culture and system of values that defines a people and gives them life." Tinker, *Missionary Conquest*, 6.

36. For an insightful demystification of Las Casas, see Daniel Castro, *Another Face of Empire: Bartolome de Las Casas, Indigenous Rights, and Ecclesiastical Imperialism* (Durham: Duke University Press, 2007).

37. Eleanor Craig and An Yountae, "Introduction. Challenging Modernity/Coloniality in Philosophy of Religion," in Craig and Yountae, eds., *Beyond Man*, 19.

> The overrepresentation of Man as the universal or universalizable category of the human depends for its claims to attainment and coherence on the (invention of the) racial/colonial other. It figures indigeneity, then blackness, as the materialization of ontological lack, the antithesis of Man that defines it by contrast.[38]

Man as a universal ontological signifier morphed into *human* — a category that encompasses all hominines, but in different degrees. Liberal-humanist rhetoric could no longer explicitly separate beings into animal (or beast) and human, lest the project of "progress" hit a snag. So now all hominine bodies are human, but with different worths and values (though not openly mentioned). Enter "Human Rights" to buttress the category of the human and the entire liberal-humanist fantasy.[39]

Coloniality of Human Rights

Walter Mignolo argues that "human rights today continues to be an imperial tool at the same time it became a site to fight injustices that qualify as violations of human rights."[40] Of course, the same regime that created the categories of human rights also has the power to denounce human rights violations and those who are committing them — often without looking within to see how colonial power dynamics exert violence and suffering upon certain humans without political agency or economic clout.

The "progressive" or linear story of human rights begins with the 1948 Universal Declaration of Human Rights — an instrument said to be the clearest articulation of what *all* humans on earth desire for a life of dignity and peace.[41] Though some human rights scholars claim that the Declaration was an international instrument that reflected the will of nations, Mignolo counters by stating that the development of the current human-rights regime was largely American and British-led, with some input from other European nations.

The US, for example, was content with de-colonial attempts as long as the colonised nations, once free from colonial rule, adopted free-market economic models that aligned with US interests.[42] Upholding human rights, according to the dominant rhetoric, was a concern only in the Global South or in Communist countries or regions, but not in the Global North nations. In other words, even today, the dominant human rights rhetoric continues to emphasise that human rights violations are very

38. Craig and Yountae, "Introduction," *Beyond Man*, 4.

39. See Calvin Warren, *Ontological Terror: Blackness, Nihilism, and Emancipation* (Durham: Duke University Press, 2018).

40. Walter Mignolo, "Who Speaks for the 'Human' in Human Rights?" *Hispanic Issues Online* 5, no. 1 (2009): 7-24, https://hdl.handle.net/11299/182855.

41. See Johannes A. van der Ven, *Human Rights or Religious Rules?* (Leiden: Brill, 2010).

42. Mignolo, "Who Speaks," 16.

unlikely to occur within the free-market and democratic — and by extension, "civilised" — nations of the First World.[43] Indeed, the Global North — through its universal human rights theories, rational social institutions and positivist legal systems — allegedly provide optimal protection to the international community against human rights violations that occur far away from the centres of power and enunciation. Those peripheral areas include the caves of the Middle East, the jungles of Central and South America as well as the deserts and plains of Africa — all once the imaginary but real terrains of so-called animalistic beings. Paternalistic and interventionist policies — guided by the national interests of a few powerful, imperial nations — are new expressions of colonialism under the guise of international security.[44] The human right to dominate yields to yet another form of coloniality, that is, the epistemic centring and privileging of conceptions of rights and the human constructed and perpetuated by those from the centres of geopolitical power (i.e., the United States and European powers).

As we have already discussed, one of the main assumptions coming first from the Judeo-Christian tradition and later from the humanist and scientific revolution is that of the superiority of the rational and linguistic human being within the hierarchy of creation. This assumption remains widely unchallenged today in dominant human rights discourses. Indeed, human rights — as conceived in the Universal Declaration of Human Rights — "presupposes that 'human' is a universal category accepted by all and that as such the concept of human does justice to everyone."[45] Shortly before "Indians" entered European consciousness, humanist scholars were hard at work cementing the exalted place of man. One oft-cited example is found in Giovanni Pico Della Mirandola's *Oration on the Dignity of Man,* which placed humans as between God and animals (but not above angels), since "[m]an appears as a being who is endowed with an open-ended set of possibilities in comparison to nature and animals, which are prescribed one meaning or function by the Creator."[46] Though it would be difficult for anyone (besides neo-Nazis and other far-right hate groups) to admit that humans continue to be ranked today along some chain of being, the truth remains that some bodies matter (are worth) more than others. Not all rights are equal. Mignolo consistently points out that we are all born equal but then subject to unequal distributions of power based on our genders, race, ethnicity, socioeconomic class and even physical appearance and healthiness. Expanding rights talk and re-envisioning theological-philosophical paradigms of the human are essential to decolonising both law and theology — and to imagining what never was. Perhaps talk of animal rights

43. Consider, for instance, that the overwhelming number of cases before the International Criminal Court (ICC) concerns nationals of African nations.

44. See Nicola Perugini and Neve Gordon, *The Human Right to Dominate* (New York: Oxford University Press, 2015).

45. Mignolo, "Who Speaks," 7.

46. Maldonado-Torres, "On the Coloniality of Human Rights," 120.

— as an imaginative exercise in including flesh of all sort as deserving protections — could begin the arduous process of disrupting and expanding human and current rights talk.

Starting the thought experiment: Notes on re-envisioning human and rights

So long as there is no reimagining or re-envisioning of what it means to be human, rights talk will also remain unchallenged and will never expand to include non-humans, hominines of reduced capacity or ability, or those considered subhuman or non-human in practice. The distinction between savage and civilised (or rational) continues, though in a more covert fashion. And since what is not fully rational can be considered *nature* under the dominant definition of *man*, some humans with cognitive or physical incapacities and non-human animals can fall under the *nature* definition, paving the way for "rational" humans to control them through technologies and techniques of exclusion, isolation, therapeutic intervention or destruction (for example, biopower). A broader understanding of the "human" (or even envisioning post-human possibilities) will expand the rights circle to include a plurality of bodies that don't fit the "rational" renaissance man script.

A fresh and creative theological-anthropological imagination is thus necessary for new ethical and legal imaginations to take flight. Such imaginations need to be dislodged from sole reliance on religious (particularly Judeo-Christian) narrative theo-logics that have been instrumental in establishing humanity as the pinnacle of Divine creation and the natural order. In the Christian tradition, animals occupy the lower rung of a hierarchical scheme in which humans are on top. This, in turn, has deep ethical implications. For starters, animals are excluded from serious justice considerations because of their non-human status — in effect, because of speciesism.[47] So animal rights and welfare talk are of less concern than human rights talk. I have often heard the question: "How can we talk about how cows and chickens are treated when there are people suffering from malnutrition and hunger?" No doubt this is a serious concern, but why do conversations on justice entail devaluing the well-being of non-human animals? Cannot both humans and non-human animals attain rights? Put differently, why continue imagining human rights and animal rights as opposed, especially when some humans are categorised, perceived and treated as animals? What if the narrative changed to reflect a more cooperative stance between animal and human rights campaigns?

As discussed throughout this essay, most ethical arguments in favour of human dignity or human rights centre on the rational capacity of humans, expressed princi-

47. Bujok, "Animals, Women and Social Hierarchies," 45.

pally (though not exclusively) through linguistic capacity. The dominant paradigms of the human, cast as universal and common sense (simply as the way things are) omit neuro-divergent humans with a "diminished" rational capacity, such as those diagnosed with Alzheimer's, Down Syndrome and Autism. According to David Plunkett, the starting point for ethical reflection is always the healthy adult human (usually white and male) with standard cognitive functions.[48] What about everyone else? Questions about non-human animals' ethical standing is tied to discussions about the ethical (non)standing of humans with impaired cognitive abilities or of women (ranked low on Aristotle's hierarchical fantasy) or of people of colour and indigenous communities (consistently represented as a savages or as animals). Conundrums like this can be better resolved by proposing an ethics based not on reason but rather on relationality and on compassion for *all* sentiment beings. In a sense, utilitarian philosopher Jeremy Bentham was an outlier of a philosophical tradition dominated by reason as the principal qualifier of ontology. He asked: "The question is not, Can they reason? Nor can they talk?, but Can they suffer?"[49] Bodies that can suffer deserve consideration, regardless of their legal and ontological status.

Josephine Donovan calls for an ethics based on attentive love, which demands that one consider the lived experience — especially the suffering — of the *Other*.[50] The *Other* does not mean only the human other, that is, the one hailing from a distinct context or embodying a different reality from one's own. The *Other* also means non-human animals. Attentive love "recognizes that actually seeing another's reality means constituting him or her as a subject with separate needs from one's own."[51] Thus, an epistemology grounded in attentive love leads to an ethic of care that is possible only by acknowledging the other as a being in itself that is distinct from one's self and one's ego.[52]

Biko Mandela Gray describes deep caring as the act of sitting with, refusing to move on despite how painful reality gets or the actual experience is. He writes,

> Sitting with someone isn't always easy. Especially when they are struggling — and even more so when this struggle is one of life and death. In these moments, it is hard to stay there; as your beloved cries or sits in shock, as they bleed are or afraid, as they face their death, you might find yourself wanting to leave. You want to look away. But you don't.

48. David Plunkett, "Justice, Non-Human Animals, and the Methodology of Political Philosophy," *Jurisprudence* 7, no. 1 (2016): 1-29, https://doi.org/10.1080/20403313.2015.1128202.

49. Cited in James E. Crimmins, "Jeremy Bentham," in *The Stanford Encyclopedia of Philosophy* (Fall 2024 Edition), ed. Edward N. Zalta and Uri Nodelman, https://plato.stanford.edu/archives/fall2024/entries/bentham/.

50. Josephine Donovan, "Sympathy and Interspecies Care: Toward a Unified Theory of Eco- and Animal Liberation," in *Critical Theory and Animal Liberation*, ed. John Sanbonmatsu (Lanham: Rowman & Littlefield, 2011), 292.

51. Donovan, "Sympathy and Interspecies Care," 292.

52. Donovan, "Sympathy and Interspecies Care," 293.

> You stay. For as long as you can. For them. As a method, sitting-with begins with a commitment to not move on.[53]

To care for flesh that has been demeaned, destroyed and annihilated despite humanist rhetoric and the prevalence of rights talk is to attempt to rethink the concept of *human* and its corollary, human rights talk. I do not wish to minimise the import of terms and concepts like human, dignity or human rights, especially for minoritised and marginalised communities that suffer continual physical, emotional and epistemic onslaughts. Often the only obstacles to the destruction or harm of certain bodies are the laws that threaten preparators of harm with punishment. Yet, to envision rights talk that responds to the needs of all flesh — including flesh not considered human or beings actually not scientifically hominines — rights talk must find conceptual partners outside its usual bedfellows of Christianity, humanism and colonial conceptions of man, dignity and justice.

An initial step is for human-rights advocates, theorists and students to sit with the rather local, unstable genealogies and harmful deployments of human and rights (as separate categories) and human rights (as a legal-political category). Acknowledge the bricolage of Christian and colonial sources that coalesced — by design — to form such cherished concepts as human and dignity. One can demystify terms encased in an almost sacrosanct aura by tracing their spread and transformation from local European concepts to a universalised mythology, made possible by the movements of the trans-Atlantic slave trade and colonialism. Add capitalism and the mission seems complete: a total transplant of foreign ideas and concepts recast as universal truths (a natural law) applicable across all time, space and place.

Instead of holding onto universal claims of construction (even ones that seem benign and well intentioned), the most constructive option would be to expand the sources, speeches and scenes of instruction of what it means to exist as flesh within a layered body in a world of differences punctuated by a history of domination upon domination.[54] Decolonial scholars and activists call us to begin constructing the pluriverse — interconnected, entangled worlds of plural possibilities for thinking and being otherwise made possible by the mixing of all sorts of different sources and experiences (universals within universals).[55] A pluriversal conception of the *human* demands listening to voices other than the usual suspects — especially when such

53. Gray, *Black Life Matter*, 8.

54. Michel Foucault writes, "Humanity does not gradually progress from combat to combat until it arrives at universal reciprocity, where the rule of law finally replaces warfare; humanity installs each if its violences in a system of rules and thus proceeds from domination to domination." Foucault, "Nietzsche, Genealogy, History," in *The Foucault Reader*, ed. Paul Rabinow (New York: Vintage Books, 2010), 85.

55. See especially Bernd Reiter, ed., *Constructing the Pluriverse: The Geopolitics of Knowledge* (Durham: Duke University Press, 2018).

voices disrupt sanitised presentations (i.e., idealised understandings) of existing rights talk, what it means to be human and conceptions of dignity.

To go wherever the questions might lead (regardless of the risks) is an act of deep care. It is taxing work to unravel systems, particularly ones that claim to protect the vulnerable. But in a world that overvalues rational beings at the expense of bodies deemed irrational, new imaginations are overdue. Rights talk needs to consider more expansive paradigms of the human, dignity and rights — those not solely based on natural law, anthropocentrism, utilitarianism, exclusive worldviews and theologies, and the capabilities approach (with reason being the main capability).

An expansive ethical imagination, such as the one I am proposing, demands a re-envisioning not only of human and non-human animal ontologies and relations but of relations to the entire natural world and even to the cosmos (in their pluriversal splendour). The collective inability — or perhaps outright refusal — to imagine other ways of being and living in the world is largely the result of a collective restraint on imagination. With threats to our collective survival (from the environmental crisis, no less) and an enhanced sense of precarity, perhaps now is as good a time as any to envision what never was because of enduring colonial arrangements. One possibility lies in revisiting — and acknowledging — the functions of animality — or of certain bodies cast as animals. Why are animals automatically the lowest life forms? Because of their "lack" of reason? Surely, it is nigh time to reckon with faulty, dated chains of being and hierarchies constructed solely on metaphysical fiats and pseudo-objective natural law theories posing as universal, absolute truth. The sliding scale of worth has always been broken but remains operative. Foreclosing conversations or possibilities for expansive rights for all sorts of flesh that was never human to begin with in the name of human dignity and rights — just another iteration of coloniality under its paternalistic mantle.

BIOGRAPHY: A scholar with wide-ranging interests, César "CJ" Baldelomar is Assistant Professor of Theology at Saint Mary's College of California (Moraga, California, USA). Previously, he was Visiting Lecturer in Religion at Mount Holyoke College and an adjunct professor at Boston College, where he earned his doctorate in Theology and Education. CJ was a Boston College Morrissey College of Arts and Sciences Dissertation Fellow and a *Commonweal* Synodality Writing Fellow. CJ's research blends critical theory (especially post-modernism and poststructuralism) and decolonial thought, exploring how knowledge production (epistemology, theory and scholarship) and consumption (teaching and learning) inform the formation of identities (ontologies) and communities. CJ is at work on his first book, *Fragmented Theological Imaginings*, to be published by Convivium Press in late 2024 as part of the New Horizons in Hispanic Catholic Theology series. He currently serves on the board of the Spirituality and Sustainability Global Network and as Book Review Editor for *Religious Education*.