

# Who is a Human Rights Defender? An Appraisal of Labour Practices in the Human Rights Economy

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## Abstract

The last decades have witnessed a conceptual opening of human rights practices, hitherto prerogative of a chosen few legal experts, towards a multiplicity of subjectivities. This afforded human rights scholarship to address subaltern histories and reckon with past exclusions. Conversely, critical deconstruction and empirical diversification have aggravated the seemingly basic, yet thorny quest for defining human rights activism and identifying human rights defenders. This not only poses a challenge to research but, foremost, opens human rights concepts to abuse and undermines protection regimes. In this contribution to the *Journal of Human Rights Practice's* Anniversary Issue, I trace the definition dilemma as it emerges from emancipatory developments in human rights practice scholarship. I am not pretending to solve this dilemma; rather, I offer 'metaphorical dislocations' changing the terms of discussion to elicit new avenues of thought. Taking common allusions to the economy of human rights as my point of departure, I pursue Marx's critique of political economy as a metaphor to describe human rights activism as a labour practice that a) produces discursive value qua rendering violence legible and b) transforms activist cultures socio-politically. Hence, I encounter the subjectivity of human rights defenders in the tensions between the co-dependent dimensions of practice and its political representation. The aspiration of this think piece is to emphasize the importance of co-constructing common foundations in the research on human rights activism, and to provoke responses leading us out of the all-too-well known trenches of debate.

**Keywords:** activism; contentious politics; critical political economy; human rights defenders, human rights practice; human rights

## 1. Introduction

What is human rights activism and, hence, who is a human rights defender (HRD)—and who is not? These questions of definition are as basic as they are pending and contentious in human rights scholarship. On closer inspection, the questions' lingering relevance seems only obvious given the conceptual opening not only of human rights but also human rights *practice*, from being the prerogative of a few legal experts towards a multiplicity of subjectivities (Dudai 2019). The resulting diversification of scholarship afforded a reckoning with subaltern histories that was long overdue. But in this environment, embarking on definitions, or delimiting analytically research that had just been unleashed empirically, would risk silencing those voices that we, as researchers, just began to listen to.

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One might respond, ‘why do we need to draw analytical boundaries at all?’. I believe there is an analytical and an empirical answer to that: analytically, a tautological circle appears to underpin unmitigated practical and political approaches, which are different from moral approaches in that they concern the performative dimension exclusively, that is, how human rights are used and for what ends (Goodale and Merry 2007). Take for example the declaration of the United Nations defining human rights defenders as ‘individuals or groups who act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms through peaceful means’ (UN 1999). Boiled down, this suggests that HRDs are all those practitioners who defend human rights, broadly conceived, while—following practice-based logics—human rights are what practitioners make of them. Eventually, circular reasoning leaves the scope of what counts as human rights practices at the discretion of discursive authorities altogether, with potentially troubling normative implications. Empirically, the success story of human rights led abusive actors to start mimicking the rhetoric and practices, from right-wing settler NGOs in Israel and government-organized non-governmental organization (GONGO) in China to xenophobic campaigns in Europe (Dudai 2017; Farris 2017). Entrepreneurs of violence may exploit the conceptual blur to shield their actions behind defending certain rights of some people or to attack the legitimacy of activist demands.

This article is an attempt to come to terms with definition issues without, however, suggesting a universal definition that cannot but fail to grasp diverse empirical realities, where even the basic notion ‘HRD’ is far from consensual. I endeavour to render productively the key tension between understanding human rights activism as a principally open practice and defining analytical boundaries. To do so, I draw on a methodology commonly applied to escape such impasse, namely conceptual metaphors (see Davidson 1978). Metaphors elicit new imaginations through a play between dislocation and referentiality. This creatively exposes certain inner workings and hence affords novel on-ramps for analysis. By taking Marx’s critique of political economy (CPE) as a metaphor, I conceive of human rights activism as a labour practice that produces surplus-value for the *discursive* economy of human rights and sustains socio-cultural relations of production. Though perhaps alienating to some, the metaphor of CEP offers a vantage point for debating the subjectivity of HRDs in relation to different functional logics of human rights practices.

Metaphorical inquiries into essentially contested analytical boundaries open this think piece to different directions of criticism. Like any metaphor, CPE can inspire new vocabulary yet ‘dies through literalness’ (Faustino 2019: 485). Accordingly, I do not apply CPE *literally* as an economic framework for human rights activism. My reasoning is neither empirically systematic, analytically universal, nor normatively prescriptive, but impressionistic and forward-looking: a contribution to *caminar preguntando* in this Anniversary Issue, the quest of advancing human rights practice scholarship through interrogating the foundations laid therein.

## 2. Studying human rights activism as practice: from NGOs to the pluriverse

Scholarly narratives often remind us that the end of the Cold War also engendered a reorientation of human rights research: empirical social science increasingly joined the traditional disciplines of law and philosophy (Brysk 2020). The growth in human rights scholarship was sustained by two larger trends in the study of international relations: social constructivism—based on the belief that norms can socialize states and shape their behaviour—and the turn towards non-state actors, particularly non-governmental organizations (NGOs) (Donnelly 1991). Social constructivists re-appreciated the work of activist organizations for building transnational advocacy networks (TANs). Their debates eventually peaked in the 1990s with the ‘spiral’ (Risse, Ropp and Sikkink 1999) model, teaching generations

of human rights scholars about how TANs would shape international norm diffusion and domestic institutional change.

While human rights activism entered the limelight of research as a practice of international politics, it did so mostly in the form of professional advocacy at the heart of the TANs. Zooming in on the advocacy of Amnesty and the likes, fed into the zeitgeist at the turn of the millennium that propelled even critical theorists like Robert W. Cox to consider civil society and not the state system as a 'crucial battleground for recovering citizen control of public life' (Cox 1999: 27).

Associating activism with NGOs, TANs, or the broader concept of civil society elicited critical reactions—two prominent types I like to mention here: first, normative critique points out that research on civil society actors has largely taken for granted that these actors are a progressive force for good, blinding out the disempowering, or 'uncivil' sides of NGOization or humanitarianism (Choudry 2010; Kennedy 2004). Second, critics target civil society for being premised upon the idealized (Western) modern society, the reason why the concept would be bound to fail (postcolonial) reality checks. In his scathing review, Chatterjee (2004) has us consider that civil society harbours a primary distinction between the public and the private space, and projects thus a homogenous idea of professionalized NGO activism that concerns only a small elite in postcolonial societies.

Amidst these controversies, voices within anthropology and sociology rose to prominence in human rights research by exploring how human rights are understood, practiced, and endowed with specific meanings in messy quotidian lives (Goodale and Merry 2007; Short 2009). These voices have contributed to a distinct scholarly perspective on human rights *practice*, unpacking the ways in which actors in different, sometimes very intimate contexts appropriate, claim, resist, re-envision, or otherwise put human rights into practice as part of their activities (Dudai 2019). This takes human rights practitioners as the point of departure, while simultaneously widening our conception of this subjectivity, such that, for example, Zapatista rebels (Speed 2007) or artists (Phillips 2011) have joined the ranks of lawyers and advocacy professionals in the scholarly imaginaries of HRDs. Human rights practice scholarship developed a rich and very diverse epistemological basis, held together probably only by the common belief in human rights as ever-changing constructions that stimulate political claims and actions (Dudai 2019: 276).

Blurring analytical boundaries of what constitutes a human rights practice have been deconstructed further by post-/decolonial scholarship. Rajagopal (2009) conceives of human rights essentially as a language for both power and resistance that in its conventional application has erased diverging vocabularies of emancipation. Post-/decolonial agendas aim at salvaging counter-hegemonic reinterpretations of human rights through dialogues with a pluriverse of different epistemologies of the Global South to expand beyond the borders of Western thinking (Santos and Martins 2021: 9–11). The search for a universal core of human rights, however minimal, has eventually given way to the study of heterogeneous usages and trans-local alliances (Goodale 2022).

This article is firmly rooted in the belief that the critique and deconstruction of narrow understandings—excluding certain voices, experiences, and knowledges per se—are *sine qua non* for human rights (practice) to assume significance in contemporary political struggles. Only by purging the remnants of civilizational arrogance, baking exclusion and epistemic violence deep into human rights traditions, can we surmount (white) saviourism that subalternizes the objects of activist discourses either as 'savages' or 'victims' (Mutua 2001). As an intervention, though, this article calls attention to the inadvertent ramifications, that is, how the concomitant blur of definitions opens backdoors for exploitative practices.

When we consider human rights as a principally open and contested language for emancipation, developed by, while also defining human rights practitioners, then it seems difficult not to arrive at an 'anything goes' attitude. Most definitions of HRDs bear on the UN declaration cited above, which enumerates deliberately broad features—for

example commitment to human rights and non-violence—rather alluding to an intuition in the spirit of ‘we know it when we see it’ than clear conceptual distinctions. This fuels the dangerous fragmentation of human rights debates into staunch advocates and fierce critics: the former holding on to a normative ideal and translating ever more subaltern voices into human rights to resuscitate their legitimacy especially in the Global South; the latter referencing the long list of human rights appropriations for imperialist wars, colonial governance, and (racialized) discriminations. What is at stake in engaging with definitions is hence far more than the unsatiable academic appetite for conceptual taxonomies: our orientation as a research community amidst contemporary trends in human rights practices. Shall we accept human rights as a battlespace of meaning, a pluriverse devoid of normative safeguards where we must endure all types of discursive (ab-)uses? Or shall we reinsert analytical boundaries to shield human rights, and HRDs, against malicious appropriations—but, if so, how can we do this without recommitting past errors of silencing subaltern experiences?

### 3. On definition dilemma and metaphorical escapism

Definitions are a tricky thing. Let me describe further how I conceive of the dilemma that has also kept me personally from finding a satisfactory answer to ‘who is an HRD’, despite a decade of research and personal exchanges with activist communities. The UN Fact Sheet 29 elaborates on the 1999 declaration by specifying that HRDs ‘are identified above all by what they do’ (OHCHR 2004: 2), affirming that occasional links to the protection of human rights suffice. It further lays out three requirements: HRDs accept the universality of human rights, their concerns fall within the scope of human rights, and their actions are peaceful (OHCHR 2004: 9–10). Talking from the perspective of practitioners, Eguren Fernández and Patel (2015) contend that such broad definition yields ambiguities states can instrumentalize to recognize only allied and persecute inimical activist groups, as observed in Nepal, Colombia, or Guatemala. One might add here that this approach to definition also offers no normative safeguards against surging exploitative practices of, for instance, framing anti-feminism and genderphobia as the protection of religious freedom and free speech, as visibly done by the ultra-conservative legal advocacy group Alliance Defending Freedom (ADF). Eguren Fernández and Patel advocate clearer definitions, outlining a context-sensitive, ethical approach centred around the critical and self-reflexive subjectivity of the HRD; but this caters to a certain outstanding, probably professional activist persona dissociated from wider activist practices in the moral grey zones of violent contexts. Based on their experiences as human rights attorneys in the West Bank, Jaraisy and Feldman (2013), hence discuss the limitations of the Fact Sheet’s requirements: what means accepting the universality of human rights, when national liberation activists live within highly conservative communities where certain women’s or LGBT rights contradict social norms; or how do we define peaceful, when protests under brutal repression turn into violent situations? Although Jaraisy and Feldman alert us to the inevitable challenges of opening the HRD concept to different contexts and practices, they nevertheless join the call for more robust and precise definitions to ensure activist protection (Jaraisy and Feldman 2013: 432–33).

In the remainder of this article, I am not pretending to solve the definition dilemma between conceptual widening and clarity—what I do propose, though, are three metaphorical dislocations that disrupt the terms in which the dilemma is posed. Metaphors establish relations based on analogies instead of logical deductions. They push existing phenomena into unfamiliar discourses but maintain certain referentiality, prompting us to improvise new vocabularies to think about familiar conundrums (Davidson 1978: 43).

The dislocating, or disconcerting, facet of CPE as a metaphor for human rights practice is perhaps more apparent than its referential one, specifically considering Marx’s own objections to human rights. But on a closer reading, the *Capital*’s working premise of exposing

the law of motion of modern society may prove productive. Marx seeks to understand society and its parts (or classes) not as essentialized and pre-existing identities but as produced and continuously transformed in interactive practices for value creation. This proposes an alternative to the definition of universal identity of HRDs—inevitably running into the dilemma between openness and clarity—setting the focus rather on how activists navigate their subjectivity in the dynamic system of practices producing and circulating human rights norms. We can learn from CPE to discern the specific function of HRDs' activism for human rights practices overall and to relate their subjectivity to how this function is politically mediated in context-specific activist cultures.

## 4. Three metaphorical dislocations

### 4.1 Human rights as discursive economy

Without recourse to allegedly higher principles or natural law, scholarship on the politics and practice of human rights must find answers as to why these rights are legitimate and significant for political emancipation. A common response invokes the apparent popularity of human rights around the globe—as a moral *currency*, widely *circulating* norms, or a language that has crowded other vocabularies out of global justice *markets* (see [Kennedy 2002](#)). The subtle, widespread, and perhaps inadvertent, application of economic metaphors to explain the value of human rights inspired me to pursue CPE as an analytical metaphor, beginning with the idea of a discursive economy.

The commodity as a good or service produced for the purpose of exchange has more in common with human rights that it might appear on the first glance. Marx considers commodities as a complex of two things: the qualitative use value, or utility of things to satisfy human needs, and the quantitative exchange value 'indicating the proportion in which values in use of one sort are exchanged for those of another sort' ([Marx 1887](#), Vol. I: 27). The exchange of commodities requires a total abstraction from use value that allows us to render different material things equivalent (*ibid.*: 28). One could argue that human rights activism operates through an analogous split, between socio-political actions and demands that bear a use value for the community (for example resisting military oppression), and the expression, or 'commodification', of these demands in the language of human rights (for example right of self-determination or liberty) to find recognition and facilitate exchange within the human rights regime. Historically, other discourses have served the function of a common language for exchanging solidarity—for example, liberation theology and socialism for decolonization movements—yet the current reach and pace of co(mmo)difying activism demands as human rights norms and solidifying human rights infrastructures goes unparalleled. It ranks amongst my most enlightening activist memories organizing visits of East African activists to Berlin, who surely did not find their salvation in human rights but mastered them as a language to express their lived realities. Inasmuch as many of their political ancestors forged solidarity through socialist rhetoric at the Pan-African Congresses, they came to open the hearts and doors of donor institutions and fellow activists at human rights forums.

The abstraction that is necessary for the exchange of equivalents through human rights vocabulary obliterates contextual complexities and particularities, though—potentially amounting to what Marx described aptly as alienation and fetishism. According to him, production for direct exchange, instead of usage, alienates labour from the producer and stamps it upon the commodity such that it appears as its objective character, or value (*ibid.*: 47). Commodity fetishism arises when social relations are imparted on commodity exchange, evoking the fantasy of independent beings instead of products of labour (*ibid.*: 48). By analogy, it is tempting to mistake the International Bill of Rights, legal norms, and the institutions of their exchange—the mega conferences and court rooms grassroots activists all-too-often feel alienated from—for the foundation and social world of human rights

overall, when, in fact, they are the product of ‘past, materialised, and dead labour’ (ibid.: 136) by generations of activism making these institutions possible.

The first metaphorical dislocation sheds a critical light on the aspiration to design counter-hegemonic and more contextual human rights languages. As a product of activism, and not its essence, human rights resemble a commodity for gathering solidarity, and this commodification naturally requires abstraction, simplification, and a certain hegemonic appeal to communicate across the pluriverse of experiences on this globe. I would argue that the issue lies not with commodification as such but with an inversion, or human rights fetish of some (critical) observers, (legal-political) elites, and some activists themselves, who take performances within the shiny marketplaces of international law and policy as primary terrain, at the expense of attending to activism’s use value in particular circumstances.

Conceiving human rights as a discursive economy propels us to differentiate activism from the contingent languages it is expressed in, and to analyse the recognition of activists as HRDs as dependent upon systemic discourse-economic processes. Most obviously, the latter concerns situations where activist demands are neither picked up by nor circulated within human rights markets as other issues and places receive more attention. But there are also crises born out of ‘feverish production’ (ibid.: 300) when human rights communication exceeds activist demands fairly. Take Thomas Bach, president of the International Olympic Committee (IOC), justifying the readmission of Russian and Belarusian athletes, despite the ongoing war in Ukraine, as ‘a responsibility towards human rights and the Olympic Charter’ (Reuters 2023). When major inter-governmental institutions and NGOs—like creditors in the financial system—fail to resist the self-preserving instinct of blindly commodifying ever more issues as human rights issues to boost their causes, they inflate the language and depreciate its value for raising solidarity, particularly in (post-colonial) contexts where human rights are anyway met with suspicion.

## 4.2 Human rights activism as labour practice

If we follow through on the metaphorical resignification of human rights as commodities, we can broach activism as the labour that produces their value. Marx bases his CPE on the labour theory of value for which the distinction between the production and circulation of commodities is fundamental: Though it may be tempting to believe that value is created in the latter, Marx insists that determining the price only refers to the phenomenal appearance of a commodity, whereas its real, or noumenal value only originates from the living human labour embodied in it (Marx 1894, Vol. III: 28–32; 1887, Vol. I: 29).

What then defines (activist) labour? To Marx, labour is a human activity that is intentional in the sense that it effects alterations of material pre-designed by imagination. In the labour process, human activity harnesses the means of production—working instruments and raw materials—and incorporates itself in the product as its value (Marx 1887, Vol. I: 127–31). This sustains a circuit of metamorphoses in capitalist economy: labour produces a commodity that is useful for somebody who exchanges it for money—signifying a transmutation of the commodity into a universal equivalent, or crystal of value (Marx 1887, Vol. I: 71–77). I submit that Marx’s take on the production of value offers an ingenious metaphor to unpack the mythical in human rights activism: Drawing on human rights language as instruments, activism affects changes in the experiences of violence it works ‘upon’. Activists suggest ways to express what seems ineffable as violations of basic rights, thus providing violence with political shape to tame its haunting nature and transform it into something describable. Cast as a rights-violation, violence can be scaled, measured, opposed, and eventually prevented. Activism ascribes inter-subjective meaning to experiences of violence, producing genuine rights discourses and, therefore, surplus value for the ever-evolving global human rights economy, which rewards activists with solidarity, the universal equivalent in which the value of activism is expressed socially.

Imagine human rights activists casting severe health damages in Colombian territories as a direct effect of industrial mining and expressing their political demands in the language of the right to environment or health, for example. This adds a new facet—argument or case—to discourses on these human rights norms. While this communication might have little use value, or even prove counter-productive for local litigation strategies (depending on the authorities' receptiveness to the human rights arguments), activists in Mexico or Indonesia can draw on the Colombian struggle, as it is embodied in human rights communication, to boost their own advocacy on issues that now appear as related. In exchange, Colombian activists receive the solidarity of a globalizing human rights movement to increase political pressure and sustain advocacy efforts.

Consider the successful lawsuit against Shell concerning oil spills of a pipeline. Nigerian farmers and their communities resignified oil pollution as disastrous violence against the environment and people resulting from corporate negligence, going through an arduous litigation process sustained by the global human rights infrastructure offering solidarity and legal representation in the Netherlands. The landmark ruling on the civil liability of corporations for actions of their subsidiary undoubtedly bears enormous exchange value for future claims and human rights litigation. Yet, the use-value of the decision in 2021 for the harmed communities, 16 years after the first spill and after several claimants passed away, is a different and surely more ambiguous matter (see [Bernaz 2021](#)).

The second metaphorical dislocation encourages us to distinguish activism as labour practices that produce value from those practices that codify, litigate, adjudicate, or otherwise circulate human rights norms in the discursive economy. It introduces a functional perspective on the quest of defining human rights activism: one that binds the subjectivity of HRDs to the practice of rendering violence visible, prompting actions by the human rights regime as the currently hegemonic response system for human misery. This practice requires listening to subjective experiences of violence and finding the courage to speak out; yet it does not presuppose a legal-political habitus to govern or circulate communication in institutional systems as this refers, in my view, to another function or class of human rights practices. Empirically, telling apart practices of producing and circulating human rights norms proves difficult—Marx also remarks that production and circulation intertwine and adulterate their distinctive features ([Marx 1894](#), Vol. III: 29). Yet, the inevitable ambiguities in the twilight of distinguishing practices should not mislead us to do away with boundaries that not only reflect functional differentiations but also positions of class and power, on which I will ponder now.

### 4.3 Human rights defenders as workers

Up until this point, I have reconstructed human rights activism as if it would exist in a socio-political vacuum. Marx, however, embeds his economic studies in the historical analysis of capitalism and the associated reconfigurations of society. This allows him to show that the development of the productive forces (labour, its instruments, and materials) can stand in tension with the social relations of production; a tension that fuelled (post-) Marxist theory building and becomes pertinent also in discerning human rights activism as a labour practice from the human rights defender as a socio-political figure.

According to Marx, the relations of productions refer to the totality of relations people must enter to (re-)produce their means of life in accordance with the forces of production. This economic structure of society conditions both social consciousness and the legal-political superstructure ([Marx 1859](#)). A famous passage in *The Eighteen Brumaire* problematizes deterministic interpretations of economic structure and social consciousness through contrasting a descriptive idea of class as economic position with a transformative class consciousness developed only through political representation, characterized by imposition and appropriation ([Marx 2009 \[1852\]](#): 98).

From this view, people may call out the violence they are exposed to by means of human rights language without having the consciousness of practicing human rights or activism, because the terminology is alien to, or connoted badly in their own discursive traditions. Contested human rights histories in Latin America illustrate this point: the success of human rights activism as a productive force in Chilean resistance against the dictatorship propelled transformations of activism cultures on the continent which, vice-versa, transformed human rights practices that had long been indexed to the political interests of the United States (see [Grandin 2007](#)). [Gill's \(2016\)](#) detailed ethnographic account of the rise of human rights in Colombia amidst atrocious violence by state and paramilitary actors is reminiscent of what Marx coined as the brutal process of 'primitive accumulation' ([Marx 1887](#), Vol. I: 505–7). Massive political violence had largely dismantled unions and left-wing organizations in the 1980s, severing existing bonds of social mobilization; this destruction created space for the less politically tainted and more liberal human rights idea filling the void by establishing a new discursive culture and infrastructure on the debris of the labour movement. The transformation from radical left-wing politics towards human rights activism engendered 'the HRD' as a new working-class figure, infused with both the trauma of past repressions and the ideals of political struggle. This figure emerged in contrast to the likewise burgeoning class of elite educated human rights lawyers, politicians, and NGO workers in the late 20th century.

Admittedly, differentiating a working from an elite class of human rights practitioners must sound provocative; but is a thought worthwhile entertaining, also because it resonates with the stories of 'laptop activists' in suits, marked by distrust and frustration, that many who have worked with grassroots activists can surely relate to. As bureaucrats and experts in major international institutions and NGOs, elites do not 'own' human rights as the means of activism; yet they decide upon which demands legitimately count as human rights concerns, and which do not. By dint of global reporting, legal opinions, or policy negotiations, they gatekeep the human rights community, a position which is remunerated oftentimes with a seat at the tables of power where human rights elites are perhaps the target of politicking, but not bullets. It is important to remember, though, that elite professionals—analogs to the bourgeoisie in Marx's depictions—play a vital role in maintaining the human rights mode of activism and its emancipatory successes, through winning landmark court cases, negotiating new treaties, or successful advocacy. They speak the discourses of global power, pursue high-profile (and oftentimes well-rewarded) careers, and commit themselves to ethics of impartiality, enjoying privileges that are not awarded to students, mothers, or miners who must fight for the recognition as HRDs. Yet, where professional neutrality amidst violence and stigmatization is not an option, a different, proletarian human rights culture unfolds, born out of despair and hope, nurtured by resistance and mutual care (see [Cruz and Dordevic 2020](#)), and signified in traditional chants, iconic flags, or viral hashtags.

The third metaphorical dislocation prompts us to distinguish, though not separate or absolve, HRDs from the bureaucratic logics of human rights, as socio-political subjectivity. As the terminology 'defenders' conveys, HRDs are born out of/into activist cultures of resistance, utilizing human rights as a means, not an end-in-itself, to divulge a most intimate secret of power: its dependency on violence. This oftentimes renders HRDs troublesome, and not hegemonic, in the eyes of the public. Elsewhere, I have described the politics of human rights activism in terms of ruptures (see [Georgi 2019](#)), because breaking the agonizing silence inflicted by violence transforms the shame and pain that haunts many survivor subjectivities, which cannot but be dangerous for all those who owe their power to said violence.

However, we should be careful not to trap HRDs in the iconography of the good Samaritan. As [Jaraisy and Feldman](#) illustrate, exposing certain violence can go together with turning a blind eye on, or even obscuring others. In leaving the safe harbour of an allegedly apolitical liberal neutrality, HRDs sail the messy waters of politics that open their

activism to all kinds of antagonisms. A key learning from Marx's CPE is that (activist) practice and culture stand in a relation of politically negotiated interdependency, where there is no pure consciousness of an activist-class, only historically concrete existences full of contradictions that are the motor of transformation.

## 5. Concluding remarks

Debates over the nature and limits of defending human rights must figure on our scholarly agenda as the human rights regime grows ever more differentiated, and its language is appropriated for all types of morally questionable purposes. Conversely, advocating analytical boundaries appears almost anachronistic in times where human rights scholarship moves towards addressing a dark past of (colonial) exclusions by diluting boundaries of what constitutes practice.

To address the ensuing dilemma between opening-up and clarifying definitions, we need novel ways of thinking—even if they appear as outlandish as harnessing CPE as a metaphor. I have argued that CPE teaches us to consider HRDs in the system of human rights practices as the hegemonic mode of activist production. This finds many points of contacts with the critical literature that contextualizes human rights in a self-serving humanitarian industry capitalizing on human misery (for example [Allen 2013](#); [Kennedy 2004](#)), yet without jumping to normative verdicts that would lead us back to the trenches of debate. Just as Marx studies capital to ascertain the motion of society, the perception of human rights as a commodity for exchange affords understanding the function of activism in the discursive economy and the benefits for partaking in it. I contend that the subjectivity of HRDs emerges from a tension between the labour practice of rendering violence legible, producing discursive value, and the socio-political representation of this practice in context-specific activist cultures. CPE offers a 'secular' view, disentangling activist practices from human rights commodities, and teaching us about violence as 'material' of activism and 'midwife' in the birth of human rights relations (see [Marx 1887](#), Vol. I: 532). In terms of safeguards, CPE encourages us to move away from thorny questions of universal ethics and focus on the play between the forces and relations of production: abusive practices mimicking human rights activism, like those of GONGOS in authoritarian contexts, can be rebutted with reference to missing links into activist cultures, whereas transformations of these cultures can be interrogated as to the extent they serve to expose, instead of legitimizing violence (such as arguably done by nationalist protests).

Obviously, the metaphor has numerous pitfalls. One I would like to emphasize explicitly: my normative ambition is not to revolutionize the 'human rights mode of production'. My pragmatic reasoning, which I found almost consensual amongst activist colleagues and friends, rather revolves around balancing communicative potentials with the fetish of (legal) reductionism and epistemic violence inherent to human rights wrappings of political actions and demands. Human rights are valuable until other means of production prove more successful, eventually consigning this activist mode of production to history. Until then, I cannot but end this think piece with an admittedly hackneyed resignification of the all-too-well known rallying cry: *HRDs of the world, unite!*

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