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Race and the Right to be Human

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Inaugural Address

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Dear Rector Magnificus, friends, colleagues, ladies and gentlemen,

We meet this evening close to the 61st anniversary of the Universal Declaration of Human Rights. As it became popular and influential, the political idea of human rights acquired a particular historical trajectory. The official genealogy it was given is extremely narrow. The story of its progressive development is usually told ritualistically as a kind of ethno-history. In that form, it contributes to a larger account of the moral and legal ascent of Europe and its civilizational offshoots.

The bloody histories of colonization and conquest are rarely allowed to disrupt that linear, triumphalist tale of cosmopolitan progress. Struggles against racial or ethnic hierarchy are not viewed as an important source or inspiration for human rights movements and ideologies. Advocacy on behalf of indigenous and subjugated peoples does not, for example, merit more than token discussion as a factor in shaping how the idea of *universal* human rights developed and what it could accomplish.

A conventional chronology bolsters the official narrative. It suggests that there was a period of relative silence on these issues between the eighteenth century when they were frequently discussed and the twentieth century when that conversation was revived in the shadow of mass death by figures like H.G. Wells and André Mandelstam who created the moral and legal momentum leading up to the Universal Declaration of 1948.

Few recent chroniclers of human rights have been prepared to consider the way in which the supposed quieting of those discussions might have corresponded to Europe's imperial dominion, coincided with the struggle against racial slavery in the Americas or dovetailed with intensified conflict between Europeans and indigenous peoples in many locations, torrid and temperate.

As we seek an ethical orientation for the humanities which is not complicit in the conceits of contemporary civilsationism, it becomes worthwhile to establish the impact of commentaries on morality, law and politics, humanity, natural rights and human rights that derived from the trans-national movements to abolish slavery and mediate colonial statecraft, struggles that were closely related in multiple aspects to the pursuit of women's civil and political rights.

At times, the movement against slavery was extended into a comprehensive assault on racial hierarchy which invoked an idea of universal humanity (by no means always religious in origin) as well as an idea of inalienable rights[1]. That alternative provides my point of departure this evening. It was articulated in distinctive accents which were neither bourgeois nor liberal[2]. It requires us to follow a detour through colonial history which has come under revisionist pressure as a result of recent attempts to revive imperial relations. That dubious development has made it imperative to place the west's avowal of modern, liberal, humanistic and humanitarian ideas in the context of the formative encounter with native peoples whose moral personality and humanity had long been placed in doubt. The approach I favour requires seeing not just how all-conquering liberal sensibilities evolved unevenly into considerations of human rights but how a range of disputes over and around the idea of universal humanity—its origins, its hierarchies and varying moral and juridical dispositions—were connected to struggles over race, slavery, colonial and imperial rule, and how they in turn produced positions which would later be narrated and claimed as liberal.

This agonistic enterprise necessitates a different genealogy for human rights than is conventional[3]. It begins with the history of conquest and European expansion and must be able to encompass the evolving debates over how colonies and slave plantation systems

were to be administered[4]. At its most basic, it must incorporate the contending voices of Las Casas and Sepulveda. It should be able to analyze the contrapuntality of a text like Thomas Hobbes' Leviathan with the introduction of England's Navigation Acts and illuminate the relationship between John Locke's insightful advocacy on behalf of an emergent bourgeoisie and his commitment to the colonial improvers' doctrine of the vacuum domicilium. This counter-narrative would certainly include the Treaty of Utrecht and the Assiento. It could terminate uneasily in the contemporary debates about torture and rendition or in discussion about the institutionalisation of rightslessness which floods into my mind each time I navigate the halls of the Schiphol complex.

Focusing on that combination of progress and catastrophe through a postcolonial lens yields a view of what would become the liberal tradition moving on from its seventeenth century origins in a style of thought that was partly formed by and readily adapted to colonial conditions[5]. This helps to explain how an obstinate attachment to raciology recurs.

Struggles against racial hierarchy have contributed directly and consistently to challenging conceptions of the human. They valorised forms of humanity that were not amenable to colour-coded hierarchy and, in complicating approaches to human sameness, they refused the full, obvious force of natural differences even when they were articulated together with sex and gender. These struggles shaped philosophical perspectives on the fragile universals that had come into focus initially on the insurgent edges of colonial contact zones where the violence of racialized statecraft was repudiated and cosmopolitan varieties of care took shape unexpectedly across the boundaries of culture, civilization, language and technology[6].

2

One early critique of the humanitarian language and tacit racialization of the enlightenment ideal had been delivered by the militant abolitionist David Walker in his 1830 commentary on the US constitution: Appeal to the Coloured Citizens of the World, but in particular, and very expressly, to those of the United States of America. His famous text supplies a useful symbolic, starting point for generating the new genealogy we require.

Erecting secular demands over the foundation of a revolutionary, Pauline Christianity, Walker made the problem of black humanity and related issues of rights—political and human—intrinsic to his insubordinate conception of *world* citizenship. His plea that blacks be recognized as belonging to "the human family" was combined with a view of their natural rights as being wrongfully confiscated in the condition of slavery which could, as a result of their exclusion, be justifiably overthrown[7]. His address was primarily offered to the coloured citizens of *the world* but the tactical reduction of that universalist argument to the parochial problem of joining the US as full citizens soon followed.

The consequences of that change of scale can be readily seen in the humanistic abolitionism that followed. Frederick Douglass—particularly in his extraordinary 1852 speech on the meaning of the 4th of July to the slave[8], spoke directly to the US in the name of its polluted national citizenship. His indictment of slavery was a cosmopolitan one in which the eloquent facts of plantation life were judged, just as Walker had suggested they should be, through global comparisons. They were compared with all the abuse to be found in "the monarchies and despotisms of the Old World (and in) South America". Douglass concluded that "for revolting barbarity and shameless hypocrisy, America reigns without a rival". He continued, again echoing Walker:

> "Must I undertake to prove that the slave is a man? That point is conceded already. Nobody doubts it. The slave-holders themselves acknowledge it in the enactment of laws for their government. They acknowledge it when they punish disobedience on the part of the slave. . . . . .
> How should I look to-day, in the presence of Americans, dividing, and subdividing a discourse, to show that men have a natural right to freedom? speaking of it relatively and positively, negatively and affirmatively. To do so, would be to make myself ridiculous, and to offer an insult to your understanding."[9]

In demanding equality based on natural rights and exploring the relationship of debased citizenship and tainted law to racialized life, Douglass was drawing upon the thinking of an earlier cohort of abolitionist writers. Many of them had, like Walker and other anti-slavery radicals, practiced a chiliastic Christianity that built upon St. Paul with incendiary consequences which could not be limited by the heading of anti-slavery. Consider the way in which Angelina Grimké had articulated the concept of human rights in her 1836 Appeal To The Christian Women of The South:

> . . . man is never vested with . . . dominion *over his fellow man*; he was never told that any of the human species were put *under his feet*; it was only *all things*, and man, who was created in the image of his Maker, *never* can properly be termed a *thing*, though the laws of Slave States do call him 'a chattel personal;' *Man* then, I assert *never* was put *under the feet of man*, by that first charter of human rights which was given by God,

> to the Fathers of the Antediluvian and Postdiluvian worlds, therefore this doctrine of equality is based on the Bible[10].

Grimké elaborated upon this inspired refusal of the reduction of people to things in a memorable (1838) letter to her friend Catherine Beecher (the older sister of Harriet Beecher Stowe). There, she connected the notion of divinely instituted human rights to a growing sense of what it would mean for women to acquire political rights. Her insight was framed by a deep engagement with the problem of a gendered alienation from the humanity of "species being":

> "The investigation of the rights of the slave has led me to better understanding of our own. I have found the Anti-slavery cause to be the high school of morals in our land—the school in which human rights are more fully investigated and better understood and taught, than in any other. Here a great fundamental principle is uplifted and illuminated, and from this central light rays innumerable stream all around. Human beings have *rights*, because they are moral beings: the rights of all men grown out of their moral nature, they have essentially the same rights. "[11]

It is not easy to assimilate this variety of critical reflection to the political traditions inherited by modern liberalism from revolutionary France. The foregrounding of race is, for example, a fundamental and distinguishing feature as is the suggestion that reflecting upon the thwarted rights of slaves promotes a richer understanding of the rightslessness known by women. Here, slavery was not only a political *metaphor*. A different kind of connection was being proposed: whoever we are, we can learn about our own situation from studying the suffering

of others which instructively resembles it. This approach makes the disinterest in abolitionism shown by today's liberal chroniclers of human rights struggles all the more perplexing.

The long battle to appropriate the language and political morality of human rights re-worked the assumptions which had led to articulating the unthinkable prospects of black citizenship and black humanity in the form of the ancient rhetorical questions immortalized in Wedgewood's porcelain: "Am I not a Man and a brother?" "Am I not a Woman and a sister?".

The liberatory recognition solicited by those inquiries was pitched against the corrosive power of racial categories and mediated by the cosmopolitan power of human shame. It asked that the social divisions signified by phenotypical difference be set aside in favour of a more substantive human commonality. It promised an alternative conception of kinship that could deliver a world purged of injustice in general and racial hierarchy in particular.

The sentimentality that is perceived to underpin this position has been under attack for decades. In politics, it has been judged to be a corrosive and anti-democratic force and in art and literature it is associated, above all with kitsch. At the other end of the conversation initiated centuries before by Adam Smith, we find the African American writer James Baldwin's tendentious definition which captured the force of these charges in a decidedly twentieth-century assault on Uncle Tom's Cabin:

> "Sentimentality, the ostentatious parading of excessive and spurious emotion, is the mark of dishonesty, the inability to feel; the wet eyes of the sentimentalist betray his aversion to

> experience, his fear of life, his arid heart; and it is always, therefore the signal of secret and violent inhumanity, the mask of cruelty."[12]

This hostility and mystification also had a theoretical moment. It should be connected to the righteous repudiation of humanism which was common among "poststructuralist" and leftist thinkers during the Cold War years. To account for the origins of that anti-humanism is beyond the scope of this evening but we should note emphatically that it did not follow the paths developed by post-1945 critics of liberal humanism whose hostility to that doctrine encompassed its relationship to the history of colonialism, imperialism and racism.

Baldwin's anger underscores that we should not deny the complexity of any remote identification with the suffering slave and we must be prepared to be harsh on any variety of connection that involves a simple and immoral substitution of the remote, comfortable reader or perverse spectator for the vulnerable victim. However, the outright dismissal of any useful outcome from familiarity or sympathy with the suffering of others should itself be questioned. Luc Boltanski and a number of others have begun the work of salvaging sentiment and empathy from disrepute by establishing the history of how their political effects have been debated, by altering the philosophical terms within which those discussions have been conducted and by addressing the problems surrounding what Hannah Arendt called the "politics of pity"[13].

There are a number of ways in which strategies premised upon emotional communication, psychological identification and the formation of moral communities might open up possibilities for change achieved through social and political mobilization. Indeed the dissemination and refinement of an idea of the human which was not

compatible with racial hierarchy might already have been one result of precisely that kind of sentimental contact across the colour line. The case of Anne Frank provides a second example of the consequences of this kind of connection.

These days, the urge peremptorily to dismiss the prospect of any authentic human connection across those carefully selected and supposedly impermeable lines of absolute and always singular "identity": class, culture, colour, gender and sexuality, can serve its own dubious psychological and political purposes. That depressing pseudo-political gesture supplies an alibi for narcissistic quiescence and resignation to the world as it is. Timid and selfish responses are justified in the names of complexity and ambivalence. Exploring a different genealogy for Human Rights requires us to consider more hopeful possibilities.

The structure of sentimental feeling articulated by Harriet Beecher Stowe was instrumental in the formation of a trans-national moral collectivity and in winning recognition of the suffering humanity of the slave whom it was no longer possible to dismiss as a brute. Through her voice and chosen genre, distinctive patterns of "heteropathic" identification appear to have leaked not only into Europe but further afield as well. Uncle Tom's Cabin helped to compose a cosmopolitan chapter in the moral history of our world. Is all of that potential for political action and pedagogy to be damned now because campus anti-humanism doesn't approve of the dubious aesthetic and moral registers in which an un-exotic otherness was initially made intelligible?

The scale of the historical and interpretative problems posed by the case of Uncle Tom's Cabin can only be glimpsed here. George Bullen, keeper of books at the British Museum compiled a bibliographic note included in the repackaged 1879 edition. He revealed that almost three decades after publication, Stowe's novel had been translated into

numerous languages including Dutch, Bengali, Farsi, Japanese, Magyar and Mandarin. Fourteen editions had been sold in the German language during the first year of publication and a year later, seventeen editions in French and a further six in Portuguese had also appeared. In Russia, the book had been recommended as a primer in the struggle against serfdom and was duly banned. The first book to sell more than a million copies in the US, the publication of Stowe's novel was a world historic event. Though it cemented deeply problematic conceptions of slave passivity, redemptive suffering and indeed of racial type, it was also instrumental in spreading notions of black dignity and ontological depth as well as the anti-racist variety of universal humanism that interests me. This combination merits recognition as a potent factor in the circulation of a version of human rights that racial hierarchy could not qualify or interrupt.

The example of Stowe draws attention to issues which would reappear through the nineteenth century as part of struggles to defend indigenous peoples, to improve the moral and juridical standards of colonial government and to reform the immorality and brutality of Europe's imperial order. This activity was not always altruistically motivated.

How those themes developed in the period after slavery is evident from the para-academic work of campaigners like Harriet Colenso, Ida B. Wells, Roger Casement and E.D. Morel. The constellation of writings produced by these critical commentators on racism, justice and humanity needs to be reconstructed in far greater detail than is possible here. They can nonetheless be seen to comprise a tradition of reflection on and opposition to racial hierarchy that, even now, has the power, not only to disturb and amend the official genealogy provided for Human Rights but also to re-work it entirely around the tropes of racial difference.

Allied with parallel insights drawn from struggles against colonial power, these interventions contribute to a counterhistory of the contemporary conundrum of rights and their tactical deployment. This neglected work remains significant because debate in this field is increasingly reduced to an unproductive quarrel between jurists who are confident that the world can be transformed by a better set of rules and sceptics who can identify the limits of rights talk, but are almost always disinterested in racism and its metaphysical capacities.

Thinkers like Wells and Morel were alive to what we now call a deconstructive approach. They identified problems with rights-talk and saw the way that racial difference mediated the relationship of that lofty rhetoric to brutal reality. They grasped the limits of rights-oriented institutional life empirically and saw how rights-claims entered into the battle to extend citizenship. But, their vivid sense of the power of racism meant that the luxury of any casual anti-humanism could not be entertained. They wished to sustain the human in human rights and to differentiate their own universalistic aspirations from the race-coded and exclusionary humanisms which spoke grandly about all humanity but made whiteness into the prerequisite for recognition. Their alternative required keeping the critique of race and racism dynamic and demanding nothing less than the opening of both national- and world-citizenship to formerly infrahuman beings like the negro.

Grimké, Wells and the rest appealed against racism and injustice in humanity's name. Their commentaries might even represent the quickening of the new humanism of which Frantz Fanon would speak years later. The movement these commentators created and mobilized persisted further into the twentieth century when new causes and opportunities were found that could repeat and amplify its critique of racialized political cultures and terroristic governmental administration.

3

Three sovereign states: Haiti, Liberia and Ethiopia triangulated the modern world of black politics. The Caribbean republic was forged by a successful eighteenth-century uprising. In the nineteenth century, the West African country grew out of the slaves' embattled return as colonisers to the continent from which their foreparents had been stolen away. The returnees were determined to demonstrate that they could build and govern a national state and thus vindicate their contested humanity and historicality. The third state, Ethiopia, was an ancient power distinguished by its biblical pedigree. During the early twentieth century, its independence and territorial integrity were made into objects of pan-African consciousness by wars with the invading Italians. The country's pre-eminent position in the political imagination of African and African-descended peoples derives from the conflict with Mussolini's Fascism and from the globalization of black solidarity in which it resulted. Here too, issues of human rights would become relevant[14].

Ethiopia had not only maintained its beleaguered independence for centuries, it had also joined The League of Nations where the new Emperor pleaded for support against the Italian invaders. That war is remembered now primarily for marking the start of humanitarian action by the international committee of the Red Cross (ICRC) and for the invaders' deployment of chemical weapons in violation of Italy's treaty obligations. Mustard gas was used against civilian populations judged to be a verminous part of the natural rather than the historical world[15].

For the wider public born into the era of the newsreel and the radio broadcast, these modern horrors dramatised the political and economic dynamics of racism and imperialism. Emperor Selassie was identified as a potent symbol of hope, freedom and resistance

against colonial domination. Under his guidance, Ethiopia would be a founding member of the United Nations and of the organisation of African Unity. He was one of the first political thinkers inclined to try and imagine a postcolonial future for the whole continent.

After their accession to power in 1933, the Nazi regime's anti-Jewish policies were also discussed by the League of Nations. A plenary session of its assembly was addressed by one Antoine Frangulis—a contemporary of Raphael Lemkin--who spoke there as a representative of the Haitian government. He unsuccessfully proposed the establishment of an international convention on Human Rights under the League's auspices and argued that a generalization of rights held in common by all people would be the best possible way to address the vulnerable predicament of Germany's Jews[16].

The proposal was not accepted. The US were said to be opposed to anything that might affect the integrity of their system of racial segregation while the British and French governments were alert to the implications of this change of policy for the administration of their imperial territories[17].

Exploring these histories becomes difficult because today, the rise of securitocracy is placing a new burden on higher education[18]. In the humanities, academic fashions have been greatly affected by a fear of being dismissed as politically-correct. The reluctance to consider racism as anything more or less than ideology in general, or to see racial difference as anything other than a straightforward effect of nature extends an old pattern in which mechanistic assumptions about progress, nationality, and survival were over-determined by and made congruent with various forms of racial theory, usually as an accompaniment to conquest and expropriation.

George Mosse's genealogies of race, nation and masculinity, Norbert Elias' studies of the civilising process and Michel Foucault's

explorations of power and the body, might all be cited here along with Adorno's post-1945 work, as counter evidence. Their contributions all reveal the stimulation that derived, unexpectedly, from the need to bear witness to mass killing warranted by racial theory and confront the continuing menace of Hitlerism and its imitators.

Those thinkers all generated new forms of knowledge from their investigations of the Third Reich. Their work was best when the colonial precursors of Europe's atrocities were acknowledged. They created the sociology of the body and altered approaches to power, but, apart from rare moments like those tantalizing sentences at the end of the first volume of Foucault's History of Sexuality, this variety of work (premised upon opening out the "never again" injunction and moving it away from any narrow, ethnic proscription) was always oblique about its relationship to twentieth century horrors. None of these writers was able or willing to place them inside the broader historical framework of colonial statecraft that they seem, increasingly, to demand.

That task fell first to Hannah Arendt and has been continued in the less historically inclined work of Giorgio Agamben. We can agree with Arendt that race talk and racial solidarities prosper where politics, political institutions and "the political" are diminished or compromised. However, there is a sense in which her inspirational linkage of Europe's colonial rule with its genocidal ultra-nationalism can be misleading.

Though she was deeply interested in the relationship of the race idea to imperialism, Arendt's understanding of racism was—as her ill-judged commentary on the US civil rights movement revealed--more problematic. It remains comfortably and tidily ideological rather than metaphysical. The consequences of this tension are strongly evident at the end of the famous chapter on the decline of the nation state and the end of the rights of man which has been so pivotal in the

development of human rights scholarship.

Arendt emphasized that rights came only from national states and that the vulnerability of statelessness was compounded by hollow, rhetorical appeals to humanity. She moved on from these insights to elaborate upon another problem which resided in the fact that "the world found nothing sacred in the abstract nakedness of being human"[19]. Identifying this observation explicitly with the experience of survivors of the Nazi death factories, Arendt argued that "the abstract nakedness of being human was their greatest danger". A repeated preference for the national over the natural dictated that, when people appeared outside the protection of their political community, their very humanity may have been an inducement to violence against them. She continues, "it seems that a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a fellow man"[20].

Arendt misrecognized the abstractly naked human as the natural or essential human. Instead, that vulnerable figure might be described more accurately and more usefully as a *racialised* human: a particular, infra-human invention rather than a specimen of the catastrophically empty humanity that she wished to repudiate. Her error corresponds to a refusal to engage racism critically.

Agamben's important interventions exhibit similar failings. He sees nothing specific in racial discourse or in the way that racialised forms of law contribute to the generic problem of exclusionary inclusion. The particular, raciological dynamics evident in colonial war and law don't come into his juridical stories. This is a grave oversight because, as the Swedish writer, Sven Lindqvist has argued[21], an issue like the legitimacy of pre-emptive violence can be directly linked to the para-political and judicial rules of racialised government. The influential Nazi, Carl Schmitt understood this well and saw that it

had been connected to the development of European public law, particularly in relation to the colonization of the Americas[22].

Perhaps, like Arendt, Agamben missed something. His distinctions between zoe and bios, physis and polis manage to pass over the intermediate figures that arose where the rational irrationality of race and blood was set to work. Even if we accept that at the end of this grim road lies "bare life" in the figure of the "Musselman", we are entitled to ask about the historical and geo-political stops along the philosophical way, the points of conflict, intersection and confluence which looped colonial procedures back into the core of European social life with such dreadful results.

Agamben briefly acknowledges the historical association of the concentration camp with the prosecution of colonial warfare. He notes that the camp was not born from ordinary or criminal law but came instead from the tactic of "protective custody" and the state of exception. The initial colonial staging of this problem does not detain him. As soon as the fatal connection is noted, it is set aside and his larger philosophical and juridical argument resumes with a discussion of the state of exception as a bridge—he calls it a constitutive nexus--into the Third Reich from the ordinary judicial processes of the governments that had preceded it. His haste in passing over the specificities of the question of racism, its political ontologies, its legal ordering under the sign of the national state and its larger epistemological shape interests me because it seems to be symptomatic of more than a philosopher's refusal of history.

Arendt and Agamben are linked by their apparent distaste for analyzing racism and by their complex and critical relations to the idea of the human. This combination of positions can facilitate hostility to the project of human rights which is then dismissed for its inability to face the political and strategic processes from which all rights derive

and a related refusal to address the analytical shortcomings that arise from the dependence of human rights on an expansion of the rule of law—which can incidentally be shown to be fully compatible with colonial crimes[23].

Histories of colonial power and genealogies of racial statecraft can help to explain both of these problems and to break the impasse into which the analysis of human rights has fallen. This is another reason why anti-racism remains important. It does not argue naively for a world without hierarchy but *practically* for a world free of that particular hierarchy which has accomplished untold wrongs.

The possibility that abstract nakedness was not so much a cipher of insubstantial humanity but a sign of racial hierarchy in operation arises from the work of concentration camp survivors. Jean Améry recognized his own experience through a reading of Fanon. Primo Levi, his fellow Auschwitz inmate and interlocutor, who interpreted the lager's brutal exercises in racial formation as conducted for the benefit of their perpetrators, suggested that racism's capacity to reconcile rationality and irrationality was expressed in the dominance of outrage over economic profit. Both men saw infrahuman victims made to perform the subordination that race theory required and anticipated but which their bodies did not spontaneously disclose.

Inspired by Levi, by the philosophical writings of Jean Améry, and various other observers of and commentators on the pathologies of European civilisation, we should aim to answer the corrosive allure of absolute sameness and purity just as they did, with a historical and moral commitment to the political, ethical and educational potential of human *shame*. Though being ashamed may sometimes appear to overlap with sentimentality or even to be its result, they are different. Excessive sentimentality blocks shame's productivity, its slow, humble path towards ordinary virtue. Shame arises where identification is

complicated by a sense of responsibility. Sentimentalism offers the pleasures of identification in the absence of a feeling of responsible attachment.

Améry was an eloquent proponent of what he called a radical humanism. Through discovering his Jewishness under the impact of somebody's fist but more especially as a result of having been tortured by the Nazis, he acquired a great interest in a politics of dignity which could answer the governmental actions that brought racial hierarchy to dismal life. Perhaps for that very reason, he found through his post-war reading of Fanon, that "the lived experience of the black man . . . corresponded in many respects to my own formative and indelible experience as a Jewish inmate of a concentration camp. . .". He continued:

> "I too suffered repressive violence without buffering or mitigating mediation. The world of the concentration camp too was a Manichaean one: virtue was housed in the SS blocks, profligacy, stupidity, malignance and laziness in the inmates' barracks. Our gaze onto the SS-city was one of 'envy' and 'lust' as well. As with the colonized Fanon, each of us fantasized at least once a day of taking the place of the oppressor. In the concentration camp too, just as in the native city, envy ahistorically transformed itself into aggression against fellow inmates with whom fought over a bowl of soup while the whip of the oppressor lashed at us with no need to conceal its force and power."[24]

With Levi and Fanon, Améry shared a commitment to extracting humanistic perspectives from the extremity he had survived in the lager. In a famous [1964] essay exploring his experiences at the hands

of the Gestapo, he insisted that torture was "the essence"[25] of the Third Reich and in making that case, shows how these issues should become important again in comprehending and criticising the brutal, permissive conduct of "the war on terror".

The info-war–a counterpart to kinetic war--has revived a recognisably colonial economy in which infra-humanity, measured against the benchmark set by civilisationism's racial standards, evaporates all rights and can postpone recognition indefinitely[26]. All the "third things"[27] that race-thinking assembled between animal and human can now be administered as living waste under the flexible governance produced by special emergency rules and exceptional or martial procedures in which the law is suspended in the name of the law. The assumption of racial hierarchy is not inferred in this process it is integral to it.

Arendt, Foucault, Agamben and the few others who departed from habitual scholastic disinterest in these matters drew from and engaged in dialogue with the theoretical reflections offered up by the movements of the colonised as part of their battles for independence, autonomy and liberation. This nascent tradition has shown us aspects of how racial hierarchy entered into the process that institutionalized sovereign powers and warranted the belligerent conduct of their competitive statecraft, the management of their colonies and eventually, the forms of bio-political government that were being developed in the core metropolitan areas where different jungles, savages and degenerate types had been discovered among the working and criminal classes.

Where racial and ethnic identities were rendered in absolutist forms in order to secure the interests of oppressed and exploited minorities, this approach was not influential. Mainstream, academic responses to the minorities' assertion of sovereignty over their experience of victimage linked the dubious idea that we should all

become resigned to racial orders because they are natural kinds and therefore a permanent, significant and immutable aspect of human social and political life. Attempts to de-nature race, to become estranged from its obvious common sense, to focus on its dynamic constructed-ness and its implication within particular institutional settings are, in the corona of identity politics anyway, judged harshly and often thought to belong more naturally and spontaneously to the right than the left.

Wells, Morel, Casement and others remind us that racial terror assumed paralegal as well as legal forms. That pattern raised the additional issue of racism's role in supplying the means of their articulation. Racial discourse can be thought of as contributing to a system for making meaning that feeds the tendency to create exceptional spaces and populate them with vulnerable, infra-human beings.

Colonial battlefields gave birth to plantations which pointed in turn to the legal regimes of protective custody that generated and generalized the camp as a routinely exceptional space. The resulting nomos—the spatial ordering of law and power—corresponds to hierarchically ordered forms of moral personality and legal subjectivity.

There is a radical insecurity common to the colonial settler, the slaveholder and the militarily superior extractive agent. It inclined them all towards the deployment of terror as a means of political administration. Their violent dramaturgies of power were routinized and ritualized to mark out the spaces in which normal rules were suspended or inapplicable. Law became partial, fractured and flexible. Violence on the other hand, could be spectacular, excessive even when it was imagined to be functional.

The problems that the resulting states of exception posed for citizenship and the language of political rights had been recognized long before they assumed twentieth-century form and Arendt made

them relevant to political theory casting around to uncover the causality of industrialized genocide in Europe. Grasping for the distinctiveness of those racial nomoi, a dissident understanding of the ways in which race worked to compromise and corrupt politics could also, counter-intuitively show that the entities we learn to name as races derive from the very racial discourse which appears to be their scientific product. The special accomplishments of racial discourse can then be understood as rather more than simple but enigmatic emanations pulsing out from the decisive world of biology to shape the course of history, the rhythm of culture and the conduct of social life. In particular, we can consider the role of race and ethnic absolutism in securing the modes of inclusive exclusion that characterize what we will one day have to remember as the age of rendition. Améry may have been correct. If the routinisation of torture does, as he suggested, reveal the inner essence of Nazism, then close analysis of racialised governance may have a great utility in understanding Europe's future as well as Europe's past.

In conclusion, I would like to thank the Rector Magnificus of Utrecht University, Professor Hans Stoof, and the Dean of the Faculty of the Humanities, Professor Wiljan van den Akker, for honouring me with the appointment to the position of Treaty of Utrecht Professor.

My sincere thanks goes also to the Utrecht Province and the Treaty of Utrecht Organisation for endowing this chair and giving it such a progressive profile. I am very grateful to the centre for the Humanities and its Director, Professor Rosi Braidotti for her support and convivial, supportive, intellectual interaction and of course to the centre's hard-working staff: Louise van Tetterode, Atie van Wijk and Esther Rinskens who did an amazing job on the organisational and programmatic front.

I would like to thank the many students who attended my lectures and seminars and encourage them to rise to the challenge presented by the need to reflect critically on the contemporary significance of the Treaty.

I must also thank my partner Dr.Vron Ware who has supported me as the wonderful opportunity became a domestic priority.

This great University can take special pride in being able to reconcile tradition with innovation and I have been very happy indeed to be able to play my own small part in the important process of connecting academic excellence to an authentically cosmopolitan sense of social responsibility.

Notes

1 The Journal Human Rights was a four page monthly publication of immediatist abolitionism edited by the atheist and actuary Elizur Wright. It appeared between 1835 and 1838. Its masthead proclaimed: "Our object is liberty for all gained by moral power and regulated by impartial laws" Human Rights August, vol. 1, no.1, 1835. See also Elizur Wright jnr. The Sin Of Slavery and It's Remedy New York, 1833, p.3: "While this nation held up its declaration of independence — its noble bill of human rights, before an admiring world, in one hand; it mortified the friends of humanity, by oppressing the poor and defenceless with the other. The progress of time has not lessened the evil. There are now held in involuntary and perpetual slavery, in the southern half of this republic, more than 2,000,000 of men, women, and children, guarded with a vigilance, which strives, and with success appalling as it is complete, to shut out every ray of knowledge, human and divine, and reduce them as nearly as possible to a level with the brutes." See also, "A WORD OF ENCOURAGEMENT" Frederick Douglass Paper, February 12, 1852: "Our able Corresponding editor is (as most of our readers know) a white man; many, who contribute to our columns are, also, white persons; and our subscribers are (two-thirds of them) of the favored class. On the other hand, some of the most valuable communications in prose and poetry, found in our columns, are from the pens of colored men. The excellent articles, over the signatures "Communipaw," "S.R.W.," "Ethiop," "J.C.H.," "Cosmopolite," "Observer," "W.G.A.," and others, are the productions of the latter class. Here we are then, just as we ought to be, all at work in the great field of thought, battling for the overthrow of slavery, prejudice and national antipathy, and wielding together the long broken links in the chain of human brotherhood. It is not a white man's paper, nor a black man's paper as such; but a paper for UNIVERSAL MAN. True to its comprehensive motto of "ALL RIGHTS FOR ALL," we feel confident that its friends will be found among all and its burdens be shared by all."

2 Iain McCalman ed. The Horrors of Slavery and Other Writings by Robert Wedderburn Edinburgh University Press, 1991; Harriet Martineau The Martyr Age of The United States of America with An Appeal on Behalf of the Oberlin Institute in Aid of The Abolition of Slavery, Newcastle on Tyne Emancipation and Aborigines Protection Society, 1840.

3 Michael Ignatieff Human Rights as Idolatry and Politics Princeton, 2001 & The Rights Revolution Anansi, 2000; Lynn Hunt Inventing Human Rights Norton, 2007; Geoffrey Robertson Crimes Against Humanity Penguin, 2000.

4 Enrique Dussel The Invention of The Americas trans. Michael D. Barber, New York: Continuum Books, 1995, The Underside of Modernity trans. Eduardo Mendieta, Humanities Press, 1996; Tzvetan Todoroz The Conquest of America, trans. Richard Howard, Harper, 1985; & On Human Diversity trans. Catherine

Porter, Harvard University Press, 1993.

5 Uday Singh Mehta Liberalism and Empire Chicago University Press, 1999.

6 Frances E. Colenso History of the Zulu war and its origin. Assisted in those portions of the work which touch upon military matters by Edward Durnford London, Chapman and Hall, 1880; Ruin of Zululand: an account of British doings in Zululand since the invasion of 1879. By Frances Ellen Colenso. Being a sequel to The history of the Zulu war, by France Ellen Colenso and Lieut.-Colonel Edward Durnford, London, W. Ridgway, 1884.

7 David Walker Appeal to the Coloured Citizens of the World but in particular, and very expressly, to those of the United States of America 1830, p. 31.

8 Fellow citizens, above your national, tumultuous joy, I hear the mournful wail of millions! Whose chains, heavy and grievous yesterday, are, today, rendered more intolerable by the jubilee shouts that reach them. If I do forget, if I do not faithfully remember those bleeding children of sorry this day, "may my right hand cleave to the roof of my mouth"! To forget them, to pass lightly over their wrongs, and to chime in with the popular theme would be treason most scandalous and shocking, and would make me a reproach before God and the world. My subject, then, fellow citizens, is American slavery. I shall see this day and its popular characteristics from the slave's point of view. Standing there identified with the American bondman, making his wrongs mine. I do not hesitate to declare with all my soul that the character and conduct of this nation never looked blacker to me than on this Fourth of July! Whether we turn to the declarations of the past or to the professions of the present, the conduct of the nation seems equally hideous and revolting. America is false to the past, false to the present, and solemnly binds herself to be false to the future. Standing with God and the crushed and bleeding slave on this occasion, I will, in the name of humanity which is outraged, in the name of liberty which is fettered, in the name of the Constitution and the Bible which are disregarded and trampled upon, dare to call in question and to denounce, with all the emphasis I can command, everything that serves to perpetuate slavery- the great sin and shame of America!

9 "What to the Slave is the Fourth of July?" 5th July 1852, http://afgen.com/douglas.html Published originally in James M. Gregory Frederick Douglass, the Orator, New York, 1893, pp. 103-06.

10 Angelina E. Grimké Appeal To The Christian Women of The South, (1836) Arno Press, 1969, p.3.

11 Angelina E. Grimké Letter XII "Human Rights Not Founded On Sex" in Letters To Catherine Beecher Boston, Isaac Knapp, 1838.

12 James Baldwin "Everybody's Protest Novel" Notes Of A Native Son, Corgi Books, 1965, p.10.

13 Luc Boltanski Distant Suffering: Media, Morality Politics Cambridge University Press, 1999.

14 Joseph E. Harris African-American Reactions To War in Ethiopia 1936-1941,

Luisiana state University Press, 1994; William R. Scott Sons of Sheba's Race African Americans and the Italo-Ethiopian War 1935-1941,University of Indian Press, 1993.

15 Rainer Baudendistel Between Bombs And Good Intentions: The Red Cross and the Italo-Ethiopian war 1935-1936 Berghahn 2006.

16 Official Journal of The League of Nations special supplement, no. 115.

17 Jan Herman Burgers "The Road To San Francisco: The Revival of the Human Rights Idea in the Twentieth Century" Human Rights Quarterly Vol. 14, No 4, November 1992, pp.447-477; A.W. Brian Simpson Human Rights And The End of Empire Oxford University Press, 2001, esp. chapter 3; Paul Gordon Lauren The Evolution of International Human Rights: Visions Seen Pennsylvania University Press, 2003.

18 Jeffrey Brainard, "U.S. Defense Secretary Asks Universities for New Cooperation," The Chronicle of Higher Education, April 16, 2008, http://chronicle.com/news/article/4316/us-defense-secretary-asks-universities-for-new-cooperation.

19 Origins p.299

20 Origins p.300

21 Sven Lindqvist A History of Bombing trans. The New Press, New Press, 2001.

22 Carl Schmitt The Nomos of The Earth trans. Trans. G.L.Ulmen, Telos Press, 2003.

23 Nasser Hussain The Jurisprudence of Emerency: Colonialism and the Rule of Law, University of Michigan, 2003.

24 Jean Améry "The Birth of Man from the Spirit of Violence: Frantz Fanon The Revolutionary" trans. Adrian Daub, Wasafiri, 44, Spring 2005, pp.13-18.

25 Jean Améry "Torture" in At The Mind's Limits trans. Sidney and Stella Rosenfeld, Indiana University Press, 1980.

26 Richard Norton-Taylor "SAS man quits in protest at 'illegal' Iraq war" Guardian Monday March 13, 2006

27 This phrase is taken from W.E.B DuBois who used the latin "tertium quid" see Souls of Black Folk chapter 6.

Curriculum Vitae

Paul Gilroy (London, 1956) is the first visiting professor on the new Treaty of Utrecht Chair at Utrecht University. This chair focuses on preserving the legacy of the Treaty of Utrecht which was signed in 1713. His intellectual background is multi-disciplinary and he has extensive interests in literature, art, music and cultural history as well as in social science. He is best known for his work on racism, nationalism and ethnicity and his original approach to the history of the African diaspora into the western hemisphere.

Gilroy received his Ph.D. from the Centre for Contemporary Cultural Studies at Birmingham University where he was part of the group which collectively produced "*The Empire Strikes Back*" (Routledge, 1982). After that, he worked at the GLC for a number of years before taking up academic positions at South Bank and Essex where one of his principal responsibilities was teaching on the joint degree in Sociology and Literature. Gilroy moved to Goldsmiths College in 1991 and was appointed Professor of Sociology and Cultural Studies there in 1995. Before joining the LSE in the summer of 2005, he taught at Yale University where he was Charlotte Marian Saden Professor of Sociology and African American studies as well as chair of the African American Studies department.

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