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Subaltern subjectivity and embodiment in human rights practices

Shaimaa Abdelkarim*

This article problematises the representation of subaltern resistance in practices of human rights. It critiques the normative framing of the subaltern by those practices, a framing which it argues contributes to their subjugation. Against such framing, the article follows the 2011 Egyptian uprising through the film *Rags & Tatters*, offering a practice of freedom beyond human rights and through self-recollection.

This article questions the function of counter-hegemonic human rights practices in relation to subaltern resistance. Usually, counter-hegemonic approaches echo a reinvigorated and anti-foundational basis for human rights, standing apart from codified human rights instruments and liberal ideals.¹ Such

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1 For example, Langlois argues even though human rights, as a movement, have a lot of ‘paradoxes’, human rights offer something beyond those paradoxes: AJ Langlois, ‘Human Rights in Crisis? A Critical Polemic Against Polemical Critics’ (2012) 11 *Journal of Human Rights* 558. Hoffman theorises human rights in a pragmatic flux against the rigidity of its epistemological stagnations: F Hoffman, ‘“Shooting into the dark”: Toward pragmatic theory of human rights (activism)’ (2006) 41 *Texas International Law Journal* 403. Mutua salvages human rights from its western particularism by reconstructing the grounds for its transcendence: M Mutua, *Human Rights: a Political and Cultural Critique* (University of Pennsylvania Press 2008). Brown’s critique of human rights de-centers the politics of universality, looking at the paradoxes of human rights as part of and beyond political hierarchies: W Brown, ‘The Most We Can Hope For: Human rights and the politics of fatalism’ (2004) 103 *South Atlantic Quarterly* 461. Shivji offers an ideological reconceptualization of the human rights by situating its constituents historically in class struggles: I Shivji, *The Concept of Human Rights in Africa* (African Books Collective 2007). Orford reads the potential in human rights, if there is any, initiates from acknowledging the lacks in the western subject: A Orford, *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law* (Cambridge University Press, 2003). An-Na’im argues for human rights in a constant differential status and inscribes an Islamic essence to global justice: A An-Na’im, *Muslims and Global Justice* (University of Pennsylvania Press 2010) 224-245, 272-312.

approaches advance human rights practices from different localities to recognise the struggles of the excluded.² With the intensification of resistance, counter-hegemonic approaches have turned to regenerative demands emerging from the streets, while treating resistance as instrumental in the proliferation of human rights ideals. As Upendra Baxi declares, “The “Age of Revolution” marks also the birth pangs of the “Age of Human Rights”.”³ In this article, I map the implications of recognising subaltern resistance as a practice of human rights.

In counter-hegemonic approaches, there is an unquestioned affinity between resistance that denounces the normative order and human rights practices that rely on normative infrastructures.⁴ Human rights practices implicate a direct relationality between those infrastructures and their subjects. By the normative order, I refer to the materiality and non-materiality in human rights that limit and condition their subjects. I build on Baxi’s premise in which negating liberal human rights ideals concerns both the material and non-material systems that reproduce human rights discourse.⁵ By non-materiality, Baxi refers to counter-hegemonic human rights practices that have symbolic rhetoric and surpass the materiality of codified human rights instruments and institutional practices.⁶ Counter-hegemonic approaches extend recognition to excluded subjects as contributors to the reproduction of human rights. Resistance of the excluded arises as regenerative of human rights ideals beyond liberal agencies. Infrastructures, like the streets, arise as that which make life possible, yet also as that which is conditioned by the normative order. The subaltern appears in counter-hegemonic practices as agentless subject, yet recognisable in their oppression. Such recognition offers a form of presence that ‘comes to pass’⁷ while leaving the body as biologically visible. I suggest the only form of recognition human rights practices can offer the subaltern is one that affirms their subjugation.

2 B de Sousa Santos, ‘Human Rights as Emancipatory Script? Cultural and Political Conditions’ in B de Sousa Santos (ed), *Another Knowledge is Possible: Beyond Northern Epistemologies* (Verso 2007); U Baxi, *The Future of Human Rights* (Oxford University Press 2002) 13-17.

3 U Baxi, ‘Reinventing human rights in an ear of hyper-globalisation: a few wayside remarks’ in C Gearty & C Douzinas (eds), *The Cambridge Companion to Human Rights* (Cambridge University Press 2012); M Ignatieff, *The Rights Revolution* (House of Anansi Press 2009) 152.

4 JD Lambier, ‘A Capacity to Resist: Kant’s Aesthetics and the Right of Revolution’ (2016) 27 *European Romantic Review* 393.

5 Baxi (n 3) 152.

6 *ibid.*

7 J Derrida, ‘A Certain Impossible Possibility of Saying the Event’ (2007) 33 *Critical Inquiry* 441, 445.

Engaging with Kathryn McNeilly's premise that calls for centring the role of the intellectual in advancing counter-hegemonic practices of human rights,⁸ I question the liberationist function of critiquing liberal practices of human rights. I advance my critique through McNeilly's argument as it offers a performative continuity to human rights discourse while acknowledging its persisting failures. Her premise also brings an urgency to question the role of the critical human rights scholar in advancing human rights practice as a practice of freedom. Following Ratna Kapur's recent call to let go of human rights as a freedom project,⁹ I propose a different form of presence to subaltern living through an adaptation of the 2011 Egyptian uprising depicted in the film *Rags and Tatters*.¹⁰ Even though the film does not engage with practices of human rights, it raises insights into subjectivity and embodiment against the failures of human rights. I interweave the film throughout my analysis of counter-hegemonic practices to offer a different form of presence than that of recognition.

Throughout the Egyptian uprising, the streets were not only occupied by people who consciously chose to oust the Mubarak regime that had ruled Egypt for more than 30 years. The streets were also occupied by the subaltern who were tangled up in the events and found a temporary site of presence for their struggles against their everyday ostracism. The film, *Rags and Tatters*, documents the presence of an inmate who finds himself amidst the disorder of the uprising as its events galvanise him into action. It is a fictional narrative interlaced with archival footage.¹¹ The main character encounters unexplained events: his unexpected release from prison, random shootings, streets protected by neighbourhood watchers, and violent clashes with police and thugs. He tries to find refuge at his family's house but is drawn instead to the streets of Cairo: a different Cairo from everyday Cairo; a Cairo that calls on the urgency of action with heightened social and political momentums. Yet, these events form the background of the film against which its central focus is the experience of its protagonist as he and other subaltern characters witness the uprising.

The film unbinds intellectual idiosyncrasies in essentialising a cohesive, subaltern subjectivity against oppression. Through self-recollection, *Rags and*

8 K McNeilly, 'After the Critique of Rights: For a Radical Democratic Theory and Practice of Human Rights' (2016) 27 *Law and Critique* 269.

9 R Kapur, *Gender, Alterity, Human Rights: A Fishbowl* (Edward Elgar 2018).

10 *Rags and Tatters* (dir Ahmad Abdalla 2013).

11 N Vivarelli, 'Unscripted Drama grows in the Middle East: A New Generation of Docmakers push the Artistic Envelope' *Variety* (15 October 2013) <www.variety.com/2013/film/global/unscripted-drama-is-growing-in-the-middle-east-1200728912/>.

Tatters encapsulates the subaltern as relational, and perhaps only, to themselves. In the film, the audience witnesses a presence for the subaltern that exceeds Tahrir Square as the highlighted setting. The Square was not the only setting of protests in 2011, but it formed the televised centre of hegemonic narrative about the uprising as an ode to western democracy.¹² This narrative portrays the uprising in a progressive linear temporality. Other places, such as subaltern neighbourhoods, reveal that the disorder of the uprising cannot be captured by such a teleological narrative. In expanding its lens from Tahrir to these other spaces, the film gives voice to the subaltern who speak and act through the transient possibilities in the act through self-recollection. Self-recollection makes sense of living experiences that slip outside the category of an agentic, rights-bearing individual. Subaltern living, self-recollected, subverts the limitations on agency and subjectivity in human rights practices that embodies the oppressed through their subjugation.

HUMAN RIGHTS AS COUNTER-HEGEMONIC PRACTICES

In this section, I unpack the relation between subaltern resistance and advancing counter-hegemonic practices of human rights. I suggest the subaltern are initiated in critiques of human rights as homogenised category that are relational and conditioned by the normative order when they resist. Here, counter-hegemonic human rights practices are theorised as a response to the evolving demands of the streets through performative actions that surpass liberal autonomy.

In her critique of liberal practices, McNeilly's premise shifts subjectivity from the universality of liberal autonomy to the singularity of localised practices of human rights.¹³ McNeilly follows critical and feminist human rights scholars who destabilise liberal ideals that reduce practices of human rights to promises of individual protections and liberal freedoms. The liberal individual is usually envisioned as an autonomous figure who is enabled to end their oppression. Those who lack human rights protections still have the capacity to act and pursue their freedom; they are victimised yet enabled agents that can claim their rights.¹⁴ Critical engagements with human rights have denounced

12 A Badiou, *The Rebirth of History: Times of Riots and Uprising* (Verso 2012) 42-45.

13 McNeilly (n 8).

14 Kapur offers an analysis of how the victim narrative necessitates a depoliticized understanding of violence against women within codified human rights instruments that universalizes the promises liberal protections in R Kapur, 'The Tragedy of Victimization Rhetoric: Resurrecting the "Native" Subject in International/Post-colonial Feminist Legal Politics' (2002) 15 *Harvard Human Rights Journal* 2.

the closures in liberal autonomy against the interrelations that condition how the oppressed acts. For example, Illan Rua Wall highlights the interrelations that are dismissed in claims of human rights as a historical quest for liberal autonomy.¹⁵ Within those claims, liberal autonomy is a discovery rather than a product of liberal values.¹⁶ As such, the nonliberal subject that disrupts the progressive history of human rights is removed from the category of civilisation.¹⁷ Wall utilises the absence of Haitian struggles from British abolitionist history to subvert the liberal understanding of agency; the capture of a Haitian insurgents with a Rights of Man pamphlet, phosphate for gunpowder, and a sack filled with traditional amulets for protection, is reduced to a fight for human rights.¹⁸ Yet, ‘when the slaves of St Dominque frame their demands through rights, that is, in the words of their oppressors, they steal this language and make it their own’, as the slave, seen as property, becomes the subject of rights and threatens the system of property itself.¹⁹ Haitians, ostracised in their struggles, gave a different context to the Rights of Man than that offered through historicising the abolitionist movements.²⁰ Which is to say, they depart from the narrative of the ‘white middle-classed’ subject, who is rescuing slaves from elitists and slave traders. The Haitian revolution portrays a radical subject, a misfit in the structured narrative of ‘rescuer-victim-oppressor’.²¹ The radical subjects are understood through their living engagements with the instruments at play—like human rights—in the political order.

Utilising similar engagements, McNeilly offers counter-hegemonic practices as an answer to what should follow the critique of liberal ideals in human rights. McNeilly treats different practices of human rights, like that of advocacy and activism as a tactical move against oppression.²² In her depiction of nonliberal agency, she utilises Judith Butler’s contested universality to reinvigorate the constituents of human rights with protest movements. McNeilly understands human rights as a product of localised struggles that shape its practices to attend to different political cultures. The key to McNeilly’s

15 IR Wall, *Human Rights and Constituent Power: Without Model or Warranty* (Routledge 2012) 20.

16 *ibid* 12-13.

17 *ibid* 20.

18 *ibid* 17.

19 *ibid* 19.

20 *ibid* 20.

21 Wall also challenges Mutua’s categorization as a structured ‘imagination’. *Ibid* 21-22; M Makau, ‘Savages, Victims, and Saviors: The Metaphor of Human Rights’ (2001) 42 *Harvard International Law Journal* 201.

22 McNeilly (n 8).

premise is to treat human rights through its performative mobilisations. McNeilly's performativity is linked to Butler's premise on cultural translation to envision a radical and futural horizon for human rights practices. Cultural translation regenerates the universality of human rights with a constant reworking through a 'translational dialogue' that continually disrupts the competing universal. Human rights are treated as legitimised demands that arise from protests.

McNeilly's premise advances the critical human rights scholar as cultural translator who challenges liberal articulations. I analyse the positionality of the critical scholar below and instead here focus on performativity in counter-hegemonic practices. I engage with Butler's shift from gender performativity to street performativity as it aids in examining the implications of McNeilly's performative subjectivity in human rights.

In her analysis of gender performativity, Butler develops vulnerability as ontologically constitutive of the sensual, and not the normative, order.²³ It is a condition that is asserted by, but not created through, the normative order. Such vulnerability, whether in the form of poverty or lack of freedoms, represents any condition that stabilises alienation and inequalities. In the shift to street performativity, the normative includes material infrastructures (like the street) that function to restrict action but also make resistance possible. This is in contrast with gender normativity, which is a social (and colonial) construct that came to signify biological determinism, as Oyèrónkè Oyewùmi reminds us.²⁴ Gender performativity aims to expose the naturalisation of such determinism while asserting that gender lacks a natural materiality. But street performativity aims to amplify visibility through the street as a public infrastructure.

In Butler's shift to street performativity, vulnerability has a dual function: it is a condition of existence and a tool for resistance. In this shift, Butler theorises action as both a condition of normative limitations and a regenerative force against those limitations.²⁵ The street—as a platform for reinvigorating the praxis of human rights—is where vulnerability and resistance intersect. As such, vulnerability cannot be annihilated, but it can be channelled to resist. It is not a heroic force, but it is a political condition. With that, Butler redefines the binary between vulnerability and agency (as individual autonomy) so that

23 J Butler, 'Rethinking Vulnerability and Resistance' in J Butler, Z Gambetti & L Sabsay (eds), *Vulnerability in Resistance* (Duke University Press 2016) 12.

24 O Oyewùmi, *The Invention of Women: Making an African Sense of Western Gender Discourses* (University of Minnesota Press 1997).

25 On that shift within linguistic agency, see J Butler, *Excitable Speech: A Politics of the Performative* (Routledge 1997) 5-8, 80-82.

vulnerability becomes the condition (and effect) of being. *Rags and Tatters* portrays that tension through the incapacity of the subaltern to detach from the events that take place in their own streets and the urgency to reshape their own presence. The film follows the subaltern of Cairo, who are moulding their experiences in the uprising beyond their localities and their limited agencies in a liberal setting. We, the audience, follow the protagonist, disoriented and unclear about what is happening around him; yet we also witness his submergence into different localities. These localities are the same ones that alienate him every day. In reading their acts performatively, the film makes visible the subaltern through their engagements with the same infrastructures that alienate them.

To defy the agentic being, Butler negates enlightenment's metaphysical model that relies on sovereign subjectivity with her ontological premise of *being-together*.²⁶ Butler treats the subject as an ontological concept (a self) that represents a form of 'value' in relation to others. Such value is dependent on the subject's exposure.²⁷ With the category of being-together, Butler liberates the subject from an autonomous individual to a subject that is interconnected and dependent on others within the political. The subject is defined by the conditions and relations that affect the way they act. In Butler's gender performativity, the choice of gender comes after acknowledging the conditions that shape our understanding of gender as 'performativity describes both the process of being acted on and the conditions and possibilities for acting'.²⁸ This understanding of performativity attempts to remedy the coercive nature of the normative order that universalises gender roles. Through gender performativity, the subject is 'relational' towards the constituents of gender.²⁹ As such, the subject is inherently a liberal (gendered) individual trying to break through their conscripted role. They do not 'overcome' their gendered, 'social normativity'; they are conditioned and vulnerable to this order.³⁰ The normative understanding of gender has two functions in relation to the performative body. Firstly, it interpellates the subject's existence, limiting their capacity to act. And secondly, it is there to be resisted, restructuring the conditions of life

26 Butler (n 23) 12.

27 M Ruti, 'The Ethics of Precarity: Judith Butler's Reluctant Universalism' in M Bonker, R Truscott, G Minkley & P Lalu (eds), *Remains of the Social: Desiring the Post-Apartheid*, (Wits University Press 2017) 93; J Butler, *Precarious Life: The Powers of Mourning and Violence* (Verso 2004) 49-50.

28 Butler (n 23) 16-17.

29 J Butler, *Undoing Gender* (Routledge 2004) 31-36.

30 This plays on Derrida's notion of iterability, in which the condition of repetition is the condition of deviations from the constituted binaries: J Derrida, *Without Alibi* (Stanford University Press 2002) 136.

to be more 'liveable'.³¹ In Butler's precarity, there is no transcendence in this model, only the urgency and exigency to decide through relation.

Similarly, with the move to street performativity, Butler reads the resisting subject as bodily performative through different (and naturalised) configurations (like race, gender, class). She asserts that we, humans, are all equally vulnerable bodies but with varying levels of precarity. The exposure to others is the precariousness that humans share universally but in a 'differentiated' and singular manner. Various social and economic forces as biopolitical powers that distribute precariousness unequally produce singularity, so that some lives are less grievable than others.³² That is why in gender performativity, precarity functions to elevate the ethical responsibility of the subject towards the other; each of us can relate to one another through our universal yet particular form of vulnerability. Through this interrelationality, our *own-ness* is exposed to the suffering of others. The collectivity, which precariousness evokes, is understood in a performative way and not as an ontological one. In other words, the subject is still a singular entity but in their singularity, they are interwoven with others. Thus, the subject's value is in their 'presence-to' all relations of the world, as Jean Luc Nancy puts it.³³ Singularity, as a critique on liberal individualism, is a performative attack on subjectivity. It rejects the transcendence of the individualistic being in liberal human rights by understanding the interrelations between singulars.³⁴ This singularity understands being outside the biopolitics of the state that conscribes a homogenised assemblage.

In street performativity, resistance would entail a belief that the infrastructures of the normative order can sustain its subjects when they resist. As Butler asserts, 'all action requires support and that even the most punctual and seemingly spontaneous act implicitly depends on an infrastructural condition that quite literally supports the acting body'.³⁵ The condition of any political action requires a belief that infrastructures, which are utilised to oppress, can expand enough to allow (or 'support') resistance. This infrastructural support is possible since Butler perceives the universal space as a differential site that does not ascribe to any given social configurations.³⁶ The street is not

31 Butler (n 23) 18-19.

32 Butler (n 29) 20-24.

33 J Nancy, 'Introduction' in E Cadava, P Connor & J Nancy (eds), *Who Comes After the Subject?* (Routledge 1991) 8.

34 Wall (n 15) 126.

35 Butler (n 23) 19.

36 J Butler, 'Competing Universality' in J Butler, E Laclau & S Žizek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left* (Verso 2000).

treated as a given ground for resistance. Rather, it is an infrastructure that witnesses daily interactions that could expose normative limitations. In *Rags and Tatters*, the main character engages with the streets of Cairo, which seem familiar to him. He gets beaten in one street and finds new companions in another, all while trying to communicate his presence within the 2011 uprising.

McNeilly, building on Butler, argues that practices of human rights are performative acts that assert that the subject is dependent on others in their demand for recognition. They are reworked as both counter-hegemonic practices and as ‘ideals which are fundamentally futural, drawing us into a never-ending striving for them within the wider context of work for radical and plural democracy’.³⁷ It becomes possible to move beyond liberal autonomy if the subject is understood through the conditions that make them vulnerable and exposed to others. But those conditions still shape and limit the present realities of subaltern struggles. In the next section, I suggest that counter-hegemonic practices, in the form of human rights activism, essentialise an enabled body that has a relational value to the normative order while dismissing the privilege of the agentic body.

THE PRIVILEGE OF THE BODY IN HUMAN RIGHTS

In the opening scene of *Rags and Tatters*, the subaltern is initiated as an object of spectacle. We, the audience, cannot see much more than bodies running in the dark while some are yelling to each other to ‘Run! Faster!’ The prisoners are not aware of what is happening, why the guards opened the prisons, or who is firing at them. This disorientation is quite visible to the audience and the protagonist finds himself exposed to the disorder of the streets, as he runs for shelter. All we can hear are his heavy breaths, attesting to his presence, precarity, and vulnerability in the darkness, with gunshots in the background.³⁸ That scene exposes the privilege of the (documented) body that destines the subaltern body to a subverted presence against the universalised enabled body.

For McNeilly, counter-hegemonic practices—grounded in sustaining liberal ideals while reworking their parameters with the demands of the excluded—reiterate the category of a rights-bearing individual. A critical belief in human rights is galvanised by the pursuit of autonomy that shapes the struggles of the subject as a persistent demand for recognition. Yet, from the

37 McNeilly (n 8) 270.

38 Nathaniel Mackey has thought of breath as a signifier of precarity: see L Turner, ‘Poetics and Precarity’ (2019) (*ASAP Journal*, 14 February 2019) <www.asapjournal.com/poetics-and-precarity-lindsay-turner/>.

outset, the subject of human rights is normatively constructed to exclude those who do not fit within the category of a rights-bearing individual. A reflection on the parameter of what constitutes a breach in human rights in codified instruments clarifies that exclusionary process. For example, the definition of what qualifies as rape or sexual violence requires the satisfaction of legal qualifications to recognise victimhood.³⁹ It becomes problematic when the governing system cultivates an environment of sexual violence while defining who qualifies for human rights protections. For that, Kapur suggests the treatment of human rights as a regulative instrument rather than a freedom project.⁴⁰ This argument treats human rights discourse as a project of discipline that hierarchises genres of humanity in which some lives are worthy of protection, and others are expendable.

Even though human rights activism has challenged the universality of liberal ideals that persist in recognising oppression, they have contributed to the preservation of the enabled body (as a rights-bearing individual). Following Butler, there is a bodily commitment to the political order in the link between vulnerability and exposure that makes (certain) bodily presence possible so, that 'on one level, we are asking about the implicit idea of the body at work in certain kinds of political demands and mobilisations; on another level, we are trying to find out how mobilisation presupposes a body that requires support'.⁴¹ When recognition is a legitimate 'space of appearance', the dynamics of that exposure necessitate a body that is linked to the normative conditions that define, recognise and create the street as a political infrastructure. If the same conditions silence the subaltern, there is no relational 'value' between them and the normative order in their exposure. Their physical interaction with the streets cannot act as a condition for recognisable action.

In *Rags and Tatters*, the minimal conversations in which the audience (un)hears, becomes an embodiment of a silenced presence. We, as the audience, see the protagonist but we cannot truly reason with him, since he does not speak any relational value to us. Mari Ruti argues that in order to relate to each other's struggles, a form of 'familiarity' needs to galvanise solidarity. But that, in itself, does not necessitate action.⁴² What we witness is a stagnant form

39 For example, in codified international legal instruments, rape is treated under crimes against humanity or crimes of genocide if the act meets the different requirements of each category. See Nuremberg Charter art 6(c); Convention on Prevention and Punishment of the Crime of Genocide; Protocol II additional to the Geneva Conventions art 4(a), (e); International Covenant on Civil and Political Rights.

40 Kapur (n 9) 172.

41 Butler (n 23) 15.

42 Ruti (n 27) 93.

of visceral guilt that disappears through time. It does not change or engage with the process of oppression. *Rags and Tatters* portrays this clearly when, at the film's ending, the audience witnesses an uncertain death of the protagonist. We are left with fog infesting the air and the im/possibility of his survival.

In human rights activism, recognition of the subaltern necessitates a bodily commitment to the normative order. Such recognition dismisses the expendability of the subaltern to the function of the normative order, instantly denying them any livelihood. Yes, following Butler's ethics means their deaths are grievable, mournable; they are *actual* deaths. But there is no potential for relieving them from death. They have no relational value to the infrastructures at play, including those of human rights. In counter-hegemonic practices, the subaltern is recognised in an abyssal form of representation, one that represents them through the conditions of oppression. The abyss is the persistent violence in politico-philosophical commitments that threatens knowing life apart from human rights normativity. The next section dissects the constituents of the body that is recognisable in practices of human rights.

BODILY PRESENCE AND PHYSICAL PAIN

Human rights activism necessitates a living body that is recognisable in its oppression and an agentic subject that is committed to normative relationalities. In those practices, images of the oppressed body in pain and as a site of harm galvanise responsibility.⁴³ This section questions the embodiment of the subaltern in advancing a performative subjectivity.

In detailing the demonisation of black corporality, Bakare-Yusuf questions the living body that is essentialised as a performative subject.⁴⁴ She engages with the fetishisation of the body in action without challenging the normative conditions in which the 'privilege of the [living] body' is not for all.⁴⁵ Utilising Hortense Spillers' work on the Middle Passage, Bakare-Yusuf argues that biological visibility has been ineffective against the racialisation of human agencies. For Spillers, the dehumanisation of the black body throughout transatlantic slavery has left the black subject captive to their own

43 For example, Lloyd traces the dismissed socially constructed 'desire for existence' within Butler's metaphysical premise, in which Butler assumes the subject precedes her material take on the social realm: M Lloyd, 'Towards a Cultural Politics of Vulnerability: Precarious lives and Ungrievable Deaths' in T Carver & S Chambers (eds), *Judith Butler's Precarious Politics: Critical Encounters* (Routledge 2008).

44 B Bakare-Yusuf, 'The Economy of Violence: Black Bodies and the Unspeakable Terror' in J Price & M Shildrick (eds), *Feminist Theory and the Body* (Routledge 1999).

45 *ibid* 312.

otherness.⁴⁶ The Middle Passage is not a historical event or a place. It is a processual unmaking of the subject. It suspends blackness to an existential complexity that is dispossessed of agency and social referents while unsettling the vicissitudes of European modernity. For that, the concrete biological existence of the black body has substituted engagements with the complexity in black subjectivities that is ontologically-deprived against the normative humanity. And by dismissing such complexities and essentialising that of an agentic (European) subject, the black body embodies pain: ‘like a laboratory prose of festering flesh, of limbs torn from sockets, of breasts branded with hot iron, of severed tendons, bruises, exposed nerves, swollen limbs, of missing teeth as the technology of iron, whips, chains, bullets, knives, and canine patrol went to work’.⁴⁷ Blackness embodies *the surface* of flesh without an interiority as ‘an alterity of European ego, an invention, or “discovery” . . . as the birth of a newborn’.⁴⁸ Such depiction haunts *Rags and Tatters* as the audience witnesses an unnamed protagonist. We, as the audience, do not know anything about his life beyond him being a fugitive who wanders ghost-like between atmospheres of violence, brutally beaten in alien neighbourhoods. What is vivid, with every turn he makes, is the pain in his existence even though his portrayal on-screen is quite spectral.

Bakare-Yusuf questions what is (un)communicative about the black body in pain that is represented as a (European) agentic non/being.⁴⁹ She engages with Elain Scarry’s work in which ‘physical pain has no voice’.⁵⁰ Scarry retains the experience of pain to the biological body outside any constructs of verbal communication. She inscribes a difficulty in communicating physical pain when the victim lacks any form of belonging to the outside world while affirming a state of fugitivity to the body in pain. In Scarry’s module of pain, the subject is split into the one who speaks and the body that experiences pain.⁵¹ Physical pain becomes ‘inexpressible’ linguistically; the experience of

46 HJ Spillers, ‘Mama’s Baby, Papa’s Maybe: An American Grammar Book’ (1987) 17 *Diacritics* 64.

47 Bakare-Yusuf (n 44) 314.

48 Spillers (n 46) 71.

49 It is outside the scope of this paper, but the (un)communicative is sometimes utilized affectively as an evocation of what is left out but still haunts the scene, as Philippopoulos-Mihalopoulos points out: ‘Atmosphere is the withdrawal of the lawscape from the very bodies of its emergence.’ A Philippopoulos-Mihalopoulos, *Spatial Justice: Body, Lawscape, Atmosphere* (Routledge 2014) 107. My argument destabilizes the affective turn to its pre-requests. To be ontologically part of the lawscape, you necessitate the fugitive, as the subject. See S Harney & F Moten, *The Undercommons: Fugitive Planning and Black Study* (Minor Composition 2016) 116.

50 E Scarry, *The Body in Pain: The Making and Unmaking of the World* (Oxford University Press 1987) 3.

51 *ibid* 4.

pain/suffering happens within the physicality of the body, alien to the outside world but with visible scarring.⁵² In one of the scenes in *Rags and Tatters*, the main character overhears a background conversation on prisoners' bodies being dumped in the desert covered in bruises and bullet holes. We do not get to see those images, but we hear some laments: 'No one knows their stories. No one knows if they're the villain or the victim.'

Physical pain alienates the tortured from the outside world; it becomes constitutive of the victim's existence. It destroys the ability of the subject to exist outside of the 'absent' pain; absent to the outside world in languages of communication, but present within the subject's body. Pain is 'unsharable' because only the victim can feel it.⁵³ Language fails against that presence. For '[p]hysical pain does not simply resist language but actively destroys it, bringing about an immediate reversion to a state anterior to language, to the sounds and cries a human being makes before language is heard.'⁵⁴ According to Scarry, this 'inexpressibility' of physical pain is not problematic, but it speaks to the nature of physical pain that aims to destroy the agency of the body. It shatters the communicative ability of language because it is an 'interiorised' sense of existence. It belongs only to the biological body. Unlike any other emotion, pain has no effect beyond the victim's body; it has 'no referential content' outside that body. Pain, as Scarry asserts, becomes a way to disrupt everyday communication as it has its own form of expression: 'In compelling confession, the torturer compels the prisoner to record and objectify the fact that intense pain is world-destroying. It is for this reason that while the content of the prisoner's answer is only sometimes important to the regime, the form of the answer, the fact of his answering, is always crucial.'⁵⁵

The infliction of physical pain manifests itself in power relations as an assertion of dominance over the victim's body, a 'display of agency'.⁵⁶ The act of torture presupposes that extortion of information is dependent on the infliction of physical pain. Yet, what is important, as Scarry implies, is to break down the victim, to un/make them through objectifying pain within their bodily senses.⁵⁷ The torturer here controls, presents, and represents the body and manipulates its existence to the outside world. Denying agency outside the interrogation room is essential in understanding the process of *coming to*

52 *ibid.*

53 *ibid.*

54 *ibid.*

55 *ibid.* 29.

56 *ibid.* 27.

57 *ibid.* 29.

presence: the sufferer speaks as if they are the one responsible for their pain, through their body.

Counter-hegemonic human rights practices exemplify the stakes of Scarry's understanding of pain. In human rights activism, the subject becomes unable to articulate their experience, not just verbally but in any corporeal act other than through the traces of their wounds and suffering. Human rights activism operates on a spectacle of pain. It reduces pain to a condition of action. Recognition of pain and suffering becomes a performative act that functions on finding value in the suffering of the excluded from human rights protections. Pain, as such, not only destroys language but it also signifies a 'pre-language', that is, a space in which vocal enunciations are in the form of 'cries and groans' signifying the 'birth of language'.⁵⁸ The victim—reduced to a biological figure—is unable to communicate their pain outside the 'incomprehensible wailing, inaudible whisper, inarticulate screeching, primal whispering which destroys language and all that is associated with language: subjectivity civilisation, culture, meaning and understanding'.⁵⁹ For Scarry, the body in pain disconnects the subject from their ability to enunciate that unbearable pain in communicative structures.⁶⁰ Such amputation of the body from the voice destroys the person's connection to any communicative structure while internalising their existence.

The silence that haunts every scene in *Rags and Tatters* disconnects the senses of the audience from those of the main character. We only *witness* the events unfolding *around* and *through* him but never *for* him. This embodiment of pain de-politicises the sufferer's existence through objectifying physical pain. For Scarry, the inexpressibility of pain is not problematic because the tortured is still represented/present through structures of representation. Yet, the dismissed relationalities in structures of representation alienate the subaltern to the cracks of everyday living, shadows, and ghosts to us.

Highlighting physical pain leaves the body without its subjectivity, which encourages what Kapur refers to as 'assimilationist activism'.⁶¹ This form of activism homogenises the oppressed in one cohesive identity of victimhood. Assimilationist activism reduces the struggles for one of recognition, while such recognition becomes a regulative practice that leaves the body exposed in the normative order. Kapur takes seriously the possibility of letting go of practices of human rights and looking elsewhere to substantive freedom. Contra

58 *ibid* 6.

59 Bakare-Yusuf (n 44) 314.

60 Scarry (n 50) 48.

61 Kapur (n 9) 74

McNeilly, Kapur's premise raises the urgency in abandoning human rights as a freedom project after critiquing its failures.⁶² The next section will question the critical intellectual's role that has become central in advancing the radical future(s) of human rights.

IDIOSYNCRASIES OF THE INTELLECTUAL

So far, I have suggested that the street is not a site for all, but framing it as a given infrastructure amplifies the privilege of the body that the subaltern lacks in human rights normativity. Human rights activism reduces the subaltern body to a biological existence within the street that has no communicative value to the normative order apart from its suffering. Recognition of the subaltern in human rights is an abyssal representation that reiterates their alienation. In this section, I turn to the role of the intellectual that is essential in the promotion of counter-hegemonic approaches to human rights. I suggest that the critical scholar actively positions their desires to proliferate the ideals of human rights against the desires of their subjects. Such positioning reduces the actualities of subaltern living to the pre-determined desire for recognition.

Rags and Tatters highlights the subaltern places of Cairo that are dismissed from representation. The main character roams different settings, like attending Sufi and Christian gatherings outside Tahrir Square. The film highlights the neglected neighbourhoods: the City of the Dead and *Ezbet El Zabbaleen*, which are occupied by numerous subaltern families. The setting hints at the dismissal of the uprising outside the represented subjects in Tahrir Square. In those marginal settings, the subaltern do not speak; someone else speaks for them to turn their 'body in pain' to a 'docile body' (in a Foucauldian sense) within systems of representation.

Gayatri Spivak problematises the idiosyncratic desires of the intellectual that displaces the desires of their subjects. Spivak disputes the position in which the subject, as a historical agent, has a unified identity.⁶³ She attacks the 'generalised ideological subject of the theorist', which collects heterogeneous interests in one category and introduces it to discourses of representation. She writes '[s]uch slips become the rule rather than the exception in less careful hands ... An effectively heliocentric discourse, fills the empty place of the

62 R Kapur, 'In the Aftermath of Critique We Are Not in Epistemic Free Fall: Human Rights, the Subaltern Subject, and Non-Liberal Search for Freedom and Happiness' (2014) 25 *Law and Critique* 25.

63 G Spivak, 'Can the subaltern speak?' in C Nelson & L Grossberg (eds), *Marxism and the Interpretation of Culture* (Macmillan 1988).

agent with the historical sun of theory, the Subject of Europe.⁶⁴ The slip is the equivocation between subjectivity and representation. Subjectivity refers to the intellectual's assumption of the desires of the subaltern while being re-presented through the intellectual. Spivak answers to an interview between Foucault and Deleuze, in which Deleuze asserts the subject of the intellect can speak for themselves because there is no representation; as in, no connection between the signifier (the intellectual as a subject) and signified (the subject themselves as the subaltern).⁶⁵ Foucault and Deleuze highlight theorising as schematic rather than textual. Schematic theory refers to theory as a function that does not change towards shifting power relations, instead, theorising becomes an act of 'relay', in which the intellectual as a subject disappears in front of their practice to acquire power: 'a box of tools . . . (that) has nothing to do with the signifier'.⁶⁶ However, textual theory resonates with the ability of the intellectual's work to expose oppression while conveying the subject's voice through attempts of re-presentation. Such representation liquidates the subaltern to an identitarian essence and homogenises different conditions of oppression. The subaltern subjects with their complex desires and interests become a homogenised subject under analysis.

For Foucault, power is present in the mundane. The subaltern is relational to the hegemonic. Thus, even though the subaltern are not visible in power structures, they can resist the hegemonic, but if they resist they die. Their deaths are meaningless, not at all heroic, though death in itself can be seen as a form of resistance, as Foucault writes: 'All these lives, which were destined to pass beneath all discourse and to disappear without ever being spoken, have only been able to leave behind traces—brief, incisive, and often enigmatic—at the point of their instantaneous contact with power.'⁶⁷ The intellectual does not need to narrate their struggles; 'the masses no longer need him to gain knowledge: they know perfectly well, without illusion; they know far better than he and they are certainly capable of expressing themselves.'⁶⁸ The intellectual's role, in this sense, is to destabilise power relations; to acquire power; to reverse existing power relations towards new struggles.

64 *ibid* 274.

65 M Foucault, 'Intellectuals and Power' in *Language, Counter-Memory, Practice: Selected Essays and Interviews* (DF Bouchard & S Simon tr, Cornell University Press 1977).

66 *ibid* 208.

67 M Foucault, 'The Life of Infamous Men' in M Morris & P Patton (eds), *Michel Foucault: Power, Truth, Strategy* (Feral Publication 1979) 80.

68 Foucault (n 65) 207.

McNeilly offers practices of activism that treat human rights as a malleable political discourse.⁶⁹ She exposes the centrality of the critical scholar in advancing the radical potential in human rights. The role of the intellectual is to assert the competing universal grounds of human rights and influence practices of human rights to rework liberal limitations. Yet, as Ben Golder argues, the inadequacies of critiques of human rights against their liberal epistemological entrapments is that they end up recreating human rights in a 'redemptive guise'.⁷⁰ Through Spivak's work, I suggest that what is redeemed here is not human rights as a discourse on freedom, but the positionality of the critical intellectual. Spivak traces the desires of the subaltern, which are conflated with the intellectual's interests in theorising.⁷¹ When the intellectual unifies their interests in theorising with the desires of their subject, they equate recognition with re-presentation. The intellectual inscribes subaltern voices within existing modes of representation. They dislocate the interests of the subaltern towards their categorisation of a coherent *Other*. In practices of human rights, the subaltern become recognised through their re-presented subordination. Such recognition suppresses the presence of the subaltern and cultivates calls for an interventionist-liberation, while the role of the intellectual effaces their subject's desires. With that role, the desires of the intellectual displace that of the subaltern.

For Spivak, the intellectual's schematic approach equates representation, *Vertreten*, in the political sense, and re-presentation, *Darstellen*, as in the transformation of one's identity through political representation. In re-presentation, the intellectual ignores their positionality once they start theorising while projecting their desires on the experiences of the subaltern. The subaltern can never be the re-presented/signified because they are only present through the representation of their masters; they do not have the privilege of being the subject that engages with the infrastructures at play, unless someone highlights their spaces, like in *Rags and Tatters*.

By deconstructing the process of representation, Spivak highlights specific suppressions within the category of the oppressed and essentialises them in power struggles. She introduces the 'blankness' of knowledge within the understanding of subjectivity to what is not articulated.⁷² The plurality within the *Other* is introduced through the lack of knowledge: 'There are people

69 McNeilly (n 8)

70 B Golder, 'Beyond Redemption? Problematizing the Critique of Human Rights in Contemporary International Legal Thought' (2014) 2 *London Review of International Law* 79.

71 Spivak (n 63) 279.

72 *ibid* 295.

whose consciousness we cannot grasp if we close off our benevolence by constructing a homogenous Other referring only to our own place in the seat of the Same or Self. To confront them is not to represent them but to learn to represent ourselves.⁷³ Spivak asserts that inside the *Other*, as a plural category, there is representation. ‘Representation has not withered away’, for there is still a signifier/signified.⁷⁴ The subjectivity of the subaltern becomes a continuous process rather than an accessible and unified subject in tracing the subaltern’s dislocation in representation practices.

We, the audience of *Rags and Tatters*, are exposed to our role in representing their experiences. We do not understand the experiences of the main character, but they attest to the privilege of a visible body.⁷⁵ The protagonist is silent not because his experiences are unacknowledged but because in their acknowledgement, his desires are invisible. He has no value to the audience unless he is re-present/highlighted on screen with languages that resonate with us.

Locating the position of the critical human rights scholar in a process of cultural translation does not address the processual unmaking of subaltern voices. In such positionality, there is no ‘object of seduction’ to leverage the subaltern to have it their way but there is an object of subordination to coerce them into re-presentation.⁷⁶ As such, intellectual interventions subordinate subaltern desires when they try to redeem their dislocation in human rights activism. What the intellectual does is speak about, speak of, speak at, or speak for the subaltern. Only, the subaltern does speak for themselves, possibly though, in a different *sense* than that offered in activism.

Rags and Tatters highlights the main character’s experience as he roams the city in a self-relation to his own experience, subverting the idiosyncrasies of us, the audience, who try to inscribe some relatable sense to his struggles. It is not enough to trace the subaltern body against hierarchies in re-presentation. Just like tracing performative relations evokes an enabled body, essentialising the subaltern presence negates their performative existence beyond those struggles, which is the limitation of relying on an agentic understanding of the subject. In the next section, I suggest a form of presence to the subaltern that is relational to their own living. This self-relation demands unpacking practices of freedom that the subaltern communicates through.

73 *ibid* 288.

74 *ibid* 208.

75 Todorov terms that ‘the prejudice of equality’ which deems understanding the Other in terms of ‘one’s own “ego ideal”’. T Todorov, *The Conquest of America: Question of the Other* (University of Oklahoma Press 1984) 165.

76 Spivak (n 63) 283-85.

SELF-RECOLLECTION: AN ONGOING PRESENCE OF THE SUBALTERN OF CAIRO

Following the everyday-ness of subaltern living, the film moves between subaltern neighbourhoods of Egypt through silence and minimal conversations, signifying subaltern's muted struggles. In an interview about his intention for *Rags and Tatters*, Egyptian film-maker Ahmad Abdalla explains that 'the film is an attempt to delve into the deep; inside some worlds that surround us everywhere, but we consciously chose to ignore their existence'.⁷⁷ The main character is haunted by his imposed identity as an inmate. This identity interpellates his existence and dictates limitations on his actions. He is conscious of how he hides his conscripted identity when he is suddenly released in the disorder. He also navigates possibilities beyond the forced constituents on his agency (as an incarcerated person) to re-narrate his presence through the uprising.

Highlighting the subaltern in the film disrupts the positioning of subaltern desires, as a counter-narrative, to possibly exceeding the enmity between liberal and nonliberal subject. *Rags and Tatters* compels an epistemological shift in the relation between subaltern visibility and an event like the Egyptian uprising that was an object of spectacle. As Alain Badiou argues, the international reception of the 2011 uprising was not an attestation to an Egyptian will but an attestation to Tahrir as a 'popular movement' as it resonated with the international community's ideological pillars: 'Western inclusion'; a 'victory of democracy'; and pleas for human rights.⁷⁸ The subaltern become shadows of those victories in the peripheries. The film provokes the question of the implications of muting the subaltern resistance to the creation of a hegemonic narrative to the events.

In *Rags and Tatters*, the main character is introduced to the uprising through videos, TV channels documenting the events, and the people he encounters. Each gives him a relation to the uprising, as the event. Such relation, as Bakare-Yusuf notes, provides a form of body remembrance, reattaching the black body to their existence.⁷⁹ It captures the body at a particular moment in an act of 'self-recollection'⁸⁰ that opens to presence beyond the constructs of the legitimised subject. The body, through self-recollection, is no

77 'Interview with Ahmad Abdalla' (*Film Clinic*) <www.film-clinic.com/rags&tatter/english/production%20notes.html>.

78 Badiou (n 12) 51-52.

79 Bakare-Yusuf (n 44) 321.

80 T Morrison, 'Site of Memory' in W Zinsser (ed), *Inventing the Truth: The Art and Craft of Memoir* (Houghton Mifflin 1995).

longer a property to subjugate. Instead, the body is returned to its flesh. In Spillers, the flesh is distinct from the body as it is the interiority that cannot be enslaved and in modes of representation, the flesh appears as a surviving body.⁸¹ Self-recollection serves as an access to the 'interior life' of the body that has been suppressed to the surface of the performative (and always subjugated) body.⁸² The 'interior' life of the body is a form of celebration of existence in oneself; not as an attestation of agency, but as a fidelity to one's living journey that has been interiorised by dominant forms of existence and thus, remains absent from representation. The recollection of one's journey transforms the body to a symbol of the eventuality of living. It undoes the re-presentation of the subaltern body as a body in pain and an oppressed identity. The subject recollects their living within the body that suites their struggles in figuring out what freedom means. Here, freedom is regenerative with each act of self-recollection.

In self-recollection, freedom becomes what the moment entails it to be, and that is what *Rags and Tatters* does when it highlights the regenerative paths to freedom within the uprising beyond the closures of Tahrir Square. Throughout *Rags and Tatters*, the protagonist is trying to reach the address of a companion's family to give them his letter and phone that he handed to him before he was killed. But he encounters different conversations that draw him to different spiritual journeys, like a Sufi recital and a Christian burial ceremony, and which compel him to understand himself through them. The film signposts how he is present in each of these moments as a ghost roaming them. But to him, they conceive his relationalities to the 2011 uprising. He manages to give the footage he found on the phone of his deceased companion to a news agency. In doing so, he sees live footage that shows how the police are responding to protestors with live ammunition. Upon seeing that footage, he runs to the protestors' location, galvanised to engage with the events. The protagonist, self-recollected, exists beyond the lack of agency.

Self-recollection drives existence 'to a reconstruction of a world, to an exploration of an interior life that was not written and to the revelation of a kind of truth'.⁸³ To access that interior life, the subaltern reconnect with their voices, in their enunciations of resistance. This interior life attests to a dedication to living. Practices of human rights are limited in their potentiality as the infrastructures available inherently alienate the interiority of living through which the subaltern exist. The envisioning of subaltern resistance as a defiant

81 Spillers (n 46) 67.

82 Morrison (n 80) 9.

83 *ibid* 95.

act against liberal closures becomes abyssal as subaltern lack a relational value to human rights normativity. Human rights practices can shed light on performative engagements with the streets; they recognise the legitimacy of the events against oppression so that their resonance can be heard outside their localities. But this comes with an inherent subversion to the subaltern subjectivities and embodiment that know and relate to the events differently. They do so, not through the promises of freedom, but through the substantive feeling of freedom and interiority of living that could possibly be as intricate as the title of the film.

An implicit practice of freedom is highlighted in *Rags and Tatters*. The film takes its name, *Farsh w' Ghata* in the original Egyptian, from a genre of singing that started in Upper Egypt. This recital practice enunciates everyday struggles with some mournful rhymes and improvised lyrics. Popular recital voices of Mohamed Al-Agouz and Ahmed Barrain have developed *Farsh w' Ghata* to enunciate lyrically their presence rather than being overwhelmed by their everyday struggles, something that the lead character in *Rags and Tatters* is looking for. The recitals are a collaboration between both singers, in which one dwells on daily struggles and the other laments and offers consolation. The name *Farsh w' Ghata*, signifies a process, in which one exposes their life struggles to the audience and the other offers words to heal, like covering a wound with a small piece of cloth. Self-recollection delves into the healing that the recitals try to achieve with their simple hand drum rhythms and spontaneous rich lyrical utterances. Likewise, the main character in *Rags and Tatters* wanders to find himself through the uprising. Resolution becomes and indeed comes to assert a momentary relief through the peripheries of the uprising. At that moment, the subaltern are only relational to themselves beyond the persistent homogenisation of the oppressed in practices of human rights. Yet, their relations are knowledge-worthy as they communicate what it means to practice freedom beyond normative limitations.

CONCLUSION

Counter-hegemonic human rights approaches have attempted to remedy the closures of liberal autonomy by treating normative limitations as a condition for action. In those approaches, the subaltern, represented within the cohesive oppressed subject, are always conditioned to their struggles. They are present through their wailings as an object of spectacle. As such, the subjectivity and embodiment of the subaltern within counter-hegemonic engagements become part of the process that alienates the interiority of subaltern living.

Self-recollection subverts the process of recognition that homogenises the oppressed in one category to fit the rights-bearing individual and opens to understanding subaltern living apart from a conditioned agency. Subaltern living, self-recollected, offers fleeting trajectories to practices of freedom that are present, yet inaccessible to human rights discourse. Through the main character of *Rags and Tatters*, the audience witnesses a memory of the uprising in Cairo that does not belong to the infrastructures taken for granted; Cairo belongs to subaltern encounters. In *Rags and Tatters*, every move the protagonist makes through the events reiterates to us, the audience, that his presence surpasses the boundaries of our knowledge of the televised events. When the subaltern do speak (or more precisely sing in this instance), they do so through the cracks in knowledge production.

Subaltern living, self-recollected, brings out an ethical urgency in questioning the positionality of the critical intellectual in relation to their subjects while acknowledging their interpellative desires that galvanise advancing human rights in different localities. The urgency necessitates discussions on the conditions that curtail freedom when the subaltern are only recognisable through their oppression. Perhaps critical discussions ought to refocus on practices of freedom that exist and that are continuously hindered by human rights normativity.