HUMAN RIGHTS IN "POSTMODERNITY" – FEMINIST CONTRIBUTIONS

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Abstract

  This article faces the following question: how to conceptualize universal moral patterns, considering the postmodern critiques on the liberal assumptions? On the one hand, globalization requires universal patterns to guide its disruptive processes and common problems. On the other hand, however, "postmodernist" scholars criticize the moral cosmopolitan norms, considering their premises unconvincing. Thus, along with critical and feminist theorists we seek to find new grounds for universal norms, such as human rights. Our objective is to further explore the debate regarding the possibilities of universalism, focusing on the following issues: (i) the constitution of the self, (ii) the source of reflexive agency; and (iii) the possibility of normative patterns.

  First, we propose to resituate the self in the "fragile space of intersubjectivity", following Jessica Benjamin's psychoanalytic contributions. Second, we identify the source of our agency in the space of renegotiation between two concrete subjects in relation. Finally, we conclude that normative patterns cannot be interpreted as fixed ideals, to be forced at different contexts. To regard human rights as a crystalized ideal, distant or unrelated to the specific case, is to detach it from reality, making it void of significant content. Further, its imposition represents a presumption of an empty other that can be resumed to one single reason, which actually represents our own projections of the other. Rather, universal morality needs to be an unstable site of contestation, renegotiation and reinterpretation between concrete subjects in relation. We are not claiming the "death" of universal rights. Rather, we recognize that those rights (and the very language of *rights*) are not enough as a political guide, once they go without concrete relationships. Also, to locate universalism within embodied processes means to reduce the possibility of theory's grandiose presumptions: autonomy comes mainly from the concrete selves, not necessarily from theoretical guidance or the paternalistic protection of abstract rights.

Key-words: human rights, feminism, postmodernism, intersubjectivity

1. Introduction – on the necessity and possibilities of universalism

In recent years, globalization has been increasingly analyzed and problematized in the academic debate, giving rise to concerns regarding the universalization of normative principles that could guide this process. It is argued that such a complex and multidimensional phenomenon poses a challenge to current norms and that it demands new universally valid ethics, as well as new institutions that possibly embrace and apply them (Apel, 2000; Demenchonok & Peterson, 2009).

This necessity has being mainly recognized by liberal and cosmopolitan scholars, who place on the current globalizing processes a central reason for the observation of a universal moral pattern, of Kantian inspiration, based on the freedom and equality of individuals, human rights and human security. It is argued that the globalization of politics calls into question the traditional demarcations between the domestic and the foreign, suggesting the creation of global political forums and institutions, supported by cosmopolitan global ethics, or a universal justice.

In this context, human rights retain a great amount of legitimacy within global forums, having shaped international organization and justified humanitarian interventions and even the use of force in several countries, particularly since the end of the Cold War (Finnemore, 2003). Also, some scholars consider that the human rights international treaties are altering the international domain, limiting national sovereignty and becoming constituent elements of an emergent global civil society (Benhabib, 2008).

At the same time, however, at least since the end of the twentieth century, the cosmopolitan ideas are increasingly perceived as an illusory and even pernicious solution. The universal promises of modernity generate distrust and disillusionment, once they still perpetrate war, insecurity, environmental destruction, economic exploitation, social inequality, terrorism, etc. Despite the contemporaneity of the globalizing pressures and the moral force of human rights, the Enlightenment project and even liberal democracy seem "old fashioned" and face strong skepticism among intellectual circles, particularly under the general label of "postmodernism" (Benhahib, 1992:1-2).

Communitarian scholars have questioned the epistemological assumptions of liberal cosmopolitanism, believing that there cannot be any universal moral conception

or consensus, since values and norms belong to the scope of each particular community, being forged within its cultural and historical substance.

Postcolonial perspectives endorse that cosmopolitan claims represent a particular point of view, rooted in Western liberal conceptions. A solution proposed by white-European scholars can hardly be considered legitimate on a universal basis and is usually a tool for advancing a form of neo-imperialism. Even the defense of Human Rights masks imperialistic and violent intrusions of more powerful states on peripheral countries at the world system.

Poststructural perspectives of a Foucaultian tradition emphasize that any moral claim is immersed in power relations and inevitably comes from them. Focused on the role of language, many "poststructuralists" claim that knowledge comes from a position of power, which supports certain purposes and furthers particular interests. Thus, the idea of a universal justice with neutral presumptions is impossible. Morality is always the expression of a localized position that cannot reach ahistorical truths.

Feminists add the notion that conceptions such as autonomy, independence, and rationality, largely present in our international norms and in liberal theorizations, are all typically associated with men and masculinity, which disregards other crucial aspects of the human experience, historically associated with the female universe, such as care and relationality. Thus, universal perspectives based on the idea of the autonomous male ego, the rational subject or the "unencumbered self" also tend to be unjust due to their gender blindness.

In an effort to schematize the criticisms aimed at modern universalism, described as a "metaphysical illusion of the Enlightenment", the critical theorist Seyla Benhabib (1992:1-4) identified three general themes of disapproval: (i) the false idea of a self-transparent and self-grounding reason, (ii) the illusion of a disembedded and disembodied subject, and (iii) the incorrect presumption of having found an Archimedean standpoint, situated beyond historical and cultural contingencies. Taken together, these premises make modern universalism seems not only "old fashioned", but also almost impossible. How to argue for a universal pattern that can be beyond any cultural context, historical contingency, or power structure?

Returning to the first problem presented, regarding the universalizing pressures posed by globalization, however, we have to consider that universal problems are

constantly coercing our institutions and challenging our theoretical limitations. The multidimensional tensions brought about by the rapid flows of goods, persons and ideas demand a common conception to guide the solution of internationalized problems and the global governance of these processes.

At this point, we reach a practical and theoretical stalemate: at the same time that globalization (with its tensions and pressing negative effects) demands universal ethics and institutions that could conduct more harmonious processes between nations and peoples, it appears almost impossible to theorize on legitimate consensual normative structures of a universal reach, since the alternatives proposed so far are perceived as particularistic and biased. Similarly, while universal patterns like human rights still retain normative force and constantly mobilize discourses and movements at national and international forums, its premises are perceived as no longer convincing. Hence, we seem to need new and different basis on which to sustain universal moral guides, such as human rights.

This problem was perceived by "postmodernist" and critical scholars, who engaged in a fruitful discussion on the needs and possibilities of universal moral norms. Simultaneously, this debate was embraced and extensively developed by feminist scholars, committed to accommodating both traditions and taking advantage of their complementary values for the feminist struggle. Within the rich debate between Seyla Benhabib, Judith Butler, Nancy Fraser, Amy Allen, Jessica Benjamin and others, the issue of universalism is problematized along with related and inescapable questions, such as the role of power in the subject constitution, the possibility of reflexive agency and the need of normative goals for social criticism. More importantly, these authors discuss the concept of intersubjectivity, which captures the relational aspect of the subject's constitution, being a key notion to the understanding of both power and agency, among which may be located some form of universalism.

Considering the useful resources of this debate and its profound philosophical content, we propose to engage in the feminist contentions, in a first step, in order to bring the discussion to issues of universal moral patterns and human rights, in a second step. Our objective is to extend and further explore the debate regarding the possibilities of universalism, focusing on the following issues: (i) the constitution of the self, (ii) the

source of reflexive agency, or of critical thought; and (iii) the possibility of normative patterns.

In this context, we ask, along with Seyla Benhabib, Amy Allen and others: What philosophical concepts could support universal norms, such as human rights? And which ontological premises it entails? These questions are going to be worked through in what follows, where we intend to offer a possible alternative to ground universalism on intersubjectivity. In the next session, we briefly analyze the feminist debate that largely explored this issue. Then, we will be able to localize our perspective, using the psychoanalytical model of self from Jessica Benjamin. In a fourth session we further detail our model of self and agency to finally draft, in our fifth session, some implications of our model to universalism and human rights. We do not have space to deepen our analysis of this last topic, thus only initial conclusions are presented, as an indication of the subsequent steps in the research.

2. The Feminist Contentions

The well-known debate published at the book *Feminist Contentions* (Benhabib et al. 1995) aggregates the main arguments of interest for this work, having at its central points of disagreement the problem of the subject and the possibility of reflexive critique (Allen, 2007). The oeuvre not only presented and summarized some of the main voices of the discussion, which were Benhabib, Butler and Fraser, but it also motivated the later involvement of other theorists, such as Amy Allen, Jessica Benjamin and others.

The critical theorist Seyla Benhabib opened the discussion arguing for a redefinition of the post-modernist terms accused of draining out the critical potentials of the feminist struggle. She opposed mainly the strong conclusions on the "death of Man", the "death of History" and the "death of Metaphysics", all attributed to "postmodernism" vaguely defined. These conclusions designate respectively (i) the elimination of subjectivity, through the definition of the self as a mere product of power discourses, or a masquerading performer "with no self behind the mask"; (ii) the subsequent rejection of any long-term historical narrative, along with the elimination of historical change as a possibility of emancipation; and (iii) the discredit of philosophy as a higher-order means to organize normative principles and mediate cultural conflicts.

For Benhabib, in other words, the postmodernist thinking would situate the subject as a product of external power relations, so that it would have almost no internal source of agency, not even historical agency. Grand historical narratives would always be biased by some particular point of view. As a result, if every objective theorization comes from power, then not even philosophy can claim to be "beyond power".

For Benhabib, even if both critical theory and postmodernism have similar interests in their struggle against the narratives of Western Enlightenment and modernity, the strong assumptions of the later tradition may eliminate the possibility of reflexive criticism, especially the emancipatory ideals of woman's movements. If the self is only a performer of external discourses, or a result of power relations, how can it question those same discourses? If grand historical narratives are eliminated, how can we retain the emancipatory ideals of struggling historical actors? And finally, if philosophical thinking is eliminated as a "metaphysical illusion", how to sustain social criticism and, with it, the whole project of feminism?

These questions are derived from Benhabib's commitment to the revival of a "utopian thinking", that is, the development of a practical-moral imperative or a regulative principle of hope that can guide social struggles and allow radical transformations. With this objective, Benhabib has directly engaged in the cosmopolitan thinking and advocated a form of integrated universalism rooted in the ontological premise of a *narrative self*.

To save the individual's capacity for moral critique and universal thinking, she needs to conceptualize a self that can get away from power, at least temporarily. Thus, her narrative self can interact with power and limitedly "manipulate" it. Shortly put, the Benhabibian self has at is core the capacity to "make sense", namely, the capacity to narrate is own history among the divergent discourses that constitute its subjectivity. This core is what guarantees the self's agency and recuperates the capacity of both historical emancipation and social criticism.

Judith Butler opposes this model, insisting that there cannot be a core of the self that is previous or separate from power, since the subjects are, from the beginning, constituted by power relations. Further, subjects depend on the recognition of others, which gives them their identity and sense of self. This is why we tend to attach to recognizable forms of identity, even if they are subordinating, since the other alternative

would be to have no identity at all. Faced with the choice between a subordinated or power-infused identity and no identity at all, we tend to cling to recognizable forms of identity, even if deleterious.

The intrinsic relation between power and identity, however, does not preclude our critical potential; it only localizes it within the discourses that constitute our subjectivities. For Butler, power infuses "the very conceptual apparatus that seeks to negotiate its terms". Agency, then, is not "dead", but it is understood as a product of power, being culturally constructed. Critique, or the capacity to reinterpret and ressignify the discourse, is always immanent to the very power-relations it seeks to adjudicate.

This idea is considered problematic by many critical theorists, since it seems insufficient to ground normative or political criticism. It does not reserve a proper space for agency so as to justify social struggles, such as feminism itself, in normative terms. If we cannot move away from power, than how can we judge social structures and normative claims as good or bad? Doesn't it undermine the normative basis of the feminist struggle, or at least reduces its critical potential? If even our critique is informed by power relations, than, what is the point of criticizing at all?

For Nancy Fraser, the contention between critical theory and postmodernism represents a false antithesis. Both sides of the debate have its value for feminism, pointing out the limitations of the other side. The Benhabibian position develops a nonessentializing, nonfoundationalist normative dimension that is fundamental for feminism. However, it focuses too much on the active participation of individuals in narrative practices, neglecting more obscure issues of motivation and desire. If women can narrate they own history, this perspective does not explain, for example, why they continuously attach or strongly adhere to subjugated perspectives, even after these notions have been "rationally demystified". Butler's perspective, on the other hand, offers a denaturalized self, constituted in and through power relations, which explains why women depend on discoursive perspectives that, even if subjugating, constitute their identity. Yet, her understanding, while covering lacks in Benhabib's formulation, also presents difficulties for feminism. Mostly, it does not provide robust normative resources for the feminist struggle and it disregards the intersubjective dimension of social life. As a conclusion, Fraser defends that, instead of having to choose between

one of the two sides, feminists should seek a middle ground that integrates the complementary contributions of both authors.

Fraser's position was denounced as a "consumerist approach", inviting theorists to pick and choose elements from both sides, as if they could be easily integrated (Anderson, 2006: 23). It was also criticized for not resolving the contention, while downplaying the theoretical gab between Benhabib and Butler (Allen, 2007: 7). Her point however, set up a challenge, inviting later contributions.

More recently, Amy Allen engaged in this challenge, seeking to understand the possibilities of agency within the constitution of the subjects. In her book *The Politics of Our Selves* (2007), dedicated to further develop the arguments of the feminist debate, she also rejects the possibility of a transcendent universalism, claiming, with Foucault and Butler, that "there is no outside to power". Still, according to her, this does not undermine the possibility of normative judgments, once we just need to localize moral patterns within historical and cultural contexts. At the same time, Allen criticizes Butler for conflating our dependency on other's recognition with subordination, ignoring that non-subordinanted or less subordinated forms of recognition are possible. But, if there is no outside to power, how are we capable of differentiating subornation from non-subordination? Our definition of subordination does not risk being infused by power and, thus, probably oppressive in some other way?

To answer these questions, Allen proposes the recourse to Jessica Benjamin's notion of mutual recognition, as a situated, precarious and partial ethical ideal. Allen understands recognition as a "temporally dynamic process" that may overcome misrecognition, or subordinated forms of recognition. Even if there is no outside to power, in the sense that power is "a permanent and ineradicable feature of human social life", *moments* of mutual recognition remain possible, in which we can form a sense of self and navigate our social world. Members of subordinated groups can form less oppressive attachments of mutual recognition, which allows them to discover new ways of becoming subjects, create networks of psychological and emotional support and generate alternative normative resources.

But here we ask: aren't these moments of mutual recognition, a form of relationship in some sense "outside to power"? Allen seems resistant to admit it, but

isn't she theorizing a way out of power, even if partially? And if so, why not to deepen this notion to a more powerful normative ideal?

While deconstructing Benhabib's theoretical model, Allen herself does not present a fully developed alternative in her book. Evidence that she does not fully complete her initial task is the fact that she only briefly suggests possible sources of social transformation in the last three paragraphs of her Concluding Remarks, acknowledging that "figuring out how to accomplish this sort of transformation is no easy matter". Despite her undeniable important contributions, it seems that she does not advance deeply enough her model, in order to fully develop her own best insights. Moreover, she also does not present a clear alternative that safeguards the self's critical agency. It is necessary here to more clearly resituate the self within intersubjetivity.

	The constitution of the self	The source of reflexive agency	The possibility of normative patterns
Seyla Benhabib (1992)	*Narrative* self: self with a narrative core, a capacity to "make sense"	Capacity to narrate its own history	An "utopian thinking" is possible and desirable
Judith Butler (1997)	The self as an effect of subjection and a site of reiteration of power	Agency as an ambivalent site: it is both a production of power and the possibility of reworking it – "the eclipsing of power with power"	Every normative pattern is infused by power
Jessica Benjamin (1998)	Psychological understanding of self that can sustain multiplicity and adopt different identities	Psychic agency consists on assuming different identities	Moral ideals are inevitable, but they need to count on their negative side
Amy Allen (2007)	The self is constituted by power, but less subordinated forms of identification are possible	Moments of mutual recognition allow less submissive forms of recognition - but there is no outside to power in social life	Proposes a thin ethical ideal based on mutual recognition

Table 1: Premises of some of the main feminist authors engaged in the normative debate regarding universalism.

3. Re-situating the Self – Jessica Benjamin's psychoanalytical contributions

Taking the debate from here, we will follow some of Allen's ideas and propose to relocate Benhabib's model of the self, as one that has at its core the capability of entering in intersubjective relationships with others, generating a co-created space

where two subjects in relation can renegotiate social norms. Thus, intersubjectivity, rather than the individual capacity to narrate its history or to "make sense", is the core of the self. The self here is situated in the "fragile space of intersubjectivity", following Jessica Benjamin's contributions.

Benjamin is a feminist psychoanalyst who contributed to the development of both the psychological intersubjective perspective and the recognition theory in the political sciences. Moving forward from the traditional "intrapsychic" focus of the psychoanalytic theory, she proposes that the human mind is interactive rather than monadic.

Her theory departs from the acknowledgment that in its very initial constitution, the child faces an ambivalent and tense relationship with others, especially when the baby discovers that it does not have control over the mother and that it has to differentiate from her, at the same time that it needs the mother's recognition in order to gain independence. In the same way, throughout life, we are constantly exposed to *different others* who reflect our lack of control and who also threaten to risk our identity. In front of the other, I tend to either merge it as part of myself (as my similar) or reject it as my opposite. This ambiguous relationship tends to assimilate the other (as like or opposite), which actually abolishes difference and externality, because self and other are assigned complementary parts that can be switched, but never held together. In the complementary logic, one person is the subject and the other is the object, one the doer and the other is the done-to, one is good and the other is bad, and so on.

Benjamin emphasizes that we cannot fully exclude the other, because nothing leaves our psychic universe (this is what she calls the "law of inescapability"), which means that what I refuse to recognize outside reemerges as a dangerous or threatening internal object. The loss of externality creates an identity that demands the continuous destruction or denial of the different. Here we can think of the image of the terrorist, who, as a threat, needs to be constantly repudiated and destroyed. Exclusion then is an illusion, because it actually represents the inclusion of negative objects within myself. What I try to exclude from my psychic world, is actually included in it as a threat or a danger.

The only way to overcome this subject-object dualism is to recognize the other as a subject. Paradoxically, the only way to place the other outside of myself is to

psychically include it, or sustain the other's differences. In Benjamin's words (1998: 103): "only inclusion, the reavowal of what was disavowed, in short owning, could allow that otherness a place outside the self in the realm of externality, could grant it recognition separate from self."

When we recognize and allow the other's differences, we have the capacity to sustain multiplicity. The self, for the psychoanalyst, is not a unitary being, but a subject that can sustain multiple and opposing pressures, specially sustain the opposition to identity that the relation with the different other brings.

The self is then located in "the fragile, unenclosed space of intersubjectivity" (1998: 105). To describe this space, Benjamin develops the concept of *intersubjective Third*, which is a co-created or shared relationship that is beyond identity (1998:74) and that overcomes the twoness of complementarity. This space is pictured as something similar to a dance, in which both partners are differentiable, yet moving attuned, in harmony, composing something else together.

In the intersubjective place, the two persons in relation experience the other "as a 'like subject', another mind who can be 'felt with', yet has a distinct, separate center of feeling and perception". This space is co-create through the experience of *surrender* to the other person, which means (she presents some alternative descriptions): a "certain letting go of the self"; "the ability to take in the other's point of view or reality"; "being able to sustain connectedness to the other's mind while accepting his separateness and difference"; and also "freedom from any intent to control or coerce".

To build this space, both actors have to consider one another as subjects and this is what the psychoanalyst understands for mutual recognition. This situation is not a stable one, and it cannot overcome domination once and for all. Rather, it sustains the paradoxes within the relationship, at the same time that it always runs the risk of going back to complementarity. "Breakdown is a common feature within intersubjective relatedness – what counts is the ability to restore or repair the relationship" (Benjamin, 1995: 47).

In her first book, *The Bonds of Love* (1988), Benjamin studied the complementarity of the romantic relations between man and women, in which one (man) usually dominates the other (woman). To overcome this complementarity, she argues that women should "survive the destruction", or resist being assimilated in an

object position, claiming their subjectivity. The recognition between two *subjects* would generate another logic, in which both can survive in their differences, negotiate them and establish a mutual connection.

It is important to point out that mutual recognition does not depend on identical or symmetrical relations, but can encompass a great deal of difference or asymmetry in identities (such as in the mother-child relationship). In analyzing the highly asymmetrical relationship between Israeli and Palestinians, Benjamin states that the Third is the only way to overcome rupture, since in the intersubjective logic all lives matter and all can survive. Outside of it, the complementary logic determines that only one reality can survive, either mine or yours (which can mean that only one people can live, such as in the Palestinian case). Intersubjective thirdness, on the contrary, occurs when both actors embrace their weakness within self and other, maintaining a sense of the multiplicity of their identification and the ambiguity of the positions they can assume (they realize they can be both "good" and "bad", "victim" and "perpetrator"). Here Benjamin transcends the psychoanalytical sphere and enters a philosophical one, declaring that this view implicates a moral demand for our surrender to the Other's subjectivity, in order to establish relationships based on the Third. She calls this claim the *moral third*.

Benjamin understands that personal relationships and the social reality are interconnected (1996:274), which means that primary relations' dynamics (particularly the relationship between husband and wife) have the capacity to reflect on broader spheres, possibly altering social norms. That is because the recognition between two equal beings generates another logic, in which the differences can survive within a mutual connection. Being a co-created space, the Third is both invented and discovered, allowing transformations of identities, liberation of creative possibilities and new forms of relationships. It can be then a source of subversion of social patterns of recognition, such as in the man-woman example.

With these psychoanalytic concepts, Benjamin directly engaged in the feminist contentions, through her book *The Shadow of the Other* (1998), where she argues that the intersubjective perspective opens up a way of transcending the subject-object relationship, possibly overcoming the logic of exclusive, polarized identities.

Benjamin criticizes Benhabib for theorizing a self that is rather similar to that of classical philosophy, focused on the ideal of autonomous reason. The narrative self is not sufficiently problematized, since its ideals of autonomy and reflexivity are illusory. Further, Benhabib's notion ignores the (equally important) negative aspect of recognition and also excludes unreason, neglecting the violence and horror that may be within each subject.

At the same time, Butler is also criticized for collapsing the psychological concept of *self* with the political notion of *subject*. Self and subject are not the same. If we regard the self as a mere product of power relations, than we disregard the psychological production of the self, eliminate psychic agency and ignore motivation, need and desire produced within the human mind. We neglect, over all, the existence of an "identifier behind the identification", that is, the self's capacity of taking up various positions through identification, or of assuming different identities. For Benjamin, the self actively engages in the activity of splitting, namely incorporations and projections of self and other, which may be an innate or pregiven property of the mind.

Here, Benjamin seems to be suggesting an innate or ontological capacity of agency. This capacity, however, is not the same as the reflexive capacity of critique that we are seeking. Even if Benjamin understands this capacity as an innate feature, hence not constructed by cultural patterns, it does not *per se* enable us to reflexively criticize discourse. Incorporating or rejecting the other does not open up spaces of reflexivity, outside of power, since in this complementary positions, we either merge our identity to the discourse that constitute ourselves, or to the discourse that constitutes the other.

Retaining Benjamin's notion of the intersubjective Third, however, we can still save the reflexive capacity, which we are denominating agency. So far, we were confronted with the two opposing options: either the self's agency is located within discourse (that is completely outside the self), or it is located in a certain pure "core" of the self (that is completely inside of it). As an alternative, we propose that the self's agency is actually located "between" the subjects in relation, as we recourse to a two-person account of agency (Yetman, 2015). Using Benjamin's contributions, we can propose that *agency is in-between two concrete subjects in relation*.

This is so, because in a concrete relation, the other poses a threat over my subject that has the potential to dislocate both of our constituted identities, allowing

reflexivity. Suppose that in relation to you, I tend to identify to you, that is, to suspend my identity in the encounter with you. Then, if I do not survive this encounter, if I merge my identity to yours, then we do not leave discourse and, consequently, we cannot reflect over it. But if I survive breakdown and if we build together the Third, we can sustain the tension between me and you, thus between the discourses that constitute both of us. In this fragile in-between space, we find our critical potential, temporarily, partially and precariously away from the discourses that constitute us, being able to renegotiate parts of it. *Within the tension between me and you, we may reinterpret and rediscover new forms of identity*. The way partially outside to power is the way outside of ourselves, within the concrete encounter with different others.

This understanding is supported by Benjamin's theory, once she defines the Third as a place in which the survival of multiplicity allows the reconfiguration of submissive identifications:

> To be able to "stand in the spaces" as Bromberg (1998) put it, to disidentify with any one voice as "I," in Rivera's (1989) terms, depends on intersubjective relations that validate that multiplicity. The aim of maintaining social solidarity while tolerating the tension of conflicting identifications parallels the psychoanalytic process of allowing multiple self-states to exist without one negating the other. (…) identification with the different other serves as a form of empathy that actually destabilizes the subjugating forms of social dependency that constrict what counts as intelligible, human, worthy." (Benjamin, 2018: 18).

This is not to say that power can be fully eliminated from social life once and for all, since we can only renegotiate parts of it in concrete encounters. When renegotiation materializes in objective ideals or in abstract discursive claims, we enter again a power struggle. With the concrete possibility to reflect on power, however, we gain a privileged position on which to assess these objective ideals. This relationship may become clear in a next session.

4. Two dimensions of mutual recognition

Within this relocation of the self, we now present a further detailing to our argument by differentiating between two dimensions of the self's constitution: one that imprints the social discourses that constitute our self-understanding and one that allows for the renegotiation of these same discourses.

The first dimension refers to the cultural background and social norms that frame recognition and that are fixed, informational and predictable. What we call here the *objective dimension of recognition* encompasses all the information that we can rationally apprehend in the relation with one another, such as the juridical rights and the social value of a person. It includes information such as gender, profession, belonging to a social group and all the "evaluative qualities" of a person or group of persons, which must presuppose the objective existence of social values that can be acknowledged, measured and evaluated rationally. This dimension is tantamount to the intrapsychic dimension of the psychoanalytic theory, identified by Jessica Benjamin.

Judith Butler also refers to this dimension by explaining that the process of identification implicates a normalizing "matrix of signification", or prevailing interpersonal and institutional patterns of recognition that determine the available identities present at a social background. Being objective, this dimension can be indirect, or constituted via the relation to an abstract or *objective other* who actually represents the culture or social norms passed on by repeated acts of multiple others.

The objective dimension is usually stable or solid, in order to make sense and to be preserved as a social norm, contributing to the cohesion and perpetuation of a society. Even if it is necessary to localize the subjects within the society and to give them meaning and guidance, the objective recognition carries with it the risk of reification and normalization, once it tends to be fixed and limited, as it has to be. To counter this tendency, allowing for the subject's agency, we need to look at another dimension of recognition, one that cannot be contained in objective frames and that cannot be rationally evaluated or measured.

Jessica Benjamin identifies a second dimension that is also present in mutual recognition, denominated the *intersubjective dimension*, described as a co-created reality that is not determined either by me or you alone, but by both of us in relation. This dimension cannot be unidirectional; rather, it requires at least two *concrete subjects* in relation of mutual recognition. That is the case because in every relation to a *subjective other*, beyond the objective information we share, there is always an unaccountable and unpredictable dimension, a part of the relationship that is not stable or fixed.

Butler discusses the boundaries of recognition in the book *Giving an account of Oneself* (2005), but in her analysis she limits herself to the idea that the unaccountability of the other generates an ethical responsibility and the prerogative of nonviolence. Benjamin's theories can complement this idea by proposing that this unaccountability can actually be the source of the intersubjective recognition. It can demand the surrender of one to the unrecognizable other, generating a co-created space, in which objective recognition can be renegotiated.

Paradoxically, to recognize the subjectivity of an other is to surrender to another mind, which I cannot fully know, so I cannot fully recognize. It is, therefore, to surrender to the unknown, to the inscrutable, to the non-objective, but subjective other, which is always renewed, innovative and unaccountable.

Generally, the concrete other is simultaneously a partially recognizable being (that I can localize in its social roles and patterns) and a partially unrecognizable one (that I can never fully comprehend or control). Thus, in a certain way, I can recognize the subjectivity of an other without fully knowing it and it is precisely this unknowing that I recognize and to whom I surrender. Benjamin affirms that "recognition requires acceptance of the other's independence and unknowability" (Benjamin, 1995:22; In: Hoechst, 2008:145). By giving up the need to control, at the same time that I stay attuned to the other, I open up the possibility of a two-way recognition that transcends both my own knowledge and control and also that of the other. Thus, the recognition of the other's subjectivity can originate a co-created space between two persons in relation that is a source of subversion of ideologies, dominations and reified forms of objective recognition.

Thus the two dimensions, objective and intersubjective, are present within recognition and interrelate to each other, renegotiating each other's terms. But how do both dimensions interact with each other?

We understand that usually both dimensions tend to support each other, working as a reinforcing cycle: the larger it is the objective space of recognition, the larger the intersubjective space, and vice versa. If the social norms available in a certain collectivity tend to grant objective recognition to a determined being as a valuable human subject, then it is easier for him to be recognized as a complex subject in a concrete encounter. On the other hand, as Butler elaborates in *Precarious Life*, if the

social norms fail to recognize someone as a human being, it means that it is denied life from the beginning, then, there is almost no space for its recognition as a subject. This self, that cannot even be mourned, since it never really came to existence, may not be recognized as eligible for entering in an intersubjective relationship. In this case, if we have almost no space for objective recognition, than the intersubjective one may never occur, or may force its way with much more difficulty.

At the same time, however, as we have seen, the intersubjective dimension transcends the cognitive limits of the objective one. It thus has the capacity of creativity and subversion, that is, it has the potential to question and pressure its own objective frame. The subject that is denied recognizable life will continue to be a human body and a psychological self. It will continue to live, to suffer and to die, independently from our social discourse and our understanding of it. The concreteness or the concrete human body of the self placed in the margin of the "human" tends to resist the exclusionary discourse, demanding relationship.

Intersubjective relationships, if they occur, may allow the bodily resistance to be symbolically perceived, interpreted, voiced and discussed, that is, to *reflexively enter discourse*, to defy or criticize the objective side of recognition. Intersubjectivity then may alter our objective patterns.

This occurs because the submission to the unknown-in-the-other may reassure himself that, despite the objective frame, some content of the mutual recognition is secured. Once I recognize the other's complexity that is beyond my understanding, he may feel reassured to discover and postulate a new relationship, once my recognition already transcends the information we share, even if it is guided or shaped by it. Then, through sustaining the tension between the information we share, we may critically reflect on then, renegotiating its terms. Benjamin states that: "If an intersubjective perspective opens up a way of transcending the subject-object relationship, and hence of a different relationship of activity and passivity, it may point a way toward overcoming that logic of exclusive, polarized identities." (Benjamin,1998: 80).

However, reflecting on current gendered identities and the oppression they represent for women, Benjamin suggests that objective forms of recognition are central to the human experience and cannot be completely overcome. She (1998: 74) acknowledges that it is unlikely that we will ever be able to abolish gender categories as

we know them, even via sustaining the tension between complementary identities. This is the case because the tendency towards splitting activity-passivity is a fundamental piece of psychic reality, which is expressed in objective forms of culture and social life. For her, the question "is whether such splits in the self and in our theory have to be reified, congealed in massive cultural formations, perceived as the Law." Benjamin concludes that it is possible, in theory, to work through that process of reification and to elaborate what it conceals. The intersubjective Third, as a dynamic space, may open up the possibility of renegotiation of solid and stable social norms.

But, intersubjective recognition still operates inside an objective frame that dictates its boundaries. Even if it may work to transcend the objective limits, those remain its reference, at least as a point of departure. For Benjamin (1998:73), multiplicity and mutuality (in gender relations) may be allowed, but they do not exist outside the terms of the gender division. In her words:

> "It cannot, does not discover something wholly different, as yet unrepresented or unrepresentable. Rather, it remains in relation to that division, reworking its terms, disrupting its binary logic by recombining and breaking down opposites. But this process of recombining makes a considerable difference. Even while it does not abolish the oedipal complementarity, it does subvert it, using the leverage of its own negative tension the impossibility of constituting a complementary system that can truly exclude all identification with otherness from the self." (Benjamin, 1998:73)

Thus, even if we still depend on the objective dimension of recognition, the intersubjective one may rework its terms, allowing the configuration of less subordinating social patterns. By identifying both objective and intersubjective aspects of recognition and by theorizing on their relationship, we can better understand the tense relationship of both agency and subjectivity, where may be grounded some form of universalism.

5. Conclusion – universalism as a site of contestation

So far, we have located the core of the self in the capacity of entering in intersubjective relationships with others. We have also theorized that the capacity of reflexive critique is localized in the space between two (or more) concrete subjects in relation. What does this possibly mean for universal normative guides, as human rights?

First of all, it does not mean the "death" of universality, since we have seen that we cannot give out objective social patterns. Benjamin (1998:103) suggests that the attack on universality may, paradoxically, have roots on another form of universalization, a regulatory counter-ideal that draws its power from reversal of the complementarity. As if the strong assertion that "universalism is an impossibility" actually had the presumption of being a universal truth. Indeed, since we cannot dispense the objective dimension of recognition, universal ideals may be inevitable and even desirable, once it may foster and justify social criticism (as defended by Fraser and Benhabib).

At the same time, universal norms run the risk of becoming reified or ossified, not to say oppressive, patterns. There it enters the intersubjective side of recognition that "works only insofar as it continually apprehends its dependency on negation, the breakup of identity". It works, thus, through the renegotiation of idealized patterns, not overcoming them completely, but moving them forward. The psychoanalyst affirms that "the point is not to dispense with the ideal, but to accept the failures and losses attendant upon any relationship to ideals, the necessary tension of the difference between the ideal and the real." Rather than eliminating universal patterns, we should place them on relationality, as it is the core of the self. Thus, more than the capacity of a unitary reason, we should presuppose the precarious capacity of concrete renegotiation for mutual attunement and harmonization.

If the idealization of a universal pattern may be inevitable, we should aim at keeping it open to concrete renegotiation and localized ressignification. Thus, those rights cannot be interpreted as a fixed ideal, to be forced or violently applied at different contexts, disregarding any particularities. Rather, it needs to be an unstable site of contestation, renegotiation and reinterpretation between concrete subjects in relation.

The proposal of human rights without the relationship to concrete others risks being an imposition. To regard these rights as a crystalized ideal, distant or unrelated to the specific case is to detach it from reality, making it void of significant content and unrealizable. Further, its imposition represents a presumption of an empty other that can be resumed to one single reason, which actually represents our own projections of the other. The concrete other cannot be "contained" in the right to live, to free speech and to free movement, for instance, even if those rights may be important ones for the

attainment of intersubjectivity. That is the case, because the concrete other is prior to the abstract rights I can assign to her, since the core of the self is not a stable reason or a pure ideal, rather it is an embedded concrete relation. It is not a fixed ideal, but more of a concrete praxis.

Again, we are not arguing against the whole idea of human rights. Rather, we are recognizing that those rights (and the very language of *rights*) are not enough as a political guide, once it goes without concrete relationships. At most, human rights could be proposed as a limited and provisory initial proposal, to be debated and ressignified by concrete subjects. Also, to locate universalism within embodied processes also means to reduce the possibility of theory's grandiose presumptions: resistance and critique comes mainly from concrete selves and concrete bodies, not necessarily from theoretical guidance or the paternalistic protection of abstract rights.

In practice, once this perspective places intersubjectivity before human rights, it may implicate negotiated solutions with so-called terrorists, former combatants, dictatorial leaders and religious fundamentalists. Although it may seem unethical through the point of view of human rights, through our perspective, the mutual recognition appears to be more appropriate than applying force or than ignoring the legitimacy of local leaders.

The next steps in this project will be to further explore "postmodernist" and critical perspectives on human rights that could fit our perspective. Some examples that appear to be close to our understanding of the self and agency are the following: Benhabib's (2007) idea of "democratic iterations", Appiah's "integrated cosmopolitanism" (2007) and Boaventura de Sousa Santos' "intercultural dialogues" (2004). Once we do not have space here to develop these concepts, this task will need to be assed later.

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