UNIVERSIDADE D
COIMBRA

EDWIN RUBIO MEDINA

THE BLACK LINE

The Last Cosmogonic Border in The Sierra Nevada de Santa Marta

Tese no âmbito do Programa de doutoramento em Direitos Humanos nas Sociedades Contemporaneás. Orientada pelos Professores Doutores Fernando José Pereira Florêncio e Julia Suárez-Krabbe e apresentada ao Instituto de Investigação Interdisciplinar da Universidade de Coimbra.

Fevereiro de 2022

The Black Line
towards a Vitalist Version of Human Rights

One day we shall come to understand that sacred places are people, needless to say, people become sacred places. Anonymous

Abstract

Human rights have become a fundamental discourse to encourage emancipatory struggles around the world, however, their language remains anchored to colonial, modern-western premises. This research explores the foundations of the invention of the subject of human rights, seeking to go beyond its limits, to propose the elaboration of a third subjectivity. This new subject consists of a reconfiguration of the ethical based on three concepts: alterity, commitment, and maturity. It conducts a radical version of an ecological ethic that allows the ontological, political and legal recognition of multiple non-human entities, among which I highlight the sacred places such as the black line. The method used is phenomenology as crucial presuppositions to reinterpret the values spread out by the Anthropocene. In conclusion, this dissertation, examines new insights on other forms of subjective production within human rights, as an alternative to the severe risks we face as species.

Keywords: Human Rights, Ethics, Sacred places, Phenomenology

A linha negra

em direção a uma versão vitalista dos direitos humanos

Resumo

Esta investigação explora os fundamentos da invenção do tema dos direitos humanos, procurando ir além dos seus limites, a fim de propor a elaboração de uma terceira subjectividade. Este novo tema consiste em uma reconfiguração da ética baseada em três conceitos: alteridade, compromisso e maturidade. Isto conduz a uma versão radical de uma ética ecológica que permite o reconhecimento ontológico, político e legal de múltiplas entidades não-humanas, entre as quais destaco os lugares sagrados, como a linha negra. O método utilizado é a fenomenologia como pressuposto crucial para reinterpretar os valores difundidos pelo Antropoceno. Em conclusão, nesta dissertação examino novas perspectivas sobre outras formas de produção subjectiva no interior dos direitos humanos, como alternativa aos graves riscos que enfrentamos como espécie.

Palavras Chave: Direitos Humanos, Ética, Lugares sagrados, Fenomenologia

Acknowledgments

Writing a dissertation amid a global pandemic is not easy, however, this time has served to reinforce several of the premises of this work and the urgency of achieving balance in the recognition of other knowledge and other subjects excluded from the capitalist project and neoliberal globalization. It could be thought that this thesis was written in the course of the doctorate (2017-2021), but the truth is that it is part of my own academic and personal journey over at least the last 12 years. That are countless people who have contributed to this project from different areas. Anyway, I want to make a special mention of my family to Erica, my sweet companion who has known how to accompany me and be patient with me.

I also want to mention colleagues who worked with me in the Sierra Nevada such as Luisa Castaneda and Maria Concepción Name. Their enthusiastic and illustrative ideas encouraged me to dare to speak out about the black line. Likewise, the Arhuaco leaders Hermes Torres and Jaime Hernández were the gateway to all the wisdom that the Arhuaco sacred territory possesses. I am immensely grateful to the young Juan Torres for his symbolic translations of the knowledge of the older mamos of the Sierra Nevada.

A special mention to my supervisors Fernando Florêncio, professor at the University of Coimbra, and Julia Suarez-Krabbe, professor at the University of Roskilde who vehemently exhorted me fraternally to improve and rethink my writing process on multiple occasions. Moreover, I give special thanks to Leticia Renault postdoctoral student at Ces-University of Coimbra, and Piergiuseppe

Parisi, professor at the University of York for their ideas regarding the writing of the thesis structure and topics. And special gratitude to Professor Bruno Sena Martins del Ces, co-coordinator of the doctorate in Human Rights for helping me from the beginning with all the administrative procedures of the University and the Centre for Social Studies. Also thank Liam Turnbull, for his painstaking work on proofreading, and professor Paula Casal from Pompeu Fabra University who motivates me to continue developing various intriguing aspects of my doctoral work.

I hope to continue to maintain your personal and academic support in these difficult times and that I am on my way to meet thousands of others who are fighting to safeguard ontic and physical territories threatened by a version of human ethics that today leads us, eventually, to a dead-end-road.

Introduction

Nowadays, there are multiple responses to the question of what human rights are. These include axiological decisions (Ramose, 2001) or moral claims, legalized norms, political demands, the "last utopia" (Moyn 2010), or the last version of the "civilizing mission". Perhaps it is the myth of liberal democracy (Mutua 1995), or it could be an empty vessel that operates several spaces of power (Kapur). Regardless, it is indisputable that this discourse is transcendental in contemporary societies. I identify an immanent dualist tension that persists in the language of human rights. It is the possibility of encouraging varied emancipatory projects and new achievable utopias, especially as the great paradigms of the 20th century's social transformations were defeated. Simultaneously, these emancipations could represent bridges that allow a process of empirical human conversion from an individual and collective dimension.

On the other hand, human rights operate as an instrument of the "war machine" of capitalism — the Deleuzean term harmonizing well with the *máquina de la Muerte* (death machine) referred to by indigenous thinkers in the Americas (Suárez-Krabbe, 2016). This occurs when the language of human rights acts as an ordering and harmonizing euphemism, reinforcing a neoliberal-capitalist-colonial framework that amplifies the canonical liberal-humanist field of "global justice". I, therefore, suggest that the hollowness and interpretative ambiguity of

"human rights" be regarded as a blank slate to be filled. In other words, it is disputed territory.

I shall consider this doctoral thesis an exercise in exploratory research, as its focus is on problematizing the subject of human rights from diverse peripheries. At the same time, it is also an appeal to a transdisciplinary approach to political philosophy and law. Accordingly, this dissertation proposes a rethinking of the foundations of human rights through an approach that is simultaneously cognitive, affective, experiential, and sensitive. It is also an approach based on a reflection on who is the operator in control of these rights. The substance of this project crystalizes around three principal questions: Who is the bearer of human rights? Why were other types of subjectivities excluded? How may there be a third subjectivity within the complex machinery of human rights? The last question permits the formulation of a radical version of "the rights of sacred sites" by the *dispositif*: "human rights". I carry out the last investigation through theorizing critically on the binary relationship between law and human rights, and via my experience with the Black Line (*Linea Negra*), a sacred place located in the Sierra Nevada de Santa Marta in Colombia.

This thesis is not without certain challenges. Firstly, I affirm that human beings are clothed with machinations that allow them to interact with the exteriority. In this sense, human rights are a type of machine that generates movement (language, assemblage, praxis). It acquires a symbiotic property when it does not drown out the voice of the subject (machinist). This is due to a particular process of subject formation (subjectivization) that humans have been through over time. I resort to the definition of "subjectivization" given by Foucault, including the

notions of immanent contradiction and Eurocentric binarism. Consequently, the nature or constitution of the Foucauldian *dispositif* (or apparatus) is crucial to the conduct of this subjectivization process. The term *dispositif*, however, was not explained in depth by Foucault. That is why I turn to two of the most prominent expositions. "Apparatus" in Agamben's work emphasizes imposition, practices, and denial of the distinct characteristics:

> The nature of an apparatus is essentially strategic; which means that we are speaking about a certain manipulation of relations of forces, of a rational and concrete intervention in the relations of forces, either to develop them in a particular direction or to block them, stabilize them and to utilize them. (p2)

This puts the focus on the relational nature of the *dispositif* with others, without necessarily having a negative charge. Thus, he conceives *dispositif* as lines or threads that cross human relationships. These networks can undergo new lines of fracture, creating a new cycle of subjectivities, without implying the end of the subjective process itself. In that sense, I lean on Agamben’s position to explain one of the products of European subjectivization as the subject apparatus of human rights. Because this position is materialistic, historical, and situated, it does not consider it as instrument. Rather, Agamben proposes alternatives to get out of subjectivization and its "machine", the subject. Nonetheless, my outline is directed in another direction, because I appeal to the phenomenology of enchantment/disenchantment, proposing the incorporation of a "vital ethic” that goes beyond the contours of the human category.

Critical analysis of the subject of human rights would be incomplete, however, without analysing the mechanism that allows its incorporation into contemporary politico-legal systems. That mechanism is the law, acting as a phenomenon of the European coloniality of power and knowledge, and as such belongs to the war machine. Which have been replicated by non-European forms of power. Therefore, it is inescapable to criticize or propose alternatives to its main attributes: positivity, abstraction, and simplification, applicable to all legal generations of the normative matrix, either by annexation (Europeans) or imposition (non-Europeans). Consequently, a vital ethic in human rights must be supported by a similarly vital philosophy of law.

The dissertation proposes initially to scrutinize the invention of European subjectivity by focusing on politico-legal aspects. This scrutiny is crucial precisely because the production of subjectivity is an outcome of the assembling of multiple ideas and reasons that facilitated the hegemonic and anthropocentric perspective of the human rights subject. To do it I propose a category which I have designated as the *first subject* (believing subject, subject of law and subject of human rights). Next, I expose the multiple approaches which criticize that subjectivity by way of dialectical logic. I have designated such approaches as the *second subject*. So, my project of *third subjectivity* does not lie in the continuation of the *dispositif*. In fact, it tries to consider human rights as a mechanism that aspires towards an ecological, political and ethical vitalism.

This invention of third vital subject rights would encompass non-human entities such as sacred sites. As a new ontological method, it encompasses a new

understanding of what alterity, commitment, and maturity mean (vitalist values). I thereby appeal to my visceral experiences — with the Arhuacos indigenous people and the Black Line as sacred place — as one way to single out the politico-legal struggle to protect territory. I do this while recognizing its potentiality and limitations due to the immanent contradiction contained within it: vital ontic space encapsulated in the traps of human rights in its hegemonic model.

In the next paragraphs I introduce the categorization of liberalism's subjects as sites of subjectivity production. This represents a political, philosophical and legal paradigm. This does not mean that any system does not already contain within itself its own detractors who denounce any number of the main precepts of this production. It does, however, avoid confronting it from all its premises and external critics. Then I will point out some cases of those who intend to resist the gears of the war machine (capitalism, colonialism, racism). This analysis permits us to comprehend the evolution of the subject bearer of human rights.

Subsequently, I expose the second subject as a category located within a decoloniality framework, constituting one of the best approaches to dismantle the foundations of prevailing subjectivity. Beyond that, I offer some reflections on posthumanism’s initiative towards the recognition of non-humans and their agency, and on the postmodern methodology applied to escaping the subjectivity predicament and modern binarism/anthropocentrism. Finally, I offer my own position, which is the proposal of a third subjectivity that decentralizes the first subject and simultaneously goes beyond the anthropological, epistemic, and ontological limits of the second one. The culmination of all of this will ultimately

mean the recovery of the sacred for the sake of re-animating the lifeworld with the capacity to terrify in its alterity.

The First subject.

Before establishing the characteristics of the first subject of human rights, is fundamental to mention what could be its historical origin. In that sense, emerge an appealing debate between Hunt and Moyn. The first scholar provides aore standard narrative about how human rights were invented[1] in the revolutionary period of the late eighteenth century (Hunt, 2007). Whereas the second one distinguishes the "revolutionary rights" from contemporary human rights. Basically, Moyn regards the rights achieved in the liberal revolutions do not find the origin of twentieth century human rights.

> *The droits de l´homme* that powered early modern revolution and nineteenth-century politics need to be rigorously distinguished from the "human rights" coined in the 1940´s that have grown so appealing in the last few decades. The one implied a politics of citizenship at home, the other a politics of suffering abroad. If the move from the one to the other involved a revolution in meaning and practices, then it is wrong at the start to present one as the source of the other. (Moyn, 2010) 12-13

However, my starting point is in the European conquest of the Americas. It is from the denial of another that European subjectivity was established, but concomitantly formulas of resistance arise within a political, philosophical, and legal scenario, mainly originating from the precepts of early Christianity as results

[1] I use the word "invent *"(erfindung*) instead of origin, because I argue it does not possess an original condition". Rather, it operates as a concealing abstraction of the true subject represented. As concept, it derives of a linguistic production tied to a specific historical, social and political power relationship. Without producing an origin (*Ursprung*) itself. Nietzsche in (Foucault, 1996).

evident by the figure of Bartolome de Las Casas for instance. I will explain it in detail in Chapter I. Thus, the research exposes the main features of the canonical image of this subjectivity represented by Eurocentric, liberal, rationalism, religion, and capitalist *dispositi*f. From here, on I will denominate it the occidental other. The precisely liberal theory lays its foundations on natural rights, drafting the notion of individualism. Involves a set of rights that compel a human being to respect its intrinsic values: freedom, equality, and autonomy Charvet and Kaczynska (2008).

This ethos materializes natural rights, since permitting an uncontrolled enjoyment of rights and privileges of the law of nature, granted by god Locke (cited in Rubio 2019). Equality is likewise based on the natural rights philosophy. This thesis has been developed by authors such as Grotius, Pufendorf, Hobbes, and Locke. This premise asserts that freedom and equality dwell within a pre-existing original zone in which all citizens can develop the greatest of their capacities. As I will introduce in chapter II. Finally, Autonomy results from enjoying the freedom and equality implicit, allowable oppose my rights over others (including citizens and the State itself).

The history of European subjectivity profoundly transformed the relationships of human beings as insiders/outsiders before the nature kingdom. This schism was inserted gradually in ancient Greece, perhaps Hesiod was one of the first thinkers to mention a difference that sets humans apart from certain animals since humanity is the only species to be judged by the justice of Zeus, however, in other Greek philosophers, there is the desire to find a balance between the kingdom invented by humanity and its environment, of which it is not considered an alien

element, for instance in Aristotle underlying that *physis* and *nomos* became indissociable. *The entire multiplicity of things operates within a totality subject to identifiable laws*. (Aristotle, 2013).

Thus, (Foucault, 2014) proposes to save Western ethics from itself, appealing to the courage of truth in Socrates*,* as an iconic figure of political commitment to himself and someone willing to risk death for truth-telling*. Ze-te-sis, Exetasis, Epimeleia*. *Ze-te-sis* is the first moment of Socratic veridiction of the search. *Exetasis* is the examination of the soul, comparison of the soul, and test of souls*. Epimeleia* is taking care of oneself. (Foucault, 2014) p86.

He resorts to the foundations of so-called European antiquity predominated by an ethic of self-care to detach from the trajectory of the modern ethical subject "know yourself" which in terms of Foucault is the conceptualization of life as mere existence (bios) without the courage to live a metaphysical experience, beyond the body. The predicament in that explanation consists of Epimeleia in my view, it remains tied to the constitutive moment of Greek knowledge, to the use of practical reason(phrone-sis), a nodal problem for an ethical commitment, beyond mere physical-human existence. In consequence, The Foucauldian project tries to rescue modern man from its foundations, but it is insufficient for the non-human ethical commitment proposed in this thesis.

Consequently, Europe modernity enunciates one peculiar notion of subjectivity. In this specific geopolitical context, the human being is reterritorialized[2], renewing

[2] Here I undertake (Guattari, 1995) I argue the notion of the human was discarded in the Middle Ages, and consequently, the Renaissance gives prominence to the human again,

the trust in the human being as a potency act. Philosophically the rational individual is enthroned as the "chosen one" to find the knowable truth and the unstoppable progress, leading "the almighty man" domain an objectified world. In this sense, this subject required a scenario of appropriation, he needed to have the right to, therefore this new subjectivity required to embrace a legal dimension. The example *par excellence* is the right to property as a producer of subjectivity since the owner is the subject of rights uniquely. Thus, to exist in the public-political scenario is conditioned on the possess goods or at least the will to acquire them. Thus, turn out plausible to ponder the innermost *ego cogito ergo* sum turn out indispensable to incorporate another extra requirement: cogito ergo conqueror ergo sum. (Dussel, 2018). This led to the definitive breakdown of the relationship between man and the world of nature since the appropriated things included animals and places considered by other peoples as sacred.

In standings of the invention of the subject of law, the reterritorialization of the human was directed to the legal-political elaboration of the term "Rights of Man". It emerges after a long European historical process; the Renaissance spirit had regained confidence in the idea of a domineering man. One of the most remarkable authors that man re-centralizes is Pico Della Mirandola in "oration of the human dignity" (Maldonado, 2017) in which Mirandola *rewrote the Judeo-Christian origin narrative of Genesis* (Wynter, 2003): 276. Standing man in the middle of God and animals. Presenting men as the only subjects that synthesize

however reterritorializing implies that it is not the same, but rather one that has singularities, structure, and assemblage completely different from the man of antiquity.

the possibility of all possibilities. But the term man is far from being comparable with the notion of human, as I point out hereafter.

One of the main predicaments of the rights of man as part of the first subject is his immanent exclusionary perspective as to be means of modern-Eurocentric, anthropocentric, and rationalist project. When the declaration of the rights of man and the citizen of 1789 was addressed to "all men "it excluded and disguise other individualities without properties, slaves, blacks, women so on and so forth. And despite the declaration of human rights being a significant advance since including new rhetoric as "members of the human species" article 1 enthrone itself rationalism and conscience to be worthy of these rights anew. This indicates that human rights continue anchored to the big occidental which can be translated into the legal field through the notion of law production sites (global north) and legal reception sites (global south).

Another crucial premise of its apparatus resides in the notion of universalism which has its truncated objectives as early as its conceptualization. The theory of human rights proclaims the wrapping of the entire human family because it continues to believe in the existence of self-evident (Hunt, 2007), inherent and undeniable truths through human dignity. However, I argue that human dignity should not be considered relevant within the Human rights body despite it being recognized via the declaration of human rights enacted in 1948. I could find an interesting answer in advance, rights come into existence only via politics that specify and protect them, dignity by itself is not the source of rights, somewhat is one human attribute that grounds freedom. (Cheah, 2006) This statement is more grounded than defending modern universalism. Yet today dignity results are

fundamental to explaining and justifying human rights. It functions as a vehicle to exert a universal-linked commitment with the human species because "we are equals and rational beings" (Sangiovanni, 2017). But this statement collapsed due to not recognizing the impossibility of pre-determinate rules without considering material, experiential and unpredictable human conditions, which are not always grounded by the equality-rational bionomy. This topic is central to the development of chapter four.

Retaking the last paragraphs what underlying the relation man-rights, another question must embed so who is the human in human rights if members of the species are not covered by this parameter? I claim that one way in which the exclusion and encapsulation of Homo sapiens occurs is because of the chained subjectivity of law, located in a series of modern historical phases. 1. Law posits moral quality generated subjective law. 2. Natural law reinterpreted the notion of a moral being (person) 3. The problem of the subject passage from the gnoseological to the juridical. Through the idea of the subject of law (Zarka, 2008). I will address this discussion in chapter II.

One of the principal concepts to understand the criticism of human rights is the persona category. Generally crossed by three disciplines: Legal, philosophical, and anthropological. One of the inflection points of the term comes from the moral content granted by Christianity. The person is an immanent representation of the big other (Žižek, 2012)[3], presenting itself as the abstract instrument that grants

[3] I appeal to this term undertaking (Žižek, 2012) to represent the virtual and material order manufactured by contemporary capitalism. This established order can only be understood-questioned via the mechanics of subjectivity. In the end, To believe in the

rights and duties and this within the limits of the geopolitical spectrum of the nation-state (citizen).

When human rights terminology intends to overcome the notion of citizen, pursued to reconcile law and life. However, it fails in its try, but because of it. For it never moves out citizenship idea the sacred that natural rights and human rights proclaim remains outside the person. (Esposito, 2012). Thus, I argue Humans (of flesh-spirit) are not the constitutive factor of human rights.

The analysis of this path is crucial to propose alternatives to redirect the human-rights relationship. As I will retake Chapter II.

As a human rights lawyer, I learned about the advantages and implementation of its legal instrument-to protect life-resorting to its reputation: priority, individualism, remedies, decisive, security, and general outreaches (Campbell, 2006). It is underpinning for a country afflicted by violence such as Colombia. Certain activism for human rights, its legal limitations, and political reification made me disappointed in treading that path. To understand how to transform the reality permeated by social inequality and violence. I stand other forms of subjectivity silenced, invisible, and/or denied by the first subject. Furthermore, the inclusion of other subjects is a priority, due to precisely this exclusive subjectivity has led humanity to an ecological civilizational crisis. The Anthropocene an era in which European industrial humanity began to affect the environment in the eighteenth

---

reconceptualization of the subject from the understanding of its intersubjectivity is transcendental to position a third way (subject of human rights)

century must make a transition to ecocentrism. It involves an alteration of whom is the bearer of human rights. Below I illustrate some of the critical approaches to this hegemonic subjectivity.

The second subject

I can understand how the struggle against exclusion-denial of the big occidental. Consequently, various theoretical assumptions question the foundations sustained by Human rights. In that way, to highlight the discussion I divide the critique of rights from an external point of view on the one hand[4]. And an Internal point of view on the other side. Then, the outdoor framework refers to those scholars who do not problematize in depth the relationship between capitalist-colonial modernity and human rights as one of its *dispositif.* Such as neo-Marxist, international lawyers, and hybrid jurists. Here I place several legal academicians who problematize the theories of human rights, ecology & law. Although the concepts of hybridization that I appeal to coincide with some referents of global south critique (such as anthropocentrism, dualism, and rationalism) they do not prioritize the phenomenon of coloniality to comprehend the source of the obstacle to the recognition of the right of nonhumans. In sum, those who belong to legal biocentric turn[5]. I will develop it in Chapter III, where I discuss the critique of subjectivity produced around human rights.

---

[4] I use this scheme paraphrasing a Hartian category, internal point of view is a legal perception as a subject subjected to the law, and consequently, its value judgments come from a value load dependent on the specific *dispositif* that produces the norm.

[5] Biocentric legal turn, represent an unorganized movement of individual and collective efforts to think of other relation between ecology and law. It turns should be understood

The internal point of view: Decoloniality, means those Scholars-no scholars consider the limitations of the human rights statement dwell innermost in its place of enunciation[6]. In consequence, their alternative workarounds appeal to non-hetero-normative, non-anthropocentric-holistic enunciations. The thesis takes decolonial thought as a reference to question the subject invented by the liberal model of human rights, (although it does not dismiss valuable reflections of the internal point of view).

I identify at least two types of decoloniality. Decolonial 1. The first generation of academics established the foundations of the modernity-decoloniality movement. They are mostly sociologists, anthropologists, and philosophers who teach at universities in the global north. Decoloniality 2. As that reflection was carried out mainly by Latin American scholars, indigenous, activists, jurists, etc. their starting point consist of the epistemic recovery of mother earth in the region. Namely, from a biocentric approach (Pachamanism). The separation that I describe does not intend to essentialize, but it does allow for recognizing differences in the way of approaching diagnoses and alternatives around the question of human rights. Decolonial thought (1). I can synthesize this as a political-academic project that emerged in Latin America in the 90s, which questions the achievements obtained by modernity from the exploitation of others, representing it below a line of being

as a parallel to a decolonial one. Particularly with the version developed in Latin America (decoloniality 2)

[6] Resort to this term used by Walter Mignolo, as a non-geographic place in which the subject is circumscribed to a specific narrative and episteme. In this case the subjectivity of human rights. More information: Mignolo, W. (2003). Historias locales; diseños globales: colonialidad, conocimientos subalternos y pensamiento fronterizo. España: Akal

(Fanon, 2009). It suggests that a form of exploitation ended (colonialism) but gave way to a more sophisticated version of the same hegemony (coloniality). Consequently, cultural, scientific, political, social, and economic relations continue to rule until today. Induced the permanence of the coloniality of being, knowledge, and power (Maldonado, 2008). Thus, an intrinsic relationship between modernity and coloniality persists impeding other pluriverses narratives invisible. Including the constitution of other subjects.

For instance, retaking Hegelian historic vision of Latin America pure potency without becoming, therefore Europe builds this conquest in its image, since results impossible for it to recognize the natives of the continent, in such a way that America is inventing and not discovered, a discovery to recognize the existence of the other, thus the ego cogito Europe needs to deny the other to assert itself, leading to a cover-up willingly than a discovery of native-Americans. (Dussel E, 1992). This model of colonization would be replicated in other latitudes and other times by European countries. What happened at the beginning of the 16th century was the reconfiguration of a global map of human personality, this with full rights, and others semi-human and sub-human. This coloniality of power leads to that of being a colonized, and racialized subject could not become.

The concern for the subject is interpreted by the decoloniality of power. These antecedents start from a modern solution to a modern evil. The repositioning of the forgotten being is remarkable in Heidegger. Its phenomenological contribution is a valuable device against a metaphysics that objectifies reality, the modern subject is not the same *as dasein*. Because the (human) being must be interpreted from a relationship with the world. In consequence, man is all projectuality it is not static, otherwise, it is always on the way to becoming

Heidegger in (Vattimo, 2009). I consider that Heidegger's position on this point is compatible with several decolonial thinkers such as Arturo Escobar and his project on relational ontologies. Going further, I believe in the likelihood of connecting the concept of the multiverse from the Latin American Indian perspective and the term "worlding", popularized by Heidegger, thereby doing a review of his ontological analysis. Allowing me to infer that as *dasein refers to* "beings in the world", it should mean recognizing the existence of multiple worlds beyond the human experience. Following the Zapatista motto, however, this dissertation is aware of Heidegger's limitations since he is absorbed in his modern geopolitical philosophy, which does not allow him to find the relational aspect in the non-modern other. I investigate the phenomenological method in chapter I.

Decolonial thought 2. Worthwhile noted that in Latin America, an ecological, political integrationist movement has emerged (Del Popolo, 2017). This heterogeneous group is formed mainly by indigenous people, mestizo academics, and activists thinking of the region from within. The renaming of the American as *Abya Yala* undertaking to the way the *Guna* (located at present in Colombia and Panamá) as Indigenous groups consider this territory as a living being is plausible since it implies progressively a recognition of the rights of mother earth (Pachamanism), these rights have been enacted extensively by several constitutions such as the Bolivian and Ecuadorian. Although is undeniable to remark these efforts to reconcile the law and environment relation. I argue that scholars, activists, and indigenous have not dialogued and questioned straight how the subjectivity produced by the big occidental, impeded the amplification of another legal-political, philosophical, anthropological story

from a non-essentialist position. I mean, most of the thinkers in this section of decoloniality do not dialogue in depth with the modern postulates that should be reformulated. This is one of the most notable justification to conduct this research, to permit to conceptualize this kind of nexus. As will be explained in chapter III.

On the other hand. Although the focus of this work is not centered on southern epistemologies. I consider briefly mentioning the points of contact between decolonial thought and its description of human rights. Since it has promoted alongside decoloniality a critical epistemic locus for the flourishing of the global south. It arises as a political, sociological, and legal effort. The focus is on how the subalternate subject (Santos, 2005) fights against the largest abstract machines[7] (Guattari, 1995): Capitalism, Colonialism, racism, and Patriarchy. It proposes a reflection on how profound unjust historical inequality positioned Western knowledge at the pinnacle of human knowledge. The global north overrides other ways of being and being in other latitudes and dimensions of the world (global south). The denial of other forms of knowledge, denying other types of subjectivities, thus generating an abyssal line Santos (cited in Paraskeva, 2017), its project consists in the ecology of knowledge (Santos, 2010), in which emerge other types of subjects hidden by the big other.

In terms of human rights, a new hermeneutic diaptopic seeks an open space of understanding between universalism and extreme relativism. Finally, this new

---

[7] In Guattari, abstract machines involve the way human beings are caught up within or are part of mechanical and unconscious processes. This reference is not explicit in Sousa's work, but I claim that this is a successful trinomial to the extent that it leads to the lack of existential reflection of being tied to big other. Denying the existence of others who intend to become.

epistemic proposal forms below (Sousa, 2014) situates the tension between the human and the non-human in terms of the recognition and protection of rights. However, this step is not developed in depth because not emphasize specifically" stave in" the subject of human rights, somewhat to denounce how the (humans) subalternate subject is excluded and from this point to arrange resistance practices (Santos, 2005). Precisely, epistemologies focus on alternative practices that emergent subjects can perform. I consider it achievable to contribute to the epistemologies of the south from the field of human rights. Its predicament consists in the lack of a robust theoretical proposal to reformulate the foundations of modern rights, as a platform on which human rights operate.

Some scholars (Wynter, 2003) pose an overthrow of the human notion. Since it is an insoluble inscription to the exclusive modern project. Man1, as a product of the Renaissance (racial/religious), man2 as a product of European Enlightenment (the other sexual), and man3: post-humanism. Re-signifying the human category to maintain a hegemonic semiotic episteme through the prefix post-Wynter in (Mignolo, 2018). As a result, man/human does not exist outside the confines of western thought. This leads to an interesting debate between posthumanism and decoloniality focused on several questions, such as: How should we live? What is now the unit of reference for the human? How should we learn? What knowledge is of most worth? Whose knowledge is of most worth? (Le Grange, 2020)

These approaches are worthwhile, to the extent that the advocacy by the constitution of a new immanent humanism is a feasible one that reimagines the human as the aleatory experience itself. But also, are concerned with humanism hitherto invented.

Humanism is the process of unending disclosure…self-criticisms and liberation…and its purpose is to make things available to critical scrutiny as the product of human labor…a humanism that would engage the non-humanist humanist. (Said, 2004) p 22

Posthumanism can be considered the second phase of postmodernism, as an escape route from the main precepts of modern-European thought. Devising a post-dualistic, post-centralizing, and post-anthropocentrism (Ferrando, 2019). Also, I highlight posthumanism has directed its efforts to the generation of concepts that allow a holistic understanding of human-animal relationships and non-life entities for example, (Latour, 1993) identifies two parallel movements in the constitutive process of modernity, purification, and hybridization. The first phenomenon would consist of the technique of separation and ontological distancing between the human and the non-human. The second one shall be a mixing mechanism through which the natural and the social are interrelated.

I firmly believe in the validity of this purification, but I am skeptical regarding hybridization, rather, this dissertation proposes that there is an assimilationist character of otherness based on the already pre-established modern canon. Rather it is an accumulation by dispossession (Harvey, 2003). To the extent that it lays the foundation of discarding the other: worker, woman, colonized so on and so forth. (Federici, 2018)

In conclusion, considering these deliberations among decolonial thought, Southern Epistemologies, and Posthumanism. I have introduced why were other types of subjectivities excluded. I will present this debate in chapter III.

The third subject.

Decolonial thought emphasizes their program through racial, gender, and heteropatriarchy questions. This shows that the epistemic focus is still locked in an anthropocentric vision, the incorporation of non-human entities as carriers of rights has been a marginally addressed issue, from a philosophical-legal approach. Therefore, I pose a centrality of the third subject as a singular-spaces where it is feasible to theorize-making a new political-legal philosophy. Around the world, there are places like the Arhuaca black line, which have the potential to implement a vital vision of the ethical-legal question. In doing so, it would lead to a fracture of the distinction between non-human subjects, such as sacred sites, and the classical view of the bearer of rights.

But first results priority to explain what the theoretical proposal of this research. The invention of a concept requires creating problems (Deleuze, 1994). It cannot be confused with those that occur only from social phenomena. Rather, they work as selective frames of multiple realities. Eliminating false problems is as important as the creation itself, thereby I incorporate a justifiable complement to carry it out, problem arise due to theoretical-empirical emergencies. In such a way that this thesis explores a conceptual elaboration that is central to the recognition and protection of all non-human entities.

To explain the meaning of the invention of a third subject in human rights implies clarifying that this project does not consist merely in to include another subject within the discourse of human rights, it would be precisely a false problem, which

operates like a mechanism that pre-established the parameters within the logic of the modern-European project. Consequently, anthropocentrism becomes stave-in, to invent a new production of the subjectivity of human rights. Apply the urgency of elucidating these premises around subjectivity will overcome the debate characterized by the negation of the negation to achieve a reaffirmation of the denied. Instead of a dialectical cycle, thus I propose the third subjectivity employing the inclusion of the law and human rights in the lifeworld.

I must explain that subject proposed has three intertwined elements. Then, most of my theoretical proposals emerge from this experience. A relationship with the world that does not become imposing or static. Turning the subject into a knot of understanding results necessary to unchain it, unblock it, and detach it from the ties in which modern, western and colonial thought placed it. the epistemic and ontic continuity of these knots leads to a series of rhizomatic linearities that would make multiverse coexistence possible. It involves several consequences, for instance, one mistake is considering the recognition of the rights of animals and entities such as sacred sites can be resolved merely within the legal-philosophical-political logic of the canonical big other. This subject allowable open the paths of a third space where resides an emptiness of the subject, I mean the noun is not limited to the category man-citizen-human. Rather, this becomes a verb that is assembled with the capacity for assembling from the action the subject carries out. The problem posed is off and not of degree, since they do not focus it on the simple singular incorporation of other subjects (human-animal-sacred places).

Second, the third subject is the non-mechanical singularity, in this point result is relevant to establishing the difference between singularity and individuality in

terms of the law. Eurocentric, modern, and colonial thought created the context (field of immanence) and simplified the singularity to the individual. As consequence, I do not adopt the invention of another non-human nameable subject (sacred places) as a bearer within the categorization of post-humanistic rights. Because in fact, that is part of the problem (or false problem), the limits of liberal individuality do not apply to an epistemic-ontological conception diverse, this project recognizes singularity concretely agency capacity of the non-human such as the sacred places-animal to achieve protection through the discourse of human rights.

Along the same line, this subjective alternative of law rejects positivism and mechanics, implemented through legal technique. In consequence, the legal version of vitalism appeals to notions from Spinoza´s (2016) theory of law and Maturana & Varela's (1972) such as autopoiesis, ontogeny, and the cognitive process to understand law like communicative tissues. Precisely this version of the law is similar to the conceptualization that multiple indigenous peoples make of sacred places. This point will be developed in chapter IV.

Third, one of the main foundations for the creation of a third subjectivity lies in hybrid ethics instead of an extensionist one. The latter recognizes a moral category of human obligation and rights only to the extent that humans consider preserving certain species a priority for their well-being, this approach is persistently anchored into the anthropocentrism perspective. *In contrast hybrid ethics closer to animism, doing emphasize not individual or species but rather upset the relation and interdependence that unite all the organic and abiotic components of an environment.* (Descola, 2013)

Precisely to understand it is important to proposition these sacred knots-lines sacred such as the black line since it has implications in the defense of one singularity-other covered by a new configuration of the vital ethic in human rights. At present, the predominant singularity has consisted of a physical, epistemic, and cultural violence reproduced by the lack of recognition of others. Modernity laid the foundations of one exclusion-inclusion zones. The approach to a vital ethic in human rights implies recognizing the other beyond humans. This ethic of joy does not propose the overthrow of Homo sapiens, otherwise reinforces his belief in him through three pillars: Alterity, maturity, and commitment.

The vital likewise signifies the emotion and imagination of a singular self. A sensitive-super sensible experience. My first personal experience with indigenous and their sacred sites, which entails the encounter with the yajé[8] allowed me to find my *elan vital*[9] through a non-modern-non-rationalist-unclassifiable experience. In doing so and seeking new macro-narratives that will help me regain faith in Latin America as a subcontinent with a huge ancestral, spiritual, cultural, and political heritage. The blurring of my mirror invented by the other hegemonic let me afterward a couple of years apprehend the ontic

[8] Yajé is a sacred plant made by indigenous Amazonian peoples. It is used to disrupt the physical plane that we co-inhabit, in search of a re-encounter with a mythical-religious world. It is also known as Ayahuasca in Peru, a word from Quechua that takes on a wonderful translation into Spanish. Yajé: *El bejuco Del alma*. Liana of the soul. As an acceptable translation to English.

[9] Term coined by Bergson to propose a type of alternative evolution in such a way that it linked with the consciousness and the intuitive perception of experience. I undertake the (Deleuze, 1991) interpretation, which considers s "vital impetus" one of the constitutive elements of the concept, in which the mystical experience and the indistinguishable relationship of the organic-inorganic are present.

complexity that the sacred world has. I put the dissertation forward the epistemologies of the south-decolonial thought as a contact zone (Haraway, 2008)[10], but it does not mean closing the knot or discarding these valuable alternatives- interpretive frameworks, within the territory of the big occidental other. I regard Spinoza as one of these rebels of the Western Human-non-human binarism. This vision shares one pillar of indigenous knowledge, which coincides with the vitalism that I pose.

Theoretically, I introduce the new ethic undertaking the alterity (Levinas, 2006) that contributes significantly to broadening an understanding of the subject and introduces an ethical matter, otherness. Proposing responsibility for the other how the pinnacle of a reconfiguration of a new subjectivity. Only by acknowledging the other, do we become a subject. It leads to being responsible before others. It turns out crucial to expanding the notion of the individualistic subject of human rights. In addition, responsibility then the role is a bond, one imperative order in such a way that subjectivity implies subjection before other for the other (Levinas, 2006). This alterity should be understood as the naivety of an "infant", since it forces a deep openness to the uncertainty that the meeting with the other entails, despite I consider that Levinas is still tied to an anthropocentric subjectivity, therein my argumentation of alterity goes beyond this interpretive field, inserting a holistic notion, instead of responsibility, maturity.

---

[10] If there is a zone of being and one of not being, one of inclusion-exclusion. It is necessary to create bridges that "touch" the subjects and concepts that can be appropriated by experience. For this reason, he opted for the interweaving movement intertwined by the knots.

Responsibility as an imperative order does not mean the transformation of values *per se*, then maturity leads to a fall and risk of leaving individual subjectivity, thus applying synchronic solidarity. This breaks with the figure of the synchronic solidarity as the way of relating in a human world. "I am becoming mature before others without expecting something in return in myself", recognizing that my subject depends on another. This openness to maturity allows responsibility towards other non-humans or only imagined-imaginable beings (Meagher, 2018). The claim of maturity in human rights opens the door to intertwining ontic-philosophical and legal knots of entities such as sacred sites, an animal so on and so forth, taking the existence of other worlds protected by the legal *dispositif.* But I understand that alterity and maturity result incomplete without commitment. Commitment implies being to others. Recognizing causes and objectives are shared in common with others. Likewise, it means a common political militancy, something I learned as a student and activist for the human rights of victims in Colombia. Later I applied a particular ethnographic militancy to various indigenous peoples, joining their struggles for cultural-ancestral preservation. Highlighting the differences between the discourse of human rights an "*in human rights"* this last one poses a different semantic load*.* In/human presupposes alter human agencies and presences parallel to human existence (Chukhrov, 2018). As consequence, with the Arhuacos arise an additionally an ontological commitment to protecting the black line.

In terms of the research outlook. I consider it plausible to pose a phenomenological method that allows a permanent movement. Allowable open the paths of a third space where an emptiness of the subject, namely the noun is not limited to the category man-citizen-human. Rather, this new noun becomes a

verb that is assembled with the capacity for assembling from the action the subject carries out. The problem posed is off and not of degree, since they do not focus it on the simple singular incorporation of other subjects (human-animal-sacred places). I focus this method on understanding than is always a movement because of the repeated return from the whole to the parts and vice versa.

This phenomenological vision does not defend objectivity, nor interpret a canon or dogma, but risks the pluriversic subjection of the other, one that is in rhythm alterity, understanding each other, intending to agree that the sacred in another is likewise in oneself. The exclusive understanding of the first subject of human rights leads to stagnation. Thus, the Thoughtful first subject must go from the intellectual-rational toward appreciating the affective-experiential that can only be approached from a singularity. So human rights should be understood as an empty body, an open space, as the power that makes all possibilities possible. To recognize alterity-affectivity. to which I have referred to as hermeneutics of enchantment.

Phenomenology is in consequence one philosophical machine for deploying political commitment crossed from understanding to apprehension. Therefore, my proposal for a third subject focus on the political struggle for the existential-physical preservation of sacred places. Thus, this transparent and open-door hermeneutic again becomes urgent. In doing so, let the elaboration of an amplifying and diversifying concept of human rights. It contemplates a theoretical-practical exercise concomitantly. In a field of potentialities and possibilities, the first one is to make sure of its concrete existence. It results in fundamentally non-rational connections that are not handed in the legal field, such as understanding other moral subjects without rational mechanisms.

A phenomenology of enchantment differs for example from the traditional legal hermeneutic approach, due to it persists in the dogmatic and autopoietic analysis of legal positivism. In doing so, I hope that this work contributes to multiple vindictive and emancipatory struggles, which not be included within the hegemonic language of human rights in philosophical, legal, and political terms. To understand no human entities, singularity is crucial to accept the ontic alterity, the spirit of unity, and the immanent relationship that we have. They constitute this relational meet in a specific experiential time, at that moment in which the singularity makes sense for the effect of law and human rights. That singularity then means comprehension of totality from an ontology apprehended through contact with it. Thus, the figure of the black line is the space in which the visions-sensations of other subjects accumulate, and bonding, subjection to the third subject occurs. Therefore, one hermeneutics on the first subject's stave is necessary. To build a new conception of the third subject of human rights, it should conduct to the hermeneutics of enchantment.

It has the purpose of becoming *a metanoia,* signifies the change in the mind, repentance, and implicitly the idea of rebirth. I undertake the figure of joy as a form of unleashed and disinterested encounter with the other. One enchantment that does not depend on its content but aspires to achieve love, justice, and empathy. In that sense, metanoia is close to the ancient concept of religion before Judaism. This view aims to incorporate mysticism into the discourse of human rights. Opening as a non-dualistic space (body-spirit, sensible-super sensible world, etc. Therefore, human rights permit to crystalize mysticism, from a new philosophical and moral pathos. Finally, this is hermeneutic of totality, I mean that

it pursues the inclusion of all entities without centralizing the human as the measure of all things. I will be explained this in chapter IV of the dissertation.

To show how I have conceived the praxis on rights/humans/sacred sites. Below I illustrate who the Arhuacos are and the characteristics of their physical-political and cosmic space, within a logic of thinking and doing it is feasible to propose a reinterpretation of the subject of human rights. Is a scenario that exemplifies the need to apply a vital ethic to protect this territory. Illustrating the urgent praxis that sacred places such as the black line require I will describe briefly first what it is the concept of sacred sites. This is a preliminary analysis to comprehend the academic-political justification for this work in terms of the protection of a sacred place: the black line.

What is a sacred site?

I consider striking to highlight a preliminary definition of the sacred place. According to anthropological literature, for many peoples around the world, there is a process of hierophany (Eliade, 1987), in which the surrounding objects transform as they are covered with a divine-sacred connotation. In the sacred object, there is a dual terrain between the world of the profane (physical) and the terrain of the mystical (metaphysical). Besides in the words of (Carmichael, Hubert, and Reeves, 1994) affirm that different subjects such as indigenous peoples are strongly linked to sacred territories; for instance, often mountains are considered in many cultures as a meeting point between heaven and Earth" (dualistic ontology). Therefore, a place sacred is not simply to describe a piece of land or just locate it in a certain position in the landscape. What is known as a sacred site carries a whole range of rules and regulations regarding people´s behavior concerning it and implies a set of beliefs to do with the non-empirical

world, often with the spirits of the ancestors, as well as more remote or powerful gods or spirits. (Carmichael, Hubert, Reeves, 1994) p 3

Moreover, is relevant to mention that there is an important number of sacred sites around the world. For example, Wintu sacred geography of northern California (Thedoratus & La Pena,1994), Mescalero Apache sacred sites of south-eastern New Mexico and West Texas (Carmichael,1990), sacred sites in the Bamenda Grassfield of Cameroon (Mumah, 1994), Waahi tapu: Maori sacred sites in New Zealand (Matunga,1994) and the notion of indigenous heritage rights in Australia (McGrath, 2016). Mentioning its results is significant because it permits us to understand similarities and differences among several indigenous sacred sites, and how other indigenous people try to protect their sacred territories against a common enemy: the extractivist model of capitalism (death machine).

Furthermore, the notion of sacred sites is strongly interrelated with the concept of the border. Some scholars claim that the concept of culture should be explained thoroughly in border studies (Konrad, 2011). Other scholars share this claim and consider *drawing borders is the key to human cognition" and humans' "identity and sense of differences from others is completely dependent on the existence of borders"* (Donnan & Haller 2000, p. 8). The study of the geographical distribution of cultural phenomena offers a means of determining their diffusion. (Boas 1966). For instance, the diffusionist model also established a relationship between the center and the margin. This has been developed as a research method, which compared the cultural traits of various cultural areas systematically to each other. "*The systematic comparison aimed to make the distribution of the routes of some cultural traits globally more visible, by*

recognizing similarities and subtle changes between characteristics seen in different cultural regions". (Boas 1966: p251-252)

In Boas' diffusionist model, borders are also areas of contact with other cultures, which creates a transformation of the original cultures. The diffusionist idea of the border as a filtered border may still influence the representations of borders today; however, the idea of the borderland as an archaic wasteland of novelties has had competing representations and conceptualizations raised in border studies (Bhabbha, 2007: p 54-56) With the emergence of the new generation of border studies, the border areas also became understood as syncretic. Spaces where several cultural features fuse and form a hybrid culture, which cannot be returned to any previously existing form (Garcia 1999: p 55). Boundaries mark the beginning and end of a community since they encapsulate identity. Boundaries are marked because communities interact in some way or other with entities from which they are. (Cohen, 2001)

Positioning

Being youthful, I understood various Colombia characteristics employing family, environment, the media, daily practices, etc. In my country two elements of identity: inequalities and violence. My first question was not why, otherwise how to do something that allows me to contribute, doing somewhat to overcome that innate condition of a proto-nation. I went from a student-militant for the rights of the "wretched-landless". Sharing trips, common stories, adversities, and dreams I realized that the wretched of the earth had been Latin Americans. Being a *Latino* mestizo generates an ambiguous position in academic-political settings. For this, it has a negative charge and we consider it that the mestizo is a "dis-indigenized indigenous (Bonfils Batalla, 1987) this involves a genuine ambiguity about the

place occupied by *Latino* academics and activists. should have in the scenario of indigenous struggles on the continent. Optimistically it can still be presented as the linked knot of human rights, but in another scenario, I mean the combat for territorial preservation against environmental, epistemic, and ontological annihilation.

The emerge of decolonial thought becomes the academic-political platform that questions the Latino being and being for that matter its thesis push decoloniality towards other hermeneutics mazes. Then, perhaps Escobar's thesis of appealing to a denomination of indigenous-mestizo or vice-versa is plausible to the invention of an identity area. By means to recognize the inextricable relationship and presence in two settings, neither completely imbued in modernity nor in ancestrally. Rather this concept shall operate *like fractals, self-similar even depending on how you look at it politically.* (De la Cadena, 2010) *p. 348.*

I mean, the condition of the mestizo is generally perceived as a between. In addition, the word miscegenation was historically associated with the process of whitening the local elites (*criollos*) in the continent. which led to a perspective of miscegenation from above. however, the names are historical and always contingent. However, the terms are historical and always contingent. Latin America has undergone different philosophical-political changes. And today the condition of mestizo is not immanently associated with the elites from an ideological plane. Rather, it is plausible to claim the emergence of miscegenation from below (Quijano, 1971). to the extent that holistic and complex networks have been woven between a sector of the mestizo world and the indigenous people of the region. For this reason, certain essentialist currents in Latin American thought that separate and embed the indigenous condition (over the mestizo), are

detrimental to the political and legal struggle in the continent. In this regard, although the sacred places have a definite epistemological field, I argue that precisely their commitment to safeguarding lies not exclusively in the indigent's subjectivity.

Various decolonial intellectuals have drawn attention to epistemic extractivism as an extension of the socio-economic extractive product of the unequal north-south relationship. (Grosfoguel, 2016) I hope to avoid falling into this type of extractivism from the first, the objective of the thesis is not to depoliticize Arhuaco indigenous knowledge, on the contrary, it is to jointly think about ways to get out of normative, Western, and Euro-centralized entrapment. In a nutshell, trying to defend the territory from the black line. Second, if we take the idea of relational ontology seriously, we must be willing to acknowledge the existence of contact zones (Haraway, 2008) in which multiple knowledge arises concomitantly, therein, it is crucial to overcome the objectification and instrumentalization that other decolonializers fiercely criticize but they often incur. (Rivera, 2010)

Therefore, another notable aspect of this project is to validate the use of human rights like *dispositif.* This implies that I try to avoid the material depoliticization of concrete social phenomena. Because certain tendencies within post-humanist, ecological and decolonial thought-Pachamanism can precisely incur in an immanently essentialist epistemological politicization (Castro Gómez, 2021). Human rights for example are underestimated as mere instruments, operators of the representation of an unjust status quo. Appealing then to a bias in which classical emancipatory political manifestations have no place.

In this sight, several of these groups claim for correct pureness that conducts to an ontic relationship between entities (without any medication of modern political

components, such as the State, citizenship, sovereignty, etc.) which leads to political inaction during extractive capitalist practices that, based on a simple technification of social theory, devastate various non-human entities.

Consequently, I recognize my place of political enunciation, in the hosts of the decoloniality, but somewhere in between 1 and 2. On the one hand, I follow several of the theses developed by the academics of this first generation, and I also study in a semi-peripheral school in the global north. And on the other hand, I have lived mostly in Colombia, following and living the constitutional-biocentric development of progressive Latin American constitutions. In that way, consider that is necessary to resort to frameworks and tools typical of the great modern matrix. For that reason, I studied law in the South of the global South. A public university, small but with remarkable student activism, perhaps because it has been stigmatized as one of the alleged "birthplaces "of the FARC-EP (*Fuerzas Armadas Revolucionarias de Colombia Ejército del Pueblo in Spanish*) Insurgent movement converted into a legal party nowadays. As the victim of violence caused by the armed conflict, I find myself part of this struggle. (My grandparents suffered the period called "violence"). In fact, in a country where violence is the principal mechanism of social regulation (De Sousa, 2004).

Thinking of human rights as an instrument that protects somehow beyond the minimum assumptions such as the right to life seems decontextualized. Nonetheless, within my work as a defender of human rights and indigenous peoples, I identified the need to re-signify the philosophical and legal foundations of this discourse, concluding that without an inclusive, ecological, and pluriversic perspective, human-planetary life as we have known it is not possible.

Thereby, this thesis formulates some concepts to take care of we, mean, so far, the regions of the global south have been reified and this has led to the loss of the territory of life. concern for oneself (third subject) implies understanding and later transforming our place of enunciation. the conceptualization of our gaze around rights does not intend to challenge the classical position of western linear thought, not to make it back but to contribute to its re-enchantment. Throughout the dissertation the importance of Christian religiosity in the materialization of the subject of human rights is highlighted, innermost this project encourages the re-ligare (religion) of the vital and sensitive relationship between human beings and the world of entities.

Living with indigenous peoples allowed me to know the epistemic and ontological violence against the other non-human. Which is not surprising, if the noble family of the human species has executed processes of extermination, what can those who are not part of this category expect? For that reason, the dissertation is a proposal of theorizing-Experimenting. The theoretical approaches regularly are conceiving like an issue separated from the analysis of concrete cases, this obeying the disciplinary logic of science. so is crucial to fall into a disciplinary decadence (Gordon, 2014) that allows to me intend to eliminate these barriers.

In the next few paragraphs, I will briefly describe the main characteristics of the Arhuaco de la Sierra people and the black line. And how the defense of this territory run me to identify in a lived experience, the legal obstacles. which obey globalizing dispositif as explained above. So, I trust that these reflections can serve diverse defenders-academics of the rights of the sacred territories around the world who have probably encountered the same challenges that I faced.

Whose inhabits the Sierra Nevada de Santa Marta

The Sierra Nevada de Santa Marta is an isolated mountain range separated from the Andes chain that runs through Colombia. Reaching an altitude of 5,700 m, located on the Caribbean coast it is compassed of about 17,000 km2) and serves as the source of 36 rivers. The range is in the Departments of Magdalena, Cesar, and La Guajira. The territory is dwelled by four indigenous groups, to the north, the Kogui, to the east, Kankuamos, Wiwas, and the Arhuacos to the south. Serankwa (god) displayed this distribution, and it represents the original configuration of the cosmos. (Duque, 2009). For them, the world is composed of interconnected positive and negative energies both expressions of wholeness, and paraphrasing (La Pena, 1987).

For the indigenous peoples of the Sierra Nevada, this relationship between the divine and the earthly is represented geographically throughout the territory. Through God, the so-called serankwa according to their founding myth created the spiritual world. The Wiwas, Kankuamos, and Kogui people share it.

Negative and positive entities, both expressions of wholeness, interconnect with this world. (La Pena, 1987). The Arhuacos rocks, lagoons, lakes, rivers, mountains, and so on are part of this dualistic world (material and ethereal); as a consequence, indigenous have interrelated with them since ancient times. commonly this way of relating to the world has been called animism, to the extent that it is a non-dual ontology, but rather an approach that recognizes the essence, spirituality, and potency of all human and non-human entities.

In the case of Arhuacos their territory from Nabusimake (the sacred city), doing a classic spiral towards the lower areas of the Sierra, which are regarded as impure lands, conducive to diseases. Here the application of Arhuaca cordiality is evidenced. Likewise, the Kogui lived on the top of the mountain for a long time, so the center is concentrated from the Bolivar peak, and it goes down from the pure and impure that they are also the lowlands of the Sierra Nevada. This figure is common among the indigenous who believe in the sacred mountains, for instance, Bukusa sacred sites in Kenya (Wandibba, 1994). In conclusion for them, sanctity is the result of a physical, ontological, and social assembly through which it is unified in a uniqueness. Thus, their physical and ontological territory coexist harmoniously within the limits of the black line.

What is black line?

The black line is a circumferential perimeter displayed by serankwa (god). Besides, it represents the original configuration of the cosmos. Can be defined as an energy network that protects the ancestral territory that God granted to the natives to protect- In each zone, laws were left for each group; however, a struggle between *Duaiweiku* (clarity) and the *Seyauriku* (darkness) for the distribution of day and night was presented in mythical times. Because of this, the fathers and mothers of all things were distributed among the hills, lagoons, and stones. (Duque, 2005).

Each indigenous group in the Sierra Nevada translates this ancestral category from their language to Spanish, to coincide with the name of the black line. However, there is no literal translation. For Arhuacos black line is translated as sey kutukunumaku. Probably, the origin of the term black line emanates from mythical tales narrated by mamos; in which Seykwa is pregnant the "black woman", which means the mother earth, extending life alongside the Sierra Nevada. In addition, the sacred territories contain in themselves a series of laws, which order the physical and symbolic world of the communities. So, it pertains to the importance of the black line for all indigenous people that dwell in the Sierra Nevada of Santa Marta since it is the outcome of a blend of ethical, social, and cosmic sorts in one place.

A place sacred cannot be described as a piece of land merely, or just located in a specific position in the landscape. A sacred site carries with a whole range of rules and regulations about people's behavior with it and implies a set of beliefs to do with the non-empirical world, often to the spirits of the ancestors, and more remote or powerful gods or spirits" (Charmichael, 1994) p 3.

Legal recognition of the protection of sacred places remains a poorly developed issue in Colombia and probably in the rest of Latin American countries. Nonetheless, Arhuacos are one of the best-organized indigenous peoples in Colombia, their claims and struggles for the recovery of the territory and their autonomy come from the beginning of the twentieth century, in such a way that indigenous have carried out their social struggles by resorting to some legal actions that have supported the constitution and extension of the boundaries of the black line.

During the vindication processes carried out by the peoples of the Sierra Nevada, it is evident that the conception of the black line as a sacred place has become a legal mechanism for the defense of the territory. This has been especially relevant since the promulgation of the 1991 constitution, the ratification of Convention 169 by the Colombian State, and the Constitutional Court's rulings. In consequence, this figure has binding force through several sentences such as SU-510 de 1998, T-349 de 2008 y T-547 de 2010. [11] However, utilizing the neoliberal extractive model that Colombia has in terms of development, the Sierra Nevada faces several risks due to the establishment of megaprojects within the black line such as two dam called besotes-Rancheria, and 132 mining titles granted by Colombian Ministry of Mines and Energy. Subsequently, although there are spiritual and legal-political efforts to protect the black line, it is threatened, since the notion of the subject of law is narrow.

Naturally, the Colombian case is not the only legislation that has been pronounced on the protection of sacred territories, perhaps the Australian case is one of the most developed in several aspects. Because for example, according to the scholar Laurajane Smith "heritage' not as a 'thing' but as a cultural process of meaning-making about group identity, history and contemporary social relations" (Smith 2010: p. 63). However, the predicaments persist when establishing the subjectivity of the rights of the sacred territories. Ultimately, the conception of law and the current subjectivity of human rights (person-human) continues to mark a distance from a rationalist, anthropocentric, and positivist perspective. These considerations will be analyzed in the methodological chapter and the false problems of foundation in human rights.

Because the recognition of cultural heritage is one evolution of the notion of cultural property. It is plausible to claim that heritage is a new conceptualization of indigenous property due to its permit to include sacred sites and territories, namely these rights lead to expanding the classical right to property. Nonetheless, this continues to be subordinated to the indigenous identity and the objectivity of the sacred. The declaration on the Role of Sacred Natural Sites and Cultural Landscapes in the conservation of Biological and Cultural Diversity enacted by UNESCO follows this same insight:

Protected are managers, the international system, governmental authorities, non-governmental organizations, and others to respect, support, and promote the role of indigenous people and local communities, as custodians' natural sites and cultural landscapes, through the right based approach. (Tobin, 2014) p 152

For that reason, the third vital subject -rights which include non-human entities from a new ontological approach that encompasses a fresh understanding of what alterity, commitment, and maturity mean. But also, as a one proposes to strengthen the argumentation and underpinning of the ecology-rights relationship. Consequently, I appeal to my sensitive experience with the Arhuacos and their sacred place. Contextualization of the Arhuacos as a sensitive and supersensible experience is cohering in with imagined territory as one way to single out the political-legal struggle to protect its ancestral land against various civilizing projects (mining, dam, extensive livestock)[11]

[11] In: https://sostenibilidad.semana.com/medio-ambiente/articulo/mineria-en-la-sierra-nevada-de-santa-marta-indigenas-denuncian-afectaciones/38555

of an unjust status quo. Appealing then to a bias in which classical emancipatory political manifestations have no place. In this sight, several of these groups claim for correct pureness that conducts to an ontic relationship between entities (without any medication of modern political components, such as the State, citizenship, sovereignty, etc.) which leads to political inaction amid extractive capitalist practices that, based on a simple technification of social theory, devastate various non-human entities.

To conclude, in my time with the Arhuacos I identify what does not exist in a hierarchy or sequential order to present the creation of a concept to describe their spiritual-physic world. Both are symbiotic movements that seek to co-create a vital concept that involves an intelligible, extensive, and useful machine to re-think and re-assume the role of human rights and their re-tie to the knot of non-human entities such as are the sacred places. turns out fundamental to change the practiced method, which culminated in the decolonization of the first subject of human rights.

Now, concerning the black line as one prospective example of third subjectivity, I regard it fundamental first to point out what a sacred place can be tricky because generally, a specific group's belief determines it, in that sense. (Hubert, 1994) proposes crucial questions such as: Can we say that something is sacred to someone else but not to us? What do we mean when we say that we believe in the sacredness of someone else's site? eventually one could conclude that in the lens of the subject resides the sacred. From my standpoint, the only manner to solve the dilemma of the externality is to honestly believe in the sacredness of the place by itself. Of course, it does not mean that I should have the same perception of the sacred that the peoples of the Sierra Nevada share.

On the contrary, if the agency capacity of the non-human is recognized and in this case of the sacred sites, this implies accepting that these places have a way of communicating in themselves, without the exclusive dependence of whoever holds an interpreter authorized. This is something that I experienced myself to some extent, with the use of *ayu* (coca leaf) and the use of *poporo*, conversations with the Sierra Nevada mamos and their spiritual orientations and visiting and meditating in some of the sacred sites such as mountains, rivers, lagoons has to help me to understand what the black line means more deeply.

Therefore, this thesis has the genuine desire to formulate a proposal that comes out of binarism from my contemporaneity. It means that I do not try to fall into the pretension of the saving hero. This legacy of Western-Eurocentric thought is potently rooted in the social psyche of a globalized society. Since From my perspective, each situated subject shall reflect and postulates the ways to get out of the contingency that his time lives. Decoloniality entails developing the Moses problem extensively (Gordon, 2014). Namely, in other words, we should not act like the patriarch of the religions of the book. To the extent that as subjects of our time we are limited to fulfilling a certain experiential role. Regardless, I am fully aware that it is easy to fall into the temptation of the redeemer some of the thinkers referring to decolonial thought and Pachamanism incur it.

Thesis overview

Introducing the thesis illustrated the starting and ending points that I propose. I return to and articulate each of the central aspects presented**.** This scheme, although logical and explanatory, can be considered formalizing, then in its development, there will be implicit lines of flight that allow an essential movement for the sake of a living tie of the project in question. In Chapter I, I wonder Why is it substantive to resort to a hermeneutic of the subject of human rights? The methodology implemented in this dissertation can be understood as circumscribed. It pursues a reconnection with life from a theoretical-experiential approach to it. This new blueprint rejects exacerbated rationality and recognizes the importance of thinking-doing but includes a third way: thinking, experiencing-feeling the human rights. To achieve this goal, I resort firstly to several philosophical authors such as Heidegger, Deleuze, Bergson, Dussel, Maldonado, and Wynter. To criticize the subjectivity that arises from modernity oriented it towards the human rights machine. Thus, I plan which distort the false problems and the plane of immanence in which human rights have fallen. Elucidating so what would be the authentic problems of human rights such as the stalking of the death machine against lifeworld, the technique within human rights language and positivization of sacred- Positivization of law.

Besides, I introduce who would be one phenomenology of "stave in" entail to think anew which are the moral and legal values that withstand the basis of human rights edifice. In particular Eurocentric values have implied innermost an immanent exclusion and negative otherness; therefore, it is fundamental to monitor and identify which are the pieces of the puzzle that would allow one type of relational ontology with the other from a positive otherness. In doing so, the thesis explains the bases for inventing a new problem of subjectivity "in" human rights.

It involves the materialization of a phenomenology of enchantment (theorizing-experimenting) opening the doors to a vital, holistic, and pluriversic comprehension of the ontic, ethical-moral relations and duties of the human species towards the rest of the entities that surround our habitat. But also, this work results experiential and urgent due to contributes to the development of multiple ecological projects in the global north and south. Because the first is still trapped by anthropocentrism and the second has not paid detailed attention to understanding the foundations of the legal and moral subject, hence this methodological praxis emerges as a third alternative.

The chapter ends by showing how hermeneutics of enchantment could lead to the insertion of sacred places within this new language of human rights. To intend to find the answer to authentic problems, then I claim that ideas such as relational ontologies and ethno-philosophic values permit an exploration of a new type of precepts that will illuminate the opacity in which the law is found on the one hand. But it shall conduct to propose new insights on what means law from an interrelation nature-human approach on the other side. Otherwise, I argue we are replicating precisely the colonial, capitalist, and formalizing model that has led us to the ecological crossroads that we face.

Chapter II, "when the other is sub-jugated". The thesis scrutinizes from a historical-philosophical perspective the development of European thinking that laid the foundations for the creation of the subject of human rights. It is using the understanding of various concepts interchangeable at first glance. Specifically, the meaning of human, men, and subject. These terms take on special relevance in the sense of the semantic, religious, and political load that they hold. Taking as a turning point the conquest of the Americas, as a determining moment for the new configuration of the human condition.

The chapter aims to make a compilation of the place of enunciation of the classic concept of human rights, focusing on who is the bearer of these rights. To do it I resort to the philosophical-legal analysis of the concept based on liberal-European-modern thought. Describing the constitution of this new subjectivity has implications in the philosophical, political, and legal fields to this day. It aims although one of the principal arguments at showing the semantic limitations of interpreting "the human in the law". To comprehend then who have been until today the first subject I invent the notion of the homo believer, homo creditor, and person. Categories associated with the real human rights challenges that I describe in Chapter I. Regardless, I will emphasize the person's condition, since I argue that it is the refined version of the first subject and which trapped the subject of human rights in the box of the legal and political position of colonialism. However, I include also minority tendencies within the first subject, for example in Bartolome de las Casas-Spinoza for example. Recognizing the intrinsic duality that Eurocentric discourse contains in both ways: hegemonic-emancipatory tendencies. To interpret these scenarios, the result is crucial since the modern-European thought function from a paradigmatic arch that has masked many dissidents' visions, which did not become dominant in themselves. Doing what exists the possibility to create contact zone (Haraway, 2008) among coming from different backgrounds and within the diverse outlook between ecology and environmental law linkage.

The chapter ends by showing how the first subject of human rights is unable to understand the complex flows that surround the world of life and therefore the protection of nature is insufficient. Because the premises of environmental law fall on issues of the colonial and European heritage such as anthropocentrism, paternalism, and legalism. Therefore, in the next chapter, I point out various philosophy-legal approaches that look forward to earth-center the debate around the non-human rights holders.

Chapter III, potency and limits into the second subjects of human rights. In this segment, I show which they are the mainstream of what I have called the second subjectivity. In turn, this is divided into decoloniality 1 and decoloniality 2(Pachamanism). I indicate the points of contact and distance that I have with those references. I highlight the points of contact and distance that I have with those references. Although the third subject finds greater compatibility with the Pachamanic project. Here, it is worth mentioning that both versions of decoloniality have gaps in the human rights framework because their approach is not substantially concerned with the legal field. Therein this chapter also includes what I have called the bio-legal turn. And then I will demonstrate the relationship it has with Pachamanism and deep ecology, but as a law proposal. (great jurisprudence, earth jurisprudence, and wild law.

In addition, the chapter explores how this movement seeded the third subject framework. In terms of the enactment of universal law (great jurisprudence that extends the modern definition of law. Regardless, this thesis argues that bio-legal turn falls partially looking their aims because it incurs within the false problems surrounding the issue of human rights such as positivism, abstraction, and technique. And implicitly adopts the prevailing values and morality of legal and judicial mechanics. The chapter ends by accepting the relevance that the decolonial premises and the bio-legal turn to constitute the option of the third subjectivity of human rights but a taking distance from various predicaments already noted.

Chapter IV, kitting *quipu* anew: Towards the third subject of the human rights. In this section I collect the methodological elements, together with the reflection on the origin of the subject and the subject of rights, I also appeal to several of the antecedents of the second subject to cement the concrete proposal of the third subject of human rights. Additionally, this draft contains other theoretical foundations of vitalist philosophy, as well as some autopoietic elements that lay the basics of the third subject. In the course of the chapter I define why to request the subject, which means the denomination of the third party, which are the non-colonial ethical values to which I appeal: Alterity, maturity, and commitment.

The foregoing leads me to the invention of an example of the third subject of human rights via the black line. Notions previously mentioned such as relational ontology, ethno-philosophy, and the holistic spirit of vitalism make explicit sense in the experience with this sacred place. In doing so, present a new empirical-existential place of non-human entities in a vibrant universal law. The dissertation aspires to become a new way of understanding human rights law, which makes a re-foundation of eco-legality viable, and urgent to combat the environmental impacts that we currently suffer.

Finally, the thesis will present some conclusions. Once the problem of human rights is addressed, the substantial ideas that would transform the first subject have been offered such as decoloniality and bio-legal turn. The third subject precisely reveals the configuration and entrapment of the human and the non-human within the capitalist death machine. Moreover, I invent the bases of the third subject, recognizing its power and limits, based on the intricacy of the subject, and the transdisciplinary challenge that it entails but with the firm conviction to continue investigating the scope of the existential territory that I know, think and feel today.

Chapter one: Why is substantive to resort to a phenomenology of the subject of human rights?

To explain what the methodology of the thesis is I introduce first how I interpret the phenomenological definition. Second, I invent a subdivision of the phenomenology of undermining and enchantment, to indicate which should be the path that the subject of human rights should take to leave your entrapment. Subsequently, I will explain why I define it as vitalist. To do it I resort to various

authors such as Spinoza, Heidegger, Foucault, Bergson, Deleuze, and so forth but also to the indigenous conceptualizations collected in my own experience co-inhabiting the Arhuaco territory in the Colombian Sierra Nevada. intentionally establishing ecological contact zones.

In consequence, this phenomenological process is the product of probably misreading (Bloom, 1995) the original version of the theoretical assumptions I turn out. Indeed, I trust this to provoke a certain transmutation and/or transgression[12] of these terms for the sake of interpreting myself and interpreting the dilemmatic situation that those of us who question go through a third way of the subjectivity of human rights. Likewise, it means the inclusion of other categories into the definition of phenomenology's mainstream because this is an interpretation of the world of life that resides in rivers, mountains, rocks, etc., it entails ratifying the invention of the new subjects signifying to elaborate a novel vital-phenomenological place.

It is also relevant to explain why this thesis should be considered experimental and experiential. The first one is because does not resort to a predetermined disciplinary methodology. I found it problematic since it operates like framing resulting from the epistemic-scientific uniqueness of Western knowledge. leading to reinforcing a disciplinary decadence (Gordon, 2014) that multiplies the urgency of the division of the multiple manifestations of knowledge. Thereby, is a priority

[12] (Bloom, 1995) undertakes the notion of misread and misreading he argues a misinterpretation does not consist of a lack of understanding it is the only way to carry out a creative act. In that way, nothing can be considered "original" since it is nothing more than the result of a translational chain of misreading. See also (Lopez, 2004)

to appeal one disciplinary suspension, in which the rigidity of disciplinary approaches conducting to the generation of new knowledge. The second one, the methodological elaboration of this work is an outcome It is the result of a long experiential, academic reflection as an individual who investigates the problems of human rights since 2005. Then I could claim that was the pulsion to understand that led me to a rhizomatic formulation.

Rhizomatic to the extent that aims directly toward the predicament of human rights, from the question of who is the subject of human rights. Namely, questioning the centrality in which the human was ordered. Revealing the hiddenness of this whiteness anthropology machine. Furthermore, I appeal to a rupture significant (Deleuze, 2004). One in which provincialize the objective and canonical interpretation of reality itself. Moreover, through its points of heterogeneity, it achieves the unordered connection of various items that I will point out. Hence, it might be described as an ecological initiative, due to its non-heterodox relational character and because it promotes a reconceptualization of the political, the legal, and the sacred. it implies refunding the link between the world of the human as part of the world of life.

Why appeal to phenomenology to interpret the subject of human rights?

Traditionally phenomenology is formed with certain attributes. First, it is a descriptive theory because it accounts for how perception is caused by interactions with others. Second, clarification is no explanation since it does not provide causal law to explain the existence of things. Rather its aims consist of establishing the boundary of one thing. Third, it is an eidetic approach due to it not seeking to know all the properties of one thing, but to reveal what thing belongs to the essentiality of it. Four is a reflective position since it does not focus

directly on entities as occurs in the natural sciences, but on the experiences, we have with entities. That reflexivity focuses on how consciousness perceives and engages with the entity. (Crowel, 2013)

Moreover, phenomenology proposes an important route between subjectivity and inter-subjectivity. Through intentional and intuitive acts, the subject becomes aware of himself. Therein, the outcome of what I think-believe is not simply the status that I give to the totality. Rather, this leads to a decision that implies a commitment to a certain way of perceiving the world. This would be the way to produce self-knowledge in which commitment to what I believe address me to justify my actions and the universe in which I believe, therefore it has moral consequences. (Moran, 2001)

But the self-knowledge of the subject is enough for us to create a world, which will always be intersubjective. Because "I aware" is a mode of self-apprehension without authentic existence that is subject to social practice with others (Crowel, 2013). This arises from the intentional acts of other entities to the extent that the consciousness of beings builds a common universe. Thus, it is a communicative method that allows the transition from an imagined world to a real one. Although its materiality will depend on the degree of intensity and moment that each subject has. I consider that both terms are linked to perception. Intensity depends on the degree of commitment and intersubjective conciliation that entities have towards knowledge. And the moment of being is associated with the level of moral consent and justification that one has toward the invented world.

These ideas relate to my dissertation insofar as I undertake a process of self-awareness, in which I make a conciliation of intensity and temporality with the black line. Setting up a moral world of justification and responsibility with it. At the

same time, this own experience serves to validate a method that could apply to many other ontic entities to recognize one subjective status. So, I coincide with phenomenological attributes such as descriptive, clarifying, eidetic, and reflective. The main difference between this approach and the vitalism of human rights is that consciousness is not based exclusively on rationality. Regardless, the characteristics of a phenomenology of human rights end up addressing the ground of interpretation.

There are two predominant theses around interpretation since the 20th century. First, (Dilthey, 1996) ´s an insight that consists in regarding hermeneutic as the method to comprehend social science. Then, it shall be contributing to discovering objectively what a subject or a historical text "really" means. Worthwhile to note that this viewpoint considers an imaginative rebuilding of one circular interpretation. Moreover, this hermeneutical turn goes beyond the verification of the empirical method because it understands the circularity of the interpretation depends overall and vice versa.

The second one, the Heidegger framework emphasizes the ontological incident. Namely, establishing an interaction between interpreter and interpreted, here the hermeneutic turn is not merely applicable to comprehending social science, rather it is the method of interpretation located in the specific knowledge that human beings possess. Highlighting how this approach is a concern for a dialogic understanding of western historical tradition and criticizing the premises of Cartesian binarism and the ethical universalism of the Enlightenment (Bohman, 2004). Although I do not base my explanation of hermeneutics entirely on the Heideggerian method, I do recognize that I incorporate several of its pillars for the methodological formulation of this dissertation.

Heidegger-Gadamer masterfully transmutes the notion of interpretation, since for them the act of understanding is primarily an existential practice in opposition to the classic dichotomous relationship of an interpreted subject and an interpreted object, concluding what praxis is the origin of all theory. Then, social, cultural, religious, political practices, etc. have led to the invention of the subject of human rights. Nonetheless, the classical hermeneutical version of subject-object has even legitimized that certain subjects (Western man) are appropriate objects (not Western, not rational, not faithful). For that reason, I have called it as entrapment of the human into the category of rights.

In addition, hermeneutics serves to think the unthinkable. A genuine interpretation of that man split in half empirical-transcendental (Foucault, 1968) should conduct to an open texture that will allow all the possibilities of being. With that in mind, if hermeneutics is understood from the rational limits, then it does not turn out to be a praxis to dream the non-rational, the utopian, what is about to become latent. These ideas also can be found in the vision of Heidegger through the protectability of *dasein.* Since the man is non-exist merely like *Vorhandenheit*, it means mere presence thrown into the world of reality. Otherwise, man will have existed (Vattimo, 2009) (be out of the real) In consequence, man is an unclassifiable term because it is contingent and continually mutates, is always becoming, running like a verb instead of a noun (Ingold, 2015). But if the man is changing because his attributes in society must be stony? So, right-ing (Douzinas, 2014) should indicate movement, imagination, the verb itself, and solidarity at such a speed that the positivization of the law is insufficient. I will develop this idea in chapter V.

Precisely, the Eurocentric hegemonic paradigm carried out the consolidation of the subject of rights as a historical, universal, and civilizing achievement. unaware that in that process thousands of beings were dismissed, as a result of a denial of movement and non-heteronormative connection. Constituting a celebratory discourse of human rights that I plan to criticize. Accordingly, in this section, I introduce first, what are the false problems of the subjectivity of human rights, and second, what are the real problems from a phenomenological framework. These two perspectives lay the groundwork for proposing in advance the phenomenology of enchantment.

False problems in the human rights subject

In this section, I highlight three false problems, first the assimilation of the distinct, second the cumulative attribute as legal recognition of otherness, and third the reconstruction of the human starting from the human himself. Before identifying a problem, I consider it a priority to find the traps of the apparent, which can lead to an obvious approach, an obvious repetition that prevents generating the correct questions for this research. all the cases that I describe as false are of kind (Deleuze, 1991), in other words, these do not affect the nature of the subject, otherwise merely the manner the subject works in his political and legal dimension or the form how the subject shall become (posthumanism, transhumanism).

When I claim that assimilation of the distinct is a false problem, I believe this is one of the greatest virtues of the capitalist machine. If before the classic control apparatus (religion, State, and law) was based on the exclusion and prohibition of the different. capitalism achieved a degree of sophistication that led it to exclude from the inclusion. that assimilation is particularly evident when it comes

to enemies of their value system. Thus, the big occidental other subsumes the diversity in a single compartment, such as man/human/person. But these categories do not involve material included in the social world. Perchance, humans (homo sapiens) are fully incorporated in the declaration of their rights? my point is that no, the facts show that there are categories not recognized as deeply human (subjects of law)

Now, the next question is it worth recognizing emerging identities in the political-legal mechanisms that make up the body of human rights? I recognize certain achievements through the universalistic myth of assimilation, albeit, this textual incorporation of the other denied has not implied that the discrimination against them ceases. Here I lean in a direction different from Marxism by which it was thought that racism and capitalism are incompatible since precisely is the contrary capitalism-racism is perfect compatible because it contributes to marking borders, the question is how it neutralize-hidden the separation between us and them. One dispositif that facilitates these circumstances is the law. Positive law affirms to have a proper logical form of enforcement that is innocent of ideologies (Fitzpatrick, 1990)

I detect a certain evolutionary pattern of racism that fits perfectly with the politically correct language and with various sophisms such as capitalism with a human face or sustainable capitalism. Among the various types of racism, some such as biological racism, symbolic racism, ethnocentric racism, and aversive racism (ACNUR, 2019), I underlie the last one because it is an example per the excellence of the exclusion-inclusion assembly. This can be understood as the subtlest racism of all since it is aimed at the recognition of invisible identities under the layer of the great Western paradigm. however, this concomitantly

reinforces the motto: together but not equal, this is commonly understood as the right to tolerance. it functions as an instrument of political correctness, in which an inclusion textualizes and is visible just formally. But innermost, a distance is maintained between historically marginalized populations: blacks, indigenous people, gypsies, etc. Thereby, I interpret tolerance as a way to restrict behavior that is unpleasant or offensive. Regardless this does not imply an active attitude of inclusion, but simply an accommodating stance that ratifies the denial of the silenced. In consequence, if someone is (legally) obliged to respect others, then the symbolic effects of human rights, such as a process that seeks material equality, are ephemeral.

The other predicament of assimilation is the loss of assemblage of subalterns, namely that they could fall into a reification of human rights (Thusnet, 1984), which essentially consists of language and overestimating the emancipatory capacity, in its liberal version at least. hindering a broader, diverse assemblage that does not depend exclusively on its recognition via positivized rights[13]. Is a struggle for human rights viable, the mechanism being plausible with the capitalist system, which is itself a death machine? the answer is yes, but this depends on the ability of decolonization of this. In conclusion, I regard the practice of assimilation of the distinct a false problem because it is not a formula that resolves the discrimination of the subjects and to whom human rights are directed Rather, this allows the legitimation of exclusion, since, without an interpretive

[13] I refer to this term in (Thusnet, 1984), a hypothetical party in which those critics of the capitalist system and the neoliberal economic model militate. This party would then be ruled out due to its heterogeneity and not hierarchy. I would add those who believe in the possibility of relating to non-human otherness.

framework that goes beyond the liberal vision of rights, it is unattainable to rescue the human who resides in the discourse of human rights.

The second false problem is a cumulative attribute as legal recognition. Of course, this is intrinsically related to the first, however, I shall emphasize the legal recognition of non-human subjects. Here I argue that the efforts to problematize the rights of animals and sacred sites among others have been not enough. Unfortunately, many activists of these rights have thought that simple legal positivization leads to respect for other forms of life. Indeed, the positivization of rights has partially contributed to the incorporation of otherness. Nevertheless, this has depended historically on certain attributes of Western thinking (rationality, religiosity, and the desire for appropriation) and also on an incessant struggle to dispute to them the political, cultural, ontological power, etc. So, believe what the inclusion of believing that the incorporation of non-human rights is resolved simply with their legal acknowledgment is naïve.

The other issue that I detect is how the claim for its recognition is carried out, I mean the old discussion of whether other living beings besides man should be considered objects of special protection or subjects of law, has not concluded. On the one hand, most jurists anchored in Eurocentric thought favor the first option, while lawyers from the global south tend to recognize other living things (especially some species of animals,) as subjects of law. The problem with this framework is the absence of problematization by the invention of the subject of human rights. So, the question is not simply to accumulate others in the legal categories already established, especially when the recognition of non-human rights depends precisely on their proximity to the human. For instance, in Colombia, utilizing the sentence of a writ of Amparo T-612/2006, enacted by the

Constitutional Court It was publicized that the river Atrato conferred the category of the subject of law. However, this is not entirely true, since the court ruling refers to the biocultural rights of the indigenous population that lives around the river. Besides, this leads to practical implications in the defense of these territories since, in general, they are protected within the limits of ethnic peoples.

In that sense, I think the point is highlighting the immanent exclusion that predominates in the subjectivity of rights. And proposes alternative ways to reinterpret the main characteristics of the subject of law. For instance, legal operators find it difficult to break away from the notion of reciprocal obligation which implies the right and duty ratio. Moreover, in law, the legal capacity which is an inextricable link to rationality-consciousness is essential to exercise the right, therefore the expectation is that the holders of rights expressly manifest this condition. In this way, the agency capacity of the non-human is discarded.

Here it is also clear that the disciplinary decadence of law does not conduct to transgress its barriers for the sake of a hermeneutics of life. Rather than strengthen an anthropocentric hermeneutic from legal positivism, therefore, their environmental stance is reductionist-poor. To conclude, it is a false problem to the extent that the accumulation of legal recognition does not effectively contribute to the creation of a critical interpretative theory of the first subject of human rights.

The last false problem is the reconstruction of the human starting from humanism. The falsehood of this lies in those who believe that the problem of the exclusion of different subjects of human rights is due to a lack of intensity, without questioning how humanism itself evolved. When I refer to the term intensity, I mean that the predicaments of discrimination, for example, are simply due to the

lack of further development of the discourse of rights, especially in the peripheries of the world. The problem is overcome with further intensification: production, distribution, and adoption of the universality of human rights.

I argue this issue is a mechanism that belongs to western linear thinking. This concept is comparable to the Matrix films, in the way the life world is being interpreted at present. In which the criteria to be considered for the evolution of civilized societies are synthesized in the big other. Consequently, this leads to an epistemic and ontological hierarchy that depends on the extent to which (human) peoples or other entities approach or distance themselves from the line that Eurocentrism trace. This would be intrinsically related to the notion of development within the capitalist machine. But development turns out to be an applicable formula to all humans,[14] beyond the economic sphere, including so knowledge, politics, philosophy, and law as well.

This position is strongly defended by liberal scholars of political and legal philosophy. Who from different approaches attempt to demonstrate how the relationship between political philosophy, human rights, and humanism can still solve the problems of the inclusion of the other. For instance, in the case of political philosophy, the thesis of egalitarian liberalism (Rawls, 1995) introduces the metaphysic metaphor of an original position in which, based on certain conditions such as rationalism, conduct to unequal distributions of justice can be equated. others cling to the idea that the promise of moral-social progress

[14] Here it is worth remembering the hierarchy of humans with full rights, semi-human and sub-human. reflected for example in (Hegel, 2001), who consider Latin America had no history or philosophy proper I regard him as the founder of the western linear thinking since he contributes to classifying the men into semi and sub-human who are compelled to follow the line stroke if they pretend to ascend to the pinnacle of humanity.

through the law and human rights is still achievable (Chavert, 2008), highlighting the achievements that universalism and the liberal triptych: equality, freedom, and solidarity have achieved in terms of the recognition of the invisible peoples.

And finally, some raise post-human rights. Namely, who establishes the link between post-modernism and law. Although I think that the arguments of posthumanism-transhumanism are conspicuous, such as the rejection of binarism: neither anthropocentric nor Eurocentric nor dualistic (Ferrando, 2019) (classification of human/animal right holders. The latter is problematic if it is not understood how the invention of the subject of law and human rights occurred. Thus, I claim that this theory ends up being formalistic and not substantive since it does not analyze the material conditions of the one locatable reality.

Furthermore, its abstract approach, in the end up becoming part of the redemptive myth of the human (white, European, Western, enlightened) who tries to save himself from himself. Thence, perhaps detachment (or undermining) may be one of the keys to finding the opaque human. It would be fundamental to try to reedify a vitalist foundation of the human and its relationship with the whole.

In conclusion, the assimilation of the distinct, the cumulative attribute as legal recognition of otherness and the reconstruction of the human starting from the human are considered as a manner to interpret formally the subject, subject of law and the subject of the human rights, but without break free from bonds of anthropocentrism, eurocentrism and textualism. Then I will point out the real problems that I identify concerning the production of the subjectivity of the subject of human rights: first, from the positivity of the sacred to the positivization of law, second the expansion of the death machine over lifeworld, and finally, technique as a philosophy of distance. the common denominator of these problems is the

loss of the symbol, the relationship with the spiritual, and a restricted vision of social, and political-legal life. Through these issues, I pose a hermeneutics of stave in-enchantment.

The stalking of the death machine against the lifeworld

I regard that it is the main predicament facing mankind, thence this would be the source of the other two authentic problems that I point out. The death machine´s idea has been coined by some Latin American indigenous tribes to describe the impact of capitalist acceleration on their ancestral territories (Suárez-Krabbe, 2016). Because the notion of development that capitalism has carried out a led to an immanent contradiction with *Suma Kawsay* live well (Macias, 2011). Namely, a harmonious relationship with the world of the entities that allow life on the planet which might be carried out by some values intrinsically connected such as Pakta kausay, (Balance): Through communal work, individual and collective equilibrium is achieved; Alli kausay (harmony): the balance allows sustaining the collective and individual harmony; runakay (know-how to be) is the sum of all the elements noted previously (Houtart, 2011). Several of these elements have considering for the thesis.

Going back to the problem, the death machine conducts to the eradication of the surrounding ecology in jungles, forests, and mountains, but it transcends further since it implies the breakdown of the cognitive ecological interconnection with the whole. It is an ecology because it is based on the recognition of the plurality of heterogeneous knowledge (one of them being modern science) and on the sustained and dynamic interconnections between them without compromising their autonomy. The ecology of knowledge is founded on the idea that knowledge is interknowledge. (De Sousa, 2007) pp 66

I interpret this machine as the most complex apparatus/dispositif and could be denominated as the mother of them because their forms of production-domination and control have become more sophisticated over time and permeated the world of life. Therefore, is a genuine risk against ecologism in its broadest sense. But also, death because It is the machine of uniqueness, nullity of the pluriverses, denying an approach to life in which simultaneity, commitment, and otherness have a place. These ideas are inextricably tied to the development of the subject of law and human rights. since the positioning of capitalism as an economic, cultural, and political project ended up having implications in the turn of the notion of homo belief towards a homo creditor. This classification will be explained in chapter II.

Now, how to denominate the lifeworld threatened by the death machine? I undertake various ideas undertaking (Habermas, 1985) this term contains three broad components: First, the stock of taken-for-granted certitudes an idea ("culture"); second, norms, loyalties, institutions, and so forth, that secure group cohesion or solidarity ("society"); and third, the competencies and skills that members have internalized ("personality"). A viable lifeworld is reproduced, then, through the cultural transmission of ideas, through forms of social integration, and the socialization of its members. (Habermas, 1996) p 119.

But I intend to go beyond his project because my vitalism pose includes a non-rationalist point of view and ontological plurality. So, the definition of lifeworld could be normally understood as a communicative network that allows the flux of life to pass through diverse ecosystems in which solidarity is a crucial factor for cohesion and survival, it permits the edifice of moral societies that share one

collective imaginary. Here, I consider that reciprocity and solidarity cannot be circumscribed to human rationality exclusively. So, lifeworld would be associated with a deep ecologism, including one reciprocity that collects other forms of life. Moreover, instead of posing a moral project, I am inclined to believe in an ethical plan that facilitates a framework of freedom in which individuals and society interact conjointly.

In the same way, although Habermas (1996) poses a lifeworld, a network composed of communicative actions. This is based on a liberal theory of political consensus within the limits of citizenship. This thesis focuses on intra-extra dialogues. Since it includes communicative tissues with different human-non-human subjectivities. established by different individual commitments, such as indigenous people with their territory, political activists and their social causes so on and so forth.

in both versions, the world of life can be interpreted as a fluctuating and not static ontic and political space that takes away from the capitalist matrix in its many dimensions. In consequence, moral law is imperative, its main objective is to be a validating discourse of authority. Thus, it is easy to establish the relationship between monotheism and morality in which to extend it means unquestioning submission to a certain canon (tyranny of law and the right of the tyrant converge in this same path). morality prevents knowledge-self-awareness, which always leads to relational character, and encounters with entities. In opposition, the law covered vitalist ethic conduct toward the encounter of a two-in-one. Namely, as an authentic experience of being enjoyment (Deleuze, 1988), full conciseness permits us to expand our notion of individuality, therefore:

Ethics starts from building a love affair between the particularity of an individual's world and the universality of the social world that he learns to recognize. Morality does not accept the individual, it starts from the idea of the subject and an external order is imposed on him that he must practice and obey (Botero, 2002) p 183

Consequently, the mode in which the death machine acts over lifeworld leads to the loss of that ontological, cognitive and ecological communication. Innermost it drives towards a genuine death from all viewpoints (physical, spiritual, cognitive). For that reason, is imminent the reterritorialization of it in philosophical, political, and legal terms. The territory of the lifeworld is the only existing place where life or good living *(Sumak Kawsay*) can be reproduced, thus the struggle in contradiction to the death machine is a common problem that concerns us all that we are part of the party of humanity[15]

The technique within human rights language

Another product resulting from capitalism is the technification of life. Such criticism is present in (Heidegger, 1977) work, this is understood from two aspects first, like an instrument by which a subject has a relationship with an object useful. Second is the form of exclusive and global appropriation that humans carry out with nature (reified world). In doing so, mankind legitimizes the exploitation of the world of other non-human living entities. Of course, I do not want to say that the

[15] In Professor de Sousa's literature, different types of globalization are distinguished. Globalized localism translates the positioning of a local concept into the global scope. localized globalism consists of a series of imposition practices against local scenarios. And subaltern and insurgent cosmopolitanism, as a process of social struggle organized in terms of a common political platform.

use of technology was born with the emergence of early capitalism since this has been a constitutive part of the development and extension of human potency. Rather, the question is how the consolidation of capitalism as a death machine, has implied that every subject is susceptible to becoming a commodity (Graeber, 2011) It is one of the greatest dangers facing the homo sapiens when technique then becomes instrumental anthropology, it is a trap since it leads to a gradual reduction of the subjectivities endorsed for this dispossession. Modernity then brings about one transmutation between techne and technique.

The first refers to the ancient conceptualization of póiesis in Aristotle (Linares, 2003), so the techne is an artificial result of the human intellect (known to do) and in Heidegger also means the revelation of whom is the subject what exercises technical action in the object world, into the extent that natural (physic) and artificial (póiesis)scenario represent a perfect assembly of human existence.

This has obvious implications for the current effectiveness of human rights in times where the development of artificial intelligence (controlled by global mega-companies that influence the political and economic decisions of millions through social networks on the one hand. And even the reproduction of neutralist scientific racism operated through algorithms that generate bias in terms of deciding who or what is good or bad on the other side.

On that point, I argue it is completely the opposite, rather the modern technique involves encryption of the human because it leads to the absolute utilization and instrumentalization of human/non-human entities without displaying the subject acting. The human condition is assimilable to technical pure, incapable to discern between the vital essence and an instrumentalized world, conducting toward

nihilism and remoteness. Thence, I regard that the innermost mainstream of human rights is dominated by this kind of technique which has been implemented by capitalism in two-stage, first technique in its classic definition, means pure instrumentalization, as the box for a heteronormative subject (homo believer, homo creditor, and persona). The rigid religious, economic and legal structure symbolizes the concealment of multiple discarded subjective forms.

In this scenario incorporation and exclusion depend on their functionality to the system (capitalist death machine) But it seems contradictory *prima facie* if we overhaul the international legal system of the human rights. Here the second stage comes into action, technique becomes concealment, since an inclusive and politically correct language makes invisible other forms of existential-ontological and experiential production of various subjects. The quintessential example that permits elucidation of this inclusion-exclusion is the legal production technique of international human rights texts. It works appears as a neutral mechanism that utters international norms from a universalist consensus.

The question when this phenomenon is analyzed carefully, who writes about human rights and the place of enunciation of these are the same (Baxi, 2006). In my view it is a veracious problem That is, these individuals obey and are part of the great Western other mostly. this technique is inserted into the positivity of two phenomena: Positivity of sacred-positivity of law, which will explain in the analysis of the last issue I propose.

Positivity of sacred- Positivity of law

To present this problem I extract several ideas from Hipolito's work I refer to his book entitled *á la philosophie de ´l Histoire de* Hegel (Hyppolite, 1983). Wherein he applied an interpretation of the positivity of the Christian Religion written by

Hegel. In this text Hegel establish the division between natural religion and positive religion. The first is an example of the relationship between human reason and the divine and the second *is like a set the beliefs, rules, and rites that in a certain society and an at a certain historical moment are externally imposed on individuals. (Agamben, 2009)*

In consequence, Christian Religion would symbolize the second one. My point is that in the pre-Christian era there was a completely different definition of religious conceptualization, comparable to the definition of Hegel on natural religion and the imposition of positive religion entails drastic consequences in the lifeworld

Between the profane and the sacred there was a certain balance, the sacred is profaned, in other words, suffer a worldliness, commonly used to all men. But Mankind then simultaneously plays and recreates new categories of the divine, allowing a cyclical renewal of life. And when Christianism is linked to capitalism philosophy it conducts towards the creation of univocity, one-sidedness, and excess of positivity (authority). Through this binomial everything is profane positivity, the renewal of the sacred loses meaning within the Christian-capitalist beast and it impeded the vital flow immanent is part of the lifeworld. Moreover, this imposition leads to the development of an instrumental logic employing the lifeworld is interpreted-questioned.

I then establish a tie between this positivity and scientific positivism, which apply objective rationality that conceals a speech as the legitimate authority of knowledge, it also implies law because, from (Kelsen, 2008) onward, positive law theorists reduced law to a normative, logical, and abstract system, it meaning an excess of positive as in the original Christian precepts (Agamben, 2019). In doing so, positive law attempts to purify and free the law from other disciplines such as

morality, culture, sociology, etc. Moreover, examining this blueprint is useful to depict how the ancient notion of law turns out contrary to the modern one, causing a serious rupture, for instance, the Roman sacred law (ius) has completely given way to the profane law *(lex).* This schism is crucial due to the hegemonic-colonizing process of European thought. Thus, the mutation undergone by the law has enormous repercussions on how human rights are conceived today.

Additionally, there are an intrinsic relation between technique (Heidegger, 1977) perspective and positivism, throughout modern history, certain instruments materialize this association. Constituting, the mechanical jurisprudence for instance in the 19th century through the Napoleonic code which apply a Cartesian logic entirely. The *civil code became the backbone of professionalized law across the world (Swartz, 1998)*, but also as a way to implement coloniality of power, it means once post-colonization of the overseas empires of the 16th century concluded.

Going back to, the positivization of human rights, it is interpreted as an evolutionary phase, which involves benefits in terms of acceptance, recognition, and effectiveness and hence derives its popularity in part. However, the issue is that human rights obey the same parameters of Christian-Capitalism bionomy. Subsequently, the human rights discourse transferred to the lifeworld into a normative system that is composed of a technique (as explained previously) and legal logic. Accordingly, positivization implies the transformation of the sacred, as part of the European secularization process from the Middle Ages to the present day (Asad, 2003).

This division is especially evident when it resides in non-human agents, which precludes its legal protection. Quite the contrary occurs in capitalist thinking since

it becomes the raw material for the realization of human needs in the current model of economic development. I found it problematic because, under these premises, human rights would be unable to achieve deep emancipatory processes, unless the platform on which human rights are wrapped by law is reformulated, a vitalist perspective is not feasible.

In addition, positivist science, heir to Cartesian-Newtonian philosophy, has consequences in the formation of modern law. simplifying the world, mechanicalness, and being forthright. So, the mechanical vision conducts toward an instrumentalized positive law, intending to protect the supreme good of legal science, private property. In consequence, the philosophy of law and alternate legal theory that does not reflect on private property would be abandoning an authentic problem of human rights.

The phenomenology of enchantment in Human rights

Following the Western tradition, man is a being of intentions, among which are cognitive, volitional, emotional, and ontological (Beuchot, 2019). It is crucial to determine an ethical code that respects the otherness depending on the level of inclusion/exclusion it contains. This process is subject to an interpretive act, that is, phenomenology. Now, when I am posing one phenomenology of enchantment, it tries to interact, and vibrate with these categories of intention already referred to in a vital way. In my view, enchantment means re-link the profane and the mundane. The western separation of myth and logos has led to what I call the opaqueness of the human being.

I claim it because western knowledge has simplified the world of life through abstraction and classification, breaking the communicative tissues with the other entities that survive in our territory. A planet is a place continually enchanted with

the circulation of life, enchantment implies brilliance, that is, exaltation and the drive to be alive. Death machine also produces metaphors bewitching a world of the facade but that do not highlight the vital existence, rather these are pure negativity and stickiness.

So, enchantment signifies also stave-in the basic precepts of Eurocentric-capitalist-modernity since this becomes a method based on experience with and within the other. Claiming the determining role of the stories and traditions from the peoples that have an authentic relationship with the myth, also leads to the unmasking of the true scientific-rationalist presumption of the logos that lies hidden the ultimately in the same myth.

To introduce this idea, first I will point out what should be the vital fundament of this type of phenomenological process applicable to the constitution of a third subjectivity in human rights, second thesis highlight what would be the attributes that lead to radical incorporation of other non-human entities such as sacred sites into within the human rights project such as ontological relational-no human agency. This is the key to paradigmatic vitalism. Finally, I dialogue with western and non-western philosophical vitalism (called ethnophilosophy) to argue how the black line is an example of alternative subjectivity to the western, European, rationalist-modern hegemonic canon. Using, thesis come up to find several answers to the authentic problems described above.

What I understand by vitalism

Vitalism was a terrain that the western paradigm forgot to travel. In the West, around the recognized great ideas, there are multiple visions of how to be and feel in the world of life. In this sense, I affirm that this is the most important ethical-aesthetic treatise on nature that Eurocentrism discarded. To explain it I undertake

some ideas of Spinoza (Melamed, 2012). In this approach, nature, is the universe, an omnipotent mechanical process that cannot be appropriated by a particular entity, this rules out the human will. Unlike Judeo-Christian thought, vitalism is devoid of a personality, of an entity that dominates the creation and the end of life itself.

Rather it is a continuous cycle in which beings self-realize their closest intentions. Accordingly, vitalism snatches anthropocentrism its *raison d'etre*. without an organizing god, the myth of the chosen one (homo believer) loses meaning, without the chosen one the shackles of the first subject are broken. So, it has ethical implications because then the good or bad depends on what is the intention of the subject. Precisely in Political Treatise, he argues thing has right from nature as it has the power to exist and to act, setting up his version of what shall mean the norm of life in which thing is naturally endowed with vital content. (Esposito, 2008)

It should not be that all the beings exist for the sake of the human existence, rather all the other beings too have intended for their sakes and not for the sake of something else…rather the text teaches (Genesis I: I-31) that the existence of each created beings is conformed to its intention. (Harvery, 2017) p 46-47

In (Spinoza, 1975), On the one hand, there is a single substance (nature) that is infinite, indivisible, and eternal. On the other, there are modes (perishable thins) that do not affect the circulating energy that nature projects. In consequence, the human being as a mode resides in the unity of nature and can only be explained from another, which is nothing more than a chain of an endless cycle, the human being a mode resides in the unity of nature and can only be explained from another, which is nothing more than a chain of an endless cycle, a perfect

geometric circle through which the power of life manifested in all circulates the contours. Then, when the knot that weaves the relationship between a substance (nature) and our modes of existence is understood, it is when an understanding of vitalism arises.

Thus, vitalism and anthropocentrism are self-contradictory concepts. Vitalism does not conceive a hierarchy of ways of life since all are imperfect before the generality of nature. Moreover, it implicitly establishes a new ethic of behaviors that are not anchored to the *humanities.* therefore, the hermeneutics of enchantment confront the man situated within nature, since if any way of life affects natural unity, it interrupts or truncates the vitality of life. Western European thought has mistakenly confused life (the way we participate in it) with *vita* itself (Botero, 2002).

Precisely these ideas go against the project of European modernity since it refutes the values of individualism, and separation and undermines the full confidence of the conquest of the world of objects at the hands of man. Therein when I analyze who is the first subject of law and human rights, I do not include the Spinozian political theological treatise. Consequently, According to European legal scholars, one treatise on nature and natural law seemed contradictory. It is evident in the lens of Pufendorf who considers that the Spinozian thesis undermined the deepest roots of natural law. some of his criticisms are since Spinosa convert by making law into a physical quality, according to which all thing operates in a fixed and determinate way, so the concept of law is extended to all beings, even those deprived of reason (Zarka, 2008).

This is contrary to the analysis of natural law carried out by Pufendorf since it does not fit into its three basic premises: 1The difference between fact and law;

2 law can only apply to man and 3 to man in so far as he is endowed with the reason (Pufendorf, 1961) At this point, it seems futile to delve into Pufendor's anthropocentric interpretation in points 2 and 3. Rather, I want to underline the transcendental affirmation of the Spinozian point of view on natural law. Normally the facts are manifestations that occur in the material plane and the law is an abstraction that interprets these phenomena and transforms them into legal norms, However, Spinoza postulates the law as a physical and material attribute and because of the interaction in the middle of a pre-determined field, which I shall call the lifeworld. Thus, a vitalism in law / human rights leads to understanding that the dynamism of law and life are not separated, they are contingent, experiential, and material, this approach in short cannot be anchored on the classical deductive method.

Moreover, Spinozian´s conceptualization of natural law is aimed at recognizing the power and the nearest desire, which includes all singularities. This is the starting point of several thinkers whose pose that the object of law is nature as a phenomenon that brings together an absolute whole and the subject is anyone who can extend his power-desire (Nietzsche, 1968). This is intrinsically linked to the genuine causes of the subject, in this sense, the right search for life is to discern the true from the false. Furthermore, this tendency natural should be considered vital because there are no limits on the ability to have a right. these depend on the force and the requirement to materialize the own cause. What would measure the extent of the right? the need and desire relationship become transcendental during a civilizational crisis that simplifies environmentalism through environmental law, for example.

An individual man, for instance, is powerful by achieving everything that results from his existence's actual productivity. He does not have a natural right to everything he can; he has a natural right to everything he does. The only limit to his natural power is the act of which he can no longer be considered a direct cause. (Santos, 2015) p 19.

Then, vitalism is rhizomatic and chaotic insofar as it does not abstractly recognize the world of beings, since it does not adopt a hierarchy of evolutionary linearity. rather they are the product of knots and lines of contact of the different beings that have individual intentions life pulsion (Nietzsche, 1968). This pulsion energy marks the plane in which human rights as materiality make sense. in this way the definition, understanding, and exercise of human rights should arise from experience, contact, and affectivity with other beings circulating in the whole (nature).

Naturally, this vitalism cannot be understood within the framework of the classical post-Westphalian model of the nation-state in which there is an extreme reductionism of social, emotional, spiritual life, etc. The idea of one nation, one state, one religion, and a set of binding norms does not lead to a vital practice. Here, it is worth remembering that this process of the externalization of sovereignty was one of the most significant achievements of the human rights movement in the 1970s. but this is a deeper interpretation in an area little developed as eco-political in the human rights view. Therefore, the hermeneutics of enchantment as an experiential philosophical practice lays the groundwork for a reterritorialization of political phenomena established by European liberalism.

Vitalism as re-territorialization of the paradigm concept

In this section, I point out how vitalism becomes an intermediate point of interpretation of the hermeneutics of enchantment, to do it I dialogue first with the paradigm definition in Khun, Foucault, and Agamben, second, paradigmatic vitalism is proposed as a territory in which the particular experience and theorization of the black line are combined and third this argumentation shows this paradigmatic vision as a method that confronts the ontological technique of the subject of human rights manufactured by the death machine.

I would like to recall the etymological root of the term paradigm, *paradigm* comes from Greek *παράδειγμα (paradeigma*), "pattern, example. from the verb *παραδείκνυμι (paradeiknumi*), "exhibit, represent, expose. and that from *παρά* (*para*), "besides, beyond. (Stuart, 1940). I appeal to this concept because it gathers together several of the arguments of vitalism that I have developed, on the one hand through the concrete example of the black line explained as fact-theory, I exhibit this as movement, a verb of the continuous, changing, and rhizomatic plane. And the notion of para (beside) subject-subject reappears, in a non-binary relationship but search for by transcending (beyond) next to, I mean returning to the unity of natures in the division.

The notion of paradigm got relevance through two meanings carried out by (Kuhn, 1970), on the one hand as a group of ideas shared by a scientific community that becomes hegemonic. On the other hand, as a type of singular and historical phenomenon that represents an example to follow. I will especially appeal to the second meaning to present my interpretation of the term. I have previously mentioned the importance of singularity in enchantment hermeneutics. This is because the paradigms are specific, historical, and particular

interpretations of ontological, epistemological, and social phenomena. So, I resort to the example of the black line as a metonymic (literal-material) and metaphorical-theoretical paradigm simultaneously.

This kind of Exemplification in paradigms is decisive because allows the creation of a dynamic revolving door between the material and physical plane on the one hand and on the other hand leads to the theorization and conceptualization of the term, that is, in the case illustrated, the black line creates theory and theorization transforms the interpretation of the line black, therefore the hermeneutics of enchantment is substantially an ontological rather than an epistemological interpretation. This paradigm categorization differs from the one proposed by Khun, in this sense I return to the implicit Foucauldian paradigm proposition to understand the paradigm as a new territory.

This paradigm becomes a non-dichotomous space between the relationship of universalist and particularistic methods, whether it starts from a universal premise built from a deductive and confirming reality premise or, on the other hand, the inductivist method that investigates. Then, what would be the methodological path to trace? The answer pose is the vital connection between the particular and another particular (Agamben, 2002)

It is crucial to understand how the paradigmatic method and vitalism work. Because through this the subjects are forced to recognize themselves in an experiential territory surrounded by intentions, affections, and connections not always mediated by human reasoning. in this sense there is a distancing of how ontology has been interpreted in European thought. It is important to note that some scholars have pointed to some examples of these alternative paradigms via analogy. However, I consider that the analogy as a concept is insufficient to

interpret an act that surpasses the barriers of the same semantics, since in this method the definitions are situated, changing, and oscillate in a non-linear way. Moreover, by means situating and highlighting the particular, synchronic, and/or diachronic relationship with the other subject is achieved. Position the researcher within the same paradigm to investigate. It signifies that the paradigmatic framework cannot be re-established because it arises from the intimate relationship of the particular subjects. This implies that the theorization of the new subject is achieved through an experiential and material relationship, to cyclically return from the metaphorical to the metonymic. Furthermore, it invokes consequences in a way we conceive law since in the vitalist model law is a physical material quality, I will illustrate precisely this through my experience in the paradigm of the law of origin that exists within the borders of the black line.

Consequently, this new paradigm also emerges as a way to undermine the technique in the elaboration of human rights due to decentralizes and does not establish a hierarchy of the interpreting subject and the interpreted object, evidently these ideas are compatible with the claims and protection of sacred places, but also other human and non-human entities discarded by the cumulative vision and the philosophy of performance to the one that capitalism entails in the version of its contemporary homo creditor. Therein, I affirm that the universalism of rights and their abstraction led to a dead-end road, the names of the subject of law and rights are rigid and obey the inductive-deductive method that obscures the subject residing in the lifeworld.

It can then be concluded that the paradigmatic method as a tool for the hermeneutics of enchantment is based on particularism, on the extraction and presentation of a highlighted example. This is useful for the attempt to

marginalize the technique of law and human rights based on the abstraction, generalization, and universalization of this subject. Of course, It is worth remembering that this scheme makes the advance of the death machine over the vital world functional. Thus, this version of the notion of paradigm entails being a solution problem concerning how other non-human entities can co-create a new dimension of law and human rights. Ultimately human rights as projectability in which beings are part of the law according to their most innermost and ontological intention.

The incorporation of sacred places into the human rights project

In this segment, I will illustrate which would be the two fundamental premises for the inclusion of sacred sites such as the black line within the mainstream of human rights, hence, first I show the urgency of incorporating into the fight for legal-political protection, a conceptualization of the relevant character that the relational ontology category has and how this is closely related to the denomination of territory that various communities have developed. Second, it is crucial to explain what non-human agency is and how it fluctuates between the interiority and exteriority of the group that authentically believes and assumes the autonomy and magic contained in sacred places.

Relational ontologies and territory

I will undertake Escobar's arguments to define what it means the term relations ontologies, also his perspective of the territory and the conceptual development that the term gets in Latin America and particularly in Colombia. According to Escobar (2014), relational ontologies is that they are those in which the biophysical, human, and supernatural worlds are not considered as separate entities, but rather establish continuity links between them. That is, in many non-

Western or no modern societies, there is no division between nature and culture. Also, he proposes that the dichotomy between individual and community disappears, remarking on their importance in terms of how we should interpret environmental conflicts, namely, the territory and the sacred sites should not be defended exclusively because they are emblematic of the indigenous people.

Of course, this is not something exclusive to today's indigenous peoples. There are also other people in a continuous relationship with the whole human and non-human world, and throughout the ages. Relational worlds, to summarize somewhat abstractly, are not based on the same modern "constitution" with its great dualisms, including the one that postulates the existence of a world that we all share (a nature), and many "cultures" that build that world of particular way, On the contrary, there are many ontologies or worlds that are unavoidably interrelated, maintain their difference as worlds. Re-embedding the famous Zapatista motto a world so that many worlds can fit, which makes sense if we take it as an ontological and knowable truth.

This relational character does not suggest a hierarchy of sacred places above the human condition. On the contrary, human activity continues to be essential from an epistemological, axiological, and legal plane. Accordingly, this dissertation does not appeal to the absolute and essentialist denial of some western epistemic and philosophical categories. Because it is precisely part of the mechanics and technique that hinders a better understanding and knowledge of otherness. Moreover, this ontology relation character has implications for the research methodologies used by indigenous peoples through the indigenous paradigm. postcolonial indigenous research paradigm is thus formed by ontologies, relational epistemologies, and relational axiology "(Chilisa 2012). For

indigenous peoples, the notion of community is linked to the notion of territory; it represents the bond with all dimensions of their own cultural life. The right to health, for example, is in some way the result of complete well-being. Disease, on the other hand, is the expression of disharmonies and imbalance in the material and the spiritual world. Finding relief is achieved through their traditional codes. (Puerta, 2010).

These ideas are reflected in the Sierra Nevada de Santa Marta, according to the common mythology of the four groups, the world existed first in *Seykwa* (thought) and then materialized, in this way every organism that exists in the environment of the Sierra Nevada has a connection with a spiritual guardian. (Mestre, 2007). The replica of a celestial world is also common in some cultures like the Cervanita in Iran. (Eliade, 2005 p. 10).

As aforementioned, all beings of the Sierra must abide by three concepts Yulu*ku: (*agreement), the essential idea of understanding the relations of the natives with the supernatural world, and the constant search for balance between the two worlds*. Alúna*: (journey towards the non-concrete), *by mean to rethink the personification of each object in the Sierra. Sewá: (Trust), belief in the mythical order*. (Duque, 2005 pp. 219-220). Therefore, ecological disasters exist in the physical-material plane that surrounds the barriers of the black line, any alteration to its ecosystem leads to the loss of culture, politics, and native religiosity. Therein, the sacred territory shared by the peoples of the Sierra Nevada is a living and experiential example of relational ontology.

Kogui, Arhuaco, Wiwa, and Kankuamo groups in the Sierra Nevada de Santa Marta in north-western Colombia, among whom we find a relational ontology based on the idea that territories are living beings with memories, spaces in which

the sacred and every day are lived experiences, possessing their rights, which embody their relationships with other beings and the ways they interrelate with them. Recognition of these territories takes place through a reading of the ancestral markings that were inscribed on sacred sites in the earliest times. (Escobar, 2020) p16

Going back to the territory issue, for the Arhuacos people for instance, like many indigenous groups in Colombia, lack of land is unimaginable for life in the community, thus, the land becomes a territory, for example, the right to self-determination is also unthinkable without territory, for this indigenous group, for instance, it signifies an ancestral place where their cosmovision is deployed. The symbol that identifies the indigenous reservation of the Sierra portrays the spirit surrounding the territory of the black line where their world originated and to which they owe their cosmic, normative-political, and cultural order.

According to Escobar (2014), the perseverance of communities and ethnic-territorial grassroots movements involves resistance, opposition, defense, and affirmation, but can often be described more radically as ontological. Although the occupation of collective territories usually involves armed, economic, territorial, technological, cultural, and ecological aspects, its most important dimension is the ontological one. In this framework, what "occupies" is the modern project of one world that seeks to convert the many existing worlds into one; what perseveres is the affirmation of a multiplicity of worlds. By interrupting the neoliberal globalization project of building one World, hence many indigenous, Afro-descendant, peasant communities, and so forth, have been advancing ontological struggles. (Escobar, 2014: p 81-82)

Thus, the category "territory"; which arises at the end of the eighties and beginnings of the nineties in many parts of Latin America, emerge with the banner "we don't want land, we want territory" it occurred thanks to the indigenous, peasant and Afro-descendant social groups in countries like Bolivia, Ecuador, Peru, Colombia, and Brazil; which introduce this topic in the theoretical-political debates, imposing a great re-significance to the debate on land and territory in Latin-American. (Escobar, 2014: p. 83) Moreover, Escobar categorizes how afro-Colombian people define their territory from an ontology perspective. These principles are the following the affirmation and reaffirmation of being: the right to be black, to be black communities (Right to identity). (Escobar, 2014) p-84. In that sense, Afro-Colombians reconnect with some aspects that have been considered divisible for western thought. Then they understand being black from their logical cultural and particular way of seeing the world, from their vision of life in which all ecological, social, economic, and political expressions have a place. Our cultural vision is in confrontation with a model of society that does not suit the diversity of visions because it needs uniformity to continue imposing itself. "Right to a space to be (Right to the territory): the development and recreation of our cultural vision require the territory as a vital space. We will not be able to be if we do not have the space to live according to what we think and want as a way of life. Hence, our vision of territory is the vision of the habitat, that is, of the space where the black man and the black woman collectively develop their being, in harmony with nature." Right to the exercise of being (Autonomy, Organization, and Participation**):** This autonomy is understood concerning the dominant society, in the face of political parties, social movements, and other ethnic groups, based on our cultural logic, of what we are as a black people; Understood in this

way, internally we are autonomous politically and we aspire to be autonomous with the Colombian state. (Escobar, 2014: p 85-87)

Therefore, the territory is a material and symbolic place, biophysical and epistemic a process of socio-cultural appropriation of nature and of the ecosystems that each social group carries out from its "worldview" or "ontology" vision. Recovering the geographical space from a critical social theory through own concepts, for this researcher, represents a step from geography as a positivist science within the modern/colonial world system to geography; to the compression of "the new spellings of the earth" (Porto, 2002). And the geography of history. Precisely towards those conceptions and practices that confront categories created by and at the service of the modern/colonial capitalist world. (Escobar, 2014: p 89)

I concluded, that the relational ontology that interprets the vital meaning of the territory is fundamental to laying out how the category of human rights and sacred sites should be related. Now, the paradigm (particular-particular) underling previously does not exclude the possibility that other subjects that are not a constitutive part of dissident communities of the western paradigm. For example, mestizo researchers like me reach interact with and grasp sacred places. I will develop this hypothesis in the next segment.

How do interpret non-human agency into the discourse of human rights?

Generally, the term agency has been inextricably associated with human subjectivity, for instance as a way to respond in opposition to any manifestation of power, whether political, social, economic so on and so forth. In anthropology, it is well accepted that nature is a social construction and that nature has agency, but this vision is anchored to a better understanding of the functioning of

indigenous, afro among other communities from a social, religious, and environmental panorama. Terminologies like social construct reveal metaphorically the primacy of a particular actor who is the builder (Ivakhiv, 2003) It means that the mainstream of the discipline does not recognize an authentic subjectivity to the non-human, because it preserves its object of study in the perceptions and decisions that the human makes through its environment.

Recently has been incorporated within anthropological discussions several attempts to cross the barriers of human intentionality. A researcher like (Khon, 2013) proposes to expand the conception of subjecthood, including the category of selves instead of things, this seeks to recognize the assemblage of other non-human living beings. although his perspective on subjectivity seems still quite humanizing. Furthermore, (Ivakhiv, 2003) undertakes the notion of orchestrating sacred space instead of social construct which should embedded performance, dialogue, and network-building to reach a certain autonomy and respect for the otherness of non-human entities, nonetheless, in my view, this frame falls back into the canonical precepts of anthropology by generating an authoritative interpretation of what a sacred place is. Moreover, this view shall obey the classical ethnographer lens which assumes an insider position (believer) seeking to understand the indigenous belief.

On the contrary, I retake the notion of misreading (Bloom, 1995) to claim that sacred places have an interpretive open texture. It entails a radical stance on the agency of sacred places because then subjective interaction is not irremediably mediated by the interpretation of an indigenous group. It permits misreading, namely the authentic possibility of experiential and horizontal knowledge between ontologically equal subjects. It also conducts toward an empathetic, affection

relationship that contributes to comprehending that sacred places cannot be protected solely because of their relationship with native peoples (biocultural rights), otherwise due to the establishment of a particular-particular paradigmatic approach. Sure enough, this does not imply that all interpretations are possible, especially those that threaten sacred sites, nor dismisses relevant elements such as the existence of different levels of understanding of the Sacred places, in the particular case of the black line. It depends on several factors such as age, degree of knowledge of spirituality, and geographic location. I mean, the research method developed did not attempt to ignore the importance of the ethnographic object but points out the status of autobiographical interpretations of the researcher. As I said in the introduction, to summarise the basis for establishing an authentic and honest relationship of coexistence between the human and the non-human is subject to the application of three premises: Alterity, Maturity, and commitment.

Now, it has implications for human rights scenario to the extent that the positivity of the law is insufficient for the ontic dimensions of sacred places, in the absence of a normative pre-interpretative framework, so sacred place´s agency occurs simultaneously whit dialogue next to (para) other subjects. Thus, turn out inapplicable legal principles that are the core of the language of human rights. if the law adopts a radical interpretation of sacred sites as a text to be interpreted. Then, it should lead to the non-determination of who is the subject par excellence of its discourse. Deterritorializing human rights becomes an imperative due to the border enclosure, a sedentary, segmented, and hierarchical space that encapsulates the human elan vital. Therein, the one proposed by a verb instead of a substantive right, a nomadic (Deleuze, 2004) right against the positivity of

the sacred. This smooth space entails the creation of rights not supported by the state or police rule otherwise in the praxis of vitalism.

Reverse universalism: ethno-philosophy as an ecological instrument to recover lifeworld

Finally, a hermeneutic of enchantment contains, from my point of view, the realization of one reverse universalism via ethno-philosophical praxis. This means a type of re-territorialization of the politics-agency of the subaltern (in this case the indigenous) and the sacred places. Numerous decolonial authors affirm the urgency of eliminating any type of universalism and its precepts since they can be associated with a totalizing matrix: white, European, modern, and colonial. However, I postulate that discarding a type of subaltern universalism that links joint struggles for the defense of the territory is depoliticizing (Castro Gómez, 2021)

Inverse, insofar as it emerges as another globalized localism (Sousa, 2009) . Such as the Eurocentric model. But from a non-hegemonic place of enunciation such as the global south. This implies giving a universalizing philosophical-political status to the relationships between different subjects (indigenous-mestizo and others) and sacred places. To do it, I appeal to an open definition of ethnophilosophy. This concept was invented by various African Scholars who lay down a connecting knot between ancestral indigenous knowledge and western philosophical categories. I consider this dissertation precisely to highlight new insight into the relation of sacred places-human rights by means of the law of origin of the black line for instance.

Therefore, in this section I will expose what it is a piece of indigenous knowledge and how it might set up a contact zone (Haraway, 2008) with the philosophic

mainstream in order to pose a material and particular ethno-philosophy of law, all things considered, what emerge the third subjectivity in-human rights.

Indigenous Knowledge According to (Grenier, 1998) can be summarized as follows: 1. Indigenous knowledge is accumulative and represents generations of experiences, careful observations, and trial and error experiments. 2. It is dynamic, with new knowledge continuously added and external knowledge adapted to suit local situations. 3. All members of the community, that is, elders, women, men, and children, have indigenous knowledge. 4 Indigenous knowledge is stored in people's memories and activities and expressed in stories, songs, folklore, proverbs, dances, myths, cultural values, beliefs, rituals, cultural community, laws, the local language, artifacts, forms of communication, and organization.5 Indigenous knowledge is shared and communicated orally and by a specific example.

In addition, some African academics consider that within the indigenous knowledge a type of philosophy is produced, this is called ethnophilosophy (Emagalit 2001) to refer to the collective worldviews of people that are encoded in language, folklore, myths, metaphors, taboos, and rituals. In defining ethnophilosophy in an African context, for example, Emagalit (2001) describes it as a system of thought that describes, analyzes, and tries to understand the collective worldviews of diverse African peoples (Bantu, for instance) as a unified body of knowledge. Elsewhere, Bagele Chilisa and Julia Preece (2005) describe ethnophilosophy as the experiences of the people encoded in their language, folklore, stories, songs, artifacts, culture, and values, it can be reviewed. Community language, stories, songs, myths, and taboos can also serve as

sources of information that can be triangulated with data from traditional methods such as interviews.

Here, it is worth mentioning that most of the philosophical currents discard ethnophilosophy among other reasons because it would depend exclusively on the lens of the believing subject in these cultural practices. At this point, I regard this glance to demonstrate the Eurocentric burden of scientific thought. It cannot be ignored that the origin of authorized philosophy also has a place of enunciation, directed by some subjects. So, has this perhaps made it impossible to question heterogeneous socio-ages for a long time and in the most diverse latitudes? For that reason, I find plausible a dialogue both between Western and African philosophy and between it and the Latin American context.

In this sense ethnophilosophy turns out notoriously useful to this dissertation because it is another way of data collection, analysis, and interpretation of the worldviews of postcolonial and indigenous societies, furthermore, ethno-philosophy shall emerge from a different philosophical tradition. However, if it is true this philosophical thought should answer the following questions (Kawaley 1995). (1) What is real? (Metaphysical), 2 what can be understood (epistemology), (3) how should we behave? (Ethics) (4) What is pleasing to the senses? (Aesthetics), (5) what are the patterns upon which can rely? (Logic). (Kawaley 1995).

The first question implies understanding that for indigenous people myth is information and not a simple anecdote. In addition, spiritual events explain real phenomena, but not supernatural events, they are situations that are intrinsically linked to the daily life of ethnic groups. (Boyd 1999). About the second question, if spiritual events determine a community, this leads to a broader approximation

of what can be known, since it is not limited by the interpretive methods of Western knowledge (Henriksen 2009).

The third question, in terms of Indigenous ethics. It can be interpreted as an expansion of the Aristotelian one since it has been insufficient to understand the indigenous ecological vision that is related to nature. In this perspective, the human being has commitments that go beyond the classical vision of political duties and morals in society. (Pierotti 2011). The fourth answer, from my point of view, I consider that the characteristics of the aesthetic focused on the physical and ancestral territory of an indigenous community. Which is a space shared by the imaginary of the community, unlike aesthetics in the West, this inhabits inside and not necessarily outside in the physical plane. The fifth question is also due to the territorial level, the logic of the indigenous communities carried out within a physical-spiritual space.

Therefore, the solutions also work in that specific territory, in contrast to a global and universal vision of Western thought. To interpret an ethnophilosophical vision, it is necessary to compare and accept that indigenous knowledge can be as valid as Western philosophical knowledge. For example, oral narratives, myths of origin, songs, rituals, and celebrations can be equivalent to philosophical premises. This implies an effort to transcend and break the mold of the mental, cognitive, and ontic structure established by scientific thinking (MacArthur 2003). But also, with an open texture that allows other subjects (a mestizo like me) to perceive similar or different approaches to what is sacred in a place.

Moreover, indigenous peoples since ancient times have transformed this philosophy into the production of subjectivity correlational with non-human entities. This is remarkable because of their knowledge and affectivity of them,

so it could be a key to re-founding the subject of human rights if we believe in the firm conviction that behind the stories we tell about ourselves lies an ethic then the generation of an ethic from ethnophilosophy is viable

In this work, I focus on the ethical aspect that the black line represents for the Arhuacos but also as an exposed text, with its agency capacity as I have indicated previously. Particularly, oriented toward the various dimension of the law of origin generated by one specific physical-spiritual sacred place called the black line. Therein, I took these vital experiences to formulate what kind of new human rights subjectivity could emerge. In chapter four I will illustrate through the combination of my own field experience and the theoretical arguments described in this chapter. In addition, ethno-philosophy signifies the materialization of the ecology of knowledge because it applies the relational ontology in the key to the rights of the sacred territories.

Then, I conceive of it as a project to protect and recognized several concrete sacred sites around the world, otherwise as a sensitive and experimental response applicable to the field of anthropological-philosophical and legal research. To conclude, the hermeneutics of enchantment is an ambitious methodological approach. This is comprised of different phases and layers; it is an alternative pose-like way of understanding the false and authentic problems in the conceptualization of the human rights of nonhumans. Naturally, the invention of the questions leads to an invented answer. In the next chapter, I describe the characteristics of the first subject of human rights, analyze its main philosophical-legal values, and take some relevant historical passages for its invention of subjectivity. Demonstrating precisely the shortcomings of this hermeneutics of enchantment in its foundations.

Chapter two: When the other is sub-jugate

Taking as a reference the conquest of the Americas and the encounter with an otherness from a negative perspective, I claim that at this time a new classification of the human condition emerges, which is crucial to understand how the subject of law was invented and later that of human rights. In this regard, I consider it substantive to specify the pre-established names used by Europeans to identify themselves and their exteriority. I briefly highlight what the names man, human and subject mean.

The word man in English, *hombre* in Spanish, and *homme* in French come from the Latin *homine,* and this, in turn, would come from *humus* which means earth. Moreover, the word *humus* is bound to the Indo-European root *dhghem* (earth) and is also present in the Greek word *χαμάι* (on the ground or underground) (Etymologies, 2021). Another striking definition can be found in the Greek word εγχώριος, (born of the earth by himself). Before the appearance of Christianity, various myths replicate the birth of man through the earth, for example, the Titan Prometheus molded the first man made of the clay of the earth, and in the Romans through Ovid's poem "the metamorphosis"

The born man was, whether he made him with divine seed that craftsman of things, of a better world the origin, whether the earth is fresh, and set aside shortly before the halt ether, retained seeds of his relative heaven. (Ovidio, 2003)

This explanation permits us to argue that the Greek-Roman myths and other peoples in ancient times bring about to edifice the founding myth of Judeo-Christian. It results evident underlying the relationship between biblical scriptures and the origin of the man because the second book of Genesis refers to the origin of the man who was made of dust by God "*Then the LORD God formed a man*

from the dust of the ground and breathed into his nostrils the breath of life, and the man became a living being" Genesis (2, 2011) p. 14. Furthermore, in other passages, the text mentions that remember what dust you are and what dust you will become. It is taken as a reference to the cycle of life for Christians.

In the case of the term human, it is inextricably associated with the concept *of humus.* Although at first these ideas were exchangeable, however, the *homine* meaning became more generalized to identify as part of the human family. Here is the transcendental role of anthropology as a discipline that provides biological support emerging human condition, but also reinforces the immanence between human-right. Let's see how this works. So, it is in the eighteenth century when occurred the conceptualization of the human as a manner of classifying the homogeneity of a single and superior species and the biological separation from the rest of them. (Linnaeaus, 2008). Moreover, it is particularly evident in Darwin's book *descent of man.* In which he mentions that man is circumscribed to a circle of sympathy that leads to *an extending to men of all races, to the imbecile, maimed, and other useless members of society, and finally the lower animal. (Darwin, 1874) p 119.*

The interesting thing is how later Darwin says that this circle of sympathy replicates the natural order (law). This idea would contribute in the nineteenth century to cement the primacy of the human over other species from a legal perspective as well. Obviously, at this point, anthropological studies aimed at understanding non-living beings, such as sacred sites, would be unthinkable.

Then, man and/or human in early Europe meant more than a taxonomic division. This is once again of the binary classifications that Eurocentrism requires to create a borderline concerning another that is threatening. Throughout its history,

there are multiple dual *dispositif* that separate man and human on the one hand and Barbarians, savages, and uncivilized, infidels on the other side, according to western faith in them resides some type of monstrosity that endangers not only European civilization but humanity itself. In this way, it can be considered one of the greatest examples of globalized localism, which consists of a universally eminently local concept in a global one. (De Sousa, 2009)

The interpretation of monsters and their relationship with capitalism and anthropocentrism has been a crucial valuation from post-humanistic and postcolonial studies. Go beyond the simplistic perception of human non/human entrapment. the monstrosity of the other is not reflected as abstraction otherwise as a continuous hybrid praxis. Since eludes a conceptual formalization of whom is ultimate that others are excluded. while man-human and subsequently the liberal subject has a structure apollonian. The sub or unhuman[16] are polymorphous. Therefore, man signifies the existence of its negative, one un-man *(unmensch*) which might also translate as the monster. (Stirner, 1995)

How man/human became a subject

Below, I present some background on the elaboration of the posterior evolution of the term man/human, namely the subject, underlying the magnitude of this elaboration concerning the contemporary human rights theory. To do it I review various the principal concept which constructs subjectivity, the subject of law, and finally the subject of human rights. Setting out subsequent the predominant stem

[16] Even though I use the conjunction or, there is a huge difference between subhuman and unhuman. The first part of the conviction is that within the human species there are human beings with full rights, others with limited rights, and not many others without lawful. While unhuman comes from the tradition that pursues the materialization of a superhuman limited by the moral and political thought of liberalism and the church. The point here is to highlight how European liberal thought creates monsters from different points of enunciation.

of the subjectivity of human rights from liberalism at present. I bring up these conceptualizations in the dissertation because subjectivity is crucial to comprehending how the "human" (homo sapiens) was entrapment in the discourse of the subject of law (subject-person). This idea also leads to a review which has been some of the most representatives' studies of whom is man-human according to the previous references the turning point in which modern European history exports the subject man/human dispositive towards the invasion of the Americas, I denominated it as the first liberal subject who emerges afterward of this victory. The believer subjects.

The notion of subject in English, *sujeto* (Spanish*), suje*t (French), *soggeto* (Italian), *sujeito (*Portuguese) and *subjekt* (Germany) derive from Latin: *subjectum,* word formed by the past participle of the verb subicio *(subicere) (Guzmán Brito, 2002)*. *Sub* means underneath, and *icere* might be translated to the English: Throw-expel. The primary result of this composition is someone or something that is below, in consequence, submitted physically or morally to another. Examples of the use of Latin can be pointed out in the verb form*: Subject est (was submitted*) or in an adjectival way *homo subjected (*subjugated slave). Precisely, is not accidental that the Romans (presumably in Gaius) remark the *summa division* into free men and slaves. (Esposito, 2015) Between submitters and the submitted respectively. This separation also implies the autonomous realization and control over things by the *aliens iuris* and a dependency and objectification of the *sui iuris.*

Historically seems feasible to affirm what European civilization has required the negation of the other distinct, for the constitution of its own identity. it is evident for example in Romans who had already racialized-hierarchized their societies

from a political and legal structure: Romans *(ius civile*), foreigners (*ius gentium*), and slaves (without law). The main items of roman law have a negative foundation. Who are free are those who do not slave, *res mancipi* are those which are not *nec mancipi*, and the private thing is those that are not public.

The essence innermost of the *ius* is patrimonialism and focused on objectivism and the prevalence of property of the thing (res) contrary to the modern subjectivism law. Establishing a type of logical sequence of legal thought: Thing before person ad persons always concerning things. (Esposito, 2015) To define negativity is present in other examples where were an intentional creation of intimate enemies (inside the global North) apostate, insane and diseased (Foucault, 1995). The dichotomy of outsider and insiders mark the way Eurocentrism define their social relations.

However, the notion of the subject cannot be simplistically associated with the category of person. The term has no technical implications for the Romans and neither for medieval scholasticism. The division between subject and object is non-existent in Thomas Aquinas's philosophy. The word *subjectum* is used to describe the known part of an object (also linked to the idea of substance) and *objectum* would mean the qualities or potency of it. In terms of law, the important thing is to determine who holds the object, thus, it permits establishing who is the owner of a right Soto (Guzmán Brito, 2002). The word also was used to mention the men as subject *par excellent*, although not technically applicable in all circumstances. For instance, within scholastic thought, there was a debate about the recognition of animal subjectivity, one in which they were devoid of that subjective substance but not with a foundation of law but of fact (De Soto, 1968)

It demonstrates the existence of divergent voices in the modern matrix of subjectivity, relegated to the dominant paradigm of European knowledge. Also, results evident the confusion between different terminologies as a moral, political, and animal subject that did not necessarily imply that it was determined by human action, the relationship between subject and person will be developed in the next chapter. In this way, I claim that was the European transcontinental adventure toward the Americas that led to the conceptualization of an enlightening and differentiating subjectivity to justify his racial-religious project, the believer subjects.

The elaboration of this subjectivity is relying on the exclusion of somehow else. And one of the first exclusionary paradigms is Christianism. As I pointed out in the introduction while is true that in Greek though already have certain kind of dividing barrier between human-non-human. It was not until the consolidation of the Judeo-Christian myth of biblical creation that man erected above the other species. This foundational belief of the promised land points to humanities as their manifest destiny, which is to control the physical world, but simultaneously humans undergo a transcendental power award directly to God. It led to humanity deploying and legitimizing their power beyond nature.

I argue what the conquest spread out the segmentation not only between the natural world and the social world but also produced a marked difference between the believers of the myth and any other type of paganism. (Descola, 2013) Moreover, this categorization permits us to identify explicitly that men are the holders of divine right over the planet. It had philosophical and juridical implications for conquerors and conquered, in consequence, I will analyze in this section several of the crucial bibliographic references of that time. To

comprehend the sequence of man (Judeo-Christian's subject believer), human (Enlightenment's subject), and person (Subject of law)

In this chapter, I analyze briefly how have been invented the idea of the subject which is inextricably linked to the elaboration of individualism from a philosophical, anthropological, and legal content into the core of the liberal project. To carry out its aims I appeal to a decolonial perception what regard to "the discovery of America", one essential episode to erect Europe as the center of production of subjectivity through the dichotomy of human/no human. This idea serves to affirm that the main attribute of this subject is inserted explicitly in the subject of law, the category that is decanted in the constitution of human rights.

Apparatus of the Subject believer: Judeo-Christian Manifest Destiny and its connection to Human Rights

It is a classic element in all religions to establish the creation of a community, which is provided with multiple symbolism that brings together a people. "Communities exist in the minds of their members and should not be confused with geographical or sociographic assertions of fact, by extension, the distinctiveness of communities and, thus, the reality of their boundaries, similarly lies in the mind, in the meaning which people attach to them, not in their structural forms". (Cohen, 2001), p. 99. Judaism's case possesses imaginaries that are worth analyzing due to the implications it has had on the configuration of human rights.

One of the main features is the innermost belief that Israel people are "chosen people". Which has a manifest destiny chosen by the only genuine god. Monotheism produced enormous transformations in the religious conception of humanity. The conviction of a unique way of understanding the sacred through biblical scriptures unleashed a binary boundary, as an instrument attached to the

definition of community. Classification such as " "*ordering", "ambiguity", an "anomaly".*

regards the ambiguity and anomaly as "rejected elements of the ordered system", and "systematic by-products of ordering in culture and society". Therefore, border crossing makes the border crosser appear alien and unsuitable, even dangerous, dirty, and polluting (Douglas, 1966) p 35. These ideas result explicitly incorporated in Judaism´s apparatus to classify insider-outsiders respectively, originally through certain tests of faith and subsequently recurring to the purity of blood.

The inventive apparatus of subjectivity is one of the most relevant in human history and probably the concept itself comes from the Judeo-Christian legacy. The sacred Christian trinity was threatened by a crisis of governance of the kingdom of men here on earth, therefore diverse theologians' resort to the Greek´s notion of *oikonomia.* Thanks to this device, religion establishes how God exerts material control over the lives of his faithful. In consequence, the son of God is the administered one (the man of the economy[17]. And although the divine legitimation of Jesus Christ results in evidence, there is no pre-established formula of his government, it is a mystery-emptiness. Wherefore, the fundamental immanence of the believing subject is a pure activity of government, supported by a historically and politically situated practice. Constituting the example of dispositif par excellence.

[17] For some Gnostic sects, the incarnation of the son of God brings an economy (governance) of redemption and salvation.

One of the peculiarities of the Christian apparatus resides in its positivity, this term is undertaken by Hegel to distinguish the difference between natural and positive religion. The first is like an aspiration to connect human contingencies with a divine mind, and the second one involves an intricate relationship among *a set of beliefs, rules, and rites and at a certain historical moment are externally imposed on individuals (Agamben, 2009)* p *4.* Here it is plausible to identify the link between Christian precepts and the foundations of legality. The word positive (English*), positif* from old French (comes from legal terminology: "formally laid down, decreed or legislated by authority" (opposed to *natural) (dictionary, 2021)*. Etymologically derives from *positus*, past participle of *ponere* "put, place.

Normally in legal theory, the positivization of law has been interpreted as one of the historical phases derived from natural law, which later lays the basis of human rights. So how can positivity in law (anti-natural) be in harmony with the idea of natural law, what is the natural that inhabits natural law? This apparent contradiction is a false problem because the naturalization of natural law resides in an artificial machine. and the self-imposed moral attributes are the result of a specific place of enunciation, precisely the presumption of universal morality through human dignity is non-existent since dignity was never intended or directed to the human species (abstract machine)

Heretofore, this religious conception does not stand out among other ways of conceiving the transcendent. However, the predicament arises when Another feature of the Christian appears. I mean the claim towards the universal. Then universalization is personified through the figure of a messiah, who has the mandate to evangelize, convert and punish humanity Judeo-Christians try successfully to universalize its tale as the only authorized. Messianism is

etymologically what the term "Christianity" means. I also highlight as conversion imply human sacrifice; thus, human transmutes from a profane world to a sacred one. Several biblical stories illustrate the legitimation of universalism and human sacrifice, for instance, a narration on how God penalizes the human ambition who intended to reach heaven, leading to punishment by the proliferation of multiple languages that make communication impossible. But from my point of view, the underlying message is that the unification of a unique nation, language, and religion brings peace to everyone. Also, in the biblical story of Abraham who had to demonstrate his faith by murdering his son, in consequence, if someone did not outstrip the trial of the purity of the body and the soul. The last example conducts diverse implications, as such the conceptualization of the holy war, taking into account after the cross like principal symbolism.

Crusades, inquisitions, witch burnings-which invariably meant...burnings of heretics and gay people, of fellow Christians and infidels-all in the name of the cross. It is almost Constantine, upon his and his Empire´s conversion to Christianity in the fourth century, uttered a well-fulfilled prophecy when he declared: "in the name of this cross we shall conquer". Norton cited in (Mutua, 2002)

This argument serves as a benchmark to claim that the foundations of the European legacy have relied predominantly on the urgent necessity to produce on the one hand redeeming, saviors and faithful heroes and the other hand savage, infidel, and/or subhuman. This assumption persists in the humanitarian dimension of human rights. In that sense, Judeo-Christian heroism remains intact via human rights standards and depending on the European legal-political-philosophical framework. Making possible the constitution of human rights

discourse became a metaphor that recreates the struggle between good and evil (Mutua, 2001)[18]

Accordingly, the landing of the religious ideas already mentioned is transcendental to understand the configuration of this new subjectivity of the (believing man). In 1492, the journey to an uncivilized territory made it possible for multiple events to occur simultaneously, drawing a new social, racial, and economic order through the implementation of violence and a unique (Christian) religiosity by Spaniards and Lusitanians. Consequently, the encounter with America may interpret as one of the crucial causes of modernity in its earliest phase (Dussel, 1994). Following this assertion exist an indivisible-interconnect bionomy (colonialism-modernity).

In this epoch, Europe depends on material resources to build its civilizing project, matched by an evangelizing mission it permits the configuration of a new stratification of human society, one in which being European is at the fore. Setting up the metaphor of the savior, which has been unable to impose the own faith like universal destiny manifest. The renewal of racial cartography was carried out through denominated as six processes of extermination (Suárez-Krabbe, 2016). That machine of annihilation of the difference was a phenomenon framed in three contemporary events: The end of Al-Andaluz[19], the conquest of the Americas,

[18] I consider the approach to human rights as a metaphor significant. Notwithstanding, I do not emphasize your proposal because at least at this stage of the thesis the author (savage, victims, and rescuers) is situated in the passing of the 20th century.

[19] This milestone might be described as a proto-racist Champaign against Muslims and Jews who inhabited the Sultanate of Granada, the last bastion of Muslim political authority in the Iberian Peninsula. led by the Castilian monarchy, under the precept of "purity of blood". In that sense, it has been considered one of the four genocides-epistemicidies in the long 16th century. before the genocide / epistemicide that occurred in the Americas. For more details see (Grosfoguel, 2013)

and the transatlantic slave. Guiding an interrelated history into modernity/coloniality scenario: (a) The conceptual re-configuration of previous mutual conceptualizations between Christians, Moors, and Jews; (b) the new configuration between Christians, Indians, and Blacks in the new World; (c) the interrelations between (a) and (b); and-las but not least-(d) the translation of race into racism that took place in the sixteenth century that was (and still is) strictly related to the historical foundation of capitalism. (Mignolo, 2006), p 18

Furthermore, from various points of view such as post-humanism (Haraway, 2015), post-colonialism (Giuliani, 2021), and the decolonial turn (Dussel, 1995), it has been proposed that this decisive period marks the early rise of capitalism and its intrinsic relationship with an anthropological and racist framework since the 16th century. As a result of a specific and historically situated delineation of the human beings. It led to various consequences on the surrounding ecosystems on earth, thereby this transcendental scenario permits the consolidation of the called racial capitalocene.

The term 'racial Capitalocene' emphasizes how colonialism, slavery, and 'the global use of the color line' have led to a contemporary devaluation of both human life and the nonhuman world. In understanding contemporary environmental crises, it is crucial to remain attuned to how 'destruction in the colonial era becomes visible in the postcolonial era. (Verges, 2017) p 77

Thus, intricate and transversal relationships emerge to explain-legitimize the exclusion of a large part of the world's population. By constituting Europe in the center of production of "valid knowledge", human beings, animals and nature find themselves paraphrasing Dante´s circle lower or higher of the "perfect humanization" depending on the proximity of the values drafted by Eurocentrism.

And when these values are opposed to the big occidental thought, then otherness is covered. For instance, according to Jose Acosta, there are three types of barbarians.

In the first place those who do not stray far from a just reason and the common use of mankind (Humanity must tacitly be understood as European perspective). The second one includes those who despite their of lack writing and philosophical-civil knowledge, maintain an organized political, and military structure and finally, such as Mexican and Peruvians. the third class is quite similar to wild beasts and scarcely get human feelings for example the Carib tribes, the mojos, and Chiriguanos of Brazil. In (Dussel, 2014) This hierarchy was supported by a philosophical, legal, and proto-anthropological basis which I will explain in the next section.

The predicament of the soul in the first subjectivity

The mot comes from the Latin *anima-ae,* namely the vital and movement principle of living bodies. Through the Hellenic thinkers, this notion carries a crucial political, philosophical, and ontological interpretation for later understanding of the production of subjectivity. The stratification of the soul has been a topic widely approached by European philosophy since the Greeks. It can be understood as an exclusive attribute of the living (animated). However, inside this category there is a classification: *epythimia* to the vegetative soul; the soul of the senses or referred to as the "subjective life" is known as *the psyche*, and the rational soul of man's own, is known as nous (Aristotle, 2010), a current word in the English vocabulary what means the mind or intellect which can be linked with the notion of intelligence, attributable to humans although Aristotle considers what it is not present in all human beings.

Likewise, he points out other divisions on the scale of life, taking as reference the human rational soul. Thus, *zoe* represents *the simple fact of living common to all living beings (animals, men, or gods) (Agamben, 1998),* while *bios* denote the recognition of a social-human life. This layering technique made cartography of life in which the rational soul is at the pinnacle. Regardless, the position of the Christian religion in Latin America is contradictory. Here, paraphrasing Foucault, Christianity produces a type of technology of the transcendent self, to the extent that It is not a just another mechanism, carries out by every civilization, suggested or prescribed to individuals to determine their identity, maintain it, or transform it in terms of a certain number of ends. Otherwise in addition to layout a technology of soul.

Permit individuals to effect by their means or with the help of others a certain number of operations on their bodies and souls, thoughts, conduct, and way of being, to transform themselves to attain a certain state of happiness, purity, wisdom, perfection, or immortality. (Foucault, 1994) For Christianity, the Greek heritage is also remarkable in terms of the separation of soul and body. Grounded it through Plato´s ideas. According to him, the soul is *a tempore*-immortal, is the true self in contrast with the body as a faulty being that imprisoned the *anima*.

This premise avails the separation of animals as incapable of achieving divine and religious interaction since they must be anchored to their corporeality in itself. This was reinforced with the idea of relating animals to original human sin, to a certain extent by ignoring their divinity and embracing their animality (the domain of the corporeal). Subsequently, St Augustine established a new scheme of the soul quite bound with the human condition. It is consisting of *memoria, intelligentia, and voluntas as an image of the trinity (Crosso, 1997).* Furthermore,

St Thomas Aquinas undertakes Aristotle´s view, because between the soul and the body there is a co-dependency. Adding a vital element to extent that for him the soul is an individual spiritual substance. Thus, the unique character of divine communication: individual-God will be central to the rise of modern individualism. In consequence, Christianism carried out one of the first segregations occurred without it being explicitly racial. I mean, the kingdom of Castile intended to unify itself from the purity of blood, however, this purpose could not be carried out from racism of "color", since at that time the Moors and Jews could not be distinguished from the naked eye from the rest of the Iberian population. In consequence, following the precepts of natural law in which the condition of humanity implied unrestricted respect.

This inherent attribute was associated with the existence of the soul since this was the sign and trace of our relationship with divinity. Due to Christian logic, we are bearers of rights insofar as we are men made in the image and likeness of the Christian God. The possession of a soul then became part of a controversial debate that arose within the Spanish empire. I will guide this discussion based on the debate between two prestigious priests Juan Ginés Sepulveda and Fray Bartolome De Las Casas, I highlight their arguments through the deliberation raised in the *Junta de Valladolid*, where Spaniards wondered: was the conquest legal, and were the Indians themselves denied their basic rights as human beings?

One of the first debates to be resolved is whether it is feasible to include indigenous peoples within the human species. On the one hand, Sepulveda was a cleric who enjoyed a high scholarly reputation. He had been educated at the universities of Alcalá de Henares in Spain. He also had served in the preparation

of the New Testament in Spanish and the translation of several Aristotle works. Precisely, He defended the Aristotelian thesis on the separation between the soul and the body. The soul, which is intrinsically associated with the use of reason, rules the body. Thence despite Sepulveda recognizes the native's physiological characteristics that lead to affirm that: *They imitated the gestures and the words of those who came to their discovery. At night, they closed their eyes and slept. They couldn't breathe in the water, as experience has shown, nor look at the sun in the face. They screamed when you hurt them. (Carriere, 2013)*. He draws a border

Furthermore, Sepulveda's resort to biblical books with the aim to illustrate indigenous extermination was fully underpinned in line with the Judeo-Christian founding myth, since descendants of the children of Israel were entrusted with the task of ending the pagan demonstrations as such anti-Christian human sacrifices. *"We can see where God gave the clearest indications for the extermination of these barbarians as witnessed by God giving the people of Israel the authority to exterminate the idolatrous Canaanites and Amorites*.". (Clayton, 2011) Paradoxically, at that time the Spanish Inquisition is rightly identified as one of the torture machines in which the body is subjected to the sacrifice of the confession of sins to seek purification and truth, concluding in redemption and the journey to the supersensible world, due to this mythical world resides in a metaphysical horizon infinitely superior to the earthly one. It makes evident that human sacrifice was not something exclusive to the first settlers of the Americas. to classify the indigenous as not entirely human since they are incapable of comprehending the relationship between reason-theism. Accordingly, *some are civilized and are born to command, and others to obey* (Carriere, 2013) thereof

the cleric follows this thesis in which according to Aristotle´s taxonomy of humankind divided men into two groups, those born to rule, and those born to be ruled. The aim of this position then contributes to legitimizing Spanish enslavement in the Americas. It involves supposing that the inherence of the soul would be conditioned with the purity of the Christian blood-soul as *a sine qua non-requirement* to become a human-rights holder.

To extend that Sepulveda's vision conceives ius naturale from two dimensions. First, the law applies to men and animals as entities stemming from the divine reason of God. Natural is what nature has imparted to all animals (*just naturale est, quod natura omnia animalia docuit)*. Second, Human natural rights *(Juris naturale homo*) which he correlates with ius gentium, address exclusively to civilized people (gentes humanitores) in such a way that learned men (*didici hominum*) must determine by nature what is just (Sepulveda, 1996).

As can be inferred, the condition of semi or sub-humanity is associated with the reason-Christianity binomial. Likewise, only full humans have rights that remain anchored to the ability to appropriate things. Thereupon, Pope Alexander VI gave the King of Spain a right over these new territories. *These lands, ipso facto, cease to belong to the natives who were only there by chance, or by mistake while waiting for the arrival of the real masters)* (Carriere, 2013) and passed into Spanish hands. This would be the same argument used by Locke to disregard Native American land ownership. Because "wild Indians" did not have property rights, and in consequence, slaves and indigenous were not part of civil society. "*The wild Indians ·in North America· don't have fences or boundaries and are still joint tenants ·of their territory·; but if any one of them is to get any benefit from fruit or venison, the food in question must be his—and his (i.e. a part of him) in*

such a way that no-one else retains any right to it". Locke (cited in Rubio 2019). Finally, Sepulveda's statement distrusts a true religious conversion of the indigenous people, inclusive with the implementation of the inquisition, this effort turns out useless.

In contrast, Bartolome De Las Casas who lives most of his life in the new lands and thereby got a real and prolonged contact with the natives and their miserable standard of life, also firmly believes in a sincere embrace of Christianity by indigenous people, considering the figure of the encomienda as an ideal institution for religious education. In the debate of the Juntas de Valladolid, he proposes a harsh criticism of the civilizational process undertaken by Spain and defended by Sepulveda, who extols the dominance achieved by the empire.

They were murdered by millions. He pressed the word "millions" which caused some reactions of disbelief, yes, by the millions like animals in the slaughterhouse! but by what process? asks the legate. - What processes? - By what methods, if you prefer. By what means. And also, for what reasons? - Oh, everything is good for them. But especially iron, because the powder is expensive. (Carriere, 2013) p 9.

De las Casas is an advantage of the universalist-modern project of human rights because from the conviction of a primitive Christianity it considers the equality between men of different races achievable, questioning the legitimacy of a war that threatens humanity and what inhabits the indigenous. Considering his arguments turn out to reveal how the priest denounces the consequence of the conflicts, which produce misery for all human beings without exceptions. Employing Juntas de Valladolid procedures he emphasized what: *These people (indigenous) did not make war on us! They came to us all smiling, cheerful faces,*

curious to know us, loaded with fruits and gifts! They didn't even. know what war is. Moreover, Bartolomé de las Casas was a spokesperson who encouraged a moderate conversion to Christianity.

Nonetheless, this factor remains vital for the recognition and protection of indigenous people. Without this, Hieronymites[20] and his convictions were meaningless. Thus, the priest partially lays the foundations of the combat for human redemption through the sacred scriptures, just as several defenders of the main current of human rights universalize and generalize this struggle based on a supposed inherent dignity. He can be identified as empathic as someone against the current of his time, one outsider who reaches to empathize with others (humans) who were also outside the canon of man. The predicament with this statement is that permit the marginalization of other forms of political, philosophical religious stakes. making a simile with a certain one-dimensional story that can be translated as Christianity or barbarism, human rights vs the discarded human.

Although his mind is focused on conversion, Christian charity, and wild innocence, as ways to replicate the believer subject, the truth is that his legacy has been one meaningful antecedent to establish an extended relation among the catholic church, indigenous movement, and other alternatives voices against any kind of discrimination in Latin América. In this point, from De las, Casas's perspective the rights of war are anticipated and illuminating in comparison *with*

[20] The religious order of the Hieronymites had a presence in the islands of the Antilles and the Caribbean although they were not the most committed of reformers conducted by Barolomé de las Casas. Their support for the clergyman in the Juntas de Valladolid was remarkable (Clayton, 2011)

the rights of war and peace (Grotius, 2005). He follows Hobbes's premises with personal subjectivity attributable to political and civil communities, categories applicable to civilized nations to the extent that he recognizes the indigenous resistance outside the borders of the European political community.

Likewise, His argumentation in terms of self-determination precedes Locke's political theorizing but goes further once the juntas de Valladolid verdict concluded. Recognizing the indigenous as possessors of a soul and therefore the status of humanity, his struggle moves to the black African cause, in open opposition to European colonial slavery. Moreover, it would inspire the revolutions of the *Criollos* against the Spanish and even some indigenous uprisings throughout the continent (Clayton, 2011). This becomes a genuine theorization and militant praxis in favor of the natives of Latin America. This shows divergent trends in the elaboration of an exclusion-inclusion project of Western European thought. Accordingly, apparatus became a dispositif, in the sense that it establishes an intricate network among different polychromatic machines for the sake of a more or less inclusive arrangement of the distinct. And also highlights the importance of the conquest of Latin America in the configuration of subjectivity and its new geopolitical cartography.

Sovereignty post-appropriation of the Americas as a factor for the configuration of the subject of law

It seems a shared feature in modern Eurocentric behavior is the manifest need to legitimize their actions. Thus, sovereignty acts as the division between the exception and the heteronormative. However, said exclusion is still part of the same relationship (within the law). Romans formulated the foundations of international law through the ius gentium, which was based on the exchange with foreigners within the legality, creating an outside and inside within the limits of

the right is an example par excellence, however, the conquest of America brought a production of otherness that impacted on the way the terrorization of the order of the subject of law was understood (human/legal dimension). Law proper in this perspective is a consequence of western historical development as the pinnacle of human evolution

According to Herodotus, the world had been divided into three large parts: Europe, Asia, and Libya (currently Africa), this distribution implied a hierarchy within humanity, since it was thought that Europe was the most perfect of the three because it met the ideal characteristics. development of human life (O´Gorman, 1995) p 147.

It can argue that this is a biopolitical event that allows the separation between indigenous (as inhabitants of the zoe) and Europeans (residents of the bios) (Agamben, 1998). This claim is based on the intriguing book Nomos of the Earth. I find the explanation to legitimize the conquest of a new world fascinating, starting with the linguistic turn of the word Nomo. (Schmitt, 2006) modifies the meaning nomos in Aristotle (generally understood as a lower standard of compliance), affirming that "the rule of nomos for Aristotle is synonymous with the rule of medium-sized, well-distributed landed property". Then, the appropriation and distribution of land create, on the one hand, private and public law, and more importantly, it is a requirement for the constitution of cities and citizenship in the end.

Moreover, is remarkable how Schmitt appeal to a decisive territorial division between the land- oceans, since for him law is linked to the land and marks the borders of the unknown that resides in the seas (monsters). Even resorting to biblical passages to show the demonic character that characterizes the oceans

"in the Apocalypse of Saint John, we read that the new earth, purged of its sins, will have no more oceans" (Schmitt, 2006). As a consequence, the majority of jurists before the Latin American invasion maintained the same premise. The lands (known to Europeans) would be under the rule of law and what was beyond its borders would automatically become no-man's land. So, the appropriation of the lands of the new world was seen as a European sovereign act, understanding from the nomos, that within the margins of the law there must be the possibility of the appropriation as a manifestation of the condition of citizenship.

Also, the encounter with America led to the configuration of European public international law and respect for pride because, despite its internal differences, Europe was a different other compared to the uncivilized inhabitants of the new appropriable territory. It permits the elaboration of a juridical-political theory in which the condition of the citizen is intimately linked with the place (physical and epistemic) where the law does fully exist. Even the new otherness serves to unify the sovereign commitments of the emerging European states through the figure of international treaties (Álvarez, 2015).

In this time, various walls arise from the political-legal thought to establish the next and the distant in terms of the States, for instance, amity lines, which represent the unification of criteria in terms of how to carry out the conquest without considering European religious differences. Building a complex apparatus of the subjectivity of law (Europe, believer, citizen). Furthermore, this argumentation conducts the legitimate use of violence since the right resides only in European lands, therefore in the new ones, everything is lawful (including the physical, cultural, and cognitive elimination of its inhabitants).

This branch continues to be the way the holder of the rights is defined. Depending on the contact zone, the global north where regulation(law) prevails, and the global south is a place where violence predominates as a mechanism of social control (pseudo-right). (De Sousa, 2004). Of course, the definition of sovereignty has gradually become more complex and cannot be approached in an essentialist way. I identify briefly this route and how it enables a re-politicization of human rights beyond the human.

Following the Arendt ideas (Hamacher, 2014) on how sovereignty marks an exceptional distinction of the citizen condition and therefore the position of being the bearer of rights of man-human rights as part of the same dispositif-apparatus. Also, she distinguishes that exceptional character from the sphere of the public and the private. arguing that in the one stage resides the law and in the second one the disparaged, who are not labeled as full non-human citizens. Therefrom (Agamben, 1998) redirects this premise, considering that it is not feasible to separate the public-private dimension. Rather it would be interpreted using the theory of biopolitics and the estate of exception. As a result, arise a new type of biopower that engulfs through the State normality (bios) and exceptionality(zoe) within the same law. Thus, the classification of the State has become a kind of matrix, without the power of coercion as explicit as Arendt and other authors present it.

A more optimistic position is the one presented by (Ranciere, 2004) in his article who is the subject of human rights. The critic of the static formulation of Arendt rather proposes that the rights of man are not attributable to a simple subject but as an interval between two forms of existence of those rights. Then Bearer and non-bearer of rights would be part of the same equation: human rights. This

obeys the first form of existence, identifiable in the literal sense of rights such as equality and freedom. Namely, the enunciation of rights leads to a dispute from the abstract to the concrete, in which a fluctuating conflict takes place between the bearers of those rights. The second one so-called inscription signifies *who decide not only to use their rights but also to build such and such a case for the verification of the power of the inscription (Ranciere, 2004)* p303. In this line, he propounds man and citizens are political subjects not as a rigid classification, otherwise surplus names position in questioning-litigation.

I partially agree with this last approach to the extent that does not incur political essentialism which is inoperative when understanding the complex contemporaneity to which we find ourselves duress. However, the point is that this illustration of interpretive versatility of who has the right and who is not. Towards the end, it dismisses the historical, philosophical, and religious journey that led to the material supremacy of a subject (human-person) over other entities (second-third subjects), but also this thesis has full confidence in the legal and political rights, which have criticized technique firmly in the methodological chapter of this work.

Consequently, I am opting for an overcoming of sovereignty inextricably associated with the prevailing state model. Precisely because it contributes to determining the separation of the recognizable political subjects (citizen) or other semi-recognized ones or of an ambivalent composition of inside / outside of the social contract, following for example the schemes of Arendt, Agamben, or Ranciere. And simultaneously denies the heterogeneity of other multiple political subjects outside the hegemonic notion of the human (homo sapiens). Since this insight does not take seriously the assemblage of, for example, animals, sacred

places so on and so forth. But neither does it assume an ethical responsibility (made up in my version of alterity, maturity, and commitment) outside the political borders that make up the modern State. In conclusion, if there is a genuine aspiration to include other non-human entities via human rights, it is a priority to disengage the human within human rights from both the legal technique and the political basis that makes it possible, that is, as a consistent purpose of depersonalizing (persona as apparatus) the subject that underlies the interior of human rights dispositif.

Apparatus: subject of the law

In this part, I illustrate the subject of law because of the believer subject, underlying that there is an assembly of both dispositifs in various aspects. Nonetheless, at once result viable identify several distinctions such as the addition of other characteristics such as the central role of private property (*dominus*) and the objective hoarding of the other, also he has been legitimated to do it because he is the only being who possesses Dignitas hominins. It is crucial at the time in which Europe of the full rise of appropriation of the new world, ends in the sophistication of the figure: the dignified man with the right (subjective, through conduct, conscience, and logic reason of dominance over the other external) to have rights (objective, a world of appropriable material things).

Although these precepts were already present in Roman, for instance through the classification between the *ius civile* (for Roman citizens) and the *ius gentium* for the pilgrims) as a way of establishing commercial relations without this implying the acquisition of property on Roman soil, in this sense, it is achievable to find the link between citizenship and property rights. But at the time, the

property is part of a technology of the subject of law, so the power of administration *(oikonomia*), which has resided partially in a super terrestrial figure (the son of god) has been transferred to the configuration of one new cartography and status of moral being: The person as apparatus of the subject of law.

Subjective law would be denominated like a modern definition of law as a moral quality, and person as the status of the being to whom natural law is suited. Equating the category being moral to the notion person (Zarka, 2008). In this section, I will below the path of those terms to set out how it is inextricably related to the contemporary definition of the human rights subject. To this effect, I appeal to some of the main landmark thinkers of the philosophy of natural rights until reaching one of the major apparatus of the legal, political and moral discourse of modernity. Namely the persona[21]. Worthwhile to remark on what subjective law and person appear concomitantly in the diverse canonic text of the philosophy of law. Then, the way to identify their divergences lies in the substance of their meanings. The point is the person has been an ambiguous expression and consequently it is useful as a vacuum *dispositif.* Not merely like antecedents of legal and moral theories, otherwise is entirely alive and inserted in the subjectivity of human rights at present.

In the transit of a believer subject-possessor resulting from the colonization process in the Americas emerge in the jurist (Suarez, 1944) in his *De legibus* the first definition of law as the moral quality of a person. One of the main contributions of his interpretation of the subject of law consists in separating the

[21] Henceforth, I move between the person (English) that represents the legal, moral apparatus and persona (Latin) to play-play out allegorically to note the condition of a mask.

law in a strict sense (jus) and law (lex) rather than the rule of law. This division result is important to the extent that maintains a distance between the laws that oblige men and the laws (for instance dignity, equality, justice) that guide ethical-moral human behavior. In this vein, he follows the Thomist viewpoint reflected in his principal work the Summa Theological[22].

It could be congruent with the idea that his theological rationalism preserves in a certain sense the distinction between the sacred and the profane and such a way that he pursues a just law for men and a divine law for God. It addresses the conclusion that some attributes of the human being cannot become profane by becoming *ius*.

This posture changes drastically through the reformulation proposed by Grotius who retakes Aristotle´s categories of perfect law and imperfect law. On the one hand, the first would be the law as it is currently understood, which means such as the power (*facultas)*[23] to exercise a mandated order in terms of the power of oneself (*Libertas)* and power over others (*patria potestas and Dominica potestas*).

In addition, the word Facultas in Aristotle (du'nami) also describes how distributed the (qualities), qualities to name it so that we are called which. In the text of Petrus

[22] Is interesting to highlight how in fact, Thomas Aquinas had withdrawn from a naturalist explanation in terms of moral evaluation of rights. He realizes that the divine command did not explain what was morally correct. taking up Socrates' central question in the Euthyphro. *Somehow is correct because God commands it, or does God commands it because it is correct? If God commands something because this is right or good then moral correctness loses meaning, it is only what God has ordered. And if someone's answer is correct because God said, so God doesn't need to be good since he simply does what orders*. (Nino, 2013) p 362

[23] I resort to this denomination based on the reflections of (Esposito, 2008) insofar as he proposes debt as the principle that marks social relations in capitalist thought.

Hispanus underlying for example differentiation according to skin color. It could be considered as one of the ancient theorizations to identify the difference between them and us in the eventual rise of European subjective-human binarism. I bring about it because considering the qualities described by Aristotle it could be inferred (not categorically) that when they are talking about the subject (*subjectum)*, it was referring to the rank men.

On the other side*, the second* represents simply (aptitudo) what Aristotle denominated worth or dignity (Zarka, 2008) Likewise, in his argumentation on the moral qualities of being Aristotle regards a justice´s partition between commutative justice (facultas) and distribute justice (*aptitudo*). Then, in his new theorization, Grotius alter the notion of distributing justice for an attributive justice (Grotius, 1993). In doing so, he considers that it is tantamount to commutative justice, unifying the perfect and imperfect law and justice (facultas-aptitudo) in a single mandatory mechanism opposable to itself and men. Combining and exchanging again the natural laws addressed to the men and divine laws, one distinction already made by Thomas Aquinas. The divine voluntary world law is that which is derived only from the Will of God himself; whereby it is distinguished from the natural law, which in some sense as we have said above, may be called divine also.

Although it is common to recognize Grotius as the founder of subjective law through his philosophy of natural law, rather I identify him as the one who objectified the subject of law. Due to the emphasis that he put in his conceptualization of the property that belongs to the subject (world of objects), the right to have these objects (legal imperative of mandate), and the duty to respect that right-object (moral imperative). By doing so, it is viable to claim that

in Grotius the primary question is how the subject (all men) appropriate the object and what legitimates them for that domain of the thing itself (*res*). For example, his wide-ranging book called the right of war and peace is striking in how it puts stress in many chapters on the properties of man and respect for the rules of civil society. Book one chapter II demonstrates the European predisposition to consider islands abandoned to territories that were not inhabited by the modern rational subjects of that time, likewise wild beasts, fish, and birds are reified, regarding like common to all men, unless there is a law to the contrary.

These features mark the intersubjectivity or extra subjectivity conducted toward those who do not fit within the precepts of their vision of what is a natural right. As a matter of fact, after analyzing the literature it concludes that there is a symbiosis unique among the divine command given by God to mankind as a whole (natural)so comply and concomitantly with the materiality of appropriated objects that make human identity within the parameters of civil society (right). Innermost, his definition of men would be comprehended within the limits of civil society as the best result of the stage of human civilization. And those uncivilized or incapable to understand these absolute truths agreed upon by all men, cannot be sheltered by law.

Some people are savage and brutish, whose manners cannot, with truth and justice, be reckoned a reapproach to human nature…To judge what is natural, we must consider those subjects that are rightly disposed of, according to their nature, and not those that are corrupted. (Grotius, 2005) p161-162

The right to property as a precondition for the existence of the subject of law

Those ideas in Grotius transform the work of John Locke, who is also not concerned with who is explicitly the subject of the law because ultimately this depends on the moral and political qualities and individual recognition of the desire for division (public and private sphere of life) and the desire for the appropriation of a reified world. However, his approach differs from the previous conceptualization of natural rights since he did not take property as a starting point as a requirement for the recognition of the natural rights of men. Rather, it proposes laying your foundations from re-ligation of the mandate man-God and like a prerequisite that determines the ontological feature of being. appealing again to the religious positivity of the unintelligible mystery of the Christian founding myth (the governance of the trinity).

As a principle and action by God himself, reason, which was the voice of God in him, could not but teach him and assure him, that pursuing those natural inclinations he had to preserve his being, he followed the will of his maker and therefore had the right to make use of those creatures, which by his reason or senses he could discover would be serviceable thereunto. And thus Man´s property in the Creatures, mas founded upon the right he had, to make use of those things, that was necessary or useful to his being. (Locke, 1967) p 224

Additionally, Locke found in property rights the request for the consolidation of sovereignty. Sovereignty is born to protect property within the civil society of men. Here it is also evident the fracture with the thought of Grotius who considered civil society as the platform on which the premises of natural law had meaning and effects. Furthermore, He disagrees with the qualities of the Aristotelian subject to distinguish the "we" and "them". Through four species of quality: i) habits such as

science and virtue ii) disposition, such as heat, cold, illness, or health iii) passion or passable quality, such as sweetness that is received in the sense of taste; and iv) the shape of bodies, such as straightness or curvature. (Guzmán Brito, 2002). Otherwise, for him is the quality of will of the property and the trapping of objects that determinate the subject of law par excellence.

The thesis of the right to property as the maxim of the right (subjective-objective) ends a long tradition established since the Romans (lex-ius), going through the Middle Ages about the innate conditions of human existence given by God and recognized by natural law. the binomial relation man-law as undivided claims that contain a fiction of the legal disguise is cracked. So, the category of Western man, white European, belonging to civil society is not enough to have the right. Since it has to be demonstrated the longing of the dominus is an unequivocal feature of his man/human nature.

Even in a biopolitical emergency, the human body is inserted in the privatization of law (Esposito, 2008) self-determination (individual) and self-determination of people). turning the human body into a primary commodity subject to transaction, a technology of performance. The manner Locke portrays this new subject is called persona. Although it is true, that he was not the first to mention the term, his claim is novel, to extent that a person is a cumulative dispositif of various European notions of the historical trajectory: man/humans. Since then, a person serves as a magnificent recipient of Eurocentric-capitalist thought. I will explain the invention of the person in the next chapter.

Thus, with these approaches, one phase concludes another and begins simultaneously with the second period of capitalism: Homo creditor. the interlocution between the political philosophy of the new subject of law (person)

is embedded into the new concept of the individual emerged from the capitalist as a political and religious expression (homo creditor) I have incorporated this notion to define who is the subject of capitalism. Of course, to explain this topic would imply broadening the object of this thesis, therefore I will focus on the points of connection between the subject of the law and homo creditor. One of these contact zones (Haraway, 2008) is the chance in the transubstantiation of the predestination "natural" that existed in the Judeo-Christian model, in which in theory we are all born equal because of the trait of divinity and projectability of an omniscient creator.

It is striking because this argument affects the nature of the subject of law. So, all men must have been obliged to demonstrate their belonging to civil and civilized society through a Protestant ethic. an ethic based on austerity, efficiency, and especially the transformation of objects is somehow productive. Then, these are the new characteristics of divine predestination via accumulation of wealth. in opposition to the Catholic imaginary of the promised Eden in a superterrestrial world and therefore the contempt for accumulation and surplus value (Weber, 2005).

The commercialization of objects results in the appropriation of the world of life, the rupture with the sacred, and the conversion into a completely profane world[24], leading to individualism, economic performance, and religion making the subject of law exclude each more and more entities that have no place in this scheme

[24] In a brilliant explanation (Agamben, 2019) points out how gradually a world of the sacred and in harmony with the other was losing ground in the face of desecration, that is, what is useful and usable politically and legally to men, capitalism then becomes the elimination of the sacred, reifying (desecrating all the power of life) and ultimately that of all entities on the planet as a whole.

(uncivilized, infidels, nonowners). Accordingly, it demanding to argue if capitalist ethic leads to religiosity. Whether this term derives from *Religare* (what *dispositif* links and unites the human and the divine), so this would be its antithesis. But if I appeal to the notion of *religere (Agamben, 2019)* (scrupulous and attentive attitude to be applied to relationships with the gods), namely, the refined line that separates the divine from the human, then This ethic ends up being the premise of the homo creditor and the person at present.

To conclude, in this chapter I highlight the bond between Judeo-Christian thought as a factory of subjectivity par excellence, positioning the invasion of America as the epicenter of the invention of the subject of law (homo believer). I pointed out, following Schmidt's thesis, how the European nomos established a territorial division of the exception between Europe and Latin America, said exception operates as a principle of sovereignty and citizenship, compared to non-sovereign and non-citizen places that coexist in the new World. So, the new concept of law would be composed of the believer-citizen condition.

Subsequently, I explained how this link moves towards a theory of natural rights. Leading to that, on the one hand, the definition of man/human as a subject of rights is impoverished. And on the other side, the appropriation of the world of life (all those not considered subjects of law) causes a type of subjectivity based on property and accumulation to emerge, leading to the emergence of a sophisticated binomial homo creditor (on the economic, religious level) and the persona (on the philosophical-political and legal fields). In the next chapter, I will expose the origins, their definition from a critical perspective, and the implications of the concept of person, as well as their intrinsic relationship with the subject of human rights.

Persona: the substantial dispositif/apparatus of the subject of law

To describe how the person operates within the first subjectivity of human rights, I will begin by making some allusions to the etymology of the term. Then I will present what have been the historical milestones that allowed to establish the indivisible relationship between the person and human being. To do it thesis highlights the work of Leibniz. Subsequently, I underlined the criticism about the person from Esposito's approach, who considers that person and human (human rights) are incompatible categories if an emancipatory project is pursued that liberates the human who resides within. Finally, I expose why I agree with Esposito in that incompatibility and how the notion of person, as understood in the political, philosophical, and legal thought of modern liberalism, overshadows the harmonic vitalist energy in the human-non-human relationship. This would have consequences on the subjectivity of human rights because I claim at the end person's innermost is the first subject of the contemporary a hegemonic version of human rights.

Where does the person come from?

From time immemorial, humanity seems to have needed to invent devices to understand its complex nature and its relationship with other entities. In India for example the individual character of the self Ahaṃkāra means individual consciousness (Mauss, 1985), this is a technical word invented to describe a psychological illusion. Therefore, the physical representation of its existence is not enough for the human mind, but it is imperative to create an alter ego, a shadow that defines its being before itself and its exteriority (totality). Likewise, in other people like Zuñi, every individual has two names, one profane, and one

sacred, it turns out primordial for them because the perpetuation of things and spirits is only guaranteed by the perpetuating of the names of the individual, of persons. (Mauss, 1985) p. 8

But it is the Romans who first give the individual a categorization beyond the psychological-spiritual plane. In them, a person represents a political, moral, and legal figure. going to the etymological meaning of the concept. it seems to be an established theory to define the person as a mask used by Greek actors in theatrical works of the time. This would be the original word in Greek Πρόσωπον*(prósōpon)* means Pros: In front of and Opos: face. Subsequently, the word was translated by the Etruscans into *phersu.* (dictionary, s.f.) eventually, the word is taken up by the Romans as *personare* which shall signify *per* (the voice of the actor) afterward occur a derivation of the word from the silent role in some dramas, persona mute (Mauss, 1985). then generalizing the neologism persona. The most outstanding Roman imagination of the category person resides in its emptiness. Consequently, a relationship between subject and person cannot be associated at that time, the person did not imply or specified who was the bearer of the right (subject). Thus, persona could be related to entities that inhabit the sensible world (men, animals, or things) and the supersensible one (gods). Of course, for them, the law is formed by things and persons, albeit these terms were interchangeable since this classification had no ontological implications. Therein, slaves were treated as things and could eventually become people and vice versa.

This was plausible in terms of Roman law (ius-lex), which as I mentioned before was enacted for the various entities accepted by Roman ecology. Precisely this idea functions lie an organizer of the social-moral system of this civilization. It is

moral to the extent that it dispositif would indicate how the public and normative mask should be. A collective and individual effort of self-awareness is crucial to have the right to have. In Marcus Aurelius' "carve out your mask", put on your role (*personnage). (Renan, 1889)* p 721. In addition, being the Romans, a people focused on property and appropriation. Awareness entitles the property, and this is a sign of self-consciousness at a time. Then, the person is the dispositif that clarifies who met the conditions for legal possession both tangible and intangible assets.

However, it is through Christianity that it leads the person to a dimension of metaphysical morality. Christianity takes up the Greco-Roman ideas of the personare in terms of their capacity for self-awareness and capacity for discernment that makes them bearers of rights. Implicitly concluding that the one who has these attributes to the subject homo believer. Since the person since man has special attributes that differentiate them from animals and things. the kingdom of God is the original human source; therefore the man-made person cannot be pigeonholed into the material and physical body. Regardless in times of scholasticism person remained a vacuum dispositif to the extent that animals could be considered persons as well. At this point, it seems to be important to note that in my view this elaboration became developed from Europe and the Americas' encounters.

This episode potentiated the existing division in Greek between humans, animals, and things and simultaneously would configure the mapping of the human from the sixteenth century as explained before. It results are evident for instance in (Suarez, 1612) which already poses a preliminary link between the notion of subject and person. According to Suarez law is the moral quality of a person

which would It be intrinsically tied to the ideas of political liberalism of the social contract between free men, rational and believers. discarding other subjects who did not satisfy certain conditions. It might exemplary through the Spanish jurist who did some reflections on how the cognitive subject perceives singularity and abstract universality via attributes granted by one anthropocentric God.

The formal structure of the cognitive process is identical for man and God, but in God, all three members of the cognitive relation are identical, whereas, in man, the three are usually distinguished: that which understands (the intellect) is usually not identical with that which is understood 1 (an external thing), and (2) that which the intellect conceives of the thing known is not identical with the known thing itself. But also, man shares the nobility of intellectual life, which consists in the intellect's ability to reflect upon itself and understand itself—albeit to a lesser degree than God, who primarily understands Himself. Intellectual life in man, however, starts with the cognition of external things. But man's intellect can reflect upon itself, thereby not only revealing its nature (distinction 1), but also the conformity or proportionality between his act and the thing (distinction 2). All this is achieved in a reflexive act by which truth becomes known to man (according to the individual intellect's ability to reflect upon itself) (Dussel, 2014)

It is feasible to affirm that he finds a link between the subject category (with the qualities described above) and the person dispositif. Nonetheless, the author is confused when establishing precisely if the subject (human being) is a person in himself. That is, in his argumentation could be considered that the person fulfills the role as a dispositif (representation of someone) but does not meet yet the requirements of the person apparatus represented in the homo creditor. Because

in addition to the rational intelligence of the dispositif, the other constitutive element is its moral scope. In Pufendorf (Zarka, 2008) moral person is an institutional being, a general category in which the individual is simply a species within the moral corpus. So, a person contains man, and a person as a moral instrument could be changed without altering the constitution of man.

Furthermore, (Locke, 1690) establishes a relationship between the moral person and man through human identity. Unlike the homo believer in which there was a transmigration of the human through the soul, it means there was no separation of substance (divine) and imperfect form (man). Therein, for him human identity is not the same as the substance (soul), the identity of the soul would never constitute the identity of the man. This is a significant step to desecrate and demystifies the human condition as a requirement for the emergence of a new man: homo creditor. Thus, Locke adds to the reflections of previous authors such as Suarez, notions such as memory and individual responsibility for themselves when presenting his perception of a human moral person.

In consequence, (Locke, 1690) proposes two meanings of person: first, identity and self-awareness. Second as an exclusive attribute of man and the criterion of responsibility, which leads to merits or reproaches within the parameters of civil society. I mean then that this is the personal approach in a legal sense. He uses both terms then to show his definition of the human personality

Person, as I take it, is the same for this self. Where-ever a Man finds what he calls himself, there I think another may say is the same person. It is a forensic term appropriate Actions and their Merit; and so, belong only to intelligent agents capable of law; and Happiness and Misery. This personality extended itself beyond present existence to what is past, only by consciousness, whereby it

becomes concerned and accountable, owns and imputes to itself past actions, just upon the same ground, and for the same reason, that it does the present. (Locke, 1690) p 346

Subsequently, Leibniz retakes the concept of the person as a morally binding dispositif. So, the person becomes the subject of the right par excellence. It is worth remembering at this point that Christian scholasticism followed the Greek theses in which the category of man was first invented and subsequently the subject became to materialize the homo-believer notion. Then Leibniz in (Cover, 1999) ingeniously upsets the indicated order, affirming that the subject produces the person and this persona is the human being. *The subject of a moral quality is a person or a thing. A person is a rational substance and is natural or civil. (Leibniz, 2008)*. In the end, qualities are strict and euro-anthropocentric.

Of course, although Leibniz puts the pieces together in the equation subject of equal rights: human moral person. The truth is that its conceptualization depends substantively on the tradition that marks the transition between the homo believer and the homo creditor (Grotius, Pufendorf, Locke). In this point, I claim that from the desacralizing perspective of the war machine, the human being who resided in the category of a person gradually became opaque because the attributes of the human personality underwent a drastic reduction and simplification.

With the triumph of homo creditor, it was sealed on the one hand that human worth was synthesized in his ability to appropriate things, on the other side things (not human) were sentenced not to be subjects of rights. Masterfully summed up in the Hegelian sentence on the meaning of rights: *the qualification of a person is what makes the human being capable of owning things, it is only the ownership of things that makes them a person.* (Hegel, 1952) p.156. It is now necessary to

illustrate the movement of the subject of rights (person) to the conversion in the discourse of human rights.

Henceforward, the denomination person is consolidated to exclusively human attributes, such as the ability to be morally obligated in front of others, free decision-making, and an express will to be subject to rights and duties in a rationalistic way. With the development of the declarations of the United States and France. From my point of view, the condition of the new subject of personal rights does not change significantly. Rather, it is perfectly compatible with the notion of citizenship, which in any case is intimately linked to the notion of civilized sovereignty, reinforced with the human cartography provoked by the conquest of the new world. Therefore, both statements that proclaim freedom, dignity, and property reflect the premises of the Lockean person. *To the extent that not all human beings are persons in this strict sense. (Esposito, 2015)*. At a first glance, modern European rhetoric seems to confuse with its universalist discourse that masks its true intention, that is, the conception of the rights of citizens (and hence of person) are exclusively directed to cartography: man, European, modern, white, proprietor, protestant.

Subsequently arise within European thought two theories (pessimistic and optimistic) that explain the development of human rights afterward the eighteenth century emerges. One Marxist theory (pessimistic) considers human rights as mere dispositif representing economic interests and political imperialism as capitalism phase. the second, a liberal current (optimistic) that affirms the existence of an evolutionary transit between the rights of man and citizen and human rights. However, in the light of the declaration of human rights of 1948, it is possible to say that none of these two theses completely is right. Because

obviously, the fundamental elements of the person remain through the figure of the new human categorization, that is rational and skilled citizen rights and duties. But there are also liberal progressive forces that try to incorporate all human beings into the notion of person, this from the paradigm of evolution and modern progress. They fail to follow the logic of the first false problem that I have identified in human rights. The assimilation of the different, when liberal progressive tendencies tried to include in the semantics a new human referent instead of the person. They fall because one of the virtues of masking the person is their ability to appropriate what is different and turn it into something identical.

Moreover, I regard that these inclusion efforts collapsed because of the exclusion technique that the person has *per se.* Precisely the technique and positivity of law, described in the methodology of this thesis, are also applicable to human rights. Making the human encapsulated in the law. Materializing the journey from the dispositif person to the apparatus one. This can be explained because the person stopped being an empty instrument and became a substantive character that determines which human beings are recognizable as persons. Without the person's status, you cannot be a citizen and therefore and then the rights could not be attributed. Therefore, the subject of human rights is not helpful to overthrow the device person, but rather makes spreading employing the abstract rhetoric of universalism (Esposito, 2012).

Accordingly, the positive of law in the enhanced version of Kelsen implies the absolute abstraction of the person, preventing the person can relate to humans or other non-human entities. *The so-called physical person, then, is not a human being, but the personified unity of legal norms that obligate or authorize the same human being*. (Esposito, 2012) p 83. Concluding something like human rights and

lifeworld turn out incompatible. In this vein, I have pointed out the urgency of a hermeneutic of enchantment in human rights. Since the problem does not lie in a matter of efficacy merely in which a factual inconsistency occurs between the speech rhetorical of human rights and practice thereof.

I have denominated the reconstruction of the human starting from the human himself as one of the false problems on to human rights foundations. But also, it is crucial to overthrow the abstraction and textualism of human rights, thus proposing a new physical, experiential perspective of the encounter with the other to insert a vital element within the rights of human-non-human. If the person category classifies humans as full persons, semi persons, or sub-persons. So, what about the impossibility of personalizing oneself such as animals and sacred physical places that this research calls the third subject?

The stratification carried out through the personal apparatus leads to the elimination of the singularity of the entities not recognized within the scope of the human, and specially compiled in a specific human form, homo creditor. The positivity of the law is then exemplified via persona. I argue that the apparent progress of animal rights and sacred sites is misleading for two reasons. First, the rights of animals in most legislation are still anchored in the instrumentalization that man gives them. In other words, they obtain recognition depending on the level of importance given by certain humans.

Likewise, this subjection is based on a modern anthropocentric conception. Second, following the precept of the first one turns out ingenious to believe in law, especially when it applies rhetoric of simple evolutionary accumulation of rights. This is a false human rights problem because it does not lead to an authentic solution. The mere addition of other "different" subjects of law does not

mean that they are authentically recognized as such, just as occurs with the material fact of the exclusion of millions of humans who do not become persona. Consequently, in the next section, I will illustrate what is the relationship between environmental law and the category of that person and keep playing the death machine.

Environmental law as a reproduction of the legal apparatus of western binarism

Mainstream environmental law preserves the view of exploitation of all non-human entities. Converting these into available resources at the service of human beings. Furthermore, the notion of the subject of law and object of law persists, although with some variations. In different judicial decisions around the world the recognition of objects of special protection law is affirmed (sophistry to discriminate which animals and places are more significant to satisfy human needs. With this, it is also conceivable to argue that environmental law is deeply binary, in the sense that it establishes a clear distinction between nature-society. To expose human-environment relations and law I resort to the anthropological classification: Orientalism, paternalism, and communalism. This sorting establishes nuances within the nature-society binarism. However, none of them transcends it. rather, in most cases, it contributes to the legitimation of the capitalist death machine. Sophisticated terms such as green economy, sustainable development-sustainable capitalism. With it, believers in this system try to keep one of the promises of modernity feasible. Human progress is unstoppable. It promises unenforceable because human ambition is infinite in a world of finite appropriating.

Orientalism: This perspective of environmentalism is the classic anthropocentric, colonial vision of man's dominance over nature**.** Thus, the vocabulary of

Orientalism is typically one of domestication and exploitation of the environment for production, consumption, and exhibition (Palsson, 2001). Of course, its outlooks represent one extension of the first subject of the law-human rights. especially its contemporary vision through the homo creditor. since some of its features are reflected as the right to ownership of the world of beings for purposes of the doctrine of environmental law are renewable and non-renewable resources. in practical terms this can be found in different international environmental legal frameworks, for example, the polluter pays principle.

Moreover, the State is lax with the exploitation of these "resources" at the service of the citizens. Generating a type of '*contractualization' of environmental governance entrenches market mechanisms and a conception of the role of law as a task of 'protecting private property rights and freedom of contract' (Affolder, 2015)*. Ultimately, in favor of the expansion of the death machine and the reduction of the world of life on an ecological and physical plane. So, the hegemonic narrative of human rights is perfectly compatible with this view.

It is important to highlight how a liberal academic and activist sector considers the insertion of environmental law in a language of human rights to be positive. for example, in the establishment of public agendas of corporate responsibility about environmental damage, positivization of international crimes for environmental crimes. the highest level of environmental awareness by lawmakers and public policy etc. However, the foundation remains in its immanent condition: anthropocentric binary and legalistic is as I mentioned in the previous chapter are initiatives that fall into the notion: of false problems

Finally, this stream preserves the distinction between the north and global south in terms of international environmental law. To the extent that the claims for

transforming the environmental policies made by the North over the South. They do not obey equitable standards that imply the development of non-extractivist economies. Precisely because the so-called developed world is responsible for maintaining an economic and political gap with the undeveloped world. These efforts implemented via international treaties continue to be insufficient when it comes to generating effective measures for the redistribution of environmental responsibility between the global South and North. And suture the still open colonial wound.

Paternalism: This paradigm focuses on preserving rather than the exploitation of the environment. For those who defend its premises, paternalism becomes the new social cause or a fetish. Both tend to fall into problematic essentialism. First, replaces the revolutionary subject of the oppressed Marxism (proletarian) by nature. but without criticizing the foundations that constitute an ontic inequality, again a blind faith in rights. Second, present nature as an idyllic entity of static and unalterable perfection like a rendering extension of paradise lost man. Therein, Nominate Indians as the man of nature, that does not completely abandon innocence, pure and wild.

Here it is pertinent to mention how to operate the metaphor of the savage, victim, and savior, deployed by humanitarianism. Albeit, in this variety savages (indigenous. Nature), are good because they are innocents, being a new victim par excellence. And for safekeeping require the help of rescuers, which means generally from the global north. In conclusion, this project works into the first subjectivity: homo believer. This environmentalist current has been incorporated into new constitutionalism that proposes a shift toward indigenous collective autonomy (Bonilla, 2006), but I have underlined previously for instance through

biocultural rights and some international mechanisms like the declaration on the Role of Sacred Natural Sites and Cultural Landscapes in the conservation of Biological and Cultural Diversity enacted by UNESCO. Nevertheless, there is an enormous distance between environmental protection (due to its human usefulness or due to the inextricable relationship with indigenous peoples) and the theorization of a different mechanism for the production of law´s subject.

Regarding the new subject of human rights, I claim that there has been an extension of the category of person to host indigenous communities. So, this phenomenon is in the process of consolidating the international human rights movement after the 70. What I have denominated is the third theory of the right to self-determination (Rubio, 2019). It has addressed various legal pronouncements such as ILO Convention No. 169- United Nations Declaration on the Rights of Indigenous Peoples. although this leads to concrete achievements to some extent depoliticized and divided the decolonial and anti-capitalist indigenous political struggle. Namely, this turns into an assimilation apparatus of the difference via recognition of indigenous into the box persona, for that reason I have stated this as one of the false problems of human rights anew.

Communalism: This environmental trend affirms that man is within nature and is marginalized by nature and social division. Establishing a continuous dialogue between the two areas. This stream has numerous thinkers (soft and radicals) who would be part of this paradigm. From a view of human ecology ((Ingold, 2015); (Descola, 2013) and biology (Maturana, 1973). Even decolonial currents call for the decolonization of ecology exclusively representative of western scientific thought. However, at this point, I noted one encapsulation discipline.

Because there is around these theses a political-legal theory to imagine specifically incorporating these notions within the dispositif of human rights. Now predominate the two paradigms described above. except for some liberal initiatives for the recognition of animal rights (at least those with attributes close to human rational and cognitive processes) and the Ecuadorian and Bolivian constitutions and the declaration of the rights of mother earth, which are within the Pachamanism (decoloniality 2)

That I will analyze in the next chapter. It is worth noting that in this category I do not include decoloniality 1. Except for (Escobar, 2016), most of these academics are focused on the redistribution of environmental responsibility (global north-south debate), considering issues of race and geopolitical location of the subaltern (Álvarez, 2018) but there is no notable academic production in terms of the human-non-human relationship. Thus, the aim lays the foundations of the third subjectivity within the philosophy of human rights law. I establish a dialogue with these referents.

To conclude, in this chapter I have shown the development of the concept of the subject of law. From the invention of the homo believer, who would eventually become a homo creditor. Until the realization of the subject of human rights through the dispositif-apparatus called person, it portrays the complex panorama of the first subjectivity of human rights. In doing so, I highlight the main foundational problems of the human person. Which must be interpreted in the light of a hermeneutic of enchantment. that reveals the false problems that do not lead to authentic answers that allow to re-vitalize lifeworld and fight against the death machine. consequently, in the current state of the first subjectivity, the deep inclusion of other subjectivities such as sacred places are unthinkable.

And the dissertation points out the functioning of the person within environmental law, showing their limitations and perspectives that ultimately do not escape from an anthropocentric, binary, colonialist vision. Then, in the next chapter, I will show what are the main alternatives to facing the hegemonic version of law and human rights to establish which are the contact points between what I have called second subjectivity (emphasis on the waves of decoloniality) and the blueprint called the third subjectivity one.

Third chapter: Potency and limits in the second subjects of human rights

In this section, I present the main theses of what I have called the second subjectivity. I will first show how this dissertation encounters decoloniality (1) and (2). raising the commonalities between their premises to set out a dialogue with the third subject of the rights that I propose. But also, highlights the points that I find problematic in these discourses. In advance I claim that some trends within this second subjectivity are at risk of becoming essentialist, therefore, this ends up affecting the potentiality of an experience outside the limits of the first subject as I will explain previously.

To do it, I lay out a debate with different publications and authors who have written specifically about the concerns on the notion of human rights. However, I must prescribe that this is a rhizomatic encounter to the extent that the approach of the authors that I will describe is not specifically involved in the philosophical and/or moral foundation of human rights as if it is part of the objective of this dissertation. As I mentioned in the introduction. Decoloniality shall represent an internal point of view that question the dead machine in their different dimensions.

Besides, to expand the different critical currents of human rights I appeal to some of the main notions of the biocentric legal turn. This legal move is presented as an alternative to the own theoretical and methodological approach to the relation between ecology & law. I prioritize especially various of the main theoretical focus: Earth jurisprudence and Wild law. Albeit, I regard this represents an approach from the external point of view because does not call into question the foundations that constitute the dispositif of the mortal machine. In this line, it is plausible to say what works to create new sight to the philosophy of law and legal theory.

To carry out this chapter, I will centralize the discussion on the third subjectivity of human rights before decoloniality and based on the following themes: 1. What is the criticism of the subject of human rights 2. what does the discussion propose on the indigenous question-sacred sites in terms of human rights? 3. what are the problems that I identify in the second subjectivity. (Contac zone and disengagement points). And referring to biocentric legal turn. Guiding questions are: what kind of relationship exists between the third subjectivity and the earth jurisprudence from an ethical foundation. And how to articulate the initiative for an alternative model of human rights and wild law based on legal theory.

What is the criticism of the subject of human rights according to decoloniality 1?

First of all, it is relevant to clarify that this is a heterogeneous group in terms of the trends assumed by its main spokespersons. Among those are not legal experts who have conducted a decolonial legal theory of human rights itself.

One could argue that the first transcendent debates[25] arose from the confrontation of the world system theory (Wallerstain, 2005). In this sense, decolonialists like Dussel claim 1492 as the beginning of modern-colonizing capitalism. So, this date became the starting point to generate a locus of enunciation for Latin Americans. Even though I recognize this historical moment as fundamental to understanding the transition of the homo believer and the homo creditor in terms of the subjectivity of human rights.

To me, it seems unrealistic to assume that this date is the cornerstone of the foundations of patriarchy. There are even authors who claim 1492 as the origin of dualism between White and non-white women (Lugones, 2008). Openly ignoring the archaeological and anthropological data collected in recent centuries that positions this scenario as something very ancient on the one hand, but also, she takes an essentialist position in affirming that the oppression relations of white women are more severe than that suffered by women before colonization and even that resistance is maintained until today.

Anyhow, after identifying the conquest of America as the epistemic epicenter of decolonial thought. I identify two strong trends within this framework. First, studies concerned with racial issues, and the second analysis of development theories in the global south. Both views have generated several ideas on who is the subject of human rights and in several cases, they are intertwined. To do it. I resort to some text in Maldonado-Mignolo (focused particularly on human rights as a racism manifestation) and Escobar and Suarez-Krabbe (who interpreted

[25] According to Wallerstein, capitalism itself emerged in the seventeenth century in contrast to the affirmation of other decolonial scholars who prefer to highlight the conquest of America as the constitutive event of the modern-European-capitalist project.

human rights as formulas for the invention of a racist terminology and hegemonic development produced by the global north.

The subject to human rights as a result of the colonial racism process

In chapter II of this thesis, I have affirmed that the subject of human rights is the product of the historical intersectionality of the homo believer-creditor within the capitalist matrix. In consequence, I coincide with several of the main argument in (2Maldonado, 2017) and (Mignolo, 2009). To the extent that the rights of man represent a dispositif for the separation between the human-non-human (god) and human-sub-human (subaltern). Then, Maldonado (2017) undertakes to oration on the dignity of humans (Pico de la Mirandola, 1956) to present a new and alternative decolonized oration of the human. He argues that this text points out how dignity is a unique feature of man, who is in the middle of God and animals. Therefore, it would have inspired subsequent declarations of rights such as American and French respectively. But in his dissertation, he affirms:

The fundamental difference between Pico´s humanistic turn, and Cesáire´s and Fanon´s decolonial turns is that while the former sought to challenge the Christian discourse of the chain of being by putting the man in a more central position than before, Cesáire and Fanon challenged the modern/colonial order and its various form of coloniality from the embodied positionality and lived experience of the colonized. (Maldonado. 2017) p 122.

The quotation reveals several important ideas about the subject that the author proposes. Although of course, Maldonado rejects the Judeo-Christian roots developed by Pico de la Mirandola. I consider that he falls into the trap of religious redemption, which is not opposed to the homo believer that I have invented. It means that the Fanonian redemption "new humanism" serves as the way to

redress the epistemic and ontological iniquity caused by the colonial wound of modern-western thought. Also, he firmly finds racism as the main human rights problem, but I wonder what happens to foundational values like human dignity? I already explored some ideas on it when I described the first subject of human rights.

In the same perspective, (Mignolo, 2014) appeals to a new conversion from human rights to life rights. Then, he denounces how the standard model of human rights is designed to legitimize irreconcilable categories among (perpetrators, victims, and saviors). In this line the declaration of human rights preserves various types of racism, causing bright places and dark places in which the subjects are recognized or anonymous respectively. To chance colonial encapsulation, Mignolo proclaims to think otherwise. It should include a new paradigm denominated ethical judgment, and although he said that it has been made not just a subject such as indigenous or African people, ultimately this argument drive to depoliticization, the annihilation of all the premises of the West and the impossibility of creating contact zones (Haraway, 2008). And surreptitiously it could be thought rather this proposal consists of returning to an idyllic Eden from which we should not have escaped.

"thinking otherwise" requires another history, not the hegemony of universal histories taught by science (big bang, evolution), religion (creationism), secular philosophy (Hegel), or class struggle (Marx). Decolonial thinkers start from the fact that memory matters because modernity is right and left… Constantly erase the memories of coloniality. (Mignolo, 2014) p 178.

I found this tendency awkward to produce a new version of the subjectivity of the human rights mainly because although I feel identify with one of the authentic

issues of human rights, the loss of the epistemic and ontic space of the world of life above the death machine (macrostructure analysis similar to world-system). It is insufficient to explain the other predicaments underlying this dispositif. I point out why this current does not consider the values of human rights to rethink again the hegemonic position that this discourse maintains.

Thereby, this approach does not contribute to the materialization of other subjectivities (no-human, including sacred sites) beyond the colonizer-colonized relationship. Consequently, reflection on human rights ends up being an appendix of the macrostructural mechanisms of modernity-coloniality. Besides, in my perspective, the idea of combating epistemic, state, symbolic racism so on and so forth. Might be captured by the assimilationist character of the other, which is an inherent part of the mainstream of human rights. So, this position is torn between the denial of all Western civilization and the return to a primal-mythical golden age of humanity (depoliticization) and the incorporation of its premises within the apparatus of human rights.

The subject of human rights because of the hegemonic vision of development

To carry out this section, I will highlight some works by Escobar and Suarez-Krabbe. This stream has influenced some of the core ideas of this thesis, for example, the relationship between human nature, Nature-indigenous, and human rights, in addition, I will illustrate how the notion of Earth found in Escobar and the relinking in Suárez-Krabbe discourse with the bio-legal turn and my proposal of third subjectivity.

I will start by stating what is the link between development and human rights. Then what are the vision of the indigenous world and the category of sacred places that I have described above? Finally, I reflect on the points of

disagreement and approach in perspective of the third subjectivity. (Escobar, 2007) has extensive work on development. I could locate his argumentation from the constitution of the homo creditor. In the period of consolidation of capitalism. In his reasoning, he points out how a third world was invented, generating first, second, and third category humans, but also nature is swallowed up by this more devouring version of the death machine. Namely, this interpretation goes beyond the anthropocentric model that anti-racism fails to achieve. Therefore, I regard this frame turns out more complex and holistic when it comes to understanding emerging subjectivities. This is evident through notions such as relational ontologies that I mentioned in the first Chapter.

Moreover, I highlight how the term Earth, although it is related to the relational ontologies, it also has a political mandate of joint cosmoactions between indigenous and non-indigenous people, as a left-wing restoring project (Escobar, 2020), in which there is an ecological community of subjects rather than objects (Berry, 1999). This would be achieved through an expansion of the notion of reality that arises from direct contact with the other sublimated by the Western canon. Therefore, it is compatible with the idea of Earth law and my theoretical approach. Although, at the time of showing the attributes of a pluriversic ontology (The recommunalization of social life, the relocalization of activities, The strengthening of collective local autonomies and direct forms of democracy) (Escobar, 2020).

Besides, in terms of human rights, it is feasible to say that the economistic vision of the owner-capitalist subject (the homo creditor). It is linked to the historical process advanced by industrialized societies since the 19th century. but this link is closer to the invention of the third world and the creation of the United Nations

system, both events that occurred at the end of World War II. although at this time there were few alternative voices to promote the declaration of human rights as a platform for the inclusion of "all members of the human species". this ended up being a text that posits a formal universalism that excludes mostly humans, like members of the homo sapiens family. (Suárez-Krabbe, 2016).

Accordingly, Professor Suárez poses the interdependence between development and human rights belongs to the dead machine project. Emphasizing the modern myth of the inclusion of the different through different international legal frameworks such as *the Convention on the Elimination of all forms of racial discrimination (1969), the Convention on the Elimination of all Discrimination Against Women (1981), Declaration on the Rights of Indigenous People (2007) so on so forth.* (Suárez-Krabbe, 2016) p 124.

Thus, she regards human rights as also part of the matrix (at least their hegemonic frame). This is explained maybe because her work is from an anthropological-cultural studies approach and not a philosophical-legal one. The challenge with this argument is that it fails to recognize the porosity of human rights. That is to say that its problem lies in the way in which a sector of modern-colonial thought carried it out.

But this raises the question if there can be a post-development (Escobar, 1999) (the one proposed by the global south) viable to think in another alterity into rights humans and development link? Follow the line of decolonial scholars. There is a developed world with full recognition of humanity and therefore the right to have the rights. Consequently, the underdeveloped third world has not reached the standards of progress that modernity promises the underdeveloped third world has not reached the standards of progress that modernity promises.

But this obeys to the incapacity lies in responsibilities attributable to social, economic, cultural, political, and conditions. Ultimately, the complete materialization of homo creditor enhances an economic and social realization (development) that leads to the realization of the Edenic promise, depicted via human rights at present. Apropos, I find points of connection of this argument with (Kennedy, 2006) who consider that human rights are part of the third globalization of liberal hegemonic law. Anyhow, although largely share these ideas, I keep thinking that may incur excessive generalization that depoliticizes human rights as a recipient of multiple potentials.

Going back to Escobar and Suárez they coincide in criticizing development and human rights concomitantly. In the same way as the version of decoloniality emphasized in racism, an analysis of the macro-structure is assumed. It means, Unless the hegemonic vision of development is transformed, human rights would lack emancipatory power. However, I claim this involves a theory of legal dependency, a classic division of Marxism view that privileges the "economic superstructure" over infrastructure (the place where the law would reside).

In addition, I highlight how the concept of Relinking in (Suarez-Krabbe, 2020) dialogues with some of the ideas of the third subject. She regards that the delinking proposition (Mignolo, 2011) of modern-western precepts is a priority but insufficient. since it is essential to state what are the new links that one makes after breaking with Western values. These principles would arise from the impurity of the relationships that we establish from the outside and the inside of ourselves. Here, I interpret this as an honest transdisciplinary quest that takes other subjectivities seriously and this coincides with the proposed rhizomatic-

phenomenological methodology and the reformulating project of the values on which human rights are based.

Of course, the cited authors are not interested in proposing a legal theory of human rights. and in my case, I still believe in the law. But there is another contact zone between decoloniality and my work, therefore, I resort to the reflection of Professor Suárez who has also accompanied indigenous processes in the Sierra Nevada de Santa Marta, intending to establish a dialogue among the language of human rights, ancestral indigenous knowledge and the rights of sacred places. Issues are central to my own experience and in terms of the work plan for the new human rights subject.

Indigenous and nature: dilemmas of the second subjectivity of human rights

In Race, Rights, and rebels. Professor Suárez is part of various hypotheses similar to my doctoral thesis. From a decolonial position, we both carried out a reflection on the history of the political ideas that created the first subject of human rights. And it is also coincidental that several of the subjective motivations arise from the experience with the Arhuaco indigenous peoples (Kankuamos for her and Arhuacos for mine). I was particularly identified with the epistemic-ontic power of indigenous ancestral wisdom.

Which gave me the certainty of having found a place of "comfortable" enunciation to conduct this dissertation. Besides, When I was faced with practical problems such as the defense of its sacred territory, I quickly found legal and anthropological material that supported the protection of the black line against the various threats that emerged. At that time, I was firmly convinced that the emancipating subject was the subalternate subject, in this particular case this

responsibility lay with the indigenous people. Something not very different from the visions of decoloniality 1 that I have pointed out.

However, utilizing the invention of authentic problems and ruling out false ones. I realized that if I wanted to approach the condition of the sacred and find the justification for the constitution of a right seriously for nature. I had to look through my lens. Obviously, with it, I do not intend to overcome the immense cultural capital contained in indigenous peoples. Worthwhile to point out in this thinking many elements of a vitalist philosophy of law. Regardless, gradually I discovered some issues such as the exoticization of the protective subject of indigenous nature, and the sub-jection of the sacred to the indigenous lens. the place of nature in decoloniality, and the place of mestizo in this equation.

Diverse streams of anthropology have laid the foundations for a long time not to fall into the romanticizing of the good savage. Since indigenous people have complex relationships, often as contradictory as those of the big western itself. Nevertheless, I admit that it is difficult to resist the sacralization of the chosen subject, of the example of human redemption. So, partly that sacred aura is reflected in the role of the guardian of nature. In doing so, in my view is unfeasible to develop a theory of human rights on the subject (sanctum) takes place. Therefore, the unilateral narrative of the natives about what is sacred or the relational ontologies that prioritize man as the center of the relationship is insufficient.

The sub-jection of the sacred to the indigenous lens. At this point, Escobar had generated a quite interesting theoretical opening. To the extent that raised the discussion on the relationship between nature and humans, in an ingenious version of environmental communalism. The first (Escobar, 1999) considers that

human being is the main inventor of nature. At this point, the author approaches the poststructuralist theses of Foucault and Deleuze. To the extent that, what is fundamental is the appropriate discursive and cultural use by social movements to achieve vital-political experiences.

But the second (Escobar, 2018) position turn out ambiguous. To shape a decolonial anthropological theory valuable for the configuration of a radically inclusive ontological perspective of the non-human, the second Escobar implies a recognition of subjectivity and otherness to nature, which would not depend exclusively on the subaltern human lens. For this, he resorts to theories of autopoietic biology (Maturana, 1973) and the Andean well-being *(Buen Vivir).* The point is that it ends up completely marginalizing itself from areas of contact between the stories of modernity and the other decolonial. And in that sense, his political commitment loses universalizing emancipatory power. (Castro Gómez, 2021). To clarify this point I highlight the turn that Escobar made in his perception of nature.

The side of nature in decoloniality. Nature as a living space lived and transformed by local cultures. The post-structuralist projects. Nature as a commodity. The capitalist project and nature as an object of technological transformation (Escobar, 1999). Here, I find points of agreement and disagreement in this approach. Coincides that nature is a vital place in which social movements do not essentialize or turn nature into a new religion but rather politicize it. And I naturally agree with the description of a nature encapsulated and reified by the capitalist model. But, I differ in his conception of the technologizing of nature as a natural consequence of the historical evolution of man.

On the contrary, the second (Escobar, 2018) realizes the dangers to which technique leads in the lifeworld. Here, the trick is not to recognize the immanence link between technology and human development at the expense of an environmental impact (Castro Gómez, 2021). The turning point consists in the interpretation of the treacherous amalgam: nature as merchandise plus the mechanical nature of the technique, as I wrote in the first chapter, I affirm that this is one of the real problems faced by an alternative vision of human rights. Nonetheless, he turns contrasts in another sense. Concerning the ontologizing of nature, it tends towards its depoliticization. Since it poses a decline in the option of any struggle via the state apparatus. Moreover, Escobar approaches Mignolo's thesis in the sense that it encourages by the first nature (Escobar, 1999), and from his approach, it means the return to a pre-modern moment through autopoiesis of social movements (Escobar, 2018). The quintessential example would be Sumak Kawsay, a concept that I will examine in this chapter.

I distance from this angle because my working basis consisted in distinguishing the predicaments faced by indigenous people (and collaborating mestizos) for the sake of legal protection of the black line. Establishing then a contact zone with the mechanism of the state legal system. On the other hand, (Suárez-Krabbe, 2016) asserts that Nature has intelligence, but it depends on the notions of the indigenous people of the Sierra Nevada. Furthermore, in her dissertation, it does not seem clear how the other decolonial (Kankuamos) and mother earth can carry out intra-systemic strategies within the modern and colonial matrix. mainly because her argument is extra-systems.

The mother is intelligent. She is a transcendent intelligence encompassing all that it, including the creative forces of life, spirits, and the micro and macrocosmic.

Everything that exists, from stones mountains, and humans to fish, birds, mobile phones, and airplanes first made in *aluna*[26]-otherwise they simply would not exist. (Suárez-Krabbe, 2016) p 50.

In conclusion, I exposed some of the representatives of what I have called decoloniality. I have shown the zone of contact and divergence of its main premises before the third subjectivity of human rights. Regardless, its postulates in general have allowed us to go through these narratives-themes that constantly challenge me as a hybrid academic. So, in the next section, I will maintain a dialogue with the Pachamanism proposal. To comprehend their version of the rights of nature. But also shows the distances that exist in front of my work.

Pachamanism: Decoloniality 2 of human rights

I understand Pachamanism as the second type of decoloniality from within. Since most of its promoters belong to the political and academic leaderships that emerged in Latin America. Now, with this, I am not trying to establish that there are drastic differences between the premises of decoloniality 1 and 2. As I said before, rather I consider that its origin and manifestations differ. But I should assume that their goals are similar. Create an epistemic-ontological space different from the foundations of Western civilization. Another important difference compared to the decoloniality described resides in its disciplinary approach. Because the first is focused especially on the approaches of

[26] The term *aluna is part of the original myth, common to the four indigenous groups that reside in the Sierra Nevada de Santa Marta.* In the words of Suarez-Krabbe: Is not only about of creation of the world. Rather aluna es part of continuous. no process is ever finished, everything is in the making and, such the future is here as much as the past and the present. (Suárez-Krabbe, 2016). The idea is quite appealing to relate it with various concepts similar to other ethnic groups and even to describe modern institutions. But the question would be if the sacredness of Mother Earth can be affirmed outside the limits of Arhuacos mythical thought. If this is viable, what would be the epistemic and ontological status of an altered vision of aluna?

sociologists and anthropologists. The second one is represented especially by lawyers and philosophers, and indigenous activists. In consequence, the thesis of alternativeness of the subject of human rights from an approach to the philosophy of law specifically dialogues straight with the core issues of Pachamanism.

Firstly, I will explain briefly the concept of Pachamanism. Subsequently, it will be introduced some relevant aspects of the values of Andean philosophy. Since this assumption, they make possible the conceptualization of the philosophy of law different from the canonical vision. Which creates a platform for the development of the rights of nature-mother earth. In third place, placed the conjunction of the Andean proposal values the Latin American political situation which led to the emergence of the biocentric turn. this is reflected via constitutional (especially in Ecuador and Bolivia). Finally, I will show the coincidences and distance between Pachamanism and the vital experience of the third subject of human rights.

What is Pacha-mama

Pacha[27] (across the world)-mama (mother) *is a socio-political and cultural movement that aims to restore a 'pure' society of the Runa / jaqi[28] in the strictest sense pure pre-Hispanic race* (Estermann, 2006) p 156. It also implies recovering their ancestral and cosmological philosophy. Namely, this must be understood as

[27] The term Pacha is versatile and ambiguous. When in Quechua it is used as an adjective it means below. If it is used as a noun it would translate earth, world, but it can also mean the stratification of the universe. When used in Aymara as a verbal suffix it represents what should be. Pacha in the sense of Andean philosophy would mean: What is, that is, the totality of reality. (Estermann, 2006) p 156-157.

[28] In a broad sense of the Quecha translation it would be human. In a restricted sense: The Andean human, with all the ontological and epistemic implications that this involves. (Estermann, 2006)

an extra-systemic and decolonial counter-hegemonic model insofar as it rejects the categories instituted since the conquest of America. So far, this alternative may be tempted to fall into a metaphor of a pre-modern lost paradise, which is paradoxically a modern myth- entirely and purely pre-modern. Pachamanism so arose from the progressive left in Latin America that manages movement developed through legal and political channels of the State[29]. In addition, Pacha means in itself one of the primary values of Andean philosophy: Relationality, it occurs due to:

Pacha is the common base of the different strata of reality, which for the rune / jaqi are three: Hanaq / alaxpacha, kay / akapacha, and uray (or ukhuVmanqha pacha[30]. However they are not totally different 'worlds' or 'strata', but aspects or 'spaces' of the same reality. (Estermann, 2006) p.158 Apropos, in Andean terminology, it is common to find exchanges in the semantics of words in the equation: places-values. The same applies throughout the territory of the black line, for instance

Indigenous subjectivity as redeemer of the Pachamanic balance

Prior, I have highlighted how the second subject wants to redeem the other colonized. These ideas seem to me based on belief and waiting for a religious transmutation, first via a gradual political and cultural prominence of the

[29] This statement is part of the decolonial controversy, since some will consider that it is not entirely true, and they would also prefer that Pachamanism remain pure without aspiring to carry out its claims via the rule of law. Other impure people have found that these initiatives allow the materialization of trans modernity that re-politicizes the indigenous discourse and, in this way, leads to an emancipatory power for the various subjects that contain the region, for example, the mestizo condition in this equation is transcendental. for more details see (Castro Gomez, 2019)

[30] Hanaq/alaxpacha, kay: earthly reality. Akapacha: reciprocity, complementarity, and correspondence and Uray Pacha: what should be done. (Estermann, 2006).

subordinate in Latin America. One of the first authors in the region to position the new Latin American man was (Mariategui, 1979), who affirmed that in the continent the peasantry-indigenous would be the revolutionary subject just as Marx believed in the proletarian. Also, around the world, and ideological dispositif was displayed that consisted of affirming that the indigenous people were guardians of the environment compared to the western destroyer.

The environmental crisis does not, therefore, depend on a new redemptive subject that individually stars in the required ethical, political and normative change. Some academics recall that homo sapiens generates negative impacts on its habitat from its origin. Native Australians wiped out nearly half the ecosystem in less than 100 years (Harari, 2017). This means that absolute harmony and longing for an Edenic past are partially wrong, regardless it is evident that the invention of homo believer deepened the human/nature duality and eventual reification of it.

The temptation to appeal to a harmonious past may be a compulsion shared by the first and second subjectivity, however, I consider that Pachamanism should understand that its projectability should be based on the present and the future and not on the past. I am convinced that Pachamanism has enough epistemic power to renew the eco-political theories of modernity, but they cannot do it alone otherwise it would be another version of atomism and political breakdown as produced by the West. In this line, It is a priority that the movement appeals to epistemic, spiritual, and anti-dualist intentionality as a true theoretical, methodological and experiential alternative to the big other.

What are the values promulgated by Pachamanism?

As in African philosophy, there is a debate whether a set of local knowledge can be considered philosophy. Eliminating the universality status that generally characterizes it. In my opinion, I always see it viable, to the extent that other non-euro-centered universalisms are necessarily postulated. This is partially fulfilled in the case of the Pacha-sofica project (Estermann, 2006). For instance, the relational character is identifiable in the Andean philosophy that is compatible with multiple western philosophical traditions. Including the Spinoziana, which I outline in Chapter 1. Therein, Andean relationality turns out ultimately quite comparable to diverse philosophic-religions streams such as pantheisms, Taoism so on and so forth. Their proposal consists basically of the rejection of the classical duality of modern-Eurocentric thought. recognizing the prevalence of holism in all human-human and human-nature relationships.

In that way, the principles that materialize this Andean link are correspondence and reciprocity. the first works as a mutual correlation between different entities. What would be reflected in all possible levels and categories of the interrelation of two or more subjects? In addition, this approach rejects scientific causality, as a factor that reduces reality to these categories: similarity, adequacy, identity, difference, equivalence, implication, derivation, or exclusion.

The second principle is considered a human-non-human practice that affects the universal balance. It is then formulated through a cosmological vision that the West discards in advance. The radicalization of reciprocity would lead to cosmic justice. And even, it shall permit the elaboration of a theory of human rights that would include respect for nature. (Avila, 2011) who pose a deep vision of the classic western values: equality, and respect. Although his argumentation rather seems to replicate the antique notion of nature protection.

If nature is reciprocal with human beings and vice versa, it is convenient to preserve that interrelation through the notion of law. Neglecting, unprotecting, and damaging nature would irreparably affect the principle of reciprocity. Furthermore, if the relationships are reciprocal, then there is one more reason to be able to apply the notion of equality and, therefore, not to discriminate against one of the parties in equivalent relationships. The category of a fundamental right is a kind of antidote that neutralizes how pathetic the indiscriminate use of nature can be. (Avila, 2011) p 61

Although in some apart from Esterman's work he affirms the option for a dialogue between the philosophies (modern-Pacha). In the end, his proposal of Andean values first sounds superficial. Since he characterizes the scientific method as causalist is in itself a reductionism. Because there are multiple tendencies of scientific knowledge, not causalist. Furthermore, dualism is indeed part of the modern philosophical tradition, but as I pointed out, there are other sub-paradigmatic tendencies as in Spinoza. So, I regard that Andean philosophy is valuable in its semantic richness but lacks major channels of interaction with philosophy. not to be subjected to the great other but precisely a way to create oscillatory flows of another possible universalism. Henceforward I will illustrate why Pachamanism became an important movement in Latin America from left progressivism in the region.

Pachamanism: Ancestral, philosophical-political cornerstone of 21st-century socialism

Accordingly, (Gudynas, 2014) the turning point of the Pachamanic project was leveraged by the vision of 21st century socialism, promoted by Chavez in

Venezuela (1999), Morales in Bolivia (2005) and Correa in Ecuador (2006). Around these three figures, other sympathizers of the political turn emerged in the region. However, I highlight these three presidents because they led to significant changes in their constitutions. What makes this version of decoloniality more attractive in terms of the recognition of rights to non-human subjectivities. Below I illustrate those constitutional changes with a table base on Boyd in (Gudynas, 2014) p. 61

Country	substantive environmen-tal Rights	Legal procedure	Individual responsibility to the environment	Government obligations on the environment	Rights of Nature
Argentina	+	+	+	+	-
Bolivia	+	+	+	+	-
Brasil	+	+	+	+	-
Chile	+	+	-	+	-
Colombia	+	+	+	+	-
Ecuador	+	+	+	+	+
México	+	-	-	+	-
Perú	+	-	-	+	-
Uruguay	-	-	+	+	-
Venezuela	+	+	+	+	-

The previous graph shows from the formal aspect an adoption of the thesis of the environmental law. However, some countries present an obvious contradiction between their economic model and their constitution (Colombia) Is a type of country that comply with the treaties in a hypocritical way (Simmons, 2009). Others are openly deniers of legal environmentalism (Mexico of that time) and others make efforts to propose a radical thesis of the rights of nature based on some circumstances such as the higher level of indigenous population holders of the Pacha-Sofia (Ecuador-Bolivia). Thus, I claim the interconnection of progressivism and Pachamanism causes the so-called biocentric turn in some portions of the continent.

On the other hand, the premises of biocentrism are not born in Latin America. It comes from movements of divergent manifestations of the modern project. First in biology and ecology Leopold, Naess, Devall, Sessions, Moore and Leimbacher, Stone, etc. In response to the environmentalist-utilitarian trends, I alluded to earlier. Succinctly this proposal intends to decentralize humans to re-centralize nature. Several tendencies accomplish this at a particular type of level and grade. It has also conducted theoretical formulations in the ethical and legal fields.

Thus, appear theses that advocate the inclusion of nature as a subject of rights Leimbacher 1998 (Birnbacher, 1998) or others appeal to the establishment of the circular dialectical conjunction of man(subject)-nature (object) to include this binomial in the constitution Bosselman 1986 in (Birnbacher, 1998). Accordingly, this legal movement that emerged from the 19th century believes in the insertion of nature within the language of rights for the materialization of three expectations. 1. to strengthen and enlarge the overall protection of nature provided by the legal system. 2. Procedural.

Recognizing legal rights is expected to provide environmentalists with increased possibilities of legal proceedings on behalf of nature, especially against the executive. By the ascription of "subjective rights," nature acquires the formal capacity to institute an action in its own right. 3. To give environmental concerns a more prominent place both in the process of law-giving, in the administration of law, and executive decisions generally. (Birnbacher, 1998) p 47-48.

It can be pointed out that these points are partially taken up by the Latin American version of ecocentric legalism. Moreover, the biocentric turn that occurred in the constitutions of Ecuador and Bolivia recognizes the legacy of the aforementioned jurists. Although the continent starts from a cosmogonic base, different meta-ethics. Since it focuses on the ancestral wisdom of the Andean indigenous peoples (Gudynas, 2014). Regardless, both biocentric legal turns recognize the limitations of applying the recognition of the rights to nature.

For instance, the expectations of European jurists realize two major drawbacks. First, is the loss of the force of the language of rights when one thinks of nature, that is, having a right implies acquiring duties. What is impossible for nature, following the traditional scheme in which the anthropocentric legal theory is conceived. Second, moral rights are requirements for the recognition of the subjectivity of law. Anew this obeys the scope of the human social world.

In this line, Latin American academicians realize that on the bases of the positive law dimension. the subjective right depends on the rule of law, in consequence, what the norm says who is the subject of the law, will be (Avila, 2011). Perhaps that would explain following this logic why constitutionalism tried to solve the obstacles of legal language via the positivization of the rights of nature. In the next paragraph, I will address the legislative development reached in Ecuador and Bolivian constitutions, highlighting the encouraging and critical points in terms of overcoming the trap of the language of rights.

The legal-centric turn in the Ecuadorian constitution in 2008

Earlier I mentioned the relationship between leftist progressivism and the constitutional biocentric turn. It should be noted that these democratic advances have been light-dark, so instead of being considered red (the color typical of the orthodox left) to rather a brown one. I expand this idea throughout this section

(Gudynas, 2014). Anyhow, the indigenous movement in Ecuador is powerful and well organized, therefore Correa's left and indigenist cannot be understood from a constitutional perspective. One of the most outstanding normative innovations is the promulgation of Chapter VII: the rights of nature. Particularly, Article 71 mentions that:

Nature or Pacha Mama, where life is reproduced and carried out, has the right to have its existence fully respected and the maintenance and regeneration of its vital cycles, structure, functions, and evolutionary processes. Any person, community, people, or nationality may demand that the public authority complies with the rights of nature. (Cepal, 2011) p 52.

Therein, article 71 is not an isolated norm in this new constitution, since the elements of Pachamanism are present in the preamble and the constitutional principles. For instance, the right to a healthy and ecologically balanced environment (article 14), the right of appeal (articles 71, 397), and the rights of indigenous peoples in front of mining (article 56, 57). (Cepal, 2011). Other norms are more associated with liberal progressivism and less revolutionary (for example the constitutions of Venezuela, and Argentina). Undeniably, this legal framework has meant protecting "mother nature" on some occasions. Through the judgments of the Ecuadorian Constitutional Court[31]

[31] For example, N. 0507-12 and 166-15. In which Constitutional Ecuadorian Court protects the environment by appealing to the right of nature.

However, in practice, these sentences resemble the liberal European or Latin American legislation. Namely, these are not innovative in terms of legal theory and raise doubts when they face the economic and corporate interests of extractivist companies. Hence, is called brown progressivism, during the mandate of President Correa, the Ecuadorian government granted environmental licenses to oil companies and mining in the Amazon, something not far from neoliberal models of the sub-continent (Colombia-Perú). As a result, even though positivist legal rhetoric was introduced into the Ecuadorian Constitution (and with this, it relies on the automatic subjectivity of nature). the truth is that it does not immediately solve the problems pointed out by European legal biocentrism. Ultimately this addresses one of the real problems of non-human rights. The technique within human rights language and positive of law.

The legal-centric turn in the Bolivian constitution (2009)

One of the most important backgrounds of this Constitution was developed by MST (Movimiento Socialista de Los Trabajadores in Spanish) they take parts of the ayllu[32] model and adapt them to structure their political organization in the community, at the national-regional level. The Bolivian constitution for decolonial scholars might be regarded as one of the most significant social labs in terms of Latin American constitutionalism. This is reflected in the first article of the Bolivian constitution, which proposes the enunciation of a plural national State. Revolutionary thesis in terms of political philosophy. Bolivia is constituted as the Social Unitary State of Plural national Community Law [...] Bolivia is based on plurality and political, economic, legal, cultural, and linguistic pluralism, within the integration process of the country (Prada, 2008)

[32] The traditional form of a community in the Andes, especially among Quechuas and Aymaras. They encourage indigenous local government across the Andes region of South America, particularly in Bolivia and Perú.

It so should imply the advancement of a decolonization process from Andean constitutional principles. "Plural nationality as the succinct expression of the diversity of Bolivian reality; founded on four fundamental bases: a) The "self-determination of peoples", b) "Plurality" and "pluralism", c) "Decolonization" and d) Thus, Self-determination of indigenous peoples is exercised through harmony with nature and respect for community values from a holistic way. For example, "the notion of Sumak Kawsay aims to restore collective life in all its dimensions, as an alternative reaction to the dominant development model" (Macias, 2011). Likewise, Sumak Kawsay is grounded in some values which are intrinsically connected: Pakta kausay, (Balance): Through communal work, individual and collective equilibrium is achieved, Alli kausay (harmony): the balance allows sustaining the collective and individual harmony, runakay (know-how be) is the sum of all elements of nature. (Pacari, 1984)

Although the Bolivian constitution has a strong reference to decolonization. Its legal framework did not contain a specific chapter on the rights of nature as in the Ecuadorian one. It was then that norm 071 of 2010. The Law of the rights of mother earth was promulgated. In summary, article 7 explains the elements contained in these subjective rights of Mother Nature: to life, diversity of life, water, clean air, balance, restoration, to living free from pollution. However, neither the spirit of the Andean constitutional principles nor the laws of Mother Nature have managed to overcome the tension with another article such as 355. In which the importance of industrialization and the exploitation of natural resources is highlighted.

These types of contradictions are recurrent in the Latin American scene, a subcontinent accustomed to excessive legal rhetoric without the force of law. These types of contradictions are recurrent in the Latin American scene, a subcontinent accustomed to excessive legal rhetoric without the force of law. Law on the books and law in action is a debate present in various legal cultures. But for this region, the norm lacks dramatic substantive effects and effectiveness. This is associated with the trap of legal language and legalism. (Lopez, 2004). And although subsequently, new regulations have emerged to radicalize the configuration of this new subjectivity of nature, so promoted by some decolonialists. These provisions do not overcome the barriers of positive law and the reinterpretation of the field of moral rights.

As in the Ecuadorian model, so far, the Bolivian constitution has not managed to combine all the epistemic and philosophical capital within the legal body, perhaps because it is necessary to gradually change the way of conceiving liberal law. Consequently, a conceptualization of the rights of nature that overpass its immanent limitations remains a task to be developed. This has been recognized in recent years by indigenous intellectuals who identify the infeasibility of native struggles in Latin America through the premises of the modern-Western State, becoming a model of plurinational from above (LLasag, 2021).

Nevertheless, in my view, this should not lead to genuine and pure isolation from indigenous cosmology. It means, like that Pachamanism requires articulation with political-cultural devices typical of modernity. as occurred with the project of socialism of the XXI century, which consisted of using the rule of law in a decolonial key. Regardless, Decoloniality 2. It is a multi-diverse project with many edges. In the next segment, I will analyze the proposal for the universalization of the rights of mother earth through the mechanisms of international law.

Implications of the draft universal declaration of the Rights of Mother Earth

It is intriguing how platforms serve as bases for others. I mean that Latin American progressivism was crucial in producing a peculiar version of a biocentric constitutional turn. Likewise, this promoted the confluence of innovative currents in the field of law and ecology. During the government of Evo Morales, the initiative to establish a declaration of the rights of mother earth was presented in Cochabamba-Bolivia (2010). but at this point, this project is not caused exclusively by decolonial thinking 1 or 2. Here other academics and activists from the global north concur who seek the idea of materializing a jurisprudence of the earth. At the moment, I am going to point out some elements of the declaration. In the last section, I will explain what this new perspective of the philosophy of law consists of under the focus of deep ecology.

Going back to the declaration, it is beginning admitted that resort to the language of the human rights. Enactment four articles: 1. Mother Earth (living being) 2. Inherent Rights of Mother Earth (right to life, to exist, to be respected). 3. Obligations of human beings to Mother Earth. 4 individual state duties to protect mother earth through law, politics, and economics. (Earth, 2010). In addition, this draft embodies certain refreshing norms-values to the discourse of human rights via international law. Rights for human beings mean rights for all beings (Cullinan, 2010). This is a classic premise of modern universalism. The figure of the extensibility of the subjects of law in which talking about human rights involves living non-human entities.

Another remarkable aspect of the declaration consists in recognizing the asymmetries driven by colonialism. As I wrote in the first chapter, the formation of the first subjectivity of human rights, brings per se human-non-human exclusion-exploitation. Moreover, in the core of the responsibilities of the man with nature, the essence of the statement has faith in the law. Since it shall affirm that the recognition of the declaration could be carried out following the international mechanisms of international law.

To conclude, Pachamanism is a prevailing and lively variety of decoloniality. in its surroundings there are academics, activists, and indigenous people from the global north-south. And works as an alternative to the first subjectivity of human rights from a political-constitutional perspective. Also, it should contribute to protecting the sacred sites by law. However, Political progressivism does not imply a legal revolution, preventing great concrete transformations in favor of the rights of Mother Nature on the one hand. And on the other side, the plan focuses on the authentic problems of human rights: positivism and the technique of law. Be that as it may. In the last part of this chapter, I will examine which is the contact zone (Haraway, 2008) between decoloniality and the legal biocentric turn and how these sights are related to the third subject´s blueprint.

Biocentric legal turn

Previously, I pointed out the links between the legal biocentric turn and decoloniality 2. In this section, the main characteristics of this turn will be examined, and looking forward to answering two questions. what kind of relationship exists between the third subjectivity and the earth jurisprudence from an ethical foundation. And how to articulate the initiative for an alternative model of human rights and wild law based on legal theory. Firstly, I understand this movement as one manifestation of deep ecology from a legal scope. It implies the formulation of an ecological vision of networks between the human and the non-human (Mattei, 2015). in contrast to the mechanics erected by a homo creditor employing legal field. Therefore, as I am underlying in the second chapter of the dissertation it is urgent to re-enchant the Eurocentric-modern philosophy of law.

To do it, biocentric legal turn resort to the new conceptualization of law/nature is conceiving like part of the primary law of the universe. Denominated: the great jurisprudence (Burdon, 2011), ultimately defined as the capacity to connect social organizations and cosmic forces. Namely, the comprehension of the universe through multiple networks is desirable. Its views permit the expansion of the box´s law beyond the borders of classical legal thought. I find this concept quite similar to the vital subject proposed in this thesis. To the extent that I interpret the law as a result of interaction and holistic experience with nature and not as a mere legal and abstract sub-Sumption produced by State.

Great jurisprudence introduces into Earth jurisprudence a new modality of thinking with concepts such as the fundamental interconnection of all things, the continuous underlying flux in all things, order out of chaos, creativity in far from-equilibrium processes, complexity, self-organization, and evolving emergence. (Green, 2011) p 78.

Moreover, its new proposal leads to realigning the classical vision of law, in this scope, great jurisprudence is the universe itself. Which conduct to understand new legality, understanding like a not what intertwined complex flux around of the universe. This legality is composed-articulated by the relation of cosmic forces in line with social organizations. At this point, the third subjectivity coincides because it incorporates an ontology and philosophical perspective that overcome the main foundations of the hegemonic subject of law/human rights. Great jurisprudence is conducted by two concepts: earth jurisprudence and wild law.

The first consist of a type of secular version of Pachamanism, clearly earth-centric instead of anthropocentric. Encouraged by a radical philosophy of law that overpass the definition of positive law (Cullinan, 2011). So, earth jurisprudence is a philosophy of law that reproduces the aims of the great one. Focus on human governance based, seek to encompass the human legal system within the whole Earth community. (Murray, 2014). In consequence, its draft dialogue with the notion of deep ecology, proposing a bionomy ecology-legality, to the extent that displays some alternatives to establish a new subject of law from a biosphere level: The earth.

These kinds of rights introduce the principle of equality and guardianship and it considers that one of the foremost impediments to reaching it should be the definition of right´s property, achievement under the parameters of the western legal and political thought of modernity. The last argument seems fundamental to re-explore the legal paradigm, consolidated through the mechanization of life effected in European scientific logic.

The costs of continuing to maintain our current ideas of property rights are expatriation and virtual ex-communication from the Earth community as well as alienation from our deeper selves. Radical as completely rethinking property law may seem, on a wider evaluation of the costs and benefits, it seems fully justified. The challenge that now faces us is how to begin the process of undoing the property systems that impede a proper relationship with the land and build a workable alternative in its place. (Graham, 2011) p. 267

Furthermore, earth jurisprudence involves an ethical component. Because one reconceptualization of land implies humans' commitments to the earth in terms of becoming a guarantor of the materialization of their rights. It would be applicable also to object to places as sacred sites than I pose in my theoretical approach. In sum, most of their principles are compatible with the vital subject of human rights, but of course, there are other issues than marking differences between each other.

On the other hand, wild law would consist of a new type of legal ethics vis-à-vis nature. Formulating initiatives to confer ecosystem rights enforceable by individual actions to protect wildlife via a juridical system. And is a manner of carrying out the philosophy of the earth jurisprudence, it means that wild law work as a theory of ecology of law since it is centralizing into the western juridical system properly. In addition, it projects the intent to relate two phenomena historically separated by Wild(nature)and law.

Then it does not pretend to be a new branch of the law or the environmental law, otherwise, it suggests ways to transform the law itself to add other no-human rightsholders. Apropos, initiatives such as the Universal Declaration of the Rights of Mother Earth would be comprehended within the postulates of wild law. The orientational principle of Wild Law Earth rights is: Nature, or Pachamama, where life is reproduced and exists, has the right to exist, persist, maintain itself and regenerate its cycles, structure, functions, and evolutionary processes. (Engel, 2011)

In addition, some scholar of this current reach agreement with the diagnosis of the parallel path that modern science and law have had. The loss of the sacred led to the rise of positivism and therefore to the mechanization of law to the present. this phenomenon is perfected through industrial capitalism together with state sovereignty. Therein, (Capra, 2015) proposes an evolutionary jump from the capital to the common. redefining the notion of the property right, the right base for more than five centuries. Which shall conduct toward one Eco-legal, eco-citizenship, and eco-sovereignty revolution.

Accordingly, it is clear movement biocentric legal turn is attached with some ideas into the decoloniality framework (particular the Pachamanism streams) and my version about human rights, finding coincidences in the objective of proposing a philosophy of the ethical-vital law. And going beyond the dualisms established by modernity, which covers the legal paradigm, as a simple reproducer of the capitalist mortal machine. In sum, all tendencies recognize the environmental urgency to feel-think a new nature / right relationship. But also, there are some disparities. Therefore, in the next paragraphs, I will highlight the main ideas of this proposal, and their main obstacles to reaching theoretically and practically the earth´s rights recognition.

The theoretical-practical dilemma within the ecological legal turn

The crossroads that I will explain below is probably one of the most recurrent when presenting a holistic and ambitious proposal. On the one hand, I have highlighted the core concepts around the bio-legal turn (great jurisprudence, earth jurisprudence, and wild law). These topics are powerful as a philosophical presupposition, but they do not solve the practical problems of the legal premises that this movement defends. On the other side, there are those concerned with how to incorporate the new subjects of non-human rights. Seeking to solve the enigmas of today's complex legal systems. But neglecting to establish the relationship with the theoretical purposes of the ecological legal turn.

In this section, I will expose both emphasizing the second one, because many of the elements of the ethnocentric legal theory are reflected throughout this thesis see for instance (Cullinan, 2011) (Capra, 2015) (Burdon, 2011). But also, because I consider important questions that could be addressed in another way, intending to articulate the theoretical-practical gap described above.

Which are the crucial questions to include the subjectivity of the rights of nature

During the environmental crisis suffered by humanity as a whole, it is obvious to elucidate the existence of a justification for giving legal standing to natural rights. This should be understood as one of the multiple legal-political strategies to maintain life on the planet, as we have known it during the Anthropocene. In consequence, although there are altruistic (earth-centered) plans, it is evident that human interests are transcendental in the equation: rights of non-human subjects via the legal system. The inclusion of the rights of nature involves two critical objections. First, the theoretical approach, due to the language of rights loses meaning when it is applied outside the human-person paradigm. Second, practical objections (Birnbacher, 1998), ultimately how to implement legal standing to nature?

The theoretical objection regardless permits to reflect on how the discourse of law shall be compatible with these new subjects. In the traditional legal view, the action or intentionality factor is essential to properly speak of having the right. Since it led to the recognition of free choices and mutual obligation in the rational society. qualities entrusted to humans exclusively and perhaps expanding to some proto-human animals. A third alternative consists of recognizing non-human entities as subjects of special protection, and the indeterminate obligation to respect the exercise of the right by an interposed person. This option is to conduct toward the first controversial question: Should nature be the bearer of legal and moral rights?

In advance, I affirm that to claim rights, it is much easier to recognize legality instead of moral rights. Legal rights are not contingent on an active action (freedom-obligation). Rather, one could say that the interest that a human group determines to protect, such as abstract entities, extends to human beings' incapable of exercising actions proper to conscience and established rationality. Conversely, moral rights entail intentional actions. Moreover, *beings that are neither actually nor potentially sentient are no proper subject of a moral right. (Rescher, 1980) p 85.*

Avoiding the moral discussion would solve the objections to the incorporation of the rights of nature, however, the predicament persists because the legal system is not solved, which is part of the authentic problem I mentioned in chapter I. Also, this does not imply a decolonial transformation in the economic, political and legal, rather it reinforces the faith in law/human rights. And replicating mechanization and technique without critical reflection. In that sense, I am under who within this movement, to encourage an ideological project more ambitious than the field of legal rights, involving the basics of moral rights. Crucial sorts to adopt the term holder of rights utterly. *Go toward making a thing count judicially-to have a legally recognized worth and dignity in its contemporary group of rights-holder may be. (Stone, 2010) p. 4*

In any case, the mark of Kantian philosophy is present in those who think the attribution of rights to the non-human is inconceivable. It is the human condition materialized via rationality, being rational subjects, we are moral. This leads to the a priori obligation to experience. The Categorical Imperative only expresses generally what constitutes obligation. *Reason absolutely, and therefore objectively and universally, lays down in the form of a Command to the individual, as to how he ought to act (Kant, 1887) p 35.* This statement becomes metaphysical of a formalistic, abstract, and objective morality that contains blind faith in the European philosophical legacy. if the subject is non-rational, it is not moral, nor can it have a will. these remain the political and regulatory pillars established for the definition of moral rights until today.

Regarding the objections raised by "moderate environmentalists", I can again identify the Kantian rationalist bias to the extent that he did classify rights as innate and acquired (Kant, 1887), first are those rights belonging to everyone, regardless of any act- legal recognition. In the opposite sense, the second is the result of a judicial acknowledgment process. the moderates and the more liberals (bio-legal scholars as well) then engage in this discussion starting from Kantian moral metaphysics. It is precisely one of the weakest points of the bio legal approach since they are bogged down in the legal debate, if their explanation were in a decolonial key, they achieved an ex-centric look at the phenomenon.

This position brings together the notions of legal and moral rights built by modern philosophy, neglecting nature as the holder of rights. This attempts to answer practical objections, that is, the effective access of nature to the judicial system. Does this carry the question would whether expanding standing[33] in the name of non-humans makes the difference? The answer is no, at least in the path that the movement address this issue. The guardianship approach, for instance. focused on the needs of non-humans, it is unable to judge the needs of rivers, lagoons, forests, etc. Revert to a paternalism view of the environmental law. Likewise, Invoking the protection of nature differs in nothing from the mechanisms already established to protect areas in danger of extinction or that suffer high levels of contamination, and so forth. And finally, it is striking how dignity continues being privileged as the supreme principle applicable to the new right holder described previously.

[33] Standing is a legal term that means: The status of being qualified to assert or enforce legal rights or duties in a judicial forum because one has a sufficient and protectable interest in the outcome of a justiciable controversy. (Merriam-Webster, 2011)

The same applies when attempting to enter the rights of nature through the language of human rights. Rights are generally understood as moral rights, it means for example, that not all members of the human species have these types of rights. moral capacity implies conscience, autonomy, and the possibility of committing to their society. In that way, moral rights in the end are transformed into citizen political rights (Ackerman, 1980). Accordingly, human rights are considered a result of a specific moral-political process that derives from the composition of the moral person. This would prevent talking about the rights of the non-human from the device of human rights as we know it at the moment. Critics of expanding moral rights to nature cling to the morality of the personality based on its capacity for consent, a privilege of only some members of the same human species. Therefore, it would be one thing to be holders of rights and quite another to be potentially the recipient of them.

Therein, some scholars make the rhetorical question. Even if the grass and plants "need" water, in the sense that they will die without it, why does it follow that we have to water them? Do they have any moral importance? (Elder, 1984) For these reasons I did not emphasize the human rights intersection and rights of non-humans precisely because it is clear that in this regard this discourse is a replica own the moral rights of the legacy of modern anthropocentric law.

To conclude this segment, I have highlighted the connection between Pachamanism and the biocentric legal turn and my concrete perspective of human rights subjectivity. the conceptualization of great jurisprudence, earth jurisprudence, and wild law is one comprehensive review and alternative of the legal phenomenon, it is vital to face the various contemporary challenges. Nevertheless, this movement presents divergences in its project in theoretical and practical terms. Certain tendencies quite coincide with the decolonial reflection that I have proposed in chapter II of this thesis (Capra, 2015). But his concrete analysis of how an ecological-legal revolution could be carried out is scarce. others seek technically more viable alternatives such as the recognition of legal rights instead of morals, and some seek through the standing of non-human rights holders to resolve practical obstacles in the language of law/human rights. without fully achieving it.

Thus, I wonder why nature (and its defenders) should conform to modern, liberal, western law and not be incorporated into the lifeworld. I argue that is one of the principal predicaments around the environmental crisis, arising from the values exalted by the Anthropocene. the minor law (judicial system) is circumscribed to a greater norm (great jurisprudence), as well as the social and the biological world do not take place in different dimensions. So, it is a priority that the legal phenomenon appeal to a holistic factor, taking the law out of itself. Of course, this leads to the elaboration of other values, as I will describe in the last chapter to specify which are the main foundations of the third subjectivity of human rights.

Chapter IV kitting *quipu* anew: towards the third subject of human rights

In this chapter, I will address the main components of the third subject of human rights. Spinning the quipu, I explain why appealing to a third subject, such as biological relationality meets political and normative vitalism. All this is articulated by the vehicle of human rights as a dispositif. Furthermore, I explain what is the ethical status that I postulate, subsequently this work highlights the vital ethic as a new foundation for the values erected by modernity through the notions of alterity, commitment, and maturity. In each of these new premises, I will embed my perception of the terms through the narration of my lived experience with the Arhuacos and the sacred territory of the black line.

I resort to the term quipu: which means knot in Quechua, according to various South American indigenous people, it is a recording device that transmits memories, histories, and myths, furthermore, it requires experiential proximity. Quipus need, in addition to sight, touch for understanding. So, I pose in this last chapter the task of interweaving the diverse theses that I have previously described. being fully aware that it could limit or simplify the explanation of the rights of the non-human. However, the disciplinary complexity exposed is because simple answers fail to address the intricate problems that confront our way of understanding law, political institutions, and the way of linking them with life itself.

As I said before, my first approach to the question of this initiative arises from analyzing the legal impediments that the Arhuaco had to protect their sacred territory the black line. In my perspective, it is formed by semantics that needs to be understood, thought about, and above all felt. This is unthinkable from the

normative abstraction of Western hegemonic law itself. Finding authentic questions led me on a tour transdisciplinary developed in the previous chapters. Henceforth, I elaborate on a version of what would become the third subject of human rights. Well aware that this ambitious project is precisely a becoming to be carried out throughout my academic career. At the moment the thesis describes as far as I can understand the knots of the quipu of this vision of human rights, neither more nor less. I will commence this explanation from the interrogations why subject and why third?

Why is it important to recover the question of the subject, if he is dead?

One of the principal reasons to insert the subject´s issue as supra-category obey to that involves several disciplines, for instance, political philosophy, anthropology, linguistics so on and so forth. To explain how the subject of law acts is insufficient to transform it. I mean to propose some radical insights, leading to the fade away of the core of modern law: coloniality, positivism, and technique. Consequently, along with the chapter I briefly addressed the path that had the Western subject, namely, the first subject through its different modalities: homo believer, homo creditor, and person. Of course, I do not resort to the figure of the subject to re-establish its Cartesian centrality. Neither do I share the Foucauldian vision of the end of the subject as he argues.

Despite his hermeneutical perspective, Foucault leans towards an empirical-transcendental vision of man, opening to all possibilities, the subjectivity that he describes ends up being anthropocentric and pessimistic, precisely because for him is impossible to escape from the continuum process of subjection to which the subjectivization of the other entails. In this vein, I agree with the Foucauldian claim, albeit the subject's idea does not end (or death), otherwise it could be re-

interpreted, ultimately the issue of subject able with the relational character of relevant institutional at present. Therein, I am more involved with the Deleuzean version of the subject, instead of conceiving it as a passive receptacle of events, a subject is an event itself.

This idea also leads me to think about those theses about Deleuze and Guattari on the territory, hence that the subject of which I have spoken is a place, a contact zone, a terrain that allows a radical relationship between the human and nature being specific. Thus, I appeal again to the notions of territorialized a de-territorialized in both senses. First, as a constantly changing territory, in a permanent becoming (Guattari, 2000), and second, as a political process, recognizing the dichotomy between the death machine and the world of life. And so, to determine the form of struggle for the recovery of a territory today deterritorialized (lifeworld)

Weaving the knot between the third person and the third subject

One of the books that mightily inspired my plan is the third person (Esposito, 2012). Both projects yearn to overcome the dualism of hegemonic modern-political thought, seeking a third way. agreeing on the political impossibility which carries the concept of person and therefore human rights like part of the same bionomy, so according to the Esposito, the only road to escape of the personalization scheme (I and you) is precisely appealing to the non-person since just it conducts toward to multiples pluralities. But in concrete, he tries to cross the middle way between individual morals and religions.

If morality is thus different from Droit because it is essentially monodic, religion is different because it is inevitable dyadic. In contrast to what is believed by someone who considers God to be the supreme judge, and therefore "third", the

divine being is always a disputing party in a two-party relationship with the religious believer. (Esposito, 2012) p 110

In my thesis arise another kind of debate, because I am concerned about how coloniality created the philosophical, political, and legal parameters that ended in the constitution of the persona. Likewise, I try to transcend the description given by decoloniality 1 until today. Criticizing two key points, their lack of depth by non-human entities, because the center of the discussion is the other subject refused by the West. And also, the scarce literature around the legal philosophic phenomenon in decoloniality 2, via Pachamanism. Thus, the third subject belongs to the decoloniality partially but connects with another framework like bio-legal turn, in the search for the completeness necessary to describe how the recognition of the rights of nature could work.

Another noteworthy issue that Esposito mentions is the relationship between morality and religiosity and the urgency for a middle way. I am not interested in morality Chapter I, the thesis explains why it is inclined toward a new ethic of human rights. Likewise, the notions of moral rights seem to be conditioned to the anthropocentrism of law. Rather, the discussion of the third subject consists of the dilemma of emancipatory political rationality or earth-centered mysticism. In the first trend, thinkers who defend modern concepts and advocate a terminological reinvention prevail (Castro Gomez, 2019). The other one they defend an episteme opposed to modernity-coloniality, resorting to a knowability beyond human understanding, on some occasions (Mignolo, 2014)

I transfer this scenario to the bio legal, to the extent that this proposal is debated between the theorization of the great jurisprudence-jurisprudence of the earth, which is seen as an exotic issue, outside the proper legal sphere. and the hard

core of the law, that is, concerns about how to justify the introduction of the rights of nature within the judicial system. In particular, Wild law, for instance, tries to pull off stunts to fit into the hard core of legal positivism, without much success, especially when converting the abstract to the concrete universality or reverse universalism.

On the other hand, I agree when they criticize private property as an element that hinders the promulgation of the rights of nature, Although the criticism does not necessarily extend to the values that support this premise, that is, the property revolves around the dominant economic and political system. To sum up the dead machine, so implicitly, the turn bio legal movement continues to be a belief subject of the colonial system. Also, I find a disagreement between the law of universal unity contained in the great jurisprudence aspiration and the impulse to simplify it in the case of the political-legal technique of the State. Contradiction is immanent because they obey other logics of rationality and relationality.

The third subjectivity pleads for thinking and feeling ontic about projectability, the totality that involves a rational-non-rational reflection. So, it tries to preserve the synchronic and unique movement of the law as a non-binary phenomenon of the natural-social. It means, inserting modern Western law within the great universal norm and not the opposite, that is why it demands a space for the mystery of the unknowable-supra-sensible. But this aspiration for the universal is mediated by individual experience. In consequence, the abstract and universal individual event does not occur in stages or hierarchies but passes simultaneously. Otherwise, it would be on the one hand impractical to defend a sacred territory outside of indigenous thought. It is worth remembering what was said in chapter I.

If indigenous knowledge is philosophy, it should try to go beyond the local environment and practice widespread posturing. Also, incomplete when it comes to not resolving the gap left by the gender-species binary and theory-practice, etc. referring to the complex concept of the law. Accordingly, sacred places such as the black line share knowledge and replicable wisdom in numerous other ancestral territories. Exhorting to seek a harmonious balance between the pluriverses, somewhat unattainable through rationalist-Wester thought. However, it is important to point out that indigenous philosophy is not symmetrical in political-cultural terms either, since there are also asymmetries inherent to the established power relations, continuously producing dissimilar contact zones. (Pratt, 1992)

Moreover, I believe in the balanced of the sacred as opposed to the profane. the active respect for the sacred embodies the maturity of which I spoke in the introduction of the thesis. This equilibrium was never reached by the thought inherited from the West. In that vein, I diverge from (Foucault's, 2014) argumentation, who aspire for the return of Greek values truncated by modernity. Accordingly, I argue the need to formulate new values based on one's own experience, and it shall include the opening of non-linear understandings, as I pass through the yajé. now the range of these interpretations is inexhaustible, the important thing is not to deny ontological alterity as a constitutive factor of the human.

But recognizing certain practicality of political rationalism, which can be developed through access to the judicial system or outside of it. I am not proposing that legal-political strategies to protect the environment should stop being used because they are part of the modern colonial matrix. Therein, this

alternative subject points out the existence of two types of law. One in decline, representative of the Westphalian model and conditioned by the borders of state sovereignty. The other one is an enchanted-vitalist law that asserts the experience, the relationality typical of a complex system in which life is present. I will describe those components of the enchanted law in the next section below.

Accordingly, the subject I refer to is not the subject of law, I have started by explaining how it has developed, therefore, this dissertation is not involved in the recognition of moral rights or legal rights of non-human entities. anchored in modern philosophy and anthropocentrism. As noted in Chapter III, following this path implies falling into the trap of technical. I think this is partially due because into the bio-legal movement turns a radical version of disciplinary decadence is not manifested, that is to say, the approach of the legal as a colonial legacy is quite much alive.

On the other hand, I also link third subjectivity and third event (Wynter, 2003). This would be a universal occurrence of the linkage bios and zoe but through a process of setting hybridization ending the dual nature of homo sapiens bios/mythoi[34]. The fusion of both states of the human allows the appearance of the universal and material law from the third event´s paradigm*. Third event origin until today, the hybrid laws that engender the empirical reality of our own always genre-specific fictively eusocializing are storytelling chattered, symbolic encoded*. (Wynter, 2003) p 28

[34] In Wynter's perspective, human is constitutive narrators, who require recreating their world by myths permanently. Also, it depicts the capacity of fiction and the creation of imaginary societies This idea results compatible with the sacred conception that I have claimed in chapter I.

In sum, the third event operates as a manifestation of the natural-social law, which opposes the separation of nature and humans. This leads to another type of relationality, alterity and co-evolution, and co-presence with the other non-human. To clarify in detail how the assembly third event and third subjectivity work. I argue that the first is a precise understanding of the origin of the great law, and the third one would rather be considered a peculiar way of spatializing the scenario in which the vital law itself can occur. In consequence, a third subjectivity from the ethical point of view must consider precisely the habitat that has rules in itself. This symbiotic character becomes a moral habitat (Ehardh, 2007), an ethic that is not imposed or pre-established but rather is done within the physical plane.

The realization of the vital-living law

During the last decades, legal sociology has produced a rich bibliography on the different forms of justice not dependent on the modern state-political system. With the aim of the show an epistemic and multicultural diversity around the idea of law. The curious is that in my appreciation these analyses in several cases maintain the same spectrum of disenchanted law (De Sousa, 2004). For example, guerrilla or para-state justices are ultimately replicators of the coercive model produced by an agent that replaces the State. Even in indigenous justice, the reproduction of the legal model obeys the requirements demanded by the State, if they want to preserve a right territorial and political autonomy. (Rubio, 2021). Concerning this point, anthropology has deeply analyzed the notion of customary law to demonstrate how it is imposed by colonialism (see (Florêncio, 2012).

As I previously highlight, southern epistemologies are focused on emancipatory practices within the law-human rights but in the end, the basis of state law remains intact insofar as its philosophical foundation is not controversial. It seems that the binary nature of the struggles waged by the subject (the subaltern human) and the law (as a natural and social phenomenon) that should be interconnected is not questioned. Rather, the emancipation actors maintain a continuous debate over the epistemic field of the first subject. The same occurs with some academics of racial decoloniality, who are concerned with carrying out a more sophisticated revolution but partially based on the replication of emancipatory theories typical of the 19th century, such as Marxism. (Grosfoguel, 2018)

On the other side, the third subject postulates another type of understanding of the law, to reach it, I resort to some ideas from the (Maturana, 1973) book. In biology and cognition, the author assumes that the social system is part of a living system. And the substance that allows its existence is the interaction, the type of connection then allows the vital circularity of a system (including the social one). According to his theory, these life flows are mediated by a quite active observer who is an organism and simultaneously lies to the environment.

In the cognitive domain of the observer. Niche[35] and environment then, intersect only to the extent that the observer (including instruments) and the organism are comparable organizations, but even then, there is always part of the environment that lies beyond any possibility of intersection with the domain of interactions of the organism, and their parts of the niche that lie beyond the possibility of

[35] In the autopoiesis approach niche is defined by the class of interactions into which an organism can enter.

interactions with the domains of the interaction of the observer. (Maturana, 1973) p11.

Furthermore, the binomial of the living-social system is promoted through the process of ontogenesis and epigenesis. The first means the co-evolution of living beings and the environment and the second one signifies the option of modifying the structures of living systems based on the interaction with their environment (Maturana, 1973). These ideas are intriguing to be considered within the proposal of the third subject. if one agrees that law (in the sense of great jurisprudence) is not simply relatedness, but something beyond. law as an autopoietic living system in which ontogenesis and epigenesis, namely co-evolution are crucial factors for the struggle to prevail, therein lies its immanent vitalism.

In the prior paragraph result evident the intricate and rhizomatic relationship between living things and the environment. Which are linked by the observer who belongs to the environment (through interaction) but it can transcend these borders through the description (cognitive process) To do it, he requires to represent these interactions utilizing other organisms. Being aware that the level of interaction always exceeds the level of representation and being self-consciousness through self-observation we become the description of ourselves. (Maturana, 1973)

As a matter of fact, (Maturana, 2008) works an explanation (including descriptions) is the proposition of a generative mechanism, in which the observer tries to appropriate two phenomena, one external (reality) and the other internal, the way his own experience perceives it. it is the mechanisms of co-evolution (ontogenesis and epigenesis) that allow us to externalize our uniqueness. Thus, it is feasible to think about the existence of connection points and an essential

motor that allows the symbiosis of the living being and the environment, in Maturana it is love, for Spinoza it is the closest will, or Bergson vitalism, in Pachamanism the Sumak Kawsay whatever the denomination, the truth is exalt the circular energetic flux that life contains.

Going back to the third subject, the description highlighted the demand for a human cognitive operation, and continuously humans require converting the interactions in representations. Law is a kind of representation, but this line is fluctuating because it is constantly renewed with unlimited interactions can employ, in permanent-co-evolution. In addition, the law would be part of a living system in continuous interaction in which experimentation causes the motion of this autopoietic system. In this sense, this thesis does not differ significantly from the great jurisprudence belonging to the bio-legal turn. The central difference is that I do not conceive of subdivisions via earth jurisprudence or wild law, because third subjectivity does not worry about the recognition of natural rights via the legal system. Otherwise in how a knot in the interweaving of life, the quipu.

Enchanted law is an event, an epistemic place, ontic but also in the case of sacred sites, for instance, is physical. Description and representation occur through the human and non-human organisms, all concomitantly. Of course, the human being has a central position in said interaction and its conduct toward a new type of ethically made-up maturity, alterity, and commitment as I point out in the introduction. In this section, I will illustrate how the three ethical pillars are inserted into the project of the third subjectivity of human rights.

Why insist on human rights despite themselves

Throughout the dissertation, I have criticized the foundations of the human rights discourse, from its origin, its political and legal limitations, and the ethical

approach centered on modernity-coloniality. Even the thesis on several occasions seems to go beyond the framework that commonly describes the framework of these rights. When addressing issues related to philosophy, ethno-philosophy, and decolonial thought. However, this does not mean that it has renounced the dispositif of human rights as a communicating flow. On the contrary, today more than ever this vehicle stands as a standard in the fight against the devices representing the death machine. within its attributes, I indicate its essentiality, reputation, and claim to universality.

I understand essentiality as the continuous battle waged by the human psyche. Eros and Thanatos insistently encounter to be the dominant driver of our interiority-exteriority, both individual and collective. Eros in my version is the exaltation of life, respect for the sacred-profane balance, and human-non-human being. Thanatos embodies the animus of dominance, imbalance, the annihilation of otherness, the deceit of the ambition of the corporeal, and the prevalence of the profane instead of the sacred.

Thereby, I place human rights as a discourse of Eros, despite the implications of the Eurocentric legacy, this project embodies transmissible attributes within the human species, but its semantics invites us to dream of expanding these common attributes, which are indispensable to maintaining life on the planet as we know it. So, as aforementioned, I believe still that human rights It is covered with a certain hidden vitalism that has to be experienced for it to emerge.

The reputation of human rights is due to various factors such as African decolonization, the end of World War II, and a world globalized by law and the economy. This led to them becoming the last utopia (Moyn, 2010), but it is a utopia, the first of the human psyche since it maintains the hope of a balancing

Eros. Second, preserves the political utopia, since the world emptied itself of it with the fall of the USSR and the end of history via hegemony and consolidation of the capitalist model. And third, a more modest type of legal utopia, by becoming an instrument of remedy against political arbitrariness and moral dilemmas (Campbell, 2006)

Finally, universality in-human rights, obviously throughout the thesis there are signs of my opposition to Western and Eurocentric universalism. Nevertheless, in Chapter I was inclined to propose a universalism via philosophical praxis. The pursuit of the universal, the fact that it finds many critics of the universalism cannot be understood as being the only version since humanity has already lived other universalisms before the linear thought of Western (Harari, 2015). Therein, it seems to me desirable to pose reverse universalism to the extent that allows us to state that vitality runs through multiple dimensional cultural and political flows in and out of physical and material settings, but not as a totalizing, segregating, and hierarchical idea as it occurs in the western model. The third subject is not an abstract and univocal category, rather they are diverse types of thoughts and praxis around physical-ontological places in which the co-presence of entities (human, non-human) occurs.

What is the ethical status of the third subject?

To illuminate this point first I expose which is the type of prevailing ethics and metaethics in human rights, then I point out that I can probably accept that the third proposed subjectivity is within the box of ecological ethics, however, I show some differences not from the political or legal point of view but in the way that ecological ethics reaches its conclusions by abstract and general categories.

At large, the determining ethics in law is normative ethics, through which human behavior is expected, centered on rationalism, and abstraction, but also intrinsically follower of an evolutionary thesis that legitimizes competition and natural selection of species. One outstanding example in political philosophy is John Rawls's theory of justice. its nodal argument is that an original, abstract allegorical position of human beings equates to a human being's inability to choose, freedoms, and realization of justice. Employing this argument, the multiple forms of existence and conducts around the social sphere are suppressed and renewing the idea that on an equal footing only the best adapted to survive.

Now, the category of normative ethics implies metaethics from a non-cognitive plane is focused on the feelings that define the European enlightened man. So, Sensations such as highness-piety, those precepts build the main values of law already developed in the first chapter of this work. Still, it maintains a hierarchy of man at the pinnacle of species, which makes a horizontal relationship with existing ecosystems impossible (Ruse, 2003). Moreover, from a cognitive stance, the metaethics of law and human rights pursues the materialization of objectivized and instrumental ends, consequently, the relationship with nature is mediated by a consequentialist ethic, instrumental in utilitarian summary.

Lastly, I introduce the idea of political ecology, as an interdisciplinary branch (made up of philosophy and ecology mostly). Of course, I accord with the nodal premises of its planning such as homeostasis (balance), ecosystem holism, and intrinsic values (Rolston, 1989). I believe non-human feeling recognition should be explored, felt, and learned which allows for to display of new values. Also, it is worth noting that these postulates put their efforts into decentralizing the

Anthropos and its utilitarian aims. Albeit, I have objections about the intrinsic values of nature. Because, although it contributes to a political and even legal defense, the truth is that it falls into objectifying reality, generalization, and abstract approaches. The ethics and metaethics of the third subject are within the field of ecological ethics for what has been highlighted above. But he affirms that the construction of these values starts from a relationality, and intersubjectivity within the framework of concrete and experimental contact zones (Haraway, 2008). seeking not to fall into essentialism of the anthropocentric and the earth-centric view.

The substance that weaves the knots: towards finding vital values

The matter covered by the subject of human rights in its latest version (person-human) is dignity as the supreme value that conduct toward a series of broken promises made to abstract humanity. The banner of liberté, égalité et fraternité, freedom, equality, and fraternity, did not cover the majority of humanity in the concrete, much fewer non-humans. Rather, these values serve as a parameter to devalue the lives of those who inhabit the limits of heteronormativity. I evidence in the introduction of the thesis, the incompleteness of human dignity outside its borders, such as rationality, autonomy, and conscience.

This also happens with the question of moral rights, as I raised in Chapter III. both approaches make it unfeasible to interweave the law (minor law) with the recognition of new non-human subjects. Something that tries unsuccessfully to develop the bio-legal turn. In consequence, in this part, I will illustrate how alterity, commitment, and maturity permit circulate of the vital cycle of life. Refounding the foundations of law´s ethic as a co-evolutionary process in constant change (mayor law)

Alterity as value

In the introduction to the dissertation I mentioned that I understand by alterity, only through otherness did I become a subject. As I have pointed out throughout this work, colonial, modern, and western thought generate, *per se* contradictions and dualisms that are immanent to be. The projectability towards universal and the promise of unfulfilled progress of the Anthropocene as a global project seem inexorable to corner us to a planetary environmental disaster, and homo civilitas values such as equality do not conduct to the enunciation of otherness. Thus, the aim that I am pursuing consists of inserting this idea within human rights, to do it first I point out its implications on the philosophical, political and legal scene.

Unlike Kant, alterity cannot be perceived simply by reason, but through sensitivity. nor would it be a pre-empirical, abstract and universal category. Otherness requires immediacy to become without any mediation. As an experience always posteriori, it means between one's sensible knowledge and the closest exteriority. this allows an interrelation character based on a specific episode. This relationship is not simply pragmatic but ethical (Levinas, 2006). Because multiple singularities originate in a space of simultaneity in which togetherness is established. Entities that share this co-existing space are synchronous with the interwoven knots.

Also, (Deleuze, 2004) criticizes Kantian ethics as the search based on the ends of reason in his line the ends are not realized but undergone. It means, ceasing the egoic pretense giving way to the subjectivity of relationality and alterity with the other. then the ethical goal does not consist in finding the values but the character. Those points of *personae* experience the subjects in an open system code to join a network. consequently, ethics based on judgment should become

pure affectivity, seeking as in Spinoza our closest desire, which in terms of vital ethics implies feeling, thinking, and experiencing.

I have been associating such vitality with sacred places, following the ideas of Maturana about what an internal and external description is, I regard that the entities are united in different units of space-time without losing their unity. An example of this is the sacred places where co-existence and co-presence make sense, now what would be the substance that nourishes the quipu of sacredness? I believe that a notion of the universal singularity distinguishable for many peoples could be love as (Maturana, 2008) believe. According to him, love reaches another type of relationship based on non-unidirectionality but cooperation and co-evolution. Also, it is neither good nor bad. Rather love means the reproduction of the biological cycle of all species. Uniquely fall in love we carry true concretion of ethical bios. In this line, humankind could get genuine freedom, but in a completely new stand.

In this framework freedom does not obey one ethical imperative, rather this is exercised from the understanding that it is the only way that homo sapiens has to integrate harmoniously with the biosphere. Thus, freedom cannot depend on human rationality to be, since this leads to the replication of hegemonic and hierarchical models in the description and invention of everything apprehensible by our minds. *sooner or later begin to have ethical concerns concerning those other human beings whose living matters to us. We are not recommending love, nor are we recommending ethical behavior, but only if we live in the biology of love and have ethical concerns, can we indeed live as social human beings who do not become trapped in the culture of domination and submission in the culture of indifference*. (Maturana, 2008) p 91.

Love as a totalizing concept of non-human human relationships can also be interpreted from Arhuacos philosophy through two ideas. First, *Anugme* cyclically reproduces the energy that surrounds all the entities of the Sierra Nevada, which leads to the production of a subjectivity common to all the beings that are part of this. Second*, is Aluna,* since it is the fundamental component that allows intersubjective communication between the dwellers of the black line, and thorough compliance with the precepts of the Arhuaca law of origin. (Suárez-Krabbe, 2016). This then leads to an ethical code made from a bio-social-normative perspective.

The urgency for the invention of the term (love or anyone that can signify something similar) should be associated with the exclusion and diverse types of dualities, carried out by the first and second subjectivity. Within contemporary human rights, tendencies exit new insight on how to establish other levels of human-human reciprocity and human nature using non-linear solidarity. It involves the application of the political dimension of otherness. *Fraternité* was one of the promises unrealized by the slogan of the French revolution.

Therefore, a current called "ecological ethics" has emerged concerned with how to conduct a new type of weak anthropocentrism (Norton, 1984) which carry out an eco-praxis in the sense that humanity must take responsibility for the ecological footprint it provides on the planet and therefore must negotiate with it. Subsequently, solidarity should be of two kinds, the classic one (synchronic) works under the premise of identifying the interests of others with their own within the parameters of the human species, and the second one (diachronic) is focused on a correlational space-time that involves the commitment with future

generations, in an attempt to guarantee sufficient natural resources for them. (Perez, 1999)

At this point, I find coincidences with those who defend the rights of the new human rights generations, to a certain extent it is a type of diachronic alterity, and definitively it is worthwhile to strengthen the third subject. However, its approaches remain fragmented since nature continues to be understood as an object instead of a subject and prioritize the needs of the Anthropocene (present-future). In addition, these voices remain emergent and marginal precisely because how the death machine reproduction is autistic, and it is unable to hear the voice of the other. The third subject proposed that simultaneity implies a field of responsibility and justice, an entry into the third party (Levinas, 2006)

Namely, Through the co-presence one plus one is not merely a numerical accumulation, but rather creates another subject, for the case of this work the other subject of human rights. one in constant flux without pre-determined assumptions, one becoming. Accordingly, the idea of justice and responsibility deployed through alterity would have foundations different from those of the ethics of rights one in which nature can become.

Furthermore, my project pursues a type of multipolar solidarity, always between subjects and with signifiers that activate interrelation as mentioned before. The other question is that to create a third space it is essential to transform the current political institution if the cadaverous image of the Westphalian state persists (nation, people, sovereignty) through the idea of persona. Therefore, I will pose that instead of solidarity, commitment must be erected.

But, being precise, alterity confronts straight the notion of liberal equality, this has been established from a colonial horizontality to the extent that it is addressed to

freemen, westerners, modern, and owners. Additionally, this notion of equality makes sense within bourgeois civil society. This concept has served to classify the otherness through dualism (civilized vs savage) thus, the term never had the will to have a materializable universal application.

Also, formulating alternatives within the capitalist death machine model is unfeasible because inequality is the main source of the matrix. Therefore, tendencies like bio-legal turn fail by not criticizing and proposing radical values, to theorize the legality of the rights of nature. Pachamanism, on the other hand, introduces new values, the predicament is they seem encapsulated by State´s parameters and also depend on changes in governments (conservative vs progressive).

Regardless, I believe that both approaches conduct their projects exclusively via the Westphalia model which is innermost unattainable since the access to the legal system is mediated by the debate on legal and moral rights that I explained before. In that sense, to claim the equality of humans and non-humans is not a problem of degree, but kind. The equality premise then should give way to alterity extra-intra legal system. I mean within law and outside of law concomitantly, law minor should be understood in the great jurisprudence, both systems in permanent conjunction. Undoubtedly, this synchronicity of law works if the legal-political apparatus does not submit to the standards of the homo creditor.

Notwithstanding, I am aware that the political turn towards otherness must be transitional, in other words, It is indisputable that the sudden dismantling of the state figure generates serious dangers such as the anarchic rule of the powerful and the eventual disappearance of the law as we understand it today.

Regardless, I notice how gradually exiled places[36] emerge in which people seek not to depend on the nation-state model, inasmuch, that they refuse the social contract. Hopefully, I aspire to the proliferation of these sites in which another form of relationship is possible. But at the same time, as human rights defenders in practice, we have continued to resort to the inherent tools of the system, in order not to fall into the depoliticization of specific struggles. Contemplating and feeling thinking about the future with your feet on the ground. To do it, first, it is crucial to transform the legal legacy to focus on the relation law-property, to highlight it I am going back to the Kantian definition of law since this has been a bulwark in the invention of the first subject (the homo creditor)

It is achievable to think of the law beyond the animus of the possession

One of the tasks of a hermeneutic stave-in consists in demystifying the right-possession link. Liberal thought took lifeworld as its object par excellence, imbedded within life the (death drive)[37]. Consequently, modern-white European man creates the dispositif of subjectivity intending to possess objects, which is equivalent to the appropriation of everything that is outside of this range. This projection is part of your manifest destiny on earth and had drastic consequences on the development of legal thought. According to Kant, the laws of reason derive

[36] Exilic spaces can be defined as those areas of social and economic life in which people attempt to escape from capitalist relations and processes, whether territorially or by attempting to build structures and practices that are autonomous of capitalist accumulation and social control. (Grubačić, 2016) p 148. The authors present an example of these sites are the MAREZ (*Movimiento Autómonos Rebeldes Zapatistas*) Zapatista rebel autonomous municipalities and some communities housed on the outskirts of Latin American cities (asentamientos) New settlements.

[37] I resort to this term undertaking to the Freudian explanation. Death drive signifies at the end self-destruction of multiple forms of life, inasmuch is the reproduction of Thanatos instead of Eros, and the way how humankind abandons their organic essence with the planet.

from the laws of freedom, this is perfected through the capture of the object which cannot be claimed by another subject.

Then, the right to have a right consists in the prevalence of some over others, but especially it denies the object the capacity of agency, of will. Possession is an innate capacity attributable to men, as the priory condition is abstract and does not depend on the physical uptake of the thing. *The possibility of such a possession, with consequent Deduction of the conception of a non-empirical possession, is founded upon the juridical Postulate of the Practical Reason, that ' It is a juridical Duty so to act towards others that what is external and useable come into the possession or become the property of some. (Kant, 1887)*

In consequence, nature cannot be perceived as a subject of rights, therefore, to assemblage this insight into the legal mind result wrong, non-humans do not develop Anthropocene principles, in the past, it justified the looting in America at the hands of Europeans remember chapter I to (Locke, 1967) add (Schmitt, 2006). They denied the other (the second subject). and we can affirm that the struggle of the oppressed of the earth continues. However, the semantics of the rights of nature is of another type, as long as the standards of unlimited appropriation of resources for human uncontrolled enjoyment are maintained, rights of nature should not circumscribe to the logic of rights-duties, otherwise sacred sites like the black line will always be at risk.

Thus, it is conceivable to say that there is an intrinsic relationship between property and violence, perhaps it was inconceivable for a philosopher like Locke and Kant, at the time to set out how the possessory will of homo conqueror leads immanently to various types of violence. I mean that the binomial property and violence is not only a homicide paraphrasing (Proudhon, 1840) but an epistemic

and ecocide. As result, we can be found the phenomena of climate change, global warming, deforestation, etc. Therein arise the question of if viable to think of the law without private property?

According to (Bentham, 1978) property and law were born together and will die joint, before the laws there was no property, eliminating the laws, and property is over. this is the dominant premise for more than three centuries. Those legal reformers and moderate environmentalists share the idea that they can deal with this tension, but environmental phenomena say otherwise. If the minor right is not separated from the value of the possession, it is unthinkable that this will serve to understand and control the coming catastrophes. Property is then intimately linked with the liberal notions of liberty and equality, in a rational system of direct co-responsibility, therein the value of otherness is a new field of ethics belonging to a third subjectivity in human rights.

How do the Arhuacos and I perceive the otherness within the sacred territory of the black line?

To demonstrate how alterity works, I expose are rules that govern the Arhuaco people following the law of origin enacted utilizing the black line. It has political-cultural implications and a self-righteousness perspective. But I will make a special emphasis on the way a different ethic is revealed within the sacred territory. So, this allows the aforementioned theoretical approaches to making sense of an experiential-particular experience.

The black line is linked to the physical and spiritual spaces, forming a large web: "*Seshizha*", the thread that connects each sacred space and its material expression with its principles at the spiritual level. "These interconnections are those that generate the conception of the interconnection between indigenous being and their sacred places, determine the functions of the territory concerning

the visible and invisible, and are reflected in the sacred sites that run the black line. It also builds a spiritual territorial order, each *sewá* is consulted by the *mamo* and he establishes how it should be ordered. The consultation is done in *ezwama* (sites to achieve knowledge). Also based on this, the four moments of Arhuaca indigenous life, baptism, poporo, marriage, and mortuary, are regulated[38]

They are forms of spiritual interconnectivity that constitute a complement to the sacred fabric of the territory and the natural elements and must be exercised by those who develop communication to achieve the protection of the origin of everything that exists in the universe. In keeping with the above, the sacred spaces form a code or map of interrelation between the material and spiritual world. This code, called "Mamo Sushi" is the basis for the exercise of the Law of Origin from the territory. In turn, the "Mamo Sushi" code indicates which are the sacred spaces and elements of the material that form the ancestral territory. (Sierra, 2017)

The codes of the holy places are alive as they are the components of nature, obeying the parameters of the law of origin. Law of water, air, earth, fire, vegetation, animal. Accordingly, into the black line, the flow of natural and social life is reflected in the law of origin, this could be precisely recognized as an example of great jurisprudence. the physical and spiritual world has effects on Arhuaca society because the latter is a replica of the first. According to the common mythology of the four groups located in the Sierra Nevada of Santa Marta, the world existed first in *Seykwa* (thought) and then was materialized, in

[38] Poporo is a device used by indigenous cultures in the present and pre-Columbian South America for the storage of small amounts of lime. It consists of two pieces: the receptacle, and includes a pin that is used to carry the lime to the mouth while chewing coca leaves

such a way that every organism that exists in the environment of the Sierra Nevada has a connection with a spiritual guardian. (Mestre, 2007)

As a consequence, indigenous must respect every being, particularly those allocated into their sacred territory denominated by the black line. The replica of a celestial world is also common in some cultures like the Cervanita in Iran (Eliade, 2005). As aforementioned, all beings of the Sierra must obey three concepts of Yulu*ku: (*agreement), the essential idea of understanding the relations of the natives with the supernatural world, and the constant search for balance between the two worlds*. Alúna*: (journey towards the non-concrete), by means to rethink the personification of each object in the Sierra. *Sewá*: (Trust), belief in the mythical order. (Duque, 2009) pp. 219-220. Regardless, it would reveal the ethical recognition of alterity. In addition, it implies crafting an intricate ethical perspective because the damage on the physical plane directly affects their spiritual world.

Now, as a source of great jurisprudence, there is a type of Arhuaca wild law, that is, the law of origin forms rules of coexistence within the ethnic group. the mother document (*documento Madre*) of the Arhuaco shows what should be the behavior within the black line between humans and human nature. This is evident, for example, when administering their own justice. Being a lawyer at the service of the reservation (resguardo), I supported the enactment of intercultural sentences in which rhizomatic alterity was present. First, for them, the violation of the law of origin comes from an imbalance of Anugme. this is defined as the vital energy surrounding the entire black line.

In turn, it has a positive and negative charge and thus dominates our behavior and ethical drive so, humans have the tendency to imbalance the Anugwe.

Therefore, the offenders of the law of origin are not bad or good but rather their Anugwe leads them to mistakes. But they have pedagogical redemption when it comes to following the precepts of the interpreters of the norm, that is, the mamos. They are responsible for examining the Anugwe of the breaker of the norm and determining the causes of the infringement. This causality is decentralized because it does not follow the philosophical or legal precepts of modern thought, centered on reason and the linear responsibility of the individual. The inspection for the cause is then focused on revealing whether the offender's ancestors lived in imbalance or if their spiritual guardian has suffered deterioration. once the root cause is revealed, it initiates the healing process in which different actors are involved. Mamos are crucial of course, but also the sacred places identified with the lineage and spirituality of the offending Arhuaco take part, furthermore, the community participates. Both the victim's family and the perpetrator contribute to the healing not only of the individual but primarily of the sacred territory. In that sense, the redemption of the individual is essentially collective because sanitation techniques (*saneamiento*[39]) are never carried out isolating the offender, rather Arhuacos expect the aggressor gradually regains his balanced Anugwe.

In the first part of the redemption process in the face of the loss of positivity of the Anugwe, the indigenous persona goes to the sacred site of his spiritual guardian, he encapsulates his spirit until gradually through sanitation he recovers his *aluna* (soul). Here, justice is the key to otherness is evident since it is carried out by the bios and zoe, in the past and the present, in the physical and spiritual territory of

[39] It involves a series of rituals that the aggressor must perform to heal his violation of the sacred territory, the victim's families, his own, and the indigenous community as a whole.

the black line. And this made sense even to a non-indigenous like me because once you are within the territory, the territory crosses your cognitive and sensitive field. Not only through the environment (as the physical place would be described dually) but also the rituality of the indigenous people, ultimately both would be indistinguishable and should be understood precisely as a unit.

To sum, I regard this type of justice contains elements of alterity within the framework of the third subjectivity that I have proposed since our uniqueness is inextricably dependent on otherness (Levinas, 2006). Additionally, there is a radically ecological ethic because the basis of Arhuacos existence is determined by the protection of the black line since the physical territory is a replica of aluna (thought, spiritual world). Also, diverse actors have a presence and are relevant to achieving justice, understood as the balance of Anugwe. Thus, the theory of great jurisprudence and its application to the concrete "wild law", become valid to the extent that a symbiotic process occurs between the sacred territory, indigenous and even non-indigenous. When preparing to enter the black line, one is part of its rules, this leads to the second crucial factor of the ethical proposal, commitment.

In addition, I regard that alterity permits me to think a new insight on the decolonial scenario because by learning from my own experience, so I realize how one learns about the world but also about myself. Being aware that otherness is a network that one is part of without noticing it, even from passivity to passivity, reflects the unintentional exposure of the self to others before the decision to be part of something. In that way, this leads to distancing oneself from the idea of fragmentation, individualism, and utilitarianism typical of modern philosophical currents.

Commitment instead of solidarity

I have planted that solidarity has its limitations both in its synchronic and diachronic version therefore, in this section I want to point out another of the distinctive features that I identify in the production of the third subject of human rights, commitment, as a more radical version than solidarity. The pitfalls of sustainable development have led us to a dramatic circumstance in terms of environmental imbalance, in this way, efforts to dismantle the death machine must commit that I have even called militant. To do it, I will explain the characteristics of the ethical commitment to human rights. First, what do I understand by commitment, second what is militancy within the discourse of commitment? and third what are the bases to invent a new militant relationship ethos-ethic from my own experience shared by the Arhuacos inside the black line.

The historical backgrounds show that the idea of commitment has not been treated extensively by modern-Eurocentric thought. Rather the theses of biological causality have been incorporated into the philosophical and political categories of liberalism. In that way, co-responsibility operates in terms of almost geometric reciprocity. and in many cases mediated by the usefulness of relationality within the framework of civil society. It means, that responsibility is accepted by liberalism as the way to enhance my benefits. Anyway, this works in a short range because it depends on how far the cause-effect thread of a human action reaches, but also on the linearity that the notion of the subject (person) entails at the local and international level.

Following these ideas, I claim the social Darwinism thesis had severe effects on the field of anthropology, sociology, and law. And it robust the premises of the

first subject, homo creditor because the competition to prevail and consequently the natural selection of the species had a scientific character. Of course, the descent of man It is an eminently biological book and does not place particular emphasis on the human species, also Darwin did not rule out cooperation as a strategy for the cooperation and reproduction of species (Ruse, 2003), perhaps the main predicament arises as their readers apply hierarchical, dualistic and racist aspects to the origin of species in the end. all this is backed by a deeply utilitarian ethical theory of evolution.

The doctrine of Evolution to ethical science. But it at least conflicts in a very startling manner with those ordinary notions of Progress and Development, which I have already noticed as combining ethical and physical import. For, in our use of these notions, it is always implied that certain forms of life are qualitatively superior to others, independently of the number of individuals, present or future, in which each form is realized. (Sidgwick, 1876) p 55

Thus, it is how substantive ethics protected under the Darwinian model of the selfish struggle for survival is positioned, later in the development of British biology, which was dominant in the nineteenth century, a renewed version of this ethical notion is produced, and the consistent metaethics in recognizing cooperation as a strategy for the conservation of the human species, as the highest moral axiom. finally, there is a more holistic version called evolutionary ethics (Ruse, 2003) which seeks to decentralize the predominant anthropocentric role that ethics and biology have had. Regardless, I argue that the two streams have a better status than the latter one.

Now, I believe anthropological and biological thesis impacted the political and legal model from the nineteenth century to today, to the extent that this animus

of the egoistic self is maintained even in the most recent theses of environmental solidarity which I consider as metaethics. Even it seems to me that they lack common sense because looking forward to non-sense, to continue defending the idea of enjoyment and using all profitable objects during an unprecedented environmental crisis for the Anthropocene. This does not mean that within modernity and especially in the interior the humanities there are no divergent trends that propose the transition from solidarity to commitment.

Marxist philosophy, for example, puts political commitment in mind and appeals to a literature of the union of causes centered on the proletarian as an agent of change in the social super-structure. The different types of anarchism also have in common the decentralization of the capitalist political economy. These proposals inspire a turn towards militancy that I consider compatible with the notion of commitment that I present. These antecedents have served to propose the commitment to the discipline of law and therefore human rights. I affirm that in any case these models are still subject to anthropocentrism and social dualism, consequently I understand commitment through an ethic of bio-politics.

In this vein, I propose a commitment to evolution, but not simply as something utilitarian or focused on the preservation of one or several species. Rather, interpreting evolution as interrelation with the flow of life itself. Therefore, Cooperation cannot be seen simply as a type of preservation strategy, commitment implies being part of the different knots that cross the planes of the sensible and supra-sensible. the fundamental axiom then should be if I take care of the vital thread consequently I take care of myself. As I explained in chapter I, vitalism invokes the absolute, since the world of entities is always part of nature, without exteriority.

This hybrid ethic comes from the movement of entities that connect in the world of life. This makes sense when I was describing the great jurisprudence because vitalism affirms the unity of the subject without dualism or hierarchies. on the experiential plane, we all have potency and assemblage, without the rationalist distinction typical of human beings. Then, to conduct a vital commitment, it is crucial to redirect the drive, desire, and affectivity of the human species, it means a new-fangled ethos of new ethics.

Ethos signifies the guiding belief that has the power to influence behaviors, emotions, or even morals. to date, the historical ethos (Bolivar, 1998) has been dominated by the persuasive discourse of the western values mentioned throughout the thesis: freedom, human dignity, rationality, etc. proposing a different vision of another ethos is decisive because it is the ethical pillar that justifies judging our actions. One of the components of ethos is *phronesis, which means* to obey a pearl of practical wisdom. the facts then indicate modern thought has sublimated multiple ways of understanding wisdom in thinking doing and feeling. I believe commitment involves precisely appearing to the instincts and desires that insist on the survival of life. To confront the outdated values that lead to the gears of the death machine.

Subsequently, carrying out these aims' commitment entail posing a militant ethos (Longa, 2016). the concept of militant is a frequent term for social sciences in Latin America, who defend this position reject scientific objectivity, assuming a common cause, eliminating the duality of researcher and research, and playing a role within social organizations (Valenzuela, 2018). Nonetheless, the dissertation tries to go a step further since imply interweaving the quipu at the political, social, juridical, epistemic but also ontological levels. militancy then

occurs within a delimited territory and space (interiority) in a continuous praxis but demands to be defended from the exteriority that opposes the lifeworld.

This leads to the fact that many dispute scenarios take place in the territories of the death system of capitalism and its neoliberal-extractivist premises. So, one ethos militant should not categorically give up the mechanism of the matrix, on the contrary, This is one of the justifications for why continue to have faith in human rights speech. This is useful as a concrete response of remedies to concrete challenges such as many holy places around the world suffer. Simultaneously, this new ethos is on the one hand a pedagogical practice to point out other ways of understanding the relationship with otherness. Besides, because to apply commitment signifies preparation, and acquiring skills in the modern-western sphere but also outside the limits of rationality.

On the other hand, builds the foundations of the universality of reverse due to displays various types and levels of particular commitments without falling into abstract generalizations or magic formulas for global redemption. Thus, the unit is centralized in the vitalist flow of life as certain biologists and the Arhuaco indigenous themselves propose it. Cleary, it led to implications in terms of human rights discourse, militant ethos should be more horizontal than the proposal of vernacularization of human rights (Merry, 2006)[40], in this frame, human rights continue to be exporters of western values, only on a more conciliatory plane than the more rigid positions of liberalism. Ultimately, commitment to human rights has

[40] The term vernacularizes (adopt the foreign as one's own) is used by Sally Merry as a conciliatory argument between the universalism of human rights and cultural relativism. a deep vernacularization in its position leads to the hybridization of human rights based on the mixture of universalism and cultural appropriation developed by a community

to arise from a concrete experience without pre-established presumptions as the law operates in terms of traditional legal philosophy.

Conducting commitment of the Arhuacos and mine within the black line

In this segment, I will illustrate how the commitment takes place inside the sacred territory of the black line. From my perspective, this case serves as an example of some of the ideas I have described. Thus, I show the political and cosmological commitment to the law of origin and my learning of its holistic project. I highlight all this as an inner militant commitment. But I also highlight the militancy with the black line, outside its borders, it means a commitment from the outside. In both areas, compliance with the law of origin is pursued, which in essence contains the values for a replica of other vital subjectivities.

I divide this commitment into two interiority-exteriority. The first, is the homeostatic compromise of balance within the black line, through which there is an intricate and symbiotic relationship between people and nature. one way in which the Arhuacos carry out ecological ethics is the realization of the principle of reciprocity. It is based on an understanding of social, ecological, and spiritual interconnectedness that supports the vitality of communities. By caring for one another and other beings (Delaware, 2021), these ideas are tied to the different manifestations of gratitude. In the case of the indigenous people of the Sierra Nevada, this is channeled through the *pagamentos.*

The pagamentos consist of a series of rituals to preserve the balance between the forms of life that make up the black line. Also, it is how the indigenous and non-indigenous who are within the territory like me must do to compensate for the usufruct of their physical and spiritual environment. These compensations follow the precepts of the law of origin in its various forms, the law of water, air,

fire, animal, earth, and plant. Below I highlight the connection between the geography of the black line that explains where the respective pagamentos should be made, considering the 39 sacred places of the sacred territory. (Duque, 2009)

1. Kas´simuratu: Convent in the Plaza Alfonso López in Valledupar. Ywangawi pagamentos place.

2. Kunchiaku: Salguero Bridge in Cesar, the door of diseases.

3. Ka'rakui: Upstream of Cesar until reaching Gwacoche, the door of diseases on the left.

4. Bunkwanarrwa: Upstream until reaching Badillo, where pagamento for diseases, in general, are made.

5. Bunkwa nariwa: From Badillo towards the Haticos, Mother of animals and water.

6. Imakámuke: From the Haticos towards San Juan del Cesar, the Mother of water, air, lightning, and earthquakes.

7. Jwiamuke: From San Juan del Cesar to Fonseca, Mother of hurricanes and tempest.

8. Seamuke: From Fonseca to Barrancas, place of payments for illnesses.

9. Kukuzha: From Barrancas to Hato Nuevo, payment for every animal and person.

10. Unkweka: From Hato Nuevo to Cuestecita de la sabia del arbol.

11. Java Shikaka: From Cuestecita towards Riohacha to the mouth of the Ranchería River, the Mother of all materials from the sea that are used for payment.

12. Jaxzaka Luwen: From Riohacha to Camarones, a place for collecting stones for marriage insurance.

13. Alaneia: From Camarones to Punta de los Remedios, Madre de la Sal.

14. Zenizha: From Punta de Los Remedios to Dibulla, the Mother of the food produced in the Sierra, changes are made with materials from the sea for pagamentos.

15. Mama Lujwa: from Dibulla to Mingueo to the mouth of the Cañas River, Mother of the jars and potters.

16. Ju'kulwa: From the mouth of the Cañas river to the mouth of the Ancho river, Mother of the animals. There are three loopholes to pay for illnesses.

17. Jwazeshikaka: From the mouth of the Ancho river to the Jwazeshikaka hill, Mother of the tumas.

18. Java Kumekun Shikaka: From the Jwazeshikaka hill to the mouth of the Palomino River, the Mother of all the flowers of the field.

19. Jate Mixtendwe Lwen: From the mouth of the river Palomino to the hill Jate Mixtendwe Lwen, Mother of the dances.

20. Java Mitasama: From Jate Mixtendwe Lwen hill, until reaching the mouth of the Don Diego River, Madre de las Palomas.

21. Java Mutanñi: From the mouth of the Don Diego river, to the mouth of the Buritaca river, Madre de las tumas.

22. Java Nakeiuwan: From the Buritaca River, until it reaches the mouth of the Guachaca River, the Mother of all quadruped animals.

23. Jate Telugama: From the Guachaca river to the Tayrona Park. Mother of gold.

24. Java Nakumuke: From Tayrona Park to Chengue, Mother of Salt.

25. Java Julekun: From Tayrona Park to Taganga, Madre del Zirichu.

26. Java Nekun: From Taganga to Santa Marta at the docks, Punta de Betín, Mother of the spiritual authorities.

27. Java Siñingula: From Santa Marta to Ciénaga, Madre del So'kunu negro.

28. Java Ñinawi: From Ciénaga to the mouth of the Frío River, Madre de los Leones.

29. Java Waxkañi Shikaka: From the mouth of the Frío River to the mouth of the Sevilla River. Mother?

30. Java katakaiwman: From the Sevilla river to the mouth of the Tucurinca river, along the main road, Mother of everything that exists in the world.

31. Kwarewmun: From the Tucurinca River to the town of Aracataca, Madre del Barro.

32. Seynewmun: From the town of Aracataca to the town of Fundación, Mother of the mortuary of all beings.

33. Mama neymun: From the town of Fundación to the Ariguaní River, Mother of the Earth.

34. Ugeka: from the Ariguaní river, until reaching the town of Copey, pagamento to avoid war.

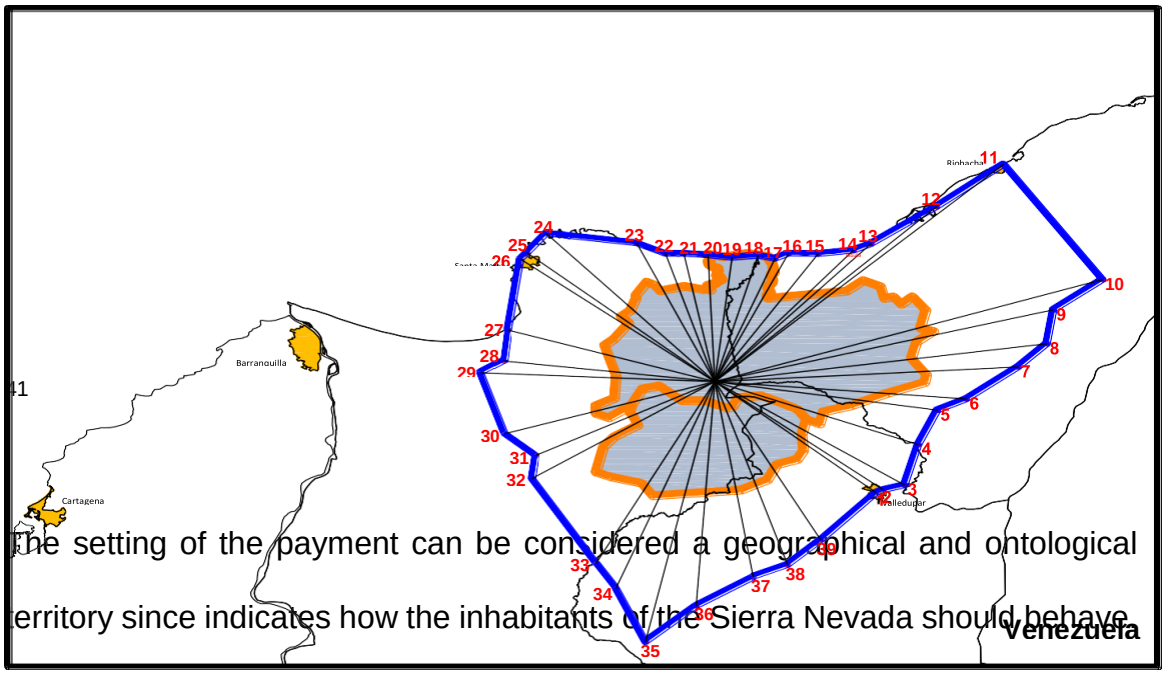
35. Muriakun: From Copey to the town of Bosconia, (Camperucho) Mother of fertility.

36. Ku'riwa: From Bosconia to the town of Caracolí, a place where wild animals are controlled.

37. Gunkanu: From Caracolí to the town of Mariangola, a place of pagamento for spiritual paths.

38. Gwi'kanu: From Mariangola to the town of Aguas Blancas, pagamento to control diseases.

39. Ka'áka: From Aguas Blancas to Valencia de Jesús, place of pagamento to control death. From Valencia de Jesús to Valledupar, the starting point.



[41]

The setting of the payment can be considered a geographical and ontological territory since indicates how the inhabitants of the Sierra Nevada should behave. In addition, it illustrates how reciprocity is crucial if other human collectives aspire to an alternative praxis of inter-subjectivity with the non-human. Said cosmic and ethical order is not essentialist or rigid. These ceremonies are guided by the so-called elder mamos of the Sierra Nevada, those who were trained from childhood to be responsible for the interpretation of the sacred designs of the ancestral territory. The payments consist of offerings made from the element that makes up a sacred point of the black line (earth, water, fire, air, fire, vegetable, animal), which should correspond to the vital energy of the subject who makes the tribute. On the contrary, these values are contextualized in syncretism allowing an intercultural relationship with Western thought. For example, in my practice, I was

[41] This map can be found in several texts belonging to the Arhuaco people, however this one in particular was extracted from the text of (Duque, 2009)

in charge of promulgating intercultural sentences, which had to respond to demands for concrete justice within the population. Simultaneously, show the western legal system that the Arhuacos could administer their justice under acceptable western parameters[42].

In this vein, homicide cases, for instance, were resolved based on allegories typical of indigenous spirituality, but with measurable results. A homicide involved the loss of vitality therefore, the mamos syncretically affirmed that the time it takes someone to come out of the dark and regain their brightness is nine months, by analogy from conception to birth. Nevertheless, nine months seemed like a short time, so the metaphor was extended to a nine-year sanction. These arguments end up having legal consequences. This leads me to think that the commitment involves not only the ethical renewal of human rights but also reveals ways of thinking about human rights punishment from an intercultural perspective.

In terms of exterior commitment, this is reflected in the struggle against the various apparatuses of the capitalist death machine. It means, that there is a negative otherness, not due to a moral anchoring of subjective good or bad, but from concrete and material effects in the physical and spiritual space of the black line. The Sierra Nevada is not snowy anymore. Thus, the commitment is political and legal. Besides, Arhuacos have achieved some relevant judicial decisions to protect the black line. Such as sentence T-789/2014 and law-decree 1500/2018. This is inside the logic of biocultural rights, but Colombia´s facts inasmuch reveal

[42] The new indigenous legal framework was conducted with political, administrative, and financial autonomy using the Colombia Constitution in 1991. (Art 286,287, 328, 329). Also, the recognition of their justice within their territories. (Art246, 330). The Constitutional Court has been in charge of generating criteria to resolve conflicts of competence between indigenous self-righteousness and the Colombian judicial system.

that many decisive places for the eco-social balance have suffered drastic deterioration.

Therefore, unless a significant number of forms of alterity and commitment flourish and push the legal system to enter the imaginary of a great jurisprudence. the consequences will be reflected in places similar to the black line. Here, it is worth emphasizing that the third subjectivity as a project of ecological ethics conducted through the discourse of human rights is not the only redemptive formula. Rather, various vital political philosophical proposals must emerge that generate echoes within the gears of the matrix.

To conclude, radical commitment is a cornerstone of life ethics since implies the configuration of a militant ethos at the political and cosmological levels. Employing pagamentos, I illustrated how indigenous and non-indigenous habitats in the Sierra Nevada of Santa Marta must compensate the black line for their benefits. Additionally, I claim that commitment develops new insight into decoloniality because involves taking seriously the otherness of others through concrete actions either from exteriority or interiority as I raised in my time with the Arhuacos. Furthermore, it shall reveal new horizons of human rights beyond the visible such for example carry out legal actions. the holistic nature of interweaving with different entities implies feeling, thinking, and acting in such a way that the commitment takes one step further.

Maturity component in the vital ethic project

In the last section of this chapter, I present the idea of maturity within the project of an ethical vitalism for human rights. First, I highlight the differences between maturity and responsibility and why I lean towards the first idea to formulate an alternative ethic. Second, I argue that the many forms of maturity that one can

attain lead to a deep ethical reflection on our relationship with others which has implications for our human rights model. Third, I expose the agreed maturity within the black line, it illuminates the manner in which we shall confront the challenges triggered by the death machine *dispositif.*

Maturity instead of responsibility

Responsibility is usually understood as a type of moral mandate, But as I clarified in the first chapter, morality means thoughtlessness, not self-determination, and therefore does not exalt the spirit of life. Thus, I affirm that responsibility is associated with an obligation that does not depend entirely on our conscience. Furthermore, it works in certain fields of rational logic and instrumental. Just as solidarity has defined limits, responsibility as well. Due to is founded on the idea of the symmetric reciprocity of duties and rights, it means, the exercise of responsibility is subject to a relationship between cost (active responsibility) and benefit (passive responsibility)

In contrast, maturity entails elaborating criteria of value (Meagher, 2018). Namely, this has innermost the aim of becoming a creative setting of commitments not articulated with the uses of reason, utilitarianism, and the ontological, political, and legal hierarchization of the capitalist system. Additionally, the bases of moral responsibilities lack concreteness and end up being general, something that I have criticized throughout the thesis for considering a legacy of coloniality-modernity. On the other side, Maturity then involves defending our locus of enunciation through ideas, emotions, and actions. always in the key of becoming to achieve consensus in the defense of the lifeworld. Also, maturity brings up the idea of responsibility for the mere fact of

responsibility as an essential premise of relating to others in that sense, it connects with the notion of accountability.

According to (Levinas, 2006) philosophical ethics should start from an "accounting for the self" to an "accounting for the other". Therefore, accountability moves away from the egocentric view of the self and focuses on the other. Moreover, on the contrary responsibility, and maturity imply a commitment to give and receive in particularity, in an experience of the concrete. Accordingly, I believe an urgent need to build different dimensions and levels of accountability. There is no peculiar or singular way to reach maturity. The one that I have postulated carry to a transcendental commitment inside and outside the human condition. Because in my view, the predicaments that we suffer today arise from an ethic though in terms of responsibilities.

The effects of incorporating maturity into the lifeworld

One of the consequences on to become mature is to think problematically, the cycle ends up being interruptible, inventing problems, leads to finding momentary answers, and then formulating new ones. Immaturity is precisely the opposite, falling into the reification of the knots of life, as something static, rigid, and lacking in ethical relevance. Ultimately believing the world in which we dwell is not my singular problem. Immaturity innermost is a kind of evasion of accountability, in this vein, I agree with the notion of bad faith, undertaking the concept (Sartre, 1992). Is a formula to avoid the painful consequences of thinking for yourself by appealing to pleasing falsehood. I

Bad faith is the way of becoming indifferent, thereby indifference is the denial of knowledge and inaction, it also represents one of the main symptoms of anthropogenic decay because is anti-vital innermost, indifference is contrary to

relationality in its most diverse manifestations: love, cosmic vitalism, sacredness, etc. Also the indifferent assumes that the values of the society are already realized and simply must be respected, it has been denominated as the spirit of seriousness (Meagher, 2018), then from the Sartrean approach, it is the impossibility of passing from the in it-self-for-itself. a subject aware of himself and the others. and with the ability to imagine new values outside of capitalism.

Precisely I coincide with various thinkers of the decolonial movement insofar as this is one of the main foundations of political, philosophical, and normative nihilism that threatens to extinguish the values that made life possible. Namely, that there is an immanent relationship between the death machine and bad faith. (Suárez-Krabbe, 2016) Moreover, has been argued that bad faith is related to the creation of a zone of non-being it denies the existence of other entities not recognized by coloniality (second subject). to sustain a discriminatory ideological discourse based on the concealment of the other (Santos, 2007). widening the gap recognized by authorized knowledge in the global north (zone of being)

This is one of the symptoms that moral opacity and normative ethics constitute the hegemony in the ways of feeling and being in the world. The field of human rights is not alien to the consequences of the aforementioned duality. The serious person arises from evolutionism, scientism, and rationalism and has laid the foundations for the naturalization of the values attributable and inherent to the human rights body. Thus, I have affirmed in the first chapter how the formation of the first subject of human rights obeys religious, philosophical, and political reasons invented by modern thought. Now, this does not mean that dignity, freedom, equality, and solidarity cannot be reinvented by other subjects. I think one of the mistakes in the field of humanities was to take for granted the epistemic

basis of modernity-coloniality was to normalize the abnormality of injustices in much of the world (global south)

Does it seem that we have been thrown into an axiological-political pact for life without asking ourselves who has signed this for me? In consequence, the project of the third subject has tried to pose new agreed values. Additionally, other academics have raised the existence of reification of human rights (Thusnet, 1984), which is linked to bad faith. This then involves the mechanics of objectifying reality from abstract assumptions in which we take ideology as the real (Lukacs, 1972). By means of the capitalist system alienating social relations the same can happen with human rights. from the mainstream, having a right reifies and limits human action to the legal system, perhaps this is the temptation that academics fall into from the bio-legal turn. Rather we should try to be part of the great jurisprudence, detaching the notions of right and possession. Ultimately, I hold that both bad faith and reification are symptoms of immaturity in the axiology and exercise of human rights.

Therefore, I claim the third subject of human rights illuminates new insight on how to acquire a degree of adulthood vital, to the extent that we take otherness and commitment seriously as primary values in this approach to rights. Now, the spirit of seriousness cannot be confused with taking the rights of non-humans seriously. the first is the result of an apparent maturity and denies the imagination, the capacity for invention, and the continuous movement of the always contingent becoming. The second one activates the impulse of life in the form of interwoven networks and leads us to assume an expanded consciousness of the awakener, of the player to the rhythm of the constant flow of the entities that make up the lifeworld.

The evasion and reification of reality, that is, immaturity has led us to the environmental crossroads, therefore it is a priority to reach a majority, although this would not be thought of in Kantian terms. According to (Kant, 1784), maturity is grasped when individual decision-making is achieved independent of other subjects. The third subjective version of maturity turns in the opposite direction since it is based on the ability to make collective decisions. This is not the product of human negligence, laziness, and inaction, rather It is an initiative that breaks the image of the selfish self of homo creditor, displaying the premises of global co-responsibility. For Kant that means enlightenment, I better propose a hermeneutic of enchantment as a new goal.

Immaturity from enlightened rationalism arises as an inability to guide our conduct within civil society, I argue that the overconfidence of the first subject led to travel a blind path, before the resignation of guides, we have ended up retracing the path voyaged. the consolidation of the profane world over the sacred has deteriorated the flows of life and the areas of contact with the entities that surround the world. In any case, one aspect of I agree with the Kantian model of maturity is that it represents the freedom to choose. However, it is not based on the selfish, rationalistic, and proprietary self.

The maturity of a vital ethic is contingent on achieving the recognition of alterity and commitment. Being aware implies unchaining ourselves from the dualities of modern-western thought, but this would not be enough without human collective action because maturity cannot simply be carried out by the individual. It is worth noting that this vision is precisely that of a weak Anthropos, not that of the all-powerful modern man, one who recognizes his limitations and cries out for collaborative work so as not to be extinguished. Also, it entails valuing the

different forms of knowledge, and the ecology of knowledge (Santos, 2007) which includes the assemblage of ancestral places such as the black line. Maturity invents and imagines and territorializes the paths of emancipation first ontological rather than political.

Consequently, to seek to achieve a mature law, it must understand the performative mechanics that produce it. The most common meaning of the word "performance" in English was—and remains—the accomplishment or doing of an action," or the quality of execution of such an action. (Stone, 2017). of course, I have argued throughout the thesis that my project is to feel-think and do, however also the hegemonic currents of law accomplish performative acts. For that reason, this work introduces a differentiating classification: the law of performance and law as performance.

The first one is distinguishing because are the legal texts that construct or regulate performance and its effects (Stone, 2017). In the second idea, I propose an emergent version of the performativity of law since it does not arise from legal hermeneutics and the philosophical approach of the deductive method such as the law of performance suggests. So, in the third subject by the law of performance, the action cannot be considered as a singular event, but as a series of repetitive acts, legitimized through ritual praxis, ceremonies, and symbolic acts that allow the co-creation of wild law, following the ideas of (Stone, 2017)

Now the question is how to get maturity through human rights. if we discard false consciousness and reification, then it is viable to perceive it as dispositif tied to the idea of great jurisprudence. Not from its reputable status (Campbell, 2006), but rather as a radical way to understand the new place of homo sapiens, one in which we assume the responsibility of being part of a whole firstly. Furthermore,

it signifies to stave in the notion of legality, morality, and abstraction characteristic of the normative system. law and human rights are the results of the development of the first subject.

However, the current crisis requires the eco-evolution of rights, I have affirmed that this cannot be carried out because there is an immanent contradiction between moral subjects-subjects of rights and non-human entities (see chapter III). Accordingly, human rights need to be assembled to the parameters of the great jurisprudence and the ecological ethics since respect its principal premises: homeostasis and ecosystem holism. In the next section, I reveal an example of ontological, political, and legal maturity (wild law) from the sacred territory of the black line.

Gaining maturity through the lens of the black line

Getting maturity is a process that always indicates action movement and determination. This is no different for the Arhuacos, for me, or for anyone who undertakes a transcendental act when it comes to living in the here and now. Through the guidance of wisdom provided by those who reside in the black line, they shed the chains of immaturity. It allows turning into our idea of modern and individualistic adulthood. Historical facts reveal that cooperation is an essential requirement for evolution. Instead of preserving the idea of the homo conqueror, we should resort to the birth of a homo weaver.

Precisely, in the Arhuacos territory, the figure of the mamo stands as another guide between two worlds (spiritual and physical). An interpreter of the law of origin who continually recreates it intending to adjust it to the rules within the community. throughout various cultures and times, this role is repeated. The lesson that I learned was being awake in maturity leads to the acceptance of the

incompleteness of oneself, and the imperative urgent to trust others. Namely, through putting ourselves in the hands of others we fall into the realization of a type of authentic conscience and good faith.

Moreover, the black line shows maturity based on self-help, which is that there is a co-creation of the values that support inter-subjectivism. Therein, I regard that the territorialization of sacred places such as this leads to surpassing false faith and reification to the extent that. So, the black line illustrates those who interact with it in a specific way, evidently that the connection between the Sierra Nevada and the indigenous-non-indigenous is unlike. Nevertheless, the enchantment occurs, then the co-presence of a territory in which several worlds are conjugated makes sense. Therefore, I have argued that is one example of law as performance.

This enriching pedagogical practice does not befall colonial binarism and dualism. Because in the conversion of the abstract to the concrete there is an ideology subterfuge that has pre-established the final objective. the ideology of exploitation, the absolute enjoyment of the world of entities, and ultimately the foundations of the capitalist matrix. Now, into the mandate of the law of origin, it leads to following the precepts dictated by the territory. Albeit, it cannot denote false naturalization and indifference to the great law. The praxis of alterity and the commitment developed via pagamentos could be interpreted as a demanding road in which gradually one apprehends what the great jurisprudence of the Sierra Nevada consists of. Similar to the mamos execute when encapsulating the soul of the lawbreaker of origin. Since he no longer deserves to own one, he can only recover it if he through a series of rituals and ceremonies for collective reestablishment.

In that way, through movement, action, and law as performativity It is feasible to establish how the Arhuaco wild law and the great jurisprudence (law of origin) are connected. The reading or misreading of the law of origin is carried out by all those who come into contact with the black line, subsequently, wild law is an exchange of perspectives, experiences, and knowledge that is not hierarchical or linear. This could be taken as chaos rather than order. However, what identifies the rules that govern the Arhuacos is the search for harmony, for a supra-order that contains an ethical imperative.

At this moment, the idea of reverse universalism via ethno-philosophy as an ecological instrument to recover lifeworld makes sense. To the extent that Arhuacos have an answer to the question of how we should behave? the example of the symbiotic relationship existing within the black line makes it feasible to think carry of ethical models. Besides, the answer is anchored to its metaphysical definition that it is real? the answer is anchored to its metaphysical definition of what is real? as well.

If homo sapiens is still captured by the first subject and its epistemic-ontological reductionism and therefore normative. The consequences will be evident in the lifeworld. if dualism and fragmentation in the field of human rights persist then a human right for non-humans in an ecological key is unrealizable. Thus, I consider it fundamental to carry out theoretical-practical initiatives that lead to multiple forms of the third subjectivity, perhaps starting from dissimilar values, but which interweave elementary minima tending to the preservation of life as opposed to the denial of life via the death machine project.

In conclusion, in the course of this chapter, I explain what a third subjectivity proposal in human rights consists of. Delimiting which are its main attribute from

the approaches of biology, philosophy, and ecological ethics. Subsequently, I illustrated the three essential features of the ethical project in human rights, alterity, commitment, and maturity. Moreover, I dialogued with these notions from my own experience within the black line. I believe that some of these ideas contribute to overcoming the modernity-coloniality project and its apparatus the first subject in its three versions: homo believer, homo creditor, and persona.

Simultaneously this dissertation found points of agreement with decoloniality 1 and 2 and the bio-legal turn. But I distance myself concerning the danger of redemptive essentialism of decoloniality on the one hand. And the limitations of the project on the moral and legal rights of nature are promoted by the bio-legal turn, on the other side. I hope to continue interweaving the quipu with indigenous-non-indigenous, sacred places and not so sacred as the judicial courts to uphold an unshakable faith in the vitality of human rights.

Conclusions

Presenting findings of a project that involves different disciplines is a tough task. However, I will try to classify these from the main approaches that this dissertation had. In consequence, I will emphasize what are the contributions that this thesis can make to law, philosophy of law, decolonial thought, and the ethics of human rights. Regarding the law, this work has shown the conceptual and practical limitations that make it powerless when it comes to a serious recognition of other non-human subjectivities. Also, the incorporation technique is itself a totalizing fallacy of western thought.

By this, I do not mean that the belief in law should be completely abandoned because many social struggles continue to be fought within this framework. Of course, this work does not deal in detail with the functioning of the law (within the

contour of the State) because it is not its main interest. Although I do not rule out the struggles within these scenarios, at the moment I perceive that their imaginative power is reduced. Hence, the latest version of the law as it is the human rights discourse must be re-thought from a blueprint philosophical approach.

The path of the consolidation of the subject of law highlighted, contributes to showing those constitutive limitations, such as rationalism, positivism, legal technique, and the relationship between right-subject and private property. Therefore, the thesis opts for other premises from the methodological level (phenomenology). Therein clarifies differences between what would be the authentic problems of human rights exhorting to theorize the right feeling-thinking from our own experience, trusting that this is a way of connecting with multiple struggles that transcend the dichotomy liberation of the individual-collective. This initiative would be incomplete if it is not situated in a global anti-capitalist and anti-colonial combat.

In this sense, I consider that this draft coincides with several of the premises of decolonial thought but focuses on the relationship between law and non-human subjects, more precisely the sacred places. This even led me to cross-examine what is sacred and who is allowed what is sacred in mainstream culture, but also indigenous communities. Identifying that to date few scholars and texts are concerned with this issue.

Thereby, I might conclude that it is a proposal for a philosophy of decolonial law. Because notions such as earth jurisprudence and Pachamanism make sense only if we consider another type of human being. Although for some writers it seems an anachronistic term and the concept of Homo Deus (Harari, 2017)

should be implemented, at least in the global north of course. However, I also point out the risks of some decolonial foundations, especially the figure of the redeemer, which simplifies life-world experiences. And the excessive confidence in the normative folds typical of some academics of the bio-legal turn.

About the new ethics of human rights, I dialogue with multiple theoretical approaches to biology-philosophy, considering my learning with the Arhuaco and the black line. Nonetheless, this does not imply that this is an ethnographic investigation. I see myself as a militant defender of the black line, but from my lenses, which are those of a local academic, a mestizo who with his tools seeks to contribute to reflection and learning achieved within the framework of philosophy, indigenous and ontological relationality.

Finally, the new values of human rights proposed are thought and felt for a new type of humanity. One that is in a permanent becoming. In other words, these cannot be considered ideal abstractions, rather they are practiced gradually. In other words, these cannot be considered ideal abstractions, rather they are practiced gradually. In this sense, it can be affirmed that many are already traveling that path from different insights (philosophy, ecology, spirituality, etc.). My contribution then consisted in thinking about these trends in terms of law-human rights, with the genuine desire to be a member of the military in this novel party for the re-founding of the lifeworld.

Bibliography

2, G., 2011. *The holy bible: New international version.* Fourth ed. Michigan: Zondervan.

2Maldonado, N., 2017. On the coloniality of human rights. *Revista Crítica de Ciencias Sociais,* Volume 114, pp. 117-136.

Ackerman, B., 1980. *Social justice in the liberal state.* New Haven: Yale University Press.

ACNUR, 2019. *AGENCIA DE NACIONES UNIDAS PARA LOS REFUGIADOS.* [Online]

Available at: https://eacnur.org/blog/que-es-el-racismo-y-tipos-de-racismo-tc-alt45664n-o-pstn-o-pst/

[Accessed 24 02 2021].

Affolder, N., 2015. Square pegs and round holes. Environmental rights and the private sector. In: B. Boer, ed. *Environmental law dimension of human rights.* Oxford: Oxford University Press, pp. 11-36.

Agamben, G., 1998. *Homo sacer: sovereign power and bare life.* California: Standford University Press.

Agamben, G., 2002. *European Graduate School.* [Online]

Available at: https://www.youtube.com/watch?v=FQbGJeVTm7g&t=26s

[Accessed 21 03 2021].

Agamben, G., 2009. *What it is an apparatus and other essays.* Standford: Standford University Press.

Agamben, G., 2019. *Mal Salvaje.* [Online]

Available at: https://malsalvaje.com/2019/09/19/elogio-de-la-profanacion-un-texto-de-giorgio-agamben/

[Accessed 12 02 2021].

Álvarez, L. &. C. B., 2018. Decolonizing environmental justice studies: A Latín American Perspective. *Capitalism Nature Socialism,* 31(2), pp. 50-69.

Alvárez, L., 2015. Biopolitics, anthropological machine, and identity: America as a free space for violence. *Universitas philosophical,* 65(32), pp. 108-135.

Aristotle, 2010. *De anima.* Original translation by Boeri Marcelo ed. Buenos Aires: Colihue.

Aristotle, 2013. *Physics2 in Beyond Nature and Culture Philippe Descola.* Chicago: The University Chicago Press.

Asad, T., 2003. *Formations of the secular.* Standford: Standford University Press.

Avila, R., 2011. El derecho de la naturaleza: Fundamento. In: C. E. &. C. Pérez, ed. *Los derechos de la naturaleza y la naturaleza de los derechos .* Quito: Ministerio de justicia, derechos humanos, cultos, pp. 35-74.

Baxi, U., 2006. Politics of reading human rights: Inclusion and exclusion within the production of human rights. In: S. M. &. B. Çalı, ed. *The legalization of human rights.* New York: Routledge, pp. 182-200.

Bentham, J., 1978. *Security and Equality of Poverty edited by Crawford, B.* Toronto: University of Toronto Press.

Berry, T., 1999. *The Great Work: Our Way into the Future.* New York: Bell Tower.

Beuchot, M., 2019. *Interpretación del ser humano.* México city: Herder.

Birnbacher, D., 1998. Legal rights for the natural object. Philosophical critics. In: O. N. P. S. Edgar Morscher, ed. *Applied ethics in a troubled world.* London: Springer, pp. 20-40.

Bloom, H., 1995. *A map of misunderstanding.* Oxford: Oxford University Press.

Bohman, J., 2004. Hermenéutica. In: R. Audi, ed. *Diccionario Akal de filosofía.* Madrid: Akal ediciones, pp. 486-487.

Bolivar, E., 1998. *la modernidad de lo Barroco.* México: Ediciones Era.

Bonfils Batalla, G., 1987. *México profundo: una civilización negada.*

México D.F: Secretaría de Educación Pública.

Bonilla, D., 2006.

La *constitución multicultural.*

Second ed. Bogotá: Siglo del Hombre editores.

Botero, D., 2002.

V*italismo Cósmico.*

Bogotá: Siglo del hombre editores.

Burdon, P., 2011. The great jurisprudence. In: P. Burdon, ed. *Exploring wild law.* Kent-Australia: Wakefield, pp. 59-75.

Campbell, T., 2006. *Rights: A critical introductory.* First ed. London: Routledge.

Capra, F. &. M. U., 2015. *The ecology of law: Towards a legal system in tune with Nature and Community.* Oakland: Berret-Koehler.

Carriere, J., 2013. *La controverse de Valladolid.* New York: Pockect.

Castro Gomes, S., 2005. *La Hybris del punto cero. Ciencia, raza e lustración en la Nueva Granada (1750-1816).* Bogotá: Universidad Javeriana.

Castro Gomez, S., 2019. *El tonto y sus canallas. Notas para un republicanismo moderno.* First ed. Bogotá: Pontificia Universidad Javeriana.

Castro Gómez, S., 2021. *El giro decolonial.* [Online]

Available at: https://www.youtube.com/watch?v=ZelZVPd6IDE

[Accessed 18 04 2021].

Cepal, 2011. *Observatorio del principio 10. América Latina.* [Online]

Available at: https://www.asambleanacional.gob.ec/sites/default/files/documents/old/constitucion_de_bolsillo.pdf

[Accessed 16 06 2021].

Charmichael, D. H. J. &. R. B., 1994. *Sacred sites, sacred places introduction.* London: Taylor & Francis.

Chavert, J. &. K. E., 2008. *The Liberal Project and Human Rights.* 1st ed. Cambridge: Cambridge University Press.

Cheah, P., 2006. *Inhuman Conditions.* Massachusetts: Harvard University Press.

Chukhrov, K., 2018. In Human. In: R. B. &. M. Hlavadjova, ed. *Posthuman Glossary.* New York: Bloomsbury Academic, pp. 201-204.

Clayton, L., 2011. *Bartolomé de las Casas and the conquest of the Americas.* First ed. Oxford: Wiley-Blackwell.

Clayton, L., 2011. *Bartolomé de Las Casas and the Conquest of the Américas.* First ed. Sussex: Wiley->Blackwell.

Cohen, A., 2001. *The symbolic construction of community.* London: Routledge.

Cohen, A., 2001. *Symbolic Construction of Community.* London: Routledge.

Cover, J., 1999. *Substance and Individuation in Leibniz.* Cambridge: Cambridge University Press.

Crosso, F., 1997. *The Oxford dictionary of the Christian Church.* Third ed. Oxford: Oxford University Press.

Crowel, S., 2013. *Normativiy and phenomenology in Husserl and Heidegger.* Cambridge: Cambridge University Press.

Cullinan, C., 2007. *Sowing wild law.* Oxford, Lawtext Publishing.

Cullinan, C., 2010. *The legal case for the Universal declaration of the right of mother earth.* [Online]

Available at: https://therightsofnature.org/wp-content/uploads/pdfs/Legal-Case-for-Universal-Declaration-Cormac-Cullinan.pdf

[Accessed 18 06 2021].

Cullinan, C., 2011. *Wild law: A manifesto for earth justice.* Vermont: Green books.

Darwin, C., 1874. *The descent of man and selection in sex relations.* Second ed. London: Jhon Murray.

De la Cadena, M., 2010. Indigenous Cosmopolitics in the Andes. Conceptual Reflections beyond politics. *Cultural Anthropology,* 25(2), pp. 334-370.

De Soto, D., 1968. *De justitia et jure libri decem.* Madrid: Anast.

De Sousa, B. &. G. M., 2004. *El caleidoscopio de la justicia en Colombia.* Bogotá: Instituto Colombiano de Antropología e Historia.

De Sousa, B., 2007. Beyond Abyssal Thinking: From Global Lines to ecologies of knowledge. In: *The Curriculum Whose internalization?.* Oxford: Peterlang, pp. 45-70.

De Sousa, B., 2009. *Sociología jurídica: Para un nuevo sentido común en el derecho.* First ed. Bogotá: ILSA.

Del Popolo, F., 2017. *Los pueblos indígenas en Abya Yala. Desafíos para la igualdad en la diversidad.* Santiago de Chile: CEPAL.

Delaware, U. o., 2021. *Reciprocity.* [Online]

Available at: https://sites.udel.edu/arcticartecology/reciprocity/

[Accessed 20 08 2021].

Deleuze, G. &. G. F., 2004. *Mil mesetas capitalismo y esquizofrenia translated by José Vázquez Pérez.* Sixth ed. Valencia: Pre-textos.

Deleuze, G., 1988. *Spinoza: Practical Philosophy.* First ed. San Francisco: City light books.

Deleuze, G., 1991. *Bergonism.* New York: Zone books.

Deleuze, G., 1992. What is a dispositif? In: D. Lapoujade, ed. *Two regimes of madness.* Cambridge United States: Semitex(e), pp. 338-350.

Deleuze, G., 1994. *What is philosophy?* Washington: Columbia University Press.

Descola, P., 2013. *Beyond nature and culture.* Chicago: Chicago University Press.

dicctionary, E. o., n.d. [Online].

dictionary, O. e., 2021. *Online etymology dictionary.* [Online]

Available at: https://www.etymonline.com/word/positive

[Accessed 07 02 2021].

Dilthey, W., 1996. *Volume IV: Hermeneutics and the Study of History.* New Yersey: Princeton University Press.

Douglas, M., 1966. *Purity and danger: An analysis of the concept of pollution and taboo.* London: Routledge.

Douzinas, C. &. G. C., 2014. Introduction. In: *The meaning of rights.* First ed. Cambridge: Cambridge University Press, pp. 1-13.

Douzinas, C., 2000. *The end of human rights. Critical legal thought at the turn of the century.* Oxford: Oxford University Press.

Duque, J., 2009. *The sacred is a jurisdictional argument in Colombia. the claim of indigenous lands as an argument for cultural autonomy in the Sierra Nevada de Santa Marta.* Bogotá: Universidad Nacional de Colombia.

Dussel E, 1992. *1492 el encubrimiento del otro "hacia el orígen del mito de la modernidad".* 1st ed. México: Colección académica.

Dussel, E., 1994. *1492 El encubrimiento del Otro"hacia el origen del mito de la modernidad".* Primera ed. La Paz: Plural.

Dussel, E., 1995. *The invention of America: "Eclypse of the other and the myth of the modernity" translated by Michael D. Barber.* New York: The continuum Publishing Company.

Dussel, E., 2014. Origen de la filosofía política moderna: Las Casas, Vitoria y Suárez (1514-1617). *Caribbean Studies,* 3(2), pp. 35-80.

Dussel, E., 2018. *Anti-Cartesians meditation and transmodernity.* 9 Decolonizing the mind ed. s.l.:Amrit.

Earth, W. p. c. o. c. c. a. t. r. o. m., 2010. *Global Alliance for the rights of nature.* [Online]

Available at: https://www.therightsofnature.org/universal-declaration/

[Accessed 18 06 2021].

Ehardh, N., 2007. *Moral habit: Ethos and Agency for the sake of the earth.* New York: State University of New York Press.

Elder, P., 1984. Legal rights for nature: The wrong answer to rights question. *Osgoode Hall Law Journal,* 22(2), pp. 285-295.

Eliade, M., 1987. *The sacred and the profane. The nature of religion, translated by William Trask.* New York: Harcourt, Brace & World, Inc.

Eliade, M., 2005. *The Myth of the Eternal Return: Cosmos and History.* New Yersey: Princeton University Press.

Engel, R. &. M. B., 2011. The earth charter, Covenants, and Earth jurisprudence. In: P. Burdon, ed. *Exploring wild law: the philosophy of earth jurisprudence.* Oxford: Wakefield, pp. 312-323.

Escobar, A., 1999. *El final del salvaje. Naturaleza, cultura, política en la antropología contemporánea.* Bogotá: ICAN: Colección Antropológica de la modernidad (3).

Escobar, A., 2007. *The invention of the thrid world.* First ed. Caracas: Fundación Editorial el perro y la rana.

Escobar, A., 2016. Thinking-feeling with the Earth: Territorial Struggles. *Revista de antropología iberoamericana,* 11(1), pp. 11-32.

Escobar, A., 2018. *Designs for the pluriverse.* Durham-London: Duke University Press.

Escobar, A., 2020. *Pluriversal Politics. The real and the possible.* Durham and London: Duke University Press.

Esposito, R., 2008. *Bíos /Biopolicits and Philosophy.* Second ed. Minneapolis-London: University of Minnesota Press.

Esposito, R., 2012. *Third Person policits of life and philosophy of the impersonal.* English ed. Malden: Polity Press.

Esposito, R., 2015. *Persons and things.* Cambridge: Polity Press.

Estermann, J., 2006. *Filosofía andina: Sabiduría indígena para un mundo nuevo.* Second ed. La paz: Colección "Teología y Filosofía Andinas" N* 1.

Etimologías, 2021. *Etimologías del hombre.* [Online]

Available at: http://etimologias.dechile.net/?hombre

[Accessed 1 2 2021].

Fanon, F., 2009. *Piel negra mascaras blancas.* Madrid: Akal.

Federici, S., 2018. *Witches, Witch-hunting and Women.* Oakland: PM Press.

Ferrando, F., 2019. *Philosophical posthumanism.* London: Bloomsbury Academic.

Fitzpatrick, P., 1990. Racism and the innocence of law. In: D. Goldberg, ed. *Anatomy of racism.* Minnesota-Oxford: University of Minnesota Press, pp. 247-261.

Florêncio, F., 2012. Traditional authorities and Legal Pluralism: A comparative analysis of two case studies in Mozambique and Angola. In: H. A. S. S. N. &. C. J. Kied, ed. *The dynamics of Legal Pluralism in Mozambique. State and Non-State Mechanism of justice and public safety.* Maputo: CESAB, pp. 89-108.

Foucault, M., 1968. *Las palabras y las cosas translated by Elsa Cecilia Frost.* Second ed. Buenos Aires: Siglo veintiuno editores Argentina.

Foucault, M., 1994. *Subjectivity and truth.* first ed. New York: New York Press.

Foucault, M., 1995. *Discipline and Punish: the birth of the prison.* Second ed. New York: Vintage.

Foucault, M., 1996. *La verdad y las formas jurídicas.* Barcelona: Letra e.

Foucault, M., 2014. *Del gobierno de los vivos.* Second ed. México D.F: Fondo de Cultura Económica.

Giuliani, G., 2021. *Monsters, Catastrophes and the Anthropocene a Postcolonial Critique.* London: Routledge.

Gomez, D., 2020. Transforming human rights: Through the decolonial lens. *The age of human rights Journal,* Issue 15, pp. 276-303.

Goodale, M., 2014. *Human rights at Crossroads.* Oxford: Oxford University Press.

Gordon, L., 2014. Disciplinary Decadence and the decolonization of knowledge. *African development,* XXXIX(1), pp. 81-92.

Graeber, D., 2011. *Debt: the first 5000 years.* New York: Melville house.

Graham, N., 2011. Cosmology and earth jurisprudence. In: P. Burdon, ed. *Exploring wild law.* Oxford: Wakefield, pp. 259-269.

Green, H., 2011. Cosmology and Earth jurisprudence. In: P. Burdon, ed. *Exploring wild law: the philosophy of earth jurisprudence. .* Oxford: Wakefield, pp. 79-84.

Grenier, L., 1998. *Working with indigenous knowledge. A guide for researchers.* Ottawa: International development research center.

Grosfoguel, R., 2013. Racismo/sexismoepistémico, universidades occidentales y los cuatro genocidios/epistemicidios a lo largo del siglo XVI. *Tabula rasa,* Issue 19, pp. 31-58.

Grosfoguel, R., 2016. Del extractivismo económico al extractivismo epistémco y al extractivismo ontológico. Una forma destructiva de conocer, ser y estar en el mundo. *Tabula rasa,* Issue 24, pp. 123-143.

Grosfoguel, R., 2018. ¿Negros marxistas o marxistas negros? una mirada descolonial. *Tabula rasa,* 1(28), pp. 11-22.

Grotius, H., 1993. *De jure Belli ac pacis critical edition prepared by Mrs.B.J.A.de.* Amsterdan: Scientia Verlag.

Grotius, H., 2005. *The rights of war and peace.* Tuck, Richard ed. Indianapolis: Liberty Fund, INC.

Grubačić, O. D. &., 2016. Capitalism, mutual aid, and material life: Understanding exilic places. *Capital & Class,* 40(1), pp. 147-165.

Guattari, F., 1995. *Chaosmosis: an ethics-aesthetic paradigm.* Galileé ed. Indianapolis: Indiana University Press.

Guattari, F., 2000. *The three ecologies.* English version ed. London: The Athlone Press.

Gudynas, E., 2014. *Derechos de la Naturaleza. Ética biocéntrica y políticas ambientales.* First ed. Lima: Programa Democracia y Transformación Global.

Guzmán Brito, A., 2002. LOS ORÍGENES DE LA NOCIÓN DE SUJETO DE DERECHO. *Revista de estudios histórico-jurídicos,* Issue 24, pp. 151-247.

Habermas, J., 1985. *The theory of communicative action volume 2: Lifeworld and system: a critique of functionalist reason. Translated by Thomas McCarthy.* Boston: Beacon Press.

Habermas, J., 1996. *Between Facts and Norms. Contributions to a Discourse Theory.* Second ed. Massachusetts: Massachusetts Institute of Technology.

Hamacher, W. &. M. J., 2014. On the Right to Have Rights: Human Rights; Marx and Arendt. *The New Centennial Review,* 14(2), pp. 169-214.

Harari, Y., 2015. *Sapiens: a brief history of Humankind.* New York: Harper.

Harari, Y., 2017. *From animals to god. A brief history of mankind.* Second ed. New York: Penguin Random House.

Harari, Y., 2017. *Homo Deus. A Brief History of Tomorrow.* New York-London: Harper.

Haraway, D., 2008. *When species meet.* Minessota: University of Minessota Press.

Haraway, D., 2015. Anthropocene, Capitlalocene, Plantaniocene, Chthulhocene: Making kin´s. *Environmental humanities,* Issue 6, pp. 159-165.

Harvey, W., 2017. Spinoza and Manimonides on Teology and Anthropocentrism. In: Y. Melamed, ed. *Spinoza´s ethichs a critical guide.* Cambridge: University Printing House, pp. 43-55.

Harvey, D., 2003. *The new imperialism. Rebel cities: from the Right to the City to the Urban Revolutions.* London: Oxford University Press.

Hegel, G., 1952. *Outlines of the Philosophy of Rights. Translated by T, M Knox.* Oxford: Oxford University Press.

Hegel, G., 2001. *Philosophy of History.* Ontario: Batoche Books.

Heidegger, M., 1977. *Basic writings. Letter on humanism Edited by David Krell.* New York: Harper & Row.

Heidegger, M., 1977. *The question concerning technology was translated by William Lovitt.* New York: Garland Publishing.

Houtart, F., 2011. El concepto de Sumak y su correspondencia con el bien común de la humanidad. *Ecuador debates,* Issue 84, pp. 54-76.

Hunt, L., 2007. *Inventing human rights. A history.* First ed. New York: W.W. Norton & Co.

Hyppolite, J., 1983. *Introduction à la philosophie de l'histoire de Hegel.* Paris: Année.

Ingold, T., 2015. *The life of lines.* Abingdon: Routledge.

Ivakhiv, A., 2003. Orchestrating sacred space: Beyond the social construction of nature. *Echoteology,* 1(8), pp. 11-29.

Kant, E., 1887. *The philosophy of law was translated by W. Hastie.* First ed. Edinburgh: T & T Clark.

Kant, I., 1784. *Blackmask Online.* [Online]

Available at: file:///C:/Users/Asus/Downloads/An%20Answer%20To%20The%20Question%2

0What%20Is%20Enlightenment%20by%20Kant,%20Immanuel%20(z-lib.org).pdf

[Accessed 24 08 2021].

Kelsen, H., 2008. *The pure theory of law.* New Yersey: The lawbook Excahnge.

Kennedy, D., 2006. Three Globalizations of Law and Legal Thought: 1850–2000. In: D. T. &. A. Santos, ed. *The New Law and Economic Development.* Cambridge: Cambridge University Press, pp. 19-73.

Khon, E., 2013. *How Forrest thinks: Towards an Anthropology Beyond the Human.* Berkeley: University of California Press.

Konrad, V. &. H. N., 2011. Border culture, the boundary between Canada and the United States of America, and the advancement of borderland theories. *Folklore 52,* pp. 70-90.

Kuhn, T., 1970. *The structure of scientific revolutions.* second ed. Chicago: Chicago University Press.

La Pena, F., 1987. Wintu sacred geography of Northern California. In: *Sacred sites, sacred places.* London: Taylor & Francis.

Latour, B., 1993. *We have never been modern translated by Katherine Porter.* First ed. Cambridge, Massachusetts: Harvard University Press.

Le Grange, L., 2020. The (Post)human Condition and Decoloniality. *Alternation (Special Edition),* Issue 31, pp. 119-142.

Lefebvre, A., 2013. *Human rights as a way of life: On Bergson´s Political Philosophy.* Stanford, California: Stanford University Press.

Leibniz, G., 2008. *Sämtliche Schriften und Briefe. Chapter VI.1.* Berlin: Walter de Gruyter.

Levinas, E., 2006. *Otherwise than being.* Sixth ed. Pittsburg: Duquene University Press.

Linares, J., 2003. La concepción heideggeriana de la técnica:Destino y peligro para el ser del hombre. *Signos Filosóficos,* Issue 10, pp. 15-44.

Linnaeaus, C., 2008. *Sistema Naturae.* Tenth ed. Uppsala: Uppsala Universitet.

LLasag, R., 2021. Constitucionalismo plurinacional: plurinacionalidad desde arriba y prurinacionalidad desde abajo. In: B. A. S. &. A. A. Edit by De Sousa Santos, ed. *Descolonizando el constitucionalismo. Mas allá de promesas falsas o imposibles. .* Ciudad de México: Akal, pp. 271-302.

Locke, J., 1690. *An essay concerning humane understanding.* London: Tho. Baffet.

Locke, J., 1967. *Two Treaties of Goverment.* Cambirdge: Cambrdige University Press.

Longa, F., 2016. Acerca del ethos militante aportes. *Argumentos ,* 1(1), pp. 45-74.

Lopez, M., 2004. *Teoria impura del derecho.* First ed. Bogotá: Legis.

Lugones, M., 2008. Colonialidad y Género. *Tabula rasa,* 9(1), pp. 73-101.

Lukacs, G., 1972. *History & Class Consciousness.* Third ed. Massachussetts: The MIT Press.

Macias, L., 2011. *Sumak Kawsay. La vida en plenitud. América Latina en Movimiento..* Quito: Época.

Macías, L., 2011. *Sumak Kawsay. La vida en plenitud. América Latina en Movimiento.* La Paz: Ëpoca.

Maldonado, N., 2008. La topología del Ser y la geopolítica del conocimiento. La modenidad imperio y decolonialidad. *Revista de Ciencias Sociales,* Issue 80, pp. 71-114.

Maldonado, N., 2017. On the Coloniality of Human Rights. *Revista Crítica de Ciências Sociais,* Issue 114, pp. 117-136.

Maldonado, N., n.d.

Mariategui, J., 1979. *Siete ensayos de interpretación de la realidad peruana.* 2 ed. México D.F: Era.

Mattei, C. &., 2015. *Ecology of law. Toward a legal system in tune with nature and community.* Oakland: Berrett-Koehler Publishers.

Maturana, H. &. V. F., 1973. *Autopoiesis & cognition. The realization of the living.* Second ed. Boston-London: Reidel Publishing company.

Maturana, H., 2008. *The Origin of Humanness in The Biology of Love.* Exeter: PO Box 200.

Mauss, M., 1985. A category of the human mind: the notion of person; the notion of self translated by W, D Halls. In: *The category of the person.* Cambridge: Cambridge University Press, pp. 1-26.

Meagher, T., 2018. *Maturity in a Human World: A Philosophical Study. Doctoral Dissertations.* [Online]

Available at: https://opencommons.uconn.edu.co/dissertation/1866

[Accessed 14 8 2020].

Melamed, Y., 2012. *Spinoza´s Deification of Existence.* Oxford: Oxford University Press.

Merriam-Webster´s, 2011. *Dictionary of law.* Massachusetts: Merriam-Webster´s.

Merry, S., 2006. Transnational Human Rights and Local Activism. *AMERICAN ANTHROPOLOGIST,* 108(1), pp. 38-51.

Mestre, Y., 2007. Ancestral territorial ordering of the four towns of the Sierra Nevada of Santa Marta. In: *Indigenous women, territoriality and biodiversity in the Latin American context.* Bogotá: Universidad Nacional de Colombia, p. 102.

Mignolo, W., 2006. Islamophobia/hispanophobia: The (Re) configuration of the racial imperial/Colonial Matrix. *Human Architecture: Journal of the Sociology of self-Knowledge,* 5(1), pp. 13-28.

Mignolo, W., 2009. Who speaks for the" human" in human rights?. *Human rights in Latin American and Iberian Cultures,* 5(1), pp. 7-24.

Mignolo, W., 2011. *The Darker Side of Western Modernity. Global Futures.* Durham: Duke University Press.

Mignolo, W., 2014. from human rights to life rights. In: C. D. &. C. Gearty, ed. *The meaning of rights.* Cambridge: Cambridge University Press, pp. 161-180.

Mignolo, W., 2018. *On decoloniality: concepts, analytics, praxis.* Durham: Duke University Press.

Moran, R., 2001. *Authority and Estrangement: An essay on self-knowledge.* Princeton: Princeton University Press.

Moyn, S., 2010. *The last utopia: Human Rights in History.* Massachusetts: Harvard University Press.

Murray, J., 2014. Earth jurisprudence, Wild law, Emergent law: The emerging field of ecology. *Liverpool law review,* 3(35), pp. 1-22.

Mutua, M., 2001. Savages, Victims, and Saviors: The Metaphor of Human Rights. *Harvard International Law Journal,* 42(1), pp. 201-245.

Mutua, M., 2002. *Human Rights a political and cultural critique.* Philadelphia: University of Pennsylvania Press.

Negri, A., 2015. *El poder constituyente. Ensayos sobre las alternativas de la modernidad.* Madrid: Traficante de sueños.

Nietzche, F., 1968. *The will of power.* New York: Random House USA inc.

Nino, C., 2013. *Introduction to law analysis translated by me.* Second ed. Barcelona: Ariel.

Norton, B., 1984. Environmental ethics and weak anthropocentrism. *Environmental ethics,* 6(1), pp. 163-174.

O´Gorman, E., 1995. *La invención de América.* México: Fondo de Cultura Económica.

Ovidio, 2003. *Metamorphosis.* Fith ed. Madrid: Cátedra Letras Universales.

Pacari, N., 1984. Las culturas nacionales en el estado multinacional ecuatoriano. *Revista del banco central de Ecuador,* 1(6), pp. 113-123.

Palsson, G., 2001. Humano-medio ambiente : Orientalismo, paternalismo y comunalismo. Translated by me. In: G. P. Phillipe Descola, ed. *Naturaleza y sociedad.* México: Siglo veintiuno editores, pp. 80-100.

Paraskeva, J., 2007. *Beyond Abyssal Thinking: From Global Lines to Ecologies of Knowledge. En J. Paraskeva, The Curriculum Whose internalization.* Oxford: Peter Lang.

Perez, J., 1999. *La salud social. De la socioeconomía al comunitarismo.* Madrid: Trotta.

Pico de la Mirandola, G., 1956. *Oration on the Dignity of man.* Chicago: Gateway Editions.

Prada, R., 2008. Análisis de la nueva Constitución Política del Estado. *Crítica y Emancipación. Revista latinoamericana de Ciencias Sociales. CLACSO,* 1(1), pp. 35-50.

Pratt, M., 1992. *Imperial eyes. Travel writing and transculturation.* London: Routledge.

Proudhon, P., 1840. *What is property? an inquiry into the principle of right and government translated by Benj. R. Tucker.* First ed. New York: Woodcock Dover publication.

Puerta, C., 2010. Pueblos indígenas y sistemas de salud: participación local en el contexto de las reformas neoliberales y multiculturales en Colombia. *Textos y Sentidos,* p. 50.

Pufendorf, S., 1961. *The whole duty of man according to the law of nature was translated by Andrew Tooke.* Indianapolis: Liberty Fund.

Quijano, A., 1971. Dominación y cultura. Lo cholo y el conflicto. *Revista latinoamericana de ciencias sociales de Chile,* Issue 12, pp. 17-45.

Quijano, A., 2000. Colonialidad del poder, eurocentrimo y América Latina. In: *Una perspectiva del Sur.* s.l.:Neplanta, pp. 533-580.

Ramose, M., 2001. *Polylog.* [Online]

Available at: https://them.polylog.org/3/frm-en.htm#s7

[Accessed 4 11 2021].

Ranciére, J., 2004. Who is the subject of the rights of man? *The South Atlantic Quarterly,* 2(103), pp. 297-309.

Rathore, A. &. C. A., 2011. *Wronging rights? Philosophical challenges for human rights.* London, New York, and New Delhi: Routledge.

Rawls, J., 1995. *Teoría de la justicia.* Second ed. México: Fondo de Cultura Económica.

Renan, J., 1889. *Examen de conscience philosophique.* Paris: CreateSpace Independent Publishing Platform.

Rescher, N., 1980. *Unpopular Essays on Technology Progress.* Pittsburgh: University of Pittsburgh Press.

Rivera, S., 2010. *Ch'ixinakak utxiwa: una reflexión sobre prácticas y discursos descolonizadores.* Buenos Aires: Tinta Limón Ediciones.

Rolston, H., 1989. *Philosophy gone wild: environmental ethics.* Third ed. New York: Prometheus Books.

Rubio, E. &. C. L., 2021. Between voices and silence: Indigenous women and sexual offenses among the Arhuaco people. *Latin American and Caribbean ethnic studies.*

Rubio, E., 2019. Three theories about the right to self-determination. *Diálogo de saberes,* 2(50), pp. 119-134.

Ruse, M., 2003. *Darwin and Design: Does evolution have a purpose.* M Massachusetts: Harvard University Press.

Said, E., 2004. *Humanism and Democratic Criticism.* New York: Columbia University Press.

Sangiovanni, A., 2017. *HUMANITY without DIGNITY.* Boston: Harvard University Press.

Santos, A., 2015. *Spinoza and law.* New York: Routledge.

Santos, B. &. R. C., 2005. *Law and Globalization from below.* Cambridge: Cambridge University Press.

Santos, B., 2007. Beyond Abyssal Thinking: From Global Lines to Ecologies of Knowledge. In: *The Curriculum Whose internalization?.* Oxford: Peterlang, p. 45.

Santos, B., 2010. *Descolonizar el saber, reinventar el poder.* Montevideo: Trilce.

Sartre, J., 1992. *Being and Nothingness translated by Hazel Barners.* Washington: Washington Square Press.

Schmitt, C., 2006. *The nomos of the Earth: In the International Law of the Jus Publicum Europaeum translated by Ulmen, G.* New York: Telos Press Publishing.

Sepúlveda, J., 1996. *Tratado sobre las justas causas de la guerra contra los indios.* Third ed. México D. F: Fondo de Cultura Econímica.

Sidgwick, H., 1876. The Theory of Evolution in its application to Practice. *A Quarterly Review of Psychology and Philosophy,* 1(1), pp. 52-67.

Sierra, R. A. d. l., 2017. *Documento madre,* Valledupar: Ministerio del interior-Colombia.

Simmons, B., 2009. *Mobilizing for human rights. International law in domestic politics.* First ed. Cambridge: Cambridge University Press.

Skinner, G., 2020. *Transnational Corporations and Human Rights. Overcoming Barriers to Judicial Remedy.* Cambridge: Cambridge University Press.

Sousa, B., 2009. *Sociología jurídica crítica.* Bogotá: Ilsa.

Sousa, B., 2014. *Derechos Humanos, Democracia y Desarrollo.* 1 ed. Bogotá: Dejusticia.

Spinoza, R., 1975. *Ética.* Madrid: Editora nacional.

Stirner, M., 1995. *The ego and his Own translated by David Leopold.* Cambridge: Cambridge University Press.

Stone, C., 2010. *Should trees have standing?* Oxford: Oxford University Press.

Stone, J., 2017. Law as Performance: Historical Interpretation, Objects, Lexicons, and Other Methodological Problems. In: E. &. M. B. Anker, ed. *New directions in law and literature.* Oxford: Oxford University Press, pp. 193-210.

Stuart, H., 1940. *Henry George Liddell, Robert Scott, A Greek-English Lexicon.* [Online]

Available at: https://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:1999.04.0057:entry=lo/gos

[Accessed 21 3 2021].

Suarez, F., 1612. *De legibus ad deo legislatore.* Oxford: Claredon Press London.

Suarez, F., 1944. *De legibus volume II translated by Willliam, G, Brown, A and Waldron J.* Oxford: The Clarendon Press London.

Suárez-Krabbe, J., 2016. *Race, Rights, and rebels. Alternatives to Human Rights and development from Global South.* London: Rowman & Littlefield.

Suarez-Krabbe, J., 2020. *Convivial thinking.* [Online]

Available at: https://www.convivialthinking.org/index.php/2020/10/05/relinking-as-healing/

[Accessed 18 11 2021].

Swartz, B., 1998. *The code Napoleon and the common Law World.* New York: The law book exchange.

Thusnet, M., 1984. An essay on rights. *Wisconsin Law Review,* 62(8), pp. 1363-1403.

Tobin, B., 2014. *Indigenous people, customary law, and human rights. Why living matters.* First ed. London & New York: Routledge.

Valenzuela, K., 2018. Militant ethnography and autonomous politics in Latin America. *Qualitative Research,* 19(6), pp. 1-17.

Vattimo, G., 2009. *Introducción a Heideggerd.* Madrid: Gedisa.

Vergés, F., 2017. Racial Capitalocene. . In: G. T. a. L. A. (. In: Johnson, ed. *Futures of Black Radicalism.* London: Verso, pp. 72-82.

Wallerstain, I., 2005. *Análisis de sistemas-mundo. Una introducción.* second ed. Ciudad de México: Siglo XXI editores.

Weber, M., 2005. *The protestant ethic and the spirit of capitalism.* New York, London: Taylor & Francis.

Wynter, S., 2003. "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation – An Argument. *The New Centennial Review,* 3(3), pp. 257-337.

Yale, M., 2013. *Plan Salvaguarda de la nación Nasa,* Bogotá: Ministerio del interior Colombia.

Zarka, Y., 2008. The invention of the subject of the. *British Journal for the History Philosophy,* 7(2), pp. 245-262.

Žižek, S., 2012. *Less than nothing Hegel and the shadow of dialectical materialism.* London-New York: Verso.

.