

## THE STRUGGLE FOR RIGHTS: ANTHROPOLOGICAL REFLECTIONS ON WHAT IS AND WHAT OUGHT TO BE

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This introduction to this human rights-themed issue of the *Aghamtao* journal provides an overview of the articles, most of which were presented during the 39th Annual Convention of the UGAT. It suggests that the human rights situation in the Philippines can be productively viewed as a 'battlefield' where various groups re/negotiate the meaning of 'human rights', such that the various articles' discussion of 'what is' (the conditions obtaining in the lives of the authors' interlocutors) can be seen as the product of such negotiations, and that 'what ought to be' (emancipation from those conditions) requires commitment and struggle in those ongoing negotiations. This raises the question of how anthropologists and other social scientists ought to respond to this, the challenge of our times.

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### **The context**

During his third State of the Nation address, the President of the Philippines took the opportunity to defend his so-called war against illegal drugs, which had caused growing concern among certain quarters over the many killings that had come in its wake. Addressing the opposition, he declared, “Your concern is human rights. Mine is human lives” (see Villamor 2018).

This statement came under considerable criticism, with many pointing out that the President’s remark drew a false distinction between human lives and the rights which make lives human. Representative of such views was that of opposition senator Risa Hontiveros, who commented that the President was “wrong to say he cares for human lives and not human rights because [rights are] part of human life” (Deiparine 2018). Others noted the disturbing

implication that those killed in the course of the anti-drug war, almost invariably tagged as drug-dealers or –users by the police and other agents of the state, had no rights. Bishop Pablo Virgilio David of the Diocese of Caloocan was thus quoted as saying, “Such a statement implies that the victims of drug-related killings are not human lives! Is not the right to life the most basic human right?” (Doyo 2018).

While such criticisms certainly have their merits, Philippine Daily Inquirer Columnist Ma. Ceres P. Doyo insightfully suggested that the President was not actually making a blanket denial of human rights, but was in fact invoking the rights of the victims of drug-pushers (Doyo 2018). Indeed, if we place the controversial statement in context, the President’s speech went as follows:

“When illegal drug operations turn nasty and bloody, advocates of human rights mock our law enforcers and this administration to no end. Sadly, I have yet to really hear howls of protest from human rights advocates and church leaders against drug lordism, drug dealing and drug pushing as forceful and vociferous.... *Your concern is human rights. Mine is human lives.* The lives of our youth are being wasted and families destroyed, and all because of the chemicals called ‘shabu’, cocaine, cannabis and heroine. Human rights, to me, is giving those at the society’s fringes decent and dignified lives through social and physical infrastructure. The lives and freedoms and the hard-earned property of every Filipino whose condition we wish to improve shall be protected from criminals, terrorists, corrupt officials, and traffickers [of] contrabands.” (see Rappler 2018, emphasis supplied)

The President was thus not simply pitting human rights against human lives and siding with the latter, but arguing that the rights of victims deserve greater concern than those of their victimizers; or alternatively, that the alleged victimizers forfeited their rights when they decided to embark on their criminal careers. Setting aside the question of the validity and value of such a perspective, it appears that the President was, in his inimitable way, offering an alternative framing or understanding of ‘human rights’ rather than simply rejecting it out of hand. More importantly perhaps, it can be argued that he is not alone in holding this perspective. His all-but-complete triumph at the recently-held midterm elections (see BBC 2019) suggests that many Filipinos share the President’s views; and corollary to that, that it is a

mistake to see the President as something of a lone wolf actor, rather than as only the most prominent and vocal spokesperson of a large segment of the Philippine population.

The situation calls to mind some aspects of the political situation in Bolivia, as described by Daniel Goldstein (2007). He found that many ordinary Bolivians, beset by rising crime and economic uncertainty, embraced a discourse of security, which they counter-posed to the discourse of human rights, as they call for more, and more violent, police action on criminality (2007:51). As a result,

“rights originally intended to protect the poor from state violence ... are now seen by those same people as ‘rights for criminals’, and hence as challenges to their own security”.  
(Goldstein 2007:52)

In such a setting, “violence becomes... a practice not antagonistic to rights itself but, bizarrely, a means of securing them; meanwhile, ‘human rights’... become demonized” (Goldstein 2007:53), “a foreign idea inappropriately imposed on local reality, while at the same time appropriating it to the struggle for ‘security’” (Goldstein 2007:52).

This is not to say that direct parallels can be drawn between Bolivia and the Philippines. The point is that ‘human rights’ as a notion and set of practices, are not passively received by ordinary people; rather, they “are actively engaged in shaping and reinterpreting human rights in light of their own contexts” (Ron et al. 2017:7, see also Goodale 2007:25). In the Philippine case, it seems, the President of the Philippines has recast ‘human rights’ and its advocates as protective only of ‘criminals’, while ignoring the rights of the victims of crimes. To the extent that this critique of human rights practice is shared by other Filipinos – again, as suggested by the votes the President’s supporters received in the midterm elections, as well as his stable, relatively high public approval ratings – then we are actually faced with a largely unremarked and widespread “backlash against human rights” (following Goodale 2018:255) that may at least partly explain the relative public silence and passivity over the thousands of deaths occasioned by the Philippine state’s war on drugs.

This warns us that a call for “human rights from below” (see Blouin-Genest, et al. 2019:20), while appealing in its way, is not unproblematic; as the people ‘below’ may (as in the case of Bolivia and, I argue, the Philippines) redefine ‘human rights’ in a manner that

“threatens to undermine the political and legal gains that [human rights] discourse has globally attained, and must be taken very seriously by those concerned for the emancipatory potential of human rights” (Goldstein 2007:53).

Of course, any such redefinition would be opposed by other members of society who have a stake in alternative understandings or practices of ‘human rights’. It is in this sense that human rights can be understood as ‘battlefields’, a ‘space for struggles for meaning’ where the

“different human rights actors become organized and mobilized in order to claim a specific understanding or practice of ... rights through the logic of emancipation from their original context” (Blouin-Genest et al., 2019:18).

The Philippine situation is made even more complex by the fact that with the declaration and continuous extension of the state of martial law in Mindanao, there is, in effect a “state of exception” (cf. Agamben 2005) under which

“the abrogation of rights and personal protections is justified by a more or less permanent ‘war’ that ‘requires’ the sovereign’s unrestrained response”. (Goldstein 2007: 53-54)

### **The conference**

The President’s speech, quoted above, was delivered on 23 July 2018, many months after the UGAT (Ugnayang Pang-Aghamtao) held its 39<sup>th</sup> Annual Conference at Capitol University, Cagayan de Oro City in November 2017. Having said that, the context described above held true at the time of the conference in 2017, at the time the third State of the Nation Address was delivered in 2018, and unfortunately still holds true today in 2019: We are a people divided on the understanding and valuation of ‘human rights’ vis-à-vis security, or the peoples’ safety from criminality, terrorism, and corruption, for which the President claims to be fighting. This division has resulted in many thousands of deaths and disrupted lives, a toll that is already historically unprecedented but still continues to mount. The UGAT was thus validated in its choice of ‘human rights’ as the central theme of its 39<sup>th</sup> Annual Conference, understanding that this will be a relevant or even urgent issue and concern for many Filipinos.

The notion of ‘right’ or a claim of entitlement to a benefit, or other good or service, for example, is a concept that allows scholars and their readers to

compare and appreciate alternative understandings of social and legal order, which are constructed and asserted, refined or reinvented within today's pluralistic politico-legal and cultural contexts. 'Rights', however, can be viewed as having a very interesting time-dimension: They allow the scholar not only to understand local claims of entitlement, but also to evaluate the present in terms of these same claims; i.e., whether or not these claims are respected by others. In settings where – as is usually the case – such claims are not respected at present, then 'rights' become a lens by which to compare the conditions of the present with an imagined – in a sense, ideal, or perhaps even utopian – future where those claims are finally recognized. 'Rights' in this perspective offer a window on how far a society such as ours has come in its seemingly intermittent struggle to realize its ideals.

In organizing the conference however it was necessary to keep in mind that not all potential participants in the conference were working on human rights issues, or indeed shared the same ideas or views regarding the human rights situation in the country. It was decided early on then that the conference would provide a venue not only for papers and discussions on human rights violations as commonly understood, but also invite participants to examine the situation of women and children, the Indigenous and Moro peoples, the LGBTQ community, farmers and fisherfolk, among others; i.e., it would go beyond the violence of human rights violations, and welcome the examination of the wider, more institutionalized adverse societal conditions that lend shape to what anthropologist and activist Paul Farmer calls "structural violence" (2004:307). Participants were invited to describe and reflect on the conditions that various groups, communities or sectors labored under, and perhaps address what else can be done to improve peoples' lives. To use the wording of the conference, it asked scholars, activists, students and grassroots representatives to participate in an 'anthropological reflection on what is, and what ought to be'. Implicit therein is the assumption that there is a difference between what people live through day-to-day, and the lives they think or believe they are entitled to as particularly situated actors and as human beings; a difference that demands analysis in terms of context and causation, and understanding in terms of appreciation of peoples' perceptions of their situation and their agentive responses thereto. It was hoped that this process would provide participants with a clearer sense of the state of our country, people and communities, and perhaps, move them to consider the role of anthropologists and other scholars in the pursuit of a more just society.

Two other developments in the organization of the conference need also to be recognized: First, was the participation of a group of social scientists and activists who worked under the banner of the “Insurgent Scholars for Humanity International Network”. As their statement to the conference organizers put it, “insurgent scholarship” is

“an endeavor committed to critical compassionate scholarships in the service of just peace, and self-conscious, people-responsive practices, [that] might offer new avenues and ways for engaged anthropological work and for subverting the dominant structures of knowledge production within and outside anthropology, across disciplines, and between various knowledge producers”. (Communication from Mary Racelis, June 1, 2017)

The conference, seeing in this nascent movement one possible answer to the question of how social scientists ought to address these fraught and uncertain times, readily provided these ‘insurgent scholars’ the opportunity they sought to articulate their politics, methods and ethics through their various panels and paper presentations at the conference.

The other development was the inclusion of a forum specifically for the representatives of indigenous peoples present at the conference. This was in part inspired by the *dap-ay* forum organized in the 2016 UGAT conference, and in part impelled by a suggestion from the late Dr. Erlinda Burton and other UGAT members to provide a space where indigenous peoples could speak about the state of their peoples, the issues they faced, the steps they have taken to address these issues, and the role or potential role that anthropologists and other social scientists can play in support of their struggles. This suggestion enjoyed wide credence and support among the conference organizers, given how the UGAT’s history has long been intertwined with that of the indigenous peoples of the Philippines. Dr. Burton, in perhaps one of her last public appearances as an engaged scholar, said at the beginning of the forum that in conceptualizing the activity, she drew on the Higaonon practice of *pagtulang* – an indigenous hearth-side pedagogy for training their children and youth – as inspiration for an exchange between indigenous people and the scholarly community that would hopefully ‘sow the seeds of solidarity’ in a landscape beset by tensions. In the event, four indigenous leaders from different parts of the country spoke on issues affecting their rights to life, to land and resources, to political representation, and to culture.

## The contents

This issue of the *Aghamtao* presents some of the papers presented or conversations conducted during the UGAT's 39<sup>th</sup> annual conference. Altogether, there are seven articles, each of which I propose to briefly describe here:

Two contributions, one co-authored by Aileen May P. Mijares and Joanna Paula Titic, and the other by Cody de Jesus Cepeda, address the President's still-ongoing war-against-drugs. More specifically, they examine the lives of people who were affected by it. Mijares and Titic use the lens of child rights as they follow the case of a youth trapped in the "landscape of fear" laid out by the state's drug war, while Cepeda explores survivors' "search for justice and healing" in a Church-sponsored support program for those bereaved by the drug war. Both these papers take note of the grievous (and, as Mijares and Titic point out, gendered) impact that the killings and the subsequent anxieties they leave in their wake have on the mostly poor families scarred by the war on drugs. Mijares and Titic go on to call scholar-citizens "to bear active witness and write against terror in these trying times". In this, they reiterate the call for "engaged anthropological work" issued by the 'insurgent scholars'.

Another contribution by an 'insurgent scholar' is Chester Antonino C. Arcilla's engaging, thoughtful, and personalized study of organizing work in an urban poor community. The article alludes to the difficult conditions – poverty and lack of social services, harassment of local leaders, demolitions and barricades, and even the heterogeneous character of urban poor communities as well – attending attempts of the subaltern urban poor to defend their homes, livelihoods and rights to the city in the "gray zones" at the contested margins of legality. Aligning himself with the urban poor, Arcilla found himself confronted by ethical and personal questions, which he addressed through constant reflexivity on his part and dialogues with community members, rather than on academic ethical guidelines. For him, engaged ethnographers "bear witness to subaltern resistance", but beyond that, they locate their research within actual struggles so as to participate in the collective work of political intervention, in part through the production of knowledge instrumental to those struggles.

Two contributions address the state of indigenous peoples in the Philippines. The first is an account of the discussions during the *Pagtulang*—the 'hybrid' indigenous peoples' forum provided by the conference

organizers, described in the previous section. The four indigenous leaders chosen to discuss the state of their peoples spoke of, or alluded to, experiences of violence, threats and other problems relating to their rights to their lands and resources, and lack of recognition for indigenous political leaders and institutions, processes and knowledges, among other things. There were two representatives of the scholarly community who responded to the four presentations. The second of these, anthropologist Risa Jopson, drew attention to issues of consent, greater reciprocity with the communities that social scientists work with, and scholars' accountability as areas where the academic community, among others, can respond to the issues raised by the indigenous representatives. In a final note, she also called for 'humility' on the part of social scientists in relating to their partner-communities. A synthesis of the discussion provided by Norman King, a young Aeta anthropologist underscored the importance of indigenous leadership, especially in difficult times such as these, and expressed appreciation of the initiatives taken by the Teduray and Lambangian peoples seeking to assert their presence and rights in the face of the projected Bangsamoro territory. His reflections on his position betwixt and between the scholarly community on one hand, and his community and ethnic group on the other, provides a note of hope in what amounts to a partial assessment of the state of Philippine indigenous peoples.

The second article dealing with indigenous groups is by Christian A. Rosales, who examines the tension between certain Tau-Buhid communities in Mindoro, on one hand; and the government on the other, over the latter's plans to intensify its Tamaraw-conservation program by expanding its infrastructure and presence within Tau-Buhid territory. Rosales takes note of how Tau-Buhid opposition is at least partly based on how the planned expansion of state presence in 'sacred' areas within their ancestral territory would impair the Tau-Buhids' capacity for *amurit* or 'malign magic' which helps them maintain their social order. The state's environmental bureaucracy, of course, rejects such arguments, which it considers 'unscientific'. The article is remarkable not only for its detailed discussion of an indigenous magical practice, but also for its call for 'cosmopolitical ontologies' that could potentially allow for dialogue between a bureaucracy with a bias for the scientific, and the Tau-Buhid, whose conception of the land includes spirits who can affect their capacity for retributive magic, which in turn is crucial to the maintenance of their identity and survival.

Keeping with the theme of recognizing non-human 'others' who are believed to dwell in certain spaces in the land- or seascape, is Cynthia Neri



Zayas' article. She presents several "place-based notions of conservation": *Binaset* from the Casiguran Agta, *palyen* from the Pinatubo Ayta, the central Visayan notion of *marit*, and *tempat* of the Sama D'Laut. The article engages interest by drawing parallels between the everyday worlds of indigenous peoples like the Ayta and Agta on one hand, and coastal Visayan fisherfolk on the other; as well as for its argument for recognition and respect for such local knowledges as a means of resisting "the power of abstracted space of state cartographies" and inclusion of indigenous spatial notions that reinforce the integrity and productivity of what environmentalists would call "sanctuaries" or "refuges" but are considered sacred areas by the Agta, the Ayta and the coastal Visayans.

Finally, there is Jay L. Batongbacal's article on the Philippines' claim to Bajo de Masinloc, otherwise known as Scarborough Shoal. By now, most readers will have become aware that China is contesting the Philippines' ownership of this shoal, claiming it as her own. Batongbacal systematically builds up evidence supporting the Philippines' territorial claim to the shoal in prose that is eminently accessible, but without sacrificing scholarly standards. He then proceeds to offer ideas designed to provoke the urgently necessary conversations over what the Philippines ought to do next. This article illustrates how we, as a national polity, are also a collective rights-bearing entity, like individuals and more latterly, peoples and communities that have historically been the subject and object of human rights discourse.

### **The conversations to come**

In this introduction, I invested some time outlining the human rights situation of the Philippines – currently dominated by the alarming extra-judicial killings that have accompanied the prosecution of the state's war on illegal drugs – to situate the UGAT's choice of human rights as the theme for its 39<sup>th</sup> annual national convention. I suggested that the country is in fact divided over the issue of the killings, with some quarters critical and others supportive (or at least tolerant) of this violence. The articles of Mijares and Titic, and of Cepeda, underscore the terrible cost of this war-on-drugs, and point to the question of the state's accountability for the deaths and disruption it has thus caused. What has not been addressed though is the question of the accountability of the public, particularly those who support the anti-drug war, for allowing (or, through their votes, enabling) the state to summarily execute fellow-citizens in their name. As the writer and intellectual James Baldwin put it:

“[A]nd this is the crime of which I accuse my country and my countrymen, and for which neither I nor time nor history will ever forgive them, that they have destroyed and are destroying hundreds of thousands of lives and do not know it and do not want to know it.” (1963:17)

Baldwin was referring to the pervasiveness and insidiousness of public tolerance of racism in the United States, but his statement applies with equal force to public passivity or support towards massive extrajudicial murders; i.e., to their complicity in mass murder. Baldwin thus points us to the various forms of ‘structural violence’ that continue to haunt the lives of Filipinos. Human rights violations, in other words, do not exhaust the question of ‘what is’ the current situation of the Philippine people, and its constitutive ethnicities, sectors and communities. Our people must still contend with various forms of discrimination if not racism, poverty and government neglect, environmental destruction, and iniquitous and non-inclusive models of development, among other problems, which all operate to inhibit the full development of the human potential of each individual and culture.

The testimonies of the indigenous leaders who addressed the *Pagtulang*, as well as Rosales’ article, indicate that much still needs to be done to address the historical injustices that indigenous groups have had to endure at the hands of the Philippine state. Initially, the promulgation of the Indigenous Peoples Rights Act (IPRA) in 1997 seemed to herald a new age for the country’s indigenous peoples (Eder & McKenna 2004:66-67), but subsequent studies have noted significant problems in the statute’s conception and implementation (see Gatmaytan 2008, Calde et al. 2013, and Paredes 2018). Evidently, ‘mere’ legislation is not enough to attain social justice for indigenous peoples, and they continue to endure essentially the same problems that they faced even before the enactment of the IPRA.

In somewhat similar vein, Zayas’ and Rosales’ respective contributions raise the question of the government’s failure to recognize and include indigenous knowledges in environmental – and by extension, economic – planning and management. For all the supposed respect for indigenous peoples and rights espoused by the Philippine state, such a failure suggests that indigenous groups continue to occupy marginal positions, particularly with regard to the production and utilization of knowledge. There is now some urgency in addressing this deficiency, in light of Upendra Baxi’s view that, given current global environmental conditions,

“all of us now are placed under a duty to struggle for reimagining, and recasting, human rights as rights against extinction of all life and the rights of Mother Earth.” (2019:218)

Batongbacal’s contribution takes us onto another level entirely. His article underlines how, under the current administration, even our rights as a national community are under threat.

If all this is ‘what is’, then how do we define ‘what ought to be’, and how do we attain it?

Invoking Scheper-Hughes (1995) for the most part, Mijares and Titic speak of the ethical necessity of ‘bearing witness’ in this, ‘the time of *tokhang*’. Farmer warned that ‘bearing witness’ is not an unproblematic proposition (2003:26). He goes on to speak of two ways of knowing and of witnessing: The first is “to report the stoic suffering of the poor”, which the contributors to this issue of *Aghamtao* all do, in their respective articles. Farmer speaks however of a “great eloquence” beneath this silent, stoic suffering, an eloquence that anthropologists – whose self-appointed job it is to do so – could draw out through her/his research (2003:25-26). Sometimes however it is more respectful not to scratch at this silence, and simply do one’s job quietly, and it is this that he refers to as the “second silence” (2003:26), performed mainly to protect interlocutors’ identities and/or maintain the often-fragile conditions that enable survival in marginal spaces.

I submit however that this is not the time for silence, unless we want to come under James Baldwin’s condemnation, and perpetuate an unjust situation. But is breaking the silence of the poor by reporting on their suffering enough? Arcilla urges us to go beyond witnessing and locate our research within the actual struggles of subaltern groups, to define our objectives, tasks and methods in solidarity with them, and in the process generate knowledge and information, insight and resolutions useful in these struggles. The role of the anthropologist, it would seem to follow, is to draw on, and perhaps enrich, local peoples’ understandings of ‘what ought to be’, and lend support to their struggle thereto. As Jopson noted in her contribution to the *Pagtulang*, anthropologists and other social scientists must learn humility, and learn to be led by the outcomes of democratic dialogues with subaltern groups.

My brief description of the dynamics behind the recasting of ‘human rights’ as an anti-poor discourse in Bolivia (and, I have argued, in the Philippines as well) suggests however that the grassroots, subaltern groups,

the people ‘below’ are not immune to error, to shaping or reshaping discourses, notions and practices to political or economic ends that are regressive and ultimately non-emancipatory in nature. Thus, even as we follow the continuing call to understand local human rights understandings and practices (cf. Goodale & Merry 2007, Destrooper & Merry 2018), we need to keep in mind that human rights are a ‘battlefield’ (following Blouin-Genest et al. 2019:18) where there is no easy distinction between the oppressed poor on one hand, and an abusive state on the other. Rather, elements of the subaltern poor – and the other socio-economic classes – may well be on both, or multiple, sides on the issue of defining ‘what ought to be’ and what role human rights discourse and practice can play, if any, in attaining this. We must, then, prepare for battle, trusting that our practice of human rights will support ‘the oppositions that enable the emergence of political debates’, and thus ‘broaden a society’s democratic space by challenging the social and political order’ (Blouin-Genest et al. 2019:23). I believe that the UGAT conference, and this issue of *Aghamtao*, do interrogate the current social and political order, and it falls on us all now to build upon this foundation; to keep faith with our interlocutors in the field and our partner-communities; and to join them in their continuing struggle for emancipation from their current difficult and at times brutal conditions of existence.

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