

Defining Rights

IN DECEMBER 2001, Argentina was engulfed in the climax of a political and economic crisis. When President de la Rúa's administration tried to halt the tide of capital flight that was threatening to collapse the national banking system by freezing all deposits (the so-called *corralito*), the Argentine middle class joined with other sectors in expressing their frustration with all political representatives. This dissatisfaction with government was articulated as an ardent desire to throw out the lot of them (as summarized in the popular chant, *que se vayan todos*). Faced with widespread looting in the first weeks of this warm summer month (Auyero 2006, 2007; Cotarelo and Iñigo Carrera 2004), de la Rúa tried to stabilize the situation by declaring a state of emergency (*estado de sitio*). To a populace increasingly convinced of the government's ineffectiveness in addressing the nation's most serious economic crisis in two decades, this proved to be the final straw. Tens of thousands poured into the streets in defiance of his heavy-handed attempt at maintaining control. Indeed, not only was the injunction to stay home not obeyed, one of the most oft-repeated slogans of the day told the soon-to-be-ex-president what, precisely, he could do with such an order. Two days of massive street protests resulted in the deaths of some 37 protestors and ended with de la Rúa abandoning his post and being spirited off the top of the presidential offices (Casa Rosada) in a helicopter.

These protests are often seen as the culmination of an incremental process of economic disenchantment among the Argentine populace in reaction to the neoliberal structural adjustment policies implemented during the 1990s. While this is certainly the case, the events of December 19–20 were also part of broader discursive struggles over the meanings of elements of social life, including ideas

of what constitutes rights of citizenship, human rights, legality, moral obligation, historical memory, and human dignity. These debates did not emerge out of a neoliberal vacuum, but were informed by and drew on a long history of contention over the role of the state in balancing the dual pillars of liberal notions of rights—the right to private property and the right to (meaningful) equality.

This book traces the language of rights in Argentina over the past few decades. The idea of rights became particularly salient in Argentine society following the brutal repression carried out by the state during the most recent military dictatorship, which lasted from 1976 to 1983. In the wake of this violence, “human rights” became the clarion call for activists, and the issue of human rights retains a central importance in public life and political discourse. In recent years, however, the focus on rights violations has shifted. Under the dictatorship, violations were most vividly exemplified and symbolically embodied in acts of torture and forced disappearance. This book shows how over the past two decades the concepts of impunity and corruption have become the primary lenses through which rights violations are conceptualized. That is, violations of human rights are seen as occurring primarily through endemic forms of impunity and corruption in the social, political, and economic spheres. As the 1990s unfolded and hopes for legal justice for the perpetrators of Dirty War violence receded, and as scandals highlighting corruption among members of the ruling political and economic elite dominated the media, the twinned phenomenon of impunity/corruption became so prominent that power itself became equated with impunity (Cernadas de Bulnes 2005:131 n30). These ideas have become the defining terms in the language of protest that seeks to describe and invent alternatives to the current reality.

The shift in the focus of rights violations was accompanied by and in many ways was the product of concurrent economic and political conditions. The linkage between impunity and corruption is one of the main legacies of the neoliberal era. This book identifies the unfolding and mutually formative effects of human rights and neoliberalism in Argentina, an issue that has received little attention. In doing so, it works to uncover the multiple meanings that rights hold and the relationship between these various and varying interpretations and the political and legal institutions that structure their governance. Fundamentally, through ethnographic attention to the use and circulation of notions of rights in and following the era of neoliberal reform, the chapters that follow show how activism around the issue of human rights in Argentina challenges and constitutes the limits of the neoliberal project.

Argentina and Global Human Rights

Understanding the meanings of rights in Argentina is an important task, given the place that the country has held in discussions of rights on a global scale. Argentina and Argentine scholars and activists have played a prominent role in the construction of transnational codes of human rights, both as an example of state terrorism and through the active participation of Argentine lawyers, politicians, and activists on drafting committees for international human rights declarations and courts. As an exporter of human rights tactics, ideas, and experts, Argentina has been a source of innovation and protagonism in the field of human rights (Sikkink 2008). Initiatives put forth by Argentine organizations and political representatives led to the creation of an Organization of American States (OAS) treaty against the practice of forced disappearances, as well as inspiring a new international forum, the United Nations Working Group on Forced Disappearance. The idea of the right to identity, the subject of a March 2007 Special Meeting of the Permanent Council of the OAS entitled “Children, Identity, and Citizenship in the Americas,” has also come out, in part, of the issue of the children stolen from their abducted parents by the security forces under the last dictatorship. Argentina was also key agent in establishing the “right to truth” as part of the set of rights to justice as overseen by the United Nations Commission on Human Rights in April 2005.

These innovations were in part the product of a sharp focus on human rights in public discourse in Argentina, which intensified throughout the 1990s. Though the idea of human rights gained initial popularity through the particular issue of disappearances and torture during the dictatorship, it is now used broadly, in conjunction with a host of issues. It has become an essential feature of public discussion, and figures centrally in claims made by groups from across society about rights of citizenship and in legitimizing their struggles. The history of the discourse(s) of human rights that circulate and hold such power cannot be separated from the political and economic context that conditioned their emergence. This book traces the shifts that the idea of human rights has undergone within the context of the concurrent political and economic programs and policies. These factors, rather than being tangential, actively structured not only the conditions under which Argentines live but also the form and language that activism takes. Mark Goodale has argued that (neo)liberalist human rights discourse functions as a part of the empire of law used at once to structure the implementation of neoliberal changes to social, political, and legal organization and also to provide a source for resistance to these (Goodale

2007b, 2009). Excavating the liberal precepts of much human rights discourse, this book demonstrates how protest groups within Argentina use a modified version of this discourse to challenge the precepts of (neo)liberalism itself.

Commenting on the legitimacy, power, and potential that human rights discourses have come to possess internationally, Paul Rabinow has argued for the importance of learning more about the multiple forms and practices that human rights groups take on around the world, and the “preexisting moral landscapes” embedded in the choices these groups make in articulating their message of reform (Rabinow 2005:48). The more powerful normative transnational frameworks of rights become, the more important it is to investigate and understand how rights are conceptualized in different locations and at different times. As a critical ethnography of rights, this book explores the questions, How are rights being conceived by protest groups in Argentina? What issues are at the core of their demands? What violations do they perceive, and what are the (re)solutions they suggest? In addition, how do these demands relate to the political, economic, and social contexts within which they operate?

Critiques of normative visions of rights within international organizations or transnational NGOs largely center on the persistent domination within human rights discourse of certain basic liberal principles, to the exclusion of alternative perspectives. Liberalism is inherently embedded in the current normative framework of rights, most crucially in the primacy afforded to the individual as the ideal liberal subject. From its inception, this univocal idea of rights has been criticized by those who favor either a more inclusive or more nuanced approach. The assumption that one view of rights, based on a particular Western philosophy, might be applicable universally begs the question:

What if claims made in the name of universal rights are not the best way to protect people? In the 1840s, that is exactly what the radical Karl Marx was suggesting. In the 1940s, that is exactly what Hans Morgenthau, the conservative theoretician of political realism, and Melville Herskovits, the liberal cultural relativist, were arguing. All three were concerned about world peace, although each had a different way to get there: a violent lurch to the next stage of history, an ongoing balance of power, an increased respect for cultural difference. But, despite their very different sensibilities, all three were equally skeptical that some regime of liberal international law would do the trick. (Cmiel 2004:56)

In spite of the long history of such criticisms, the interpretations of human rights that predominate in international institutions and legal practice retain

their liberal basis. As Sally Engle Merry has demonstrated, contemporary transnational human rights networks (like those detailed by Sikkink for Latin America) form part of a normative and fundamentally neoliberalist vision of modernity (Merry 2005). The legalist reasoning that structures the formalization, implementation, and (attempted) enforcement of transnational human rights regimes is itself also a historical product (Riles 2006). Argentina is an interesting case in this regard, as it has been both a producer and a receiver of the ideas and structures that govern human rights globally. Gaining a deeper understanding how ideas of rights circulate and resonate within a country like Argentina is critical if rights are to be used as a means of increasing well-being rather than as a new form of domination.

The attempt to remake governments or hold them accountable along the lines specified by normative transnational frameworks implies their imposition on systems that operate under their own unique cultural and political logics. The manifestation of a generalized discourse in any given context is necessarily conditioned by local particularities (Roniger 2003). These particularistic manifestations in turn stand in a dialogic relationship of mutual influence with the generalized discourses they partially absorb. In this book, I argue for a dialogic view of the construction of narratives of human rights violations and specifically of notions of justice and accountability as resolution to these violations. This view builds on work on the vernacularization of human rights discourses, which has shown how groups use international human rights to advance their claims while also imbuing them with local meanings (Merry 1997, 2006). By taking a dialogic view I emphasize the mutually constitutive nature of these transnational and local ideas of human rights and justice (Goodale 2007a).

As Ileana Rodríguez has noted, “To converse about human rights using th[e] contemporary vocabulary of liberal struggles simply acknowledges the standard idioms of the current ideological debate and tackles the questions within the same terrain” (Rodríguez 2009:8). This book shows how post-neoliberal protest groups in Argentina, while not fully departing from this “contemporary vocabulary of liberal struggles,” do contest the ideas of individualism and universality embedded in transnational frameworks of human rights. Arising in the wake of neoliberal restructuring, they make a public case for the inclusion of a right to collective well-being or the collective good as a fundamental part of their demands, and do so in ways that draw on highly symbolic, historically charged notions of legitimacy. The forms of sociality they embody work to counteract the individualist focus of the normative discourse

of human rights and its traditional elision of economic rights in favor of political and civil aspects. These groups insist that when primacy is given to the needs of the individual and the market, the rights of the collective are inevitably violated.¹ Once again, Argentina offers an essential contribution to discussion of human rights by illustrating how tensions between the individual and collective continue to permeate these discussions, and how different stakeholders from across the state and society have sought to resolve them.

Neoliberal Rights

In Argentina, the installation and popularization of the idea of human rights as such happened at the same time and in conjunction with the arrival and application of another transnational discourse, that of neoliberalism. The contemporality of these discursive formulations within the Argentine context, far from being inconsequential, has meant they have had mutually formative effects. These effects go beyond the ways human rights and neoliberalism are intertwined in trans- and international institutions and legal precepts. Said another way, though it is the case that in Argentina the ideas of human rights have their roots in historical precedents and in the lived experience of many Argentines, all of the current variants have nonetheless been affected in one way or another by neoliberalism, even as they have influenced the form neoliberalism has taken, or at least the Argentine expression of it. This relationship has been largely overlooked, a lacuna this book seeks to address. In exploring the way “rights talk” is used and adapted locally by groups organized around a number of different issues, this book looks at the relationship between ideas of human rights, rights of citizenship, and the concrete and envisioned social relationships that form the basis for social activism in the wake of neoliberalism.

In using the term “neoliberalism,” I refer to a particular set of economic and political policy proposals that had widespread adherence and enjoyed their heyday among economic elites and the major Washington-based international economic regulatory agencies, such as the International Monetary Fund (IMF) and the World Bank, from roughly the late 1970s through the late 1990s. These proposals include what has come to be known as the “Washington Consensus,” and advocate a decreased role for states in controlling or regulating economic activity. They encourage free trade, privatization, reduced government spending, and deregulation of capital flows. Such policies, when applied to Argentina under the Menem administrations (1989–1999), included vast cuts to the size of state institutions, widespread privatizations of

state-controlled resources, and severe reductions in social services like education, health care, and transportation networks.

Yet neoliberalism is more than a concrete set of economic and political practices. As a philosophy and a discourse, its policies and practices are accompanied and reinforced by forms of governance and subject-making (Postero 2010:60 n1). Fundamentally, these forms of subject-making are based in the figure of the individual. In this sense, neoliberalism follows its roots in classical liberalism, which gave primacy to individual choice and responsibility, primarily through the formalization and legalization of the liberal citizen and individual property rights. The right to own property, bestowed by liberalism on individual citizens, lies precisely at the heart of the liberal subject. Liberalism itself can be seen, as Aihwa Ong, following Foucault, describes it, as “a regime of normalizing whereby *homo economicus* is the standard against which all other citizens are measured and ranked” (Ong 1999:129). This locus of the individual as political subject through his (and eventually her) economic rights is fortified under neoliberalism, where opposition to collective entitlements such as labor rights takes on a force unequalled in prior instantiations.

This philosophical focus on the individual is both consequential and ironic. It is consequential in the long and lingering trail of effects that it has, particularly for conceptions of rights. It is ironic in that economic power under neoliberalism at its height was only partially located in the individual. Macro-level policy was driven principally by transnational corporations and international economic decision-making bodies like the IMF, rather than within and by national governments that could have been, in theory, beholden to and invested in power by individual voters.

The interaction of neoliberal philosophy and particular governments was not, however, devoid of consequences. Even in the Global North neoliberalism had a distinct flavor in its different expressions, whether through US Reaganomics or British Thatcherism. Its manifestations in the Global South, where it was introduced through a coordination of international agencies and local elites, were inflected in even more locally specific ways in the different places in which it was applied. Neoliberalism carries with it an inherent ideological predisposition toward the construction of a certain notion of citizenship, through envisioning certain ideal forms of public participation in political life. These notions are likewise interpreted and applied in particular ways in local situations (Comaroff and Comaroff 2004). As Carol Greenhouse has argued, “Neoliberal reform . . . has restructured the most prominent public relationships that

constitute *belonging*: politics, markets, work, and self-identity” (2010:2; emphasis in original). In Argentina and elsewhere in Latin America, neoliberalism as implemented advanced a new kind of relationship between the state and civil society. A minimalist conception of the state and democracy and the reduction of the political domain and its appropriate participants removed citizens from meaningful participation in political life. Rather, participation in the public sphere was (somewhat paradoxically) based on individual integration into the market, where citizens could voice their opinions and exercise their freedoms through the power of consumer choice. Furthermore, citizens were now expected to be self-responsible for social obligations, including the provision of basic and necessary services previously provided by the government (Escobar and Álvarez 1992).

Rights of Citizenship

Citizenship can be conceived of as the set of rights and responsibilities of members of a national community.² The Enlightenment ideal of liberal (European) citizenship conceived of an independent and free individual able to participate in the political life of the nation. However, the exclusions and limitations of citizenship, both *de jure* and *de facto*, make it a frequent site of contention. Furthermore, citizenship is not a fixed category, but subject to a multiplicity of interpretations and manifestations, both within a single national community and across different countries. As a form of ideological practice, ideas of citizenship are asserted, debated, modified, and resisted in accordance with the beliefs or agendas of those involved.

Maristella Svampa has delineated three models of citizenship that she argues were developed during the 1990s in Argentina in relation to its own version of neoliberalism (2005b: 280–285). The first of these is “patrimonial citizenship.” This model has as its basis the idea of citizens as owners and controllers of their property and resources, with individual autonomy as an overriding principle. The commercialization of social services, such as education, health, and security, has led those financially able to provide for themselves to embrace the “improvements” to such services brought about by the increased reliance on options within the private sector. This model, which saw widespread expansion throughout the upper middle and ascendant classes during the 1990s, has its ultimate example in the rise of gated communities (known as *countries* in Argentina), which often function as complete, independent neighborhoods, with stores, health services, schools, and the like within their barriers.³

The second model is that of the citizen consumer. This idea is based on the inclusion of the individual in terms of his/her consumption and use of the goods and services provided by the market. As Néstor García Canclini has argued:

The exercise of citizenship has always been associated with the capacity to appropriate goods and the ways of using them for oneself, but it was supposed that the differences [in one's ability to do so] were leveled out by the equality of the abstract rights that were made concrete through voting, in feeling represented by a political party or a union. Together with the decomposition of politics and the decline in its institutions, other modes of participation gain force. Men and women perceive that many of the inherent questions for citizens—where do I belong and what rights does that give me, how can I get information, who represents my interests—are answered more through the private consumption of goods and through mass media than as part of the abstract rules of democracy or through collective participation in public spaces. (2001:1)

The figure of the citizen consumer is based on a notion of individual advancement and an acceptance of the logic of the market. These ideas were promoted by the Menem administration as the new unifying values that could guide the nation toward stability and prosperity.

The third model of neoliberal citizenship is that of community assistance/participation. This model applies to the increasing number of those otherwise largely excluded from the other two models, and consists of a kind of low-intensity, restricted citizenship, to be operative under the watchful eye of the state and through the constant control of international lending and development agencies. This model advocates the development of community support networks to cover the survival needs of those left out of the formal economic system. In this way, “those paradigmatic expressions of Latin American social cooperation (like survival networks and the informal economy) that had for decades been seen as obstacles to modernization . . . were reinterpreted in terms of ‘social capital,’” a term that Svampa says serves as “an ideological nucleus of the neoliberal model” (2005a:284).

These are the three models of citizenship that neoliberalism offered Argentines during the 1990s. However, it would be inaccurate to assume that the relationship of citizen to the market was an invention of the era. Inés Dussel's persuasive work on the making of citizens in early twentieth-century Argentina argues that viewing citizenship in terms of voting or the expressing of opinion in political matters is a particular historical articulation of the concept (and one

that, I would add, is itself infused with a hegemonic exclusionary ideology). Rather, she asserts, citizenship “encompasses a variety of practices in which one relates to others as a public self; communitarian actions, collective groupings, even consumption” (2005:109–110). She also shows that regulating young bodies through uniforms at this formative moment in Argentine national history carried with it the intention of producing “enlightened consumers” who would be good citizens for their disciplined adherence to consuming products that conformed to the moral norms of modern hygiene and simplicity. These ideas of participation in shaping and directing public life through consumption that began to take hold during this era left a continuing legacy.

In contrast, the emergence of Peronism in the 1940s redefined the relationship of the populace to the state and incorporated masses of Argentines into the political machine in ways unseen previously. New articulations of the role of the state and what citizens could and should hold as their own rights and responsibilities as participants in the national community emerged, and political parties gained relevance in the daily lives of an increasingly large sector of the population. An important body of scholarship has explored the legacy of these changes and the persistence of certain patterns of clientalism and patronage through established political channels (e.g., Auyero 2001; Levitsky and Murillo 2005). However, in recent years much attention has been focused on the break away from these “traditional” forms of doing politics. Recent scholarship highlights what are often referred to as “new practices of resistance” (*nuevas prácticas de resistencia*), or new forms of political participation that arose surrounding the economic and political crisis that peaked in December 2001 (Colectivo Situaciones 2002; Dinerstein 2004; Mato 2004; Svampa 2002). While this body of work provides important information on the nature of contemporary forms of political practice and ideas of citizenship in Argentina, I contend that the tendency to view these as “new practices of resistance” overemphasizes the break with the past and fails to give sufficient attention to the ways the groups involved conform to and work within the structures of politics as practiced within Argentina. Rather, I find it productive to consider how assertions of rights respond specifically to the historical moment that led to their emergence in ways that both draw upon and diverge from previously established practices and ideas of citizenship, political practice, and state responsibility.

Such public articulations as to the nature of rights of citizenship provide insight into how citizenship can function as a site for the exertion of power.