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7 Solidarity and Accountability: Rethinking Citizenship and Human Rights

Karen[Ann] Faulk

IN JULY OF 1999, a small nonprofit organization based in Buenos Aires brought a case against the state of Argentina in front of the InterAmerican Commission on Human Rights (IACHR), part of the Organization of American States.¹ Comprised of family members of victims from the 1994 bombing of a local Jewish center, the group Memoria Activa, or Active Memory, accused the Argentine government of violating their human rights to justice and to the protection of their lives and physical integrity, for failing to prevent the attack or to bring its perpetrators to trial. Memoria Activa also expressed their demand for justice and full rights to security by holding weekly events in the public plaza facing the Justice Building (*Palacio de Justicia*). In doing so, they insisted that they were exercising their rights and performing their duties as citizens, asserting what the state's role should be, and demanding that it meet its obligations. At the same time and also in Argentina, spiraling unemployment numbers brought about the emergence of the recuperated businesses movement. Driven in part by more than 5,000 factory business closures during the second half of the 1990s, the movement was formed by former employees of these bankrupt factories and businesses, who banded together as workers' cooperatives and re-created the jobs that had just disappeared. In fighting for legal tenancy of the establishments they had put back into production, cooperative members demanded that the state give primacy to their human right to the means to earn a living

¹ The author would like to thank Noa Vaisman for her careful reading and insightful comments on drafts of this essay, and for many stimulating and productive conversations on human rights and Argentina.

and fulfill its role in protecting their rights as citizens to meaningful access to dignified work.

What does it mean for groups like these to phrase their claims on the state as issues of both citizenship and human rights? What is the relationship between these two languages of rights and claims-making? Citizenship rights are usually construed as pertaining to the individual in relationship to the nation-state of which they are a member. Human rights, on the other hand, are often considered as the entitlement to fundamental protections, referring to a broader membership in a human collective that is not (in theory) limited by any state. The division into two sets of rights (state bound and universal) gained force under classical liberal theory and continues to carry within it operational traces of this historical legacy. By interrogating a history of theoretical writing on citizenship and human rights, and by drawing from recent work on the citizenship as an analytical category, this chapter looks to uncover a number of important aspects of this relationship that remain obscured by too facile of a division between the two. In it, I explore the history of this division, its permutations over time, and its continuing effects on contemporary conceptions of rights. In particular, I consider what I call the neoliberal diagram of power, in which visions of the role of the state and of the citizen intermix with a particular view of human rights. Against this background, I show how many contemporary groups like Memoria Activa or the BAUEN Cooperative rely on an alternative conception of rights in making their claims, one based on and in other ways of imagining universal rights and the role of the state.

Two concepts—solidarity and accountability—lie at the core of this alternative vision of rights. Appeals to solidarity have structured the language of contestation against the premises of the (neo)liberal diagram of power. Likewise, calls for accountability—of the state to its citizens and of citizens to a broader civic responsibility—form the basis for a revitalized concern for the operability of the state. In exploring these ideas, I begin by providing a re-reading of some foundational theoretical work on the relationship between citizenship and human rights.

Liberal Rights

In his seminal 1843 piece *On 'The Jewish Question'*, Marx explores the conceptual division of rights posited within the liberal visions of the nation-state being consolidated at the time, which separate the rights of the citizen as a member of a state from the rights of man or natural rights. Marx argues that the existence of the state, as a collective entity, presupposes equality and collective interest, and that it does so precisely by performing this division of rights, banishing self-interest to “civil society,” or that which the state is not intended to regulate. The basis of this civil society lies in the so-called rights of man, laid out in formulations like that of the French Declaration. These bestow rights to men specifically as individual members of a civil society—the “self-sufficient monad” in Marx’s

terms. That is, these rights are precisely conditioned upon extending up to and only to where the rights of another (individual) begin. For example, the right to liberty, "... is the power that belongs to man to do anything that does not infringe on the right of someone else." This applies likewise to rights to property, religion, etc. Thus, "the right of man to freedom is not based on the union of man with man, but on the separation of man from man," and "leads man to see in other men not the realization but the limitation of his own freedom" ((Marx 1977: 53).

Seen this way, there is an inherent conflict between such universal rights of man, based on the individual, and the rights of the citizen, beholden to the construction and maintenance of collective interest and well-being. This tension was, and is, perhaps most clearly reflected through the debates over the "irreconcilable opposition" between the rights of citizens and private property rights. The perceived incompatibility with the idea of private property was clearly articulated in the February 1848 Revolution in France, which established the right to work as ~~one~~ a civil right. Whether the right to work is conceived as a social good or an individual right, the conflict between this notion the right to private property that lies at the foundation of liberal capitalism has been a source of debate ever since.² The issue has taken on renewed relevance in recent years as challenges to neo-liberalism reopen fundamental debates over the contours of liberalist theory.³

I return below to Marx's proposed solution to the dilemma of universal (liberal) rights versus the rights of the citizen as member of a collective (the state). But first, I find it useful to further explore the contours of the liberal vision of rights, and particularly the idea of solidarity in relation to it. Bruce Curtis, in discussing the work of François Ewald, refers to what he termed the "liberal diagram of power." Coming within the context of "endemic proletarian misery generated by industrial capitalism" (Curtis 2002: 91), Ewald contended that this liberal diagram of power, based in liberal political rationality, served as both a program and a diagram, in the sense that it is both a reflection of power dynamics and a programmatic schema for the ideal functioning of the social structure (2002: 93). This vision of moral order called for a combination of self-sufficiency and responsibility, "present[ing] an image of a world in which autonomous, self-regulating individuals, free to do whatever did not injure another, would pursue their self-interests and, importantly, would take responsibility for the consequences of their actions and for the situations in which they found themselves" (2002:93). Yet it also responded fundamentally to the reality of the conditions faced by those (individuals) unable to provide for themselves. Self-interest, the bedrock of liberal society, necessarily coexisted with the

² For a cogent discussion of the relationship between the right to private property and the creation of the nation-state in Argentina, see Adelman 1999. Adelman demonstrates how the ability for individuals to control capital outside of the corporate structures authorized by the crown was a determining step in the development of the idea of national sovereignty. The tension between this foundational right and attempts to maintain stability among the needy popular classes has been an enduring feature of national politics.

³ We can extend this notion of the individual to include states in relationship to one another. As such, I contend that Marx's formulation is also of relevance for thinking through issues of state sovereignty.

obligation to help others. Indeed, the liberal moral order included what was referred to as a “natural sympathy,” or what we might want to call a liberal solidarity, said to exist among and between individuals.

However, this liberal solidarity took a particular prescribed form. Aid to those less fortunate than oneself was not intended as a lasting form of relief, but as a punctual intervention, designed to temporarily assist the lacking individual in remedying his/her situation, to “restore the subject to a condition of liberty” (2002: 93–94). This of course differs fundamentally from influential socialist visions of the time, where the state was seen as responsible for assuring the well-being of the collective. Writing against both savage capitalism and socialist appropriation, Leon Bourgeois proposed solidarism (*solidarité*) as a fundamental formula for constructing society. This kind of solidarity would be the basis for the state’s power and the limits to its authority, and would also regulate the individual and orient them toward the collective good. His theories were criticized by Marxists as a detour away from class identification and revolution, and by liberals as erasing the spirit of competition necessary for personal initiative (Donzelot 2007: 80). Nonetheless, the existence of these debates influenced the political and social climate of the time and tempered the liberalist proclivity to disregard the collective as a concept that required attention.

In the 1880s and 1890s, Durkheim joined the fray, devising his classic ‘third way’ as another conceptualization of social organization. Under his “organic solidarism,” individual misfortune is replaced with a space for the “social,” where social facts supercede and exist beyond the fate or circumstances of any individual member. Such social theory and the rise of “social” science itself allowed and produced thinking at the level of the aggregate, eventually contributing to the implosion of the liberal diagram of power and the rise of the twentieth-century welfare state (Donzelot 2007), designed to address needs at the level of an aggregated and numerated social, rather than in the form of individual obligation to provide individual assistance.

Citizenship

While the emergence of “social” science as such and political management of the social encouraged thinking at the level of the aggregate, the liberal notion of citizenship retained its individualist focus. In line with the liberal division of rights mentioned above, the Enlightenment ideal of (European) citizenship conceived of an independent and free individual able to participate in the political life of the nation. Yet, far from being just about voting rights or the ability to hold political office, struggles for rights of citizenship have been concerned with the ability to share all of the “prerogatives and encumbrances of membership in the modern political community” (Caldeira and Holston 1999: 693), including rights to cultural difference (Rosaldo 1994) and all those benefits “necessary for sharing in the full social heritage of the society” (Marshall 1992).

The spread of the liberal democratic model of the nation-state to widely varying contexts around the world over the past two centuries has been accompanied by multiple expressions of this ideal, both in its intended application and actual forms. That is, as countries across the world have adopted forms of government that echo the Western model, the practices of citizenship and the assignation of rights and responsibilities has varied in significant and often unexpected or unintended ways. The multiple manifestations of the form and practice of citizenship have led anthropologists, historians, and others to become increasingly interested in the ways the concept of citizenship is constructed and deployed in different situations (Brubaker 1992; Feldman 2007; Goldstein 2003, 2004; O'Neill 2009; Ong 1999; Petryna 2002). Studies such as these have shown that ideas of citizenship are multivalent, often practiced in hybrid ways in response to local socioeconomic, cultural, and political conditions.

As a malleable and contested category, notions of “citizenship” are inherently the stuff onto and through which political (and often cultural, racial, and other) ideologies are inscribed and enforced (Corrigan and Sayer 1985; Ong 1996). This is certainly the case with neoliberalism, considered here as a particular set of political, economic, and social policies both in their idealized forms and as implemented. Neoliberalist economics carried with it a redefined notion of citizenship based in a fundamental alteration to the roles of the state and of the citizen. (Comaroff 2004; Hale 2005). Its rise in the 1970s and 1980s ushered in the end of the welfare state, and with it the slow dismantling of the “social” and of society conceived at the level of the collective. → A minimalist conception of the state and democracy and the reduction of the political domain and its appropriate participants removed citizens from meaningful collective 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. García Canclini 2001. In addition, under a neoliberal vision of citizenship, 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; Svampa 2005). While removing or reducing basic social welfare infrastructures, the state was to encourage citizens to develop community support networks to cover the survival needs of the increasing number of those otherwise largely excluded from consumer-based form of citizenship. NGOs and development and relief agencies funded and controlled the creation, implementation, and administration of many such networks (Ferguson and Gupta 2002; Postero 2007).

In both the liberal and neoliberal visions of citizenship, there is an emphasis on the individual as locus of rights and responsibilities. The individual is the holder of (limited) rights of citizenship in an unmediated relationship to the state and also morally beholden to provide for themselves and, indirectly, for those around them in designing self-sufficient, market-driven solutions to fulfilling basic needs. If we continue to use Marx as a sounding board, then what are referred to here as rights of ‘citizenship’

actually correspond most closely to what classical liberalism referred to as the universal rights of man, or what we may think of as the precursors of modern (and postmodern) human rights. This begs the question, what is the relationship between neoliberalism and human rights?

Neoliberal Human Rights

Indeed, there is an intimate relationship between neoliberalism and contemporary regimes of human rights. Mark Goodale has shown how (neo)liberalist human rights discourse functions as part of an empire of law used to structure the implementation of neoliberal changes to social, political, and legal organization (2007). Ethnographic work has detailed how the adoption of neoliberalist policies in many places has often seen the simultaneous promotion of a particular vision of human rights, usually based in limited and directed forms of recognition of the rights of indigenous peoples, women, and children (Postero 2007; Speed and Collier 2000). One consequence of this neoliberal vision of human rights has been the overriding focus, in international institutions and transnational agencies, on (individualized) violations of civil and political rights over the (collective) violation of economic rights. (2007).

Following Ewald's lead, I refer to the conjunction of neoliberal visions of citizenship and human rights as the neoliberal diagram of power. Harking back to its roots in the liberal diagram of power, this vision reaffirms the individual as the primary subject and actor in social life, as the primary entity capable of holding rights or of having them violated. Within the neoliberal diagram of power, the focus on the "self-sufficient monad" gaining or maintaining his or her ability to freely exercise his right of choice overshadows the rights to collective well-being that T. H. Marshall signaled as a fundamental piece in assuring meaningful access to participation in society. Indeed, the main difference between these two kindred diagrams lies in the neoliberal devotion to protecting the individual from infringement by the collective, with an intensity that surpasses that of its antecedent. The highly successful dismantling of structures designed to protect and express collective rights, and the privatization of public goods, including water, schools, hospitals, and national industry, are the lasting consequences of this devotion. The individual, as citizen and bearer of universal rights, is thereby in many ways ideologically liberated from her/his obligations to the collective (or what Marx considered the rights and duties of 'citizens'). What role does this leave for the state as a collective construction?

The Role of the State

If liberalism coincided with the rise of the nation-state, then neoliberalism can certainly be argued to have coincided with (and be largely based on) the principle of increasing global interconnection and the reduction of the state as the major economic and even

political actor (e.g., Hardt and Negri 2000; Harvey 2005). In that case, one might ask, why focus on the state at all? I contend that the state continues to hold importance for a discussion of rights, citizenship and human. The way in which “rights” are envisioned and demanded is central in the dialogic and continual process of being and living within a state. By this I mean that the ways in which rights are understood, discussed, and utilized within debates over the nature and role of the state serve as key elements in the form states take and the power state actors are able to exert. It is also through the state that rights are fundamentally held, disputed, and enacted. Within the current structure of the international system, the state holds primary responsibility for the protection of rights, and states are the focus of international pressure to increase and sustain such protections within their borders.

The importance of the state as the main guarantor of rights was highlighted by Hannah Arendt when she argued that the Rights of Man or human rights, in spite of the best intention to safeguard the basic humanity of all peoples, are in fact incapable of guaranteeing such rights to those who lack the protection of a state. She pointed to the lack of practical utility of a notion of rights of humanity for those denied the right to belong to any state or national community. Equality, she said, is formed through the right to participation in a public sphere—that socially created space that is at once built upon and denies the individuality of persons. Stateless peoples, “lack that tremendous equalizing of differences which comes from being citizens of some commonwealth.” As such:

The paradox involved in the loss of human rights is that such loss coincides with the instant when a person becomes a human being in general—without a profession, without a citizenship, without an opinion, without a deed by which to identify and specify himself—and different in general, representing nothing but his own absolutely unique individuality which, deprived of expression within an action upon a common world, loses all significance. (1951:297–298, emphasis in original)

Human rights, for Arendt, must be based in rights to be a citizen. A basic notion of sociality, through participation in a state-national community, is thus an inherent part of (all) rights.

Partha Chatterjee made a similar point by identifying the nation-state as the specific form created to realize the universal ideals of modern citizenship, based on freedom (sovereignty) and equality. He has adopted Étienne Balibar’s use of “property” and “community” as the principles around which the contradictions between freedom and equality can be mediated. Property, he argued, mediates these contradictions on the individual level, while community does so at the level of the whole fraternity (Chatterjee 2004: 29–30).

Nonetheless, holding the state as the locus for building communal rights (and responsibilities) leaves open the potential opposition that exists between, “the ideals of creation of autonomous subjects (upon which modern democracy is based) and those of a more

just community” (Jelin 2006: 107). How does the state as guarantor of rights fit with the autonomous subjects of the (neo)liberal diagram of power? Attempts to reconcile the two bring into focus the second pivotal concept of this essay—that of accountability. In contesting the neoliberal diagram of power, with its locus in the individual as consumer of products and politics and the marginal position to which it relegates the state, protest movements groups like those I describe at the beginning of this chapter have come to increasingly use the notion of accountability in framing their demands. Such accountability applies to the state as protector and guarantor of rights, but also to citizens as responsible for active participation in constructing and maintaining society as a space of solidarity dedicated to the collective good.

Elizabeth Jelin has traced the history of this tension between personal autonomy and a just community within the Latin American context, and in particular in relation to the Latin American human rights movements (2006). She sees the human rights movement as having taken a leading role in creating the sense of social responsibility among its members. She argues that this has been key in working toward the construction of an ethically responsible citizenry capable of assuming a leading role in demanding and enforcing accountability and responsibility on the part of the state. In this view, the political transition to democracy (there and elsewhere) is inadequate for the protection of rights. States can and must be held accountable for protecting and assuring rights, but the citizenry must also be accountable for their active participation in the construction of a just community. This is akin to Gandhi’s idea quoted in the Introduction to this volume, in which he links rights to duties in proposing that rights can be legitimately enjoyed “...only when we do the duty of citizenship of the world.” Accountability includes not only calls to hold the state responsible for preventing and punishing human rights violations, but also considers the citizenry as accountable for an engaged practice of citizenship and active participation in democracy in ways that construct the state through the very practice of contesting its actions.

It is this kind of dual accountability—of the state to its citizens and the citizens to the collective—that, I argue, lays the groundwork for our rethinking the basis of rights. In his critique of the liberal conceptual division between the rights of the citizen as a member of a state and the rights of man or natural rights, Marx took objection to the way that the “natural” or civil rights (the rights of man) were placed over and above the rights of the citizen, or the space where man behaves as a communal being. Rather, he contended that individual man must take the abstract citizen back into himself and no longer separate out the political self (citizen) from social forces (human rights). Only when this had been achieved, he argued, would human emancipation be completed (57).

In this vein, I argue that if we separate rights of citizenship from human rights, we run the risk of reinforcing a singular culturally bound, historically derived vision of rights in the form of the liberal individual, while eliding states’ and citizens’ responsibilities to act in concrete ways within a social space dedicated to ensuring collective well-being. By redefining citizenship as the right to consume or possess (property),

the state becomes the protector of rights rather than taking on responsibility for the well-being of its citizens. The neoliberal state specifically withdrew itself from its role in protecting a host of rights, from economic welfare to local security (Marquardt 2012). Yet citizens have also mobilized to fight back against this withdrawal, utilizing the languages of citizenship and human rights to bolster their claims (Lazar 2007; Faulk 2013). Groups like Memoria Activa and the recuperated businesses movement in Argentina contest the injunction to embrace the neoliberal vision of citizenship and human rights by focusing the lens of rights on the implications of neoliberal project itself. Such groups insist that when primacy is given to the needs of the individual and the market, the rights of the collective are inevitably violated. In doing so, they shift the focus away from violations of individual rights and toward the violation of the collective rights to work, justice, and security (broadly defined). Through their actions and words, they strive to construct an alternative basis for society, based on communal solidarity and citizen accountability.

Conclusion

What does it look like to think about human rights through citizenship? I argue that to do so implies that rights must fundamentally concern collective well-being. In this, we can follow the lead of many emerging protest groups and rethink the role of the state. For, 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). Full rights, including economic, social, and cultural, would be the responsibility of all states. States can be seen as bearing the responsibility not just for the protection of rights, but as an active agent of their realization. The focus is reoriented away from individual rights and limits, and toward the embodiment of forms of cooperation that base fulfillment on communal well-being.

By examining the relationship between citizenship and human rights, in theory and in practice, we can excavate the (neo)liberal underpinnings of current discursive regimes of rights, with the hopeful intention of reworking these underpinnings toward greater international and global forms of cooperation. I argue that rethinking the basis of rights as also collective (not just collective for certain groups in certain times and places) permits us to think of “cooperation” rather than “progress” and moves us toward the creation of mechanisms for collective protection and responsibility. The state remains in this model an important actor, but as an entity based on solidarity and accountability for collective well-being. International human rights organizations can be thought of along the same lines—rather than as a collection of individual states, as a space of mutual solidarity and accountability, focused not on the protection of individual interests or geopolitical agendas but on the protection and promotion of global collective

well-being. This, I think, is the promise of the new politics of solidarity that we see emerging across the world.

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Likewise, ideas of rights are formed through the continuous process of contentious construction between multiple forces representing varying sets of interests.

As Aihwa Ong notes in relation to citizenship, such ideas are, "...dialectically determined by the state and its subjects" (Ong 1996: 738).