The Rights of the Rich versus the Rights of the Poor[1]

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I am conscious in framing these remarks that, as a specialist on Latin America, I work on a region of the world which has been particularly receptive to a rights-based approach. Although I will draw my main examples from Latin America, and my general arguments will no doubt reflect the bias of my regional expertise, I am going to begin by using some reflections on how Latin America might fit into a broader comparative context to address some of the possible limitations of universalizing the principles of rights-based development. In the remainder of the paper I will look in more detail at the balance-sheet of the rights-based approach in the Latin American context.

Rights-based development: a bottom up process?

As Molyneux and Lazar (2003: 31) point out, to some extent Latin American receptivity to a rights-based approach is the paradoxical result of a recent history of authoritarian rule. The struggle for democracy was impelled by social movement activism which embraced the global human rights agenda in multiple ways and brought its different dimensions together. Gender issues, for example, became articulated to human rights issues through the public protests of mothers against the "disappearances" of their children. Although the mothers generally began by appealing to patriarchal ideologies in efforts to shame the military, the brutal reactions that these tactics provoked in cases such as of El Salvador drew many of the campaigners not only to a more radical perspective on women's rights but into much broader campaigns for civil rights, justice and an end to impunity (Stephen 1997:

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275). As global trends combined with regional democratization to create an environment that favoured the expansion of movements for indigenous rights and autonomy in the 1990s, the now well established networks of women's movements and their NGO allies ensured that the indigenous movement could not ignore the need to attend to the position of women within indigenous communities (Hernández Castillo 2002). These intersections between rights agendas are undeniably productive and important.

Yet it is important to recognise that the impulse behind rights-based development in Latin America is not simply a reflection of grassroots struggles and the impetus and support such movements have received from organizations inside the region, such as the Catholic Church, and outside it, such as transnational NGOs and voluntary support networks. Another side of the coin is the transition to neoliberal regimes and the new modes of "governmentality" that they have sought to promote. A "rights-based approach" is not necessarily invalidated by the fact that it has obvious affinities, explored in more detail later in this paper, with those central elements of neoliberal techniques of rule that Nikolas Rose (1999: 49–50; 164–165) dubs "government at a distance" and "active citizenship". Yet in a region in which even the IMF now concedes that "trends in poverty and income inequality have not improved substantially over the past decade" (Singh et al, 2005),[2] while more critical commentators emphasise the deepening of economic informalization and violence (Kruijt et al 2002), it is certainly a complicating factor for those who see a rights-based approach as a way of deepening democracy and developing a more inclusionary kind of citizenship in which the poor can participate fully.

The complications are, in fact, multiple. Beyond the obvious scope for questioning the value of an extension of formal democratic political rights to people facing persistent and often deepening problems of economic and physical insecurity, there are issues concerned with the impact of a deteriorating social fabric on the

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[2] The World Bank also concedes that the percentage of Latin Americans living below the poverty line failed to show significant improvement through the 1990s, a fact which translates into a substantial growth in the absolute number of people living in poverty in the region. See http://www.worldbank.org/data/wdi2004/index.htm. Although Chile and Mexico saw modest growth in per capita GDP between 1998 and 2003, Mexico's poor did not benefit from this growth. Brazil's curve remained flat and most other countries saw a decline, reaching 2.6% in the case of Argentina (Singh et al, 2005: xiv).

collective mobilizing capacity of the most disadvantaged groups in "civil society" along with the impacts of everyday experiences of injustice and insecurity on the subjective attitudes of "citizens" towards rights themselves. As Nancy Scheper-Hughes and Teresa Caldeira have pointed out, working class Brazilians who are themselves victimized by the inequity and discrimination embedded in the judicial and policing systems of their country do not support the extension of "human rights" to those they consider criminals, seeing justice as best served by violent retribution (Scheper-Hughes 1992: 227–8; Caldeira 2002: 251–252). In adopting this highly intelligible response, "ordinary people" unintentionally contribute, through the capillary effects of a wider framework of structural power relationships, to the reproduction of elite strategies of "containment" of the social problems provoked by a development model that strongly protects the interests of those economic sectors that benefit most from capitalist globalization.

Yet the deep penetration of neoliberal techniques of rule also has a more direct impact on the organizations that promote rights-based development. Social movements and NGOs face increasing dilemmas in deciding how to engage the state in pursuit of their goals as neoliberal governments invite them to enter into "partnerships" that threaten to undermine their capacity to press for structural changes that might have a more radical long-term impact on patterns of social inequality (Molyneux and Lazar 2003: 84–85). Especially when NGOs become substitute providers of services previously supplied by the state itself, they run the risk of becoming parastatal organizations, not simply compromised in their ability to represent demands emerging from the grassroots but also obliged to work with official agendas that may be discrepant with those that originally brought them into existence, in order to maintain their funding streams (ibid: 84).

Yet it is not simply NGOs that originated as promoters of more radical agendas that face difficulties as they become more professionalized and institutionalized within the processes of neoliberal "government at a distance". Where they are not disarticulated by the increasing importance of less radical NGOs as providers of poverty alleviation resources (Auyero 2000: 110), social movements themselves may find their radical edge blunted through institutionalization, particularly when the urban middle class professionals that played an important role in their development under the military gravitate towards more compliant positions

under neoliberal democratic regimes. As Willem Assies has argued for the urban social movements of Recife, what were indeed once radical demands for "participation" and "empowerment" began to "blend into a strategy of neoliberal reform" in democratic Brazil as they acquired "connotations of self-advancement and self-reliance to participate as economic subjects" (Assies 1999: 222–223). Recent events in Argentina, Ecuador and Bolivia have illustrated the problematic nature of "engagement" with states on the part of social movements seeking alternatives to neoliberal models of development under contemporary conditions, even when their mobilization has succeeded in bringing about a collapse of government. In Argentina, Kirchner's strategy of putting the administration of some work creation programs in the hands of groups belonging to the movement of the unemployed has created sharp tensions and disagreements within the ranks of the *piqueteros* (Zibechi 2004: 4). The exit of the Confederation of Indigenous Nationalities of Ecuador (CONAIE) from the government of Lucio Gutiérrez[3] was the only means of avoiding the movement's complete decomposition, once the painful incompatibility between Gutiérrez's neoliberal approach to governance and CONAIE's continuing grassroots commitment to communal organizational principles became apparent (ibid: 3). To these dilemmas must be added, finally, those that arise from the legacies of history that continue to shape the Latin American version of the neoliberal state and national political life.

The practice of rights-based politics is difficult in societies in which rights and the law continue to be routinely disregarded in the case of the poor and the powerless, while the powerful continue to find it convenient to defend impunity and possible to pursue clientelistic forms of politics and backstage alliances and manoeuvres that thwart any democratic popular will. Yet this is also, of course, precisely what rights-based struggles seek to change. More problematic, perhaps, is the difficulty of accessing even imperfect national judicial and administrative institutions in more remote rural areas, irrespective of the potential quality of national legislation and the many barriers that stand in the way of the stipulations of the law being implemented in practice in a way that favours the rights of the poor (Molyneux and Lazar 2003: 83). Here the issue of "state capacity" which the organizers of this conference rightly

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[3] Gutiérrez was a military officer whose refusal to obey orders aided CONAIE's mass protest to secure the ouster of neoliberal President Mahuad in 2000. CONAIE participated in his government for its first six months.

flag as one of the problems confronting "a model whereby citizens claim and the state delivers" is certainly a significant one, and one that invites contrasts between regions. We need, however, to be careful about how we draw these contrasts.

Thinking about rights, citizenship, civil society and the state: comparative perspectives

It is tempting to draw a gross contrast between "state capacity" in, say, East Asia and Africa in terms of a reading of strong and weak "state capacity" defined as the ability of central government to intervene in "civil society" to implement desired policies – either defined by actors within the state or negotiated between the state and particular groups within civil society – and affect the allocation of resources. Even within Latin America, central governments' "capacity" in this abstract sense is clearly a variable. Yet we need to unpack a much greater range of variables in order to do anything analytically useful with "state capacity" and related abstractions such as "strong" and "weak" states.

To put the matter crudely for the sake of brevity, one might argue that the decidedly "illiberal" Developmentalist State in the East Asian "Tiger" and "Baby Tiger" countries historically had unusually strong powers of intervention over "society", in terms of both its capacity to control and direct the actions of social and economic elites (Wade 1990) and its capacity to shape the subjectivities and aspirations of its citizens, that is to secure desired forms of "governmentality", especially among the middle classes (Ong 1999). In the (admittedly polar) case of Singapore, the most perfect example of a directive "nanny state" skilfully built legitimacy and pre-emptively calmed social and ethnic tensions by paying generous attention to social rights through measures such as public housing provision (Castells 2000: 261). Yet most of these "strong" states have faced some degree of contestation from below in the course of their histories (as exemplified by the trade union movement in South Korea and a variety of different forms of continuing rural mobilization in the People's Republic of China). The impressive achievements of the original "Tigers" in terms of reduction of social inequalities between nationals and production of affluent middle classes have led, in the longer term, to more middle class engagement with liberal politics and the emergence of social movements mobilized around questions such as gender relations and the environmental costs of economic success (ibid: 377). It would, however, still be necessary to recognize that,

over and above the differing structural configurations of political, military and social (class) power that characterize different East Asian countries, there are important cultural differences between Asia and Euro-America that affect the meaning and ethos of citizenship, notions of rights and citizens' concepts of their relationships with the state and the state's duties towards them.[4]

Yet totalizing broad brush-stroke characterizations of these cultural differences (especially of the Samuel Huntington variety) obscure more than they reveal by ignoring the way that the meanings of "shared values" are internally contested and renegotiated in the course of historical change. Mayfair Yang has argued, for example, that the range of practices labelled *guanxi* in Chinese culture have no historically fixed and unchanging meaning, and have disappeared from some social, political and business contexts as a result of political and economic change, only to reappear in new and different contexts while taking on new forms and meanings (Yang 2002).[5] The implication of this is that the social and political process of "citizens claiming and the state delivering" will continue to reflect significant differences in the way rights are grounded and the moral discourses of entitlement that can be constructed in different cultural contexts. Even if ideas derived from "advanced liberal" societies in the West continue to permeate those contexts, they will inevitably be re-signified by both governments and citizens in ways that adapt themselves to differing institutional arrangements and local understandings.

The same is clearly true of Africa, the region that tends to suffer most from blanket generalizations about both fundamental cultural difference and state

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[4] This is brought out especially clearly by Kapferer's (1998) analysis of the differences in cultural conceptions of state-citizen relationships and understandings of "the state" itself in "hierarchic" Sri Lanka and "egalitarian" Australia.

[5] One of Yang's most important claims is that the way *guanxi* practices are actually *experienced* in some small towns and rural places in China is forging a new kind of moral economy, where giving away wealth to build symbolic capital and social prestige takes precedence over the logic of capitalist accumulation as an end in itself, producing a happy convergence between (some) popular perceptions and state ideologies that paint Chinese ideas about collective civility and responsible behaviour as a counterweight to a "Western individualism" said to negate civic virtues of solidarity and responsibility for others in personal relationships. She also suggests that *guanxi* bonds helped Chinese civil society recover from the catastrophe of the Cultural Revolution and may now be helping to counter the new social fragmentation produced by capitalism even in the urban context. But the point of her analysis is that there is not a single "thing" to analyze here: *guanxi* is a label that can be applied to ways of managing a whole range of different sorts of relationships. To some extent, *guanxi* relationships exist because the kinds of institutional alternatives that developed in the West still do not exist in China, but that does not exhaust their social logic, which is why they are not disappearing so much as changing and relocating in different fields of social practice.

incapacity in debates about "development", with the nature of the state and civic life itself often explained in cultural stereotype terms, even by African scholars. There may be strong grounds for accepting the claim of Chabal and Daloz (1999) that Africa is unlikely to replicate Western models of economic development and political democracy in the foreseeable future, but there are few justifications for ignoring differences within the region or neglecting to examine the actual substance of the civic cultures that have actually evolved in it. Botswana is evidently not Congo (Werbner 2004). In seeking to counter the widespread syndrome of "Afro-pessimism", Célestin Monga (who speaks with the authority of having suffered political persecution at the hands of Paul Biya in his own country, Cameroon) argues that post-colonial African countries have indeed seen a development of "groups, organizations, and personalities that pursue freedom, justice and the rights of citizenship against authoritarian states," whose collective endeavours constitute a "civil society" representing "new spaces for communication and discussion *over which the state has no control*" (Monga 1996: 4, emphasis added). His study documents in some detail how an alternative kind of civic culture can propagate through informal rural-urban networks beyond the gaze of the state, in addition to being forged by dissident artists and intellectuals. Yet the fact that Monga also shows how dissidence is so frequently coopted or reincorporated by the holders of state power suggests that the notion of an entirely uncontaminated "civil sphere" beyond the reach of the state is problematic.

Much of what "civil society" is called upon to do in pressing for political and social rights entails more engagement with the existing state and its agents, notwithstanding their democratic deficiencies, than Monga's formulation would suggest: in the case of demands for indigenous rights, for example, absolute refusal of relations with government (of the kind now practiced by the Zapatistas in Chiapas[6]) remains the exception rather than the rule since the goal is generally legislative

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[6] The viability of the Zapatista "autonomy" strategy rests, in my view, on the important external economic assistance the movement receives from its international support network (and it remains vulnerable to low intensity counter-insurgency strategies that continue to operate despite official denials). This is not in any way to belittle the significance of the experiments that the EZLN is continuing to develop in the field of democratic governance institutions within multi-ethnic regions, which may well continue to inspire other movements elsewhere, but it is to note ways in which the Chiapas rebels enjoy advantages not enjoyed by many other Mexican indigenous groups in their efforts to confront the state and its structural failings.

change that must be enacted through whatever kind of regime enjoys national power. Rights-based development depends on "civil society" being capable of articulating demands to the state, and here we encounter a range of further analytical and conceptual problems that arise from the fundamentally Western European origins of that basic concept.

"Civil society" was originally invoked as an active force in a "progressive" vision of history in the context of the bourgeoisie's struggles against the arbitrary and corrupt power of Absolutist Monarchy. This was, of course, an era in which citizenship rights were hardly established at all, even within Western European countries, and had nothing to do with political democracy in the modern sense. Even in the nineteenth century "progressive" liberals such as John Stuart Mill not only remained convinced that the "barbarous" segments of humanity inhabiting the colonial world lacked the capacity to enjoy liberal freedoms, but still regarded illiteracy and dependence on parish relief as valid reasons for excluding some members of the "labouring classes" in the metropolis from the right to vote (Gledhill 1997: 83–84). Although, as I will argue later, liberal societies did not invent the notion of rights, and liberal political elites have always proved adept at finding ways of excluding even some of their own citizens from entitlement to the basic "right to have rights", the notion of "civil society" as a counter-weight to the state did become integral to liberal ideas about government and justice.

Yet whilst the bourgeoisie's notion of "freedom" was emancipatory in its original historical moment, and laid the basis, in Western Europe and North America, for subsequent struggles by other social classes and women not only to be included in the "right to have rights" but also to extend the *substance* of those rights, the association of this movement with the idea of a "strong civil society" is problematic in two senses. Firstly, it may lead us to assume, quite erroneously, that societies not dominated by a "strong" bourgeoisie in the modern sense, such as those of Latin America in the nineteenth century, were incapable of producing rights-based movements. Secondly, the particular kind of historical construction of civil society's "natural" opposition to the state built around the model of the bourgeoisie versus Absolutist Monarchy is shaky enough even in some European countries (such as France) and becomes virtually incoherent when it is generalized to all other historical contexts. Criticizing the way civil society is opposed to the state in debates about

achieving "good governance" in Africa, Chabal and Daloz (1999: 19) suggest that it can be defined as "the creation of social networks distinct from the state and capable of transcending primordial family, kin or even communal ties." This definition might, however, also embrace mafias, and if we included only "recognized bodies," such as trade unions and professional or business associations, we would have to include some that had especially privileged access to and influence upon the state (ibid: 20). Monga, as we have seen, opts for a more restrictive definition of "civil society" as composed only of those groups and individuals standing against authoritarian or patrimonial state power, but that simply begs the question. In particular, it begs the question posed by neoliberal models of governmentality in which "participation and empowerment" take the form of the organizations of the poor becoming valid interlocutors of the state as if they occupied a level playing field alongside other components of "civil society" that possess infinitely more social power.

There are therefore a wide range of questions that can be posed about the possibility of projecting "rights-based development" as an abstract and universal model that transcends cultural differences which affect the meaning of citizen-state relations and radically different institutional configurations of state-society relations that are founded in distinct regional histories and are still being reproduced by the contradictions spawned by capitalist globalization and the global spread of neoliberal models. These doubts might be amplified by closer attention to the contemporary crises of North democracies themselves and the extent to which a variety of historically constituted rights are being eroded even in those contexts (by the transition from welfare to workfare, intensified surveillance, and the erosion of fundamental human rights principles linked to the "war against terror"). Nor, as the Enron scandal and more recent revelations about operations by private corporations in occupied Iraq suggest, are issues of transparent good governance and the role of backstage forms of power behind the state problems that exclusively concern countries in the South. Nevertheless, if we start from the wise assumption that imperfections exist in all forms of government, formally democratic, low intensity democratic or not even that, this arguably still leaves *more* rather than *less* scope for a rights-based approach.

One way of seeking to effect change in highly conflictive situations may be through attempts to capture, reform and transform local government institutions and

thereby strive to rebuild the framework of national governance from the ground up (perhaps under the banner of "autonomy") rather than through a frontal assault on "the state" as central government. Although this strategy has appealed particularly to indigenous movements in Latin America, it is by no means exclusive to them, as the efforts to deepen the democratizing potential of federal legislation by municipal governments of the Centre-Left in Brazil have demonstrated. Yet as an option, it remains one that is severely constrained, even in the era of the greater fiscal decentralization promoted by the multilateral agencies, by the limited resources many states have at their disposal to underwrite such initiatives, even when the will exists to do so. In countries such as Mexico, even modest achievements in terms of economic growth and increases in per capita income have not led to fiscal reform in the direction of moves towards a more progressive tax system, while central government and backstage elite interests have a long and continuing history of impeding such efforts.[7] This suggests that rights-based development is always in danger of becoming a depoliticizing delusion if it is conducted on the assumption that its material basis must be provided by future "trickle down" concessions in which current patterns of income and asset distribution are regarded as sacrosanct.

Struggles for rights in Latin America: historical antecedents

Before I move to a more detailed analysis of the present and possible future gains and losses balance sheet of rights-based development, I want to explore briefly the deeper historical reasons why Latin America has proved such fertile ground for rights based development and a politics of citizenship. An obviously central historical factor is the adoption of formally "liberal" constitutions throughout the region in the postcolonial era. As Molyneux and Lazar put it: "the values of liberalism and democracy, while

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[7] Although fiscal discrimination and cooptation have been the tactics generally used for this purpose, a variety of dirtier tactics, including political assassination and misuse of the criminal law in a justice system suffering from multiple procedural dysfunctions, remain part of the practical repertoire of the dominant sections of Mexico's political class, whose social networks of interest accommodation and clique formation cross-cut the apparent ideological differences between parties and the electoral competition between them. The current manifestation of this sad reality is the effort of the current President Vicente Fox (of the National Action Party, PAN), supported by the leadership of the former ruling Party of the Institutional Revolution (PRI) to prevent the current mayor of Mexico City, Andrés Manuel López Obrador of the Centre-Left Party of the Democratic Revolution (PRD) from being eligible to stand as a candidate in the 2006 Presidential elections by an extraordinary legal manoeuvre designed to remove him from his present office for a technical refusal to comply with a court order in relation to a minor public interest land expropriation measure.

insecurely implanted and politically contested by left and right, were nevertheless the dominant cultural referents for much of the continent's modern history" (Molyneux and Lazar 2003: 33). But formally liberal constitutions do not entail that the rights of all citizens will actually be respected for reasons that I have already mentioned. Entitlement to rights in the classical liberal tradition was always qualified by ideas about capacity to enjoy rights, and post-Independence elites in Latin America were not slow to think up grounds for disqualifying some of their new citizens that rested on a naturalization of their incapacities.

Thus women, theoretically entitled to emancipation from the strongly patriarchal legal structures of the Iberian colonies, were deprived of the promise of equality of rights through the sanctifying ideology of *marianismo*, which honoured their spiritual superiority while justifying secular inequalities on grounds of innate "difference" (Arrom 1985). Whereas a renaissance humanist such as Mexico's Bishop Vasco de Quiroga saw Indians as "pliable clay" fit to be moulded into practitioners of the civic virtues of the European polis through the benign imposition of the utopian community of Thomas More (Verástique 2000: 121), the post-imperial history of Spanish and Portuguese America was marked by a redefinition of "the Indian problem" that owed much to the importation of 19th century European ideas about race, state- and nation-building (Larson 1999). By the nineteenth century a strong body of elite opinion argued that worthy modern citizens could only be created by either "whitening out" the indigenous population through miscegenation or its displacement by European immigrants. Yet it was not simply indigenous people who suffered from the way liberalism articulated to racialized understandings of what was required to "catch up" with what were now seen as North Atlantic exemplars of a "modernity" that was leaving Latin America behind.

Brazil, which achieved independence under a Portuguese emperor, and did not abolish slavery until 1888, had become especially wedded to positivistic notions of "progress" by the turn of the century. The first fruits of this transformation were spectacular episodes of violence on the part of the "civilizing" forces of the nation-state against dissident regional movements of ethnically mixed people which seemed to reflect the threat posed by "fanaticism" and rejection of "civilized virtues" to modernist state projects, the most chilling example of which was the Canudos massacre in the arid Bahian backlands in 1897. Although views on Afro-Brazilians

changed as a result of (equally racist) ideas about the inevitability of "weaker" black genes being absorbed through *mestiçagem* and, in the 1930s, a revision of attitudes based on Gilberto Freyre's account of slavery and race mixture as introducing an African element into Brazilian culture that could be positively valued and propagated as a "myth of racial democracy", discrimination on grounds of skin colour continued.

In the twentieth century, under the paternalist leadership of telegraph engineer and leading member of the Positivist Church, Cândido Mariano da Silva Rondon, the Brazilian government founded the Indian Protection Service, whose goal was the "nationalization" of the Brazil's tiny minority of surviving recognized indigenous people through the creation of a "great wall of state authority between indigenes and local society" (Diacon 2004: 120). Whatever might be said against the inference that Rondon's personal approach to preparing the Indians to take their place in the positivist utopia represented "assimilation" as cultural "extermination" (ibid: 121), the fact that state tutelage infantilized Brazil's indigenous people legally as well as metaphorically hardly enhanced their capacity to exercise rights in defence of their lands and way of life as the equals of other citizens (Ramos 1998).

Wherever we look in Latin America, similar ideas about the innate incapacities of indigenous people to become effective actors in a "modernized" rural economy (except, perhaps, as a rural proletariat, although even here mestizos or European immigrants tended to be thought superior workers) accompany liberal elites' attempts to privatize communal landholdings and transform them into the basis for capitalist development. Such assertions about the "incapacities" of the masses prove enduring, even when the masses in question are rural people who fought in a revolution to recover their lost lands, as in the case of Mexico, where the most radical land reform program the region had yet seen, under President Lázaro Cárdenas in the 1930s, remained premised on the idea that peasants required further "education" by state agents drawn from other classes before they could be allowed full rights of political participation and self-management. In Brazil too, Getúlio Vargas's historically coeval fascist-populist *Estado Novo* and successor developmentalist state regimes continued to view the urban masses expelled from the countryside as intrinsically "non-modern". Although the state's "rationally planned" development projects aimed, in the longer term, to promote greater social equality, government did not see the poor workers recently displaced from the countryside whose labour would

be used to underpin these projects as possessing the capacity to exercise the rights appropriate for more valued citizens (Caldeira and Holston 2004: 401).

Yet the irony of all this is that in the absence of a "rising bourgeoisie" to provide leadership to a "civil society" thereby deemed "weak" from a Eurocentric perspective, Latin American history abounds with struggles by deeply powerless people to make constitutional promises of fuller rights of "citizenship" real in terms that were meaningful for them. As Molyneux and Lazar again point out, "poor peasants, indigenous people and even slaves" had already been taking their ethnic and social superiors to court in the name of rights throughout the colonial period (Molyneux and Lazar 2003: 34). Although the legal decks tended to be stacked against them, particularly in the post-colonial nineteenth century, indigenous communities in Mexico and Guatemala were not necessarily as powerless as they might seem where they possessed strong and coherent community organizations and, in some contexts, literate local leaderships that often occupied a "betwixt and between" position between their communities and non-indigenous society. Slaves in nineteenth century Bahia were also often highly literate members of sophisticated Muslim societies in West Africa (Reis 2003). The violence of Latin American history in the later nineteenth century could be read as an index of the liveliness of "civil society" rather than its debility, though its vitality lay amongst different sectors of society to those envisaged by the European model.

Politically radical movements for the establishment of civic virtues as distinct from arbitrary oligarchic governance could spring up unexpectedly in impoverished and marginal provinces as Chachapoyas in Peru (Nugent 1997). Indigenous militias in Mexico fought for national independence alongside mestizos, and in some contexts, apparently paradoxically, with liberals against conservatives in the civil wars of the later nineteenth century, because they were willing to invest in the idea of a society of "free and equal citizens" in which the tributary relations and caste and racial hierarchies of colonial society would be abolished. Naturally, they had their own agendas, central to which was the preservation of the communal lands "granted" to them by the colonial state and the preservation of their capacity for self-government within their territories. When they talked the language of rights, and in fact they frequently *did* talk a language of rights and service to the nation (Mallon 1995), they did not work with the same conception of rights that motivated liberal models of

"possessive individualism" (Gledhill 1997: 76). Yet subalterns were clearly engaged with a changing legal system. In Alta Verapaz, Guatemala, for example, indigenous plantation workers sought to exploit the conflict of interest that developed between the local landlords and the centralizing state project of the dictator Jorge Ubico, finally overthrown by the 1944 revolution (Sieder 2000). Men demanded payment of the wages specified by the law, while women demanded the right to leave husbands who abused them and compensation for violence. The fact that the plaintiff was an Indian meant that racial bias as well as class bias affected the administration of justice, a situation that remains important today and has become the focus of capacity-building efforts on the part of some NGOs to train indigenous people to defend members of their own community in their encounters with the official justice system (rather than depend on generally unreliable public defenders or paid non-indigenous lawyers). Yet this kind of historical example underscores the way in which Latin America has a longstanding tradition of engagement with state institutions on the part of disadvantaged individuals and groups that is focused on trying to have rights respected and desired consequences of citizenship made real.

Furthermore, many of these struggles were not purely defensive but represented active strivings to bring about new kinds of social relationships. The pre-liberal notions of rights associated with the "moral economy of the crowd" examined by E.P. Thompson in his classic work on English food riots, and also exemplified by the protests of victims of English internal colonialism at the time of the highland clearances in Scotland (Logue 1979), might be considered "backward-looking" appeals to a vanishing regime of pre-capitalist class relations. Popular rights struggles in Latin America have a more complex and hybrid nature because "modernity" threatened some kinds of rights, such as the right to possess communal territories, but also promised emancipation from past forms of domination.[8]

This ambiguity has often continued up to the present. Contemporary indigenous rights politics orientated around mutual respect for "difference" within a

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[8] It is important to note here that in central and western Mexico indigenous communities faced with the disentailment of their communal landholdings were not necessarily opposed to the privatization of farm land, which was generally the patrimony of individual families where permanent cultivation was practised, but did oppose the division of their communal pastures and forests (often the chief prize for external capitalist interests) and the destruction of the collective control over territory that privatization entailed, since that also destroyed their symbolic and material integrity as self-governing communities.

multicultural nation threaten to reassert the collective rights and legal personalities expunged by liberal "reformers" in the nineteenth century. To some extent differences between classical liberal and neoliberal rule systems have made such demands more feasible today (especially where no strong conflict with alternative capitalist interests in land or subsoil resources is involved) despite other tendencies towards growing privatization of state functions and public space itself, and an increase in individualization and social fragmentation. It also remains true that despite this long history of popular struggle over rights, the more certain means of getting one's rights as a citizen attended to in Latin America is to resort to the levers of personal patronage or negotiation of bureaucratic "favours", a framework within which practices of discrimination are not easily eliminated. Nevertheless, the extent of the changes to past patterns brought about by the transition to neoliberalism and neoliberal multiculturalism should not be underestimated. The once irredeemably "fanatic" culture of the Bahian backlands is now seen as a rich "folkloric" patrimony worthy of state promotion for religious tourists (Pessar 2004). As the same rural hinterlands send ever more migrants towards the gigantic "divided cities" of Brazil, changes are apparent in that context too, and these reflect the more recent forms of post-authoritarian social mobilization that I discussed at the start of this paper.

As I noted earlier, the Developmentalist State in Brazil did not regard the urban poor as competent citizens. Yet although it consigned them to living in irregular settlements, the politically excluded increasing came to understand that they could claim "rights to the city" because once they had built their own homes, often after buying land in good faith from swindlers, they also began to pay their taxes and do all the other things that "normal" property owners do (Caldeira and Holston 2004: 402). By organizing themselves, generally with the support of the Catholic Church, neighbourhood movements from the urban periphery of São Paulo contributed importantly to the return of democracy. They then responded to the new democratic environment by demanding inclusion, not merely asking that the state meet their social needs materially by providing services and infrastructure, but that it should accept their right to participate in planning decisions (ibid.).

The fruits of this struggle were manifest in the 1988 Constitution and the new ideas about the "social function" of cities and "urban self-management" involving popular participation that were included in new municipal codes and master plans for

urban development in cities such as São Paulo, Recife, Porto Alegre and Curitiba (ibid: 405). The neoliberal 1990s thus brought a deepening of political democracy and a new concept of the inclusion of the poor as citizens, who, even if they lacked resources and routinely found their rights disrespected, were no longer seen as "incapable of making good decisions" (ibid: 407).

Yet this more pluralistic vision emerged in an era of debt crisis and deepening fiscal austerity addressed through public-private partnerships that put market interests before social justice, under city administrations that "disregarded the practices of participatory democracy". The 1990s thus saw a deepening erosion of public space and intensified urban segregation (ibid: 411). Even the Centre-Left Worker's Party (PT) had accepted the necessity of public-private partnerships in urban redevelopment in São Paulo, a position that involved endorsement of a scheme to allow developers to finance the relocation of slum dwellers to make way for the construction of the World Trade Centre and associated "global city" residential and commercial developments in the south-eastern periphery. Finally implemented under the scandalously corrupt government of Paulo Maluf of the right-wing Progressive Party, this plan was to inflict a colossal social injustice on the displaced slum dwellers, most of whom were not satisfactorily re-housed,[9] and it also created an environmental catastrophe and massive unanticipated additional long term costs to the public purse (Fix 2001). Nevertheless, the PT repeatedly sought modifications to municipal statutes that would enable city governments to do more for poor residents not only in terms of land regularization but also in terms of taxing real estate profits and regulating building activity to address broader social and environmental goals (Caldeira and Holston 2004: 408).

Although the next PT administration in São Paulo under Marta Suplicy (2001–2004) was unable to get all its proposals approved, it did enact a new Master Strategic

[9] What remained of the slums (*favelas*) in this new enclave of global corporations and consumerism was discreetly hidden from the gaze of motorists passing on the new urban freeways by fences, while the evicted majority either moved to other established *favelas* or built new ones in a previously uncolonized zone, which happened to be a water conservation area (Fix 2000: 99). The money raised by the consortium of capitalist developers was only sufficient to cover the needs of around 12% of the families of the principal *favela* to be bulldozed, Jardím Edith (ibid: 94). The minority of families that did obtain some compensation needed to invest in a great deal of militant action and devote time to outmanoeuvring community leaders constantly being offered sizable sums to "sell out" their followers. At the end of their struggles, they found the alternative housing offered far beneath the promised standard, located at unattractive distances from places of employment, and it still had to be paid for.

Plan in 2002, and took the question of popular "participation" more seriously (ibid.). Prefect Suplicy apparently managed to limit the backstage power of the property developers relative to the days of Maluf, but this was not enough to secure her re-election in 2004. Unable to effect substantial change in the existing structures of segregation of urban space simply by inviting representatives of popular organizations to meetings in City Hall to talk about their aspirations, her administration proved equally powerless to counteract the effects of rising unemployment or the fall in real wages that continued even as Brazil's recession seemed finally to be coming to an end.[10]

Nevertheless, this example illustrates the continuing willingness of the Latin American poor to engage with rights-based politics and suggests that it should offer gains to the poor in terms of opening up possibilities for structural change in the conditions that reproduce inequalities. It is therefore necessary to ask what is limiting these gains and what might need to be done to reverse what seems to be a growing disillusion with projects of the Centre-Left despite their focus on enhancing popular participation in the state.

Individual Rights, communitarianism and the limits of neoliberal inclusion

I have already pointed to the need to see a neoliberal framework for rights-based development as a departure from the principles of classical liberalism. Let me begin this final phase of my discussion by making this distinction more precise.

Classical liberalism covers a variety of positions. Extreme "libertarians" such as Hayek became an obligatory point of reference for the pioneering "roll back"

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[10] Suplicy's approval ratings dropped alarmingly as floods destroying self-built homes added to the miseries produced by rising unemployment. Born into a *paulista* elite family, she made a major political mistake by visiting the people who had lost their homes wearing an up-market green trouser suit, prompting the residents to hurl mud at her. This gaffe may also have contributed to the failure of her campaign for re-election later in the year, when she was defeated by José Serra, the PT's Luiz Inácio Lula da Silva's heavily defeated opponent in the 2002 presidential elections, from Fernando Henrique Cardoso's "Third Way" neoliberal Brazilian Social Democratic Party (PSDB). This was only one of the PT's major losses in the south of Brazil in the 2004 municipal elections, which also returned a right-wing mayor from the Party of the Liberal Front to power for the third time in Rio de Janeiro. But the disappointment with the PT principally reflects its inability to date to deal with the basics. 2.3 million people remained officially unemployed in the six largest metropolitan areas at the time of the elections, and even a fall in unemployment in October 2004 was accompanied by a drop of 1.2% in real earnings, concentrated in low pay sectors such as construction (*Folha de São Paulo*, 26th November 2004).

neoliberals such as Margaret Thatcher (Peck and Tickell 2002: 384) thanks to his insistence that any redistributive principle of justice is incompatible with liberty (Lukes 1991: 53). At the other end of the spectrum we have strong advocates of redistributive policies such as John Rawls, for whom the ability of citizens to "fruitfully exercise" their rights and liberties depends on their "basic needs" being met (Rawls 1993: 6–7). At the heart of debates within liberalism lies the problem of balancing individual autonomy and freedoms with substantive equality of rights for all. In the now classic formulation of T.H. Marshall (1950), citizenship was defined in terms of political, civil and social rights. Political and civil rights constitute defences against the abuse of power by the state, whereas social rights are those that require the active intervention of the state to equalize citizens' opportunities to enjoy the political and civil rights to which all are equally entitled. Civil rights include rights to freedom of expression and religious creed alongside the rights to peaceful enjoyment of property and legal guarantees for contracts seen as essential to the functioning of a market economy. They remained in tension with social rights in Marshall's formulation, opening the door to the neoliberal counter-offensive centred on the disadvantages of state intervention for the formation of properly "autonomous" and "capable" citizens, including the Welfare State's alleged undermining of a sense of personal responsibility.

Free markets and deregulation are not sufficient to define what is "new" in neoliberalism. What would shock Adam Smith about the new liberalism is its extension of the concept of "market society" to embrace the production of personhood, identity and social life itself. The injunction on individuals to take responsibility for their futures by learning how to "market themselves" acquires the force of an ethical imperative that is equally integral to the "softer" brand of neoliberalism associated with "Third Way" politics (Gledhill 2004: 340). Failure to accept the opportunities presented by labour markets (however poorly remunerated and socially degrading) or to exercise prudence in providing for one's own future security becomes an individual moral failure. As Nikolas Rose puts it, the old liberal language of "obligation and social citizenship" has been displaced in neoliberalism by a focus on "the political forms that are adequate to the existence of persons as essentially, naturally, creatures striving to actualize themselves in their everyday, secular lives" (Rose 1999: 166). Neoliberal governmentality projects therefore rest on

the promotion of "active citizenship". As a consumer of "services" the citizen becomes "an active agent in the regulation of professional expertise", while "the citizen as prudent is to become an active agent in the provision of security" (ibid.).[11]

Yet Rose also argues that neoliberalism does not invoke the individual as the isolated atom of a free market society in which the greatest good of the greatest number is to be achieved by everyone pursuing their personal interests. U.S. neoconservatives and Blairite social democrats alike worried about the apparent decline in "civic virtues" that accompanied the socio-economic transformations of the 1970s and 1980s, so that rising individualism and autonomy could not been seen as a wholly positive good. Despite their differences, communitarians from the North American Right, Third Wayers and advocates of the rebuilding of "social capital" such as Robert Putnam (1995) agree that, in Rose's words – reworking Bentham's description of the benefits of the panopticon – "the Gordian knot of State versus individual" can be "not cut but untied" by "a simple idea in politics: community" (Rose 1999: 186).

The recent hardening of the position of the Right in the "culture wars" of the United States demonstrates that a project of rebuilding community by no means necessarily endorses respect for the cultural differences embodied in the smaller communities to which diverse ethnic groups hold allegiance within larger national societies. Disciplinary and normalizing tendencies are evident in all the projects that I have just mentioned (ibid: 194). Nevertheless, as Charles Hale has noted in a discussion of indigenous rights politics in Guatemala as a paradigmatic case of neoliberal multiculturalism, once primary responsibility for the restoration of the civic virtues that the individual has lost is placed in the hands of non-state entities that include not simply churches and NGOs but "communities" with historically shared ties of culture, from the standpoint of neoliberal governmentality the logic of the new relationship between community, identity and political subjectivity gravitates towards multiculturalism. The problem with this kind of multiculturalist strategy is, however, that "the state does not merely 'recognize' community, civil society, indigenous culture and the like, but actively reconstitutes them in its own image, *sheering them of*

[11] Other characteristics of neoliberalism, such as the insistence that the public sector adopts "internal markets" to maximize "efficiency" and a pervasive culture of audit, follow from this broadening of the concept of market society (Gledhill 2004: 340–341).

radical excesses, inciting them to do the work of subject-formation that would otherwise fall to the state itself" (Hale 2000: 496, emphasis added). In this case, the professionalized NGO becomes the neoliberal substitute for the panopticon (ibid.).

In highlighting the way some grassroots demands are accommodated and others classified as "too radical", Hale's analysis draws our attention to the way indigenous communities lose the capacity to define themselves and are constrained by "neoliberal multiculturalism's investment in neatly bounded categories of cultural difference" (Hale 2000: 324). In a context such as Guatemala, the scope of concessions made to indigenous groups and the political options of leaders who enter mainstream public life are also constrained by the "backlash effects" that greater participation can bring with it. Hale illustrates these problems by examining the reactions of provincial middle class *ladinos*, and I found similar effects in my own recent research on the Nahua population of the coastal sierras of Michoacán in Mexico.

In 2002, I interviewed an amiable local notable living in a settlement whose original indigenous inhabitants had been dispossessed by invading mestizo ranchers through manipulation of the liberal land privatization laws at the beginning of the twentieth century. His wife was one of the few remaining inhabitants of Nahua stock. When I asked how he felt about the fact that indigenous people had recently won control of the municipal government, he responded in a refreshingly candid way: "Well, we used to screw them, so now it's their turn to screw us!" Yet his response rapidly turned to a litany of complaint about how the children of indigenous families now get scholarships to study outside the community, whereas mestizos had to scrimp and save to get their children properly educated. He ended, in a manner reminiscent of Hale's *ladinos*, with a disquisition on how there was nothing wrong with indigenous people winning elections, but that the "radicalism" of some of the indigenous leaders[12] was the cause of mounting ethnic conflicts.

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[12] The particular indigenous leader that he had in mind, headmaster of a primary school, had, in fact, already developed wider political ambitions that were likely to prosper now that his political party, the PRD, controlled the state government and was implementing new ideas about bringing the minority indigenous population into "participation" in the administration of social development funds under the governorship of the grandson of the populist President Cárdenas. New programs targeted at the elderly and a raft of other measures allegedly transcending the *asistencialismo* (hand-out culture) of the past had been introduced, although the new productive projects required investments by the beneficiaries generally beyond the capacity of indigenous people in the zone. This particular leader had, however,

In fact, conflicts over land dated back to well before the 1960s, when the state had restored official recognition of the communal landholdings that the neighbouring indigenous community of Ostula had managed to defend successfully even after liberal reform laws had made it legally "inexistent". The difference lay in the extent to which the mestizos could now remain confident that state agents would be as partial towards their interests as they had proved through the previous century. Yet there was a further and deeper problem. While my interview subject was relatively affluent by local standards, owning a share in a local hotel as well as agricultural land and cattle, the region also contains a large population of mestizos who are as poor as their poorest indigenous neighbours. As a result of ruthless efforts by the regional non-indigenous elite to displace the indigenous population from the land before the 1910 revolution, and a subsequent political manipulation of the poor mestizos by richer ranchers in the period of agrarian reform that was cynically intended to carry forward this older project by new means, the indigenous people of the zone have not simply become deeply antagonistic to *all* mestizos, but have also internalized the racist ideologies imported by their erstwhile upper class enemies, even to the point of presenting conflicts between different indigenous communities as the result of (historically untenable) ideas about differences of "origin" understood as "racial". This points us towards a variety of further problems posed by a neoliberal "politics of recognition".

Firstly, this kind of rights-based approach "fixes" identities that are the historical products of past processes of class and state formation. Hale suggests that the contradiction of poor indigenous people being unable to solidarize with poor mestizos (and vice versa) can only be addressed by a cultural politics that seeks to deconstruct these bounded categories from below, and this is indeed, precisely what the Chiapas Zapatistas have striven to do (aided by the fact that their base communities were formed through the mixing together of colonists from different indigenous ethnic communities in the highlands and also the incorporation of some mestizos). Yet histories of violence and duplicity such as that of the Michoacán coastal sierras are not easily erased from collective memory. There is also a danger

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been able to benefit personally from the new schemes, thanks to the close relations that he enjoyed with the non-indigenous local director of the National Indigenous Institute, which was at the time responsible for administration of targeted funds decentralized by the Social Development Ministry.

that working with "difference" will continue to prove the best strategy for gaining marginal increases in entitlements in an environment of fiscal austerity, leaving aside the way in which indigenous representatives may develop personal agendas and become increasingly socially distanced from those that they represent as they move into the urban worlds of NGO funding, government agencies and party politics.

Secondly, to the extent that indigenous people do adopt strongly bounded notions of local identity and community in their struggles for recognition and resources, this can generate problems of protection of individual rights within them. In Mexico at least, the post-revolutionary state often replicated its colonial predecessor's custom of leaving the internal management of indigenous community affairs as a "black box" in which state agents only intervened as mediators in moments of extreme conflict with politically undesirable implications for the regime. In principle, once indigenous communities were subsumed (after 1940) as a special case within the official agrarian reform system, the state acquired strong powers of intervention: it now defined the formal procedures for community assemblies, insisting on regular processes of election for agrarian officials, and even defined who belonged to the indigenous community *qua* official agrarian community by granting land rights to lists of individual recognized "beneficiaries". Yet in practice, even where indigenous people received land grants (rather than re-recognition or restitution of older communal territories), and therefore fell under the rather more strictly regulated *ejido* regime, the state often turned a blind eye to irregular practices and idiosyncratic organizational arrangements. In this respect, indigenous communities possessed a good deal of often positive "autonomy" to solve their own problems in their own way and in terms of their own concepts of justice and fairness. Yet since their political articulation to the eternal apparatus of power congealed in the ruling PRI party added to the forces of internal differentiation, it also opened the way to internal tyrannies based on boss rule and a style of politics in which every faction accused its opponents of threatening the integrity of the whole (Collier 1997).

Appeals to the disintegrating powers of difference and the defence of "tradition" within communities held together by ideologies of "harmony" that mask deep socio-economic and political divisions easily lend themselves to a variety of unattractive outcomes, such as witch killings extended to entire families and the expulsion and dispossession of minorities, in particular non-Catholic religious

dissenters who frequently refuse to participate in collective obligations with religious significance. Where radical socio-economic change combines with strong politicized reassertion of the need to maintain a comprehensive commitment to collective identity and goals, militant grassroots communities can become deeply unfriendly to individual guarantees.[13] Where they had the power to do so, even the "pluralistic" Zapatistas routinely expelled those who accepted social development money from government agencies as fifth columnists undermining the autonomy project by taking "bribes" from the state, though they have expelled far fewer people than the more conservative oligarchies that dominate some of the older established indigenous corporate communities in Chiapas. As Hernández Castillo (2002) points out, neither these patterns of intolerance nor exclusion of women from an active role in community governance are unsolvable problems and their existence is not an argument for extending external interventions, which are themselves often responsible for exacerbating internal conflicts. Yet they should remind us that the individual rights inscribed in classical liberal notions of citizenship need some kind of protection in communitarian models that found themselves on systems of indigenous "uses and customs" that are always subject, like any other kind of law, to majority imposition in the name of "consensus" unless qualified by explicit safeguards.

Thirdly, while the rights of "ethnic citizenship" respond to historically rooted demands on the part of deeply underprivileged people, they leave those who have abandoned their indigenous identities and belong to the unmarked world of ordinary "mestizo" citizens in a difficult position. Whereas the older class-based politics offered working people opportunities to demand benefits from the state even under populist regimes that organized labour pre-emptively in order to curb its potential

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[13] In the case of one community in southern Chiapas that I visited in 2002, membership of one political party (the PRD) and one church (the Catholic) had become a condition for continuing residence. A measure of the intransigence of the new community leadership is provided by the sad case of an itinerant popsicle salesman, who was imprisoned for several days for failure to make the contribution to the upkeep of the Church demanded of all outsiders wishing to do business in the community, despite his protests that he had no money and was simply an employee. This was a community that had previously held no land of its own, but lived under the dominion of a landlord who obliged the Indians to work without wages under the old regime. It was one of the last Tojolabal communities to take the land from its former owner, in 1995 as a knock-on effect of the Zapatista rebellion. The accumulated hatreds of centuries of exploitation was still visibly manifest in the ruins of the Great House, which the former *peones* had hacked to pieces with their machetes, making it utterly useless for future use by the community. This was to be a new beginning, but it was, perhaps understandably, not a pluralistic or forgiving one.

militancy, "the poor" have become socially anonymous and individualized in the neoliberal public sphere (Boltvinik and Hernández Laos 2000: 14). The only way, in a context such as Latin America, that one can escape the tendencies towards discretionary and politically motivated use of residual public resources available for "poverty alleviation" purposes[14] (ibid.) or escape the formation of clientelistic relations with substitute NGO service providers, is to build collective "communities" of the kind the neoliberal state will recognize as interlocutors, of which the most prominent examples in urban contexts are place-based residents' or community associations. The gender and occupation-based alternatives also tend to be localized. Without networking such organizations face even greater difficulties than indigenous groups in achieving substantial leverage on government, and this often involves the mediation of NGOs, or political parties.

Nevertheless, theories of neoliberal governmentality devised for North America and Western Europe clearly require qualification when transposed to a region such as Latin America. Hale argues that "it seems likely that the neoliberal model in Latin America confronts considerably more autonomy, variability, and volatility in the civil society groups that purportedly serve as agents for individual subject formation" (Hale 2000: 497), and my earlier discussion suggests that this is a valid conclusion. Nevertheless, as Hale emphasizes, there is no straightforward tension between neoliberalism as a set of political and economic policies and state-endorsed multiculturalist policies in the field of indigenous rights. Multiculturalism based on a clear distinction between demands that are acceptable versus demands that are "too radical" helps neoliberal states to "govern at a distance" by offering once excluded actors the opportunity to participate in a way that is in constant danger of containing and redirecting mobilization, even if it is strongly grounded in an historically-rooted sense of injustice and identity. The "democratizing" force of neoliberalism's offers of "participation" and "empowerment" create mechanisms for manufacturing "civil society," managing chronic social crisis, and bringing conflictive sectors into government and NGO-mediated processes of intermediation. We might conclude that this simply implies that we are dealing with a simulation that masks

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[14] Mexico's National Solidarity Program in the era of neoliberal President Carlos Salinas de Gortari (1988–1994) is perhaps the archetypical example of this pattern.

underlying structural power inequalities. So, in a sense, it is, but it is not *simply* a simulation. There are real spaces for negotiation, up to a point. Foucault's account of power in terms of governmentality fails to capture the agency of subaltern groups. Neoliberalism faces continuing challenges not simply because of the negative socio-economic consequences of the new order for a majority of citizens. Its cultural project often continues to clash with deeply rooted traditions of collective community organization. Many of the actors are self-reflexively conscious of the limits of what is on offer and the political costs of co-optation, even if it is difficult in practice to avoid the risks of engagement routinely produced, for example, by the election of social movement leaders to office in local government.

If we now turn to the urban context, and to the struggles of the poor to escape social anonymity and the stigmatization of other working people whose outlooks have been shaped by deteriorating prospects of social mobility and growing insecurity, developments of the kind I described earlier for Brazil do seem to offer new horizons of hope. There are, of course, a large number of negative factors in the neoliberal environment. As Mercedes González de la Rocha (2004: 194) has noted, the bonds of inter-household reciprocity and solidarity that were once one of the "resources of poverty" that households could draw on to adapt to hard times have become increasingly eroded by the absolute "poverty of resources" produced by a sustained decline in real income. Social movements have not disappeared, but as the state has reduced public service provision, they have sometimes been weakened and fragmented by the way NGOs and political patronage networks may foster clientelism and individualized solutions to problems (Auyero 2000: 110), even if many NGOs continue to play the much more positive roles highlighted by Molyneux and Lazar.

The grassroots actors in social movements are not, of course, normally committed to simply one strategy for improving their situations: many remain participants in more militant collective actions without refusing offers of personal help from political or other patrons when opportunity presents itself. Neoliberal "self-help" doctrines, fed by impressive sales of tracts penned in the United States throughout Latin America, also find echoes in the routes to individual salvation and betterment offered by the Evangelical and Pentecostal churches that continue to experience explosive growth in Brazil, while the "cultivation of the self" through consumption crosses all class boundaries. Even those alternative identities that place

themselves beyond the margins of the law and mainstream society, in the worlds of gangs and drugs, can nevertheless be seen as sharing in a common underlying logic, for these contradictory tendencies are all integral to the pervasive spread of the principles of market society.

Nevertheless, although rights-based development is sometimes itself seen as contributing to an individualizing ethos, one of its strengths is that it can equally well be orientated towards the cultivation of a sense of social responsibility to and for others. The real problems lie, in my view, in the way that neoliberal regimes have made the poor responsible for themselves and fostered the detachment of the rich and (upper) middle classes from any kind of social project.

Bringing the rich back in

As Caldeira (2000) has shown, Latin America elites have withdrawn from their public responsibilities in a radical way, shielded behind the defences of their fortified enclaves, and defending a justice system in which they and their children enjoy impunity while everyday surveillance and harassment of lower class people intensifies as the price for containment of the social problems that maintenance of their lifestyles demands. No longer capable of practising sociability even with each other, it is elites that have driven the strong, though still contested, tendencies towards privatization and fragmentation in the fabric of Brazilian society (Caldeira 2000: 258–259).

The problem with neoliberal notions of "participation" and "empowerment" is that they empower unequal actors equally, leaving the basic structures of social power beyond question since no one remains excluded (even if those "included" as interlocutors of government sometimes represent little more than themselves where they have become disarticulated from their bases or possess bases that are more virtual than real). Tinkering with the rules governing property development may produce some beneficial social consequences, but these will remain limited while there is no space from which to challenge the rights of the better off to shop in boutiques and segregate themselves spatially from working people whose main prospects for livelihood will be geared to the continuing growth of an economy built around the present distribution of income and assets. A state oil company turned into a public interest corporation with shareholders like Brazil's Petrobras may conceivably generate more resources for social programs as a player in the global energy services market than it would do as a traditional state monopoly, but "the people" now have

less say than ever in its priorities and management. In adopting the stance that capitalism is basically unchangeable and that electoral success depends on moving towards a position in which the elimination of poverty cannot involve anyone losing so that others may gain, today's Left may end up simply contributing towards a growing crisis of democracy itself.

Although much could still be achieved in countries such as Mexico and Brazil by reform of the corporate and personal tax systems and traditional fiscal redistributive policies, it is the basic social configuration of the development process that needs to be changed. This implies greater scrutiny of the rights currently accorded to better off citizens by the dual logics of market power and political influence. It is also hardly fair or realistic to imagine that "bottom up" action by poor citizens alone will be sufficient to bring these changes about, although there is everything to be said for measures that enhance their capacity to organize, not simply to make demands, but to take greater direct control of the production of their own identities and public understanding of their lives and their problems. Faced with the power of the media industries and political machines for which "truth" about social issues is that which is electorally efficacious in a context of widespread anxiety, the problem of achieving a capacity for self-representation in the public sphere is as acute as the problem of achieving a capacity to overcome the politics of the pork barrel or to secure justice from a biased and dysfunctional legal system. These are all areas, however, in which a rights-based approach has obvious virtues. What needs to be added is radical new thinking about alternative economic possibilities and political coalitions that can promote them.

What may happen in the absence of articulation of such alternatives in Latin America is already starkly apparent. In Brazil, urban social tranquillity rests on the permanence of a state of siege, whereas in Bolivia, the short-lived euphoria created by the ousting of Gonzalo Sánchez de Lozada did not long outlive the collapse of the once promising coalition formed by the coalescence of the coca growers' movement led by Evo Morales, the Bolivian Workers' Central, the landless movement and the neighbourhood assemblies of the indigenous city of El Alto. As Morales continues to pursue his electoral ambitions, Felipe Quispe's Aymara organizations have now embarked upon an increasingly separatist path, abandoning the idea of further participation in the state and aiming to build a new Bolivia from the bottom-up out of

self-governing communities substituting communal for capitalist economic principles (Zibechi 2004: 4). Rhetorically at least, the new Bolivia of which Quispe's supporters dream will have no place for urban middle class Aymaras and it will be constructed on the imaginary foundations of purified and exclusive Aymara "traditions" in which the place of Bolivia's mestizos seems problematic. If neoliberal states seek, but fail, to depoliticize rights, the ways in which they are re-politicized would seem to matter, and if the rights-based development paradigm simply accepts the fragmentations and reifications that neoliberalism has produced, it is surely in trouble.

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