

# Vernacular Rights Cultures and the Right to Have Rights

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Vernacular Rights Cultures and the 'Right to Have Rights'<sup>i</sup>

Recent debates on the relation between rights and citizenship have focused on the logic of equality or acts of citizenship through which non-citizens seek the right to have rights that have already been declared. We use a case study of the Landless Workers Movement (MST) in Brazil and the Via Campesina network of which they are part to argue that some mobilisations demanding the right to have rights call on particular cultures, histories and political contexts to transform the content of already declared rights. What Ranciere (1999) and Balibar (2002) call the democratization of democracy, we therefore argue, does not just involve a logic of equality through which dispossessed groups demand already existing rights. Rather, it also occurs as mobilisations transform the content and meaning of the rights inscribed in constitutions and political imaginaries. But where Rojas' (2013) concept of 'acts of indigenship' or Sharma's (2011) 'subaltern' struggles have supplemented this logic of equality with a logic of difference, these concepts risk unduly restricting the introduction of difference to indigenous or subaltern actors. We propose a broader concept of vernacular rights cultures as a means of highlighting how this introduction of difference occurs when citizen mobilizations, be they northern or southern, subaltern or privileged, indigenous or non-indigenous, make demands for rights that are inseparable from their particular cultures, histories, and political contexts.

The concept of vernacular rights cultures highlights the transnational nature of rights discourses and practices without losing sight of the cultural, historical, and political specificity of rights claims (Madhok, 2009). Vernacular rights cultures arise as movements make demands for rights that are inflected with the particular cultures, histories, and contexts of political mobilisations. Despite the particularity and specificity of rights claims, demands for rights in diverse 'local' movements resonate with, and are spread to, concerns elsewhere. Similar forms of oppression and related historical and cultural contexts foster common concerns, enabling horizontal forms of communication and exchange to supplement local vernacular rights cultures with transnational vernacular rights cultures. Moreover, these resonances and exchanges enable common action that works to shape and transform transnational principles, practices, and imaginaries of rights. Thus,

rather than suggesting that a relatively unchanging, universal set of abstract principles or an authoritative set of rights are filled out with particular 'localised' content as they are interpreted in diverse contexts, vernacular rights cultures suggests that transnational rights principles and practices are shaped and transformed through the diverse and multiple contexts in which rights are demanded.<sup>ii</sup> Transnational principles, practices and imaginaries of rights are thus sutured with the multiple histories, cultures and contexts in which they are formed, and reflect a history of struggles that is both local and transnational.

The particular cultures, histories and political contexts through which rights are demanded differ across movements. Consequently, though the concept of vernacular rights cultures might offer a lens through which a variety of rights based mobilisations might be understood, the concept can only be developed through grounded analyses of particular movement practices. Here, we develop the concept through a case study of mobilisations demanding the right to have rights to food and land. In so doing, we contribute both to an understanding of food sovereignty movements in Brazil and at a transnational scale, and to theoretical debates on the right to have rights. We lay out our theoretical contribution in section two, indicating how the notion of vernacular rights cultures develops understandings of the transformative effects of acts of citizenship demanding a right to have rights by indicating that such acts change not only the forms of citizenship through which rights are enacted, but also changes the content of rights themselves. Our empirical contribution, made in section three, is to use our concept of vernacular rights cultures to bring together accounts of Via Campesina's transnational demand for novel rights to food sovereignty and accounts of the practices of the grass roots MST. We show, first, how MST demands for the right to have rights to food and land are woven through with a cultural attachment to land, a history of dispossession, and a political context where only collective action can secure these rights. We then show how this understanding resonates at and is extended to a transnational level, facilitating the development of a new right to food sovereignty. Bringing together literature on the MST and the transnational Via Campesina movement helps us show that it is the particular contexts, histories and cultures of grass roots land

occupation movements that inform la Via Campesina's creation of novel rights at a transnational level. Finally, in showing the transnational nature and effects of demands for food sovereignty, we are able to extend our theoretical contribution in section four, suggesting that the study of vernacular rights cultures is a lens through which we can view the 'logic of difference' introduced by Rojas' indigenous actors and Sharma's subaltern agents without restricting this introduction of difference to indigenous and subaltern agency. Rather than being a distinct product of subaltern or indigenous agency, vernacular rights cultures emerge wherever rights claims eschew a language of abstract universalism, and are instead inflected with the histories, cultures, and political contexts of the claimants.<sup>iii</sup>

### **Section two: the Right to Have Rights**

The importance of citizenship, or the 'right to belong to some kind of organized community', as a 'right to have rights' (Arendt, 1958, 296-7) was highlighted in Arendt's (1958) writing on the plight of stateless persons in pre-, inter-, and post-World War Europe. Arendt highlighted the perilous situation of those displaced from one country and accorded no citizenship rights in their new 'home'. In being stripped of the ability to work, engage in formal political processes, and move freely, these individuals had nothing to call on but their bare humanity. They were, therefore, those most in need of human rights. But 'the rights of man, supposedly inalienable, proved to be unenforceable...whenever people appeared who were no longer citizens of any sovereign state' (Arendt, 1958, 299). Without collective forms of belonging and a public status which enables people to demand, defend, and enact rights, abstract universals like human rights are rendered meaningless. Arendt's reflections on the importance of citizenship as a right to have rights have an enormous legacy, of which we can only focus on a part. Of concern to us, here, are three related bodies of literature, which have highlighted the importance of political mobilisations in enacting or demanding a right to have rights. First, Ranciere and Balibar have highlighted the importance of political action in developing forms of community able to enact rights. Ranciere (1999, 30) suggests

that political action works to 'reconfigure the space where parties, parts, or lack of parts have been defined'. Political action contests the boundaries of exclusion, and leads to a redistribution of who is the subject of the rights of man, or who is included within existing regimes of rights. Similarly, for Balibar (2002, 6), the 'democratization of democracy' takes place through the 'struggle to enjoy rights which have already been declared', with contentious politics crucial in providing access to or inclusion within already existing rights. Thus, whilst Balibar and Ranciere call upon the importance of particular struggles in obtaining and continually re-affirming purportedly universal rights, there nonetheless remains an abstract, unchanging universal in the form of an axiom of equality (Ranciere, 1999) or of rights which have already been declared (Balibar, 2002).

Literature on 'acts of citizenship' has developed Ranciere and Balibar's focus by providing rich empirical content on multiple mobilisations demanding the right to have rights, and in showing how these mobilisations re-orient understandings of citizenship. Acts of citizenship refer to 'those acts when, regardless of status or substance, subjects constitute themselves as citizens', and thereby 'constitute themselves...as those to whom the right to have rights is due' (Isin and Nielsen, 2008, 2). Isin and Nielsen thus call attention to the practices and protests through which people and groups demand and enact rights. The empirical richness provided by work on acts of citizenship has been particularly prevalent in accounts of the 'important moment[s] of claim making and rights taking by non-citizens' (Nyers, 2008, 161), with the struggles of paperless migrants and their supporters in generating a "re-allocation of speaking positions" (Shindo, 2009, 222) or changing who counts as citizens with the right to have rights having been documented in Tokyo (Shindo, 2009), France (Schaap, 2011) and Canada (Nyers, 2008.) These acts, as well as altering the boundaries of who is included in and excluded from existing citizenship regimes, change understandings of the nature of citizenship itself. Citizenship, rather than being a formal status that is either granted or denied, can produce new modes of belonging that mitigate the need to access formal inclusion in regimes of rights, and instead provide services on a de facto basis of belonging (Nyers, 2008). The focus, here, is on transformations of *citizenship*, from a formal status in which people are either included or

excluded, to a more complex set of belongings that are constituted through acts as well as status. This partially captures what MST mobilisations, discussed shortly, do, insofar as they develop new forms of belonging through which people enact the right to have rights to food and land for themselves. What we want to add, though, is a focus on the way in which understandings, imaginaries, and practices of *rights* are transformed through such mobilisations. For this reason, we focus on MST and Via Campesina demands for rights in order to supplement work on acts of citizenship with an account of the vernacular rights cultures that can be produced through acts of rights-claiming.

Third, recent work has augmented literature on acts of citizenship by highlighting the way in which contentious 'acts of indigenism' (Rojas, 2013) or subaltern struggle (Sharma, 2011) have worked to 'redefine and particularize legal conceptions of rights' (Rojas, 2013, 589). These notions of acts of indigenism and subaltern struggle thus come close to our notion of vernacular rights cultures. But in highlighting the indigenous and subaltern agency at the heart of these rights claims, these perspectives restrict this introduction of difference to indigenous and subaltern actors, and focus on changes made in the locales in which their action takes place. Thus, as well as highlighting another instance in which contentious action starting in the global south has worked to transform understandings of rights, we also highlight the manner in which this action has been extended to involve actors outside the South, and also highlight the way in which it has effects on *transnational* discourses, imaginaries, and practices of rights. As a result, mobilisations demanding the right to have already existing rights, be they indigenous or non-indigenous, subaltern or otherwise, do not, as Ranciere and Balibar suggest, solely demand inclusion within existing regimes of rights. Rather, the rights demanded are, in some instances, inflected with the particular cultures, histories and contexts of those making a demand for rights. What are demanded in these vernacular rights cultures, therefore, are not abstract, universal principles, but thick principles laden with cultural, historical and contextual meaning. Moreover, vernacular rights cultures do not solely offer particular interpretations or appropriations of unchanging universal rights. Rather, they work to change

practices, inscriptions and imaginaries of rights at a transnational level, with these new imaginaries then called upon in further struggles. Thus, the 'universal' rights that are demanded are themselves laden with the thick content of particular struggles, and reflect a history of struggles that is both local and transnational.

### **Section Three: The MST and la Via Campesina**

A concept of vernacular rights cultures must attend to the meanings which movements themselves give to rights. As a result, it can only be developed through a grounded analysis of mobilisations in which rights are demanded. To this end, we now turn to a case study of the MST in Brazil and the broader Via Campesina network of which they are part, showing the way in which they develop a vernacular rights culture that transforms existing rights to food and land into a right to food sovereignty. We demonstrate, first, how the MST engage in acts of citizenship to directly provide the right to have rights to land and food that are promised by the constitution, but not provided even to those with citizenship status. We then highlight the way in which rights claimed by the MST are inflected with a cultural attachment to land, a history of dispossession, and a political context in which only collective struggle can secure the rights demanded. MST mobilisations, therefore, do not simply take up existing understandings of rights, but give them a distinct inflection. MST mobilisations thus give rise to a vernacular rights culture that changes the nature of the rights demanded, transforming rights to food and land into a right to food sovereignty. This transformation, though, did not come solely through local action. Rather, it occurred in combination with peasant mobilisations elsewhere, with horizontal forms of communication and exchange revealing and developing transnational resonances amongst peasant struggles and giving rise to la Via Campesina, a transnational peasant organisation. Moreover, peasant demands for this new right to food sovereignty have generated changes in local and transnational discourses and practices of rights, with food sovereignty being incorporated into numerous national constitutions, into international soft law (Claeys, 2012), and into political imaginaries across the world. Transnational

imaginaries and inscriptions of rights thus reflect a history of struggle that is both local and transnational, and are sutured with the thick cultures, histories, and contexts of the multiple mobilisations through which rights are demanded and enacted.

In developing our case study of the MST and la Via Campesina, we use existing literature on both movements, paying particular attention to existing anthropological studies and movement statements to ensure that the voices of those in the movements are heard, and to call attention to the particular histories and cultures of movement actors. Existing literature on the MST has provided a rich account of the grass roots politics of encampments and land occupations, calling attention to the way in which movement members are politicised and trained to engage in ongoing resistance, and highlighting this training as key to its ongoing effectiveness (Fernandes, 2009; Kröger, 2011; Vergara-Camus, 2009; Wittman, 2009). It has provided detailed anthropological accounts of life in different encampments, highlighting differences in experiences in different parts of Brazil and aiding understanding of how the movement is spread (Diniz and Gilbert, 2013; Loera, 2010; Wolford, 2004, 2010). Both of these bodies of literature have also highlighted how MST members call upon peasant histories and identities, religious understandings, existing inequalities in land distribution, and constitutional requirements in making their demand for rights to land and food (see also MST, 2013 and Rosset, 2011). Literature on la Via Campesina, meanwhile, has focused on the nature and effects of Via Campesina as a transnational actor, calling attention to the transnational factors driving peasant oppression (Weis, 2013; White et al, 2012), the history, practices and effects of Via Campesina (Borras Jr. 2010; Claeys, 2012; Holt-Gimenez, 2010; Martinez-Torres and Rosset, 2010; Rosset, 2013; Via Campesina, 2014;), and the novel nature of their demand for food sovereignty (Claeys, 2012; Dunford, 2014; Holt-Gimenez, 2009; Patel, 2007; Rosset, 2011). But existing literature has not rooted the novelty of this demand in the particular histories, cultures and political contexts of the grass roots peasant mobilisations, like the MST, that constitute the wider movement.



In order to draw out the connection between these transnational demands and grass roots struggles, we read existing literature on the MST and Via Campesina through the lens provided by our concept of vernacular rights cultures. This enables us to cast a new light on existing empirical material, highlighting the way in which transnational demands for food sovereignty are sutured with the particular cultures, histories, and political context of grass roots peasant mobilisations, whilst also allowing us to make our broader theoretical point that rights are transformed by the multiple acts of citizenship through which they are enacted.

The MST have been particularly effective in engaging in insurrectionary acts of citizenship in order to enact the right to have constitutionally enshrined but rarely delivered rights. Article 184 of the 1988 Brazilian constitution requires that the government 'expropriate...for the purpose of agrarian reform rural property that is not performing its social function', whilst Article 23 requires the government to organize the supply of food. But these rights are rarely delivered. In 1996, three percent of the Brazilian population owned two thirds of all arable land, with 45% of the countries agricultural land owned by just one percent of the people (Garmany and Maia, 2008, 187). Such uneven land distribution has 'resulted in an enormous underemployed and often desperate class of landless camponeses, many of whom have filled Brazil's favelas over the last half century' (Diniz and Gilbert, 2013, 20). With those in over-populated, under-resourced cities continuing to struggle to reproduce daily material life, and with, prior to the implementation of a zero hunger programme in 2003, an estimated 16.7million Brazilians chronically under-nourished (FAO, 2003) as vast swathes of land remain fallow (Fernandes, 2009), land has not fulfilled its social function. Yet attempts at agrarian reform have remained timid; 'the government has refrained from strong action – i.e. expropriation' (Fernandes, 2009, 96).

The reasons for the government's inaction are manifold, and include a reluctance to take on powerful landed interests. But they include limited administrative capacity. When former president Lula da Silva took office in 2002, he 'complained that' the National Institute for Colonization and

Agrarian Reform (INCRA), the federal agency responsible for implementing agrarian reform, 'was in a state of collapse, unable to perform its duties' (Wolford, 2010, 97). This judgement is reaffirmed by INCRA members (CNASI, 2006), who suggest that INCRA 'can only attend insufficiently to its beneficiaries'. It is here that the MST, formed in 1984, step in. The MST occupy land that is failing to fulfil its social function, using the land to produce food and develop broader forms of community. As of 2008, the MST had 'approximately two million members...settled in government-funded land reform settlements or living in temporary 'encampments' awaiting final resolution of their claim to land' (Baletti et al, 2008, 284).

The MST typically begin by reaching out to 'excluded and impoverished sections of Brazilian society', both urban and rural (Rosset, 2011, 24). A temporary camp is formed, where families help one another, live co-operatively, and receive 'intensive training in literacy, public health, farming, administration of co-operatives', and other skills that go on to form the bedrock of their production of food (Rosset, 2011, 24). Once a suitable plot of land is found, the MST occupy the land, with crops planted immediately whilst defence teams 'secure the perimeter' against often violent attempts to evict them (Rosset, 2011, 24). Despite a landmark 1996 decision in Brazil's highest court, which ruled that land occupations intended to hasten reform were distinct from other criminal acts against property, land occupation remains illegal, encouraging landowners to file eviction orders with the courts (Carter, 2011, 206). The MST, though, counter attempts at eviction by using the skills and knowledge developed in the community building activities of the temporary camps in order to enact the social function clause and the right to food enshrined in the constitution. In the process, they also attempt to utilise democratic forms of self-government by setting 'their own priorities and determin[ing] the ways to reach them in assemblies' (Vergara-Camus, 2009, 185) in which 'everyone represents themselves' (MST member, cited in Wittman 2009, 125). These assemblies set agendas for engagement with the government, whilst the occupiers' productive activity provides a basis from which to argue that the land was not fulfilling its social function and should be given to landless workers.

Whilst attempts at eviction are sometimes successful, the government and the courts sometimes acknowledge the importance of occupations in fulfilling the social function of land, in improving 'the distribution of services to some of the poorest citizens of the country', and, therefore, in securing the rights of those engaged in the occupation. Resultantly, the government sometimes offers support to occupations, providing food and credit or even confiscating or purchasing land taken by occupiers in order to 'legalize' the occupation (Wolford, 2004, 412). This government involvement has become normalised in some cases. In Paraiba, Northeast Brazil, one INCRA employee (interviewed in Wolford, 2010, 99) details how they deliver baskets of food to the occupiers, 'sign the accounting forms and...authorize the list of people present' before leaving the information with appropriate officers, whilst an MST leader (interviewed in Wolford, 2010, 100) in the same region describes INCRA as 'the agency that regularizes things'. With MST occupations over the last twenty years consistently outnumbering government land reform in terms of the number of people and families settled (Fernandes, 2009), it becomes clear that land reform has been enacted from below through insurrectionary acts of citizenship demanding the right to have constitutionally inscribed rights.

Despite indicating, as has been stressed in literature on acts of citizenship (Nyers, 2008), the importance of practices beyond formal citizenship status in providing the right to have rights, this transformation of rights from abstract, rhetorical principles to concrete realities remains a change in who is subject of (Ranciere, 1999) or has access to 'rights which have already been declared' (Balibar, 2002, 8). But MST mobilisations also produce vernacular rights cultures. The rights demanded are woven through the particular histories, cultures, and political contexts of those demanding rights, resulting in changes in the meaning of the rights enacted. Even within the MST, reasons for involvement differ widely (Wolford, 2004). The 'vernacular' understandings of the MST discussed below should not be regarded as universal across the movement, but are instead particularly important features in the MST's ongoing activity and in their contribution to shaping new understandings of land and food based rights. We identify three elements of the cultures,

histories and political context of some MST occupiers that have contributed to transformations of rights to food and land into a right to food sovereignty.

First, a number of MST occupiers and activists have deep-rooted ties to, and religiously informed understandings of, land. 'I think of the land as like a mother, and she sustains every family and brings life', says one occupier in a settlement in Ceara, (interviewed in Diniz and Gilbert, 2013, 210), whilst settlers in Santa Carolina saw working on the land as 'a tradition in and of itself and a means for continuation of a life many found extremely valuable' (Wolford, 2004, 415). A long and ongoing connection to the Catholic Church, which sits at the centre of life in many communities, has also shaped understandings of the right to land. The progressive Catholic Church, heavily informed by liberation theology, has contributed to an understanding of land as a gift from God; 'god didn't sell it to anyone...you just went there' (MST settlement member, interviewed in Wolford, 2005, 254). Rather than being something that is gained or lost through market relations, land is understood as a gift requiring 'stewardship for the sake of the common good'; something to be nurtured 'for the sustenance and realization of everyone' (Diniz and Gilbert, 2013, 26). When land is not fulfilling any social function, 'just going there' and putting the land to use without permission from the government is, according to these cultural and religious understandings, perfectly legitimate. In citing their deep ties to land and understanding of land as a gift of God, MST occupiers are not demanding abstract, universal rights but are giving rights a vernacular inflection, calling for a distinct set of rights informed by their cultural traditions and religious understandings.

Second, a recent history of dispossession through purported agricultural 'modernization' has rendered numerous MST members sceptical of large-scale agriculture and its ability to provide food for all. The military government's modernization project (1964-1985) provided incentives and resources to large landowners to modernize agriculture. This modernization had 'devastating social effects' (Wolford, 2004, 411), with rural populations losing their jobs in light of mechanization and losing their land as large farmers out-competed small and traditional ones. The result was a

substantial rise in inequalities of land ownership, from a Gini coefficient of 0.731 in 1960 to 0.867 in 1985, and mass exodus from rural areas into cities (MST 2013, White et al, 2012; Wolford, 2004). Approximately 20 percent of Brazil's population migrated to cities, often moving to shanty towns and causing urban wages to fall 'in real terms by two thirds' (Wolford, 2004, 411). This history generates distrust of any suggestion of rights to food being provided by some on behalf of others. Attempts to maximise output, purported to be in the interests of all, only resulted in the loss of traditional forms of life and the rise of urban immiseration. For occupiers, ongoing connection to the land and an ability to provide for themselves is vital. As one young settler (interviewed in Wolford, 2004, 415) indicates, having land means having 'citizenship and the dignity of being able to produce'; a view echoed by movement leader, Joao Stedile (interviewed in Pinassi et al, 2000, 57) who says that access to land 'transforms the subject into a citizen' able to provide for themselves. A combination of cultural and historical attachments to the land, for some occupiers at least, and a history of having been dispossessed through 'modernization' purported to be in the advantage of all, generates a wide-held belief, expressed by one MST activist (interviewed in Wolford, 2005, 204), that 'land is life', and that 'on the land, you don't go hungry'. The cultural and historical context of the MST's demands inspires occupiers to weave rights to life and food together with a right to land, with access to land crucial to becoming a citizen with the right to have these rights.

Finally, the political context of the MST's struggles for land reform impacts their understanding of land and food rights. Before the collective learning processes that form a key part of the occupations, individuals and families were often unaware of how to make demands through legal channels. Moreover, even where legal channels are used, lack of clarity over what constitutes a 'productive' use of land has enabled large scale landowners to prevent land acquisition by scattering a few seeds on 'long abandoned land' (Meszaros, 2000, 525). As a result, the Brazilian justice system has tended 'to decide in favour of the owner each time' (INCRA, translated in Meszaros, 2000, 529). But *collective* land occupation practices have given occupiers the knowledge and strong negotiating hand that forces land reform from below. Thus, as Stedile (interviewed in Garmany and Maia, 2008,

188) notes, 'the only way that we can secure public space is when we have a lot of people'. Land, and the food that comes from it, can only be secured through *collective* mobilisation.

These elements of the MST's culture, history and political context lead them to transform rights to food and socially productive land into a collective right to food sovereignty. 'Food security', which has dominated the Brazilian government's thinking on the right to food, 'exists when all people have physical, social and economic access to sufficient, safe and nutritious food (FAO, 2010, 8)'. Food security remains 'agnostic about the production regime' (Patel, 2007, 90), and remains compatible with the distribution of food, produced by large agricultural industries, to individuals who cannot provide food through production or exchange. A culture of ancestral attachment to and religiously informed understandings of land, a history of dispossession through modernization, and a political context in which only collective mobilization can secure the land that is deemed the source of food leads MST members to reinterpret food and land rights as rights to food sovereignty. Food sovereignty is a right of *peoples* to 'produce our own food in our own territory' (Via Campesina, 2007, 673), and thus goes further than existing rights to food by demanding 'collective ownership of land upon which peasants can produce their own food' (Dunford, 2014, 15). The occupiers' insurrectionary acts of citizenship, then, call on existing inscriptions of rights (Balibar, 2002) and transform the practices of citizenship through which they are secured (Nyers, 2008), but also inflect inscriptions of rights with distinctive cultural, historical and political contexts and understandings in a manner that transforms the meaning of the rights enacted.

The experiences of the MST resonate at a transnational level, with numerous peasant movements across the world sharing similar attachments to the land, a similar history of dispossession, and a shared inability to make claims for rights as individuals (Martinez-Torres and Rosset, 2010; Weis, 2013; White et al, 2012). These resonances have been discovered and fostered through horizontal forms of communication and movement extension. Within the MST, 'any given encampment is always linked to another which will be formed', with those involved in previous settlements

‘teaching the newly encamped the technologies involved in setting up and organising the encampment form’ (Loera, 2010, 288). This organisational work ensures that the knowledge and practices at the heart of a new understanding of rights to food sovereignty can spread ‘from the ground up’ (Edesmaria, MST member interviewed in Loera, 2010, 306). Whilst the MST have fostered the regional spread of the movement, they nonetheless acknowledge that, ‘challenged by the new power of agribusiness, we need to build alliances among all peasant movements’ (MST, 2013, 754). To survive against transnational dynamics undermining smallholder production, peasants must “build unity to fight back across international borders” (Rosset, 2013, 723). It is for this reason that la Via Campesina, a network that now brings together millions of farmers from 164 peasant organisations across 73 countries and five continents in common acts of protest and advocacy, was formed in 1993 (Via Campesina, 2014a). The diverse constituents that form Via Campesina are united by a common peasant identity, bringing together all of those who ‘work the land themselves’ through ‘small-scale forms of organising labour’ (HRAC, 2010). They unite against common sources of oppression, with processes of modernization, liberal trade regimes, and new forms of environmental protection that work to remove peasants from the land ‘creating the objective basis for international struggle’ (Rosset, 2013, 723; see also Martinez-Torres and Rosset, 2010, Weis, 2013; White et al, 2012). Finally, they unite behind a common demand for the right to food sovereignty, with Henry Saragih (2012), general co-ordinator of Via Campesina, suggesting that food sovereignty is a ‘precondition’ for existing rights to food security. In understanding food sovereignty as a precondition of a right to food security, Via Campesina make a demand for the right to have existing rights in a manner that transforms imaginaries and inscriptions of rights.

La Via Campesina demand rights to food sovereignty through the creation of a transnational form of community that enables peasants to speak and demand rights for themselves. To this end, la Via Campesina operates as a ‘space of encounter’ (Rosset, 2013, 724) or ‘arena of action’ (Borras Jr., 2010, 779). The International Conference, which meets roughly every four years, is the movements highest decision making body, and is composed of delegates from the diverse grass roots

organisations that form la Via Campesina. The conference shapes general principles and broad campaigns through consensus where possible, and democratically, after a process of participatory discussion, dialogue and consultation where not (Via Campesina, 2014a, 4). The impetus thus comes from grass roots peasant organisations themselves, with the transnational Via Campesina space enabling them to develop a collective analysis internally through numerous means of communication including deliberation, discussion, dialogue, and ceremony. For instance, highlighting the importance of peasant cultures and histories in the development of Via Campesina's analysis, all meetings begin with a shared ceremony or performance, known as a *mistica*. The *mistica*, according to a North American farm leader (interviewed in Martinez Torres and Rosset, 2010, 164), 'are very important to create a sense of cohesiveness among people from such diverse and different cultures who do not speak common languages'. Through imagery and symbols including seeds, soil, and water, the *mistica* help build solidarity amongst peasants. Consequently, the common bond and the common demand for a new right that unite Via Campesina are not imposed from the top down, be it by movement leaders or by the 'many NGOs...acting on behalf of the peasants' (Wilson Campos, a Costa Rican activist, cited in Borras Jr, 2010, 785). Instead, they come from peasants themselves, and emerge in, through and with the rich cultures and histories brought by peasant actors including those in the MST. As the analysis, principles, and campaigns are developed by such peasant organisations, Via Campesina enables peasants to 'elbow their way' to the table 'wherever key debates or negotiations take place that affect the future of rural communities', taking a 'seat at the table in their own name...with the clear message that we are here and we can speak for ourselves' (ibid). In bringing peasant voices to the table, la Via Campesina thus go beyond offering transnational forms of organisation and solidarity that advocate on behalf of others, and can be understood to develop a transnational form of citizenship insofar as they develop public forms of community that enable peasants to demand rights on their own behalf.

This engagement and advocacy in favour of a new right to food sovereignty is also supplemented by common acts of protest. Whilst protests are usually performed by the peasant organisations, like the



MST, that form la Via Campesina, with the land occupations discussed earlier particularly prominent, la Via Campesina also engage in networked protests, including a Peasant Day of Action. This day of action, too, is rooted in recent peasant histories, taking place annually on the 17<sup>th</sup> of April, in commemoration of 19 MST activists who were killed by military police when attempting to expropriate under-utilised land. This year, in 2014, over 250 Via Campesina affiliated actions took place across the world, including land occupations, demonstrations and marches, awareness raising activities, and exchange events through which peasants share agricultural practices and seed varieties (Via Campesina, 2014b).

These common acts of protest and advocacy, emerging from peasant voices themselves, and remaining inseparable from the thick cultures, histories, and political contexts of peasant mobilisations, have worked to alter imaginaries, practices, and institutional inscriptions of rights. In Brazil, as MST occupations 'become more widespread, responding becomes increasingly banal or common until it is so common-place that it earns a place in political culture and institutional processes' (Wolford, 2010, 96). Elsewhere, in alliance with or under pressure from food sovereignty movements, 'a series of states', notably, Bolivia, Nepal, and Ecuador, are starting to recognize the right to food sovereignty 'in national laws or constitutions and translate it into public policy' (Claeys, 2012, 852). In addition, Via Campesina have taken steps towards institutionalising a right to food sovereignty at the international level. They have reshaped the terms of current policy and political debates by putting food sovereignty on the map, gained the support of Olivier de Schutter, the UN Special Rapporteur on the right to food, and contributed to the formation of an intergovernmental working group proposing a declaration on the rights of peasants (Borras Jr., 2010, HRAC, 2010, Via Campesina, 2014a). The vernacular rights cultures produced as demands for the right to have rights to land and food are sutured with the cultures, histories, and political contexts of political mobilisations do not, therefore, solely offer a local interpretation of otherwise unchanging and universal rights that have already been declared. Rather, transnational rights practices are shaped through multiple struggles at both local and transnational levels.

#### **Section Four: Vernacular Rights Cultures**

We are not the first to suggest that mobilisations demanding the rights to have rights change the nature and content of rights. Rojas (2013, 582) has developed a concept of 'acts of indigenism' to account for how indigenous struggles in Bolivia combine 'the logics of equality, associated with citizenship, and colonial difference'. Rather than seeking to bring 'two worlds into one' through inclusion in existing regimes of citizenship, indigenous struggles have looked to 'maintain the difference between two worlds'; to maintain their distinctive identity and defend their traditional practices from the threat of a modernizing state (Rojas, 2013, 583). Moreover, these indigenous struggles combine 'long memories from past political struggles' with 'current experiences' to 'modify the world that has excluded them' by generating substantial changes within the Bolivian legal order itself (Rojas, 2013, 589). In an Indian context, Sharma (2011, 967) has investigated how subaltern subjects 'inhabit and substantially alter the contours of legal citizenship'. Subaltern agents 'redefine and particularize legal conceptions of rights and citizenship' by interpreting rights formally granted in the Indian constitution through 'different cultural narratives' which combine 'bureaucratic languages...with kinship and moral duty' (Sharma, 2011, 969, 975). These 'radically particular moral articulations' transform mere legal equality and abstract rights (Sharma, 2011, 955, 977) Here, rights that are formally granted but not realised are demanded by subaltern subjects, who use an array of 'mixed languages' to inflect languages of rights with distinct meanings (Sharma, 2011, 974).

With notions of acts of indigenism and subaltern struggle already existing, why are we proposing the concept of vernacular rights cultures? Whilst the indigenous and subaltern struggles discussed by Rojas and Sharma are important instances of rights being transformed as they are demanded through acts of citizenship, the development of vernacular rights cultures is not restricted to subaltern and indigenous agencies. Rather, vernacular rights cultures emerge when mobilisations, subaltern or otherwise, indigenous or otherwise, southern or northern, transform rights by understanding them not as abstract universals, but by weaving them through their particular

histories, cultures and political contexts. Indeed, movements formed by relatively privileged agents operating in the global north have articulated notions of food sovereignty, and have done so in a manner that is inseparable from their particular cultures, histories and political contexts. As a result, they, too, have produced vernacular rights cultures that alter the content of rights demanded.

In Canada, a common demand for food sovereignty has united the national farmers' movement, indigenous movements, food secure Canada, and Quebec's union, with this language of food sovereignty adopted by Canada's national food union after their participation in Via Campesina's 2007 Nyeleni forum (Desmerais and Wittman, 2013). In Larzac, France, food sovereignty has been demanded in successful protests seeking a ban on the commercial use of transgenic maize developed by Monsanto (Ayres and Bosia, 2011). In Vermont, USA, food sovereignty has inspired movements for local food markets. Restaurant owner George Schenk challenged state authorities 'by threatening to serve chicken from a nearby farm in his restaurant without proper certification', with the importance of well-sourced, traceable food taking priority over abstract governmental food safety regulations (Ayres and Bosia, 2011, 47). But whilst food sovereignty 'has taken root in locales as geographically and culturally dispersed as Vermont and Larzac', these different locales 'effect distinctly local forms of ongoing resistance' (Ayres and Bosia, 2011, 48). This indicates that further vernacular rights cultures might be produced as newly imagined rights to food sovereignty are demanded in diverse cultural, historical and political contexts. Protests against Monsanto in Larzac were rooted in a culture valuing French cuisine and a history and political context of a French state that protects French cuisine through regulation, resulting in demands for food sovereignty that requested 'state action, even as it promotes local self-reliance' (Ayres and Bosia, 2011, 55). A right to food sovereignty, which was understood as something to be seized and enacted by peasants themselves in the context of mobilisations in the south, was thus transformed into a right to be protected through state action. In Vermont, by contrast, a 'political and cultural tradition that has for centuries emphasized small-scale frugality, local citizenship' and 'independent mindedness', and a political context of a federally structured state less friendly to attempts to protect local food

inspired the direct provision of food sovereignty through threats to ignore the need for state certification, and through attempts to enact food sovereignty via consumption choices (Ayres and Bosia, 2011, 56). In this regard, those in Vermont looked to provide the right to food sovereignty for themselves, but did so with a greater emphasis on consumption choices, rather than forms of production. Both mobilisations, then, saw the nature and meaning of rights to food sovereignty change as they were inflected with the histories, cultures and contexts of those demanding rights. Moreover, with demands in Vermont resulting in a small change in law that enables small farmers to sell uninspected birds to restaurants and at farmers markets, this enactment of rights has also generated shifts, albeit small ones, in the nature and content of inscribed rights.

Where 'acts of indignity' and subaltern struggle focus attention on indigenous and subaltern agencies operating primarily in the global south, the concept of vernacular rights cultures suggests that transnational imaginaries and inscriptions of rights are shaped when mobilisations enacting a right to have rights are weaved with the particular histories, cultures, and political contexts of actors, whether these actors are northern or southern, indigenous or non-indigenous, and subaltern or otherwise. The transformation of rights to food and land into rights to food sovereignty is rooted in peasant cultures, histories, and contexts, but peasant identities are not restricted to subaltern or indigenous agents. Moreover, the difference introduced through the shift from rights to food and land to rights to food sovereignty did not remain a local, subaltern, or indigenous appropriation of rights discourses, but has come to shape broader understandings, imaginaries and inscriptions of rights.

The present context of austerity in a number of 'advanced' northern states renders it particularly important to be able to account, as the concept of vernacular rights cultures can, for the broader range of mobilisations that might transform rights by enacting the right to have rights. With public services provided to citizens being cut, a logic of equality, where formal citizenship rights are sought to provide access to rights and services already delivered to citizens, may increasingly have to

negotiate with insurrectionary acts of citizenship that see movements provide rights for themselves, be it through using disused urban spaces to grow food, squatting in disused properties, or obtaining waste food against the health and safety regulations of the state. Where a framework of subaltern struggles or acts of indigenship might orient focus away from such political action in the global north, a concept of vernacular rights cultures can attend to the particular cultures, histories, and political contexts that generate vernacular rights cultures in the north. It would encourage an analysis of how diverse mobilisations, in the north and the south, at a local level and through transnational commonalities, shape regional, national, and transnational understandings of rights.

## **Conclusion**

Through a case study of MST and Via Campesina practices demanding the right to have rights to food and land, we have demonstrated that mobilisations demanding the right to have rights alter not only the forms of citizenship through which rights are enacted, but also generate changes in inscriptions and imaginaries of rights. The rights demanded in these mobilisations are inseparable from a cultural attachment to the land, a history of dispossession through modernization, and a political context where only collective struggle can provide land and food. The distinctive cultures, histories and political context of MST uprisings inspired a change in the content of rights demanded, with rights to food and land woven together to form a collective right to food sovereignty. We used this case study to develop a concept of vernacular rights cultures, which highlights how rights are transformed as they are sutured with the histories, cultures and contexts of diverse rights-based mobilizations, whether these mobilisations are indigenous or non-indigenous, subaltern or more privileged, or northern or southern. Moreover, distinct vernacular rights cultures resonate with related cultures, histories and political contexts elsewhere, facilitating the formation of vernacular rights cultures at a transnational level. The related cultures, histories and political contexts of peasant struggles across the world have facilitated the formation of la Via Campesina, who are transforming existing inscriptions and imaginaries of rights at a transnational level, supplementing or even replacing rights

to food security with a right to food sovereignty. Thus, rather than offering local interpretations of abstract and universal rights principles, vernacular rights cultures work to transform and shape transnational imaginaries, principles, and practices of rights. Transnational practices and principles of rights thus reflect a history of struggle that is both local and transnational. We hope that this concept of vernacular rights cultures can be developed further through case study and ethnographic research highlighting how movements enacting the right to have rights in multiple and diverse localities supplement the 'struggle to enjoy rights that have already been declared' (Balibar, 2002, 6) by transforming existing understandings of rights.

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<sup>ii</sup> Vernacular rights cultures therefore differs from Engle-Merry and Levitt's (2009: 441) notion of the 'vernacularisation' of rights, understood as the "process of appropriation and local adoption of globally generated ideas."

<sup>iii</sup> Literature in social movement theory has discussed how social movements mobilise participants by making demands that resonate with their particular contexts (see Bassel, 2014). However, literature on citizenship as a right to have rights and literature on the MST and la Via Campesina have, despite some exceptions (Kröger, 2011), not engaged with social movement theory. To ensure that we have sufficient space to engage with literature on citizenship and on the MST, we have opted not to engage with social movement theory.