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Abstract:

In this paper, I argue for a refusal of the 'politics of origins' framework that dominates human rights talk and towards one that privileges a 'politics of meanings'. Drawing on my ethnographic work on the rights encounter with developmentalism and rights in rural Rajasthan, I present a few elements of this shift towards a 'politics of meanings' and introduce a new conceptual framework, one of vernacular rights cultures, which I suggest will help us to conceptually capture the dynamic politics of rights and entitlements in the Southern Asia. As a conceptual intervention, thinking in terms of 'politics of meanings' and indeed in terms of 'vernacular rights cultures', I argue, will help us move beyond the tired arguments of eurocentrism, cultural relativism or celebratory universalism that can no longer adequately capture the dynamism of the citizenship claims that are increasingly voiced and struggled for. The experiences of making rights claims and entitlements that I document are like all experiences and phenomena gendered, and provide insights into a fascinating set of paradoxes, disappointments and despair: the attachment of rights to privileged gendered bodies while being desired and claimed, contested and fought for by the marginalized, the precarious and the powerless.

Developmentalism, Human Rights and Gender Politics: From a Politics of Origins to a politics of meanings

I write this in the aftermath of huge public protests that erupted in mainly urban India in the wake of the brutal gang rape of a 23 year old woman- the protests were remarkable not only in terms of the numbers that joined despite the state brutality and repression unleashed to suppress these, but also because of unapologetic language of freedom and autonomy that were voiced in these protests. To be sure, some of these demands were couched in the patriarchal language of 'revenge', 'protection' and of 'saving' but these jostled uneasily alongside unequivocal ones for women's right to autonomy, equality, and freedom: freedom to use public spaces, to wear what they wished and for women to exercise their rights as citizens without fear, violence or coercion. Now the protests against rape or sexual violence are hardly new. The feminist movement in India has been at the forefront of highlighting the institutional and legal shortfalls in meting out justice to victims of sexual assaults, organizing the first major public demonstrations and protests in 1979-80 against the gender prejudicial interpretation and workings of legal and institutional bodies in the aftermath of the acquittal in the Supreme Court of the policemen involved in the custodial rape of two women, Rameeza Bee and Mathura (Ram 2000; John 2002)—both occupying marginal subject positionings—one belonging to a 'tribal' community and the other a poor Muslim—which lead to a decade long campaign for legal reforms culminating in the drafting of new legislation intended at 'protecting' women against violence (Agnes 1997). But the December 2012 protests were striking not only because of the language of the demands but also because the thousands of men and women demanding rights and freedom from violence managed to escape—at least to a large extent-- the delegitimising 'western' tag that had plagued feminist inspired mobilisations of the past. In other words, the rights/human rights they were demanding were not were not disqualified or disregarded as representing 'western feminist' ideas of women's rights.

In my view, these December mobilisations present us with yet another occasion

through which to consider carefully the framework within which we talk about human rights/rights in 'India and the West'? More specifically, to ask whether these mobilisations in any way displace the framework of a 'politics of origins' that almost always structures discussions of human rights in the 'non-west'? I suggest that they do. Instead of this near pervasive stranglehold of the 'politics of origins' discourse on rights talk, I propose we focus on a 'politics of meanings'—one that has at its core, a focus on the meanings, subjectivities, ideational and political energies and cultures that come into being as a result of rights. But of course, such an exercise is not without its risks; in particular, it is vulnerable to orientalist representations, to crude indigenisms, even dangerous neo-nativisms, all of which, pay inadequate attention to the multiple sources and contestations which feed conceptual histories and by failing to attend to the exclusions and 'othering' that occur both within and through the discourse and practice of rights. However, once we've acknowledged and steered clear of these risks, efforts to refuse the ordinary discourse of human rights opens up new avenues for thinking about human rights politics in different parts of the world.

In this paper, I attend to some elements of the 'politics of meanings', namely the formation of subjectivities, rights claims, entitlements and participation, subjection, coercion but also new modes of agency that result from a practical and moral encounter with the language of rights. In deploying the phrase 'encounter with rights' I mean to emphasise quite simply that the contact with rights is a deliberate one, and in this paper, I focus on the encounter with developmentalism; a developmentalism that is embraced by both state and non-state actors including feminist groups. The political and discursive context I write about here, is one of an explicitly 'rights based' developmentalism, in particular, the strand of developmentalism explicitly concerned with developing poor women as 'subjects' of development. In this rights encounter, I focus, in particular, on the deployment of specific literal and conceptual languages of rights—both the literal term for a right which is *haq*, an Urdu/Arabic literal term, used in large parts of Southern Asia, to invoke a right as well as its justificatory premises. But of course, *haq* is hardly a

discrete conceptual term and comes enmeshed in a cluster of conceptual ideas. It is, however, not enough to only speak of literal and conceptual terms alone; one also needs to actively investigate the specific linguistic, sociological, political histories and practices that underpin and make possible the life worlds of these words, and examine the forms of political cultures, subjectivities, administering practices and forms of subjection produced by these rights cultures. The empirical and conceptual material in this paper draws attention to the production of ‘vernacular rights cultures’ and new gendered subjectivities and forms of subjection that come into being as a result thereof. These rights cultures are co-produced and are a result of various forms of discursive and policy interventions including metropolitan feminist activism, statism, legal constitutionalism, developmentalism, transnational human rights discourses, groups and institutions, grassroots citizen and feminist organising. In particular, it draws on ethnographic work conducted since 1998 at two sites in Rajasthan, North west India: the first, an institutional setting established by a state sponsored programme for women’s development and empowerment known as the Women’s Development Programme (WDP), Rajasthan but financed in its initial years by the UNICEF¹, and the second documents rights based citizen activism and mobilisations to push for expanding constitutional rights guarantees to include those to food, information and employment. While the latter has been successful in mounting both a legal and policy challenge at the Indian state—there now exists laws that guarantee rights to information, employment and also to food—for the purposes of this paper, both sites offer concrete descriptions and images of complex articulations of rights cultures and the subjectivities these engender within specific historical relations of dominance, subjection, materiality, statism, politics.

II On Conceptual Categories, ‘feminist movement’, ‘Developmentalism’ and ‘The West’

Theoretical and empirical discussions of human rights/rights take place in conceptually saturated and ‘overdetermined’ discourse of a ‘politics of origins’, one

¹ For details on the programme see ‘Rethinking Agency’: Developmentalism, gender and rights’ (2013).

which can be entered into only through a clearing exercise or even a refusal: a refusal that ironically only reproduces this originary discourse on human rights all over again. Keeping this risk in my mind, I outline what I mean by a framework of a 'politics of origins'. By it, I simply mean that the guiding assumptions framing rights debates and questions invariably begin with an orientalist assumption common to both the celebrators and detractors of human rights, mainly that: the conceptual, philosophical and empirical experience of rights across the globe owe their formulation to the three revolutions of the modern west, to the English (1680), American revolution (1776) and the French revolution (1789). Not only are rights politics viewed as western derived but are also regarded as symbolic of this continuing western tradition of human rights. Of course, the documentation of this global proliferation of human rights (or indeed its refusal) is hardly a descriptive project, it is, if anything, a normative one: human rights represent civilisational progress to which 'other' nations and peoples must aspire, even if it means justifying the spread or the protection of human rights through imperialist military invasions and 'humanitarian' interventions. On the other hand, there are powerful detractors of human rights who similarly place rights on a continuum of modernity, progress and linear historical time but prioritise economic development as a necessary precondition in the progress towards political and civil freedoms. Both these positions involve significant historical and intellectual forgetting. Not only are universal human rights a recent intellectual and political project within the global North, and one that has been mired in social conflict and continues to be bitterly fought for, but that discourses of rights and entitlements are powerfully invoked in the global South too. But the challenge of resisting originary discourses on human rights nevertheless, remains: So how do we resist the nomenclatural politics but also think of the movements/rights claims and politics that take place happen outside the non-European world without losing either their historical and political specificity or their geopolitical location and hierarchical relationship with hegemonic human rights discourses? In other words, how do we go about 'worlding' human rights without losing sight of their historical, linguistic, political specificities including the very specific ways in which these are mobilised and the rights politics that are

engendered as a result of their mobilization? Recent years, however, have seen a rise in sophisticated arguments pointing to the often contradictory, alienating, exclusionary and politically conservative effects of a universalizing and homogenizing ² human rights politics ³, implicated and invested in upholding existing global power relations and hierarchies of representation (in both senses); of being yet another form of 'transnational governmentality'⁴ and of constituting a 'central' element of US led globalization, capitalism and world trade⁵. In recent years, anthropological scholarship has made a significant intervention in thinking about questions of rights (Wilson 1997, Cowan and Shenton 2002, Merry and Goodale 2006, Goodale 2006, Merry 2009, Comaroff and Comaroff 2012, Povinelli 2011, Abu Lughod 2010, Mamdani 2000) and about the nature and limits of modernity within transnational and cross cultural frames. But the question of categories and nomenclature remains.

Discussions of women's rights in India are hardly a stranger to the 'politics of origins' mode of discourse. My caution in using the category of the 'west' and 'non-west' in binary terms owes in some part to the hostile criticisms and reception, designed to undermine and disqualify claims for gender equality directed at, the feminist movement in India which, in effect, continues to be haunted by two characterizations. The first antagonism that is often heaped in its direction by its detractors is that it is elite, upper class and caste and seeks to assume voice and mantle of leadership by elite, and thereby illegitimately 'speaking for' (Alcoff 1995) all Indian women and the second, questions the 'authenticity' and cultural propriety of feminist politics as those of 'western' import and therefore foreign and also illegitimate. While both these characterizations can be traced to the identity crafting that occurred during the Indian nationalist anti-colonial struggles, these have

² Kiss, E. (1997) 'Alchemy or Fool's Gold? Assessing Feminist Doubts over Rights', in Mary Lyndon Shanley and Uma Narayan (eds.) *Reconstructing Political Theory: Feminist Perspectives*, Penn State and Polity Press.

³ Wendy Brown, (1995, 2000); Nivedita Menon, 2004) ; Kimberley Crenshaw, (2000)

⁴ Inderpal Grewal (2005)

⁵ Walter D. Mignolo, (2000; Asad, Talal (2000)

continued to find a resonance in postcolonial politics in India⁶, ensuring that even where women's rights have been explicitly under discussion, these had to be seen to be in alignment with emerging definitions of authentic culture/scriptural tradition as also a 'modern Indian' identity⁷. Consequently, the debate on citizenship in postcolonial India has been circumscribed by a careful balance between women's citizenship rights, i.e. their public identities and their religious and cultural roles or their private identities (Kapur and Crossman 1996). Two things must be said here: while it is entirely legitimate to raise questions about location, voice, representation and leadership within the Indian feminist movement, it is also important to note that the women's movement despite difficulties in relation to these, has displayed reflexivity and sensitivity to questions of poverty, power, social hierarchy and institutional elitism both in its campaigns and in the readings of its historical archives.⁸ And as I have noted elsewhere (Madhok 2010), the idea that advocating women's rights and feminist politics constitutes inauthentic politics and an inauthentic social mobilization because feminism happens to have 'originary' moment in the 'West' is weak not least because women's rights were mooted during the anti-colonial nationalist movement itself (Ram 2000; John 1998a), but also because the difficulties with rights in India are less to do with their being 'misfits' or 'out of place' with Indian culture/tradition, and more because they arise out of the experiential failure of rights (Sunder Rajan 2003) and from the absence of accountability and non-individuation of citizen identities (Ram 2000).

In my view, therefore, it is more productive to think of rights/human rights as not wholly derivative from the three major revolutions in the West- the American, the French and the English- or entirely oppositional to western notions and conventions of human rights or indeed, entirely discrete in form, in that one would be hard

⁶ See Rai (2002); Mani (1989).

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The unease with 'feminism' as a western import although, not confined to the non-feminist camps alone(John 1998b) found a renewed chorus with the dominance of religious identity politics in the 1980s and 1990s (John 1998a) .

⁸ See for instance, Mary John (1996, 1998a, 1998b, 2002), Sunder Rajan (2003) and Kalpana Ram (2000).

pressed to find hermetically sealed or 'pure' indigenous rights traditions but they are instead, interlocked into relations that are historically productively, intimately, and coercively produced and experienced, attending to the particular forms of encounters with rights such as colonial encounters, those with anti colonial nationalism, the constitutionalism spearheading the postcolonial state and its distinct forms of developmentalism and bureaucratisation and more recently, through the impact of the increased 'destatization' and the proliferation of the non state organisations advocating 'human rights'.

But of course, to say that we must be cautious-reflexive towards categories such as the 'West' when speaking of human rights and of human rights discourse, is not to suggest that we ignore the geopolitical power relations upheld and signified by the West, nor that we lose historical specificity and the historically specific ways that human rights discourses and politics have emerged, evolved, travelled, are translated, and debated. It simply means that we think carefully about the implications that accompany the binary categories 'west' and 'non west', — reproducing as they do the very representations and power relations we wish to refuse, their deployment both rearticulating while also leaving unchallenged the justificatory premises that underpin and govern the terms of human rights talk not least, privileging and disqualifying particular modes of lived experience. In my view, it is much more productive to think of human rights both in a transnational mode, recognizing the modes of nodes, circuits and circulation of power—but also in terms of specific conceptual categories, languages—both literal and conceptual- anxieties, displacements, movements as well as the more settled politics and claims for rights and entitlements. In order to conceptually and empirically illustrate the shift to a 'politics of meanings', I adopt the framework of 'vernacular rights cultures' which I shall discuss in greater detail towards the end of the paper.

But you might ask as to what would these moral encounters in very marginal contexts with developmentalism and rights bring to how we might think of the difficult questions around global human rights discourse? In my view, these negotiations shine a torchlight on at least three things: they question whether our

genealogical investigation of rights and our obsession with the 'politics of origins' of human rights is actually justified empirically and practically? And secondly, they highlight the gendered nature of rights-of not only how the exercise of rights invariably throws up deep seated questions of gender relations and finally, they highlight the transnational circuits of rights, and of the different routes through which which rights travel, get picked up, are transformed and are 'vernacularised' (Merry and Levitt 2009).

Developmentalism, gendered subjectivities and the 'doing' of rights

Although, a prominent part of this rights based developmentalism I focus on here is in a significant way concerned with disseminating and enforcing accountability of state developmentalism and discernably less about encouraging individual rights and personal liberties, it is hard to de-link these except in analytic terms; however, in this paper, I shall be focusing to a larger degree on the former. Before all else, however, let me offer a few clarifications. The language of developmentalism is not only beamed/spoken by the state alone, and sometimes, the success of penetrative success of the state is viewed through the lens of how well it has been able to reach 'development' to what Partha Chatterjee refers to as 'dark zones' (Chatterjee 2004). However, this focus on the state risks sliding into 'statism' and ignores the hinterland effect, as it were, or of the power of the state to manufacture consent and mobilise support for developmentalism. One only has to cast one's eye at the list of thousands of 'NGOs' enlisting themselves as primarily involved in development to witness the extraordinary desire for development. By developmentalism, a term I prefer to 'development, I refer to not only a set of institutions, discourses and practices but also to a 'condition' or a way of being'. This developmentalism, as I conceive it, is normative in its aims; it speaks the language of self-empowerment and individual rights and has the transformation of subjectivities as its explicit aim. This normative basis for developmentalism accompanies both the state and non state actors engaged in 'development', even though, the normative ethic that they might be pursuing might be quite different. Feminist politics in India has been keenly

invested in developmentalism and since the 1970s; it has been a vocal critic of the exclusionary politics, institutions, 'initiatives' and policies of the developmental state. The social unrest of the 1960s also gave rise to demands for more specific and group focused development interventions, including a focus on women as a 'group within state-led developmentalism. While the increasingly vibrant and visible women's movement instrumental in making sure that it would not longer be acceptable for policy makers to be indifferent to gender relations and to the exclusion of women from state developmentalism—here it was both in step with the emerging critique of the dominant representations of women in international 'development apparatus' (Escobar 1995) and in tandem with the burgeoning academic scholarship on women's roles within development---the actual policy shift in this regard only came much later, more specifically with the insertion of a chapter on women and development in the sixth five year plan and consequently into state plans at the provincial level too. The Women's Development Programme (WDP) launched by the Government of Rajasthan in April 1984 was a direct result of this attention to women within development policy thinking in India and in turn, facilitated in particular, the rights encounter of the *sathins* whose rights encounter constitutes a significant part of this chapter. ⁹

The feminist movement has raised questions of women's rights and gender relations in the looming background of discourses of constitutionalism, developmentalism and empowerment. These are not ordered in terms of hierarchical progression but instead are influenced in large part by the prevailing political imperatives. The 'autonomous' feminist movement is seen to have emerged as a separate movement in its own right amidst the social unrest and the looming political crises of the 1960s which came to a head with the imposition of emergency measures by the federal government (1975-77) and suspension of constitutional liberties. It is important to note that the phrase the Indian feminist movement in singular terms does little to capture the internal variety or dissent within it. Different strains within the

⁹ The *Women's Development Project Rajasthan*, DRDPR, Government of Rajasthan, 1984.

movement have championed a diverse range of issues related to the environment, sexuality, representation, health, civil rights (Kumar 1999); in fact, the movement is often said to have experienced three discernable 'waves' (Gandhi and Shah (1992) also cited in Menon 1999): its anti colonial/nationalist phase, its autonomous/large classed mobilisation phase and the 1980s onwards which is witnessing the 'third wave', of the women's movement in India (Menon 1999). It was only in 1997 that a resolution was passed by the Indian women's movements congress recognizing rights of non-heterosexual groups (Menon cited in Phadke 2003). Currently, the women's movement has found itself at the forefront of debates on sexualities, intersectional oppressions, identities, renewed emphasis on institutional and legal reform and citizenship—with sexual rights, parliamentary quotas and guaranteed citizenship entitlements becoming increasingly important.

On Encountering Rights and Developmentalism

The moral, ethical and practical encounter with the rights language that I describe here takes place in the context of developmentalism subscribed to by both non-state and state actors, although, there is a discernable difference between the forms that is practised by the two. For instance, while both the state sponsored developmentalism and non-state practitioners are state focused, by which I mean, they are both attached to the state in different ways, there are important differences: the main plank of developmentalism, pursued by the non-state actors is very much aimed at enforcing state accountability over formal rights already committed to whilst also demanding an extension of the list of citizenship entitlements (but these are seldom are raised in terms of individual rights), whereas the state sponsored developmentalism that is released is explicitly concerned with raising awareness of state development schemes and of widening the net of 'beneficiaries' for these. But it would be a mistake to think of these two strands in binary terms; they are as I will go on to show how they overlap and even intersect. The main point that I wish to highlight in the section is the actual deployment of the literal term for right which as I pointed out earlier, is

haq and a few of its conceptual and philosophical underpinnings

In the case of the *sathins*, for instance, the *sathins*, who are after all, development 'workers'¹⁰ of the state, engage with the statist discourse of rights and developmentalism in very interesting and creative ways. It is important to note that the state provides a very real sense of support/legitimation of their rights work while also drawing attention to them as target of serious conflict. In the initial years of their participation within the programme, the *sathins* would, for example, use a very statist language of rights in order to make the case for rights. So, for example, consider the following excerpted narrative:

At the (WDP) 'training', I was taught that women had rights too, and that practising untouchability was wrong. I had learnt that no one was an untouchable and that everyone had equal rights. And when I went back to the village, I went to draw water along with four *Kumhars*. A man belonging to the *Meena* caste came there and shouted at me saying, 'How dare you come and draw water from here?' I replied, 'is it your father's tube well that we can't use it? The *sarkar* has installed it and we all have an equal access to it'. Our *sarpanch* came and said that I was right and now everyone draws water from the tube well'.

But as I have documented elsewhere, this fairly straightforward defence of rights becomes more complex as the relationship with the state becomes more fraught or enters what I call a 'crisis of reflection'. The process through which this 'crises of reflection' occurs is both moral as well as practical. The moral process comprises a dynamic ethical reflection consisting of attempts to not only rethink many of the moral rules informing their own moral frameworks, but also of selectively absorbing many of these 'new' ideas and language in creative and somewhat less unhesitant ways. In an important way, this moral regression of the state among the *sathins* is brought about through its failure to come through on its promise of protecting

¹⁰ For disputes over their status as 'workers' of the state see 'Rethinking Agency' (2013)

women's rights, forcing the *sathins* to weave an independent mainstay for rights, separate from the state. These new ideas of rights, in the first instance, may appear to be closely associated with the state, but as a result of a gradual process of moral regression of the state in their popular perception, - from primarily a principled entity backed by an 'irresistible power', deploying its power to establish the good in society to being viewed as aligned to special class/caste interests- the *sathins* realise that the state can be no longer provide the philosophical mainstay for rights. And thus, with this changed view of the state from one comprising not just a 'pack of principles' but also a 'structure of practices', the *sathins* find themselves left with an intellectual need to justify the principles that they had hitherto attributed to the state. However, in proposing an alternative philosophical justification, the *sathins* also need to justify this new normative basis for rights in a language that is acceptable, comprehensible and morally significant. In order to justify principles of rights upon an alternative premise, the *sathins* turn to a conceptual term of high moral value within the vernacular to legitimise this non-statist justification for rights. They begin to legitimise their use of *haq* by invoking it in synonymy with Truth. In their case, it is not so much a creation of new literal terms or neologisms to accommodate the new language of individual rights but of manufacturing a new moral legitimacy for this new conceptual thinking. Consider for example, the following:

We *sathins* exist so that we can assist the depressed and deprived women and become their voice. "*Sathin* ko karyakarm bohot tej khopri che" (the *sathin* programme is a very clever one). If there is any injustice happening, say for example on a bus, the educated women just sit straight in their seats, they don't utter a word. They have money, they are privileged, why should they get their hands dirty and speak up? We speak the Truth and walk the path of Truth. the *Sarpanch*, the *Patwari* can go whichever way they want, but I will always walk the way of Truth. There is only twenty five percent Truth in politics. The *Sarpanch* and *Patwari* are partners in corruption- why should they speak the Truth? They benefit by not walking the path of

Truth. Whereas the *sathin* always speaks the Truth as she is not in with them and their corrupt schemes¹¹.

Before, we discuss these narratives a little bit more, I must also point out here that the developmentalism that is beamed at the women development workers is quite explicitly engaged in producing a particular 'development subject' and in facilitating the emergence of certain forms of subjectivities amenable to 'development'. This moral encounter of the *sathins* with rights and developmentalism, as I have shown elsewhere, [I show] is creative, injurious, risk-laden and deeply destabilising leading to the *sathins* fashioning not only new ways of viewing their social and moral worlds but also of crafting a new lens through which to both view themselves and their subject/gender positionings (Madhok 2013 (a, b))¹² For state developmentalism, women selected as *sathins* undergo a 'training' (also referred to in the narrative above) so as to align themselves with the normative impulse of this new (and dynamically unstable) discourse of developmentalism. Becoming a *sathin*, therefore, requires a certain reorienting and re-crafting of the self so as to meet the expectations of personal transformation in matters not only ethical and moral but also of comportment, speech, and sartorial. These exercises in the refashioning of subjectivities and the constituting of one self as a development 'subject' – as articulated in the speech practices of the *sathins* – must not be seen as either autonomous practices deployed by are either retreating into an hermetically sealed inner self nor should these be seen as any way freely chosen. On the contrary, the self-conscious operations or 'technologies of the self' (Foucault 1994, 225) that the *sathins* perform upon themselves in order to wrought a desirable subjectivity helps

¹¹ In their narratives, truth, increasingly seen as synonymous with justice and justice is articulated in terms of women's rights, and the credibility of the state becomes inextricably linked (in their narratives) to its commitment and ability to not only protect the Truth but also the interconnected set of moral principles; equality, justice and rights, which are seen as components of Truth. Thus, the truth, as articulated by the *sathins* is that women have rights, but that powerful interests in the community subvert these rights and in doing so interfere with the *Truth*.

¹² In documenting their rights narrative over their twenty year participation in this development programme, I found that there was a distinct pattern in their thinking and speech practices which could be plotted in terms of there were three distinct 'stages'. The initial contact with rights based ideas produced in their wake considerable moral dissonance and suspicion which in turn gave way in time to a 'new-found faith' in a state-centric discourse of rights and finally, in the face of serious failings of the state, they are forced to weave their own theoretical and practical defence of the idea of rights independent of the state.

focus attention on the 'technologies of power' (Foucault 1994, 225) that accompany developmentalism as a form of governmentality (Li Murray 2007) oriented towards 'shaping' particular modes of beings and kinds of subjectivities (Burchill 1996).

In contrast, to the statist developmentalism encountered by the *sathins*, the version of 'development' that the participants of various non-state citizen mobilisations that I have been ethnographically documenting since 2004 encounter, are engaged in is the production of a particular kind of activist citizen subject. By this, I do not mean to imply that the *sathin* is not an activist subject, but only that her activism is of a slightly different kind. The activist citizen subjects mostly tend to direct their activism at the shortcomings of the developmental state, exercising a constitutionally sanctioned language of citizenship rights and claims in order to press for fulfillment of existing entitlements or for a more expansive interpretation of these. But this separation between the two kinds of citizen activism, between the non-state and the statist- is in effect, an analytical separation really, and cannot be sustained after a particular point. And let me illustrate here what I mean by this through examining two narratives from my documentation of rights, citizenship and entitlements within citizen mobilisations.

Consider for instance, Prem Bairwa's deployment of the rights language. Prem Bairwa is a dalit woman who at the time of this interview was a member of the village council in her village of Kotkhawada, Jaipur district. In addition to her role as a member of the local village council, Prem Bairwa is affiliated to a large and internationally funded well NGO¹³ and is also closely associated with the National Campaign for Dalit Human Rights (NCDHR), a national level advocacy organisation in India.

According to her:

'As a council member, I have a *haq* in the panchayat (village council) to get development done in the village. Do only men

¹³ Ceceodecon noted by many to be one of the largest recipients of foreign funds. Interview with Sunny Sebastian, Rajasthan correspondent for the 'The Hindu', February 2004, Jaipur.

have the right to speak and conduct political business; are not women to enjoy these rights equally? It is a fight for my *haq* and a fight I have to fight myself. The government has given these rights to women; Indira Gandhi has started the *mahila raj* of women. Before her, there were no women's rights. In case governments change 'our' rights then we have to fight the government. After all, it is 'us' who make the government'.¹⁴

Another version of this 'activist citizen subject' is also evoked in my fieldwork among the political and field workers of the MKSS. This active view of citizenship rights contains fluent expressions of an activist oriented view of citizenship replete with notions of self-governance, accountability and responsibility that define 'active' citizenship. The MKSS or the 'Association for Workers and Farmers' have been involved in a long drawn struggle for the right of ordinary people to gain access to state financial records and state audits of development projects and has spearheaded a social movement espousing the right of public information and of the people's right to know about the government's economic functioning. The right to information (RTI) movement began in the early 1990s to highlight the gross failures of the state to uphold minimum wage legislation particularly within drought relief programmes set up in order to provide stipulated employment to people in drought affected districts and to focus on the flagrant inefficiencies and corrupt practices within the state public distribution system (PDS). However, the activities of the MKSS have not been limited to exposing the everyday forms of official corruption and focusing on procedures of governmental accountability but have also come to expose the 'multifaceted nature of corruption' within the legal and political system¹⁵. In their decade long movement, the MKSS have championed innovative social techniques of mobilisation and public appraisal. Perhaps, the most innovative feature of MKSS's campaign for RTI has been the introduction of participatory social

¹⁴ Interviewed in 2004, Kotkhawada, Phagi Panchayat, Jaipur. This is an extract from a longer interview with Prem Bairwa.

¹⁵ Goetz, Anne Marie and Rob Jenkins (1999) 'Accounts and Accountability: Theoretical implications of the right to information movement in India', *Third World Quarterly*, vol. 20 No. 3.

audits of public expenditure or 'jan sunwais'. Typically, a 'jan sunwai' consists of the submission of individual and collective testimonies about corrupt official practices for instance of fake muster rolls, corrupt state officials including state affiliates such as ration shop owners and elected local government representatives, at a pre-designated public space to which the concerned state officials/political representatives are invited to present their defence or give an account of their practices.

The interview below is excerpted from a lengthy conversation with two prominent members of the MKSS. According to them:

' . The road is built with our money. It is 'our' money because we pay income tax and we pay also tax on whatever we buy such as rice, *dal* and cooking oil. That is how the *sarkar* (the state/government) builds hospitals and schools. It builds these with "our" money. The money that people used to think was *sarkari* or the building that was deemed to be *sarkari*, we tell the people it is not *sarkari* but it is 'our' building and it is "our" money. 'Our' democracy must be safeguarded for that will make our rights safe. 'Our' effort should be that the constitution continues to guarantee the rights of citizens.'¹⁶

Even though, we can discern a clear deployment of *haq* running through each of these narratives, each one of these must be considered in their distinct discursive, institutional and political context. These activist subjects must not be confused with embodying either ideas of civic republicanism -- self-governance, rights and public service-- nor as whole heartedly endorsing liberal citizenship (subjects of rights and entitlements). Both liberal citizenship and civic republicanism in so much as they are premised upon a contractual arrangement between the individuals and the state, affirming negative liberty and autonomy for individuals on the one hand with civic participation on the other, presume the presence of homogenous political communities. Neither liberal rights and selfhood nor homogenous political communities inform the justificatory premise of *haq* as citizenship; and even when

¹⁶ Interview with Tej Singh and Narayan, Rajsamand, 2004.

citizenship is considered explicitly based on a common identity, the practice of rights has brought this homogeneity under considerable strain. Moreover, when we consider all four narratives together, we find a peculiar but a discernible pattern emerging from these. Many of these narratives whether they rest their justificatory premise of rights on law or the state or on the constitutional rights and obligations of citizens, retain with the people in the final instance, the right to change both the law/government or the constitution if it fails to uphold the rights of citizens. In other words, although the justificatory premise of rights in both is placed in law/constitution and in citizen prerogatives, in both cases, there is a clear enunciation that somehow although law/constitution is required to justify these rights, *haq* has an independent justificatory premise separate from the prevailing legal regime. *haq* thus can be said to lie in a “zone of non coincidence between individuals and the positive legal order of the state”¹⁷Therefore, whereas the law regulates rights and upholds these, it cannot extirpate these. The reference to *haq* is to an entity, which exists independent of the law and possibly has a moral authority of its own. But this does lead us to think about *haq* and its meanings and it is to this that I shall now turn to.

The Routes, meanings and the politics of doing *haq*

At this point, you might ask: what of *haq* and how does it relate to rights/human rights? The literal term *haq* is remarkably cosmopolitan and has an interesting intellectual history. As the principal Arabic word used to denote a ‘right’, it enjoys an intellectual recognition across the Arabic-speaking peoples in the Middle East and North Africa and among several communities in South Asia. In Southern Asia, the literal term *haq*, a pre- Islamic Arabic word also available in classical Hebrew, Persian and in some of the older Semitic languages of Aramiac, Phenician, Mendian, transcends geographical and religious boundaries and is used to invoke a ‘right’ by different religious and linguistic communities in Northern India as well as in Pakistan. I have written about the etymological history of the word *haq* and of some

¹⁷ Brett, Annabel S. (2003) “The Development of the Idea of Citizen’s Rights”. In *States and Citizens* edited by Quentin Skinner and Bo Strath, Cambridge: Cambridge University Press., Pg 98

elements of its conceptual history elsewhere¹⁸, but here I will simply like to point out that it is in fact, the word used that was deployed by my fieldwork respondents both in India and in Pakistan. The presence of this word begs several questions for me, not all of these can be engaged with in this paper but let me iterate some of these, nevertheless: If the word *haq* was already present in the social vocabulary then why did the language of rights appear so novel, alien, exclusionary and unavailable? What sorts of intellectual, conceptual and philosophical cultures was *haq* embedded in, what particular traditions of orality and textuality supported *haq* as a claim, what kinds of political cultures of rights were these rights movements drawing upon and creating in turn? What were its spheres of influence and implementation? Did it belong to those who already had rights? And what sorts of rights meanings were being advanced and how did these in turn, impact mainstream western derived thinking on rights. What sorts of narratives or forms of belonging did the word *haq* invoke? Intrigued by the presence and the deployment of the term, I focused on trying to think about the function of rights, or of *haq*, its meanings, and the justificatory premises that underpinned its life world in the subcontinent and of the work that it did or was made to do. In the event, I have now documented five different justificatory premises of *haq*; three of which I have provided snapshots of in this paper, namely rights as a statist doctrine, as one that inaugurates an 'activist citizen subject' and right as signifying 'truth'. The two that do not find their exposition here are: *haq* as a cosmological idea and as an Islamic doctrine. I have examined each of these in detail elsewhere (Madhok 2009), and so here I shall simply go on to talk about the experiential and ethical interventions of rights in the life worlds of my field subjects.

Throughout my fieldwork amongst the *sathins*, for instance, I found them to express a cautious enthusiasm for political rights; an important reason for supporting political rights, according to the *sathins*, was the promise of meaningful political citizenship and 'recognition respect' (Darwall 1977) they held out. The language of rights make available – and for many *sathins*, for the first time ever – a discursive

¹⁸ See 'Five Notions of Haq' (2009)

terrain whereby they find themselves becoming 'available' to themselves and to others through a shared political subjectivity – that of a citizen. The language of political rights then opens up the arena of citizenship or at least its possibility, albeit, however, fragile and one to which the *sathins* aspire. What was undeniable in their narratives however, was the ideational energy that rights brought to developmentalism. This ideational energy of rights, particularly around political rights produced in its wake distinct subjectivities and self-representations among the *sathins*, namely those of a rights bearing subject; a relational-political subjectivity and a political literate subjectivities¹⁹. Their high level of political literacy, however, only made the *sathins* very cautious on rights; rights were both a route to gaining a citizen subjectivity--, and one which had been hitherto denied to them – whilst also a great magnet for conflict; so while, it is the case, that rights made available the grammar of recognition respect, however, the actual claiming of this recognition respect was however, a different matter altogether, and one that was not without conflict, struggle, violence risk and injury. Another aspect of rights that reflected in their narratives was of their indivisibility and intersectional nature; rights were and neither clearly divisible nor discrete while also co-existing with patriarchies and oppressive gendered practices. Consider for example, case of Manohari Bai, a member of 'Marudhar Ganga Society', a local NGO working for dalit rights based in Jodhpur district, who stood up during the *gram sabha* and demanded the right to know what was happening to the proposal to build a school for girls in her ward. She was mercilessly beaten by the *Sarpanch* (a Choudhury by caste and his supporters) and her clothes torn off. Manohari Bai describes the incident in the following interview:

'In 2002, sometime in August –September, I went to the *gram sabha* meeting where I stood up and asked about what had happened to the proposal for the girls school which had been approved in our ward (no. 14). The *Sarpanch* said, "*chup ho ja, tu kaun hain bolni wali*" (you must shut up, who do you think you are to pose these questions'?) Then all violence broke loose. There were 500 men who shouted obscenities at me

¹⁹ see 'Rethinking Agency' (2013)

and I was beaten up, my *dupatta* and other clothes were torn off me whilst all the time the people kept shouting “*randi baith ja*” (sit down you whore). My attackers were mainly Rajputs and Jats but there was also one Mali and even a *sarkari karamchari*, I mean he was a *Patwari*...I went to Osian, and then after a month and a half the police registered a case against them. The police only registered my case after I pleaded my case with the Chief Minister and he ordered a case to be registered. The police did register a case after pressure from the Chief Minister’s office, but they put a FR (False Report) against it. In the courts, the magistrate was pressured by the police and the Sarpanch and he dismissed the case. I didn’t give up though and I took the case up to the high court in Jodhpur. I am now waiting for a date for a hearing to be announced”²⁰.

Apart from the graphic account of the violence that Manohari Bai recounts, her narrative also points to the intersecting nature of rights. For instance, demanding the ‘right to information’ from elected representatives or indeed public officials about public work programmes of health, education or work programmes can in many cases involve a simultaneous claim for gender and caste equality whilst in the same breath drawing attention to corruption within the local and state bureaucracies, the judicial system and to the flouting of procedural norms within the administrative, executive and legislative system itself. Perhaps, it is the indivisible nature of rights (and the futility of analytically trying to isolate them into categories)–of political and civic entitlements intersecting and interwoven with personal/individual rights- that makes rights politics so conflictual.

And finally, the third reflection on rights that emerges from an examination of the *sathin* narratives is one not dissimilar to what feminist scholars have long pointed out namely: the paradox of liberal rights – the formal promise of equal rights and citizenship for the free-standing, abstract, and unencumbered individual becoming hollowed out and rendered unrealisable for the concrete and socially located one – found a clear articulation in the speech practices of the *sathins*. In short, while it is certainly the case that the *sathins* employ the language of constitutionally guaranteed

²⁰ Interview with Manohari Devi , field worker ‘Marudhar Ganga Society’, village Baodi, Tehsil Gopalgarh, Panchayat Samiti Osian, District Jodhpur, caste Meghwanshi (dalit caste).

rights, this use is never unqualified or unaccompanied by disappointment, frustration, and despair at the elusive and near unrealisability of rights.²¹

A few Reflections on vernacular rights talk and feminist politics of rights

My aim through presenting brief ethnographic glimpses of the encounter with rights has been to present elements of an analysis constituting a 'politics of meanings' which I have argued will help us think more closely about how the contact with rights occurs, how rights travel and how they impact everyday ways of living and doing politics, in other words, it is a plea towards putting in place an analysis of political cultures created in the wake of rights. I have also referred to these rights cultures as vernacular rights cultures here and elsewhere (Madhok 2009). In speaking of 'politics of meanings' and vernacular rights cultures and for the need to abandon 'originary rights talk', I am neither suggesting that we divorce rights talk from either how rights operate globally as that would not only be to feign ignorance or even worse, wilful blindness of how circuits of power- histories, discourses and institutional politics-- within which all rights talk operates, nor am I advocating a 'global/local' framework of rights talk, which I find on the whole quite unhelpful. By vernacular rights cultures, I am however, setting up a normative hierarchical power relation - that between hegemonic universal discourses of human rights and those which are not simply 'vernacularised' (Merry 2009) but have their own histories and politics; highlighting certain forms of meaning making including 'strategies' of utilisation of rights linked not only to the historical and cultural identity of the group making a rights claim but also to the particular kinds of politics and institutional settings that they inhabit and strive towards; and finally, I am also suggesting that these rights cultures exist in a relation of marginality and subalternity in respect of majoritarian rights discourses associated with the nation state, legal constitutionalism and developmentalism.

²¹ See Madhok (2013 b)

As a feminist scholar studying vernacular rights cultures, I am only too aware of the dangers, injuries, asymmetrical power relations, violence and precarities surrounding the doing of rights. Feminist scholarship has demystified the gendering/exclusionary/culture reifying/civilisational discourses that human rights lend themselves to. In particular, they've shown how a certain form of imperial politics plays out when human rights are deployed as championing women's rights—one where the discourse of 'saving' the natives from themselves, or indeed Spivak's formulation of 'white men saving brown women from brown men', comes in only too handy (Brown 1995, 2000; Menon 2004; Crenshaw 2000, Spivak 1999, Grewal 2005, Abu Lughod 2001; 2010). In my view, feminist intellectual work on the institutional articulation and workings of rights must be accompanied by an attention to the ways in which rights languages are picked up and put to use in different political contexts by disparate and especially marginal groups so that we might produce accounts of how this manifold use complicates and expands current rights thinking. Rights are inherently political and must be seen as operating within fields of power, and therefore, the task is not one only of examining the discursive formulations and the political use that rights are put to but also one of investigating the political cultures that rights create (Brown 1995) and the new forms of subjectivities and subjection these produce. However, a dilemma for our present however is the following: How to reconcile the often paradoxical and unintended conservatism of rights thinking together with the ever present dangers of imperial politics with the increasing articulation and rights based social mobilisations in different parts of the world? As Pheng Cheah has evocatively pointed out, rights remain the 'only way for the disenfranchised to mobilize' (Cheah 2006:172). Given the marginal socialities within which vernacular rights cultures operate, the work of documenting rights talk and thinking in marginal contexts involves at least three things: it means undertaking detailed ethnographic work that documents both the nature of the contact with hegemonic rights discourses but also the precise nature and consequences of these 'modernizing' interventions; it involves documenting the creative languages and conceptual ideas that are produced in the wake of this encounter and of the ways in which the poor and the marginal stake their wager as

'active claimants of modernity' (Ram 2008: 16); and finally, in addition to the work of tracking and documenting rights languages, we also need to put in place analytical frameworks that enable us to both track and document but also conceptually capture the kinds of political, linguistic and normative strategies released by these rights encounters release to stretch and dislodge the existing normative boundaries of the universal (Butler 1997), expand the language of entitlements and consequently impact and transform public policy.

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