

THE MYTH OF MARTIAL LAW: THE DYNAMICS OF CRISIS  
MANAGEMENT AND FRAGMENTED HUMAN RIGHTS BOOM IN  
ARGENTINA

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## Abstract

Key words: myth of martial law, crisis, fragmented human rights, social movements, Argentina

This dissertation examines social movements in Argentina; in particular the differential impact the organization of Las Madres de Plaza de Mayo has in advancing human rights. The paradox with this social movement is that while it contributed to human rights awareness and induced legal changes, it was simultaneously able to materialize authoritarian practices. To this end, Las Madres de Plaza de Mayo utilized human rights as a banner to legitimize their engagement in social struggle. However, what is concealed is that the organization uses human rights for their own economic advancement. To synthesize, the goal is to examine how human rights works as a type of hegemonic power for social movements, while they may at times advance human rights, they may simultaneously betray perspectives of social justice and equity. This dissertation inquires into fragmentation in social movements struggle to materialize human rights.

This dissertation also examines the concept of martial law. The objective here is to demonstrate how the widespread use of the term is problematic because the content of martial law is subject to historical juncture and prevailing power systems. The point is that rather than martial law having a clear category, it is rather nebulous. Notwithstanding the brutal force that may be unleashed by invoking martial law, it will also be demonstrated that its power is not absolute, but rather shaped by other social forces as well. This suggests that under martial law, it is important to account for how other social forces position their respective agendas.

One of the social forces that mediate martial law is social movements. What will be examined is the way that social movements oscillate between elements of martial law as consciousness and praxis; and yet paradoxically, their ability to materialize fragments of human rights. Similarly, although martial law has been the dominant state paradigm in Argentina, under the Kirchner administration, there appears to be a shift in state power to a human rights agenda. Accordingly, this dissertation will examine the extent to which the Kirchner administration vacillates between fragments of martial law and human rights discourse and practice.

## Dedication

I want to thank the following people for without their guidance and support this intellectual endeavor would not have been possible. All the shortcomings of my dissertation are exclusively mine. Thank you to my dear friend Dr. Livy Visano, who has offered unyielding support from the beginning. I learned a lot from your engagement with the countless manuscripts I submitted to you. I particularly appreciate that you helped me identify the limits of my analysis. Without your mentorship, it would have been difficult to overcome existential issues and academic stress. I take forward a few vital lessons: to be critical of my own perspectives and to stand in solidarity with students.

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## Introduction

Mucho tiene que contar el que tuvo que sufrir y empezare por pedir no duden de cuanto digo, pues debe creerse al testigo si no pagan por mentir (Hernandez 1999: 116).<sup>1</sup>

Jose Hernandez articulation above captures the pain and deplorable condition of the *gauchos* in Argentina.<sup>2</sup> Of course, at the time in which *los gauchos* were being persecuted, the official narrative by the Argentinean state was that they were being relocated to remote parts of the country for the purpose of work. What links the horrific experience of *los gauchos* to the disappeared and everyday Argentineans is how they have been defrauded by those that claim to represent them. On the other hand, similar to *los gauchos*, civil society in Argentina has been embroiled in various paths of resistance. I selected this passage from Hernandez to contextualize themes of pain, deceit and resistance as central characteristics of Argentinean civil society.

For the last two centuries, Argentina has been marked by martial law as the dominant form of ordering civil society (Pla et al 1984; Pigna 2005; 2006; Bethell 1998). Scholarship on ordering has focused on the exercises of state power on targeted populations in times of real, contrived and/or perceived crises (Agamben 2005; Schmitt 2005). The problematic here is not necessarily that the state engages in such practices, but rather how other social forces *capitalize* optimizes their respective interests during times of crisis. That is, corporations typically advance economic interests in response to a

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<sup>1</sup> The person that suffers has much to tell, so, I start by asking the reader not to doubt my testimony, for no one gets paid for lying.

<sup>2</sup> Gaucho refers to an Argentinean cowboy.



crisis (Albo et al. 2010; Guard et al 2009). Without a doubt there are formidable connections among state and financial interests. Albo et al, write on this matter,

The fundamental relationship between capitalist states and financial markets cannot be understood in terms of how much or little regulation the former puts upon the latter. It needs to be understood in terms of the guarantees the state provides to property as measured above all in the promise not default on its bonds-which are themselves the foundation of financial markets' role in capital accumulation (Albo et al, 2010: 44-45).

A theme evident in the above excerpt concerns the financial dimensions of crises, which afford corporations opportunities to advance economic objectives especially in times of social stress. In other words, martial law has an economic component. Indeed, one may certainly see how powerful economic forces thrive off of crises because it enables them to reposition their class power. Yet, to ignore how other social forces, particularly social movements mediate crises is problematic. Obviously, it is plausible to regard social movement's response as having an intrinsic progressive component. The degree to which social movements are progressive is a key query that will be examined in this dissertation.

Thus, just as Argentinean history is replete with martial law, it is also characterized by resistance from social movements. What does the latter perspective suggest? One interpretation is that perspectives of social justice and equity are the outcome of resistance from civil society as opposed to being handed out from institutions such as the state<sup>3</sup>. Broadly speaking, resistance of social movement's points to a deeper shift in terms of ensuring that civil society is protected from state authoritarianism. This

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<sup>3</sup> Social justice is meant to address public malaise, which may include a host of issues from human rights awareness, poverty, labor, women's rights, eco-rights and so forth. The interpretation of social justice is connected to C. Wright Mills sociological imagination (2000:8).

is an important point to consider because it suggests that the task of administering human rights does not exclusively belong to the state and related apparatuses, but rests equally in the domain of civil society (Stammers 2009; Sousa Santos 2005). While social movements may play a critical role in terms of resisting state authoritarianism, it is equally important to examine tensions surrounding social movements in terms of their resolution to issues related to diversity, ideology, identity politics from within and without. While social movements may further human rights, their activities may be compromised by prevailing forces (Stammers 2009).

The objectives of this dissertation are to examine the dynamic interplay of social movements, martial law and fragmented human rights boom in Argentina. Concretely, this means that the concept of martial law will be explored with the intention to destabilize its standard usage of reducing it to a sheer display of state power. By showing how not only the concept is subject to nebulous categories, it would be equivocal to think that martial law is immune from being shaped by other social forces. The two main forces that complicate martial law is its link with economic activities and resistance to it. I caution against being distracted from the manifest use of violence under martial law and ask the reader to examine the subtext of martial law – namely, how do economic interests position their activities under martial law? Arguably, social movements play a critical role in challenging martial law. The agenda of social movements is traditionally understood to have a human rights agenda, but as will be show, this is a limited understanding. Indeed, social movements may use human rights to advance

socioeconomic interests too. Broadly conceptualized, the aim is to examine the differential impact social movements have for human rights in the context of martial law.

In 2001, social movements were also able to overthrow the De la Rúa administration which, among its pernicious practices, confiscated people's life savings (Pla et al 1984; Wrights 2007; Sitrin 2006). While the overthrow may appear as progressive, there are inherent contradictions within the ideologies and practices of that social movement. However, it would be misleading to assume that social movements do not advance human rights, social justice and equity; the aim therefore is to demonstrate how context and conflicting interests within shape the agenda of social movements. Thus, the apparent contradictory approach of social movements merits examination. On the one hand, they display a rather coherent ideology and praxis in the interests of human rights and yet they are just as capable to embrace the ideologies and praxis of martial law. More broadly, this dissertation aims to demonstrate that in Argentina a culture of martial law existed simultaneously with principles of human rights. Similar to the claim that social movements are not exclusively 'progressive', it is important to view the Argentinean state being a master in its ability to skillfully accommodate to certain features of human rights while retaining draconian anti human rights practices.

Another salient theme of this dissertation concerns the nature of the contextual bases of martial law. Specifically, there are operational elements that warrant inquiry: i) the sovereign is autonomous; ii) the state is the guarantor of human right iii) the state has exclusive monopoly on the legitimate use of violence; and, iv) the post 9/11 world order is marked by martial laws. These characteristic features of the modern state and its

concomitant socio- legal mythologies will be addressed in the context of Argentinean politics during the 1976-1983 military junta rule and the fall of De la Rúa government in December 2001. To fully analyze martial law it is essential to conceptually move beyond the formidable rhetoric that justifies legal contradictions in an effort to develop a critical cultural framework. A more interdisciplinary and holistic set of perspectives engages a more intrepid exploration of oppositional currents. Specifically, this dissertation examines the differential impact of social movements on martial law. To what extent do social movements challenge martial law? How have these movements contributed to human rights? As will be shown, social movements in Argentina are able to simultaneously materialize human rights initiatives as well as engage in corruption and defraud human rights (Kohen 2010).

In order to conceptualize how social movements challenge Argentinean state authoritarianism, this inquiry is informed analytically by the idea of ‘multitude’ as conceptualized by Hardt and Negri (Hardt & Negri 2004). Michel Foucault’s “governmentality” (1991) and Antonio Gramsci’s notion of “counter-hegemony” (2005) provide further conceptual prisms through which to appreciate the mobilization of progressive reforms by Argentinean social movements. The confrontation potential that social movements pose to state authoritarianism and the response of the state in co-opting endeavors of social movements illustrate an underlying dialectic that points to a complex dynamic which characterizes struggle to further respective oppositional agendas. In studying the political dynamics of crisis management, the Argentina case study reveals poignantly the role of corruption in the betrayal of human rights.

## Understanding the Politics of Martial Law in Argentina

Martial law may be conceptualized as the set of complementary and contradictory strategies employed by the state in responding to contrived, perceived and/or imagined social threats. According to Agamben and Schmitt, the state will deploy police and military agents to subdue threats posed to prevailing social order (Agamben 2005; Schmitt 2005). The violent activities that the state engages in typically are not subject to legal sanction, which suggests that state authority is above the rule of law in the context of martial law (ibid). This conceptual framework of martial law will be used to understand military rule in Argentina from 1976-1983. The power of the state under martial law suggests that the state embodies the law since the state is no longer bound to the law. Giorgio Agamben writes on this problematic,

The expression full powers (*pleins pouvoirs*), which is sometimes used to characterize the state of exception, refers to the expansion of the powers of the government, and in particular the conferral on the executive of the power to issue decrees having the force of law. It derives from the notion of (*plenitudo potestatis*) which was elaborated in that true and proper laboratory of modern public legal terminology was the canon law. The presupposition here is that the state of exception entails a return to the original, pleromatic state in which the distinction among different powers (legislative, executive, etc.) has not yet been produced (Agamben 2005: 5-6).

Clearly, martial law is embedded in state power that may be invoked under a real, contrived and/or imagined crisis. Far from being an aberration of state power, it is a universalized and well institutionalized norm. Martial law is the real and symbolic backdrop of systems of power. This perspective alludes to the notion that if power interests feel threatened by a real and or imagined looming crisis, decision makers have at

their disposal the ability to institutionalize a type of martial law strategy. Thus, while martial law is a lurking form of power that permeates the everyday of social life, it is important to account for the fact that martial law strategy does not always play out the same way. In other words, martial law tactic is shaped not just by decision makers, but also by context. What this suggests, that as an approach, martial law has divergent characteristics and is malleable to power interests. Moreover, this dissertation is interested in exploring how martial law is appropriated by other sectors in society. The idea in play here is to demonstrate how martial law as culture may shape the consciousness of social movements. What is the content of authoritarian thinking and practices of social movements in Argentina is a theme I will develop in this dissertation.

In classic liberal state theory, it is argued that the state and its related institutions are guarantors of human rights and social welfare (Hobbes, 1994). Contemporary debates on human rights reinforce the thesis that it is the responsibility of the state and legal institutions to up hold human rights (Donnelly 2007; Ishay 2008). The assumption herein is that rights are protected by law. Under martial law, the state shifts its modus operandi from a purveyor of human rights to one of subduing a crisis. Again, the protection and violation of rights occur within the law. Law then, is a problematic for rights because it plays a paradoxical role.

The notion of employing a broader understanding of martial law as not being confined to the street, but to be enforceable to economic quarters will strengthen the argument that links martial law to financial crisis. In order to ameliorate the financial crisis, the state used public funds to bail out financial institutions. In terms of the latter,

public funds were confiscated by the state and used to bail out toxic financial institutions (Harvey 2007). Further, corporations enjoy connections with the state in that the former will use the latter to further economic interests. But, economic entities and the state are not always mutually supportive. Indeed, neoliberalism is predicated on the notion of unregulated economic enterprise; in other words, the ‘financialization of everything’ (ibid, 2007: 33). Therefore, in the context of neoliberalism, state regulation may at times be an obstacle to economic goals pursued by financial institutions and corporations (ibid). However, in the case of the financial meltdown, financial institutions and corporations relied heavily on state bailout packages. The interests of the former converge with that of the latter. While many critiqued these bail outs, such state activities are in line with the mandate of looking after corporate interests in civil society (ibid).

What may be inferred from above is that martial law is enforced to serve power interests: on the one hand, the state may use it to curb social unrest; on the other hand, the state may use it to accommodate corporate and banking interests. Thus, to an extent, the brute force that the state exercises under martial law may be viewed as ‘*una pantalla*’ (a smoke screen) to conceal other activities. From a symbolic perspective, employing the use of force deflects public attention from economic currents on the horizon during a crisis. Correspondingly, crises provide an opportunity for prevailing ruling class to rearrange civil society in accordance to their interests (ibid). Therefore, to a certain degree, one may postulate that the state and corporate power are conceptually interwoven and co-constitutive. But this relation between the state and corporations is temporary

because under ‘normal’ periods, corporations and financial institutions advocate for deregulated economic enterprise and non-state intervention in economic sphere.

How does neoliberalism and martial law impact civil society? The questionable/unethical activities of the De la Rúa regime were a catalyst in terms of the national insurrection in 2001. Indeed, the confiscation of public funds accommodated the interests of corporations and ruling class (ibid). Unsurprisingly, such activities ignited national insurrection, which culminated in the overthrow of the De la Rúa government and eventually led to Nestor Kirchner’s winning elections in 2003 (Prevost et al 2011). Kirchner instituted a series of progressive reforms, which are more in line with social movements in Argentina; however, there are problems linked to his reforms and more broadly, to the use of human rights as political ideology, these perspectives will be dealt with later on in this dissertation. Two salient perspectives follow: first, the autonomy of the state is compromised by other social forces. This is evidenced in that in response to a crisis the state accommodates the interests of corporations. What may also be inferred here is the impact that neoliberalism has on local economies (Albo et al 2010). The former and latter encapsulate how crisis management occurs at the top.

However, crisis management also plays out at the bottom. Crises like threat of subversion (“Dirty War”) and financial meltdown and resistance to state authoritarianism provide an opportunity for other social forces to assert their interests. Although both historical moments are separated by spatio-temporal relations, they are united on the premise of collective disgruntlement and the desire for social justice and human rights.



Once again, emphasis needs to be placed on how at particular historical junctures, social movements strive to advance human rights.

A critical examination of martial law reveals that it is the norm for most states as opposed to being the exception (Neocleous 2006). From the 1930s on ward, Argentina has been replete with series of martial law rule (Brysk 1994; Pigna 2008). Claims that support the thesis that martial law is a new paradigmatic form of state power are overlooking that martial law is the normal paradigm of state practice (Neocleous 2006). Thus, it is the backdrop of systems of power. Finally, while one cannot refute the notion that the state has a monopoly on the legitimate and legal use of violence, there is evidence which suggests that civil society may engage in effective peaceful protests, but may also resort to violence during a crisis (Risely 2012). The significance here is that social movements may use violence for what they may consider to be just, is outside legal discourse of legitimacy. Their resolution to resort to violence is informed by a hermeneutic strategy of resistance. This strategy, which may be called an 'affective quality' implies that social movements abandon the imposed fear of martial law and they are resolute to ameliorate injustices. Marina Sitrin conceptualizes the latter concept in the following way,

One way people in the movements describe the territory they are creating is through the idea of *politica afectiva* or affective politics. They are affective in the sense of creating affection, creating a base that is loving and supportive, the only base from which one can create politics. It is a politics of social relationships and love. To translate this terms as "love based politics" would miss many of the social relationships it implies (Sitrin 2006:vii).

In addition, one may extend on this definition and suggest that there is an element of consciousness embedded in *la politica afectiva* (affect politics). This quality of mind,

may at times further human rights, but at other times, as will be shown, plays right into the martial law system of power. Accordingly, social movements may emulate hegemonic powers such as the state and neoliberalism. This means that they may pursue measures using draconian tactics, such as sabotage. Further, the vortex of neoliberalism has penetrated social movements to such an extent that they too are interested in advancing socioeconomic status.

### Social Movements in Argentina and Dynamics of Crisis Management

This dissertation conceptualizes social movements by engaging Michael Hardt and Antonio Negri's notion of the 'multitude' (2004). According to Hardt and Negri, the multitude is a network, which acts in common; the idea that the multitude works in common suggests that they share knowledge and that they are affected by social injustices (ibid). The multitude represents a positive aspect of power as opposed to constraining dimension of imposed power structures. Hardt and Negri view the multitude as biopolitical in the sense that it has the potential of being productive in all aspects of social life. For example, they may produce 'immaterial labor', which means the production of ideas, images, emotions and solidarity (Hardt and Negri 2004). Immaterial labor is the pillar of the multitude because it is here where Hardt and Negri argue that rests the possibility of the multitude organizing an alternative social order to prevailing neoliberalism. According to Hardt and Negri, the multitude is not channeling their resistance to seize power; on the contrary, resistance strategies aim to improve living conditions of civil society – hence the biopolitical aspect of the multitude

This framework may be applied to an extent to social movements in Argentina. First, social movements in Argentina are comprised of locals and their activities emerged in light of particular historical circumstances that impacted their lives. This suggests that to some extent, the rise of social movements was spontaneous. Further, fragments of these social movements did not aspire to seize state power, what they aimed to procure was to organize their social, economic, education and medical spheres independent from the state. However, within these social movements there is hierarchy and some sectors of the movements sought to advance to positions of power (Kohen 2010). A problem that Hardt and Negri overlook about the multitude is that if the organization cannot be “*volteada*” (toppled) it may be “*comprada*” (corrupted)<sup>4</sup>. This bares further examination because it suggests that some of the actors in social movements are now in positions to carry out authoritarian strategies that they once opposed (Petras et al 2005). For example, some quarters of social movements are intimately aligned with Cristina Kirchner’s administration, which has instituted decrees that criminalize dissent (Petras et al 2011). The fact that there are contrived actors in social movements compromises the authenticity of the official goals of the social movement. Other fractions of the movements had their initiatives co-opted by state power; an example of the latter is “*las factorias recuperadas*” (the recuperated factories). The point to infer is that social movements in Argentina contain both elements of progressive and reactionary proclivities in their social, political and economic objectives. Hardt and Negri’s views on the multitude seem to render their

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<sup>4</sup> The idea of *voltear* (topple) and/or *comprada* (corrupted) is a Argentinean cultural expression; however, I was inspired by a song called: “Sr. Cobranza” by Bersuit Vergarabat; the album in which this song is in is called: *Libertinaje* (1999) and it was released by Estudios Panda, Buenos Aires, Argentina.

activities as being 'progressive' while ignoring ways in which their ideology and praxis is reactionary. They also ignore the potential of corruption in social movements. Next, far from being cohesive, the multitude may be divisive, but it is how such differences play out that is most disturbing. This will be shown in later chapters.

The proliferation of co-operatives within a state points to new ways of institutionalizing working conditions, which are run by workers as opposed to a foreign corporation and/or entrepreneur (ibid). The former and latter reveal material aspects of Argentinean civil society struggle, but there are ideological implications here too. Indeed, the Kirchner government (both Nestor and Cristina) must maintain legitimacy; it thereby negotiates initiatives that will be implemented that are in line with human rights. For example, the Kirchner government revoked the status of top military and police officials during the Dirty War years (Petras et al 2005). In the case of the financial crisis, the Kirchner regime materialized a program, which helps the poor meet daily expenses. At first glance, this approach may appear benevolent, but there are problems with it because the inherent unequal structure of capitalism is not addressed (ibid). This scenario addresses dynamics of crisis management as well as the degree to which social movements confront state power and the degree to which the state co-opts demands made by social movements. This co-option may be seen through the lens that economic stability may trump political rights that social movements are struggling for. However, the point to illustrate is the instability of social movements; one the one hand, they may mobilize to advance human rights, yet they are just as likely to be co-opted by prevailing powers, especially if they have the possibility of advancing in socioeconomic hierarchy.

In relation to Hardt and Negri's analysis, the case of *las factorias recuperadas* points to difficulty in trying to organize economic productivity free from state power.

Another limitation to their analysis relates to the absence of class consciousness, which enabled ruling governments to co-opt the initiatives posed by resistance movements in both historical cases (Prevost et al. 2011; Petras et al. 2005). Therefore, another aim of this dissertation is to examine social movements by pointing out the importance of having class consciousness and to maintain independence from prevailing power structures. Awareness of class consciousness is critical for social movements for the purpose of maintaining loyalty to human rights and social justice. Lack of class consciousness facilitates the ability of interested parties to *comprar* (corrupt) social movements. Other, social movements in Argentina like Las Madres de Plaza de Mayo, manifested elements of human rights consciousness throughout the military junta, but when the Kirchner administration came into power, they supported it. This seems contradictory that Las Madres de Plaza de Mayo movement would affiliate with the state in lieu of the atrocities that the state committed during "*la guerra sucia*" (the Dirty War). The movement of Las Madres de Plaza de Mayo is aware of some of the repressive measures instituted by the Kirchner administration (like criminalizing dissent), yet they seem to not take exception with the practices of the Kirchner regime (Prevost et al 2011; Kohen 2010). Indeed, it appears that they have shifted their consciousness from human rights orientation to one of martial law. What accounts for this change of attitude and politics? Clearly, other administrations have been able to *voltear* (topple) elements of the

movement, but now it appears that they have *comprado* (corrupted) some of the elites in the movement<sup>5</sup>.

Indeed, it appears as if Las Madres have a form of amnesia of the way in which the military junta systematically murdered so many Argentineans and others. The social, symbolic, ideological and economic stakes Las Madres de Plaza de Mayo will reveal why they have aligned with the Kirchner administration. Las Madres de Plaza de Mayo along with Argentinean population seems to not recall many labor struggles that occurred during both World Wars and even throughout the Dirty War. Class warfare is a critical perspective to mobilize in social reality, but even more so during crises because it is then that the ruling class repositions its political, social and economic agenda.

Another key concept that will be examined derives from Foucault's later work, which explores how health, social, juridical, psychiatric institutions not only disciplined and regulated populations, but also how they aimed to optimize their welfare (Foucault 1991). The point that Foucault made here is twofold; institutions engage in social control, yet simultaneously seek to enhance and improve the living conditions of populations. Correspondingly, institutions are charged to look after civil society. The framework of governmentality will be used as a form of power that is exercised by social movements. Social movements seek to optimize living standards for civil society. In a sense, one may apply the governmentality rationale that Foucault identified to institutions and apply it to social movements. During the popular insurrection of 2001, for example, some communities organized street kitchens to help feed underprivileged people (Sitrin 2006).

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<sup>5</sup> Song called "Sr. Cobranza" by Bersuit Vergarabat in an album called: Libertinaje; it was released by Estudios Panda, Buenos Aires, Argentina (1999).

More broadly, one may also note elements of a human rights culture in Argentina that manifests in *Centro de Estudios Legales y Sociales* (Center of Social and Legal Studies), which focuses on human rights issues (Pacheco and Carrera 2008; Wright 2007). This center regularly circulates information about human rights issues in Argentina. Moreover, it also maintains critical oversight on the state, law and police activities. The relevance here is that this counter-governmentality operates outside of legal discourse and has more of a social characteristic (Lessenich 2011; Stammers 2009). Moreover, this type of rationality and practice is important because it highlights the possibility that social movements have to further human rights.

Finally, this dissertation will engage Antonio Gramsci's concept of hegemony and counter-hegemony. According to Gramsci, the ruling classes engage in both coercive/non-coercive measures to ensure consent (Gramsci 2007). He placed greater emphasis on how cultural institutions like the Church and schools play a critical role in ensuring the consent of civil society to prevailing powers. In other words, the hegemon provides moral leadership over society. The link between the Church and the military junta in Argentina is important to consider because various sectors of the former supported the violent and draconian measures instituted by the latter (Mignone, 1986). The Church had an interest in supporting the military junta because it was alleged that "*los subversivos*" (the subversives) posed a threat to not just capitalism, but Christianity. However, hegemony is not absolute; thus, counter-hegemony speaks to strategies invoked by civil society working towards altering hegemonic structures, i.e., capitalist mode of production. Similar to Hardt and Negri, Gramsci views counter-hegemonic

forces to emerge from all branches of civil society, in particular though from ‘subordinated classes’ (Birchfield and Freyberg-Ian 2005; Gramsci 2005). A point of difference is that Gramsci considered it vital for subordinated classes to have a political agenda, whereas to Hardt and Negri postulate that activities of social movements should be spontaneous. While it is certainly important for the social movement to have a political agenda, it is equally vital to maintain critical oversight over the agenda to prevent it from becoming dogma. Although spontaneous action is compelling, without class consciousness the movement risks being “*volteado*” (dismantled) o “*comprado*” (co-opted)<sup>6</sup>.

Thus, social movements in Argentina that had political agenda rose to power and thus compromised some of their human rights initiatives. Elements of social movements that acted spontaneously were diluted or apprehended by authorities. These issues illustrate a rather nebulous approach to understanding the resistance strategy of social movements in Argentina. More broadly, social movements may also be viewed as a superstition of the Left for many of its discourses and practices are contrived. The rationality of critiquing human rights as a superstition of the Left is premised on the urgency of maintaining in perspective social justice. To sustain critical engagement over/on social movements is important because advancing human rights and equity is tied to the struggle of social movements.

In the case of human rights struggle, Las Madres de Plaza de Mayo challenged the ideology of the state, which thought that it could carry out acts of terror against its own

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<sup>6</sup> Song “Sr. Cobranza” by Bersuit Vergarabat is in an album called: *Libertinaje*; it was released by Estudios Panda, Buenos Aires Argentina (1999).



population with impunity. As will be seen in this dissertation, some officials have been convicted for the atrocities they committed during the Dirty War years (Risley 2012 Brysk 1994). The relevant dynamic here is between martial law and human rights. This points to the way in which social movements mediate both martial law and human rights; to be sure, human rights initiatives emerged precisely because of martial law; the latter facilitated social awareness to Las Madres de Plaza de Mayo and many other organizations on the importance of human rights. On the other hand, state authorities institute martial law if there is a real, imagined or contrived issue. From a gender standpoint, the mobilization of women challenged cultural views, which suggest that women should be confined to the domestic sphere. Unwittingly, the Argentinean state facilitated this human rights struggle because it allowed many human rights organizations in the country when it held the World Cup in 1978. Many actors/actresses, musicians and players refused to attend on the account of human rights violations (ibid).

Individuals affected by the austere state authoritarianism will mobilize in an effort to resist martial law and seek remedial reparation for loss, violation of human rights, etc. Here, the reader may infer fragments of human rights consciousness that is tied to the violence of martial law. Under martial law, human rights are not of paramount concern to the state; in fact it is the opposite! Consequently, it becomes important for social movements to advance human rights. Put succinctly, social movements challenge to martial law offers a temporal shift insofar as administering rights, justice and equity on a conscious and praxis level. This shift may be grasped if seen from the perspective that the state (or related apparatuses) is not necessarily responsible for guaranteeing human rights.

But once again, social movements may at times act as guarantors of human rights, but at other times, they may act in draconian ways, which contrive human rights initiatives.

The outcome of a crisis may also play a critical role in terms of altering the initial agenda for groups. For example, the original movement of the grandmother's and mother's of plaza de mayo split into two separate movements, with two different objectives. The founding of Madres de Plaza de Mayo takes a legal approach in terms of pursuing objectives that will reveal information about the whereabouts of their loved ones. They are also concerned about prosecuting personnel from the military junta. The other sector of the movement takes a more political approach; the association of Madres de Plaza de Mayo are not interested in apologies from the Argentinean state, they are pursuing cultural ends to ensure that the atrocities committed during the Dirty War years is never emulated.

A central problem that social movements faced was that once their resistance was matched by the state; there were many bureaucratic and legal obstacles, especially in terms of holding top military officials accountable (Risley 2012). The Argentinean state faces a conflict of interests, which it must seek to ameliorate to maintain its legitimacy. On the one hand, it must accommodate the interests of protestors to neutralize unrest. On the other hand, it will delay rendering concessions immediately; this serves an ideological function of downplaying the abominable activities that were committed during the dirty war years (Prevost et al 2011; Petras et al 2005). This issue bares dwelling because not only does it illustrate difficulties surrounding justice and institutionalizing human rights, but it points to a more disturbing issue which is that of how state and legal interests may

at times be inimical to human rights and justice imperatives. The pursuit of seeking legal redress for those responsible for the kidnapping, torturing, killing and disappearance of civilians may unwillingly, legitimize the state because it may be viewed as not serving the mandate of justice.

A key issue here is that while the backdrop of state power is martial law, one may also note how the state may have a human rights approach. What is more, during the trials of military officials, it is social movements that are primarily concerned with the law imposing stiff legal sanctions. In other words, in this context, social movements have more of a martial law perspective when their interests are at stake. Concerns with the severity of the law are not considered because they want to rectify grievances. The point to consider here is the differential impact of social movements has simultaneously on martial law and human rights. In order to account for this contradictory movement, it is important to consider social forces in play.

Finally, exploring fragments of counter-hegemonic role that social movement plays in human rights governance is critical because of the multiplicity of issues that may be addressed. In addition to the human rights movements it is also noteworthy to examine social activism that is tied to just and equitable labor relations, environmental issues, and democratic process (Falk 2006; Aziz 1999; Stammers 2009). The point to underscore is the plurality of human rights concerns, which interestingly are universal. This latter point may contribute to contemporary debates surrounding human rights because the two dominant paradigms in human rights research tends to bifurcate human rights considerations, but this might be better situated if viewed in relation to power at the top.

Engaging human rights struggle from below may offer a shift in terms of reconciling cultural relativity with universalism (ibid). While a promising endeavors, how such activities are pursued is equally important to evaluate.

### Outline of Chapters

Chapter 2 provides the reader with an archaic/anarchistic methodology used to undertake the following analysis of this dissertation. From an epistemological perspective, this study will engage perspectives from Feyerabend who contends that strict adherence to one methodology compartmentalizes analysis (Feyerabend [1975] 2010). As such, he supports a multiplicity of methods to sociological and philosophical inquiry. He also emphasizes the significance of the way in which history informs research undertaking. What this means, is that there are times when researchers must create concepts and methods that harmonize the present and inquiry in question. Therefore, Feyerabend proposes a methodology that is archaic and that as such, provides a multiplicity of perspectives for undertaking research (ibid). This methodology fits in with the objectives of this study because in a sense, the objective is to examine problems linked with how social movements mediate both martial law and fragments of human rights. Chapter 3 will discuss myth 1 (martial law is not a stable category, but rather changes in accordance to historical period and exigencies of power interests) and 2 (martial law is not the new dominant paradigm of state power, but rather is the backdrop of all systems of power – including the state). Indeed, the aim is to demonstrate that martial law is a rather nebulous concept and its practices are shaped by historical

conditions as well as prevailing powers. The same logic will be used to examine social movements; arguably, this will show is precarious and nebulous capacity to advance fragments of human rights.

Chapter 4 engages with myth 3 (martial law is shaped by economic interests, which suggests that it is not entirely autonomous) and myth 4 (social movements may undermine martial law, which compromises prevailing views that martial law is absolute). One of the primary objectives of the latter (myth 4) is to direct the attention of the reader to explore how social movements respond to martial law as opposed to the standard view in academic circuits, which is mainly focused on state power during martial law. This point, suggests that crises provide the occasion whereby various social forces may materialize their interests. Although social movements may further human rights imperatives during a crisis, this does not suggest that it is facile. As will be shown, social movements face structural barriers as well as the possibility of having their initiatives co-opted by reigning powers. As will be demonstrated, social movements are riddled with internal strife and corruption. The paradoxical position of social movements in Argentina may be used to examine contradictions in other social movements at this historical juncture. It would be a mistake to assume that contrived activities of social movements is limited to Argentina.

Tensions between social movements and the state and its apparatuses may be interpreted as being part of a wider concern, which is that of crisis management. The latter term suggests that both social forces must find tactics to further their particular interest, while simultaneously compromising some goals. Further, such contradictions

may also be viewed as a struggle over the city and modes of production. This perspective suggests that martial law provides a social context, which provides social movements to create alternative modalities of social cohesion.

The aim of chapter 5 is twofold: the first part will provide the reader with a brief history of anarchist social movements in Europe, in particular, Russia and Spain. As will be shown, said movements were dismantled not just by Right Wing endeavors, but also by the Left. Perhaps the lesson to extract from these two examples is that in order for social movements to prevail, they must be independent of both the Right and Left politics. As will be shown, comparing the pitfalls of social movements in Russia and Spain were actually the strengths of social movements in Argentina and yet they too were co-opted and corrupted. Nonetheless, there are some lessons that social movements may learn from the shortcomings of social movements in Russia, Spain and Argentina. Evidence of this will be demonstrated by the potential social movements have to create alternative structures in relation to mode of production and social cohesion. Despite these positive dimensions, it is important to evaluate how socially progressive projects like “*Suenos Compartidos*” (Shared Dreams), which is a by-product of Las Madres de Plaza de Mayo may engage in corruption at the expense of exploiting social justice and human rights.

Chapter 6 provides the reader with an examination of governmentality in relation to social movements. The aim is to strengthen the argument that human rights may be advanced by social movements too. This perspective is not meant to suggest that the power and role of prevailing institutions charged with upholding human rights should be

discarded. Rather, the goal is meant to indicate that historically as well as to-date, social movements play a vital role in advancing human rights. Social movements together with institutions may act as purveyors of human rights. What is more, by acknowledging the power and role social movements have in furthering human rights, it is possible to interpret human rights struggle as praxis from below, as opposed to being “theory” and/or law, that is mobilized by institutions (from the top). Counter-governance theory will illustrate how social movements may shift traditional modalities of institutional governance to a more humane form of governance. The proliferation of social movements around the world seem to suggest that the human condition is moving towards a governmental rationality that works from below to top and is somewhat fueled by human rights imperatives.

Thus, it is important to maintain oversight over the discourse and praxis of social movements because as will be seen with social movements in Argentina, they oscillate between serving human rights interests and those of power structures. The implication this has in relation to contemporary debates in human rights will be surveyed as well. The conclusion will summarize the main points highlighted throughout this dissertation.

The overarching claim that this dissertation is postulating is the differential impact social movements have for human rights and martial law. Just as there are difficulties in trying to essentialize the content of martial law, it is equally difficult to reduce the content of social movements as having an exclusive human rights orientation. Complex ways in which social movements mediate martial law and human rights will provide a critical perspective to the rather nebulous and fragmented consciousness and praxis of

social movements have to human rights. The subsequent chapter will articulate the anarchical methodology of this dissertation.



## Chapter 2: Towards an Anarchical Methodology

Ideas which today form the very basis of science exist only because there were such things as prejudice, conceit, passion; because these things opposed reason; and because they were permitted to have their way. We have to conclude, then, that even within science reason cannot and should not be allowed to be comprehensive and that it must be overruled, or eliminated, in favor of other agencies. There is not a single rule that remains valid under all circumstances and not a single agency to which appeal can be made (Feyerabend 2010: 160-161).

This quote by Paul Feyerabend fits in with the objectives of this dissertation because one of its primary goals is to challenge assumptions about martial law and the ‘progressive’ political and social endeavors of social movements. The existing research in the field of martial law may be viewed as ‘positivist’ because the analysis tends to suggest that martial law is absolute and unalterable. The material effects (blatant use of force) of martial law cannot be denied; however, applying an anarchical approach will illustrate that martial law is not absolute and that social movements have the potential to alter the modus operandi of martial law (Kohen 2010). However, to assume that social movements are exclusively progressive risks contradictions in social movements (ibid). Further, it also overlooks that the collective consciousness of social movements has a human rights orientation exclusively.

The argument here is that social movements mediate martial law and fragments of human rights and that human rights exists because of martial law and vice versa. The approach used to investigate contradictions in the above interplay is partially informed by a Deleuze and Guattari framework, which treat concepts from a multiplicity perspective as opposed to a single, on this matter, Deleuze and Guattari, write,

All concepts are connected to problems without which they would have no meaning and which can themselves only be isolated or understood as their solution emerges. We are dealing here with a problem concerning the plurality of subjects, their relationship, and their reciprocal relationship (Deleuze and Guattari 1994: 16).

The relevance of this quote is tied to another central claim made by Deleuze and Guattari, which is that concepts have a multiplicity of meanings and representations that are connected to other social forces. Drawing from selective perspectives of Paul Feyerabend, Jacques Derrida, Gilles Deleuze and Theodore Adorno, this chapter aims to mobilize an anarchical approach to examine tensions in ways in which social movements in Argentina mediate both martial law and fragments of human rights.

This chapter provides the reader with some critiques on positivism and will highlight strengths of an anarchical methodology for the purpose of this study. The central problem with positivism is that it confines researchers to using preset categories to undertake research. Paul Feyerabend writes on the limits with this approach, “Science is an essentially anarchic enterprise: theoretical anarchism is more humanitarian and more likely to encourage progress than its law-and-order alternatives” (Feyerabend 2010: 1). The relevance of this quote is that in relation to social affairs, an anarchical methodology is more suitable for research undertakings because of precarity and spontaneity of human activities. Moreover, an anarchical approach enables one to view categories as unstable and flexible, which as will be shown, is a useful tool to deepen limits of martial law and to better comprehend limits of social movements to further human rights. Finally, in terms of the researcher, an anarchical methodology enables the researcher to not be just

creative, but also spontaneous insofar as developing methodologies of conceptualizing and operationalizing studies. These are some of the salient issues that will be explored in this chapter. The limits of positivism will be addressed subsequently.

### Limits of Positivist Methodology

Positivism may be conceptualized as a process that requires a researcher to mobilize scientific methods to explain social phenomenon. These scientific methods include, qualitative and quantitative approaches; researchers may also use experiments. The elevated status of positivism derives from its capacity to yield reliable results by virtue that it is very successful in the natural sciences. Under a positivist model, the researcher is able to control variables, which in turn, enable the researcher to replicate findings to ensure veracity of the study. Critical theorists view positivism as an extension of instrumental reasoning (Adorno and Horkheimer 2002). The problem with instrumental reasoning is that critical thinking is undermined by a logic that reduces all thinking to that of efficiency and effectiveness, which is prescribed by positivist methodology (Adorno and Horkheimer 2002; Horkheimer 2004). Positivist inquiry proceeds in a manner that abstracts issues from society in that objects under study are in controlled zones. The problem here, particularly for the social sciences, is that social phenomenon does not occur in isolation, but rather, in conjunction with social forces. Positivism relies on extant measuring devices to qualify and quantify the issue in question; it does not account for how power works in society (ibid).

The critiques postulated by critical theory prisms may be applied to the way in which martial law has been studied. For example, some of the pillars of the research focus on the legitimate monopoly on the use of violent force that the state has under martial law. Max Weber highlights the latter point, Weber writes,

Today the relation between the state and violence is an especially intimate one. In the past, the most varied institutions—beginning with the sib—have known the use of physical force as quite normal. Today, however, we have to say that a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory (Gerth and Mills 1958: 78).

Carl Schmitt offers a similar perspective to that of Weber. Schmitt writes,

All law is “situational law”. The sovereign produces and guarantees the situation in its totality. He has the monopoly over this last decision. Therein resides the essence of the state’s sovereignty, which must be juristically defined correctly, not as the monopoly to coerce and rule, but the monopoly to decide (Schmitt 2005:13).

These two quotes demonstrate one similarity and that is the legitimate use of physical force that the state may use. Whereby they differ, however, is on questions of sovereignty. Following this perspective, the extant research has focused on the abuse of such power and the ensuing ramifications this poses for targeted populations (Agamben 2005; Razack 2008; Thobani 2007). Employing an anarchical approach, however, would enable researchers to connect how martial law is connected to other social forces in society, especially financial institutions. The benefit of making this connection is that researchers may direct their focus not just on the impact of martial law on designated enemies of the state, but also the political economy beneath the display of use of force under martial law.

In a similar vein, although social movements may at times demonstrate progressive human rights orientation, it is equally important to consider ways in which

their ideology and praxis emulates that of martial law and how their activities do not always challenge prevailing neoliberalism. David Harvey addresses this complex matter, Harvey writes,

If the current period has seen a shift in emphasis from accumulation through expanded reproduction to accumulation through dispossession, and if the latter lies at the heart of imperialist practices, then it follows that the balance of interest within the anti- and alternative globalization movement must acknowledge accumulation of dispossession as the primary contradiction to be confronted. But it ought never to do so by ignoring the dialectical relation to struggles in the field of expanded reproduction (Harvey 2005: 176-177).

The central point of this latter quote is that social movements ought to maintain a firm grasp on structures and practices of current political and economic initiatives; in doing so, they may configure a solid challenge to prevailing neoliberalism. As Paul Feyerabend and many others contend, the role of the researcher is also to create new perspectives/methods to analyze social phenomenon (Feyerabend 2010: 15; Deleuze and Guattari 1994: 5). In the case of this study, the top to bottom view of martial law is inadequate because it assumes that martial law cannot be challenged and that civil society has no agency to alter extant structures. Further, to assume that social movements in Argentina maintain a complete human rights agenda is fragmented because it ignores fissures within the movements. Accordingly, Feyerabend's critique of positivism is premised on the notion of employing a multidimensional methodology as opposed to a singular method (Feyerabend 2010: 166). Both the former and latter points may be interpreted as Feyerabend's proposition that methodology is anarchic and that the role of the researcher is to create concepts and methods that fit with the surroundings and the demands of the research enterprise (Deleuze and Guattari 1994: 33; Feyerabend 2010: 47).

Positivism adheres to a set of methodologies to conduct research. Such an approach risks downplaying complex experience of actors affected by martial law as well as those that pertain to social movements. Theodore Adorno, writes on this point. “It seems to me now that the strongest argument against positivist view of society is that, in placing the concept of experience so far in the foreground in the name of ‘empiricism’ or ‘logical empiricism’, it actually fetters experience” (Adorno 2000: 51). Once again the salient claim is to highlight is the problem with adhering to a set of rule and strict way of interpreting social phenomenon such as how social movements mediate both martial law and human rights. A more nuanced approach, would explore the extent to which social movements challenge martial law, yet how some of their viewpoints and practices manifest martial law. The motives for these contradictory approaches warrant inquiry as well. Further, it is also relevant to critically assess to what degree social movements further human rights and to the extent that they constrain and hinder human rights (Kohen 2010). Having this perspective in mind is useful because it offers the possibility of critique to social movements, which are traditionally understood to be ‘progressive’.

Adorno contends that research undertakings ought to be conducted from multidiscipline perspectives; this will enrich the content of the findings (Adorno 2000: 62). What Adorno means by the latter is that social inquiry may be approached from various disciplines (Adorno 2000: 62; Feyerabend 2010: 27). Indeed, employing a multi-perspectival approach may compel researchers to question their own taken for granted views. One of the main benefits of mobilizing a multi-perspectival framework to the present study is that it helps shed light on the complex interplay of social forces in

furthering their respective aims. However, to focus on categories such as martial law, social movements and human rights in isolation and as abstractions from historical conjectures overlooks the importance of examining them dialectically. Adorno writes on this problematic,

But the crucial point is that in this theory a category such as social conflict is hypostatized. It is removed from its context, a context of quite specific, explainable and inherently resolvable antitheses and conflicts, and treated as if it were a property of society as such. It is characteristic of this theory – to apply to it an observation that Simmel himself made in a different context – that in suffering, the indescribable suffering inseparable from large scale social conflict, is completely overlooked. If you analyse this problem more deeply in the work of Simmel I have referred to, you will find that what really underlies it is the liberal mode of competitive struggle. He sees conflict as really nothing else other than a competition between rival groups, just as, according to liberalism, separate individuals compete with each other in the capitalist system. According to liberal doctrine, as we know, this is supposed to keep the whole process alive and even cause it to progress, as if it were moved by an ‘invisible hand’. What is entirely overlooked is that this conflict of interests, as manifested in competition, is itself a dilute derivative of much deeper conflicts; those between classes. The former conflicts are really the ones which take place after the central conflict, over control of the means of production, has already been decided, so that the competition is carried on within the sphere of an already appropriated surplus value – to use Marx’s term – which it does not explain. The truly central questions of conflicts are therefore left untouched (Adorno 2000: 66-67).

The key perspective to infer from the latter quote is the importance of situating class conflict in the exploration of social matters. Social movements have their own economic stakes and this may compromise their so called human rights objectives. Correspondingly, notwithstanding “*la pantalla*” (the screen) that both Kirchner administrations mobilize around social justice and human rights, they’re policies conceal concentration of capital and resources to national bourgeoisie. In short, despite ‘progressive’ discourses and practices of the Kirchner administration, class warfare remains intact. Positivist findings fail to provide such a perspective because it limits its analysis to specific issues that are often abstracted from society (Adorno 2000: 67). Putting class conflict is among one of the salient issues that will be examined in the

subsequent analysis. As will be shown later on, class interest/conflict materialized in Argentina during *la guerra sucia* (Dirty War) and national insurrection in 2001. The question of class, however, will be explored not just to the state and its apparatuses, but also to social movements.

Accordingly, although positivism presents its findings as reliable, the critiques postulated here suggest that the process of yielding reliable results is more complex and that researchers should be skeptical of research findings. The process of acquiring a perspective, Feyerabend contends involves an anarchic approach in the sense it involves multidimensional perspectives, but it also involves errors, and factors that are unaccounted for, which may lead to scientific shifts in the way issues are conceptualized and investigated (Feyerabend 2010: 160).

This perspective is significant for the purpose of my study because social movements in Argentina have been able to advance human rights goals for atrocities committed during the dirty war years. If one were to merely focus on what the Argentinean military junta did during the war, one would ignore how social movements in Argentina resisted and influenced legal reforms (Risley 2012). Perhaps one of the most important lessons to extract from social movements in Argentina is that their struggle is not an aberration, but arguably becoming the norm. The proliferation of social movements like Occupy, Arab Spring and current Left Wing governments in Latin America seem to mark a shift from martial law domination to at best, a more human rights oriented politics, which is shrouded in precarity (Butler 2006). As will be shown later on in this study, some of the initiatives of the social movements in Argentina were



co-opted by prevailing power structures. As a result, rather than creating alternative models of economic production and distribution, the same hierarchies of class are maintained. The lesson to infer is that regardless of how compelling human rights discourse may be, it is important to critique and find contradictions between the ideal (mere discourse of human rights) and actual (enforcement of rights or how well the social movement follows its human rights discourse). At the same time, it is important to not allow the inherent moral implications of human rights discourse obstruct critical perspectives on those that may use human rights as a banner to not just conceal economic activities, but also as a means to divide and create other binaries of “us” vs. “them”. In other words, despite its appeal, human rights may be used by social movements and governments as a tool of oppression and social control. These issues will be developed in subsequent chapters.

What is more disquieting, however, is that while social movements in Argentina offer elements of human rights, it is also critical to underscore ways in which they engage in practices that emulate fragments of martial law. For example, the popular insurrection in 2001 engaged in violence by breaking into stores and stealing goods such as food, clothes, electronics and so forth (Sitrin 2006: 8-9; Prevost et al 2012). While the national uprising was illegal, in the collective consciousness of Argentinean’s, their activities were justified on the account of abuses of state power, juridical and economic apparatus. This rationality of the movement points to the right to use force may at times be appropriated by civil society, even if it is outside legal discourse. Further, notwithstanding the notion that during the popular uprising in 2001 many social movements worked cohesively to

overthrow the De la Rúa administration, it would be misleading to assume that all social movements shared the same objectives. Gary Prevost highlights the latter claim, Prevost writes,

The Piquetero movement that arose in Buenos Aires in December 2001 had some important differences with its southern cousin. Unlike those behind the Curtalcazo, the Buenos Aires piqueteros were independent of the Peronist unions and openly critical of the. The new piquetero constituency was composed of younger unemployed workers, many of whom had never held steady jobs or enjoyed worker benefits (Prevost 2012: 25).

Here, the point to discern is the potential for conflicts of interests to arise within the “*piquetero*” (picketer) social movement. The difference in social, political and economic interest is a weakness in the movement because it may enable prevailing powers to intensify divisions by co-opting demands made by some social movements (Prevost 2012: 29). Accordingly, social movements seem to oscillate from having a human rights and social justice perspective to embodying elements of martial law. Social movements therefore mediate martial law as much as they mediate fragments of human rights. Moreover, far from being cohesive, social movements are comprised of competing interests, which may be corrupted.

Another point to discern here is that both the progressive reforms made by counter hegemonic forces and the co-option of some of their goals should demonstrate to the reader the benefits of employing a multilayered analysis as opposed to a singular. Additionally, examining tensions under a crisis enables the reader to obtain a broader perspective insofar as how social forces collide in the process of establishing social order. Finally, an anarchic approach enables the reader to analyze power relations from multiple perspectives, which supports the idea that it is fluid and dispersed as opposed to being

exclusively centralized. This does not mean that no institution has centralized authority; on the contrary, it is meant to suggest that power is not always exercised from centralized authority structures, such as the state.

Another important critique posited by Feyerabend, is that research investigations are historically specific. Indeed, each historical period is marked by a positivist paradigm, which provides researchers with the conceptual and practical tools of conducting research (Feyerabend 2010: 7). These rules and prescriptions may have their merit, but it is equally important for the research to break from such traditions (Feyerabend 2010: 7). To this end, Feyerabend writes,

Indeed, one of the most striking features of recent discussions in the history and philosophy of science is the realization that events and developments, such as the invention of atomism in antiquity, the Copernican Revolution, the rise of modern atomism (kinetic theory; dispersion theory; stereochemistry; quantum) the gradual emergence of the wave theory of light, occurred only because some thinkers either decided not to be bound by certain 'obvious' methodological rules, or because they unwittingly broke them (Feyerabend 2010: 7).

The nuance of this approach is the claim that Feyerabend makes for an “anything goes” (Feyerabend 2010: 12) methodology, which is useful for the purpose of this study because it enables one to see the intricacies and contradictions of how social movements mediate both martial law and fragments of human rights. It is also applicable to explore how martial law exists because of human rights and vice versa one is able to infer how said categories are flexible and unstable as opposed to being static. The anarchistic methodology enables the research not just to loosen up categories of analysis, but also enables the researcher to adopt a more elastic approach in conducting research.

The approach of “anything goes” (Feyerabend 2010: 12) facilitates spontaneous initiatives of the researcher to explore different modalities of conducting research. Simultaneously, alternative methods may be rooted out by dominant positivist methods on the account of the prevailing paradigm. Both of these points apply to some of the reforms that social movements achieved in Argentina. Shortly after the economic collapse in 2001, many factories closed down. Workers took over these factories and resumed production. *Las Factorias Recuperadas* (the recuperated factories) are managed by workers not by shareholders or private interests (Prevost et al 2012). If members of civil society in Argentina would have relied on official institutions like the bank and/or shareholders, or the state to look after their interests, they would not have engaged in an alternative economic mode of production. Moreover, if civil society had relied on said institutions, they would not have engaged in spontaneous activity and there would not have been progressive labor reforms in Argentina.

Ironically, while there have been progressive labor reforms in Argentina, this should not be interpreted as if adherents to the status quo are pleased. Their political, economic and social interests are at stake. Social ordering is a contentious affair and each force will collide in the pursuit of prevailing. To some degree, positivism follows a similar logic in the sense that the results of a research undertaking are not necessarily its main preoccupation. Instead, the central concern is the methods used to arrive at such findings, which must be in line within circumscribed parameters of the prevailing methodological paradigm. In the case of Argentina, the latter would imply adhering to a strict capitalist model, not an alternative model, in which workers independently manage

factories. The dominance that positivism exercises on research methods reveals how alternative methods are discouraged at best, intolerable at worse. By extension, creating methods that contradict extant methods are compromised. The former and latter address epistemic and methodological limits of positivism.

Therefore, one of the main claims of Feyerabend's work, is a call for alternative methodologies should be available to not only critique positivism hold on methods, but more importantly, to expose limitations of standards (positivists) methods (Feyerabend 2010: 238). By highlighting contradictions or shortcoming of set methods, Feyerabend contends that positivism may help humanity progress in the genuine sense of the word (ibid). Moreover, by opening up positivism to debate, he argues will help improve the conduct and sophistication of research enterprises. On this point, Feyerabend writes,

The debates settling the structure of a free society are open debates not guided debates. This does not mean that the concrete developments described under the last thesis already use open debates, it means that they could use them and the rationalism is not a necessary ingredient of the basic structure of a free society (Feyerabend 2010: 238)

The later quote may be applied to examining social movements in Argentina because it enables the reader to take a critical look at their activities as opposed to considering their activities as being 'progressive'. By critically analyzing the degree to which social movements furthered human rights, may facilitate discussions on reorganizing social order and creating different modes of production. To the contrary, if the activities of social movements are viewed as 'progressive', researchers may overlook contradictions in their ideology and praxis. What is worse, one risks acknowledging how social movements may take draconian measures and how hierarchies are created therein.

## Anarchic Methodology

Jacques Derrida's book, *Archive fever* (1996) discusses the contradictory role of the archive. This paradox is significant to consider because it fits in with the critique of Positivism. It is also important to consider because it ties in with deepening comprehension about ways in which social movements mediate martial law and fragments of human rights. The archive has two structures: in the external sense, it is a depository whereby documents are stored. The notion of the archive may also be found in the psychological apparatus of individuals. Here, the mind works are a type of archive in that it records events, habits, strives to reproduce behavioral patterns and so forth (Derrida 1996: 11). The paradox of the archive (both external and internal) is inclined to store, codify, protect, and so forth, however, it is perpetually risks forgetting and misplacing events and memory. Thus, the dilemma of the archive is that it seeks to protect that which constantly threatened to obliterate it (Derrida 1996: 11). Derrida writes on this matter,

The archive is hypomnesic. And let us note in passing a decisive paradox to which we will not have the time to return, but which undoubtedly conditions the whole of these remarks: if there is no archive without consignment in an external place, which assures the possibility of memorization, of repetition, of reproduction, or of reimpression, then we must also remember that repetition itself, the logic of repetition, indeed the repetition compulsion, remains according to Freud, indissociable from the death drive. And thus from destruction. Consequence: right on that which permits and conditions archivization, we will never find anything other than that which exposes to destruction, and in truth menaces with destruction, introducing, a priori, forgetfulness and the archiviolithic into the heart of the monument. Into the "by heart" itself. The archive works, and a priori, against itself (Derrida 1996: 11-12).

The ambivalence Derrida articulates on archives may be applied to Argentina because although the atrocities committed under the military junta is documented in both external (books) and internal archives (collective memory) Las Madres de Plaza de Mayo

have aligned their political and social agenda with those of Kirchner administration. The tension here may be grasped if viewed from the perspective that it was the state (albeit under military rule) that carried through the murder of 30,000 Argentinean's (Wright 2007). It is important to highlight that it is the first time that Las Madres de Plaza de Mayo align with an Argentinean government. Moreover, given the ubiquitous trajectory of martial law throughout Argentinean history, it is odd that this organization would be supportive of the Kirchner regime. The pressing question here is what accounts for this shift in the position of the organization? This question will be addressed in subsequent chapters. The notion that this movement is able to align their human rights agenda with one of the most violent institutions in society is bewildering too. To add to this irony, both Kirchner administrations have implemented measure to curtail dissent through legal sanction, but also in and through police violence (Kohen 2010; Petras and Veltmeyer (2011). It appears paradoxical that Las Madres de Plaza de Mayo would support a regime that curtails and criminalizes dissent (ibid).

Another problem that Derrida identifies about archiving is that it risks compartmentalizing events and through the tendency to reproduce what is known, may operate against the future (Derrida 1996: 79). Put differently, the tendency to archivize experiences may create a type of fixation, which orders reproduction of events and is threatened with forgetting and this may impact deliverance from ills that plague society and individuals in the future (ibid). The point to infer here is not discard archives, but rather to be safeguard against relying on it too much. Correspondingly, one must struggle against repetition and forgetfulness.

Derrida's perspective relates to social movements in Argentina because elements of them appear to ignore the pitfalls of social movements during the military junta and post governments, particularly as they successfully co-opt and/or dismantle labor reforms and social justice objectives (Pla 1984: 19; Prevost 2012: 31; Wright 2007: 8). What is more, the idea of learning how divided social movements were during the military junta facilitated their obliteration; the limits of previous social movements may be used to unite social movements to date (Almeyra 1984: 41). Instead, social movements are still divided/fragmented and this is another reason why rather than having a thorough human rights agenda, it is fragmented. Gary Prevost addresses this point,

The fundamental point of weakness of the Argentine social movements of December 2001 was a force for radical social change is that they were never united with a clear long-term vision, nor did they have a party or political movement to which they could be linked or which was beholden them (Prevost 2012: 30).

Once again, the point to emphasize is that while the brutal content of the military junta is archived and today rather accessible, social movements in Argentina appear to have an ambivalent/obscure relation to the history of social movements and to abuse of state power. Thus, one may infer from these accounts that human rights consciousness of social movements is fragmented. The rationale here relates to the argument that it appears that social movements in Argentina forgot that it was a so called progressive left wing Peronista party that authorized the military junta to subdue "*la amenaza*" subversive (to deal with subversive threat). Thomas Wright writes,

On October 3, Isabel Peron was hospitalized for a reported gall bladder ailment. Three days later, Peronist Italo Luder, who as president of the Senate became acting president of Argentina, issued decree 2772, which ordered the armed forces to "carry out the military and security operations that may be necessary to annihilate the activities of subversive elements in all the country's territory (Wright 2007: 100) .



In addition to a form of collective amnesia that social movements appear to display, social movements could have noted complex ways in which so called Left wing governments, such as Peronist may act as right wing authoritarian governments. In other words, it is important to view categories such as the left and right as mobile and as possessing the ability to oscillate between both spheres (Kohen 2010: 15). This flexibility of concepts however, is important to reckon for the purpose of this study because it enables one to expose contradictions in the ideology and praxis of social movements as they mediate martial law and fragments of human rights.

Deleuze and Guattari emphasize that concepts should be treated specifically in relation to spatiotemporal context (Deleuze and Guattari 1994: 8). This account fits within the nexus of how martial law will be handled in this study. Although one of the primary goals of this study is to challenge martial law, it does not suggest that martial law is a farce or that it does not have a role in the maintenance and/or establishment of social order. The 30,000 disappeared during the dirty war cannot be refuted (Risley 2012). However, the notion that concepts are relational and context specific means those concepts are malleable and are mobile rather than fixed (Deleuze and Guattari 1994: 21). This suggests that martial law is subject to historical context; in other words, martial law does not consistently unfold in the same way. What sociological and philosophical variables shape the content of martial law is a query that this dissertation will deal with in subsequent chapters. Although martial law is a force to contend with, its abuse of power is matched with resistance and revolt. Just as martial law is an unstable category, social movements have their own tensions and these too will be a central theme of conceptual

configuration in the chapters that follow. The former and latter will be explored using this framework offered by Deleuze and Guattari (1994).

Unlike adhering to a positivistic approach, Deleuze and Guattari posit that the philosopher should utilize his/her imagination to explore alternative possibilities of framing concepts (Deleuze and Guattari 1994: 17). Indeed, they postulate that concepts should not be grasped in isolation from other social variables. In other words, they claim that concepts are fused (Deleuze and Guattari 1994: 18). The process of fusing concepts suggests that concepts are malleable; thus offering alternative readings of concepts and opening up from immanent possibilities. Deleuze and Guattari write to this effect,

In any concept there are usually bits or components that come from other concepts, which corresponded to other problems and presupposed other planes. This is inevitable because each concept carries out a new cutting-out, takes on new contours, and must be reactivated or recut (Deleuze and Guattari 1994: 18).

The significance of this quote is to illustrate that to place one's analysis on the powers of martial law is to overlook how other social forces come into play during a crisis. Examining how social forces intersect (and at times clash) will address the dynamics of crisis management such as threats of subversion (dirty war years) and neoliberal reforms (economic collapse of Argentina in 2001). In terms of the former, one may see the dynamics of crisis management on two levels: first, elements of civil society resisted martial law and sought knowledge on the whereabouts of their loved ones. After much struggle, their struggle resulted in the prosecution of military personnel responsible for apprehension, torture and murder of detainees at a detention center called *Escuela de Suboficiales de Mecanica de la Armada* (Navy Petty-Officers School of Mechanics in

Argentina)<sup>7</sup>. This represents the confrontation potential of counter hegemonic forces. However, although it is important to prosecute officials who committed atrocities during the *Dirty War*, it is equally important to challenge the institutional power of the police and military. By prosecuting some of the personnel of the military junta, broader questions of power structures are not challenged. In this way, the Argentinean state and juridical apparatus co-opt resistance because social movements were given some justice for previous state crimes. But the institutions responsible for committing these atrocities were left untouched and not subject to critical evaluation as to their power and role in Argentinean society.

In the case of the economic collapse in 2001, workers took over factories that closed down. After many legal battles, workers were able to obtain legal authority to continue production and sovereignty over the factory. The latter represents counter hegemonic force. However, co-option has also ensued here because most of the factories have to abide by state rules; therefore, factories must adhere either to foreign corporations and/or the state impositions (Prevost et al 2012; Petras et al 2005). Whether factories work under corporate and/or state rule, the result is similar in the sense that they are under a hierarchy that serves class interests (ibid).

What both the former and latter examples illustrate is how state domination is not absolute. As the proceeding cases show, martial law is matched by resistance. However, resistance to martial law is not absolute either, because as was shown, power structures like the state, judiciary, corporations and so forth, tend to make concessions to popular

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<sup>7</sup> Hence forward Escuela de Suboficiales de Mecanica de la Armada will be referred to as ESMA

grievances in order to maintain hierarchical relations of power. The maintenance of power is precarious, it is challenged and at risk of being dismantled by counter hegemonic forces. Yet, struggles by counter-hegemonic forces risk being co-opted by prevailing power structures. What is more, social movements may also manifest behavior that emulates martial law in that they too resort to violence, theft and intimidation tactics (Kohen 2010: 13-14; Wright 2007: 97). How these tensions interact is a central issue in this study and will be dealt with in subsequent chapters.

The conceptual framework outlined by Deleuze and Guattari complement Feyerabend's anarchistic and humanitarian outlook on humans and research enterprises. As will be recalled, Feyerabend's views of humans as being fluid and in constant flux by virtue of being dialectically related to surroundings (Feyerabend 2010: 160-161). By extension, the constant flux suggests that awareness and knowledge are tentative (ibid). If this position is held as true, then one may certainly appreciate the illogicality of subscribing to a traditional methodology. To be sure, adhering to one methodology directly negates the fact that humans and surroundings change. As a result, methods must change accordingly to keep pace with human dynamism and spontaneity. The latter perspective is important to acknowledge because once the military junta ended in 1983, there was a proliferation of human rights awareness. In other words, social movements challenged martial law and thus, gave rise to human rights culture (Wright 2007: 119-120).

Another link between Deleuze, Guattari and Feyerabend may be noted that by freeing up research methodology, a researcher is able to exercise his/her creative capabilities. This has two significant consequences, first, it enables the researcher to exercise control over the content and manner of conducting research. Two, it enables the researcher to discover nuanced ways of conducting research. By contrast, positivism hinders human capabilities because it sets standards for the researcher. This compromises the researcher's imagination and intellectual curiosity (Feyerabend 2010: 166). Finally, empowering the researcher to decide how best to conduct research provides an opportunity for a plurality of approaches to emerge, which may very well intersect (or collide) with existing standards of methods (Feyerabend 2010: 166). What these points indicate is that positivism undermines researcher's hermeneutic possibilities.

The relevance of an anarchical methodology is that it enables the reader to perceive individuals and society as co-constitutive as opposed to being treated as separate categories. On the one hand, this will demonstrate how martial law cannot be explored exclusively at the level of the state and judiciary, but must also be analyzed from the standpoint of civil society. Correspondingly, society is socially constructed and mediated by individuals that exist therein (Adorno 2000: 38). On the other hand, it is also important to explore how social movements embody elements of martial law ideology and praxis and how far from being a cohesive entity, social movements are fragmented in their respective social, political and economic pursuits (Kohen 2010: 41-42).

The dialectical framework delineates that individuals on one side and society on another suggests that at times their interaction is peaceful, but more often than not, there are antagonisms. The outcome of these antagonisms gives rise to new relations. One of the strengths of this approach, however, is that all social phenomena are inextricably linked with wider social context. This means that the social phenomenon is not abstracted. On the contrary, it is viewed as being an integral component of society. The dialectical relationship between individuals and society is a continuous; this suggests that social order is not static, but rather tentative.

A plural approach incorporates other disciplines to strengthen its analysis. For the purpose of this study, a critical overview of Argentinean history reveals that martial law is not particularly new. Indeed, since the 1930s, Argentina has been in and out of martial law states (Brysk 1994). On the other hand, since the 1930s, there have been staunch counter-hegemonic forces to martial law, which have resulted in many progressive reforms, including, higher salaries, pensions, voting rights for women and so forth (ibid). The salient point to underscore is how historically and to the present, social movements mediate both martial law and fragments of human rights. Moreover, the dynamic between martial law and human rights may be viewed as symbiotic as opposed to being separate entities.

Correspondingly, under martial law, the state will utilize institutions of mass media to communicate discourses of fear, which are meant to justify state repression and discipline civil society to conform to ruling powers (Chomsky 1989; Wolin 2008). This study does not aim to challenge this claim; however, it does question the degree to which

it holds true. In the context of the *Dirty War* and economic collapse in 2001, Argentinean civil society mobilized and created independent forms of media to demystify state official accounts on the disappeared (during the *Dirty War*). Another question that merits attention and will be addressed in later chapters, is how social movements use propaganda for their purposes too. To challenge the junta's silence, Las Madres de Plaza de Mayo would congregate in front of la Casa Rosada (Government House) and would have banners and photos of loved ones. This activity was done every Thursday in the afternoon (Wright 2007: 120).

Other activities of symbolic politics emerged to debunk official claims that justified confiscation of public money to repay national debt (Prevost 2012: 24-25). This was achieved, in part, by spray painting on the walls messages surrounding state fraud and failure of "*el modelo*" (neoliberalism). Accordingly, while official discourses communicated through the media shape public perceptions, it would be misleading to assume that all members of civil society will be receptive to official narratives. Indeed, in line with anarchical methodology, it is important to factor in how human spontaneity may mobilize, resist and challenge hegemonic claims. Yet, it is equally important to consider ways in which social movements use media mediums to legitimize and further their own agendas. Put differently, social movements may mediate both human rights and martial law through the use of mass media and protest (Kohen 2010: 46). At issue here, is the way in which social movements mobilize grievances, mourning and inequality for their own purposes.

To summarize, by employing an anarchical methodology, this dissertation will be able to mobilize an approach that explores martial law and social movements as tentative categories as opposed to being fixed and stagnant. This will aid in showing how both concepts may oscillate in and through each other in accordance to specific context. The aim, however, is to facilitate the process of comprehending how social movements are simultaneously able to mediate martial law and fragments of human rights. Moreover, by viewing this dynamic as such, it should illustrate to the reader the symbiotic relationship between martial law and human rights. The subsequent chapter will examine how the concept of martial law embodies multiple forms in accordance to specific historical processes; on the other hand, an examination of how social movements mediate various forms of martial law will also be discussed.



### Chapter 3: The limits of Martial Law in Argentina

All violence as a means is either lawmaking or law-preserving. If it lays claim to neither of these predicates, it forfeits all validity (Benjamin 1986: 287).

Walter Benjamin's quote above illustrates a problematic in the nexus of law and violence. Institutions with power to exercise law, are inherently violent. To be sure, law authorizes power structures to utilize violence to establish or maintain order. This logic applies to protecting the interests of power in social, political and economic structures. The following analysis includes tracing the history of the concept of martial law as well as the significance of connecting martial law with spatiotemporal relations. The aim therefore is to show that martial law is not a static concept, but rather dynamic. Moreover, although there is some consistency in terms of how martial law unfolds across the globe, it is equally important to account for its singularities; this suggests that martial law is not uniform. Divergences in martial law will be addressed below in the context of Argentinean history and other examples in global affairs. The salient point here is to put forth how martial law is mediated by social movements and other social forces.

The second section will address other concerns, which derives from the so called autonomy of the state under martial law. The goal here is to demonstrate how economic interests mediate martial law. The objective is to point out how martial law has contributed to a booming security industry. This suggests that it is not only elites that are reaping financial rewards, but rather that individuals from various social strata's are able to advance in the socioeconomic hierarchy (Chatterjee 2009; Klein 2007; Scahill 2008). The argument is that although martial law ensues in response to a crisis, the dynamics of

crisis management indicates that a host of conflicting forces seek to materialize their respective agendas. More specifically, the state will attempt to accommodate conflicting interests to maintain legitimacy and power. However, in the process of negotiating with other social forces, state sovereignty is compromised at best, undermined at worse. Accordingly, as will be shown, the use of martial law is not entirely a manifestation of state, juridical, police and/or military might, but rather, there is a formidable economic component as well.

The overarching claim in this chapter is to illustrate how martial law and human rights are weaved by a symbiotic relation; thus, human rights exists because of martial law; and martial law exists because of human rights. This perspective will be demonstrated in the context of Argentinean history. Similar to the way in which martial law is compromised if not undermined by a host of social forces, this chapter aims to demonstrate how the same logic applies to social movements. As will be shown below, under a crisis, social movements will strive to further particular interests, which cause divisions and tensions in the movement. Consequently, social movements are able to advance fragments of human rights, labor rights and social justice. What the latter points to is a complex scenario that characterizes dimensions of crisis management in social movements. This suggests that both martial law and social movements are shrouded with what Jacques Derrida calls “autoimmunity” (Derrida 2005: 123). This theme will be developed in the discussion below.

## Exploring the Historical Roots of the Concept of Martial Law

According to Mark Neocleous, around the period of 1628 in England, martial law was conceptualized and applied to agents of armed enforcement (Neocleous 2008: 42-43). In this context, military personnel are subject to legal sanction. Here, martial law did not apply to civilians; however, if they were in the battled field, martial law could very well apply to them. Moreover, martial law could not be applied in times of peace. Neocleous' analysis demonstrates that martial law was developed by the Crown to limit monarchical abuse of power to only being applied to soldiers in times of war (ibid).

In the nineteenth century, martial law underwent paradigmatic shifts in that it was applied to British colonies, first, and then within to deal with labor unrest (Neocleous 2008: 45-46). More specifically, Neolceous demonstrates how in England, the Defence of the Realm Act (DORA) granted authorities the power to regulate and securitize public welfare (Neocleous 2006: 194). DORA was subsequently superseded by the Emergency Powers ACT (1920); this enabled agents of law enforcement to apprehend labor strikes (Neocleous 2006: 195). British colonial power was able to impose the use of force against dissidents with impunity. Moreover, employing martial law is part of a colonial strategy to accumulate wealth by controlling natural reserves (Neocleous 2006: 203).

Correspondingly, two points follow: to some degree the state invents real/imagined threats to justify martial law, especially whereby capital and private property are at stake. This perspective challenges the dominant view, which suggests that martial law is imposed exclusively in response to a crisis (Agamben 2005; Schmitt 2005). The salient argument is that while the latter perspective holds true, it is equally plausible

that threats are exaggerated and/or imagined by ruling powers. Martial law is a tool that ruling powers may deploy in a concerted effort to maintain and/or establish social order. Accordingly, an intimate link exists between martial law and social order.

Neocleous' argument may be applied to the way in which martial law is used to police protests. In preparation for the G-20 in Toronto, Canada (2010), the McGuinty administration granted the police additional powers to search and arrest protestors (<http://www.cbc.ca/news/canada/toronto/story/2011/06/23>). These powers fall under preexisting legislation, called Public Works Protection Act (ibid). The McGuinty administration authorized these powers to police without public debate. In addition, a detention centre was built near the downtown core. Individuals that were detained were not subject to due process. There were many arrests, but only 885 were processed to the Eastern Avenue detention centre (ibid). On the other hand, charges that were laid were generally stayed during court proceedings.

The McGuinty administration issued \$7 million dollars to law enforcement agents to securitize the downtown core (<http://www.cbc.ca/news/Canada/story/2011/05/30>). This staggering amount of money was distributed among 657 officers, which were hired from all around Canada (ibid). Unsurprisingly, the amount of money that was spent on the G-20 was not subject to public debate. Yet, the money that was used came from public funds. The proclivity of the municipal government to administer \$7 million dollars to militarize urban space, highlights two important points. First, how the municipal government engages in class antagonism; \$7 million dollars could be used to address many social ills, such as fixing public housing, education and social assistance. However,

this lucrative amount of money is allocated to securitize urban space and to protect private property. Second, after the public became aware of the \$7 million dollars that were used during the G-20, the outcry surrounded lowering costs, not violation of human rights. Hence, one may note how class antagonism is removed from public circulation and what instead merits attention is the administration of public funds. Violation of human rights is not of primary concerns either because it is seen as episodic as opposed to a dominant trend.

The shift in martial law enforcement that Neocleous' addresses points to a wider reconceptualization of war and a broader strategy on how to deal with unrest and perceived threats. Significantly, this shift also highlights how martial law was utilized by the state to control and regulate the military, to a situation whereby martial law may be used as general strategy of the military to control and regulate civil society (Neocleous 2008: 47). Neocleous captures this shift in the conceptual and application of martial law, Neocleous writes,

'Martial law' shifted gradually from a military to a political register, referring less and less to military encounters with enemy forces and more and more to questions of internal security and public order: from being a code for the internal governance of military power to being a rationalization for the use of military power across the face of society in which basic liberties and rights and possibly even the law tout court appear to be suspended (Neocleous 2008: 47).

This quote demonstrates one of the central claims of this chapter, which is that martial law is a dynamic concept. There is merit in interpreting martial law as a dynamic concept because its usage alters in accordance with ruling powers and historical conjecture. The preceding analysis suggests that martial law is mediated by other social forces, such as economic interests and historical contingencies.

In accordance to vested interests of ruling powers, the discourse and typologies of conceptualizing martial law underwent shifts in accordance to the exigencies of history. Neocleous points how gradually martial law became a loose category, which included emergency rule and the scope of its enforcement intensified (2008:52-53). Martial law in Argentina encapsulates the proceeding articulations, but also adds a further dimension not addressed by Neocleous. During the military rule of Julio Roca around 1870, the Argentinean military deployed a strategy to annihilate the indigenous population (Pigna 2005). This military endeavor is known as '*la conquista del desierto*' (conquest of the dessert). Almost a century after this genocide, the military junta engaged in genocide against those deemed to be 'subversive' (Risley 2012). The invocation of martial law in this context, points to another interesting question is the symbiotic relation between martial law national interests and national identity. In other words, in the most extreme form, martial law may be used to commit genocide. More disquieting, although both cases occurred in divergent historical period, it appears that martial law, in variegated forms seems to be the backdrop to systems of power. On this point, Mark Neocleous writes, "My argument is that what is needed is less an analysis of the 'state of emergency' and much more an interrogation of the ways in which emergency powers became normalised through twentieth century" (Neocleous 2008: 8). The normalization of emergency powers is tied to other forces in society that mediate martial law. Next, martial law may be framed as being intimately connected to economic 'development', liberty and human rights (ibid). Indeed, martial law may be invoked to obliterate a population and thereby enable economic development to materialize. Thus, while this

strategy will facilitate national and foreign corporations to earn profits, it will also enable locals to advance economically (ibid). Yet, as will be shown below, martial law is also used to temporally suspend human rights. Martial law may trump human rights, but will not be used to threaten economic undertakings.

In the case of *la conquista del desierto* (the conquest of the dessert), the official account of the La Roca regime is that it was aiming to suppress unrest, and in particular the claim that aboriginals did not want to submit to the rule of law. A critical review of this military junta suggests that in part, it was congruent with a wider strategy aimed to racial purification of Argentinean civil society (Pigna 2005). What this suggests is that with staggering amounts of Europeans immigrating to Argentina for the purpose of work and better life, elites had concocted a social imaginary in which the Argentinean population would be more European based. Argentinean elites ran into problems, however, because while initially they sought more of European from the North, they ended up with Southern Europeans predominantly (Munk et al 1987: 14). As a result, Aboriginals, *los gauchos* had to be annihilated. Beyond the national identity question, there were economic interests at stake too because of the huge landscape that ruling powers in Argentina wanted to control. By annihilating the indigenous population, the military and ruling powers would be able to securitize and thereby reap capital from the land.

Thus, what Neocleous identified in England corresponds to events unfolding in Argentina. More specifically, prior to the progressive labor reforms that Juan Domingo Peron instituted in the middle of the 1940s, many labor activists were detained, tortured

and killed (Pigna 2005). One of the nuances that Neocleous reveals is that emergency powers gradually became a normalizing tool that may be used by ruling powers at their whim. After Peron was toppled by a military coup, Peronismo was outlawed (ibid). Correspondingly, the institutionalization of emergency powers has an ideological dimension in terms of that while it 'officially' is meant to be used to deal with threats to social order, it may easily be utilized for the purpose of securitizing and/or maintaining a particular set of interests (ibid). After Peron was toppled the idea of Peronismo was sanctioned from mainstream circulation (ibid). Peronismo represented a threat to ruling powers in line with capitalist ideology because the former sought to nationalize Argentinean industry and supported many progressive labor initiatives (Pigna 2008). Ruling elites were more interested in selling public assets and Argentinean industry so that they could earn profits (ibid). What the forgoing examples illustrate in Argentina is that martial law facilitated materializing economic and social objectives of ruling elites.

In order to justify such activities, ruling powers had to invent an ideological and material threat posed by Peronismo. Consequently, Peronismo was stigmatized for being nationalistic and socialist; these two perspectives run counter to neoliberalism. Furthermore, Peronismo has a formidable Left Wing sector, which represented atheism; this challenged prevailing Christian tradition. Martial law was institutionalized to protect the ideological and material status quo. The forgoing analysis outlines how martial law



looks from a top to bottom perspective. There are many difficulties with Peronismo, which are beyond the scope of present endeavors, however.<sup>8</sup>

Emergency rule therefore, may be used to facilitate economic regulation and deal with class antagonism (Neocleous 2008: 57). Martial law is used as *una pantalla* (as a screen) to facilitate other objectives of ruling powers. More broadly, however, Neocleous analysis demonstrates how the so called 'normal juridical' order is inextricably connected to emergency rule. It is this link that needs to be problematized as opposed to viewing emergency rule as isolated activities of the state. This relation may become more apparent if viewed from a class informed analysis. During a 'normal juridical' order, the bourgeoisie class is enabled to pursue its interests with relative ease. During an economic, social and political crisis, the interests of the bourgeoisie are threatened and so consequently, prevailing powers will institute emergency powers to subdue threats. Regardless of the context, then the bourgeoisie class strives to advance its interests. Therefore, Neocleous claim is that both the normal and exceptional frames may be viewed in relation to a wider project of securitizing and maintaining capital relations and private property (Neocleous 2008: 22). Put crudely, martial law may be posited in directly connected to capital and private property interests.

Neocleous examination of the history of martial law to emergency powers is important because it reveals the origins and conceptual shifts in/of the concept. On the one hand, there is certain overlap in terms of the implications that both martial law and emergency powers have over those considered to be enemies of the state. On the other

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<sup>8</sup> For a good discussion on this subject, please consult Ronaldo Munck et al (1987) *Argentina: From Anarchism to Peronismo* Zed Books, London and New Jersey.

hand, there are some divergences to note as well; particularly that emergency powers give the state broader powers to police and control class antagonism. Giorgio Agamben's theoretical framework of state of exception also converges with that of emergency powers. Agamben conceptualizes the state of exception as follows: the extension of military authority's wartime powers to civil society; and on the other hand, the suspension of civil liberties (Agamben 2005: 5). What is noteworthy however, are the different models between Neocleous and Agamben used to capture this phenomenon because it limits its analysis to a syntax game as opposed to focusing on how martial law is connected to questions of powers. Engaging in this conceptual nexus is problematic because it obfuscates the particular role martial law plays in terms of securitizing and maintaining capital relations and private property.

Part of the myths of martial law is that it is not necessarily employed for the purpose of securitizing national interests, but rather securitizing the interests of capital and private property. As was shown in the case of *la conquista del desierto* (the conquest of the dessert), instituting martial law was used in a double sense; first, to eliminate aboriginals, who were deemed to not represent Argentinean society. Second, ruling powers wanted to expand capital interests outside of Buenos Aires city and to other parts of Argentina (Pigna 2005). Accordingly, part of the myth of martial law is that it attempts to conceal not just how it serves the interest of capital, but also how it is part of social ordering along racial axes (Razack 2008; Thobani 2007).

As was shown above, martial law is not uniform and is subject to spatiotemporal relations. Hence, martial law is mediated by other social forces. While there is some

overlap between the military junta's genocide campaigns during *la conquista del desierto* and *la guerra sucia*, there are also important divergences. During the former, the military junta waged war and killed most of the Aborigines; many were tortured and killed. Those that were captured were often expelled or relegated to remote parts of the country (Pigna 2005). On the other hand, some were kept in position of servility of military personnel (ibid).

The context of *la guerra sucia* (Dirty War) is rooted in a social, political, economic and ideological crisis Argentina faced in the mid 1970s. Peron has a sudden death and tensions within Peronismo intensified, which alienated the two dominant streams: one being center Left wing and the other being Right wing. Various sectors within Peronismo committed acts of violence and killed some military officials and their families (Pacheco and Carrera 2008: 84<sup>9</sup>). Most of the latter activities were committed by *Los Montoneros* (ibid). This divided Left is disconcerting because it demonstrates a rather nebulous and fragmented contingency to ruling powers. Internal stratification within the Left is a persistent issue to date in Argentina (Kohen 2010: 58). What is also curious however, are ways in which martial law may manifest from a bottom to top perspective. In other words, the militant activities of *Los Montoneros* during *la guerra sucia* are an example of how martial law takes an ideological and praxis form within the Left. In this sense, social movements behave in autoimmune activities because in their effort of trying to combat an oppressive force, they too may act in oppressive (violent ways) (Derrida 2005). Unwittingly, the use of violence from the bottom to top will be matched by power

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<sup>9</sup> Los montoneros were a militant group while the Ejercito revolucionario del Pueblo (ERP) took more of a labor and union based struggle.

structures. In light of the disproportionate use of force, one may wonder why the Left consistently relies on using such measures to achieve desired ends. From a sober perspective, it would seem silly to try and engage in a contest of force whereby there is an imbalance. On an ideological level, the division between both stands of Peronismo points to a problem of dogma, in that failure to adhere to a specific dogma may lead into ruptures (Kohen 2010). It also addresses how within the Left wing movement, there are internal struggles for power.

To compound matters, Isabela Peron (Peron's second wife) rose to power and could not control tensions within the Peronista movement. Moreover, throughout Latin America during the 1970s, there was a proliferation of military authoritarian regimes, which had direct ties to the C.I.A. The military junta officially took power by being invoked by Isabel Peron and aimed to address factions of Peronismo (Brysk 1994; Risley 2012; Pigna 2010). However, as was pointed out in chapter 2, it was the ruling Peronista party, in particular, Italo Luder (president of the senate) that instituted decree 2772, which authorized the armed forces to deal with the question of subversion (Wright 2007: 100). Individuals considered to be subversive were kidnapped, raped, tortured and/or killed in various camps throughout the country (ibid). Babies born in these camps were either killed or stolen by military officials (Risley 2012). The death penalty was imposed on most subversives as well. Survivors of *la guerra sucia* were usually contingent on the following: while in the camp, some had services that benefited the military, such as capabilities in photography and making false passports (Pigna 2010). Others that had powerful connections to the military and/or police were able to flee the country. Finally,

some were able to purchase their survival by giving agents of law enforcement a considerable amount of money (ibid).

The killing of subversives during *la guerra sucia* was not necessarily contingent on race, however. This does not mean that racism did not play a role in terms of how *los desaparecidos* (the disappeared) were treated (Feierstein 2010). Argentina has a large Jewish community. Jewish detainees were subject to more despicable torture; it also alleged that during the torture, some military officials would indicate their Nazi sympathy. Daniel Eduardo Fernandez describes the horror experience of Jewish detainees,

Every kind of torture was applied against the Jews, but in particular there was one which was extremely sadistic and cruel: the 'rectoscope,' which consisted of inserting a tube into the victim's anus, or into a woman's vagina, and then releasing a rat into the tube. The rodent would look for a way out and try to go forward by gnawing at the victim's internal organs (Feierstein 2010: 46).

This point suggests a disturbing consistency of racial hatred under martial law. During *la conquista del desierto*, there was the hatred of aboriginals; during *la guerra sucia*, there was an element of general hatred towards subversives, but in particular, those of Jewish origin. Both instances are also connected to endeavors that aim to create a homogenous national identity.

However, in general, *la guerra sucia* was less of a race war and more of an ideological and class war. Part of the official military discourse was that individuals that harbor views that run counter to Western Christian civilization would be apprehended (Pigna 2010). This suggests that the military junta was proselytizing notions of Christianity, patriarchy and neoliberalism. Further, individuals that support nationalizing

Argentinean industry and progressive labor relations would be detained too (ibid). In a sense, the military junta during this historical period sought to invert the achievements of Peronismo and adopt a more neoliberal approach. The enforcement of martial law during both historical junctures was inspired by desires to accumulate capital. The capacity of the military junta to utilize martial law for economic and political objectives is in line with Jacques Derrida's analysis of force and sovereignty. On this point, Derrida writes,

Now, democracy would be precisely this, a force (kratos), a force in the form of a sovereign authority (sovereign, that is, kurios or kuros, having the power to decide, to be decisive, to prevail, to have reason over or win out over (avoir raison de) and to give the force of law, kuroo), and thus power and ipseity of the people (demos) (Derrida 2005: 13).

The idea of using martial law is connected in other words to the use of force. The use of force, however, may be explored from both the top to bottom perspective as well as bottom to top. In the context of the former, during *la guerra sucia*, many union activists were killed. Whereby the military junta apprehended individuals in their residency, some military officers stole money, art, jewelry and so forth (Pigna 2010).

Arguably, *la conquista del desierto* and *la guerra sucia* represent the most extreme forms of martial law in Argentinean history. But this does not mean that all martial law in Argentina has taken on the same intensity. Martial law has manifested in other ways too. As was mentioned above, after the military toppled Peron in 1952, Peronismo was outlawed. This tactic runs counter to the notions of freedom of assembly and expression. It is also anti-democratic to ban a political party. Throughout Argentinean history, the military junta's in power have outlawed labor unions too (Pigna 2005). At other junctures, certain political views were outlawed, particularly those

associated with the Left. Accordingly, as was shown above, martial law powers are tied to a wider security project, which seeks to impose and/or maintain capital relations. However, the former perspective demonstrates how martial law is also tied to the maintenance of ideological views that support neoliberalism and Christianity.

Martial law must be used critically and in accordance to specific contexts. Indeed, as was shown above, martial law is not uniform, the most extreme case is whereby it is used to commit genocide. This may be viewed as hard martial law. However, other forms of martial law are important to consider. For example, outlawing certain political views may be viewed as soft martial law. Further, how the state police's dissent and protests is in a category of its own because it embodies both hard and soft forms of martial law. This means that martial law may embody both hard and soft content. This will be dealt with in the subsequent chapter, however. All three instances briefly mentioned point to another phenomenon about martial law, which is that its time frame varies. Martial law may be imposed temporally (as in the case of protests), or it may last years (as in the case of the *la conquista del desierto* and *guerra sucia*). Accordingly, while the use of force and human rights violations cannot be overlooked in the context of martial law, discursive gymnastics about the category should redirect their focus to how it connects to prevailing powers.

Although martial law has been a historically consistent in social affairs in Argentina, it is important to acknowledge its temporality as opposed to its so called permanence. For example, *la guerra sucia* lasted from 1973-1983; this is not to downplay the extreme violence that occurred during this period, but rather to illustrate that martial

law is not permanent, but rather temporal. However, just because it is temporal, this does not translate that it is not a serious problem; to the contrary, martial law is part of the backdrop of systems of power that may be invoked in different ways in accordance to the exigencies of those in power (at the top). Martial law unfolds uniquely in accordance to the crisis it is meant to subdue. The violence that materializes under martial law is unsustainable without there being some form of backlash from civil society and or international institutions committed to human rights. This dynamic posits to a rather symbiotic relation between martial law and human rights in that the former exists because of the latter, and the latter continuously monitors the former.

To summarize, a critical examination of the history of martial law demonstrates certain shifts that occurred in order to deal with pressing issues of ruling powers. Some of the more salient myths of martial law may be framed as follows: martial law is dynamic, not static. Martial law has an ideological component insofar that it is imposed not necessarily in the pursuit of national interests, but rather for the purpose of serving the interests of vested constituents. Far from being the contemporary form of state rule, martial law has in some denomination always been part of social ordering. However, this does not mean that martial law is uniform across all historical sites. Nuances in each historical period must be addressed in the process of understanding martial law.

Another relevant perspective to grapple with is connected to Derrida's concept of autoimmune. Derrida conceptualizes it as such: "A living being can spontaneously destroy, in an autonomous fashion, the very thing within it that is supposed to protect it against the other, to immunize it against the aggressive intrusion of the other" (Derrida



2005: 123). This theoretical framework may apply to martial law because arguably, efforts to suppress human rights, will incidentally ignite resistance from social movements. Social movements mediate martial law in and through articulations and praxis of resistance. Yet, in the process of challenging martial law, social movements risk fragmentation in their strategies of resistance and human rights objectives. As was shown earlier, some social movements during *la guerra sucia* had a predilection towards acts of terrorism and murder (especially from *Los Montoneros*), while elements of the ERP centralized their resistance to labor struggles. In addition to the fragments within the Left, one may also note how martial law when instituted ubiquitously may influence the consciousness of social movements and ironically, lead them to reproduce the same practices and discourses that they are endeavoring to challenge. Hence, social movements may also engage in practices that may be characterized as autoimmune. The autoimmune factors to account for are as follows: internal fissures, but also that power structures will regroup and clamp down on human rights and/or social justice objectives. Some of these themes will be explored below, as well as other forms in which martial law is undermined by other social forces.

### Broadening Emergency Powers: The Myth of State Sovereignty in the Context of Bail-Outs

One of the objectives in this section is to broaden the problematic of martial law to the practice of bailing out financial institutions. The interplay of the state and financial institutions may be described as ambivalent, rather than instrumental and/or structural (as

some Marxists claim). This suggests that the state and financial institutions do not necessarily act in concert; of course, this does not mean that they do not share similar interests. The aim is to illustrate tensions in their dynamic under martial law. Although financial institutions and related corporations may advance economic interests under martial law, it would be misleading to assume that this is absolute. Moreover, how social movements deal with crises to advance the interests of some fractions in the movement will be addressed as well. The latter will be demonstrated by discussing the UTA union representing subway workers in Buenos Aires<sup>10</sup> (Kohen 2010). The importance of this section is to highlight another way in which martial law is mediated by economic forces and social movements (in this case UTA); and thus; how the latter are fragmented in their labor pursuits. It will also be shown how they engage in problematic activities to achieve their goals. This propensity to violence represents a minority in the union, as opposed to being a shared approach. More broadly, the following discussion will illustrate how crises provide opportunities to elements of social forces to advance their agendas; this suggests that under a crisis, a sociological analysis should examine how it is dealt with from a top to bottom perspective as well as bottom to top.

Naomi Klein offers a conceptual framework to situate the interplay of crisis, state power and corporations, her theory of ‘shock doctrine’ may be understood as follows: neoliberal reforms will be imposed by corporations whereby there are social political and economic crises (Klein 2007). The role of the state is twofold: on the one hand, the state confronting the crisis will endorse the imposed neoliberal reforms in an effort ameliorate

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<sup>10</sup> UTA stands for Union Tranviarios Automotor

a crisis. On the other hand, state's like the U.S. will hand out lucrative contracts to security corporations to address particular interests the U.S. has in a given country; namely oil and water resources, for example. On the shock doctrine, Klein writes,

That is how the shock doctrine works: the original disaster – the coup, the terrorist attack, the market meltdown, the war, the tsunami, the hurricane – puts the entire population into a state of collective shock. The falling bombs, the bursts of terror, the pounding winds serve to soften up whole societies much as the blaring music and blows in the torture cells soften up prisoners. Like the terrorized prisoner who gives up the names of comrades and renounces his faith, shocked societies give up things they would otherwise fiercely protect (Klein 2007: 20).

The underlying point here is that it addresses the dynamic between the state and corporations in response to a crisis, such as financial bail-outs. This quote also points to the ways in which neoliberal reforms enable elites to reposition their class power (Harvery 2005). Correspondingly, the state plays an active role in reproducing hierarchies in/of capitalism.

More broadly, it would be a mistake to treat the financial crisis as an anomaly. Similarly, it would be a mistake to view the state's resolute stance to bail them out as exceptional. Economic crises are embedded in the structure of capitalism; accordingly, the state's commitment to bail out banks and corporations is also normal course of action (Albo et al. 2010: 44; Harvery 2005). The state's initiative to bail-out financial institutions is ideological for two interrelated reasons. First, because such measures give the impression that the state is sovereign and that it has the power to overcome a crisis. Two, it serves to legitimize state power and normalize neoliberal order. On the other hand, what civil society does not focus on, is the fact that millions lost their job, property and life savings; thus, these issues are unaccounted for. The betrayal of the state to

protect civil society is not necessarily the point of contention in popular discourse. As was demonstrated, what the state protects is the capitalist system. David Harvey synthesizes this forgoing interplay, Harvey writes,

The corporatization and privatization of hitherto public assets (such as universities), to say nothing of the wave of privatization (of water and public utilities of all kinds) that has swept the world, indicate a new wave of 'enclosing the commons'. As in the past, the power of the state is frequently used to force such processes through even against popular will. The rolling back of regulatory frameworks designed to protect labour and environment from degradation has entailed the loss of rights. The reversion of common property rights won through years of hard class struggle (the right to a state pension, to welfare, to national health care) to the private domain has been one the most egregious of all policies of dispossession pursued in the name of neo-liberal orthodoxy (Harvey 2005: 148).

One may apply the analysis above to economic bail outs on an international level. While it is not the state that directly bails out other countries, it is an economic apparatus of the state that does so. The International Monetary Fund, World Bank, and the like, constitutes the economic apparatus of Western democracies. The IMF has given loans to countries like Greece. The problem with the loans is twofold; first, the amount of money that the IMF gave to Greece is unlikely to be repaid, because Greece's economic productivity does not correspond to the amount of the loan. Recent employment statistics on Greece, suggest that 50 per cent of youth are unemployed ([www.cbc.ca/news/world/story/2011/06/28](http://www.cbc.ca/news/world/story/2011/06/28)). What authorities in Greece did with other loans is not accounted for. One could certainly entertain the notion that the money that was given by the authorities was used by them to advance their economic agenda and to purchase votes (ibid). This latter point demonstrates how the state and its affiliate international economic institutions create conditions of compressed unemployable class

on a global level. In other words, some may be able to hold on to their precarious jobs with cutbacks in wage and benefits. But, many will lose their jobs, savings, homes and so on.

It is feasible that the IMF has some knowledge that Greece was likely to default on their payments, but yet, more money was given to Greece (ibid). In order for the authorities in Greece to receive more loans, they had to agree to cut back on social spending. The notion that financial institutions specify to a nation state's the terms and conditions of securing a loan, compromises state sovereignty. Civil society was cognizant that they would have to bare the brunt of having to repay the debt of Greece, even though they hardly benefited from the loans that were given to the country (ibid). In other words, the elites in Greece will benefit from the loans the bulk of civil society is made responsible for the nation's debt. What occurred in Greece should not be viewed as singular. On the contrary, many other countries in Europe are also plagued by the same economic problems. Ireland was hit by this problem earlier in 2011; Italy, Portugal and Spain are experiencing economic tensions at the time of writing. These countries will probably be bailed out by austere economic plans and we are likely to see the compression of unemployable class become normalized and ubiquitous in Europe.

Thus far, the discussion has focused on an international level, but what occurred therein also materialized in Argentina in 2001. Class antagonisms are rooted in many of the social ills that plague Argentinean history. Prior to the military junta, there were strong unions in Argentina that struggled hard to obtain labor reforms, including decent pay, eight hour work day, state pension and so forth (Pacheco and Carrera 2008: 86-87;

Capraro et al 1984). These conditions were not necessarily favorable to either ruling elites in Argentina and foreign investors. Consequently, one of the immediate legal actions that Jorge Videla (during the military junta) took was to reform labor laws, which resulted in slashing wages, huge lay offs and cut backs in social spending (Pacheco and Carrera 2008: 86-87). Videla launched a full-fledged assault against unions to curb their gains during the height of Peron (Munck et al 1987: 210). The ability that Videla had to institute such draconian measures was facilitated by three interrelated issues: first, the disappearance of militants; and second, divisions within the Left (*Montoneros* and *ERP*); and the reigning culture of terror that permeated Argentina (Pacheco and Carrera 2008: 84).

After the military rule, divisions within the left persisted and this enabled a right wing faction of Peronismo, Carlos Menem to rise to power in the early 1990's to deal with social, political and economic crisis<sup>11</sup>. Menem was also able to cut back on government social spending, privatized industries, like Yacimientos Petroliferos Fiscales (YPF), he tied Argentina's currency to U.S. dollar and liberalized Argentina's foreign trade relations (Prevost 2012: 23). These reforms, on the one hand, provided much financial gain for prevailing powers and foreign corporations. On the other hand, it deepened social inequality and widespread discontent. In the 1999 election's, civil society in Argentina voted for Fernando De la Rúa in an effort to mitigate the crisis. However, De la Rúa did not offer a radical change to neoliberalism; on the contrary, the inability of Argentina to repay its debts, led the De la Rúa administration to confiscate public funds

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<sup>11</sup> After the military rule ended, Raul Alfonsín came to power. Carlos Saul Menem followed.

to repay loans in December 2001 (Prevost 2012: 24). What the forgoing demonstrates is the interplay of economic interests and state sovereignty. More specifically, it illustrates how economic pursuits may trump state sovereignty and political rights. In other words, it articulates how financial institutions compromise state sovereignty.

Moreover, it shows how economic interests mediate martial law. In response to a crisis, martial law is instituted, but the substratum of martial law is tied to neoliberal reforms. Neoliberal reforms compromise state sovereignty because the latter has to conform to the policy of the former to generate capital for ruling elites. The drawback of conforming to the policies of neoliberalism is that the state violates its political and social rights to citizens in favor of economic pursuits. This suggests that far from being a question of dealing with crisis, martial law facilitates the process of repositioning economic endeavors for the purpose of capital accumulation.

However, to merely address how economic forces undermine state sovereignty under a crisis is insufficient. Indeed, crises also enable unions to struggle from within and without to further particular interests. The case of the UTA (union representing subway workers in Buenos Aires) along with the corporation they work for *Metrovias* and the state provide a complex scenario regarding tensions within the union as they deal with corporate and state impositions (Kohen 2010: 99). The union has a history of engaging in *paros* (which means stopping train activities in the city of Buenos Aires). This is done to challenge measures instituted by either *Metrovias* and/or the state. However, the union is comprised of conflicting interests because top members have different ties to political parties. For example, some members are linked to Left-Peronismo, some are militants and

others adhere to *Trotskismo* (Trotsky doctrine). Tensions within the union may flourish on account that the heads of the union may be comprised of a majority of Left-Peronistas, which ideologically and materially conflict with *Trotskismo* and other militants (Kohen 2010: 110). What ensues therefore, are *huelgas* (strikes) that are instituted from within the union to boycott what union delegates are doing (ibid). The latter may be deepened through the following example, workers that operate trains have a six hour work shift, while those that sell tickets to take the train have to work eight hours. This caused friction between both quarters of these workers; the latter felt betrayed that there was a double standard in work hours (Kohen 2010: 98). There have also been tensions regarding wages. But this point is not to examine the former and latter, but rather to highlight how contradicting agendas come into play in the UTA, *Metrovias* and the state. Accordingly, fractions within the union may strike not just against the impositions of *Metrovias*, the state, but also against the UTA. What may ignite such divisions may be decisions and/or agreements that union delegates sign with *Metrovias* and/or state.

A few reflections follow from this account. First, it is interesting to note how the UTA, which is comprised of a host of political parties and movements, may take on an authoritarian character that aim to meet the demands of delegates, not necessarily of all workers, or the majority at best (Kohen 2010: 84). The resolute stance of affected quarters of the UTA to stop services speaks to another form of authoritarianism, one that takes the embodiment from the bottom to top. Accordingly, the UTA is a paradoxical institution, while it is capable of furthering labor rights, it is simultaneously capable of manifesting elements of martial law ideology and praxis in *los paros* (in stopping



services because this impacts thousands of people that rely on public transportation in Buenos Aires). Their justification for engaging in such activities is to force union delegates, *Metrovias* and/or the state to adhere to their demands. *Los paros* (the stops or freezing of movement or production) are a form of intimidating *Metrovias* and the state to come back to the bargaining table to address grievances. The UTA therefore is far from being homogeneous in its labor rights; this also demonstrates another dimension of fragmented endeavors of social justice from below. Moreover, the ability they have to engage in *paros*, (stoppages) speaks to a tactic that holds the public hostage because people cannot travel to work, for example. Of course, there is also the looming threat the state may resolve to use force to quell strikes. Due to the control that *el Grupo Clarin* (huge media block) has over the mass media, it is also likely that the strike will be portrayed in a negative manner.

Although the UTA has successfully achieved some progressive labor reforms, it is important to critically assess it and not conclusively view it as being homogeneous and/or as being entirely ‘progressive’. As was pointed out, union delegates may be co-opted by political parties, *Metrovias* and/or state objectives. This suggests that delegates may compromise their objectives by being *comprado* (bought off) (Kohen 2010: 99). Some union delegates will attempt to further the interests of their respective political parties and/or social movement. This suggests that elements of union delegates are not necessarily interested in advancing progressive labor reforms, but rather the interests of a specific political ideology. Further, one cannot overlook how union members respond to contracts imposed by their representatives, *Metrovias* and the state. If contracts are not to

their liking, they are likely to engage in *paros*, which not only exposes corruption within the union, but also has serious consequences for the public. Below, a discussion will ensue regarding how tensions within the UTA; as well as how tensions between the state and corporations. The former and latter will shed some perspective on dynamics of crisis management.

### Dynamics of Crisis Management

Although there is much merit to the way Klein conceptualizes the relation between the state and corporations, there are limitations as well. First, in times of a crisis, corporations may undermine state sovereignty because in order for the state to address certain crises, such as bail-outs, it must adhere to the demands of financial corporations. Correspondingly, corporations and the state may share similar interests under a crisis (as was demonstrated above), but this is temporal, not permanent. Once the crisis subsides, the state will impose some restrictions on the practices of corporations; this runs counter to the interests of the former. Therefore, the dynamic between the state and corporation may be framed as being ambivalent as opposed to being instrumental.

Another dimension to consider is the way in which crises create zones whereby a host of interests strive to be accommodated by prevailing powers. These three social forces are: the state, financial corporations and civil society. From the standpoint of the state, it attempts to maintain a degree of legitimacy by subduing a crisis. To some degree, the latter corresponds to the state's mandate to protect civil society. Yet, this endeavor is compromised in the case of bail-outs, because on the one hand, bail-outs do not

necessarily benefit civil society. However, the state cannot refuse to agree to the requirements of financial corporations because it would lead to the break down of civil society. As a result, to some degree, financial corporations are able to further economic endeavors in the context of crises. The state is able to hold on to some legitimacy by agreeing to bail outs because it appears to be looking after national interests.

The above paragraphs explore dynamics of crisis management from above. However, it is equally important to examine dynamics of crisis management from below. In the context of UTA, one may see how under neoliberal reforms, union delegates sought to accommodate the interests of their respective constituents. Those that were affected by such neoliberal reforms, sought redress by boycotting services. This may be viewed as a response to a crisis, but the substratum may be interpreted as a way trying to further the interests of their political party and/or vested interests of the union. Similar to how there are divisions between economic interests and the state, it is important to note differences within the Left too. Crises provide an opportunity for competing interests to attempt to further their respective agendas.

The latter may be related to Michael Hardt and Antonio Negri conceptual framework, which views the poor not as powerless, but rather as powerful and with the potential of immanent rebellion (Hardt and Negri 2009: 40). Their analysis focuses on positive dimensions of spontaneous resistance. The power of the poor rests on the notion that the production of capital, which simultaneously corresponds to the production of the multitude. The potential of the poor is connected to their paradoxical position in capitalism. On the one hand, the poor are excluded from wealth and property; yet they are

included in the maintenance in production of commodities (Hardt and Negri 2009: 52). The poor in a sense are free insofar that they do not have encumbrances (property and wealth), which could tie them to the capitalist system. One of the central characteristics that unite the poor is love. Love plays a critical role here because it may be a type of social gel that facilitates the poor to cooperate. To overcome the ordeal of being exploited, love is an emotion that enables the poor to deal with injustice and to imagine an alternative model for shaping social life (Hardt and Negri 2009: 180). The freedom of poor, accordingly, creates potential for them to revolt and create social condition that are more in line with what Hardt and Negri call, 'common-wealth' (Hardt and Negri 2009). The latter may be captured by two individuals (Daniela and Marta), whom Marina Sitirin interviewed,

In the MTD, things are different. We feel different. You could work for the municipality and get an employment subsidy in exchange, but it isn't the same in the movement. We all struggle together, not just for material things, but more for the relationships between companeros, for togetherness, and more than anything, for the creation of other values. It seems to me that what we are creating is our own future; a future based on what we want and desire, not in what they impose on us. So what we want for our future – the future for our children who are to come – is an understanding of these values and these new relationships. But not just an understanding, we also want the creation of this other way of living (Sitirin 2006: 135)<sup>12</sup>.

This quote is relevant to consider because one again, it demonstrates the potential that social movements have to create a culture of solidarity (ibid: 100). It is also important to consider because it adds another dimension of social movements, which cannot be limited to being viewed as spontaneous, but that it may become cultural as well. However, a central concern for movements like MTD is how they deal with internal

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<sup>12</sup> MTD stands for Unemployed Workers Movement (Movimiento de Trabajadores Desocupados)

differences and more broadly with other social forces. The quote demonstrates to one aspect of social movements, in which people are united; however, to assume that this solidarity is permanent risks overlooking how internal struggles for power ensue or how other Left leaning forces may endeavor to co-opt the initiatives of movements.

The notion of common wealth pertains to the sharing constituencies in the world: land air and water. This suggests that the wealth of the earth is to be shared in common. In terms of production, Hardt and Negri claim that it should be organized with the intent of serving the common as opposed to the mandate of profit for the affluent. Moreover, ‘immaterial labor’ things like the sharing of ideas, images, knowledge, language and so on ought to be organized around maximizing common good. The principle of serving the common is to be couched in a philosophy of love and care for social and ecological imperatives (Hardt and Negri 2009).

Their perspective is relevant to consider because it applied to the UTA, however, as the reader may recall, there are also glaring fragments. As was pointed out above, the UTA has a historical trajectory of struggling for progressive labor reforms. This demonstrates the positive aspect of the UTA. However, one cannot ignore that the UTA has also engaged in corruption and has resorted to problematic activities that affect the public. MTD may have elements of ‘progressive’ endeavors, but it would be misleading to assume that all members of MTD behave in a homogenous fashion in various contexts (labor settings).

The theoretical outline provided by Hardt and Negri have material implications, which square with themes associated with state sovereignty and corporations. For example, the illegal war that the U.S. waged against Iraq obtained fragments of imposing neoliberal model. Foreign corporations were reluctant to commit doing business in Iraq for two reasons: first, because of the ubiquitous violence; and second, out of fear that such business would be viewed as illegitimate by international law standards (Hardt and Negri 2009: 215). This suggests that although the state may provide occasion for foreign corporations to further economic enterprises, it does not mean that the latter will consistently follow through what the formers initiatives.

However, this critique is not meant to displace the link between the state and corporations, especially those that deal with security. But rather to complicate the apparent instrumental relation that appears to fuse the state with corporations. However, to assume that the link is limited would be misleading too. Indeed, private security and mercenary forces are able to advance economic goals in war stricken countries (Neocleous 2008). Security plays a vital role insofar as cementing the interests of the state and capital (ibid). Moreover, the booming security industry does not only serve the interests of the former and latter, but also enables the individuals of divergent social strata to advance in the socioeconomic hierarchy. Therefore, the security industry fits in with wider neoliberal project of integrating individuals into a system that is premised on violence, consumerism and ecological destruction.

Returning to Hardt and Negri's conceptual framework, the economic collapse in Argentina in 2001 also demonstrates the power of the poor to revolt against neoliberalism. Rather than accepting more neoliberal reforms, Argentinean civil society revolted and overthrew the De la Rúa administration (Prevost et al 2012). In the 2003 elections, Argentinean civil society elected Nestor Kirchner to power. The Kirchner administration in Argentina rejection of Free Trade Area of the America's (FTAA) is symbolic of the power of a government that sides with popular sovereignty to oppose trade agreements that do not reflect national economic interests (Hardt and Negri 2009: 216; Prevost et al 2012; Petras et al. 2005). Another key political move the Kirchner administration did was to pay off most of its loans to the International Monetary Fund (IMF). This does not mean that the IMF no longer plays a role in Argentina, but rather that Kirchner has struck a deal with the IMF that "serves the interests of Argentina" and the IMF. The content of this subject will be discussed in the subsequent chapter.

The discussion points out that during a crisis, social forces will often collide in the pursuit of materializing their interests. This may be grasped if the interplay of the UTA (delegates and union members) *Metrovias* and the state are put in perspective. Therefore, the dynamics of crisis management illustrate how power structures (from above and below) endeavor to accommodate conflicting interest to maintain power and legitimacy. The significance of these critiques is not to debunk the material force deployed under martial law (by both the state and corporations), but rather to account for the power and role of other social forces under martial law and in a crisis.

## Summary

One of the salient goals of this chapter was to trace the category of martial law as it was conceptualized historically. Correspondingly, the analysis above demonstrated how the concept of martial law underwent changes insofar as how it was conceptualized and enforced in accordance to historical context. Shifts in the discourse and application of martial law are connected to labor relations, ethnicity, race issues and ideology. The point to infer is that far from being a static concept, martial law is dynamic. This suggests that martial law is a concept that is malleable in accordance to the exigencies of specific historical context and power interests.

Regardless of how martial law ‘alters’ its content, one consistency with the history of the term is that it used as a political strategy used by ruling elites to further their interests. Martial law is also a technique that facilitates social control. However, it is not only the state that advances its interests during martial law; other social forces, particularly those related to the economic sector are able to realize their financial goals. This suggests that other social forces mediate martial law, thereby compromising the absolute power that is conferred on the state. The idea that both the former and latter pursue their interests under martial law, suggests a reconfiguration of martial law because as was shown above the sovereignty of the state is compromised if it accommodates the needs of the financial sector. Consequently, the argument of the state as being sovereign, especially under a crisis is fragmented because such a perspective does not factor in the powerful role of corporations in influencing state responses to crises. It also overlooks the potential for businesses to flourish under martial law, namely, the security industry,



for example. The idea that the state concedes to some of the demands of the economic sphere may be framed as an overall approach of managing responses to a crisis.

The so called absolute power of the state is also thwarted by civil society, particularly in a crisis. As was shown above, civil society has the potential power to revolt amid widespread injustice. This also demonstrates how martial law is mediated by social movements. This potential will put pressure on the state to compromise its goals and accommodate the interests of social movements. However, as was noted above, social movements should not be entirely viewed as progressive because as times, their ideology and praxis may emulate that of martial law and may very much act in authoritarian ways, which intensifies conflicts in unions, for example. The subtext of union tensions is that there are competing interests among various quarters. What this perspective reveals is that unions use issues tied to social equity, labor rights and so forth as a smoke screen to advance peculiar interests. Thus, similar to social movements, unions may at best advance fragments of labor rights and social justice. Accordingly, this chapter demonstrated the potential social movements have to confront the state; but this does not mean that there are no problems with the way the techniques employed by unions and social movements to confront the state. As will be shown later in this study, the process of accommodating the interests of social movements, the state and related institutions will often implement strategies that co-opt initiatives waged by social movements.

The dominant thread between history and social forces is that they mediate to some degree, state sovereignty under martial law. By extension, state sovereignty is called into question. The overall goal of this chapter has been to address certain myths associated with martial law. In the pursuit of dealing with a crisis, state sovereignty is compromised by other social forces, which may represent conflicting interests to that of the state. Yet, martial law marks the baldest form of power that is readily accessible to power interests. What the latter account highlights is that martial law is the backdrop of power that lurks behind social reality and may be invoked in varying degree under the pretext of a real, imagined and/or contrived context.

The state tries to reconcile tensions with other social forces by accommodating their interests. Similarly, social movements attempt to reconcile competing interests in times of a crisis; if said endeavors are unattainable, sabotage from within the movement is likely to ensue. What both the former and latter illustrate are the complex dynamic of crisis management between social forces. Further, one may infer that both social movements and martial law are unstable categories that oscillate between 'progressive' and reactionary ideological prism and praxis. Although the state and social movements are at times forced to concede to conflicting demands, such an endeavor should not be viewed as benevolent expressions, but rather of facilitating the maintenance of a particular legitimacy. The following chapter will deal with more myths linked with the power and role of the state, particularly under martial law. Further, a discussion will follow surrounding paradoxical position of social movements play in advancing human rights, and the degree to which they compromise such initiatives.

## Chapter 4: Urban Revolt: Challenging the Legitimate Use of Force Under Martial Law

Vencedores Vencidos<sup>13</sup>

*Vencedores vencidos* (to prevail, to be vanquished) is a compelling manner to interpret the extent to which social movements advance and comprise social justice. As the reader may note, the expression is paradoxical because it simultaneously means to prevail and yet be vanquished. Unsurprisingly, in composing a song by the name *Vencedores Vencidos*, Carlos “Indio” Solari was expressing ambivalence towards social movement’s ability to materialize social justice. But, as the title (and lyrics) of the song suggest, he is more concerned with the process of social justice as opposed to it being an end. Solari may well have desired to rather than fixing our gaze on whether social movements succeed or fail in their objectives, it is fruitful to explore the in between of these positions. Based on the title of the song, one may infer that Solari is encouraging the audience to be critical of such processes and that social justice is on the horizon as opposed to being set. This song was published a few years after *la guerra sucia* (the Dirty War), which suggests that Solari was skeptical about the prevailing human rights culture in Argentina at that time. Equally so, he was probably suspicious about the

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<sup>13</sup> This is the name of a song by a band called Patricio Rey y sus Redonditos de Ricota. The song is part of an album called: *Un Baion Para el Ojo Idiota* (1988) published by Del Cielito Records. The title of the song is *Vencedores Vencidos*, which means, to prevail, to be vanquished.

potential re-grouping of the armed forces or police. Accordingly, *vencedores vencidos* (to prevail, to be vanquished) is a prism to situate social movements and state power; this contradiction is meant to be the backdrop in examining these two social forces.

As may be recalled by the reader, during *la guerra sucia*, Videla's military regime instituted martial law to eliminate all individuals deemed to be *subversivo* (subversive) (Brysk 1994). In response to such measures, elements of Argentinean civil society mobilized to resist state authoritarianism. A similar impetus prevailed during the 2001 economic collapse, here, as Argentinean civil society flooded metropolitan areas, the De la Rúa regime deployed the police and military apparatus to subdue this popular uprising (Petras and Veltmeyer 2005). What both different historical periods highlight is state power to legitimately engage in the use of violence (Weber 1958). Put another way, the latter examines the potential to use violence from a 'top down' perspective. What receives minimal attention is the potential civil society has to revolt and use violence to overthrow state power and/or institutionalize human rights reform. This potential is premised on a right to seek redress whereby legal discourse and institutional power has failed civil society. This will be developed in this chapter.

The two main forces that may ignite civil society to revolt is the break down of state mandate to protect and defend the interests of the nation. In other words, civil society may revolt whereby it perceives that the state and the national economy have lost legitimacy and whereby collectively their lives are threatened. Perhaps the primary force that may ignite revolt is the collective memory of civil society, which is in pursuit of social justice. These themes will be explored below in this chapter.

Accordingly, this chapter aims to challenge the monopoly the state has on the use of force. This will be achieved by showing how civil societal revolts in Argentina may also use force to confront state power and thereby demand institutionalize reforms that are in line with human rights. The latter reflects the *vencedor* (to prevail) dimension of social movements. One of the driving forces that may propel social movements to resort to violence and also struggle for human rights, is collective memory. However, this potential to use violence to obtain certain ends, demonstrates the potential that social movements and civil society have to emulate fragments of martial law. This situation highlights the *vencido* (vanquished) elements of social movements. Once social movements and civil society obtain some form of ‘rectification’ for social, political and economic grievances it is the state that shifts from a martial law modus operandi to one of a human rights orientation. One may grasp how a state may shift its governing style by comparing how the Kirchner administrations appears to have more of a human rights focus than that of, for example, the administrations of Fernando De la Rúa and Carlos Menem. The extent to which the Kirchner administration may be viewed as having a human rights agenda will be examined. What will become apparent to the reader are ways in which social movements and the state oscillate between having a human rights focus to engaging in martial law activity. This instability encapsulates the paradox that Solari captures in the title of the song, *Vencedores Vencidos* (to prevail, to be vanquished). This nebulous scenario point to two important points: first, martial law exists because of human rights; consequently, human rights exist because of martial law. Accordingly,

martial law and human rights may be viewed as being symbiotic as opposed to being divorced. These tensions will be developed throughout this chapter.

One of the main strategies adopted by the Kirchner administrations is to address collective memory grief surrounding the 30,000 disappeared during *la guerra sucia*. Here however, a new set of tensions arise; on the one hand, as will be shown below, both Kirchner (Nestor and Cristina) administration co-opted collective memory of grief of a peculiar social movement, namely, Las Madres de Plaza de Mayo (Kohen 2010). This caused tension with other branches of social movements, such as Partido Obrero (Worker's Party) because alliance with the Kirchner administration compromises labor disputes and other social issues (Kohen 2010). As will be shown below, collective memory plays a paradoxical role in relation to social movements. Suffice to postulate here, that collective memory may intensify divisions within social movements and thereby compromise the extent to which they may operate as a confrontational force to prevailing hegemony.

However, the positive aspect of collective memory is that it enables social movements to use it as a way to further human rights. This is significant to consider because human rights is mainly analyzed in the context of institutions such as the law and the state or from the standpoint of structures. Therefore, linking collective memory to social movements is critical because it offers a perspective on the potential of social movements to act as guarantors of human rights (thus highlighting their agency and creative power). Yet, the latter point suggests that the state and law are not necessarily responsible for enforcing human rights. This situation here requires an analysis that

explores tensions emanating from social praxis to institutional power (Stammers 2009; Andreopoulos et al. 2006). The possibility that social movements have to advance human rights suggests that the enforcement of human rights does not exclusively rest with state or legal apparatus (Stammer 2009). The latter resonates with another claim made above, which aims to show how the use of violence from social movements inserts a shift in terms of thinking about legitimate use of force outside legal discourse. Accordingly, collective memory is a vital tool that may mobilize social movements to act as guarantors of human rights, which once again, suggests a shift away from a legal framework.

The theoretical framework of this chapter will borrow from that of David Harvey (2012), Michael Hardt and Antonio Negri (2009). Harvey's analysis will be used to demonstrate alternative forms of organizing labor relations. His model will be applied to examine *las factorias recuperadas* (the recuperated factories in Argentina). Hardt and Negri's analysis will be used to engage with themes associated with biopolitics; here the goal is to show the potential productive side of biopolitics from the standpoint of the multitude. Notwithstanding the promises made by these scholars, as will be shown, there are many practical problems with trying to materialize these ideas.

In the context of responding to a crisis, other forms of abuse of state power surface, particularly in terms of compromising democratic process. Varying techniques of social control, regulation and surveillance are mobilized to disassemble the potential of dissent (Fernandez et al 2011). The latter may be viewed as subtle yet effective means of discouraging dissent. Other techniques include, what Fernandez calls, 'negotiating techniques', which implies that authorities will try to 'reason' with dissenters in a

concerted effort to disintegrate protestors (Fernandez 2008). In this context, authorities may even make some concessions; however, this should not be viewed as an act of benevolence, but rather as a co-opting strategy. This prism applies to the so-called progressive government of the Kirchner's. Indeed, the Kirchner administrations have criminalized dissent and instituted tactics that encourage agents of law enforcement to infiltrate social movements and cause disruption in the movement or in the context of protests, to engage in violent behavior to provoke police repression (Kohen 2010: 175-176). Here too, the reader may see the symbiotic relation to between human rights goals and martial law; both seem to fuel each other. Although it is unclear whether Carlos "Indio" Solari was exclusively framing social movements in a *vencedores vencidos* paradigm, it is certainly plausible to apply the same prism to the Argentinean state. Indeed, it appears that social forces negotiate the extent to which they are *vencedores* (to prevail) and *vencidos* (to be vanquished) in accordance to particular historical juncture.

The rule of law also plays a critical role because it may be used to 'criminalize dissent' (Colaguori and Torres 2011; Fernandez et al 2011). This suggests that the ruling authorities may temporally institutionalize legal stipulations that make dissent illegal. Correspondingly, such tactics may be used as part of a wider strategy to institute not just politics of fear, but also a culture of fear and suspicion (Visano 1998). The culmination of these issues demonstrates another dimension of martial law. On the other hand, it also speaks to another myth of martial law because while the state may deploy coercive



measures to curb dissent, it would be misleading to assume that civil society will be discouraged, intimidated and thereby refrain from dissent. This will be shown later on in the chapter however.

### The Struggle Over the Right to the City: Human Rights and Social Justice

A critical issue addressed above is how efforts to suppress social unrest may be viewed as an expression of ruling powers interest in controlling a metropolis, in particular, a nation. Hardt and Negri problematize this account because it assumes that civil society lacks agency to resist draconian measures instituted under martial law (Hardt and Negri 2009). They also challenge the assumption that the multitude has no creative power to organize alternative structures. For Hardt and Negri, the right to access the city in terms of controlling its productive power is the site of contemporary struggle. In other words, the city is a site of contestation, but also a place whereby alternative modes of economic productivity may unfold. The alternative economic models they have in mind are structured in a manner that is free from hierarchies and centralized power (ibid: 260). Their analysis directly speaks to one of the social movements in Argentina, namely, *Los Piqueteros*, Hardt and Negri synthesize the forgoing,

The piqueteros in Argentina beginning in 2001, for example, develop in literal terms our analogy between the factory and the metropolis: unemployed workers, who have no factory gates to block, decide instead to “picket” the city, blocking streets, obstructing traffic, bringing the metropolis to a halt. The piqueteros tested, in other words, a kind of wildcat strike against the metropolis (Hardt and Negri 2009: 259)

This quote ties into the positive dimension of social movements, but as has been emphasized throughout this dissertation, social movements are fragmented in pursuing social justice and may engage in practices that emulate elements of martial law. However, the claim that *Los Piqueteros* is able to oppose state induced repression does merit attention because it suggests that not all individuals are intimidated by agents of law enforcement for example. This point is important to consider the context of Argentinean history, because during *la guerra sucia*, individuals in Argentina were to some degree intimidated by the activities of the military junta. Thomas C. Wright captures this phenomenon, he writes,

Although the disappearance peaked in 1976-1977, the intense sense of terror they produced remained. The military had deliberately created a climate of extreme fear in order to secure and extend its control. As a naval officer said, "If we exterminate them all (the subversives), there'll be fear for several generations." Fear explains people's passivity in the face of violence, as in the abduction of Susana Barros from Buenos Aires bus 128 in broad daylight. Rather than protesting or resisting, passengers and the driver averted their gaze as the young woman was hauled away to ESMA; passively, they continued to their destinations. Commenting on the behavior of her friends, a rural military woman complimented the military's effectiveness in instilling fear: "The military taught them well: Fear us, fear each other, fear yourselves". Said a woman who lost a child, "Fear is a jail without bars" (Wright 2007: 115).

It appears that since *la guerra sucia*, social movements and fragments of civil society have overcome the bullying tactics of martial law. The capacity that civil society has to revolt is predicated on a theory of freedom; to this end, Hardt and Negri claim that humans are free to exercise agency in response to imposed power structures (ibid: 81). The freedom of humans is prior to typologies of power, which are designed to control, discipline and regulate subjectivities. Human rebellion to imposed power, therefore, may be viewed as an effort to return to their original position of freedom (ibid: 82). The notion that humans are free and that power structures strive to impose an order over them is

parallel with one of the major claims in this chapter, which is that civil society has the potential to revolt through violent and democratic process to achieve social justice and further human rights. This potential to revolt suggests that subjectivities are not entirely bound to institutional dogma, but rather that the content of subjectivities is not fixed and that context and necessity may propose an alternative format for alternative subjectivities to emerge (Fontana et al 2002: 26). Although civil society has the potential to revolt, this does not necessarily translate that they will. What may fuel the revolt of the multitude is widespread social injustice. In the case of post dirty war, for example, segments of civil society organized to find the whereabouts of their loved ones. Further, they also sought to influence legal measures that would ensure that such abuse of state authority would not reoccur. The guiding force behind the resistance of many social movements in Argentina is predicated on collective memory, which is often referred to as *nunca mas* (never again).

The economic collapse in Argentina in 2001 also speaks to the potential revolutionary power of collective memory because previous neoliberal reforms betrayed national interests. In this particular context, the De la Rúa administration articulated discourses, which sounded all too familiar to those of Carlos Menem and/or other presidents, which called for neoliberal reforms. In light of the blatant failure of neoliberal reforms to deliver promised goods to civil society, Argentineans' forthrightly rejected and revolted. Argentinean civil society was frustrated with broken promises of state officials and the blatant failure of neoliberalism; this ubiquitous disenchantment enabled civil society to organize in violent revolt (Petras et al 2005; Prevost et al 2012).

Returning to the significance of the movement of *Los Piqueteros* (the picketers) emerged in response to neoliberal reforms, in particular, when the *Yacimientos Petroliferos Fiscales* (YFP) was privatized in the mid 1990s (Prevost 2012: 24). As a result, *Los Piqueteros* are mainly comprised of unemployed individuals. Their form of protest and rebellion takes the form of direct action, which is mainly designed to disrupt economic production. Their strategy is *cortes de calle* (to block streets) and consequently obstruct the flow of traffic (Hardt and Negri 2009: 259). Their precarious socioeconomic position renders them the possibility of challenging prevailing powers, but also that of creating alternative subjectivities and economic models (Harvey 2012). Many members of *Los Piqueteros* have families to support, so they use creative powers to assemble alternative ways of earning money. For example, they provide food services for those in need (Prevost 2012; Petras and Veltmeyer 2005; Schuster 2008).

Similar to *Los Piqueteros*, *El Movimiento Nacional de Factorias Recuperadas por Trabajadores* (National Movement of Recuperated Factories) have lost their jobs in response to neoliberal reforms. These workers have taken back closed factories and have resumed production (Petras and Veltmeyer 2005). In order to protect their jobs, they have engaged in direct confrontation with the police. They have also launched legal struggles to maintain autonomy and access to the factory. Workers do not only produce commodities, but have organized in a non-hierarchical fashion; commodities are produced and shared with communities in need (Harvey 2012). Of course, they also ensure that they maintain profits; however, profits are distributed equitably among workers. This demonstrates the positive side of the recuperated factories; it also points to

dimensions of Left wing movements that focus on labor issues in Argentina. Consequently, it is important to note that the Left in Argentina is not exclusively about labor issues, human rights discourse and praxis are linked to other groups. In any event, below, a discussion will ensue regarding the so-called autonomy of these two movements.

To some degree, movements like *los piqueteros* and *national movement of recuperated factories* speaks to the potential that civil society has to recuperate the metropolis. As was illustrated above, these movements challenge the monopoly the state exercises over violent force. Contrary to this dominant view, civil society is not intimidated by martial law; if the occasion warrants it, civil society will engage in violent revolt. What is more, they will try to utilize the law to maintain access to their source of livelihood. The initiatives of social movements in Argentina illustrate that civil society may act as guarantor of human rights and progressive social reforms. It also points to a particular shift in terms of legitimate use of violence and force, for while the state holds a monopoly on the latter, it seems that civil society may rationalize revolt whereby there is widespread disaffection. Their efforts indicate, therefore, that the state and law are not exclusively responsible for upholding human rights, but rather that a mix of social praxis and institutional power may further human rights. Both the former and latter perspective suggests a shift from a legal framework to one that possesses social characteristics.

Next, the *national movement of recuperated factories* demonstrates a concerted effort to keep surplus production in the administration of the collectivity, not of private ownership (Harvey 2012). This movement therefore, offers a radical challenge to that of

neoliberal model because the latter sought to impose initiatives that privatized public assets and profits were maintained by ruling elites. The former poses a social and economic assault on the neoliberal model because production and surplus is administered collectively. Alternative economic models therefore are part of class struggle, which aims to reclaim the city from bankers and corporations that are trying to control the production of commodities and wealth. Further, the act of rebellion and creative power highlights the agency of civil society insofar as instituting economic relations that are more in line with equity and social justice.

Collective control over the mode of production and surplus has a biopolitical dimension. In the context of the recuperated factories, Hardt and Negri would view it as a genuine expression of life affirming perspective of biopolitics because workers are in control, which ‘de-subjectifies’ them from neoliberal modalities of power (Hardt and Negri 2009: 58-59). To some degree, Hardt and Negri’s position on biopolitics inverts traditional views on biopolitics and subjectivities; this suggesting an alternative modality of producing subjectivities (ibid: 59). Hardt and Negri elaborate on this perspective,

Our reading not only identifies biopolitics with localized productive powers of life- that is, the production of affects and languages through social cooperation and the interaction of bodies and desires, the invention of new forms of the relation to the self and others, and so forth – but also affirms biopolitics as the creation of new subjectivities that are presented at once as resistance and de-subjectification. If we remain too loosely tied to a philological analysis of Foucault’s texts, we might miss this central point: his analysis of biopower are aimed not merely at an empirical description of how power works for and through subjects but also at the potential for the production of alternative subjectivities, thus designating a distinction between qualitatively different forms of power. This point is implicit in Foucault’s claim that freedom and resistance are necessary preconditions for exercise of power (ibid: 58-59).

The relevance of this quote for the ongoing analysis of social movements in Argentina is how articulations and praxis of freedom and resistance are coterminous with systems of power. This immanent possibility may unfold in sites whereby individuals exercise agency and have the freedom to create alternative structures. In the context of creating alternative structures, values may change as well. To take the recuperated factories as a case in point, workers are united through love, solidarity and cooperation; as opposed to values embedded in neoliberalism, which may be described as alienating and competitive.

Although Hardt and Negri theorize an alternative way of examining the relation between the production of subjectivities and biopolitics; this does not mean that they reject how institutions may act as a negative biopolitical force over subjectivities. Their analysis, rather, is to demonstrate that alternative ways of organizing biopolitical relations are tenable and tangible. In a sense, they are aiming to reconfigure the positive dimension of biopolitics, which will ensure the welfare of humans and environmental sustainability. What is singular for both Hardt and Negri, however, is contra Foucault; they propose a biopolitical framework from below as opposed to emanating from institutional power. This suggests ultimately, that subjectivities are not necessarily, or always at best, shaped by institutions, but that instead, whereby there are ruptures in social fabric, new subjectivities may arise that reflect autonomy (and heterogeneity) and a break from imposed disciplinary and consumer based subjectivities (Fontana et al 2002: 19).

Notwithstanding the progressive socioeconomic contribution of Argentinean social movements, it would be misleading to assume that is singular. Indeed, as David Harvey points out, civil society has reclaimed the city in cases such as in Paris in 1871,

whereby the commune revolted; another example is widespread uprisings in 1968, which spread from France to Mexico (Harvey 2012: 22). More recent examples will be outlined in the subsequent chapter, however.

Returning to the delineation that social forces that may ignite revolt, it is important to consider the role of social awareness and of possessing a quality of mind that is in line with human rights. Indeed, as was shown above, the dirty war left traumatized Argentinean civil society because it demonstrated problems linked with abuse of state power. As a result, Argentinean civil society was resolute in using the juridical apparatus to demand and/or hold military officials responsible for their genocide. From a grassroots perspective, they have mobilized various organizations that execute a degree of oversight over state activities. In addition to the flagrant abuse of state power, the inability of the rule of law to ensure habeas corpus or due process lead civil society to understand that they had to pursue measures independently. This means that they had to monitor state practices and set up organizations that will defend individuals. What these points suggest is that failure of the state and law to protect civil society was a catalyst insofar as indicating that they had to participate in looking after their welfare. Hence, ruptures in political, economic and legal institutions may facilitate the formation of alternative subjectivities (Fontana et al 2002). However, while collective memory may be viewed as an impetus, which facilitated fragments of human rights, it is equally important to consider the limits of relying on collective memory for social movements; as well as



ways in which ruling authorities may co-opt collective memory. These themes will be addressed below, along with some limits outlined above on the initiatives of *Los Piqueteros* and *Las Factorias Recuperadas*.

### The Paradox of Collective Memory

Collective memory is also a salient theme that may consolidate resistance to injustice. Individuals that witness the dehumanization of others may play a critical role insofar as mobilizing resistance because they embody the remains of those that suffered injustice and other social ignominies (Agamben 2008). This perspective applies to what occurred in Argentina during the dirty war and economic collapse of neoliberalism because survivors in both historical junctures seek to rectify injustices committed during these periods. The position of the witness however, is precarious because he/she stands in the past, present and future. The witness is tied to the past because of what was witnessed; in the present because of the potential to rectify the past and in the future in the sense of how he/she imagines it to be free from cruelty and injustice (Agamben 2009: 134). The precarious position of the witness is also tied to its ability to offer a testimony to atrocities committed (Agamben 2008: 130). Indeed, the witness embodies the possibility to articulating the horrors experienced by both the witness and the dead. In this sense, the witness is able to manifest a record of injustices committed during social unrest.

The role of the witness and his/her ability to articulate a testimony of social injustices contributes to social awareness because during both the dirty war and economic collapse, ruling powers tried to downplay the dire ramifications related to both themes. Indeed, the testimony of witnesses enabled civil society not to forget their history and crimes committed by ruling authorities. The two main social movements that mobilize efforts such as regular walks through La Plaza de Mayo and other forms of collective memory are practiced by Las Madres de Plaza de Mayo and Las Abuelas de Plaza de Mayo (Mother's and Grandmother's of Plaza de Mayo). Although they differ in their respective approach/objectives, they are part of the social movements that are tied to human rights advancement in Argentina. The latter is important to consider because there has been some discussion regarding labor movements in Argentina. Movements that address labor issues are not necessarily in line with those that seek redress for human rights violation (Kohen 2010: 172). This suggests that there are tensions not just within movements that are interested in advancing human rights, but also with those that are struggling for labor reforms. What this contradiction reveals are ways in which the Left may hamper hence, contribute to *venciendo* (vanquishing) social justice. Accordingly, it not just power structures, such as the state, law, police and military that curtail social justice, but that the Left is itself responsible for thwarting social justice.

Collective memory may operate like a type of archive; the main issue with the relying on an internal archive (or any other for that matter) is that it risks forgetting the very same memory it is trying to preserve (Derrida 1998: 11). The collective memory of *los desaparecidos* in Argentina is also subject to co-option by both Kirchner

administrations. Indeed, Nestor Kirchner instituted legal reforms that ended extant laws that exonerated previous military personnel from being prosecuted (Kohen 2010: 174; Wright 2007: 166). On a symbolic level, the infamous ESMA was closed down and was converted into a museum of national memory for the atrocious activities that occurred therein (Kohen 2010: 172-173). To some degree, these actions served to console elements in Las Madres de Plaza de Mayo and others affected by lost loved ones. On a national level, it also served to re-legitimize the state, rule of law and military because the state and law are sanctioning military personnel for their crimes. The military is re-legitimized because those that are tried and convicted are interpreted as being an exception within the military apparatus (ibid).

However, notwithstanding these benevolent gestures, other Left wing social movements such as *Partido Comunista* (PC) and *Partido de la Liberacion* (PL) challenge the compliance of Las Madres de Plaza de Mayo with the Kirchner government as well the latter stance on human rights issues<sup>14</sup>. First, it seems bizarre to some social movements that Las Madres de Plaza de Mayo may align their struggle for human rights with the state (regardless if it's with a so called human rights oriented government) because it was the state that committed ignominious crimes during *la guerra sucia* (Dirty War). To compartmentalize murder to the ESMA may be misinterpreted to suggest that state induced murder only occurred there at that historical juncture (Kohen 2010: 173). As the reader may recall, both Kirchner administration have also instituted laws that criminalize dissent as well as facilitate police violence against protestors (Kohen 2010:

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<sup>14</sup> PC stands for Communist Party while PL stands for The Liberation Party.

175). Further, although it is certainly important that some military officials have been convicted for crimes against humanity, it is far from sufficient because of two fundamental problems. First, just because some officials have been convicted, it is not an adequate representation of those that have yet to be tried. Correspondingly, at the rate that military officials are being convicted, it is estimated that it would likely take 260,000 years to prosecute all constituents involved in the systematic killings of 30,000 *desaparecidos* (disappeared) (Kohen 2010: 178). What this suggests is that there are many military officials that are free in Argentina (Kohen 2010: 173).

One may infer from this account that the Kirchner administrations have co-opted the human rights objectives of Las Madres de Plaza de Mayo. However, the labor struggles that many of *los desaparecidos* were involved in, seems to not be on the agenda of Las Madres de Plaza de Mayo. More disquieting, Videla's military junta criminalized dissent and exterminated 30,000 Argentinean's. Both Kirchner administrations have criminalized dissent and there has not been a quantifiable reduction in social violence (Kohen 2010: 193). Yet, the Kirchner administrations have been rather astute in prosecuting some military officials because it integrates human rights into the orbit of power structures, while paradoxically, not altering conditions of inequality and exploitation. The fact that some of the military personnel was convicted under the Kirchner administration serves to symbolically give the government a human rights focus. The forgoing account illustrates how the notion of *vencedores vencidos* (to prevail, to be vanquished) applies equally well to both social forces. Indeed, both social forces have to some extent achieved desired ends, but have also compromised some goals. The reader

may recall, many of the 30,000 *desaparecidos* (30,000 disappeared) were endeavoring to mitigate issues tied to education, health, wage improvement and democracy; yet, it appears that La Madres de Plaza de Mayo have compromised those objectives to have a few military officials convicted and for the Kirchner administration to pay lip service to human rights agenda.

In addition, the Kirchner administration replaced corrupt personnel in the juridical, military and police apparatus in an effort to restore public faith in the legitimacy of these institutions (Petras and Veltmeyer 2005: 30). Nestor Kirchner instituted anti-bribing laws, which are also part of his aim to present these institutions as being honest (ibid). There is a paradox in the case of the former, which raises serious doubts about the Kirchner administration to restore political legitimacy. More to the point, top personnel have been changed, but the authoritarian culture that reigns in these institutions has not been challenged (ibid). This suggests that the leaders of these institutions have changed, but the same ideology and values prevail. What follows then is a situation in which flagrant abuse of power and human rights violations are likely to resurface under the order of different personnel.

A few points may be inferred from this account. First, while some officials have been prosecuted, the authoritarian structures remain intact. Obviously this is not meant to discard the significance that prosecuting such individuals implies. The importance of social movements throughout this process is undisputable. What is more, the role of social movements in this context demonstrates the potential that they have in advancing human rights through praxis. However, to overlook the institutions these individuals

operated in is to ignore that these individuals are part of a wider systematic problematic. Put differently, power structures such as the state, law, police and military must also be sites of renewing human rights praxis from social movements. This point suggests that social movements struggling for human rights should direct energy towards challenging power structures from within and without.

Accordingly, one may see a problem with relying on collective memory as a type of archive because it not only risks forgetting previous atrocities, but it is fragile and does not guard against efforts of co-option. On the other hand, collective memory seems to be selective as well; for as the case of Las Madres de Plaza de Mayo demonstrate, they centralized their efforts on human rights and legal sanction against military officials. However, they are disconnected from other struggles tied to social justice, which was one of the primary reasons why their loved ones were apprehended, tortured and murdered.

Notwithstanding some positive dimensions of collective memory, critics may view such a perspective as homogenizing memory. In response to this critique, Hardt and Negri articulate that strict adherence to fixed identity is problematic because it undermines inherent multiplicities inscribed in identities (Hardt and Negri 2009: 338-339). Relaxing or dispensing with rigid accounts of identity enables individuals to acknowledge how not only identities are hybridized, but also how they change in accordance with spatiotemporal relations (ibid: 339). Sticking to particular identities may also limit resistance especially if one's population is not affected. Accordingly, Hardt and Negri postulate that by embracing the abolition of fixed identities, individuals have the potential to act in concert with others in the spirit of pursuing human rights and social

justice. In the case of *la guerra sucia* (The Dirty War), the notion that the state ruptured families was arguably the kernel, which solidified Argentinean civil society because individuals not affected by the military junta, could at the very least, sympathize with losing loved ones. Further, the primary leaders of resistance to the military junta were the mother's and grandmothers of the disappeared. From a symbolic perspective, the idea of seeing mother's and grandmothers distressed enabled Argentinean civil society to unite because they could identify with the indescribable anguish experienced by these two groups (Brysk 1994; Risley 2012).

Hardt and Negri's perspective may connote dire implications for resistance. As was shown above, Argentinean civil society was able to organize a popular revolt in response to economic collapse because it set apart different ethnic and class prejudices. Both the former and latter cases illustrate how identities may be at the very least suspended temporally in the interest of advancing human rights and social justice enterprises. In other words, subjectivities may emerge that are guided by an ethic of social justice and at the very least, breaks from imposed disciplinary and consumer based models (Fontana et al 2002). These two examples from Argentinean history should not be considered isolated events.

Despite the multiplicities of identities in Bolivia, divergent ethnicities and indigenous groups have been able to work in solidarity to protect natural resources. Bolivia's water and gas war's (2000-2005) also attest to the idea that identities may be transcended. In Cochabamba, for example, there are various indigenous and ethnic groups, yet they were able to act in solidarity whereby neoliberal reforms aimed to

privatize water and gas reserves (Olivera 2004). Their struggle defeated the aims of corporations and they were able to keep water and gas reserves under national reserves (ibid). The pervasive element in Argentina and Bolivia is that individuals acted in common to defend their interests. One may also note the power to revolt and creativity in these two cases because of the complex challenges that were launched, these include, roadblocks, direct confrontation with police and military, providing food and health care outlets and legal challenges (Olivera 2004; Hardt and Negri 2009).

Returning to the discussion of Argentina, as the reader may note, the primary limitation of the resistance from Las Madres de Plaza de Mayo is that they were separated from other social movements. Put another way, they did not have a long term political agenda (Prevost 2012: 30). Consequently, their struggles and achievements may be seen as fragmented. Arguably, their inability to organize politically put them at risk of being divided and that their initiatives could be co-opted by ruling powers. In the case of the recuperated factories, workers have a degree of autonomy, but most of these factories are stated owned. What follows is a situation in which workers obtain financial remuneration, but ruling powers are able to maintain control of the mode of production (ibid). The Kirchner administrations were able to ‘convince’ workers to operate the recuperated factories under a profit-oriented model in exchange for legal recognition (Petras et al 2005: 51). However, far from starting from a clean slate, workers incurred the debt of the previous owner (ibid). This suggests that to some degree, the Kirchner administrations did not address class structure, what the administration cleverly did was give workers legal authority to work, but they still incurred debt. Therefore class relations remain in



tact (Petras and Veltmeyer 2005; 2011). This is a problematic because *los desaparecidos* as well as those that mobilized on 19 and 20 of December 2001 struggled to improve labor conditions and yet, their efforts do not appear to be fresh in the collective memory of Argentinean's.

The Kirchner administration also engages in providing financial assistance to Argentinean civil society, which lives below the poverty line<sup>15</sup> (ibid). At first glance, this may appear as a benevolent gesture; but if viewed from a more radical perspective, it points to serious problematic, which is that class inequality are not addressed, but rather efforts are made by the government to make life more bearable particularly for those in need. Issues connected to health care and inadequate education is not addressed (Kohen 2010: 191). However, providing financial assistance to groups in need is a clever strategy to depoliticize individuals because they are able to cover basic necessities of life. On this point, James Petras and Henry Veltmeyer write,

Moreover the payment covers only 40 per cent of the unemployed or underemployed. The key purpose of the work plans, from their origins to the present, was never to solve the problem of malnutrition or unemployed, but to 'contain' discontent (Petras et al, 2005: 43).

Related to this problematic is the potential that exists for corruption to prevail among individuals that are supposed to distribute these funds to people in need (Petras et al 2005: 43). Indeed, provincial governors may distribute the money to fellow elites, on the one hand, and they may also use these funds to purchase votes from disenfranchised individuals. But this tendency of the social movements to be divided and pursue fragments of human rights and social justice is akin throughout Argentinean history. This

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<sup>15</sup> This program is known as Unemployed Heads of Household Plan

perspective suggests that far from perceiving social movements as inherently progressive, one should be suspicious of their ideology and praxis. Moreover, it is important to note how social movements in Argentina may oscillate between having a quality of mind that pursues human rights to one which emulates martial law.

Finally, while the Kirchner administration appears to have emancipated Argentina from repaying its debts to the IMF, this merits a revisit. Nestor Kirchner has in effect complied with IMF demands; the exception is that he has rejected increases in budget surpluses and higher payments to private bondholders. From an ideological standpoint, his politics appears to have created an image of protecting Argentinean sovereignty from financial corporations (Petras et al 2005: 31). However, this is not necessarily true, because his strategy still conformed to the exigencies of the IMF.

To summarize, the analysis above has challenges the exclusive monopoly the state has on the use of force under martial law. Correspondingly, the use of force and widespread propaganda designed to instill fear among Argentinean civil society proved to be unsuccessful. Indeed, the former perspective is limited because it examines power from a top-down perspective. As was shown in the context of Argentinean history, social movements may in response to a crisis also engage in violence to challenge abuse of state power and financial corporations. But the rationality to engage in violence may be inspired by collective memory. This point is important to consider because it suggests that the legitimate right to use violence does not necessarily have to be confined to legal discourse, but rather has a social and psychological characteristics.

As was shown above, the *piqueteros* movement was a critical movement in terms of disrupting socioeconomic flow throughout Argentina. On the other hand, some workers were able to take over factories and create alternative working conditions, which are more in line with equity perspectives. To some degree, these two movements highlight not just the potential for counter-hegemonic forces to challenge powerful institutions, but perhaps more broadly, how equity and human rights are a process (Stammers 2009). However, it is important to recall that these two movements are divorced from other segments of the Left. To be sure, social movements that have human rights agenda are at odds with those that pursue labor issues. However, their struggle is also riddled with limitations, particularly as many of their initiatives have been co-opted by the Kirchner administration.

A central problem with these movements is the lack of class consciousness and fragmented collective memory. Indeed, hegemonic forces were able to exploit this reality by merely implementing reforms, laws and policies that would appease them and consequently subdue grievances. What is more, the Kirchner administrations ability to accommodate some of the labor and/or human rights objectives, it inadvertently aroused conflict between social movements. Indeed, both labor and human rights social movements entered a struggle for redress from the Kirchner administrations (Nestor and Cristina). Consequently, rather than uniting, social movements pursue strategies that sabotage each other either from within or without. This ability that social movements have to resort to violence highlights ways in which it may embody martial law as a type

of consciousness. In other words, social movements risk subverting human rights goals to dogma, which may result in engaging in violent activities to suppress competing interests.

The limitation of *Los Piqueteros* (The Picketers) is not meant to suggest that their enterprise has been an utter failure. On the contrary, their movement demonstrates the potential civil society has to unite and struggle for common interest, which relates to human rights and social justice. The latter expresses the importance of examining the in between of *vencedores vencidos* (to prevail, to be vanquished) because the pursuit of social justice is a process. Their limitations correspond to lack of class consciousness, but also to a lack of political agenda. Indeed, this facilitated the Kirchner administration to divide, dismantle and co-opt their initiatives. On these issues, Petras and Veltmeyer write,

The greatest accomplishment of the piquetero movement was the organization of the mass of unemployed for collective action. Its limitation is the failure to advance class consciousness, thus creating the current impasse and fertile terrain for the re-emergence of clientele politics under the 'benign' reign of the Kirchner regime. An emphasis on municipal rather than national issues fragmented the movement into hundreds of competing groups (Petras and Veltmeyer 2005: 49).

The above quote suggests that rather than attacking power structures, social movements in Argentina attacked instances of flagrant abuses of power. Yet, both labor and human rights movements have conflicted conceptions on what the sites of redress are to be. As a result, their initiatives are fragmented and their human rights and social justice consciousness is compromised.

A few perspectives follow from here. First, this suggests that human rights, equity and social justice should be examined from the standpoint of social movements, as opposed to power structures. Next, in line with particular historical juncture, each social movement addresses issues that mainly affect them. Therefore, rather than viewing said

pursuits as either being a force of contention and/or co-option, it may be more useful to examine such a relations dynamically and as continuous. Accordingly, even though an initiative may be co-opted, it would be a mistake to assume that it will remain so and that it will not be challenged by social movements and/or from within a particular institution.

On this point, Neil Stammers writes,

At its most basic, my argument is that, once institutionalized, human rights stand in a complex and ambiguous relation to power. Typically constructed in social movement struggles to challenge extant 'power over', institutionalized human rights do maintain a capacity to challenge or constrain power over. Yet they can also be 'switched' or 'turned' so as to serve or sustain power. Activism, whether by social movement or (I)NGO, often follows similar or parallel trajectories (Stammer 2009: 129).

Implicit in this formulation is the complex relation between exercising agency (from the standpoint of social movements) and power structures (the state, juridical apparatus and financial institutions). Far from limiting one's analysis to archival accounts of human rights, equity and social justice, it is equally important to account with the power and role of social movements (Stammer 2009). To be sure, social movements may act as guarantor of human rights. The ability of social movements to act as such is shrouded with their resoluteness to overcome internal divisions. However, once power structures like the rule of law co-opts human rights initiatives the articulation and practice of human rights enforcement alters. In a sense, once human rights are institutionalized, the enforcement of rights and equity take on a paradoxical character.

A broader issue is also at play here, the inability of social movements to act cohesively suggests that there is a crisis in its conceptual approach and praxis to mitigate social ills. Since the Kirchner administrations have been in power, there has been a steady decline in the amount of Left leaning votes in national elections (Kohen 2010: 265). This

point is important to consider because prior to the national uprising, the Left appeared to be a powerful force. Yet, there has been a steady steep in its prestige (of the Left and Kirchner government). Correspondingly, if social movements are able to materialize fragments of human rights and some labor reforms, what does this mean in terms of potential backlash from cadres of neoliberalism, police brutality and underground crime? Moreover, it is also disconcerting to note how social movements are corruptible and are very adept at having their human rights initiatives co-opted. Accordingly, contradictions in social movements may lead one to be rather suspicious of their so called 'progressive' approach.

Jacques Ranciere's philosophy engages with themes associated with the role of civil society to challenge contemporary power structures. However, unlike liberal theorists, such as Immanuel Kant and John Rawls, he is suspicious of conferring power and trust on institutions to uphold democracy and human rights. A salient paradox that he highlights is the inability of Western countries to practice democracy in their respective countries and yet trying to impose democracy in other countries (Ranciere 2006). Clearly one cannot speak of democracy in cases whereby authorities have unilateral power to determine the lives of undocumented people. One of the central questions that he asks is: Does the structure of democracy change in accordance with countries? According to Ranciere, Western democracies conception of democracy seems to be more concerned with producing consumerism, rather than politicized citizens.

On the other hand, Ranciere regards Western democracy to be farce at best, hypocritical at worst. For instance, Ranciere illustrates two examples that undermine

democracy. First, a recurring issue in Western countries is that of a Muslim woman that refuses to remove her headscarf and is marginalized by mainstream society. Here, one could perhaps note the way in which the law curtails religious freedom of expression. Another prevailing problem in Western countries is the pursuit of same sex couples desiring to adopt children and are generally not able to (Ranciere 2006: 29). Here too, one could postulate that the law privileges heterosexual couples adopting children over same sex couples. Both examples are united in that ruling powers are reluctant to accept heterogeneity and their will to impose homogeneity. Ranciere summarizes these problems, Ranciere writes,

Democratic life becomes the apolitical life of the indifferent consumer of commodities, minority rights, the culture industry, and children produced in laboratories. It comes to be identified purely and simply with 'modern society', which in the same blow is transformed into a homogenous anthropological configuration (Ranciere 2006: 29).

One of the critical points to infer from Ranciere's quote is that the concept of democracy has been exploited by ruling powers. Those that rule therefore set the contours of democracy. What Ranciere describes about Western democracy is a gross breach of the concept. What is even more disconcerting is that political struggle has been removed or curtailed by those claiming to practice democracy. What prevails in Western countries are the rules of political and economic oligarchic masking to be democratic (ibid: 73). Such oligarchies invoke democracy to facilitate their political and economic objectives. These oligarchies struggle among themselves for power, but they silence and/or suppress debate from including civil society.

Ranciere postulates that Western countries abhor democracy at best and that democracy is an empty word at worse. From an ideological perspective, democracy

conceals unequal power relations especially since it is a minority (elites) that are defining social, political and economic relations. Moreover, democracy mystifies how political and economic elites legitimize domination of the polity. In short, Western countries are far from being democratic, yet political leaders in such countries want to bring democracy to other countries. Needless to say, it seems hypocritical of Western governments to preach that which they do not live up to. But, as Ranciere points out, among many others, the invocation of democracy is part of a larger strategy of Western countries efforts to plunder, dispossess natural resources, and expand their economic, political and cultural goals. One may argue that the strength of Ranciere's analysis has some overlap with the way social movements in Argentina and the Kirchner administration use human rights to suit their agenda. This suggests that progressive concepts such as human rights and democracy may be co-opted by power interests (from the top and bottom) while concealing flagrant distortions of such perspectives.

Ranciere's analysis seems to be limited to a top to bottom perspective, which although it has its merits, it overlooks how efforts at democracy from below are equally replete with contradictions. Put differently, while social movements may mediate state power to advance human rights; social movements may also engage in authoritarian practices that thwart if not compromise human rights. Consequently, social movements and so called Left wing political parties fail to take responsibility for their collective inability to work cohesively in favor of labor and human rights issues. Instead, what has flourished in Argentina, is that struggles have become regional; this means that Left wing parties and prevailing social movements are focusing their agenda on specific issues to a



circumscribed areas (Kohen 2010: 268). Arguably, this deepens fragmentation within the Left and social movements in particular because they are segregated and are not necessarily focused on macro sociological issues. However, by centralizing their efforts to specific localities may help ameliorate outstanding issues therein and may provide spatio-temporal relations to reconceptualize a nuanced philosophy and praxis to challenge existing power arrangements.

Accordingly, the Left along with social movements has delivered promises of labor and human rights in fragments. This suggests at certain convergence with the failure of Western Democracies to live up to democracy because it too has delivered it in practice. Moreover, as has been demonstrated throughout this dissertation, social movements are divided within and without and struggle to advance their peculiar interests over others. The limitations of the Left and of social movements to materialize their goals may have a dire ideological and practical crisis, which may ignite reactionary responses from within and without. This crisis may be conceptualized in the following way: if Left wing parties and social movements may be co-opted and be corrupted, reactionary forces representing neoliberalism and/or the police may strive to 'restore order' through law and order. The latter may be grasped by interpreting the symbiotic relationship between human rights and martial law; both exist simultaneously and co-dependently. This suggests that human rights exist because of martial law and the latter exists because of the former. What is more disturbing is the complex structure in which social movements may pursue human rights yet equally so display elements of martial law in their ideology and practices.

The subsequent chapter will continue to explore issues associated with the pursuit of social justice from the standpoint of social movements. The latter will be achieved by exploring the trajectories of social movements historically in Russia and Spain. The aim is not just to point out how ruling powers may divide, dismantle and co-opt initiatives of social movements, but more disturbingly, how within social movements, tensions over the direction of the movement may lead to betrayal of progressive reforms. Contemporary forms of alternative forms of organizing civil society will be provided too.

## Chapter 5: The Human Rights Industry in Argentina

Whoever fights monsters should see to it that in the process he does not become a monster. And when you look long into the abyss, the abyss also looks into you (Nietzsche 1989: 89)

It is important to bare Nietzsche's perspective in account because it captures an irony whereby forces trying to mitigate social ills risk embodying the very same malaise they appear to oppose. Accordingly, the previous chapter illustrated how social praxis initiatives may be co-opted by ruling powers to maintain capitalist system of exploitation and production. However, co-option may serve mutual interests – those of the human rights organization as well as the state. For example, Las Madres de Plaza de Mayo launched a social project that was designed to provide social housing for marginalized populations in Argentina. They also have a university, which relies on public and private funding (Gasulla 2012). By virtue of the Kirchner administration, the Madres de Plaza de Mayo received lucrative funding that has not necessarily been allocated for stated intentions (ibid). From a symbolic perspective, the support that the Kirchner administration gives the organization legitimizes its rule because it is the first time an Argentinean government works with a human rights organization. As a result of this human rights bond, members at the top of the organization of Las Madres de Plaza de Mayo, such as Hebe de Bonafini, Sergio Schoklender, Felisa Miceli and many others have advanced their economic position<sup>16</sup>. Moreover, the human rights struggle of the

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<sup>16</sup> Sergio Schoklender is no longer a member of the organization, there is much controversy surrounding his withdrawal from the organization.

organization has been compromised and their militant practices seem to emulate oppressive practices under martial law. Thus, the capacity the organization has to act in martial law ways is paradoxical because it highlights another dimension of collective amnesia which appears to forget the struggle against authoritarian practices of the military junta. This will be developed below. More broadly, both the organization and the Kirchner administration have deceived Argentinean civil society by using human rights and social programs as a banner to conceal acquisition of wealth and political power (Gasulla 2012: 10-14; Di Marco 2012; Natalichio 2012).

Although social praxis may be co-opted, this is not meant to suggest that struggles diminish. On the contrary, the pursuit of social justice and human rights remains equally intact. In order to combat the co-optation of social movements, a few tactics were proposed to resist such initiatives. This chapter aims to build on strategies that social movements may use as a point of reference to maintain control over their human rights endeavor. To achieve the latter, this chapter will review lessons from historical examples whereby anarchistic social movements were dismantled by both the Left and Right practices. More specifically, movements in Russia and Spain have had a rich history in anarchism that may provide a wealth of insights for contemporary and future social movements. This will be the first focus of the chapter. It will also be demonstrated how human rights organization like Las Madres de Plaza de Mayo may betray human rights projects to advance economic interests. What is more, it will be shown how the Kirchner administration uses human rights as an ideological and political tool to legitimize its authority. Subsequently, however, a theoretical outline will be provided on the

philosophy of anarchism. Exploring the philosophy of anarchism is relevant here because it may be used as a perspective for social movements to challenge centralized forms of power and authority. Perhaps the key lesson that Argentinean social movements may extract from other social movements is to maintain independence from power structures.

### Anarchism

Anarchism is a philosophy that aspires to liberate people from domination, which stems from the state, political economy and hierarchy (race, class and gender). In other words, anarchism is against authority and/or government insofar as it is centralized and hierarchized. Some branches of anarchism claim that violent action is one way of achieving social justice. Other sectors of this philosophy call for direct action (peaceful protest) and/or a combination of the former and latter (Kinna 2005). The overarching goal of anarchism however is that people take action to alter existing institutions in society so that people may self-manage their own affairs (Kinna 2005). This is not to romanticize the notion of self-management, but rather to discuss this possibility and thereby address pertinent issues related therein. Everyday people taking action suggests that anarchism is a philosophy that is directed to individuals from below as opposed to a philosophy that aims to inspire people at the top.

The latter is significant to consider because Marxist and Leninist doctrine tends to marginalize non-working class members from playing an active role in revolting. Indeed, according to Marxist and Leninist literature, it is the working class that will revolt against the bourgeoisie (Bakunin [1990]; 2005). Therefore, anarchism does not suggest that the

working class will not play a role in rebellion, but instead, includes the so called 'lumpen proletariat' that Marxist and Leninist ignore (ibid). Marxists such as Antonio Gramsci, however, also claim that every member of a society is a potential philosopher, which may help organize resistance to hegemonic power structures (Gramsci 2007).

Providing that an anarchist movement succeeds, this scenario will culminate into a confederation of localities within a geographic territory (Bookchin 1991; Kinna 2005). Anarchism proposes a set of different values to those that currently exist. One of the values that anarchism postulates is cooperation among humans and the environment, Bookchin calls this, 'social ecology' (Bookchin 1991). This runs counter to the individualism and stiff competition that capitalism imposes on civil society. Next, wealth and resources are used in a complementary ways; the satisfaction of wants is matched in accordance with needs; Peter Kropotkin calls this 'mutual aid' (Adan 1992; Bookchin 1991; Bakunin [1990]; 2005; Kropotkin 2006; Guerin 1970). Murray Bookchin conceptualizes the act of giving in response to need as an expression of 'usufruct' (Bookchin 1991). What both Bookchin and Kropotkin argue is that historically humans have been able to survive on the account of their capacity to cooperate and share resources. Moreover, Bookchin's analysis on human and ecological relation is meant to illustrate the dire necessity of changing human relation to ecology to ensure the survival of both. Here too, Bookchin documents very well how human capacity to have a friendly and respectful relation with nature ensured survival (Bookchin 1991).

In both capitalism and socialism, the primary means of maintaining order is through the rule of law. Law is meant to deter deviance and is a critical tool to facilitate social control. This means that rule is established by coercion and fear. In defiance to this, people rebel and struggle to emancipate from the yoke of the rule of law. The state's response to such opposition is to exacerbate draconian law and order measures. A vicious cycle characterizes the relation between civil society and the state. Anarchism rejects the rule of law as it is exercised by the state on the account that it imposes an order that all must follow. Anarchist principles encourage free association among people and communal values, which are designed to bring people together out of their own volition. The idea here is that acknowledging that there is power in working together, distributing goods and resources more equally and respecting each other will facilitate autonomy and cooperation among civil society (Bookchin 1991; Kinna 2005; Kropotkin 2006; Orwell [1938] 2000; Zinn [1997] 2009).

The philosophical outline sketched out above stands in opposition to mainstream views about anarchism. Generally, anarchism is conferred with negative connotations, such as disorder, chaos and individualism. While one could argue that such depictions are part of an ideological warfare launched by both right and left wing political views, one must not lose sight that anarchism is in line with immanent critique, which means that contradictions in a given society is pregnant with anarchist critique and possibility for materialization (Zinn [1997]; 2009:705 Orwell [1938]; 2000).

Moreover, it would be a mistake to interpret the anarchist outline above as mere theory and having very little currency. Indeed, anarchism has been part of human history from time immemorial. Peter Kropotkin, for example, argues contra Hobbes, that human history is characterized as the ‘war of each against all’, and instead claims that mutual aid, cooperation and solidarity is what has enabled humanity to endure (Kropotkin 2006; Bookchin 1991; Colaguori 2011). In a similar vein, Murray Bookchin, has documented not just the cooperation and solidarity in human history, but more broadly, how human relation to ecology was more wholesome to that of contemporary capitalist model (Bookchin 1991). Bookchin’s main point is that there was non-hierarchical relation that would justify domination and anthropocentrism. My intention in articulating human history from an anarchist perspective is not to romanticize the past. It is meant to challenge taken for granted values of the present, which tend to celebrate the triumph of capitalism. Humans make their own history and as such, social conditions are tentative and may be changed to serve authentic human and ecological interests. The capitalist system intensified hierarchy and instituted private property; this circumvented values surrounding communal ownership, non-hierarchical order and cooperation.

One may also see another historical moment of anarchism if one recalls the Paris Commune, in which everyday people revolted against ruling powers. During their rule, society was more egalitarian, health care was provided and cooperation reigned. A counter revolutionary force defeated the Paris Commune and order was restored in the interests of the monarchy and bourgeoisie.



The forgoing accounts illustrate how the bourgeoisie and monarchy conspired to dismantle anarchist movements. This is true in these two instances, but one cannot generalize that anarchism has failed because of the bourgeoisie and monarchy exclusively. It is important that readers take note that anarchism has not succeeded by and large because at times, the Left has betrayed them or taken measures to sabotage anarchist initiatives (Bookchin 1998; Guerin 1970; Orwell [1938]; 2000). Take for example, the Russian Revolution of 1917, the socialization of production was initially controlled by workers. However, the Bolsheviks could not allow this to triumph, so they sabotaged efforts of workers to be self determined and self managed. One of the tactics used by the Bolsheviks was to conceal tools and stocks of workers (Guerin 1970: 84). Bolsheviks wanted to nationalize industry so that they could control valuable assets of the country. Correspondingly, controlling resources will enable Bolsheviks to distribute money and power among party members as opposed to doing so in an egalitarian manner. Therefore, the banner of socialism was used to undermine anarchist strategy. However, the real motives behind the push for socialism were that Bolshevik elites wanted to control natural assets and could not grapple with the threat of anarchism.

In addition to the Bolshevik party to co-opted labor initiatives of anarchist, they waged an ideological war on them too (ibid: 92-93). The Bolshevik party controlled the media and therefore ensured that initiatives of anarchist movements were treated with suspicion. Conveniently, the Bolshevik party portrayed their social, political and economic objectives in a positive light (ibid). In the labor sector, the Bolshevik party

followed measures to dismantle and destroy anarcho-syndicalism (ibid). Anarcho-syndicalists were put in jail on false charges, some were executed and anarchist literature was practically eliminated (ibid).

What occurred in Russia is not anomalous; a similar pattern may be seen in Ukraine and Spain. I will not focus on the former, but I will focus on the latter. Spain has a rich history with anarchism, in fact, its engagement with anarchism may be traced from 1868-1936 (Bookchin 1998; Gurein 1970; Orwell [1938]; 2000). Spain, much like other countries in Europe at the time (1868 onwards) was plagued with class antagonism. Sharp class antagonisms were on the horizon; however, different conceptions of the revolution are what divided the Left. In other words, socialists and anarchist interests conflicted.

Two streams of anarchism prevailed in Spain; in rural areas, communalism reigned; on the other hand, syndicalism found its place in urban parts of the country (ibid). During these years, historical accounts describe the situation in Spain as being egalitarian. For example, distribution of resources and wealth were based on needs. The latter is peculiar because it actually reduced crime rates. Whereby there were criminal activities, medication was distributed (if necessary), but by and large, criminals were provided with education (ibid). This example is important because it illustrates how education and non-punitive measures may be used to rectify crimes committed.

The Spaniards set up *colectividades* (collective assemblies) to handle resources. This suggests that workers were in control of production, distribution, consumption and profits. Federal councils were organized to facilitate trade and business transaction with other businesses in the country (ibid). Despite these humanistic advances, anarchists were

not necessarily organized to such a degree that they could defend their interests independently. For example, they did not have weapons and they did not have financial power. This is the primary reason why they were compelled to unite with Spanish Socialist party. Spanish Socialist party had weapons and capital because they were being helped by the Bolshevik party (ibid). The assistance that the Bolsheviks were giving to socialist suggests that they had interests in ensuring that socialist seize power, not anarchist (ibid).

As a result, socialist sought to sabotage self management efforts of anarchists. This was done by defamation and tampering with self-management organization, this includes infiltrating groups and causing tensions, stealing and so forth (ibid). The reader may note some similarity here, particularly as it seems almost identical with what the Bolsheviks did to the Russian anarchists. The press played service to both the Left and Right wing party interests by calling into question the honesty of self management enterprises (ibid). Clearly, anarchism threatened both parties and it was of dire concern to eliminate anarchist fervor. Later on, in 1938, anarchism was dismembered by General Franco who seized power. Franco instituted martial law to eliminate and/or subdue opposition.

As was mentioned above, the Bolshevik party defamed anarchism; while, the socialist and the right (bourgeoisie, monarchy and military) thwarted anarchist movement in Spain. In addition to tampering with self-management projects, the control of mass media was tantamount to crippling the legitimacy of anarchists (Orwell [1938]; 2000). Moreover, great efforts were made by both Left and Right wing parties to silence if not

deny the anarchist success in Spain (ibid). Both the West and Russia were adamant about ensuring the failure of anarchism in Spain because they had invested lots of money, weapons and intelligence to right and left wing political organizations. Anarchism was coordinated by people from below, not from power blocs emanating from Russia and/or the West.

While the Left and Right had competing interests, they were united on one issue: both were struggling for control over the Spanish state, which, would in turn, grant them access to resources in the country (Bookchin 1998; Orwell [1938] 2000). The latter questions the authenticity of the rhetoric posited by both the Left and Right, which claimed that they wanted to institute freedom. The convergence of both the Right and Left insofar as opposing anarchism and desiring freedom should not be viewed as if there were no tensions between them. To be sure, the Left wanted control of the state and sought to implement socialism; while, the Right wanted to control the state, but the Right was divided on two fronts, one group wanted to implement a capitalist framework, while another segment of the right, had a fascist inclination. As the war deepened, the Left and the Right continued to sabotage anarchist enterprises. The lesson that George Orwell learned from his military participation in the Spanish Civil War is a profound mistrust for both the Left and Right wing parties alike. Orwell writes to this effect,

One of the dreariest effects of this war has been to teach me that the Left-wing press is every bit as spurious and dishonest as that of the Right. I do earnestly feel that on our side – the Government side – this war was different from ordinary, imperialist wars; but from nature of the war- propaganda you would have never guessed it (Orwell [1938] 2000: 215).

George Orwell experienced the betrayal of socialism to anarchist initiatives. This was a hard lesson for him to digest because as the quote indicates, one may expect opposition groups to operate against each other, but when there are competing interests within a political organization, then the stakes are even higher. What both cases (Russian and Spanish) reveal is that grass roots movements cannot necessarily put their trust in political parties. The latter point converges with the aim of this chapter, which is to conceptualize alternative forms of social cohesion, free from ruling powers. This process, however, cannot be made from those in power; on the contrary, in line with anarchist philosophy, it is up to polis to take control of their own affairs free from extant institutions – the State, law, banks, police and military. One may borrow from the history of anarchism to acquire perspectives, but the pressing condition of humanity and ecology demands that the polis take action to organize society in a way that institutionalizes eco-anarchist principles. The latter is meant to signify that human interaction with the environment may be guided by values of respect and sustainability.

During the tumultuous period of civil strife in Russia and Spain, it is clear that there were competing political parties to organize society in accordance to their respective interests. What is less obvious however, is that social upheaval also offers an opportunity for civil society to organize social relations in ways that suit humanitarian and ecological objectives. Crises not only provide occasion for ruling powers to reorganize capitalist structures, it also opens space for civil society to organize society in ways that promote values of cooperation not competition, collective sharing as opposed to private property and so on. Therefore, emergency rule may be utilized by civil society

to further human rights, social ecological imperatives and alternative economic systems. Indeed, from this standpoint, emergency rule may take more of a bottom to top favor as opposed to serving those at the top to the dismay to those on the bottom.

Thus far, this chapter has canvassed the history of anarchism in Europe. However, it would be misleading to assume that anarchism has only arisen there. The following section will show more recent examples of anarchism, particularly in Bolivia. The objective is to demonstrate that anarchist principles are viable, and that they cannot be reduced to mere idealism.

### Anarchism in Bolivia

From about the 1970s, Bolivian civil society has been waging grievances in relation to a host of state initiatives on issues pertinent to indigenous peoples. For example, following the directive of institutions like the IMF and World Bank, the Bolivian state has imposed measures to privatize water and gas reserves. Moreover, Bolivia has been profoundly affected by the so called war on drugs, because it one of the primary countries in Latin America that produces coca. However, coca leaves are part of indigenous people's culture; thus, efforts to criminalize the production and consumption of coca leaves were interpreted by indigenous peoples as a direct assault on their culture (Morales 2012; Olivera 2004). In response to the imposition of neoliberalism and the criminalization of coca leaf, civil society in Bolivia has achieved a series of impressionable deeds that warrant attention, particularly in terms of resistance. In direct opposition to neoliberalism, they prevented corporate appropriation of two natural

resources: gas and water. They did this by organizing mass protests and strikes (ibid). At times, confrontations with the police were violent. Next, civil society organized to prevent criminalization and destruction of coca leaves (Morales 2012). This was achieved by protests as well as proving that coca leaves are part of their national heritage. Finally, in a historical landmark, indigenous groups in civil society were able to engage in participatory democracy and elect the first indigenous president, Evo Morales in 2002.

Morales has been able to facilitate progressive policies in line with indigenous peoples in Bolivia, but it is important to acknowledge that this is a difficult process because of the diversity of indigenous peoples. For example, although the Aymara people are a large group, there are other groups equally as large, such the Quechuas, Chiquitanos and Guaranis (ibid: 60). Of course, there are smaller indigenous groups, which represent other difficulties in terms of accommodating diverse interests. Moreover, Morales has to not only balance meeting the needs of indigenous peoples, but also that of a minority of mestizos and European decedents in Bolivia, which generally comprise the middle class and ruling elites. Problems and contradictions with his policies are outside the scope of the present endeavor, however.

Morales presidency has significantly improved relations between the state and the Aymara peoples. The indigenous population of Aymara has been profoundly impacted by colonialism and neoliberalism. Similar to the way in which the violent expansion of capital has led to the killing and/or displacement of indigenous people, one may note that contemporary neoliberal reforms continue to impact indigenous peoples. In other words, the inexorable pursuit of profits by multinational corporations has forced Aymara

population to disperse throughout Bolivia. As a result, Aymara population has settled in El Alto. El Alto is geographically stunning and it is 13,615 feet above sea level. What is remarkable about El Alto, however, is the way in which the Aymara population has organized society therein. They work in solidarity and resources are collectivized (Zibechi 2010: 19). In El Alto, there are many populations and yet, a communal atmosphere prevails, which is to say that values like reciprocity, cooperation and egalitarianism reign (ibid). This latter point is important to consider because it illustrates how notwithstanding cultural and ethnic divergences in Bolivia, individuals are able to set aside specific identities in the service of achieving a more egalitarian order. This is important to consider because it suggests that subjectivities may be shaped beyond the gaze and control of disciplinary and consumer based models that prevail in neoliberal society. Thus, their collective achievements have led to the creation of new values, which enable them to reproduce their living conditions. Indeed, the creation of new values enables them to maintain a sanctuary in El Alto, which is away from the racism and exclusion they experience by their oppressors (ibid: 24). The solidarity of the Aymara peoples in El Alto, suggests that a new framework is on the horizon in terms of not treating identity as an exclusive category, but rather as relating to others through collective resistance in organizing alternative socioeconomic model. What unites individuals in El Alto is a shared history of marginalization, racism, ethnocide and exclusion from partaking in the social, political, cultural, and economic affairs of Bolivia

Like that of other anarchist structures, in El Alto, there are councils, which must resolve conflicts and ensure production and cooperation among the indigenous population



(ibid: 27). The role of councils also involves that they educate and serve as role models for younger members of the population (ibid). Decisions are made collectively, leaders/councils are rotated and it is the polis living in El Alto that maintains social cohesion and control over their lives (ibid: 43). This power being exercised from below is exemplary, and it offers a challenge to centralized authority; it also challenges bureaucracy and rule of law, because the Aymara population looks after its own affairs. Zibechi captures the latter succinctly,

In Aymara society and in El Alto, the collective approach to decision making is the mechanism that prevents the formation of separate bodies, and the rotation of representatives and the outpouring from below that goes beyond institutions, the state, and even social movements (Zibechi 2010: 47).

In El Alto, the power structure is therefore dispersed and fluid as opposed to being exercised from a top down approach. The types of subjectivities that prevail here also warrant further contemplation because it indicates the possibility for alternative subjectivities to emerge independent of institutions.

Life in El Alto has been encroached by the state, corporations, military, and police; however, people are resolute and mobilize to protect their territory and each other. They set up barricades and other strategies to prevent the state and corporations from destroying their way of life (ibid: 48). The Bolivian state has an interest in dismantling the organizing enterprise in El Alto because it challenges centralized authority, impersonal administration, corporate control and rule of law coercion. Indeed, El Alto has successfully subverted the latter. Moreover, people living in El Alto are outside the social

and regulatory control of the Bolivian state. As such, populations in El Alto are dispersed and dynamic; they are self determined and have organized society in accordance with values that suit their interests, not those of the ruling class (ibid: 65).

A close examination of Aymara people's history would reveal that what is unfolding is the direct result of existing contradictions within the social fabric. Colonialism and neoliberalism displaced Aymara peoples; as a result, they engaged in various ways of resistance to challenge their deplorable condition. As the condition of the Aymara people intensified, they needed to create a system that worked for them. As such, anarchist possibility were interwoven in existing state of affairs and offered a way out of irreconcilable interests: those of the Aymara and the European and mestizo ruling class. Anarchism therefore, is not an abstract theory that may be discarded, but rather as an immanent possibility in the current human condition. The Aymara population and civil society in Bolivia, as well as civil society in Argentina have demonstrated that anarchist principles may be worked into any social sphere. Providing civil society is resolute and adamant about changing social structure, anarchist principles provide a lurking possibility on the brink of coming to fruition.

Bolivia is by no means the only country that has anarchist structures in place. The content of anarchism in Bolivia is mainly based on collectivist approach in a rural setting. Although anarchism appears different in Russia, Spain and Bolivia it is interesting that in all three countries, movements appeared to exist within the state. All the same, the point is that anarchism does not have one model to which different civil societies must adhere

too. On the contrary, anarchism is flexible and malleable; it is therefore rather adept to working to meet the needs of civil society in question.

A few important points follow from Bolivia. First, unlike many politicians, Evo Morales was an activist who came to power (Morales 2012; Petras and Veltmeyer 2011). His success with social movements was in part, based on his Indigenous status; this is symbolic because prior governments were of European and/or mestizo descent. His political ideology is inclusive particularly for ethnic groups that have been traditionally excluded if not marginalized from politics. Next, he maintained a socialist agenda that was friendly to the interests of Indigenous groups in Bolivia (Morales 2012).

The downside of Morales politics is that he marginalized the middle class. His policies did not factor in the interests of the middle class, which is generally comprised of non-Indians (ibid). Indeed, policies designed to expropriate land from non-Indigenous people to give it back to locals created a tense environment in Bolivia. In retrospect, it is ironic that Morales pursued political strategies that aimed to vindicate Indigenous groups at the expense of excluding other ethnicities and classes in Bolivia. In other words, his political agenda resulted in practicing the very same exclusionary politics that defrauded Indigenous peoples. On the other hand, one may see the difficulty Morales faces in trying to reconcile the myriad of indigenous interests with those of mestizos and European descendants.

Moreover, notwithstanding Morales so called socialist agenda, it is important to acknowledge certain contradictions in terms of his official claim and Bolivian reality. The case of '*el gasolinazo*' (the gas shock) highlights the latter succinctly. In December 2010,

the Morales administration articulated that government subsidy would be cut; this implied that gas prices would soar (ibid: 83). Social movements in Bolivia reacted to such measures by organizing protests and roadblocks. In a sense, Morales politics has resulted in producing the very same contentious issues around land rights, capital reforms and ecological concerns.

What is more, one may question the degree to which Morales fulfills his socialist proclivity. In 2006, for example, he signed a pact with the Confederation of Private Businessmen of Bolivia. This deal indicates that cut backs in social spending, promulgating foreign investment, and prioritizing exports and so forth (Petras and Veltmeyer 2011: 181). This reality here demonstrates Morales' neoliberal agenda. However, his political, economic and social policies are matched with direct opposition from various sectors of Bolivian civil society. A noteworthy point to infer from this account is that although Morales rose to power from the grassroots, this does not mean that his politics remain exclusively loyal to Indigenous imperatives. Indeed, once in power, he invariably had to make certain concessions to other class interests. The former and latter perspectives highlight the paradoxical position of so called Left oriented governments in power. In particular, it compels one to see that while Left governments may be so in principle, it does not mean that all its policies will necessarily reflect Left wing agenda. Accordingly, regardless of the political banner (Left and/or Right), governments oscillate between both to mediate historical juncture. To be sure, in an effort to maintain social equilibrium, governments of various persuasions are compelled to meet demands of social forces.

## The Limits of Human Rights Boom in Argentina

The reader may recall that arguably, the lack of economic power contributed to the pitfall of social movements in Russia and Spain. Correspondingly, their lack of economic power and access to weapons weakened their ability to struggle against prevailing Left and Right wing interests. Another central problem they encountered was lack of political agenda, which is diametrically different to those on the Left and Right wing parties. Further, social movements did not have access to the mass media to serve their interests. Both the Left and Right wing parties were able to use the mass media to demonize and delegitimize initiatives proposed by anarchist movements. Accordingly, the lack of class power and autonomous representation placed anarchist movements in a vulnerable position, which lead to aligning with prevailing left wing parties.

Ironically, the shortcomings of social movements in Russia and Spain are the strengths of social movements in Argentina under the Kirchner administration. Indeed, in exchange for financial aid, social movements in Argentina like Las Madres de Plaza de Mayo provide political legitimacy to the reigning Kirchner administration. Moreover, the housing project of *Suenos Compartidos* (Shared Dreams) provided the organization staggering amounts of public funds (Gasulla 2012: 35-36). *Suenos Compartidos* is coordinated by top personnel of Las Madres de Plaza de Mayo. The millions of dollars that the organization received has not been accounted for and some members that are no longer of use to the organization have been fired either on allegations of corruption and or dissent (ibid: 162; Natalichio 2012: 94). The act of firing those that question or oppose what the organization does or appears to do reflects an authoritarian dimension of an

organization that is suppose to have a human rights orientation. Thus, firing individuals like Oscar Natalichio (former member of the organization of Las Madres de Plaza de Mayo and faculty member of Universidad Popular de Madres de Plaza de Mayo) for questioning the use of public funds illustrates how the movement may behave and act in ways that reflect martial law as consciousness. Indeed, to challenge or question the organization is not only untenable, but also not an option. This is paradoxical because the history of the organization challenged efforts by the military to silence atrocities against civil society.

It would be misleading to interpret *Suenos Compartidos* (Shared Dreams) as fraudulent because there were in fact some houses that were built for disadvantaged individuals. Building some houses has a symbolic effect because it demonstrates a genuine effort on behalf of the Kirchner administration to deal with inequality. In the case of the organization of Las Madres De Plaza de Mayo, the advantage is that they are seen as furthering another socially progressive project. Two key problems associated with the project of *Suenos Compartidos* (Shared Dreams) is the unaccountability of public funds, but also with not entirely fulfilling housing projects (Gasulla 2012: 48). For example, the organization received 10 to 15 million dollars and yet did not build 1 of the 330 houses they were supposed to build (ibid: 88). Moreover, the actual cost of building the houses, including material was exaggerated to justify more public funding. Part of the reason why the Kirchner continuously gave the organization public funds is in part because it serves to legitimize political hegemony and also because they were pressured. Indeed, the state is able to gain popular approval because it is now seen as serving social justice

imperatives. Sergio Schoklender would threaten public officials with the use of violence if the money was not allocated to the organization (ibid: 56; 73). Schoklender has close ties with corrupt police officers that are willing to carry out such activities. Here too, the reader may see how ruthless the organization may be insofar of achieving desired ends. To use violence and coercion to obtain public funds corresponds to using martial law for neoliberal purposes.

From this account, one may infer how a socially progressive objective may be used by social movements to further human rights image, but what is less obvious, is the staggering amount of money that is at stake. This practice blurs a fine line as to whether such activities are pursued by social movements for social justice or profits. Further, the idea of resorting to violence to obtain public funds and get contracts to carry through the project highlights how martial law acts as a form of reactionary consciousness in social movements, which informs their activities. Another paradox of the organization is the exploitation of workers and the substandard of working conditions for those building homes (ibid: 70). For instance, workers are denied the opportunity to dissent about work conditions (ibid). To compound matters, workers do not have legal redress here because as was mentioned above, the organization is linked with corrupt police forces (ibid: 80). Not having legal redress is a serious problem for workers, but worse still is that the organization operates on the basis of instilling fear. Using fear tactics is ironic because the organization has struggle against fear tactics used by the military junta, yet it appears that when their interests are at stake, they may rationalize disseminating fear (Natalichio 2012: 99). The organization appears to have collective amnesia in that it forgot the

horrors of not knowing the whereabouts of their loved ones, yet they are rather adept at using the same practices that they opposed before.

The image of *Suenos Compartidos* (Shared Dreams) emerged as an ideal program that could spread to other quarters in the globe. What is overlooked is the corruption and betrayed hopes of disenfranchised populations. Moreover, what is ignored is that individuals that are 'given' these houses have a price to pay. More specifically, they are required to attend social rallies in support for the Kirchner administration and Las Madres de Plaza de Mayo (Gasulla 2012: 98). In a sense, there is a tradeoff between the organization, Kirchner regime and the people they claim to help. This scenario points to another way in which co-option materializes in that disenfranchised people are used to legitimize the Kirchner administration along with the human rights orientation of the organization. Thus, preying on vulnerable populations for the purpose of legitimizing human rights banner is a despicable manner of defrauding these populations. The deception in play here is unperceived by many; accordingly, the human rights agenda of the Kirchner administration continues to seduce young people, particularly the offspring of the disappeared.

The main social movement that is comprised of the offspring of the disappeared is called *La Campora*. Integrating *La Campora* along with Las Madres de Plaza de Mayo is part of the Kirchner administrations effort to use human rights as part of its political power. On the other hand, *La Campora* has much to gain by aligning with the Kirchner administration because many members have been placed in top administrative positions, which suggests that they have improved their economic position. By virtue of having



decision making power, *La Campora* is able to realize some of their social, political and economic objectives (Di Marco 2012: 157). In exchange for this opportunity, *La Campora* has to support the Kirchner regime in rallies. Laura Di Marco calls '*La Campora militancia rentada*' (rented social activism) because it not entirely clear whether *La Campora* engages in political activities out of their own accord or whether because they are financed to support the Kirchner administration (ibid: 23). Symbolically however, the image of *La Campora*, which is comprised of youth gives the false appearance of social inclusion, particularly of youth. Providing that *La Campora* is *una militancia rentada* (rented social activism) is disconcerting because it betrays social justice, but also because it suggests that other interested parties may buy their support.

Similar to other social movements in Argentina, *La Campora's* tactics have been at odds with union organizers, particularly Aerolinas Argentina (Argentinean Airlines). Aerolinas Argentina has reckoned with labor disputes and financial loss; in an effort to mitigate its labor and economic predicaments, *La Campora* took over. Now, members of *La Campora* such as Marinao Recalde, who has next to no experience managing an enterprise like Aerolinas Argentina has access to public funds (ibid: 166-167). The initial objective of ameliorating economic deficit has not been successful. In fact, Aerolinas Argentina continues to lose earnings, but yet, continues to receive financial aid from public funds (ibid: 178-179). How Recalde is utilizing public funds has not been accounted for (ibid). Nationalizing Aerolinas Argentina is another dispute because it was basically expropriated from a Spanish company (Grupo Marsans). The co-constitutive effort of *La Campora* and the Kirchner administration has enabled them to oust and

violate the contract with *El Grupo Marsans* (The Spanish Company). Although the Kirchner administration aims to nationalize Aerolinas Argentina, at present they have not, which provides the airline to be in a legal limbo because *El Grupo Marsans* cannot seek legal redress if the airline is not entirely nationalized. It is possible that the Kirchner administration has vested interest in keeping the airline in limbo to avoid legal and political strife (ibid: 118-119).

The peculiar element of the way *La Campora* works is that it not only uses human rights as a political tactic, but includes nationalizing resources and industries. Indeed, expropriating national industries is reinvigorating patriotism; however, what is concealed is that appropriating resources will serve the economic interests of ruling elite. *La Campora* serve the interests of the Kirchner administration because symbolically it serves to mislead civil society that the Kirchner administration has a human rights agenda and that it seeks to rectify crimes and injustices committed by other administrations. The symbolic capital of *La Campora* is central to the Kirchner legitimacy because never before has a human rights organization been tied to an Argentinean governments since the Dirty War. The economic and social privileges that the Kirchner government gives to *La Campora* provides mobility that perhaps otherwise would be unrealizable. What unites them, however, is that human rights may be used to further vested interests at the cost of betraying social justice. Such contrived intentions suggest that social justice is not the aim, but rather the medium to facilitate accumulation of profits and power. *La Campora* demonstrates ways in which social movements are by-products of reigning powers, which runs counter to claims that social movements stand in opposition to

hegemonic forces. Put differently, unlike most social movements, *La Campora* did not emerge against an injustice committed by power structures, but rather is a direct by-product of the Kirchner government. This point suggests that social movements do not necessarily derive from opposition to social ills, but in fact, may exist precisely because of social ills. Rather than challenging social ills, movements such as *La Campora*, desire such problems of exploitation and inequality to reign. Further, far from viewing social movements as a stable category that seeks to advance human rights and/or socially progressive initiatives, it appears that they may oscillate between fragments of human rights endeavors and martial law (as consciousness and praxis). In a similar vein, the Kirchner government is able to oscillate between instituting fragments of human rights, while also keeping in tact elements of martial law and serving economic imperatives for elites.

Another paradoxical issue to underscore is that unlike social movements in Russia and Spain, *La Campora* and Las Madres De Plaza de Mayo have direct use of mass media communication. The use of mass media, however, is another tumultuous facet because it is mainly used to disseminate human rights rhetoric by these organizations and pro-Kirchner campaigns. *La Campora*, Las Madres de Plaza de Mayo and the Kirchner administration have been rather vociferous in critiquing *El Grupo Clarin* (The Clarin Group), which has a monopoly on mass media institutions in the country and abroad. *El Grupo Clarin* has a right wing leaning agenda and usually questions social movements and the Kirchner administration activities. *El Grupo Clarin* is powerful and influential in that it has the power to mobilize civil society to protest against the government. For

example, they played a vital role in DyN day of action in November 2012 against the Kirchner administration. *El Grupo Clarin* organized this political activity against La Ley de Medios (a legal measure that seeks to curtail the scope of *El Grupo Clarin's* mass media power) (O'Donnell 2012: 94; Di Marco 2012: 23). The issue at play here may appear as though the Kirchner regime aims to open mass media for more inclusive perspectives, but while it points out problems associated with *El Grupo Clarin*, it does not discuss contradictions in its practices. Indeed, newspapers that are pro-government like *Pagina 12* are seldom criticized for lack of evaluation of activities of social movements and the Kirchner administration. As long as alternative media sources do not critique the reigning Kirchner administration, they will be allowed to circulate their messages. Thus, the use of mass media by social movements in Argentina highlights another blatant contradiction. Although the social movements in question and the Kirchner administration are correct in identifying the political inklings of *El Grupo Clarin*, they down play how their use of mass media engages in similar practices. To be sure, social movements disseminate human rights and social justice propaganda while cynically concealing their practices of corruption and exploitation of the oppressed. What ensues is that *El Grupo Clarin*, The Kirchner administration and social movements *se patean la pelota entre si* (they pass the soccer ball to each other) while deflecting public attention from how their practices emulate each other as oppose to standing in opposition.

Arguably, what may be inferred from the proceeding analysis of social movements like Las Madres de Plaza de Mayo and *La Campora* is that using a human rights agenda has facilitated distorting principles in their respective objectives. More

disconcerting however, is that human rights was used for social, political and economic imperatives that are far from being in line with human rights. These organizations have been corrupted in the pursuit of furthering human rights. Another issue that may be noted, is that while co-option has been examined from top to bottom (the way in which the Kirchner administration used social movements like Las Madres de Plaza de Mayo), it also important to consider ways in which social movements may also co-opt governments. Indeed, both Las Madres de Plaza de Mayo and *La Campora* co-opted the Kirchner administration for their strategic goals of legitimizing their social justice cause. As was demonstrated above, social movements are adept at engaging in activities such as misuse of public funds, unaccountability, violence and impunity, which in the case of Argentina is paradoxical because these are the core issues that gave rise to social movements.

### Summary

The co-option of social movements by the Kirchner government is clever because it enabled the regime to institute fragments of progressive labor reforms, while not necessarily altering class power and/or structures. One may see the latter point by recalling the question of workers that recuperated factories. Coterminous to this problematic is that social movements in Argentina rely on the Peronista party (in particular, Frente Para La Victoria) to act as their representative. Relying on a political party to represent foreign interests is questionable because the party may not share the

same agenda. Similar to the way in which Left wing parties in Russia and Spain co-opted initiatives by social movements, so too did both (Nestor and Cristina) Kirchner administrations co-opt the initiatives of social movements in Argentina.

The positive side here, however, is that social movement's continued to struggle to create more equitable labor relation between employer and employees. Moreover, the struggle for the advancement of human rights continues. For example, at the time of this writing the *General Confederacion del Trabajador de la Republica de Argentina* (General Confederation of Workers in Argentina) launched a strike to achieve better pay. Their strategies lead to stopping production and consequently disrupting socioeconomic flow in Buenos Aires. This matter is still being addressed by both Hugo Moyano and Cristina Kirchner. *El Movimiento de los Indignados* (the movement of the livid) in Spain represents a host of interests from various segments of social strata. This social movement is not aligned to a particular political party in Spain; instead it acts autonomously and struggles to improve the living conditions of workers and disenfranchised groups in Spain. One of the main points to underscore from these two cases is that although ruling powers may co-opt the initiatives of social movements, social praxis prevails in the sense that struggles are continuous. What is more, social praxis in pursuit of human rights advancement and labor disputes are waged from within institutions as well as on the streets of various cities.

The case of Bolivia reveals an interesting paradox; a Native activist is elected to power, and it is assumed that he will institute policies that are agreeable to the interests of Aboriginal groups. However, his policies have exacerbated ethnic tensions and he has

marginalized non-Aboriginals from his policies. As a result, Morales has reproduced social, ideological and economic divisions in Bolivia. Moreover, Morales has instituted policies that are in line with the IMF; such measures run counter to ecological imperatives, which in turn, primarily affects Aboriginal people. This suggests that even if a so called Left leaning government is in power, that does not imply that the agenda pursued will always reflect social justice and equity. Instead, in accordance to the exigencies of other social forces, Left wing governments may in fact emulate Right wing governments. The point is therefore to see Left wing governments as mobile and as possessing the tendency to oscillate between social justice and neoliberal processes.

A few links may be made between Morales and both Kirchner administrations. All three were elected on the grounds that they would mitigate issues of poverty, malnutrition, land reforms, health care and so forth. However, while they have made some advancement in these areas, their policies have failed to address power structures, which produce said socioeconomic ills. To some extent they were rather astute to co-opt the initiatives of social movements and in doing so, they compromised the very people they were suppose to represent. Cristina Fernandez de Kirchner and Evo Morales overlook the power of social praxis because it was social movements that helped them rise to power; consequently, social movements also have the potential to remove them from power. At some point, however, it is feasible that social movements may realize that merely changing the executive of an institution may not be suffice, it may be worthwhile to explore alternative forms of organizing social order and ecological sustainability. In

other words, challenging dominant institutional arrangements may become the central locus of struggle as opposed to those that are charged with exercising power from such institutions.

However, using the example of Las Madres de Plaza de Mayo and *La Campora*, one may also infer that it is important for social movements to safeguard against corruption and alignment with power structures that do not necessarily have human rights focus on their agenda. Further, efforts to link social movements with the state and legal apparatus should be dealt with precaution as opposed to embraced as a viable strategy. Finally, it appears that social movements should maintain independence from political affiliations. The reader may recall, the while Las Madres de Plaza de Mayo were free from political ties, they advanced some human rights issues. However, when they aligned with the Kirchner administration, their human rights focus was compromised. The subsequent chapter will seek to explore the potential that social praxis has to further human rights. Human rights as social praxis from the standpoint of the oppressed will be addressed in relation to institutional power which appears to have a monopoly of conceptualizing, practices and enforcing human rights. An analysis that seeks to fine fragments of human rights between social praxis and institutional power will be developed.



## Chapter 6: Social Movements as Discourse and Praxis: Rethinking Universalism and Cultural Relativist debate on Human Rights

“Nieblas cubren el parque ponen un velo que quita vida y da ilusion”<sup>17</sup>

The above lyric is meant to caution the reader against romanticizing ideals, in this case human rights discourse and praxis from the standpoint of social movements. This caution also extends to idealizing so called purveyors of human rights institutions. The context of the lyric is such that Carlos Solari is using two metaphors (one being clouds and the other veil) which he suggests conceal current malaise. These metaphors are inherently deceptive. According to Solari, the power of this deception, however, is such that they simultaneously invoke death and illusions of something positive to come. Thus, the song is meant to encourage listeners to reflect on current veils and/or clouds which distort our perception of bankrupt promises. Solari’s concern, however, may extend to human rights debates because there are clouds and veils that hover over human rights praxis. Accordingly, it is important to consider ways in which human rights as discourse and praxis undermine quality of life and ways in which they breed illusions to justify particular measures. The title of the song is very telling “*Una Rata muerta entre los Geranios*”, a rat among geranium suggests that there is a negative dimension to ideals

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<sup>17</sup> “Clouds hover over the park, a veil is put therein which takes life away and simultaneously, acts as purveyor of illusions” this lyric is by Carlos “Indio” Solari and Los Fundamentalistas del Aire Acondicionado; the name of the album is called: *El Perfume de la Tempestad* (2010). The lyric derives from a song called, “*Una Rata muerta entre los Geranios*”, which means, a rata among Geranium. The album was published by Distribuidora Belgrano Norte, Buenos Aires, Argentina.

which embody beauty. To be sure, *una rata*. (a rat) is a metaphor to characterize corruption or malignant elements. On the other hand, geranium is meant to capture a plurality of beauty.

Accordingly, this lyric is meant to be the backdrop of the following analysis, which will seek to show how social movements are able to create fragmented discourses and practices of human rights; this possibility marks a degree of shift from institutional discourse and practice of human rights (Stammers 2009; Aziz 1998). This move is not meant to suggest that institutional frameworks are obsolete or that they should be discarded in favor of human rights discourse and practice from below (social movements). Instead, the goal is to show how both forces may further human rights. This perspective warrants consideration because it may lead to new paths of theorizing human rights discourse and praxis. However, it is important to also consider ways in which power structures co-opt human rights initiatives by social movements. This was shown particularly in the previous chapter. Moreover, it is also important to recall that although social movements like Las Madres de Plaza de Mayo may advance human rights, some of their practices emulate authoritarian rationalities and practices (i.e., removing members that question their decisions or practices (Natalichio 2012).

Simultaneously, as human rights initiatives become co-opted, new strategies of resistance are likely to emerge. Accordingly, one of the central aims of this chapter is to extract fragments of human rights from the standpoint of social movements. On a praxis level, this chapter aims to demonstrate how social movements may act as guarantors of human rights as opposed to relying on institutions like the state and rule of law. But here

too, the defense of human rights through praxis also leads to questionable practices, which should be scrutinized. In other words, social movements are on the one hand, reinventing discourse and praxis of human rights from a top-down perspective to a bottom to top relation. But, on the other hand, they risk compromising human rights initiatives if their practices reproduce problematic discourses and praxis. It is thus, important to consider gaps between their theory and/or rhetoric in practice. The following themes will be explored in this chapter.

As has been emphasized throughout this dissertation, social movements exist because of martial law; martial law conversely, may also be institutionalized in response to social movement popularity. As was seen in antecedent chapters, this scenario has been a consistent pattern throughout Argentinean history. To be sure, social movements have played a vital role in advancing human rights. For example, the Haitian revolution in 1791 was lead by slaves not oppressors. What this point signifies is that social movements may play a critical role in advancing human rights; it also suggests that the advancement of human rights may emanate from the bottom to the top. The catalyst to ignite social movements to struggle for human rights is historically situated – more directly, whereby there are conditions of exploitation and domination, there is likely to be some form of resistance with a human rights dimension. However, it is equally important to consider that social movements, such as *La Campora* may be a direct by-product of reining Argentinean government to suite prevailing power interests. Thus, social movements are an unstable category that may oscillates between actors of human

rights or power interests. Following the quote at the beginning of this chapter, the latter may be interpreted as highlighting the dual potential of social movements to act simultaneously in a manner that furthers human rights or curtails such initiatives.

The nebulous character of social movements provides the possibility to open debates about transcending human rights discourse and praxis from the monopoly of Eurocentrism to the creative powers that social movements have to reconfigure human rights discourse and praxis (Stammers 2009: 231). What is more, rather than viewing human rights discourses and enforcement as static, the potential of social movements to engage in altering human rights discourse and praxis, suggests that human rights is dynamic and has a social characteristic. In other words, from the standpoint of social movements, human rights discourse and praxis cannot be merely reduced to being a 'theory' and/or confined to being a legal stipulation (Stammers 2009). The subsequent chapter will aim to demonstrate the latter assertion.

The outline of this chapter is as follows: the first section will link a governmentality framework to that of social movements. The goal here is to theorize how social movements may materialize goals of protecting populations and optimizing life. One of the key themes here are the types of subjectivities that may emerge from a human rights paradigm. The importance of this consideration is that such subjectivities arise independent from institutions. This will be further developed below. Conceptualizing social movements in this way will enable the reader to fathom how human rights discourse and enforcement may move beyond state centric NGO's scope. To what degree is this viable and to what degree is it illusory? Accounting for human rights theory and

praxis from below is warranted in light of bald limits of the state and juridical apparatus to fulfill mandate of human rights. The latter will be the examined in section two. The third part of this chapter will show the significance that social movements discourse and praxis has in terms of transcending monopolized perspectives on human rights discourse and practice, particularly from those that subscribe to a Universalist and those that adhere to a Cultural Relativist perspective (Callaway et al 2007; Ishay 2008). This perspective is not meant to suggest a rejection and/or dispensing with the dichotomy between Universalism/Cultural Relativist paradigms. On the contrary, the aim is to show that this binary may be viewed in dialectical relation with social movements to further human rights. Tensions among the two dominant paradigms and social movements will be emphasized as well; however, the aim will be to highlight how the fissures that emerge in between these social forces, fragments of human rights may be furthered.

### Social Movements: Theorizing Human Rights From Below

According to the extant research, the state and legal apparatus are the main purveyors and enforcers of human rights (Callaway et al 2007; Freeman 2011; Ishay 2008). The state centric dependence on human rights enforcement is problematic because as was shown in other chapters, due process may be denied. The monopoly on the use of force and law may also limit human rights enforcement in peculiar historical circumstances. Corruption is another salient problem for enforcing human rights at the

level of the state, legal apparatus and that of social movements, such as *La Campora* and Las Madres de Plaza de Mayo. Perhaps a break from this dependency is needed, but how may it be conceptualized?

One way to approach this conundrum is to examine Michel Foucault's concept of/on governmentality which is understood to deal with the question of how to govern social relation with the utmost efficacy. The primary objectives of governance pertain to creating conditions that optimize biological well being of populations and optimizing economic productivity of a population within a given country (Foucault 1991). To begin, Foucault postulated that techniques of governing should transcend state-centric views of governing. This is not to suggest that he thought that governments exercise no sovereign control over populations. Instead, what his analysis pointed out is that other institutions in a given territory also engage in acts of governance (ibid).

Foucault's theoretical framework on governmentality has material effects. For example, one may apply his analysis to the Welfare State and related institutions. However, the institutionalization of neoliberalism has resulted in ubiquitous privatizations of public services and cut backs on social spending. On the other hand, although neoliberalism benefited wealthy individuals and corporations, it has also produced a situation in which individuals are increasingly responsible for ensuring their welfare. In other words, the state and concomitant apparatuses are limited in terms of looking after individuals; as a result, individuals assume responsibility for looking after their own well being and that of others. In a sense, the 'official' mandate and modus operandi of the welfare state has been transported to private individuals to act in the

service of themselves, but also with the potential to improve the conditions of the social (Lessenich 2011: 306-307). In line with Antonio Gramsci's philosophy, all individuals in society are potential intellectuals with the possibility of creating alternative ideologies and praxis to that of prevailing status quo (Gramsci 2007: 121). However, Gramsci is cognizant that not all individuals may materialize the role of intellectual in society (ibid).

Acute tensions emerge between the former and latter perspectives because their interests conflict, but also because the state and affiliated institutions are inclined to censure, arrest and implement measures that are designed to curtail social movement's endeavors to further human rights. The latter has been shown in previous chapters. One of the particular novelties here, however, is that while the Welfare State may have created conditions that produced passive subjectivities; neoliberal culture conversely, produces active subjectivities (Lessenich 2011: 311). One may infer how the Welfare State to some degree produced rather lax subjectivities on the account that the state and its apparatuses implemented policies designed to look after individuals. One may entertain this perspective by recalling that the social upheaval in Argentina in 2001, attests to the notion that the failure of neoliberalism gave rise to a new subjectivity that is responsible for creating alternative social cohesion and economic production. However, the latter is not meant to suggest that individuals would not challenge the state and its apparatuses to implement reforms to improve the quality of life of disadvantaged populations. Again, as the reader may recall, the uprising in 2001 resulted in the direct overthrow of the De la Rúa administration, but also several other governments, hence the chant of people on the street during those tumultuous days of 19 and 20 of December 2001, "*que se vayan todos*,

*que no quede ni uno solo*” (all government officials must go, we do not want any of them) (Fontana et al 2002: 53). The point here is that under the Welfare State, individuals relied on the state and its institutions to ensure the welfare of individuals. Active subjectivities are likely to emerge whereby neoliberal reforms undermine and/or threaten their well being; or in a situation whereby active subjectivities anticipate emerging neoliberal reforms. The latter may be encapsulated in what Stephan Lessenich calls, “politics of prevention” (Lessenich 2011: 312). One may deduce from this perspective how governmentality logic and practice may unfold from the bottom to the top. The idea of politics of intervention does not necessarily have a dogma or political agenda, instead it is fueled by an ethic of solidarity and social justice that takes multiple forms and adjusts its theorization and praxis in accordance to spatio-temporal context (Fontana et al 2002: 64).

However, the initiatives of social movements to further human rights discourse and praxis are matched by a security rationale stemming from the state and legal institutions. One of the interesting issues during the 2001 popular insurrection is that while the De la Rúa administration issued martial law, it was unable to bully civil society into submission. To some extent, martial law was also instituted in an effort to silence widespread disgruntlement with the bankruptcy of neoliberalism. The latter is indicative of how the state and its apparatuses attempt to conceal ideological and material contradictions under neoliberal system. The paradox here is that while neoliberal culture produces conditions that fuel grass roots resistance, power structures respond by either instituting measures designed to curtail resistance and/or co-opt initiatives.



Notwithstanding repressive measures instituted by the authorities and/or co-option, social movements continue to pursue human rights. Simultaneously, power blocs will also continue to devise strategies to contain and/or dismantle social movement pursuits.

Therefore, examining Foucault's governmentality framework may be used to explore human rights discourse and praxis of social movements. This perspective broadens Foucault's theory because it shows how governmentality has a social characteristic and not just an institutional dimension. The sociality of governmentality in relation to human rights discourse and praxis is not meant to erect a binary between individuals and institutional struggle for human rights; instead, it is meant to address tensions between them. It is also suggestive that perhaps a plural approach towards theorizing and praxis of human rights is more fruitful. The sociality of human rights discourse and enforcement suggests that institutions such as the state and rule of law may not be the necessarily act as primary guarantors of human rights. The latter insight may be viewed if the reader recalls the critical role social movements played in both Argentina and Bolivia. In the case of the former, it was social movements, which sparked the prosecution of military officials during *la guerra sucia* (during the dirty war). In terms of the latter, indigenous movements in Cochabamba, Bolivia played a critical role in terms of defying corporate pursuit of controlling water and gas reserves. Both examples illustrate the potential of humans to further human rights and to act as purveyors of human rights.

The potential social movements have to act as guarantors of human and ecological rights merits an interpretive lens to better understand the content of contemporary social movements. Social movements are comprised of both organizational and informal networks, which generally share a common disconcertment over a particular set of issues (Stammers 2009: 35). As may be noted throughout this dissertation, social movements are not exclusively limited to dealing with issues that pertain to political, social and/or juridical matters; to be sure, social movements also have the capacity to address economic and ecological imperatives (ibid).

The activities of social movements may be viewed as ‘praxis from below’, which suggests that far from treating human rights as merely theory or law, human rights appears to be more of a social consideration (Stammers 2009). The latter is not meant to downplay the importance of codifying human rights into law, instead it is meant to highlight the complex interplay of the agency from below to the process institutionalizing human rights (Andreopoulos et al 2006; Stammers 2009). Correspondingly, by drawing attention to the important role social movements have in terms of furthering human rights initiatives, one may broaden one’s perspective from ‘legal fetishization’ to human rights as an expression of social praxis (Stammers 2009: 22). Finally, it is also vital to fathom the complex ways in which social movements are intimately connected to the history and development of human rights because this will provide context and add a social dimension to human rights. In a similar vein, the latter will surely lead to acknowledging that human rights is not merely a Eurocentric discourse and practice, but rather a global discourse and practice (Stammers 2009: 23).

Although individuals may exercise power and agency to alter or further human rights initiatives, they may also do the exact opposite. In other words, they may also be complicit in flagrant violation of human rights (Arat 2006: 15). The idea that they may take life (*quitar vida*) or be purveyors of illusions (*dar ilusion*) frames the dual potential of social movements<sup>18</sup>. To specify, individuals may be either active and/or passive human rights violators; in the case of the former, it is suggested that individuals may engage in activities such as kidnapping, torture and killing of other human beings. In terms of the latter, individuals may endorse or remain silent whereby human right violations transpire. For example, in cases whereby citizens of a country know that in their dealings with others, specifically, those that are non-citizens of a country will exploit individuals that are vulnerable. In this particular context, citizens are complicit in violating the rights of those which have limited recourse to the law for protection. Admittedly, there is the potential that individuals act this way out of fear of reprisals from authorities. However, the objective is to demonstrate that while individuals may act as purveyors of human rights, they equally have the potential to engage in human rights violations. To return to a part of the quote at the beginning of this chapter (*un velo que quita vida y da illusion*) at the introduction of this chapter, social movements have the potential to stifle life yet simultaneously, be purveyors of an illusion of social justice and equity<sup>19</sup>.

The power of individuals to coalesce into a social movement is not meant to be equated with International Non-Governmental Organizations (I)NGOs or other state

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<sup>18</sup>Carlos “Indio” Solari and Los Fundamentalistas del Aire Acondicionado; the name of the album is called: *El Perfume de la Tempestad* (2010). The lyric derives from a song called, “*Una Rata muerta entre los Geranios*”, which means, a rata among Geranium. The album was published by Distribuidora Belgrano Norte, Buenos Aires, Argentina

<sup>19</sup> A veil that takes life away while breeding illusions.

affiliated institutions because the former are meant to be autonomous and free from serving the interests of ruling class. The subsequent section will address the limits of state centric approaches to human rights as well as certain problems associated with relying or working with (I)NGOs. The salient point that will be developed here is that to some extent, human rights discourse and praxis should be kept in the domain of individuals (non-state actors) and social movements. The primary justification for the latter perspective is informed by historical conditions of contemporary world order. As was shown above, the gradual withdrawal of the Welfare State and increasing privatization of public spending has resulted in a shift in human rights discourse and practice. Indeed, the Welfare State and affiliated institutions were responsible for enforcing human rights and looking after the wellbeing of civil society. As neoliberalism took full effect, such institutions were ruptured if not fragmented at best. As a result, non-state actors are responsible for upholding human rights and sustainable living practices.

On the other hand, one may also see now neoliberalism has penetrated social movements. Indeed, the notion of *militancia rentada* (rented militancy) connotes that in Argentina social movements operate under a business model (Di Marco 2012: 23). *La Campora* provides persuasive evidence of the latter, but it is not an aberration. By way of illustrating another example, one may explore how Las Madres de Plaza De Mayo have their own university (Universidad Popular de Madres de Plaza de Mayo), which accepts public and private funding. One of the major controversies surrounding the university is that it has received money from the FARC (*Fuerzas Armadas Revolucionarias de Colombia*) (Gasulla 2012: 268). Donations from such an organization suggest that the

university probably provides courses that support its cause. The issue here is that while Las Madres de Plaza de Mayo claims to be advocating in the interests of human rights, they seem to not be disturbed in dealing with an organization that is believed to have ties to drug cartels, engages in kidnappings, terrorism and so forth. It appears then that the banner of human rights may be used as a marketing strategy to collect funding from groups like the FARC. Thus, human rights may become commodified and the FARC has a zone to disseminate its political ideology.

### The Limits of State Centric Views on Human Rights

The limited capacity of the state to deliver and enforce human rights is part of a historical shift in terms of the liberal foundation, which justified the development of the state. In other words, the institutionalization of a state was predicated on the notion that it would defend and ensure the welfare of its population within a given territory (Evans 2011: 13). As neoliberalism deepened in social, political and economic spheres, the latter mandate of the state has been compromised. Indeed, under neoliberalism, the state has a different role to fulfill, which may be formulated as follows: the function of the state is to ensure the ebb and flow of global capital (ibid). The point is that the primary drive of the state is to serve the interests of capital, not those of human rights and ecological sustainability. Implicit in this perspective is that state sovereignty is compromised by corporations and banks, which direct state sovereignty towards meeting the interest of capital. On the other hand, meeting the interests of capital has provided individuals of divergent socioeconomic strata opportunity to advance capital interests.

In the process of serving the interests of capital, human right violations are likely to ensue because corporations do not necessarily subscribe to adhering to international labor laws and regulation. Accordingly, the mandate the state has to meet the needs of capital may result in flagrant human rights violation; further, activities of corporations may also compromise ecological sustainability. Under neoliberalism, the state plays more of an administrator role in the service of capital as opposed to fulfilling its Westphalian characteristics (ibid). The subtext to note here is that human rights violation may also be explored in relation to capitalist enterprise.

In addition to the profound distrust of the state's (in)ability to enforce human rights, the same critical approach must be taken to cadre institutions. As a case in point, consider the institution of The International Labor Organization (ILO). This international organization is responsible for ensuring workers rights, equitable employment opportunities, and other work related matters (Visano 2011: 19). While the ILO does an excellent job of reporting abuse of workers, it does not take measures to sanction employers that fail to conform to international labor standards (ibid: 21). This reality undermines the political and social justice mandate of the ILO. Arguably, it points to a more sinister ideological role it plays in terms of serving capital. Visano writes to this end,

In terms of rights more globally, we argue that international law is neither subversive nor counter-hegemonic but rather complements the contemporary privilege of corporate capital. The inextricable relationship of law and economics reproduces global social inequities and the denial of rights (Visano 2011: 19).

From these insights, one may postulate that institutions like ILO are compelling *pantalla* (smoke screen), which rather than undermine human rights violations, it indirectly reinforces human rights violations because there the state and corporations are not subject to legal sanction. Visano's lucid analysis also demonstrates how the state and corporations serve capital interests rather than human rights. Further, the quote postulates that the ILO is not a counter hegemonic force, which may lead a reader to question the extent to which a state affiliated institution that be a counter-hegemonic force. Far from being a counter hegemonic force, institutions like the ILO are complicit in the very same human rights violations that they are 'officially' suppose to challenge.

Correspondingly, if workers decide to strike, it is likely that the state will side with the employer. The state shows its alliance with the employer by deploying police forces to the strike zone. Here, police forces are likely to assault and/or arrest workers and consequently, they will return to work, or run the risk of losing their jobs. The failure of ILO speaks to the betrayal of rule of law to compromise its mandate of enforcing workers right when confronted by political and economic exigencies.

One may deduce that human rights violations occur at multiple levels, not just the state, but perhaps more disturbingly state affiliated institutions and by corporations. The International Monetary Fund claims to be helping countries in need of money. The cost of obtaining these 'benevolent' funds comes at a staggering human cost. To ensure these funds, the host country must cut back on social spending, for example, education and health care. The host country must privatize its infrastructure and thereby put it in the hand of multinational corporations. This entails job loss for thousands, but for those that

manage to hold on to their work, their wages freeze, while the cost of living rises (hence economic inflation) (ibid: 25; Harvey 2005). Multinational corporations are able to accumulate resources and capital, while workers are being exploited and face a precarious labor situation. Thus, Structural Adjustment Programs (SAP) may be viewed as a euphemism to conceal class antagonism. Arguably, financial aid is related to gross human rights violations.

Here too, one may infer a similar pattern of how the state, rule of law and multinational corporations work together to oppress workers and undermine human rights (Visano 2011). The official discourse of financial institutions is that the money that will be allocated to a given country is to ensure its 'progress'. But, this progress is not juxtaposed against the human cost and flagrant human rights violations. The rule of law does not militate against inequality and injustice; on the contrary, rule of law protects the powerful and capitalist relations (ibid).

Without a doubt, human rights enforcement cannot be left exclusively in the hands of the state and its apparatuses. Moreover, it is also clear that capitalism dehumanizes and correspondingly, thwarts human rights. Capitalism has no environmental regard either, especially whereby it may extract capital and resources. The former and latter perspectives indicate that the pursuit of profit is perhaps inimical to the enforcement of human rights and ecological sustainability. What is worse is that in addition to colonial rule, it appears that the monopoly that Western Democratic States have on human rights may act as another form of imposition to non-Western countries. However, the critique herein is not meant to suggest that Western Democratic states do



not enforce human rights at all. Moreover, there are (I)NGO organizations that enable human rights to prevail as well. The issue, however, is that to what degree should civil society rely on the state and its apparatuses to uphold human rights? This may lead to a dependency relation, in which Non-Western States are subordinate to Western Nation States. This is a major fallacy, one which reverberates with collective amnesia because civil society overlooks how human rights emerged through grassroots struggles. As was shown in previous chapters, civil society has a critical role to play in terms of acting as purveyors of human rights and ecological imperatives. This account does not suggest that the state and/or cadre institutions should be discarded; the point to infer rather, is that civil society may be another contingent force serving the interest of human rights and ecological sustainability. Far from depositing human rights to the state and juridical apparatuses, it may be worthwhile to take a more plural approach and less of a dogmatic strategy insofar as how to conceptualize and enforce human rights. At times, civil society may work in concert with the state and affiliated institutions, but at times not. This flexibility is critical for the advancement of human rights. Moreover, the discourse and practice of human rights may emanate from civil society as opposed to merely coming from macro institutions.

### The Limits of (I)NGOs Human Rights Enforcement

The primary objective of (I)NGO (International Non-Governmental Organization) is to make states and society accountable for their activities (Evans 2011; Stammers 2009). These organizations endeavor to implement policies and reforms, which will

enable society to work more efficiently (ibid). At first glance, it may appear that (I)NGO have similar objective to those of social movements. However, a critical examination of their politics will illustrate that they seek to improve/modify existing socioeconomic structures as opposed to proposing radical alternatives. Another key distinction is that (I)NGO receive funding from governments, which may compromise their political, social and economic pursuits. Social movements or other forms of grass root network are independent from state influence. The point to underscore is that although (I)NGO may provide an element of social justice and human rights, their activities may hardly be interpreted to be a counter-hegemonic force (ibid). It is also important to consider that the subjectivities that stem from (I)NGO reflect power interests. The subjectivities of social movements are meant to have a social justice ethos, however, as was demonstrated throughout this dissertation, they too may serve power interests. Critical vigilance over both is paramount for social justice and equity.

In the event whereby social movements work in conjunction with (I)NGO, they risk having their objectives co-opted by reigning system of power (ibid). In other words, the politics of social movements and those of (I)NGO are not necessarily the same. One way of deepening this perspective is to view (I)NGO as representing what Gramsci calls ‘traditional intellectuals’ and social movements as lead by ‘organic intellectuals’ (Gramsci 2007). If (I)NGO do not succeed in co-opting the endeavors of social movements, they will deploy tactics to divide the movement. Therefore, (I)NGOs are used by ruling powers to integrate groups in opposition to capitalist system. From a symbolic perspective, (I)NGOs provide an illusion that their objectives are to pursue

social justice, human rights and ecological sustainability; however, their politics are reformist at best, conservative of prevailing system at worse. Tensions between traditional and organic intellectuals may be framed as part of class conflict particularly in relation to creating a class of intellectuals and praxis (Gramsci 2007: 121). Gramsci's analysis provides the reader with insight surrounding the paradoxical role of intellectuals in society because while they have the potential to act in the interest of the status quo, they may also act in the interest of oppressed classes. A key strategy that is often used to align apparent contradictions between these forces is *comprar* (corruption) or *voltear* (killing resistance)<sup>20</sup>.

(I)NGOs tend to uphold Western values of human rights, which once again may compromise their authenticity in relation to representing non-Western people. In other words, (I)NGOs are cadres of Western views of morality, which may not necessarily reflect the cultural sensibilities of all people (Evans 2011: 180). A central issues here is that people around the world may not feel that (I)NGOs are able to relate to their particular struggles. To be sure, far from seeing (I)NGOs as allies, people may regard them as part of a wider strategy of imposing Western views of morality and human rights. Another main problem here, is that by focusing on moral issues, (I)NGOs ignore how socioeconomic relation of force may contribute to creating conditions, which lead to morally questionable activities.

Another central concern with how (I)NGO handle human rights issues is that they limit access to human rights for oppressed peoples. Indeed, (I)NGOs are hardly seen to

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<sup>20</sup> Song: "Sr. Cobranza" by Bersuit Vergarabat in an album called: Libertinaje; published by Estudios Panda, Buenos Aires, Argentina (1999).

work with the Zapatista movement in Mexico or anti-imperialist struggle of indigenous groups (Stammers 2009: 204). The inability of (I)NGOs to work with said movements is because most (I)NGOs aim to reproduce human rights discourse and practice which focuses on the individual as opposed to collective struggles (ibid). This suggests that far from addressing inequalities, hierarchies, domination and exploitation produced by neoliberal system, (I)NGOs aim to make reforms within the existing system (Stammers 2009). The main issue here therefore, is that such reforms address one issue, which may affect a given population, but such measures do not account for structural arrangements, which exacerbate class antagonisms. Part of the mandate of (I)NGO is to incorporate individuals of the global south into the neoliberal system. From an ideological standpoint, one may see the way in which human rights discourse and practice serves the interest of capital and attempts to reduce collective indignations to individual's pursuit of justice. (I)NGOs play a critical role in reproducing the very same structures of inequality and exploitation that they are 'officially' designated to combat.

However, social movements lead by corrupt leaders will utilize the aforementioned issues as a strategy to gain solidarity with the people they represent. The key issue to reckon with is that at times the politics of social movements may be problematic insofar as it engages in practices that violate human rights, social exclusion and so forth (Evans 2011: 188). Individuals may identify the politics of (I)NGO and social movements by critically assessing the objectives of the network. Providing individuals have class consciousness will also help them recognize the political underpinnings of

both organizations. Individuals with social awareness will also note how such reforms are meant to create particular subjectivities that are disciplined and consumers. In other words, subjectivities that is in line with neoliberalism.

The critique of (I)NGO is not meant to suggest that they should be marginalized from human right struggles and ecological sustainability pursuits. Instead, the aim is to demonstrate contradictions in their approach. Once again, this means interpreting the activities of (I)NGOs as being lead by traditional intellectuals, which are tailored towards affirming the status quo (Gramsci 2007). The critique of corrupt social movements is also not meant to undermine their endeavors, but rather to expose how at times their approach is contrived. Here, one could view how at times organic intellectuals may slip into traditional intellectuals (ibid). A salient theme to examine between the former and latter is to contextualize the class position they represent and aim to achieve.

Moreover, by focusing on the productive aspect of social movements insofar as advancing human rights and ecological sustainability the aim is solidify the social characteristic of said struggles. Providing that a social movement is lead by organic intellectuals, it is likely that their respective politics will be in line with serving the interests of underprivileged, human rights and so forth. Therefore, rather than examining human rights from a top to bottom perspective, it may be more fruitful to explore the capacity social movements have to exercise agency to democratize social relations and thereby create alternative structures. Put differently, human rights struggle merits an inquiry from the bottom to top approach. The forgoing section has examined the struggle

for human rights between macro and micro forces, below, this chapter will examine human rights struggle from both sites, only now the focus will be from an ideological perspective.

### The Myth of Universalism vs. Cultural Relativism

The discourse and practice about human rights is locked between two paradigms: on the one hand, there is the *universalist* approach, which claims that human rights is intrinsic/inherent in the individual independent of issues of nationality, ethnicity, gender, race, political orientation, sexual orientation and socioeconomic position (Callaway et al 2007). On the other hand, is the tradition of *cultural relativist*, which takes exception with efforts to universalize human rights. The position of *cultural relativist* is predicated on a few points. First, countries from the global south were excluded from the conceptualization and documentation of human rights because they were engaged in anti-colonial struggles. Correspondingly, the values in human rights reflect Eurocentric views, which do not necessarily fit with the values of countries in the global south. Finally, countries from the global south claim that human rights discourse focus on individual rights as opposed to collective rights (ibid). Critics from the global south tend to interpret endeavors to universalize human rights as an extension of neo-imperialism (Mutua 2002).

Although countries from the global south raise critical issues about the Eurocentric pillar of human rights discourse, it is important not to overlook that intellectuals of *cultural relativist* have vested interests in maintaining power. Indeed, this power they exercise may be viewed in relation to control of resources, gender relations

and sexual regulation and so forth. As a result, if they were to endorse universal framework of human rights, the power they exercise may be undermined or compromised. The latter perspective is what makes the critique of cultural relativist more mythical than tangible.

On the other hand, discourse surrounding *universalism* is limited because Western democratic states do not necessarily uphold such standards equally. This claim is predicated on recent genocides, which illustrates a double standard in enforcing human rights. For example, the genocide in Rwanda is a case in point. Indeed, while the Hutu were slaughtering the Tutsi, Western leaders were quibbling about whether genocide was occurring. At face value, it appears as though such garrulous chatter prevented intervention. However, one may view the reluctance to intervene from a few perspectives: first, Western democratic states had no economic incentive to intervene; in other words, there were no raw materials, oil, etc to extract from Rwanda. Two, perhaps there was reluctance to intervene because the genocide was occurring in an African country. The latter perspective suggests that there may be some racial prejudice in terms of global reluctance to intervene in an African country. These perspectives suggest that the enforcement of human rights is contingent on political economic objectives, not necessarily on defending human rights.

To deepen this postulation, the reader may recall another genocide that occurred roughly around the same time frame as the Rwandan genocide, yet the response of NATO forces was different. NATO forces were able to intervene in the former Yugoslavia in an effort to stop the war. Arguably, NATO was inclined to intervene for a host of reasons;

first, the Former Yugoslavia was the second communist power house in Eastern Europe, so breaking it up served to consolidate capitalist hegemony (Parenti 2011). Two, by bombing the former Yugoslavia, NATO forces were able to obtain infrastructural contracts and were able to seize natural resources in the country (Parenti 2011). Three, NATO may have intervened because the violence was occurring in Europe. Contrary to the genocide in Rwanda, intervening in an Eastern European zone may speak to a greater sensibility whereby the lives of Caucasian individuals are in peril.

Ideological issues come into play here as well. The aftermath of genocide in Rwanda enabled Western democratic states to reassert claims to universalize human rights. Moreover, many former African dictators have been brought to the International Criminal Court. The genocide in Rwanda also played credence to *universal* paradigm because it suggests that Western democratic states have an ethical duty to lead human rights. At face value, such activities may appear to be serving some social justice. However, Makau Mutua offers a theoretical lens to frame how universalism claims in a sense repackage neo-colonial precepts. Mutua postulates that one may view universal human rights claim as a relation of: “savages-victims-saviors” or (S-V-S) (Mutua 2002). According to Mutua, ‘savages’ are embodied by ruling elites that may commit mass murder and/or other atrocities against their own population or other ethnicities (Mutua 2002). The term “savages” is generally associated with populations in the global south.

On a cultural level, whereby ruling elites deviate from cultural norms in line with human rights, they will also be viewed as savages (ibid). The notion of ‘victim’ is embodied by those mainly affected by the activities of ruling elites; or those primarily



impacted by cultural norms (Mutua 2002: 11). The construction of the victim is perceived to be powerless, helpless and in dire need of being saved. The 'savior' is embodied by Western democratic states, which are viewed as inherently benevolent and that acts in the interests of serving the greater good. The role of the savior is to protect the victim against the violent vicissitudes of the savage (ibid: 11).

Engaging Mutua's theoretical delineation, one may see how efforts to universalize human rights are contingent on the savage-victim-savior model. The latent content here, however, is the ideological underpinning, which may be viewed as an expression of neo-colonial project. Indeed, the savage and victim category are deemed to be uncivilized, undemocratic and in need of foreign intervention that will endeavor to civilize and democratize. Mutua captures the latter succinctly, "The savior-colonizer psyche reflects an intriguing interplay of both European superiority and manifest destiny over the subjects. The "othering" project degrades although it also seeks to save (Mutua 2002: 33)". The latter quote also addresses how human rights discourse does not adequately reflect diverse identities of the global south. In other words, prevailing human rights discourse has a limited reflection of the global population. As a result, Mutua's objective is to reconceptualize the inherent binary and hierarchized views on human rights discourse and practice. Far from being merely a European project, Mutua's insights suggest that human rights discourse and practice should be more inclusive of global south.

Although Mutua raises very critical themes tied to Eurocentric views on human rights discourse, his analysis is not critical enough towards cultural relativist. Indeed, the power that elites exercise in global south countries is not problematized with the same

vigor by Mutua. Moreover, his analysis of human rights discourse and practice tends to fall in line with a top down engagement thus overlooking the power and role of social movements to advance human rights. These critiques on his work are not intended to undermine his critical contribution to human rights research; instead, it is aimed to pointing out gaps in his theoretical analysis. On the other hand, his shortcomings may also be used to strengthen one of the overarching claims in this chapter, which is to explore human rights discourse and praxis from the standpoint of social movements

### Reflections

The potential of social movements to rethink and re-orient practices of human rights leads to a series of considerations, which merit attention. In a paradoxical manner, social movements are able to reconcile universalizing human rights, while maintaining an element of cultural relativity. Social movements are prolific, particularity in lieu of the unremitting expansion of capital. On the other hand, social movements develop in relation to specific contexts. The latter is representative of cultural relativity. Indeed, as social movements emerge from below, the primary actors are individuals that represent local culture/tradition. From an ideological standpoint, social movements may undermine Western conceptions of human rights discourse and practice because the former offers an alternative to the latter, and this alternative is inclusive and more representative of the plight of global south. Western countries may be reluctant to accept human rights discourse and praxis from below, because it may very well de-legitimize hegemonic views on human rights. On the other hand, if social movements do not de-

legitimize hegemonic perspectives on human rights, then at a minimum, their efforts may be viewed as a challenge to prevailing views that human rights is a top to bottom relation; indeed, social movements have the potential to invert this relation of power.

One of the nuances of social movements is that they do not necessarily subscribe to a peculiar doctrine, but rather develop and mobilize their plan of resistance in accordance with the demands of their reality. In this way, global social movements may learn from each other, but the idea of emulating each other may be untenable. Accordingly, the idea of being put in a situation whereby social movements have to organize a plan of discursive and material action illustrates that human rights is dynamic and that it is a social phenomenon as opposed to being reduced to established “theory” and/or “law” (Stammers 2009; Aziz 1998). By implication, the latter may be viewed as de-legitimizing Western views on human rights because it suggests that social movements may act as purveyors of human rights. The latter may signify, at the very least, a rupture in depending on institutional framework to deliver justice, human rights enforcement and so forth. This critique is not intended to suggest that institutions responsible for enforcing human rights should be dismissed. Rather, the aim is to illustrate that institutions may not be the only avenue of enforcing human rights. Social movements may offer a viable alternative to enforcing human rights. Further, exploring human rights from the standpoint of social movements may also alter its discourse to be more inclusive, particularly to groups marginalized from human rights engagement. Put another way, human rights discourse may shift from being exclusively in the domain of institutions, to a more grass roots orientation.

Human rights as praxis from below thwarts notions which interpret human rights as theory or as prospective. Indeed, social movements embody not just an intellectual shift in terms of conceptualizing human rights, but perhaps more importantly, in terms of praxis. The role of social movements here is significant because it suggests that far from viewing dominant views on human rights as absolute, human rights may be viewed as tentative and malleable. The sociality of rights therefore, has the potential to be inclusive and reflective of the interests of those mainly affected by relations of capital. The challenge of social movements is how to continuously maintain a sturdy critique and oversight over the content of power structures, particularly, when the latter co-opts the former. Further, social movements have to safeguard against corruption and engaging in practices that resemble those of martial law. A critical lesson to reflect on is how social movements may change their agenda at best, or how their objectives may pursue contradictory paths. Evidence of this may be found with Las Madres de Plaza de Mayo who have once again left their blueprint in human rights issues. The movement was independent and had a clear human rights agenda. However, its focus has altered and is now also interested in obtaining funding at the cost of compromising human rights.

The central aim of this chapter has been to illustrate that human rights discourse and praxis has a social characteristic, which means that they possess the possibility of acting as purveyors of human rights, albeit in fragmented ways. This perspective challenges hegemonic views, which tend to privilege state centric frameworks for delivering human rights. Further, social movements also challenge the power and role of state and juridical institutions charged with enforcing human rights. The critique that

materialized in this chapter does not suggest that the former and latter are obsolete and that social movements are the exclusive remedy for social and ecological ills that plague the globe. Instead, the aim was to demonstrate how social movements operate as a force that may work from within and without human right institutions. Accordingly, as neoliberal policies continue to intensify public cut backs on social spending, individuals may feel compelled to act as guarantors of human and ecological rights. Social movements have the capacity to contribute to further human rights discourse and practice, particularly from a bottom to top perspective. Simultaneously, they have the potential to address tensions between *universalist* and *cultural relativist* divide in human rights discourse. By extension, social movements also give rise to new tensions surrounding the viability of sustaining a human rights oriented approach. However, undertaking such an enquiry is beyond the objectives of this scholarly endeavor.

However, it equally important to recall certain issues associated with social movements particularly in the discrepancy between the rhetoric and praxis of human rights versus co-optation and corruption. Social movements may also reproduce oppressive, hierarchical and operate in authoritarian manner. Thus, social movements oscillate between being purveyors of human rights and reproducing oppressive structures that mirror martial law and neoliberalism. Notwithstanding peculiar limits to social movements, Las Madres de Plaza de Mayo, for example initially appeared to be a promising human rights organization and in their right did spread human rights awareness during the military junta. Further, *Las Factorias Recuperadas* also point to the potential social movements has for autonomous political, economic and social organization.

Elements of their success may aid in reconfiguring labor relations. What both these movements have in common is that to some degree they furthered human rights and social justice. Yet, they also compromised human rights and labor issues by equivocally aligning their interests with that of the Kirchner administration.

## Conclusion

En breve, una posición política verdaderamente de izquierda se define hoy por la institucionalización democrática de un universo ya globalizado por la técnica y la economía, y por la recuperación de aquellas ideas fundantes desdibujadas en el largo interregno del siglo XX: Modernidad – Igualdad – Derechos Humanos (Iglesias 2004: 75).<sup>21</sup>

Fernando Iglesias quote corresponds to the aim of this study because a central problematic throughout has been to question the position of the Left in Argentina. As has been shown, social movements have started off with rather impressive promises, but have unforgivably resulted short of their aims. As was shown, all sectors of the Left have been corrupted, co-opted and/or neutralized by the Kirchner administration. However, the Left has managed to alter reforms and to mitigate some social ills. The issue however, is that the Left in Argentina seems rather adept to compromise their social justice and equity objectives to advance in socioeconomic hierarchy. At the same time, the Kirchner administration has been astute to utilize human rights and social justice as a central hegemonic banner to legitimize its governance and restore faith in the state and legal apparatus. Will the Left learn from the shortcomings of the movements examined in this study? The Argentinean state has proven that it is capable of dealing with resistance via multiple routes: through violence, bribery and concessions. At the time of this writing, Cristina Kirchner is dealing with much national discontent, there have been several national *paros* (national stops of flow) in the last two years. She is criticized across all socioeconomic strata; it is questionable whether she will prevail. Amidst a precarious

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<sup>21</sup> In short, an authentic position of the Left in a globalized context consists in its ability to reclaim key ideas (somewhat forgot) during the volatile period of the 20<sup>th</sup> century: Modernity, Equality and Human Rights.

future, it appears that Argentinean history will once again deal with the clash of social movements against the state.

The focus of this dissertation has been two fold: first, to challenge the power of the state under martial law in Argentina. The second aim was to evaluate the degree to which social movements advance human rights. A symbiotic relation appears to exist between martial law and social movements; which arguably may be framed as such: martial law exists because of social movements; social movements advance fragments of human rights in response to martial law. The symbiotic dynamic, however should be taken with some caution because it is rather complex, as was demonstrated in this study. Both the state and social movements oscillate between elements of rationalities and practices of martial law and human rights. Research in state theory may not be particularly surprised with this conclusion; but research in social movements may want to elaborate ways in which social movements are co-opted, corrupted and ultimately compromise human rights. Findings in this study might bare relevance in light of ubiquitous struggles of social movements globally at the time of this writing. Thus, while social movements may advance fragments of human rights, it is important to not overlook problems with their rationalities and praxis.

The first few chapters aimed to question the category of martial law by demonstrating how the concept is subject to specific historical context and the needs of prevailing powers. On the one hand, this suggests that there are some continuities of martial law to-date, but equally so, there are divergences. The salient point is an element of caution in terms of how the concept is used to shape and interpret state power. By



exploring the history of the concept of martial law, the reader will be able to link how such powers are tied to class interests and endeavors to legitimize reigning neoliberal world order. Further, by inserting class interests and maintenance of neoliberalism to martial law, the argument is to undermine the so called autonomy/power the state and repressive apparatuses exercise over civil society. Obviously this is not meant to undermine the violence that the state and its coercive institutions implement, but rather to address that such activities are not exclusively meant to subdue threats.

Moreover, although martial law is a phenomenon that is rooted in institutional power, it is equally important to explore how civil society responds to martial law. Here, the power and role of social movements to organize and challenge abuse of state power is paramount because it provides the reader with a perspective of resistance. From a symbolic perspective, the possibility that social movements have to challenge martial law indicates a direct challenge to the so called monopoly on the legitimate use of violence that the state and its apparatuses use. Indeed, the latter suggests that social movements may use force to challenge martial law. The immanent viability of social movements to resort to violence destabilizes prevailing claims that under martial law fear reigns. On the contrary, whereby individuals are losing loved ones, a collectivity of people are likely to mobilize and challenge martial law. The latter perspective indicates that martial law is not exclusively intimidating and perhaps more importantly, that under martial law, individuals are able to organize and thereby further human rights. Moreover, the capacity that social movements have to challenge martial law also undermines the power and role of the state, legal, police and military institutions.

The possibility that social movements have to further human rights leads to an interesting enquiry. For instance, it suggests that the state and legal institutions are not the only guarantors of human rights. However, the latter account is not meant to discard the power and role of these institutions, but rather to signal a complex process between social movements and power structures. As was shown, martial law provides a context in which conflicting social forces struggle to advance their interests. This process will often lead to a host of compromising and particularly in the case of social movements, have their initiatives co-opted. Accordingly, to some degree, social movements succeed in advancing human rights, but in other aspects, their initiatives are subject to bureaucratization and/or co-option.

Further, this dissertation also demonstrated that social movements may use human rights banner as a form of attracting public and private funding. In the case of the social project of *Suenos Compartidos*, this led to corruption scandal for top personnel of the human rights organization of Las Madres De Plaza de Mayo. This example demonstrates how noble just causes may be used by social movements for profits. Put crudely, it is not just human rights organization that may exploit social justice, but even the state can. Indeed, the Kirchner administration has utilized human rights struggle to legitimize its political hegemony. As was shown, although repression during the military junta gave rise to human rights movements, a return to more 'normal juridical ordering' has also led to the creation of social movements. To be sure, *La Campora* is a by-product of the Kirchner regime and is in place to vindicate the struggles of the 30,000 disappeared. In this instance, social movements may appear in opposition to the establishment, but may

also stand in favor/support of the status quo. The practices of *La Campora* are riddled in controversy and in corruption. Accordingly, both social movements and the state oscillate between advancing human rights and martial law agenda.

However, this problematic is not meant to portray the endeavors of social movements to further human rights as futile. On the contrary, the aim is explore strategies that will enable social movements to further human rights, labor equity and environmental sustainability independent of power structures. One way to help social movements from falling into the orbit of power blocs is to examine the history of social movements. One way to approach this was to draw lessons from Russia and Spain, others may also be explored. In the case of social movements in Russia and Spain, contemporary social movements may obtain perspectives on how both the Left and Right wing may compromise their endeavors. It may also be useful to explore comparative analysis of contemporary social movements. Here, social movements may acquire perspectives on diverse ways of maintaining independence from power blocs, but also alternative ways of organizing modes of production, social ordering and so forth. The central aim of social movements is to develop a strategy on how to maintain independence from power blocks. The other central objective is how to deploy class consciousness among its members so that they may align their interests accordingly. Neither of these strategies in isolation or inconjunction is necessarily bulletproof, but it offers a template to ameliorate set backs.

Social movements offer an interesting point of reference in the field of human rights. Indeed, as was shown, social movements may also play a critical role not just in

furthering human rights, but also as purveyors of human rights. The latter highlights that human rights are not merely the responsibility of the state and legal institutions, but rather social movements also have a vital role to assume. Human rights theory and praxis may also lead to the production of new subjectivities independent from the yoke of the state and juridical apparatus. This perspective is important to consider because it points to a rupture which postulates that subjectivities are shaped in and through institutions, when in fact, it is not necessarily predicated on such a premise. However, social movements have to be cautious not to engage in practices such as extortion, killings and intimidation, which not only reflect state practices, but arguably provokes martial law to resume. The possibility of resorting to questionable practices has serious consequences for social movements: first, it undermines their human rights objectives; and second, its activities may then stigmatize genuine efforts by future social movements. As a result, far from centralizing human rights discussion to the domain of “theory” and law, human rights is replete with examples of how it is praxis from below (social movements).

Another important tactic that social movements may mobilize to resist having their endeavors dismantled by other social forces is to ground their objectives in a philosophical prism. Many ills that plague social and environmental life stem from centralized authority. The latter perspective is a salient one, and may be compared to an anarchist paradigm, which rejects centralized forms of power and authority. As was demonstrated, anarchist philosophy rejects centralization of power and hierarchy. This is of the utmost importance today because power is increasingly centralized in institutions like the state, judiciary, police and military and corporations. Concentration of power sets

up a situation whereby one class prevails and another is subsumed and/or dominated. Anarchism, therefore, rejects such systems. Anarchism supports the idea of power being more dispersed, fluid and non-hierarchical relations of force. The values that anarchism stands for challenge prevalent values of competition, violence and so forth. The values that anarchism seeks to inculcate are those of cooperation, solidarity and egalitarianism. Moreover, anarchism may take multiple forms (communal anarchism and anarcho-syndicalism) are some examples. This suggests that in order for anarchism to materialize, civil society must determine its content.

This suggests that anarchist philosophy may compel a reconfiguration of democracy. Indeed, as was shown above, social movements have the possibility of creating a more inclusive democratic process because power is equally shared. Accordingly, anarchist philosophy is not just a theory; and negative connotations associated with it should be discarded. Anarchist philosophy may produce tangible modalities of organizing social order and economic relations.

As has been shown through *Las Factorias Recuperadas*, anarchist philosophy has sparked many forms of collective action. The types of subjectivities that anarchism may produce also bares dwelling because it marks a shift from orthodox interpretations that subjects are shaped in accordance to discourse. In the case above, subjectivities were shaped by necessity of survival and an acute awareness that they had to fight against the state, law and employer which had defrauded them. In other words, under anarchism and in the case of individuals in *Las Factorias Recuperadas*, an ethos of ethics, duty and love informs their theory and praxis. These values are not to be taken as dogma, but rather as

fluid and malleable to context. Anarchism does not emerge from thin air, on the contrary, it emanates as a result of extant contradictions in ruling power structures tied to capitalism. The examples that were highlighted throughout this dissertation were ways in which anarchist arrangements are more in line with human emancipation and ecological respect. The challenge though, is to keep it in the domain of the polis.

Furthermore, it is important for social movements to ground their interests under a philosophy to ensure that their endeavors are not compromised or co-opted. Failure to do so will be catastrophic because as was throughout this study, social disruption may be interpreted by the state as an occasion to deploy its coercive apparatuses of the police and military. These two institutions will see to it that protestors are assaulted and criminalized (Colaguori and Torres 2011). Corporate media will depict protestors as ‘anarchist’ and completely downplay the content of the issues being raised. My critique here is not meant to suggest that spontaneous acts of resistance are futile, but rather that activists must be more circumspect and must alter their strategies of resistance. Herbert Marcuse has concerns about spontaneous resistance, Marcuse writes, “Action directed toward vague, general, intangible targets is senseless; worse, it augments the number of adversaries” (Marcuse 1972: 53). One could view Marcuse’s concern here that some times resistance may alienate civil society from the very ills that plague them. Moreover, sometime acts of resistance may be used by the state to justify clamping down on protestors and thereby minimize the issues being raised by protestors. In other words, it may be important for social movements to rethink their resistance approach in light of the

fact that protesting may not necessarily lead to desired outcomes and that their claims will be distorted by the mass media.

The problem with the latter is that without actions being informed by concrete political objectives, such actions are likely to be downplayed. The objectives of the social movement must be clear if they are to work in concert and to mobilize other sectors of civil society. Another problem is that an absence of critical understanding of how power is exercised is likely to play into the very system that oppresses and dominates them. Unfortunately, this was seen with some of the social movements in Argentina. A critical perspective along with direct plan of action must be inserted into contemporary social movements to ameliorate social and ecological ills. Historically, it was civil society that took action to alter existing conditions, but one must not forget that they had some objective in mind. Historical movements like civil rights movement, gay rights movements and anti-Vietnam protestors knew what they sought. These movements were well organized and had leaders. It is plausible that contemporary leaders of social movements may have lessons to acquire from previous social movements. Having a leader(s) may be important for social movements, but oversight must be kept on them particularly on how they represent and the interest they serve. Indeed, social movement's initiatives may experience setbacks if the leader compromises goals of the movement. This was seen in the case of Las Madres de Plaza de Mayo. Representation is another potential problem because it risks stunting creativity and autonomous activity in terms of subjectivity and alter economic models. In short, critical engagement must permeate over themes tied to representation, dogma and leader(s).

Research projects that I will pursue in the future will likely be extension of this endeavor. Specifically, I am provisionally interested in examining the degree to which social movements, particularly in Argentina achieved their goal of having the law sanction police and military officials responsible for the disappearance, torture and murder of *los desaparecidos* (the disappeared) during *la guerra sucia* (during the dirty war). Provisionally, the aim is to examine the extent to which pursuing legal avenues of sanctioning said personnel reflects the objectives of social movements. Put another way, the intriguing question is whether legal institutions suffice in terms of delivering justice to those primarily affected by abuse of state power. Another salient concern is to deepen understanding surrounding the legal distinction as to why state officials are charged for abuse of state power, but the actual power structure of the state is not subject to legal sanction. Correspondingly, what alternatives are there to prevailing ways of sanctioning military officials? It may be worth not just exploring contemporary alternative ways of instituting sanctions, but perhaps some lessons may be learned from indigenous practices or other groups from the global south.



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