

Towards a Sociology of the Human Rights City

Focusing on Practice

by

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The Human Rights City as Practice

I wish to suggest a sociological approach to the study of the human rights city, of how cities engage with human rights, as a social construction and practice. A possible definition of the human rights city is a city which is organized around norms and principles of human rights. This definition is not tied to any particular empirical engagement of cities in human rights and it does not tie the notion of human rights to international human rights or human rights as laid down in international treaties. The practice of human rights is the product of a particular social context *within* which the idea of human rights are understood and negotiated (Goodale 2007). Human rights city initiatives show social actors engaged in having one or more human rights inform urban life and the space of the city by socializing its inhabitants and regulating the conduct of the local population and the local government, and the relation between them. Exploring the human rights city as practice requires that we look into the different processes whereby social actors collaborate and compete to define human rights and their meaning and act towards establishing these human rights as guiding and regulatory principles of urban life and space. Human rights cities, however, are hardly fully realized. Overall, the reality of human rights in many cities is often a mix of tradition and innovation (see Soohoo 2016) as well as mismatch between aspirations and actions.

Understanding the Human Rights City

While I do not tie the definition of human rights to international human rights, I do not mean that international human rights do not matter at all. In fact, international human rights are quite central in how cities understand and implement human rights. In fact, human rights as we know them from the international regime and state practice are the set of notions and institutions within which the human rights city is constructed and which influence the human rights city to the extent that the actors involved in it take this dominant knowledge of human rights as a given reality. This knowledge, which we can also understand as the product of a particular discourse in a more Foucauldian sense (O'Byrne 2012), tells us that human rights are universal and equal rights that are primarily individual; they are defined mainly by the law; they are justiciable civil and political rights and programmatic economic, social and cultural rights; they are expanding towards a new generation of rights. The broader practice of human rights, included particular state practices within which cities are embedded, constitutes the horizon within which human rights cities are constructed.

What distinguishes the human rights city within the human rights practice is, quite simply, the city, as far as human rights are redefined around and primarily in the city. There is a sense of agency stemming from the construction and reconstruction of human rights in the city by different social actors, as well as the possibility that the production of new meaning of human rights is instigated by different actors' understanding of the relation between human rights and the city. These actors also play a central part in the diffusion of human rights norms and principles in the city. In the process, human rights can meet with opposition, resistance or inertia by other social actors.

More generally, this process should be understood in the context of the broader forces and agendas that shape the cities of today, and the competition but also collateralism between human rights and norms and principles stemming from alternative and often more powerful agendas and practice of the city, e.g. the securitarian and neoliberal city. Especially as the the local government engaged with human rights, they will become themselves a matter of government and governance of the city. In a context where the state government is discursively replaced by the multi-level governance of a number of issues that are often recast as urban (Le Galès 2002) human rights are come within the scope of local government as far as they are also understood and articulated as urban matters. 'Urban governance' becomes the tool for governing territory and the local government is encouraged to play the role of a mediator between the interests of different stakeholders in particular policy areas. In this kind of city, 'human rights' may be constructed both in conjunction with and in opposition, to issues such as 'migration', 'security', 'social policy' and, last but not least, 'development'.

In this picture, the law plays a crucial part, because historically the law has been the privileged site for negotiating rights and their meaning, and many social actors continue to regard the law as the primary authority of human rights. From a legal and socio-legal viewpoint it is possible to think of the city as a 'level' and 'context' of human rights implementation (Grigolo 2010). The city is embedded in a vertical and hierarchical system of legal relations while at the same time being the space where the laws of these levels (including the law of the city) converge to regulate particular issues and groups. From a sociological perspective fully aware of the importance of the law, the question becomes how in particular local human rights institutions employ rights discourses and legal strategies to intervene on particular issues, and the extent to which these processes are aimed at emancipating or disciplining individuals and particular groups of people.

Making the Human Rights City

The human rights city can be understood sociologically as a process of collaboration and competition between different social actors, especially within the field of progressive politics. The diffusion of human rights cities in the 1990s can actually be understood as the product of the increasing popularity of the idea of human rights, at a time when human rights began to replace and displace competing notions of justice on the left of the political spectrum (Ruzza 2006, Moyn 2010). Human rights cities are mainly cities with progressive local traditions, politics and leadership, which human rights redefine in more globally intelligible terms.

What makes the human rights city is a web of formal and informal networks established within and

between the human rights and the municipal movements (on the municipal movement and 'urban policy mobility', see Clarke 2012). . By sustaining the circulation of ideas and policies around human rights and cities, these networks operate as a structuring force on actors that (wish to) do human rights in a particular city, reinforcing and promoting existing practices; however, to the extent that they stimulate reflections on new practices, they are also sites of agency and new engagements. The net result is both an increased visibility of human rights cities inside the field of human rights as well as cities' own networks, and eventually beyond the field of progressive politics. Another result is the overlapping between initiatives and networks and the increasing 'mixed' nature of particular human rights cities within the practice.

1. Actors

Actors involved in human rights cities have different ideas of how cities and in particular local governments should engage with human rights, and eventually compete with each other in order to implement those ideas.

In the following, a non-exhaustive list of key actors (in their different capacities) and the main ways in which they contribute to the production of human rights cities is provided:

a. Researchers

Researchers and their academic departments are often directly engaged in and write about particular human rights cities. They are 'experts' whose knowledge of the human rights city is tied to their particular experience and the academic work built on that experience, which may contrast with the abstract formulas and standardized plans promoted by international organizations. At the same time, knowledge produced by researchers may inform plans and policies via consultancy.

b. International Organizations

International organizations such as the European Union Fundamental Rights Agency have showed an increasing interest in human rights cities (Grigolo 2011). At the same time, they seem to intervene in the human rights city conversation in the pursuit of their own mandate and supporting a concept of human rights influenced by their own organizational (often legal) culture. More generally, international governmental organizations proactively seek to have cities participate in the multi-level governance of particular rights that fall within their own mandate, as cities are perceived as crucial allies for the pursuit of that right and mandate. At the same time, these international actors remain concerned about incorporating cities into a practice of human rights that is still very much centered on the state and the law.

c. State governments and agencies

Within the state or at least some states, human rights and equality bodies have tried to foster a proactive engagement of local governments with human rights, e.g. in the UK in the aftermath of the approval of the Human Rights Act 1998. It is interesting to notice in the case of the UK that pressure from the state has come in the context of local governments' reluctance to engage with controversial issues, e.g. traveler rights (Clements and Morris 2004).

d. Civil Society

Civil society actors play a crucial role in the generation and diffusion of new ideas about doing human rights in cities. People's Decade for Human Rights Education (PDHRE, currently known as People's Movement for Human Rights Learning) launched its Human Rights Cities Program in the 1990s. In the US, an internally diverse set of civil society actors have targeted cities within a broader state-oriented 'bringing human rights home' campaign (Davis 2009). However, it is important to remain aware of the differences that exist between actors within the civil society camp. For example, PDHRE's Human Rights Cities program emphasizes the importance of building a constituency for the human rights city more than the commitment of the local government, while Amnesty International is historically more inclined towards institutional politics. These differences can, at any point, undermine human rights actions and campaigns targeting cities.

e. Local Governments

Local governments may not always initiate human rights in their city but remain central for giving teeth to human rights via its own organization and policy. Local governments, and in particular that of Barcelona, have contributed to and promoted the European Charter for the Safeguarding of Human Rights in the City (ECHR) (Grigolo 2009). This text has inspired a variety of other charters, including purely local charters (for example, in Montreal: see Frate 2016). Recently, United Cities and Local Governments (UCLG) has played a crucial role in the organization and meeting of actors interested in engaging cities with human rights (García Chueca 2016).

2. Co-Production between the Actors

Within this broad transfer of knowledge, what often drives the process of making human rights in individual cities is a relation of co-production, marked by collaboration and competition, between civil society and local government. Whether the initiative starts from civil society or the local government, at some point, actors in either or both camps will seek each other's engagement, as they all become interested in opening a space of institutionalization of human rights within the local government (Grigolo 2009, Oomen and Van den Berg 2014).

Two ways local governments engage with human rights are: actors inside local governments who aim to establish their own vision and meaning of the human rights city within venues formally placed outside the local government, in which other actors participate (usually on a more equal footing with the local government); and the institutionalization of human rights within the local government, a process within which human rights become urban policy and tools for governing the city. Often there occurs a paradox whereby public powers are at the same time guarantors and violators of human rights.

It should be clear that once human rights start a process of institutionalization inside the local government, the local government will acquire a stronger control over them.

The process of defining and articulating a certain notion of human rights will inevitably be influenced not only by the interests and visions of the local government, but also its more or less progressive organizational culture. It can be argued that local governments appropriate and use human rights from the viewpoint of how

much they enhance their capacity to govern the city. Especially progressive local governments may take the opportunity offered by human rights to establish a channel of communication with local civil society, a form of collaboration that may not be immune to the classical co-optation taking place in any process of institutionalization. More generally, human rights can become part of a neoliberal practice of the city oriented towards branding the city internationally and building consensus around local policy internally. Overall, the process of institutionalization of human rights can end up limiting a more external and critical engagement of civil society with human rights. Needless to say, the outcome of this process depends also on how far actors within the civil society camp are inclined towards institutional politics and the collaboration with the local government.

In the light of these observations, I suggest that a fundamental tension is built into the human rights city between, on the one hand, the imperative of 'justice', to which civil society concerned about human rights may be more sensitive; and, on the other, the logics and constraints of 'government' that guide the local government. This tension can be solved in context, reaching different compromises between justice and government.

The Human Rights City and the Right to the City

In some human rights city initiatives the right to the city is often also invoked, and the other way around, e.g. in the case of the Mexico City Charter on the Right to the City (Sánchez Rodríguez 2016). This connection invites reflections on the relation that exists between human rights and their application to the city on the one hand, and the right to the city on the other. From the viewpoint and definition of human rights city set out above, the basic distinction here is between human rights and the right to the city as sources of norms and principles for the organization of the city. . As the following points show, human rights and the right to the city are distinct ideas and to a large extent practices (see also García Chueca 2016). Still, both ideas can become intertwined in the context of their (re-)construction in urban practice.

1. The ideas of Human Rights and the Right to the City

Human rights, whether of the state or of the city, are built on the fundamental discursive premises that 'government' is responsible for delivering human rights. Delivery of justice is expected to take place in the context of the relation between government as the duty bearer and people as rights holders around a variety of issues/rights. The fact that human rights rely on state power for their realization and implementation gives government a fair degree of control over justice.

The right to the city is, in the words of Henri Lefebvre, a call for "a transformed and renewed access to urban life." It is premised on a certain view of what a just city is, from which more rights and eventually certain interpretations of human rights can be derived. The right to the city presupposes a normative approach to the city which the classical liberal notion of human rights does not impose. The right to the city aims to limit the impact of the right to property and the interests of business and capitalism in the city, whereas a classical, liberal construction of human rights not only recognizes the right to property but has also been compatible with the reproduction of the current economic system and the social inequalities it has produced. The right to the city does, in many respects, reconnect rights to a left-wing and anti-capitalist perspective centered in the

city, a perspective that more 'reformist' progressive parties have set aside and eventually replaced precisely with human rights. Finally, the right to the city places the users and their (collective more than individual – see on this also Harvey 2008) right to appropriate the space of the city as well as participation in the process of deciding on that space at the center of the decision-making process (Purcell 2002), in a way that a liberal construction and governance of human rights do not.

2. Human Rights and the Right to the City in Urban Practice

In the human rights city, government continues to be central, albeit to differing extents depending on the initiative. In city charters of human rights, not surprisingly, the replacement of the state with the local government is more evident and is sustained by legal discourse. By imitating the language and form in which human rights are produced in the international human rights regime, these charters suggests that the actor that should be addressed by that regime is the local government, and that the practice of human rights should be centered on the local government. By replacing the state in the international human rights regime, local governments carve out their own space in that regime and 'steal the show' from the state. They do it in a way that gives them all the symbolic advantages without the burden of being primarily responsible to deliver human rights. Eventually, the meaning of human rights in these charters changes as far as charters not only reconstruct human rights through the city but also the other way around: they use human rights to redefine and sustain the city or at least a certain image of the city, defined by notions of 'equality', 'tolerance' but also 'tranquillity', 'safety' and 'leisure'. Charters embed a notion of local justice but also sustain the government of the city as far as they introduce internally a disciplinary discourse based on rights and responsibilities and project externally an image of the city as liberal and therefore, so the theory says, a desirable place to live for those 'creative classes' (Florida 2002) that make the fortune of cities.

Overall, it seems reasonable to suggest that the human rights city and the right to the city do operate on the basis of different concepts. The 'conversations' taking place in the two practices are also for this reason different, guiding different kind of actions and interpretations of the relation between human rights and the city. The institutionalisation of human rights in the city and the right to the city point in different directions or at least raise different kind of expectations, especially in the area of participation. The institutions put in place in Mexico City to implement its Charter on the Right to the City, for example, hints at more substantive and intense forms of participation than the lighter process of consultation and governance provided, for example, by the Montreal Charter of Rights and Responsibilities (Frate 2016). When the right to the city invokes human rights, it does so on the basis of a clear normative and political perspective that put a certain notion of justice beyond government, in a way that the human rights city practice does not seem to be doing, or at least not often. A certain human rights discourse on the city may well be resisted and contested from a right to the city perspective to the extent that it conceals and contradicts the social, political and economic reality of the neoliberal city.

3. A shared notion of social Justice

At the same time, it is significant that much new human rights meaning generated in the context of the broader human rights city conversation revolves around the space, use, activities and inhabitants of the city as

well as the role of the local government in preserving a more collective access to and use of the city, in ways that continuously evoke the right to the city, its conceptualization in the literature, and its practice. In the ECHR, the right to the city is introduced in Article I as, in fact, a human right. At their intersection in the city, then, human rights and the right to the city can be strategically mobilised by actors and constituencies within and across practices, eventually around particular issues.

This is particularly the case of social justice issues. Moreover, emphasis is placed in the human rights city on economic, social and cultural rights, against a purely liberal construction of human rights, which can also be found in the context of the right to the city practice, such as the right to housing in Montreal, Canada (Frate 2016) and Eugene, Oregon, USA (Neubeck 2016). The Montreal Charter recognized the right to water and the localized and public nature of this right before the same right was recognized as a human right by Canada (Frate 2016), hinting at the centrality of local governments not only in an issue which has already been understood as part of the right to the city but also the preservation and promotion of the commons and the relation between the commons and human rights.

The Human Rights Institutions of the City

The practice suggests that institutions that are expected to place human rights at the center of the social and political life of the city can be very different. They are sometimes named and provided for in the charters, motions, and statements that define the human rights city. We have already mentioned some examples in the previous sections.

Here, the focus is in particular on institutions, e.g. organisations and procedures, operating inside the local government, with an understanding that a variety of associations and bodies can be established in the city in which the local government does not participate at all, or participates less or in a less central way, eventually on a more equal footing with civil society actors. In the following a categorization of these institutions is suggested, after some general reflections on implementation.

1. On implementation

The way in which local government institutions implement human rights suggest that there exists a micro-level of construction and reconstruction of human rights in the city, where city employees and bureaucrats' own engagement with human rights does not simply 'implement' or 'translate' the officially recognized human rights of the statements. City employees re-work and redefine human rights in the context of their daily activities and the concrete issues they have to deal with and the kind of 'discretion' that they exercise in the conduct of their operations (Lipsky 2010). This amounts to a tension in regards to controlling the use of human rights by city employees and the deductive and inductive dynamics involved (Ife 2012). On the one hand, these actors *control* meaning in order to make sure that it does not deviate from some content and, on the other, they *encourage* new meaning that can help make sense of particular situations. In this context, translators and experts of various kind can suggest different ways in which to control and encourage meaning across different departments and in relation to particular issues.

2. Human rights departments

Dedicated human rights bodies are often behind processes that supports the diffusion of human rights in the city and operate from within the local government, or in association with it, in order to perform a variety of functions. These functions can be grouped under two broad lines of actions: (1) educating people on human rights in general (through conferences, human rights days, etc.) or specific training (to local government staff, students, workers, etc.) and (2) remedying what are seen and categorized as threats to human rights, via interventions on particular cases or complaints, relying on different legal powers and competences. These bodies often operate with methodologies typical of the practice and a classical liberal approach to human rights, e.g. anti-discrimination policy, relying on different legal powers and competences. Eventually, what the practice suggests are varying degrees to which a focus on civil rights in these policies is expanded to include a broader spectrum of issues defined or redefined as human rights issues (see Grigolo 2009 and 2010, and Frate 2016).

3. Mainstream Approach

Dedicated bodies, for example, commissions as well as committees and task forces, can also support particular initiatives related to the mainstreaming of one or more human rights within the local government, with a mandate to coordinate the mainstreaming of human rights across different departments and policy sectors. The scope of this kind of intervention is to change the organizational cultures inside the local government and particular city departments. An example of this kind of approach is provided by the city of Eugene, Oregon, in the US (Neubeck 2016). Here, not only the scope of the local Human Rights Commission, traditionally concerned with civil more than human rights, has been redefined in the light of international human rights; a process has also been stimulated by activists and experts from within the Commission, targeting different areas and sectors of the local government (Neubeck 2016).

4. Do human rights cities work?

As mentioned at the outset of this paper, the reality of human rights in many cities is quite uneven, and it is often complicated to assess whether human rights work or not. From the constructionist perspective adopted here, it must also be acknowledged that the notion of 'success' and 'failure' of human rights cities can also be disputed, or can be interpreted in different ways. From the viewpoint adopted here it seems reasonable to suggest that the structure of the city and its politics can limit the capacity of human rights and the right to the city to go beyond certain limits and impose their discourse. Cultural context less acquainted with human rights, including liberal countries like the US, can severely limited the receptivity of human rights in the city, inside and outside the local government.

Examples from some of the cities cited above can help illustrate different difficulties human rights can meet in the process of their diffusion. In Montreal, while the Ombudsman in Montreal deals with many issues, recommendations that the investigation of police actions should fall within the legal reach of the Ombudsman have not been followed up (Frate 2016). In Eugene some action has been taken to recognize and implement the right to housing and shelter; however, the City Council has left the criminalization of homelessness untouched and the solutions provided have been limited (Neubeck 2016).

There is an interesting association between the limits of the human rights city and the right to the city,

how these are generated by the prioritization in local politics of other agendas and principles, and the invocation of the law as an ally towards reinforcing human rights and the right to the city. An example is provided again by Mexico City, whose Mayor authorized the construction of a highway bypassing the principles of the city's Charter for the Right to the City and failing to put in place a process of wider participation and consultation (Sánchez Rodríguez 2016). What has been invoked in the case of Mexico City is the support of the law towards expanding the scope and reach of human rights and the right to the city, while protecting their core content by 'isolating' it from politics .

What kind of justice does the human rights city deliver?

As we approach the end of this paper, it will have become clear that justice itself is a social construction, dependent on how cities engage with human rights as well as the broader context within which this engagement is generated, resisted but also come to relate with other practices of the city. Justice is defined and substantiated out of the interplay of different goals and meanings engaged in the human rights city, and eventually what comes to be understood as 'unjust' in the practice. To the extent that the local government and its engagement with human rights is understood as and remains central in the human rights city practice, the human rights city itself will tend to be a matter of negotiating rights and accepting compromises with the local government about the kind of justice it is inclined and in some cases it can possibly deliver through human rights.

For a Sociology of the Human Rights City

Sociology can help cast a light on the different ways in which cities engage the idea of human rights by focusing on the urban practice of these rights and how in this practice human rights acquire meaning and this meaning comes to guide urban life. This perspective invites reflexivity over the possibility that human rights come to mean something new. This includes, despite the differences and tensions that we have seen, the right to the city. This may be the area in which cities are innovating most in the broader practice of human rights. An interesting question will be, then, the extent to which the right to the city will be accepted as a human right in the dominant practice.

Seen as a practice, we come to realize that there is no inherently true or good human rights city and that meaning depends on who has the power to define and lead the human rights city. In this respect, there are also ethical issues involved in the human rights city, which are issues raised within the more general process whereby human rights become more applied and inclusive (on this see also Goodhart 2008). These issues call into question who is actually empowered by human rights; how actors handle the power that the discourse of human rights gives them; actors' own assumptions about the meaning of human rights; the extent to which human rights empower but also discipline those who seem to need them most; how the law supports both empowerment and discipline; and, last but not least, the fact that other local actors may be critical of human rights and eventually prefer alternative patterns towards justice. These issues should then be considered in the light of the institutional support that the local government provides to the city: how justice and government are balanced one against the other, which impact on what meaning human rights require in the city.

It is important to keep an eye on how human rights are constructed, not only in city charters and statements but also, and eventually most importantly, at the level of the work and engagement of the human rights institutions of the city. Equally important is how the law is engaged in the process, with an understanding that powerful actors inside the local government will be more interested in using it against anybody but itself. Any negotiation of human rights in the city, including of their own use, should be considered as strategically related to the broader project of the human rights city and any compromise should be accepted with an understanding of its relation with, and impact on, the local and broader practice of the human rights city.

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