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Neoliberalism, Heritage Regimes, and Cultural Rights

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Introduction

The critical study of cultural heritage faces crucial challenges if it is to fully attend to fundamental shifts in the global political economy and global approaches to heritage protection. Heritage studies needs a more anthropologically nuanced and theoretically informed understanding of neoliberalism, governmentality, and human rights to address the changing conditions of heritage regulation and to understand the political struggles in which new "heritagized" claims are now imbricated. Although we find the dominant modes of critique characteristic of heritage studies to be too narrow to address the configurations of these contemporary arenas of governance, we highlight critical scholarship that is advancing these insights in an incremental fashion.

Under conditions of neoliberalism, we are witnessing shifts from liberal state-based regimes of protection of patrimony (understood as state property) to multiscalar and multisectoral assemblages of governmental regulation. The enactment of government policy relies increasingly upon the self-empowerment of capacitated citizens and self-organized communities in marketized relationships which position cultural heritage as a resource. Both "government through freedom" (Rose 1999: xxiii) and the "double-movement of commodification" (Polanyi 2001 [1944]), provoke rights-based discourses and practices in new forms of culturalized "politics" that exceed and may even be illegible to the state, but appeal to a wider variety of publics.

First, we move beyond the narrow understanding of neoliberalism characteristic of heritage studies to delineate dimensions of the critical study of neoliberalism particularly relevant to understanding heritage governance under conditions in which culture is a resource for new forms of capital accumulation. Rights-based practices and discourses function as a means by which the limits of governmentality are expressed by peoples who bring their own cultural resources to bear upon governmental demands that they bear culture as a resource. Such social articulations serve to enlarge rights-based discourse and practice in fields of heritage politics. Heritage scholars can

only recognize such struggles to the extent that they move beyond a formalist and institutionally based understanding of human rights, adopting and adapting the perspectives of legal and cultural anthropologists who have fundamentally transformed social science understandings of human rights since the turn of the century.

Neoliberalism in Heritage Studies and Anthropology

The concept of neoliberalism is so ubiquitous that some scholars complain that it has lost all meaning. Others insist upon abandoning it as a noun and decry its use as an all-encompassing negative epithet. In heritage studies, neoliberalism is used as a generic adjective for states, policies, and economic practices, a process of economizing heritage goods and/or promoting socio-economic development in competitive global economies. It is often conflated with economic globalization and the instrumental expansion of international tourism.

Many heritage scholars characterize neoliberalism as an ideology privileging economic rationality that has contributed to a profit-driven conception of heritage; others describe it as "an ideological approach to the state"s role in economy and society" (Gattinger and Saint-Pierre 2010: 280). Herzfeld defines it as "an ideology based upon the centrality of rights to individual choice" that encourages competitive relations and "engenders a 'dominant model' of the past and thereby 'reifies experience'" (2009: 114, 120). We disagree with the reduction of neoliberalism to ideology, and will argue, instead, that if heritage studies were to engage in more sustained conversation with the anthropology of neoliberalism, it could make some unique contributions.

Reconfiguring the state

Only recently have heritage scholars begun to engage in dialogue with the theoretical debates and ethnographic research on neoliberalism in the wider fields of anthropology and political geography. In these larger debates, neoliberalism is not understood primarily as an ideology or an economic system but as an inescapably *political* program best understood through "its realisation in the form of variously reconfigured, re-engineered, restructured and redeployed states, in contrast with the generative (and still pervasive) myths of state withdrawal" (Peck and Theodore 2012: 181). Critical heritage scholarship is focusing new attention upon the state (e.g., Bendix et al. 2012), and, in so doing, challenging this same simplification. Today the market is the state's organizing principle and effective governance "is measured with reference to asset management, to the attraction of enterprise, to the facilitation of the entrepreneurial activities of the citizen as *homo economicus*, and to the capacity to foster accumulation" (Comaroff 2011: 145).

Generally, theorists of neoliberalism have addressed it as field of contemporary regulatory transformation (Brenner, Peck, and Theodore 2010) that is not predominantly ideological, but rather a project of imposing market disciplinary regulatory forms in restructured territories. Anthropology has made significant contributions to this field, contesting totalizing visions of the overreach and underspecification of political economy and contributing to an understanding of neoliberalism as a variegated process facilitating "marketization and commodification while simultaneously *intensifying* the uneven development of regulatory forms across places, territories, and scales" (Brenner, Peck, and Theodore 2010: 184).

Anthropological work developing the Foucaultian concept of governmentality has been particularly influential in its focus upon rationalities of government, technologies of government, and subjects of government; "that is, the diverse types of selves, persons, actors, agents, or identities that emerge from and inform governmental activity" (Inda 2005: 10). When exploring rationalities of government, states are not treated as unified autonomous actors, ruling domestically and pursuing interests upon the world stage, but rather as a specific (modern liberal) way of dividing a "political" from other non-political spheres in which certain technologies of government are given institutional durability (Rose and Miller 2010: 275). The state, however, is only one means of accomplishing this.

Recent work on heritage similarly recognizes neoliberal restructuring, not as a withdrawal of the state, but as a new distribution of governmental powers in which nations, sovereignty, territories, and rights are reconfigured. Instead of any simple abandonment of heritage management to local authorities, for instance, we witness a devolution of authority to new agencies and coalitions of agencies, joint partnerships, public–private alliances, and multiscalar assemblages of NGOs, international authorities, and transnational agencies (Coombe 2012: 378). A proliferation of relevant fields of authority, influence, and decision making in heritage policy work increasingly make simple state–society dichotomies difficult to maintain when heritage governance is constituted synergistically through international policy, national legislation, local rules, and market demands.

An interpenetration of civil society, state, and market forces may increasingly be the norm. In China it appears that World Heritage site nomination criteria assembles both public and private entities in new cohesions, while legitimating a larger scope of municipal autonomy than would otherwise be permitted under the authoritarian state (Wang 2011). Exploring heritage governance in the Caribbean, Scher (2010, 2011) shows how the reconfigured neoliberal state is manifest in increasingly dispersed cultural interventions including transnational and decentralized institutional oversight backed by new legal protections for diversifying cultural markets. Kockel (2012) suggests that "the state" can refer to any of a number of levels of governance, or a combination thereof, represented by the coordinated activity of agents from different sectors supported by various NGOs. A governmental approach to neoliberal heritage must therefore explore discursive and non-discursive practices in "sites situated in liminal zones of standard institutionalist cartographies" (Brenner, Peck, and Theodore 2010: 199).

Technologies

If anthropological approaches to neoliberalism approach the state differently, they do so with an awareness that government operates via technologies (Ong 2007) – mundane programs, calculations, apparatuses, techniques, forms of examination, and processes of assessment, through which "governing at a distance" is accomplished. These are understood as "technologies of subjectification" (Hilgers 2010: 359), which seek to make locales and persons "capable of bearing a kind of regulated freedom" (Rose and Miller 2010: 272). Rather than constraining people, the cultivation of personal autonomy is one means through which such technology does its social work. Ethnographically grounded illustrations are needed to "track the haphazard migration of governmental techniques and programming technologies, their deployment in diverse sociopolitical settings, and their eclectic translation and operationalization" (Brenner, Peck, and Theodore 2010: 199). Heritage management

is clearly accomplished through increasingly specialized technologies of inventory, notation, digital preservation, site monitoring, and inscription, all of which shape subjective agencies, suggesting that heritage scholars have a great deal to contribute to these larger conversations.

Scholars critical of heritage regimes have long been concerned with the social consequences of activities that quantify, audit, and represent cultural goods and practices in ways that may be alien to or misrepresent local communities. From a governmentality perspective, however, "the "representation" of that which is to be governed is itself an active, technical process" (Rose and Miller 2010: 283) that dynamically intervenes in rather than passively represents or misrepresents social realities. In short, it is a central means through which reality is made stable, subject to evaluation, calculation, and intervention. The design and use of inventories, cultural mappings, traditional knowledge registers, and 3-D renderings are but a few means by which cultural resources are rendered legible as forms of governmental power. To enjoin others "to write things down and count them" is to exercise a form of government "without encroaching upon their 'freedom' or 'autonomy'" and "often precisely by offering to maximize it" (Rose and Miller 2010: 285). This would seem to be especially the case when people are asked to count, map, and inscribe those sites, artifacts, practices, and landscapes they believe (or are led to believe) best distinguish, define, and identify them, as they are when their cultural heritage is under valuation (Buchli 2013).

In global heritage politics, we see enhanced priority given to practices of mapping and inventorying cultural properties, qualities, and attributes of significance while making these legible through new forms of documentation, archiving, and publication (Bennett 2007; Hafstein 2009; Tauschek 2012). Multilateral institutions and transnational corporations increasingly configure cultural diversity and heritage resources as a form of currency subject to international surveillance and scientific control. States and local authorities are encouraged to treat these as forms of capital to be developed and marketed, and seek international partnerships with holders of the necessary expertise to effectively accomplish this. Communities may also shape these demands to new ends.

Heritage governmentality prompts extended surveys and inventories of cultural sites and practices, as well as new regulations pertaining to authenticity and who constitutes a legitimate "stakeholder," "tradition bearer," or local expert (Collins 2012; Coombe 2012; Ellis 2012; Scher 2011; Smith 2007; Vrasti 2013). Becoming a heritage subject entails being subjected to the political technologies of the state and the managerialist gaze of transnational governmental actors and is a means of making visible and tangible what was previously intangible and taken for granted (De Cesari 2012: 409) for purposes of intervention (Arantes 2007; Meskell and Brumann in this volume; Waterton and Smith 2010). As De Cesari summarizes, heritage governmentality encompasses diverse "ways of shaping people's behavior by applying specialized bodies of knowledge" recognized as expertise (2012: 401).

Communities of experts emerge in parallel with neoliberal techniques for "constituting persons as owing allegiance to a particular locus of identity and authority, assembling subjects, and inculcating skills and solidarities" (Rose and Miller 2010: 276). Heritage resource management in particular mobilizes new fields of expertise in its practices of subject formation. For example, in the Azores archipelago, the protected area of Sete Cidades is home to a community increasingly subject to both environmental regulatory measures and government-sponsored conservation models (da Silva 2014). Enduring restrictive land tenure contracts and oversight by biologists,

environmental engineers, and NGO agents working within the protected land-scape, all of whom profess superior expertise, local residents assert their "culturally specific collective identity" (da Silva 2014: 9) as the source of an alternative expertise grounded in traditional ecological knowledge and practices of resource management. They challenge new impositions of "eco-governmentality" by affirmatively embracing the subject position of stewardship historically taken up by indigenous peoples under global biodiversity norms; in so doing, however, they may subject themselves to unanticipated demands. Lafrenz-Samuels nicely describes neoliberal heritage institutions as building local capacity by fostering "internal modes of self-monitoring and self-discipline" in areas in which "the hegemony of expert knowledge is masked by a discourse of cosmopolitanism which privileges a localized diversity that must be managed by inculcating the correct habituations of local subjects in the ostensible objective of alleviating poverty" (2010: 205–206).

Subjectification

Neoliberalism is marked by new modes of subjectification that shape social agents to enable competitive relations in markets by "capacitating" people to bear a kind of regulated freedom as "responsibilized" individuals or communities (Brenner, Peck, and Theodore 2010). The molding of new subjectivities is crucial to harnessing cultural goods and practices as heritage resources, optimizing agents to maximize advantages as "autonomized" entities in extended markets, a process that requires social agents be invested with possessive attitudes and vested with proprietary rights so as to engage in market relations.

Many generic observations support this. Archaeologists, as contracted specialists, strategically balance the requirements of impact assessment reports with site-based needs for commercial funding, while grappling with professional techniques for incorporating local community expertise (Hollowell and Nicholas 2009). Entrepreneurial state heritage administrators facilitate rapid permit granting for commercial development of tourist heritage zones and solicit private contracts via corporate social initiatives for heritage development, while navigating policies advocating best practices in heritage management. Volunteer groups and tourists are enrolled in the assumption of responsibilities for local heritage development – channeled through allegedly "non-governmental" organizations (Vrasti 2013). Mining companies on resource frontiers practice corporate social responsibility, funding local heritage projects that facilitate community capacitation to meet global industry standards and displacing public authorities to further entrench private regulation (Coombe and Baird in press; Meskell 2011, 2012; Paterson and Telesetsky 2012), sometimes even organizing and funding heritage governance by way of providing "cultural heritage offsets" (Seagle 2013).

Neoliberalism is supported by globalizing processes driven by information technologies, in which, as heritage scholars are slowly recognizing, culture is not only drawn into relations of economic exchange but becomes a force of production in its own right (Long and Labadi 2010). We see an accelerated imposition of new forms of ownership to encourage tourism, foster foreign direct investment, promote product differentiation, and otherwise capitalize upon cultural resources for sustainable development. Given the relationship between informational technologies and informational capital, topics of property, personhood, and propriety are renewed subjects of anthropological interest, not least because of the expansion of intellectual property to new subject matter and new regions, a proliferation of new forms of cultural

property, and an extension of branding activity (Ahmed, Coombe, and Schnoor 2007; Aronczyck 2013; Aylwin and Coombe 2014; Comaroff and Comaroff 2009; Coombe 2009; Manning 2010). The lack of engagement between heritage and property scholarship in anthropology is unfortunate, but we must also resist the presumption that all heritage rights are proprietary ones or that all cultural rights are essentially rooted in property principles. Heritage scholars will increasingly encounter new struggles over property and propriety, given the multiplicity of legal and policy regimes in which cultural goods and resources are targeted for developmental intervention in newly recognized communities.

Neoliberal Governmentality and Community

A new form of governmental rationality is emerging under neoliberal conditions as a constitutive form of cultural policy focused on "the organization of self-regulating and self-managing communities" (Bennett 1998, 2000: 142). "Community" recognition responds to the politics of human rights movements but it is also tied to the neoliberal policies of trade agreements and the aid programs of multilateral organizations. In diverse fields of international law and policy "communities" are privileged as autonomized collectives enrolled in practices of cultural governance through transnational networks of activism (Coombe 2011). This is a process that will accelerate as the UNESCO regime for intangible cultural heritage management is "rolled out" and its demands for community participation and engagement are interpreted, implemented, and locally articulated (Fawcett 2010; Lixinski 2011; for discussions of the UNESCO Convention on the Safeguarding of the Intangible Cultural Heritage see Smith and Akagawa 2009). Operational guidelines are now in place to secure community participation and enhance capacity building at a more local level, although state hostility and resistance to these norms ensures that they are likely to be contested. They may also evoke instrumental behaviors, to the extent that communities may have no objective boundaries or legal existence.

Human rights principles that require greater participation by minorities and indigenous peoples are also being incorporated into heritage planning. Such norms appear to be widely operative; a "strong participatory rhetoric emphasizing the necessity to involve local communities and a poorly defined 'grassroots' in heritage decision-making" is "the cornerstone of recent UNESCO policies" (De Cesari 2012: 401). The inclusion of communities is understood to represent a new acknowledgement of social collectivities as well as attention to grassroots interests, a shift in which both indigenous rights movements and anthropological, practice-based understandings of culture were influential (Coombe and Turcotte 2012: 291). UNESCO Operational Guidelines for World Heritage sites now ideally envision governance structures involving multiple stakeholders that combine community resource management systems and privilege traditional knowledge and customary law while supporting community employment (Ekern et al. 2012; Hill et al. 2011; Meskell and Brumann in this volume; Munjeri 2004; Rössler 2006; West, Igoe, and Brockington 2006).

Critical heritage studies tends to excoriate the notion of community in heritage governance. Community is a seen as a concept that is rhetorically deployed, reified, naturalized, unreflexive, nostalgic, romantic, mystifying, and Orientalist, assuming homogeneity and cohesion, misrepresenting local social dynamics, obscuring differences in interest and internal relations of power, and ultimately a concept imposed

upon people by outsiders that is more likely to undermine than safeguard the customary means by which heritage is produced (Aragon and Leach 2008; Chanock 2009; Forsyth 2012; Noyes 2006; Smith and Waterton 2012; Tauschek 2012). For anthropologists of governmentality, however, issues of misrepresentation are of less importance than the ways in which such programs reconfigure cultural agency and thereby reconstruct social fields of power (if not necessarily in accordance with the values they purport to uphold) (Li 2007a). The governmentality emphasis "demands that we go beyond asking whether neoliberal rationality adequately represents society, to consider how it operates as a politics of truth that produces new forms of knowledge and expertise that structure domains of regulation and intervention" (Coombe 2007: 286).

Heritage resource management legitimates new relations of power and knowledge while creating new subject positions for social groups. It accomplishes this by fostering the articulation of culturalized collective subjectivities in processes which may involve practices of interpellation and tutelage in the name of empowerment and participatory management. Communities are enrolled in government through practices of encouragement, motivation, incitement, and inducement. Intangible cultural heritage, for example, intervenes in subjects' relationships to traditionalized practices of cultural transmission that they are now invited to objectify through protective safeguarding (Hafstein 2007, 2014). Heritage management thus provides an obvious opportunity to use the insights of legal anthropology so as to explore political economies of community construction (Coombe 2011). Unlike Kurin, we do not see the traditionalized community as "a rising, alternative holder and centre of power to the state" (2007: 15) but neither are we content to dismiss it as an antiquated stereotype or a mere product of subjection. Rather, we take this to be a governmental subject position of particular provenance and potential consequence for constraining and enabling local agency.

We need to consider the conditions under which community might prove to be a dynamic resource for innovative social transformations, the directions and impact of which we cannot adequately explore using the logic of correspondence and representation. Heritage scholars, De Cesari (2012) suggests, have been too focused upon the centralization, homogenization, and cultural imperialism of heritage regimes, and insufficiently attentive to the new capacities that decentralized coalitions of parties may affect. We need to stop dichotomizing government and community as actors with and without power (Kuutma 2012) and consider, instead, that heritage as government operates *in* and *through* "community" as the subject of its technological address, the object of its activities, and, thereby, activates a semi-autonomous political agent (Li 2007b).

Contingencies of community autonomy

If we consider communities as forged in multisited networks of power and subjects of diverse policy government, then we should address the trajectories and engagements through which they are recognized, the conditions under which their particularities are rendered as cultural resources, and how such processes are taken up locally. We agree with Kuutma's suggestion that heritage scholars move beyond their normative identification with the grassroots in opposition to government (perceived of as an external imposition of unwanted powers) "to define and investigate moments of empowerment, instances of emergent agency, and situations where local actors partake in grassroots policy-making" (2012: 33).

The democratic participation and local involvement that UNESCO's current norms emphasize may afford political resources for local actors who may deploy these to insist upon new forms of influence as legitimate "stakeholders" (De Cesari 2012: 408). Sánchez-Carretero (2012) shows how the nomination and inclusion of the Camino de Santiago as a World Heritage site cultural itinerary for purposes of supporting economic development influenced Galician norms of community identity. No particular significance to local residents was actually required by the nomination, since the sites had cultural significance to Christian pilgrims and others who traversed the routes they joined. Nonetheless, municipal authorities, impressed with UNESCO's recent emphasis on community values, insisted that residents participate in the maintenance of "their heritage" and people were "made" to feel a possessive attachment to the site. Ironically, this new demand for grassroots participation became the subject of grassroots opposition. Encouraged to adopt a possessive attitude to the site, local activists sought to have the inscription changed to World Heritage in Danger to condemn the failure of authorities to protect the route from harmful forms of development or to protect resources necessary for local sustainable livelihoods. In short, the newly activated community found within the UNESCO regime effective public means to shame state authorities for their failure to protect the object of UNESCO valuation or to respect the values of those subject to the negative effects of its governance *as* heritage (Coombe 2012: 381). UNESCO bodies convene international publics that community constituencies may lobby alongside state authorities for enhanced governance, control over mining concessions, and environmental protection (e.g., Logan 2007; Lydon 2012).

Community relations to heritage governance are not, however, limited to UNESCO auspices; it is more appropriate to think "in terms of multiple overlapping and intersecting heritage regimes, related to different scales and the actors that nurture and champion them" (De Cesari 2012: 403), or "assemblages of different patrimonial paradigms … creative contact zones between different heritage logics that compete against one another or that are combined in synergistic ways" (Tauschek 2012: 196), involving "eloquent dialogues that are in danger of remaining concealed behind apparent conformity" (da Silva 2012: 76). Thus heritage scholars are uniquely positioned to take up Stephen Collier's challenge to pursue an ethnographic investigation of neoliberalism linked to policy programs focusing on distributed networks of policy expertise and "hybrid governmental formations" (2012: 194). Heritage ethnographies almost invariably consider how experts are empowered as well as the intersection of inherited institutional landscapes and neoliberal forms of regulatory restructuring.

The newly "responsibilized" community that stewards local cultural resources is a global subject position with a diverse policy provenance; communities are intervened in through a number of regulatory regimes. From global environmental norms of preserving and maintaining traditional knowledge, emerging international intellectual property policies for the protection of traditional cultural expressions, and NGO policies promoting cultural industries to further sustainable development, people located in communities are faced with overlapping demands to value, register, map, and create inventories of heritage goods as resources (Forsyth 2012: 1). Heritage scholars need to become more cognizant of the full range of regulatory initiatives at work in sequestering heritage resources, their institutional provenance, norms, and agencies of interpretation.

Governmental power manages communities *by* empowering them (De Cesari 2012: 409), specifically through eliciting the "continued participation, sacrifice

and self-monitoring" of involved community participants (Meskell 2009: 97). The particular forms that such "empowerment" assumes in historically shaped contexts should be the subject of analysis. If in some areas, norms of community autonomy may be linked with new agencies of self-determination, recognition as a "stakeholder" in safeguarding cultural resources may also invest communities in the economies of their abandonment. The mapping of community cultural resources in twenty-first-century Japan, for example, enrolls residents in participatory projects of cataloguing significant local attributes (Love 2013). A governmental project "activates" rural residents in "treasure hunts" through which they come to see the areas in which they live as places rich in unique resources. Designed to spur local sustainability in the face of economic decline, these projects of community mapping emphasize "self-propelled" stewardship in which residents are collectively motivated to preserve territories holding resources of cultural value. Treasure hunts are responses to processes of neoliberal decentralization in recessionary Japan, which include the withdrawal of tax subsidies from a depopulating countryside. This devolution of responsibility "organizes rural inhabitants to participate in acts of self-recognition – to generate a distinctive and reaffirming notion of their collective identity" (Love 2013: 114) based in the localities they steward. Experts tutor them in locating and inscribing things "important to an area"s way of life" (116), encouraging them in enterprises such as renewed marketing of rural heritage foods and revival of ancestral industries through which community competition will "diminish needs for central government supports" (120). Under such circumstances, communities are easily blamed for their own failure to sustain themselves (see also Lafrenz-Samuels 2010).

Contingencies of assemblage

We cannot, however, simply presume that the reification and government of responsible communities will lead to their abjection and dispossession. The governmental embrace of community in neoliberal heritage management provides opportunities as well as constraints. As Kuutma (2012) asserts, heritage scholars cannot limit critique to dismissing heritage regimes as elitist impositions of social engineering, but must also explore local political agencies in these projects. We agree; it is an important, if remarkably overlooked premise of governmentality theory that:

> agents within governmental networks are not faithful relays, mere creatures of a controller … They utilize and deploy whatever resources they have for their own purposes … Each actor, each locale, is the point of intersection between forces, and hence a point of particular resistance to any one way of thinking and acting, or a point of … promulgation of a different or oppositional programme. Entities may defect from a network, may refuse to be enrolled, or may bend its operations at certain points beyond all recognition.
>
> (Rose and Miller 2010: 287–288)

Government, in short, "is a congenitally failing operation" (Rose and Miller 2010: 288); unanticipated outcomes emerge from the intersection of diverse technologies, the conjunction of new techniques and old conditions may enable things to work in new and different ways. This seems especially probable in heritage projects where culture, understood in terms of group identity, essence, and value, is approached as a resource through a lens that emphasizes social propriety (local norms and values) as well as proprietary relations.

If neoliberal governmentality has shaped "cultural realms in the production and affirmation of diversity through the commodification of difference" (Perreault and Martin 2005: 193), its effects are uneven (Kingfisher and Maskovsky 2008) and its mandates are reworked by enterprising subjects, who may subvert the opportunities it affords for new purposes (Bondi and Laurie 2005). Moreover, they may use other dimensions of their perceived heritage to do so. Even neoliberal policies are anchored in bodies, representations, and practices which have been inscribed by successive regimes of power and policy which continue to provide resources for interpreting new structures (Hilgers 2012: 91). Forces of commodification tend to provoke alternative articulations:

> As Polanyi long ago recognized, double movements against the excesses of commodification or marketization may take a variety of politically mediated forms; both in principle and in (emergent) practice, there is scope for politically progressive and "more social" responses to the failures of neoliberal programming.
>
> (Peck and Theodore 2012: 182–183)

Despite institutional mandates, policy dictates, disciplinary pressures, and expert direction, the fact that neoliberalism can only exist in socially embedded form (Cahill 2012) "means that transformative dynamics can never be *exclusively* assigned to neoliberalism. The hybrid (re) combinations within which neoliberalism dwells are themselves generative; it is not that neoliberalisation is active, while its socio-institutional "hosts" are merely inert, residual" (Peck and Theodore 2012: 183). Thus peoples' social goods, their histories of struggle, social norms and historical values, are all resources that may be revitalized precisely under such conditions.

Far from a "uniform global condition," neoliberalism takes place in specific "assemblages" that migrate "from site to site" through a promiscuous entanglement of global and local logics (Ong 2006: 14, 2007: 4). As an analytic category neoliberalism may be approached as an assemblage of technologies, techniques, and practices that are selectively appropriated and come into uncomfortable encounters with local politics and cultural understandings. Assemblage, as a constellation of articulations, *assembles*, "forming and sustaining associations between diverse constituents," as "orders emerge and endure across differences" in which the constituent factors and forces retain dynamic and autonomous capacities (Anderson et al. 2012: 174, 176).

Emerging Articulations of Heritage and Rights

Rights constitute dynamic and emergent constituents in heritage assemblages. To explore this, however, heritage scholars need to approach human rights in a more anthropological fashion. Reviews of international human rights conventions, policy declarations, drafting histories, and professional bylaws are rife in heritage scholarship. This legal formalism is often linked to an institutional instrumentalism in which human rights are approached as purely juridical tools, governed entirely by litigation and administrative determination. To the extent that rights are addressed primarily as textual, they are negatively evaluated for lacking enforceability (Hodder 2010; Logan 2007, 2008, 2012), which usually assumes that their primary social arena is institutional and their primary addressee is the state.

Given the emphasis with which UNESCO continually revisits and elaborates human rights as one of its programs' primary normative contexts (see Meskell and

Brumann in this volume), it is entirely consonant with heritage scholars' dominant institutional focus to reiterate these founding principles. Certainly this is preferable to denunciations of cultural rights which simply ignore their legal articulation and interpretation, their historical evolution, and the scholarship in the field (e.g., Kapchan 2014). Some heritage scholars see the primary right relevant to heritage as the right to participate in community cultural life (e.g., Silberman 2012), a right historically understood as both ambitious and ambiguous. The rights that may be asserted *through* heritage, however, are far less narrow.

Heritage rights remain an uncertain domain of the already "soft" category of cultural rights within human rights regimes (Stamatopolou 2012: 1171). While early declarations of heritage protection were rooted within clearly delineated state patrimonial contexts of preserving historic sites, buildings, and monuments, later charters and conventions have addressed more fluid and intangible dimensions of cultural lifeworlds (Beazley and Deacon 2007). This shift in emphasis reflects an expanded recognition of minority, indigenous, refugee, and diasporic rights and a recognition that heritage provides political resources for social movement struggles (De Cesari 2012: 310–311; Labadi 2011; Langfield, Logan, and Craith 2012; Logan 2007, 2008; Silverman 2014; Waterton and Smith 2010). Unfortunately, this insight has not fundamentally changed the ways in which heritage scholars approach human rights.

Rights dynamics

The emphasis in heritage studies on the formal content and procedural enactment of cultural rights doctrine not only ignores the tensions and shifting sands upon which such policies are instantiated and interpreted (Lydon 2009; Meskell 2010, 2012, 2013), it is fundamentally at odds with an anthropological understanding of rights. Anthropologists approach law as an authoritative cultural discourse that provides legitimating political resources in social struggles – contingent, socially constitutive, politically interpreted, and the subject of ongoing contestation. As per-haps the only authoritative normative discourse available to counter the excesses of neoliberalism, human rights afford a powerful set of rhetorical resources through which understandings of power and injustice may be expressed. Rather than seeing human rights as institutionally compromised obstacles to social justice, then, heri-tage scholars might explore the ways in which human rights vocabularies provide rhetorical resources with which to protest injustice, insist upon new forms of social justice, and assert distinctive understandings of human dignity in diverse social fields, or, in short, attend to "the social life of rights" (Wilson 1997: 13, cited in Lydon 2009: 32). Recognizing only the weighted symbolism of rights in heritage institutional policy fails to attend to the broader social genealogy of human rights in our areas of fieldwork or the broader publics to whom rights-based political claims are made.

Rights are enunciated in performative iterations at multiple scales in which their normative content is continually reinterpreted to express injury, grievance, aspira-tion, dispossession, and entitlement. Human rights discourses have state, regional, and transnational as well as international provenance. They may be called upon in movements of self-determination that seek greater autonomy from the modern state; they may also subject the state itself to scrutiny, judgment, and discipline. Rights vocabularies are spread transnationally by NGOs, development banks, aid institu-tions, and social movements in networks that enable coalitions to be forged and

norms to be articulated, as internationally validated vocabularies of legitimacy are woven into local expressions of enduring significance.

Asking if the right to cultural heritage is a human right unduly narrows the heritage scholar's field of inquiry by putting too great a priority upon possessive claims, and too little upon the much wider range of practical entitlements that might flow from a broader emphasis upon culture as a political and social resource (Robbins and Stamatopolou 2004). For example, the UN Independent Expert in the Field of Cultural Rights affirms that the "right of access to and enjoyment of cultural heritage forms part of international human rights law, finding its legal basis, in particular, in the right to take part in cultural life, the right of members of minorities to enjoy their own culture, and the right of indigenous peoples to self-determination and to maintain, control, protect and develop cultural heritage" (Shaheed 2011). At the very least this means acknowledging a wider range of rights (such as those protecting indigenous peoples, traditional knowledge, and traditional cultural expression) as interrelated in heritage governmentality (Coombe 2008, 2009).

Cultural heritage is not merely a fossilized inheritance but "a dialogic medium for promoting discussions about social justice and cultural creativity in the present" (Silberman 2012: 7). So too are human rights part of an intercultural dialogue. Silberman acknowledges that a considerable body of theoretical work on the interrelationship between human rights and cultural heritage has yet to be integrated into either the practice or the scholarship of heritage management. To do so, we agree, will not only require attention to a broader range of human rights principles but to the various activities through which heritage is publically communicated and interpreted, precisely because both "rights" and "culture" have performative as well as referential functions (Silberman 2012: 2–3).

To some degree, cultural heritage practices inevitably emphasize how people identify themselves, what they value, and how they define practices of significance, all of which may encourage normative reflexivity. Global legal instruments, however inadequate as grounds for institutional action, are also taken up dynamically and in diverse modes that afford an increasingly broad repertoire of activity. Instead of asking whether heritage claims are rights claims in an abstract sense or assuming that all evocations of heritage tend to violate other more fundamental rights (Kapchan 2014; Klein 2014), we might ask how and when heritage as a field of governmentality provokes rights-based practices and consider their social consequence.

Heritage as dialogic rights media

Despite the facility with which heritage scholars discuss local deployments of heritage regimes using metaphors of translation and domestication (Bortolotto 2012; da Silva 2012), they rarely do so with respect to human rights. Legal anthropologists, however, explore rights in different registers, recognizing the social life of human rights in rights discourses and rights practices and in multiple social fields that vernacularize rights (Merry 2006, 2009; Preis 2009). Indeed, in efforts to counter neoliberalism and articulate decolonial alternatives in the Americas, rights are appropriated in new ways which encapsulate locally relevant histories and refuse the allegedly universal meanings they have in Western liberal political discourse to give voice to new ethical imaginaries (Goldstein 2012: 304). Such universalist forms are appropriated, tactically received, and transformed in vocabularies and practices that travel transnationally, "scaling up" to recursively transform fields of power.

In her study of Mali's preparations for the 2005 nomination of transhumance festivals for UNESCO"s Masterpieces of the Oral and Intangible Heritage of Humanity, for example, Leblon (2012) suggests that the attention, energy, and investment that UNESCO processes bring to the "cultural" practices of those with land-based livelihoods might still be diverted to support local movements for rights to territory, resources, and new forms of self-determination. The Malian National Directorate of Cultural Heritage seemed prepared only to encompass a very narrow range of heritage as falling within UNESCO's masterpiece candidacy dossier criteria. Most of this had little to do with the increasingly threatened practices of raising and herding livestock and served primarily to ratify the expertise of already privileged elites. Fulbe pastoralists, however, seized upon the nomination of the *yaaral* and *degal* as well as new UNESCO emphases on community participation as opportunities to assert rights to land tenure, food security, political participation, and health. The ideological legacies of prior regimes of heritage governmentality appear to have blocked local practitioners in this instance but the inscription of the *yaaral* and *degal* cultural spaces coincided with a new "safeguarding action plan" that permanently established subregional cultural heritage offices and participatory local networks endowed with new capacities for interrupting and transforming prior regimes.

Ethnographic work considering governmentality's *limits* is necessary because the relations and processes with which government is concerned involve "histories, solidarities and attachments that cannot be reconfigured according to plan" (Li 2007a: 17). The study of particular regimes of governmental power must involve "a diachronic understanding of the emergence of new forms of knowledge, technics and subjects as well as their encounter with habitual forms of practice and historical identification which may restrict [the latter's] realms of encompassment" (Coombe 2007: 285). Neoliberal heritage regimes deploy various technologies to bring a new level of scrutiny upon local understandings of identity, prompting new identifications, connecting these with social as well as economic valuation while engaging enterprising subjects to exploit such values to diverse ends.

Heritage as a resource is mobilized through the energies of states and corporations, NGOs and regional associations, UN bodies and civil society movements, all of which have particular interests in empowering communities as entrepreneurs, owners, stewards, custodians, or guardians of scarce and endangered forms of knowledge, difference, and distinction. While governmental practices may attempt to identify and attach groups to the kinds of heritage most easily managed as commodifiable resources, they do not necessarily succeed. It is "important to look not just at the forms of collective and individual identity promoted by practices of government, but also at how particular agents negotiate these forms – at how they embrace, adapt, or refuse them" (Inda 2005: 11). Heritage scholars are well positioned to explore governmentality's limits as well as the "forms of political possibility" that neoliberalism's freedoms and autonomies may afford (Ferguson 2010: 183). The "congenitally failing" quality of neoliberal government also marks the point of entry for imaginative assertions of human rights framed in terms of community values, ideals of well-being, *buen viver* (good life), or *Sumak Kawsay* (well living).

To the extent that actually existing neoliberalism is encountered in governmental assemblages, it is dialogically articulated with rights-based practice and struggle (Coombe 2007, 2011). All forms of government are engaged with rights discourses and practices that express some of "the few moral injunctions the legitimacy of which is still acknowledged internationally" (Hristov 2005: 89) to justify practices

of negotiation, terms of accommodation, and, in some cases, resistance and refusal. Rights practices target state governments, international economic institutions, and transnational corporations (and to a lesser degree NGOs and communities themselves) as subjects bearing obligations that must be continually reinterpreted and reiterated. The "friction" (Tsing 2005) produced when the intensifications of governmentality come up against and potentially ignite rights-based struggles and politics offers great promise as a field of critical heritage inquiry.

Vernacular resources such as understandings of tradition, moral economies of customary practice, and beliefs about the nature of human dignity and human obligation are all cultural means through which situated senses of injustice may be articulated, alternative forms of aspiration expressed, and hope given voice. When culture (practices, abilities, and relational capacities) is a resource (sometimes coded as social capital) "incentivized" via technologies through which communities are made responsible for heritage as that with which they identify, reflexivity about identity, history, memory, and value is encouraged. Thus "possessive" rights to cultural heritage may be used to insist upon particular proprieties as well as properties, and to express aspirations for specific futures based upon particular pasts.

Even the predictable forms of visible "difference" that tourist economies cultivate may be used to voice particular forms of dissent. Cultural heritage management in Havana attracted international co-financing and NGO participation, the energies of local officials and elites, and new venture capital (Pichler 2012). Nonetheless, Pichler suggests that the means through which cultural distinction was made legible, and publicly "staged" for calculable forms of consumption, were appropriated by actors with alternative agendas. The Cuban government was clearly influenced by UNESCO interest in intangible heritage when it allowed long-suppressed Afro-Cuban religious groups to adopt their traditional dress as an instance of visible cultural diversity to serve tourist industry needs. By adopting the distinctive white dress of initiates into Afro-Cuban religions, however, female relatives and supporters of jailed dissidents used the markers of these formerly suppressed religious groups to mark and remark upon the state's heritage of oppressing political dissent and denying freedom of expression. Thus they put the cultural resources of heritage government to work as human rights resources for wider consumption.

Actually Existing Heritage: A Resource for Cultural Rights Practice

Assertions of rights are increasingly culturalized; the concept of heritage is doing political work well outside of official heritage regimes. Heritage is a new language of political currency for seeking investment, but it has also assumed enhanced value in advancing the political agendas of grassroots, minority, and indigenous actors (e.g., Albro 2010; Castañeda 2009; De Cesari 2012: 403; Schofield 2014). The reduction of culturalized rights claims to a politics of recognition, however, misrecognizes the materiality of the struggles in which they figure (Robbins and Stamatopolou 2004). Under neoliberal conditions in which class-based identities have lost political resonance and peoples struggle to have colonial and modern state-based dispossession redressed, the cultural frame may provide the only means through which a "right to have rights" may be articulated (Jung 2003, 2008). Although such struggles might not be recognized as political within a modern liberal imaginary, there is no reason why heritage scholars should so limit their own gaze.

An idealized modern constitution (Latour 1993) tends to render certain politics illegible by freezing a particular "rights imaginary" in which "culture" is either conceived as national state patrimony or the basis for minority "recognition" and limited forms of "inclusion" commensurable with liberal state norms. Nonetheless, the modern category of the cultural also remains an amorphous "placeholder," an immanent contextual remainder (or dangerous supplement) within the human rights framework, historically available for imaginative political investments and articulations of aspiration by the governed (Appadurai 2013; Rajagopal 2003). For example, peoples whose "religions" are not characterized by individuated interiorized belief but by intergenerational and cross-species spiritual socialities, must choose environmental or cultural grounds (or hybridize these) to stake claims.

Indeed, to the extent that meaningful challenges to neoliberalism are emerging, they tend to be articulated in a new hybrid rhetoric linking human rights to social change, first adopted during the post-apartheid transition in South Africa (Goodale and Postero 2013), but finding unique expression in social movements for cultural, environmental, and collective rights which "agitate for fundamental ruptures with the symbolic organization of colonial modernity" in the inscribed surfaces of neoliberal decline (Natera 2013: 254). From the perspective of those for whom the modern is predominantly an experience of the colonial power matrix, the category of the "cultural" may figure as a place of political potentiality "beyond" the modern, articulated through the rhetoric of rights to legitimately express injury, loss, grievance, and the need for support, or to insist upon distinctive responsibilities so as to assert new autonomies. Neoliberal governmental attention to culture as a resource ironically enables the articulation of new hybridized cultural rights which exceed market-based concerns. Heritage studies might contribute to the anthropological study of "actually existing neoliberalism" by "mapping the middle" (Merry 2006), tracing the networks between international institutions and norms, national legislation, and vernacular understandings and practices manifest in the "rights-based practices" (Goodale 2007, 2009; Pitarch, Speed, and Solano 2008; Speed 2008) through which cultural heritage is invoked. In the wake of rapid restructuring and the increasing precarity of labor markets, contemporary assertions of cultural rights may deploy culturalized rhetoric to make claims to dignity that involve access to electricity, sanitation, or assert responsibilities for the resilience of biocultural territories (to name just two of our own ethnographic findings). In so doing they may knit and root cultural rights into struggles to overcome historical forms of dispossession that express decolonized, "amodern" (Latour 1993) futures within the spaces of neoliberal governmentality itself.

In the wake of state restructuring and neoliberal governmentality, it has become ever more urgent to assert rights in new ways to new publics. If rights generally are interpreted and understood in the vernacular, this process is accelerated when liberal procedural apparatuses are increasingly unavailable and the state is no longer the sole or primary body from whom recognition is sought, or to whom grievances must be addressed. To reiterate, there are now numerous international and transnational regimes that animate and provide incentives for cultural collectivities to assemble and constitute themselves as political constituencies. Culturalized claims and assertions figure in unexpected topographies of insurgent political agencies that constitute new social movements which transform modern legal categories as they occupy them against the grain. Mapping this shifting terrain will be the major challenge facing scholars exploring cultural heritage rights in the (not quite) neoliberal future.

Rights, responsibilities, and heritage resources in Latin America

If, for the modern liberal state, sovereignty was the only field in which properly political activities were legible as such, indigenous peoples have always represented a generative source of alterity (Shaw 2008). To the extent that neoliberal regimes of governmentality inculcate possessive relations to goods from which indigenous peoples were historically dispossessed by modern states, such as public goods, common heritage, or public domain (lands, subsistence resources, cultural properties, religious ceremonies, customs, and languages), new forms of governmentality may assist indigenous peoples seeking to establish new territories for self-determination.

In neoliberal Andean and Amazonian Latin America cultural rights have proliferated alongside newly capacitated entrepreneurial culturalized communities. Cultural heritage has been to a large degree liberated from state monopoly, turning "the customary law of cultural property into an available frame of mutual recognition for the cross-sector work of political coalition building" (Albro 2010: 161). The "empowerments" of governmentality and its regulatory assemblages have often been diverted and deployed in the service of rights-based movements for political autonomy, natural resources, territorial rights, and distinctive forms of citizenship. Such movements were based upon the assertion of indigenous (and sometimes African American) cultural differences performed as a subject position of unique, globally significant but locally exercised environmental responsibilities and obligations (e.g., Escobar 2008; Hvalkof 2006; Radcliffe and Anthias 2013; Ulloa 2006).

Achieving title to territory and cultural recognition from the state, however, may not serve peoples' needs to develop futures of their own choosing in the absence of sustainable forms of production and transnational networks of support (Hale 2011). Amazonian communities have astutely used cultural rights and the concept of heritage to forge territorial autonomies in which environmental responsibilities are linked to supports for traditional medicine, bilingual education, and control over archaeological sites that provide meaningful and sustainable opportunities for stewardship (e.g., Cepek 2012; Greene 2010; Hutchins and Wilson 2010). There is Andean work of articulation along similar lines (Shepherd 2010). Throughout Latin America, indigenous collective territories mediate market, society, and state relations in unique ways that give rise to "not-quite neoliberal spaces" (Radcliffe and Anthias 2013: 2).

The elucidation of the concept of biocultural heritage resources (Swiderska 2009), the establishment of biocultural heritage territories (Graddy 2013), and the articulation of the principle of biocultural design for sustainable development in rural communities (Davidson-Hunt et al. 2012) are further examples of creative hybridizations of modern rights categories by indigenous peoples under conditions of informational capital. In a Potato Park near Pisaq, Peru, six Quechua-speaking villages constituted themselves as a community and their growing areas as a park pursuant to national legislation, thereby bypassing the notoriously slow process of indigenous land titling in Peru. They created an autonomous territory justified by their local responsibility for global potato biodiversity, through stewardship over potato varieties that were repatriated from an international seed bank as their cultural patrimony. In the process, they revitalized customary law and forged new livelihood enterprises around the articulation of traditional Andean *ayllu* values. They did so by skillfully drawing upon the subjectifications afforded by neoliberal government and the technologies and discursive resources

offered by global biodiversity, food and agriculture, intellectual property, and indigenous rights regimes (Coombe and Griebel n.d.). Opportunities afforded by neoliberal governmentality provoked a local reconsideration of history, identity, and tradition in the creation of a sustainable enterprise which now offers a model for indigenous self-determination. This work of articulation affords glimpses of an ontologically different politics and less standardized politics of possibility (de la Cadena 2010).

"Cultural politics at the limits of liberal legibility" in Guatemala

If neoliberal governmentalities have encouraged indigenous peoples in Latin America to further articulate the unique cosmovisions that define them, the ensuing cosmo-politics challenge both the rights categories of modern liberal states (de la Cadena 2008) and the capitalist imperatives of neoliberal governance. Neoliberal multicul-turalism has been criticized as too narrowly focused upon seeking cultural recogni-tion from the modern nation-state (Hale 2002, 2006; Hale and Millamán 2004) but Latin American cosmopolitics, suggest, instead, that the publics to which such politics appeal transcend and crosscut the state as an arbiter of indigeneity. Moreover, recognition is an inadequate concept to encompass the solidarities that culturalized claims may assert or the responsibilities assumed. To illustrate, we draw an example from Central America.

The Q'eqchi' Maya community Setzuul, in Guatemala, struggled to reclaim sacred lands in 2008, as Megan Ybarra (2012) recounts with great insight. The area in question encompassed the Candeleria caves, which figured not only in their cosmol-ogies but in their historical constitution as a community seeking safety from guerrilla armies and government counterinsurgency campaigns that enforced "self-defense" patrols. They were dispossessed of these caves by a French entrepreneur with mili-tary backing who sought to privately develop them as a tourist attraction. Failing in that enterprise, he convinced the Ministry of Culture to declare the zone a national park housing significant cultural patrimony on the basis of reports of ancient Mayan artifacts. The existence of a living Mayan community in the region, Ybarra explains, was illegible to the cash-strapped national government in the late 1990s; hence an educated, well-resourced foreigner with a conveniently located hotel was deemed the more desirable caretaker for national cultural patrimony ripe for "archaeo-eco-tourism" development.

At the turn of this century, however, Setzuul had access to a wider range of inter-national interlocutors, as well as a wider range of neoliberal governmental and rights-based resources with which to make the historical significance of their rela-tionship to the land manifest. With US Peace Corps volunteers, urban indigenist activists, and a European environmental NGO, they took advantage of new mapping technologies, community-based natural resource management norms, and the envi-ronmental subjectivities internationally offered to indigenous collectivities as guard-ians of biocultural diversity, to finally obtain legal title. For these Q'eqchi' peoples, this positioning as stewards better reflected their understanding that the Candelaria caves were not properly theirs to own, because the only legitimate land-owners were the spirits (*tzuultaq'as*) who provided support to people through secret rituals of spiritual renewal (*mayejak*) during the long civil war. The evocation of the sacred, despite the alien nature of that category to local understandings, enabled a distinc-tive claim to be voiced. Significantly, the Guatemalan state had never granted

territorial rights to a Mayan collectivity as such, making this legal acknowledgement of cultural significance "an opportunity to link the politics of recognition with the politics of distribution" (Ybarra 2012: 594).

Mayan activists refused the liberal rights categories through which their place-based practices might be made legible, either to the modern state or to the transnational fields of governmentality in which they clearly find resources for agency. If culture is a term they learned to use, they clearly distinguish it from the Ladino folklorized "custom" with which the modern state had sequestered their difference, so as to insist upon the irrevocable fusion of the spiritual, political, territorial, and agricultural practices that sustain them as a people. If Quechua communities in Peru hybridized resources from indigenous and cultural heritage regimes with other forms of neoliberal government in order to safeguard and revitalize such practices, the history of modern state heritage regimes in Guatemala foreclosed such options. Nonetheless, within the broader field of cultural rights articulations, the Q'eqchi' Setzuul community, like the Quechua Potato Park collective, engaged in a significant struggle for self-determination, although both may be illegible as rights politics within a modern liberal imaginary.

Heritage within South African social movements

Rights practices in most parts of the world are rooted in much longer histories of struggle. Anti-colonial struggle in South Africa drew upon liberation theology, pan-Africanism, and socialism. It was only in the shadow of protests against the Sharpeville massacre that anti-colonialism and international human rights came to cohere under the banner of the human rights norm of self-determination, locally expressed through the trope of secular liberation (Moyn 2010). These were not conceived of in the postcolonial national context as purely civil and political rights, but also as socioeconomic rights based upon a cultural and communitarian concept of collective national development. Indeed, an independent state that protected the socioeconomic rights of all citizens was the cornerstone of the anti-apartheid struggle, expressed in the Freedom Charter and enshrined in the country's groundbreaking constitution. From the outset, however, a collectivist vision of redistribution was overtaken by projects of neoliberal statecraft which prioritized governmental projects of empowerment, delivered via public–private partnerships between the state and civil society organizations, international NGOs, and private (corporate) consultants (Weiss 2007, 2014a, 2014b).

If, for South Africa's first democratic governments, heritage was emphasized as a multicultural national platform for post-apartheid recognition and reconciliation, national heritage institutions have steadily pivoted towards a neoliberal vision of heritage as a self-sustaining component of urban revitalization and tourist development in which socioeconomic rights are to be delivered through market-based vehicles (Meskell 2009, 2012). If "liberation" still structures the heritage imaginary, the freedoms it connotes are increasingly viewed through a liberal procedural lens (Robins 2008: 3) that discounts urgent contemporary economic security and material needs. South Africa has proposed a liberation heritage route connecting key sites of anti-apartheid struggle as a potential World Heritage site. The proposed anchor sites for South Africa"s liberation heritage route include Robben Island, the Nelson Mandela house in Soweto, the site of the Sharpeville protest, and Walter Sisulu Square (where the ANC's founding Freedom Charter was tabled). Arguably,

however, these sites of anti-apartheid struggle are romantically rendered assertions of civil and political rights heroically achieved and wholly divorced from current forces of social and economic dispossession – a typical dynamic of revolutionary liberation heritage repurposed towards economic revitalization (Shepherd 2012; Tappe 2011).

With one of the highest income inequality coefficients in the world, South Africa has made heritage a vehicle for community capacitation only insofar as it can "pay for itself" (Meskell 2012: 16). The conditions for heritage as a capacity-building and responsibilization project are increasingly relevant in the context of growing informal settlements. The percentage of South African households living in shacks has approximately doubled between 1995 and 2006 (Hunter and Posel 2012: 290) and today over four million South Africans live in shack communities, many of them skirting large municipalities. The struggle against apartheid was also a struggle against landlessness and colonial segregation in which the urban informal sector contributed critical skills and resources, but residents of today"s informal settlements have been been largely ignored in processes of identifying and developing historically significant sites for South Africa's liberation heritage route (Weiss 2014a).

The spaces of informal communities, shack settlements, slums, and transitory encampments represent some of the constitutive exclusions of modern rights under neoliberal governmentality. The normative parameters for political recognition, cultural consultation, or urban transformation cannot generally be met in the face of transitory occupancy, failing material conditions, and formal unemployment. Within this context, however, some informal communities have built collective capacities by harnessing traditional practices as political resources. For example, the *Abahlali baseMjondolo* shack dweller movement's activities on behalf of informal dwellers has become internationally recognized in human rights circles as being on the front lines of urban rights struggles in South Africa. Consisting of 25 informal settlements in KwaZulu Natal, and 35 across South Africa, with 12,000 members and up to 30,000 supporters, it won repeal of the province's slum clearance act in the Constitutional Court in 2009. Arguably, however, its political work is more legible to transnational justice publics (Niezen 2010) than it is to a national government beholden to neoliberal imperatives.

When *Abahlali baseMjondolo* mobilize for all people's "Right to the City" they understand themselves to be continuing a history of struggle absolutely core to a living heritage of liberation. Indeed, *Abahlali* represents the pre-eminent continuation of this culture of struggle, employing the same modes of peaceful protest, collectivist meeting structures, and methods for producing urban disruption and ungovernability that were established by the youth movements and labor unions during the battles against apartheid. The shack-dweller movements' claim to South Africa's liberation heritage links their work to the mantle of the "living legend of Mandela" while refusing pre-emptive exclusion from a national liberation narrative that would dehistoricize their social life and separate it from the national story. Abahlali thus marks the continuation of a collectivist spirit and communitarian assertion of collective rights far more characteristic of South Africa's history than the privatized delivery of services.

Excluded from the official liberation heritage nomination, such organizations nonetheless collectively assert alternative and autonomous modes of honoring heritage. *Abahali* settlements celebrated heritage days in 2011 and 2012, memorializing the legacy of coordinated strikes, court battles, protests, and raids as central to

shack-dweller "culture" – or *abhlalism,* which translates as "living communism." Recently, "unfreedom day" events were held in settlements on the country's "freedom day" – providing community dwellers a forum to question the limitations and narrative closure on freedom suggested by the ANC's official heritage story (Beresford 2012; Weiss 2014a, 2014b). Their demand for the full inclusion of South Africa's most impoverished in city decision making pushes against the way that heritage governance tends to conceive of historic urban landscapes. It also remarks upon constitutive forms of blindness in the grid of urban revitalization, while speaking pointedly to UNESCO's renewed charge to accommodate the "dynamic nature of living cities" (Weiss 2014a). Indeed, *Abahlali* had its origins in failed municipal consultation processes with respect to waste, water, and health services in Durban and their self-capacitation as an essentially collective policy constituent was born of this experience.

If requirements for community consultation in heritage planning are notoriously ambiguous given South Africa's histories of mass displacement of migrant labor, the potential for settlers engaged in populist practices of urban citizenship to differentially occupy and thus transform the places afforded by neoliberal community stakeholder engagement should not be discounted. The living urban heritage *they* recognize as the 'culture' with which they identify should provoke us to understand rights-based practices as marking the limits of neoliberal heritage governmentality as well as the prospects for its transformation. Like the autonomous Quechua Potato Park, the Abahlali collectives constitute a counterpublic that has successfully sought to make the means and tools of its alternative modalities of governance legible to wider publics. More globally, such movements mark an inclusive horizon for civic activism and urban heritage planning, yoking the affordances of neoliberal governmentality with historical practices of struggle to assert the heritage significance of more politicized urban landscapes (e.g., Ellis 2012). For example, Nakamura describes how the "encroachment" practices of Mumbaikar informal urban settlers reveal "a radical history of struggle that predates, and in substantial ways, makes possible, the genesis of the formal city" (Nakamura 2014: 4). Again, we see the living urban heritage of collective and autonomous capacitation asserted on the dynamic frontiers of neoliberal development.

Conclusion

Neoliberal governmentalities position heritage scholars within increasingly distributed and dispersed legal and policy frameworks and institutional circuits of power, knowledge, and normative discourse in which the sites from which and the stakes in which cultural claims are made have proliferated and intensified. Such culturalized rights-based practices may be illegible to modern states and appeal to broader publics, challenging the modern state as the sole arbiter of the political while asserting stakes and claims well beyond those of recognition. Politicized assertions of cultural heritage may employ similar claims to expertise and/or use vocabularies, instruments and technologies drawn from neoliberal governmental assemblages, while expressing distinctive understandings of history, identity and value. At the very least, heritage scholars must grapple with a new field of ethical considerations entailed by shifting sites of empowerment and vulnerability while considering the paradoxical capacities of neoliberal technologies to serve as resources for emergent political agency.

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