

◆ Introduction

Human Rights and Latin American Cultural Studies

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In this volume we focus on the impact of human rights within the area of Latin American(ist) Cultural Studies, taking into account juridical and social theories as well as cultural, artistic, and literary practices. We understand the discourse and practice of human rights in Latin America not only as a result of the re-democratization in many Latin American countries, and therefore related intrinsically to the violations of human rights committed by authoritarian regimes, but also as the effect of the very reformulation of the field of human rights within Latin American cultural discussions. Just as the conceptualization of human rights is associated with the discovery-genocide of the American Other and the necessity for the Other, the standardization of human rights within the sphere of international law is intrinsically associated with the horror of Nazism and the systematic violation of human rights so common in the twentieth century. The necessary opening to the Other allows the possibility of love and solidarity, as well as conflict and annihilation. The Other becomes a space for my freedom or its negation, so that the corporeal manifestation of the Other constitutes a radical possibility: the limitation of my existence. The essays that constitute this volume address simultaneously the oppression of those constructed as “the Other” and the hierarchical differences that are produced in the attempts to defend their rights as human beings.

Human rights are the most powerful political tool of the twentieth century and are a focal point of the political process of the twenty-first century. From the international and legal field this concept has evolved as a social movement, as a political language, and as a hermeneutical concept able to express the consciousness of humanity. In the midst of relativism, human rights offer a possible discourse that can potentially cross borders, recognizing categorically the dignity of human beings. The practice of human rights questions the core of postmodern discourse, establishing a common ground for humanism that is not mere narration. This key element

is the body, space, and time of a human person. With human rights at the center of our analysis, as cultural critics we can trace an open agenda, redefining old and new tropes from the perspective of human dignity.

In a recent approach to human rights, Lynn Hunt returns to the idea of “empathy” as a crucial component of the construction of imagined communities, a concept that addresses the relation to the Other, that is, the different, the foreigner, the alien, the subaltern. Hunt begins her study with the French and the American Revolutions to address the issue of the universality and equality of the rights of man. This periodization does not include the valuable conceptualization of the fundamental rights established in Spain and its colonies after 1492. When placing America and the American person within the concert of ideas that explained the place of the European man in the world, America was conceptualized primarily as a juridical logic of possession (Maravall 231). The so-called “discovery” distorts the idea of totality and poses the problem of the relation among the parts, which implied envisioning the ways in which they would function politically. The idea of the Empire as the administrator of different nations was functional to the situation, but a conflict arose in the moral consciousness of the Spanish elites concomitantly with the conquest enterprise: the very idea of human rights, in a discussion regarding the two concepts (“human” and “rights”), their definitions and their limits.

The concept of human rights has developed in a long historical process that accelerated with World War II. With the atrocities brought about by the war, the Allied Nations signed the Atlantic Charter in 1941, which predated the creation of the United Nations in 1945. The central mission of the international organization was to achieve international consensus and cooperation in order to resolve social, cultural, political, and humanitarian problems, and to ensure the respect for human rights without distinction based on race, sex, language, or religion.

One of the well-known forms for classifying human rights is that of the “three generations,” which underlines a progression in the elaboration of protections. Associated with the ideals of the French Revolution, first-generation rights imposed upon the State the duty to always respect the fundamental rights of the human being. Within this category one can highlight the rights to life; physical and moral integrity; personal freedom; personal security; equality before the law, freedom of thought, and freedom of conscience, and religion. Second-generation rights are collective: they are social, economic, and cultural. The latter arose as a result of the Industrial Revolution, due to economic inequalities, after World War II. They are integrated in the following way: (1) Economic rights (to property—individual and collective—, to economic security, and housing); (2) Social rights (to food; work—to a fair and equitable wage, to rest, organize, and strike; social security; health; and education); and (3) Cultural rights (to

participate in the cultural life of the nation and enjoy the benefits of science and scientific, literary, and artistic work). Finally, third-generation rights, or “rights of the people” or “rights of solidarity,” arose in the final decades of the twentieth century in response to the need for cooperation between nations, as well as between the distinct groups that make up each nation.

Human rights could be a hermeneutic key to an analysis of the interconnections of power and identity and the challenges that a plural society presents to the logic of the nation-state’s power. Indeed, since the foundation of the United Nations a vast web of global and regional institutions has evolved. At the same time we have witnessed the dissemination of non-governmental agencies and advocacy networks seeking to influence the agenda and direction of international and regional public policy. Although world government remains a whimsical idea, there is a growing global governance complex—embracing states, international institutions, transnational networks and agencies (both public and private) which functions, with variable effect, to promote, regulate or intervene in the common affairs of humanity.

In a recent issue of *PMLA*, Judith Butler states in the Afterword that we are compelled to rethink the “human” in human rights, “since some key capacities of that human cannot be explained at once—for instance, the ability to make a claim, to make a claim in speech that can be understood and to which a response is possible” (1659). For Butler, the very assumption that the human in question not only speaks the language but also can articulate a claim in the dominant language is problematic, since “the conditions of possibility of making a claim already raise the problem of address and translation-of communicability; the norms of reasonableness; the conditions of utterability, aural registration, and a more generalized response” (1659). While placing the human rights question in the context of ethics, power and language, Butler suggests that human rights as a discourse and practice cannot be understood in a cultural vacuum but in a series of cultural, linguistic, ideological and interpretative conditions. Butler argues that Cultural Studies and the Humanities in general are crucial tools for the study of human rights. This need to underline the contribution of the Humanities to a field dominated by the juridical and social sciences is in part an acknowledgement of the marginal space that the Humanities have in the North American Academy. But most importantly, it is a statement about the lack of understanding of the cultural aspects in the discussion of human rights. The lack of representation of a Latin American perspective in the recent Modern Language Association “Conference on Human Rights and the Humanities” (2005) invites us to once again rethink the marginalized space that Latin Americanism inhabits in such a body. Nevertheless, the October 2006 *PMLA* published a supplement to the 2005 conference, with the title “Correspondents at Large: Human Rights in Latin America,” in which Jean

Franco, Alicia Partnoy, Doris Sommer, and Diana Taylor discussed different aspects of human rights in Latin American cultural practices. This marginality, however, and the presentation of Latin America as a supplement to the discussion about human rights in the Humanities led us to rethink the importance of revisiting this discussion from the perspective of Cultural Studies. In this field, the pioneering work of Hernán Vidal demonstrates that human rights can be considered an essential part of cultural practices (including literary and theoretical), as can be seen in the Southern Cone debates on memory, post-memory, testimonial literature, as well as in postcolonial and post-dictatorship studies.

The present volume is divided into three parts: The first is devoted to theoretical and philosophical issues pertaining to human rights in a global frame and its impact in the Latin American context. The second part focuses on the cultural-juridical approaches to the study of human rights that explore impunity not only as a legacy of dictatorship regimes but also as a constitutive part of liberal democracies. The third section deals with the study of specific cultural manifestations in literature, film, and visual arts. These three parts are interconnected and are seen as continuities in that the first questions the juridical and social dominance of the approaches to human rights, the second points to the need to revisit the relationship between culture and law, and between legality and impunity, while the third part deals with different approaches to cultural practices in Latin America in connection with national and global identities, keeping in mind some of the theoretical concepts of Human Rights and of Cultural Studies.

The essays included in the first part, *Theoretical and Philosophical Issues*, revisit some of the crucial cultural aspects of the relationship between human rights and cultural and literary studies, focusing on three main aspects: 1) the contribution that the studies of culture and literature can make to human rights, a field generally studied by the juridical and social sciences; 2) the political dimension of human rights and the also political re-signification of the “cultural” in cultural rights in the Latin American context; and 3) the revision of the impact of human rights in Cultural Studies and the effects of the cultural theory perspective in the study of human rights.

In “An Aesthetic Approach of Human Rights,” Hernán Vidal underlines the contributions of Latin Americanist literary/cultural studies to the field of human rights. For Vidal, this contribution has to do with an aesthetic perspective defined in a very broad sense, as the “cognitive and sensual capacity to intervene in natural and social processes in order to pursue utopian visions.” Vidal explores the tension between culture and civilization, where the latter is understood in intimate relation to the system of alienations that produce and accumulate surplus value, and culture as a set of utopian visualizations. Thus, the discourse of human rights and its practices is located in between civilization and culture, alienation and utopia. Vidal

revisits José Antonio Maravall's approach to the Baroque in order to rethink the culture of the present stage of globalization, comparing the crisis that accompanied the economic and social transformations of modernity to the present one, focusing on the systematic violations of human rights by the State in both scenarios as a constitutive part of these transformations. Vidal argues that "in this context the defense of human rights has emerged as the last universal, secular, practical, political utopia."

In "Densely Woven Skeins: When Literature Is a Practice of Human Rights," Amy Kaminsky discusses the threads that connect human rights as discourse and practice to literary writing, criticism and theory. Kaminsky reminds us that the practice of writing is inextricably linked to the practice of human rights (Bartolomé de las Casas, the *indigenista* novel, the antislavery novel, and most recently *testimonio*). In all of these cases, literature serves to narrate, not without problems, a violation of human rights. Kaminsky explores precisely the problems and challenges of these narratives. Literature and the discourse of human rights have been questioned in relation to the critique of modernity and the ideological philosophy of the Enlightenment, through the re-examination of universality and its exclusion of the colonized, gendered, and racialized. Kaminsky's discussion of the challenges of both literature and human rights does not lead to the negation of the importance of human rights theories or practices. Rather, it argues for a reconsideration of the critique of the exclusions in order to "keep what is good in modernity and extend it to those excluded others."

Another aspect that we wish to underline is the relationship between legal and literary writing which, for Kaminsky, needs to be discussed with two main focuses: the first has to do with the universality of the law versus the particularity of literary writing; the second concerns the question of truth. Literature and law appear to be incompatible, argues Kaminsky. Nevertheless, she affirms literature as a practice of human rights not only because literary writing has served to denounce violations but also because the discourse of human rights is understood by Kaminsky as a vast universe that exceeds the limits of the law.

In "Skeletons in the Closet? Approaching Human Rights from Culture," Gustavo Remedi explores the relationship between culture and human rights by pointing to what he perceives as one of the main challenges of human rights discourse: the need to re-politicize the cultural discussion. Remedi suggests that we need to move from a reductionist version of human rights—relating to the rights of the first generation on civic and political matters—to the so-called second generation rights pertaining to economic, cultural, and social matters. He also suggests a move from a discussion of human rights based on a juridical perspective to a cultural one. Nevertheless, he stresses that he is not simply referring to a set of cultural rights but that, instead, he is trying to think of the discourse of human rights as cultural, since the very

meaning and definition of the concept “person” is imbedded in a certain culture: “no person exists without culture, nor culture that is not the work of persons.” Cultural Studies is a crucial field for the analysis of the discourse of human rights, its philosophical foundations and its cultural and political implications as well as the various meanings attached to the notion of the person and the human. Remedi suggests that Cultural Studies can expand the discourse of human rights, currently imprisoned in its own lack of flexibility and disproportionate legalism. Human rights becomes a text, a discursive construction, an artifact to be approached by Cultural Studies. And here the questions about the meanings and the effects of the existing categories in human rights discourse as well as the absence of some other categories are particularly relevant because they serve the purpose of re-establishing its historicity and therefore its process of transformation. The last part of the essay is devoted to the Uruguayan case. Remedi reminds us that the question of human rights is not just linked to the effects of the dictatorship or only to juridical approaches. He calls for a cultural turn in human rights, with a central role assigned to culture, in a broad sense, underlining the need to identify new ways to understand cultural practices while re-politicizing the discussions. The image of the “skeleton in the closet” refers precisely to what Remedi sees as the new challenge to both human rights and Cultural Studies: “digging up the live problem of culture in order to prevent human rights from ending up as just another skeleton in the closet.”

The essays included in the second part of the volume, *Juridical Perspectives*, revisit three crucial aspects of the relationship between human rights and Latin Americanist Cultural Studies: the right to truth and the construction of memories, the struggles against impunity, and the rights of migrants. They are focused on juridical-cultural aspects, that is, they place the law at the center of the discussion of the cultural practice of human rights.

In “The Citizens’ Testament and the Necessary Risks of Truth: Accounts Pending in Contemporary Uruguay,” Gerardo Caetano proposes to review the trajectory of impunity after the end of the dictatorship in Uruguay. Caetano shows that the legacy of the dictatorship puts into question the very foundation of the current democracy. It is important to note that for Caetano the revision on the human rights violations that took place during the dictatorship is not about staying in the past but about finding new ways of looking back, constructing memories that could re-signify the first person plural after the horror of the forced disappearance, torture, and massive detentions. Thinking in particular about the Uruguayan case, Caetano reaffirms the importance of truth even when the search for truth does not lead to justice. His essay begins at the end of the Uruguayan dictatorship with the pact that made possible the negotiation of impunity: *Pacto del Club Naval*. From there he continues with the *Ley de caducidad* (Expiry Law), in particular with the controversial 4th article that opened the

possibility of the investigation of the crimes committed during the dictatorship (even without the goal of punishing them). Caetano goes on to discuss the outcome of the referendum that resulted in its ratification in 1989. Considering in particular the paralysis caused by the *Ley de caducidad*, and the reactivation of the discussions in the late 90s, Caetano underlines the role played by human rights organizations in the new developments that led to the creation of the Uruguayan Commission for Peace in 2001. For Caetano, the very idea of finding a closure to the past is deceiving in the sense that the fractures of memory affect not only the ability to remember, but also, and most importantly, the foundations of politics and citizenship.

In “The Rights to Truth,” Jorge Montes focuses on the dialogue of international and domestic law in Argentina, particularly relating to the right to truth. Montes discusses the role of the Inter-American Court of Human Rights in order to emphasize the obligation of the States not only at a national level but also with other State parties. Impunity undoes and therefore violates the obligation of the State to investigate, prosecute and punish genocide and crimes against humanity. Montes’ essay shows the important role that the international organizations have had in the transformation of the practices of Justice Tribunals. Montes begins his discussion with the Commission of Investigation (CONADEP) and the Trial of the Juntas as the two inaugural instances of the democratization process in Argentina. His essay does not place emphasis in the impunity laws that followed but instead, he continues with the intense juridical work at both international and domestic levels that impacted the juridical writing produced in Argentina in the last decade. The labors of memory and mourning in the cultural scenario of the Argentine post-dictatorship—which Montes approaches also as rights—are connected to these juridical transformations. The impact of these tasks (memory, mourning, law) explains the fact that after 1998 the impunity laws were abolished and declared unconstitutional in 2001. The discussion regarding the responses of the Inter-American Court to the impunity laws serves to reiterate the importance of revisiting the history of impunity in Argentina and the more recent developments that attempt to undo it. The issue of justice, argues Montes, remains open. His essay also suggests that, contrary to the opinion of many cultural critics, rethinking the right of truth in Argentina does not necessarily imply a question about the past, but about the present, when considering the many re-opened cases after 2006 in relation to human rights violations during the last military regime.

In “The Human Rights Factor in United States Immigration Policies,” Hector Reyes addresses the vulnerability of international migrants in relation to human rights abuses, discussing immigration policies in the United States through a human rights lens, with a focus on the correlation between human rights violations of Mexican immigrants and the increase of national security

(also with border enforcements and recent immigration laws). Considering what many social activist call a humanitarian crisis at the border, he attempts to re-humanize the migrant population starting with the terminology used in his contribution. Reyes follows the United Nations example of using the terms “irregular” or “undocumented” immigrants, instead of the frequently used term of recent years: “illegal.” He first discusses the immigration phenomenon as seen in Mexico and the United States—an economic phenomenon having to do with work and labor versus a criminal(ized) phenomenon.

In the particular case of the Mexican immigration to the United States, Reyes returns to the 1930s to discuss a history of massive deportations, along with immigration regulations and the creation of undocumented aliens as a “new category of people” (the “illegal immigrants”) with less rights than the rest of the population. Reyes shows the ways in which the legal aspect of immigration is accompanied by military-like operations at the border during the 90s (Operation Blockade, Gatekeeper, Safeward and Rio Grande) and points to these military immigration strategies as an open door for the increase of human right violations. Laws, fences, electronic sensors, observation towers increased after 9/11 with new legal measures that repress the “civil and political rights of all people who are in the United States.” If human rights is an instrument to protect human beings against cruelty and oppression, he concludes, the racist and xenophobic assumptions that surround immigration regulation and the re-signification of the category “migrant” needs to be addressed. At the same time, the vulnerability of migrants to the violation of the fundamental rights of men demands review, as it points specifically to the reluctance of the United States to adhere to human rights international conventions and treaties.

The essays incorporated in third section of our volume are dedicated to the analysis of *Cultural Manifestations of Human Rights Issues*, and deal in different ways with cultural practices and cultural rights. Cultural practices are understood here as representational practices where the very meaning of human rights is articulated and re-signified. Cultural rights are understood in a very broad sense, meaning not only the right to participate in cultural life, but also with an emphasis on the conflictive and dynamic relation of cultural practices, different processes of signification, and the law. Thinking about the effects of human rights discourses and practices in Latin Americanist Cultural Studies also imply rethinking culture and subjectivity from perspectives that focus on the rights of subjects and communities, even while the theories about the subject demonstrate the multiple and sometimes contradictory discourses that conform subjectivities. We cannot ignore here the role of language and translation in the articulation of rights. Demands are usually translated into dominant languages and manners of representation so that the access to the domain of the law and of the right to have rights often implies a loss in terms of identity. Feminist struggles are paradigmatic of

this tension between identity and difference. In this double struggle the rights of women as women are in part conditioned by the access of female subjectivity to the domain of “the rights of men.” As Jelin has suggested, the challenge is both to revisit the definition of the human in human rights as well as the recognition of the rights of women—as a minority.

In “The Subaltern War Machine: Women, War and Rights,” Jean Franco approaches women not as the objects of human rights debates but as cultural agents, and subaltern war machines. One of the central aspects of Franco’s essay could be condensed in this question: Can the question about rights be articulated from not only outside the State but also from the individualistic discursivity that represents bourgeois women? Franco’s focus is Mexico, in particular the speech that Comandante Ester delivered to Congress on March 28, 2001. Taking as a point of departure the demands made by Comandante Ester (recognition of indigenous women and their right to citizenship), Franco discusses the ambiguous place that the indigenous communities in Mexico have had in relation to the independent nation. Conceived as a threat in the imaginary of the Mexican nation, they have been captured by the State through education and the discourse of civilization. Franco also discusses the concept of collective autonomy and its relation to human rights, focusing her discussion on third generation rights. Franco discusses the issue of the “translation” of demands (women’s rights and communal autonomy) to the hegemonic language. These failed translations are examples of the failure of the representation of subalternity, of the translation of the autonomy of indigenous peoples to the universality of individual rights, and of the production of an exclusion that is “not only outside its terms but at the very outside without which the universal could not be defined.” Franco praises Zapatista women while at the same time she analyzes the failure of this articulation as a disruption of hegemonic representational strategies. It is precisely in the translation of indigenous demands that universality itself is put into question: the same language that is used to defend the demands of women, argues Franco, ignores the autonomy of indigenous communities.

In “Absent Causes or el secreto a voces,” Doris Sommer rethinks the role that art can play in practices directed to crime prevention and rehabilitation among young people in Latin America. The point of departure is the UN Safer Cities meeting on crime prevention that took place in Medellín in 2008, a meeting that gathered seventeen international experts (psychologists, political scientists, policy experts, urban planners, lawyers, and international functionaries). Sommer recounts her experience at the meeting to address the absence of art in the discussions about tools for the empowerment of so-called “youth at risk.” The lack of discussion about art in the face of the many examples reported during the UN Safer Cities summit on violence prevention among youth at risk is understood by her as “an unspoken skepticism or allergy to the subject of art and the role that art can actually play.” Sommer shows how the discussion about art is politely

dismissed and neutralized in the answers of the organizers. It is not that artistic practices were not present at the meeting; it is, Sommers argues, that they became “the elephant in the room.” A performance in a community center by the youth of Son Batá serves to underline the work of youth leaders in their attempt to promote and produce art. In this way the essay points to the new ways of thinking (and working for) the cultural and economic rights of youth, in this case “at risk” youth. Sommer ends her essay with a discussion about a program for violence prevention in prisons that uses art as a vehicle of both rehabilitation and reinsertion.

In “Torture and Nation: A Diachronic Map of Violence in Argentina,” Alejandro Solomianski approaches the representations of violence in Argentina, and their relation to human rights. Solomianski discusses the events of December 2001 in Argentina as a turning point in the manner in which violence and its agents are represented. For Solomianski, this turn has a direct effect in the human rights transformations that took place during the government of Nestor Kirchner. His essay proposes an analysis of the field of representations of violence in Argentina from the 1970s in order to identify the connections of this set of representations (and the ways they change with time) and the discourse and practice of human rights (and impunity). For Solomianski the discourse of human rights that inaugurated the process of democratization in Argentina of the post-dictatorship through the investigation of the National Commission of Disappearance of Persons (CONADEP) and the Trials of the Military Junta in 1995 was brought to a halt not only by the impunity laws but also by the representation of violence and its agents that accompanied the impunity process. This interplay of two distinct symbolic systems is interrupted in December of 2001 as social actors are re-signified and the relationship between impunity, State violence and democracy is broken. For Solomianski the marginalized aesthetic-cultural representations are key to an understanding of the methods of reporting State violence and the violence of the neoliberal paradigm.

In “The Knowledge that Comes from Seeing: Yuyanapaq and the Peruvian Truth and Reconciliation Commission,” Margarita Saona analyzes the photography exhibit Yuyapanaq, the visual project of the Peruvian Truth Commission, established in 2001 to investigate the violence that took place between May 1980 and November 2000. The exhibit took place in 2003 and attempted to be a “visual narrative.” Saona raises questions regarding the relationship between photojournalism, truth and memory, and the ethics of the representation of violence. According to Saona, the exhibit, the book, the website with the image bank, and the CD with a virtual tour of the exhibit sought to affect viewers on a cognitive and emotional level. Saona reviews some of the official explanations and approaches to the exhibit by members of the Truth Commission as well as some theoretical approaches to memory and the role of photography in the representation of violence and pain. Pointing to the role of photography in witnessing, Saona focuses on the

impact that the visual images have on spectators and raises a number of pertinent questions. Is the proliferation of images saturating the minds of the viewers? Is the violence represented becoming invisible? Are the photographs triggering involvement or numbness? The struggles for memory accompany human rights struggles in many different ways. Saona attempts to rethink the cultural dimension of the Truth Commission and the effect that the visual culture of memory has on viewers-citizens, through eye-witnessing and identification, as well as through the act of thinking and reflecting about violence. As in many other Latin American countries memory attempts to expand its webs to those who were not victims of violence, constructing new meanings which include the visual narrative presented in Yuyanapaq and thinking also about future generations and the construction of post-memory.

In “Fed by Any Means Necessary: Omnivorous Negritude and The Transnational Semiotics of Afro-Colombian Blackness in the Work of Liliana Angulo,” Corey Shouse focuses on the production of the visual artist Liliana Angulo in order to discuss the place that the Afro-Colombian imagination has had in the construction of the national/transnational identity. Shouse analyzes the theoretical conceptualizations of the identity of the Afro-Colombian, through the challenge of the conceptualization of Colombian national identity as a country of *mestizos* and the invisibility of the Afro-Colombian culture and history. Here the issue of cultural rights is intertwined with that of human rights. Shouse points to the paradox of globalization, in which the silences that shape the history of Colombian national and cultural identity are accompanied by a representation of musical expressions of the Afro-Colombians. This implies that when these marginalized cultural practices are represented in the transnational context they still maintain a rigid value that assumes that the attribute “savage”—corporeal and sexual—is linked to the black side, while reserving its opposites—the mind, civilization, and thought—for the white side. It is precisely rethinking these sets of cultural assumptions that Shouse discusses the visual production of Liliana Angulo as an “effort to problematize and defamiliarize the reified concepts of the Colombian negritude and re-insert them at the center of the national question.”

Shouse also suggests that thinking about human rights in the realm of cultural studies is to revisit the discourses of national identity, both the manner in which it represents subalternity and the way that the “national” is represented by marginalized groups. Here again the ethics of representation is at stake: the use of cultural images and sounds of the Afro-Colombians are re-appropriated in Angulo’s work, but this time in order to make oppression and racism public. As a response to the practices of racism and the foundational narratives of the nation that can be traced to the nineteenth century, the politics of whitening by the State is inverted, Shouse argues, by some of Angulo’s portraits, where she appropriates the same objects that

were used to whiten the Afro-Colombians in order to make visible what this discourse excludes. Shouse emphasizes cultural rights not only as the right to participate in the national or transnational cultural life but also as the right to identity: to have it, to proclaim it and to construct it, re-invent it and stage it, as complex, nomadic, in process. Shouse's conclusions point to the limits of legislation, in particular the *Law 70* of 1993, in which the recognition of the rights of the Afro-Colombian population and the role of the legislation in protecting these rights at the same time promotes the assumption that Afro-Colombians have a unified identity. Once again, cultural diversity implies tensions that cannot easily be erased when considering the subjects, the groups, and the practices that the human rights discourse is attempting to protect. Shouse underlines the use of the visual arts to promote cultural rights, in a parallel path to the developments of cultural rights and human rights in the international legislation. Even though these debates oftentimes focus on international legislation and its impact on the national one, it is crucial to understand the role of cultural practices in challenging the national imaginary and therefore the role that these practices have in the implementation of human rights at the level of domestic law.

In "Human Rights and Academic Discourse: Teaching Las Casas-Sepúlveda's Debate in the Times of the Iraq War," Raul Marrero Fente takes as a point of departure a document promulgated by the UNESCO in 1974 to undertake a discussion on how to teach Colonial texts. Marrero Fente focuses on teaching human rights courses in the Humanities. For him, critical legal theory is a crucial space to explore the relationship between law and violence in Colonial texts. He discusses in particular the debate between Bartolomé de Las Casas and Juan Ginés de Sepúlveda regarding the Spanish conquest, the rights of the Amerindians, and the legality of the European colonization. He relates this debate to contemporary human rights issues, such as the war in Iraq, and proposes to approach some of these current discussions with the lens of the Las Casas-Sepúlveda debate in order to identify some of the same issues, such as the civilization/barbarism dichotomist vision, and the portrait of the Other as a violent animal. In the intimate relationship between violence and "legality" that both scenarios display, Marrero Fente points to the similar illegal logic of the representation of the Other and the justification of the use of violence.

The essays in this volume problematize different aspects of human rights practices, concepts and assumptions. In many cases, they question the essentialist conceptions of the language of the field of human rights itself. In other cases they discuss the need to address what happens to subaltern demands that need to be translated into the "language" of human rights. Other essays look closely at the very meaning of concepts such as "right," "human," or "cultural." Some focus their attention on the theoretical aspects of the rights, while others point to cultural practices. In many contributions the question of culture and cultural rights is also posed as a question about

power and exclusion; in others, the main focus is on the juridical aspect of human rights, both at the domestic and international level. Other essays call for an aesthetic and artistic dimension of human rights. Some of the approaches put into question the universality of the “human” in human rights and, at the same time, underline the importance of maintaining a discourse that challenges oppression, violence, and the erasure of human dignity. Our view is that the questioning of human rights should not be understood as an attempt to dismantle human rights practices but to point out that those practices are derived from concepts and assumptions that are embedded in practices of exclusion. Human rights serve as a cultural text where the ethical and unethical relations toward others are represented. In one way or another, the essays rethink the construction of otherness and see human rights as an ethical response to that construction. At the same time they revisit the role that the juridical and social sciences as well as the Humanities have had in a human rights-centered cultural critique.

** I dedicate this volume in loving memory to Jim Evanoff, my partner for eleven years and the father of my daughter, who died in a car accident while I was preparing this edition.*

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