

Routledge Studies in Latin American and Iberian Literature

HUMAN RIGHTS IN COLOMBIAN LITERATURE AND CULTURAL PRODUCTION

EMBODIED ENACTMENTS

Edited by

Carlos Gardeazábal Bravo and Kevin G. Guerrieri



Human Rights in Colombian Literature and Cultural Production

This volume explores how Colombian novelists, artists, performers, activists, musicians, and others seek to enact—to perform, to stage, to represent—human rights situations that are otherwise enacted discursively, that is, made public or official, in juridical and political realms in which justice often remains an illusory or promised future.

In order to probe how cultural production embodies the tensions between the abstract universality of human rights and the materiality of violations on individual human bodies and on determined groups, the volume asks the following questions:

- How does the transmission of historical traumas of Colombia's past, through human rights narratives in various forms, inform the debates around the subjects of rights, truth and memory, remembrance and forgetting, and the construction of citizenship through solidarity and collective struggles for justice?
- What are the different roles taken by cultural products in the interstices among rights, laws, and social justice within different contexts of state violence and states of exception?
- What are alternative perspectives, sources, and (micro)histories from Colombia of the creation, evolution, and practice of human rights?
- How does the human rights discourse interface with notions of environmental justice, especially in the face of global climate change, regional (neo)extractivism, the implementation of megaprojects, and ongoing post-accord thefts and (re)appropriations of land?

Through a wide range of disciplinary lenses, the different chapters explore counter-hegemonic concepts of human rights, decolonial options struggling against oppression and market logic, and alternative discourses of human dignity and emancipation within the pluriverse.

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Human Rights in Colombian Literature and Cultural Production

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First published 2022
by Routledge
605 Third Avenue, New York, NY 10158

and by Routledge
4 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN

Routledge is an imprint of the Taylor & Francis Group, an informa business

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Library of Congress Cataloging-in-Publication Data

Names: Gardeazábal Bravo, Carlos, editor. | Guerrieri, Kevin G., 1970-editor.

Title: Human rights in Colombian literature and cultural production : embodied enactments / edited by Carlos Gardeazábal Bravo and Kevin G Guerrieri.

Description: New York : Routledge, 2022. |

Series: Routledge studies in Latin American and Iberian literature |

Includes bibliographical references and index. |

Identifiers: LCCN 2021049718 | ISBN 9780367722807 (hardback) |

ISBN 9781032233734 (paperback) | ISBN 9781003154167 (ebook)

Subjects: LCSH: Colombian literature--History and criticism. |

Human rights in literature. | Human rights in art. |

Human rights--Colombia. | Popular culture--Colombia.

Classification: LCC PQ8162 .H86 2022 | DDC 860.9/9861--dc23/eng/20211105 LC record available at <https://lcn.loc.gov/2021049718>

ISBN: 978-0-367-72280-7 (hbk)

ISBN: 978-1-032-23373-4 (pbk)

ISBN: 978-1-003-15416-7 (ebk)

DOI: 10.4324/9781003154167

Typeset in Sabon
by Taylor & Francis Books

To human rights defenders in Colombia, past, present, future.



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<http://taylorandfrancis.com>

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Map 0.2 Physical map of Colombia

Abbreviations

ANAPO	<i>Alianza Nacional Popular</i> (National Popular Alliance)
ANUC	<i>Asociación Nacional de Usuarios Campesinos de Colombia</i> (National Association of Peasant Users)
ASFADDES	<i>Asociación de Familiares de Detenidos y Desaparecidos</i> (Association of Relatives of the Detained and Disappeared)
AUC	<i>Autodefensas Unidas de Colombia</i> (United Self-Defense Forces of Colombia)
CEVCNR or CEV	<i>Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición</i> (Commission for the Clarification of Truth, Co-Existence and Non-Repetition)
CHCV	<i>Comisión Histórica del Conflicto y sus Víctimas</i> (Historical Commission on the Conflict and Its Victims)
CINEP	<i>Centro de Investigación y Educación Popular</i> (Center for Research and Popular Education)
CNMH	<i>Centro Nacional de Memoria Histórica</i> (National Center for Historical Memory)
CNRR	<i>Comisión Nacional de Reparación y Reconciliación</i> (National Commission on Reparation and Reconciliation)
CPDH	<i>Comité Permanente por la Defensa de los Derechos Humanos</i> (Permanent Committee for the Defense of Human Rights)
CREDHOS	<i>Corporación Regional para la Defensa de los Derechos Humanos</i> (Regional Corporation for the Defense of Human Rights)
CRIC	<i>Consejo Regional Indígena del Cauca</i> (Regional Indigenous Council of Cauca)
CSPP	<i>Comité de Solidaridad con los Presos Políticos</i> (Solidarity Committee with Political Prisoners)
DAS	<i>Departamento Administrativo de Seguridad</i> (Administrative Department of Security)
ELN	<i>Ejército de Liberación Nacional</i> (National Liberation Army)

EPL	<i>Ejército Popular de Liberación</i> (Popular Liberation Army)
ESMAD	<i>Escuadrón Móvil Antidisturbios</i> (Mobile Anti-Disturbance Squadron)
FARC and FARC-EP	<i>Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo</i> (Revolutionary Armed Forces of Colombia—People’s Army)
GMH	<i>Grupo de Memoria Histórica</i> (Historical Memory Group)
HIJOS	<i>Hijos por la Identidad y la Justicia contra el Olvido y el Silencio</i> (Sons and Daughters for Identity and Justice against Forgetfulness and Silence)
IACHR	Inter-American Commission on Human Rights
IAP	<i>Investigación acción participativa</i> (participatory action research, PAR)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICSC	International Coalition of Sites of Conscience
ICTJ	International Center for Transitional Justice
IDEAM	<i>Instituto de Hidrología, Meteorología y Estudios Ambientales</i> (Institute of Hydrology, Meteorology, and Environmental Studies)
IDP(s)	Internally displaced person(s)
IMP and Alianza IMP	<i>Alianza Iniciativa de Mujeres Colombianas por la Paz</i> (Alliance Initiative of Colombian Women for Peace)
INCORA	<i>Instituto Colombiano de Reforma Agraria</i> (Colombian Institute for Agrarian Reform)
JEP	<i>Jurisdicción Especial para la Paz</i> (Special Jurisdiction for Peace)
M-19	<i>Movimiento 19 de Abril</i> (19th of April Movement)
MLHC	<i>Movimiento de Liberación Homosexual de Colombia</i> (Gay Liberation Movement of Colombia)
MOVICE	<i>Movimiento Nacional de Víctimas de Crímenes de Estado</i> (National Movement of Victims of State Crimes)
MRL	<i>Movimiento Revolucionario Liberal</i> (Liberal Revolutionary Movement)
NIEO	New International Economic Order
OACP	<i>Oficina del Alto Comisionado para la Paz</i> (Office of the High Commissioner for Peace)
OAS	Organization of American States
ONIC	<i>Organización Nacional Indígena de Colombia</i> (National Indigenous Organization of Colombia)
ONRS	<i>Oficina Nacional de Rehabilitación y Socorro</i> (National Rehabilitation and Relief Office)

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PAR	Participatory action research (<i>investigación acción participativa</i> , IAP)
SINTAGRO	<i>Sindicato Nacional de Trabajadores del Agro</i> (National Union of Farm Workers)
UDHR	United Nation's Universal Declaration of Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UP	<i>Unión Patriótica</i> (Patriotic Union)

Introduction

Human rights subjects, microhistories, and assemblages in Colombian cultural production

Carlos Gardeazábal Bravo and Kevin G. Guerrieri

Human rights have become the hegemonic language of human dignity at an international level, as Boaventura de Sousa Santos affirms; however, the majority of the world's population are not subjects of human rights but rather objects of human rights discourses (*Derechos humanos* 23). This contrast is salient in the Colombian context, in which over half a century of armed conflict produced over nine million victims, according to official statistics, and the conflict and violence have not ceased.¹ Indeed, a fundamental contradiction inevitably structures the universal human rights discourse: on the one hand, there cannot be any “human” rights without a vindication or recognition of the universal, the transnational, and transcendental principles; on the other, the materiality of human rights—with regards to both their violation and their defense—is always local, political, and historically grounded (Stern and Straus 11). Paradoxically, at the national level, as is patently evident in Colombia, the state is oftentimes at once both the guarantor of human rights law and the perpetrator of violations. *Human Rights in Colombian Literature and Cultural Production: Embodied Enactments* seeks to explore cultural production in relation to human rights discourse and practice. It explores a diversity of themes and genres of representation present in critical aesthetic approaches to violations of human rights as well as the structural and symbolic violence that perpetuates them.

While this volume does focus specifically on Colombia, the overall approach is necessarily based on an international and transnational lens, as well as an interrogation of conventional historiographies of human rights. European notions of the “human” and “rights” were deployed during imperialism and colonialism in order to legitimize the racialized and gendered hierarchical classification of humanity through the normalization of ontological differences, ultimately to naturalize the oppression, exploitation, and slavery of colonized subjects and territory, all of which is intricately linked to the formation of Western modernity and persist even to the present day, albeit in different forms, through the structures of coloniality.² In its inception and emblemized in the United Nation's Universal Declaration of Human Rights (UDHR) in 1948, the hegemonic human rights discourse focused primarily on the relations between the individual and the state, to the exclusion of anticolonial,

Indigenous, and other collective struggles. Since the 1970s, this discourse has become tightly interwoven with neoliberalism and the triumph of market fundamentalism, to the detriment of struggles for social justice.³ In light of this trajectory, some underlying impulses inform this volume, which include the exploration of counter-hegemonic concepts of human rights, decolonial options in the face of oppression and market logic, and alternative discourses of human dignity and emancipation.

Embodied enactments

A wide range of cultural production is examined throughout this volume through varied theoretical frameworks, multidisciplinary lenses, and methodological approaches, including novels, graphic narratives, film, theater, performance, art installations, music, photography, museum curation, and other modalities and repertoires of aesthetic and symbolic expression. These cultural products are studied here as “embodied enactments,” as engaged texts, counter-narratives, and sometimes material and corporal entities that seek to interrogate common-sense assumptions made about both the universal human rights regime and multiple overlapping forms of violence in Colombia, which, over the decades, has been institutionalized academically as a field of study known as *violentología* (violontology) and, simultaneously, commercialized for mass consumption internationally through popular culture.⁴

“Embodied” in the book’s title refers precisely to the tension between the abstract universality of human rights and the materiality of violations on individual human bodies and on determined groups, mediated through literature and other cultural production. However, human rights and literature are linked in ways that are not simply thematic. Such adaptive treatment of literature can be reductive, diminishing its value. The study of human rights and literature or culture is not only centered on calls for attention or awareness about certain violations and abuses of human rights through them. For instance, relying on the idea of literary form, Joseph Slaughter defends a view of the *Bildungsroman* as a cultural genre that performs a particular social work, a function, or a practice that articulates social relations rather than just as a typology (*Human Rights, Inc.*). The *Bildungsroman* and human rights share certain fundamental assumptions about the modern subject of law, that is, about what it means to be human and what human beings require to be autonomous and self-realized individuals within their society. Law and literature can be interpreted as techniques to construct the subject as an individual in a particular incorporation process into a social formation.

Fernando Rosenberg, in turn, proposes the notion of “novels of truth and reconciliation” (21), which have appeared in the Latin American post-dictatorial period and include the exceptional post-conflicts in Colombia. These narratives do not assume or seek national reconciliation or a therapeutic truth in the same way as transitional justice, although they partake in the legal-institutional framework that favored the emergence of

reconciliation commissions in the 1990s, associated with neoliberal policies. The cultural products that rethink human rights have opposed official discourses, countering the statistical or clinical legalism of truth commission reports, proposing a critical look at the limits of this discourse. Such views include a critique of the links between human rights and neoliberalism in a problematic context which, as Jessica Whyte states about the Chilean case, “offered a solution to seemingly intractable neoliberal problem: how to replace popular sovereignty with sovereignty of the market” (171).

Annabelle Mooney conceives the subject in human rights mainly as a suffering, corporeal human body. For this author “the human who should be the subject of human rights is a person who lives, breathes, eats and suffers. The human we need to consider is ultimately the person, every person in pain” (10). The politics of representation behind depictions of the suffering body make it hard to recognize different articulations of pain, especially those that imply connections with communities and territories. In this line of thought, Latin American feminist thought, through the work of Nelly Richard, Silvia Rivera Cusicanqui, and Verónica Gago, among others, has advanced a powerful concept of the body as a center of resistance. Elizabeth Anker argues that the abstract Cartesian subject behind human rights can be embodied through cultural production, overcoming many of the homogenizations of liberal human rights elaborations, which has been related to rights since the Enlightenment. Anker intends to recover the attributes of an embodied, affective experience, since usually the links between human rights and cultural production have been immersed in liberal theories of abstract individuality; literature can help in that work of recovery, negotiating “the progressively diffuse and turbulent discourses of human rights” (5). Anker’s view stresses how certain works can “make sentient the potentially collectivizing experience of witnessing or sharing the pain of others.” In her fictions of dignity “it is not the autonomy of the subject that guarantees dignity but their inevitable entanglements with other bodies that create an opportunity for the recognition of a mutually shared humanity” (Coundouriotis 152–153).

Similarly, in this volume, “enactment” is conceptualized as bidirectional; through their works, Colombian novelists, artists, performers, activists, musicians, and others seek to enact—to perform, to stage, to represent—human rights situations that are otherwise enacted discursively, that is, made public or official, in juridical and political realms in which justice oftentimes remains an illusory or promised future. In this sense, embodied enactments both constitute and contest the operations of memory and violence. Memories are the object of disputes, conflicts, and struggles framed by power relations, that is, struggles for the representation of the past in which some narratives are legitimized while others are not. For Elizabeth Jelin “to assert that memory involves ‘labor’ is to incorporate it into the activity that generates and transforms the social world” (*State Repression* 5). The struggles in this labor for the interpretation and meaning of the past imply that some histories displace others and become

hegemonic. In the different realms of Colombian cultural production, struggles for memory have developed that are explained not only by political and ideological differences but also by undertaking different strategies to legitimize such views on memory itself. According to Jelin, the process of forming a national history and an official memory in Latin America has established a “master narrative of the nation” since the nineteenth century (*State Repression* 27).⁵ Memory and forgetfulness are, paradoxically, central issues in the analysis of efforts to avoid forging a Colombian national identity centered on violence and its naturalization. To this point, Idelber Avelar suggests that “Colombia has come to represent Latin America’s ultimate instance of violence as a constant, pervasive element in the nation’s self-definition” (22). This perception and the realities of endemic violences in Colombia—“violences” in the plural here to underscore the multiple forms of the phenomenon—lead to a singular paradox in which the country is also recognized as having the oldest democracy in Latin America (Suárez 19).⁶

Referring to a classic study on *La Violencia*—a period of intense bipartisan violence during the mid-twentieth century—*Violence in Colombia: Study of a Social Process* by Germán Guzmán, Orlando Fals Borda, and Eduardo Umaña Luna, María Helena Rueda points to how declared searches for truth can in fact operate to conceal complicity or culpability:

In general, the purpose of these efforts is to reveal “the truth” about said facts, in such a way that those in power establish a distance from the previous regime, precisely through these investigations... the cycle of violence analyzed in this book does not appear as a process of struggle destined to have an end after which the Colombian nation will achieve peace, but as a danger that is always lurking.⁷

(Rueda 355)

With this in mind, the works analyzed in the present volume engage in the task of forming alternative narratives to official stories while assisting with the constant recollection of different kinds of violence so as not to forget what happened and avoid the constant danger of repetition. For María Teresa Uribe and Liliana López, the violence of the conflict constitutes “an axis of historical survival and an imaginary thread that runs through the Colombian nation throughout its history” (*Las palabras* 41). Underscoring the inevitable tension between remembering and oblivion, Gonzalo Sánchez, in turn, formulates a question that will resonate in the explorations developed in the chapters of this volume: “how much memory and how much forgetting does a society require to overcome war?” (*Guerras* 32).

The studies in this volume draw on theories, explicitly or implicitly, such as Foucault’s biopolitics, Agamben’s bare life, Butler’s grievability, and Mbembe’s necropolitics, among others. For Judith Butler, “[t]he differential distribution of grievability across populations has implications for why and when we feel” (*Frames* 24). War and other states of exception lead to a

framework that selectively regulates the affective dispositions felt by communities, from horror to indifference. Giorgio Agamben's influential concept of bare life, based on the figure of *Homo sacer*—he who may be killed and yet not sacrificed—centers on the threshold zone of indistinction between *bio* and *zōē*, between political and natural life (*Homo sacer* 90). In a line close to Agamben, Achille Mbembe affirms that “sovereignty means the capacity to define who matters and who does not, who is disposable and who is not,” but goes on to define necropolitics within the context of “those figures of sovereignty whose central project is not the struggle for autonomy but the generalized instrumentalization of human existence and the material destruction of human bodies and populations” (“Necropolitics” 27, 14). The Cameroonian author clarifies that “contemporary forms of subjugation of life to the power of death (necropolitics) profoundly reconfigure the relations among resistance, sacrifice, and terror” (“Necropolitics” 39–40). This volume's overarching framework aligns with these theories, but the “body” of embodiment seeks to go beyond the “perimeters of bare life and biopolitics discourse and the juridical history of habeas corpus, because neither sufficiently addresses how deeply anchored racialization is in the somatic field of the human,” as Alexander Weheliye proposes from the lens of Black feminist theory (*Habeas Viscus* 4). Embodied enactments seek to explore multiple ontologies of the human and project the human rights subject constituted in relationality.

National formation, republican rights, and nineteenth-century human rights

Some genealogies locate the social institution of rights in the Latin American sphere in the sixteenth and seventeenth centuries during the colonial period.⁸ From the early nineteenth century, the Latin American rights tradition was enriched through new transatlantic sources during the nascent republican era. Throughout the 1940s, Latin American efforts were critical during the processes that articulated the international human rights system. Revolutions and reforms on different fronts brought political, social, economic, and cultural rights to the forefront. As stated by Jose-Manuel Barreto, “outside Europe there exists an intellectual and historical tradition of resistance to imperialism and to the violence of the state advanced since the very beginning of modernity in which natural law and human rights are crucial” (141). Nevertheless, in general histories of human rights, the position of societies and nations of this region is structured primarily in the role of victims. In this way, their distinctive traditions of rights and their connected struggles are reduced to simple stereotypes.

The history of human rights at the international level is frequently interwoven with the emergence and formation of the modern nation-state in the late eighteenth and nineteenth centuries. The predominant Euro-North American historiography of the human rights regime tends to trace

a direct line of descent from the American Declaration of Independence and the 1789 French *Déclaration des droits de l'homme et du citoyen* to the 1948 UDHR and the completion of the International Bill of Human Rights, with the late entry into force in 1976 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR).

(Slaughter, "Hijacking" 738)

In the Colombian context, still part of the Spanish viceroyalty of New Granada at that time, the *bogotano* Antonio Nariño's translation and circulation of the "Declaration of the Rights of Man" in 1794 fits neatly into this narrative. Indeed, these principles were incorporated in various forms into Colombian constitutions throughout the nineteenth century.

Different cultural fields throughout Colombian history—from the hegemonic discourses articulated by the elites to the counter-hegemonic texts produced by diverse ethnic, popular, and feminist groups—have a history of disputed appropriations and interpretations of varying rights concepts, whether they are natural rights, republican rights, or human rights. This genealogy, however, constructed from a vision focused on European and Anglo-Saxon history, tends to exclude alternative histories of rights emanating from Latin America and the Global South. As María Herrera-Sobek, Francisco Lomelí, and Luz Angélica Kirschner argue, this practice

obscures the continuity of struggles of Indigenous, Black, women, children, and other non-gender conforming, non-European, non-Christian, non-white communities in the Americas against colonialism and imperialism since the inception of the hemisphere into global modern history. On the other, it obfuscates the way the antislavery and anti-colonialism movements of the above-mentioned constituencies have challenged European notions of the "human."

(1)

The present volume asks how the predominant historiography can be interrogated through different local and regional narratives from the standpoint of the study of cultural production.

Concerning Colombian microhistories of rights and their regional and global networks, at least two significant trends started in the country during the nineteenth century, beyond the liberal/conservative binomial of the Internal Conflict and the republican expansion of rights. Although the republic's history has been marked by civil wars and political violence from its inception, there has also been a remarkable republican tradition connected with the expansion of rights, defended in different ways by progressive elites and popular movements. These trends are explored in this volume. The governments established after 1810 adopted a republican liberal thought, and the relations among rights, citizenship, and nation defined the

new political and cultural ground: the government existed to protect imprescriptible freedoms and rights of man and citizen. Slavery was abolished in 1851. By 1863, the Rionegro convention shaped the most liberal political charter in the history of Colombia. The death penalty was abolished, freedom of religion was defended, absolute freedom of the press was established, due process was strengthened, and the law of nations was incorporated into legislation to settle civil wars through humanitarian agreements on prisoners of war, through which the excessive use of force by actors in conflicts was prevented. Ratified at the same time as the Geneva Convention, this charter continued and enlarged a tradition of liberal humanitarianism that could be traced back to the Trujillo Treaty of 1820.⁹ Other Colombian constitutions recognized rights like security, (gender restricted) political freedoms, property rights, freedom of the press, and legal equality in the form of the gradual expansion of legal and procedural guarantees, as well as those required to participate in the state administration, linked to universal male suffrage. The centralist and conservative constitution of 1886, of the *Regeneración* (Regeneration) regime, transformed the republican tradition, retaining certain restrictions on the powers of the state and continuing the previous boundaries of citizenship, while limiting the modern tradition through the reinstatement of the centralization of power, the death penalty, and Catholicism as the national religion.

Nineteenth-century Latin American political systems adopted the principle of popular sovereignty as their foundation, participating in a greater historical movement that included similar versions such as the English, American, and the French systems. The Colombian republican experiment was part of this Latin American historical landscape, as described by authors such as Hilda Sabato, Rafael Rojas, and James E. Sanders, among others.¹⁰ For these historians, the political lack of stability of the nineteenth century resulted from republicanism, and not exclusively in Spanish America but also in Europe and North America. Adopting popular sovereignty meant that politicians had to rebuild their political authority within the framework of new post-independence republican structures, modifying their approaches according to colonial and post-independence models and experiences. Sanders, in particular, asserts that in contrast to what is often taken for granted, there was a moment in the nineteenth century, between the 1840s and the 1870s, when the most dynamic center for the generation of political modernity was located in Latin America. What Sanders calls “republican modernity”—with all its resultant discourses on equality, universality, freedom, and fraternity—had its main development focus in countries such as Colombia as well as Mexico and Uruguay, among others. Contrary to what is usually articulated in global histories of human rights, it was not in the middle of the century that solely bourgeois Europeans or American Europhiles generated the apex of Atlantic modernity, but rather it was primarily a Latin American political experience.

The local republican tradition had an important impact on Colombian literature and culture, where conservative, liberal, and popular versions were enacted and defended. Literary journals such as *El mosaico* (1858–1872) were central in the efforts to proselytize such ideas, including discussions about rights. Examples of it were the debates surrounding *costumbrismo*.¹¹ An example of the tradition of popular republicanism was Candelario Obeso's *Cantos populares de mi tierra* (1877), where “the Magdalena's shores also constituted the mise-en-scène for dramatic appropriations of republican discourse, and by those same Afro-Colombian plebeians who, in lettered discourse, seemed to embody the anarchic outer limits of the nation's political modernity” (O'Brien 466). The *Regeneración* project that came with the 1886 constitution and its combination of grammar and power also involved liberal *letrados*. As Erna Von der Walde asserts, the *Regeneración* “wanted to regain lost ties with the Catholic Church and a few months before the publication of the Nicaraguan poet Rubén Darío's *Azul*, it signed the first concordat with the Vatican. At the same moment in which, according to the records, the word “modernism” is used for the first time, Colombia is reversing the modernizing and democratizing process typical of the incorporation of Latin America into the new world order.”¹² According to Sanders, the *letrados* in charge of such a project would be the ones who, starting from the 1880s and in contrast with the modern and popular republicans, established a hegemonic reading of modernity, which since then ignored the progressive Colombian traditions, pretending that there had not been a republican modernity in the previous decades.

Colombia would end the nineteenth century immersed in a bloody internecine conflict, the most destructive civil war of the century, between liberals and conservatives with long-lasting consequences, the *Guerra de los Mil Días* (Thousand Days War), fought between 1899 and 1902. It brought a humanitarian crisis linked to the death of approximately 100,000 people and an economic calamity worsened by the separation of Panama the following year.

From the *Bogotazo* to the *Frente Nacional*

Paradoxically, following the destruction produced by the civil war that initiated the twentieth century, from 1910 to 1929 Colombia lived through a period of unprecedented peace in terms of political conflict at a national level; however, a series of events would profoundly alter this course. As Colombians look back to the last century, most remember the landmark year of 1948 not so much for the American Declaration of the Rights and Duties of Man of May 2, also known as the Bogotá Declaration,¹³ or the proclamation of the UDHR by the United Nations on December 10, but rather for the assassination of Liberal presidential candidate Jorge Eliécer Gaitán on April 9, which triggered widespread destruction across the capital city in what is known as the *Bogotazo*. Although some historians trace its

roots further back, this event is commonly understood as the beginning of *La Violencia*—a period of intense partisan violence between Liberals and Conservatives that spanned over a decade and claimed an estimated 200,000 lives, with massacres and killings carried out primarily in rural areas.

Laureano Gómez (1889–1965), the president-elect in 1950, was ousted by a coup led by Gustavo Rojas Pinilla (president, 1953–1957), which was celebrated by the political and economic elites and supported by public opinion, who viewed this army general as an impartial actor with the capacity to settle *La Violencia*. His government promoted an amnesty with the guerrilla groups, approved the female vote, brought television to the country, and modernized Colombia's roads infrastructure and its airports. However, he repeatedly censored the national press, decreed tax measures that affected the economic elites, and implemented repressive policies that did not achieve peace but, on the contrary, increased the number of armed actors. After Rojas Pinilla attempted to create a third political party of populist tendencies, *Movimiento de Acción Nacional* (MAN, National Action Movement), and later *Tercera Fuerza* (Third Force), which promulgated the union of people and army against the country's oligarchies, political leaders from the two traditional parties signed a joint agreement to overthrow his dictatorship and accomplish the return of democracy. This bipartisan agreement became the basis for the *Frente Nacional* (National Front), which excluded from power all other groups on both sides of the political spectrum. The final blow to the Rojas Pinilla regime, in May 1957, would be dealt by a student strike, first, and then by a general strike supported by the industrial sector and political leaders of both parties.¹⁴ During the subsequent 16-year period of the *Frente Nacional* (1958–1974), the Liberal Party and the Conservative Party took turns in power.

While the *Frente Nacional* did manage to mitigate historical bipartisan violence, its exclusionary pact contributed to the birth of a number of left-wing guerrillas, including the two largest groups, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC, Revolutionary Armed Forces of Colombia) and the *Ejército de Liberación Nacional* (ELN, National Liberation Army). In addition, *La Violencia* was concluded without any responsibility trials, reparations for the victims, or a meaningful mourning process. It could be said that, to a certain extent, Colombian cultural production sought to fill this memory void and face the destruction of *La Violencia*. Artists, writers, and intellectuals—at the time and thereafter—denounced and represented the crisis. Jorge Zalamea, one of the main political and intellectual figures during the *Bogotazo*, wrote in exile *El gran Burundún-Burundá ha muerto* [The Great Burundún-Burundá has Died] (1952), which became a landmark for the dictator novel genre, one of the most autochthonous narrative forms on human rights from Latin America. Around the same time, visual artists like Débora Arango, Alipio Jaramillo, Carlos Correa, Pedro Nel Gómez, Enrique Grau, and Alejandro Obregón captured in their work the destruction brought by

this Internal Conflict.¹⁵ The Colombian literary field created a whole body of work dedicated to the urgent issues stemming from this period, the so-called *literatura de La Violencia*, which could be considered in many cases closer to an ethnography and far from the literature of high aesthetic value. Some exceptions studied in this volume helped build the bridge to new literature focused on Colombian violence in the coming decades.

Activist mobilization, human rights struggles, and armed insurgency

Some recent global histories of human rights, as Jorge González-Jácome indicates, position the 1970s as a key moment in which human rights displaced other utopias, as reflected, for example, in the failure of revolutionary guerrilla movements on the left due to the rise of military regimes and dictatorships (“The Emergence of Revolutionary” 96). However, this narrative generalizes the rise of this new human rights utopianism across Latin America, based on the case of the Southern Cone, given the fact that in many countries, including Colombia, Nicaragua, El Salvador, and others, guerrillas movements persisted; subsequently, González-Jácome underscores that “[h]uman rights emergence thus did not displace revolutionary discourse in these countries but coexisted with it. Accordingly, human rights found diverse ways for their materialization and thus combined with other ideas making their victory different from the one that occurred in places where revolution was already dead” (97). Also in response to Moyn’s argument—which is articulated from the perspective of Western scholars, activists, and political leaders—Antony Anghie indicates that “for many minorities and indigenous people, the utopia they sought, and continue to seek, is the old utopia of self-determination, recognition of nationhood, and sovereignty” (74). Furthermore, pointing to the creation of the New International Economic Order (NIEO), Anghie argues that what most countries and peoples sought in the mid-1970s was the utopia of development (73). Against this backdrop, what stands out is the imperative to examine the plethora of local and regional movements during the period, driven by a wide range of objectives, and to put their microhistories into dialogue with any global(ized) history of human rights.

Although Colombia joined the new human rights order at the international level, insofar as it coincided with its conventions and mechanisms, it did so in the context of an internal armed confrontation which continued after a brief period of peace with the rise of the guerrilla insurgency during the 1960s. This contradiction began to become manifest during the aforementioned *Frente Nacional* period and beyond while the country could ratify international conventions; in the fight against subversion the state violated its own norms and the international rules. Since the late 1970s, during a global rise in the importance of their role, non-governmental organizations for the defense of human rights made an active campaign to promote their protection, but also to present the government as a violator of fundamental rights (through torture, execution,

or disappearance of guerrilla members and sympathizers; support for paramilitary groups; arbitrary detentions, etc.). This process, with its various motivations, made the defense of human rights a central political issue. The state responded by encouraging protective legislations and the creation of institutions for the protection of human rights. At the same time, the Colombian government tended to view private organizations for the defense of human rights with mistrust, sometimes assuming that they were part of the always present specter of communism and in collaboration with leftist guerrillas. In light of the fact that so many activists have become targets of assassinations and other violations over the decades, González-Jácome states that “[t]he violence perpetrated against grassroots activists in places like Colombia demands a different approach—one that acknowledges the role of quotidian experiences of local communities in dealing with the meaning of global human rights ideas” (“The Emergence of Human Rights” 287).¹⁶

Even a cursory examination of this period reveals a wide range of movements, organizations, and struggles, carried out by a diversity of collectives with specific, albeit overlapping, interests and objectives. *The Centro de Investigación y Educación Popular* (CINEP, Center for Research and Popular Education), created in 1972, had a human rights office that did research and advised on complaints and searches for the disappeared and victims of detention and torture. *The Comité Permanente por la Defensa de los Derechos Humanos* (CPDH, Permanent Committee for the Defense of Human Rights) was founded in 1979 as a result of the abuses perpetrated by the infamous *Estatuto de Seguridad* (Security Statute), implemented by Julio César Turbay Ayala’s government (1978–1982). Another special case was the *Comité de Solidaridad con los Presos Políticos* (CSPP, Solidarity Committee with Political Prisoners), created in 1973 from a donation by Gabriel García Márquez after receiving the University of Oklahoma’s Books Abroad Neustadt prize for *Cien años de soledad*. Among its active members were the poet León de Greiff and artists Nirma Zárate and Diego Arango, members of the collective of graphic artists *Taller 4 Rojo*. During this period, García Márquez became famous not only for his literary achievements, including another Colombian dictator novel, *El otoño del patriarca* (The Autumn of the Patriarch, 1975), or the interpretations of *Cien años de soledad* regarding the *bananeras* massacre.¹⁷ His support of human rights causes in Colombia and the region was part of his political stance. An example of this was the magazine *Alternativa*, founded by the future Nobel Prize laureate and fellow intellectuals and journalists. In the middle of a dark period within the history of Latin America, the journal constantly called for investigations into human rights violations and denounced tortures and disappearances in Colombia and the broader region.¹⁸

Human rights activism was led in different fronts by peasant organizations such as, for example, the *Asociación Nacional de Usuarios Campesinos* (ANUC, National Association of Peasant Users) during the late 1960s and the 1970s. Around the same period, Afro-Colombian rights groups blended culture and critical views on race in the country. Examples of them are the *Centro para*

la Investigación y el Desarrollo de la Cultura Negra (Center for Research and Development of Black Culture), founded in 1975 by Amir Smith-Córdoba, or the student group Soweto, founded in 1976, which in 1982 became Cimarrón, also known as *Movimiento Nacional para los Derechos Humanos de las Comunidades Negras en Colombia* (National Movement for Human Rights of Black Communities in Colombia). Manuel Zapata Olivella, an essential figure in the studies on Black culture in Colombia, linked to artistic, academic, and activist circles across the Atlantic and the Caribbean, was the director of *Fundación Colombiana de Investigaciones Folclóricas* (Colombian Foundation of Folkloric Research) which organized in Cali, with other organizations, the first *Congreso de la Cultura Negra de las Américas* (Congress of Black Culture of the Americas) in 1977.¹⁹ Clearly, Afro-Colombian resistance to oppression goes back to the beginning of slavery, just as Indigenous struggles in the region began at the onset of European colonialism in the region. During the strengthening of the Indigenous movement during the first half of the twentieth century, Manuel Quintín Lame (1883–1967), a famous Nasa leader who first led an uprising (1914–1918) in Cauca, became a central figure of Indigenous resistance. A number of organizations emerged in different regions of the country during the 1970s and 1980s, such as, for example, the *Consejo Regional Indígena del Cauca* (CRIC, Regional Indigenous Council of Cauca), founded in 1971, and the *Organización Nacional Indígena de Colombia* (ONIC, National Indigenous Organization of Colombia), founded in 1982 in Cundinamarca.²⁰ This was also a key moment for the emergence of the Gay Liberation Movement of Colombia (*Movimiento de Liberación Homosexual de Colombia*, MLHC), which was active from 1976–1989.²¹ While the enumeration could doubtlessly continue for pages, this brief roster of movements, organizations, and collectives alludes to a multitude of microhistories of human rights work to be explored in greater detail through the lens of human rights discourse.

The 1980s and 1990s were marked by drug trafficking and the exacerbated violence of the narco-wars. The contradictory role of the Colombian state became more acute with the rise of drug trafficking and its participation, through the organization of paramilitary groups, in the struggle for land tenure using the façade of a fight against the guerrillas. The extermination of the *Unión Patriótica* (UP, Patriotic Union) was one of the most terrible legacies of that period. This political party emerged from the convergence of political forces as a result of the negotiation process carried out in the mid-1980s between the government of President Belisario Betancur and the FARC. In 1984, and as a result of these dialogues, the emergence of an opposition political movement was stipulated as a mechanism to allow the guerrillas to incorporate themselves into legality gradually. The conditions that would enable this transition consisted of an official commitment to fully guarantee the political rights of the members of the new formation and the implementation of a series of democratic reforms for the full exercise of civil liberties. However, from the very beginning, the UP members were subjected to persecution. The constant violations of the signed agreements caused the negotiations between the government and the guerrillas to break

down. The new coalition members were left in a high-risk situation because, when they were openly accused of being spokespersons for the armed insurgency, state agencies did not provide them with any effective protection. During two decades, about 3,000 militants were assassinated, and there were hundreds of cases of disappearances, perpetrated by both state security agents and paramilitaries. The process of consolidating peace with a political opening through the political inclusion of a new movement, the demobilization of armed groups, and the passage of these groups to the political arena culminated in the exacerbation of political polarization, the narrowing of the possibility of participation in an authentically democratic state and the naturalization of violence as a means to neutralize political opponents.

Forced displacement, *extractivismo*, and the other-than-human

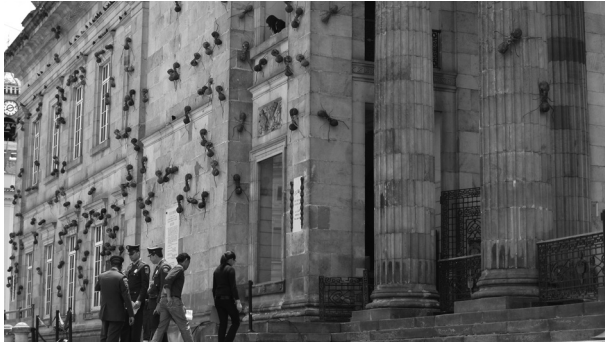


Figure 0.1 *Cosa tomada* (House Taken), urban intervention by Rafael Gómez Barros, Bogotá, February 15 – March 26, 2010
(Photos courtesy of Kevin G. Guerrieri)



Figure 0.2

Artist Rafael Gómez Barros—whose surname also appears as Gomezbarros—described *Casa tomada* [House Taken] as an “itinerant project of urban intervention.” This installation of 1500 ants covering the National Capitol building in the *Plaza de Bolívar* of Bogotá in 2010 sought to stimulate a reflection on forced displacement, uprooting, and globalization. The installation traveled to a number of cities both nationally and internationally, including destinations overseas in Manchester and London, United Kingdom, Links, Austria, and Havana, Cuba. In addition to the homonymous short story from 1946 by Argentinian author Julio Cortázar, the viewer of this intervention might be reminded of the ending of *Cien años de soledad*, in which the final lineage of the Buendía family is being eaten by ants. Perhaps one might also recall the invasion of the *tambochas*, the ferocious carnivorous ants that cause entire towns to flee for their lives, as described in *La vorágine*, a canonical twentieth-century Colombian novel.

The publication of José Eustasio Rivera’s novel *La vorágine* [The Vortex] (1924) marked a distance from the predominant *costumbrista* aesthetics of earlier nineteenth-century works and has been described as both a *novela de la tierra* and a social protest novel. The text explicitly denounces the crimes and horrendous violence committed against *colonos* (settlers) and Indigenous communities during the rubber extraction boom by the infamous Casa Arana in the first decades of the century, but it also passes judgment on *letrados* like the modernist poet protagonist, Arturo Cova. As Jennifer French and Ericka Beckman have shown, respectively, the novel is configured as a complex text against neo-colonialism, modernization, and capitalism. This period of rubber extraction in the Amazon basin, at the end of the nineteenth century and beginning of the twentieth, constitutes a key moment of extractivism, colonization and displacement, and Indigenous genocide in Colombia, with echoes that continue to resonate today.

The magnitude of the harm and destruction caused by force displacement cannot be overstated, and Colombia continues to be the country with the highest level of internal forced displacement in the world with over eight million internally displaced persons (IDPs) (*Desarraigados*). Some salient characteristics of this phenomenon should be mentioned as they relate to human rights violations. This is a historical—going back to the *Guerra de los Mil Días* and earlier—and repetitive process driven by distinct socio-political and economic circumstances at each juncture, as documented, for example, by Alfredo Molano in his oral history of the colonization of Guaviare (*Selva adentro*), among other works. The causality of forced displacement must always be interrogated: the violence related to the Internal Conflict is oftentimes not a cause but rather a tactic deployed precisely with the objective of land theft. Also, the harm produced tends to involve multiple types of violations, and the intersectionality of identities of those most affected by the violence must be recognized. According to the report from 2015, *Una nación desplazada: informe nacional del desplazamiento forzado en Colombia* [A Displaced Nation: National Report on Forced Displacement in Colombia], produced by the *Centro Histórico de la Memoria*, it is estimated, for example, that about 15

percent of the total Afro-Colombian population and ten percent of the total Indigenous population have been displaced. In a country that has had a persistent agrarian problem since colonial times, approximately 8.3 million hectares have been taken by force during the armed conflict. With regard to gender violence, of the almost six and a half million displaced persons (in 2015), just over 50 percent are women (3,301,848); 41.5 percent (2,279,576) are minors; and 15.8 percent of displaced women report having been victims of sexual violence. Women belonging to Indigenous and Afro-Colombian ethnic groups have been disproportionately affected by conflict-derived violence.

Gómez Barros's invasive ants enact the occupation of the national monuments by *desplazados*, but they also embody a fundamental tension of human rights: between the human and nature. While, on the one hand, as Boaventura de Sousa Santos reminds us, "[t]he Western patriarchal, capitalist and colonialist concept of humanity is unthinkable without the concept of subhumanity—both in the past and now, albeit in different ways" ("Human Rights" 31), on the other hand, even bare life, human life reduced to biological life, retains a remnant of humanity, argues Agamben (*Remnants*). That human remnant remains on the hierarchical continuum of values between society and nature, as divided by Western Cartesian thought. The ants of *Casa tomada*, however, disrupt this separation between society and nature, human and non-human. Each ant is composed of two body parts that resemble human skulls, such that the animal and the human are mutually constitutive and inseparable.

The 1991 constitution marked a significant shift in the articulation of rights in Colombia upon instituting a progressive reaffirmation of the rights of different populations, and promoted a multicultural and multiethnic discourse for the national body. Moreover, the rights associated with the environment were united with groups through the communal right to ancestral lands. In the recent constitutions of Ecuador (2008) and Bolivia (2009), respectively, Indigenous and Afrodescendent ways of knowing, being, and doing were integrated more profoundly through the Quechua concept of *sumak kawsay*, *buena vida* (good life) in the former, and the Aymara concept of *suma qamaña*, *vivir bien* (good living) in the latter. Santos describes these examples as part of a newly emerging generation of rights in which the autonomous human rights of land, rivers, and other non-human entities are recognized within the liberal lexicons of personhood and legality ("Human Rights" 32–35). Within this context, the extension of collective rights to land and the environment based on the ontological relationality between humans and non-human entities, which seeks to deconstruct Western-imposed binaries, is continually confronted with the destructive forces of *extractivismo*, or extractive capitalism, across different regions of Colombia, Latin America, and beyond.²²

Transitional scenes

Over five decades of armed conflict between the FARC and the government reached a culminating moment in 2016 with the signing of a peace

agreement. According to a report from that year by the Office of the High Commission for Peace (*Oficina del Alto Comisionado para la Paz*, OACP), the internal armed conflict in the country had produced some 7,902,000 victims, from victims of forced displacement, disappearances, and kidnappings, to sexual violence, torture, and massacres, among other forms of violence (*Proceso de paz*). A more recent report (August 2021) from the National Registry of Victims indicates that there have been 9,177,128 victims of the armed conflict (*Víctimas*). It is essential to underscore that the classification of “victim” for the purpose of this registry applies only to those affected in 1985 or afterwards in accordance with Law 1448 (2011). In addition, the post-agreement period has proved to be particularly violent. In spite of the commitments of the 2016 peace agreement to protect and guarantee human rights in accordance with the protocols established by the United Nations, human rights defenders, social leaders, labor leaders, Indigenous and Afro-Colombian leaders, journalists, and other community activists have suffered extrajudicial killings and other human rights abuses at alarming rates.²³ In light of this reality, the notion of “transition” becomes increasingly problematic.

Over the decades the human rights regime has become widely linked to what is known as transitional justice, which, traditionally, “was understood to apply in the limited and linear time period of the transition from an authoritarian regime to democracy” (McEvoy and McGregor 6). According to the International Center for Transitional Justice (ICTJ), established in 2001, the term “refers to the ways countries emerging from periods of conflict and repression address large-scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response” (*What is Transitional Justice?*²). While some view it as a discipline, theory, or field, Nina Schneider and Marcia Esparza “consider transitional justice a paradigm, because it is both a discursive pattern and a set of socially embodied practices (truth commissions, reparations, amnesties, lustration, memory initiatives, and prosecutions) that guide and shape thought and action in and about post-conflict societies” (xv). Jamie Rowen, in turn, refers to transitional justice as an idea and a movement, emphasizing that “the idea is *in movement*, meaning that it is fluid and understandings of it change depending on who has appropriated it, how, and why they have done so” (8).

The term is thought to have been first coined in 1991, and Alexander Laban Hinton identifies three key preceding “streams of experience” that inform transitional justice: the expansion of international law in the wake of Nazi Germany; the 1948 UDHR with the subsequent “infrastructure of the human rights regime,” which includes covenants, treaties, regional courts, and international organizations; and the (re)democratization of a number of countries in Africa and Latin America in the 1980s (3). The series of practices linked to transitional justice has expanded widely at an international level over the last three decades. The number of truth commissions, for example, depending on how one defines these quasi-judicial entities,

continues to rise (see Bakiner). Transitional justice is now, as Dustin Sharp argues, “its own industry, with dedicated NGOs and an army of consultants and experts deployed all over the world” (8), and it has become the “globally dominant lens’ through which we now grapple with legacies of violence and mass atrocity” (162).

The rapid expansion of this “industry”—using Sharp’s term—has led to a number of critiques and to the emergence of “critical transitional justice studies,” an area that focuses largely on examining the gaps between discourse and actual impact as well as the complexities and tensions involved in the implementation of transnational and globally shaped mechanisms within local contexts. The critiques begin with the notion of “transition” itself, which often suggests a teleological movement from an authoritarian regime (within a violent, “backward” society) to a liberal democracy (within a modern, “civilized” state) inserted into contemporary global capitalism. In this vision, as Hinton states, “[l]ong, complicated histories are reduced to an immediate past of conflict; future horizons are delimited by the promised end of the transition, an idyllic state of civilized democracy” (7). This reduction of the historical past can also erase persistent postcolonial relations and exacerbate what are perceived as the imperialist tendencies of international law and human rights discourses. Top-down approaches tend to privilege the state’s interests as well as developmentalist priorities and economic (mega)projects that benefit the elites (see Castillejo Cuéllar). Historically, transitional justice has primarily focused—through a liberal-legalist lens—on individual civil and political rights and less on economic conditions and social justice. In this sense, Sharp criticizes the “narrowness of dominant concepts of peace, justice, and violence at the heart of most transitional justice initiatives” (156) as well as the limits of human rights legalism found in many approaches. Within such a framework, people are often placed into standardized identities and singular juridical categories of “victims,” “perpetrators,” and “witnesses” resulting not only in the oversimplification of local realities and ambiguities but also in the justification for interventions.

Notwithstanding the aforementioned critiques, transitional justice provides concepts, language, and tools that potentially can contribute to greater accountability, positive political change, and efforts to address economic and structural violence. Both Catalina Díaz and Jamie Rowen, in respective studies, analyze how different groups deploy transitional justice discourses and practices for diametrically opposed aims in the Colombian context. In contrast with the universality of human rights—specifically, nonderogable standards for how states should treat their citizens and punishment for the perpetrators of human rights violations, for which earlier proponents of the movement advocated—the utility of transitional justice, argues Rowen, lies precisely in its malleability (9). Díaz examines, on the one hand, how the Álvaro Uribe Vélez (president, 2002–2010) administration appropriated the transitional justice discourse to justify the paramilitary demobilization (2003–2006) in order to legitimize the

paramilitary and ensure their impunity, and, on the other hand, the capacity of transitional justice for positive communal transformation and as a strategy of resistance by civil society and “‘players from below’ in the struggle against impunity” (214). Rowen, in turn, analyzes the transformation in how transitional justice was understood and utilized by different actors as reflected in the debates around a series of laws, agreements, and structures that emerged over a decade. The trajectory traced by the author starts with Law 975, the Justice and Peace Law—which the Uribe administration succeeded in passing in 2005, and is considered by many to be the “first transitional justice law” in Colombia (96)—and eventually leads to the 2016 peace accord with the FARC, the “Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace” (*Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradero*).²⁴

The long sequence of “transitions” in the country, each with the singularities of its own particular historical juncture, gives credence to skepticism. Gonzalo Sánchez notes that between 1821 and 1982 some 52 pardons and 15 amnesties were approved in Colombia in the wake of numerous wars and conflicts (“De amnistías” 329). Some of the most salient “transitional” processes of the twentieth century include the amnesty of 1953 under Rojas Pinilla, the aforementioned politicide against the *Unión Patriótica*, and the demobilization of the *Movimiento 19 de Abril* (M-19, 19th of April Movement) in the 1980s. In reference to the most recent peace accord, Alejandro Castillejo Cuéllar argues that the transitional promise and teleology—hand in hand with human rights—do not constitute a rupture with the violence, but rather a historical continuity, another chapter in the long history of ancestral terrors in which daily life has been colonized by uncertainty and death, especially for some regions such as El Pacífico: “we have exchanged the dream of another society for a technocratic and domesticated ‘promise’ called ‘transition to post-violence’” (“Del ahogado” 9). He calls for greater attention to small-scale peace (or peace in the plural), the reformulation of the categories that structure everyday life, the restitution of the *proximidad* (compassion and solidarity) for the other, within the palimpsest of experiences of multiple “transitionalities” embedded in the past, the present, and the prospect of future. The studies in the present volume seek to engage in this endeavor.

Human rights assemblages

A number of overarching questions guide the present volume. What are alternative grammars and articulations of human dignity in the Colombian context, and to what degree are they compatible or incompatible with the language of human rights? How do Colombian cultural products engage, through the symbolic and the imaginary, the structures that categorize humanity? Within the current paradigm of neoliberal individual human rights, what are the possibilities for pluriversal imaginations and relational and communal modes of knowing, being, and doing; and what are other

(re)configurations of human subjectivity concerning the body, the animal, personhood, and the political?²⁵ How are theories of capabilities applied—in relation to or in contrast with human rights struggles—in different local, regional, and national settings? How does the human rights discourse interface with notions of environmental and ecological justice, especially in the face of global climate change, regional (neo)extractivism, the implementation of megaprojects, and ongoing post-accord thefts and (re)appropriations of land? What are different ways of articulating the human rights subject in relation to land, the natural world, and the non-human? What are alternative perspectives, sources, and (micro)histories—from Colombia and the Global South—of the creation, evolution, and practice of human rights? What are the cultural aspects that link human rights narratives in Colombia with different representations of memory and postmemory, as they support new forms of citizenship construction? How do different forms of human rights narratives interrogate larger political and social forces such as the ongoing armed conflict, gender violence, racism, and other forms of violence; migration and forced displacement; truth and reconciliation reports and commissions; states of exception and state violence; and economic policies and developmentalist projects? How are these narratives linked to human rights advocacy and activism in Colombia? In the wake of the 1991 constitutional milestone, how does Colombian cultural production reflect, enact, or embody the collective rights of different groups (Indigenous, Afrodescendants, LGBTQI+, and other communities), and what are different roles taken by cultural products in the interstices among rights, laws, and social justice? How does the transmission of historic traumas and violations of Colombia's past, through human rights narratives in various forms, inform the debates around truth and memory, remembrance and forgetting, and the construction of citizenship through solidarity and the collective struggle for justice? How do literary and other cultural products articulate truth claims with the aim of denouncing, exposing, or remembering human rights violations, and how are these claims subsequently (de)legitimized by social, political, legal, and cultural structures? How do the metaphorical three generations of human rights—civil and political rights; economic, social, and cultural rights; and solidarity rights—manifest themselves in Colombian contexts, and how is each (de)prioritized in different ways? What are the ethical implications of aestheticizing violence and human rights violations?

We have organized this volume into four parts, the summary of which comprises the remainder of this introductory chapter. While the first chapter in Part I does focus on nineteenth-century texts that depict earlier sixteenth-century events, it is not our intention to follow any type of chronology of political history here, just as the preceding reflection in no way constitutes an exhaustive historical analysis of human rights and cultural production in Colombia. Similarly, the chapters have not been grouped by historical period nor by genre or medium of cultural production. On the contrary, each of the four parts is conceptualized as a thematic assemblage that serves to theoretically contextualize the chapters, trace connections among them,

and put the texts analyzed into dialogue. Clearly, there are many overlapping areas—conceptual, historical, political, cultural—and the volume is structured with the objective of suggesting new lines of inquiry and encouraging the creation of new assemblages.

Part I: Human rights narratives, micronarratives, and subjectivation

The first part of this book includes four chapters that study theater plays, epic poems, art installations, and novels in which the memory of the traumatic past and nation construction is articulated from critical perspectives on the history of human rights in the country and Latin America. The chapters explore how the cultural production and debates in the Colombian cultural fields have collaborated in the formation of citizens as subjects of rights, as well as expanding the discussion of memory issues about past and present conflicts in the public sphere beyond plain judicial formulas.

In Chapter 1, Luis Fernando Restrepo considers the neoclassical drama *Sugamuxi* (1826) by Luis Vargas Tejada (1802–1829) and the epic poem *Akimen Zake o la conquista de Tunja* (1858) by Próspero Pereira Gamba (1825–1896). In the new republican order context, the depiction of sixteenth-century events resonated with the nineteenth-century liberal elites. With the debates on republican rights and citizenship as a background, Restrepo shows how literature created a negotiating space for the discussion of thorny ideas like the death penalty, recreating for this “savage states” of the pre-Hispanic and colonial eras to examine the authority of the state and the limits of the law, the role of the military and the church in the republic, as well as the importance of individual freedoms, hence helping to expand the theoretical dialogues on violence, social justice, and rights in the context of the young nation. The conflict between supporters of traditional views on the law and social reforms was reflected in the political disputes—also scrutinized in *tertulias*, theater plays, and literary publications—and concrete amendments aiming to abolish the death penalty throughout the nineteenth-century, after which the death penalty was revoked in 1910. The long shadow of this form of state violence would reappear in the form of extrajudicial killings after the 1940s, extending its influence even into the twenty-first century in the form of the so-called *falsos positivos* (false positives), making the analysis of these earlier works extremely timely. As in other texts explored in this part and the volume in general, the representation of contested memories plays a central role in discussing present rights.

In the few last decades, Colombian art has engaged in accounts for symbolic reparation and the construction of historical memory, in the context of changes of the institutional discourse on the victims, which include the *Ley de Víctimas y Restitución de Tierras* (Law of Victims and Land Restitution) (2011), the creation of the *Centro Nacional de Memoria Histórica* (CNMH, National Center of Historical Memory) (2011), and the peace accords between the Colombian government and the FARC, known as the *Acuerdo*

Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera (2016). In this context, Miguel Rojas-Sotelo (Chapter 2) examines how the work of contemporary visual artist Doris Salcedo (1958) re-articulates traumatic narratives and subjectivities impacted by the Colombian conflict. The chapter examines for that purpose two sets of Salcedo's work. The first one includes sculptures and installations like *Untitled* (1990), *Atrabiliarios* [Defiant] (1992), and *Casa Viuda I* [Widow House] (1992–1994), created with crimes against women, workers, and conflict-affected civilians as a background. In the second group, we find the public sculptures and ephemeral actions *Memorial for Jaime Garzón* (1999), *Sumando ausencias* [Adding Up Absences] (2016), and *Fragmentos* [Fragments] (2018). Rojas Sotelo studies how the artist's work, located in the intersections of trauma and memory, aesthetics, and politics, explores the dynamics of human rights issues via embodied objects and event-actions in public spaces. The chapter provides a detailed interpretation of how her collective memorializations stage, via the use of remains, anti-monuments, or direct actions, the painful processes of collective mourning instigated by the Colombian conflict in the last three decades, while discussing some ethical issues surrounding the way in which the victims' pain and mourning are aestheticized in Salcedo's work.

Carlos Gardezabal Bravo (Chapter 3) analyzes how Daniel Ferreira's historical novel *Rebelión de los oficios inútiles* [Rebellion of the Useless Trades] (2014) breaks with human rights narratives' established reading pacts and their sentimental grammars through a historical novel centered on land tenure, the state of exception, and its connections with the right to protest and freedom of expression. This chapter explores how Ferreira moves from the body of the tortured to the socio-economic rights of the peasants, *destechados* (homeless), and informal workers in a fictional town. Stemming from Ferreira's archival work on the alternative press from the Santander region during the 1960s and 1970s, the novel points at the *Frente Nacional* and the *Guerra de los Mil Días* as sources for vestiges on the current debates about historic memory in the country. This exploration underscores how *Rebelión* defies certain tropes in the history of violence that lie behind fundamental human rights struggles in Colombia's past and present. To explore how Ferreira challenges such narratives, Gardezabal Bravo analyzes *Rebelión* through the work of Jacques Rancière, stressing the emancipatory character of rights in this dissensual context, Elizabeth S. Anker's critical work on embodiment in human rights narratives, and Robert Meister's ideas on social melodrama. The chapter proposes that Ferreira's novel resists the sentimental commercialization of violence in the Colombian (and Latin American) cultural market, while representing dissensual subjects outside the customary figures of the victim and the hero, building up from Andrew Rajca's interpretations of Rancière. Intertextual connections around the politics of memory with Colombian and Latin American writers and artists include works studied in this volume, from the installations of Doris Salcedo and Laura Restrepo's novels to canonical Latin American poets entangled in politics.

In Chapter 4, Carlos Mario Mejía Suárez explores how *La multitud errante* [A Tale of the Dispossessed] (2001) by Laura Restrepo, *La carroza de Bolívar* [Bolívar's Carnival Float] (2012) by Evelio Rosero, and *Migas de pan* [Breadcrumbs] (2013) by Azriel Bibliowicz reformulate through significant objects the perception of past and present violences involved in resisting and surmounting the conditions of subjectivation and victimhood in the Colombian armed conflict. It is often assumed that literature can contribute to the labors of memory by creating non-official cultural accounts of rights while engaging in procedures of symbolic justice and, simultaneously, avoiding the re-victimization of human rights violations subjects. However, these efforts can be transformed into restrained accounts of rights strategically employed by the political establishment or the market, as has happened in some cases in the Colombian context. Mejía Suárez investigates how the objects studied in the indicated texts perform as symbolic enablers or enhancers in developing subjectivities that shape new implications in the perception of human rights and the comprehension of critical appropriations of such discourses. In dialogue with Jacques Rancière, Gilles Deleuze, and Alain Badiou, the author shows by what means the novels studied intervene critically in the debates on the condition of the victim in the official human rights discourse, by refusing to adequate the suffering of subjects into the logic of the market or the state. The massacred, the displaced, and the kidnapped create resonations, in contemporary spaces, of their presence in voices, objects, and bodies as social enactments that re-articulate forms to be included or remembered. These operations push back neoliberal appropriations and question how the Colombian nation-state grounds its sovereignty.

Part II: Land, environment, commodity: The human and the non-human

The chapters in this part explore generational and ancestral connections to land and knowledge, the operations of memory from different theoretical perspectives, and the destructive forces of displacement and extractivism, historically and presently, on humans and other-than-human entities. A wide range of cultural products are analyzed including film, *bullerengue* song, testimonio, graphic narratives, and medical plants in interspecies relationality. The chapters examine resilience, resistance, and healing as promoted by addressing collective voids of memory and recognizing the ontological interconnectedness of the human and non-human.

In Chapter 5, Daniel Coral Reyes analyzes the film *El abrazo de la serpiente* [Embrace of the Serpent] (2015), directed by Ciro Guerra, which focuses on the Indigenous genocide perpetrated during the rubber extraction boom in the northwestern Amazon basin, more specifically on the Putumayo River between Colombia and Peru. Guerra's film interweaves two storylines: the encounter between a shaman called Karamakate, the last survivor and inheritor of ancestral knowledge of the Cohiuanos, a fictional Indigenous

group, and two Western ethnobotanists, Theo (during the Rubber Boom of the first decade of the twentieth century) and then Evan (four decades later during World War II). Drawing from Michael Rothberg's notion of multi-directional memory, which describes how collective memories from distinct historical traumas converge dialogically, Coral Reyes explores the film's aesthetic blending of different events including the Rubber Boom, the Colombia–Peru War, World War II, and—through allusions—the Colombian Internal Conflict. While Guerra's film does minimize the complicity of international actors in the crimes committed, the author argues that *Embrace of the Serpent* makes visible the responsibility of the state and the church as well as the erasure of the Putumayo atrocities in the Colombia collective imaginary. By linking such atrocities to the ongoing armed conflict, especially given that its release coincided with the latest round of peace negotiations, Coral Reyes affirms that the film “articulates a human rights narrative that emphasizes historical and intercultural solidarity.”

Ligia S. Aldana (Chapter 6) explores the rebellious songs and testimonio of Ceferina Banquez, an Afrodescendent *cantadora de bullerengue sentao*. A renowned singer of the Colombian Caribbean, considered *La Reina del Bullerengue* (The Queen of Bullerengue), Ceferina is from Guamanga in Montes de María, located between the departments of Bolívar and Sucre. This subregion, which has significant Afrodescendent, Indigenous, and peasant populations, has been ravaged by the violence of the Internal Conflict since the 1960s, and in the 1990s the situation was exacerbated due to the presence of three guerrilla groups (FARC-EP, ELN, and ERP) in addition to the incursions of drug traffickers and paramilitaries. According to official numbers, between 1997 and 2004, there were 56 massacres—committed primarily by paramilitaries—and from 1997 to 2007 more than 200,000 cases of forced displacement (Ojeda et al. 108).²⁶ Ceferina Banquez was forcibly displaced three times, but now, after years away, she is back on her land and inhabits the condition *de retorno*. This chapter explores how Ceferina has recreated her life project by becoming a *bullerengue* singer and transforming herself into an agent of change, who uses her songs to denounce violations of human rights and demand restitution, truth, and justice. Drawing on Marianne Hirsch's notion of “practicing memory” and Óscar Fernando Acevedo Arango's *tareas de dignidad* (dignifying tasks) and alternative forms of remembering, among other theories, Aldana analyzes Ceferina's bonds to her land and agricultural practices, the oral tradition of ancestral songs, and her African heritage and knowledge as well as the oppression experienced by her enslaved forefathers and foremothers. As the author demonstrates, all these converge in Ceferina, and each verse of her songs becomes an embodied enactment of these connections and a defiant act of protest and resistance in the face of impunity.

Drawing on work by Karen Faulk, Felipe Gómez Gutiérrez (Chapter 7) argues that the meaning of human rights—as well as the rights of citizenship, human dignity, historical memory, etc.—are negotiated in discursive

struggles in which civilian protests, social movements, and mobilizations can take part, and, equally important, such action can contribute to the continual envisioning and (re)imagining of the state itself. Using Faulk's notion of a "dialogic view" of the construction of human rights, the author refers to the "mutually constitutive nature of transnational and local ideas of human rights and justice," and focuses on the role that comics and graphic narratives can play in documenting, narrating, and denouncing forced displacement, land theft, and blocked access to water, among other human rights violations. Gómez Gutiérrez analyzes three recent graphic narratives published after the peace accords between the Colombian state and the FARC in 2016: *Caminos condenados* [Condemned Paths] (2016), by Pablo Guerra, Camilo Aguirre, Henry Díaz, and Diana Ojeda, a novel that takes place in Montes de María, in the department of Bolívar (see Chapter 6); *La Palizúa: ustedes no saben cómo ha sido esta lucha* [La Palizúa: You Don't Know what This Struggle Has Been Like] (2018), by Pablo Guerra and Camilo Aguirre, a story localized in the department of Magdalena; and *Sin mascar palabra: por los caminos de Tulapa* [Not Mincing Our Words: Through the Paths of Tulapa] (2018), by Pablo Guerra and Camilo Vieco, situated in the Urabá subregion of Antioquia. The chapter establishes some essential connections between these recent texts and the earlier work of Orlando Fals Borda, Uliyanov Chalarka, and colleagues in the Córdoba and Sucre departments during the 1970s and 1980s, as exemplified in *Historia doble de la Costa* (1979–1986) and *Historia gráfica de la lucha por la tierra en la Costa Atlántica* (1985). The graphic narratives studied in this chapter do not become representations of victims of violations but rather embodied enactments of the displaced peasants' own conception of their human rights, created by them in collaboration with the artists, intellectuals, and researchers involved through a participatory action research (PAR) approach.²⁷

In Chapter 8, Vanesa Giraldo Gartner and César Ernesto Abadía Barrero effectively decenter the human in human rights by taking to task the Western ontological separation of the human and non-human. Their essay also calls into question implicit assumptions that may be derived from this book's title—focused on "literature and cultural production"—with regards to what constitutes "culture," again, alluding here to another Western binary: nature and culture. Based on ethnographic data from a PAR project, the authors structure the chapter around plants' memories of Caquetá, a department in southern Colombia, immediately north of Putumayo and Amazonas. By reconstructing a history of the region through three plants (caucho, Amazonian fruits, and coca), Giraldo Gartner and Abadía Barrero put into dialogue violent episodes from the Rubber Boom genocide described by Coral Reyes (Chapter 5), the subsequent agrarian colonization that brought *colonos* (settlers), and finally the arrival of national and international drug traffickers to this land. Drawing on theories from Orlando Fals Borda, Arturo Escobar, and Marisol de la Cadena, among others, placed in

dialogue with the concepts, traditions, and practices learned from the authors' research in Caquetá, the chapter underscores "the enormous potentiality of other-than-human entities to support resilience and reparation processes for both Indigenous and Amazonian *campesino* communities" and the essential roles of Indigenous ancestral wisdom, medicinal plants, and interspecies interactions based on mutual relationships. Within this paradigm, reparations are not understood solely as the restitution of property rights to displaced communities but also in relation to healing the interdependence of human and other-than-human beings.

Part III: Structural, political, and gender-based violence and resistance

The chapters in Part III focus on a transversal confluence of popular cultural production, literature, and art installations that enact the battles against different systemic violences in the context of the last decades in Colombia. Social class, gender, and race issues intersect here with grievability as a backdrop for human rights violations.

Regarding the modalities of gender violence, aggressions against women in Colombia have been used as a mechanism of domination. Domestic violence stands out in this context, as well as violence exerted by partners, including femicide. Adding to these forms of violence, the armed conflict has increased the number of sexually assaulted women, a performance of power practiced by all the armed actors in the conflict. The data available on the magnitude of violence against women in the country does not completely reflect the situation, since there are many cases where women do not report such aggressions. Constanza López Baquero (Chapter 9) analyzes gender-based violence and feminicide thematized in recent cultural production by Colombian women, including Laura Restrepo's novel *Los divinos* [The Divine Boys] (2018), Jineth Bedoya's documentary *Mariposas violeta*, [Purple Butterflies] (2020), and a series of public installations by Doris Salcedo, *Sumando ausencias* [Adding Absences] (2016), *Fragmentos* [Fragments] (2018), and *Quebrantos* [Shattered] (2019). Through the ideas of Rita Segato, Catharine MacKinnon, and Jean Franco, and from the connections of embodied narratives and trauma studies, López Baquero interrogates notions of the "post-conflict" period. By exploring the role of women artists in the context of the Colombian post-accord (since 2016) the author critically underscores the importance of making visible the victims' struggles to sustain a more robust culture of human rights and social justice, challenging neoliberal and patriarchal implementations of different forms of gendered violence (symbolic, socio-economic, physical) as forms of social regulation, both prior to and after the accord.

Eunice Rojas and Carlos A. García Pinilla (Chapter 10) provide an unexplored overview of contemporary urban rhythms and their enactments of structural violence. They examine contemporary Colombian music that exposes human rights violations perpetrated by the Colombian government

and overlooked by certain media and social sectors. The authors study a broad group of musicians who have composed and performed songs in solidarity with the victims in which they reflect critically and emotionally on these violations. The texts examined in this chapter focus on three main themes: victims of social cleansing, in which subjects, regarded within a framework of authoritarian neoliberalism as undesirables, are dehumanized symbolically and then killed; the thousands of killings known as “false positives,” perpetrated by security agents of the Colombian state; and the death of Dilan Cruz, a teenager killed by the police in November 2019 during a national cycle of protests, a crime that still resonates today. Analyzed through the lens of Judith Butler’s ideas on grievability, Rojas and García Pinilla show how these songs, released between the mid-1990s and 2019, aim to humanize and amplify the voices of the victims of those crimes, connecting them with the cultural atmosphere of the post accord period and the latest protests in the country. These performers from different musical genres (folk, rock, pop, reggaetón, heavy metal, hip-hop)—as other theater plays, novels, and artistic installations studied in this volume—provide a basis for collective mourning and historical memory while disclosing the concealed identities of victims and survivors. In a country where the persecution and extermination of dissent continue, despite the recent peace agreement, the authors explore how different forms of authoritarian violence can be made visible, in part through ruptures enabled by employing contemporary social media.

Closing this part, Carolina Sánchez (Chapter 11) analyzes the subtle and hidden forces exercised through language as she traces the relationships between violence in private life and the public order in Laura Restrepo’s novel *Delirio* [Delirium] (2004). In the novel, the story of three generations of a family reveals a network of violence and power in their daily lives, including their transactions with powerful mafiosos. The family described in the novel as a whole is a kind of repository of memories in which each person has a record of truth articulated in the visible or hidden traces of others. These marks on the characters are often ambivalent due to their dual condition of victims and perpetrators. For some members, silence and denial are a violent instrument that allows them to maintain the appearances of their social position, turning others into scapegoats. Sánchez draws on the theories of Michel Foucault on power, John L. Austin on language and performatives, and Miranda Fricker on epistemic injustice. More specifically, Sánchez explores how the novel represents the function of secrets as a linguistic mechanism that contributes to structural violence and the violation of human rights in Colombian society. Her study of speech acts is centered on what they can perform, as well as how they can affect particular gendered bodies. Symbolic violence against such bodies can be expressed in language but also in silences. Since it is less visible, this kind of violence easily legitimizes historically and culturally established practices inscribed in unequal power relations between men and women. As Sánchez argues in her

chapter, symbolic violence in the form of concealment can ensure domination, in situations of asymmetric interactions and with the exercise of disciplinary power, in ways that justify and legitimize forms of structural and physical violence.

Part IV: Transitional justice, grassroots activism, and problematizing victimhood

As suggested above, transitional justice is inevitably messy, controversial, and politicized, and in this sense McEvoy and McGregor state that it “is and should be a contested space” (2). The chapters in Part IV of this volume examine some of the different roles that theatre (and performance), photography, houses of memory (and other memorial spaces), and literature can play in the interrogation of top-down transitional justice practices and state-centric peace initiatives through the articulation of alternative, pluralistic, and non-hegemonic discourses on human rights.

Cherilyn Elston (Chapter 12) examines grassroots human rights and transitional justice narratives in the play *Antígonas, tribunal de mujeres* [Antigones: The Women’s Tribunal] (2014), directed by Carlos Satizábal and produced by Tramaluna Teatro. In this play, scenes from a version of Sophocles’ classical work are interwoven with the performative depiction of four different cases of human rights violations perpetrated by the Colombian state, summarized here by Elston: “the Mothers of Soacha, whose sons were assassinated by the Colombian army; survivors of the political genocide of the left-wing political party *Unión Patriótica* (Patriotic Union); a human rights lawyer from the José Alvear Restrepo Lawyers’ Collective who was persecuted and spied upon by government intelligence services; and a student activist who was falsely imprisoned and accused of terrorism.” Unlike Sophocles’ singular protagonist, *Antígonas* is comprised of nine women, including three professional actresses and six women who have been victimized by the aforementioned violence. In this sense, Satizábal’s play constitutes both an individual and collective embodiment of victims and human rights activists. Elston’s analysis positions *Antígonas* as part of an arts-based popular tradition of transitional justice that challenges official narratives of the conflict and aligns with alternative histories of human rights rooted in solidarity with leftist politics and projects for radical social transformation (see Tate and González-Jácome, respectively).

Nicolás Rodríguez-Idárraga (Chapter 13) explores the types of knowledge that the visual produces—following Susan Sontag and Allan Sekula—within the struggles and tensions that emerge in the articulation of processes around memory, human rights, and the recognition of victims as manifested in the House of Memory (*Casa de la Memoria*) in Tumaco. Located on the Pacific coast of southwestern Colombia, in the Nariño department, this port city has about 220,000 inhabitants, mostly Afrodescendant and Indigenous communities. In the early 1990s Tumaco became a center of operations and

confrontation involving one FARC-EP front, one ELN front, a paramilitary bloc, and the expansion of the coca economy. The author indicates that some 85,000 victims have been accredited before the Special Justice for Peace (JEP) since it opened a chapter in the region in 2018. The study focuses specifically on a room called the “sanctuary of the victims,” which holds nearly 700 photographs of victims, and questions the different ways in which human rights and victims are visualized. Rodríguez-Idárraga argues that the House of Memory exercises an epistemic power that serves to disrupt and rethink the well-established categories of victimhood and the narratives promoted by state bodies of historical memory and transitional justice that define what can and cannot be seen.

Juan Camilo Galeano Sánchez (Chapter 14) examines *Mi Capitán Fabián Sicachá* (1968), written by Flor Romero de Nohra (La Paz de Calamoima, Cundinamarca, 1933—Bogotá, 2018). Published during the period of the *Frente Nacional*, this novel narrates the story of Fabián Sicachá, a *reinsertado*, a demobilized subversive who has decided to lay down his arms after being one of the most wanted *guerrilleros* in the country for years. In his critical reading of transitions in Colombia, Alejandro Castillejo Cuéllar poses a series of questions related to the itineraries that ex-combatants must carry out in their reintegration to civilian life, a civilian life that is simultaneously being militarized by the state: “What does it mean, in the immediate setting, ‘to reintegrate’ (*reinsertarse*)? To what society does one reintegrate? What are the real everyday conditions of this process? ... What is implicit in the term ‘reintegration’ (*reinserción*)?” (“Dialécticas” 33). Additionally, to what extent are other forms of social exclusion, different from the self-exclusion that results from taking up arms against the state, reproduced in processes of “reintegration”? *Mi capitán Fabián Sicachá* offers a novelistic response to such questions; however, the fictional world it creates—and the novel itself—predates by decades the transitional justice phenomenon described previously. Fabián Sicachá lays down his arms during the Rojas Pinilla dictatorship (1953–1957). As the chapter’s author affirms, Romero de Nohra was “pioneering the concept of ‘reintegration,’ a notion that was not in the Colombian lexicon” at that time. Galeano Sánchez develops three concepts—dangerousness, due process, and the precariousness of the *reinsertado* situation—to argue that Fabián Sicachá is purposely put in a *non-place* of limited citizenship by the state prior to accepting amnesty, and his marginalization is linked to other forms of exclusion in society.

Human rights today: COVID-19, BLM, and state violence

This volume has come together during the ongoing global COVID-19 pandemic, the protests and marches for racial justice following the murder of George Floyd in Minneapolis, Minnesota in the United States, and exacerbating state violence in Colombia. This context in general, and the November 2019 protests and the strike that began in April 2021 in Colombia in

particular, give the chapters united in this volume even greater urgency, especially in dialogue with recent cultural production of this moment. These protests cannot be embedded only in presentist demands to achieve solutions to the economic crisis derived from the COVID-19 pandemic, new tax increases, or a health system reform. In a diffuse continuity with the protests of November 2019, these different groups protested against the ongoing consequences of the prevailing neoliberal politics, the murder of social leaders, corruption, inequality and the breach of the peace agreement signed between the government and the FARC in 2016. Fueled by reports of police brutality that led to repeated cases of state violence, especially in Bogotá and Cali, these protests demonstrate the continuity of some historical patterns in Colombian society. Human rights organizations in different regions have denounced numerous cases of police abuse, including deeply troubling numbers of tortures, deaths, and disappearances, revealing the continued violence against dissent.²⁸ These protests are also connected with historical and ongoing claims of systemic violence against Indigenous peoples, Afro-descendant peoples, women, and the LGBTQI+ community as well as land and the environment.

The cultural production and the analyses that appear in this volume demonstrate, on the one hand, that these aesthetic projects cannot be reduced to instrumentalist denunciations of human rights violations and, on the other, the vital power they can hold both in shaping the collective imaginary and in the materiality of daily practices, ways of being, and long-term struggles. In his reflections in the late 1980s on democracy, human rights, and violence, Colombian philosopher Estanislao Zuleta emphasized the need for the people to create culture: “una meta muy importante es la de un pueblo creador” (43). Human rights are important, affirms Zuleta, but democracy consists of the effective possibilities to realize those rights, and the fundamental right is to be different, “el derecho a diferir, a ser diferente” (42). The following chapters demonstrate that human rights discourses and practices must not be confined to conventional registers of human dignity that have been universalized around Western conceptions of the human and linked to the morals and logic of the market, but rather they can and must be continually reformulated and embodied through alternative, non-hegemonic languages and grammars within the pluriverse.

Notes

- 1 In a report published by the Unidad para la Atención y Reparación Integral a las Víctimas (Unit for the Attention and Integral Reparation of Victims) on August 31, 2021, “Víctimas conflicto armado,” the Registro Único de Víctimas (RUV) indicated that 9,177,128 personas had been officially included in the register. See www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394.
- 2 Nelson Maldonado-Torres defines coloniality as “the normalization of colonial ontological relations as well as... the practices, institutions, and cultural, social and epistemological formations to which they give rise” (“On the Coloniality of

- Human Rights” 63). For “coloniality of power,” see also Aníbal Quijano. For more on the colonial matrix of power and the modernity/coloniality/decoloniality triad, see Walter D. Mignolo and Catherine Walsh.
- 3 See Jessica Whyte’s *The Morals of the Market: Human Rights and the Rise of Neoliberalism* (2019) and Samuel Moyn’s *Not Enough: Human Rights in an Unequal World* (2018).
 - 4 As Juana Suárez explains, *la violentología* is an investigative field that gathers sociologists, anthropologists, and historians, among others, in the effort to systemize the studies on violence in the country (30).
 - 5 See also E. Jelin’s “Memories of State Violence: The Past in the Present.”
 - 6 See *Sitios de contienda: producción cultural colombiana y el discurso de la violencia*, by Juan Suárez, for an insightful analysis of the discourse of violence in Colombia. Parting from Homi Bhabha’s notion of the contested cultural territory in the double writing of the nation—in which counter-narratives of the nation “continually evoke and erase its totalizing boundaries” (Bhabha 300)—Suárez explores the limits and possibilities of cultural production, with diverse representational approaches to violence, to foment a critical discourse that resists unifying and homogenizing narratives of the Colombian nation.
 - 7 “Por lo general el objeto de estos esfuerzos es revelar ‘la verdad’ sobre dichos hechos, de tal manera que quienes se encuentran en el poder establezcan una distancia frente al régimen anterior, precisamente a través de esas investigaciones... el ciclo de violencia analizado en este libro no aparece como un proceso de lucha destinado a tener un fin tras el cual la nación colombiana alcanzará la paz, sino como un peligro que está siempre al acecho.”
 - 8 See Luz Angélica Kirschner, María Herrera-Sobek, and Francisco A. Lomelí’s “Introduction: Human rights in the Americas,” José-Manuel Barreto’s “Imperialism and Decolonization as Scenarios of Human Rights History,” Kathryn Sikkink’s “Latin American Countries as Norm Protagonists of the Idea of International Human Rights” and “Latin America’s protagonist role in human rights,” and Upendra Baxi’s *The Future of Human Rights*.
 - 9 See “International Humanitarian Law in Colombia: Going A Step Beyond” by Marcela Giraldo Muñoz and José Serralvo.
 - 10 See Rafael Rojas’ *Los derechos del alma: ensayos sobre la querrela liberal-conservadora en Hispanoamérica (1830–1870)*, Marixa Lasso’s *Myths of Harmony: Race and Republicanism During the Age of Revolution, Colombia 1795–1831*, Hilda Sabato’s *Republics of the New World: The Revolutionary Political Experiment in Nineteenth-Century Latin America*, James E. Sanders’ “The Vanguard of The Atlantic World: Contesting Modernity in Nineteenth-Century Latin America,” and Francisco Ortega’s “Postcolonial Cosmopolitan Republicanism: A Conceptual Approach to Nineteenth-Century New Granada/Colombia.”
 - 11 See Lina Del Castillo’s *Crafting a Republic for the World: Scientific, Geographic, and Historiographic Inventions of Colombia*, especially Chapter 4, “Political Ethnography and the Colonial in the Postcolonial Mind,” and Flor María Rodríguez-Arenas’ *Eugenio Díaz Castro: realismo y socialismo en Manuela. Novela bogotana*.
 - 12 “El nuevo régimen deseaba recuperar los lazos perdidos con la Iglesia católica y pocos meses antes de la publicación de Azul de Rubén Darío firmaba el primer concordato con el Vaticano. En el mismo momento en que, según los registros, se usa por primera vez el vocablo ‘modernismo,’ Colombia da marcha atrás en el proceso modernizador y democratizador propio de la incorporación de América Latina al nuevo orden mundial.”
 - 13 See Kathryn Sikkink’s “Timing and Sequencing in International Politics: Latin America’s Contributions to Human Rights” and “Latin America’s Protagonist

- Role in Human Rights: How the Region Shaped Human Rights Norms Post-World War II and What it Means for the Field Today.”
- 14 See Álvaro Tirado Mejía’s “Rojas Pinilla: del golpe de opinión al exilio,” Gonzalo Sánchez’s “La Violencia: de Rojas al Frente Nacional,” and Robert A. Karl’s *Forgotten Peace: Reform, Violence, and the Making of Contemporary Colombia*.
 - 15 See Álvaro Luis Medina’s “La política, La Violencia y sus repercusiones en el arte colombiano (1948–1956)” and Luisa Fernanda Ordóñez Ortegón’s “El cuerpo de La Violencia en la historia del arte colombiano.”
 - 16 A number of recent studies have examined human rights mobilization in Colombia including, for example, Winifred Tate’s *Counting the Dead: The Culture and Politics of Human Rights Activism in Colombia* (2007), which carries out a retrospection based on the life stories of some defenders and activists in order to identify the peculiarities of the formation process of the first platforms established in the country for the defense of human rights. Luis van Isschot’s *The Social Origins of Human Rights: Protesting Political Violence in Colombia’s Oil Capital, 1919–2010* (2015) studies how Barrancabermeja’s social leaders resorted to collective action to defend human rights as the only guarantee for the preservation of their lives. Taking as a reference the *Corporación Regional para la Defensa de los Derechos Humanos* (Credhos, Regional Corporation for the Defense of Human Rights), the study highlights the interpretation that the defenders of this organization made of the discourse of human rights. Emphasizing the importance of neoliberal economic policies that encouraged extractive practices in the area, Lesley Gill’s *A Century of Violence in a Red City: Popular Struggle, Counterinsurgency, and Human Rights in Colombia* (2016) analyzes the formation and disintegration of the working class amid the armed conflict in the Magdalena Medio region.
 - 17 See Laura F Connor’s “Entre la verdad y la realidad: Lo ‘real-maravilloso’ de la masacre bananera en *Cien años de soledad*.”
 - 18 See “The Emergence of Revolutionary and Democratic Human Rights Activism in Colombia Between 1974 and 1980” by Jorge González-Jácome.
 - 19 See Peter Wade’s “Definiendo la negritud en Colombia.”
 - 20 See the volume *Documentos para la historia del movimiento indígena colombiano contemporáneo* (2010), compiled by Enrique Sánchez Gutiérrez and Hernán Molina Echeverri for the Biblioteca Básica de los Pueblos Indígenas de Colombia.
 - 21 See Caro Romero’s study, “Más allá de Stonewall,” which documents this early period of political activism around the LGBTQI+ movement in Colombia, but also in relation to international networks.
 - 22 Macarena Gómez-Barris affirms that *extractivismo*, “as extractive capitalism is known in the Americas, indicates an economic system that engages in thefts, borrowings, and forced removals, violently reorganizing social life as well as the land by thieving resources from Indigenous and Afro-descendant territories” (xvii). For two other studies on resource extraction and *extractivismo* in relation to contemporary social-democratic governments in countries that have incorporated Afro-Indigenous principles constitutionally, see Riofrancos and Gustafson. Héctor Hoyos defines extractivism much more expansively as “exploitation of nature and labor” in a recent book on “transcultural materialism” (3), *Things with a History*, which is a call to reassess our place in the human–non-human history.
 - 23 The assassination of social leaders, human rights defenders, and others who work for the common good is not a new phenomenon in Colombia. See Elvira Sánchez-Blake’s recent chronicle, *Suma paz: la utopía de Mario Calderón y Elsa Alvarado*, on the killing of two environmentalists in 1997.
 - 24 Rowen scrutinizes the debates around the National Commission on Reparation and Reconciliation (NCRR, *Comisión Nacional de Reparación y Reconciliación*, CNRR) and its Historical Memory Group (HMG, *Grupo de Memoria Histórica*,

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- GMH); Law 1448 on Victims and Land Restitution in 2011 (*Ley de Víctimas y Restitución de Tierras*); and the Legal Framework for Peace (*Marco Jurídico para la Paz*), passed by Congress in 2012; the Historical Commission on the Conflict and Its Victims (HCCV, *Comisión Histórica del Conflicto y sus Víctimas*, CHCV), among others. For a comprehensive examination of the peace process, see *The Colombian Peace Agreement*, edited by Jorge Luis Fabra Zamora, et al., which includes four chapters on transitional justice in theory and practice in this national context.
- 25 See *The Pluriverse of Human Rights: The Diversity of Struggles for Dignity* (2021), edited by Boaventura de Sousa Santos and Bruno Sena Martins; *Sentipensar con la tierra: nuevas lecturas sobre desarrollo, territorio y diferencia* (2014) and *Designs for the Pluriverse: Radical Interdependence, Autonomy, and the Making of Worlds* (2018) by Arturo Escobar; *Third Person* (2012) by Robert Esposito; *A World of Many Worlds* (2018) edited by Marisol de la Cadena and Mario Blaser; *Earth Beings: Ecologies of Practice Across Andean Worlds* (2015) by Marisol de la Cadena; and *Un mundo ch'ixi es posible: ensayos desde un presente en crisis* (2018) by Silvia Rivera Cusicanqui.
- 26 See *Los Guáimaras y El Tapón: la masacre invisible*, a publication created in collaboration with and from the perspective of family members of victims of a massacre that took 15 lives in 2002. It may be downloaded at www.dejusticia.org.
- 27 See Orlando Fals Borda's essay "Participatory (Action) Research in Social Theory: Origins and Challenges" and Joanne Rappaport's recent book *Cowards Don't Make History: Orlando Fals Borda and the Origins of Participatory Action Research* (2020).
- 28 See Cadahia, Gómez Delgado, and Noriega.

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Part I

Human rights narratives,
micronarratives, and
subjectivation



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1 Savage states

Literature and human rights in nineteenth-century Colombia

Luis Fernando Restrepo

After Independence, nineteenth-century Latin American societies struggled to define the best suited form of government for a heterogenous, racially and hierarchically divided population.¹ Liberals sought to implement a series of political, economic, and educational reforms such as the separation of church and state, freedom of the press, economic laissez-faire, and secular education. Conservative sectors would resist these changes, affirming an authoritarian state, the traditional values of the Catholic Church, and the interests of large-land holders.² This chapter will examine two nearly forgotten nineteenth-century literary texts by two prominent public figures who turned to literature to address these issues in the nascent Colombian republic. In particular, they appealed to neoclassical drama and the epic tradition to reflect on the limits of the law and the state in the exercise of violence. In this respect, the Colombian case is not exceptional. Since antiquity, Western literature has expressed concerns for justice.³

From the eighteenth-century on, a contentious area of reform in Europe and Latin America was penal law and capital punishment in particular. As Michel Foucault argues in *Discipline and Punish*, a new episteme in social control emerged during the Enlightenment, from the public executions by the monarchic regimes that made the body of the condemned a spectacle and text for all to see to a more retracted form of punishment in prisons (123). Focused on reforming criminals in a calculated, utilitarian scheme, administering pleasure and pain, penal reform sought happiness for the greatest number of the population, as Jeremy Bentham expressed in his *Theory of Legislation*. An influential book shaping Bentham's penal reform views was Cesare Beccaria's *Dei delitti e delle pene* [Of Crimes and Punishments] (1764). Beccaria questioned the justification of punishments: "What are, in general, the proper punishments for crimes? Is the punishment of death really *useful* or necessary for the safety or good order of society? Are tortures and torments consistent with *justice*?" (45).⁴

The new rationality in penal law advanced by Charles Louis Montesquieu, Beccaria, and Bentham was introduced by Latin American jurists like Manuel de Lardizábal y Uribe (Tlaxcala, Mexico 1739 – Madrid 1829) (Zaffaroni 528). In Colombia, Vice President Francisco de Paula Santander

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incorporated Bentham's *Treatise of Legislation* in the university curriculum in 1825, although it was banned shortly after by Simon Bolívar, and reinstated later by mid-century radical liberal governments (Jaramillo Uribe 135). The clash of traditional and social reform forces would be reflected in the attempts to abolish the death penalty. Eliminated by the mid-century liberal governments and the 1863 constitution, the death penalty was reinstated by the 1886 conservative constitution and finally revoked entirely in 1910. However, it is necessary to recognize that thousands of extrajudicial killings ensued by military, paramilitary, and revolutionary armed groups during the mid-twentieth century civil war known as *La Violencia* and the following 50-year-long armed conflict that reached a peace accord in 2016. The responsibility of the state in this great loss of lives needs to be examined critically. For this reason, it is important to pay attention to the discussion on the limits of state authority that goes back to the founding years of the republic and to recognize this culture of violence.⁵

In nineteenth-century Colombia, the limits of the law and the state were addressed at the constitutional level, and they also were at the root of several armed conflicts. The region would see at least twelve constitutions, including those of Socorro (1809), Cundinamarca (1811), Gran Colombia (1819 and 1821), The Republic of New Granada (1830, 1832, 1843, 1848), the Grenadine Confederation (1858), the United States of Colombia (1863), and the Republic of Colombia (1886). Among the main armed conflicts that the country faced were the early clashes between centralists and federalists during the period known as the "Patria Boba" (1812–1816), the War of the Supremes (1839–1842), the civil wars of 1851, 1860–1862, 1876–1877, 1885, and the One Thousand Days War (1899–1902).⁶ Literary scholars and readers may be familiar with the ironic depictions of these conflicts in Gabriel García Márquez's *One Hundred Years of Solitude*, where Coronel Aureliano Buendía "organized thirty-two uprisings and he lost them all" (113). This literary incursion into politics is not unusual but rather part of a long-standing Latin American tradition where public intellectuals and state leaders have turned to literature to articulate their political and social justice ideas.

The law and the state in nineteenth-century literature are two topics that merit attention, complementing scholarship on the period focused on the role of literature in the modernization projects, nation-building, and the production of disciplined and productive citizens.⁷ In this essay, I will examine the expression of the nineteenth-century discussion on the limits of the law and the state in the literary works *Sugamuxi* (1826) by Luis Vargas Tejada (1802–1829) and *Akimén Zake o la conquista de Tunja* (1858) by Próspero Pereira Gamba (1825–1896).⁸ Both authors were poets, playwrights, and public intellectuals, as well as political leaders. Vargas Tejada served as secretary for Vice President Francisco de Paula Santander and secretary of the senate. In 1828, he participated in the constitutional assembly in Ocaña and was later implicated in the September conspiracy against President Simón Bolívar, who had assumed dictatorial powers.⁹ Persecuted for the failed rebellion, Vargas Tejada had to flee

the country and died crossing a river on his way to Venezuela. Pereira Gamba was a lawyer and congressman, freemason, and member of the Republican School (*Escuela Republicana*), one of the liberal democratic societies that, inspired in the European social reform movements like the 1848 French revolution, brought together the educated elite and the popular sectors to address social justice issues—freedom of the press, religious freedom, legal equality, abolition of the death penalty and slavery, etc. A firm advocate for racial and gender equality, Pereira Gamba also challenged the special legislation for the two most powerful institutions in Spanish America, the military and the church, as he explains in *Tratado sobre el principio de la igualdad* [Treaty on the Principle of Equality] (1850):

It is necessary to level the military and the priests with the people in order to become one single mass, subject to the same laws, with equal rights and duties; and without the monstrous contradiction valuing some more than others, against equity and justice.¹⁰

(62)

To advance their political philosophies and social justice ideas, Vargas Tejada and Pereira Gamba turned to literature, recreating the “savage states” of the pre-Hispanic and colonial eras to discuss the authority of the state and the limits of the law and questioning, in particular, a central topic in human rights discourse—capital punishment—through dramas and epic poems that represented human sacrifices or ruthless public executions by the conquistadors. If we take into consideration that the uneven development of the Latin American system of rights (political, civil, and social) in the nineteenth century, as Cristina Rojas suggests, the literary incursions into penal law broadened the rights discussion beyond the legal realm (297).¹¹ The literary imagination tapped into controversial legal matters that are still issues of debate in today’s human rights discourse, such as the right of the state to kill and the presupposed sacredness of life inherited from the Judeo-Christian tradition.¹²

Although both liberal authors advanced a progressive agenda in civil rights setting limits to state power, it is essential to highlight two shortcomings in their social reform projects regarding the subaltern groups, related to the coloniality of citizenship that Cristina Rojas identifies in nineteenth-century Colombia (298). First, the revolutionary call for liberty and equality for all was soon seen as too radical by both liberal and conservative sectors of the elite—distancing them from what both perceived to be an unruly underclass: artisans, urban poor, peasants, Indigenous peoples, Afro-Colombians, and mixed-raced groups. The call for the will of the people was put on hold to secure stability—in other words, to preserve, to a great extent, the colonial status quo sans the Spanish political control.¹³ This is evident in the literary works we will examine where the popular sectors are seen as bloodthirsty crowds celebrating public sacrifices and executions. Second, however progressive their liberal social reform views were, Vargas Tejada and Pereira

Gamba's literary depictions of the native Muisca as a vanquished people is quite problematic. Although decimated, Hispanized, and settled in towns by the seventeenth century, Muisca communities had endured Spanish colonialism and were able to hold on to some community lands until Independence. Under the republic, the government split the common lands into individually owned plots, seeking to give the (male) natives the property needed to exercise full citizenship. The consequences of this land partition for the nineteenth-century Muisca communities were devastating. To this date, they have been litigating for the restitution of common lands and recognition as Indigenous people (Correa Correa 141–142). This story of endurance is hardly recognized by the literary establishment in Colombia. An idealized but lost native past seems much more palatable for an elite whose privileges, including the time to read literature, are based on the exploitation and marginalization of Indigenous peoples and other subaltern populations.¹⁴

There is, however, more than a melancholic drive in the two works examined here. I argue that these literary works project nineteenth-century issues to a remote past to be able to address topics too thorny for open political debate at the time. Literature created a negotiating space and thus helped to advance social justice and human rights in an era known for its innovation in new forms of government and justice, including the American and French revolutions, the declaration of the Rights of Man and the Citizen, and the penal law reform advanced by Beccaria and Bentham.

***Sugamuxi*: Neoclassical aesthetics and tempered nationalism**

Sugamuxi: tragedia en cinco actos (1826) is a five-act neoclassical drama written in hendecasyllables about the defeat of the native Muisca kingdom and the destruction of the Temple of the Sun by the conquistadors in the sixteenth century. Vargas Tejada's drama centers on the moral flaws of the native high priest Sugamuxi. The plot follows the classical Aristotelian unities of action, time, and space—a dramatic tradition revived by neoclassical French playwrights such as Racine, Moliere, Corneille, and other seventeenth- and eighteenth-century writers. In his history of Spanish American poetry, Marcelino Pelayo notes that neoclassical plays by Voltaire and others were popular in Bogotá during Vargas Tejada's time (446). The Creole *imitatio* of neoclassic literature, however, is an innovative aesthetics that turns to the Native American past to address nineteenth-century political issues concerning the new republics. Vargas Tejada employed two classical topoi in his play to express critical distance from the church and the popular national sentiments and religious beliefs: *hamartia* and *pietas*.

American hamartia

Like in the Greek tragedies, *hamartia*, the moral flaw of the high priest Sugamuxi, will bring great misfortunes and destruction to the Muisca

people. The drama starts on the eve of the Spanish conquest. News of the cruelty and destruction of the approaching conquistadors arrives at the Temple of the Sun. Nothing seems to stop them, and the bravest warriors have already been defeated. The only hope is divine intervention. For his virtuous and self-restrained reputation, Sugamuxi is considered the best-suited person to plea for divine protection: “I do not doubt that his pious prayers / will secure the Supreme Being protection / what cannot the sacred ministry achieve / United by Virtue and Innocence” (148).¹⁵

However, the temple ministers notice that Sugamuxi seems disturbed and ask him if he is afraid of the Spaniards. He responds: “The ferocity / of the Spanish people does not scare me / nor their enormous strength bother me. The Gods, oh, the wrath of the Gods / is what I fear” (149).¹⁶ The gods had already warned him of the fateful fall of the native empire: “You will spill your own blood, and destroyed / darkness will overcome the empire” (149).¹⁷ Sugamuxi reveals to his ministers that he is tormented by a sinful secret he has hidden from his people. Some time ago, he broke the strict chastity vows required by the priesthood when he fell in love with Teleuta.

Sugamuxi’s sexual affair touches on a much-debated topic in nineteenth-century Latin America—the priest’s celibacy, which arguably led to illicit affairs. Sugamuxi declares, “Do not assume / that the high-esteem of the priesthood / eliminates human weaknesses” (149).¹⁸ Another example of this anticlerical sentiment is found in Peruvian writer Gertrudis Gómez de Avellaneda’s novel *Aves sin nido* (1889), which criticizes the sexual encounters of a small Andean town priest. Also, María Luisa Bemberg’s film *Camila* (1984) retells the tragic Argentinian love story of Camila O’Gorman and Ladislao Gutiérrez, a Jesuit priest, who were executed in 1848 for their “immoral” and “sacrilegious” affair during the authoritarian regime of Juan Manuel de Rosas. But the critique of the priests’ celibacy went much deeper into the foundational principles of society. The utilitarian social reforms clashed with Christian ascetic values, as Bentham addressed in his *Introduction to the Principles of Morals and Legislation* (1789). For Bentham, the end of legislation should be the happiness of the people, and the aversion of pain.¹⁹ For the English jurist, Christian asceticism, in contrast, had made it “a matter of merit and duty to court pain” (Bentham, *Introduction* 10). The fact is that conservative elites felt that utilitarianism was a system too subjective—materialist and hedonist—on which to base the social or juridical order rather than on metaphysical or universal values, as suggested, for example, by Colombian conservative leader Miguel Antonio Caro in his *Tratado sobre el utilitarismo* (1869) (Jaramillo Uribe 286).

Returning to Vargas Tejada’s drama, it is virtue not pleasure that should characterize the legitimate ruler, whose authority rests on moral values and self-restraint. Sugamuxi, however, strays from this path. Distracted by the luxurious temple life (*la pompa de este templo*), Sugamuxi soon forgot about Teleuta, who would eventually run away from the temple with their infant son. Wondering what became of them, Sugamuxi is assaulted by

visions of their death. His ministers advise him not to worry too much for those juvenile errors and ask Sugamuxi to focus on his duty to his people: “The common good, the welfare of your Homeland” (153).²⁰ His duty requires him to perform a sacrifice to appease the gods. As we will see below, the duty to the gods, the homeland, and the family are critical competing forces that classical heroes must face—expressed through the word *pietas*, a complex concept that needs to be considered in its original sense to understand the tragic forces at play in Vargas Tejada’s neoclassical drama. The play questions the limits of the sovereign’s authority and their right to kill their subjects.

Classical pietas and passionate nationalism

In *Sugamuxi*, the protagonist must face one of the most horrible challenges a father can face: he will have to kill his own son to seek the gods’ protection and comply with the people’s demand for the customary sacrifice. Murdering a family member was considered an extreme act that, according to Aristotle’s *Poetics*, elicited horror rather than compassion (14). Thus, Vargas Tejada’s drama suggests that unrestrained religious beliefs and passionate nationalism can lead to atrocious acts. In other words, the drama suggests that uncritical adherence to the church or the nation is considered unfit to build liberal democracies.

As expressed above, the drama evolves around the sense of duty—*pietas*. Although we associate *pietas* with compassion, this sense is the result of its Christian transformation. Its classical meaning is quite different, as discussed by John Garrison in *Pietas from Vergil to Dryden* (1992) and Colin Burrow in “Epic Romance: Homer to Milton” (1993). Classical *pietas* conveys military loyalty, obedience to the family clan, the state, and the gods. A pious warrior may kill with no mercy. A well-known example is the killing of Turnus, at the end of the *Aeneid*. Although Turnus pleads for mercy, Aeneas finishes him off for having killed Pallas, his protégé. Loyalty to the clan prevails over compassion. In *Aeneid* IV, Aeneas plans to marry Dido, but Mercury summons him away. He laments departing from his fiancé, but the hero must obey the divine mandate to continue his mission to found the future Rome.

In *Sugamuxi* the main characters must sort out their obligations to the family, the homeland, and the gods. Tundama, the chief warrior, and his soldiers proclaim their willingness to die defending the homeland: “Piety and glory inflame us” (157).²¹ Here *pietas* and glory reflect the classical sense of the word expressing duty to the nation. However, before going to the battle Tundama leaves his daughter Corima safeguarded in the temple. Fatherly love must yield to his duty to the patria: “My dear daughter I must leave you / despite your laments / despite your tears, to the battlefield / willing to die I rush” (172).²² Although troubled by his daughter’s suffering, Tundama rejects any “imbecile compassionate feelings” that might prevent his obligation to defend his homeland.

In the temple, Corima encounters the young Atalmin, her lost lover. She asks him why he disappeared. Atalmin tries to explain that it was not his fault, but he hesitates to tell Corima that he was captured and brought to the temple as a Moxa, a Muisca sacrificial victim. His mother had died, and he never knew who his father was. We will find out that Atalmin is Sugamuxi's son, but this will not be revealed until the end of the play, when the father is about to sacrifice him. Troubled by his moral flaw and somehow perplexed after noticing something *unheimlich* in the Moxa's face, Sugamuxi first refuses to sacrifice him. Corima, who first questions why a god would demand sacrifice of an innocent victim, decides to go along with the sacrifice when she realizes that his father's fate as the main military leader is at stake. She steps in with an alternative plan to satisfy the "stupid people's" demand for a sacrifice. She dresses as a Moxa, and hiding behind a mask, she instructs Atalmin to perform the sacrifice to please the crowds. Upon finding out the terrible plan, Atalmin exclaims "Love of the patria / can take us to such an extreme act?" (199).²³ The plan fails, and once again, Sugamuxi is summoned to perform the sacrifice, impatiently demanded by the soldiers and the common people—soldiers, women, and children gathered in the temple. As he prepares to sacrifice the Moxa, Sugamuxi sees an emerald stone that Atalmin is wearing, with the engraving of Teleuta (209). Sugamuxi gave this stone to Teleuta. He realizes that the Moxa is his own son! Shocked, Sugamuxi expresses that he would prefer to spill his own blood than to kill his son, but Tundama and the ministers push him to make the sacrifice needed to safeguard the freedom of the homeland (212). Sugamuxi commits the infanticide and goes mad, expressing outrage for the horrendous act he has committed: "Oh savage, what have you done! Your son drowning in blood! Impious hand / will you punish me?" (Vargas Tejada 213).²⁴ The sacrifice is futile since Tundama is eventually defeated by the conquistadors. Upon hearing the news of her father and Atalmin's deaths, Corima also dies. Lastly, Sugamuxi, tormented by all the suffering he had caused, sets on fire the temple where he remains to die. As a result, the play suggests that unrestrained passions, zealous religious beliefs, and unrestrained nationalism led to the Muisca Empire's downfall. The drama is not addressing Muisca society nor focused on condoning the Conquest. Instead, it is intended for the Creole leaders of the new republics, calling for a tempered, rational citizenship distanced from popular nationalism and religion. Ultimately, the play is structured around a public execution, in a performance designed for an enlightened public whose sense of justice is changing and finds the killing of an innocent human being an unacceptable act.²⁵

The patria makes you cruel! In your name
 Patria, humanity is despoiled!
 How it serves to veil such crimes
 The sacredness of the Patria!

(177)²⁶

Akímen Sake: Liberal ethics and public executions

Pereira Gamba's epic poem *Akímen Sake* tells the story of the conquest of Tunja, one of the main Spanish towns in colonial New Granada and a major pre-Hispanic Muisca polity. The reconstruction of the sixteenth-century event, however, has a clear resonance with the political and juridical topics that concerned the nineteenth-century liberal elites regarding public executions, the role of the military and the church, and individual freedoms. The poem contrasts a cruel and tyrant conquistador, Fernán Pérez de Quesada, and the equanimous and just founder of Tunja, Gonzalo Suárez de Rendón. The epic poem develops around the infamous historical execution of Akímen Sake and the native lords of Toca, Motabita, Samacá, Turmequé, Boyacá, and Suta in the plaza of Tunja in 1540, under the orders of Pérez de Quesada, supposedly to prevent an Indigenous revolt that the Muisca leaders were planning.²⁷

Pereira Gamba's epic poem is written mostly in *octavas reales*, the eight-verse stanzas of Renaissance epics of Ludovico Ariosto, Torcuato Tasso, and Alonso de Ercilla. Like these romance epics, the poem intertwines stories of love and war, as stated in the first stanza:

Love, fury, jealousy, ambitions,
 And war, death, and furious exterminations
 Fierce battling of low passions
 Inspire my war song.
 I bring to the light from old traditions
 Of the Hunsá people and the fierce Iberians
 To lament the tragic destiny
 Of Akímen and his court.

(9)²⁸

The narrative is structured around the death of Akímen Sake, eliciting compassion more than heroic admiration. His love for the native Ulíma humanizes the native lord in a moving romantic story that ends tragically when Akímen is executed by a ruthless conquistador, Fernán Pérez de Quesada, in the main Tunja plaza, in front of a large crowd of Muisca and Spaniards. The horrible spectacle is sugar-coated as a tragic love story: Akímen dies happily contemplating the beautiful Ulíma:

He inclined his noble head / for the formidable pressing blade / the
 image reflecting the sunlight / of adorable Ulíma he saw from afar / his
 enjoying lips sealing forever / so happy so gentle / that when the sword
 his neck divided / his bloody face continued smiling.

(197)²⁹

This benevolent gaze humanizes the Indigenous figure for the nineteenth-century Creole elite reading public. Critic Oscar Guarín Martínez has noted

the romantic elements of *Akímen Sake* and associates the epic with the Independence movement, often projecting Christian values to Amerindian figures (243). The national sentiment that the great Amerindian past inspires is clearly some of the poem's romantic elements. However, written by the mid-century, the poem is not really about Independence, as we will see. It is more about the limits of the state and other nineteenth-century preoccupations of the radical liberal party such as social equality, abolition, freedom of religion, freedom of expression, separation of church and state, and reduction of the military. However, the liberal reformists were quite ambivalent towards subaltern groups due to their Eurocentrism and belief to be the best-suited social group to lead the country (Rojas 310).

The epic poem narrates three public executions. Although a staple in colonial law enforcement, the new liberal sensibilities considered the spectacle of death a barbaric act.

Akímen Sake is a gentle ruler, who submits to the Spaniards to hold on to his native chiefdom. He falls in love with Ulima, a beautiful Indigenous woman, who does not love him back. She is in love with the young Sákix. Fearing to be separated by the native ruler, both lovers try to escape, but they are captured and Sákix is sentenced to death by Akímen Sake. The poem describes the preparations for Sákix's execution in a narrative that recalls San Sebastian's martyrdom: "Sákix who, tied to the harsh pole, / starting the fire, preparing the poison / he silently observed / feeling his tormented torso / wounded by the sharp arrow / his burning flesh, exploding like thunder, / spreading his ashes everywhere" (75).³⁰

The narrator questions the execution and its vain motives in particular: "The death law rancor proclaims" (78).³¹ It also stresses the effect the killing will have on the conscience of the person ordering the execution: "Life cannot enjoy he who takes it away" (77).³² At the last minute and convinced by the Christian friars, Akímen decides to pardon Sákix. This is not well received by the "wicked crowds" awaiting the public execution. They mock the native ruler for not following through with the spectacle. In this incident we see how the liberal author distances himself from the subaltern groups. They seem to be considered incapable of making sound moral and political decisions. In Canto IX, the execution of Akímen and the other caciques is described in great detail: "Akímen Sake is sentenced to be beheaded / will be tortured / Nopanme will be burnt at the stake / Modan, Kisiba and Gameza will receive public garroting" (140).³³ Making reference to the death of Atahualpa, the Incan ruler beheaded by Pizarro in 1533, Pereira Gamba affirms that these executions are a dishonor to the Americas: "Repeating the Cajamarca Scene / that the innocent prince condemns" (158–159).³⁴ At the end of the poem, Modan, a native priest, denounces the injustice and warns the Spaniards that eventually they will be vanquished for these offenses. In other words, the drama presents the independence movements as an act of retributive justice. Regarding the death penalty, the crowds are seen as a dangerous force, gullible, and bloodthirsty.

Around the patio the crowds
 And behind the palace, wanted to see
 Ordered to line up, or as they are used to
 The cruel scene sadly delayed
 With no pity, no love, no sorrow
 Without understanding the morbid agony
 Angrily confronting the monarch instead
 To start the execution without him.

(75)³⁵

The narrator distances himself from the crowd: “The just man should always be antipode and opposite to the populace” (79).³⁶ Here we see how part of the liberal elites distanced themselves from the subaltern groups. As mentioned above, in 1848, during the José Hilario López government, nineteenth-century liberal intellectuals inspired in the French utopian movements formed coalitions with the popular sectors through the so-called democratic societies (Stafford and Palacios 199). To better understand this rift it is necessary to go beyond the traditional liberal and conservative definition, to consider more nuanced and localized ideological differences between the two main political factions in mid nineteenth-century Colombia, the *Gólgotas* and *Draconianos*. The *Gólgotas* were constitutionalists, supported economic laissez-faire, federalist government, and civil liberties. The *Draconianos*, in contrast, advocated for a strong, military, centralist government, and economic protectionism. Protesting against free trade and the high cost of living, the popular sectors confronted members of congress, among them Pereira Gamba, as he wrote in the introduction to *Akímen Sake*. The confrontation escalated and led to General José María Melo’s *coup d’état* on April 17, 1954. Melo, a social democrat, suspended civic liberties in support of the popular sectors (Pereira Gamba xxi; Stafford and Palacios 201–212). In this context, Pereira Gamba, a *Gólgota*, affirmed constitutional liberal reforms. His liberal-*gólgota* political convictions regarding, for example, legal equality and divorce, are reflected in the poem.

Legal equality was a fundamental tenet of liberal political ideals. To implement it required confronting the most powerful institutions in Spanish America: the church and the military. As cited above, in his *Tratado sobre la igualdad social* (1850) Pereira Gamba had described as “monstrous” the special legislations for these institutions. In *Akímen Sake*, the church is seen as an ambivalent civilizing force, one that also supports Spanish colonialism. The friars accompanying the conquistadors convince Akímen Sake not to execute Sákix. They are key agents in the Conquest, who present the Requirement to the natives, a legal document that, referencing the 1493 Papal Bull of Donation (*Inter Caetera*), compelled the Indigenous groups to surrender peacefully to the Church and the Empire or face the full force of the Spanish conquistadors. Pereira Gamba underscores the medieval language used by the Requirement to suggest its backwardness. In fact, it is a

quite modern and imperial piece of legislation drafted by jurist Juan Palacios Rubio in 1514 (Rabasa 23). Thus, there is an ambivalent view of Christianity: “Subtle mixture, opposing mission / virtue and evil embracing / equally religion and war / Truth that shines and ravaging oppression” (Pereira Gamba 98).³⁷

The poem is also critical of the religious views of marriage. In the text, Ulima converts to Christianity and is married to Akímen by the Spanish friars, although she loves Sákix. It is stated that her conversion is partial: “Yet her affect remained pagan.”³⁸ The poem criticizes the church’s refusal to allow divorce, considering that a decree cannot seal a lifelong sentiment: “In vain, thus, religion attempts / to tie two in one life / since it is not easy to extract from the sacrament / willingness, soul and joy” (88).³⁹ Civil unions and divorce were in fact included in the 1853 constitution that Pereira Gamba helped to draft. Another institution that is questioned in the poem is the military. The 1853 constitution sought to limit military law, the death penalty, and the size of the army. The poem’s critique of the military is presented through the figure of Fernán Pérez de Quesada. He is associated with the *peruleros*, the unruly conquistadors who came from Peru, and who had rebelled against Pizarro. They are described as “Tigers of the desert,” “soldiers with no fear nor discipline,” who behave like a “pack of wild dogs” (99–100). Pérez de Quesada is who orders the death of Akímen and the other caciques after Sákix, vengefully, accuses Akímen of planning a revolt. The poem criticizes Pérez de Quesada for not verifying the accusations and following due process. The poem takes another turn when it is revealed that Gonzalo Suárez de Rendón, the founder of Tunja, falls in love with Ulima. He is depicted as a prudent and noble soldier who decides to launch an expedition in search of El Dorado to forget about his love for Ulima (117). They do have a secret encounter before his departure, in which Suárez expresses his admiration for Ulima and she responds with the smiling face of a *coqueta* (122). At the end of the poem, when Sákix and Akímen have been killed, Suárez builds a palace for Ulima. The epic ends as a colonial romance, although it is a secondary, underdeveloped plot that does not reach the level of a national allegory in the poem. The city’s founder is exonerated from the massacre of the native caciques since he was away searching for El Dorado. Unfortunately, the melodramatic ending of the epic poem cut short a promising reflection on the limits of state power over the lives of its citizens.

The two works we have examined suggest that we should pay further attention to the discussions on the law and the state that are present in the literature of the nascent Latin American republics, moreover in a region where it is not uncommon to find writers who are also state leaders, law-makers, and politicians like Domingo Faustino Sarmiento, who was president of Argentina from 1868 to 1874, and Andrés Bello, who adapted the Napoleonic civil code in Chile in 1855. However, it is essential to approach critically the modern legislation introduced by the Creole elites. The crux of

the matter is that the laws of the new republics did not cancel the racial exclusions of the colonial era. Their coloniality was evident in the nineteenth-century literary imagination, particularly in the recreations of the conquest of America we have examined in this essay. These racialized views of justice, nonetheless, tapped into the sixteenth-century disputes on the just war against the Indigenous peoples that underscored natural law—leaving an ambivalent legacy, as an important precedent in the development of universal human rights but also as the foundation of early modern imperial reason (Carozza 292; Schmitt; Hardt and Negri).

Ironically, a significant part of the violence that the newly independent Latin American republics would have to endure in the next 200 years or so did not come from an external force. Rather it was wielded by homegrown savage states that were prefigured in the literary recreations of the native despot (Sugamuxi) or the cruel conquistador (Pérez de Quesada). Indeed, these rulers anticipate the authoritarian regimes that have since terrorized the people and perpetrated genocide campaigns, massacres, and extrajudicial executions of thousands of civilians, workers, peasants, activists, women, and children, creating a culture of violence lucidly examined by Jean Franco in *Cruel Modernity*. In their own way, Vargas Tejada and Pereira Gamba turned to literature to question these powerful latent forces threatening civil society and the respect for human life early in the republic.

Notes

- 1 Well-known intellectuals such as Simón Bolívar and Domingo Faustino Sarmiento proposed either whitening or eliminating subaltern ethnic groups. In the speech pronounced at the Angostura Constitutional Convention (1819) establishing the Gran Colombia (Ecuador, present day Colombia and Venezuela), Bolívar advocated for a strong, centralist government that would unite the diverse populations and territories. In *Facundo: Civilización o barbarie* (1845) and *Conflicto y armonías de las razas en América* (1883), Sarmiento advocated for European immigration to replace the Indigenous peoples and gauchos, considered unproductive, unruly, and inferior social groups.
- 2 For an overview of nineteenth-century Latin America see Leslie Bethell, *The Cambridge History of Latin America* (vol. 3) and Josefina Vázquez and Manuel Miño Grijalva, *Historia general de América Latina* (vol. 3.2).
- 3 For example, Aeschylus's *Oresteia*, Lope de Vega's *Fuenteovejuna*, or William Shakespeare's *Macbeth*.
- 4 For further discussion on the new sensibilities towards torture and capital punishment, see Lynn Hunt, *Inventing Human Rights*.
- 5 For an official account of the human cost of the armed conflict, see the truth commission report *Basta ya! Colombia: memorias de guerra y dignidad* (2016).
- 6 In *Colombia: Fragmented Land, Divided Society*, Frank Safford and Marco Palacios provide an overview of the nation's conflictive past.
- 7 The role of literature in the formation of the Latin American nation-states has been discussed by many including Angel Rama in *The Lettered City*, William Rowe and Vivian Schelling in *Memory and Modernity*, Doris Sommer in *Foundational Fictions*, and Julio Ramos in *Divergent Modernities*.

- 8 In the preliminary remarks (“Advertencia”) Pereira Gamba mentions that he was aware of but never had access to Vargas Tejada’s lost work on Akímen Sake (Pereira Gamba, *Akímen* 5).
- 9 Vargas Tejada and Santander’s critical perspectives of Bolívar are reproduced in *La dictadura de Bolívar*.
- 10 Unless noted, all translations are mine. “Preciso es nivelar la milicia i el clero con el pueblo para que todos seamos una sola masa, sujeta a las mismas leyes, con iguales derechos i obligaciones; i no se vea el monstruoso contrasentido de que valgan mas unos que otros, en contra de la equidad i de la justicia.”
- 11 As Hilda Sabato argues, nineteenth-century Latin American elites saw the public sphere as a formative arena to ‘develop’ citizens (1310). This, in part, may explain the appeal to literature to discuss key civic and political rights by nineteenth-century public figures like Vargas Tejada, Pereira Gamba, and others.
- 12 In *The Age of Rights*, Norberto Bobbio provides historical perspective of the abolition of the death penalty. For a critical perspective of the state’s right to kill see Giorgio Agamben, *State of Exception*. In “On Forgiveness” Jacques Derrida questions the metaphysical assumptions of the sacred value of human life in human rights legislation for “crimes against humanity.”
- 13 Discussing nineteenth-century Latin America, Hilda Sabato notes that the elites drew from a variety of ideological currents to develop its notion of citizenship, including Iberian and French Enlightenment, Anglo-Saxon liberalism, and civic humanism. However, this initial liberal drive was soon replaced by more conservative and authoritarian approaches to secure stability (Sabato 1292)
- 14 In *La jaula de la melancolía*, Roger Barra examines critically the representation tropes of a bygone past. For a broader discussion of this nostalgic view of Muisca past in mainstream Colombian literature, see Restrepo; and the edited volume by Gómez on Muisca studies.
- 15 “No dudo que sus pías oraciones / Del Ser Supremo su protección obtenga / qué no alcanza el sagrado ministerio / Unido a la virtud y la Inocencia!”
- 16 “La fiera / de la gente española no me asusta / ni su pujansa enorme me consterna / Los Dioses, ai! Las iras de los Dioses / es lo que temo.”
- 17 “Tu sangre inmolaras, i destruido / el imperio será de las tinieblas.”
- 18 “No creas / que la alta dignidad del sacerdocio / aniquile del hombre la flaqueza.”
- 19 “The end and aim of legislator should be the HAPPINESS of the people” wrote Bentham in the introduction to his *Theory of Legislation*, published in French in 1802 by Étienne Dumont and translated into Spanish in 1821 by the Spanish jurist Ramón Salas.
- 20 “El bien común, el bien de vuestra Patria.”
- 21 “la piedad y la gloria nos inflaman.”
- 22 “A mi hija querida / os dejo a pesar de sus jemidos, / a pesar de sus lágrimas, al campo / anhelando morir me precipito.”
- 23 “El amor a la patria a tan a tal extremo / nos puede conducir?”
- 24 “A bárbaro! Qué has hecho! / Tu hijo nadando en sangre! Mano impía, / No sabrás castigarme...?”
- 25 As mentioned previously, Bentham’s utilitarianism was introduced in the university curriculum by Vice President Santander, for whom Vargas Tejada worked as secretary. In “On Punishment” the third part of Bentham’s *Principles of the Penal Code*, he dedicated twelve chapters to discussing penal reform (Chapters 30–42). Citing Seneca’s *De clementia*, Montesquieu, and Beccaria, among other sources, Bentham advocated for a rational application of punishment, proportionate to the crimes committed and considering the ends intended with the punishment.
- 26 “La patria os hace crueles! en tu nombre / Patria infeliz la humanidad se ultraja! / como sirve a los crímenes de velo / el sacrosanto de la Patria!”

- 27 Pereira Gamba describes the execution of the Muisca lords following closely Lucas Fernandez de Piedrahita's *Historia general del Nuevo Reyno de Granada* (1688).
- 28 "Amor, locuras, celos, ambiciones / I guerra, I muerte i exterminio fiero, / Lucha sagaz de pérfidas pasiones / Inspiran hoy mi cántico guerrero. / Yo saco a luz antiguas tradiciones / Del pueblo Hunsa i del feroz ibero / Para llorar el trájico destino / Que sobre Akimen i su corte vino."
- 29 "al doblar su noble cuello / so la presión del tajo formidable / la imájen, cual recóndito destello, / de Ulima vio lejana i adorable, / i puso del placer el hondo sello / sobre sus labios, tan feliz i afable."
- 30 "De Sákix que, ceñido al poste rudo, / prender hogueras, preparar veneno / Miraba entorno con semblante mudo / De flecha herir con el arpón agudo / arder sus carnes, estallar cual trueno / Expandir en el aire sus cenizas."
- 31 "La lei de muerte que el rencor proclama."
- 32 "Vida no goza quien la vida quita."
- 33 "Akimen Sake es condenado a ser degollado / irá al suplicio, Nopanme a la hoguera, / Modan, Kisiba y Gameza a muerte a garrote."
- 34 "De Cajamarca repitió la escena / que al inocente príncipe condena."
- 35 "Del patio en derredor la muchedumbre / I detrás del alcázar, ver quería / Ya por orden forma, ya por costumbre / La escena cruel a su pesar tardía / Sin lástima, ni amor, ni pesadumbre / No comprende la mórbida agonía / Antes al Rei, colérica escarneece / Porque sin él la ejecución empiece."
- 36 "El hombre justo, ser siempre debe antípoda I reverso de la plebe."
- 37 "Mezcla sutil, mission antagonista / que la virtud y la maldad ampara / en grado igual de religión y guerra / verdad que luce y opresión que aterra."
- 38 "Mas en su afecto se quedó pagana."
- 39 "En vano, pues, la relijion se afan / por ligar a dos en una vida / que no es fácil sacar del sacramento / la voluntad, el alma y el contento."

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