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**Skeletons in the Closet?
Approaching Human Rights through Culture**

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“A mí me parece que muchos artistas estamos trabajando ya no sobre las dictaduras evidentes, pero sí sobre dictaduras que existen en este mundo contemporáneo. Éstas ya no son tan visibles, los dictadores están en otros lados, no los reconocemos y se nos escapan continuamente”
—Gabriel Calderón *Memoria y derechos humanos* (166)

The critical analysis of culture constitutes a blind spot in most approaches to the question of human rights. This also applies to the cultural assumptions and foundations that lie beneath human rights discourse itself. In this essay, therefore, I aim to bring to the forefront the problematic of culture in connection with human rights. However, instead of dealing with political abuses and authoritarian regimes which, according to Calderón, we usually associate with human rights violations, here I will turn my attention to those dictatorships which “are present in less predictable areas of social life” and “are much less visible.” In so doing, I intend to contribute to the more general goal of advancing the human rights agenda. While human rights are discussed broadly today, it is safe to say that people—students, professors, activists, government officials, jurists, etc.—have very vague ideas on the subject. Many associate human rights primarily—or simply—with issues of a civil and political nature, the so-called “first-generation” rights.¹ Others associate human rights with concerns of an economic, social, or cultural nature, the so-called “second-generation” rights. All too often, however, some civil and political rights—although not all—are thought of as the most important and “fundamental rights,” thus displacing, or altogether ignoring all other human rights. This runs against the very concept of human rights, which, by definition are “one, indivisible, and inalienable” and absolutely

cannot be subjected to an “*a la carte* approach” (Bernard), or that has become customary and widespread.

Due to similar reasoning, little attention is paid to the problematics of culture. Underlying these more easily recognizable phenomena, culture appears—if at all—as an item of residual importance, a deviation from fundamental issues, and a luxury that we cannot afford, thus reinforcing the notion that culture is something ornamental. This reductionist mode of thinking might explain why the issue of human rights has been of interest primarily to lawyers, diplomats, political scientists and activists, and much less to music professors, architects, economists, historians, or scientists. It may also explain why human rights have been approached mainly from a legal perspective or the standpoint of political philosophy and international relations, and much less from anthropology, the biological sciences or aesthetics. And yet, I hope it is not difficult to acknowledge that often times behind a political regime, a given law or decree, a political prisoner, or even the practice of torture, there is a fundamentally cultural question: mindsets, worldviews, words-concepts, discourses, ways of life, values, sensibilities, technologies, habits, etc.

Another way of minimizing, or avoiding the connection between culture and human rights, is to reduce culture to the realm of so-called “cultural rights.” I am not referring to the so-called “third-generation” rights, such as the cultural rights of peoples, or those of the “fourth-generation” that address the information/digital gap. I refer, rather, to the right to education (Article 26 of the Universal Declaration of Human Rights [1948]), or the right to participate in cultural life, to share the fruits of scientific advancement, or to benefit spiritually and materially from one’s creations (Article 27). None of these are small things. The point is that the relation between culture and human rights is much more profound, vast, and complex than many often realize. To begin with, it must be clear that *all* rights are cultural in the same way that *everything* is political.

But even these cultural rights need to be dealt with critically, and beyond their most superficial and obvious meanings. Take the notion of education, for example. Viewed in a colloquial sense, the right to education is often thought of as the right to be able to go to school or to obtain a college degree. Yet, nothing or very little is said about education as a culturally grounded institution, its function in a given place and time, its contents and pedagogies, or its role in social reproduction. Moreover, people most often associate education exclusively with formal education, without contemplating other kinds of education or knowledge, or, without asking ourselves what it means to educate, to be educated, and toward what end it is aimed.

Similarly, “the rights of authors” invoked in Article 27 can be understood in a naïve sense as the property rights of the author of a book or a song, or of the inventor of a machine, a vegetal variety, or a vaccine. This,

however, fails to take into consideration that all too often this right is not invoked by the authors themselves—whom are often effectively expropriated—, but by the institutions or corporations that employ, finance, or publish them. Nor does this understanding question the very concept of authorship, which deserves serious social, historical and philosophical consideration. Michel Foucault has argued that authorship is a recent invention of the modern State whose goal was to make people responsible to the controlling and punishing power of the law. And yet, contrary to the eighteenth-century individualist myth of Robinson Crusoe produced by liberalism, one can safely say that most inventions are, to a great extent, socially and collectively produced, the result of a incremental and cumulative historical processes of creation and modification. Indeed, if we are to accept the liberal creed, according to which we are the “owners of the fruits of our labor, talent and efforts,” it follows that we are *all* authors—despite the fact that said authorship and ownership is seldom recognized. Is the bricklayer considered the author and owner of the house that he builds? Is the baker the proprietor of the bread that he kneads and bakes? Is the peasant the owner of the fruits that he extracts from the land that he farms? Who can claim to be the author and owner of this or that variety of potato, or maize, or grape? Likewise, what is the reach of the idea of participating in cultural life? What do we understand by participation and what do we understand as culture? Depending on the idea of culture that we have, this right will have entirely different meanings. (It could mean helping to organize a political rally, joining a theater workshop, taking the kids to the playground, or spending the entire weekend shopping and watching television).

But even if we were to question the common view regarding cultural rights and were to go beyond their most simplistic meanings, we would still be imprisoned by a limited idea of the relationship between culture and human rights. We would still not be recognizing that culture is at the core of the concept and definition of “person,” the very idea of a right and of human rights, and indeed, the cultural, linguistic, philological, and philosophical grounding of each and every one of the rights enumerated in the 1948 Universal Declaration and all that followed. The point is that we are, first and foremost, symbolic beings. That which makes us human is, precisely, culture: the transformation of the world, the creation of values, the assignment of meanings. Far from being something minor or marginal, therefore, culture is of paramount importance in human life as well as in human rights. The centrality of culture is more clearly visualized if we delve deeper into the definitions of both, culture and of the human person, the two pillars of human rights.

“This is *not* culture, you beast!”²

Institutions of social power—writing and speaking are, of course, also exercises of power—define what is culture and what is not. They also distinguish that which is cultural from that which is natural. They classify and separate persons from animals and things. During colonial times, for example, the Spanish conceded humanity to the Natives but not to Africans. Slaves were considered “things,” they were sold as objects, had the same status as a piece of furniture, and were given or received as inheritance.³ Some of this mindset survives, for example, when, during a war, we count *our* dead but not *theirs* (theirs are “collateral damage”). Without reviewing here the complex and twisted history of the concept of culture, at times opposed not only to Nature but also to Civilization (Williams; Eagleton), we can say that institutions of social power also separate “worthy cultures” or civilizations—ours—from the “unworthy” culture of others. In turn, those thought of as possessing unworthy cultures, or lacking culture altogether, are, therefore, denied personhood, and hence, deemed expendable.

At one point, fortunately, an anthropocentric view of culture emerged and came to prevail. Culture then came to be defined as everything that is created by human beings, the fruit of human labors.⁴ This includes material creations (such as crops, harvests, tools, artifacts, works of art, houses, cities, machines, clothing, food, meals, medicine, toys, bodies, games, behavior) as well as the intangible (such as languages, beliefs, ideas, values, laws, plans, fantasies, dreams, feelings, stories, explanations). Nature was confined to that realm truly untouched by human hand or fantasy, if there is indeed such a thing today.

Assisted by our material and intangible creations (by culture) human beings act, in turn, upon both the natural and the cultural world. We modify it, improve it, destroy it, and make it more habitable and comfortable. In this latter notion perhaps there lies an idea of civilization different from the one to which we grew accustomed. From this idea of culture soon we also arrive at a definition of art (the artificial or “man-made” world), and aesthetics, that is, the way we relate and connect to the world by means of our senses, perceptions, and intellect.⁵ Very soon, we also become aware of the intrinsic relationship between language and other symbolic representations and the human condition, an idea central to classical rhetoric, and the humanist Renaissance tradition.⁶ Still more important, in acting upon the world, we make ourselves the human beings we are. We may be slow or clever, supportive or greedy, sensitive or indifferent, calculating or thoughtless, generous or evil, but persons nonetheless.

In “The Impact of the Concept of Culture on the Concept of Man,” Clifford Geertz maintains that “[man] created himself” (48) and that

“without culture [there would be] no men” (49). For Geertz, “culture, rather than being added on, so to speak, to a finished or virtually finished animal, was ingredient, and centrally ingredient, in the production of that animal itself” (47). The idea of “man without culture” is inconceivable:

Men without culture would not be the clever savages of Golding’s *Lord of the Flies* thrown back upon the cruel wisdom of their animal instincts; nor would they be the nature’s noblemen of Enlightenment primitivism or even, as classical anthropological theory would imply, intrinsically talented apes who had somehow failed to find themselves [. . .] [They would not be ‘human beings without culture’] they would be [. . .] monstrosities. (Geertz 49)

Geertz goes even further when he asserts that the very process of individuation (the formation process, not of the generic person, but of the personality and specific individual identity) results, precisely, from the unique way in which we participate in something as social, collective, and anonymous, and at the same time as specific, concrete, as culture:

As culture shaped as a single species [. . .] so too it shapes us as separate individuals [. . .] When seen as a set of symbolic devices for controlling behavior, extrasomatic sources of information, culture provides the link between what men are intrinsically capable of becoming and what they actually, one by one, in fact become. (52)

In a similar line of reasoning, Howard Gardner has indicated that “[e]very culture features a set of roles that must be filled [. . .], [and] certain competences that must be mastered [. . .] Failure to acquire the relevant roles or skills severely limits the realization of the potential of an individual, a group, or the overall culture” (257). Likewise, in “Towards an Anthropology of Self and Feeling,” Michelle Rosaldo states that: “[s]ociety [. . .] shapes the self through the medium of cultural terms [. . .]. Previous attempts to show the cultural specificity of such things as personality and affective life have suffered from failure to comprehend that culture, far more than a mere catalogue of rituals and beliefs, is instead the very stuff of which our subjectivities are created” (150). For this reason, Raymond Williams sought to restore the centrality of culture in the study of society under the premise that “culture is constitutive of the social processes [that is, constitutive of reality] rather than merely reflecting or representing them [or being something external to reality]” (Eagleton 33–34).

For his part, in his essay “The Person,” Charles Taylor emphasizes the importance of community, public space, and of being allowed to partake in public conversation. In particular, Taylor highlights the roles played by collectively shared representations, beliefs and rituals (which are unique to

each community and culture) and the way they foster social—interpersonal—encounters and mutual recognition (276). In other words, Taylor stresses their role in the construction of the person.

More fundamentally, we also need to acknowledge the material, sensual, and anthropomorphic foundation of our existence, that is, our body. Not a-historic or transcendental, but bodies that are the product of specific cultures and times, and subject to subsequent transformations (even physiological and biological) due to changes in the history of perception and in the technologies of the body that, according to Donald Lowe, occur depending on changes in the hierarchies of the senses, means of communication, and the epistemological presuppositions that impose order—meaning—on what is perceived.⁷

Here resides part of the reason for the inherent and indissoluble—indeed, constitutive—link between culture, person, and human rights. No person exists without, or outside culture, nor culture that is not the work of human beings. Culture is hence inseparable from human rights, which are none other than the demand that we are treated as persons and are permitted to be and make ourselves, and become everything that we can potentially be. Once we grasp this mutually constitutive relationship between culture and human rights we are freed from various reductions (such as that of fundamental rights or of cultural rights) and we can finally proceed to a cultural approach to, and discussion of, human rights discourse.

Cultural studies are a twentieth century offspring of earlier philological and literary studies. The latter studied literary works of art—considered to be the containers of national culture and universal culture—and raised a variety of questions and problems: linguistic, aesthetic, hermeneutical, ideological, philosophical, of a socio-historical or political nature. Based on advances in linguistics and semiology (the science of signs) and a critical revision of their elementary operative concepts—language, sign, text, culture, art, literature, aesthetics—, cultural studies ceased to be limited to the analysis of literary texts, and instead concerned with *all* man-made artifacts—culture in its broadest sense—, including the human rights discourse itself.

The emergence of cultural studies coincided with similar adjustments that took place in sociology, historiography, anthropology, geography, among other disciplines. We began to pay more attention to culture, language, everyday life, domestic life, and the creation of mentalities, sensibilities or structures of feelings. In time, this also led to epistemological and methodological inquiries concerning the recognition of the scientist as interpreter and (literary) “author,” the vindication of “weak” thought, the abandonment of an axiomatic belief in cultural superiority, and the replacement of the study of others with an inter-cultural reflection and dialogue. At the same time, literary studies, historiography, and sociology began to grow closer to anthropology, ethnography, and archeology,

especially in their late-modern social-constructivist modalities. These now focus on the archaeology of knowledge (of modern knowledge, in particular), the anthropology of *our own* cultures (instead of “distant” and “primitive” cultures), the ethnography of modernity, the archeology of the contemporary world (not only of the civilizations of Antiquity), the mythology, fetishism, and tribalism of consumer society, etc.

This linguistic turn, and its parallel interpretative turn (or hermeneutic turn), shook the foundations of historiography, anthropology, and the social sciences as well as that of the so-called hard sciences. Academic practices, we realized, could not exist outside language and culture, they also rely upon representations of reality, and are the product of human, social, political practices that taint the results of our labor. Following these premises, history or biology became a kind of *realist* account (that is, that can only “aspire” and “claim” to faithfully represent reality). For their part, scientists had to recognize the limits language and narration imposed upon their desired objectivity (without having to discard the search for objectivity altogether). The biologist, the economist, the physicist, or the musician, thus, are intelligible, make sense, and are valid only within the parameters set by their own discourses, epistemes, genealogies, places and times, outside of which they lose interest and meaning.

For all of the above, the practice of cultural studies became a field—certainly, not the only one—conducive to examining, say, the relationship between human rights and culture, the cultural foundations and implications of law, the aesthetics of citizenship (Remedi 2005), or the relationship between culture and politics. This intellectual project pursues, in effect, a political objective: highlighting the contradictions and blind spots of human rights discourse, and unblocking human rights discourse (often prisoner of its own lack of reflexivity) in order to adapt it to this century and carry it toward new directions and frontiers.

Restoring History and Culture to Human Rights Discourse

*Lawyers get nervous with any
attempt to move beyond the
immediate mechanics of an act
to get at the larger ‘why.’*

Greg Grandin, member of the United Nations Truth Commission in
Guatemala⁸

Having already established a concept of culture—defined as human beings’ creations—as well as a concept of the person and of human rights as the

product of culture, the next step consists in taking human rights discourse as an object of cultural inquiry. In order to do so, we must begin by placing human rights in an historical context and perspective. Restoring the historicity of human rights reminds us that human rights were not always what we believe them to be today and they will inevitably continue to change. Indeed, once put in context, it becomes clear that many of the terms, premises, objectives, and concepts on which human rights discourse is based belong to another time and cannot be upheld in the present. By the same token, this might enable us to carry human rights discourse in new directions, and perhaps, remove obstacles that continue to come between the idea of human rights—the utopia of the respect and emancipation of all persons—and their actual fulfillment.

Take for instance the 1948 Universal Declaration. Article 18 establishes that “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.” Is it necessary to accept this affirmation as an axiomatic truth? Is it truly “natural” and “fundamental?” Why privilege the family over other types of social units and associations? What do we understand by family? What type, idea, or model of family are we thinking about? Who constitutes a family, how far do we extend it, for how long? Which cultural tradition or historical period does this model of family come from? Are families the same throughout cultures? To what point does the family, which, at least in the Western world—and the areas of the world colonized by the West—is permeated with the patriarchal ideology that has oppressed women and favored the oldest male child, oppose the principle of equal opportunity and play a role in the capitalist relations of production, reproduction, and exploitation?⁹ What does one say about the rights of the family—or of women—when they are approached from gender theory, and simple binary preconceptions are abandoned? Can same sex couples marry? What do we do in light of the current context of familial disintegration, single-parent families, and teen pregnancy? What is the role of family in juvenile mendacity, delinquency, child abuse, or domestic violence? One could raise similar questions about other equally—and allegedly—natural and fundamental notions.

The various Declarations, Conventions, and Pacts that have come about since 1948 (against genocide, the rights of women, of children, of prisoners, of indigenous populations) are in and of themselves evidence that existing human rights evolve and change, and that new rights must be developed. Moreover, we have also come to terms with the fact that, at times, some people cannot be treated equally but need to be treated differently, as in affirmative action, for we need to contemplate and address special needs.

However, the products of more recent historical circumstances third and fourth generation rights are not impervious to analysis and cultural critique either. Let us take for example the concept of the right to development, a third generation right whose subject is not the eighteenth century individual,

but the collective: society as a whole, an entire people (both complex concepts on their own). What is it understood by development, let's say, at the World Bank, within the Monterrey Consensus, or the United Nations Development Program? Are we talking about economic activity and growth of the gross domestic product? About the destructive and predatory modernization that is carried out in Europe, the United States, and Russia, and to which China, India, Brazil, and other countries have now subscribed? Are we talking about attracting investments, opening markets, and increasing commerce? Are we talking about installing factories and industries that the metropolitan countries do not want because they are too contaminating and labor and social benefits are too costly? The Doctrine of National Security, the ideological platform of the military and the technocrats that led the dictatorships of the 1970s, also had as its purpose "securing" *this* kind of "development."

Or are we talking about growth in economic activity and investments *with* social development, sustainable development, reducing inequality, smart farming, productive chains, changes in the forms of production and property? About *human* development, where the growth of economic activity is one factor, but what matters most is jobs, housing, health, education, equal opportunity, the distribution of wealth, and progress in the quality of life? (Nussbaum & Sen) In other words, is development still defined and framed by the ideology of "diffusing modernity" or conceived from a humanistic standpoint? For his part, Mahbub ul Haq, founder of the Human Development Report, claims that:

The basic purpose of development is to enlarge *people's choices*. In principle, these choices can be infinite and can change over time. People often value achievements that do not show up at all, or not immediately, in income or growth figures: greater access to knowledge, better nutrition and health services, more secure livelihoods, security against crime and physical violence, satisfying leisure hours, political and cultural freedoms and sense of participation in community activities. The objective of development is to create an enabling environment for people to enjoy long, healthy and *creative lives*. (The Human Development Report, United Nations Development Program)

Without forgetting to demand the full respect of human rights as defined in the present—which though exist in letter are largely ignored in reality—we also need to concern ourselves with all of the issues that are still absent from human rights discourse. Consider, for example, the notion of the "illegality" of human beings that affects immigrants; or the walls devised to prevent the free transit of human beings; or the indiscriminate targeting of civilians—entire populations—in recent armed conflicts; or the secret flights and extraterritorial detentions that seek to circumvent both national laws and

long standing international legal instruments, such as the Declaration of 1992 against enforced disappearances, the principles of 1988 for the protection of all persons under any form of detention, the 1984 Convention against torture, and the limits to war established at the Geneva Convention.

Human Rights and the Other

Reestablishing the historicity of human rights is also aimed at eliminating misconceptions about human rights in the past or in other cultures. Indeed, often cultural or period differences are exaggerated, invented, or manipulated when convenient. For instance, how many times has it been argued that it is not possible—that it would not be fair—to condemn the Spanish explorers, or Christopher Columbus, for having mistreated or subjugated the native inhabitants of America? The problem, the argument runs, is that at that particular time certain values, sensibilities, and norms did not exist, and therefore it would not be fair to project our present way of life, our modern way of seeing things, and our values onto other eras. True; it probably would not be right. However, the problem begins to look different when we learn that their actions were already seen as immoral cruelties, and were deemed as crimes and illegal actions by their own contemporaries, by the institutions, norms, values, codes, and laws of their own time. One needs only to read the condemnations of Motolinía and Bartolomé de las Casas, the memoirs of Bernal Díaz del Castillo, the complaints and disillusionment of Álvaro Núñez Cabeza de Vaca, the debates between Vitoria and Sepúlveda, and the testimonies left by the defeated; indeed, the very Christian values that supposedly guided the project of colonization and evangelization. There were also norms and international laws, based on the Roman and medieval codes¹⁰ that governed the issue of ownership and sovereignty in a context of frequent disputes between the kingdoms and empires.¹¹ Stephen Greenblatt noted that it had not occurred to Marco Polo to take possession of Kublai Khan's China. Columbus himself traveled with a letter from the Catholic Kings directed at the Great Khan, in whose territory (Cathay) he had expected to disembark. Indeed, in colonial times, the process of taking possession was ill-intentioned, ethically flawed, and mostly theatrical.¹² In short, once we take a closer look at the history and culture of the fifteenth and sixteenth centuries, we find sufficient evidence to think that the things done by Europeans in America back then were immoral and illegal on their own terms (without denying that explorers and colonizers incessantly attempted to justify their actions and give them a moralistic, philanthropic frame).

The terms in which the original inhabitants of America understood their relationship with their environment, or the question of land ownership

differed from those of Europe. But even these were not that different from those of the colonists of the South American frontier of the eighteenth or nineteenth centuries who cohabitated and mixed with the native population, runaway slaves, and gauchos, and who did not have a sense or need of private, exclusive ownership. Once we study other cultures and civilizations many of the supposed differences (or similarities) between ourselves and other cultures, past or present, diminish or disappear altogether. Indeed, the West has tended to exaggerate and fantasize about the essential difference/similarity between “us” and “them.” Many of such convenient, operational fantasies originate in what Edward Said has called *Orientalism*: the manner in which the West constructs, relates to, and thinks its Other in the pursuit of colonialist and imperialist endeavors.

On a similar note, Harvard luminary Samuel Huntington brought back into circulation the idea of the “inescapable and fatal clash between incompatible civilizations” destined to annihilate one another—an idea that can be traced to the colonial period and the era of U.S. expansionism in the nineteenth century. In his most promoted book, *The Clash of Civilizations*, the main contenders in this confrontation are the so-called “West” (and its supposed democratic and modernizing project) and the Islamic world (supposedly fundamentalist and backward). In his most recent piece, “The Hispanic Challenge,” Huntington introduces so-called “Hispanics” as the new threat. Due to their resistance to cultural assimilation and their insistence on maintaining their own culture (their language, customs, religion) according to Huntington, Hispanics—suddenly turned into a non-Western other—threaten the very integrity and survival of the United States as a culture and nation.¹³ (Fortunately, the response to Huntington’s approach has been the opposite project of “an alliance of civilizations,” led by Spanish President José L. Zapatero).

Without denying the existence of cultural differences nor presuming a difficult to sustain notion of universal identity, what is certain is that when we look more closely at other cultures and we engage in a well intentioned and respectful dialogue with them, we discover that more often than not other cultures tend to be as complex and diverse as our own, and that many of the differences are not as deep or as numerous as we may have thought. When there are differences of a more significant or radical kind, they do not inevitably lead to “a clash of civilizations” either. Indeed, there are possibly more cultural fissures and fundamental schisms *within* civilizations than *between* civilizations.

Steven Kull, director of the Program on International Policy Attitudes (PIPA) at the University of Maryland, maintains that the majority of communities on earth, the Islamic world included, are by no means in disagreement with the values of peace, the respect for international law, free trade, human rights, freedom, democracy, development, the peaceful resolution of conflicts, and the principle of not interfering in the internal

affairs of another nation. What other people often object to and criticize is simply the United States' sense of superiority and exceptionalism (for instance, when it resists being subjected to the International Court), its double standards, the disconnection between the values it extols and the policies it pursues.

In short, when we start to pay closer attention to culture, the issue of human rights ceases to be a problem of "the West against the rest." To the contrary, it becomes the very criteria to measure and judge the very actions of the West. This is, in part, what lies beneath the 'trans'-modern (Dussel) critique of the West, that is, a critique of the image and fantasies that the West has constructed and has of itself (Mignolo; Coronil 1996, 2000).

Cultural differences are not an anathema to the human rights agenda either. They are, on the contrary, celebrated and protected under so-called "third generation" rights, or the rights of all peoples to their own culture, language, identity, way of thinking, way of life, forms of government, path to development, and so on, provided, of course, that this is not interpreted and used to infringe any other inalienable and equally important human right.

In *América/Americas: Myth and the Making in U.S. Policy*, Eldon Kenworthy also cautions against the neocolonial strategies of erasing differences and creating false coincidences. Indeed, one strategy of domination, illustrated by Huntington's position, is declaring differences irreconcilable in order to justify the annihilation of the other. Think about the conflict between the liberal elites that ruled during the eighteenth and nineteenth centuries and the indigenous populations in South and North America. A second strategy of domination (the liberal, tolerant, multiculturalist viewpoint) consists of creating the other on one's own terms, and thus accepting them only on those terms: consider Bartolomé de las Casas' *Enriquillo* as the archetype of the tamed and obedient savage, or the idea of the submissive and eager to assimilate—if slightly picturesque—Hispanic that Huntington would prefer. In other words, the other can be different but only to a point and within certain parameters set up by "us." Still, a third strategy of domination, for Kenworthy, either due to credulity or arrogance, is presuming certain universal coincidences, which is a way of not confronting differences, but of imposing ones' culture and values onto others. To avoid this, the first thing that needs to be confronted is that other peoples can legitimately have, and in fact *do have*, other understandings and definitions for West, civilization, democracy, freedom, development, individual' family, gender, race, torture, decent job, dignity, and the very concept of human rights itself (as we are about to see in the following section). These differences may or may not be incompatible, but they are differences that require recognition and negotiation to reach some kind of resolution or agreement.

In sum, approaching human rights through culture also means inquiring into the way in which some words and concepts have very different meanings from culture to culture; and not only between cultures, but also among different social groups, different people, or different places and times *within* the same culture. This does not mean becoming mired in cultural relativism, or relapsing back to the idea that the “civilized West” confronts barbaric, “backward” peoples. Johannes Fabian has already alerted us of the ideological operation of denying coevalness to other societies and cultures that some insist upon designating as backward nations or primitive peoples. All that is needed is to establish a dialogue in order to come to terms with, and clarify the various understandings of the basic notions upon which the human rights discourse are built upon, in such a way that they are not taken as timeless and universal absolutes—unproblematic—, or that our definitions are not forced on others. This brings us to the topic of the following section: the contest between the different epistemologies of human rights.

Human Rights in the Liberal Imagination (Or, the North American Episteme)

Human rights are the cultural creation of human beings amidst their struggle for emancipation. Like History, this struggle has not been a lineal and unidirectional process. Indeed, there have been many such struggles, some of which were sometimes linked and successive, sometimes parallel, sometimes divergent, and even opposite to one another. The U.S. Revolution of 1776, for instance, can be interpreted as the rightful struggle against (British) Empire. As such, it became a model for the Wars of Independence in Latin America. It also inspired the anti-colonialist and anti-imperialist struggles in Africa, America and Asia, two hundred years later. At the same time, this Revolution of 1776 resulted in tragedy for the original civilizations of North America, who, during U.S. expansion towards the West, soon after Independence, were conquered, expropriated, subjugated, and ultimately, annihilated. This too was taken as a source of inspiration by the American-born-and-raised elites in South America, as illustrated by the campaigns against the native peoples launched by the first Uruguayan President J. Fructuoso Rivera in 1831, Domingo F. Sarmiento, the Liberal Romantic author of *Facundo: Civilización o barbarie* (1845), or Argentine President Julio A. Roca’s so called desert raids of the 1870s.

The birth of the nation—to paraphrase David L. Griffith—was also a tragedy for Africans, as U.S. expansion also resulted in an exponential increase in plantations, the importation of slaves, and racism. In 1852, *seven decades* after independence, Frederick Douglass posed the question: “What

can the fourth of July mean for a slave?" The same question could have been posed—and most likely was posed—in Cuba and Brazil as well. (In the late-1960s, African-Americans in the United States continued to fight for their rights, despite the proclamation of the Human Rights Charter by the United Nations twenty years earlier).

In less than half a century, the young nation had also become a regional predatory power. It had turned—paraphrasing José E. Rodó—into “the Colossus of the North.” The invasion of Mexico in 1840 was soon followed by a long list of imperialist ventures in the Caribbean, Central America, and beyond: Cuba, Panama, Puerto Rico, Nicaragua, the Dominican Republic, the Philippines. After independence, women’s rights and privileges also suffered a regression with respect to the position they had held during the colonial period.¹⁴ Universal suffrage—and full citizenship for all—came about only in the late 1960s, that is, almost *two hundred years* after Independence, and it was less a product of the liberal American imagination and more of the British Chartists and Socialists of the mid-nineteenth century (Ishay).

Therefore, the Universal Declaration of 1948 gives expression to a two-faced process of emancipation of humankind, in fact, to a multi-directional process. On one hand, it harvests the fruits of many liberal struggles: the Magna Carta of 1215, the Glorious Revolution of 1688, the United States Revolution of 1776, the French Revolution of 1789, and the Revolutions of Independence in the Americas c. 1810–1830, all organized, for the most part, on the basis of bourgeois liberalism and individualism. On the other hand, it also expresses a series of movements in the opposite direction (in part also taking place in North America): that of the resistance of Native American peoples, the struggles against slavery, the struggles of the working class of the nineteenth century (for universal suffrage, the eight hours working day), the Mexican Revolution of 1910 (the peasant struggle for the land), the Russian Revolutions of 1905 and 1917, the Weimar Constitution of 1919, the Women’s Liberation movement, the anti-colonialist and anti-imperialist movements of the mid-twentieth century in Africa and Asia, the struggles against U.S.-backed dictatorships in Latin America and Soviet-backed ones in Europe.

Despite all of the aforementioned, in thought as well as in practice, strangely enough, the human rights discourse remains strongly limited to and framed by the project of eighteenth century bourgeois individualism—the dominant North American “episteme”—which, even today, emphasizes and privileges the “first generation” rights (civil and political rights, the rights of the individual against the abuses of the State) over, and at the expense of, second, third, and fourth generation rights, that is, those rights that came about during the nineteenth and twentieth centuries. By episteme I refer here to the conditions that inform and determine the ways of seeing and interpreting the world in a given age. In this case, I refer to the peculiar way

of understanding and interpreting human rights predominating in North America (and, as we will see, not only there).

When we look closely into how this mindset came about, we can discern that the U.S. episteme has its roots in two separate historical periods and processes: on one hand, the Renaissance, the Enlightenment, and the overall Bourgeois Revolution that took place between the fifteenth and eighteenth centuries in Europe (and later moved to America,) and which came to challenge and replace the Medieval and pre-Capitalist order. On the other hand, the rise of the working class and socialist project in the nineteenth and twentieth century (themselves rooted in earlier peasant, slave, natives, colonial subjects, and other “primitive rebellions”), which the U.S. opposed and whose advance it tried to contain.

From the first historical process it picks up the recognition of the rights of the individual—that is, of noblemen, landowners, private investors and entrepreneurs—against the abuses of the State, especially the Absolutist State. From the second historical process it picks up the defense, at least in theory, of individuals’ civil and political rights—which continued to be trampled during the twentieth century, frankly, all around the globe—, but above all, its opposition to economic, social, and cultural rights (the demands of laborers and peasants) that the socialists conceived as the *obligations* of States: the obligation to guarantee every citizen employment, a decent salary, health, education.

The cases of Amnesty International (founded in London in 1961 by Peter Benenson to work for the liberation of prisoners of conscience) and Human Rights Watch (formed in 1978 to monitor civil and political rights within the Soviet Bloc after the Helsinki Accords) were emblematic of the hegemony of the U.S. episteme. For decades, these two organizations have paid almost exclusive attention to violations of civil and political rights (especially in other countries), without concerning themselves with the gross violations of other equally important human rights (unemployment, exploitation, inequality, illiteracy, hunger, racism, sexism, imperialist adventures) that were occurring right under their noses, and that often times were the cause of political crises and the arrests they cared about.

Needless to say, this understanding of human rights is by no means a practice exclusive to the U.S. On the contrary, it has in fact become hegemonic, and largely informs civil society’s and the common person’s views on human rights—left and right of the political spectrum. Indeed, it has even affected the way the Latin American Left itself views human rights. Human rights movements in Latin America gained a renewed impulse during the 70s and 80s, mostly in response to the violations of political and civil rights by the authoritarian and dictatorial regimes. Yet, this occurred at the expense of the Left’s own fundamental contributions to human rights. Hence, when today the Left articulates a social, economic, or cultural agenda, as it often does, it thinks of it as something different from, and

additional to, human rights. The latter continues to be primarily associated with the disappeared, or with prosecuting those individuals involved or responsible for the practices of State terror (kidnappings, disappearances, torture, political assassinations). Without denying the importance of the latter, it is clear that such a reductionist framing of present day human rights mobilizations represents a relapse into the U.S. episteme, a very narrow eighteenth-century liberal point of view.

In a sense, therefore, human rights discourse has become a reactive and non-utopian discourse—that is, the opposite of what it was meant to be. And today, often in the name of memory, that which actually moved leftist activists into social, political, and cultural action, and caused their imprisonment and death, is eclipsed. I refer, for example, to their critique of the social and economic structures; their struggle against oppression and discrimination; their condemnation of submission to hegemonic aesthetics, mental habits, structure of feelings, or ways of life; that is, their struggle to radically *change culture* and build *another civilization*. While the reified image of the victim and the victimizer become the primary focus and emblem of today's human rights mobilizations, the victims' own struggle for human rights, is often sidetracked or altogether forgotten.

The Case of Uruguay (A Shift of Paradigm?)

The human rights cultural dimension is among the more relegated issues in human rights discourse in Uruguay. For example, Mariana Blengio Valdes' (Coordinator and Professor of Human Rights at the Universidad de la República and several other universities) 2005 article "La interpelación de los derechos humanos en veinte años de democracia" maintains a legal focus and an emphasis on political, economic, and social issues. Blengio, however, is aware of this insufficiency and she underscores the need for a more holistic understanding (157). She also stresses the need for a broader view in order to "superar la única o exclusiva [. . .] simbiosis del reclamo de los derechos humanos por las gravísimas violaciones ocurridas durante la dictadura y la controvertida solución que la legislación y la justicia le han dado en estos veinte años" (156) (overcome the exclusive and excessive focus on *the very serious human rights violations* that occurred during the dictatorship, and the related legislation and lack of justice during the past 20 years [emphasis mine]). Yet, the phrase "gravísimas violaciones" (very serious human rights violations) are meant to signify *political and civil rights* violations, the Amnesty Law of 1986, the reticence of the Executive and the Judiciary to comply with Article 4 (which mandates the search for the truth, and the prosecution of those responsible for State terror).

In spite of these contradictions, Blengio nevertheless hints at a cultural problematization when she criticizes the primacy of “prioritariamente masculina del derecho” (167) (a fundamentally masculine vision of right), when she questions “las definiciones que apuntan a la separación de los derechos con base en categorías teóricas que se disocian de la realidad del ser” (156) (those definitions that seek a separation of rights based on theoretical categories that disassemble the reality of being), and when she claims that it is “una imperiosa necesidad el replanteamiento de interrogantes que impliquen una «renegociación normativa» para responder a una pregunta clave: ¿Qué es un ser humano? En su respuesta ha de basarse una nueva teoría general del derecho” (167) (absolutely necessary to raise questions that force «a normative renegotiation» that enable us to answer a yet an even more fundamental question: What is a human being? The answer to this question must be the basis for an entirely New General Theory of Right).

The volume *Derechos humanos en el Uruguay, Informe 2005*, prepared by the Servicio de Paz y Justicia (SERPAJ-URUGUAY), dedicates nearly twenty chapters to political issues, ten to economic and social themes, and none to the topic of culture, and even less to a cultural problematization of human rights. When it addresses issues such as the penitentiary system, the archives of the dictatorship, police torture and brutality, the question of unemployment, working conditions, or decent housing, these issues are basically recorded and exposed. The book hardly ventures, though, into an analysis and interrogation of the deep cultural, ideological, and discursive underpinnings of these social problems and State practices and policies. The same is true with the volume *Memoria y Derechos Humanos de cara al siglo XXI* (2007), published by the Ministry of Education and Culture, in which, except for a brief allocution on the theme of dictatorship by playwright Gabriel Calderón (see epigraph in the beginning of this essay), culture as a problem and as fundamental to the human rights discourse remains absent.

The book *Educación popular y Derechos Humanos* (2006) by Mariana Albistur and Alberto Silva perhaps does the most at taking on a series of cultural issues, although, understood here mainly in a limited artistic sense: memories and personal testimonies, songs, drawings and games as a means of expression, popular education, and raising social awareness. Like the rest of the works just commented, however, it continues to deal with the issue of human rights—and human rights education—mostly in relation to “recent history”—another way to refer to the years of the dictatorship—and the violation of political rights.

In conclusion, the idea of, and discourse on, human rights continue to be excessively associated with and restricted to political themes (in fact, political in a very limited sense), with a focus on the dictatorships and their effects. Also, there is still a strong predilection for a legal and institutional focus, with emphasis on international Declarations, Accords, and

Agreements and their translation into national legislation. When economic, social and culture rights (which form part of the very identity of Leftist political parties, organizations and cultures) are articulated, strangely enough they are thought of and presented as something other than human rights. With rare exceptions, culture continues to be largely absent from human rights discourse, and is viewed even less as inherently related to and constitutive of human beings and the rights of the persons.

Despite the panorama just outlined, some emerging approaches to human rights seem to stand on different premises, thus pointing to a much welcomed epistemological change. Take for example, number 12 of the magazine *Montevideo Ciudad Abierta*, published in December of 1998 by the Montevideo City Council, dedicated in its entirety to human rights, and titled “El derecho a ser nosotros.” One article, “Los derechos humanos en la calle,” includes peoples’ responses to the question, “What are human rights?” Most importantly, it took the issue of human rights into the public sphere and the realm of common sense—always a necessary point of departure. Their answers, interestingly enough, took human rights into territories less commonly associated with human rights.

Guillermo, a plumber, referred to “putting an end to barbarism,” which can be interpreted as a questioning of “capitalism run amok,” Western civilization and the present state of things, an idea central to the spirit of the 1948 Universal Declaration, written, as it was, when the horrors of the atomic bombings of Hiroshima and Nagasaki, and the concentration camps were still only skin deep. Silvia, a saleswoman, stressed the freedom “to live with dignity” and links the notion of freedom with that of guaranteeing the satisfaction of basic human needs. In fact, she brings to the table the very question of dignity—another idea central to human rights and hardly ever discussed. Magdalena, a high school student, underscored the need for behaving in a friendly manner, to be non-discriminatory, which raises the topic of social relationships, values, skills, and competences that are conducive to the creation of a more cooperative and convivial society. For his part, Pedro, a porter, brought up “the right to form a family,” meaning, the possibility of having a job and earning a salary sufficient enough to have a place of one’s own, get married, and eventually support and raise his children. On a different level, it also speaks to the way in which our existence acquires meaning and value, we project ourselves, and respond to the need to transcend (32–33).

Another piece, “Amar de manera diferente,” brought up the issue of sexual identity and behavior, critiqued how the media handles these matters (35), and questioned the reductionism implicit of the binary opposition man/woman, proposing instead a more diverse, complex, and fluid method of understanding and charting the territory of gender and sexuality. “Los pasos del hombre invisible” focused on racism and more specifically, its historical, ideological, psychological, and symbolic foundations (43). The

reprint of “Chief Seattle’s Letter to the President of the United States”—a letter whose actual existence or authenticity is surrounded by controversy—serves, nonetheless to, both revisit the tragedy of Native American peoples and civilizations, and returns to the agenda the need to rethink the relationship between human beings, Nature, and the environment, the problem of land ownership, and how Western modernization devastated—and continues to devastate—entire non-Western cultures and ecosystems putting in peril the very survival of humankind (47).

Leonardo Moreira’s “El sueño de tener todo el tiempo del mundo,” in turn, reminds us of the centrality of time and the right to “leisure time.” The latter is a time to be free, to be creative, to pursue one’s desires and goals in life, a time to be used to shape and cultivate ourselves, so we can grow and actually become the person we want to be (41). This is a question hardly ever thought of as a matter of human rights, and yet of utmost relevance at a time when both, excessive work *and* unemployment (which must not be mistaken for free time) result in human alienation and de-humanization. In fact, this apparently banal or even laughable concept of desiring and longing for ever more leisure time (as in lunch breaks, free evenings, free weekends, holidays and paid vacations) has from time immemorial fueled and moved the world. What motivated the working class to fight for non-working weekends, an eight-hour workday, and lately, a 35-hour working week? What is the implicit promise and lure of every technological revolution (be it agrarian, industrial, or digital)? In fact, what is the appeal of the very idea of Future, Progress, or Modernity, if not to emancipate humankind from having to work in order to be free and have time to dedicate ourselves to more beautiful, uplifting or enjoyable activities, that is, things that make us better and happier human beings (family, friendship, art, love, the public good)?

Lastly, the Jesuit Luis Pérez Aguirre, a prominent human rights thinker (tragically deceased in a traffic accident) based on solid sociological, philosophical, and theological premises, as well as his social sensibility and dedication to the most underprivileged, sought to open up and connect human rights to the broadest possible number of things in life, be it the city, architecture, waste, medicine, pain, reason, faith, mathematics—you name it.

Los derechos humanos parecen tener que ver sólo con los abogados y los juristas; se enseñan en la Facultad de Derecho como una partecita del Derecho Internacional y nada más. Y en la medicina, ¿no hay que enseñar Derechos Humanos? [. . .] ¿Y en la arquitectura? ¿Alguien piensa, por ejemplo, que la formación de un arquitecto no tiene que pasar por los derechos humanos? [. . .] Nosotros mostramos la relación con los derechos humanos hasta en la enseñanza de las matemáticas. [. . .] Cualquier disciplina, cualquier ámbito de la realidad humana tiene que ver con [los derechos humanos]. (17)

(It seems like human rights is solely for lawyers and jurists; in Law School human rights is taught as a small part of International Law and nothing more. Is it not of utmost importance to teach human rights in the practice of medicine? [. . .] And in architecture? Is there anyone who thinks that architects should not have to be educated in human rights? [. . .] We can even demonstrate that there is a relationship between human rights and teaching mathematics. [. . .] Every discipline, *every realm of human activity* has to do with human rights.) (my emphasis)

Gonzalo Carámbula, former director of the Department of Culture at the Montevideo City Government, also believes that a change in the relationship between politics, culture, and human rights is in the making. According to Carámbula, in the past it was said that “culture was the most important thing,” but this was said “in a superficial way” and even “with disdain.” Political actors would just “quote a poet in a speech, say that they enjoyed a certain kind of music, go to a certain show, or make themselves seen with a certain artis.” In contrast, Carámbula notes that in a speech at the Teatro El Galpón and addressing the people “of culture,”¹⁵ President Tabaré Vázquez made UNESCO’s definition of culture his own. According to Vázquez, culture “is the goal and spirit of development seen as the flourishing of human existence.”¹⁶

This change in episteme is based on the assumption that “cultural goods and services are not like any other merchandise or commodity because the former convey values.”¹⁷ And while for many cultural goods may seem dispensable or useless, when seen from an integral perspective, in all their complexity, they constitute an indispensable and most useful part of a whole: they give shape and sustain “a cultural ecosystem,” which we are a part of and depend upon. For Carámbula, “a neighborhood theater workshop, even if there were only 25 participants, forms a part of the cultural ecosystem.”

Therefore, once culture has entered into our discussion of human rights, we can see its constitutive role in both the concept of person and human rights discourse. This enables us to problematize human rights from a cultural standpoint, and we can do away with the various reductions that have sequestered human rights discourse, hence restoring its historicity, its holistic, integral and ever changing nature always expanding into multiple directions. Only then would it be safe to say that we are in the path of overcoming the U.S. human rights liberal episteme. Having explored the significance of culture to human rights, what remains to be discussed is the importance of human rights in cultural analysis and critique.

Culture Seen from Human Rights (Epilogue)

The relationship between human rights and human creation (culture) is not always obvious. As I have been arguing, this has to do, in part, with an idea of human rights that is too attached to the violation of political rights, State terror, the struggle for memory, truth and justice. Also, because of a limited idea of culture, associated mostly with artistic activity and the *beaux arts*, and thought of as superfluous and ornamental. Due to the conjunction of these two reductions, it is understandable that linking culture with human rights could seem capricious and forced: an undue politicization of art—violating artistic jurisdiction, or the so-called autonomy of art—or an excessive, and perhaps immoral, aestheticization of politics—an entelechy of intellectuals or dilettantes often removed from reality or estranged from real politics.

The view changes when we begin with a conception of culture as everything that people make, and personhood itself becomes a cultural product. In effect, approaching culture from human rights entails, as a first step, admitting that the others are also persons, and that all persons create culture, reproduce culture, re-elaborate culture in their own terms, disseminate culture; material and non-material culture; in a broad as well as restricted sense. Under closer observation, we are all narrators, philosophers, artists, architects, and inventors.

Suddenly a whole new territory of cultural activity and artifacts opens in front of our eyes: the work of ordinary people that until now were invisible, underestimated, and neglected. Works that we had not thought of as cultural (as containers and conveyors of ideas, knowledge, discourses, values, dreams) can now be taken as our object of consideration, documentation, and critical reflection. In this sense, there is a fundamental human rights argument at the very base of the project of cultural studies, that is, the study of culture beyond the arts, high culture, or official culture.

Another practical consequence is that while this new territory can be approached by making use of traditional theories and methodologies of cultural analysis, it challenges us—or even forces us—to produce new categories and strategies of analysis and discussion. For example, while it is possible—and productive—to study community theater, a religious ceremony, or the manner in which youth interact with and relate to one another today, the same manner in which one analyzes and discusses, let's say, a play by Calderón de la Barca, Florencio Sánchez, or Eugene Ionesco, it is likely that we glean more by developing, in addition, categories and strategies in some fashion derived from these very cultural practices, which in turn could result in a contribution to general cultural theory.

A third consequence is that of having to look for and find a new framework and sense of purpose for the study and discussion of culture. It is

here when the assumptions and motivations of classical philology or the traditional critique of art seem largely out of place and outdated. Too many theoretical revolutions—structuralism, post-structuralism, feminism, deconstruction, post-colonialism, reception theory—render almost impossible, if not simply pointless, the pursuit of the same goals of traditional critiques of art, based as they were upon universal or misconstrued notions, for instance, of beauty, authorship, meaning, the autonomy of art, value, or national culture.

If anything, human rights discourse puts at our disposal a teleology and an ethical and aesthetic grounding, to frame, initiate, and guide our inquiry, at the same time universally intelligible, open ended, and problematic enough, yet, anchored in a specific place and time—a concrete historical conjuncture to which people seek to respond and of which they seek to make sense. Culture, thus, can be discussed as a *moment* of and in relation to human emancipation grounded in the contingency of the here and now. This could also be applied to the traditional body of art and the canon. Hernán Vidal has indeed proposed revisiting the (Latin American) literary canon, traditionally understood as a receptacle of memory and national culture, as a cultural archive that registers a social process for emancipation, yet also as a sign and document of bad faith and bad memory.

A human rights approach to culture, however, does not concern solely the study of works of art or the literary canon. Instead, it can serve a varied agenda of cultural critique: to all social practices and discourses, understood in terms of *symbolic* practices and discourses; to cultural legacies, understood as the result of our ancestors' dreams, efforts, achievements and failures. It also could serve to address a number of contemporary cultural problems, say, cultural property and the expropriation of symbolic capital,¹⁸ the recognition of the culture of others, and the protection of cultural diversity (or of diverse ways of life); gaining access to the means for self-creation and developing new ones; the need to regain control of our lives (taken over by structural forces and logics, such as the media, the market, Capital); the need, perhaps, to rethink and go beyond our “modern” manner of thinking and living; the physical disorganization of cities, dwellings and bodies, and in fact, how we interface with the world and one another (aesthetics).

In conclusion, I will respond to the critique that Terry Eagleton makes on cultural studies, which, in his opinion, has depoliticized the cultural discussion and aestheticized politics. In *The Idea of Culture*, Eagleton criticizes the so-called cultural turn of the 1980s, above all the manner in which it was imported and practiced within the U.S. academia. Eagleton particularly distrusts the excessive importance given to culture *at the expense of politics*, indeed, “making culture an alternative to politics” (16). Thus, Eagleton claims, “the primary problems which we confront in the new millennium—war, famine, poverty, disease, debt, drugs, environmental

pollution, the displacement of peoples—[which] are *not essentially* ‘cultural’ at all” (130 *my emphasis*).

While it would be certainly self-defeating not to acknowledge the importance of a multiplicity of layers and forces (political, economical, social, biological, psychological), it would be equally delusional to lose sight of the role (sometimes the invisible role), played by culture. It is in this sense that I am arguing in favor of locating—with the aim of dismantling—the *cultural* foundations of, say, precisely, war, famine, debt, pollution, or drugs; that is, the symbolic representations, ideological justifications, habits and lifestyles, that *also* contribute to our problem. Indeed, Eagleton also acknowledges the importance of culture in a negative sense: the capacity of having displaced or distorted the political discussion; possibly of having become another instrument and accomplice to power; maybe another power itself.¹⁹ He admits that, like any other material issue, all these issues *are* “culturally inflected” [. . .] [but] are cultural problems only in a [broad] sense” (131). For him, “culture has assumed a new political importance [b]ut it has grown [. . .] immodest and overweening” (131). So, he concludes, “while acknowledging its significance, it is time to put it back in its place” (131). Thus, I prefer to interpret Eagleton’s discomfort and critique as a call to restore the lost importance of politics, to *re-politicize* cultural analysis, thus making a contribution to solve our fundamental problems (war, exploitation, injustice, hunger, exile) from the practice of cultural study—which is, after all, what he and I dedicate ourselves to.

What I proposed in this essay is to do this by attempting to bring to light the missing link between culture and human rights. The goal being to return to the human rights discourse of the political, utopian, and intellectual edge it once had; an edge that, in my mind, is currently lacking, and rapidly losing (in the hands of lawyers, experts, and bureaucrats). As I tried to show, human rights discourse is worn out in part from carrying the burdensome weight of its multiple anachronisms, reductions, and blind spots with respect to its own historical-cultural origins and contradictory evolution. The challenge, in my mind, now consists of digging up and unearthing the problem of culture in order to prevent human rights discourse from becoming just another skeleton in the closet.

Notes

1. For understandable historical reasons, the topic of human rights was the object of reductionism upon becoming excessively associated with crimes committed during the military dictatorships that devastated Latin America during the 1970s: the lack of freedoms of expression and association, the repression of political, social, and union organizations, the suspension of elections, political rights, and judicial guarantees, the torture and disappearance of political prisoners, the lack of judgment and

punishment of the guilty, the search for truth, the clarification of those crimes and the remembrance of the victims.

2. The subtitle references the work of Alberto Restuccia, *Ésto es cultura, ¡animal!*, a stand-up comedic performance turned classic in the Montevideo underground theater.
3. See Bentancur and Aparicio's *Amos y esclavos en el Río de la Plata*.
4. It is on this same principle—the fruit of the individual's labor—that John Locke established the right to possess that which one produced, that is, individual property. Socialists also founded the idea of social property on the conviction that all creation is ultimately social, not individual. Both base their manner of seeing the world on culture: that which is transformed and created by human beings.
5. By art, from the Latin *ars*, is understood as something that is well made, having observed certain rules, and using certain techniques (from the Greek *techné*), that produces a series of aesthetic effects: that activate our feelings, connect us with the world, and cause us a series of sensations, emotions, and diverse feelings (pleasure, horror, happiness, melancholy, anger, etc.).
6. See Lloyd-Jones, "Perspectivas renacentistas."
7. In his book, *El problema del pecado en otros mundos*, Father Peregrine (a character in the story "Los globos de fuego" from Ray Bradbury's *El hombre ilustrado*) sets out to travel to Mars and speculates that due to the fact that aliens have different bodies perhaps he will find sins that are unknown on the planet Earth—and therefore unrecognizable, or even with the appearance of virtues—, as well as things that are sins in our existence, but that perhaps are not for other life forms.
8. From an interview by journalist Patrick Timmons, "Empirical Findings," *Texas Observer*, July 14, 2006. Grandin is an historian who teaches at New York University and author of *Empire's Workshop. Latin America and the United States New Imperialism* (2006).
9. Looking into the question of heritage, Carlos Vaz Ferreira has argued that "family-ism"—the same as nepotism and endogamy—works against the principle of meritocracy so much cherished by liberalism. See Vas Ferreira, *La propiedad de la tierra*.
10. Both of these codes established the rights of initial occupants, the first to discover, and furthermore, spoke of the illegality of appropriating goods in the case of objections, resistance or opposition.
11. See Costa and Mizrahi, eds. *Teorías filosóficas de la propiedad*, and San Emeterio Martín, *Sobre la propiedad*.
12. See Patricia Seed, *Ceremonies of Possession*.
13. Among the many errors in Huntington's argument, we should point out his affection for a mystified and homogenous notion of U.S. culture, founded on a colonial Anglo-Saxon arcadia from the seventeenth century (white, European, Protestant, "hard-working"). He constructs and conveys an equally simplistic and undifferentiated idea of Hispanics—that he manipulates when convenient for his argument. He makes manifest a lack of candor in recognizing that his image of the future in the United States ("whose integrity he sees threatened") is possibly less likely to result from the cultural opposition of his so-called Hispanics (who are and feel as American and sometimes even more American than the Anglos, by virtue of having been here for much longer) and more likely to result from reasons that are rooted in the process of U.S. expansion and nation-formation in the nineteenth and twentieth centuries, the interregional tensions that exist in such a vast and diverse union, shifting economic foundations, and last but not least, the laws of history: the destiny that is common to all empires.

14. See Lyons, “The Balance of Injustice and the War of Independence,” and Zinn *A People's History of the United States*.
15. It is rather problematic to continue talking about “people of culture” as a distinct group. Here echoing Gramsci, we are all cultural creators, interpreters, and disseminators of culture. Moreover, being respectful of people and recognizing their status as persons begins with recognizing them as creators of culture in every sense of the word, and also critiquing them.
16. I have avoided a discussion of the UNESCO’s definition of culture, which, according to Carámbula “is not an instrument to be used for material progress.” I can interpret this definition as a rejection of the utilization of culture with “non-noble” motives, such as for example, commercial gain, individual profit, etc. However, I do not think it necessary to be ashamed of the fact that culture is also an indispensable means for material progress, for individual development as well as social progress.
17. While I agree with Carámbula in that services and cultural goods are not like any other merchandise or commodity, that is, that they do not have merely a use value or exchange value, but instead they have or are about “something else,” it must be pointed out that all merchandise and social practices are based on values, create values, and transmit values. What is worse, said transmission of values is even more dangerous because it is invisible or unsuspected: we do not expect there to be a construction and transmission of values. This is what the idea of ideology—in a negative sense—refers to: as a symbolic surplus or hidden message that does not call attention to itself and that intends to pass unnoticed, like a phantom presence, but that nevertheless is there and disseminates itself without us knowing how or why. This premise is what makes it possible to study the ideological, moral, and ethical connotations and implications of any transaction or any merchandise, not only those which are commonly referred to as cultural—whether they be furniture, a packet of yerba mate, a hair cut, a gift, a holiday celebration, or the Post Office, as we do in semiotics, cultural anthropology, and cultural studies.
18. From Bourdieu’s concept of symbolic or cultural capital and from Marx’s concept of surplus value, Hugo Assmann has coined the notion of symbolic surplus value as another form of expropriation. See “Cristianismo y plusvalía simbólica.”
19. This is clear if we think of the power of the media, cinema, and cultural industries in general, the impact of the computer and the internet, but also in the biotechnology industry, the pharmaceutical industry, and in a more philosophical sense, in the power achieved through the domination and monopolization of certain knowledge, a contemporary problem, but one that dates back to ancient times.

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