

## ◆ Introduction

### **Layers of Memory and the Discourse of Human Rights: Artistic and Testimonial Practices in Latin America and Iberia**

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The persistent public debates about memory and human rights in Latin America and the Iberian Peninsula have led to a number of trials and the establishment of truth commissions and required a rethinking of the intersections of the many different struggles over these issues. This shift is reflected not only in the legal realm but also in that of culture. Trials and truth commissions have created national and international awareness about the links between democracy and human rights and about the connection between the culture of memory and what some scholars have called the “justice cascade” against former dictators (Sikkink) and the “age of human rights” (Roth Arriaza).

Examples of this “justice cascade” in the “age of human rights” include a number of cases and initiatives that have made it to the front pages of the international press. These include Pinochet’s arrest in Great Britain in 1998; Scilingo’s trial in Spain in 2005; Cavallo’s extradition (first to Spain and, years later, to Argentina); the role of the Spanish *Audiencia Nacional* (National Court) in dealing with human rights violations in Latin America (though not with the same impact with regard to Spain itself); the investigation commission in Argentina in 1984, the Commission for Truth and Reconciliation in Chile in 1991; the Commission on Political Imprisonment and Torture, also in Chile in 2004 and again in 2010; the Truth Commission for Historical Clarification in Guatemala in 1997; the Peace Commission in Uruguay in 2001; the Commission of Truth and Reconciliation in Peru in 2001; the discovery of the archives of terror in Paraguay; the trial of the military juntas (1985) and the truth trials in Argentina; the more recent wave of trials in Argentina, Uruguay, Chile, and Guatemala; the trial about Operation Condor that started in 2013; recent trials in Argentina that have included sexual abuse as a crime against

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humanity; and the conviction of Rios Montt in Guatemala in May 2013 for genocide and crimes against humanity (though it was overturned weeks later after the sentencing).

Yet neither the attempts to reveal the truth about those dark episodes of the recent past nor those to create the juridical and legal scenarios for the delivery of justice could make up for the undeniable belatedness of the courts nor the backwards steps taken after a decision to move forward with justice—the recent case of Rios Montt in Guatemala and the decision to reverse the unconstitutionality of the Expiry law in Uruguay, both in 2013—or to conceal the imperative to make visible the struggles for memory and human rights related to human trafficking and femicide (whose victims are many times called *las desaparecidas en democracia* [the disappeared in democracy]), as if the focus on the horror of the past could divert us from the horrors of the present.

The goal of this volume is not to celebrate struggles of memory, the increasing numbers of justice-seeking commissions and trials, or artistic practices related to memory struggles, but rather to explore the different layers of memory in relation to the discourse of human rights in Latin America and the Iberian Peninsula. In this sense, this volume also deals with the many faces of the cultures of impunity that for so many years—and even in present times—have created new rationalizations to justify the violence of the past or cover up new manifestations of state violence (or violence with acquiescence of the state).

In a reflection about Chile that can be extended to other Latin American countries and the Iberian Peninsula, Hernán Vidal suggested in the late 1990s that “[e]l desarticulamiento del nexo verdad–justicia transfirió y circunscribió al plano simbólico todo debate sobre las implicaciones culturales del postergamiento (¿o abandono?) de la justicia” (13) (The disassociation between truth and justice transferred and limited to the symbolic realm all debates about the cultural implications of the postponement [or abandonment?] of justice) (my translation). Memory struggles attempted to counteract the gap between truth and justice by exposing not only the crimes and the criminals but also the cultural frameworks of impunity through which human rights violations (both in the past and in the present) were, and still are, justified and incited. While human rights discussions place their emphasis on the law, justice, and judicial truth, memory debates are anchored in the language and images used to remember and represent trauma, vulnerability, criminality, and survival while also addressing the battles of meanings, the revolts of language, and the imaginaries in which the boundaries between the human and the inhuman are drawn. The practice of memory was conceived by Walter Benjamin as a process of excavation, not only of the events of the past but also of the different layers of our models of understanding, and therefore as a process of representing and constructing meaning. Memory involves both a

reconstruction of a past and an exploration of the many layers, fragments, silences, erasures, and gaps, as well as the fissures, uncertainties, and even inaccuracies that make excavations of memory not only a highly conflictive task but also a process in which meanings and interpretations are rearticulated and transformed (see Walas in this volume).<sup>1</sup> As Pilar Calveiro has suggested, the image of the kaleidoscope is a metaphor that can be used to rethink the representation of memory as an epistemic revolt. The model of the kaleidoscope (as opposed to that of the puzzle) allows us to envision reconstructions of memory not in relation to the pieces that would fit perfectly each in their own place, but instead for the possibility of transformations, changes, and new ways of seeing.

Several essays in this volume revisit some of the metaphors and the folds in which atrocities and authoritarianism have been hidden, including the law and its interpretations, and the narratives of nations—not only in the past but also in the present. In that sense, the link between time and memory is crucial to this volume, as is the understanding that, as Andreas Huyssen has argued, memory cannot be thought of as only a “prison house of the past” (8) but rather as a constitutive part of our present.<sup>2</sup> The issue of temporality, when facing unpunished crimes, may acquire new meaning, not only in the gesture of making the past present but also in struggles for justice. The notion of “prescription” (which establishes that after a certain period of time it is not possible to start a legal proceeding, in part due to the difficulty of gathering evidence related to the crime, including witnesses’ accounts) is one of the main concerns in the discussions about human rights in post-dictatorship societies. Even though in cases of genocide and crimes against humanity, human rights discourse establishes a link between past and present that is marked by the continuity of the past through the concept of imprescriptibility, many of the longstanding discussions in the post-dictatorships are related to the issue of temporality (with regard to memory and criminality).<sup>3</sup> Far from blurring the boundaries between past and present, this continuity affirms the possibility of justice for crimes (of the past) that are not subject to statutory limitations (in the present).<sup>4</sup>

Temporality is among the main concerns in discussions about memory, one that is often present in reflections on the effect of the past in the present, the fissures in the present in the evocation of the past, the remains of the past in the present, the belatedness of trauma and its narrative representation, and the obsession of the present with the past. However, temporality might also be understood as a repercussion of the magnitude of the crimes against humanity and of the recognition that, because of the non-applicability of statutory limitations to the crimes, the role assigned to memory is indispensable in the pursuit of justice. This continues to be the case even a long period of time after the event occurred, even if memory had indeed many layers that are transformed in every revision of the past, even with the forgetting that is implied in the acts of recollection.<sup>5</sup> Rethinking memory

through the discourse of human rights suggests not only the recognition that the past matters in the present but also that the crimes of the past are recognized as such in the present.

Testimonial practices have played a central role in the denunciation of human rights violations, either in the form of testimonial literature or in depositions in trials and/or truth commissions. At the same time, they have had an important role in the rethinking of memory: its limits, its opaqueness, its fragments, and its gaps, including the difficulty or even the impossibility of representing atrocities. The same could be argued about photography, which is initially linked to evidence when discussed within the context of human rights struggles. These images serve as the proof of the existence of those human beings who were disappeared under military regimes, and as evidence of atrocities, of repression, or even of the existence of archives that were supposed to be destroyed. At the same time, photographic projects (such as the ones discussed in this volume by Franco, Foster, and Saona) are used to explore the paths of remembrance and the creation of new visual interpretations not only of the past but also of the process of memory itself. Even when they point to the evidence of “what is shown,” they also suggest that, as Susan Sontag has argued, what is visible should not distract us from what is not shown and therefore cannot stand as proof. Photographs and their ghostly absences might suggest an understanding of the visual “testimony” of the images (like testimonial literature itself) as a paradox, in the sense that photographs serve simultaneously as evidence of the events and subjects of the past, and as evidence that those events and subjects cannot be accurately represented. The attempt to become the proof of what has been annihilated is an impossibility itself; consequently, both photographs and testimonial narratives point not only to the events they represent but also to the remains, the traces, or the “residues.”<sup>6</sup>

Visual interpretations of memory and human rights are an important part of this volume, and they address not only what is seen in a visual image (still or moving) but also what is not seen, or what is not seen very clearly. The notion of frame as discussed by Judith Butler when she rethinks the way that photography represents atrocity might be a good starting point for reconsidering the relation between photographs and evidence, as photography might serve as evidence not only of events but also of the framing of those events. Butler reminds us of the two different meanings of “framing”: the word refers both to the framing of a picture and to the action of setting someone up or planting evidence against him or her (and the transformation of an innocent person in a criminal by the action of framing) (*Frames of War* 8).<sup>7</sup> For Butler these two connotations are not separable. The frame in a visual image implies an outside and, for Butler, it not only contains what we see but also—and perhaps instead—“breaks apart every time it seeks to give definite organization to its content” (10). That breakage from the context is what holds the interpretation of the content. For Butler,

the notion of the frame implies an interpretation. “[P]hotography,” she reminds us, “in framing reality is already interpreting what will count within the frame” (Butler, *Frames* 823). Butler is reconsidering what Sontag proposes in *Regarding the Pain of Others*, in which Sontag claims that photographs do not provide an interpretation: “The problem is not that people remember through photographs but that they remember only the photographs” (89), she states.<sup>8</sup> In that scenario, language “completes” the image. Butler, on the other hand, argues that photography also implies an interpretation of reality, like a text or a painting. For her, it is precisely the silent frame that makes part of reality visible and therefore creates a rift between what has been seen and what has been photographed. It also uses angles, focus, and light as an act of interpretive delimitation (Butler, “Photography, War, Outrage” 823).

Even though photography occupies a very important place in approaches to memory and postmemory, it seems that visual interpretations are still subordinated to textual interpretations. In her critique of Sontag, Butler points to precisely this tension, with a cautionary note that I want to underline. Butler claims that Sontag assigns to narratives a more privileged place for interpretation: “Sontag faults photography for not being writing: it lacks narrative continuity and remains fatally linked to the momentary” (“Photography” 824). For Sontag, “haunting” (the primary effect produced by photographs) is subordinated to “understanding.” Butler challenges the clear dichotomy between the two notions, arguing instead for the haunting of narratives and the interpretive dimension of the photographic frame. She also suggests, perhaps more importantly for this volume, that photography might be menacing to our only model of understanding, at least the only model that is considered “reliable.” Even if, as Sontag affirms, the image “doesn’t tell us everything that we need to know” (90), Butler suggests that it might be telling us enough, and not only about the image itself but also about the meaning of the gap between what we can see and what remains outside the frame. For Butler, photography is constructed within a frame; therefore, it contains an interpretation not only of what should be inside the frame but also of what is excluded. This discussion about photography serves not only to refer to the visual images discussed in this volume but also to suggest a relationship between memory and human rights, as if memory—in particular its labors, its layers, its fragments, silences, and gaps—remained outside the frame of human rights while simultaneously framing the discourse of human rights. Is the emphasis on the fragments, inaccuracies, belatedness, and silences of memory—perhaps everything in the labors of memory that points to trauma—a way of not only framing human rights as those reflections that fall outside their frame, but also of challenging the discourse of human rights and “planting” evidence against the possibility of justice? (See Vidal in this volume.)

The representation of atrocities and the urgency to “show” horror have generated many debates about the role of the arts in reconfiguring events connected to human right violations in order to reconstruct the past, as well as the role of the arts in transmitting memories to the younger generations. The practice of memory is sometimes linked to the annihilation of the very possibility of representation in dictatorial regimes, genocide, and state terrorism; at others it is linked to the authoritarianism behind the representation of nations or of globalization. It also implies arduous labors of language. Nelly Richard has underlined, for the case of post-dictatorship Chile, the importance of the reconstruction of the link between “memoria, lenguaje y las trizaduras de la representación” (*Residuos y metáforas* 6) (memory, language and the fissures of representation) (*Cultural Residues* 15). Similarly, this volume addresses the models of representation that are present in literature, *testimonio*, and cultural debates that attempt to understand and explain atrocities, the process of the othering of the dispossessed, and the marginalization of the recourse to law (see Rodríguez, Walas, Sanjinés, Walas, Vidal, Ferrán, and Kaminsky). Either by reinventing languages to aid in remembering genocide, atrocities, and massacres, or by analyzing existing languages to attempt to reveal the vulnerability of the Other and the erasure of the dispossessed, artistic and literary practices of memory are related simultaneously both to destruction and to creation, as they represent both a record (a testimony about human rights violations) and a transformation (with an emphasis on dignity and the right to life).

I want to briefly discuss this tension through the concept of revolt along the lines of Julia Kristeva’s recent work on the subject. This concept might be useful in rethinking the link between memory and human rights, especially when considering the transformation that takes place through the creative act. This transformation, which Kristeva calls “a delicate alchemy,” resides precisely in the construction of new meaning: in a way, a resonance or an echo of the event itself (*Revolt* 122).<sup>9</sup> That distance from the event itself, that suspension of the testimonial denunciation, does not imply a questioning of the event to be remembered but, following Kristeva, a transmutation (See also Repiso and de la Concha in this volume). Even when it represents violence, artistic creation focuses on “renewal and regeneration” because, according to Kristeva, it transforms the event and produces a new angle. It is “not simply rejection and destruction, it is also about starting over” (*Revolt* 123).<sup>10</sup> The way in which Kristeva understands revolt entails memory: it is a form of *anamnesis*, a “looking inside,” not only as a social gesture but also as an intimate one. (See Repiso in this volume.) The concept of revolt in Kristeva points to the creation of a space “in between” in which a violent event is transformed in the “interstice of the individual and the world” (*Revolt* 122). Revolt implies both the representation of an atrocity and a reconstruction—that is, an act of making

human rights violations visible and at the same time a point of departure for regeneration (of the very notion of rights, of memory, and of humanity).<sup>11</sup>

Artistic and literary practices renew not only the possibility of representing atrocities and trauma but also the possibility of the restoration of the law, first in relation to the languages that will enable us to distinguish (although not unproblematically) the human from the inhuman, and then in relation to the definition of the limits of criminality. So, while I suggested earlier that the emphasis on the inaccuracies of memory and its fragments, uncertainties, and gaps could be understood as the framing of the discourse of human rights (almost like planting evidence against the possibility of justice), here I am proposing that artistic practices both question and restore the law and that in the “in between” of different layers and traces of memory, of what is remembered and forgotten—artistic labors of memory as processes and transmutations—create new meanings and interpretations that also concern the law. Art is, for Kristeva, a place in which the turn and the return of the revolt take place: the turn and rebellion against the law (the codes of representation) and simultaneously the affirmation of the law (as the limit of unrestrained drives) (see Rodríguez and Martín-Estudillo in this volume). The first movement, the turn, has to do with questioning and subverting languages and norms that serve to fix vulnerability and marginalization, and the conditions for human rights violations. The second movement, the return, has to do with restoration of the boundaries of the human—that is, with the representation of what should be considered atrocious and therefore a violation of human dignity. It is this aspect that several of the essays in this volume underscore when rethinking artistic practices connected to the memory of human rights, in particular to the memory of the disappeared: the questioning of the clear delimitations of memories and meanings, or the blurring of fixed lines, allows room for new memories and meanings to emerge, and also for the acknowledgment of the law and of prohibition. Rethinking artistic and literary practices about memory and human rights involves undoing the complete destruction of the law that genocide, crimes against humanity, and state terrorism imply (with the dehumanization of human beings, the constant abuse of their vulnerability, and the erasure of language and representation that come with it). The role of the arts through this alchemy could be thought of, following Kristeva, as both restoring the representation and restoring prohibition, and therefore reinventing the limit of what cannot be done, of what cannot be accepted: the never again.

In the first essay of this volume, Jean Franco rethinks the representation of enforced disappearance and massacre throughout Latin America in photography, film, and art installations, and in particular the use of photographs not only as a way of transmitting knowledge to new generations of memory but also as a record of “the banality of the present.” Photographs become, Franco suggests, fragile weapons against oblivion, the traces of the

past in a culture of amnesia, as well as the evidence of a presence in the past. Franco challenges Susan Sontag's assertion about the excessive value placed on memory (instead of on thinking) to argue that it is precisely memory that bridges the gap between the present and the past. Taking Walter Benjamin's metaphor of Penelope's web to represent the remembrance and forgetting that take place in the reworking of memory, as a counterpart of Penelope's work, Franco uses the notion of "purposive memory" to rethink the type of memory that "each day unravels the web and the ornaments of forgetting" (20). Going from photographs of the disappeared in the Southern Cone to the collection of photographs of the armed conflict published by the Peruvian Truth and Reconciliation Commission, *Yuyanapaq: Para recordar*; from the photographs carried by the mothers in Argentina and in Chile to Marcelo Brodsky's *Nexo* and *Memory under Construction*; and from the video installation *Fosa*, by Catalina Parra, to Patricio Guzman's *Nostalgia of the Light*, Franco revisits different representations of disappearance and of spaces associated with disappearance, such as the ESMA (in Brodsky's book) and the Atacama desert (in Parra and Guzmán). The visual projects discussed in this essay make the spectator confront not only disappearance and its interpretations, but also her or his own distance from the event, a distance that might also be filled with fascination with violence. Even if the use of photographs plays a crucial part in the transmission of memories to new generations, those photographs also constitute an unresolved enigma, argues Franco, not just because they are in the thresholds of life and death but because they are framed by the everydayness that they record, an everydayness that "blankets and obliterates the fervor of revolution and the intoxication of war."

David William Foster, too, rethinks the representation of disappearance in relation to the use of photography to record what he calls "the affective supplement" (44) of forensic research, pointing precisely to the labors of blurred memory and of vision in *Desapariciones*, a photographic project by Argentine artist Helen Zout. Foster argues that precisely what becomes visible of disappearance in the project—the remains of those who were kidnapped and murdered by the terrorist state, and the places in which their torture, degradation, and extermination took place—serves simultaneously and paradoxically both as scientific (forensic) evidence and as a metaphor for disappearance itself. Through the analysis of Zout's project, Foster points to those unstable zones in which horror is shown (as in photojournalism) or insinuated (as in art), and stresses the ambiguity of being neither complete testimony nor complete fiction. The essay analyzes the way the photographs contrast survival and death, human beings (*detenidos-desaparecidos* and their families) and places related to their disappearance (from burial grounds and the Río de la Plata to cars used in detainees' kidnappings). For Foster, Zout's project suggests that photography is able to show death and horror, and also to blur them, to make



them opaque, difficult to apprehend, and therefore calls into question the use of photography as evidence of recognizable shapes and contours and transforms it into a reminder that “the process of corporal disappearance leaves as its lasting trace the disappearance of precise historical realities” (42).

Still focusing on Argentina, and with the premise that urban spaces are zones of paradoxes between what’s visible and what becomes more and more invisible, Guillermina Walas’s essay delves into testimonial practices through murals, graffiti, stencils, and, *arte callejero* (street art). With the city of La Plata as key setting for the reconstruction of memories and for the disputes over their meanings, Walas discusses the marks of memory that bear witness not only to human rights violations but also to the struggles for memory, with their disenchantment and utopias. Her essay suggests a walking route through memorial sites in the city of La Plata (for example, the Museum of Art and Memory, the Islas Malvinas Cultural Center, the mural commemorating the Night of the Pencils, and other murals) to explore the link between memory and justice seen in the transformation of the murals with the superposition of new marks, drawings, stencils, and graffiti, as a way of registering new voices and new struggles in the present. This journey through the city involves a reflection about the persisting traces of memory and about the new struggles for the interpretation of what needs to be remembered, including the conflictive visions and superimposed marks.

Moving from Argentina to Peru, Margarita Saona’s essay examines the representation of places and objects as cultural interventions and exercises of memory that are ultimately linked to the investigation of crimes against humanity. Saona emphasizes not only memory but empathy as a key element of the practice of remembering. Focusing on the work of the photographer Domingo Giribaldi, she discusses the process of memorialization of social trauma and the role that aesthetics plays in the shaping of memory in Peru. The premise of the essay is that the use of photography not only registers atrocities but also entails an interpretation. The use of metonymy in memory practices serves to make loss and absence present through displacement, especially in projects that use objects to refer to trauma, pointing to what the objects elicit, Saona argues, not only in terms of remembrance but in terms of evidence, and to the privileging of visual practices that allow us to become witnesses through the practice of vision.

In her essay, Ileana Rodríguez analyzes the role of literature in reconstructing the symbolic order destroyed by atrocities. Rodríguez argues that the exploration of the link between memory and human rights is intertwined with the relationship between the perversion and the *jouissance* of the criminal states and “their necrophiliac forms of governance” (102). Through the analysis of Francisco Goldman’s *The Art of Political Murder: Who Killed the Bishop*, Horacio Castellanos Moya’s *Insensatez*, and Rodrigo Rey Rosa’s *El material humano*, Rodríguez highlights the importance of

literary practices to “render testimony of the events and bear witness to the effective dismantling of liberal citizenship” (93). Using the notion of “moral entrepreneurs” (93) she underscores the role of social agents that attempt to produce a change, in this case by exposing a universe that is, Rodríguez argues, perverse if not psychotic. Rodríguez reminds us that perversion is not only about the othering of the other, but also about the *jouissance* with which the destruction of the other takes place. The perversity of the criminal state, argues Rodríguez—focusing mainly on Guatemala—is both the abandonment of law and the rule of drive and spasm. Rodríguez argues that archives do not seem sufficient to repair the worlds destroyed by atrocities, even if the role of testimonial accounts about human rights violations is without a doubt a starting point in the visibility of such atrocities, and she underlines the important role that literature plays in reconstructing languages and attempting to safeguard memory of the crimes committed against indigenous Guatemalan people.

Amy Kaminsky’s essay explores the way that the history of the Holocaust resonates in many of the narratives about Jewish survivors of military repression in Argentina, not only as a path for understanding their experiences in detention centers during the last military regime or for affirming the anti-Semitism of the military juntas, but also as an attempt to recognize and expose the gaps in the representation of those experiences in the reworking of memory. This connection is explored through Manuela Fingueret’s novel *Daughter of Silence*, in the intersections between her own detention in the ESMA (Navy Mechanical School) and the memories of her mother, a Holocaust survivor. The challenge of reconstructing her mother’s memories frames the process of understanding the experience of genocide in Argentina, while bearing witness to the atrocities of the Argentine dictatorship also serves to rework the memory of her mother, with its fragments and silences. These are two different ways to envision memory, and Kaminsky uses the concepts of postmemory and prosthetic memory to rethink the narratives and the silences in the representation of collective trauma and to discuss the relationship between the subjects of memory and what is remembered through temporality (those who did not live in that time) and space (those who were not there in that place). Kaminsky’s question is about how to expand the notion of memory to different subjects who could keep the memory alive, and about how to remember through silences and gaps, particularly in the task of transmitting memories, whether to a different generation, in the case of postmemory, or within a single one, in the case of prosthetic memory. In her essay, both space (internment in Terezin and transfer to Auschwitz for the mother, and detention in the ESMA for the daughter) and time (the echoes of the past in the present) play a role in the writing and reconstruction of remembrances that in this novel are linked to female genealogy and, Kaminsky argues, to the resignification of the maternal and of maternal loss.

Ofelia Ferrán's essay rethinks the use of testimonial narratives about the Franco regime in Spain by questioning the emphasis on victimhood rather than agency. One of Ferrán's points of departure in her discussion of oppositional practices in Dulce Chacón's *La voz dormida* is the idea that agency is not something bestowed in representation but instead is something that is already there. For Ferrán, the reworking of memory in testimonial literature is also about the recognition of prisoners' survival as "agents despite their victimhood" (119). Michel de Certeau's concept of oppositional practices is used to analyze forms of resistance that Ferrán organizes in two main strategies, "adopting" (120) and "adapting" (120). The revolt of these practices implies, in her examples, a form of "transgressive maternity" (125) and therefore a maternal bond that is now "adopted" (120) with the displacement of traditional nurturing qualities within the family into social and political solidarity. The corporeality of this bond, exemplified, for example, by a prisoner's nurturing of the body of another prisoner, points to the relationship between memory and human rights beyond the vulnerability of the body, emphasizing the rewriting of the corporal representations and the practice of writing itself as part of this transformative alchemy that results in "retrospective witnessing by adoption" (Hirsch qtd. in Ferrán 128). Memory might also be revisited by new generations and by its (re)turn to the feminine reworking of maternal loss. Memory is understood in Ferrán's reading of Chacón as the reworking of language in literature (a mutual adaptation of both literary and oral languages [Ferrán 121]) that allow the telling of stories, and the use of language both to represent the suffering of female prisoners and to recognize their agency and resistance.

Moving from the representation of former prisoners to ethical issues regarding the representation and interpretation of torture, Luis Martín-Estudillo's essay argues that the representations of human rights violations—even if they are a secondary issue compared to the atrocities themselves—are battlefields on which the meaning of criminality and atrocity and the lines between what is acceptable and what is not are contested. Martín-Estudillo discusses the case of Spain, focusing on the interpretation of torture, both in the debates about torture in post-Franco Spain and in the banalization of torture in the media, where voyeurism, *jouissance*, and a perverse ambiguity about the vulnerability of the other displace political reflections about torture and normalize or even aestheticize the practice. The consolidation of democracy in Spain did not, argues Martín-Estudillo, imply a political reflection about torture, and most importantly it did not provoke relevant decisions to eliminate it. His essay proposes to shift emphasis from torture and ill-treatment to the construction of meaning around them, whether in cultural debates, mass media, or literature, as an important way to rethink human rights violations and the way they are interpreted, including their banalization and the struggles against them. With a discussion of a poem by Antonio Méndez Rubio and a

novel by Bernardo Atxaga, Martín-Estudillo underlines the role of literature in the undoing of the banal framing of torture in mass culture, and the role of aesthetics in the construction of both political and ethical responses to torture.

Javier Sanjinés shifts attention from memory related to atrocities to a reflection on the authoritarianism hidden in the metaphorical constructions of the nation. His essay focuses on the representation of human rights and the rights of nature in Bolivia through the analysis of metaphors related to the nation-state as well as the expansion of the discussion of cultural diversity in other contexts besides the politics of the state. Sanjinés starts his analysis with Fernando Diez de Medina's novels and essays, discussing the discourse of spiritualization and the allegorical representation of a mestizo ideal as a "mountain." In this territorialization of *mestizaje* during the 1952 revolution, memory seems to be erased, argues Sanjinés, as a condition of national imagination. From the metaphor of the mountain, he moves to the metaphor of the "amphibian" (165), a starting point for the new utopia created by the first peoples of the lowlands in two mobilizations in the 1990s. The memory of ancestral symbols brings time and space together—instead of a spiritualized and almost eternal version of nature—and, according to Sanjinés, serves as a demand for tolerance and interaction between human beings and nature. The metaphor implies communication and mediation between cultures and the possibility of elaborating laws that can more adequately represent difference. Sanjinés revisits the notion of "plurinationalism" (168) in the present-day Bolivian state (defined in the 2009 constitution) and argues that despite this recognition of rights, it is crucial to rethink the logocentric model of the 2009 constitution, with its homogenized vision of plurinationalism. His argument points to the conflicts in the paradigms of knowledge that, for Sanjinés, are condensed in another metaphor, the highway (and its primacy of a development project), in contrast with the metaphor of the amphibian (which rejects the civilizing process and demands rights of nature). Through the metaphor of the "highway" (171), Sanjinés underlines the reformulation of the territorializing project of 1952 and its project of assimilating the indigenous population into the nation-state. The reenactment of the victory of progress and the rule of man over nature, argues Sanjinés, leads to violations both of human rights and of nature.

A different perspective is offered by Hernán Vidal in his reflection about universal truth, which shifts the discussion to the impact of the debates about postmodernity in Latin American cultural studies in the United States on what he calls a "deliberate weakening of the ability to align critical studies with a tradition of transcendental values set firmly in the humanities" (181). Taking this crisis as a point of departure, Vidal calls once again for a hermeneutics based on human rights, focusing on the possible interconnection between literary and cultural critique and the concept of

judicial truth, and on the legal notions of *jus cogens* and *erga omnes*. For Vidal, framing the question about human rights within postmodern/poststructuralist literary and cultural approaches undermines the ethics of the humanities and is not effective for the study of cultural phenomena. Vidal proposes a return to the epistemic categories that situate the universality of human rights at the center of the discussion, using the concept of imperative law to indicate a way to not only define what is “human” (and what is atrocity) but also understand transnational relations and their effects at both the national and the local levels. In the last part of the essay, Vidal discusses the “right to truth” not only as related to knowledge of human rights violations but also as a way to prevent such violations, and the role of interpretation as an effort to endorse both the imperative laws and the possibility of projecting human rights for future generations.

This volume ends with the reflections of two artists about their work on memory and human rights. The first of these essays, by the artist Félix de la Concha, discusses his projects with Holocaust survivors and survivors of the Spanish Civil War, which combine portraits with videotaped testimonial narratives. His essay reflects on the process of painting the portraits while recording the stories in two-hour sessions, and on the documentary presenting some of the participants’ narratives and the different stages of the portraits during the conversations with de la Concha. The essay reflects not only on his own participation and involvement but also on memory and the transmission of memories to younger generations, as well as on ethical issues related to artistic creation. De la Concha’s projects pose questions about the gaze of memory and about the different perspectives that are part of the artistic construction of memories (the artist, the fixed camera, survivor, the witness). His work is a collaborative one: his portraits capture the subject of memory during two hours in which the survivors tell their personal stories. The portrait becomes a metaphor, de la Concha suggests, for the persistence of memory, and for the survival of the subjects of memory.

In the final essay, the artist Miguel Repiso (Rep) reflects on his own work on memory and human rights through his comics and murals. His essay addresses the differences and continuities between the two, rethinking not only memory but also its representation, which is intertwined with both space and temporality. Rep discusses, for example, the possibility of returning to the same human rights issue on different days from different angles in his daily comic, and the depiction of the temporal continuum used in narrative sequences in his *Mural del Bicentenario*, a look at two hundred years of Argentine history. Rep contrasts the continuum in this mural with the lines that create interruptions and jumps in time in his comic strips and in the comic-like sections of two other murals discussed in his essay (*Treinta* and *Twelve*) that transform the narrative sequence between sections into

condensations within the lines that frame them. His essay also reflects on the representation of individual and collective memory, arguing that the exercise of memory concerns both directions intermittently. Focusing on the link between memory and human rights, Rep underscores his particular interest in representing human rights violations “from the micro [level] to the macro [level]” (198), that is what can be seen from far away, as well as the details through which multiple stories can be represented. The labors of memory are understood in his essay as cultural battles that are capable of imagining revolt: “During times when defeat was everywhere, culture carried the torch, the flag of resistance” (212), Rep reminds us. Even if art takes atrocity and terror as a point of departure, it affirms life and justice. His reflections involve a rethinking of the layers of remembering, both for the artist and for the viewers, almost as an excavation of the many different aspects of those memories, those that are visible and those that are concealed or almost invisible in the “in-between” of his comic strips or the comic-like sections of his murals.

Walter Benjamin uses the image of his childhood bedroom to point to a well-remembered place he kept for many years not only as remembrance of the past but also as oblivion and incompleteness. The exercise of returning to the image of this room in search of a memory he thought was lost implies both a revision and a belatedness. The urgency of testimonial accounts can be contrasted with the sinuous paths of remembrance, in which often what was condensed in a place—surrounded by details that point to the gaps in incomplete memories—is what has been forgotten there.<sup>12</sup> Going back to that place implies, for Benjamin, an excavation of the areas in which some memories were hidden and forgotten.

All the different ways of going back discussed in this volume—to images, still and moving, well defined and blurred; to places, to traces, to metaphors and metonymies; to subjects of memory, to testimonial accounts, to objects and spaces; to gaps; to temporality; to narratives and to silences—rethink the link between memory and human rights; the layers, images, and narratives used to reconstruct their frames; and the new angles and visions that serve to regenerate revolts and to renew struggles for justice.

## Notes

1. The reference to memory as excavation and to the layers of memory alludes to Walter Benjamin’s “Excavation and Memory,” in which Benjamin states, “Language has unmistakably made plain that memory is not an instrument for exploring the past, but rather a medium. It is the medium of that which is experienced, just as the earth is the medium in which ancient cities lie buried. He who seeks to approach his own buried past must conduct himself like a man digging. Above all, he must not be afraid to return again and again to the same matter; to

scatter it as one scatters earth, to turn it over as one turns over soil. For the ‘matter itself’ is no more than the strata which yield their long-sought secrets only to the most meticulous investigation. That is to say, they yield those images that, severed from all earlier associations, reside as treasures in the sober rooms of our later insights—like torsos in a collector’s gallery. It is undoubtedly useful to plan excavations methodically. Yet no less indispensable is the cautious probing of the spade in the dark loam. And the man who merely makes an inventory of his findings, while failing to establish the exact location of where in today’s ground the ancient treasures have been stored up, cheats himself of his richest prize. In this sense, for authentic memories, it is far less important that the investigator report on them than that he mark, quite precisely, the site where he gained possession of them. Epic and rhapsodic in the strictest sense, genuine memory must therefore yield an image of the person who remembers, in the same way a good archaeological report not only informs us about the strata from which its findings originate, but also gives an account of the strata which first had to be broken through” (576).

2. Hugo Vezzetti, Elizabeth Jelin, and Hugo Achugar, among others, have also pointed to the importance of understanding the link between past and present as an attempt to find a place for the past in the present (Vezzetti), as “the battlefields in which the present debates about the past as a way of building a future” (Achugar 161), and as the resignification of the past that takes place in the crisis of the present through memory and forgetting (Jelin).
3. The non-applicability of statutory limitations.
4. Paul Ricoeur reminds us that the dimension of the crimes restricts the very possibility of forgetting. Imprescriptibility for Ricoeur is “the first major test of the practical problematic of forgiveness” (458) and therefore allows the permanent continuation of the crimes of the past in the present, where the prescription that stops a state from investigating a crime after a certain period of time is suspended.
5. Many approaches to memory have emphasized the debates between memory and history in relation to temporality, whether in the form of a boundary between past and present or of the instability of that boundary. Huyssen underscores that there is no longer a clear, definitive boundary between present and past: the past encroaches on the present and temporal boundaries are now weakened, as suggested in the title *Present Pasts*. The paradox discussed by Huyssen is perhaps represented by the crisis in the effectiveness of the historical discourse at creating a meaningful and stable relation between a community or nation and its past (1) and the cultures of memory that are located between the desire for stability and the seductiveness of the flow of images, archives, museums, and stories “of human achievement and suffering” (5) that are marketable because it is the suffering of the memories that they evoke.
6. See Nelly Richard’s discussion of cultural residues in *Residuos y metáforas*, and of photography in “Imagen-recuerdo y borraduras.”
7. I am thinking in particular of chapter 2, in which Butler discusses ethical issues surrounding the representation of war and torture in the media through photographs—and with reference to the photographs of Abu Ghraib prisoners—that serve not only to represent atrocities but most importantly to frame humanity as belonging to one of two categories: those who count as grievable and those who do not.
8. For Sontag, photography can move us only briefly and does not incite interpretation. For Butler, photography and documentary images in general are framed for a purpose, and that purpose is interpretive. The discussion is about “embedded reporting” but can also be applied to any image that meets certain criteria. For

Butler, Sontag's question is whether photographs are able to communicate human suffering powerfully enough to incite political action. And even though Sontag is more ambivalent in *Regarding the Pain of Others* than in *On Photography*, she stills fears, Butler argues, "that photography has lost its capacity to shock. That shock is a kind of cliché and that photography tends to aestheticize suffering to satisfy a consumer demand" ("Photography" 824).

9. I am referring here to *Revolt, She Said* (2002), an interview with Philippe Petit, and also to *Intimate Revolt* (2002 [1997]) and *The Sense and Non Sense of Revolt* (2002 [1996]).
10. When Kristeva is asked about the possible effects of the two opposing strategies of representation of massacre (the first being the attempt to represent it as faithfully as possible, and the second through metaphor and evocation) on the psyche of the viewer, Kristeva answers with a reference to *Les demoiselles d'Avignon* and *Guernica*, pointing out that in both cases the transposition of violence implies transformations of the codes of representation (*Revolts* 122).
11. It is important to note that revolt without anamnesis might be, for Kristeva, closely related to totalitarianism: "I can never sufficiently emphasize the fact that totalitarianism is the result of a certain fixation of revolt in what is precisely its betrayal, namely, the suspension of retrospective return, which amounts to a suspension of thought" (*Revolt* 6).
12. That room with all its details is remembered as the place that holds both the memory and the forgotten: "So the room in which I slept at the age of six would have been forgotten, had not my father come in one night—I was already in bed—with the news of a death. It was not really the news itself, that so affected me" (Benjamin 633). He then tells the story again with some differences: "I was perhaps five years old. One evening—I was already in bed—my father appeared, probably to say good night. It was half against his will, I thought, that he told me the news of a relative's death. The deceased was a cousin, a grown man who scarcely concerned me. But my father gave the news with details, took the opportunity to explain, in answer to my question, what a heart attack was, and was communicative. I did not take in much of the explanation. But that evening I must have memorized my room and my bed, the way you observe with great precision a place where you feel dimly that you'll later have to search for something you've forgotten there. Many years afterward I discovered what it was. Here in this room, my father had "forgotten" part of the news about the deceased: the illness was called syphilis." (635).

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