

### ◆ 3

#### **Human Rights/Sexual Desires: Incest/Pedophilia/Rape**

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Every day Nicaraguan newspapers report cases of young girls being assaulted by their fathers. These are men who utilize their daughters sexually. Headlines inform the public of outrageous deeds in dreadful language such as “Ante el juez hombre que violó a su hija 3,650 días” (Nuevo Diario [ND], January 21, 2008) (Man that Raped his Daughter for 3,650 Days Goes Before Judge); “Tiene solo diez años y siete meses de embarazo” (ND, January 24, 2008) (She is Only Ten Years Old and Seven Months Pregnant); “Viola a tres hijas menores” (ND, January 27, 2008) ([Man] Rapes Three Minor Daughters). These and other stories of adult cases of rape can be read as corollaries to those of incest, pedophilia, and rape.<sup>1</sup>

For this essay I am reporting on only some of the cases that occurred between December 2007 and January 2008. This gives an idea of how common these incidents are, how daily human rights violations expressed in sexual assaults occur, and how a cross between rape, incest and pedophilia intersect.<sup>2</sup> These occurrences not only sublate the extreme cases of violence against women but also account for what, in appearance, are the permissible practices of *feminicidio* (femicide). Therefore, my questions are as follows: 1) can these practices be considered part of a “normalized” male culture—in Nicaragua or elsewhere?; 2) Is male sexual libido held in such high esteem that rape becomes an ordinary, quotidian practice?; 3) Is this a flagrant human rights violation sanctioned by culture?; 4) Is it really sexual desire and pleasure that is at stake?; and 5) Is it legitimate to consider these cases simultaneously as three counts of criminal offense: incest, pedophilia, and rape?

In my attempt to answer these questions using newspapers as my source material, I have found that in evaluating the perpetrator’s mindset, the legal frames of reference to account for their deeds and how they intersect with concepts of human rights, and media reports give the impression that old and

controversial notions of “human nature” constitute the subtext. This notion, central to nineteenth century Naturalism, served positivistic regimes to explain social deviancy in physiological terms—impulses and hereditary factors that could not be held in check either by the individual or a weak State. I may be wrong, but the old concept of “human nature” resonates in Freudian concepts such as the libido, in the relationship between repression and impulses that lead to his theories of civilization and its discontents, strongly accented by liberal ideas of individualism, civil society, and “the common good” which are the hidden presuppositions<sup>3</sup> Echoes of these hypotheses can also be heard in legal and medical uses of DNA, postmodern versions of genetic theory that today serve neo-liberal and global paradigms and regimes.

Horror and science fiction imaginaries are also related to “human nature,” “the libido,” and hereditary hypotheses. Actually, they hyperbolically and allegorically enact the new sensibilities of fear mediated by criminology or science and associated either to all kinds of experiments performed on human bodies—in laboratories, hospitals, or prisons—or to space program imaginaries that invent mutants of all kinds. In a much mediated fashion, it could be suggested that human nature arguments contradict the philosophies of hedonism embraced by queer studies today, even with all their differential twists. Stitching these paradigms together sequentially might sound farfetched. However remnants of these ideas emerge when reading newspaper articles about pedophilia, incest, and rape between the lines. Ghosts of Naturalism are present mostly in the given or the unexplained, as well as in the idioms and sensibilities of *costumbrismo*, as visible in the language of field workers or peasants transcribed by newspaper reporters verbatim. In the transference of these ideas from the fields of physiology to those of psychology, and from there to hard sciences, the genealogies of humans and their nature vibrate.

My claim is that although pedophilia, incest, and rape are intimately connected to instincts and primary impulses (nature), there is no sexual pleasure, desire or hedonism involved. Rather, incest, pedophilia, and rape are related to fear and hate, to adult disempowerment, inadequacy and social resentment (Maddock and Larson). To vent these frustrations, children become ideal, available, and “permissible” “safe” victims. In this sense, feminist readings of erotic and horror films in terms of “the gaze,” “the lack,” or pleasure in seeing women suffer, offer very generative insights. They provide theories on the “pervert’s” mindset (Nicaraguan newspapers call it aberrant) which, combined with political theories of failed or rogue States, lead to profitable scholarly directions.<sup>4</sup>

My strategies to answer the questions posed above come from feminist philosophers of law speaking about “contested concepts,” and feminist cultural critics discussions on pornography and horror films. I also make use of literary analysis to identify the discursive fields in which the events are

mapped. My way of approaching these events is first a close reading of texts to identify the language used to report these cases. A close reading helps identify the narrative forms and various epistemic frames and institutions involved in these issues, and, above all, the warp and weft of intersecting ideas. Considering these same events considering discussions held in other fields, for instance, theories of libidinal impulses combined with images set for purchase by horror and pornographic films, sheds light on the mindset of the perpetrators—in particular the extreme cases of snuff films.<sup>5</sup>

I recognize the tension between incest and libidinal impulses—which Spivak<sup>6</sup> has addressed regarding Freud's suspension of his studies on hysteria—as well as that implicit in lifting the concept of human nature from the terrain of 19th century Naturalism and positivism and placing it on the ground of hard science, particularly related to genetic code and DNA theories as analogue. However, my sense is that these two tensions subtend the theoretical treatment of the perpetrator's behavior, which is why I use feminism to unravel the question. I am also burdened by the impact of horror film narratives in remote rural communities and peasant mentalities, places that we would believe are outside of the narrative power of these images. However, illegal film reproduction is rampant and entertaining television programs that intentionally reproduce these narratives (not to mention the press) are far-reaching, in such a manner that they have become embedded in the sensibilities of people and part of public imaginaries. I am aware of such conundrums. I have concerns about our discipline and I am haunted by the idea that rapist horror narratives are the new academic frontier in visual studies, narratives that grant academics, like me, a language to speak about ungraspable yet real things—although as critics that is very much our task. My privilege is that I work within the realities of failed States where the nature/nurture divide is not marked by a strict division between the public and private as in other States. Little or no governance, State evasion of responsibilities is clear when women are publicly held accountable for men's sexual crimes and when mass media espouses the idea of family responsibility as opposed to the State's obligation to protect the rights of children. Blaming the victims and naturalizing behavior is perhaps the stimulus and protective mantle that culture extends to men.

### **Narrative Languages, Frames, Codes**

Public narratives that relate cases of incest, pedophilia, and rape are characterized by a mixture of narrative codes, some more psychological, some more sentimental, some legal, and most of them embedded in a mix of *costumbrista* and naturalistic discourse. This style alerts us to several issues:

1) These cases are not treated by one single discipline, although psychology and jurisprudence are the most prevalent. Aberrant, degenerate, or abuser are amongst the most common adjectives to identify the subject, if not the only ones; 2) The sentimental, moral, and religious codes not only invoke the Church as a source of authority over society, but also takes us directly to the family as the unit charged with the protection of children, and expected to be functional and stable in the midst of a chaotic and failed State; 3) When the legal code supercedes the moral code we are already in the field of politics which place us within the ideal policies and politics of “modern democracies,” and consensus and “reconciliation,” where political society rules civil society and human rights violations directly refer us to the State and its lacks. I am offering two narrative samples, one moral, and the other legal.

### **Case One: Moral Narratives**

On January 27, 2008, Francisco Mendoza, a *Nuevo Diario* journalist reported that a fifty-nine year old man accused of raping his three daughters would be released from prison after serving only one third of his sentence. Although the story claims to be about “justice,” the kind of justice prevalent in Matagalpa, Nicaragua, the tale told is more a sentimental one, appealing to our sympathy and compassion for the children, victims of a malevolent, careless father. This is how the story goes: An “aberrant father” began abusing his then six year old daughter and continued to abuse all of his three daughters between 2002 and 2005. He brought them to work with him and during the day took them by the hand to the bushes or banana fields and raped them. To hide their cries of terror and pain, he stuffed their mouths with grass or banana leaves. He first raped the six year old, then the seven, then the eight year old. The date and place of the first violation is known—the journalist’s source is not mentioned—October 5th (year not stated) at 3:00 pm at Los Pinares’ ranch. Covered with blood, the child fainted. Pretending he was a good father, the man wrapped the girl up in his shirt, took her home and laid her in the mother’s bed. In 2001, at 8:00 in the morning, the father took the second daughter to a banana plantation (*chaguital*), cut down the banana leaves, made a bed, ordered her to take off her clothes and raped her. In 2002 he took his third daughter, eight years old, to another banana plantation and did the same to her. He repeated the act of wrapping them up when bleeding and in shock, taking them home and setting each to rest in a bed or a hammock, as a good father would do. The rapes became known through a schoolteacher that had gained the trust of one of the young girls. We are told that not only did the mother know about the

occurrences (she and the children were afraid to speak up because the father threatened to kill them) but also the community at large knew about it and feared the father as well.

The gory details of rape fill the entire narrative space and lead the reader to forget that the initial intention of the journalist was to denounce the State's lack of responsibility in regards to the children by releasing the offender early. The most common term used in this narrative to name the suspect is "aberrant," "degenerate," "abuser" and "rapist." That is, a man deviating from what is psychologically normal or desirable. He is also qualified as unscrupulous, morally or ethically unrestrained, and a sexual abuser (a rapist), that is responsible for physical or psychological maltreatment, and illegal, improper or harmful use of children (pedophilia). Aberrant behavior, also qualified as unrestricted and shameful, not only indicates sexual abuse of children but also certain cruel methods such as stuffing grass or banana leaves into the children's mouths, which ran the risk of suffocating them.

Undoubtedly, this old man is a transgressor, a "pervert" in the heterosexual sense of the term, someone who not only uses sexual violence against his own family members (incest) but also threatens the community at large. The man knows he is carrying out a forbidden act, an offense, further aggravated by his pretensions of appearing as a caring father. The language referring to the physical location and the man's occupation—grass land (*matorrales*), banana field (*chaguitales*), cleaning up beans (*aporreando*) — are borrowed from *Costumbrismo*, a late 19th century literary style, while stuffing mouths to suffocate their cries and hiding is more proper to horror film narrative sequences. I believe that this example answers question number five raised above in the affirmative. That is, it is legitimate to consider these cases simultaneously as incest, rape, and pedophilia and as three counts of criminal offense.

The story is explicitly narrated as a tragedy, but where does the tragedy lie? In the fact that children are unprotected by their parents—both mother and father—or in the fact that the State does not render the proper justice, not only failing to prevent abuses but also by forgiving offenders before their sentence is over? Actually, the real modern tragedy resides in both. Rendering the mother responsible for heading off the offense no doubt accentuates the irresponsible nature of the State and the reduction of public discourse to sentimental narratives. Legality is present, true: it frames the narratives. The State of law is made explicit not only in the mentioning of the police who investigated the crime, but also in the public offices involved: the judges and magistrates, and the invocation of the Children and Adolescent Code. However, while pointing to State offices enmeshes us in the legal apparatus, the suspension of the father's sentence reveals the total indifference of the State towards children and answers question number three. Evidence shows that this flagrant violation of human rights is

consented to by culture. That accounts for the use of irony, borne out by not mentioning the names of the minors “in order to protect their identity” and invoking the Children and Adolescent Code to keep them anonymous by labeling the girls A, B, and C. But, who was the State really protecting?

An interesting turn is when the moral and sentimental stories turn abject and become abhorrent. The journalist informs that the father acted as if “possessed by the devil” and later that the rapist’s “impulses are let loose.” Here is where analysis by horror and pornographic film specialists can be useful. To speak about horror, feminist theorists (Stephen Heath, Tania Modlesky, Laura Mulvey) invest heavily in psychological language and use concepts such as “the gaze” and “the lack” to come to terms with what they call visual pleasure. Here is how Linda Williams puts it: whenever movies show an effective image of terror, men look intently while women cover or avert their eyes. This, she interprets, is because women refuse to witness their own powerlessness in the face of rape, mutilation, and murder, but also because there is little offered that women can identify with. Her point is to underscore the male dominant character of the gaze as well as to highlight that visual pleasure is a male prerogative. Women are there to be looked at, men are there to look. This may seem nonsensical. However, refusing to see, blinding themselves on purpose, serves as a metaphor for the absence of women’s desire in the interpretation offered by Williams.

Laura Mulvey’s influential re-reading of Freud has applied his theories to cinema and to the reception of the image by women. Mulvey’s take is that the male gaze in film implies two forms of mastery over the threat of castration posed by women’s “lack of a penis.” First, a sadistic voyeurism which punishes or endangers the woman through the agency of an active and powerful male character—to look at women from a certain distance is a prerequisite of the voyeur’s pleasure. Second is a fetishistic overvaluation which masters the threat of castration by investing women’s bodies with an excess of aesthetic perfection. Here the incestual father falls into the first categorization. The whole scene as described by the journalist is an enactment of punishment. The finale occurs when the father, knowing his offense and trying to cover it up, wraps the bleeding, crying, and in-shock girls in his shirt to make believe he is a loving and caring man.

In reference to the horror genre, feminist critics assert that it is a truism of the genre that sexual interest resides most often in the monster, and that the monster-power is one of male difference. The monster is a biological freak, of uncontrollable appetites, with a threatening potency that the “normal” male perceives as a lack. There is then, on one side, the distance of a voyeur and, on the other, the encounter with the deformed monster. When women encounter the monster, his deformed features suggest a distorted mirror-reflection of her putative lack according to patriarchy. Films such as *Peeping Tom*, *Demon Seed*, *Eyes of Laura Mars*, *Psycho*, *Dressed to Kill*, and *Chacotero Sentimental* express the perverse structures of seeing that

operate in the genre as well as the masochistic character of female imagination that calls for her punishment at the hands of a monster. The horror tradition then is said to deepen the woman's own responsibility for the horror that endangers her. The woman's sexually charged look at the monster encounters a horror version of her own body. The monster is woman, one of many mirrors held up to her by patriarchy. Actually, the real horror of horror movies is not the monster but the mutilated bodies of women, that is, the metaphoric moment in which monster replaces woman as site of the spectacle.<sup>7</sup> And here we find the answer to question number two: male sexual libido, the primary impulses of his body, are culturally held in such high regard that rape becomes one of his ordinary quotidian practices.

In the context of Nicaragua, this reading simply looks ridiculous. However, the terms to describe the father who abused his three daughters (aberrant, degenerate, abuser and rapist) do nothing but remark the above categories. By calling him "possessed by the devil" or "letting his impulses loose," a man who satisfies his desires in occult places makes him comparable to the monster in horror movies just as feigning to be a good father likens his conduct to that of a psychopath. Viewed from the eyes of a child, the sequence of bringing them to work, taking them by the hand to the banana fields, making up a bed of banana leaves, forcing them to take off their clothes and lie down under the threat of death, brings to light what horror movies do when presenting through the actions of the depredator the sheer terror of his victims who are suffocated so that they cannot be heard, not even by him, who nonetheless is always looking at them. This sequence is very similar to the case of a seventeen year old girl reported in the first paragraph of this essay, whose aggressor not only inflicted physical damage upon her, the criminal abuser ripped her skirt and with the shreds of the same tied her hands and feet, gagged and blindfolded her, and then dragged her several feet to rape her multiple times between 9:00 am and 3:00 pm when he abandoned her in the middle of a pool of blood. What is amazing is that she still had the determination to go to the nearest house to ask for help, only then fainting. The police were immediately mobilized and captured the rapist as he was trying to cross the border to Costa Rica. He awaits trial. In many cases such as this, the woman is found dead months later, like the case of women found in Nueva Segovia, at the border with Honduras, between trees in the forest, or those that are still missing. Or we have the case of a forty-six year old man that abused his daughter for a decade, beginning when she was six years old. The girl reports that he beat her with a rope before raping her. Framing the story within a faulty legality and venality of judges not only reinforces the horror of the story but underscores the failed nature of the State in providing protection for the human and civic rights of the people. It also responds to questions one and four above, namely, these practices could be considered part of a "normalized" male culture in Nicaragua and sexual desire and pleasure is not at stake here.

I find that cases such as those I have mentioned are not only narrated like horror film sequences, but are also experienced by the general population as if looking at a horror film in which a man who, because of his psychic makeup, is portrayed as a freak, very much like the film *Peeping Tom*, as studied by feminists. This is a film in which psychodynamics of specularity and fear and scopophilia as the morbid urge to gaze are palpable. In her analysis of the *Peeping Tom*, Carol Clover asks why people watch horror movies, and her short answer is because the mirror image of a woman in a state of terror lends pleasure to the photographer/filmmaker (and the rapist, father or not) and at the same time constitutes the art itself.<sup>8</sup> The pleasure is construed through the mediation of the eye of a camera, or the eye as camera, that creates the necessary distance required that Williams spoke of, to constitute the pleasure of the voyeur. The bewildered face of the woman as light flashes into her eyes and then the look of terror, caused by something unseen, gives the rapist a thrill. In *Peeping Tom* the sudden expression of fear, a blinding light, a hidden threat along with the technical device of a spike and mirror with which the camera is equipped excites us. When women feel the spike touching their throats they know they are going to die. As the spike goes in they/us see their own terror. In capturing the moment of their deaths, the camera allows us to see terror in the picture of death itself.

### **Case Two: Legal Narratives**

The second case is brief. It is the case of a ten year old girl who is pregnant as a result of sexual abuse committed by her stepfather. The headlines read “The Other Rosita” in reference to a similar case that gained great notoriety in the newspapers (and deserves a separate analysis). The case of this “new” Rosita is narrated in the language of science and legality. This is a case in which public and civic institutions intervened, and in their services to the community visited rural homes and thus had access into people’s private and even intimate lives. These medical services, voluntary and gratuitous, are rendered to the communities by organizations of socially-oriented physicians, generally working for non-governmental organizations. One of the physicians, on his regular rounds, could see the girl was pregnant and so took her to the hospital for an examination, notifying the legal authorities. The police proceeded to look for the perpetrator but he had already fled. In his place they captured the mother who was subsequently released in order to take care of her children at home.

The question was what to do with the girl. First, she was given shelter in another civic institution *Mi familia* (My Family) where she received medical attention. After that, doctors engaged in a discussion about the risks and



dangers of the child's delivery since the reproductive organs of a ten year old make a natural delivery impossible. Doctors recommended a C-section, also dangerous. Two problems surfaced immediately, pointing to the precarious nature of the civic institutions providing help to the poor. The girl needed psychological attention but the center did not offer the services of a psychologist. They also lacked adoption services/information. The civic institution's lack of resources points not only to the poverty of State resources, but also how they are allocated and managed, as well as the remedial type of help provided by NGOs. I argued above that this is the situation of failed States, although I am ready to concede that at least, in this case, precarious as they may be, the civic institutions do exist and that, in the current state of affairs, their presence will be interpreted as a "sign" of progress towards more democratic societies.

State intervention curtails the possibility of a horror and porn reading of this text. However, regarding the situation of the child, the language of *costumbrismo* and the narratives of sentimentalism re-emerge as does that of trauma and terror. Organized medical sciences and social bodies had taken control. On January 8, 2008, Maria Teresa Crespín, a member of one of those civil organizations, *Movimiento contra el abuso sexual* (Movement Against Sexual Abuse), wrote an editorial piece titled "Hablemos de abuso sexual. Es cierto que la sociedad se contradice cuando se habla de abuso sexual?" ("Let's Talk About Sexual Abuse. Is it True that Society Contradicts Itself when Speaking About Sexual Abuse?"). In her article, Crespín's analysis coincides with my assessment. Her main claim is that the family structure first and the social structure second, serve as sanctuaries for rapist, pedophile, and incestual practices. That is, these practices are cultural and culturally sanctioned. To prove her point she makes reference to several instances in which the mother sided with the (perpetrator) father or the brother, the teachers defended the rapist teacher, and in some cases, the entire society sided with and defended the rapist—a complete gestalt. Here is what she says about one of these cases:

El año pasado también se denunció el abuso sexual cometido por el padre Dessy contra cinco jóvenes en Chinandega, la sociedad chinandegana reaccionó a favor del padre abusador y en contra de los jóvenes que vivieron el abuso sexual. Hubo manifestaciones a favor, oraciones colectivas a favor y hasta una canción le dedicó Carlos Mejía Godoy. Es más, hace algunos días en una actividad pública a la que asistió uno de los jóvenes volvió a recibir insultos y humillaciones por ser uno de los denunciantes en este caso.

(Last year, the case of sexual abuse committed by Father Dessy against five young children in Chinandega was denounced, and the Chinandega society took a position in favor of the abusive priest and

against the young boys that suffered his abuse. There were rallies organized in the priest's favor, collective prayers for him, and even a song sung by Carlos Mejia Godoy. Furthermore, some days ago, one of the young boys attended a public function where he was insulted and humiliated publicly for being one of the accusers in the case.)

This case hits home because a friend of mine, who had also been sexually abused in her childhood, was dissuaded from making a public statement in denouncing the abuse or coming out publicly as a child who had been abused. Her favorite brother discouraged her, arguing that a public confession would only bring dishonor to the entire family. In other words, let sleeping dogs lie. Such is the silent and silencing nature of rape. Crespín's conclusion is that inside the family, at home, rape is seen as something "natural"—an ordinary, quotidian practice—part of male human nature perhaps, and that male sexual libido and the primary impulses are held in high regard. Crespín provides further examples. Inside the family, the oldest children beat the youngest, men beat women, men have rights because they work and bring money to support the house, therefore they can scream, hit, rule. Jurisprudence philosophers provide the language to understand masculine privileges and the law. In "Rethinking Obligations for Feminism," Nancy J. Hirschmann states:

Freedom is a constituent element in the conception of human nature that founds much of Western political theory but is constructed and defined as freedom for men at the expense of freedom for women. Particularly important to state of nature of theory and contemporary liberalism, the 'naturally free' individual provided the ontological basis for conceptualizations of obligation, property, justice, and democracy [. . .]. Women's 'natural' embeddedness in both maternal relationships and monogamous heterosexual relations means that they are not fit 'subjects' of liberty, for they can neither make 'free' choices, nor access 'right reason.' But underneath this lies an even deeper assumption that freedom depends on self-control; whether the self is abstractly individualistic or communal, control over self must be absolute if freedom is to be preserved. Women's location in the concrete and everyday, of course, reveals the impossibility of such control; but that is why they must be excluded from freedom. Indeed, their responsibility for the uncontrollable aspects of human relationship is what permits the myth of control to be perpetuated. (10)

Hirschmann provides the theoretical language with which to read the cultural language used to explain incest practices in Nicaragua, thus dovetailing feminism from the centers and feminism from the peripheries. Crespín cites a book titled *Romper el Silencio* published in 2006, written by Maria Lopez Vigil. In this book Lopez, as Hirschmann, links power and sexuality as one indissoluble trait of male consciousness: the meaning of patriarchy, a naturalized sense of rights. Crespín's solution is to stand up and fight sexual abuse; to realize that the perpetrators are inside our own homes and members of our own families. She includes at the end of her article an email address of a place that, I assume, provides services to abused women. I am sorry to report that I never received a reply to the email I sent.<sup>9</sup>

Here I want to point out two interesting observations from Crespín's piece: one is the "naturalization" of abuse rather than the "naturalization" of human rights, and the complicity of social institutions to cover up acts of violence against children and women. The second, which is a corollary of the first, is the role of the mother who, in most cases, becomes the accused, the person responsible for the uncontrollable aspects of human relationship. Most of the newspaper articles report that "the mother did not know" what was going on at home, in her immediate environment. This suggests that she *did* know, that she just pretended not to know, and that she tolerated the abuse either to save herself or to obtain favors from the man of the house (such as economic support). This fact alone creates a strong tension between the public and the private, between generations, and within relations of affect that are then transferred to the public and soil the relationships between men and women, between the law and lawlessness. Considering arbitrary acts as bridging the law, philosophers of law like Iris Marion Young argue against consensual concepts such as rights and justice. In her article "Displacing the Distributive Paradigm," she states:

I quoted Rawls earlier to the effect that justice concerns the distribution of 'rights and duties,' and talk of distributing rights is by no means limited to him. But what does distributing a right mean? One may talk about having a right to a distributive share of material things, resources, or income. But in such cases it is the good that is distributed, not the right. What can it mean to distribute rights that do not refer to resources or things, like [power, opportunity, agency, and self-respect] [. . .]. We can conceive of a society in which some persons are granted these rights while others are not, but this does not mean that some people have a certain 'amount' or 'portion' of a good while others have less. Altering the situation so that everyone has these rights, moreover, would not entail that the formerly privileged group gives over some of its right [. . .] to the rest of society's member, on analogy with a redistribution of income. Rights are not fully conceived as possessions. Rights are relationships, not things; they are institutionally defined rules specifying

what people can do in relation to one another. Rights refer to doing more than having, to social relationships that enable or constrain action (553).

One important question is the location of justice. In a failed State people cannot expect justice to be rendered to them, but that does not excuse us from raising the question. Justice has to be moved away from the “distributive paradigm” that resides in counting benefits and taxing liabilities into more “metaphorical” aspects of justice there included self-respect and the use of power.

To conclude, I want to discuss the idea of human rights. The conception of human rights distinguishes between civil, human, political and economic. Whereas civil rights are moral and legal entitlements and are predicated on solidly constituted States, human rights are endowments of life itself—the nature argument. Civil rights can be understood as political, moral, and legal entitlements, refer to self or enforced restraints, and imply notions of citizenship in that they are viewed as privileges that can be conferred or withdrawn. Human rights do not require such a frame. Economic rights are a last addition to human rights and they refer to the right to work, education, and culture and therefore are located within restricted social frames. Some of these concepts have already been severely contested by feminist philosophers of law, and finding them lacking they have contributed to their revisions and addenda, or in the case of Young, the inclusion of intangible rights such as power, opportunity, agency, and self-respect.

I have presented several ways of narrating incest, pedophilia, and rape as an example of the violation of children’s human rights. I have distinguished in newspaper articles a blend of legal, sentimental, horror, and porn narratives. Each one of these narratives invokes a bibliographical corpus, centers sets of concepts organized in structures, and vies with each other to obtain public consensus. When placing each one of these narratives side by side, some are more plausible than others. Legal and sentimental narratives are more likely to produce consensus than horror and porn narratives. That is because they enjoy longer cultural lives. Horror and porn narratives constitute minor cultural subsets. However, as minor as these narratives may be, they have gone into areas of darkness where the law does not usually intervene. Through concepts such as “the lack” and “the gaze,”—seldom accepted by the narratives of law—horror and porn narratives offer a plausible explanation of the whys and the hows of pedophilia, incest, and rape as violation of the human rights of girls. The larger framework invoked by the newspaper articles is that of the law, but what they demonstrate is the weakness of the State through the interweaving of narratives. The coalescence of sentimental, horror, and porn narratives subtend not only the weakness of the State but also how this is predicated on

the cultural acceptance of men's drives that could only be properly narrated as horror and porn stories.

The real point of this hermeneutical exercise, however, is not simply to demonstrate how narrative uncertainty regarding the storytelling of the same event, here the interaction between adults and children, is symptomatic of the confusion of different political regimes and of unachieved transitions in the early twenty-first century. It is also to question if children are embraced by the notion of rights. Although in "failed" States, rights seem to be truly beside the point, my approach contributes to underscore the tensions and complications of human rights, public and private, and how they intersect concepts of human nature such as they have been discussed culturally. My claim is that violating the human rights of children represent three counts of crime, incest, pedophilia and rape, and that if we are to insert the cases within the frame of politics we find a convergence of romantic, modernizing, populist and democratic ideas of the nation. What remains to be answered is what the human libido and the philosophies of pleasure and desire hold when they intersect the law: are they the human rights of men? And if so, what are the human rights of children?

## Notes

1. For instance, on December 31, 2007 a story appeared in *Nuevo Diario* about a thirty-two year old man that raped and suffocated his seventy year old aunt in El Rama and also raped a nine year old girl. On December 29, 2007, *Nuevo Diario* reported the case of a twenty-five year old drunken policeman that raped a nineteen year old woman in Managua. There is also the case of a seventeen year old girl who, while walking to her grandfather's house in La Azucena, a community to northeast of San Carlos, was accosted by a twenty-four year old man. As she resisted the assault, he drew his machete and struck her three times, twice in the neck and once in the head causing cranial fracture. After that he tied her legs and arms, blindfolded and gagged her, and raped her repeatedly for approximately four hours (*La Prensa*, January 4, 2008).
2. In my previous research, I proposed that clandestine forms of labor—traffic of goods, drugs, bodies and body organs—are "industries" that flourish on the shadows of *maquila* labor and serve as a subtext to *feminicidio*. Getting acquainted with "illegal" profit-making enterprises led me to pedophilia's large and clandestine markets, which in turn led me to pay attention to incest, pedophilia, and rape as it was reported in the newspapers in Nicaragua.
3. See Jean-Michel Labaté, *Lacan in America*: "Though the concept of drive pays heed to what is often called the human body's **perversion** or deviance from the natural order, only bad faith would prevent us from admitting that the notion of a non-natural body is a contradiction in terms and therefore untenable. A body is clearly a part of nature. If one wants to hold onto the notion of drive (and psychoanalysis as given us many reasons why we should), the only way to avoid contradiction is to

assume that the notion implies not an overriding so much as a redefinition of nature. Which is precisely why, of all Freud's notions, that of the drive has had the least success in attracting supporters; it obliges a kind of rethinking that only the boldest of thinkers would dare to undertake. The question one must ask is: How does drive determine human embodiment as both a freedom from nature and a part of it? In sum, the conviction that bodies matter does not exonerate us from having to ask this fundamental question, "What is a body?" (279).

4. See Judith Fehergurewich. "The Philanthropy of Perversion."
5. An excellent example is the film *Demonlover* because of its global context. The film mixes a discussion of child pornography in Japanese comics for children, and the sale of women's bodies in Mexico by an Anglo-French corporation.
6. See Gayatri Spivak. "Can the Subaltern Speak?"
7. See Linda Williams. "When the Woman Looks," in *Dread of Difference: Gender and Horror Film*, 15-32.
8. See Carol Clover. *Men, Women, and Chainsaws: Gender in the Modern Horror Film*.
9. [Hablemosde.abusosexual@gmail.com](mailto:Hablemosde.abusosexual@gmail.com)

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