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Reseña / Review

Fernando J. Rosenberg. *After Human Rights: Literature, Visual Arts, and Film in Latin America, 1990-2010*. Pittsburgh: Cultural Formations of the Americas Series, 2016.

The Grammar of Justice

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Fernando Rosenberg's *After Human Rights: Literature, Visual Arts, and Film in Latin America, 1990-2010* grapples with the impact that the narrative of human rights has had on various art forms—photography, conceptual art, film, the novel, and critical theory—across Latin America. At the same time, it shows how the specificity of Latin American art can unsettle the problem of human rights on both global and conceptual scales. Rosenberg's book revisits and revises in compelling ways prominent theories of Agamben, Arendt, and Althusser, showing how Latin American art can offer its own responses to their influential accounts. Also noteworthy is its extensive dialogue with legal theorists, which, Rosenberg proposes, offer literary scholars alternative models to deconstructionist accounts of the law.

After Human Rights is bookended by two figures: one, a territory, that of the desert; the other, the Peruvian indigenous photographer Martín Chambi (1891-1973). These anchors may surprise us in a book that inscribes itself so firmly in turn-of-the-century artistic production, for both exceed the periodization of the

book's title. But this exceeding is precisely part of Rosenberg's methodology, and lies at the core of his argument: Janus-faced, his study looks back into Latin America's literary and visual postcolonial history, while grounding itself in that highly charged moment (1990s-2000s) when narratives of human rights and neoliberalism first flourished then fizzled. While the desert continually returns us to foundational questions of property and dispossession—constitutive of Latin America's postcolonial condition—Chambi's photographs offer a response to the law from outside of the *letrado* tradition, at a moment of the nation-state's consolidation in the early 20th century, a response that continues to provoke us in the present. (In a study that abounds in innovative interpretations of artworks, Rosenberg's readings of Chambi are particularly compelling, sustained and careful.)

Throughout, Rosenberg pursues an idea: "Human rights are internal to legal logic but at the same time radically at odds with it" (199). The art that emerges "after human rights," in turn, has a similarly fraught relationship to the human rights narrative itself: it at once critiques its failed promises and borrows from them to up the ante, sketching the limits of the narrative and querying its unrealized potentials. Rosenberg plays with the adverb *after*—at once a temporal marker, denoting the ostensible eclipse of the human rights narrative, and one of affinity (or, as he puts it, "an expression of desire" [12]). His main interest is in uncovering how human rights has a particularly doubled and fraught valence in the context of contemporary Latin American art: how the promises of the human rights narrative are taken up repeatedly in excess of its limitations and, therefore, how the marker "post" is woefully inadequate to sketch the size of its dreams. In these works, created in the wake of the transition from dictatorships and devastating civil wars to neoliberal democracies, "the idea of justice returns forcefully, an open question rather than a guiding principle, reinstating a sense of the common and disrupting politics as a mere struggle for power, self-interest, and the accumulation of capital" (5). Thus, "if the language of rights is in this sense what comes after the demise of inherited ideas of the common, this language cannot be altogether dismissed, *as it facilitates new ways to constitute life politically*" (9).

In seven chapters and an epilogue, the author analyzes works by artists working in and among Mexico, Cuba, Colombia, Peru, El Salvador, Argentina, and Chile, as well as the metropolises of global capital (London, New York). We move from novels to traveling art exhibits to documentaries to video art in, as Rosenberg himself suggests, a movement away from literature's authority and

towards the increasing power of the audiovisual (30-1). As this outline suggests, the corpus is heterogeneous: from canonical novels of an earlier era (Rulfo's *Pedro Páramo*) to contemporary documentary, and moving through performance and conceptual art, which has a particularly strong presence in this study. Among the major artists/writers he analyzes in the book are Laura Restrepo, Fernando Vallejo, Horacio Castellanos Moya, Tania Bruguera, Patricio Guzmán, Jorge Volpi, and Cildo Meireles, along with up-and-coming figures. Along the way, he underscores key conceptual categories, including neo-liberalism and its discontents, *seguridad*, the "consumer-citizen," biopolitics and immunization, and precarity, as well as new regimes of visibility opened up in our present. In this respect, Rosenberg is in good company within Pittsburgh's *Illuminations: Cultural Formations of the Americas* series, which has been curating an impressive catalog of scholarship on the audiovisual. This study also enters into dialogue with other questions of late 20th and early 21st century art and its scholarship: the *sicareasca*, *pornomiseria*, relational aesthetics, and the return of the real in contemporary cinema studies.

The last decades of the 20th century, Rosenberg notes, witnessed a shift in the role of the residual figure known as the artist and writer. He or she is newly situated in and conversant with new international circuits, including "art galleries, global art fairs and curators, literary agents, and multinational publishing houses," all in search of a newly-valorized "peripheral difference" (25). As he remarks in Chapter 4, where the question of transnational circulation is more explicitly treated, contemporary art must "travel well, both virtually and physically" (98). This global market also produces the difference it claims to discover, and it frequently gravitates, Rosenberg shows, toward the narrative of human rights. Rosenberg is careful to distinguish the transnational from a celebration of the cosmopolitan—a key term for his inspiring first book, *The Avant-Gardes and Geopolitics in Latin America* (Pittsburgh, 2006)—and this study takes on the ways in which the transnational is itself subsumed into capitalism. This is true not only as a description of both the contemporary publishing and art markets, and the position of the Latin American artist and writer within them, but also because the human rights narrative itself pendulums between an appeal to the nation-state's failed promises and the global marketplace of ideas, images, and texts, the latter with its seeming unboundedness and flexibility serving to reinscribe the increasing ferocity of capital. He is equally careful in a book whose force often lies in its comparative thrust, at the level of both

the chapter and the book as a whole—to note the specificities of national contexts. (The case of Colombia is particularly fleshed out; artists and novelists from this country are well-served by Rosenberg’s elegant and sustained readings.) Yet he also holds open the possibility of alternative community formations within the transnational frame: the promise of human rights, at its most forceful and critical, can be a force of resistance to both the nation-state’s sovereignty and the market’s hegemony, even if it is indelibly bound up with both in its messy particulars. Throughout, artworks present different, at times quite complex, responses to the failure of institutions such as the state or the triumph of the neoliberal market place.

Chapter 1, *After Human Rights*, situates the book’s argument both historically and conceptually and defines the key stakes for the study: what the narrative of human rights did, does, and can do; its promises and its pitfalls; and art’s response to it. In providing a history of the emergence of the human rights narrative, this chapter shows how this narrative had a profound impact on “the very constitution of the political” (1), including the formation of the subject and the idea of a collectivity—thus, human rights ends up functioning like a magnet to consider the political and the common good. This narrative, with and through its pretensions to universality, also has a particular weight and force in Latin America.

Chapter 2, “Literature Between Rights and the Possibility of Justice,” opens with a reading of *Pedro Páramo* as a text that, like Chambi’s photograph “Campesinos en el juzgado” (1929) in the previous chapter, functions as a springboard with which to decipher the present. Rulfo’s masterpiece frames Rosenberg’s reading of two Colombian novels that also feature protagonists in search of justice: Fernando Vallejo’s *La virgen de los sicarios* (1994) and Laura Restrepo’s *La multitud errante* (2001). In these three approaches to the problem of political community, especially through questions of land, territory, and belonging, we find a historical shift: if Rulfo’s canonical novel provides “a theoretical matrix to think about literature and the law in the Latin American national predicament,” constituting “the classic literary example of the dualities and splits, which the sovereign state was supposed to mend,” in the more contemporary novels “nothing resembling an act of sovereign power as a totalizing colonization or subjection of the political imagination is present” (30-1). In their very resemblance to Juan Preciado, these protagonists and their authors also reveal the historical rift that separates them from Rulfo. In Restrepo’s novel, for example, displacement becomes a chronic condition, one “whose perpetuating agents and causes are no

longer identifiable”; her characters are “grounded” only in the temporary and contingent site of the *albergue* and, beyond it, the shape-shifting territory of the global marketplace.

Chapter 3: “Global Fictions, Truth and Reconciliation, and the Judgment of History,” examines what Rosenberg calls “novels of truth and reconciliation” that emerged in the late 20th and early 21st centuries. These novels do not themselves stage processes of truth and reconciliation but rather the limits of this “global, metajudicial paradigm” that became protagonists after the dictatorships and civil wars in the second half of the 20th century on the subcontinent. As “*post*-post-dictatorship narratives,” they reevaluate the ‘judicialization of politics’ of truth and reconciliation commissions (TRCs); the idiom of diverse TRCs—of which Latin America is the world’s “largest producer”—are themselves put on trial in these works (58, 63). Yet Rosenberg resists the easy move of privileging novelistic discourse over that of the TRCs, finding room to contrast the Peruvian TRC’s efforts with the problematic aspects of some of its more visible novelists’ (notably, Vargas Llosa and Santiago Rocagliolo), in particular in their ascription of violence to Andean popular culture. Here, the Peruvian TRC, despite its flirting with instrumentalization or patronizing moves to visibilize marginalized cultures, also provides an alternative to the novelists’ exotification and condescension.

If the post-dictatorial novel, per Rosenberg, was invested in the logic of national mourning, these later novels are positioned to “assume their status of global cultural commodities, consciously catering to an international audience,” including prizes, festivals, and publicity (62). It is in this chapter, then, that he begins to articulate the shift away from literature, the focus of his study up until this point, and towards the audiovisual arts that will occupy the remainder of the book. In this respect, the move recalls and builds upon Josefina Ludmer’s notion of a post-autonomous literature (*Aquí América Latina. Una especulación*, 2010) and it is heralded by the plots of these *post*-post dictatorship narratives themselves: “It is not by chance that the upset authority of the man or woman of letters is central to every one of the novels discussed in this chapter” (86). Yet it is also here where Rosenberg’s strengths as a scholar of literature are on full display, in particular through his reading of Horacio Castellanos Moya’s *Insensatez* (2004). The madness of the novel’s title is here not read thematically but formally and discursively as a novel of irreconcilable truth and reconciliation. In the open secret of genocide that

Insensatez registers, Rosenberg finds a labor on language that seems, like the photographs of Martín Chambi, to speak to him (to us) in particularly powerful ways, with its “language whose capacity for poetic invention, for articulating the unprecedented, is at the same time a political interpellation” (90).

Chapter 4, “Exhibiting *The Disappeared*. Visual Arts and Auratic Distance,” examines a collective touring exhibition (originally organized by North Dakota Museum of Art) on the disappeared, a paradigmatic figure of the narrative of human rights. Rosenberg’s reading of the exhibit pivots on a reconsideration of the poles of exhibition and cult value, as defined in Walter Benjamin’s “Work of Art in the Age of its Mechanical Reproduction.” He queries these terms’ displacement and inversion, and the subsequent shift in the status and location of the *aura*, in contemporary museum practices. This query also allows him to return to the tensions between the local and global that interests him throughout, for he argues—riffing on Benjamin—that “exhibition value gains prevalence in the transnational arena, albeit by invoking a cult value assumedly at work in its original locus of enunciation as a primary site of expressive authenticity” (22). Moreover, “the cult value of a work of art is today directly linked to its exhibition value, as its market valuation inspires its own fetishistic cult” (98). Like Judith Butler, in her recent work on precarity and precariousness, Rosenberg explores here “the ethics of identification at a distance.” He finds multiple ethical possibilities and impossibilities in the different works exhibited, tracing how they are repositioned as both artist and artwork migrate among sites. As elsewhere in the book, Rosenberg uncovers a double valence in this circulation: it is at once the potential for “developing networks of solidarity and action,” but it might also play to a global marketplace, eager to consume the tokens and vestiges of a history of Latin American violence “as expressive of a ‘cultural identity’” (94). He thus shows how the traveling exhibit reinscribes the artists as representative of national histories and politics—which become, in the site of the museum, their own source of *aura*—and eschews their own transnational circuits of production and circulation.

Chapter 5, “Judicial Documentary, Evidence, and the Question of Technology,” looks at the linkages and overlaps between documentary film and legal form in their narrative strategies and appeals to evidence. Analyzing the genre of the “human rights documentary,” the author shows their compensatory efforts: “these films might offer the comfort of a tangible role for cultural production, sometimes subsumed under the heroic role for the documentarian,” even when, as

in the present, notion of judicial authority itself has entered into profound crisis (124-5). He wonders if different notions of justice can be discerned amidst this paradoxical critique of and reliance upon the legitimating codes of both documentarian and juridical operations. (Many of these films also participate actively in judicial process themselves, he shows.) All this in the context where “the desire for the real is also capitalized, coopted, dramatized, and deepened in a spectacular display in all areas of entertainment and information,” and where the “ubiquitous presence of cameras has given way to a boom in the capture of moving images” (122). Here, technology at once posits a means of striking back at corruption and displays the difficulty of direct experience.

This chapter thus dovetails nicely with the vicarious, voyeuristic interest in state violence in the museum, explored in the previous one, and the following chapter’s analysis of violence and spectacle. In Chapter 6, “After Interpellation I: Police Violence and Spectacle in José Padilha’s Films,” Rosenberg continues to probe the complicity between contemporary filmmaking and the way in which other media shape the construction and spectacle of both crime and justice. This chapter weaves together a reading of the noted Brazilian filmmaker’s most well-known films—the documentary *Ônibus 174* (2002) and *Tropa de Elite/Elite Squad* (2007) and its sequel (2010)—to explore questions of the spectacularization of violence and its relationship to the new biopolitics of security, which increasingly stands in for the sovereign authority of the state (both in and beyond Latin America). This chapter allows Rosenberg to delve into the question of the televisual, increasingly central to both the political and artistic realms. If, as Rosenberg will argue in the next chapter, “hypervisibility does not take an ulterior order for granted” (189), this does not mean that these documentaries are content to merely tautologically mirror the current order of things: they can also reflect, perhaps homeopathically, or self-critically, on their (our) own imbrication in the mediatic processes that link together realms previously considered distinct: art, politics, consumption. Padilha’s filmography, he argues, both participates and distances itself critically from our contemporary moment’s “regime of spectacular hypervisibility” (147). Thus, the filmmaker’s work is a particularly potent example of Rosenberg’s argument that art after human rights cannot maintain an exterior position to the regimes of representation that it criticizes, a point he develops further in the subsequent chapter.

The book’s final chapter, “After Interpellation II: Artistic Performance

and Police Collaboration,” uncovers a corpus of contemporary works—mainly, video art and performance art, including dissident Cuban Tania Bruguera’s *arte de conducta*—that not only take the problem of security as their thrust, but also actively collaborate with the police in their own production. As in the previous two chapters, Rosenberg reads these works at once symptomatically—as a sign of the evacuation of sovereign power and its role in the display of ‘legitimate’ force, privatized forms uncoupled from a centralizing authority—and in a generative fashion, “displaying posthegemonic constellations expressed in the dynamics of security and rights” (196). In the present, both the police and the state that they metonymize have lost their force. But art, too, has suffered its own losses: with respect to its interrogation of the state or, alternatively, its shoring up of the national through cultural hegemony (178). Here, Rosenberg examines the ways in which scenes of “arresting, exemplary punishment” serve to immunize against risk in a biopolitics where protection has given way to the performative display of insecurity and its response (184). The term *performance* serves to link the activity of both actors, police and artists, and this linkage prohibits the artist from taking a purely exterior stance with respect to the bodies and institutions he or she incorporates into her own labor. As we have seen, this is a recurrent theme in the study, especially when Rosenberg is dealing with audiovisual objects: art loses its power to denounce yet it may reveal something else in its intimate complicity with new forms and configurations of power. In fact, “the artist-police collaborations are significant because of what they set to bring together, the immaterial co-labor of artist and police” (Ibid). Here, Rosenberg draws on theories of the changing nature of labor in the present, in which the consumption and surveillance of images (as in the work of Hito Steyerl, cited here; or that of Jonathan Beller) itself becomes a form of work in the 21st century. The chapter is most interested in how different forms of immaterial labor combine in this police performances to form an unlikely “col(labor)ation.”

In the study’s compelling Epilogue, Rosenberg highlights a dimension latent in the study thus far: the question of the relationship between human rights and that which lies outside the realm of the human. The epilogue is grounded in a reading of Patricio Guzmán’s documentary *Nostalgia de la luz* (2010), which telescopes the times of the Pinochet dictatorship with a much deeper ecological time, one materially preserved and “archived” in the desert’s dry air and multiple, sedimented layers, including those of bones and stars. Here, too, Rosenberg’s prose sings: Guzmán’s documentary “arranges its subjects in constellations, each part

following its own trajectory and divergent speed and temporality, but sharing a common space of destiny...an intersection of lines of flight that intermittently illuminate each other, expanding each other's hermeneutic horizon; but also reverberating with each other's movements and upheavals" (201). While Guzmán provides us with a sustained meditation on the optical (with his images of telescopes and in the infinitesimal optics of bone fragments or stardust), his film seems to offer an antidote to the "hypervisibility" that was itself on display in the two preceding chapters. Rather, Guzmán "populates" and "appears" that which has been rendered blank and absent (209), while eschewing the spectacular violence in which the other documentaries and performance art pieces seems to be inevitably immersed. In this way, Rosenberg unexpectedly, and in a deeply satisfying way, finds a non-anthropocentric entry point into a narrative that would seem to epitomize its opposite: "The development of nonhuman rights out of the human rights narrative and social movements points back to what was central to human rights all along: its planetary dimension" (209). The book thus ends gesturing at what a non-anthropocentric orientation "after human rights" would look like; interrogating the *human* in that phrase; pointing the way towards a planetary future.

It is no coincidence that it is Guzmán who is allowed the last word in this compelling study. The legacy of the militant art of the 1960s and 1970s runs through several of the book's chapters, as an underlying, subtle provocation. One senses the way in which Rosenberg grapples with their continual power, their sting, despite the fact that the conditions that produced them have radically shifted in the last twenty years. A question that undergirds this study—intercut with its sustained inquiry into legal and juridical processes—is *what can art do?* Rosenberg wants to consider how discourses of human rights might, against the grain, function as a "radical displacement of liberal categories" (12). He thus wants to address the "broader implications" of Rama's *letrado*: not only the Foucauldian disciplining of the lettered sphere but also the "different discursive, literary, or artistic practices that exert pressure on the legal order by rearticulating, reimagining, and materializing a promise of justice," one that exceeds legal limitations, at once "recognizing" and "transcending foundational violence" (20). In this respect, *After Human Rights* is perhaps most indebted to Walter Benjamin, especially his "Critique of Violence."

After Human Rights can also be fruitfully compared to Joseph Slaughter's *Human Rights, Inc.: The World Novel, Narrative Form, and International Law* (2007). That influential book, winner of the prestigious René Wellek Prize, sought to trace the

relationship between the genre of the *Bildungsroman* and the narrative of personhood inscribed in human rights, with a focus on literature of the Global South. Like Slaughter, Rosenberg seeks to explore how the promise of human rights far exceeds the often strikingly narrow purview of both its conceptual and material effects. In zeroing in on the Latin American context, however, his book provides us with a sense of how a close attention to its unique history can trouble both celebrations and rejections of the human rights narrative. In addition, by moving from novels to other forms of cultural production, Rosenberg provides us with a ‘thicker’ sense of the present *qua* present, of the shifting grounds of legitimation of art’s relationship to the political.

After Human Rights opens and closes with a reading of two deserts, conjured up by seminal Latin American writers and artists: Juan Rulfo and Patricio Guzmán. Their deserts, far from ahistorical spaces, are densely laden with fraught histories; in their ostensible blankness, territory, dispossession, and violence are disputed and exercised: the femicides of Ciudad Juárez, for example (205), or the devastating wars of the Pacific of the nineteenth century, or the seizures of indigenous territories that found the postcolonial state. For “[d]isappearance today is not something horrible that happened in the past; rather, it keeps happening not only to people and bodies but to reality as well” (208). And because “the narrative of human rights is neither temporarily closed nor formally self-enclosed” (199). In grappling with these questions, Rosenberg provides us with a rigorous, at times dense, and richly rewarding account of how the narrative of human rights has had powerful, delimiting, and potentially transformative effects, even after its ostensible disappearance or diminishment as the 21st century advances.