

## AN AESTHETIC APPROACH TO ISSUES OF HUMAN RIGHTS

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At a moment when Latin Americanist literary/cultural studies in the U.S. are struggling to define an ideological posture that will best exhibit their educational humanist potential, Human Rights can be identified as the last remaining universal discourse with the proven capability for such an endeavor. The transnational Human Rights movement has had an explosive growth in the last decades, as exemplified by the enormous number of non-governmental organizations (NGOs) recognized by the United Nations and other inter-governmental institutions.

In the study of Human Rights issues there has been a predominance of the juridical and political science disciplines. From their perspective, political institutions involved in violating or upholding Human Rights appear as a set of bureaucratic givens with a life of their own, whose comportment must be studied with a totally empirical approach, without questioning the ideological basis of their constitution. If the Humanities are defined as the study of the ways in which human beings create analogical, symbolic systems to give meaning to their environment, relationships, and purposeful actions therein, experiencing them as coherent fields of intellectual-emotional-bodily responses, the Humanities can make a special contribution by connecting the behavior of political institutions with a nation's historical tradition, its ethos as represented in narratives of national identity, and the ideological conflicts occurred within this framework. A Humanistic

approach to issues of Human Rights requires an aesthetic, ethnographic perspective.

In the broadest sense possible, by aesthetic perspective I understand the ways in which the human species has refined through the ages their cognitive and sensual capacity to intervene in natural and social processes in order to pursue utopian visions that will further enrich their sensory and sensual make up. In order to inject this dimension into the study of Human Rights issues I think a discussion must first invoke a number of universal anthropological characteristics pertaining the evolution of the human species. This eventually permits the transfer of key legal concepts into aesthetic categories related to the poetic disciplines. In this sense I do not restrict the meaning of "poetics" only to literary fiction; I also include any prophetic vision or statement of a philosophical or political nature calling human beings to concerted collective action to make concrete perceptions of "the good society", "the common good", "the true quality of life", and "the ideal human being". Obviously, such an endeavor entails an overload of conceptual meaning for a short presentation like this. In order to profile these universal anthropological characteristics in the clearest, most succinct way I will present them in the guise of a schemata that may generate discussion, corrections or further development, and accuracy. These concepts arose from my experience in more than two decades of research, teaching, and publication on Human Rights issues in Latin America, especially Chile <sup>1</sup>.

**Appropriation of surplus value: the genesis of civilization.**

Societies capable of accumulating a vast surplus of material and symbolic production that will not be consumed in immediate survival are institutionalized in terms of class differentiations. Their share of this surplus will be distributed hierarchically according to their participation in production and administration of the infrastructure. Saving and allocating this surplus requires a bureaucracy that will channel resources and expenditures according to customs, religion, predominant ethical norms, laws, needs, and crises. In fact, then, these savings and allocations imply the institutional creation of degrees of plenty for decision makers in control, and institutional administrators, and various degrees of material and spiritual scarcity for those producers who have little or no influence in the distributional process. The plenty/scarcity divide is justified according to ideologies (sex and gender valuations, religious, philosophical, legal, ethical, artistic principles) that make dispossession of the majorities "natural" and "stable" according to the will of "god(s)" and the need to preserve "tradition", the "soul of the people" or "the nationality". An underclass is thus created according to racial, ethnic, sexual, gender, political and religious forms of discrimination. Their physical aspect and comportment will show their more or less limited access to food, clothing, lodging, healthcare, and education. The disciplines enforced in order to maintain the distributional criteria is called *civilization*.

Civilization should be understood as the virtual, potential, concrete, effective degrees of violence needed by the political institutions, especially the State, to implement the system of alienations that enforce the

existing allocation of plenty/scarcity. According to their historical experience, all human collectives and individuals were, are, and will be affected by some material/spiritual scarcity and the yearning for some form of plenty.

This scenario suggests that violations of Human Rights understood as arbitrarily preventing human beings from access to all the material and spiritual goods available in a society will always occur until a way is found to discern how satisfaction of human needs can be achieved without depriving anyone.

#### **Culture as utopian potential.**

Inevitably, the symbolic and discursive systems and material tools created and used in the maintenance and expansion of the established productive and administrative institutions will afford sectors of the population the capacity to imagine and visualize utopias that clash with the prevailing alienations and show options to surmount them. This recurrent utopian potential may be called *culture*. Culture entails ever-increasing attempts to create coherent discourses, symbols, and metaphors that contrast the failures of established social orders to solve flagrant incapacities to redeem dehumanizing scarcity. The established order is found wanting in contrast to utopias not yet achieved, which perhaps will never be achieved. This is the root of *poesis*, the universal capacity of the human species to constantly redefine "the good society", "the quality of life", "the common good", "the ideal human being" through the arts, literature, philosophy, and political science.

**Noetic experiences.**

Those persons the established social order has endowed with the highest intellectual and emotional qualities of human solidarity may eventually experience the frictions and conflicts between the hardships of civilization and the redemptive promises of culture as profound spiritual crises. Eric Voegelin has called these crises *noetic experiences*. In the midst of their everyday life these individual are acutely affected by the sensory impact and contemplation of the emaciated and distorted bodies, minds, and decay surrounding those condemned to extreme scarcity, in sharp contrast to the accoutrements making the powerful the exalted personification of the alienation system they represent. The dispossessed and the powerful are in fact mutually reflecting mirrors of alienation in that the dispossessed buttress and reproduce the system with their submission to enslavement or dispossession, thus impeding the liberation of the humane potential of the powerful. In this case, unless historical junctures precipitate general revolutionary action, the presence of the dispossessed will not go beyond provoking feelings of guilt among the powerful. At the most this guilt will be compensated by charity.

International Human Rights law for times of peace and armed conflict must be understood as located in the realm of noetic experiences.

**Monuments to Bad Faith.**

The insurmountable contradictions entailed in the scarcity/plenty, civilization/culture oppositions indicate human experience is marked by permanent social tensions. Humans tend to alleviate them creating *sutures* to these

oppositions by means of the kind of language that will produce some kind political *stasis*. Noetic experiences generate a *logos*, opaque symbolic expressions that require generations of interpreters and commentators to unravel their meaning. Their tracts may provide fundamentals to religious, political, philosophical, ethnic conceptions and national identities and genealogies. The function of these tracts is to provide a sense of common ground and destiny for a human collective in order to carry forth even the most violent disputes and conflicts. Eventually, simply because ethnic or national collectives in conflict with internal/external enemies have no other option but to inhabit an ancestral territory or in a world of tighter transnational relationships, they must come to a *reconciliation*. Conflict cannot proliferate unchecked.

Reconciliation demands a mutual accommodation by which opponents and enemies must consciously abandon and condemn to oblivion vindications that may have originally given rise to conflict. These betrayals are not actually forgotten and eventually reemerge to compound alienations and conflicts newly established. Jean-Paul Sartre called *bad faith* these instances of conscious will to forget. To reinforce the spirit of reconciliation certain dates, places, individuals, documents, texts and icons are designated as monumental sites to commemorate the salient events that mark the exhaustion of old conflicts, the ensuing peace, and the fatalistic inertia of unavoidable need to inhabit within ancestral territories. *Narratives and symbols that define national and ethnic identities should be understood as monuments to bad faith and their fundamental characteristic is the attempt to provide*

*rational or coherent formats to highly/extremely contradictory social tensions.*

I will return to the issue of ideological *suture/stasis* later on.

### **Gnostic realism.**

If the preceding concepts carry any analytical and interpretive value, we must surmise violations of Human Rights (= institutionalized violence to sustain alienation systems) not only have occurred; they are occurring right now, and will continue to occur. Such awareness forces the defense of Human Rights movement not to rely on apocalyptic conceptions of History that predict the imperfect human condition in the present will eventually be redeemed by the justice of a new, everlasting social order. Revolutionary periods of liberation are followed by the institutionalization of new alienation systems. Millennial conceptions of History promote the persecution of those who supposedly betrayed initial revolutionary principles, be they sinners, atheists, the bourgeoisie, communists, Islamic terrorists. A Gnostic conception of History may clear such prejudices so that we may concentrate on the short periods of liberation that cyclically and inevitably occur.

### **Modern imperial civilization.**

Modern world history has been propelled by the alienation systems imposed by the geopolitical expansion of European nations with imperial capabilities. In the jargon of World-System Theory this expansionism functionally divides geography into a Center (=metropolis)/ Periphery (colonies) scheme. In historical sequence, these imperial

central powers have been Spain, Portugal, the Netherlands, England, the United States, and, nowadays, transnational corporations. The alienation systems imposed by these Centers re-arrange the material and spiritual institutional characteristics of the precedent civilizations to serve their political, financial, and military institutions. They were designed according to basic economic-philosophical tenets of surplus value production and appropriation - Mercantilism, Free Trade, and the "Washington Consensus" behind the neo-liberalism related to the "global economy".

The Central powers dictate the products they expect from the Periphery, the financial terms of production, the commerce channels, the pricing system, the allocation and concentration of workers, the production places, resources, and calendars that regiment the draining of surplus value from the Peripheries to the imperial Centers. A commercial system is instituted by means of which the prices of peripheral production will always be lower than those that must be imported from the Center. Imperial impositions exacerbate the already existing "normal" social fractures of scarcity/plenty, civilization/culture in the Peripheries.

Implementing imperial tenets gives rise to discourses that ineffectively tend to homogenize the peripheral civilizations following three principles -*salvific mission* (for instance, the Spanish imposition of one God, one Church, one Universal Law, one universal language; "Europeanization" and "Progress" during the XIX century; "Modernization" during the XX century; "Globalization" at present); *ecumenism* (homogeneity of bureaucratic, legal, financial, business principles and conceptions of an affluent society); *super-exploitation of the labor force* in



that the return workers will receive will be as minimal as possible to facilitate accumulation of the surplus value and profit remitted to the Centers. The relationship among these three principles is highly unstable and eventually propels ethical and moral crises resulting in libertarian noetic experiences.

**Cultural polarization: civilization versus barbarism.**

The instability alluded to can be empirically observed in the development, styles and maintenance of the areas devoted to fully serve the imperial production/commerce/administrative systems. These areas have urban and architectural designs that reproduce those prevalent in the metropolis, and allow for similar lifestyles and consumption patterns in the Periphery. Persons who inhabit these areas have access to schools that train peripheral personnel in the language and ideological logics (art, science, law, religion, tastes), and technologies of the metropolis so that they may serve as liaison agents between the local civilization and the Center. Acquisition of these behavioral patterns differentiate the peripheral populations into those deemed to be *civilized* (whites, *assimilados*, *mestizos*) who have access to education, power, positions of prestige, international connections and mobility equivalent to a higher "quality of life" and the image of "ideal human beings". The majorities who are excluded for racial and ethnical reasons mostly serve in the bureaucracy and production oriented to the national populations or menial jobs not demanding any specific skill. Their educational standards are much lower or non-existent and their lifestyles and "quality of life" are

deemed to be "marginal", "traditional", "backward", "uncivilized", "barbarian".

Depending on the number of products connecting the local economy with the global system, large masses are either partially or permanently unemployed. As they migrate or crowd the surrounding areas of big cities they are viewed as a ubiquitous, lurking threat of violence, chaos, criminality, perversion that must be forcefully policed and contained.

### **Dependency.**

The Center/Periphery relation is a simultaneous process of integration/disintegration that affects both poles. In their regional interventions the imperial economies profoundly rearrange the social, political, and economic structures. To expedite their production, administrative, and commercial designs, they make obsolete traditional beliefs, customs, ways, mores and geographic special places, monuments, and historical salient points that identify previous/ancient civilizations. Their social evolution is directly or indirectly altered, oriented or controlled by external oligarchies in alliance with local/national oligarchies whose interest is to integrate the region to the global productive system.

Thus, a situation of *dependency* is defined when regional dynamics of change at the economic, politico-institutional, ideological levels and class relationships do not respond to locally defined needs but to impositions of external powers who integrate a region into their sphere of economic, diplomatic, and military influence, such influence mediated by internal oligarchical interests in affinity.

**Human labor and History.**

The significance of the concept of *dependency* can be gauged if History is understood as the capacity of human beings to change their sensory, sensual, intellectual make-up, and increase their instrumental creativity in the labor to modify their environment, the social relations and institutions that bind them collectively in order to satisfy material and spiritual needs. The accumulation of all kinds of material and spiritual instruments created for such labor open up new usage options that give rise to new needs in ever widening spirals that enrich human sensibility, demand more complex norms and powers to hold civilizations together. Particular ways of accumulating and using through the ages material and spiritual labor patterns confer civilizations their distinctive symbolic and ideological uniqueness. The idiosyncratic use of their surplus value appropriation systems and ideological justifications also suggest new liberation options from all kinds of restrictions, wants and needs.

*Dependency* implies distortions to the meaning of History. It indicates that the free will that human beings may have exercised in developing their civilizations gradually re-orient their particular ways of being in response to technologies, stimuli and incentives introduced by the expanding influence of foreign systems of surplus value appropriation that do not respond to these idiosyncratic ways developed through millennia. Peripheral civilizations intervened by global economic systems encounter great difficulty and uncertainty in discerning the most convenient kind of connection with global systems when dealing with technologies designed and propelled

according to alien scientific, philosophical, and ethical norms that may take generations to comprehend, acquire and use for local purposes, if ever possible.

### **The "Global Risk Society".**

Niklas Luhman and Ulrich Beck argue that this uncertainty has been deepened and generalized throughout the world system because of the secrecy and compartmentalization in which transnational conglomerates (TNC) have proliferated in the last decades. TNCs are self-contained systems that develop their products, designs, technologies, procurement and banking arrangements, investments, marketing, contracts and international connections in extreme secrecy. Thus TNCs generate independent, specialized subsystems with little communication among themselves which are difficult to submit to overall command and control. In practical terms this has subverted one of the essential tenets of Enlightened Modernity -the great quality of life that the application of science and technology in the administration of society and productivity will assure. According to this Modernity, material productivity, and the development of human psychology would eventually lead to a lineal, irreversible accumulation of knowledge that would allow humanity an ever-increasing control of natural and human contingencies.

Quite the contrary, research in the atomic sciences, chemistry, and genetics points to actual and increasing potential of vast catastrophies that may destroy the biosphere and all life on earth. Implied scientific promises of a better quality of life for the human species move in tandem with virtual catastrophies of apocalyptic

proportions. Better goods and services simultaneously mean unpredictable risks whose actual effects and dimensions might only be known way ahead in the future, if at all. The imperative of creating employment for increasing populations and fierce competition in the global economy prevents nation-States or TNCs to be prudent in their research or in writing off huge investments for humanitarian concerns arising from possible risks that perhaps will never materialize. To appease populations and world opinion, on the one hand governments, intergovernmental institutions, and TNCs must engage in conspiracies to silence evident risks that directly or indirectly involve the leadership of all political institutions. State-centered political systems cannot be trusted.

On the other hand, these institutions feel forced to establish and go through the motions of creating and enforcing environmental protection regulations. The enormity and variety of the fields environmental agencies must monitor, the secrecy under which the companies involved operate, the small bureaucracy assigned, and the limited operational funding allotted to supervision make actual regulation and damage prevention actually impossible. Beck comments that, in fact, such regulations turn out to be governmental maneuvers to legitimately set the lowest limit possible to private/public enterprise liabilities in case of disasters.

The simplest, most expeditious strategy is for the TNCs to transfer toxic production segments to peripheral areas where governments do not want or cannot ascertain possible environmental damage and demand reparations. The right to life is universally endangered.

**The Ethical Factor.**

Beck's discussion cannot be reduced to matters of environmental degradation. He also has in mind the disruptive effects caused on specific regional and national communities by the neoliberal economic policies imposed by intergovernmental agencies such as the International Monetary Fund (IMF) and the World Bank (WB) -forced economic recession cycles, high unemployment, deep reduction of governmental investment in social welfare, huge migration waves that disrupt family and community relations and traditions. Within this context Beck describes the predominating social sensibility as the confluence of a highly hedonistic, egotistical global consumerism and the gnawing intuition of permanent existential limit situations foreboding apocalyptic disasters. In this context a new notion of political action must be created with a strong ethical base. To this effect Beck points to the work of Hans Jonas.

Jonas argues that contemporary science and technology have changed the meaning of culture. They cannot be understood anymore only as the instruments with which the human species constructs spaces differentiated from nature according to needs specifically human. Humanity has also acquired a capacity for genetic self-transformation to such an extent that it may also bring about the alteration of natural processes, and the destruction of the biosphere and all life on earth. This ultimate risk demands a new ethics for conducting science, and especially politics, the power propelling the advance of science and technology. Traditionally ethics has been conceived as the rights and duties that humans mutually recognize to their

contemporaries in the present. But for the first time in history the serious risks now implied in contemporary science-technology force generations in the present to assume responsibility for the destiny of human beings they will never know, and perhaps will never exist. Of even greater importance is recognizing that the human species, as the most developed form of life, is the result of infinite symbiosis and synergies with other forms of life, so the species must also make a commitment to preserving all of them.

The continuity and future of the human species and the biosphere in fact cannot scientifically predicted. Therefore, Jonas proposes that policies of scientific research development must be presided by a *heuristics of fear* -decision-making must be based on the certainty that horrible outcomes must be avoided; although details of processes of research may perhaps never be known or foretold, all human collectives have an intuition of the horrors that must be avoided. Fear should be used as a kind of *sentimental education* to alert and mobilize populations in bringing parsimony and caution to scientists and technobureaucrats who have a nihilistic penchant to pursue any project even if it may endanger the common good of the human species. This nihilism exposes the grotesque perversion and inhumanity of the politics that support it - anonymous power structures appoint anonymous technobureaucracies and give them the power, the means, and the capability to destroy life.

Jonas introduces the ethical factor into politics and scientific-technological development. The question is how to turn this factor into grassroots political mobilization

and action. Edmond Cahn makes a contribution in this respect.

Cahn coincides with Jonas in the relevance given to fear in the maintenance of social order. For Cahn, social synergies bring about unexpected and perhaps uncontrollable change that affects human beings with intense psychosomatic stress. The *risk world society* emerging in the latest phase of Modernity as described by Luhmann and Beck is a major example. The feeling of security is one of the most important motivations for social cohesion. Preserving political power and hegemony implies projecting the feeling of security among the populace. Throughout history the main strategy for this purpose has been to associate the prevailing norms with the notion of *natural law* -it is usually stated that the established order is governed and enforced by laws that seem to correspond to the order of nature; they can be understood, apprehended and used by human reason. Political power "naturalizes" its laws so thoroughly that the most abstract codes would seem to coincide with the most trivial and automatic routines of everyday life. Furthermore, "naturalization" of the law creates the illusion that power is indeed collectively shared and we should all contribute to uphold it and therefore maintain common security. Thus the law can conserve its virtual influence without necessarily exhibiting in fact its brutality in spite of being perhaps a support for the most inhumane social changes.

For Cahn dispelling this illusion requires that we contrast the feeling of security that the social order may project and the actual capacity to deliver justice they show in fact. Justice cannot be construed to be equivalent to the prevailing legal norms. For this reason Cahn refuses



to define the concept of justice; such an exercise would only ensnare people in the abstractions that sustain the system. Yet human beings have an innate sense of justice that allows them to recognize instances of injustice committed against "real" persons in everyday life. This *sentiment of injustice* should ignite redressive political action. Analyzing the actual systemic effects on "real" human beings is what Cahn calls *anthropocentric law*.

### **Illusion and Reality.**

Edmond Cahn's concepts are useful in discerning the real meaning of the flurry of apologetic and condemnatory discourses elicited by new cycles of dependency. Regarding the contemporary situation, it is useful to contrast the antagonistic perspectives of Thomas L. Friedman, Jeremy Brecher, Tim Costello and Joseph Stiglitz.

Friedman is frankly apocalyptic in describing the benefits of the dispersion/integration of productive processes worldwide by the modern TNCs through *outsourcing* and *offshoring*. The most advanced software and communications systems now available have *flattened the world* in that the most sophisticated products, designs, and services can now be worked out under a common organizational umbrella, although the producers may be thousands of miles apart, in different time zones. In a sense Friedman conceives this as a democratic utopia. The main thrust of his arguments is that even the smallest and most backward countries can participate in the open market technological revolution of the global economy. It simply requires small numbers of entrepreneurs capable of introducing innovative processes, and new ways of handling and applying existing technologies. The small pockets of

advanced technology they may create can be expanded to influence positively the entire national economies if governments steadily invest in education to prepare a highly technical labor force, invest in modern and reliable infrastructures, and reform legal codes to expedite capital transfers to attract foreign investment, as China, India, and Russia have done in the last decades.

Friedman is ambivalent as far as the value of liberal democracy is concerned. Opening national territories to the global economy demands a political leadership with a firm resolve for a fast implementation of the "Washington Consensus", and the impositions of the IMF and the WB. Quite the contrary, democracy demands prolonged negotiations among State bureaucracies, political parties, guilds, lobbies, and trade unions that, in the end, in way or another, require extra-legal (and possibly corrupt) negotiations, pacts, and accommodations. Friedman cites the case of Mexico, which, in spite of being part of NAFTA and a close neighbor of the United States and Canada, eventually lost to China its privileged position as main provider of low cost goods and services. As societies with a proven capability to adapt to the exigencies of the global economy, Friedman singles out South Korea, Taiwan, Malaysia, and Singapore, all of them presided by dictatorial regimes. As a corollary of his belief that nowadays history is propelled forth by technologies innovated by *individuals*, eventually the normative functions of the IMF, the WB, and the WTO will simply wither and disappear. Global free trade would become a self-sustaining, spontaneous endeavor.

Friedman's arguments are open to the charge of being ahistorical -his utopian vision of technological and

individual entrepreneurship are based solely on the self-serving opinions of CEOs he interviewed throughout the world. He recognizes *outsourcing* and *offshoring* have depleted the number of well-paid jobs available in advanced capitalist countries and will continue to deplete them. Individuals, families, and communities must realistically face the fact that in the new global economy the notion of secure lifetime jobs with good social insurance are fast disappearing and will continue to disappear. Technological advances will continue simplifying all kinds of production processes, allowing TNCs to increasingly send them abroad to use highly trained technicians at very, very low cost.

In an argument that Edmond Cahn realism would have certainly dismissed, Friedman is confident that, once the global economy is firmly established, Center countries in the world system will again benefit from an increased demand for special industrial and communications equipment, advanced chemical and pharmaceutical products and processes, aerospace designs that will always be generated in the Center. In the meantime governments must invest in constantly retraining the work force so they will find employment in areas that have not yet been outsourced.

In contrast, Brecher and Costello support their arguments on data and statistics from the United Nations and trade union organizations striving to establish world legislation to neutralize the dislocating effects of the TNCs. They use the term *downward leveling* to refer to the effects of globalization on labor. They point to the fact that their communications and transportation systems allow TNCs fast extraction of subsidiaries and production sites if governments do not cooperate in providing a cheap, "flexible", and docile labor force, weak trade unions laws,

low labor insurance costs, low taxation, non-enforcement of environmental protection. Forcing governments to compete against each other to attract and secure TNC subsidiaries in their territories has generalized the same effects throughout the capitalist system in what they call a *descending spiral* -environmental degradation; fast exhaustion of natural resources; low salaries among workers and professionals of all kinds and skills; the predominance of "contingent employment"; increasing populations with no health insurance; workers holding two or three jobs to survive; use of enslaved workers both in the Third World, the United States and Europe. One may add that few peripheral countries have enough "comparative advantages" to connect their economy to the global market and provide full employment to their active population. There is a permanent percentage of "structural unemployment" aggravated by the effect of free trade on certain areas that cannot compete and are ruined, as it happened with Mexican agriculture. Massive dislocations of communities occur when men and young people are forced to migrate legally or illegally in search of work elsewhere, and engage in various forms of criminality to survive, especially drug contraband and dealing. Colombia's whole economy functions on the supposedly illegal cocaine industry.

Brecher and Costello point out how inimical to democracy these arrangements are. With no effective international legal control systems, in their dealings with national governments TNCs can empower political sectors and State bureaucracies that will best guarantee their interests, especially the military in the Third World. The IMF, the WB, and the WTO are complementary tools to this

power. Once the most important resources of a country become one more element of the global economy, the income the nation-State may amass dwindles and its capacity to function as guarantor and distributor of national welfare becomes untenable. The policies of IMF and the WB severely limit their social welfare expenditures. As a consequence, insurrections abound. Democracy becomes bankrupt. The State uses military force as its mainstay. Trying to project an international image of stability to attract international investment, insurrectional opposition within the countries is surreptitiously repressed, severely violating the Humanitarian Law of Armed Conflict (the Geneva Conventions and Additional Protocols).

After his tenure as vice-president and chief economist at the WB between 1997-2000, Joseph Stiglitz, Nobel Prize winner, exposed the inner workings of the IMF and WB bureaucracies. These institutions were inspired by the economist John Maynard Keynes after the devastation caused by the Great Depression of the 1930s. A multinational organization, GATT, was created to administrate a general fund to support the export/import balance of economies deeply indebted and in bankruptcy. It was supposed that such crises reverberate throughout the world, causing general economic recessions, high unemployment, and political unrest. It is in the common interest, therefore, that the IMF aid countries with emergency funds to re-energize their economies.

Stiglitz shows this strategy was abandoned in the 1970s as a consequence of the world debt induced by the steep rise of oil prices and the default on the easy loans promoted by transnational banks that accumulated the dollars generated by the rise of oil prices. At this point

Stiglitz claims that the objective of the emergency loans of the IMF was radically changed. They are not oriented to re-energize the national economies but to guarantee that transnational banks will recover their investments, open the national economies to the TNCs, thus making them elements of the process of globalization of free trade capitalism. Hence the IMF requirements ("conditionalities") that governments requesting emergency loans must obey - according to these conditionalities governments are prohibited from making deficit expenditures to support welfare; they are forced to sell public enterprises and natural resources to TNCs, and intentionally provoke recessions in order to control inflation and protect the value of foreign investments. According to Stiglitz, this formula is mechanically applied to all countries, no matter their particular situation and historical background, no matter the formula has failed everywhere, causing great misery and social upheavals.

Stiglitz calls attention to the secrecy of these transactions. Only high technocrats participate and national political leaders are excluded. Participants are prohibited from publicly making statements and discussing the issues involved. Non-compliance with the IMF "conditionalities" brands a country as financially unreliable and makes practically impossible for it to obtain loans in the market. Governments thus can be destabilized without military force; it can be done simply by causing short term investors to electronically withdraw their investments overnight. Secrecy is complicated even further by the fact that Third World countries do not have enough technically trained personnel to participate with full understanding of these transactions. Consequentially,

they will be unable to gauge the crucial long-term outcome their commitments and treaties with the IMF, the WB and the WTO may have.

Behind these strategies Stiglitz identifies the power of the advanced capitalist countries who contribute the most to the IMF and WB funds, especially the United States. They are allotted more votes in decision-making on international economic policies. In fact the United States is the sole country with veto power. Their vote seeks to protect the interests of their TNCs, as it happens with those of pharmaceutical corporations who want to keep for a long time the monopoly and high prices that a trade-mark allows them, although the drugs they produce may be crucial in stopping pandemic illnesses such as AIDS and malaria, whose victims throughout the world cannot afford.

Stiglitz makes special mention of the gravitation of the United States Treasury in this decision-making. In order to maintain a reliability vis-à-vis the international financial system, Third World countries are encouraged by "fear" to validate their currency before the transnational financial system by buying and accumulating U.S. Treasury bonds as back-up reserve. The T-bonds pay a very low yearly interest. Stiglitz argues that this contrivance in fact means that the United States is absorbing massive, extremely low interest loans from Third World countries they could use otherwise with much greater returns for their own socio-economic development. For Stiglitz it is an irony that more capital flows into the most advanced capitalist economy than it flows into countries in dire need.

**Persistence of the Baroque.**

The present stage of globalization can be pictured as an imperial system in which a small techno-bureaucracy is endowed with the power to vertically impose economic policies to favor transnational consortia. In doing so the sovereignty of nation-States and their responsibility for the welfare of their populations is ignored. The neoliberal policies imposed dislocate the political accommodations and collective strategies of protection worked out by past generations to adapt to cycles of dependency. The meaning of work is drastically changed. The basic ideologies that link the population and the State in terms of loyalty and the pursuit of the common good are eroded. The State appears to betray its mission, becoming mainly the guarantor of the interests of transnational concerns. The rule of law is weakened and corruption permeates public and private institutions and transactions. Guarantees for the protection of Human Rights cease to exist.

This brings to mind José Antonio Maravall's 1975 description of the general crisis of Europe in the XVI and XVII centuries. He posed this crisis as a matrix of socio-economic events he called *culture of the Baroque*, singling out Spain as its most remarkable example. Maravall's description shows remarkable similarities with the contemporary issues associated with the globalization of capitalism.

For Maravall the crisis was concurrent with the rise and expansion of modern capitalist social relationships. Contractual, salaried, profit oriented social and economic relations replaced the ethics of medieval common law and pacts; the enormous influx of precious metals from America depreciated the value of currency; artisans in Spain were ruined by the massive import of manufactures from England,



France, Italy, and Holland; the enormous debts incurred by the Crown to finance the continuous wars throughout Europe led to frequent State bankruptcies; the forced devaluation of the currency to support deficits generated a general feeling of insecurity, uncertainty, and instability. Inflation went unabated. Price gouging of food made starvation a common occurrence while the luxurious consumption of the nobility gave them an effeminate aspect and life-style that betrayed their traditional role as warriors.

Ruined artisans, traders, farmers, expelled peasants, unpaid soldiers, disaffected priests, members of the minor nobility became vagrant beggars, gamblers, prostitutes, and formed gangs of petty thieves, muggers, and highway robbers. Massive recruitment of soldiers to fight all over Europe, and the migration of the ruined and the unemployed to the cities upset the traditional understanding of community, family, friendship, authority, and religion. In the cities the sense of community was replaced with that of masses of anonymous individuals with no recognizable identities, incapable of stable relationships and loyalties, ignoring the basic protocols of civility. In urban spaces hunger and epidemics went hand in hand.

High level bureaucracies in absolutist Crown-States administrations took economic measures in total secrecy, simply by administrative fiat. Secrecy spawned an oligarchy of "insiders" who used reserved information to protect their capital, massively buy land at bargain prices, and make enormous profits from usury, and price gouging. Here bourgeois speculators found upward mobility. Taxation was continuously increased while the nobility was exempted. The interests of these Spanish oligarchies coincided and fused

with those of monopoly oligarchies throughout Europe. German, English, French, Italian, and Dutch international banks, commercial, and shipping enterprises totally controlled Spanish national, European, and transatlantic commerce. The socio-economic policies of the Spanish Crown-State became disengaged from the wellbeing of the populace, and in fact functioned in favor of transnational monopolies.

The sensibilities generated Maravall describes with words such as "malaise", "anguish", "anxiety", "abnormal", "disenchanted", "discontent", "distrust", "affliction", "distressed", "disillusioned", "pessimism", "melancholy", "confused", "disarray", "inconformity", "madness". They were the expression of an undertow of political dissent expressed in subversive rumors, ribald satire against authorities, invective pamphleteering, and simmering violence against the monarchical order. It often exploded in riots, attacks against the nobility, and more or less coordinated regional insurrections. Cities became garrisons with military enclaves concentrated for rapid reaction against insurrection, coordinating repression with militias of the nobility. Informers identified vocal dissenters to be arrested, imprisoned, deported, their property confiscated. It was a period when the State organized systematic violations of Human Rights.

On this grounding the intelligentsia generated a symbolic universe whose main analogies were "the world's folly"; "the world upside down"; "the world as a labyrinth of confusion"; "the world as mirage"; "the world as theater"; "the world as a cheap hostel". Those traversing these labyrinths were represented as repulsive madmen, zombies, abnormal, amoral beings capable of the basest

lies, trickery, swindling, and crimes; pilgrims who wanted to witness first hand the hypocritical, evil nature of humanity and the world, and learn ways to protect themselves. Reality seemed an unfinished mixture, a compost of random bits and pieces that somehow coalesce by chance for a short time, with brutal results for some and great fortune for others, depending on how one can manage to manipulate them. In a certain way this brings to mind the contemporary notion of *postmodernity*.

Policy critiques from economists and administrators (*arbitristas*) continually pointed out the mistakes committed by the Crown and the catastrophic consequences for the social order. The Crown and the conservative intelligentsia neutralized the symbolic universe associated with this critique by elevating this world image of uncertainty, instability and anguish to the status of the "real nature" of the cosmos. Conservative writers represented humans as mentally defective, conflictive, agonistic creatures whose egotism, malignity, and depravity caused them perpetual spiritual turmoil. This view was projected on to society by giving high relevance to extreme domestic cruelty; public violence came to be considered or offered (executions for example) as a spectacle, in the general understanding that politics is nothing more than rebellions and conspiracies to be crushed by authority, not as transactions among rational beings. Authority purposefully used theater shows, public festivities and festivals to transmit conservative political messages. Mass assassination of opposition to the Crown and the Catholic Church was discussed as a matter of administrative expediency. Warfare was supposed to be the natural relationship among peoples and States (*homo homini lupus*).

The theme of death became morbid, obsessive not only in its theological implications, but also as an instrument to advance personal and State ambitions. The world was considered to contain a limited, unincreasing amount of resources available. Increasing one's share was a matter of the right application of violence, the use of the right illegal connections, and bribery.

Maravall suggests the similarity of these principles to the violent and murderous world competition later on associated with free trade (and, one may add, social Darwinism). There was a feeling of freedom among those capable of advancing their economic interests through the selection of the appropriate kind of crime, beyond the restraints of morality, ethics, legality, and political power. The world seemed to be a construct according to one's will and desire. For Maravall this individualistic sense of freedom finally eroded the vertical power of the absolutist monarchy, one of the main tensions characterizing the Baroque culture.

The social ills and failures caused by the Crown-State were both insurmountable and convenient for the Spanish conservative intelligentsia. On the one hand, in using such analogies as "the world's folly"; "the world upside down"; "the world as a labyrinth of confusion"; "the world as mirage"; "the world as theater" they tried to convince the populace that indeed society, the world, and the cosmos was an unfinished chaos of malignity. But at the same time they attributed the unhappiness and the malaise of the times to the disrespect of the traditional caste system and the upward mobility desired by the bourgeois *nouveau riche*. Maravall comments that even this condemnation of social fluidity turns into a conservative mood because, factually,

the interests of the *nouveau riche* would unavoidably coincide with those of the nobility, thus giving cohesion to a dominant tiny minority.

Maravall's description of the Baroque era and Thomas Friedman's arguments on "globalization" coalesce in many respects. They coincide in their account of the consequences of decoupling the State's sovereignty and its obligations to "the people" in favor of oligarchic transnational commitments. Contrary to actual world experience, Friedman makes a conservative apology of the profound dislocations of national and regional communities induced by "globalization", presenting them as normal, natural, and even desirable outcomes of a new stage of the world economy which, some time in the future, small numbers of technically innovative individuals, and techno-bureaucracies will surmount.

In calling attention to Maravall's conception of the Baroque I do not simply have a set of coincidences with contemporary "globalization" in mind. Similar kinds of social dislocation occurred with the demise of the Mercantilist system and the rise and demise of world Free Trade during the XIX century and the first three decades of the XX, and now with the so called "globalization" of capitalism as of the 1970s. The aesthetics of the Baroque seems to be a persistent phenomenon.

**Globalization, the nation-State, narratives of national identity, political culture.**

From this presentation on the persistence of the Baroque the main issue I want to linger on further is the ambivalent function of the modern nation-State in response to the oligarchical stimuli of the international economy.

One world-wide answer to the demise of the Free Trade system in the 1930s was the creation of the Keynesian Welfare State. To prevent the collapse of the capitalist system, the State became the financial powerhouse to reignite and develop stagnant economies. With deficit expenditures the State provided massive employment by building national infrastructures of roads, electrical systems, ports, airports, warehousing, and provided easy, cheap credit to national entrepreneurs to promote industrialization for national consumption. Industrialization was complemented with a general, technical, and professional educational network to prepare an efficient labor force, and medical, and retirement insurance. Salaries were increased to make workers consumers of the manufactures they produced. Housing was especially subsidized because in turn it energized the furniture, and home gadgets industries. Until the late 1950s, in Latin America the general quality of life improved. This arrangement functioned on the basis of what was called "populism" -a political understanding and pact by which all organized social sectors, parties, trade unions, entrepreneurial guilds, would cooperate in the national industrialization effort and receive negotiated benefits, within the limits of development achieved by the economy. The State cemented this arrangement with ideologies promoting a community spirit that exalted the virtues of the national identity. The Welfare State massively invested to promote the theater, folklore, ballet, music, national literature to deliver and disseminate nationalist ideologies. At the same time the State was prepared to firmly repress unruly political

sector. In some countries the Welfare State took Fascist characteristics.

National identities are based on more or less loose or coherent narratives composed of myths, legends, anecdotes, icons, masterworks of national literature, and real historical events of notoriety that compose a poetic system to define a "*unique historical we*". These narratives are supposed to profile the special experience of a human collective residing in a territory presided by a State. Nowadays, International Law endows each of these three elements -territory, State, population- with three attributes -integrity/ inviolability; sovereignty; enjoyment of Human Rights as defined by local and International Law. The main responsibility of the State is to guarantee the Human Rights of the population.

The "unique historical we" is supposed to be the mythical core of the modern nation-State; myth in the sense that all implementations of policy will be evaluated and judged as legitimate or illegitimate according to its principles --all members of the national collective are *prima facie* equal before the law. Two other myths emerge from this foundation -the notions of *citizenship* and "*the popular*" (*lo popular*). Citizenship implies that members of a "unique historical we" have free access to all the rights, privileges, protections, and must carry all the obligations prescribed by the law. "The popular" implies that all defenseless, dispossessed, and aggrieved members of the "unique historical we", whatever their racial, ethnic origin or social status, have a right to full solidarity, spiritual and material aid and redress according to the State, the law and its resources (O'Donnell).

In Latin America these narratives of national identity were stabilized and fully disseminated by the educational systems created by the Welfare State of the 1940s-1950s. The antecedent of these symbolic universes was in the historiography, essays, and literature promoted by the Liberals throughout the XIX century after independence from Spain and Portugal. Yet it was the expansive elementary and secondary education systems structured by the Welfare State that instilled intense awareness of national identity among the populations.

There is an ambivalence in this nationalism.

Whether the interests of the national oligarchies lead them to give their international partners the opportunity to exploit natural resources or super-exploit the cheapest labor force possible or whether that connection is among the very few options to provide employment to a population of exploding birth-rates, the State appears as the national arbiter for the creation and justification of plenty for a small minority and scarcity for the majorities. This being the case, one might conclude that the nation-State is an institutional contraption to dominate and exploit the national populations in favor of transnational economic alliances and that, in many respects, narratives of national identity only serve maintain the population under submission, together with the selective application of local or international military force. In this sense, the nation-State and the narratives of national identity may be understood as *suture* contraptions to provide cohesion to societies severely dislocated by dependency, and deliver some feeling of *stasis*.

Yet in spite of the genocidal tendency and the ideological illusions these contraptions may create, these



two institutions cannot be wished away simply for the whims of critical theory (Williams). National identities can be empirically ascertained to be phenomena capable of mobilizing entire populations behind opposing ideologies of government. For better or worse, in international trade States are the only institutions guaranteeing the flow of capital, investment and loans; this function simply cannot be dispensed with. To all the charges against the nation-State and the myths of national identity one must add those tensions previously reviewed --*dependency, reconciliation in bad faith, global risk society, persistence of the Baroque*. Far from making the nation-State and the national identities coherent, acquiescent, passive entities before the power of the TNCs and the intergovernmental financial institutions, the tensions connecting civil and political societies with the State and international capitalism make this total ensemble a vast area of political strife where vindications are heatedly fought over.

It has been commented that the intervention of the global economy through the nation-State has dismantled the connection between the loyalty to its institutions and the notion of national identity (Moreiras). At present the "national community" and the State would seem to be poles apart. The State's vigilance over the "common good" has been replaced by the offers it makes to the TNCs to turn any national resource, be it symbolic or material, into commodities for the international market (Yúdice) - traditional foods, clothes and styles appear as exotic items in TNCs' fast food joints and discount stores to pamper inextinguishable demands for novelties; places marking the historical fate of peoples become tourist sites for the demonstration of the tango, and then they are

covered by the trash left behind; areas of special beauty are especially developed as sites for the headquarters of the richest TNCs; huge bureaucracies emerge to connect governments, municipalities, private agencies and TNCs to facilitate the development of these locales; massive influx of addictive, fashionable items alters the relationship between work and desire to the extent that individuals are prepared to kill for a pair of *Snike* shoes or a *Benneton* jersey. Satisfaction of desire mediated and delayed by work to buy them is often replaced by impulsive crime. Work as the core of human history seems to lie in close proximity to crime committed by individuals, gangs, cartels, and TNCs.

**Deus ex machina: the global economy and the nation-State**

Article 3 of the Universal Declaration of Human Rights proclaimed by the United Nations in 1948 states: "Everyone has the right to life, liberty and security of person". For an aesthetic understanding of Human Rights issues this statement is of utmost importance in that it fuses theater and law as approaches to cultural studies --the notion of *person (=mask)* derives from the ancient Greco-Latin theatrical tradition of staging typologies of human character and behavior as they pertain to the fate of the community in relation to norms deemed to be sacred; similarly, according to the historical experience of peoples, their traditions, and the State's international legal commitments, the law prescribes typologies of actions and relationships permitted, protected or prohibited for the preservation of the integrity of individuals, the community, society, the security of governing institutions, and the public order. If the theatrical aspect of Article 3

is emphasized, society analogically becomes the stage where *personhood* is constructed (Taylor).

The construction of personhood is an existentialist episode. Beyond its choice or will, a biological entity conformed by the human genetic *a priori* is thrown into a pre-existing space of relationships delimited and presided by the State, the hegemonic socio-economic power organization, and the symbolic universe of the local/national civilization. For a number of years this entity will experience an everyday life inhabited by other beings who will appear to him/her as a "forest of symbols" of unknown origin and meanings. Here s/he will traverse intimate, private and public spaces and institutions where s/he will dwell, co-inhabit, work, exchange, transact and accumulate all kinds of experiences. Thus consciousness is developed, a mental space of representation and organization of his/her particular experiences and awareness of his/her own distinctive identity and that of others. Consciousness enables him/her to narrate all of this to him/herself and to others. At this point that originally derelict biological entity has been transformed into a person.

A person is legally recognized *prima facie* as capable of contributing positively to the human commonweal. This presupposes being endowed with the psychological autonomy, the ethical discernment to make the choices, the planning, and exercise the perseverance to promote and protect liberty and life, and avoid unnecessary suffering, conflict, destruction and death. In this sense the world is full of meaning and signification and the person "makes sense". Therefore, above and beyond the emotional traits and programs that may make her/him an individuality, of

maximum importance is her/his capacity for self-control and discipline, interlocution, use and creation of codes, protocols, rituals to traverse all kinds of spaces, and comprehend and interpret other beings, to exchange goods and symbols, and to share, demand and grant human dignity to others, with others.

In constructing realist, utopian, mythic and cosmic world-views and narratives, the person -and by extension, human collectives-- may be vulnerable to self-delusion, error, deny the dignity of other beings, and potentially become the object of legal punishment. From the Human Rights perspective presented here, this vulnerability emerges from the core of human history -the conflicts arising from the imperative to create alienation systems to produce, accumulate and administrate surplus value and its attending distribution of plenty for some, and scarcity for the majority. In this vulnerability we find the origin of the aesthetic rhetorical genre that typify human character and behavior -for example, tragedy, comedy, romance, melodrama, farce, the grotesque, the epic. In their indispensability and inevitability, alienation systems make human history a tragedy in that it is precisely the material preservation of the collective the factor that distorts the human potential through imposed scarcity. It is this unsolvable paradox that provokes the periodic noetic experiences that contrast the human utopian potential with the miseries of the established social order. Comedy is the result of the revolutionary potential of these noetic experiences -the belief that the established order has lost vitality, is exhausted, governed by irritable old people that will eventually be superseded by the rise of the young, the innovative, perhaps after

periods of epic violence during which new iconic heroes will emerge to be eventually monumentalized by the new social order (Frye).

Comedy is preceded by the romance, which narrates the adventures and experiences that open the way for the rise of the comic hero. Fully matured, the comic hero is transfigured into an epic hero, seat of all the attributes and capabilities that make him the most exalted representative of his race, ethnic group, nationality, religion, ideology. The epic hero carries out the salvific mission of founding a new social order where all alienations will be redeemed and all institutions and human relationships will be ecumenically homogenized to this effect. The dark side of the epic, super-exploitation, will gradually emerge as melodrama, the grotesque and farce. First awareness of the realities of the extant alienation systems emerges as melodrama -hidden agencies would seem to conspire in the background to foil all desires and legitimate goals. Continuing unawareness of the sources of frustration -the policies of the State vis-à-vis the international economic system-eventually lead to the grotesque, the feeling that all cultural instruments created by human beings mysteriously acquire a life of their own to alienate the meaning of all spaces, relationships, and expectations. A strange game of farce ensues after the aggrieved come to realistically know the sources of frustration but do not yet have the power to terminate them. The opponents, knowing each other's intentions and strategies, now engage in intricate protocols and ceremonies of civil debate and polemics, pretending their civility will mask their preparations to

replace political negotiations with armed violence to destroy each other.

### **Reconciliation after dictatorial traumas**

The catastrophic conflicts that precede the epic initiation of a new social order are eventually followed by the temporary dictatorship of the winning side. The main task of these dictatorships is to pacify the population and prepare the ground for the reinstatement of "normal" political negotiations within the new domination system. To this end the dictatorship must wipe out any semblance of potential insurrection from the vanquished side. The recent Latin American experience under the dictatorships of National Security Doctrine (Brazil, Argentina, Bolivia, Uruguay, Chile 1964-1990) shows that during this pacification period the farcical stance continues. Although the dictatorial regimes may deny it, they resort to extra-legal military means to rapidly suppress potential or de facto insurrection. The military security services resorted to the so called "dirty wars". The strategy was to disarticulate the opposition, intimidating and paralyzing civil society by selectively "disappearing", assassinating, kidnapping, torturing and deporting underground political leaders and grass root activists.

Symbolically speaking, these severe violations of the Geneva Conventions and its Additional Protocols sundered the perception of every day life into two drastically different strata, a daylight surface of peaceful routines assured by the vigilance of the military security networks, and a mostly nighttime underground action when the lairs of the organized opposition and the military security services were activated to deliver destructive blows to each other,

with sequels of weapons detonations, and the wailing of police cars and emergency ambulances. Evidence of these confrontations emerged to the surface in a melodramatic way -on the way to work, in the morning, passers-by would see in the streets unexplained/ unexplainable dead, charred or dismembered bodies, cars destroyed by explosives, bullet-ridden walls, large graffiti on walls. Dictatorships perhaps may restore a semblance of peace, but not the rule of law. These events fully expose the State as *deus ex machina* in the creation and manipulation of social sensibilities that will better complement the purposes of its grand strategy.

As the case of Chile shows, to forestall the intensification of violence and bring the opponents to a political accord, mediating institutions such as the Catholic Church may pretend the "dirty war" conflict does not exist. The opponents may perhaps also deny participating in a conflict to project a good public image. A *taboo* situation is thus created which requires anthropological investigation. Meanwhile, foreign governments, intergovernmental institutions, and Human Rights organizations abroad become fully aware of the real, farcical, elements of the situation. These institutions press all sides for a prompt return to political negotiations and democracy.

Within a rudimentary democratic framework after the dictatorship, restoration of peaceful negotiations brings *reconciliation* as the main goal in the national political agenda. For both victors and vanquished the reconciliation agenda responds to the fatalism of having to co-inhabit the national territory and function within the same institutional apparatus. Thus the stage is set for

negotiations in *bad faith* --all parties must abandon or pretend to abandon many of the vindications that originally led to violence and forget the injuries mutually inflicted. Bad faith is abetted by the taboo situation created by all political and religious authorities. The narratives of national identities are gradually modified to accommodate these instances of bad faith and national *monuments* are created to *suture* the peace. They serve as testimony to the claim that the opponents are ready and willing to leave the old animosities behind. Although the wish is never frankly verbalized, governmental authorities and the majority of the population implicitly expect that the generations that incarnated and carried on the conflict will gradually die and memory of the conflict will be slowly erased.

In fact reconciliation means the reconstruction of the myths through which the State masks socio-economic domination and alienation -*the "unique historical we"; citizenship; "the popular"*. Power is severely weakened if its brutal realism remains exposed for long. Power does not function well unless its disciplinary potential is relegated to the background, as a silent presence that lurks out of sight, as a latent agency exercising its ferocity only as a virtual threat, preferably never in deeds. State power needs to hide itself to constantly renovate its mythical energies.

Nevertheless, to pacify the population eventually some measure of truth must be briefly exposed as a matter of social catharsis. Truth here must be understood as exposing publicly the logic, strategies, tactics and calendars used by the State to illegally destroy the opposition. The notion of "public exposure" must be emphasized because in fact knowledge of governmental repressive policies is



accumulated early on by national and international Human Rights organizations, but it has extremely limited circulation. The *Never Again (Nunca más)* reports produced in Brazil, Argentina, Uruguay, Chile, and Peru after the military dictatorships had this cathartic function. These reports were followed by reparations to the families affected by repression --monetary compensations, medical and psychiatric support, restoration of the good name of victims the military previously vilified as criminals.

This introduces the issue of *justice* in the return to the rule of law and democracy. It is a daunting mission for re-democratization governments who have to deal with the undiminished power of the armed forces and corrupt judiciary systems who with their support of the dictatorships failed in their mission to protect the Human Rights of the population.

Revealing part of the truth and material reparations are a limited version of justice. According to International Human Rights Law the vaster meaning of justice should lead to identifying the military personnel who committed atrocities and bringing them to trial, thus restituting the full value of the Constitution as guarantee of all liberties and Human Rights. This, obviously, would totally destabilize the armed forces, one of the fundamental tools of the nation-State in the implementation of national security, sovereignty, and the preservation of territorial integrity. Therefore redemocratization governments must proceed with extreme caution, the military might again become insurrectional. Furthermore, warfare with neighboring countries on territorial boundary issues still pending, as it is the case of Chile, Argentina, Peru, and Bolivia might be a realistic possibility. Therefore,

redemocratization governments may take the limited option of trying as scapegoats only the higher military echelons. The trials assume a highly theatrical aspect bordering on the farcical because all along there is little doubt that this is a maneuver to avoid a drastic reorganization of the armed forces. Again, the expectation of the political leadership is to wait for a generational shift among the military so that, with the exposure of the atrocities committed by the older generations, the new cadre will assume institutional responsibility for the atrocities and adopt a new ethical stance vis-à-vis civil society. This waiting game is concurrent with a sustained campaign by the democratic political leaderships to further expose violations of Human Rights to ashame and pressure the military. Eventually the military may come to disown their past to preserve their honor, public image, corporate privileges and influence. Nevertheless, they will permanently remain as a threat to democratic governments. There is a further irony in the fact that, at a time in the globalization process when the allegiance of the State to the majority interests of the population is under severe questioning, the armed forces are the institutions that most diligently spew nationalistic discourses.

Similar procedures are followed to eradicate from the Courts judges that failed to safeguard the Human Rights of the population and use the habeas corpus to protect prisoners kidnapped by the military. Redemocratization governments use special incentives to entice judges to retire at their earliest convenience and replace them with younger judges with the proper ethical attitude to uphold the rule of law.

**The politics of the Human Rights movement: the construction of a cosmopolitan civil society and the poetic imagination**

Ambivalence in the framework of the contemporary globalization of capitalism is certainly not only a feature of the nation-State in the Periphery of the world system. The dislocating effects of the global economy also involve central countries; these structural effects are aggravated by concerns about the survival of the biosphere induced by the risks deriving from the extant transnational administration of scientific-technological development and exploitation. With the end of the Cold War, knowledge of the atrocities committed by both capitalist and communist regimes eliminated all the utopian contents the two camps projected through the decades. Awareness of these conditions spawned a transnational Human Rights movement riding on the same communications technology that spawned the contemporary capitalist globalization. In this context the defense of Human Rights has emerged as the last universal, secular, practical, political utopia.

The most visible and effective agencies in the transnational Human Rights movement are the national and international non-governmental organizations (NGOs) generated from the base of civil society. They are usually concerned with single issues -for instance, race, ethnic, ideological, religious, sexual, gender, age discrimination, survival of indigenous peoples, environmental sanity, eradication of pandemic illnesses, accessible health care for all. Yet in spite of their fragmentary approach, in the background their efforts are sustained and validated by International Human Rights Law. From an independent perspective they interpellate national governments and intergovernmental institutions and strive to evaluate the

human impact of their policies, demanding initiative in the issues that concern them, responsible authority and transparency in decision-making and public expenditures. NGOs strive both to advise, pressure, and cooperate with intergovernmental institutions such as the IMF, the WB, the WTO, the United Nations, the International Court of Justice, the Organization of American States and the European Union. They have also organized coordinating institutions that program periodical international "summits" as a forum to define issues, discuss strategies and tactics, and share information and technology. Documented and empirical evidence shows that even the most authoritarian regimes pay attention to these pressures in order to preserve political stability (Suri).

Human Rights NGOs must be understood as a supplemental field of political competition and struggle that may either complement or challenge State-centered national and international political structures. They have limited resources in terms of administrative personnel, informational channels, technology, and especially trained personnel to analyze and interpret national and international institutional policies. Therefore they are vulnerable to cooptation through funding from transnational foundations that in fact may be implementing covert agendas in the interest of national governments or TNCs. NGOs in the Periphery may also be pressured and deviated in their original intent by policies and strategies set by the better endowed NGOs in the central countries.

These efforts point to the influence the political philosophy of Immanuel Kant has on the contemporary Human Rights movement with his proposition for the construction of a "cosmopolitan civil society" (Linklater; O'Byrne).

Like Hobbes, Kant thought human history sprang from the paradox that individuals, in order to develop their material and spiritual potentials, must live in community to surmount the savagery of the realm of nature, the natural state. Yet they simultaneously want to violently impose their egotistic personal criteria. To secure peace and order such arrogance must be reined in by the collective creation of a legal apparatus, the *civil society*. Paradoxically this repression secures liberties by instilling awareness that the rights of individuals are validated by their respect of the liberties of others. This is what Kant calls "categorical imperative", a universal value that must be guaranteed by a republican democratic constitution limiting overall State power with a system of competitive checks and balances among the executive, the legislative, and judicial powers (Cavallar).

As a consequence of the Treaty of Westphal (1648) and the Peace Treaty of Utrecht (1713-1716), Kant projected the notion of the "categorical imperative" to international relations. Westphal put an end to the Thirty Year War and finished the Habsburg monarchy and Vatican attempt to impose a vertical supremacy on European kingdoms. The treaty recognized the egalitarian autonomy and sovereignty of national States, which empowered despotic monarchs to declare war at will, on their personal responsibility if they felt State interests were threatened. This legitimized war as an instrument of international relations and made it a very frequent occurrence. The constant resort to warfare is a permanent threat to all liberties because individuals are made instruments of grand strategy policies, ignoring their worth and value in themselves. The calamities of war forced European States to reach a "balance of power" which

became known as the European Public Law, but it still allowed State coalitions to wage war for political and territorial aggrandizement. Kant concluded European nations were far from surmounting the instinctual savagery of the natural condition.

The root of Kant's proposal for achieving a "perpetual peace" was the creation of a cosmopolitan federation of States charged with dispensing universal justice by protecting the rights of individual States in the same measure that each of them will recognize the rights of the collective. Obviously here we find echoes of the United Nations, Joseph Stiglitz's call for institutional restraints for intergovernmental agencies promoting the globalization of capitalism, and the demand for an international trade union organization to protect workers' rights. The contemporary Human Rights movement coincides with Kant's proposal, yet it envisions grassroots organization from the base of civil society given that States internal policies and international dealings have become suspect.

Of special consideration for an aesthetic approach to issues of Human Rights is the importance given to poetic imagination in Kant's arguments. Kant argues for a conception of history that will account for the actual progressive teleology shown by human species towards surmounting the savagery of the natural state, even in the most contradictory and paradoxical ways and circumstances. With a clearly gnostic perspective, in "Idea for a Universal History with a Cosmopolitan Purpose" and "Conjectures on the Beginning of Human History" he concedes that, empirically, history shows unrelenting evidence of continuous massacres, suffering, waste and destruction

caused by all kinds of political and military conflict. Yet it is precisely the traumas thus caused that have led nations to gradually establish the "categorical imperative" internationally and secure peace for longer periods. Human beings are called upon to discern the *Idea* that organizes the discourse and actions that propel this progressive teleology in different historical periods. Discerning these *Ideas* and conjecturally stringing them together may lead to a universal history that will bind the meaning of the human species in a common objective. Such an endeavor Kant describes as equivalent to "works of fiction", "planning a novel". In other words, the poetic imagination may boost the search for a "perpetual peace" and the dignification of human beings by foreseeing and stimulating the desire for an international order based on the active construction of the conditions for peace:

To *introduce* conjectures at various points in the course of a

historical account in order to fill gaps in the record is surely

permissible; for what comes before and after these gaps -i.e. the

remote cause and effect respectably—can enable us to discover

the intermediate causes with reasonable certainty, thereby

rendering the intervening process intelligible.

But to base a

historical account solely on conjectures would seem little better

than drawing up a plan for a novel. Indeed, such an account

could not be described as a *conjectural history* at all, but merely as a *work of fiction*. -Nevertheless, what it might be presumptuous to introduce in the course of a history of human actions may well be permissible with reference to the *first beginning of the history*, for if the beginning is a product of *nature*, it may be discoverable by conjectural means. In other words, it does not have to be invented but can be deduced from experience, assuming that what was experienced at the beginning of history was no better or worse than what is experienced now - an assumption which accords with the analogy of nature and which has nothing presumptuous about it. Thus, a history of the first development of freedom from its origin as a predisposition in human nature is something quite different from a history of its subsequent course, which must be based exclusively on historical records (CBHH, 221).

Indeed, Kant's conception of the historical value of poetic imagination reinforces the meaning of the concept of



"noetic" experience I have used as a central component of an aesthetic approach to issues of Human Rights.

NOTE

1 *Dar la vida por la vida. La Agrupación Chilena de Familiares de Detenidos Desaparecidos*. Minneapolis: Institute for the Study of Ideologies and Literature, 1983; segunda edición, Santiago de Chile: Mosquito Comunicaciones, 1996; *El Movimiento Contra la Tortura Sebastián Acevedo. Derechos Humanos y la producción de símbolos nacionales bajo el fascismo chileno*. Minneapolis: Institute for the Study of Ideologies and Literature, 1986; segunda edición, Santiago de Chile: Mosquito Comunicaciones, 2002; *FPMR: el tabú del conflicto armado en Chile*. Santiago de Chile: Mosquito Comunicaciones, 1995; *Política cultural de la memoria histórica: Derechos Humanos y discursos culturales en Chile*. Santiago de Chile: Mosquito Comunicaciones, 1997; *Presencia del MIR. Catorce claves existencialistas*. Santiago de Chile: Mosquito Comunicaciones, 1999; *Chile: Poética de la tortura política*. Santiago de Chile: Mosquito Comunicaciones, 2000; *Las capellanías castrenses durante la dictadura. Hurgando en la ética militar chilena*. Santiago de Chile: Mosquito Comunicaciones, 2005; *La Gran Logia de Chile (1973-1990). Su comportamiento ante el fin de la democracia y las violaciones de los Derechos Humanos*. Santiago de Chile: Mosquito Comunicaciones, 2006.

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