

Culture + Rights + Institutions

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“A body on a public stage immediately installs a posture. A position in physical space is also a political position,” writes Colombian theatre director Rolf Abderhalden.¹ Those who work in theatre know intimately that their material — bodies in space — can never be separated from the social codes and norms of the public spheres in which they operate and intervene: a posture in public is always, in part, a political posture. Fellow Colombian artist José Alejandro Restrepo (featured in this issue) opens his haunting essay “Cuerpo gramatical” (Grammatical body) with a similar assertion: “The body appears at a crossroads, a crossing where history, myth, art, and violence constantly meet and collide.” He continues: “In a traumatic or subtle way, it is always possible to read these bodies grammatically, as transmitters of signs and as surfaces of inscription.” In this traffic of meaning, between the signs given by the body and those inscribed upon it, we enter the field of performance and politics itself, asking what mutually constitutive relations are established between bodies and publics. For Restrepo, the “grammar” in question is one of violence, and his work catalogs a “political anatomy” that reveals the logics by which violence has formed and deformed bodies in Colombia. Abderhalden, in turn, in such works as *Testigo a las ruinas* (2006), has found and placed bodies at the very sites of their dispossession by the state to reflect on and engage with such processes. The body on a public stage creates postures and can stake claims about the very space s/he occupies.

What are the logics whereby performance can make claims on and in the public and the political realm? This issue of *e-misférica* grew out of a series of conversations, events, and debates on the question of “cultural rights” that culminated in the 7th *Encuentro* of the Hemispheric Institute of Performance and Politics, held in Bogotá, Colombia, in August 2009 under the title “Ciudadanías en escena: entradas y salidas de derechos culturales” (Staging Citizenship: Entries and Exits into Cultural Rights.) The initial impetus for such reflection was, in part, the fact that the “right to culture” has been explicitly named in recent years in the constitutions of many Latin American nations, including Argentina, Bolivia, Brazil, Colombia, El Salvador, Guatemala, Peru, and Venezuela. We knew that such legal instruments have typically been means for communities at risk to protect themselves from the ravages of racism, capital exploitation, or neoliberal reforms by constituting, for example, their religion, sexual practice, medicinal knowledge, or language as “culture” to which they hold an inalienable right. We also knew that such legal instruments are often used cynically by the very states that have ratified them: often the elegance and inclusiveness of the law protecting culture is simply an alibi for the absence of such protection in practice. Our goal was not to catalog these histories, but rather to reflect critically with fellow artists, scholars, and activists upon the very terms of the conjuncture of culture and rights: how are the very terms “culture” and “rights” — along with the complex discourses anchored by each — altered in this encounter?

The question of cultural rights hedges a debate about the nature of contemporary citizenship and its institutions: on what grounds, exactly, does a given person or community claim cultural rights? What institutional body or instrument can legitimate a claim to cultural rights? Is the right to “culture” underwritten by nation-states, or is it an extension of supra-national human rights? That is, to what extent is “culture” itself consonant with the nation; to what extent must culture be legible and practicable within the logic of nations and ideas of national belonging? In his essay “Natural Rights, Cultural Rights, and the Politics of Memory,” Andreas Huyssen notes that cultural rights movements have arisen around minority and first nation rights within nation-states, as a “reaction formation against globalization, and the fearful prospect of cultural homogenization by financial capital, developmentalism, rampant consumerism and global English.” The figure of cultural rights enshrined in state constitutions thus asks the nation-state to protect minority communities from increasingly powerful transnational formations. On the other hand, the need for such protection has emerged equally in contexts of radical disenfranchisement at the hands of the very states in question. Thus the assertions of cultural rights are usually grounded in the tradition of international human rights law, where the instruments of universal law are mobilized to pressure compliance from individual nation-states. “Cultural Rights” delivers us, then, to a very contemporary and urgent tension between national citizenship and what has been called “postnational citizenship,” a much-debated category that names the political agency of members of communities that may exceed the bounds of the nation, for which human rights law is again the provenance and model. Huyssen here makes the provocative argument that the tradition of natural law, rather than human rights, might better legitimate and negotiate the different registers — local, national, global — of claims to cultural rights.

Performance is central to these debates first because the “cultures” that demand legal protection are, more often than not, practiced through performance: festival, ritual, religious practices, language. The ephemeral and collective nature of performance has never translated to the terms of private property or singular authorship, and thus these have routinely escaped existing legal protections governing ownership and intellectual rights. While UNESCO has tried to valorize and protect such performance-based cultural production through the implementation of an international covenant on “intangible heritage,” performance studies scholars continue to participate in debates on how performance can be or should become the subject of law.

Second, when performance is the vehicle for claiming rights, it holds the promise of transforming the very logic of rights and political representation itself. This argument is articulated forcefully by Gisela Cánepa Koch in her essay in this issue, “Public Sphere and Cultural Rights: Culture as Action.” Taking as a key example the performance of religious fiestas by recent Andean migrants in Lima’s historic center, Cánepa insists that the value of such practices does not lie primarily in their representational function; that is, these should not be seen merely as a mode through which such communities “express” or “represent” their regional and local identities against the backdrop of a resistant and often racist Lima. Rather, she argues, these fiestas should be understood as cultural action with performative

force—performative in the sense given by J. L. Austin and later interlocutors as an act that enacts what it represents in the moment of its representation. Through such performances, this “minority” community gradually effects a change on the very nature of the city’s center, its meanings, and on the nature of religious practice in Lima. Jesús Martín Barbero, in a prologue to the program for the Bogotá Encuentro, affirms the same insight: “we discover that social ways of knowing do not exist simply to be accumulated and transmitted, but to *be exercised* by citizens, to be enacted performatively.” At stake in cultural rights is not representation but action: not a right simply to enter representation, but the right to define and produce one’s own terms of representation in the first place.

With these considerations in mind, it is not surprising that many of the reflections on culture and rights in this issue turn their attention to the *institutions* that mediate between social actors and wider publics. In his essay on subject formation and citizenship within native communities in Canada, Peter Kulchyski reminds us that the general tendency in the humanities to theorize the politics of identity in a social register rather than an institutional one can lead toward an “individualist, voluntarist politics.” He writes, “although changing the manner in which certain bodies are valorized in the visual field of course involves daring work by individual artists, reconfiguring the social field to make such work acceptable, to bring it into the very field of language, requires a relation to structural change that cannot be brought into being without an engagement with the hegemonic institutions.” Like Huyssen, Kulchyski considers the institution of the law, reflecting on two early precedents that constitute “Indians” as legal subjects: the 1858 Civilization Act and the 1876 Indian Act, both of which defined the process whereby Indians could become Canadian citizens. The laws that aimed to assimilate Indians into a larger citizenry had, he argues, the opposite effect: they created a legal framework for Indian “status” and outlined the mechanisms Indians might follow so as not to lose that status.

Among the institutions that most compel our attention is the university itself, to which we have devoted this issue’s special dossier. The Universidad Nacional de Colombia, that country’s principal public university, hosted the Bogotá Encuentro. This space—its rich history of political activism, baroque graffiti, the Plaza Che, its “autonomous” legal status, and rich intellectual and artistic culture—served as the scaffolding for diverse aesthetic proposals and intellectual debates which, to varying degrees, derived their power and expressive efficacy from the site of their enunciation. For example, the visual artist Pedro Lasch used the outside walls of the university’s art museum as the canvas for the latest iteration of his project “Latino/a America,” a large-scale mural of maps of the Americas. Local graffiti artists were invited to complete the mural over the course of the ten-day Encuentro. (The “capitalist rat” that serves as this issue’s cover is drawn from this mural.) For Lasch this was an attempt to “turn both museum and university outwards, towards the street,” and also generate an “international dialogue about the vibrant street art and *rayado* culture of the university and the city at large.” On the other hand, the Cuban artist Tania Bruguera was fiercely criticized for her performance *Sin Título* (Bogotá 2009)—in which she made cocaine available for the audience to consume as

participants and victims of the country's armed conflict spoke—precisely for failing to take into account the consequences of performing such an action on the campus at a time when the university's autonomy and funding are being undermined by the right-wing government of Álvaro Uribe and other forces in the country.

The dossier seeks to lend analytic density to the university in the Americas as a site of expression, creativity, and struggle. This section's title, "Outside in the University," cites Gayatri Spivak's 1993 text, *Outside in the Teaching Machine*. If Spivak queried the impact of the presence of "marginality studies" in the "teaching machine" that had previously left them "outside" its bounds, we query the ways such boundaries have been differently configured in universities across the Americas. Like Spivak, we are interested in the forms of "institutional agency" that emerge in, through, and against the university. A range of scholars, artists, and activists were invited to reflect on the tensions generated by art, protest, and social critique within the space of the university. The limits of that space are usually demarcated either territorially (the campus or *ciudad universitaria*) or legally (as in the case of many Latin American public universities, which have "autonomous" status), but the university is always inextricably linked to the broader structures and conflicts in society. The dossier authors, writing from Bogotá, Lima, San Diego, New York, San Juan, and São Paulo, explore the political and institutional contradictions between traditions of autonomy and faculty governance and the demands imposed by neoliberalization, highlighting the expressive practices that emerge amid these tensions and conflicts.

Finally, many of the artists and authors in this issue focus on institutions related to art practice or exhibition, again exploring the friction between creative practice and institutional insertion. In her essay "Lo político en el arte," Nelly Richard examines two historical configurations of the relationship between art and politics in Chile: politically committed art, associated with the Popular Unity government, and the art of the avant-garde that emerged from Chile's *Escena de Avanzada* during the period of the military dictatorship. Richard reminds us that both "committed" art and the avant-garde were expelled from their institutional homes—the museum and the university—under the dictatorship, as she analyses the conditions of (im)possibility for both types of representational strategies in a postdictatorship context in which art has been fully re-institutionalized. Giuseppe Campuzano's "Museo Travesti," in turn, proposes a radical de-centering and queering of the very notion of the museum as a prerequisite for its democratization, a point that is also made by Gisela Cánepa-Koch in relation to the debate around the Museum of Memory in Peru.

These tensions between art and the museum, between critical expression and its institutionalization, point us back to the broader set of issues around culture, rights and citizenship that animate this issue. Our contributors do not simply interrogate the access that citizens have to existing institutions, but rather examine the roles that both majorities and minorities play in the creation and social use of these institutions. The Colombian context, as the starting point for many of the conversations herein, offers a striking reminder of the high

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stakes of these discussions, as well as the urgent need for critical dialogue and practice that can sustain the broad array of perspectives that must be present at the table.

¹Rolf Abderhalden, “La Cátedra Manuel Ancízar: ¿Un dispositivo performático?” in *Ciudadanías en escena. Performance y derechos culturales en Colombia*. Pablo Vignolo, ed. Bogotá: Universidad Nacional de Colombia, 2009: 35.