

# Human Rights: a permanent issue

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“The basic principle I use for my decisions is this: Guilt is always beyond a doubt.”  
*In the Penal Colony*

## Resumen

El artículo presenta las relaciones entre derechos humanos y memoria como clave de la producción artística partiendo de una exposición llevada adelante en la Universidad Nacional de Salta. En este sentido se exploran las cuestiones que hacen de la memoria una de las claves para mantener abierto el sentido de las cuestiones presentadas a través de las apropiaciones de las artes como un medio de denunciar la persistencia de las violaciones a nuestros derechos en el devenir neoliberal y global de la actualidad. Una tensión entre olvido y recuerdo está en el centro de las políticas de la memoria en el neoliberalismo que pretende borrar nuestras relaciones con el pasado. La tarea política de las artes es mantener abierta esta tensión para construir un presente que se deja atravesar por las fuerzas que la globalización intenta borrar.

## Palabras clave

Memoria. Actualidad. Política. Olvidar Recordar.

## Abstract

The article presents the relationship between human rights and memory as a key to artistic production based on an exhibition at the National University of Salta. In this sense, we explore the issues that make memory one of the keys to keeping open the meaning of the questions presented through the appropriations of the arts as a way to denounce the persistence of violations of our rights in the neoliberal and global development of our times. A tension between forgetfulness and memory is at the heart of neoliberalism's politics of memory that seeks to erase our relations with the past. The political task of the arts is to keep this tension open in order to build a present that allows itself to be crossed by the forces that globalization wants to erase.

## Keywords

Memory. Current times. Politics. Forgetting. Remembering.

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## A scene of forgetting

In a distant beginning of the 20th century, Kafka imagined a machine that wrote the law and the sentences on people's bodies. The machine, in a process that may have seemed hallucinatory, inscribed on the skin of those who passed through it the sentences announced by an abstract judge (it is worth remembering that Kafka, between 1908 and 1917, also worked as a supervisor of machines and engines at a governmental company of occupational insurance). What was left of this strange process was the mark on the damaged skin. But, maybe, the strongest impression left by this short story by Kafka is the atmosphere of banality and indifference with which the Officer describes the details of how the machine works (banality, said Gilles Deleuze almost 70 years later, is the great enemy of thought) and, in this same atmosphere, the whole story unfolds (in this sense, in Deleuze, banality seems close to Nietzschean nihilism: the trivial is the production of everyday life as indifferent and undifferentiated, as a common and homogeneous mode of elaboration of what is always the same. In this strict sense, banality is a fatal development of thought, and it fulfills a precise political role: canceling the singular forms of what exists. Deleuze also says, along the same lines, that mass communication is trivial because, with its effect of repetition of the news, it tends to impoverish the events. Banality is such that the condemned man ignores the sentence to which he is subjected: "It would be useless to announce it. He will already know it on his own flesh", explains the Officer in charge of the execution to the astonished Traveler who visits the Colony. Certainly, the Condemned does not even know (and there is no reason to know) why he had been convicted: his crime will be announced by the machine itself, which will inscribe, all at once, the crime and the sentence on the surface of his skin (surface that, as Valéry states, is the deepest). Of course, there is no possible trial or defense (here, the Traveler shows a certain state of restlessness and outrage, but, as Deleuze will show, with Kafka a state is given rise where all of us are always culpable, condemned, and subject to a norm whose effects exceed us and we ignore). The Harrow, the key element for the execution of the sentence and the inscription of the crime, is made of glass, so as to guarantee the transparency of the procedure: the crime and the punishment are announced in public. Nonetheless, the inscription is illegible (at least to the Traveler) and is made of drawings hidden in a rhetoric of punishment, which is no different than torture. After a brief moment of awe and a discussion, the Traveler manages to get the Condemned freed but, in exchange, the Officer sacrifices his own life so

the machine can continue, for better or worse, functioning. As explained, this last execution (since the machine inevitably starts self-destructing) inscribes on the skin of the unexpected condemned the sentence: “Be just.”

## A just policy of images

In *Ici et Ailleurs*, Godard stated that we did not have to seek a just image, but only an image. This is how the French filmmaker expressed the core place of image in the social production of meaning in the neoliberal agency. (Guy Debord also mentioned this issue in his well-known *La sociedad del espectáculo* (The Society of the Spectacle).

Since the emergence of technical means of image production, images have become the site of a political dispute. The assumption of truth they display, derived from the fact that human hands do not intervene in their production (the hand is reduced to the minimum presence of a finger pressing a button: *in the automatized production of technical images the body has disappeared*), as if the technique itself were not a mediation, has converted images into silent testimonies of past episodes: technical images are portrayed as *faithful* to reality. However, as Vilém Flusser demonstrated in *Filosofía de la fotografía* (Towards a Philosophy of Photography), images do not reflect a state of affairs: they produce it, following a technically programmed calculation (Flusser shows that, contrary to the illusion of photographic transparency, an automated image – since its birth in the 19<sup>th</sup> century – is the result of a calculation-mediation of silver salts, shutter aperture, framing conditions, etc.) However, the Czech-Brazilian philosopher adds, automated images not only produce a state of affairs, they also produce a new modulation of time and space which demands the construction of a new sensibility: space without distance and time as an instant (the instant is - according to the Latin etymology of the word - the time that urges, that compels, that falls upon us, that, in this sense, rules the conducts of men and women by the strength of its power). The neoliberal sensibility adjusts to the model of the immediate, of non-mediation (any passage by the other is seen as a flaw, an excess, as something that should be eliminated). As shown in another instance (Ulm, 2021), neoliberalism is a sensible program that cancels mediation as a form of political bond: the neoliberal development is, since its birth, contrary to the community (as shown by Foucault in *Nacimiento de la biopolítica* (The Birth of Biopolitics) and

Lazzarato in *El capital odia a todo el mundo* (Capital Hates Everyone). Definitely, images are not statements, as Derrida would say, always performances.

So, just an image is not a picture of the state of affairs (the condition of spectacle is not a mere epiphenomenon but the very economy of the neoliberal affective condition). The technical image is what produces such state of affairs (and, by that, we must question the technical condition of visibility production). And just an image expresses a technical operation that we must perform to display this bond that neoliberalism has broken.

For a long time, as we know, we have been saturated, besieged with/by images and, however, there is only one missing. But this absence may show us, in a certain sense, that there are images that do not wish to be displayed (or cannot be displayed as simple records, simple statements that “something happened,” as Barthes naively defines as the noema of photography). There might be affairs that cannot become images. Maybe due to this ambiguous position they occupy between what is displayed and what is not, between what becomes an image and what is lost in them, between what they cannot confirm and what they do not want to produce, between what may be calculated in them and what is shown to be incalculable through them. Images are ground for a political struggle: on one hand, a political struggle for time, a struggle for sensibility as a political condition of our time; and, on the other hand, a political struggle for something that might appear as just an image (in its absence and without betraying its absence; in some cases, it is about presenting just an image that restores absence amidst the overabundance of what is visible: this absence of images as political denouncement appears in the cinema of Albertina Carri, *Los Rubios*, *Restos*, Daniela Seggiaro, *Noslatiaj* (Beauty), and Rithy Panh, *L’Image Manquante*, filmmakers who show the absence of the image, just an image, which is not left out of the brutal development of neoliberalism in the 20<sup>th</sup> century - denialism. The absence of image is not by chance, but rather the matrix of neoliberalism and its procedures of terror performed in an instant, as an eraser of time: the instant is the rupture of the link between our present and the past. In this sense, it is not about an image that merely represents (rather, representation is part of the spectacle that trivializes images and turns them into a commercial object of the trivializing machine of neoliberalism) but an image that performs what is missing for us.

In summary, the image is not a mere record that something exists, but the production of the visibility of that which, occasionally, can no longer be even on the thin skin of the film that displays the images which we will always be missing (fatally, maybe, we will always be missing just an image).

This political role of the image (which is fatally missing, either due to the subtraction or to the trivializing overabundance that produces a multitude of images which, ultimately, imply seeing nothing and remembering nothing) is what we aimed at questioning on the exhibit *Derechos Humanos: una cuestión permanente*, as a way of thinking about the situation of Human Rights in the present. What retains and what recovers the image? What cannot be shown and what does not even allow itself to be shown in images, and is always outside what is considered visible? What appears there as something that cannot be seen, but must be recalled?

## Human rights: a permanent issue

There is nowhere Human Rights pass through, if not the bodies. Their wounds, their absences, their marks, their painful footprints that express the violence these lives have undergone. But also through the absence of footprints with which the neoliberal States erase the past in their own logics of time. We believe that returning the footprints to those who have been erased is a possible task for contemporary art. Returning the footprints to those bodies through an image (just an image) that produces the presence of what they do not want to see. Of those they refuse to see. Of those who, systematically (maybe due to spectacularization) do not want to allow themselves to be seen. To do this, we proposed inviting artists (the photographers Flor Arias, Isidoro Zang, Marcelo Abud, Beatriz Juárez, Javier Corbalán and Víctor Notar Francesco and the performer Soledad Sánchez Goldar – see Annex) to be part of the exhibit *Derechos Humanos: una cuestión permanente*; to produce visibility to those whose trivializing daily life of images allows us to see.<sup>2</sup>

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<sup>2</sup>The exhibit *Derechos Humanos: una cuestión permanente* was organized by Instituto de Investigaciones en Cultura y Arte (IICA) [Institute of Research in Culture and Art] under the Secretaria de Extensión Universitaria [Secretariat of University Extension] of the National University of Salta (UNSa, Argentina), the Master's Program in Human Rights of the School of Human Sciences of UNSa., the Museo Histórico [History Museum] of UNSa. And the Coordinación de Bibliotecas y Archivos de la Provincia de Salta [Coordination of Libraries and Archives of the Province of Salta] (Argentina). Designed to be displayed in March, during Semana da Memoria [Week of Memory] (in reference to the civic-military coup d'état that began the so-called National Process of Reorganization in 1976), the exhibit had to be postponed due to the emergency health conditions caused by the Covid 19 pandemic. It was open during the first fortnight of April at Salón de Lecturas del la Coordinación de la Biblioteca y Archivos de la Provincia (Reading Hall of the Coordination of Libraries and Archives of the Province) and, after that, at the University's History Museum. The performance *Fotografías Lavadas* by the artist Soledad Sánchez Goldar, in one of the patios of the University's History Museum (all images displayed in this paper belong to these activities and their rights were granted by the artists so they could take part in the art collection of

These Rights cannot be discussed from anywhere else, but from within and with the mark of hunger expressed as a trace in the gaze; the bullet lodged quietly in the head of a corpse and in the silence of those who cry for the deaths of the victims of police violence; in the empty looks of sadness in the absence of a destiny; in the tears of those who yearn for those who have disappeared; in the ones who burn under the unbeatable sun or who freeze in the winter nights wandering with no direction the streets of the city that ignores them; but also, in the bodies that otherwise affirm their power in their differences; in images that disarticulate references in the military parade; in the bodies that show themselves in the diversity of their strengths; in the bodies that want to impose themselves to the looks that denies them. It is there, on the surface of those bodies, on the skin of the films that develop their visibility where violations of Human Rights show their most devastating side. And it is also there, in those bodies, the bodies that claim to be there, where we see them suffer, where we see them march, where we see them claim, this is where, at last, on the surface of the bodies where their rights appear, present themselves. It is the place for nothing else, not representing something, but granting presence to what justifies rebelliousness, what gives shape to what we do not wish to name, what sets its foot on the excesses of violence. And, as an image, we gather the struggles that show we are crossed by the same policies that try to erase the relationships from our past and our present (sometimes, what it takes is overlapping two images to show that the injustices that surround us are the ones imposed every day in the world since the 1970s). It is there, in those bodies, in those tangible surfaces, where there is contact with the rights, with their most precise performance and where their defense finds an urgent political configuration, beyond legal abstractions and the philosophical debates where (in many cases) those bodies are subject to the discursive reality that enunciates and violates them.

*Fotografias lavadas* is a performance by Soledad Sanchez Goldar (it is possible to watch a footage of the performance at Centro Cultural España Córdoba in the city of Córdoba, Argentina, at the following link: <https://www.youtube.com/watch?v=H-QjyOt3qUE>).

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IICA). In both opportunities, the photographs were exhibited on the floor (instead of displayed on the walls), organizing a path to walk among images that we had to observe by lowering our heads and thus making our own shadows to observe (the lights were placed at a medium height in a way that they crossed the room horizontally, projecting against the photos the shadows of the audience as a way to integrate their presence and the photographic presence).

It all starts by tracing a circle of salt (a magical circle, a summoning type of witchcraft that establishes a limit between the inside and the outside, a circle that isolates, protects, contains). Inside this circle, photographic images (presumably family photos from the 1970s) are submersed in a bucket with an acid solution. In this place, in this situational place, the artist sits down and, with thorough patience, dedicates to washing the photographs. We have long known that photographs and films are skins of a memory whose image cannot be forgotten; it can only be erased. But, here, it is not erased: rather, the action of washing the photos is a de-forming action (de-forming, contrary to the intention of that instant, in the sense of restoring to time its changing mobile character, expressed in this gesture that strains the past between what is forgotten and what is remembered). And this is something that resists to disappearing completely in the photographic image (maybe then the performer makes its just character appear?). It is here, in this time frame when the film resists erasure, that the record of the image shows the political power of memory: the performance is more than an affirmation of here and now, it is the affirmation of what lasts in gestures that continuously de-form the production of images (producing, in itself, another image: just an image, the one that was missing). Through this memory of the gestures inscribed on the body, emerges what the snapshots of the neoliberal instant wanted to steal (the instant does not remember nor forget; as we mentioned previously, the instant is the rupture of the link with memory: the instant wants to erase the past). Denialism is not exterior to neoliberalism; it is part of its time policy. Just an image: not the one in the photographs that are washed, but the image of that performance that washes them, cleans them, transforms them, reinvents them. If washing is part of the process through which the film is developed, washing is now a way to take from the photo its power of a fixed image, as well as recovering – in the gesture represented by washing – what cannot be forgotten. If the photo retains an instant, its uncertain erasure recovers what the instant could not recover in it: the tension of a time that goes through the performer's body, who organizes inside the circle a dance of images that everyone can now join (be part of the circle, be part of the memory: the performer presents us with washed images, makes us take charge of the memory they carry). Thus, the gesture made by the performer's body and the clean skin of the image show the matrix of a conflict where our present defines the cartography of its memories and, in fact, the two politics of time: in the face of the neoliberal denialism, the vital time inscribed in the performer's gestures. Besides, during the performance held in Salta, the artist gets out of the circle, runs around it and counts (rounds which represent

years, maybe, but also numbers that mark absences: once more, the most abstract – the number – and the most concrete – the absence of the bodies – address a type of politics that is not strange to us. All of these numbers seem to be part of denialist policies that aim at hiding the curious fact that systematic human rights violations are uncountable, they cannot be counted, they are not only uncountable, but we also do not want to number them. The violation of human rights is not measured extensively, but intensively: for this reason, its effects cannot be time-barred, and their crime is, as the violated rights, permanent. If photos may be reprinted indefinitely, this is not, against all illusion, what they make visible because what is developed in the image is not only what they show, but what is erased in them: the work of forgetting our past as a way to recover (ourselves) as agents of memory. Our bodies, the thin surface of our skins is impacted by the strength of what cannot be recalled by the images: what gives meaning to the image is not what is shown by them, but what they conceal. After all, it is not the thin surface of a picture we remember, but the coatings of film we cast on them that allow memory to be recovered with its ambiguity and uncertainty.

In the face of this moment captured forever in the image, the performance gives us back the time that could not be kept in the technical resolution of the violence by organized power: in the gesture what lasts is that which is not instant.

## **What remains**

In the biopolitical edge that Foucault describes as the invention of the population, the indelible footprints of a social machinery that marks its effects on the intimate surface of our skin are inscribed on our bodies. Rights pass (last, remain) in/through/by the bodies. Among the population and the individualized bodies, we have outlined the extent with which the Human Rights issue was converted into a battlefield for resisting the indifferent violence that the neoliberal States practice against populations. As a means, the images: the ones that impose the situational status with their outlook. They are produced in a horizon of visibility that continuously erases (produces the erasure of what neoliberalism does not want to see).

In Latin America, since the 1970s, State terrorism was the unveiled expression of imperative cruelty with which neoliberal systems imposed (through the exposure of brutal violence - better saying, through the exposure of ‘incarnated’ violence, which means, ‘in the flesh’) in an economic program



(that, as previously mentioned, is first an emotional program: a way to rupture the links between people, a way to convert all collective action into impotence and disappointment).

In Argentina, the neoliberal machine functioned, in the 1970s and the beginning of the 1980s, under the double excess of disappearance of people and abduction of children born in captivity from their pregnant mothers (who would soon be taken to institutions to be adopted or, more silently, appropriated by criminals themselves and raised within their families). However, after this unabashed mode of implementation, the neoliberal program continued its strategy of expansion and violence inscribed in the bodies (or in their disappearance) through more or less sophisticated mechanisms (the excess of civic-military dictatorships should give rise to softer forms of control). I wanted to show that the absence of images is also an appropriation of time, as the instant that prevents access to the past due to the obedience this image makes us have. The total absence of image is the final form of this disappearance. The total absence of image, either by subtraction or overabundance. That, ultimately, everything becomes banal and nothing can be recalled. Always, the image is what is missing. We must always return this missing image to the present. The fatal absence of images that the photographers gathered in the exhibition and that Soledad Sánchez Goldar come to present.

**Annex – Images of the exhibit *Derechos Humanos: una cuestión permanente***



**Photo: Marcelo Abud**



**Photo: Marcelo Abud**





**Photo: Marcelo Abud**



Photo: Beatriz Juárez



Photo: Beatriz Juárez





**Photo: Beatriz Juárez**



**Photo: Flor Arias**



**Photo: Flor Arias**



**Photo: Flor Arias**





Photo: Isidoro Zang



Photo: Isidoro Zang





**Photo: Javier Corbalán**



**Photo: Javier Corbalán**



**Photo: Javier Corbalán**



**Photo: Víctor Notar Francesco**



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**Photo: Víctor Notar Francesco**

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