



PROJECT MUSE®

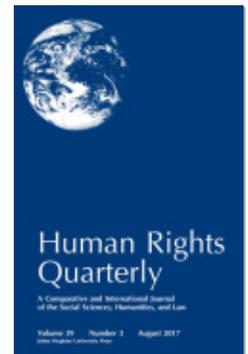
---

*Feminist and Human Rights Struggles in Peru: Decolonizing  
Transitional Justice* by Pascha Bueno-Hansen (review)

Kimberly Theidon

Human Rights Quarterly, Volume 39, Number 3, August 2017, pp. 769-774  
(Review)

Published by Johns Hopkins University Press



➔ For additional information about this article  
<https://muse.jhu.edu/article/666345>

words *human rights* are oddly absent from all her detailed accounts of HRE at the school. Not one of her extensive quotations from interviews uses these words. Neither do Prep's mission statement<sup>16</sup> nor its core values, which serve as its "moral fiber."<sup>17</sup> Do Prep students even know that they have experienced education about, in, and for human rights? Although HRE has many forms and purposes, most human rights educators affirm the imperative of explicitly naming human rights in any HRE effort.<sup>18</sup> Teaching about individual conventions and covenants can be appropriate sometimes, in some disciplines, for some age groups; however, knowing the Universal Declaration as a "common standard of achievement for all peoples and all nations" and understanding its fundamental principles, such as "the inherent dignity and of the equal and inalienable rights of all members of the human family," are essential to any and all HRE.

\* \* \*

Osler and Hantzopoulos share a conviction that HRE should be fundamental to the education of everyone in a democracy. Written before the 2016 presidential election, both books now acquire new significance and even poignancy in the light of the new administration. An "America first" policy will surely trump Osler's concept of "cosmopolitan citizenship," and school reform is likely to mean increased privatization, vouchers

for parochial schools, and an increasingly nationalist, nativist presentation of social studies. HRE in the United States, which already lags behind most of the world, is unlikely to prosper in the next four years. However, these books will be read by activists and educators and taught in schools of education. They will establish important ethical standards and transformative methods to strive for in a post-Trump future and inspire informed resistance in the meanwhile.

**Nancy Flowers\***

\* Nancy Flowers has worked to develop Amnesty International's education program and is a co-founder of Human Rights Educators USA. She has written and edited articles and books on human rights education and serves as editor of the University of Minnesota's *Human Rights Education Series*.

**Pascha Bueno-Hansen, *Feminist and Human Rights Struggles in Peru: Decolonizing Transitional Justice* (University of Illinois Press, 2015), ISBN 9780252039423, 222 pages.**

In this thoughtful book, Pascha Bueno-Hansen brings intersectionality and decolonial feminist theories and methods to bear on the practice of human rights and transitional justice. Using Peru's Truth and Reconciliation Commission (PTRC) from 2001 to 2003 and its public hearings as the focus of her analysis, Bueno-Hansen argues that just as it was insufficient to "add women and stir" to the develop-

16. *Id.* at 157.

17. *Id.* at 74.

18. For example, Stefanie Rinaldi, *Why Do Teachers Avoid Explicit Human Rights Education? Insight for Group Discussions with 55 Secondary School Teachers in Switzerland*, Paper presented at the 7th International Human Rights Education Conference, Santiago, Chile, (Dec. 2016), available at <http://ihrec2016.org/en/opalsingleevent-session/panel-1-human-rights-education-hre-in-formal-education-systems-part-1-challenges-and-analysis/>.

ment agenda, neither is it sufficient to add a gendered or cultural veneer to transitional justice. Indeed, rather than deploying gender as a synonym for women, or assuming culture matters only when transitional justice practitioners encounter an ethnic or racial “Other,” her argument is that we take seriously both the gendered and cultural assumptions upon which human rights and transitional justice are founded and practiced. While steeped in her deep knowledge of Peru, Bueno-Hansen offers insights that will be of wide applicability.

The book is framed by two theoretical approaches. The first draws on Kimberlé Crenshaw’s influential concept of intersectionality to account for various axes of oppression and their impact on those who inhabit the crucibles. Bueno-Hansen adds decolonial feminisms to her analytical tool kit to study the ways that colonial relations of exploitation and domination function and persist to the present day. As she states, “Combining an intersectional analytic sensibility with decolonial feminisms enables us to theorize more fully the Latin American and specifically Peruvian context. As a result, this examination historically situates gender-based violence, the reasoning that sustains it, and its ongoing impunity as related to the legacy of colonialism in Peru.”<sup>1</sup> By combining these two frameworks, Bueno-Hansen demonstrates the need to account for historically entrenched forms of discrimination that may escape the violation-centric and temporally bound tendencies of both human rights and transitional justice. To these lenses, she adds a feminist commitment to exposing the myopic effects of binary variables and the grids of intelligibility they construct.

Moving through a classic series of binaries—private and public, criminal and political, and ordinary and extraordinary violence—Bueno-Hansen illustrates how these binaries flatten the complexity of human experience, and construct blind spots and inadvertent silences. With a keen eye to those moments in which the surplus of human subjectivity and experience exceed the limits of binary oppositions, she provides theorists and practitioners of transitional justice with suggestions for decolonizing their questions and their methods.

Her first chapter offers a genealogy of the human rights and feminist movements in Peru, noting that both movements inadvertently marginalized precisely that group of Peruvians who bore the brunt of the original process of colonization, as well as the imposition of interventions and methodologies that replicate historical patterns of domination and exclusion: Quechua-speakers in general, and Andean women peasants (*campesinas*) in particular. For the human rights organizations, the focus was on human rights violations in general rather than gender-based violence per se. In turn, the largely urban-based feminist organizations were focused on a broader agenda of women’s rights, and conflict-related gender-based violence was not a top priority. Thus the violence targeting *campesinas* as *ethnically-marked Andean women* was deprioritized by both movements, to the lethal detriment of those women situated at the crossroads of multiple vectors of oppression. Bueno-Hansen makes an important point when she notes the sources of authority marshaled by the human rights movement at times placed it at odds with the feminist

---

1. PASCHA BUENO-HANSEN, FEMINIST AND HUMAN RIGHTS STRUGGLES IN PERU: DECOLONIZING TRANSITIONAL JUSTICE 304 (2015).

organizations. Progressive sectors of the Catholic and Evangelical churches had contributed to human rights activism and lent their considerable moral authority to advocacy efforts. For the feminist organizations however, the churches' progressive agenda did not extend to the sphere of sexual and reproductive rights, resulting in an ongoing source of tension carried through into Peru's transitional justice process.

That process formally began with the interim government of Valentín Paniagua, who assumed the presidency after disgraced president Alberto Fujimori fled the country in November 2000. It was this political opening that human rights organizations had sought, and they played a key role in lobbying Paniagua to establish a truth commission by executive decree. The PTRC was the key transitional justice mechanism, combined with a judicial unit that prepared a series of legal cases to be tried in domestic courts. The TRC's mandate called for clarifying the processes, facts, and responsibilities of the violence and human rights violations that had occurred during the internal armed conflict (1980 to 2000) between the Peruvian armed forces, the Communist Party of Peru-Shining Path, the Túpac Amaru Revolutionary Movement, and the armed peasant patrols.

When the TRC concluded its two-year investigation in August 2003, it produced a nine volume Final Report based on almost 17,000 testimonies, fourteen public hearings, and hundreds of archives from not only the Peruvian government but also that of the US State Department. The PTRC determined that almost 70,000 people had been killed or disappeared, and that 75 percent of the casualties were rural peasants who spoke some language other than Spanish as their native tongue. Thus, the distribution of deaths and disappearances reflected

long-standing class and ethnic divides in Peru. In terms of accountability for these deaths, the Commissioners stated that the Shining Path guerrilla movement was responsible for 54 percent of the deaths and disappearances reported to the TRC, and the armed forces were responsible for 37 percent.

Although the PTRC was given a gender-neutral mandate, feminists were successful in insisting that the commission think about the importance of gender in its work. In Chapter 2 Bueno-Hansen examines the debates regarding the meaning of gender, its methodological operationalization, and incorporation into the Final Report, thus tracing the challenges confronting the PTRC's "Gender Unit." Although much of this chapter covers familiar terrain, her concise synthesis is useful. Bueno-Hansen joins others in noting that gender was synonymous for "women," and that the gendered dimensions of the internal armed conflict were largely reduced to sexual violence, especially rape. In constructing rape as the emblematic womanly wound of war—and echoing the "Breaking the Silence" rhetoric that became one cornerstone of international conflict feminism—the PTRC inadvertently silenced the more complicated stories women told about political violence and the multiple roles they assumed during the internal armed conflict. In addition to eliding *campesina's* protagonism, the focus on sexual violence reduced harm to the violation of bodily integrity, thus obscuring the fuller range of harm that women spoke about at length in their testimonies. Moreover, the use of gender as a placeholder for "women" left men and masculinities sidelined in the work of the PTRC and contributed to the silence around men and boys as victims, not only perpetrators, of sexual and gender-based forms of violence.

Bueno-Hansen adds an important geographical element to her analysis by considering colonial mappings of ethnic differences in Peru. The country remains “Limacentric,” and the tools developed by the PTRC were mostly designed in the capital city and then sent out to the regional offices where local staff could give those instruments and methods a cultural veneer. On the most basic level this involved translation from Spanish into Quechua; on a deeper level, it involved complicated processes of translation, mediation, and (in)commensurability. It is here that Bueno-Hansen makes, for this reader, her most important contributions to the theory and practice of transitional justice.

The PTRC was the first Latin American commission to include thematic Public Hearings among its methods, and the thematic hearing on “Political Violence and Political Crimes against Women” provides Bueno-Hansen’s most fascinating chapter. She begins by noting that one of the public hearings’ principles was “to contribute to national reconciliation, understood as the re-establishment of social harmony and the overcoming of forms of discrimination that exclude and victimize certain social sectors and impede the affirmation of democracy.”<sup>2</sup> In this chapter, she analyzes the complex workings of language, temporality, and gender representations in these civic rituals in which women were overwhelmingly positioned as victims. She is attentive to the careful orchestration of the hearings as a site in which statehood was performed in its compassionate register and the role of the hearings in constructing a national narrative of reconciliation. Of keen interest are the women who appeared with their children, born as a result of their

mother’s rape. The ambivalence that may well have accompanied their painful conceptions was narratively airbrushed out in the curation of these hearings, as the women were presented as redeemed by their maternal sacrifice and embrace of children whose birth was redolent with older colonial histories of the massive rape of indigenous women by agents of the state. The focus on suffering and maternal sacrifice reified indigenous women as victims to whom violence was and is done, feminizing them as victims and in turn allowing for the remasculinization of the state as compassionate protector of these women and their children.

Bueno-Hansen insightfully notes that more than colonial histories of sexualized violence were being replayed: so too was colonial domination of another sort. The primarily Quechua-speaking women who appeared at the hearing were forced to translate themselves and their painful experiences into the temporal limits of the time allotted to them, in a language other than their native tongue, and in a sequential form of narration strikingly at odds with the circular nature of a Quechua-speaker’s sense of being-in-time and narrative conventions. The moments of incommensurability reveal the limits of law and legal liberalism and of the discourse of human rights itself. Human rights discourse occupies a tremendous amount of “airspace” in global politics, where it has become the dominant discourse of justice. Human rights have global currency, a term I use purposefully. As currency, human rights offer the promise of universal standards, commensurability, and a measure of justice via the harmonizing or “complementarity” of domestic and international laws and legal cultures. Human rights and legal

---

2. *Id.* at 81.

categories are, however, “actants” with agency and complicated social and political lives. They actively define what is and is not a violation, and their gendered and cultural foundations leave many forms of harm outside their capacity for capture. Where there is a right, there is a remedy, which may be precisely the problem. The wide range of harms Quechua-speaking women narrated were incommensurable and therefore erased. One is reminded of the power inherent in rendering an Other’s epistemology and form of life inconceivable, thereby forcing her to make herself legible in the dominant idiom—be it Spanish, statistics, or the categories of human rights and liberal legalism that infuse the field of transitional justice.

The following chapter also raises important questions about power in the form of sexual violence, coercion, and consent. Here Bueno-Hansen focuses on Manta-Vilca, one of the PTRC’s case studies. The Manta-Vilca case became emblematic of the sexual violence carried out by military personnel during the internal armed conflict, and the impunity with which they did so. When the military entered the highlands, many communities were placed under states of emergency and military control. One can accurately describe those years as living under a military occupation, at times for a decade or more. Where there were military bases there was sustained sexual violence practiced against the civilian population. Bueno-Hansen explores some legacies of these rapes, including children who were largely defined as evidence of the crime, and the grey zone that exists between coercion and consent in circumstances of military domination. When a woman trades sex to save the life of a loved one—or to spare a young daughter from that brutality—what does one call that sex act and the woman who survived it? What to make of those

women who narrate such experiences with defiance, rage, or even pride? Elsewhere I have suggested we consider womanly narratives of heroism, and understand that some women may refuse to occupy the abject rape victim status with regard to these violent experiences. Bueno-Hansen explores this tension and joins a new wave of scholarship that questions the inevitability of rape during war and the monochromatic framing of rape as a weapon of war. She considers soldiers and their individual motivations, military socialization, promises made and not kept, and the complicated patriarchal bargains women make to reduce harm to themselves and others. Opening space to consider the multiple uses, or not, of sexual violence during armed conflicts will contribute to understanding the dynamics that lead to such violence and those which might in turn, serve to minimize it.

Manta-Vilca also serves as the focus of her next chapter and the challenge of putting interculturality into practice. Bueno-Hansen accompanied the feminist nongovernmental organization DEMUS (Study and Defense of Women’s Rights) as they began to develop programming that directly responded to the effects of the armed conflict on rural Andean women. DEMUS was committed to using intersectionality and decolonial feminism as both a political commitment and a method of working with the community. Bueno-Hansen traces DEMUS efforts to practice *convivencia*—sharing daily life, building trust and mutual caring—and the many challenges the all-women team confronted in seeking a more horizontal relationship with the community. A long history of distrust with regard to the national judicial system was not easy to undo, and the assumption of gender solidarity amongst women from different class, ethnic, geographic, and

cultural backgrounds underscores the short-sightedness of an essentialized use of “woman,” and claims to a shared sisterhood. DEMUS came to understand how much culture mattered only when the team members began to reflect on their own individual backgrounds as well as their institutional culture. In short, one cannot “add culture and stir” without first examining the cultural assumptions of the methods, instruments, and questions one uses.

It is fitting the book concludes with some suggestions for changing these dynamics. As the author argues, gender analysis must begin at the conception of the transitional justice process, with gender shaping the assumptions, methods, questions, and instruments to be used. Similarly, transitional justice practitioners would do well to realize that it is not only the designated Other who is culturally placed! Liberal legalism and transitional justice are permeated with a particular rationality and epistemology, and simply adding brown faces to brochures or translating questionnaires from Spanish to Quechua does not allow one to first ask if the materials themselves render other’s worlds and ways of knowing inconceivable. These efforts might lead to challenging the monopoly of liberal legalism and its conceits, which in turn could take up this book’s challenge to trace “the ragged edge where good intentions collapse under the weight of historical exclusionary practices.”<sup>3</sup>

**Kimberly Theidon\***  
**Henry J. Leir Professor of International  
 Humanitarian Studies  
 Fletcher School, Tufts University**

\* *Kimberly Theidon is a medical anthropologist focusing on Latin America. Her research interests include political violence, transitional justice, reconciliation, and the politics of post-war reparations. She is the author of many articles, and *Entre Prójimos: El conflicto armado interno y la política de la reconciliación en el Perú* (Instituto de Estudios Peruanos, 1st edition 2004; 2nd edition 2009) and *Intimate Enemies: Violence and Reconciliation in Peru* (University of Pennsylvania Press, 2012). *Intimate Enemies* was awarded the 2013 Honorable Mention from the Washington Office on Latin America-Duke University Libraries Book Award for Human Rights in Latin America, and the 2013 Honorable Mention for the Eileen Basker Prize from the Society for Medical Anthropology for research on gender and health. She is the Henry J. Leir Professor of International Humanitarian Studies at the Fletcher School, Tufts University.*

**Alexandra Schultheis Moore, *Vulnerability and Security in Human Rights Literature and Visual Culture* (New York: Routledge, 2016), ISBN: 9781138860278, 262 pages.**

Because an investment in human rights always returns us to lived experience, it invariably raises questions of how to document actual events. Out of this foundational gesture of documentation comes the intense focus in human rights scholarship on methods of narration and representation. The law, human rights reports, witness of humanitarian workers, government and corporate reporting, and work of journalists all exhibit some degree of their own narrative unconscious: ways in which they presume to capture truth (if not the real), glossing over the mediations which render convincing representation. Much of the interven-

---

3. *Id.* at 164.