

Investigaciones solidarias: ¿solidaridad con quién?

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In 2009-2010, I had the great privilege and pleasure of accompanying two research projects partially supported through the LASA Otros Saberes Initiative: a collaborative project between Jo-Marie Burt of George Mason University in the United States and the Coordinadora de Derechos Humanos in Peru; and a project jointly conducted by Mauricio Albarracín Caballero of the Universidad de los Andes and Colombia Diversa. For me, the chance to meet the leaders associated with these quite different, but complementary, initiatives, to discuss their work in depth and accompany them (albeit in a very limited way) into “the field” in which they were envisioning this pathbreaking work was one of the most exciting educational experiences I have had. It was an immense luxury: a chance to engage, briefly, in struggles of urgent importance, and to do so alongside true visionaries whose trajectories and commitments to justice have already shaped human rights history. It allowed me to step outside struggles more familiar to me in the contexts where I work, and reflect comparatively on the tensions, limitations, and the glimmers of brilliant promise that shape our shared work; to imagine another academia. It was better than a vacation: after my field visits I returned inspired, eager to tackle new challenges, energized... and guilty.

Guilty, because as a recovering Catholic I found the sense of my not deserving such luxury inescapable throughout my participation in this project. I begin my paper

with this observation partly by means of apology, or at least disclosure; and also partly because I think it fueled my most productive set of reflections about the experience, which I understood as primarily aimed at advising the Otros Saberes Initiative about how best to promote collaborative research in possible future endeavors. While I was introduced to the people involved with these projects as a visiting “investigadora solidaria,” I found myself asking, “¿solidaridad con quién?” And of course, how best to produce and promote “investigación solidaria” depends on how one understands that very objective.

So I’d like to return to that question – solidaridad con quién -- after first offering a brief description of the projects and the parallels I drew between them, to ground my later reflections. And I should warn from the outset that I don’t have any big answers to unveil, so much as questions which I hope might prompt some interesting thinking about the varied promise of these activities in which we are all engaged, and how we might work toward that promise in the future.

Human Rights Trials and Access to Justice in Peru

This project, a collaboration between Prof. Jo-Marie Burt of George Mason University in the United States and the Coordinadora Nacional de Derechos Humanos in Peru, aims at producing research of broad social relevance on the judicialization process for cases from the Peruvian armed conflict and authoritarian period. The project aims to construct a single database of the hundreds of cases of

wartime human rights violations, most of which languish before a range of judicial instances, with a range of legal teams supporting efforts to prosecute through mostly uncoordinated efforts.

As someone much more familiar with such periods in Central America, I was struck by one central paradox of the Peruvian experience: on the one hand, the country made human rights history by successfully prosecuting a head of state -- Fujimori himself -- for crimes committed in the context of the country's internal armed conflict, a victory particularly striking given the fact that many of his crimes enjoyed the broad support of much of the population. One might imagine, from afar, that such a huge victory resulted from an unusually powerful human rights movement, or an unusually open period of societal reflection about wartime practices. In fact, neither is the case, and that is precisely what makes this project so important.

Before this project, there was very little awareness of where these cases stood, what central challenges they faced, what strategies their protagonists had tried, and what prospects for successful prosecutions remained. This lack of shared knowledge not only impedes collaboration among legal teams, but also public knowledge of this important chapter in Peru's history. So while the most direct product of this project's efforts has been the database of cases, and is undeniably important, to my mind even more tantalizing (and hence, unsurprisingly, even more challenging) are the indirect processes it can -- and has -- catalyzed, in terms of increased coordination among legal actors; greater societal awareness of these processes; and

shared participation in discussions of this important chapter in this country's history. At a time when political and economic forces tug human rights advocates' attention in the direction of new topics and struggles, leaving this type of vital transitional justice work without the funding or support it deserves, this project is poised to make an enormous difference. If it achieves even a fraction of what it set out to do, that's thanks to the enormous resourcefulness and resilience of its two leaders, Jo-Marie Burt and Ronald Gamarra.

LGBT Rights in Colombia

The Colombian project I visited was no less inspiring or important. A collaboration between Mauricio Albarracín Caballero, an advanced graduate student at the Universidad de los Andes, and Colombia Diversa, this effort aimed to document the successful campaign to extend full partnership rights to LGBT couples in Colombia. At the time of the Colombian Court's decision granting "everything but marriage," it made Colombia the first Latin American country to extend such rights to LGBT couples on a national scale. It was an immensely important victory made possible by the tenacity of Colombia Diversa's Executive Director Marcela Sánchez and scores of other courageous activists who astutely combined the energies and ebullience of mass mobilization with cooler, but no less consequential, advocacy by academic experts affiliated with the country's most prestigious university, la Universidad de los Andes.

Happily, the Latin American precedent this case has since been superseded thanks to the historic decision to legalize same-sex marriage in Argentina. But the fact that the struggle for LGBT rights in other countries has since surpassed the marker set by the case of Colombia Diversa's efforts does not detract in any way from their importance. Indeed, it is clear that the victories in various national contexts build on one another, and feed back into one another as well (in Colombia, the case of gay marriage is currently before the courts, with a decision expected any day; Colombia Diversa are among the key actors pushing it forward). This project's aim is therefore very important: to systematize the steps to victory in the Colombian case, and analyze them in terms of social movements and legal mobilization theory, thus permitting the identification of key lessons for struggles in other countries, and for ongoing efforts in Colombia. The question at the core of the project runs closely parallel to a central preoccupation of Otros Saberes itself: how can collaboration between academic experts and social movements be organized most effectively, in order to place academic expertise at the service of struggles for citizenship rights? What lessons does the struggle for LGBT rights in Colombia offer to the broader movement for LGBT rights – and to other rights struggles, in Colombia or abroad?

Access to justice, expert knowledge and the comingling of categories

Both the Peruvian and Colombian cases involved leading efforts to advocate on behalf of people traditionally stigmatized and excluded by the justice system in their countries – Peruvian victims of wartime violence by the state, often blamed for their

own victimization as presumed “terrorists”; and Colombian LGBT couples, stigmatized for their sexual identity and denied core rights not simply de facto, but de jure. In both cases, the organizations involved in these projects have played unquestionably pivotal roles in securing major victories on behalf of these populations. Yet in both cases they also operate at some remove from those populations; rather than mass-based organizations in which members of these groups could join as members, they are relatively small, staffed by professional experts rather than grassroots organizers.

(To be clear, this is more true in the Peruvian case than the Colombian one, as challenging differences of geography, ethnicity, culture, and the politics of victim status, set apart this primarily Lima-based effort from the communities where the violence raged fiercest. Yet even in the Colombian case, although leaders in Colombia Diversa participate more directly in grassroots efforts in the LGBT community and are themselves members of that community, the organization still understands its mission as expert rights advocacy, rather than the provision of services or support to the community.)

This is not intended as a criticism of the organizations so much as a statement of fact which seems worth bearing in mind if we are to use these cases to spur reflections on the broader potential of generating or promulgating “otros saberes,” particularly in cases where legal advocacy often requires a layer of experts – lawyers – mediating between the excluded and the enjoyment of their rights. Although the

Initiative aims to support collaborations between academic and civil society-based knowledge producers, in both of these cases these categories were extraordinarily blurred. The “academics” here have years of intimate involvement in justice struggles alongside, and within, the organizations they have partnered with for this project; they are legitimately practitioners as well as professors. And the “activists,” in turn, are clearly conversant with the questions and theories that dominate academic discussions, and have long involved academics on their boards of directors or in other capacities throughout their organization’s work.

Far from a criticism, in fact, it’s this blurring of categories which seems to me to lie at the core of these projects’ success; this work would simply not be possible to conduct successfully without these years of previous collaboration, these preestablished personal relationships. But it does open a question for those who would like to see more of this work abound at LASA, and in academia in general: what makes the work of Otros Saberes new or different or transformative, if the specific project participants were doing work at the juncture of academia and activism long before Otros Saberes came around? That’s a first question for Otros Saberes that I’d like to come back to in the below.

And I have a second question, which flows from the same observation about the striking degree to which participants already “spoke the same language” before this project began. In both cases, the civil society knowledge producers involved were very conversant with, and connected to, academic pursuits, and vice versa. In this

sense, to what extent do “otros saberes” flow from their collaboration? The leaders of such vitally important legal battles may work on behalf of excluded groups but they may or may not be deeply enmeshed within such groups in day to day practice. So another set of open questions, if we’re interested in opening up other knowledges, is about the relationships between mass social movements and expert legal practitioners. My point here is *not* to say that academics, or this Initiative, should only partner with the most excluded or subaltern partners (though it is important to recall the differences between lawyers and the excluded communities whose rights they seek to advance, rather than taking the former as proxy for the latter), but rather to ask when and how these broader partnerships are most fruitful. When does having an academic accompany a struggle make a difference? I think the leaders involved in this work might have important insights in that regard.

In the case of Colombia Diversa, precisely because the adversaries relied on highly emotionally charged (rather than solid evidentiary) arguments, movement leaders told me that they decided early on to set the terms of the debate on a factual basis by invoking the most rigorous studies possible, backed by the most prestigious academic institutions. In the view of both academics and activists involved, this proved a highly successful strategy. As Marcela Sánchez explained, it was when Colombia Diversa injected actual research into the debate that the discussion finally moved onto terrain where exchanges of opinion were voiced in terms of empirical evidence rather than Biblical verses.

For other types of struggles, however, the role of academic knowledge may be less pivotal (or less clearly foreseen by movement actors). There is, of course, a broad literature on cause lawyering which takes up questions of law's relationship to social movements, but it may prove fruitful to explore further studies of this topic from this collaborative research space – both because differently positioned researchers might develop new perspectives, and because the very questions they pose might vary, perhaps opening up the possibility of lessons-sharing from one struggle to another. Indeed, this is an explicit objective of Colombia Diversa's project. I also see this as a value-added dimension of the kinds of discussions Otros Saberes aims to foster: having people on the front lines of dissimilar struggles discern together what's useful here may be a very different thing than having leading academics ask that same question.

In another sense, too, the research made possible by the involvement of academic "outsiders" (though as noted above, the term hardly seems appropriate in these particular cases, as the academics involved have been involved in these struggles for their entire careers) also opens up interesting possibilities – and I see this as most clearly evident in the Peru project. Because of the nature of the cases and the scarce funds and time available to support the work, lawyers involved in these cases often either don't have occasion, or incentives, to share information as much as they might. This may make their work less efficient (as each one reinvents the wheel with the cases she manages); it undoubtedly deprives the broader community of insights into the general human rights situation, producing effects lamented by all parties

(lack of awareness of or support for cases, etc.) In this sense, then, the “otros saberes” that this project has made possible are not those stemming from the incorporation of subaltern voices in the discussion, but rather those collectively constructed narratives about a movement, built in the interstices between institutions who play leading roles, but not individually owned by any of them.

¿Solidaridad Con Quien?

So, I'd like to return to the question I started with. ¿Solidaridad con quién? If Otros Saberes aims to encourage “investigación solidaria” about justice reform efforts in Latin America, assessing the prospects for truly transformative work depends on where exactly we're aiming to drive that transformation.

Con los excluidos

I approached my assignment as “investigadora solidaria” with a fairly simple assumption about the aims of this initiative. I thought we were aiming to extend new opportunities for academic reflection to intellectuals from typically excluded communities, and give academics new opportunities to learn from such insights by incorporating these perspectives into LASA and potentially other academic venues (including publications) – in other words, I assumed that LASA was about increased sensitivity to other knowledges/otros saberes.

Yet I think this is a challenge when dealing with the sphere of justice reform/access

to justice, for the reasons enumerated above. Projects partnering with most legal practitioners are unlikely to yield perspectives of those most excluded from justice – for the voice of the excluded, partnerships might best be forged “from below,” with victims’ groups or grassroots movements. The struggles which make their way to the fore of the legal system may already be a relatively privileged set of cases. We are all familiar with the tactic of identifying a paradigmatic case and giving it resources and attention as way of pushing through new precedents. Yet this can be a very top-down approach, and it seems particularly perilous to invest in it alone in societies of Latin America where state justice is so unevenly applied across the social landscape; even a landmark victory may yield questionable benefits for thousands of similarly situated victims. In all societies, there are frequently differences between victims’ understandings and objectives in justice efforts, and those of legal practitioners. It seems vital, therefore, if this initiative is about “otros saberes” regarding justice, that it incorporate research partnerships with grassroots groups, including those who may question the very desirability of courts-driven efforts at justice. Although neither of the two projects I accompanied has this explicit dimension, it seems to me that Colombia Diversa’s project, in engaging legal mobilization theory to ask critical questions about the movement’s strategic use of law, has the capacity to speak to these questions, and I am very eager to hear what they have concluded. Similarly, although I haven’t been involved with the other two projects funded, it’s my understanding that they engage more bottom-up approaches to justice, and I’m very interested to learn from their experiences as well. I would be very eager to hear reflections about such questions as:

How do strategic legal decisions shape the construction of social movement identity? When does litigation have the capacity to strengthen social movement organizing? How do legal victories and setbacks shape the course of organizing for change, and how can popular organizations with limited resources pursue legal strategies without becoming overtaken by legal rules?

Con los abogados

On the other hand, subaltern knowledge may not be the only type of knowledge that too often goes unvalued in academic (and legal practitioner) circles. It seems to me, from my own work as well as my observations of these projects, that the legal practitioners and policy advocates leading these struggles also possess perspectives which frequently go unarticulated; the demands of their profession may lead to a certain myopia as each lawyer or activist focuses intently on winning the case or campaign most immediately at hand. Just as many academics may miss the opportunity to learn from the hands-on knowledge generated day to day in such struggles, legal practitioners may miss the opportunity to reflect on the big picture, including the chance to notice or draw out important connections with other struggles. In this sense, although human rights lawyers may not be the most excluded or subaltern groups in their societies, there may be latent knowledges that exist and go unappreciated in their work as well.

Here, it seems to me that the Peru project offers real potential, not to excavate a previously unappreciated, intact knowledge and bring it to new audiences, but

rather to help construct a new, collective one by inviting the participation of various leading practitioners in a series of processes of data gathering, reflection, and public commentary. This, too, will help inject new and otherwise not-likely-to-have-been-possible ideas into academic and public discussion. In this sense, *investigación solidaria* with legal practitioners can create spaces for reflection and analysis that capture perspectives that might otherwise have been lost in the hurly-burly of urgent struggles.

Con los académicos

Lastly, I think Otros Saberes Initiative has the potential to help transform the academy. On the one hand, it is true that the specific researchers who compose these project teams would likely have been doing this work anyway, even without Otros Saberes; they have lifelong commitments to these organizations and causes and have long been helping out in whatever ways they can. It may be that LASA gave them a little bit more money than they otherwise might have had to do this work, but the infusion of cash was not spectacular. Where I think LASA can make a much larger difference is in bringing this sort of work into the academic mainstream. Too many of us conduct our “*actividades solidarias*” apparently at the margins of our professional lives – by which I mean that we do this work because we love it, because we’re committed to it, because it matters, but it’s not seen as “academic” work even though it does, as this initiative’s very title insists, contribute to the construction of new knowledge.

Of the professional associations in which I participate, LASA has definitely always afforded a greater degree of respect and value to engaged research than others; the creation of the Martin Diskin award is one example. But in actively spearheading and supporting new research Otros Saberes has taken that commitment a step forward in ways that I think are very important. It is important that this work not only be conducted, but that it be visible, to send a message to academics that such work is rigorous, is prestigious, and that it *counts*. Until hiring and tenure committees begin to recognize that such work isn't idle do-gooderism, but actual knowledge production, this work will not reach its full potential.