

## **Avatars of colonial and liberal violences: The revelatory character of COVID-19 governance in Colombia**

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### **Abstract**

This article analyzes the institutionalized injustices faced by Indigenous populations and other “others” in the context of the COVID-19 pandemic, arguing that the government’s responses are rooted in a liberal philosophy that has historically sustained biases and inequalities through an exclusionary definition of citizenship. To analyze these issues, the article first concentrates on the broader epistemic assumptions of liberal citizenship and the ways in which they are connected to historical legacies in Colombia. Despite liberal claims of equality for all, the biases that emerge from these notions of citizenship lead towards political disempowering, silencing, erasure, and abandonment. Consequently, Indigenous peoples in Colombia have experienced institutionalized biases such as the prioritization of particular forms of participation, the exclusion of populations from rights, and the elevation of plans of development that aim to erase other ways of being. These biases were further reinforced by the governmental responses to the pandemic. Hence, the article analyzes the inequalities that have been exacerbated as a result of COVID-19 policies, showing their scope and depth, and establishing a discussion about injustices that might affect populations beyond the current context of Colombia.

**Key words:** Colombia, COVID-19, Indigenous Peoples, Liberalism, Colonialism, Inequality

### **Introduction**

In March of 2020, when much of the world first went into quarantine, the press and social media were quick to call the COVID-19 virus, “the great equalizer” (Mein 2020). But within weeks, the data revealed what social epidemiologists already knew: viruses and the government responses exacerbate social fissures, unveil old injustices, and create even more cracks in the rhetoric of equality (Silva et al. 2020; The Lancet 2020; Quinn et al. 2011; WHO 2020). Colombia, with violent polarizations, discriminations, and coercions of entire populations, saw the same trends amongst Indigenous communities, Afro-descendants, isolated territories, incarcerated populations, and places occupied by different armed groups, to name but a few. In one of the most unequal

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societies in one of the most unequal regions of the world, these kinds of issues are far from new; they are symptomatic of deeper continuations that have been made worse by the governance of the COVID-19 pandemic.

Indigenous communities and other historically excluded populations of Colombia regularly create agentic alternatives and possibilities of solidarity to face these issues. Many of these alternatives seek to move beyond colonial legacies, aiming to create equality without homogenization and difference without hierarchization. Without ignoring their agency or forgetting the alternatives constructed and promoted from these sites of struggle, this article examines one of the inequalities that has been denounced by many groups, including Indigenous peoples. The case of Colombian liberalism illustrates excluding tendencies throughout history and especially during the COVID-19 pandemic, the response to which has exacerbated racialized inequalities in relation to public health, safety, and peace policies. The relevance of this case lies not only in the contextual importance of investigating current inequalities, but also in the possibility of analyzing how historically longer trends and philosophically shared regularities are reflected in the way governments have responded to the pandemic. How does liberalism create inequality and how does this determine who has access to public health? Who is acknowledged and privileged by state policies in general and in response to the current crisis in particular? As a result, what populations suffer disproportionate illness and death? We argue that these questions of inequality in current policies cannot be understood without connecting them to a liberal philosophy and its idea of equality. As the analysis of historically continuous trends of injustice illustrates in this article, this exclusionary philosophy is often materialized and institutionalized in notions of citizenship that claim to be universally inclusive in a territory while also creating hierarchies and exclusion.

The assessments of the pandemic that explain the effects of the COVID-19 governance through the lens of social and economic inequality have been numerous. We, however, argue that the disproportionate effects of this pandemic – and, crucially, state reactions to it – are baked into the very logic of liberalism. We show how the governance of the pandemic and its effects on “others” are rooted in liberalism and, in considering the political determinants of health, we show how it conditions the quality and length of differentiated lives.<sup>1</sup>

In order to examine the continuity and exacerbation of inequalities within liberalism in the case of Colombia, which can provide several lessons to other forms of liberalism in other countries, this article begins by analyzing the philosophical assumptions that create conditions of possibility for biases and inequalities towards certain populations. It then examines the connections that notions of citizenship establish between philosophical assumptions, laws, historical trends, and biases. Then, the article briefly traces these inequalities throughout historical legacies that have remained in place in the country since at least its declaration of independence in 1810. These continuities show the depth of the issues that many are now denouncing again in Colombia. Finally, the article analyzes the connection among these inequalities and Colombia’s legal framework, including the

Constitution of 1991. In our analysis, we use official data and we draw from interviews conducted with Indigenous women leaders. Despite the complexity of inequalities that emerge from multiple axes of power such as sexuality, gender, class, ethnicity, race, age, etc., this article concentrates on Indigenous peoples, but we recognize that other groups have also been disproportionately affected.

### **Liberal assumptions: Epistemic othering, citizenship, and colonial legacies**

To understand the depth of the inequalities that have been experienced by “other” populations during the COVID-19 pandemic, it is necessary to examine how the liberal notions that still order much of our realities can claim universal equality for all “the people” in a country while also consistently constructing privilege for some and biases against others. This is interpreted as a trend that is neither new nor exclusive to the Colombian state, but can be illustrated in the empirical analysis of this context. On one side, these issues can be connected to epistemic assumptions of liberal philosophies. On the other side, these biases can be traced in a pattern with a long and legally explicit history in Colombia.

As Walzer (1990, 14) affirms, liberalism is the language of individual rights such as voluntary association, pluralism, toleration, privacy, free speech, private property, and careers open to talent. Then, the common possibility of having individual rights grants equality to those very individuals under the law. However, the need to define who is this individual, and thus a citizen of a country, creates forms of marginalization and biases against “others” because the very definition of what needs to be protected also presupposes a classification of what is a threat. This construction of the citizen that needs to be defended consistently emerges from epistemic and philosophical assumptions. As many authors emphasize, liberal states often sustain these philosophical assumptions in their constructions of equality for specific citizens and in the exclusion or marginalization of the “others” that do not fit this way of being, knowing, and enacting (Parekh 1995; Manzo 1996; Mills 1997, 2008; Reinaga 2014).

In liberal constructions of epistemic assumptions, the ontological notion of “reality” includes the definition of an indisputable set of “human” characteristics. For example, Locke (1980) states that natural law and the basis of equality for humanity emerges from a God-given set of characteristics. These shared commonalities become inalienable rights because they are the indisputable essence of the “humanity” that needs to be protected. Then, those who are most closely connected to these characteristics can know this reality, speak on its behalf, and rule towards it. They are the ones epistemologically authorized to defend it. Hence, liberalism creates an ontological definition of what needs to be protected, an epistemological definition of who knows this reality, and a temporal construction of a possibility of enacting this singularity. Since they might contradict the singularity of that which is real and needs protection, other realities, characteristics, identities, and projects become epistemically invalidated, othered, and excluded.

Liberal states often sustain this form of politics through institutionalized boundaries that emerge from the determination of a basic and universalized citizen, who has to be protected and is epistemically authorized. He is the one who can create the bounded social contract that allows him to govern himself in a particular territory. Within liberal philosophies, the citizen of a territory is often the one who “reasons” and thus knows a universalized form of reality; he is the one who knows that which needs to be defended and enacted; he is the general will of a people; he is the one who knows reality and can therefore apply it through policies in a territory to shape the future of a nation (Mignolo 2000). In other words, liberalism assumes the possibility of accessing the universal reality of “humanity” and it grants this epistemic capacity to a specific kind of citizen, which is a constructed identity of an individual that can “reason” and can thus rule on behalf of validated knowledge. Then, this construction of a citizen often entails stereotyped characteristics that are racialized, sexualized, gendered, classed, and so on (Wynter 1995; Manzo 1996; Rivera 2010; Reinaga 2014; Weber 2016). To the contrary, “other” ways of knowing are hereby invalidated. Since they contradict “reality,” they are consistently excluded as falsehood, tyranny, barbarism, danger, myth, tradition, stupidity, or chaos. Their implementation is regarded as an obstacle against the “progress” of reason or as a threat to “humanity” and “civilization.” Subsequently, those who promote “other” ways of knowing are understood as inferior “*ideots*” that have to remain under someone else’s control or they appear to be the representatives of a threat that needs to be removed.<sup>2</sup> In this sense, the epistemic othering boundaries of liberalism emerge as a condition of possibility for the protection of a “humanity” at the expense of difference; it is a platform that enables biases and violence against a diversity of “other” ways of knowing, being, and enacting.

These philosophical assumptions are not just epistemic principles historically promoted by authors such as John Locke; rather, they further explain the specific ways in which they became key parts of institutionalized states in particular countries. In much of Latin America, these liberal assumptions have been widely deployed to determine the “real” equality that needs to act as a foundational bedrock for constitutional law. Then, these notions shape the determination of the citizen and the possibility of authorizing him to participate in politics and rights. Hence, those who are viewed as the authorized knowers of this kind of knowledge are regarded as the humanity that can reason; they are *el pueblo* (the people) and its sovereignty (Mignolo 2000; Rivera 2010). This epistemic authorization lies beneath the construction of a gendered, racialized, ethnicized, sexualized, and classed “citizen” who can rule once he is “of age.” In turn, these liberal epistemic assumptions allow for the “civilized” to legislate laws and enact policies, which further specify the boundaries between the “citizen” and “criminals,” “enemies,” “naturales,” or those who have to learn to become civilized.

As Rojas (2002) brilliantly affirms, the historical construction of current-day Colombia has not escaped these othering biases of liberal formations. These hierarchizing separations between citizens and “others” frequently emerge in continuity with colonial structures such as the *casta*

system of the Spanish Empire or in connection to other institutionalized mechanisms of European colonialism such as the British Empire in North America (Said 1978; Todorov 1982; Quijano 2000; Mignolo 2000). But even when looking at post-declaration of independence Colombia, the nineteenth century institutionalization, construction, and authorization of a sovereign citizen explicitly embodied the precepts and desires of a European, male, white, and property owning “civilization” (Rojas 2002, XXVII). This identity of a citizen represents the basis of the state and the very source of its legitimacy and authority; he is *el pueblo*. These ideas of an authorized citizen have been influential in Colombia since its battles of independence, acting as the conditions of possibility to determine who has the “right to have rights” (Rojas 2009, 229), expelling “others” from this privilege, and justifying violence against them.

In his famous 1819 speech in Angostura, Simón Bolívar, the currently celebrated liberator and founding father of many countries in South America, including Colombia, justified this unequal status by differentiating *el pueblo* from “Indios” and Europeans at the same time (Bolívar 2007, 70). Additionally, Bolívar supported a more general hierarchization of persons in “civilized societies:”

That men are born with equal rights to the goods of society has been sanctioned by a plurality of intellectuals; as has been stated that not everyone is born capable of accessing all the ranks because all men should practice virtue and yet not everyone does, everyone should be courageous and not everyone is, everyone should have talent and not everyone does. From this difference emerges the distinction of individuals in the establishment of liberal society. If the principle of political equality is generally acknowledged, the principle of physical and moral inequality is not less recognized. Nature makes men unequal in intelligence, temperament, strength, and character. (Bolívar 2007, 78, authors’ translation)

Then, those who were regarded as inferior in their “nature” either had to learn to become civilized (Bolívar 2007, 78) or had to be removed as “threats” (Bolívar 2007, 92). As Rojas (2002, 16) notes, this boundary of distinction creates a “concrete exclusion” that marginalizes the “ignorant masses,” constructing differences as the problem that has to vanish into masculine and European *mestizaje*. Here, only one way of being emerges as authorized to access political power and rights, creating explicit and formal biases against all “others.” That this separation and hierarchization of peoples takes place even while liberalism claims to respect human equality is explicitly noticed during the times of Simón Bolívar, but this is a philosophical legacy that is often hidden in more current liberal rhetoric.

While the 1811 Constitution and the words of Bolívar might be related to specific geo-historical contexts, this kind of inequality and exclusion continued to form the constitutional foundations of Colombia until 1991. For example, the 1821 Constitution separated people between “Colombians” and “citizens.” Only the latter could vote, be an elector, and participate in the government in any kind of elected or administrative position. In order to be a citizen, the Constitution established that

people had to be “Colombian,” married or more than 21 years old, literate in Spanish, property owner or have access to an important level of income, and could not be a “servant” (“Colombia Constitution” 1821, art. 15). Through the Constitution of 1863, Colombians gained several guarantees and rights (“Colombia Constitution” 1863, title III). Despite this momentary and limited expansion of rights, this Constitution sustained the separation between Colombians and citizens, which only included men that were more than 21 years old and had a “legitimate profession” (art. 15). Mental health and criminality were also issues that could lead a citizen to lose his status (art. 16). Despite this small liberal extension of rights, the 1886 Constitution reinstated more restrictions and explicit forms of exclusion. Just like previous constitutions, this legal document excluded many from political rights and sustained historically continuous forms of inequality. The 1886 Constitution had several amendments, but it lasted until 1991, sustaining many of these explicit forms of segregation, and affecting “others” such as Indigenous peoples throughout much of Colombian history. Then, some of these inequalities became more subtle in the new Constitution of 1991, while the Colombian state also kept a higher level of biases through the policies that bent or violated these laws.

### **Institutionalized inequalities: Laws, policies, injustices, and COVID-19**

By approving the Constitution of 1991, the law of Colombia officially aimed to undo previous political inequalities, granting to all “Colombians” the right to vote and to participate in the government (“Colombia Constitution” 1991, art. 40). Among other things, the 1991 Constitution of Colombia obliged the state to protect the cultural and ethnic diversity in the country, granting a number of rights that specifically pertain to Indigenous peoples and other groups classified as ethnic, including Afro-descendant peoples.

Despite this important expansion of citizenship, the Constitution still constructs individual participation in mechanisms of representation as the primary form of democracy, relegating communitarian or more direct forms of democracy as secondary or subsidiary apparatuses. This form of representational and electoral democracy hierarchizes all the other forms of political participation that might be more consistent with communitarian ways of life or direct democracy. Here, the possibility of voting appears to be the main mechanism of political action, whereas referendums, protest, social movements, communities, and other kinds of voices become assimilated under the rule of elected positions. This is particularly important as it emphasizes the political power of numeric majorities at the expense of the autonomy and voice of other groups, whose political actions might take other shapes. In turn, this creates a bias against the possibility of listening to “other” economic needs, policy consequences, forms of medicine, and so on. In other words, the voices of politically and historically excluded groups remain silenced under the overarching power of electoral majorities.

Additionally, the 1991 Constitution allows for Indigenous peoples to sustain some degree of autonomy, but it often assimilates this right under national programs and governmental policies. For example, the government has been applying some overarching policies in relation to the

pandemic, but the benefits of these policies are concentrated in cities like Bogotá while having adverse effects elsewhere. These biased overarching programs do not take into consideration local alternatives that could avoid the deleterious effects of policies such as lockdowns. Moreover, ancestral knowledges could provide solutions to some of the situations currently experienced by Indigenous peoples in Colombia, but these ways of knowing are often excluded and silenced.<sup>3</sup>

Another example of problematic overarching policies is the National Plan of Development (NPD), which the Constitution declares to be the general destiny of the country and the economic project that everyone ought to follow. Within this constitutional framework, Indigenous territories can govern themselves, but they also have to do so “in harmony” with the NPD (“Colombia Constitution” 1991 art. 330). Given the importance of extractivism, the saliency of neoliberalism, and the expansion of capitalist production in Colombia since at least the 1990’s, this Constitution creates a tendency to construct all “other” ways of life as inferior if they are not in line with the profit-seeking endeavors of corporations and governments. Hence, “other” economic activities and ways of life become classified by this constitutional prioritization of neoliberalism as less relevant or even as obstacles to “progress”, ignoring them while enforcing lockdowns, excluding them from national plans of infrastructure, silencing them when requiring help, and so on. In this sense, even the Constitution that sought to expand political rights and equality, which to an extent it has, still sustains biases that reinforce inequalities against “others” such as Indigenous peoples.

For example, multinational corporations resumed mining (El Tiempo 2020a) and extractivist activities in Colombia in April 2020 (Moss 2020). Many of these activities take place in Indigenous territories, even during the countrywide measures for containment. In that context, pandemic-related lockdown rules not only prevented those resisting such projects from organizing, but also exposed them to further risks. These economic policies are, nevertheless, in line with Colombia’s 2018-2022 NDP (Pérez 2019), which focuses on mining and energy projects (King and Wherry 2020) as key economic components. The constitutional prioritization of this plan undermines other goals of the 1991 Constitution, the territorial approach introduced with the 2016 Peace Accord (Diamond 2019) and, with that, the survival of and on Indigenous lands in Colombia (Veit and Quijano Vallejos 2020). The permission for these intrusions in the territories even during the pandemic clearly affirms that the government prioritizes economic interests over Indigenous and rural lives, again protecting the way of life of the true “citizen” at the expense of “others.”

The discussion of the formal biases of constitutional liberalism in current Colombia shows that these biases take place within the logic of a discourse that often claims democracy, equality, peace, and justice for all. This examination shows that some of the current forms of inequalities and violence in Colombia cannot be understood as a deviation away from liberal rights, democracy, and institutions. Instead, these inequalities can be understood as enabled and/or justified by the legal apparatuses that aim to shape the long-term destiny of the country. Here, the real

characteristics of humanity are the reason-based possibilities of profit-related prosperity, and the true knowers of this reality are the agents that need to be prioritized above “others.”

That these biases are inner parts of the logic of liberalism and citizenship also emphasizes the importance of analyzing the policies that might move even beyond the realm of legality, but still reinforcing the same inequality. That is, these explicit and formal kinds of inequalities have to be interpreted also in relation to other determinants of health and policies that violate, manipulate, or bend even the laws that are meant to guarantee limited forms of equality in Colombia.

For example, the implementation of the 2016 Peace Agreement between the Colombian Government and the Revolutionary Armed Forces of Colombia (FARC-EP) sought to solve a five-decades-long conflict while also upholding the warranties of the 1991 Constitution for Indigenous peoples, Afro-descendants and other historically excluded groups. Among the most important guarantees for these groups were the provisions introduced through the so-called Ethnic Chapter where the degrees of violence were to be addressed through the *differential approach*. This approach meant that the Peace Accord would pay special attention to the fundamental rights of Indigenous peoples, children and adolescents, communities of African descent and other ethnically distinct groups, men and women campesinos, persons with disabilities and those displaced as a result of the conflict; older adults, and LGBTI population (United Nations 2017). To that end, the Ethnic Chapter is rather unique in recognizing the suffering of historically excluded groups.

Notwithstanding the guarantee of a differential treatment that was meant to overcome inequalities, the government violated or manipulated the very laws that were supposed to ameliorate the situation of these populations. For example, the government has been accused of turning a blind eye towards the increase of violence against Indigenous and social leaders in the country and the increased militarization of Indigenous territories. This situation has only been exacerbated by the pandemic and the lockdown that took place between March and September 2020, when the killings of social and Indigenous leaders increased significantly (Vergara et al. 2020). Confined to their homes and thus easy to locate, often without the witnesses that might be present in public places, the reported number of killings of social leaders during the lockdown stood at 125, while the count for the entire 2020 totaled 310 (Indepaz 2020). Many of those targeted have been Indigenous leaders, with a March-June 2020 study by the Observatory of Territorial Rights of Indigenous Peoples of the Technical Indigenous Secretariat of the National Commission of Indigenous Territories noting a 47% increase in Indigenous murders compared to the same period in 2019 (Calderón Segura et al. 2020, 18). Despite the alarming numbers, there has been little acknowledgement or effort from the national government to prevent the violence. On the contrary, the sexual violence against a 12-year-old Indigenous girl by at least eight soldiers of the Colombian army in June 2020 (El Espectador 2020), which rightly outraged Indigenous communities and the broader public, follows a long history of violence and inequalities against Indigenous bodies, cultures, and survival.



In that context, it is unsurprising that Indigenous peoples were at the forefront of the 2021 protests, demanding the creation of health policies that respond to the needs of the population, demilitarization of their territories and implementation of the Peace Agreement, as well as their right to free, prior, and informed consultation (*consulta previa*) (Yoza 2021). The latter has been surpassed during the pandemic and inter alia includes consulting them on granting access for extractive megaprojects in Indigenous territories (Stavrevska 2020).

### **COVID-19 as a magnifying glass: Inequalities, illness, and death in Colombia**

During the pandemic, the exacerbation of inequalities has been consistent with these epistemic assumptions, historical legacies, legal structures, and the governmental policies that violate or bend even these limited guarantees of equality. Social epidemiologists know all too well that viruses reveal political, social, and economic inequalities (Berkman, Kawachi, & Glymour 2014; Coleman 1982; Krieger 2000, 2001; Virchow 2006 [1848]; Villerme, 1826). The consequences of COVID-19 not only remind us of the health inequalities experienced by some populations that are affected more than others, but also highlight deep-seated institutionalized conditions reflected in ongoing pandemic responses. Even though we note that Colombia has not been the worst hit country by COVID-19 in Latin America, the pandemic has nevertheless re-emphasized the weaknesses of the social fabric, deepening biases related to whose life matters and why. Consistently, the inequalities found within the pandemic can be linked to the legal structures of the institutions that rule the country and the ways in which policies violate even these limited guarantees and rights. Despite the expansion of rights, protections, and political equality that took place in Colombia with the ratification of the 1991 Constitution, the COVID-19 pandemic shows the continuing inequalities sustained by legal apparatuses and the ways in which the government moves even beyond these inequalities by violating or bending these laws.

COVID-19 “landed” in Bogotá from Italy in early March 2020. By mid-March, the government had closed land, river, and sea borders; by March 21 it had also closed air borders and sent the country into quarantine. The first death was reported that same day. The first quarantine measures were taken not by the president, but by Bogotá's Mayor, Claudia Lopez, who ordered a quarantine simulation for a weekend. President Iván Duque Márquez's executive decree followed. Three months later, on June 21, 2020, the country was counting over 100 deaths per day, but certain areas and populations were disproportionately and unequally affected by the pandemic. For example, the Instituto Nacional de Salud (INS), which tallies the official numbers of COVID-19 deaths, reported that while Bogotá had the highest overall number of cases, the Atlantic and the Amazon regions had the highest death rates at that time (INS 2020).<sup>4</sup>

For comparison, where Bogotá had accumulated 1,350 cases per one million inhabitants in the first three months, in that same period, the Amazon Department had over 27,000 cases per one million inhabitants, or 20 times the rate (Gobernación del Amazonas 2020). The Amazon region is one of the poorest regions and the most distant from the capital, with systematically underdeveloped

infrastructure networks. The region, even though sparsely populated, is also home to more than 70 different Indigenous groups and several Indigenous territories, also known as *resguardos* or reserves (The Amazon Conservation Team 2020). The reserves in Colombia have been constitutionally recognized since 1991 as autonomous entities governed by Indigenous peoples, although within constitutional limits. They cover around one third of the country's area and 57.2% of the Indigenous population in Colombia live in *resguardos* (International Work Group for Indigenous Affairs 2019).

The National Indigenous Organization of Colombia (ONIC) has regularly reported on the number of cases among the Indigenous population, Indigenous nations and communities affected, as well as the number of deaths. By January 22, 2021, as many as 72 Indigenous communities were affected by COVID-19 infections and related deaths (ONIC 2021). Some of the cases have been in Indigenous communities with fewer than 300 members in Colombia (Bermúdez Liévano 2020), placing those communities at risk of physical and cultural death. With a likely community contagion before the first case was detected on April 17, 2020, the virus quickly spread to Indigenous communities far removed from medical attention (e.g., the Yoi, Arara, and Zaragoza peoples). In the departments of Vaupés, Vichada, Guainía, Amazonas, and Guaviare, no intensive care unit exists. In some cases, people need to travel along rivers for several days to reach the nearest medical facility (UN OCHA 2021). Without emergency government measures to make healthcare at least temporarily more accessible, be that through providing more motorboats that can serve as ambulances as requested by some (Bermúdez Liévano 2020) or introducing mobile clinics, the only option was to evacuate the very sick to a major city by plane, which could take three to four days for clearance from the authorities. For example, the army was called in to do the evacuations of seven patients from Leticia during the first two months after the start of quarantine in 2020 (Fuerza Aérea Colombiana 2020).

In that sense, the COVID-19 pandemic has further revealed and deepened the systemic vulnerabilities and inequalities that Indigenous peoples face in the country. This is the case particularly in relation to the healthcare and basic infrastructure of the Indigenous populations in the territories. Additionally, even when they exist in proximity, Western healthcare facilities might not take into consideration the Indigenous traditions and the cultures (OPS 2021). With limited access to health services, amidst lack of potable water, electric power, and sanitation infrastructure,<sup>5</sup> Indigenous leaders have raised concerns about the impact of the pandemic on the communities' public health and their survival. Examples of similar threats to their survival are as recent as the 1990s, when infectious diseases killed nearly half of the Nukak community in the northern Amazon (Valencia 2020). A study of the effect of socioeconomic conditions on COVID-19 mortality in Colombia found that the risk of dying from the virus was among the highest in people older than 60 and Indigenous people (Cifuentes et al. 2021). This points to the risk that not only Indigenous elders have faced, but also the preservation of Indigenous knowledge. It can, therefore, be argued that by abandoning these communities during a pandemic, despite being aware

of their healthcare access and infrastructure conditions, the state has failed in its constitutional obligation to “protect the cultural and national wealth of the Nation” (“Colombia Constitution” 1991, art. 8), but this is not inconsistent with the liberal prioritization of the “true citizen” and his characteristics.

Marginalized by the state amid the pandemic and in an effort to stop further spread of the virus, some Indigenous communities closed their territories, preventing movement and transportation across their lands (Wallis 2020), which in turn led to violent clashes with legal and illegal armed groups (CNTI 2020). The internal closing of the territories, coupled with the national lockdown led to fears over livelihoods of many Indigenous people, who work in the informal economy and had no access to stable income (OPS, 2021). Many of these communities live off selling agricultural products, their wares and *artisanat*, but the lockdowns stalled their trades and halted tourism, significantly decreasing already limited sources of income. Some Indigenous communities living in areas that have been experiencing longer droughts in recent years due to climate change and human intervention, such as the Wayuu people in the La Guajira desert, also faced food shortages, malnutrition, dried up sources of drinking water, and livelihoods threatened by the lockdown, with many of them relying on the sales of handicrafts for their income (Rosso 2020).

Overall, these factors show some of the obstacles that disproportionately affect Indigenous peoples in Colombia, whereas other populations in the country do not necessarily share these experiences. The epistemic and historical prioritization of a European citizen can thus be shown in the disproportionate protection of agents of “reason” such as corporations. It also emerges in the continuous elevations of particular forms of political participation and the budgets that sustain infrastructures and healthcare primarily in urban areas. In the case of Indigenous peoples in Colombia, this takes place at the expense of those who aim to construct different ways of life that do not fit with the consequences of mining, extractivism, land privatization, and/or foreign investment. Moreover, their voices often become constructed as a threat to development or healthcare, criminalizing protests or at least not seeking effective policies against militias that continue to kill political leaders from different communities. This invalidation of other ways of knowing, being, feeling, and enacting explain much of the inequality that either abandons or actively resists the differences of others.

### **Conclusion**

The furthering of inequalities suffered by some in Colombia during the pandemic highlight the consistencies connecting them to institutional mechanisms, governmental policies, historical legacies, and broader epistemic assumptions of liberal ideas. Due to the long historical continuity of these inequalities and the more general philosophical notions included in liberalism, the relevance of analyzing the unequal value assigned to lives in the pandemic beyond the context of current Colombia is accentuated. These trends also call for an examination of alternatives that take

into account deeper biases, avoiding constructions of the current crisis as a deviant emergency that is “abnormal” or that will be solved by a natural return to the old, liberal ways.

The liberal form of epistemic politics and the corresponding colonial legacies in Colombia illustrate some of the more formal inequalities that continue to determine what laws and ways of knowing count for the universalized singularity of the state. Then, those who fit these ways of knowing more closely become the “real” citizen and subject of rights in, for example, Colombia. These epistemic notions and historical legacies unveil the ways in which Colombia has elevated an exclusionary form of equality and authorization. Here, those who are granted the power to participate politically or are included in the implementation of whatever is in “harmony” with National Plans of Development can speak louder, while others continue to experience the silencing effects of a Eurocentric state. Hence, whoever is not quite a citizen cannot access these privileges and is located at a disadvantage in relation to governmental policies, public health, rights, and modes of participation. As Rojas (2009, 230) points out, these othering biases increase whenever “dangerous” or “tumultuous” times are used to justify a stricter regulation of populations on behalf of the citizen’s “peace,” which can only be “rational” and liberal. In the case of the COVID-19 pandemic, Colombian policies and laws have continuously securitized “others” who have been regarded as the enemies of peace, progress, civilization, morality, health, development, etc. This has resulted in differentiated levels of violence. Many people have also been excluded from health services, infrastructure, governmental protection, democratic processes, rights, etc.

But liberal inequalities not only affect Indigenous populations; they are also experienced by other ethnicized groups, rural communities, populations living under armed militias, incarcerated citizens, etc. For example, “criminals” also find themselves under formal conditions of political inequality. In Colombia, inmates and former prisoners lose some of their rights of political participation, becoming formally excluded from political power even after they have fulfilled their sentence, which is supposed to ameliorate the behavior of citizens and correct their wrongdoings. In liberalism, “criminality” entails the individual abandonment of the reason that authorizes citizens and that is protected by the state. Hence, the criminal is both de-authorized from political participation and treated as a threat to humanity. This formal bias might explain the silencing tendencies of liberalism in relation to the disproportional effects of COVID-19 in imprisoned populations in Colombia.

On March 23, 2020, barely days into the national quarantine, 23 prisoners died and 83 were injured in the riots over the high levels of overcrowding and the null measures taken to prevent the spread of the virus. In a domino effect, one prison after another started to see the numbers of COVID-19 increase exponentially while the virus continued to expand geographically.<sup>6</sup> The spread often occurred because COVID-19 asymptomatic prisoners were transferred from one prison to another. One of the causes of overcrowding has a long history, much like in the rest of Latin America: prison infrastructure is a legacy of colonial times and early republican years, which produced

facilities that are utterly inadequate for the current inmate population.<sup>7</sup> The early colonial-republican infrastructure - still in service - was expanded and updated thanks to Plan Colombia in 2002 and again in 2010 with large vertical prison complexes (*complejos carcelarios*), but these projects helped very little with the problem of overcrowding. Furthermore, the building of jails based on blueprints from Arizona and Texas are inadequate for the cold temperatures and the weather of Bogotá,<sup>8</sup> but this is just one example of the unresponsiveness of the state towards the plight of the interned, their families, and human rights organizations.

Data related to the health of inmates is scant (Escobar-Echavarría et al. 2017), revealing yet another form of silencing and erasure. Since the 1990s, subsequent neoliberal policies outsourced the services of health and nutrition for these populations, leaving for the Ministry of Health only the task of regulation, which does not include the supervision of the health of detainees. As such, all those interested in the health of prisoners must rely on the data collected by private third parties, which are also the providers of carceral services. Hence, the data that are available often specify the *services that are provided*, but this information seldom includes what *services are needed*, further silencing the voices of the incarcerated population.

That these inequalities reach such high levels emphasize the relevance of many questions for liberal ways of knowing, being, and enacting: How are these tendencies towards having less rights and towards the violation of the few rights that are actually institutionalized related to liberal ideas of citizenship and their prioritization of a particular “humanity”? Do “criminals” forfeit their rights when they contradict order, give up their voices when contradicting the citizen, and renounce projects for different futures when confronting development? How do liberal laws, rights, and equalities sustain non-neutral tendencies that criminalize some differences more readily? What other kinds of biases do liberal philosophies, institutionalizations, and policies reproduce in the name of a “humanity”? Through the protection, authorization, and privileging of citizens, rights, and civilization above everyone and everything else, liberalism has contributed to inequalities that have very long histories in Colombia, but might also relate to other states and contexts. To tackle the next pandemic or crisis, societies ought to counter the othering tendencies of a liberalism that excludes populations and destroys differences. To achieve health equity in pandemics, and ultimately social justice for all, societies need to understand the philosophical ideas feeding the politics and policies of their states. Despite an enormous amount of state-led efforts and othering biases, which include militarized violence and international support from, for example, the United States, Indigenous movements, ethnicized communities, women, LGBTQI+ individuals, prisoners, and many of the populations who have been marginalized not only denounce these issues, but also oftentimes find possibilities of solidarity, transformation, and agency from their sites of struggle (Campo Palacios and Dest 2020). The relevance and the depth of the issues that they discuss should lead towards much more decolonial and bottom-up possibilities of listening, learning, feeling, being, and enacting.

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<sup>1</sup> We thank the reviewers for encouraging us to be explicit about this observation.

<sup>2</sup> John Locke famously classifies all those who do not have “reason” as “ideots” that have to remain under the tutelage of the government (Locke 1980, 34).

<sup>3</sup> The U’wa community has actively denounced this issue in a public letter sent to the Ministry of Interior in Colombia and to international organizations dedicated to the defense of Indigenous rights (Tegria Tegria and Tegria Uncaria, 2021). Others have also pointed out similar problems elsewhere (Lucumí et al., 2020).

<sup>4</sup> Fatalities per one hundred thousand inhabitants.

<sup>5</sup> The Law 1419 of 2010 introduced a phone line for certain medical services in an effort to make healthcare more accessible, but with many Indigenous peoples not having electricity, cell phone signal or Internet connection, this remains out of their reach (Lucumí 2020).

<sup>6</sup> According to El Tiempo (2020b), in May 2020 7,3% of all cases in Colombia had been detected in just one prison, Villavicencio. This number is indicative of three things: that Colombia was not testing as the WHO had recommended, that the level of overcrowding made possible the rapid contagion and that because this is a reclusive population in substandard sanitary conditions, it was a must to test and act

<sup>7</sup> These high rates of illness and death are not isolated to the COVID-19 pandemic. In addition to the daily violence that prisoners experience, overcrowding in jails makes these institutions a petri dish for any kind of disease of poverty: tuberculosis, HIV (needle sharing), and even leprosy (Cardona-Castro, 2018). In some of the 145 “reclusion centers,” overcrowding or hacinamiento is at 300%. According to a report by the International Committee of the Red Cross, prisoners in Colombia do not have more than 3.4m<sup>2</sup> per person. National jail capacity is set at 76,000

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inmates, but today's population accounts for 109,000 *recluidos* (INPEC 2020).

<sup>8</sup> Personal interview with Juan David Marin, conducted by Ariana Fernández, Zoom, July 1, 2020. The interviewee has agreed to be named in the article.

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