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*“The wounds we bear are the freedoms we lack”: human rights and the rights of peoples in Latin America and the Caribbean*

The question of human rights arose at an early stage in contemporary Latin-American history, in the climate and movement of ideas which characterized the region during the closing years of colonial domination and were greatly influenced by the American and French Revolutions. Indeed, as early as 1794, Antonio Marinó, a criollo (native of European descent) from New Granada (present-day Colombia) and viceregal official, used his own printing press to publish the text of the *Declaration of the Rights of Man and of the Citizen*, in total violation of royal decrees. He was imprisoned in Africa for his audacity. In 1797, the year of the abortive plot led by José Mariá España and Manuel Gual, another edition of the basic text of the French Revolution appeared in Venezuela, prefaced by an anonymous «Introductory dissertation» later attributed to Juan Bautista Picornell.

The ideas of the French and American revolutionaries penetrated Latin America in different ways and with varying degrees of intensity in the different colonies. They frequently clashed with a reality that was resistant to change, particularly when such change threatened to establish a new world. There was a revolutionary Jacobin model, an authoritarian, conservative Napoleonic model and a third model that originated in North America and was an amalgam of English liberalism and the radicalism of the French political philosophers (Montesquieu and Rousseau). It was this third model that was to emerge in Latin America as the matrix of a political system founded on the pillars of constitutionalism and federalism. There were two other modes of organization of society: the hispanocriollo (locals of Spanish descent) model, in the Spanish egalitarian tradition, and that of the English monarchy, based on Locke's theories and the principles of the 1688 Revolution and parliamentary practice.

It was not long before politicians and ideologists realized that imported models were not consonant with regional realities especially since the new reality that took root with the collapse of the colonial system was a mixture of the new, as yet not fully born, and the old, still in its death throes. The form and content of society expressed, in their inequalities and contradictions, in the simplicity of their language, the intricacy of a basic genetic process: the constitution of Latin Ameri-

can nations and national states, which might be also defined as the search for regional identity.

In this process, the politicians sought to apply, mostly by trial and error, the different models of social and political organization at their disposal. It was not unusual to find Spanish translations of principles, decrees or articles of the American Constitution or the French Declarations. The 1811 Venezuelan Constitution – the first real attempt in the region to imitate the North American model – is almost a literal transcription of a set of North-American State constitutions. José Gervasio Artigas, a Uruguayan radical revolutionary – a liberal and a federalist – hoisted the banner of liberty and independence, and in order to guarantee those rights he devised a constitution based on the earlier Massachusetts Constitution.

In Mexico, Argentina, Chile, Greater Colombia, in the three countries (Colombia, Ecuador and Venezuela) that emerged with the desintegration of Greater Colombia, and in Brazil, following the abdication of Pedro I, the American approach gained prominence and invariably proved unworkable in Latin America.

Nor was it only in the institutional projects for the new republics that the non-viability of these proposed changes were evident. Another drama was being enacted alongside that of the civil wars being fought for national organization: the consistent and systematic violations of human rights. True enough, such violations did encounter an equally consistent and systematic reaction from those who refused to accept the restrictions that arbitrary power tends to impose on the process of democratization of societies and politics. The *desideratum* of the approach that totally rejected the existence and validity of human rights can certainly be found in the policy of the Ecuadorian Gabriel Garcíá Moreno, who went so far as to lay down in the constitution a principle stipulating that membership of the Roman Catholic Apostolic Church was a prerequisite for Ecuadorian citizenship.

We should mention here the spirit of defiance in which the Inca Yupanqui, faced with the harshness of this type of approach, told the Spanish Parliament in 1810: «We may be oppressed but we will never be conquered».

However, slowly, painfully and contradictorily, human rights began to occupy a place in the daily struggle, to be formally recognized and to be applied in practice, even though not all members of society had equal access to these rights. This inequality of opportunity for the enjoyment of human rights gave birth to the struggle for their expansion, which largely foreshadowed the struggle to increase the quality, quantity and beneficiaries of human rights, which was to be waged throughout the twentieth century. Thus, the early exclusion of women from most of the principles laid down in the Declaration of the Rights of Man and of the Citizen or in related legislation sowed in seeds of the first reaction of feminists, long before the term existed, of genuine pioneers of women's rights, such as the Argentinian Mariquita Sánchez and the Peruvian Flora Tristán. The motto: «The land belongs to those who till it» was soon to become the rallying cry to the landless peasantry in a struggle which sometimes culminated in genuine agrarian revolutions, as occurred in Mexico, Bolivia, Nicaragua, and with different qualitative implications in Cuba.

The emergence of the first industrial and urban workers' groups highlighted the efforts being made to guarantee the rights of assembly, association and petition; a laborious struggle that was cruelly repressed in Santa Mariá de Iquique

(Chile), Cananea and Río Blanco (Mexico), the «semana trágica» (week of terror) in Buenos Aires (Argentina), and Uncía and Catavi (Bolivia), to mention only a few outstanding instances.

The battle for universal suffrage marks yet another chapter in the struggle for the effective enjoyment of human rights.

But if horror, brutality and exploitation, torture and death of those who defied policies that denied the essential values proclaimed as universal by the French Revolutionary bourgeoisie in 1789 and 1793 were part of everyday life in contemporary Latin America, it is also true that it almost simultaneously assumed another dimension, concerning what was later to be termed the rights of peoples. Persecution, slaughter, dispossession and expropriation of their land accorded the Araucanos and Mapuches from southern Argentina and Chile the doubtful privilege of being among the earliest victims of those who emerged at one and the same time as the defenders of liberal values and the upholders of the genocidal policy applied during the colonial conquest. Hence one of the many paradoxes in Latin American history: entire peoples, minorities, anyone who was different suffered grievous affronts in the name of freedom. As the Cuban poet José Martí so oppositely put it: «The wounds we bear are the freedoms we lack».

But, as we shall see later on, the Araucanos and Mapuches were not the only ones to be discriminated against; identical or similar abuses were perpetrated in every part of Latin America and the Caribbean.

In their Constitutions, the Latin American states formally announced the adoption of the universal principles of human rights. But, with very rare exceptions, they were more often than not a dead letter. Various kinds of local police, foremen, landowners, etc. – *gamonales, mayores, coroneles, capangas, huasipungueros, policias bravas* – assumed the daily task, particularly in the rural areas, of demonstrating that there was no limit to the arbitrariness of those in power. And this is of course the crux of the matter; for it is precisely *human rights that limit the abuse of power – of any kind of power*.

The fabric of Latin American society added new dimensions of conflict in social and ethnic relations, political relations and relations between cultures. New, old and rejuvenated social protagonists redefined the outline of new areas of conflict which could no longer be attributed to class affiliations, since their appearance in society was also associated with other domains. New social movements thus emerged, among them one that was destined to take pride of place: the human rights movement.

The upsurge of interest in human rights, their translation from theory into practice, their perception as a fundamental precept and a strategic base to build better societies were the result of an unusual combination of events: the proliferation of savage dictatorships in Latin America was checked when human rights policy emerged from the very centre of US power (the Carter administration) as fundamental to international relations. While this policy was useful to the United States in its confrontation with the Soviet Union, it provided the Latin American peoples with unexpected leverage in their struggle against the boundless despotism of the dictatorships in Argentina, Bolivia, Chile, Uruguay, Salvador, Guatemala and Paraguay.

The essence of these regimes was their formulation and application of a policy that rode roughshod over the most basic human rights, relying on the force

and scope of the power invested in the state. It is with good reason that the term *state terrorism* is associated with them. Upon closer inspection, we find that it was not only the rights set forth in the 1948 *Universal Declaration of Human Right* that were violated but even those which were already considered to be definitely established by the end of the eighteenth century. Without distinction of age, sex, religion, class, profession, nationality or other status, state terrorism is the most patent and systematic of practices that flout the prescriptive laws recognizing all the rights to which men and women are entitled by sole virtue of their human condition.

However, Latin American societies have successfully sought and developed new forms and instruments of struggle to recover human dignity. The *Madres de Plaza de Mayo* and the *Agelas de Plaza de Mayo*, who demonstrated in Argentina with the simple but heart-rending request to know what had been the fate of their missing children and grandchildren, were, the pathos of it apart, perhaps the most genuine expression of these new forms. The expression *desaparecidos* (missing) has become a symbol both of horror and of hope. Moreover, the fact that the protagonists were *mothers and grandmothers* highlights the female dimension, which brings us to another symbol: women emerging on to the political stage, from which they were traditionally excluded. A cruel paradox indeed: to join the battle for the right to life from the grave.

A recent book<sup>1</sup>, published following a seminar organized by the Latin American Social Science Council (CLACSO) in Buenos Aires in November 1983, contains an account of the first systematic approach by Latin American social scientists to the question of human rights as a matter for reflection and analysis. It contributes to the debate on the social order and on the relations between the state and the individual from an angle which favours, or at any rate emphasizes and reinstates the ethical conception of politics. In this connection, the authors regard human rights not only as a curb on the abuse of power but also as a non-instrumental strategic component of any policy that aims at establishing freer and more just societies.

One might argue, and with good reason, that this is a Utopian ideal. Basically, it is consistent with Latin American and Caribbean history. As the great Mexican writer Octavio Paz pointed out in *The Labyrinth of Solitude*, «America is less a tradition to be followed than a future to be fulfilled. A simultaneously practical and idealistic concern with the future has been indissociable from Spanish-American thinking from the end of the eighteenth century to the present» Without disregarding history, we may extend this indivisibility to the entire region. In point of fact, the indigenous inhabitants posed thorny problems for the world at large from the very beginning of the European conquest in 1492, one of the first being the question of *otherness*.

In a splendid article Roberto Fernández Retamar<sup>2</sup>, writes: «The landing of the Europeans in the Antilles – the misnamed “discovery” – had heralded the arrival of what the Cuban José Martí, writing in 1877, described as a «devastating

<sup>1</sup> Waldo Ansaldi (comp.): *The Ethics of Democracy. Human Rights as a Limit to Abuse*, Social Science Library, Vol. 14, CLASCO, Buenos Aires, 1986.

<sup>2</sup> Roberto Fernández Retamar, *Caliban's Revenge*, “The Unesco Courier”, Year XXXVI, N. 12, Paris, Dec. 1981, pp. 38-40.

civilization, two words which are a contradiction in terms and therefore, in themselves, an indictment of a historical process». And indeed, subjected as they were to forced labour, hunted down like wild animals, defending themselves in vain against vastly superior arms; driven to mass suicide or succumbing to contagious diseases previously unknown to them, the indigenous peoples (mistakenly called "Indians" by the Westerners) had been virtually annihilated within a few decades of the arrival of the Europeans. Yet they left behind them words (many of which have entered the European languages), the cultivation of a variety of plants, some artefacts, and habits, such as smoking».

Towards the end of the fifteenth century, Europe discovered the existence of *another* world (thus completing its knowledge of the globe) which it later dubbed the "New World", generating a heated polemic which continues to this day. As Fernández Retamar rightly points out, «the repercussions of the reports on these peoples of *another* world were not confined to Spain alone. (Where the controversy raged between Antonio Montesino, Bartolomé de las Casas and Francisco de Vitoria on the one hand and Gonzalo Fernandez de Oviedo and Gines de Sepulveda on the other.) As early as 1516, the Englishman Thomas More (doubtless influenced by the conquest) conjured up his vision of an ideal country, *Utopia* (...). Moreover, in 1580, the French humanist Michel de Montaigne published his essay *Des Cannibales* in which he wrote that «there is nothing barbaric or savage about those nations (...); what happens is that people brand as *barbaric* everything alien to their own customs».

Jean-Jacques Rousseau had in mind the indigenous inhabitants of what has been called America since the time of the conquest and colonization when he developed his hypothesis of the "noble savage". In *The Tempest* (1612) William Shakespeare created Caliban, the misshapen monster who owes his survival to the fact that his labours are essential to his master<sup>3</sup>. It was the sad destiny of the first inhabitants of our region to have inspired admirably evocative verses and celebrated works of art for the burgeoning European bourgeoisie and yet to have failed to survive the brutal impact of its "devastating civilization". Since they had been decimated and since fresh Calibans were needed as labour, millions of Africans were uprooted from their continent and were set down as slaves in our region, and not a few Asians subsequently suffered the same fate. This *regeneration* gave birth to Caribbeans of today but, by extension, it also illustrates a basic aspect of the origins of Latin America and the Caribbean: we entered world history as colonized peoples, which the Brazilian Darcy Ribeiro has described as witness peoples, new peoples and uprooted peoples.

We have quoted liberally from the article by the great Cuban poet and essayist Roberto Fernández Retamar because it very aptly pinpoints a decisive fact: Latin America and the Caribbean were born colonized and as such embodied one claim from the outset (as they still do): the right of individuals and peoples to life, freedom, dignity and their own identity. In the early days of our accession to independence, the black Haitian revolutionary Toussaint Louverture, in his rejoinder to the French First Consul, Napoléon Bonaparte, claimed this universal right as a legitimate demand of our peoples: «We shall not settle for a conditional

<sup>3</sup> «Perhaps never before or since», writes Fernández Retamar, «has a major literary work shown the frightening reality of colonialism in so clear a light».

freedom granted to us alone; we demand the enforcement of the principle whereby no man, whether he was born red, white or black, may be the property of any other man».

We must in all conscience admit that this demand has by no means been met. That is why any analysis of the present relationship between human rights and the rights of peoples must take into account the dynamics of conflict, perpetually changing historical realities and the consequent plurality of identities all of which go to make up this relationship. We are thus confronted with sometimes consecutive but almost invariably overlapping periods: the indigenous or precolonial, the colonial, the mercantile-industrial-capitalist and the "post-modern" period characterized by the new capitalist restructuration. This does not mean that there are old and new periods, but rather a permanent, continuous, interactive re-creation which accounts for cultural universality or plurality. The Bolivian *katarista* movement, for example, is now a mere re-creation of Andean communitarianism anchored in the historical memory of the late eighteenth century; it is in fact a group that has withstood all attempts at ethnic discrimination, social exploitation and cultural integration, and which seeks recognition of its own identity, in the midst of an industrial mining crisis, overwhelming social exclusion and a perverse and grotesque attempt of use coca and cocaine in order to insert the Bolivian economy in the international market.

Likewise, if we consider the multicultural Latin American-Caribbean horizon, we will find not only wide socio-cultural diversity but conspicuous and parallel socio-cultural fragmentation. This represents a moment of historical change which may well be the expression of a process of reconstructing socio-cultural relations, including such seemingly disparate phenomena as new market forces, state reforms, anti-establishment movements, and extremely novel forms of social relations (ranging from primary face to face relationships to the more complex relationships of social communities). However, both Latin America and the Caribbean find themselves being driven into a «post-modern» environment that tends to level out differences.

Within this context – and with regard to the subject under discussion – it can be argued that the constitution of the citizen's civil, political and social rights is central to the relationship under consideration. The process of establishing citizenship can be analysed historically at three levels: the first concerns *political citizenship*. Regional history has demonstrated that a mere act of formal proclamation does not suffice to make it a reality or provide genuine and effective access to its possession. Although the formality of codification is necessary, its inadequacy is attested to by the existence of liberal democracies that were racist and/or restricted during periods of state organization and oligarchic domination, or by the more recent military dictatorships in the Southern Cone, where every right of the citizen has been systematically and brutally violated. Nor is it reasonable to say that political and/or civil rights were firmly pre-established, re-established or established: we need only consider to what extent these rights have expanded as a result of the innovations introduced by the feminist movements.

Political citizenship can therefore be seen as a complex, constant and unfinished process, providing us perhaps with a wider, more precise view of the relationship between human rights and the rights of peoples.

The second level concerns *social citizenship*, in terms of access to jobs and

incomes that would enable social reproduction to be maintained, but also in terms of a response to the claim for social participation as reflected in decision-making. In this respect, one of the salient characteristics of the social aspect of citizenship in the region is the contradiction between a system of decisions made by an entrenched elite and a forceful, albeit ambiguous, claim for popular participation. This contradiction probably affects not only the strength of the relationship between human rights and the rights of peoples, but also, in more general terms, the link between representative democracy and participatory democracy.

We are only too aware of the difficulties that continually arise when it comes to linking social democracy to political democracy in Latin America and the Caribbean. It has the effect of undermining democracy as a social project, as an area in which disputes may be settled. On the one hand, the social and political order in which human rights are exercised to the full, whereas on the other it increases the propensity of substantial sectors of society to act, albeit unwittingly, contrary to that idea; this naturally fuels the crisis. Some of the many important factors are the dwindling role of the systems of political representation; the cultural difficulties inherent in full-scale acceptance of the rules of the democratic game; the growing internationalization of politics; increasing bureaucratic autonomy and the fact of its becoming more and more remote from democratic control and information; the excessive value placed on political realism; and the intensification of the processes of pauperism and social differentiation.

No doubt a new democratic order is viable in the changing internal and international relations affecting the region. Latin America and the Caribbean are now experiencing the dilemmas attendant on integration in a new world economy that is increasingly selective with regard to commodities but takes no account of social and national considerations. How does one deal with a process of international (or rather transnational) integration and internal social links and yet establish a positive and creative relationship between human rights and the rights of people? We do not know whether it can be done, but we can safely say that this linkage and the problems it involves require, among other things, some change in the approach to socio-cultural conflicts, which should introduce institutional reforms that would allow the conflict of interests to run its course and give expression to the socio-cultural pluralities and diversities alive in the continent. This then is the third level referred to above.

At this level, certain problems assume prime importance almost to the exclusion of all others. In any reference to the relationship between human rights and the rights of peoples, thought must be given to how these rights are affected by the perverseness of the colossal foreign debts, the Nicaraguans' dramatic struggle for self-determination, the efforts of the Contadora Group and the Contadora Support Group to achieve peace, and the fragility of the transition to democracy in Argentina, Peru, Uruguay and even Brazil.

Furthermore, it is not merely at the macro-regional level that problems rise. How must the unmet demand of the Mapuches, Tobas, Quechuas, Aymaras, Shuaras, Tetetes, Cofames, Cayapas, Miskitos, Mayas and others be viewed in this context? Above all, how can one analyse them without becoming caught in the snares of Indianism, a trend which as the Mexican anthropologist Arturo Warman rightly claims, prevents the Indians from being the *subjects* of or participants in the discussion and turns them into its *objects*?

But, on closer inspection, does this state of affairs not apply to other social groupings in Latin America and the Caribbean? How many of these are the objects rather than the subjects of discussion and decision-making? The wounds are manifold... Indeed, the wounds we bear are the freedoms we lack... ■