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THE HUMAN RIGHTS QUESTION IN
UNITED STATES-LATIN AMERICAN RELATIONS

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ABSTRACT

This paper approaches the question of human rights in United States-Latin American relations from an essentially political perspective. This is not the only possible point of view, and the subject could be enlightened and enriched through other, complementary approaches. However, it offers the widest explanatory context for understanding why a topic on which presumably there should be agreement is, in fact, a source of conflict. This perspective is also important because the proper guarantees for the full enjoyment of human rights exist only within the framework of a democratic, legitimate, and stable political regime.

Of course, not everyone thinks alike. Therefore, the first section explores the dimensions and sources of ambiguity contained in the expression "human rights". Then--on the basis of a particular ethical and political choice--the paper examines the mechanisms which I consider to be desirable in promoting respect for human rights, including the role of the state, of voluntary associations, of multilateral institutions, and of the United States government in bilateral relations. Finally, the paper analyzes the possibilities for cooperation and conflict between Latin America and the United States on human rights issues in the coming decade.

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"Human Rights": An Ambiguous Expression

The dialogue between the United States and Latin America on human rights did not begin in the 1970s. The question had been analyzed long before, although from different viewpoints, in both North and South America. This is not the time or place to review the history of this asymmetrical progress toward the consciousness of human dignity. However, it might be proper to remind readers that before the United Nations General Assembly approved the Universal Declaration of Human Rights on December 10, 1948 (by 48 votes in favor, and with the abstention of the Soviet Union, the "peoples' democracies", (South Africa, and Saudi Arabia), the ninth American International Conference had approved (in Bogota) the American Declaration of the Rights and Duties of Man. To recall these landmarks--and the decisive part played by Latin America in them--is useful in order to set the balance right and enable both parties to approach the subject well aware of its extreme complexity.

It would appear that the seed sown by the Universal Declaration brought forth many fruits, since it was succeeded by the European Convention for the Protection of Human Rights and Basic Freedoms (1952), the International Treaty on Civil and Political Rights (1966), the International Treaty on Economic, Social and Cultural Rights (1966), the American Convention on Human Rights (1969), and the Helsinki Conference (1975). At the declaratory level, the fullest consensus seems to subsist on human rights. However, we all know the distance that exists between good intentions and reality, between what should be and what is.

It would be overly simple to conclude that human rights are not fully in force in the world because, in some regions, certain perverse, cruel, and selfish individuals have taken over the state and oppressed citizens. This may be true, but one must also recognize that the scope of what is stipulated in the declarations and treaties on human rights is not evident, and that the indispensable task of exegesis is dependent on more global philosophical conceptions which interpret the world in radically different ways. Although people may say similar things, they do not necessarily interpret these statements in the same way. Thus it is first necessary to analyze the internal structure of international and American documents on human rights in order to determine to what extent they express a consensus.

Seeking an explanation of why the articles of these documents have a double canonical form--(a) "Everyone has the right to ..." and (b) "No one will be ..."--John Finnis proposes this hypothesis: differences in expression are linked to the fact that all of the documents in question admit a clause which imposes limits on the free exercise of recognized rights. Finnis also warns that several of the articles of the (b) form contain internal qualifications, while others are merely indicative.¹ This hypothesis is reinforced by the fact that both the International Treaty on Civil and Political Rights and the American Convention on Human Rights recognize that--in exceptional cases--states can temporarily suspend the obligations contracted in these treaties, but that such measures do not authorize any suspension of those articles which are restrictively listed (see articles 4.2 and 27.2, respectively). An examination of these articles leads to the following conclusions:

- (1) There is no full agreement as to which rights are unrepealable or limitative.

In effect, the United Nations Universal Declaration contains four articles of the "no one will" type which do not contain provisos. This short list is lengthened to seven when the International Treaty on Civil and Political Rights sets forth the rights that may be suspended in exceptional circumstances which place the life of the nation in jeopardy. The American Convention on Human Rights, following the trend to lengthen the list, adds six more articles.² Confronted with this diversity of approach, one can follow two paths. The first alternative is to adopt this last document as valid, judging it to be the most complete result of a process of assertion of human rights. The second path is to determine the lowest common denominator among these different documents. In practice, however, there is not even consensus on this. Agreement tends to exist only on the right to the physical integrity of the person.³

- (2) There is no justification for urging the promotion of civil and political rights more vigorously than economic, social, and cultural rights.

The states which signed the treaties commit themselves "to respect and guarantee to all individuals their civil and political rights" (article 2.1), while they only commit themselves to "gradually achieve ... the full effectiveness of economic, social, and cultural rights" (article 2.1). The distinction between both sets of rights--and the priority accorded in the documents to civil and political rights--do not express a consensus, but merely the liberal tradition's view on the issue.⁴

- (3) There is no agreement on the scope of certain basic rights such as the right to life.

The International Treaty on Civil and Political Rights states in article 6 that "no one can be arbitrarily deprived of life". The re-

maining five clauses are devoted to justifying and limiting the death sentence, which "will not be applied to pregnant women" (article 6.5) as an implicit recognition of the fetus' right to live. The American Convention, in turn, states that "everyone has the right that his or her life be respected. This right will be protected by law and, in general, from the moment of 'conception'" (article 4.1, emphasis added). The American convention is abolitionist in its ideology, since clause 3 says that "the death penalty will not be restored in those states which have abolished it". Clause 4 later specifies that "in no case can the death sentence be applied for political or common crimes connected with political ones", thus granting greater protection to the life of the political criminal than to that of the common criminal.

- (4) There is no agreement concerning limitations to the exercise of these rights.

Article 29 of the Universal Declaration admits that "in the exercise of one's rights and the enjoyment of one's freedoms, everyone will be subject solely to the limitations set by law, with the sole aim of assuring the recognition of and respect for the rights and freedoms of other people, and to satisfy the rightful demands of morality, public order, and the general welfare in a democratic society". To make the right of the individual compatible with the rights of others is no easy task. But arriving at a consensus with regard to which demands are "just", to what should be understood by "democratic society", and the meaning of expressions such as "morality", "public order", and "general welfare" is highly problematical in the academic field,⁵ and an impossible task in the political one. The International Treaty on Civil and Political Rights contains no general restricting clause. However, it does include a similar structure in several of its articles, adding "national security" to those elements to be protected.

This analysis of major human rights documents shows to what extent the expression "human rights" is loaded with ambiguity and can legitimately be interpreted in different ways by philosophies which give priority to different values. Human rights are not absolute commodities whose relevance can be verified in isolation within any one society. The clause which states that individual rights must be made compatible with the rights of others poses the arduous problem of ranking rights, since it seems obvious that the right to life cannot be placed on the same axiological level as the right to paid holidays.

Any political community is historically organized on the basis of one culture--that is to say, an idea about mankind, society, history, and divinity. This idea constitutes a scale of values that slowly takes the concrete form of rights as underlying assumptions confront dilemmas posed by the real world. These forms are not rigid because certain transitory circumstances lead to higher priorities being attached to particular values, without this implying a definitive

choice. Different cultures, based on their own value scales, have their own responses to the challenges posed by history.

In the American continent one has to accept the existence of different value scales, because even if it is true that these constitute an ideal for human development, the concrete shapes of rights express conceptions of man which are frequently antagonistic. A different conception of basic human rights and their ranking derives from Christian anthropology than that which derives from a Marxist or utilitarian anthropology. In order to demonstrate this, one can do no better than to offer several examples. Cuba's Marxist-Leninist regime has a conception of freedom of conscience and religion that depends on its ideology, which is considered to be the only valid science and which is in open contradiction to the Christian ideal of religious freedom.⁶ In the United States, the controversy concerning abortion illustrates deep philosophical differences regarding the right to life.⁷ In Nicaragua, the Sandinista government's Marxist orientation gives priority to the satisfaction of economic, social, and cultural rights over political rights. But similar positions inspired by "developmentalist" ideologies were common among South American military governments in the 1960s and 1970s. There is no reason to hide these differences by translating such ethical choices into a supposedly universal language. If there is no agreement at the ethical level, such general formulas will constitute ambiguous statements intended to disguise basic disagreements.

If one adds to this plurality of ethical conceptions the diverse perspectives held by different sectors of society regarding the possibility that those human rights recognized at a normative level can be realized here and now, the sources of conflict among cultures, governments, ideological movements, and social classes are rapidly multiplied. From a political point of view--which, it is important to remember, is the art of the possible--the human rights issue is an ideological question which expresses the idea of justice that everyone constructs for himself, an idea basically inspired by values but also influenced by the interests at stake. Political communities that permit the free expression of their values and interests present a plural image which impedes the identification of one sector's opinions with those of the country as a whole. Can one say that the United States, Brazil, or El Salvador has a homogeneous conception of human rights? Certainly not, as evidenced by the different values which civilians, the military, liberals, conservatives, and marxists attribute to individual rights and to national security, or to civil and political rights in comparison with economic, social, and cultural rights. Political communities governed by totalitarian regimes do not permit the free expression of values and interests, but the underlying diversity of opinion does not seem to fade away because of political control. To deny this would be equivalent to stating that the oppressors and the oppressed share the same idea of justice.

To indicate that there are many different value scales regarding human rights does not in any way close the debate on this question.

To do so would be to adopt a relativist philosophy of values which I do not share. Nor am I skeptical about the possibility of affirming the essential dignity of man. For philosophical and religious reasons I believe it is feasible to distinguish good from evil, truth from error and lies. Moreover, without these distinctions there could be no political community. It is this capacity which prevents us from looking on with indifference when human dignity is subjugated, and which commits us to the task of criticism--first of all in one's own community, and then in the world--that shows the failure to respect those rights which any human being has by the simple fact of being one.

This ideal of justice makes concrete an aspiration to the absolute which must be carefully maintained at the ideal level as a normative goal--one which may never be fully realized, but which serves to measure the inevitable degree of injustice in every historical situation. Like any ethical ideal, this one must be proposed, not imposed. This does not imply that a political community can remain neutral when confronted with differing value scales, because by giving itself a positive juridical order a community is forced to opt for a particular conception of the good of society and its people. Thus it is necessary to underline the essential difference between the plurality of ethical ideals which coexist within a particular national juridical system, and the plurality of political and juridical systems inspired by opposing conceptions of man. The first case is always a question of limited plurality because penal law--by establishing what is or is not lawful--determines what behavior is punishable. In contrast, in the international order there is no common authority with the capacity to punish effectively: thus diversity of behavior is irreducible except by resorting to force. The critical work of denouncing and proposing should, therefore, not be left to political power, but to the moral force of society--represented in a free community by religious, academic, humanitarian, and public opinion institutions--if one wants to avoid the manipulation of ideals and their subordination to particular interests.

Understanding a culture demands understanding both its historical traditions and its ethical and religious components. For example, one cannot understand the culture of the United States if one knows nothing of Puritanism and the Mayflower pilgrims or the division between North and South on the issue of slavery. Nor can one understand Latin American cultures if one overlooks the presence of the Catholic Church, the form adopted by the different colonial administrations (principally Spanish and Portuguese), the process of racial mixing, and the influence of the Enlightenment--to mention only the earliest background experiences. The idea which a country's inhabitants hold regarding their rights stems from this history, and it is only gradually modified in one direction or another. This is why political voluntarism that ignores the popular conscience is irredeemably doomed to failure, unless it seeks to implant a totalitarian formula. A fruitful dialogue between the United States and Latin America demands a reciprocal knowledge of cultural traditions and national histories, because the behavior of the present is con-

ditioned by both the recent and the remote past, and because possible understandings spring from the mutual recognition of the right to be different.

Finally, understanding a culture requires knowing the forms of economic organization, social life, and political relations in force in a given society. This knowledge must not stem from the cold glance of a spectator who critically observes reality according to the categories of his own cultural world. Rather, it must be based on a comprehension of the meaning which institutions have for those who act in them. A sociological analysis that would limit itself merely to describing reality on the basis of statistics, or that would only perceive events at their surface meaning, would be incapable of grasping the concealed rationality behind so many "unfair" structures and apparently "absurd" actions. There are always reasons behind a social institution which explain its existence. One cannot reasonably say that a culture is understood unless these reasons are grasped, and the desire to modify a situation--even with the best intentions--that one does not understand to begin with, often produces greater social disasters than those which one sought to correct.⁸

Approached from this multidimensional perspective, intercultural dialogue will not make disagreements disappear, but at least it will be of significant help in dissipating misunderstandings and prejudices. Distinguishing between levels of discourse will make it possible to discover partial consensus regarding certain general principles. But one must be aware that these agreements are not based only on formal principles, forgetting or sacrificing substantive values. In fact, nothing assures that what is legal is also moral. Human rights--even before being translated into positive law and transformed into civil, political, and social rights--represent an ethical demand which is above the will of legislators or judges.

Nonetheless, an agreement on principles does not obviate the need to implement them. At the level of action, where prudence is also required, concrete options may differ. For example, the Catholic Church recognizes as legitimate the fact that its members, although inspired by the same faith and the same idea of man, operate freely in the political, economic, and social fields. In the last analysis, this freedom is expressed in a legitimate plurality of options in the temporal field.⁹ Catholics share the same cosmovision, but they adopt positions which are partially divergent--even on the subject of human rights--because different appreciations of reality lead them to formulate opposing judgements, as has been shown during the last few years in El Salvador, Chile, Argentina, and Brazil. Politics is to be found at this level of what is moot, and it is fundamentally important that it remain there. Thus it is possible at times for groups which differ at the level of principles to reach agreement in action.

For those who believe, as I do, that man from the moment of conception has universal and inviolable rights stemming from his condition as a free and intelligent being, it is painful to see the

actual disagreement that reigns on this subject in this hemisphere. One must recognize frankly that Marxism-Leninism and the doctrine of national security do not endorse--either in theory or practice--the minimum rights such as the right to not be deprived of life arbitrarily or be subjected to torture or cruel, inhuman, or degrading treatment. The conflict around human rights is philosophical, ideological and political. Minimizing its scope can only lead to obscure reality.

Promoting Human Rights

Recognizing the complexity of the problem should not serve as a pretext for failing to do something about it. Having discarded utopian solutions, one must seek legitimate and effective means for assuring the protection of the rights of man wherever he may be. The object of this concern is not an abstract and universal mankind, but the individual human being of flesh and blood who suffers from injustice and who in most cases is so weak that his complaint is not even heard. This individual lives in a political community governed by authorities whose ethical horizon should be that of achieving the common good, but who in practice frequently act according to the logic of power accumulation described so well by Hobbes. It is they who have both the direct responsibility for the fate of society and the capacity to modify it. These authorities come from ruling classes which have accumulated strength, prestige, and fortune. Focusing attention on national communities and their ruling classes is thus the first step in developing an effective strategy for promoting human rights.

a) The Role of the State

With great realism, the United Nations General Assembly proclaims the Universal Declaration to be "the common ideal toward which all peoples and nations should strive, so that both individuals and institutions, constantly taking inspiration from it, promote, through teaching and upbringing, the respect for these rights and freedoms and gradually assure, by national and international means, their universal and effective recognition and application" (Preamble). Ethical ideals have no force if they are not imbedded in the popular conscience. Thus before attending to laws one must attend to people, because a fair (or less unfair) order can only be instituted and maintained by rulers imbued with the virtue of justice--that is to say, with the will to give each his own, to recognize that everyone has his own rights.

Now, it would be interesting to determine what proportion of time devoted to civilian and military elites' teaching and upbringing in each nation is dedicated to the ethical formation of the conscience and the discussion of the different conceptions and problems of justice. Many professionals have been trained in a positivist conception of science so rigorous that it discards ethical problems as being irrelevant. The only rationality which interests them is that which

effectively enables them to link the means to the end, overlooking the delicate problem of ethical coherence that must exist between the end and the means. When this attitude carries over into political, economic, and social fields, it generates ostensibly "realistic" behavior which pays attention only to the result (a presumed net balance of good and evil, or the "sense of history"), a result which is obtained at the cost of sacrificing those who interfere with the project. Educating politicians, businessmen, the military and police forces, professional people, those who create public opinion, and trade union leaders in justice is an indispensable requirement in order that they see the ethical dimension of their acts and evaluate their consequences from this perspective. A policy for promoting human rights which is limited to setting up legal prohibitions restricting the actions of those who govern, and which overlooks this educational activity, would be difficult to apply and would fail to address the most serious problems facing contemporary societies. What is required is a morality of ends, not solely a morality of means. Only a global conception of justice can provide the proper theoretical framework that synthesizes without irritating privileges--civil, political, economic, social, and cultural rights.

The difficulty in carrying out such educational action is that these activities would have to be implemented in societies characterized by great political instability and ideological diversity. Experience shows that the creation of a legitimate political regime is a necessary but insufficient condition for enjoying human rights. Despite the passage of time, Toqueville's prediction continues to be valid: the legitimacy formulas which are today crystallized in collective beliefs are pluralistic and representative democracy, on the one hand, and one-party Marxist democracy, on the other. In this hemisphere, the United States and Cuba represent the purest form of these two models. But whereas the United States' political system has endured for the last two centuries, the Cuban experience has not yet been subjected to the crucial test of succession. It should also be added that whereas the United States is a pole of attraction for migrants and refugees in search of a better life, Cuba is a permanent source of emigration, which demonstrates that the totalitarian system's degree of legitimacy is low.

Distinguishing among totalitarian, authoritarian, and democratic regimes in Latin America is useful in order to understand the nature of political processes such as military intervention. The armed forces do not propose new formulas of legitimacy. Their eruption into the national political arena is the result of very different motivations in different countries and at different times. But the authoritarian systems which they establish--although they may sometimes be of very long duration--must be considered transitory and unstable. They do not enjoy the original legitimacy of representative democratic regimes, nor are they characterized by the stiff seclusion imposed by totalitarian regimes. Hence the importance of remembering the old distinction between legitimacy of origin and legitimacy of exercise, in order to ask oneself not only where a government comes from but also where it is going and what aim it pursues.

The greater openness of authoritarian regimes in comparison with totalitarian systems is empirically verifiable, but this does not make them a desirable alternative. On the contrary, everything that directly or indirectly encourages the emergence of totalitarian or authoritarian regimes undermines respect for human rights. Nonetheless, the distinction has considerable practical importance when one analyzes the ideologies which inspire those forces opposing authoritarianism. If those who are in favor of a totalitarian model triumph, the human rights situation will be worse in the medium- and long-run at least for those who do not have a materialistic conception of man and confirms that the system of domination imposed has up to now been irreversible.

The formation of a democratic regime is the only desirable alternative. Jeane Kirkpatrick rightly states that "democratic governments have slowly come into being only after lengthy prior experiences with more limited forms of participation during which the leaders reluctantly got used to tolerating dissension and opposition, and the opponents, in turn, accepted the notion that they could overthrow but not destroy those governing, and the people have become aware of the influence on government".¹⁰ Democracy as a form of government is a work of art which requires leaders brought up in its values and trained in its practices. Habits, customs, and behavior are not created by a decree calling for elections. But these attitudes are not learned if they are not practiced. To require a democratic regime to solve all civil rights problems from one day to the next is to create a demand that is impossible for it to fulfill. How long did the United States need to abolish slavery and racist legislation? To be patient is not to be complacent, but to be a disciple of history.

A thorny question which will be at the center of the debate on human rights during the next decade is the relative priority which different ideological sectors will grant to civil and political rights, on the one hand, and to economic, social, and cultural rights on the other. For those whose thinking is reflected in existing international treaties on this issue, civil and political rights must be "guaranteed" and "respected" by states, whereas with economic, social, and cultural rights states only commit themselves to "adopting means ... for gradually achieving ... (their) full effectiveness". For others, the first priority is to remedy the basic needs of the poorer social sectors (food, health, education, water and medical services, housing) without attaching any great importance to the political framework in which these reforms are carried out.

This primacy of economic and social measures over political rights has had various manifestations in Latin America. In Peru, the military government of General Velasco Alvarado adopted a populist formula; in Chile, General Pinochet's government opted for a formula of the liberal type; in Nicaragua, the Sandinista junta subordinated elections to the achievement of certain socialist objectives. The position favoring the primacy of civil and political rights might be accused of "formalism" to the extent to which it grants almost exclusive emphasis to state activity with regard to civil liberties,

confident that democratic processes will eventually lead by themselves to greater social justice even though this may not happen in the short- and medium-term. The position favoring economic, social, and cultural rights might be accused of being "elitist", because those who take power assume the right to decide when their subjects will be capable of determining for themselves what is suitable for them. In this sense it is particularly important to know how governing authorities define "basic necessities", because an incomplete view of man may lead to reductionist policies which ignore his dignity as a free being.¹¹

As discussed earlier, only a global conception of justice can properly synthesize these two extreme positions. Being a subject--and not merely an object--of social life, the human being has the right to participate freely in determining both his political and social destiny. To accept that enlightened minorities--authoritarian or totalitarian, liberal, socialist, or populist--decide for one, and instead of one, what are the people's true interests is to deny the essential dignity of man that is at the base of any substantive theory of human rights. The same can be said of majorities which, recognizing no other limits than their own desires, violate the guarantees that states or the law grant to minorities.

Organizing participation; making marginal groups aware of their rights; and promoting the activities of those who have influence, resources, education, and power in favor of the weaker members of society is a strategy which forsakes the idea of "revolution from above". Instead, it is strategy of mobilization and conflict, based not on the suppression of adversaries but on the creation of a new social conscience.¹² Of course, a strategy of this kind--directed not toward the immediate assumption of control but toward a lasting modification of a society's balance of power--will face formidable adversaries. In addition to various kinds of elitism, it will have to face the powerful opposition of corporate interests that are against such change, both in the United States and in Latin America. Such a strategy must also ensure that ideological schemes originating in other circumstances do not impose themselves dogmatically on realities which are completely alien to them, for it is the responsibility of the social forces of each country to diagnose their own reality and to define a viable strategy that reflects possible social and political alliances.

From this perspective, the struggle for economic and social rights cannot be separated from that waged to exercise civil and political rights; Aristotle already noted that majority government is also the government of the poor. Exercising the right to free association will demonstrate the degree of freedom that a society grants to its members, because it is through voluntary association that one transcends one's individuality and becomes a collective force. This is the only effective means of curbing arbitrary actions on the part of rulers and "big bosses" who control the sources of social power.

Such a strategy will also help overcome the differences which exist between those who consider the state as almost the only source of abuses of civil and political rights, and those who consider it the supreme remedy for social and economic injustices. The former want the state to play as small a role as possible; whereas the latter want an interventionist welfare state. As various authors have noted,¹³ rights can be properly protected only when institutions and procedures exist for preserving them. In this sense, the creation of an independent judiciary and a body of suitable lawyers, the subordination of the police to judges, speed and ease of access in the administration of justice, and the existence of a prison system which respects the individual, are all basic requisites of a state of law. But even when practice is in accordance with theory, the remedy would be insufficient if citizens did not respect of their own free will the norms which govern them and give them cohesion. Without such respect, the state would be overwhelmed by societal demands and would be incapable of offering protection to the innocent. This clearly demonstrates that the state may fail in its tasks because of either excesses or defects. Although rarely discussed in the literature on human rights, this issue is a central one.

In fact, it is indispensable to recognize that the violation of human rights stems not only from the state but also from society. In order to avoid the former, the state's action must be limited by prescriptions based in law which prevent the abuse of its power. To avoid the latter requires efficient protection for the citizen because it is more important to prevent a crime than to punish one. For example, a peaceful woman should have the right to walk the streets without running the risk of being raped or mugged. If in general she cannot do so, the government does not fulfill its task because since its responsibility covers both what its agents do (for example, mistreatment of prisoners in places of detention) and what they fail to do (for example, not guaranteeing personal security and integrity of the person). However, human rights analysts tend to worry almost exclusively about what the state does and not what it fails to do.

Posing the issue of the protection of human rights in this way requires a careful, country-by-country analysis of where threats to human rights originate, which shows that the problem is everyone's and not just that of some people. A brief consideration of the sources of threats to personal rights illustrates this point: (a) common criminals acting individually: These include both those who resort to the use of violence, and the so-called "white-collar criminals" who, taking advantage of positions of power, commit crimes with total impunity, especially in the economic and social fields. Their main victims are the poor; (b) organized crime, including gambling, prostitution and white slavery, pornography, and drug traffic: Organized crime holds great power of corruption. Criminals of this kind are linked to existing spheres of power and generally act with impunity in the Americas, except in Cuba; (c) political movements which resort to the systematic use of force in order to achieve their aims and win power: They practice various forms of selective crime such as robbery, kidnapping for ransom, and assassinations, and they almost always have outside support, whether explicit or concealed; (d) clan-

destine para-military or para-police groups organized or tolerated by state intelligence or counter-insurgency services: They frequently have support from specialized organizations with similar tasks in other countries. Although they are called "security forces", they create situations of extreme insecurity for the population at large.

Listing so many potential threats to human rights should engender caution with regard to the possibility of properly guaranteeing rights by government fiat. To believe that the human rights situation in a country improves decisively because the rulers stop torturing their opponents is to forget that the director of a prison does not need to torture prisoners.¹⁴ At the opposite end of the spectrum, in a situation bordering on Hobbesian anarchy in which everyone has the right to everything, no one really has a right to anything. Effective therapies spring from correct diagnoses, and both the diagnoses and the therapies improve by trial and error. The time has come to undertake a thorough reevaluation of existing diagnoses, setting aside political demands and appeals to the emotions in order to attack the manifold roots of injustice. It will be necessary to alter structures, correct behavior, revise laws and change public servants, knowing full well that even men and women moved by the same desire for justice differ with regard to the means of achieving it. Therefore the essential motive in this search must be to renounce the imposition of ideas through force, respecting both the freedom of the individual and the freedom of people to determine for themselves how they wish to live.

b) The Role of Voluntary Associations

If the creation of a legitimate political regime is a necessary but insufficient condition for the enjoyment of human rights, and if the only desirable alternative is a democratic regime, political parties play an essential role in the struggle for the respect of human dignity as channels for the free participation of citizens in political life. They generate the cadres which enter government, and it is their task as political opposition to exercise control over the government's actions. In order for these activities to serve human rights, political parties must fulfill a double requirement. First, parties must be capable of articulating a nation's main social interests so that their representative capacity is demonstrated at the polls and adequately expresses the existing constellation of social powers. If the armed forces, business and trade union associations, and religious communities do not consider that their interests are sufficiently well represented by political parties, they will fall back on themselves and forge corporatist alliances which destabilize democratic governments. A political party can only govern or act effectively in opposition if it mobilizes social forces. Experience shows that electoral force and the formal power that legality grants are not sufficient bases for those who hold political power to prevail over those who control social power. Without the existence of a strong political power capable of commanding obedience, human rights cannot be guaranteed effectively.

The second requirement is ideological in nature. Twentieth century history contains notorious examples of ideologically totalitarian or authoritarian political parties which came to office democratically but maintained themselves in power for long periods of time by violating systematically the rights of their citizens. Some of the most notorious cases occurred in Latin America in the 1950s: Peron in Argentina, Rojas Pinilla in Colombia, and Perez Jimenez in Venezuela--not to mention the more than doubtful "democracy" of the Institutional Revolutionary Party (PRI) in Mexico. The problem, then, is how to establish a state of law in a democratic political regime if a significant group of parties does not adhere with conviction to the principles and the rules of the game of a constitutional and pluralistic system. In order to evade this issue, observers very often underestimate the difficulties faced by Latin American countries--which usually lack a democratic tradition--when they attempt to establish civilized and lasting forms of political coexistence. Authoritarian traditions of a personalistic, populist, or bureaucratic type are very strong. To these should be added various Marxist ideologies which choose the path of violence or the path of electoral politics as their tactics according to the circumstances, but which do not adhere to the values which are the basis for the inviolability of the rights of man.

In addition to political parties, those organizations specifically devoted to defending human rights have played a significant role in shaping public opinion by denouncing abuses. Their action is nonexistent in totalitarian countries such as Cuba, which do not permit their presence. Their activities are more effective in authoritarian countries, where they enjoy sufficient freedom to operate but often lack the personal security to develop fully. As a result, many of their members have been killed or have suffered imprisonment or exile for their commitment to furthering justice.

A strategy for promoting human rights must be able to count on these organizations' participation, but it should not be based on them. Without examining the frequently heard objection that not all human rights organizations are impartial in judging situations (which would require a detailed discussion in order to avoid unfair generalizations), it is possible to conclude that one cannot demand of them more than they can give. Their denunciations help to publicize condemnable acts and situations, thus weakening the arbitrary use of power. But this does not mean that such organizations themselves have the capacity to remedy the evils which they reveal. Human rights organizations also engage in the legal defense of the oppressed when there is a more or less independent judiciary present, but they are incapable of providing it if such institutions do not exist. Their role is to exercise a monitoring function, and their testimony will be all the more effective the less it is linked to the political interests in conflict. If public opinion perceives that the denunciations are biased, they lose credibility.

Meaningful contributions in this field can and must be made by other institutions which together constitute the so-called "moral

power". These include churches and religious communities, especially the Christian ones because they are the most representative. Their actions to promote human rights are already well known, their testimony often having been sealed with their blood. The services which religious organizations can offer in the future include diagnosing the human rights situation, educating consciences, training leaders, organizing solidarity, creating spaces for dialogue, accepting the responsibility of mutual toleration and scrupulously respecting religious freedom, and rejecting any temptation toward clericalism--either of the right or the left--that blurs their identity.

Universities have traditionally played a decisive role in forming the ideology of elites and the moral leadership of society in Latin America. It is only necessary to recall here what was said earlier about the importance of the ethical training of consciences which should take place in the educational system. Finally, the mass media--television, radio, the press--can if they enjoy freedom, constitute sounding boards for society. They can carry out both an educational task and ones of denunciation and opposition. These tasks are essentially complementary, and the media thus amplify the work conducted by other humanitarian institutions.

c) The Role of Multilateral Institutions

The principle on which the foreign policy of American countries' should be based is stated in Article 1.1 of both international pacts on rights: "All peoples have the right to free determination. By virtue of this right they freely establish their political development". Like any statement of right. "Free determination" is presented as an ideal threatened by the internal action of authoritarian and totalitarian movements which resort to the use of force in order to frustrate the expression of the people's sovereignty, and by the external action of countries which openly intervene in the internal affairs of others by supporting particular parties or sectors. In the case of Latin America, states find themselves submitted to such an intense play of external pressures that their capacity for self-determination sometimes disappears in practice, and their internal conflicts merely mimic what occurs on a global scale. Totalitarian currents work both at the level of the state and at the level of ideology, making their influence felt on kindred parties and trade unions in the cultural field and offering support to revolutionary movements. The relations between the continent's armed forces have often reinforced their authoritarian tendencies. And at the level of democratic currents, the role played by international socialist and Christian Democrat organizations is well known. The dramatic situation in El Salvador, for example, cannot be understood outside this context of foreign interference.

The contemporary tendency of great powers to settle their hegemony conflicts in developing countries has brought the latter not only all kinds of calamities, but also severe criticisms of their governments' behavior concerning human rights. This double

violation of the principle of self-determination constitutes international hypocrisy: one witnesses the spectacle of developed countries--equally responsible for an unjust world economic order and a fundamental part of the ideological and armed conflicts waged in developing countries--setting themselves up as judges of situations which they themselves have helped create in dependent states.

In order to neutralize unilateral intervention by great power and limit the excesses of individual states, efforts have been made to give international organizations a more active role in defending human rights. Western hemisphere states signed the American Convention on Human Rights in San José, Costa Rica in November 1969. This Convention (which took effect only in 1978) did not confine itself to enumerating the rights which the signatory countries must protect. Rather, it established two organs competent to investigate whether the commitments taken on by signatory states are in fact fulfilled: the Inter-American Commission for Human Rights, and the Interamerican Court for Human Rights. From both juridical and moral perspectives, the creation of supranational institutions is a positive development. Because the essential rights of man do not spring from citizenship in a particular state, but are based on the attributes of all human beings, there is justification for international protection, of a contractual nature, contributing or complementary to that offered by the law of the American States" (Preamble).

At present, however, several factors lessen the potential effectiveness of these institutions. First, large countries such as Argentina, Brazil, and Mexico--which make up more than the half of the Latin American population--have not signed the Convention. This reduces its effectiveness. Second, there is reason to doubt some signatories' commitment to the protection of human rights. One can only wonder what the practical significance is of adherence to the Convention by Duvalier's Haiti, or Stroessner's Paraguay, Somoza's or the Sandinists' Nicaragua, or that of El Salvador, Guatemala or Chile. The behavior of the United States is especially striking in this regard.

In 1977 the United States ratified the Convention, which states in Article 4.1 that "Everyone has the right that his or her life should be respected. This right is protected by law and, in general from the moment of conception, no one can be deprived of life arbitrarily", and in Article 3 that "Everyone has the right to the recognition of his or her juridical personality". But in 1973 a United States' Supreme Court decision had allowed--without participation by elected representatives--almost total freedom to abort, denying the fetus the condition of being a person and thus the legal protection which accompanies the recognition of juridical personality.¹⁵ This example clearly depicts the contradiction which often exists--on such a central issue as the right to life--between national legislation and what is stipulated in international conventions to which a state adheres.¹⁶ One can only conclude that no sovereign country models its behavior or its domestic legislation on what is prescribed in international conventions if it has sufficient power to do otherwise.

The Interamerican Commission on Human Rights was created by the Convention to promote the observance and the defense of human rights. It hears "denunciations or complaints about the violation of this Convention by a State that is party to it" (Article 4). But this competence is insufficient, and it distorts the Commission's overall task. Although anyone may present such denunciations before the Commission, they necessarily involve only human rights violations by the state, not those stemming from society. This restriction of competence politicizes the Commission's activities. By investigating only actions imputable to governments, the Commission becomes their prosecutor, but not the defender of rights injured by private individuals. In situations of widespread violence, the Commission thus condemns one of the parties while maintaining silence about others' abuses. The election of its members is influenced by ideological factors, not just juridical criteria. For these reasons the Commission is essentially a political organ, and it still has not managed to achieve consensus regarding its work. Moreover, its reports are presented to the Organization of American States' General Assembly, where they are examined and approved by governments which often lack the moral authority to act as judges of other governments.

Despite these imperfections, the Commission has succeeded in making the people of the Americas aware of human rights issues, and its reports have put authoritarian governments on the defensive. But its pronouncements have not at all modified the behavior of totalitarian governments and revolutionary movements which try to achieve their aims by means of force.

The competence of the Interamerican Court for Human Rights is even more limited than that of the Commission: "only the States party to the Convention and the Commission have the right to submit a case to the Court's decision" (Article 61.1). In addition, not all states recognize its jurisdiction. Thus its actions are mainly symbolic.

It is unrealistic to expect that these multilateral institutions can play a major role in promoting human rights in the near future. The signing and ratification of the Convention by all American states, adapting national legislation to its provisions, and expanding the competence of the Commission and the Court are desirable steps. But these changes are unlikely to occur soon because of the zeal with which each national community strives to preserve its sovereignty, and because of the legitimate prejudice felt by states toward new international bureaucracies which may be prompt to judge but hesitant to show solidarity with the physical and economic insecurity of those struggling to establish a more fair and equitable state of affairs.

Given the relative impotence of international juridical mechanisms, there have been calls for multilateral financial institutions to punish governments which are recalcitrant with regard to human rights issues by denying them loans.¹⁷ There are three serious disadvantages to such proposals which make them inadvisable. First,

the principle of equality does not govern these institutions; decision-making power is based on the amount of capital contributed. Their supposed multilateral character is therefore nothing but a disguise for the hegemonic role of the United States. The advantages of multilateralizing the implementation of national policies are obvious from the perspective of the United States because it avoids accusations of interventionism. But for the same reason this is an unacceptable mechanism for Latin Americans. Second, international financial institutions must necessarily act without ideological bias; they are instruments of cooperation, not domination. To place them in the service of goals which are alien to their specific aims is to destroy their raison d'être because it would oblige each government to set itself up as the judge of the others, thus destroying the indispensable sense of mutual confidence. Third, economic sanctions would affect people more than their governments. International financial institutions must be at the service of nations rather than governments, and the former have permanent interests to be safeguarded regardless of whether the behavior of some rulers merits such sanctions.

Nonetheless, multilateral financial institutions should take into account the impact of projects on the population's basic needs. This would be a meaningful way of promoting the rights of the weakest based on criteria of social justice, instead of strengthening the position of the strong based solely on criteria of economic effectiveness.

d) The Role of the United States Government
in Bilateral Relations

In a lucid analysis of United States-Latin American military relations since World War II and their implications for human rights, Brian H. Smith demonstrates that the objective of the United States in Latin America has been to promote democratic processes and constitutional governments, limiting sales of sophisticated weapons and allocating budgetary resources to economic projects rather than defense programs. However, he also notes that "other priorities have competed, traditionally, with the pursuit of these goals in the past, and at times they have been overridden by decisions of United States security assistance, e.g. the containment of communism, United States' access to Latin American raw materials, protecting stable environments for United States' private investments, and permanent contact and communication with allied military leaders in the hemisphere". Smith adds: "In the last thirty years, every time the President's Office, the Department of Defense, the State Department, and Congress have felt that these latter aims were threatened, the preoccupation about democratic processes has not received priority over the decisions about security assistance".¹⁸

The importance of these statements--with which many Latin Americans exception--organizes its armed forces and its diplomatic service in order to agree--is that they place a discussion of human

rights issues on a realistic basis. Any political community--and the United States is no place them at the service of the national interest and national security. Several recent studies have examined the "national security" ideology or doctrine which inspires certain military regimes in the Southern Cone.¹⁹ But the same attention has not been devoted to the national security doctrine which inspires United States' diplomatic and military action (expressed briefly in the four priorities identified by Smith), or the connections which exist between the two.

The existent security policy for the Americas confers on the United States the responsibility for defense against enemies from outside the hemisphere, while Latin American armed forces have responsibility for the defense of their country against enemies from within. This explains both United States' opposition to the sale of sophisticated weapons to Latin American countries which are of no use in the fight against subversion, and the type of training Latin American military cadres receive in mutual assistance programs. It is an essential part of a country's defense interests to place its frontiers as far as possible from its borders, and if possible to make others responsible for defending its interests. In Latin America, these "others" are not governments but "allied military leaders" with whom the United States maintains permanent communication so as to protect its broad security priorities. This enables the United States to pursue its own national security objectives while leaving the dirty work to Latin American armed forces, criticizing them for their excesses and benefitting from the results. At times this strategy has proved insufficient, and the United States has had to commit its own combat troops (as in Vietnam and the Dominican Republic) or at least to advise, finance, and counsel extensively those national armed forces directly involved (as a contemporary Central America). This is the origin of the double standard in United States' human rights policy: civilized goals are invoked when its own national security is not at stake, but other criteria prevail when a Latin American country attempts to redefine its relations with the United States. This double standard (which some might call cynicism) is politically explicable but ethically unacceptable.

It is a fact that Latin America occupies a second or third place among the United States' foreign policy priorities. According to Lars Schoultz, "The two foreign affairs subcommittees responsible for United States-Latin American relations are for the most part made up of legislators with no substantial knowledge of Latin America", and the degree of disinterest and ignorance is such that "virtually any member of Congress has a reasonable chance of his hobbyhorse becoming a part of United States' policy toward Latin America".²⁰ This combination of widespread disinterest and ignorance enables some minority political sectors to raise the flag of human rights more as an issue of domestic policy and image rather than as a subject of real substance. To make military and economic assistance dependent on the Department of States' Bureau of Human Rights and Humanitarian Affairs is certainly within the realm of legitimate action for a

sovereign state which considers public opposition to unpopular military autocracies as part of its national interest. But no one should believe that such a policy is a humanitarian act unconditionally serving the rights of man, that the Bureau of Human Rights is an agency of the International Red Cross, or that there are no other channels for United States' aid except public and official ones--as demonstrated by the hardly "undercover" action against the Sandinist government in Nicaragua.

It is therefore not surprising that United States' foreign policy has been subject to frequent changes linked to shifts in domestic policy. Whereas the United States' relations with Western Europe are established within the stable framework of the Atlantic Alliance, its relations with Latin America oscillate between periods of "benign neglect" and interventionism, sometimes in favor of democratization and sometimes in favor of military coups. The question remains whether this lack of diplomatic continuity simply denotes erratic or contradictory conduct, or whether it possesses a logic dependent on the permanent interests of those military and business forces identified with national security interests. Although I do not wish to endorse or judge actors' intentions, this second hypothesis is more convincing. In the global partition of zones of influence, Latin America is reserved for United States' dominance. The permanent interest of any hegemonic power is to prevent peoples under its sway from accumulating power and uniting against it, and its actions are therefore guided by the logic of "divide and rule". Although there are obviously positive factors in United States-Latin American relations, joint action by diplomatic, military, economic, and cultural forces over time has in fact contributed to internal political instability, lack of support for Latin American economic integration, opposition to access to advanced nuclear technology, the overwhelming attention given to military dimensions of social problems, and the cooptation of Latin America's cultural elite.

The pragmatic, non-ideological character of United States' political parties makes it difficult to identify the values which inspired this policy. Whereas West European politics can draw upon the ideological dynamism of Communism, Social Democracy, and Christian Democracy, both "liberal" and conservative United States' political movements appear to be involved in a utilitarian pragmatism that does not provoke permanent adhesions, but symmetrical attitudes in its Latin American counterpart. Instead of stable political alliances formed to achieve specific objectives, there are only circumstantial positions adopted to benefit a particular party's own interest. The absence of a bipartisan United States' policy toward Latin America is then used by the region's military and business forces as a basis for establishing close ties to the Pentagon and conservative sectors and business groups in the United States, while democratic political groups and intellectuals in Latin America do likewise with United States' academic circles and liberal politicians. When the Carter administration handed over a part of the United States' Department of State to liberal elements for domestic political reasons, allied sectors in Latin America benefited temporarily. However when the

Reagan administration took office, other linkages were established in Latin America. Neither the United States' image abroad nor human rights obtain any lasting benefit from this pattern, unless one mistakenly believes that elections reestablish ipso facto the rights that have been previously violated.

United States' human rights activists who embrace their cause with missionary zeal are worthy of admiration and respect, but they should bear in mind that they belong to a nation with its own history of human rights problems. Latin Americans remember that history. In the last several years the United States has approached this subject with a religious zeal resembling the ardor of converts who have recently discovered truth, but a foreign observer might prudently remind the United States that it is less than twenty years since it abolished segregation laws, and that in order to fight against persisting racial discrimination attitudes it has resorted to questionable legislation which institutes discrimination in favor of minorities through "affirmative action". A foreign observer might also remind the United States of its high level of private violence, and the fact that in the last century it has frequently resorted to bloody foreign wars in which respect for the enemy's human rights has sometimes been conspicuously absent (for example, Vietnam). Given this record, one would hope for more humility on the part of United States' human rights activists, and that they do not approach the problem as if the United States had not itself experienced human rights problems.²¹

A greater awareness of the United States' own limitations will help reformulate the prohuman rights policy that was inaugurated by the Carter administration. Up to now, the discussion between United States' liberals and conservatives has largely centered on whether Latin American governments should be reproached in public or in private. Both positions share the perception that it is the United States' mission to act as the custodian of human rights throughout the world. It is in this context that the executive branch--acting at one and the same time as prosecutor and as judge--informs the Congress annually on every State's record on human rights. States are then awarded prizes or punishments according to the rating they obtain.

If one admits this basic reality, it is appropriate to ask at what point preoccupation becomes "intervention". If, on the other hand, one rejects this position because any participation by one state in another's internal affairs violates the principle of free determination, then it is important to stress the importance of leading by example rather than coercion, by attracting people to a way of life rather than imposing it on others.

Latin Americans are tired of being criticized on human rights issues, especially by those whose historical conduct is far from exemplary. After all, those who judge us, not Latin Americans, created imperialism, colonialism, totalitarian systems, slavery, wars, and atomic weapons. The Latin American tradition--which has guaranteed long periods of peace in the region--is that of non-

intervention in other states' domestic affairs. Latin Americans only seek a parallel attitude on the part of other countries. It would be ridiculous for a Latin American government to question the United States' Supreme Court's decision on abortion, of the Federal Bureau of Investigation's methods of detecting corruption among legislators. Latin Americans react in the same fashion when the United States' government questions the conduct of domestic affairs and then pretends to impose its own preferences by means of sanctions.

It is important to note that adhering to the principle of free determination dismisses the question of who is favored and who is damaged by United States' government intervention in support of human rights. In the same way that the armed forces' disruption of the constitutional order is wrong, regardless of whether its motives are bad or good, justifying "good" intervention opens the way to all kinds of arbitrary action, transforming one's own country into a battlefield and a laboratory for experimenting with strategies designed by rival political groups in the intervening state. If the United States has the right to intervene in other countries in order to impose democracy, how can one deny Nicaragua the right to promote the "liberation" of El Salvador, or Argentina the right to promote "national security" in Bolivia? Probably no one is an unconditional apostle of intervention in favor of human rights; those who favor destabilizing military regimes in the southern cone are opposed to similar actions in Nicaragua or Cuba, and those who criticize but tolerate military autocracies support intervention only against totalitarian regimes. No government is indifferent to this question, and judgments concerning political advantage generally prevail over purely ethically considerations. For this reason critical realism is more advisable and prudent than militant idealism in this area.

The classic limit to state action that respects the principle of sovereignty is that a state has the right to defend the rights and interests of its citizens wherever they may be. Other perspectives are derived from a neocolonialism which divides the world between the "civilized" and "barbarians". The United States attaches importance to human rights issues in Latin America because it has the power to make and unmake governments in the region, reorientating their policies in the process, without any great risk of their escaping from its sphere of influence. The major exception has been Cuba. Because the United States has lost all leverage over this country, no information is gathered and analyzed concerning the human rights situation in Cuba. An uninformed observer would conclude either that Cuba is not part of Latin America, or that it has an impeccable human rights record--when in reality it is the only totalitarian society in the hemisphere.²²

The United States can adopt a foreign policy which, without interfering in the domestic affairs of other states, gives preferential treatment to those Latin American countries which enjoy democratic political regimes and assure respect for human rights. Self-determination is a two-way street, and the United States has every right to choose its allies and its friends. It can establish

plans for cooperation and assistance which facilitate the emergence of conditions favorable to the enjoyment of basic human rights. To serve this purpose, United States' foreign assistance should be used to train civilian leaders drawn from the middle and lower strata of the population, rather than to form a military ruling class. Without the cooperation of civilian political leaders of this kind, a pluralistic society cannot function. Of course, the international economic order--through trade, the transfer of technology, and financial transactions--to a large extent determines and conditions national economic, social, and cultural policies, thus affecting the effective force of economic, social and cultural rights. One example is especially telling: a one percent increase in the discount rate fixed by the United States' Federal Reserve Board has more influence on Latin American countries than all the loans tied to a presumed respect for human rights. Nonetheless, much of what could be done is not done. Latin America is quickly sanctioned but never generously rewarded for friendship--as was the case with Western Europe after World War II and Israel and, to a lesser extent, Egypt today. However, United States' national security interests in Latin America are not limited to a concern for human rights. The United States maintains its alliances with authoritarian regimes, and it has come into conflict with democratic governments which seek to regain control over natural resources reorient their foreign trade, or promote a more independent military strategy. There has been criticism in the United States of the way in which political lobbies have influenced recent elections; by focusing voters' attention on a single issue, they distort elections to the detriment of the common good. The same criticism could be directed at those who try to direct all foreign policy to human rights issues alone. Not even Carter was able to pursue a coherent policy in this area during the four years of his presidency.

There is a clear need to imbue domestic and international political life with an ethical content, but one must not confuse politics with religion. Rulers are not missionaries. Their function is to establish a peaceful and just international order, thus furthering international cooperation. If is not through embargoes, "quarantines", and "undercover" actions that these goals are to be achieved.

Prospects for the Next Decade

Exploring the future is always more risky than interpreting the past. Nevertheless, the lessons of the past to provide a basis for a cautious consideration of opportunities for cooperation and possibilities of conflict in United States-Latin American relations in the next decade in the area of human rights.

Cooperation depends on a prior commitment from the two parties. On the one hand, the United States should not insist that human rights issues are an exclusively Latin American problem. The United States must recognize that its own record is far from perfect, both because the problem is far from being solved in United States' society, and because of the decisive role which it plays in shaping an inequitable

international order. Latin America, for its part, must be aware of both its place in that order and the responsibilities which this implies. As a consequence, it must give up isolationist attitudes or extreme nationalism.

The issue of human rights must not be dealt with frivolously in pursuit of narrow party or domestic policy interests. Both the United States and Latin America should approach the question in terms of a permanent commitment to basic values which shape society and the state in ways which are worthy of man. If these prior conditions hold, it is possible to identify four areas of possible future cooperation.

First, because of its importance to people's daily life, United States-Latin American cooperation on economic and military matters should take priority. Cooperation in these areas will constitute practical proof of the degree of commitment to the ethical cause of human rights. If there are no substantial changes in these areas, the sincerity of measures adopted in other fields will be open to serious doubt.

Second, systematic and sustained efforts should be undertaken to improve and create both public and private institutions to protect and promote human rights. As Michael Novak notes, "The real defense of human rights does not rest on words or on paper, nor on the leaders' moral feelings, nor on the moral feelings of the population as a whole. The real defense of human rights--the substantive reality--consists of having access to institutions in which the representatives of conflicting rights can litigate legally and with equity."²³ Therefore, improving the quality of government services, organizing social solidarity through the training of trade union leaders, establishing cooperatives and political parties, and so forth, are all important means of helping those who want to help themselves. Cuba is frequently criticized for sending to the countries it supports civilian "assistants" who, in addition to their work as teachers or technicians, devote themselves to Marxist indoctrination. But what prevents similar actions from being undertaken elsewhere, with other goals, within the framework of multilateral agreements?

A third possible area of cooperation is joint repression by legal means of illicit activities that endanger basic human rights. These include the illegal traffic of arms, persons (undocumented workers and the white slave trade), and drugs, and clandestine activities by revolutionary groups. Historical experience shows that armed combat creates conditions for the widespread violation of human rights; contemporary El Salvador and Argentina, Vietnam, and Algeria at an earlier time all exemplify this problem. Marxist-Leninist movements which resort to terrorist and guerilla warfare use these methods without regard for the political formulas in force (for example, Colombia, Peru, and Argentina), constituting a threat to democratic regimes and domestic political peace. The governments of the Americas should not allow their territories to be used as bases of operations for groups such as these, and they should share

information which would allow them to neutralize terrorist actions, as Western European countries have done. The same should be said of terrorist actions by right-wing elements (for example, the assassination of Letelier in Washington, D.C., and the Garcia Meza coup in Bolivia) should be similarly condemned. Pretending that these groups do not enjoy significant support from abroad--the role of Cuba (and now Nicaragua) as a center for promoting revolutionary activities is well known--is to ignore reality. Reaching specific agreements in these areas will be difficult because in some cases there are not only opposing interests (for example, those who produce drugs and arms, and those who buy them), but also widely differing points of view concerning the degree of freedom that is desirable in a given society. Nevertheless, an effort must be made to overcome these obstacles because of the importance of what is at stake. Human dignity cannot flourish in a society corrupted by vice and violence.

Finally, large-scale programs should be organized to satisfy basic human needs. In education--which is so decisive for an individual's commitment to the ideals expressed in the Universal Declaration of Human Rights--specific efforts should be made to use "unconventional" means (television, satellites, radio, computers, and so forth) to combat illiteracy, offer professional training courses, and create a civic and social conscience. In housing, building programs for low-cost, pre-fabricated housing could be developed for several countries at the same time in order to take advantage of economies of scale. Apart from the relative value that these examples may have, the important thing is to move from the stage of diagnosis and denunciation to the stage of imaginative and effective solutions, respecting the idiosyncracies of the peoples to be assisted. Cooperative arrangements of this kind (as in the case of institutional innovation) can be developed even without widespread government participation.

The most obvious possibilities for conflict between Latin America and the United States on human rights issues involve failure to develop the natural commitment to cooperation discussed above. But apart from this general concern, there are four specific areas of conflict and misunderstanding which may surface in the next decade.

First, the United States and Latin America have different histories and cultures and play different roles in the international system. They therefore interpret world events from points of view which are at times diametrically opposed. For example, Latin Americans perceived the 1982 war in the South Atlantic for the possession of the Malvinas (Falklands) Islands as a colonial conflict in which the imperial power was the party that exercised illegal force, while the United States' government viewed the conflict as a case of illegal use of force by an authoritarian government. This interpretation led the United States to lend military aid to an extra-continental power, which defined the conflict as a struggle between democracy and fascism. The same difference in perspective is evident regarding Central America. The Reagan administration interprets developments there in terms of East-West conflict, while Latin Americans, without dismissing this dimension, give greater emphasis to specific factors in each

country. This leads them to emphasize political responses to the conflict rather than purely military ones. Differences in perspective such as these can constitute grounds for future tensions in United States-Latin American relations.

In addition, because Latin American issues receive low priority in overall United States' foreign policy, they are managed by a relatively small number of people. There is no guarantee that these specialists represent a bipartisan consensus. Much the same could be said of many Latin American leaders' ignorance of the distribution of power and the characteristics of the decision-making process in the United States. Mutual ignorance always constitutes a potential basis for conflict.

Second, future conflict may also arise from different interpretations of the essential nature of a government. It is probable that over the next decade Latin American countries will experiment with different forms of expanded state economic intervention under the global label of "socialism". The national and foreign interests affected are unlikely to accept such changes silently, and they may attempt to characterize them as a first step toward communism. In Western Europe, the United States has been reconciled to socialism in Spain. France and Greece. But in Latin America, the United States often tends to favor a rigid capitalism that offers a "stable investment climate" for United States' business interests. If this United States' attitude confronts highly nationalist Latin American policies hostile to the role of foreign capital, the stage will be set for a classic conflict over sovereignty.

Something similar might occur with democratic governments which, when harassed by subversive movements, are obliged to rely heavily on the armed forces and impose strict domestic security measures. They may be accused by marxists and "liberals" of being "lackeys of the bourgeoisie" or motivated by national security doctrines. A government's concern with the containment of communism may in this case be a factor which produces tension in bilateral relations with the United States.

Third, Latin America will in the future present an increasingly diverse political, social, and economic setting which will require closer attention for the particular characteristics of individual countries. There already exists a tendency to exclude Cuba from discussions of Latin America--which may be extended to Nicaragua or other countries--as if it no longer belonged to the region by virtue of the fact that it has passed into the Soviet Union's sphere of influence. Failure to accept plurality in the region may be a source of conflict, because, despite the tremendous difficulty of living peacefully with those who export revolution, Latin America will probably not accept new quarantines in the region such as that which at one time isolated the island of Cuba.

The fourth potential source of conflict derives from the "imperial" relationship which the United States maintains vis-a-vis

Latin America in economic, diplomatic, military, and cultural affairs. Schoultz is correct when he states that "many (Latin American) nations were understandably suspicious of the United States' role in the effort to foster human rights. One does not need to know much about United States-Latin American relations to recognize why the Latin Americans might distrust the motivations behind yet another United States' crusade in Latin America."²⁴ Nationalism permeates Latin American societies and, therefore, popular political movements. If the current trend toward democratization should strengthen, it is probable that ruling civilian political parties will have an even more "anti-imperialist" bias than military governments. Under constitutional government, a country may view activist in favor of human rights--considered welcome when it opposed military autocracies --as a new pretext for intervention in its domestic affairs. The situation of blacks and hispanics in the United States, the Pentagon's schemings, and maneuvers by multinational corporations or banks may well be used as bases to criticize relations with the United States more generally. However, superficial conflict such as this, which provides political returns for the parties involved, may coexist with basic agreements. In politics there has always been, and always will be, a large gap between words and actions. Unfortunately, human rights issues are no exception to this rule.

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¹ John Finnis, Natural Law and Natural Rights, Oxford: Clarendon Press 1980, pp. 211 and following.

²Universal Declaration of Human Rights, articles 4, 5, 11, 2, 10, 2. The International Treaty of Civil and Political Rights takes up the first three cases in the articles 8.7 and 15, but also adds to the list articles 6, 11, 16 and 18. The American Convention in Human Rights adds articles 17, 18, 19, 20 and 23.

³Vance's speech is quoted in Lars Schoultz, "The Carter Administration and Human Rights", in Margaret E. Crahan, ed., Human Rights and Basic Needs in the Americas, Washington, D.C., Georgetown University Press, 1982, p. 309. See Howard J. Wiarda, "Democracy and Human Rights in Latin America", in Howard J. Wiarda, ed., Human Rights and U.S. Human Rights Policy: Theoretical Approaches and Some Perspectives on Latin America, Washington, D.C., American Enterprise Institute, 1982, p. 50, and The Americas at the Crossroads Report of the Inter-American Dialogue, Smithsonian Institution: Washington, D.C., 1983, p. 32.

⁴See John Langan, S.J., "A Revision of the Liberal Tradition", in Alfred Hennelly, S.J., and John Langan, S.J., (eds.) Human Rights in the Americas: The Struggle for Consensus, Washington, D.C., Georgetown University Press, 1982, pp. 69-101.

⁵For an analysis of certain difficulties in this regard, see John Finnis, op. cit., pp. 213-221.

⁶See Elias Cardoso Pinto, "La tesis sobre la religi3n, la Iglesia y los creyentes del Primer Congreso del Partido Comunista en Cuba", Tierra Nueva, Year VI, N° 24 (1978), pp. 41-51.

⁷See, for example, Joseph Fletcher, Humanhood: Essays on Biomedical Ethics, New York: Prometheus Books, 1979, and Germain Grizes, Abortion: the Myths, the Realities, and the Arguments, New York: Corpus Books, 1972

⁸An interesting restatement of the human rights question in Latin America, based on an understanding of its culture, is Howard J. Wiarda, "Democracy and Human Rights in Latin America: Toward a New Conceptualization", in Howard H. Wiarda (ed.), op. cit., pp. 30-52.

⁹Paul VI, Octogesima adveniens, N° 48-50.

¹⁰Jeane J. Kirkpatrick, "Dictatorships and Double Standards", in Howard J. Wiarda, ed., op. cit., p. 12.

¹¹An interesting discussion of development strategy based on "Basic needs" can be found on Crew Christiansen, S.J., "Basic Needs:

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Criterion for the Legitimacy of Development", in Alfred Hennelly, S.J. and John Langan, S.J. eds., op. cit., pp. 245-288.

¹²See Rafael Braun, La democratización del poder", Criterio, N° 1657-58 (1972), pp. 684-689.

¹³John Finnis, op. cit., p. 271, and Michael Novak, "Human Rights and Whited Sepulchrest, in howard J. Wiarda, ed., op. cit., p. 80.

¹⁴A similar opinion is: "This is not to suggest that regimes that engage in gross violations of human rights cannot endure for some time. In fact, recent years have seen the development of increasingly sophisticated means of social control by such governments that eliminate dependence on some of the more notorious violations of human rights as torture"; Margaret C Crahan, "Introduction", in Margaret E. Crahan, ed., op. cit., p. 18. I expressed my own opinion on torture some time ago: Rafael Braun, "Contra la tortura", Criterio, N° 1644 (1972), pp. 269-270.

¹⁵See John T. Noonan, Jr., A Private Choice. Abortion in the Seventies, New York: The Free Press, 1979.

¹⁶A similar contradiction is found in the reestablishment of the death penalty in several states, in opposition to what article 4.3 establishes.

¹⁷See Lars Schoultz, op. cit., pp. 324-325.

¹⁸Brian H. Smith, "U.S.-Latin American Military Relations since World War II: Implications for Human Rights", in Margaret E. Crahan, ed., op. cit., p. 286.

¹⁹Margaret E. Crahan, "National Security Ideology and Human Rights", in Margarei E. Crahan, ed., op. cit., pp. 100-127.

²⁰Lars Schoultz, op. cit., p. 329.

²¹For example, it is striking that the book edited by Margaret E. Crahan, whose title is Human Rights and Basic Needs in the America, does not even refer to U.S. domestic problems.

²²"During the 1970s, the U.S. Congress and Department of State, the Inter-American COMmission on Human Rights of the Organization of American States, and Amnesty International, among others, reported serious violations of human rights in the following countries: Argentina, Bolivia, Brazil, Chile, El Salvador, Guatemala, Haiti, Nicaragua, Paraguay and Uruguay", Margaret E. Crahan, "Introduction", in Margaret E. Crahan, ed., op. cit., p. 17, N° 2. As noted, Cuba is not mentioned.

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²³Michael Novak, op. cit., p. 80.

²⁴Lars Schoultz, op. cit., p. 321.