

*Latin America And The International Human Rights Project:
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**“They are our Brothers”:
The Origins of the Human Rights Tradition in Latin America¹**

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Much of the day today will be dedicated to the extraordinary generation of men and women of 1948, and the immensely important contribution that was made by Latin Americans to the birth of the modern international human rights project in the 20th century. The depth and breadth of their commitment, and the particular accent that they gave to the understanding of human rights, are all remarkable – so much so that one is naturally led to ask where it came from. Such traditions do not emerge overnight. My brief reflection on the historical roots of the human rights idea in Latin America is not intended merely to be an academic exercise, however; it is a form of *memory* in the sense of a recollection of the past that makes it present and living again, and that anticipates the future. As T.S. Eliot put it, “Time present and time past/Are both perhaps present in time future,/ And time future contained in time past.”

This way of thinking about the relevance of history to the contemporary human rights project and its future can perhaps be captured more concretely by considering the example of a fascinating novella by the 20th century German author Reinhold Schneider. In English, the book was published under the title *Imperial Mission*, although a more literal translation of the German title would be something like *Las Casas before Charles V*. In it, Schneider tells the story of Bartolomé de las Casas, the 16th century missionary and later bishop of Chiapas who championed the cause of justice for the indigenous peoples of the Americas. But the story is really about much more than that. It is a story about conscience, power, and justice, told through the intersection of the lives of Las Casas and the Emperor Charles V, before whom Las Casas pleads his case against enslavement and exploitation. It is also the story of an old soldier, Bernardino, whom Las Casas meets on the transatlantic voyage. Bernardino is sorrowful and repentant for his role in the abuse of the Indians. But of particular poignancy is Bernardino’s description of the way that he first came to realize how deeply he had betrayed the native people. He began to see and understand the world through the eyes of a young Indian girl, Lucaya, whom he had taken as a slave. The definitive turn of conscience comes when Bernardino sees her

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praying in the chapel. He remarks, "From that day on, I was no longer able to look upon Lucaya merely as a woman I had brought to live with me as was then customary with my compatriots. I understood that there was something in her that I could never possess and that I had to respect." It was his realization, in a human encounter, of the meaning and inviolability of human dignity.

What makes the book significant to the discussion today is not its status as a great work of literature – though it is certainly a good read. Nor is it even a particularly accurate history of Las Casas – in fact it is somewhat imprecise and jumbled in its facts and chronology, and is rather anachronistic in some of the ways that Schneider has his characters speak (for example, referring to the difference between "natural rights" and "the rights of the State"). Yet, that anachronism is the key to what *is* more interesting about the book. It was written in 1938, and it is clearly meant as a meditation on what Schneider saw happening around him in Nazi Germany. Two years later, the Nazi regime prohibited Schneider from writing or publishing, though he continued to do so illegally as part of the Catholic resistance movement.

It is this sort of history that is necessary to human rights today and in the future. Without it, principles of law become simply artifacts or else pure abstractions, not a living tradition, concrete and connected to the story of a people, and their communities. It is in this spirit that I would like to trace in broad strokes the historical development of the idea of human rights in Latin America. Obviously, five centuries of the history of a continent provide much too much data to pretend to be exhaustive. Rather, I would like to focus merely on three key historical antecedents of the generation of 1948 – moments that I believe were critical watersheds in giving the Latin American human rights tradition its particular cast.

The first is the same one with which Reinhold Schneider undertook his critique of Nazism. Although the modern idea of human rights had a period of gestation lasting millennia, it would be fair to say – even if it is not commonly recognized – that its birth was in the encounter between sixteenth century Spanish neoscholasticism and the New World. If that encounter were embodied in a single person, it would be Bartolomé de Las Casas. Las Casas had first come to the Indies from Spain in 1502, at age 18, and after returning to Spain four years later to continue his studies, he was ordained to the priesthood. He spent two years after his ordination studying canon law (which would prove to be extremely important for his contribution to the incipient language of human rights later in his life). He then returned to the New World as a chaplain on the Spanish conquest of Cuba, and took up residence on Hispaniola. Like many other Spaniards in the West Indies, including clerics, he lived off the toil of the Indians of his *encomienda* – the system by

which Spanish colonists were given tracts of land and the rights to the forced labor of the native people in return for a promise to instruct them in the faith. But after a profound conversion of conscience, Las Casas arranged to free his slaves and began instead a lifelong, passionate devotion to the cause of just and humane treatment of the indigenous people.

After an early experiment in founding a model community of peaceful farmers and traders turned out to be a spectacular failure, Las Casas entered the Order of Preachers - at the time, the foremost critics of Spanish brutality in the Indies - and turned toward the more characteristically Dominican habits of study and reflection. He spent most of the next decade and a half serving the cause of the Indians by producing a flood of treatises, memorials and testimonies before emerging from this self-described "slumber" to become active again as the "Protector of the Indians," the official state office to which he was appointed by the crown. He crisscrossed Spanish America, campaigning against conquest, and traveled on many occasions to Europe to plead his case before the court. Las Casas' arguments against the *encomienda* system and the sensational accounts of the cruelty and neofeudalism of the *conquistadores* in his *History of the Indies* persuaded Charles V to promulgate the New Laws in 1542. These were supposed to ensure that no more Indians would be enslaved, and were intended to deprive officials of their *encomiendas*, although the implementation and enforcement of the New Laws proved to be next to impossible from the start.

In a brief, troubled tenure as bishop of the poor see of Chiapas, Las Casas became ever more enmeshed in scandal and controversy. He had his *Confesionario* - the rules for confessors that he had composed - confiscated because it insisted that every penitent be required to free his Indian slaves and make full restitution of all the Spaniards' unjustly acquired wealth in the New World. This seemed to call into question the very legitimacy of Spain's claim to rule the Indies, and Las Casas was accused of treason. Everything came to a head when in 1550 the emperor halted all conquests and instructed a panel of theologians and jurists to hear both Las Casas and his principal intellectual enemy, Juan de Sepúlveda, debate the justice and lawfulness of the Spanish occupation of the Americas. These famous debates in Valladolid in 1550 and '51, were in a sense the climax of Las Casas' advocacy, even though ultimately inconclusive in their outcome.

What is most interesting for our purposes here is the way that Las Casas succeeded in articulating and advocating a set of ideas that in many senses represent one of the earliest clear announcements of the modern language of human rights. To be sure, as a philosopher and theologian Las Casas was not up to the standard of his brilliant senior Dominican brother in the School of Salamanca, Francisco de Vitoria. By comparison, Las Casas has been criticized as too polemical in rhetoric, too

unsystematic and undisciplined in thought, and a demagogue in practice. And some of those criticisms are quite just, including of his tendency to condemn his countrymen while overlooking the vast atrocities committed by some of the native peoples at the same time. But what distinguishes Las Casas from his more theoretically sophisticated contemporaries is his combination of speculation and experience, his engagement in practice with the struggle for justice. He never set out to reason in the abstract about the duties and rights associated with the Spanish presence in the Indies, but instead formed his understanding of the requirements of justice in the crucible of action and in the face of a lived necessity. In doing so, he became the first notable *American* proponent of the idea of human rights.

Admittedly, the way he meshed theory and practice can make it a little difficult to synthesize Las Casas' views. Nevertheless, there are a few core ideas that persist throughout his work. First, Las Casas consistently framed the requirements of justice in terms of the *rights* of the Indians. We should not undervalue the importance and novelty of this simply because that way of talking is so familiar to us moderns. Brian Tierney's careful study of the origins of the idea of natural rights shows us that Las Casas' "essential achievement, on a theoretical level, was to graft, quite consciously, a juridical doctrine of natural rights onto Aquinas' teaching on natural law." This may have been a reflection of Las Casas' early studies in canon law, and was almost certainly related to his style of advocacy: Las Casas drew broadly from law, philosophy, theology, and his direct experience, and one finds his arguments strewn with juridical sources and language in a manner more overt and persistent than even Vitoria and other contemporaries. The result, Tierney argues, was a language of natural rights that was certainly not found in Aquinas, but that could be said to be a recognizable and natural extension of the Thomistic tradition. This pragmatic interplay between law and philosophy in his work exemplified the characteristic development of subsequent natural rights theories.

As for his understanding of the foundations of the rights of the Indians, many of Las Casas' voluminous polemics on behalf of the Indians can be contained in one of his most famous statements: "All the races of the World are men, and of all men and of each individual there is but one definition, and this is that they are rational. All have understanding and will and free choice, as all are made in the image and likeness of God... Thus the entire human race is one." Even more simple and eloquent is the phrase he used to conclude his rebuttal of Sepúlveda in the Valladolid debates. While his rival argued that the Indians were beast-like "natural slaves," Las Casas affirmed "They are our brothers, and Christ gave His life for them." In sum, his case for the rights of the native peoples were based always on the first principles of the *unity of human nature* and the *unity of the human family*. Put

another way, the rights that he sought for the native peoples were due to them simply in virtue of their humanity, a humanity common to all of God's children.

This had several consequences. First of all, Las Casas was deeply committed to affirming *equality* among all human beings, "one of the themes dearest to his heart." Second, it also put his notion of rights on a decidedly *universal* plane, vindicating the equal rights not only of Europeans but of indigenous peoples as well. Third, the Indians' fundamental humanity meant that they were created with *freedom*. His early treatise entitled *On the Only Way of Attracting All Peoples to the True Religion*, which was dedicated to condemning forcible Christianization of the Indians by military means, was an extended appeal to the liberty of the indigenous peoples. He understood freedom to be more than just a reflection of an individual's external, social conditions; it is, for Las Casas, constitutive of human nature and realized in the exercise of human understanding and will. Coercion in matters of conscience therefore does violence to the basic humanity of the native people of the Americas; they needed to be persuaded to accept truth, he argued, only by the peaceful methods of reason, love and the living example of practiced virtue.

This conception of freedom is, implicitly, more than just an individualistic liberty. Las Casas begins with an Aristotelian-Thomist understanding of the natural sociability of human persons, and thus for him individual freedom is rooted in and expressed through the beliefs, practices and authority of the community. This allows Las Casas to have a conception of human rights that integrates the recognition of individual rights with social or collective ones, and to perceive the Indians both as individuals and also as peoples, as communities. It is striking to see, for instance, how much attention Las Casas paid to questions of collective health care and labor rights in his proposals for alternatives to the *encomienda* system.

In the centuries since his death, Las Casas is not simply a remote historical figure but has been since his death part of a continuous narrative of the idea of human dignity, rights and freedom - as Reinhold Schneider's novel illustrates. Today, biographies of Las Casas offer his life as a witness of how Latin America should confront its "unresolved problems and wounds not yet healed." In the years just before the drafting and adoption of the Universal Declaration, there was a scholarly and political revival of appreciation for Las Casas as representative of the conscience of America. And the ideals of Las Casas were certainly present a century and a half before that, during the struggles for independence of the new Latin American republics. Simón Bolívar, for instance, referred to Las Casas as the "Apostle of the Americas," and "a humane hero," and suggested naming the new capital city of his proposed Pan-American Union "Las Casas."

Bolívar himself, of course, lies at the epicenter of the continental upheavals associated with the second historical “moment” I want to explore: the birth of the first constitutional republics in Latin America. Most conventional histories of the idea of human rights in Latin America, including by Latin Americans themselves, tend to identify the intellectual and political roots of the continent’s commitment to rights language with the importation of European Enlightenment ideologies and the inspiration of the revolutionary movements of France and North America. This is not unreasonable, but it is too simplistic. There is also good reason to understand the seed of European and North American rights talk to have produced a distinctive fruit in the Latin American experience.

Take, for instance, the role of the French Declaration of the Rights and Duties of Man. On the one hand, after it was first circulated, knowledge of and commitment to the principles of the French Declaration were tremendous – to the point that one Venezuelan author described it as “a yearning, one could almost say an obsession” to make the French Declaration into “the gospel of the new era that humanity was beginning to live.” At the same time, the ideology with which the French and North American revolutionary creeds were received and redeployed in Latin America differed significantly from that of their original contexts. The Enlightenment was not a uniform phenomenon, and that current of its waters that reached Latin America through Spain was a somewhat more restrained one, appealing to the more socially and politically conservative Creoles, whose nationalism was the driving ideological force of independence. And in any event, even the more radical strains of revolutionary ideology in the era were filtered through the educated minority, which did not accept them uncritically.

Among other things, this meant that the French Declaration in Latin America often was not understood to have the same strongly anticlerical orientation that it did in France. Many of the same revolutionaries who carried the banner of the Declaration considered it fundamental to their constitutional ideas that the state would be a confessional one. More generally, the Declaration’s principles typically do not seem to have been regarded as expressing a fundamental break with the Latin Americans’ prevailing precepts of political ethics as taught in the great colonial universities, preached from the pulpits and published in books. Working from Aquinas, Suarez and Vitoria, Juan de Mariana and Luis Molina, and others primarily in the scholastic tradition, it was commonplace to teach doctrines such as the priority of natural law over written law, the legitimacy of resistance to tyranny and unjust laws, and the existence of certain imprescriptable rights and guarantees due to every man by virtue of his humanity. As a result, it was not uncommon to affirm that the most important articles of the Declaration were merely reflections of the doctrines of Thomas Aquinas that were being taught in the universities.

When it came time to fashion constitutions for the nascent American republics, the French Declaration uniformly did serve as the principal source for individual rights and guarantees in virtually every early Latin American constitution. But we may reasonably see it as a document with a somewhat different meaning – in the context of Latin America, it represents more of a synthesis of the Enlightenment’s liberal, secularized version of natural law and the Thomist natural law tradition that had preceded it.

The new constitutions and their statements of rights also represent a different sort of convergence of traditions, the knitting together of two separate strands of Western legal thought. Even though the French Declaration did exert such a strong influence on the rights talk of the revolutionary moment, the United States discourse of rights was also well known, from Thomas Paine to the Declaration of Rights of the Constitution of Virginia and the constitutive documents of the U.S. federation. In drafting their constitutions, the new Latin American republics adopted structures that overall strongly reflected the models of their neighbors to the North. Ever since, one of the most notable characteristics of Latin American legal systems has been their fusion of North American concepts of public law onto a base that is fundamentally a part of the Romano-Germanic legal tradition of Continental Europe.

In terms of human rights, this dynamic created a unique confluence of ideas. On the one hand, the dominant genes of the idea of human rights in the early Latin American republics were undoubtedly inherited from Continental Europe, and specifically from Rousseau. Rights discourse in that tradition, when compared to its North American cousin of the same generation, exhibits more concern for equality and fraternity, and less exclusive emphasis on liberty; it highlights the positive role of law as a pedagogical instrument for the cultivation of virtue and therefore is more willing to stress the duties that are correlative to individual rights. For all those reasons, the Rousseauian accent on rights tends to view government intervention much more favorably – it is not just a threat to liberty, but in many cases is essential to the securing of rights together with responsibilities.

Still, as I mentioned, Rousseau’s understandings were not the only tradition of thought at work in the new constitutions of Latin America. The North American examples had their say, too. To begin with, the basic concept of individual constitutional rights, especially in a judicially enforceable form, by itself reflected something of a North American twist. Then the rights were placed in the context of constitutional structures that implicitly drew to some degree from the U.S. example of limited government, separation of powers and more negative understandings of liberty. The end result of this commingling of constitutional traditions was that the

early Latin American nations provided strong examples of constitutionalized individual rights long before the countries of Europe, but did so with a substantive understanding of the content of the rights that was rather different from the more Lockean, libertarian, property-based notions dominant in most of the United States (especially at the federal level).

For just one typical example, take the constitution of the Republic of Colombia, from 1812. Its essential similarity with the U.S. constitutive documents is in the affirmation that human individuals, *qua* human, have certain inalienable rights prior to and above the state, and that the state is obliged to respect those rights. But looking more particularly at the text, we can immediately see serious divergences in understanding. Chapter XII is entitled “On the Rights of Man and the Citizen,” not only adopting the French title but also closely following the content of its French predecessor. Article 1 begins by declaring that “The rights of man in society are legal equality and liberty, security and property.” But then Article 2 continues, “Freedom has been granted to man not in order to do good or evil without distinction, but in order to choose to do good.” Even more striking is that the next Chapter, XIII, is entitled “On the Duties of the Citizen.” It starts by emphasizing that “The first obligation of the citizen aims at the preservation of society and thus requires that those who constitute it know and fulfill their respective duties.” That is followed by such provisions as Article 4, which specifies that “No one is a good citizen who is not a good son, a good father, a good brother, a good friend, a good husband.” Both the inclusion of duties and even the specific language of Article 4 are also borrowed from France, and to say the least, they are not of the same strain of rights talk as that of the United States Bill of Rights, with its few, restrained and terse injunctions like “Congress shall make no law . . . abridging the freedom of speech.”

Other constitutions of the era were comparable to that Colombian constitution in their understandings of rights and duties, liberty and equality. That model prevailed for the next century of Latin American history (which would see the adoption of almost 150 constitutions Spanish-speaking Latin America alone). Only with the Mexican Revolution of 1910, and the adoption of the Mexican Constitution of 1917 at the constitutional congress of Querétaro, did Latin America begin its second major epoch of constitutional history as a region. The Mexican Constitution of 1917, and its status as the eldest sibling among a new family of early 20th century constitutions, marks the third historical moment of my narrative.

The importance of the Mexican Constitution of 1917 is due most of all to its incorporation of extensive social and economic guarantees and protections. It preserves almost unchanged the traditional complement of classical civil and

political liberties of the previous constitution of 1857, but adds to them detailed provisions on labor, agrarian reform and the social dimensions of property rights.

Article 123, for example, runs to several pages with statutory-like detail on labor rights and working conditions, including regulation of maximum working hours, child labor, laborers' health and safety, the right to organize and to strike, and the establishment of pension, unemployment and accident insurance - it is the only article that occupies a whole chapter of the Constitution on its own, entitled "Of Labor and Social Welfare. These social and economic provisions were the first of their kind in any constitutional document, not just in Latin America but in all the world. The principles of the 1917 Constitution were borrowed or imitated in varying degree by virtually every Latin American constitution thereafter, and made themselves felt in the subsequent wave of European constitutionalism too.

The 1917 Constitution is sometimes regarded today as a "socialist" document. Such a view could not be derived merely from the Constitution's social protections or the social "mortgage" on private property rights - these have been standard constitutional features in most Western free market democracies, and central goals of Christian Democratic political programs in many countries since the Second World War. The socialist label undoubtedly arises in part because of the document's authorization of expropriation and redistribution of land and state control of certain economic sectors, especially natural resources. That characterization was reinforced by subsequent political developments in Mexico - especially the emergence of the radical left revolutionary ideology of the 1930s.

Nevertheless, it is a misleading reduction merely to see the 1917 Constitution as socialist in its original orientation. Neither the history of the Constitutional Congress nor the resulting text itself support such a view, and in fact it obscures the uniqueness of the Mexican developments. With respect to the Congress, the delegates, although united in their support for the Revolution, came from many different social, economic and professional backgrounds. They showed little inclination to conceive of the Revolution in terms of grand, abstract ideologies, and it is widely agreed that the debates of the constitutional assembly are notable for the nearly complete absence of any single or systematic set of economic or social theories. This is confirmed by the text of the Constitution itself, which as a whole does not reveal any consistent ideological stance; it is more of a hodgepodge of ideas, many of them even contradictory. Félix Palavicini, one of the principal protagonists of the constitutional process and the author of the first history of the Constitutional Convention, concluded simply that "The Constitution was not a socialist charter, certainly, but neither did it remain within a strictly individualistic system."

Practically the only philosophical-juridical theme that has been plausibly proposed as a consistent underlying idea of the 1917 Constitution at the time when it was drafted is “the conviction that the human being, as a human person, has rights prior to the state.” It can reasonably be seen as a document about a certain vision of rights, one that encompasses social, economic and cultural spheres as well as political and civil ones. As one author puts it, “the concept of human dignity, called to be protected by law and by social institutions, was enriched by reaching concrete individuals, men in history with hunger and thirst, with material needs that are presuppositions for the exercise of their liberty.”

This immediate, concrete concern for the conditions of the people stands out in the work of the Congress, and must be regarded as the first source of the 1917 Constitution’s innovations. The delegates’ reforms were not the product of a general theory, nor of the mechanical importation of foreign ideas but rather a human solidarity with the poor and the working class prevailed over abstract ideology: one scholar commented that “In the heart of the congress, even on the lips of the distinguished members of the radical group, . . . we observe only . . . an authentic preoccupation for the concrete problems of the fields [*campo*] and of laborers, problems that were . . . posed as burning realities of life, stripped of all conceptual clothing.”

The second source, which goes more specifically to the actual language of the constitutional provisions of Article 123, was some of the progressive social and labor legislation of other countries. One of the principal drafters of Article 123 was José Natividad Macías, a well-known lawyer from Guanajuato with “one of the best legal minds of the convention.” In 1915, Macías had prepared a proposed new labor code for Mexico, based on his travels and comparative studies of foreign labor legislation, which ended up serving as the principal model for what would eventually be Article 123 of the Constitution.

The interesting additional fact that Macías was also one of the only practicing Catholics in the Constitutional Congress (his nickname among the more anticlerical delegates was “Monsignor”) points toward a third source for the Constitution’s social guarantees as well. There is good reason to conclude that the pervasive presence and influence of Catholic social doctrines that became prominent in the decades preceding 1917 also contributed to the social guarantees of the Constitution. In the first papal encyclical on the “social question,” *Rerum Novarum* in 1891, Pope Leo XIII addressed the conditions of workers, emphasizing the need for state intervention to protect them, guaranteeing for instance a just wage and the freedom to organize for collective bargaining.

The irony, of course, is that Mexico was a paradigmatically anticlerical state throughout most of the 19th century, and during the Revolutionary years between 1910 and 1917 the persecution of the Catholic Church was often extreme. Yet, a closer look at the history shows that the air of Catholic social mobilization had nevertheless been quietly blowing since the turn of the century and had become a prominent part of the public discourse. Without much publicity, the Mexican Catholic Social Action movement began toward the end of the 19th Century, and the next decade witnessed four different National Catholic Congresses, a number of gatherings known as “Catholic social weeks” and “agricultural weeks” and the organization of a confederation of Catholic workers' societies. The constant theme of these events was a concern for poverty, the conditions of workers, education and agrarian reform. The National Catholic Party, established in 1911, had as one of its explicit goals to promote the principles of *Rerum Novarum*. It sought factory legislation, protection of labor unions, cooperatives, and land distribution to the poor – very radical reforms from the liberal 19th century perspectives of Mexico's governing elite. In some states of the federation, including the central and populous state of Jalisco, the National Catholic Party acquired control long enough to actually implement some of its legislative program. These were widely seen as the vanguard of national reform efforts.

Thus, although Catholic social doctrine did not *directly* shape the social provisions of the Constitution, nevertheless an inference of indirect influence is very reasonable. The whole intellectual and political environment of the first decade of the century was suffused with the ideas and rhetoric of the Catholic social agenda, and the platforms of Catholic Social Action and the National Catholic Party bear remarkably strong resemblances to the provisions incorporated into the Constitution. A side-by-side comparison shows that Article 123 of the Constitution corresponds in almost every clause to some part of the basic texts and principles espoused by the Mexican social Catholic. The parallel is clear enough to have led various Catholic observers justifiably to claim a sort of intellectual paternity over some of the social provisions of the 1917 Constitution. None of this is meant to suggest that the 1917 Constitution and Mexico's leadership in the development of the Latin American human rights tradition is really just a consequence of Catholic doctrine or culture – that would be just as reductionist as a blunt conclusion that it is “socialist”, *tout court*. But there are other important reasons for affirming the connection between the two.

First, it helps us see why and how this Mexican constitutional history became so significant as a chapter in the history of the Latin American human rights tradition rather than remaining simply an idiosyncratic, autochthonous story. The fact that the 1917 Constitution did have such a widespread impact on the region, even in

many systems that were not necessarily socialist in ideological orientation, attests to the fact that it tapped into the broadly shared understandings of human dignity and society that are the foundation of expressions of human rights. It was located within a history and tradition recognizable throughout Latin America. Second, the parallel between Mexican revolutionary social policies and Catholic social activism highlights the continuation of one of the Latin American tradition's central themes: seeking to combine and balance the individual and the communal aspects of human rights. We saw that dynamic in Las Casas and the conquest and in the liberal republican revolutions. The basic underlying goal of Mexican social Catholicism was to navigate the narrow way between a brutally atomistic liberal capitalism and an stifling socialist collectivism. The Constitution of 1917 shared that basic aim, accepting the received tradition of individual rights and supplementing it with greater recognition and protection of the social dimensions of the human person.

That is the "social liberalism" that Mexico bequeathed to constitutionalism generally. Like Las Casas and the liberal revolutionaries before them, the architects of the Mexican constitutional moment of 1917 appropriated the existing discourse of rights of their time, subjected it to the test of their experience and emerged with their own metamorphosed contribution. A short thirty years later, Mexico carried that banner with zeal and pride into the arena of international human rights.

The chapter of the story that begins from there will be told by others today. I hope that the quick historical sketch that I have drawn up to this point, however rough and minimal it may have had to be, will be enough to see the outlines of at least three conclusions.

First, the Latin American contributions to the formal birth of international human rights law in 1948 were the reflection of a long and deep tradition of the idea of human rights in the region. Far from being simply derivative of grand European or North American ideas and movements, they have their own distinctive story and character and coherence.

Second, in substance the Latin American tradition of human rights reveals a great *integrative* ideal, aiming toward a comprehensive humanism, a unity of rights, and a synthesis of different currents of thought that elsewhere were in opposition to one another. From its beginnings, it was strongly universalistic in its orientation, founded on the equal dignity of all members of the family. Continuing to build on its origins, it absorbed the political and intellectual currents of republican revolution, and produced a constitutional rights language with a strong devotion to both liberty and equality, a distinctively positive conception of freedom and an emphasis on the relationship of rights and responsibilities. When this heritage met the economic and

political transformations of the 20th century, the tradition aimed again at synthesizing the individualistic with the social and economic dimensions of human dignity. Throughout its development, one constant characteristic of the Latin American human rights tradition has been its dynamic interrelationship with a fundamentally Catholic philosophical anthropology.

Third, throughout its development one of the consistent characteristics of the Latin American tradition has been its capacity to appropriate, adapt and transform received ideals in the crucible of practical experience. From its relationship to practice comes a concern for and attentiveness to the concreteness of human lives, and especially the awareness of the breadth of human dignity that comes from an openness to and solidarity with human suffering.

The story of the Latin American human rights tradition continues beyond this history, through the generation of 1948, up to today. Whether it will continue, in its rich fullness and integrity, is a question on which the fate of the human rights movement in all the rest of the world may well turn. Toward the end of his novel on *Las Casas*, Reinhold Schneider has a reflective and apprehensive Charles V say – and one cannot avoid here thinking also of Schneider himself in his struggle for justice at home – that “There is strength in the thought . . . that others will continue to fight by our sides . . . as long as we ourselves persist.”