

LM Morgan

**CLAIMING ROSA PARKS:
STRATEGIC SECULARISM AND HUMAN RIGHTS IN LATIN
AMERICA**

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Lynn M. Morgan
Mary E. Woolley Professor of Anthropology
Department of Sociology and Anthropology
Mount Holyoke College
50 College Street
South Hadley, MA 01075-1426
tel: 413-538-2108
email: lmorgan@mtholyoke.edu

Introduction

When I heard that an Argentine senator named Liliana Negre de Alonso had been awarded the *Rosa Parks Prize for Citizenship in Defense of Human Rights* in October, 2009, I was curious. What was Rosa Parks doing in Argentina? Who was Negre de Alonso, and what had she done to merit this honor? Had she rectified some problem of discrimination on the buses? Had she helped to facilitate South America's first same-sex marriage, which took place in December 2009? But no -- Negre de Alonso was awarded the *Rosa Parks Prize* for her outspoken opposition to abortion, contraception, and sterilization.¹

The goal of this paper is to parse the logic by which the *Rosa Parks Prize* was awarded to Argentina's most conservative senator. How does the legacy of Rosa Parks intersect with struggle to expand human and civil rights in Argentina, and how does it find its way into pro-family, anti-choice religious activism? As you know, Rosa Parks is a civil rights icon, best known for refusing to give up her seat on the bus to a white man in 1955. For her part, Negre de Alonso is a pro-life, pro-family activist and member of Opus Dei. As senator, she cast the lone congressional vote against a national sex education program and fought to prevent same-sex marriage from being extended nationwide (Carbajal 2005; Wainfeld 2010). She presides over an organization known as World Action of Parliamentarians and Governors for Life and Family (*Acción Mundial, Parlamentarios y Governantes por la Vida y la Familia*),² and she opposed Argentina's participation in the United Nations Convention on the Elimination of All Forms of

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Discrimination Against Women (CEDAW), arguing “that the protocol would open the door to legalization of abortion and would violate national sovereignty” (Carbajal 2005).³ By what logic could she receive the Rosa Parks prize?

This paper offers a cautionary tale about the making, remaking, and appropriation of human rights discourses (Merry 2006:21). I argue that the invocation of Rosa Parks’ name was part of a larger cooptation of human rights language and history by religious conservatives. This appropriation forms part of the “strategic secularization of religious activism” that has been occurring throughout Latin America (Vaggione and Rosado 2008:9). Strategic secularization refers to the deliberate adoption of secular discourses in order to advance religious moral and political agendas; more specifically, strategic secularization can be seen as part of the ongoing backlash against reproductive rights movements. This paper focuses on one facet of strategic secularization, namely, an effort by Catholic legal theorists to persuade the international community to recognize a “distinct Latin American tradition within the global discourse of human rights” (Carozza 2003b:281).

This paper analyzes arguments advanced by two American Catholic law professors, Paolo G. Carozza and Mary Ann Glendon, who argue that Latin America has a history of human rights that is rooted in social Catholicism. Their goal is to redefine Latin American “human rights” in ways that are consistent with Catholic social doctrine; specifically, they want Latin Americans to embrace natural rights, family rights, and fetal rights. Analyzing their approach shows how rights are remade, as opposing sides accuse each other of trying “to get their own agenda items declared universal so that they [can]

then be imposed on the world's cultures" (Glendon 2002). This paper examines the struggle to define the past—and hence the future—of “rights” in Latin American reproductive politics. Who, in short, gets to speak for Rosa Parks?

Latin America: Millennial battleground for sexual and reproductive rights

As participants in this conference well know, human rights has “become the lingua franca of global politics” (Somers and Roberts 2008:390). Latin Americans are perhaps more intimately acquainted with the importance of human rights than some other global citizens (a point to which I shall return later), but it was only after the population conferences in Cairo (1994) and Beijing (1995) that “rights” language began to be widely adopted by Latin American reproductive rights activists. Their efforts have been enormously successful. Laws have been passed in nearly every Latin American country, for example, to criminalize domestic violence, reduce maternal mortality, and prevent discrimination against people with HIV/AIDS. Mexico City legalized abortion on demand during the first trimester of pregnancy in 2007, and in 2006 Colombia loosened its abortion laws to permit the procedure in cases of rape, serious fetal malformations, or when a woman's life is endangered. These successes generated a pro-life, pro-family backlash, and Latin America has arguably become the millennial battleground for global sexual and reproductive politics.

In the wake of Cairo and Beijing, many governments shifted from population control programs to those emphasizing sexual and reproductive rights. Pro-life and pro-family activists initially rejected this language of rights, and some attempted to ban the terms “gender,” “reproductive rights,” and “sexual rights” from national and international accords (Goldberg 2009:162; Cáceres, Cueto and Palomino 2008:128).⁴ Over time,

however, some pro-life, pro-family activists began to embrace and appropriate the language of rights. Evidence of this trend can be found in documents issued by the New York-based Catholic Family and Human Rights Institute, known as C-FAM. Founded in 1997, C-FAM seeks “to defend life and family at international institutions,” and more specifically to “discredit [...] socially radical policies at the United Nations and other international institutions” (C-FAM n.d.; see also Catholics for a Free Choice 2001; Goldberg 2009). C-FAM’s 2009 report, *Rights by Stealth*, alleges that the “rights revolution” of the 1990s was spearheaded by feminist activists and legal theorists who support “the sexual autonomy of minor children, especially girls; the redefinition of family and marital life; and abortion rights” (Sylva and Yoshihara 2009:2). The report asserts that, “the most highly sought-after component of the feminist ideology has been abortion, with the ultimate goal of establishing an international right to abortion-on-demand for women and girls” (Sylva and Yoshihara 2009:2). C-FAM attributes the liberalization of abortion laws to a pro-choice conspiracy to “determine how the right to abortion-on-demand could be found in universally accepted norms such as the right to life” (Sylva and Yoshihara 2009:v). C-FAM’s goal is to use the United Nations framework to lobby for family rights, natural rights, and the rights of the unborn; interestingly, C-FAM does this by both *using* and *challenging* the secular language of rights (C-FAM 2009:3; Oaks 2009:190).

The contest for control over what constitutes human rights has become especially pitched in Latin America over the past ten years, as religious conservatives react against what they see as the encroachment of the reproductive rights agenda. In response to the legalization of abortion in Mexico City, for example, 17 out of 31

Mexican states have now changed their state constitutions to define life as beginning at conception (Villagran 2010). Therapeutic abortions were totally banned in El Salvador in 1998, in Nicaragua in 2006, and in the Dominican Republic in 2009. Abortion is not the only contentious issue: public controversies rage over condom distribution, emergency contraception, public sex education, and assisted reproduction (or what pro-life advocates prefer to call “artificial reproduction”; see Scala 2003:fn1). Each side argues that its interpretation of rights is correct and accuses the other of trying, in C-FAM’s words, “to establish their own conceptions of ‘rights’ as rights, and to impose these on the world community” (Sylva and Yoshihara 2009:6).

Not all Catholic efforts to capture the moral high ground of human rights are as inflammatory as those favored by C-FAM. One important component of the pro-life, pro-family strategy involves building a solid scholarly historical and philosophical foundation for Catholic-inspired legal action. Two key figures in this effort are Paolo G. Carozza, a University of Notre Dame Law School professor and past-president of the Inter-American Commission on Human Rights, and Mary Ann Glendon, a Harvard Law School professor, president of the Pontifical Academy of Social Sciences, and member of former president George W. Bush’s Council on Bioethics (2000-04). Glendon served as United States Ambassador to the Holy See from 2008 to 2009. In a series of coordinated articles, Carozza and Glendon argue that there is “a distinctively Latin American form of rights discourse” (Glendon 2003:32). Latin Americans have always been the most vocal proponents of social and economic rights, they say, including the “right to decent subsistence” (Glendon 2009). This, they say, makes Latin Americans the likeliest candidates to advance a Catholic interpretation of universal human rights. They argue

that Latin Americans should be recognized not as violators of human rights, but as important *contributors* to human rights. Latin Americans, they say, are genuine supporters of human dignity, liberty, and freedom who have a courageous but unappreciated history of fighting oppression, colonialism, and imperialism (Carozza 2003a:83).⁵

Both Carozza and Glendon trace this history straight back to the 16th century friar, Bartolomé de Las Casas, who famously tried to convince the Spanish Crown that Indians were natural human beings, “our Christian brothers” (Carozza 2003a, 2003b; Cleary 2007). Glendon argues that Las Casas was a proponent of natural rights who “laid the groundwork for a doctrine of natural rights that was independent of religious revelation” (Glendon 2003:33). This is important, because Glendon wants to advance the notion of natural (that is, divine) rights are foundational to secular rights (or the so-called “rights of man”). Glendon argues that natural rights precede written, secular law; natural rights emphasize “the equal dignity of all members of the family” (Carozza 2003a:101). Natural rights as exemplified by Las Casas, she says, are quintessentially Latin American.

Carozza and Glendon also trace the Latin American history of rights to the former Chilean Ambassador to the United Nations, Hernán Santa Cruz Barceló (1906-1999). Santa Cruz worked with Eleanor Roosevelt to draft the Universal Declaration of Human Rights. Carozza and Glendon single him out for his commitment to “the inclusion of human rights in the new international order” (Carozza 2003b:284). They argue that Latin American contributions to the Universal Declaration were drawn explicitly from Catholic social thought. As Glendon says, this explains “why certain

verbal formulations in the UN Declaration have a familiar ring to persons acquainted with the social encyclicals” (Glendon 2002). Glendon points out that Santa Cruz wanted to include in the Universal Declaration an article that stated, “Unborn children and incurables, mentally defectives and lunatics, shall have the right to life.” In her words, “Santa Cruz was unsuccessful in his efforts to have unborn children recognized in the Declaration as members of the human family, but no one played a greater role than he in securing recognition for the rights of persons who cannot provide for their own needs” (2003:36).⁶

Of the many Latin American human rights heroes that Glendon and Carroza could have cited, they chose Santa Cruz because they wanted to argue that respect for “the unborn” is one significant dimension of the Universal Declaration that remains unfulfilled. Glendon ends her article by exhorting Latin Americans to realize Santa Cruz’s vision; in her words, “Latin America may once again help the human rights movement to realize the full promise of the Declaration’s vision of human dignity” (2003:39).⁷

As with all human rights claims, those made by Carozza and Glendon need to be seen as “a mode of legitimating claims to power and authority” (Merry 2006:9). And theirs were powerful claims, indeed. As U.S. Ambassador to the Holy See in 2008, Glendon hosted a conference in Rome called “*The Latin American Human Rights Project: Yesterday, Today, and Tomorrow.*” Speakers included the then-President of the Inter-American Commission on Human Rights, Paolo G. Carozza, and the Ambassadors of Chile, Costa Rica, and Brazil, as well as the U.S. Assistant Secretary of State for Western Hemisphere Affairs and 140 audience members and journalists.⁸ In short,

Glendon and Carozza mounted a well-orchestrated counter-offensive against the reproductive rights movement in Latin America thus proving, as Argentine sociologist Josefina Brown says, that the success of a movement can be measured by the force and violence of the reaction against it (2008:293).

Assaulting human rights

The conservative Catholic view of human rights differs from that of mainstream human rights activists. The Catholic conservatives have been alarmed by what they perceive as an “assault” on human rights (Glendon 2002), which “began accelerating in the 1990s when lobby groups, nongovernmental organizations and governments ... sought to change public opinion on matters such as abortion, and now, increasingly, marriage and the family” (Pentin 2009). In response, they cite a Latin American tradition of social Catholicism that can turn back the tide. Yet their assessment of Latin American human rights is problematic in several ways. They essentialize Latin America and Latin Americans, without acknowledging that reproductive rights is understood differently in Guanajuato, Mexico, for example, than it is in Buenos Aires. Their representation of Latin American history remains selective and paternalistic. Glendon and Carozza, for example, ignore the Argentine mothers of the Plaza de Mayo who protested their children’s disappearances during and after the 1976-1983 Dirty War, and who became an international symbol of human rights activism and courage. In choosing their example, they skipped many Latin American Catholics who dedicated themselves to working with the poor and standing up for human rights, such as the Salvadoran Archbishop Oscar Romero who was gunned down while celebrating Mass in 1980, or the 18th century Mexican Padre Miguel Hidalgo, who challenged Vatican teachings and led the fight for

independence from Spain. They omit any mention of the Liberation Theology movement, with its preferential option for the poor.

Nor do they mention the complicity of the U.S. government in supporting Latin American dictators. They overlook pivotal events such as CIA-sponsored coups in Guatemala in 1954 and in Chile in 1973, and they ignore the human rights movements that arose in response to repressive military dictatorships in Argentina, Brazil, Chile, Paraguay, and Uruguay. Some writers find the “Latin American rights tradition,” (Carozza 2003b:289) less informed by the legacy of Las Casas and Santa Cruz than by persistent poverty and social inequality, recent histories of authoritarianism and repression, neoliberal economic policies, and the hypocritical U.S. foreign policy that sustains the prison at Guantánamo Bay. Yet Carozza and Glendon ignore the possibility that these histories might explain why the “right to life” in Latin America is often interpreted to mean “the right to be free from extrajudicial execution and disappearance” (Shafir and Brysk 2006:276) rather than the right to “be protected and respected from the moment of fertilization” (Acción Mundial n.d.). In this context, it could be argued, Latin Americans might be particularly sensitive about who is permitted to define the “right to life.”

These critiques are evidence of the way that history becomes a pawn in the Latin American struggle to define human rights. To be fair, however, Carozza and Glendon aspire not to write the history of Latin American human rights struggles, but to advance a contemporary political project. They hope to justify a uniquely Latin American approach to adjudicating regional human rights law. They appeal to a sense of regional identity that blames current human rights problems not on military rule or economic exploitation,

but on the incomplete enactment of the Santa Cruz's pro-life values (Merry 2006:131). Glendon says that the work of the UDHR was "*deliberately* left undone by the framers" (Brennan 2008:116). She argues that it is "up to the world's religions to show, each from the resources of its own tradition, why it is true that humans possess the fundamental rights declared in 1948" (Brennan 2008:116). She and Carozza therefore invite the world to recognize the noble role played by Latin Americans, just as they invite their Latin American allies to exert their rightful moral leadership. They encourage their Latin American allies to operate as a bloc in international conferences and courts, as they rework the meaning of "rights" in ways that are consistent with their political project.

Discussion

Although human rights activists tend to be optimistic about the potential for "rights" language to effect emancipatory change, the perspective offered in this paper is more cautious. Human rights is a powerful and dynamic concept; its meanings and its enactment are susceptible to political and religious appropriation. As anthropologist Mark Goodale notes, "because the idea of human rights is essentially contingent and dynamic, its future is far from assured" (Goodale 2007:26). This paper shows not only that the future of human rights is not assured—its past is not assured, either.

It may be instructive at this point to return to Rosa Parks, because her appearance in Buenos Aires was not the first time that she had been associated with the anti-choice cause. Since the 1970s, U.S. anti-abortion advocates have occasionally claimed themselves to be proponents of the new civil rights, heirs to Rosa Parks. Among them are Randall Terry (former head of the Christian pro-life group, Operation Rescue), the late President Ronald Reagan, and most recently the defense attorney for Scott Roeder,

who murdered Dr. George Tiller in 2009. Indeed, many civil society organizations have hoped that Rosa Parks' reputation for courage, humility, dignity, and moral leadership would rub off on them. That is why, when Rosa Parks died in 2005, Priests for Life released a press statement saying, "Today those who fight for the equality of children before birth must likewise resist unjust laws that permit abortion. Individuals should refuse to cooperate in the implementation of policies that allow the killing of children" (Priests for Life 2005). Meanwhile, the pro-choice National Organization for Women issued its own press release that read, "Whether you are working for women's rights, peace and justice, for environmental justice and the conservation of the planet, or the education of all our children, Rosa Parks' moment of bravery in the face of racism and inequality reminds us that every person, no matter their place, can take a stand" (NOW 2005). From 1955 to the present, Rosa Parks has been "the *perfect* woman to rally around" (McGuire 2004:913). Now this perfect woman's iconic influence has been extended to the southernmost reaches of the hemisphere, as part of an effort to claim human rights on behalf of Catholic conservatives, heterosexual families, and embryonic and fetal "citizens." The appearance of Rosa Parks in the Latin American human rights project is an invitation to researchers to examine the *practice* as well as the aspirational politics of human rights – yesterday, today, and tomorrow.

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NOTES

¹ The Argentine Rosa Parks Prize is bestowed annually (since 2006) by a non-sectarian, non-governmental organization called *Defensoría de la Vida Humana* (Defenders of Human Life). Past recipients include Abel Albino, also a member of Opus Dei, who was recognized for his work fighting infant malnutrition, as well as Juan Carr, founding director of the humanitarian assistance organization *Red Solidaria*; and the newspaper *Diario La Nación*. I was not the only one surprised to see Rosa Parks' name hitched to the Argentina senator. In the words of one Argentine invited to the event, "Senator, whose rights are you defending? There are underweight children and infant malnutrition, soup kitchens, people who cry out for justice, hospitals in crisis, not enough milk; there is unemployment and an impending social explosion as the result of mismanagement and corruption; please Senator, if I were in your place I'd be dismayed, so as a parent I offer you this advice: resign from politics, there are better jobs out there and you could have your pick" (Morales 2009; my translation). In the original Spanish, "¿Los derechos de quien defendió? Hay niños con bajo peso, desnutrición infantil, comedores sociales, pueblos que claman justicia, hospitales en crisis, no hay copa de leche, hay desocupación y se viene un estallido social, producto del desgobierno y la corrupción, por favor Senadora, a mí se me caería la cara de estar en su lugar, como padre le doy un consejo, deje la política, hay mejores oficios y usted tendría el primero gracias" (Morales 2009).

² *Acción Mundial Parlamentarios y Governantes por la Vida y la Familia* was created in 2007, allegedly in response to Chilean President Michelle Bachelet's announcement that she would "promulgate an abortion law" (Meseguer 2009). In fact, Bachelet did not propose to legalize abortion, but to make emergency contraception freely and universally available, an action interpreted by conservatives as tantamount to legalizing abortion because they regard emergency contraception as an abortifacient. The larger issue, though, was that conservatives feared the hemispheric consequences of electing a leftist, feminist physician to the presidency in Chile. Chile is one of the few Latin American countries that does not permit abortion even to save a woman's life, although it otherwise has a history of progressive attention to reproductive rights (Shepard and Casas Becerra 2007:202). *Acción* was formed as part of a concerted effort to counteract the election of leftist leaders in countries such as Uruguay, Argentina, Venezuela, and Bolivia, and to block the implementation of reproductive rights agendas in countries that elected leftist leaders.

³ As of this writing in mid-2010, the United States has not ratified CEDAW. Opposition to CEDAW has been growing in recent years, as conservative pro-family groups target United Nations treaties and treaty-monitoring bodies as vehicles of liberal global governance. Even groups that are ostensibly devoted to domestic issues, such as Concerned Women for America, have spoken out against CEDAW (see Wright 2009).

⁴ Hulme (2009:7) argues that the language of “reproductive health” has largely replaced the language of sexual and reproductive rights in global health circles, yet this assertion does not seem to hold in the Latin American context where “sexual and reproductive rights” language is still heavily utilized.

⁵ The concept of “human dignity” has been claimed by Catholic thinkers, as is evident in a search through recent book titles containing the term. Carozza and Glendon feel that human dignity is a fundamental piece of the distinctly Latin American vision of human rights that remains to be fulfilled. They want to wrest the Universal Declaration of Human Rights back from the brink of secularism.

⁶ Walsh, Møllman, and Heimburger cite a 1981 ruling by the Inter-American Commission on Human Rights: “[I]t is important to note that the conferees in Bogotá in 1948 rejected language which would have extended that right to the unborn...[and]...adopted a simple statement on the right to life, without reference to the unborn, and linked it to the liberty and security of the person. Thus it would appear incorrect to read the Declaration as incorporating the notion that the right to life exists from the moment of conception. The conferees faced this question and chose not to adopt language which would clearly have stated that principle” (Walsh, Møllman, and Heimburger 2008:31). This puts Glendon in the position of claiming that Santa Cruz was correct, and that his original intent ought to be revived and incorporated into future interpretations of the UDHR.

⁷ Glendon and Carozza argue, against those who have claimed otherwise, that Hernán Santa Cruz was not a socialist. Establishing that he was not a socialist is important to their argument, because if Santa Cruz is going to be “retrieved” or rehabilitated in order to serve the “right to life” cause, then the Vatican – and a very anti-Marxist Pope – will have to be convinced that he is a worthy representative of the cause, that is, that he is not a Marxist. It is instructive to note that Glendon and Carozza want to reclaim only some of Santa Cruz’s positions, while rejecting others (I am indebted to Oaks 2009:194 for this point).

⁸ <http://vatican.usembassy.gov/events/2008/LatinAmericanVatican/default.asp>; accessed 13 March 2010.