



Monseñor Oscar Romero: Human Rights Apostle

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We were waiting for him at the cancer clinic, where he lived during his three years as Archbishop of San Salvador, but he arrived too late to join our working lunch. We talked by telephone and, for the last time, I heard his voice. It was 3:30 in the afternoon of March 24, 1980. Monseñor Romero had asked me to meet with a high-level delegation from the National Conference of Bishops, the National Council of Churches, and the United States Catholic Conference. His final interview, focusing on the violence then overwhelming El Salvador, was with these same delegates. A few minutes after 6:30 p.m. two nuns from the clinic shouted the news of his assassination through the main door of the Jesuits' Academy in San Salvador. I ran to the building where he had been taken. Just by lifting his left arm, I knew that he was already dead.

Decades later, the confused images of that tragic night return to my mind: ecclesiastical leaders holding urgent meetings; the forensic exam of the archbishop's cadaver, the hundreds of journalists and television cameras, the army (tense and barricaded in the streets) the bombs of the guerrillas, the police investigation of the chapel where Romero had been shot, the sacrificial

altar, and, above all, the silent parade before his lifeless body of those who had loved him best—the men and women of the most impoverished neighborhoods in San Salvador.

In the ensuing years Monseñor Romero has become a legend for generations of Salvadorans and an icon all over the world.

It is still difficult to evaluate the effect that his assassination and martyrdom have had on the history of El Salvador and of Central America. Is there peace in Central America? To what extent are our societies more humane? What weight do the fundamental rights of the human person carry today? It is equally difficult to evaluate the effect that this simple, spiritual man's life and example have had on the conscience of Salvadorans and Central Americans. He was greatly loved by many all over the world, and some in my country despised him.

To speak with you today of the fourth archbishop of San Salvador and of his tenacious work in defense of human rights is, for me, a privilege and a challenge. It is, above all, an honor, threatening to overwhelm me.

My life changed radically that day at the end of March 1977 when I, along with several other young lawyers and law students, were introduced to Monseñor Romero and presented to him as his legal team. I was twenty-four years old at the time, and the archbishop did not seem very convinced at first that this group of young people would be able to give him the legal assistance that the Catholic Church needed.

The group of students and lawyers who met with him that day had been convened only a short time earlier by Father Segundo Montes, a Jesuit priest who was assassinated in El Salvador nine years after Monseñor Romero. Father Montes had brought us together as alumni of the Jesuit Academy to organize a legal service to defend the human rights of the poorest Salvadorans. We called our new organization "Legal Aid" (*Socorro Juridico*). The legal services we provided were an expression of social charity, a legal response to the "preferential option for the poor" that motivated so many men and women of good will throughout Latin America during those difficult years of terrorism and military dictatorship.

The man we were to work with, Oscar Romero, had been born in the home of a poor carpenter in Ciudad Barrios. He studied in Rome during the Second World War and then became a priest, well respected throughout the dioceses in

the eastern part of the country. After serving briefly as Bishop of Santiago de Maria, Father Romero was appointed Archbishop of San Salvador in 1977. In a turbulent time, he seemed the perfect successor—one who would not rock the boat. But shortly after he assumed his new office, several priests, including one of his closest associates, were assassinated, the victims of escalating violence and intolerance. During his first months as archbishop, Romero's agenda was dictated by urgent necessities and brutal acts of repression directed against the Catholic Church.

The formation of Legal Aid marked the first time in history that a Central American church appeared before the courts to represent the destitute. Our work was a legal response to the Beatitudes, inspired by the social doctrine of the church. "Aid," as Monseñor Romero affectionately referred to us in his homilies, stood up for the poor and defended their human rights during an exceedingly violent period in the history of El Salvador.

The young lawyers of Legal Aid met with the archbishop that afternoon in 1977 in response to his search for lawyers who would defend the interests of the Church after the assassination of the Jesuit priest, Rutilio Grande. Father Grande, respected by all of the bishops, had been machine-gunned to death on 12 March 1977 in the town of Aguilares. We represented the archbishop before various judges in a trial that did nothing to clarify the crime and gave the murderers impunity. Nevertheless, that meeting changed the history of Legal Aid and the lives of many of its lawyers. Without a doubt, it radically changed my life. From that day until his death in 1980, I served the archbishop faithfully, directing legal services and the defense of human rights for the Office of the archbishop in San Salvador.

From the beginning of his appointment as archbishop, Monseñor Romero recognized the value and importance of having an honest team of lawyers that the Church could consult on legal matters. After he took office, we began to see a parade of victims filing through the offices of Legal Aid. The vast majority were poor, but there were also persons from other social classes who had economic resources but could not find lawyers who would defend them because of their ideas and activities.

In El Salvador in the time of Monseñor Romero it was commonplace—a habitual daily occurrence—for persons to be detained without cause, to be

punished under emergency legislation and national security laws, to be given no opportunity to defend themselves against their accusers, to be assassinated because of their ideas, to be tortured in clandestine prisons, to be kidnapped, and to be “disappeared.”

Within this tragic scenario, Monseñor Romero became an apostle for human rights—a cause in which he can be considered an authentic pioneer. He undertook continuous strategic efforts to develop a human rights policy and ministry. He always did what was needed and did it when it needed to be done. He was always in the right place at the right time with love, courage, and moral strength, as a true follower of the Gospel. In this way he was able, within a very short time, to develop a creative and wide-ranging trajectory of active defense and lucid teachings on the rights that adhere to the human person.

In the highly ideological and polarized time period in which the archbishop lived, he saw the relationship between individual human rights abuses and systemic violence. From common law came political law. From legal representation came international denunciation. From local inquiries came the scrupulous investigation of violations of the national Constitution and of the dignity of the Salvadoran people, to which the archbishop drew public attention Sunday after Sunday.

Monseñor Romero was, in fact, the first Human Rights Ombudsman in the history of El Salvador and its people. He was an ombudsman who knew how to combine the ethics and truth of the Gospel with legal defense and public denunciation. He was an ombudsman who sought, in the limited legal space available, some means to promote democracy, one who always made use of solidarity and justice in his ministry of accompaniment. He was a Human Rights Ombudsman fundamentally inspired by the Beatitudes: give food to the hungry, provide drink to the thirsty, console the broken-hearted, and visit those who are in prison. This was the law by which he lived. I remember how frequently he repeated the Parable of the Good Samaritan. In acting as he did, Monseñor Romero bound the vast majority of Salvadorans together in the cause of human rights. No one before him had been able to do this in El Salvador. Nor has anyone since him done it as effectively as he did during those tumultuous years preceding the outbreak of war.

The soul of public international law and the doctrine of human rights is that states should behave with compassion and mercy toward their own citizens and also toward foreigners. This has been its inspiration from the times of Vitoria and de Suarez. This is what all modern thinkers on public international law have continued to proclaim. Similarly, it was compassion and mercy that inspired and animated all of Monseñor Romero's humanitarian activities.

It is worth pointing out that Monseñor Romero began to use the general principles of law and the doctrine of human rights at a time when international conventions and pacts were still few in number and adequate international human rights legislation did not yet exist. I can still recall his immense joy when, around the middle of 1979, the American Convention on Human Rights entered into effect. Today, when we are saturated with pacts, treaties, and conventions, much of the official discourse has converted these important instruments of justice into abstract papers far removed from those majorities whom they should serve—and whom Monseñor Romero approached directly in order to serve.

From his position, Monseñor Romero promoted all of the rights of all citizens on the basis of two fundamental principles: Everyone deserves protection because no one in El Salvador is secure, even in something so basic as his or her own life; and everyone needs protection because the vast majority are legally disenfranchised. Deserving humanitarian protection and needing legal protection were the two pillars on which he oriented his human rights practice. He never privileged anyone, and he was consistent from beginning to end in his message: access to justice for all, without discrimination for reasons of social class, religion, gender, or viewpoint.

In the history of humankind, Monseñor Romero holds a place among the great defenders of human rights, both for his theory and for his practice. His influence is Salvadoran, Central American, and global. While he was alive his voice was heard around the world, and his Sunday homilies, proclaimed from the Cathedral of San Salvador—his “bench” as archbishop—turned him into an international paradigm for the promotion and defense of human rights. Each Sunday he would spend more than an hour on theological themes, interpreting the readings from that week's liturgy and delivering a message of reconciliation to a society bloodied and divided by violence. He would then dedicate as much time as was needed to narrate the most important events that had taken place

that week. In that “spoken Sunday newspaper” he reported what the national media—controlled and censored by an authoritarian and repressive state—would not report. And his message was broadcast through the Church’s own means of mass communication, the Catholic weekly *Orientation* and, especially, the radio station YSAX, both of which were dynamited on many occasions by death squads and paramilitary groups.

Many of the events that Oscar Romero revealed in his homilies were grave human rights violations directed against the poorest Salvadorans. That an archbishop would publicly relate these deeds, often in great detail, resulted in something unprecedented. His was not a calculated gesture; it was his compassionate and indignant response to the national reality. It was the response of a humanist, a democrat, and a Christian. And, of course, there were very few who dared to make such a public response in the dangerous El Salvador of those years.

Monseñor Romero’s emphasis on denouncing human rights violations impacted the national community and awoke the interest of the international community, especially those organizations specialized in the defense, promotion, and protection of human rights. In 1978 the International Federation of Human Rights arrived in El Salvador, drawn by Monseñor Romero’s denunciations. The Interamerican Commission of Human Rights visited El Salvador in 1979, attracted by the voice of Monseñor Romero. Amnesty International chose El Salvador as its destination for its first large-scale mission to Central America because of Monseñor Romero. From Geneva, the International Commission of Jurists, dedicated to promoting the rule of law and justice throughout the world, visited El Salvador to listen to the archbishop. A congressional delegation from the United States made its first investigation of human rights violations, motivated by the courageous words proclaimed each Sunday by Monseñor Romero from the Cathedral. Also from Geneva, the Protestant churches and other Christian denominations, united in the World Council of Churches encouraged its Commission on International Concerns to accompany Archbishop Romero in his work. And, shortly before his assassination, the British Parliament presented Monseñor Romero as its nominee for the Nobel Peace Prize.

Monseñor Romero, who was the best jurist among all of the lawyers who worked with him, young or old, also knew how to expose the vice and corruption

of El Salvador's judicial system. He was a man of laws. His orthodox and conservative formation led him to the conviction that it was possible to confront social problems by changing the laws, making them inclusive and struggling so that judicial alternatives would not be closed to the cry for justice of the most impoverished Salvadorans.

From this legal, but not legalistic perspective, based on respect and appreciation for the law, Romero provided a constitutional framework for the defense of those human rights violated on a daily basis by the Salvadoran power structure. Using this perspective, he repeatedly pointed to the corruption of the law in El Salvador and emphasized the dangers that existed because the laws were not an expression of what they should be under "Just Law," a concept he referred to in many homilies in order to remind governments of what they had forgotten or—as in the case in El Salvador at that time—of what they had never learned: that the legitimate power to make laws, to legislate, belongs only to those who exercise it via the delegation of a sovereign people.

The fact that this had not happened in our country created an urgent need to work for the full development of persons until they could become sovereign creators of their own destiny. The law, said he, derives its power in the final analysis from the allegiance that the vast majority of citizens give to those who apply it. This was one of the ideas he asserted with great persistence and force.

With his word Monseñor Romero battled the unjust laws that were imposed on the majority of citizens through brute force. Often the human damage that these laws caused was understood only when the Archbishop explained it in his homilies. Using concrete cases, he called attention to unjust penal processes, explained how prisoners had faced corrupt judges, and detailed the confrontation of some victims with military judges wielding extensive coercive powers.

Frequently, he discussed the process of creating law and how this process had been corrupted. On many occasions I saw him scrutinizing the laws, analyzing them. He studied the Constitution; he studied the Penal Code; he studied the repressive laws related to national security, such as the infamous Law of Defense and Guarantee of the Public Order, the source of so much damage and pain. And, in the midst of that political convulsion, the archbishop always proposed legal

exits, pushing us onward whenever we were tempted to use judicial principles and legal precepts to ensnare ourselves. Monseñor Romero was a true jurist.

His homilies were, therefore, an education—free and open to the public—on political rights, civil rights, and the critique of repressive laws. His homily on Pentecost, 14 May 1978, was especially famous and a key to his pastoral ministry. On that occasion he responded to the Supreme Court’s demand that he reveal the names of the “corrupt judges” he had referred to in a previous homily—a demand that constituted a dangerous political trap. To respond to the Court he undertook a detailed study of the laws and Constitution which convinced him, once and for all, that the best way to defend the fundamental rights of those who had nothing and who could count on nothing except for the power of his voice in the cathedral was to engage in a profound interpretation of the only legal tool that counted inside El Salvador, the Political Constitution, and the only helpful legal tool that existed outside of El Salvador, the Universal Declaration of Human Rights.

At that time El Salvador had not signed a single human rights convention nor accepted any international obligation to respond to human rights violations. International humanitarian law was unknown in the country, and the American Convention was not recognized until very shortly before the archbishop’s assassination. Human rights protection, which is today an international judicial discipline, did not exist in his time, either in fruit or in bud. Although people spoke of the need to protect human rights, the term “human rights protection” had not yet been given precise juridical meaning.

Monseñor Romero told me that for him, as a common man, the Bible and the Constitution were the two sacred codes by which he lived. Whenever we confronted a judicial problem, he always asked me: “What does the Constitution say to protect this person?” And I usually replied: “It doesn’t say anything, Monseñor. The Constitution doesn’t apply in this country.” He often questioned the attitude of lawyers, including those of us who had the enormous good fortune of working closely with him. When he noticed us becoming pessimistic and showing little inclination to make use of constitutional law, he insisted: “We look to what it says to see what we can do.”

And with his tenacious searching he always managed to find some light. In this way he was giving life, under the most difficult circumstances imaginable, to an

expression as vague and diffuse as “the legal protection of human rights.” In several of his homilies the archbishop called upon the courts and the judges, imploring them to comply with the Constitution which stated that no person was to be deprived of life, liberty, or property without due process. This precept, with a clear meaning under the law, was also a measure of human rights protection. To this constitutional precept he added several other principles of due process, including the presumption of innocence until proven guilty and the injunction against ex post facto laws.

Monseñor Romero urged us to argue the unconstitutionality of some laws, to use habeas corpus laws to demand the exhibition of detainees, and to utilize all administrative protections. He was convinced that the Constitution contained tools to remedy the constant violation of fundamental rights. This conviction turned him into a pioneer because a major premise of modern constitutional law is that the Constitution should possess the means to confront violations to itself in the form of human rights abuses. He always told us: “Insist on justice and use the law, even when laws are not fulfilled and some are unjust.”

By acting this way, Romero offered us and the precarious Salvadoran legal community a great opportunity to use human rights to think about the legal corruption that existed in El Salvador and to reflect on the philosophical bases of modern democracies and the living law. He believed that the law could not be reduced to a body of normative rules designed to preserve a blind, static order favoring the interests of the historically privileged classes and closed to the cries of those who needed justice the most. He sought a living law and in human rights he found the best road. He lowered the lofty precepts of human rights to the level of social reality and gave them real content in a way that few in Central America have done in the twenty years since then.

Monseñor Romero was also convinced that the law could be used to promote social and economic justice, even though the constraints of his times meant that his actions were consistently reduced to promoting the rights of individuals, those facing arbitrary judges or military courts, those who had been forcibly disappeared to clandestine police cells, and even those kidnapped by pre-guerrilla groups.

Oscar Romero demonstrated that there was no case of human rights whose principle elements could not be explained simply, putting them within the

reach of the people, so that they could be understood by those who had not been technically trained in this material. With his word, in his homilies, and by his actions, Oscar Romero communicated human rights. For him the law was required to offer protection of the rights existing in the Constitution and in the Universal Declaration of Human Rights. It did not need to be abstract or complex. He maintained that there should be democratic mechanisms for creating new laws or for modifying existing laws when circumstances demanded.

When the Agrarian Reform Act was passed in February 1980, Monseñor Romero spoke of the need for Salvadoran society to use democratic means of reflection to make the law evolve until society could succeed in creating and extending the reach of human rights. Few have understood as he did that the law should be subject to revision and that the rights existing in the Constitution should not only be protected, but also reinterpreted and reformed as needed.

It is also important to note that in the many cases of kidnappings in which it fell to Romero to act as intermediary he always insisted that one could not legitimately kidnap others in order to demand the release of persons disappeared by governmental forces—that an evil act could not be used to demand a good. He wanted to avoid that war. He frequently stated that by putting the law before force and making the laws evolve it was possible to create an orderly and peaceful alternative in El Salvador, capable of solving our most serious problems. Some persons accused the archbishop of instigating trouble, but in truth he exhibited a profound respect toward even his most bloodthirsty critics and had a great talent for skillful mediation and persuasive conciliation.

Monseñor Romero always prioritized dialogue, conciliation, communication between opponents, and mediation—from the Christian point of view and from the point of view of the law. I remember the violent strikes of the Santa Ana textile workers and at La Constancia Brewery. I also remember the many Acts of Conciliation signed in the offices of the archbishop that ended those strikes, all inspired by Romero's peaceful words. All the mediations that produced historic results during that turbulent period of violent occupations of churches and industrial properties carried Romero's personal stamp. I hope that some day we may recover all of those acts and documents for the historical memory of the theory of alternative means of resolving conflict.

We must recover, as well, the more than 300 letters that have been preserved from those that Romero sent to us at the Legal Aid offices, recommending to us each case. His work in human rights was oriented by the idea that just denunciations could only be formulated through the most rigorous investigation of the facts in each and every case. And this is what he did. He concerned himself with each case. He received the people, he personally wrote the letters asking us to attend to this case or that, he argued the case, he suggested that we bring it to the tribunals, he explained to us in detail why he thought one way or another. His personal touch appears in all of the work done by Legal Aid in those years.

Monseñor Romero was also a victim of human rights violations, and not only because they took his life, assassinating him at the altar when no one else dared to beg, plead, and demand: “In the name of God and this suffering people, stop the repression.”

In a country as violent as El Salvador, Oscar Romero found the time to reflect on the role of law in a society that suffered from drastic and rapid changes and on the consequences that a just and fairly applied law could have in the democratic future that he aspired to and preached. He aspired to a very simple democracy. He often told me that he wanted El Salvador to know “better times” and for it to enjoy at least 30 percent of the democratic guarantees that existed in Costa Rica, a neighboring country that he knew from participating in the meetings of Central American bishops. He directed me to look at the Costa Rican reality, for which he felt a healthy envy: a country without an army; a country with an elevated level of investment in the education of its people, a more equal distribution of its riches, a health plan that might be minimal but covered the entire population; a country with a free and clean electoral process where vote tallies were respected.

Dignity and equality were the principles that guided Monseñor Romero; he envisioned a legal system based in the sovereign power of the people delegated to representatives legislating for the common good. All of these principles were difficult to reconcile with Salvadoran reality. Yet, using these moral precepts, Monseñor Romero put into movement a very simple and popular method for the defense, protection, and promotion of human rights. It was the first time in Central America that a Church authority utilized the pulpit to present in simple

terms the significance of the human rights violations perpetrated against the poor and to clearly promote the legal defense of human rights.

To help him on this path, which he pioneered in Central America, Monseñor Romero turned to Chile's Vicariate of Solidarity. The Vicariate and Legal Aid were born at nearly the same time during similarly difficult periods in the history of the two fraternal nations. Monseñor Romero and Cardinal Raúl Silva Henríquez spoke frequently, creating and refining a similar human rights ministry. These two pastors were the most significant proponents of their cause in Latin America during that period, with the common denominator that neither of them, and neither of the two institutions they represented, was satisfied with making simple denunciations. Both the Vicariate in Chile and Legal Aid in El Salvador gave legal backing to the prophetic denunciations their pastors made from the pulpit.

Among his other deeds, Monseñor Romero was a pioneer in the humanitarian treatment of internally displaced persons—those peasant families who had fled to the capital as a result of the fighting and repression, unleashed with particular fury in the countryside. Toward the end of his life Monseñor Romero set up Latin America's first refugee camps for internally displaced persons, in the San José de la Montana Seminary in San Salvador and later in the Basilica. This was the first time that the Catholic Church had opened its doors to shelter those displaced by a warlike conflict. It was the first time in Latin America that internally displaced persons were the subjects of humanitarian protection. The Cartagena Declaration on Refugees and Displaced Persons took effect years after Romero opened the first refuge in San Salvador. This intervention, like the rest of his humanitarian work, was born from his faith, mercy, and compassion. In this his message and his teachings, as well as his methods, are universal and continue to be relevant all these years after his death.

Monseñor Romero's message continues to be valid. If he were to speak to the development agencies, humanitarian organizations, and human rights groups that exist today, he would tell them to give effective and efficient service to the poor—who continue to be the majority in Latin America and who are a substantial, and increasing minority even in the United States. Speaking to us today, Romero would say that human rights are violated not only in warfare but also in democracies whenever corruption, favoritism, injustice, and lack of social

consciousness predominate. As a prophet and as a martyr, Oscar Romero is the most important figure in recent Christian history.

Three days after Romero's death, when we were preparing his death certificate for the funeral to be held on March 30, two employees from San Salvador's municipal offices and a street negotiator of the type who always gather around public spaces in Central America said to me, in unison: "Could it be that we are about to bury a saint?" At that painful moment I could not assimilate the idea, which had already begun to be shared by many Salvadorans. Today, this is certain: that from the first instant that followed his tragic and glorious death Monseñor Romero entered into the heart of our country's history, transforming himself into the one who most stands out in our collective memory as the Salvadoran to enter heaven by the Great Gate at the end of the twentieth century.

Today, so many years after that fateful day, I have not been able to forget. Nor will I ever forget the three years I worked with him, years in which I received from him and his example a priceless inheritance. Today, so many years later, I reflect on the developments in international human rights protection that took place after Romero's death, inspired by his words—developments before the Interamerican Commission for Human Rights and the various human rights organs of the United Nations, developments that we continued to advance from exile on behalf of Salvadorans until 1987.

In the years since Romero's death I have engaged in many other works, some of them internationally significant. Since 15 October 1999, I have served as Director of the Interamerican Institute for Human Rights, an important position for the protection of human rights. Nevertheless, neither this nor any other work that I have done since the archbishop's death—nor that I believe I am likely to do in the future—do I consider to be so profound in its teachings, so beautiful in its solidarity, and so important for human rights as the three years that I lived immersed in the humanitarian ministry of the fourth archbishop of San Salvador.

No other mission has given me such honor or satisfaction as accompanying in the defense of human rights that good man who became a martyr for his people and will soon be honored as a saint, my fellow Salvadoran, Oscar Romero.

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