

Policy Connection



How important are human rights policies?

DOMESTIC AND
FOREIGN POLICY

The Policy Challenge

Chapters 4 and 5 addressed civil liberties and civil rights, and in an important respect the constitutional provisions and laws dealing with those topics can be regarded as core policies of the American political system. In recent decades, however, there has been more and more attention paid to the idea of basic “human rights.” In this Policy Connection we will explore the concept of human rights and how it relates to American civil liberties and civil rights. More significantly, we will consider the role that the call for human rights policies has played in both U.S. foreign and domestic policies.

Claiming Human Rights. To address issues related to “human rights,” we must think about the notion of what it means to have rights.⁴² Generally, one can view rights as a claim that an individual or group can make as citizens of a government. In Chapters 4 and 5, we learned that in the American context there are two such claims. Civil liberties, which we typically associate with the idea of “freedom,” are rights involving claims against government interference in certain aspects of our lives. Civil rights, in contrast, involve claims for government protection against discrimination by others. In both cases, the word “civil” is significant because it indicates that these claims are made within the context of being a member of the civic community of the United States, which in most instances means they are rights you can claim as a citizen or legal resident.

The concept of human rights allows for a broader view of who can assert such claims and against whom they can press a claim. Advocates argue that one’s capacity to make a human rights claim is not limited to one’s civic location (that is, citizenship or

residence), but rather to one’s status as a member of the human community. Human rights, in other words, are not just legal or political. They are social, economic, cultural, and—most important—moral.

Just as civil liberties and civil rights have policy implications, so does the human rights position. In the 2016 presidential election campaign, for instance, the senator Bernie Sanders was asked by a reporter about his call for universal health-care coverage; Sanders had stated, “I believe that health care is a right of all people.” When asked where that right comes from, Sanders’s position was clear: “From being a human being.”⁴³ Many years earlier, then-first lady Hillary Clinton provided the basis for her long-term advocacy of a wide range of policies related to the status of women by telling a 1995 international conference that “women’s rights are human rights.”⁴⁴

Domestic Policy Implications. As is the case with civil liberties and civil rights, it is one thing to make human rights claims, but quite another to develop policies based on them. A central problem is coming to some agreement regarding the basic meaning of human rights. Many supporters of human rights argue that such policies should focus on preserving the basic dignity and sanctity of human life and therefore would support the abolition of the death penalty, laws against human trafficking, and outlawing the use of torture and other practices that injure or demean individuals or groups. These policies are the primary (although not exclusive) focus of Amnesty International, a Nobel Prize-winning non-profit organization that actively monitors human rights abuses and pursues reforms worldwide.⁴⁵ In their 2015–2016 assessment of human rights policies in the United States, for example, they were critical of the use of the

death penalty, the condition of many American prisons, and the treatment of those confined at the American Guantanamo Detention Center in Cuba.

Human rights claims have also been used to advocate for policies and programs that enhance economic, social, and political well-being. The claim that universal access to quality health care in the United States is a “right” is one clear example, as are calls for policies that ensure all workers a “living wage” rather than just a minimum wage. Although civil rights policies are designed to end discrimination, advocates for human rights call for programs designed to enhance the educational and employment opportunities of all Americans, especially those in minority populations.

Human Rights and U.S. Foreign Policy. Historians would date the modern concern for human rights to the beginnings of the Enlightenment in the seventeenth and eighteenth centuries (see Chapter 2), but perhaps the most significant development in this area took place in 1948 as members of the newly formed United Nations (UN) negotiated what was to become the Universal Declaration of Human Rights. Although it is not a treaty in the formal sense, it is regarded as a foundational document that commits nations to be guided by its thirty articles as well as the many agreements and covenants that have been based on the declaration. As one of the lead nations in the formation of the UN and writing of the Universal Declaration of Human Rights, the United States played a major role in establishing human rights as an international concern, and American foreign policy in the post–World War II period has reflected that commitment.

Given the historical connection of the American founding with “inalienable” rights, it is not surprising that there are many examples in the history of U.S. foreign policy where human rights played an important role in shaping our relationships with other nations.⁴⁶ This was especially true during the Cold War when the United States often cited human rights violations by the Soviet Union and its allies.⁴⁷ But until the presidency of Jimmy Carter, human rights was merely an issue to be addressed in the face of world events rather than a high priority in shaping U.S. foreign policy. Carter changed all

that by making his position clear in his inaugural address in 1977:

Because we are free, we can never be indifferent to the fate of freedom elsewhere. Our moral sense dictates a clear-cut preference for those societies which share with us an abiding respect for individual human rights. We do not seek to intimidate, but it is clear that a world which others can dominate with impunity would be inhospitable to decency and a threat to the well-being of all people.⁴⁸

Carter’s commitment to human rights as the first principle of U.S. foreign policy (see Chapter 16, online), although it was well intended, lacked clarity and consistency and eventually was set aside by his successor, Ronald Reagan, who reasserted the need to deal first and foremost with the ongoing Cold War.⁴⁹ Nevertheless, during the Reagan years and the post–Cold War period, human rights remained an important factor in U.S. foreign policy, especially after America’s response to the attacks of 9/11 and the declared “War on Terror.”

How significant is human rights in determining U.S. foreign policy today? The answer is “very,” not only because of specific decisions made by U.S. policymakers to respond to humanitarian crises, but also because of the changing nature of international relations and the impact of globalization.

Relationships among nations are increasingly focused on preventing human rights abuses, improving the living conditions through global efforts to eradicate disease and poverty, and an expanded role for nongovernmental organizations in world affairs. The United States, like other nations, has had to adapt to this changing environment in which a broadly defined view of human rights plays a major role.

This is reflected in the growing number of federal agencies and programs devoted to global human rights and “human security” issues. Although the State Department has a bureau devoted to monitoring the human rights records of other nations, it also has offices working on the status of refugees and others displaced and impacted by wars and natural disasters. The U.S. Agency for International Development has focused on programs dealing with world hunger and food security and has

developed working relationships with a number of nongovernmental organizations dedicated to improving working conditions and educational opportunities in less developed nations. The United States has also been active in support of global anticorruption programs such as the Open Government Partnership and similar initiatives at the UN and the World Bank.

U.S. involvement is equally significant in global health initiatives. In 2003, the Bush administration established the President's Emergency Plan for AIDS Relief, which provides billions of dollars for fighting the spread of HIV/AIDS in Africa.⁵⁰ The United States also took a leading role in addressing the 2014 Ebola outbreak in West Africa, mobilizing both civilian agencies (e.g., the Centers for Disease Control and Prevention) and military assets in the effort to deal with and contain the deadly disease.

In summary, as human rights has emerged as a major feature of the international arena, so has its impact on a wide range of U.S. foreign policies.

Conclusion

In this Policy Connection we explored the role of human rights in American public policy, both domestic and foreign. As is the case with civil liberties and civil rights, human rights policies are rooted in claims that individuals make of their government. Although policies related to civil liberties can be regarded as claims against government intrusion in

our lives, civil rights policies represent the demand for government protection in our dealings with others who might discriminate against us on the basis of our race, gender, ethnicity, etc.

By focusing on the needs and requirements of being human, the claim of human rights is much broader. Although the claim includes calls for greater freedom and less discrimination, it poses a challenge to current policies such as the death penalty or the lack of access to universal health care. The growing influence of human rights claims is already impacting domestic policy debates and the conduct of American foreign policy.

QUESTIONS FOR DISCUSSION

1. When we speak of our "inalienable rights" in the American tradition, we typically refer to things like "life, liberty and the pursuit of happiness." If you were asked to provide a list of human rights, what would you include?
2. The human rights movement has been criticized by some as a threat to the basic American values of individualism and limited government. They argue that the claims made by human rights advocates often go too far, resulting in calls for costly policies such as universal health care that the country cannot afford or changes in our laws that would radically alter basic social relationships. Do you believe the call for more policies based on human rights claims goes too far?