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to come to Kampala to meet with him and decreeing that none of them could leave the country until they complied.²⁹ This left the administration worrying about what the sanguinary and none-too-stable Amin might have in store for these Americans, almost all missionaries and their dependents, who were now in effect hostages. After a few days of intense behind-the-scenes diplomatic maneuvering, as well as the movement of a U.S. naval task force to the African coast, the Americans were allowed to depart. In the end, Carter publicly thanked Amin for assuring the safety of the Americans, a spectacle that led reporters to ask whether this "does not...underline a certain weakness in the whole policy of speaking out on human rights?"³⁰

On February 24, Vance appeared before the Senate Subcommittee on Foreign Operations Appropriations and announced that the administration planned to reduce foreign aid to Argentina, Uruguay, and Ethiopia because of human rights violations.³¹ Officials explained that the new administration had cut in half the Ford administration's figure for military credits for Argentina, that it had entirely eliminated credits for Uruguay, and that Ethiopia would retain its credits, but would no longer receive grants.³² Vance also said that in cutting aid, the United States had to "balance a political concern for human rights against economic or security goals," citing South Korea as an example where our "security commitments" made it unwise to cut aid "despite the fact that we have great concern—and have so stated—with respect to the human rights situation in that country."³³

Within a week Uruguay and Argentina delivered diplomatic notes in protest. Uruguay said that it had not asked to be included in any future program of military assistance from the United States, and Argentina rejected whatever military credits the administration had left in the budget.³⁴

On March 12, the State Department released the first of what were to become annual reports on human rights practices in other countries. These reports were required by an amendment to the Foreign Assistance Act adopted

in 1976. Since 1979 these reports have covered all independent countries in the world, but in 1977, pursuant to the law at that time, they covered only those countries receiving security assistance from the United States. As a courtesy, prior to releasing them publicly, the department distributed to each subject country the report about its practices. On reading theirs, Brazil, Guatemala, and El Salvador followed the lead of Uruguay and Argentina, and announced their rejection "in advance" of any military aid from the United States.³⁵

Meanwhile, the Kremlin kept up its campaign against dissidents. On February 7, two members of a small Ukrainian group seeking to monitor Soviet compliance with the Helsinki Accords were arrested. On February 10, Yuri Orlov, the leader of the main group of "Helsinki monitors," was arrested. On February 12, an editorial in *Pravda* accused the dissidents of engaging in "a carefully planned and coordinated act of sabotage" against the Soviet Union.³⁶

On the question of human rights in the Soviet Union, the administration seemed to have a tiger by the tail. The overriding priority of its foreign policy was to reach a new SALT agreement. The harshness of the Soviet reaction to the American human rights campaign began to create fears that SALT could be in jeopardy. On the other hand, Carter knew, as Anthony Lewis pointed out, that to back down in the face of this Soviet reaction could jeopardize the support he would need at home to get a treaty ratified by the Senate.³⁷ Trying to navigate SALT between this Scylla and Charybdis, the administration zigged and zagged.

Appearing on "Face the Nation" on February 27, Secretary Vance once again tried to reassure the Russians. "Insofar as speaking out on human rights issues abroad is concerned," said Vance, "we will speak out when we consider it desirable to do so. We will try to do it in a nonstrident, nonpolemical way; and would expect others, if they see things happening in the United States, to criticize us, because this is not a one-way street."³⁸

Two days later, the president received at the White

House the celebrated Soviet dissident Vladimir Bukovsky. Bukovsky had been released into exile in the West in a trade for an imprisoned Chilean Communist leader during the last weeks of the Ford administration. When Bukovsky sought an audience with President Carter, an appointment was made for him with Vice President Mondale instead, while the president hesitated about whether he, himself, should receive Bukovsky. The Russians, as Marvin Kalb put it, "indicated that they would very much appreciate it—and I am understating it now—if the President did not receive Vladimir Bukovsky."³⁹ The president hesitated until the last minute—Vance said only two days before the meeting that he was unaware of the president's intentions⁴⁰—and when he finally received Bukovsky, he refused to allow reporters to photograph them together.

Following the Bukovsky meeting, Soviet recalcitrance deepened. On March 4, *Izvestia* accused some leading Jewish dissidents of working for the CIA.⁴¹ On March 13, *Pravda* said that Carter's human rights policies were "bringing about an atmosphere of distrust."⁴² On March 15, Soviet authorities arrested the most prominent Jewish dissident, Anatoly Shcharansky. And on March 21, Brezhnev, in a speech to the Trade Union Congress, said: "Washington's claims to teach others how to live, I believe, cannot be accepted by any sovereign state...we will not tolerate interference in our internal affairs by anyone and under any pretext. A normal development of relations on such a basis is, of course, unthinkable."⁴³

In response, the administration sought to allay Soviet anger but without abandoning its human rights campaign. On March 17, Carter addressed the United Nations General Assembly. There he declared: "All the signatories of the U.N. Charter have pledged themselves to observe and respect basic human rights. Thus, no member of the United Nations can claim that mistreatment of its citizens is solely its own business."⁴⁴ He added that this issue "should not block progress on other important matters affecting the security and well-being of our people and of world peace. It is ob-

vious that the reduction of tension, the control of nuclear arms, the achievement of harmony in troubled areas of the world, and the provision of food, good health, and education will independently contribute to advancing the human condition."⁴⁵ The key point was that the administration rejected what had come to be called "linkage." It would protest Soviet misbehavior, such as violations of the Helsinki Accords, but it would not make any other aspect of U.S.-Soviet relations conditional on improvements in Soviet behavior.

The administration pinned its hopes for overcoming the initial bumps in its relations with the Kremlin on Secretary Vance's mission to Moscow in late March. Vance's goal was a breakthrough on the issue of strategic arms limitation. If the way could be cleared to a SALT agreement, other aspects of U.S.-Soviet relations would also improve. In order to stress its rejection of "linkage," Vance told a Moscow press conference on the eve of his first meeting with Brezhnev that he would not see any dissidents while in Moscow, and although he said he was prepared to discuss human rights if the subject came up, he dodged the question of whether "you plan on your own behalf to raise the issue." He would only reply that "I do not plan in my opening statement to touch on it."⁴⁶

But Vance's good manners were not reciprocated. He recalls in his memoirs his first session with Brezhnev: "I had hoped we would move directly to SALT, but Brezhnev launched into a diatribe in which he catalogued alleged human rights abuses in the United States."⁴⁷ Apparently Brezhnev took to heart Vance's invitation on "Face the Nation" to others "to criticize us." Of course everyone understood that Brezhnev's concern was not with the state of human rights in the United States. He was trying to make a point. The point was that the Russians insisted on a kind of linkage of their own. We might not make U.S.-Soviet relations conditional on rectifications of their domestic misconduct, but they would make U.S.-Soviet relations conditional on our not complaining about their misconduct.

The Vance mission ended in acrimony and complete

failure, and although it was evident that the human rights issue was not the sole cause of this failure—the Soviets were also unhappy with the American SALT proposals—it was clear, as Adam Ulam put it, “that the rather rude reception accorded Mr. Vance was not unconnected with the President’s recent utterances on behalf of the Soviet dissidents.”⁴⁸

From that moment, the administration was much more cautious in the application of its human rights policy to the Soviet Union. A month later, on April 30, Vance delivered a speech, the purpose of which, he says in his memoirs, was “to define the elements of a sound human rights policy.”⁴⁹ Without explicitly criticizing the Sakharov letter or the Bukovsky meeting, Vance recalls that these two events especially “concerned” the Soviet leaders, thereby complicating the quest for SALT II, “the most pressing issue in U.S.-Soviet relations.” Then Vance adds, in suggestive contrast: “My preference in dealing with human rights issues was to emphasize quiet diplomacy, saving public pressure for those occasions that called for a strong and forthright public statement.”⁵⁰ At the time, President Carter, asked by *Newsweek* in April whether the fact that he seemed “less outspoken lately on human rights” meant that he was “having any second thoughts,” replied, “No, I think we’ve made a point.”⁵¹ In July, the administration announced the creation of an interagency committee, chaired by Marshall Shulman, to “coordinate” policy toward the Soviet Union. Shulman, an unfailing advocate of a conciliatory approach to the Soviet Union, had categorically opposed allowing human rights issues to enter into the government-to-government relations between the United States and the Soviet Union. Thus Brzezinski, in his memoirs, seems either naive or disingenuous when he chides the *New York Times* for its “amazing interpretation that this was a further public signal to the effect that the Administration was moving toward a more conciliatory attitude toward the Soviet Union.”⁵²

In January of 1978, the *Washington Post* reported that the State Department had instituted a new rule requiring that

members of the staff of the U.S. embassy in Moscow and their spouses give twenty-four hour notice of any meetings to be held with Soviet dissidents. This rule, said the *Post*, "marks a shift in the Carter Administration's policy toward dissent in the Soviet Union" in favor of "quiet diplomacy similar to that pursued by former Secretary of State Henry Kissinger" and has resulted in a decline in the "quality and volume of information" exchanged between dissidents and American diplomats.⁵³

Administration spokesmen were at pains to deny that they were backing down from pressing the human rights issue in regard to the Russians. Asked late in 1977 whether the United States had "backed away in our support of human rights in the Soviet Union," Vance replied that we were not "backing off in any way whatsoever."⁵⁴ And Brzezinski, in response to a similar question, complained that the administration was "accused of having compromised and of having backtracked" merely because it had emphasized "the global character of our interest."⁵⁵ But other observers were virtually unanimous in perceiving a retreat. Arthur Schlesinger, Jr. wrote:

The Soviet resentment, for some utterly mysterious reason, astonished Carter himself; he spoke in June 1977 of the "surprising adverse reaction in the Soviet Union to our stand on human rights." But he accepted it as a fact of life and moderated his campaign accordingly.⁵⁶

Sandra Vogelgesang, who served as the human rights officer on the State Department's Policy Planning Staff during the first months of the Carter administration, wrote after leaving the government:

Carter by his own admission was "surprised" [by the Soviet reaction]. He shifted gears by mid-1977—because of pressure from moderates within his administration, concern expressed by important allied leaders such as West German Chancellor Helmut Schmidt, and the belief that a point, once publicly and forcefully made, need not be repeated at every occasion.⁵⁷

And the Congressional Research Service of the Library of Congress said:

It is commonly believed...that human rights initiatives will prejudice—at least in the short term—the full range of other interests that the United States has with another country....Early experience with the Soviet Union most impressively demonstrated this principle. The complications with respect to many aspects of bilateral relations that resulted from U.S. human rights initiatives led to a rapid limitation of those initiatives.⁵⁸

In sum, from the time of the March 1977 Vance mission to Moscow, the Carter administration pulled back from outspoken criticism of Soviet human rights violations. It renewed those criticisms, to some degree, in the summer of 1980, when, under the combined impetus of events in Afghanistan and the electoral challenge posed by Ronald Reagan, Carter again spoke sharp words about Soviet abuses.⁵⁹ In the interim its voice was muted, although not silent. It did insist on speaking about some of those abuses at the Belgrade conference to review the Helsinki Accords, albeit, as Vance recommended, in a “nonstrident, nonpolemical” way. And, as the Soviets continued throughout the late seventies their determined drive to crush the dissident movement, the administration did, as Vance had advocated, issue an occasional public statement in response to some particularly egregious events. But these were far fewer and gentler than the dissident movement had been led to hope for by the heady events of Carter’s first five weeks. Ludmilla Thorn summarized their feelings: “What we all found was disappointing was that Carter...sort of ceased his public stance, at least vis-a-vis the Soviet Union. So I think it began very well,...but somehow, he was intimidated, perhaps by his colleagues and associates and subordinates, into this quiet stance, and Russian dissidents became quite openly disappointed in him.”⁶⁰

The human rights policy did not, however, end with the retreat from confrontation with the Soviet Union. In a sense

that was only the beginning. But its focus turned to less costly directions. Prime among these were Latin America and white Africa. In March of 1977, both the Soviets and several Latin governments were angry at Carter's human rights pronouncements, but their anger had unequal results. The difference was that the Russians had a big stick—they could and did threaten not to cooperate in reaching a SALT agreement, thereby depriving Carter of the central goal of his foreign policy. The Latins, on the other hand, could only fume and reject American aid. What kind of threat was that? And the white Africans, Smith and Vorster, didn't even have any aid to reject. All they could do was fume.

In March, at the very moment that Vance was in Moscow, being lectured by Brezhnev on human rights, Patricia Derian was in Buenos Aires lecturing the government of Argentina on the same subject.⁶¹ And throughout the spring of 1977, as the administration was retreating on the Soviet human rights front, it was advancing steadily on Latin America. In June, Secretary Vance addressed the General Assembly of the Organization of American States, and spoke in uncharacteristically blunt words. He said:

If terrorism and violence in the name of dissent cannot be condoned, neither can violence that is officially sanctioned. Such action perverts the legal system that alone assures the survival of our traditions.

The surest way to defeat terrorism is to promote justice in our societies—legal, economic, and social justice. Justice that is summary undermines the future it seeks to promote. It produces only more violence, more victims, and more terrorism. Respect for the rule of law will promote justice and remove the seeds of subversion. Abandoning such respect, governments descend into the netherworld of the terrorist and lose their strongest weapon—their moral authority.⁶²

At a press conference at the OAS meeting two days later, Vance commented on "the attention which is being paid to the issue of human rights. There is no question that the issue

is dominating the discussion in the OAS itself and in the bilaterals which each of us is having. There can be no doubt that whatever way the actual concrete steps eventuate from this meeting, the sensitivity of all the parties at this meeting has been greatly raised."⁶³

Another important landmark in human rights policy toward Latin America was passed during June. Human rights officials within the administration fought to cancel three agricultural loans to Chile proposed by the Agency for International Development.⁶⁴ Because the loans were for projects that would benefit poor farmers, they fell under the rubric of aid directed to meeting "basic human needs." Under the terms of all relevant human rights legislation, foreign aid projects that were specifically designed to meet "basic human needs" were exempt from the restrictions imposed on aid to repressive governments. Under this exemption even the Khmer Rouge regime in Cambodia had received some aid from the United States—DDT to help control malaria—on the theory that it made no sense to deprive those Cambodians who escaped Pol Pot's executioners of the chance also to escape disease.⁶⁵ To declare Chile ineligible even for aid that fell in the "basic human needs" category was to stamp it with an anathema applied virtually to no other government. Yet some administration officials found the Pinochet government to be so reprehensible that they wished to add this fillip to the other human rights sanctions already in place against Chile. The outcome of the administration's internal battle over Chile was a compromise that turned into a victory for the human rights officials. The administration announced that the loans were being "deferred" for thirty to sixty days because of human rights violations in Chile. Two days later an indignant President Pinochet announced his rejection of the aid money.⁶⁶

The administration took a tough stance yet again toward Latin American governments in November 1977, when Vance, accompanied by Derian, traveled to Brazil and Argentina, where he is reported to have put human rights at the top of his diplomatic agenda. He presented to the

Argentine government a list, prepared by Argentine human rights groups, of names of people who had "disappeared," presumably as the result of illegal, violent acts by the authorities.⁶⁷

As the human rights issue came to dominate U.S. policy toward Latin America, as toward no other region, it evoked mounting resistance from those U.S. diplomats responsible for relations with Latin America. In February 1978, Terence Todman, assistant secretary of state for Inter-American Affairs, delivered a speech that was widely interpreted as criticizing the human rights policy. In it, Todman said:

Our experiences over the past year have shown clearly that we must be careful in the actions we select if we are truly to help and not hinder the cause of promoting human rights and alleviating suffering.)

We must avoid speaking out before learning all the facts, or without calculating the likely reaction and responses to our initiatives.

We must avoid expecting other governments to achieve overnight fundamental changes in their societies and practices in response to our bidding and without regard to historical circumstances.

We must avoid assuming that we can deal with one issue in isolation without considering the consequences for other aspects of our relationships.

We must avoid believing that only the opposition speaks the truth, the whole truth and nothing but the truth about conditions in their country.

We must avoid presuming to know so much more about another society than any of its own citizens that we can prescribe actions for them without bearing any responsibility for the consequences.

We must avoid punishing the poor and already victimized by denying them assistance to show our dissatisfaction with their governments.

We must avoid pointing to some and not to others. Selective morality is a contradiction in terms.

We must avoid condemning an entire government for every negative act by one of its officials.

We must avoid holding entire countries up to public ridicule and embarrassment, trampling on their national dignity and pride.

Finally, we must avoid being so concerned with declaring the rightness of our course that we lose sight of our true objective—to alleviate individual suffering.⁶⁸

The speech was criticized by the administration's human rights activists as too solicitous of the sensibilities of governments that violate human rights.⁶⁹ Some in the human rights movement had opposed Todman's nomination from the start; for example, the Council on Hemispheric Affairs had urged the Senate not to confirm him.⁷⁰ And throughout the first year of the Carter administration, Todman, a career foreign service officer, pressed for a more diplomatic and conciliatory approach to Latin American governments. He was often among those arrayed on the opposite side from the department's human rights bureau in disputes like the one over the agricultural loans for Chile. Within weeks of his speech, Todman was demoted. He was removed from his post as assistant secretary and named ambassador to Spain.

Making public his concerns about the direction of the human rights policy may have been an insubordinate action on Todman's part, but Andrew Young and his deputy, Brady Tyson, had already proved that loose and insubordinate talk was not in itself cause for being removed from one's post in the Carter administration. (It may be argued that being black

gave Young a certain political immunity for his insubordination, but, then, Todman is also black.) The real reason for Todman's removal was that he was out of step. As Cedric W. Tarr, Jr., an academic sympathetic to the human rights movement, described it:

Initially, many members of the Carter administration seemed not to have received the message that human rights are to be promoted aggressively. However, an active alliance between nongovernmental human rights groups and human rights activists within the Administration is perhaps responsible for conveying the message to persons such as the former Assistant Secretary of State for Inter-American Affairs, Terence A. Todman, who was moved to the U.S. embassy in Madrid.⁷¹

The ouster of Todman consecrated the ascendance of the human rights bureau in formulating policy toward Latin America. This makes an interesting contrast to the evolution of the administration's policy toward the Soviet Union. Todman was not nearly as strongly opposed to injecting human rights issues into U.S. dealings with Latin governments as Marshall Shulman was to injecting them into U.S. dealings with the Soviet government. Richard Feinberg, the Latin American specialist of the Policy Planning Staff, who was usually on the opposite side from Todman in policy debates, says Todman "did carry on private diplomacy in the sense that when he would visit a country and meet with government officials he would talk extensively about human rights."⁷² Shulman, on the other hand, opposed any official human rights policy toward the USSR. Yet, after an initial shake-down period of the human rights policy, Shulman's authority over policy toward the Soviets was augmented while Todman was removed from his responsibility for policy toward Latin America. As the Carter administration wore on, no one would say about U.S.-Soviet relations what Jo Marie Griesgraber, a scholar who served during the Carter years as associate director of the Washington Office on Latin America, said of U.S.-Argentine relations during those years: "Human rights issues came to dominate the United States-Argentina

agenda, prompted by the enormity of the violations and U.S. domestic pressure."⁷³

INSTITUTIONALIZING A POLICY

In the middle years of the Carter administration, the president's own role and rhetoric on human rights became less pronounced. But by then the administration's human rights policy had become institutionalized.

A network of offices and personnel had been created within the government whose business was human rights. The position of "Coordinator for Human Rights and Humanitarian Affairs" in the State Department was upgraded by Congress at the request of the administration to that of assistant secretary. The Bureau of Human Rights and Humanitarian Affairs was created to replace what had merely been an "office" for human rights. The size of the bureau quickly grew to about twenty staff,⁷⁴ from an initial seven or eight.⁷⁵ "This newly strengthened human rights office inserted itself into the established Department of State procedures with vigor," wrote Stephen Cohen who served as one of its deputy assistant secretaries.⁷⁶ According to Lars Schoultz, it had "demanded and obtained the right to review all [foreign] aid proposals,"⁷⁷ which embroiled it, in Cohen's words, in "intense bureaucratic warfare"⁷⁸ both within the State Department and with other agencies, such as the Departments of Defense, Treasury, Agriculture, and Commerce. The role of the bureau consisted largely of trying to stop other parts of the U.S. government from assisting or maintaining normal relations with foreign governments that were guilty of human rights violations.

These bureaucratic wars required the creation of a variety of coordinating bodies which served as arenas in which the disputes between the Human Rights Bureau and its intragovernmental adversaries were thrashed out. The most important of these was the Interagency Group on Human Rights and Foreign Assistance, created pursuant to a

National Security Council Directive issued on April 1, 1977, and chaired by Deputy Secretary Warren Christopher, after whom it came to be known as the "Christopher Group."

In addition, full-time human rights officers were appointed in every one of the State Department's regional bureaus, and in each U.S. embassy one officer was designated as the human rights officer,⁷⁹ although this was not a full-time responsibility.⁸⁰ On the National Security Council staff, a "cluster" was created with responsibility for "global issues," which included human rights.

It is possible to detail the activities of this network of human rights officials and bodies, but its importance was greater than the sum of its various activities. It created within the government a lobby with a "vested interest" in human rights or at least in the human rights issue. The very existence of this lobby sent a message to the outside world about the administration's goals and forced other parts of the U.S. government to weigh the likely reactions of the lobby to any activities that might bear on its interests.

One of the major activities of the new Human Rights Bureau was the preparation of annual "Country Reports" on human rights around the world. These reports, which were required by Section 502(b) of the Foreign Assistance Act, were originally intended as a congressional weapon with which to cut back military aid to repressive governments and hence initially covered only those countries receiving military aid. The reports, however, soon outgrew their original purpose, becoming primarily a vehicle for focusing attention on human rights conditions around the world; therefore the Congress amended the law to require reports on all members of the United Nations. The first edition of these reports was issued in March 1977 and was a mere 137 pages long. The last edition prepared by the Carter administration was issued in February 1981 and consumed 1,140 pages.

In addition to becoming a vital source of information about human rights and focusing public attention on the issue, the process of preparing the reports had an important effect within the government. As Jessica Tuchman put

it: "having to do them...transformed the whole apparatus inside the Department. When we began there were few countries about [whose human rights situations] we knew a great deal....Having to do these things really helped to get the embassies informed and get the information back to the Department."⁸¹

Despite the various dramatic and well publicized highlights of the Carter human rights campaign, the administration's principal human rights activity consisted of what is prosaically called "quiet diplomacy." Patricia Derian said that "such diplomacy is the workhorse of a human rights policy....It is the most effective tool, though not the only one."⁸²

It is in the nature of "quiet diplomacy" that its frequency or quantity, and even more so its quality or effectiveness, remains essentially unknown to those outside the government and even to many inside it. So there is no easy way to verify the claims of the Carter administration that its use of quiet diplomacy was, as Warren Christopher put it, "a dramatic change from past practice."⁸³ "In past years," said Christopher, "diplomats tended to shy away from high-level dialogue on sensitive human rights issues....Now those issues....are brought to the center of the diplomatic interchange."⁸⁴ Whether or not the diplomatic activity was as intense, or the change from past practice as dramatic, as Christopher claims, there is no reason to doubt that the Carter administration did engage in much of this kind of diplomacy.

The opposite side of the coin of quiet diplomacy is, of course, public diplomacy, or symbolic acts designed to broadcast American concern about human rights violations. The State Department explained in 1978: "Meetings with opposition leaders from countries with human rights problems can...be used to send signals to the governments of these countries. U.S. officials have met with several such leaders in Washington, including some living in exile. And abroad, U.S. Ambassadors regularly meet with opposition leaders."⁸⁵ In addition to meetings in Washington, the Carter

administration frequently used trips to foreign countries as a means of dramatizing its human rights concerns. This involved the travels of the President himself, and those of Vance, Derian and other officials. Thus, when Vance visited Argentina in 1977, he brought with him a list of names of the "disappeared." When Carter visited Brazil in March of 1978, he met not only with officials, but also with Paolo Cardinal Arns, a human rights activist and critic of the government.⁸⁶ And when he visited South Korea in 1979 he insisted that the final joint communique that he issued with President Park say: "President Carter expressed the hope that the process of political growth in the Republic of Korea would continue commensurate with the economic and social growth of the Korean nation."⁸⁷ Within Derian's first year in office, Vance reported that she "has visited Argentina, El Salvador, Bolivia, Brazil, Uruguay, Indonesia, Singapore, the Philippines, Thailand, and Yugoslavia, and has held discussions with the highest government officials in those countries."⁸⁸ Those discussions were private and thus may have constituted "quiet diplomacy," but the very announcement that Derian was visiting a country was a kind of public statement about American concerns regarding the behavior of its government.

Occasionally, also, symbolic acts of a public but low-key nature were undertaken by American embassies abroad, such as when the embassy in South Korea invited several prominent dissidents to a diplomatic reception in 1977 or when the embassies in Thailand and the Soviet Union sent officers to observe legal proceedings against dissidents.⁸⁹

The other main part of the "human rights policy" consisted of various material sanctions exacted in terms of aid and trade against countries whose governments were guilty of human rights violations. New guidelines were developed by the Agency for International Development to govern the disbursement of bilateral economic aid. These directed that wherever "there is a serious question about the recipient government's human rights status" U.S. economic aid would be limited to projects that "will directly benefit" the "needy

people."⁹⁰ No aid for general development purposes would be given.

Security assistance was terminated to at least eight countries because of human rights violations. The eight listed by Stephen Cohen, who served as deputy assistant secretary for Human Rights in charge of security assistance, were Argentina, Bolivia, El Salvador, Guatemala, Haiti, Nicaragua, Paraguay, and Uruguay.⁹¹ Other administration officials, including Brzezinski, Christopher, and Derian have cited other countries as having suffered military aid cuts on grounds of human rights, including Indonesia, the Philippines, Thailand, Afghanistan, Morocco, Tunisia, and perhaps Zaire, South Korea, and Ethiopia.⁹² (It seems strange that there should be confusion and disagreement about something that seems as straightforward as the question of which countries did or did not suffer cuts in aid on human rights grounds. The explanation is that in various cases aid was cut for a confluence of reasons, leaving those who had participated in the bureaucratic debates with differing views about which considerations had been decisive.) The administration also instituted rather strict prohibitions on the transfer of police equipment to repressive governments, not only excluding such items from military aid packages, but prohibiting private sales of these items as well.⁹³

In addition to cuts in bilateral aid, human rights criteria were applied to guide the votes that were cast by U.S. representatives on the boards of the multilateral development banks through which an increasingly large share of American foreign aid came to be channeled. The representatives were directed to abstain or vote "no" on proposed loans to repressive governments, except where the loans were for projects that would directly meet "basic human needs." There was significant opposition within the Congress and the administration to applying similar criteria to the activities of the Export-Import Bank and the Overseas Private Investment Corporation (OPIC), because these were regarded as agencies whose main purpose was to assist American businesses. Nonetheless, certain restrictions were

legislated by Congress and enforced by the administration. In the case of the Ex-Im Bank, these ended up affecting only four countries—South Africa, Argentina, Chile, and Uruguay. In the case of OPIC, the only country affected by a formal action was El Salvador, although others may have been affected informally by discouraging investment.

In addition to its bilateral diplomacy on behalf of human rights, the administration also worked on human rights in international arenas. President Carter signed the UN-sponsored International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, as well as the OAS-sponsored American Convention on Human Rights, and tried in vain to secure Senate consent for the ratification of these and two other treaties that had been signed by previous administrations—the Genocide Convention and the Convention on the Elimination of All Forms of Racial Discrimination.

The administration also took some domestic actions that the State Department said would “improve the U.S. human rights record.”⁹⁴ It lifted the restrictions on travel by Americans to those few countries to which it had been curbed and it eased the restrictions on entry into this country by foreign Communists. These steps were necessary, said the State Department, because Americans had “to recognize that unless U.S. domestic actions reflect a firm commitment to human rights, the message being sent to others will ring hollow.”⁹⁵

THE POLICY IN DECLINE

By mid-1979, after the fall of the governments of Iran and Nicaragua, the human rights policy seemed to have lost its central place in the administration’s outlook. Brzezinski says in his memoirs: “....some of our goals in the global issues area [the rubric that encompassed human rights] contradicted our strategic objectives. In the first two years of the Administration, these global concerns tended to overshadow

the pressing requirements of strategic reality. In the last two, we had to make up for lost time, giving a higher priority to the more fundamental interests of national security."⁹⁶ In June of 1979, Griesgraber complained in congressional testimony on behalf of the Washington Office on Latin America that "human rights is increasingly being shunted aside in the administration's decision-making process."⁹⁷ And in August the *Washington Post* reported that the Sandinista victory in Nicaragua had ignited a major debate within the administration over removing its prohibitions based on human rights on military aid to other Central American governments.⁹⁸

Griesgraber later wrote that "Derian's influence was waning" and that her "access to the President declined."⁹⁹ In May 1980, Derian publicly threatened to resign in protest against the administration's plans to seek closer relations with the government of Argentina.¹⁰⁰

Griesgraber attributed Derian's decline to growing "hostility" toward her on the part of target governments such as that of Argentina, but this explanation is unconvincing. There is no reason to believe that the hostility of Argentina or other Latin governments was greater in 1980 than it had been in 1977 when they responded in shocked indignation to the first dramatic public criticisms and material sanctions that were imposed for human rights reasons. What had changed by 1980 was that the overall foreign policy of the administration, of which its human rights policy had been one pillar, was in shambles. The new governments in Iran and Nicaragua had proved implacably hostile to the United States, dashing the hopes of those Americans who had believed that a rapprochement with them would be possible. And the Soviet Union had invaded Afghanistan, snuffing out the last hope for Senate ratification of Carter's prized SALT treaty. Reeling under these blows, it seems hardly surprising that the president would have turned away from someone as strongly identified as Derian with the bold gambles that characterized the administration's early days.

At the Democratic National Convention in 1980, where he was renominated, Carter said: "The new Republican

leaders oppose our human rights policy. They want to scrap it. Just what do they think our country should stand for?"¹⁰¹ Carter was right in feeling that the American public still liked the idea of advocating human rights. But in his defensiveness he was creating a straw man. The question was not whether America should stand for something other than human rights. The question was whether his human rights policy had effectively served the interests either of America or of human rights.

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THREE

Human Rights and Political Systems

Perhaps because of the unplanned way in which human rights emerged as a focus of Carter's foreign policy, little advance thought was given to how human rights might fit in with the administration's other major foreign policy goals. Prime among these was the administration's deep yearning for reconciliation, even friendship, with the traditional antagonists of the United States, a yearning given voice in the president's declaration that we had as a people overcome our "inordinate fear of communism."¹ The administration was not sympathetic to Communism, it merely sought to reduce what it saw as the excessive role that anti-Communism had traditionally played in shaping U.S. foreign policy.

During his campaign for the presidency, Carter had said: "The greatest challenge we Americans confront is to demonstrate to the Soviet Union that our good will is as great as our strength until, despite all obstacles, our two nations can achieve new attitudes and new trust, and until, in time, the terrible burden of the arms race can be lifted from our

peoples."²

True, Carter had criticized President Ford for giving away too much to the Soviets in the name of detente and for acquiescing in Soviet human rights violations. But the broad criticisms of detente seem to have been more polemical than real: a more important thrust of Carter's campaign was that he would be less willing than Ford and Kissinger to use force to challenge the expansion of Soviet influence, as in Angola. As Carter put it in his inaugural address: "we will fight our wars against poverty, ignorance, and injustice, for those are the enemies against which our forces can be honorably marshalled."³ On the other hand, his criticisms of Ford and Kissinger on the specific issue of Soviet human rights violations were undoubtedly sincere. But Carter had hoped that the human rights issue would not be an impediment to good relations with the USSR. "This issue is important in itself," he said. "It should not block progress on other important matters."⁴ When the Soviets demonstrated a contrary view, Carter confessed this "was a surprise" to him.⁵

In response to this "surprise," the administration took special pains to emphasize that its human rights policy was not an anti-Soviet policy. "It is not done in response to the Soviet Union, to try to position ourselves better," insisted Derian.⁶ The State Department, in an outline of U.S. policy toward the Soviet Union in 1977, declared that "the United States is firmly committed to promoting respect for human rights around the globe," but added that "we do not seek to change the Soviet political system, nor do we wish to single out the USSR for special criticism."⁷

The Carter administration was dedicated to achieving friendlier relations not only with the USSR, but with all Communist countries, and in general with countries with which the United States had had strained relations. In his first month in office Carter held a question-and-answer session with employees of the Department of Agriculture at which he listed his foreign policy priorities. The list did not include promoting human rights, but it did include this: "to normalize relationships with countries with whom we

don't have a present friendship."⁸ A few months later, the president told interviewers that he wished "to aggressively challenge...the Soviet Union...for influence in...places like Vietnam and places like Iraq and Somalia and Algeria and places like the People's Republic of China and even Cuba. I don't have any hesitancy about these matters," he said.⁹ These well-chosen words show Carter at his politically most adept. The phrase "aggressively challenge" conveys toughness, but the substance was that Carter intended to court favor with Communist and pro-Communist governments in the hope of outbidding the USSR for their affections.

In his memoirs, Vance recalls that "we had generally agreed at the outset of the new administration that we should seek to establish normal relations with all nations regardless of the fact that we had differing ideologies: hence our initial contacts with Cuba, Vietnam and the PRC, as well as Angola."¹⁰ Richard Fagen has written that the two items "at the head of the list" of the administration's initial goals in Latin America were the Panama Canal treaty and improving relations with Cuba.¹¹ In his memoirs, Brzezinski reports rather contemptuously: "In the pre-inaugural 'informal' NSC meeting, held to define our immediate priorities...State focused on such peripheral issues as relations with Vietnam." He later adds that he "could never quite understand [this] from a policy standpoint, but [it] perhaps may be better explained by the psychologically searing impact of the Vietnamese war tragedy."¹²

But even Brzezinski, the administration's "hard-liner," did not in principle oppose seeking warm relations with Communist governments. On the contrary, his own principal achievement was the establishment of normal diplomatic relations with the People's Republic of China, a process begun by Henry Kissinger, but that had stalled over the issue of Taiwan. That issue was of deep importance to the Chinese, but it also touched on long-standing commitments of the United States. Brzezinski broke the deadlock by accepting terms more self-effacing for the United States than Kissinger had been willing to accept.

In his memoirs, Brzezinski gives the impression of having been well charmed by China's Deng Xiaoping. In a jocular tone, he relates the following anecdote:

....At one stage, when Carter registered his concern for human rights, requesting Deng to be flexible on emigration from China, Deng leaned forward toward Carter and said, "Fine. We'll let them go. Are you prepared to accept ten million?"¹³

The anecdote is supposed to illustrate both Deng's sparkling sense of humor and the inherent futility of pressing the human rights issue with China. What it in fact illustrates is Brzezinski's cavalier attitude toward the human rights issue when it came to Communist regimes that were in his good graces. His bland acceptance of Deng's retort ignores the obvious distinction between, on the one hand, the unwillingness of the Chinese government to permit its citizens to emigrate and, on the other hand, the difficulty that many of these individuals might have finding places of refuge if they were allowed to go. The latter problem is far from unique. Many Third World countries have more citizens wishing to emigrate than can find countries willing to admit them, but few use that as an excuse to deny the right to emigrate.

Brzezinski's weakness for Deng is but a small example of a large dilemma. How could U.S. policy address itself with new zeal and determination to the quest for human rights worldwide and at the same time pursue new understanding and reconciliation with regimes traditionally at odds with the United States? The Soviet government was not the only traditional adversary with which the human rights issue was bound to cause friction. All of America's traditional adversaries are dictatorships; there was not one democracy with which we stood in need of "reconciliation."

Thus the administration felt impelled to go beyond denying merely that its policy was aimed at the Soviet Union. It sought a convincing way to deny in general that its policy was aimed at the traditional antagonists of the United States. The solution it found was to assert again and again that it perceived no connection between human rights and "ideology,"

between human rights and political systems.

Vice President Mondale said in June of 1977: "We believe that human rights transcend ideology. We believe all nations, regardless of political systems, must respect those rights."¹⁴ As a normative or prescriptive statement this is unarguable, but the administration seemed to mean something more. Patricia Derian, when asked in a congressional hearing, "why do we spend so much time worrying about human rights violations in right-wing governments...?" replied:

...it is always a surprising question to me, although...I get it often, because human rights violations do not really have much to do with the form of government or the political ideology or philosophy. What is a gross violation in one place is not [*sic*] a gross violation in another.¹⁵

Subsequently in a speech, Ms. Derian elaborated on this point. "Suffering and oppression can take place in any society—totalitarian, authoritarian, democratic, or other," she said, "and...it is our obligation to work to obliterate human rights abuses wherever they occur."¹⁶ When Jeane Kirkpatrick spoke of the distinction between authoritarian and totalitarian regimes, Derian retorted: "What the hell is 'moderately repressive'—that you only torture half of the people, that you only do summary executions now and then? I don't even know what 'moderately repressive' is."¹⁷

Another top Carter administration official who saw no human rights significance in ideological differences among nations was UN Ambassador Andrew Young. Indeed, Young apparently saw no important distinction at all in the different systems. He sought, he said, to "break the sterile impasse between 'capitalism' and 'Socialism' that has for several generations served as an anesthetic to imagination as we are all caught up in one rigidity or another."¹⁸

In this, Young and Derian were only echoing the president who proclaimed upon his arrival in Poland in December 1977 that "old ideological labels have lost their meaning."¹⁹ The next day First Secretary Gierek seemed to go out of his way to refute this assertion. Referring to Poland's "alliances

with the Soviet Union and other friends," Gierek said:

Our nation has made a choice...which provides for the best premises for development....Today Poland belongs to the group of countries of the world which are having the greatest development scale as far as production in industry is concernedWe have created just, democratic, socio-political conditions....we are enriching contemporary life of Poles by new, profoundly humanistic contents.²⁰

Polish shipworkers in Gdansk could have done just as good a job as First Secretary Gierek of disabusing Carter of the notion that "old ideological labels" have grown meaningless. Although surely there has been some evolution in the meanings of such labels as "Communism" (for example, it no longer carries the connotation of monolithism that it did in the heyday of the Comintern), one area in which there has been precious little loss of meaning is precisely that of human rights.

The Gdansk workers could have explained to Carter that under "Communism" workers may not form unions. They may of course belong to "unions" formed for them by the state, unions whose purpose it is to assure political and labor discipline, but they may form no organization of their own. The official reason is that because they live in and are employed by a "workers' state," any organization that would be set up to represent their interests as against those of their employer would be "objectively" antiworker.

The right to form labor unions is only one of many rights that are inherently denied by Communist governments. And Communism is only one of many political systems that inherently deny rights. All dictatorships do.

Human rights violations may of course occur in democracies as well, but what Carter and his colleagues seemed to miss, indeed to deny, is that the distinction between democracy and dictatorship is the "great divide" when it comes to human rights.

Democracy is premised on some idea of human rights, at least on that most basic right, the right of self-government

(or, as that right is necessarily translated, of participation in the periodic selection of the government). The starting point for American democracy, as the Founders put it, was that men were "endowed with unalienable rights."

Dictatorship, on the other hand, begins with the premise that some adults properly have authority over others without any consent being given. The system itself is an inherent denial of human rights. In addition, in contrast to democracy, it ordinarily offers little course for redress of specific abuses.

The very vocabulary of the Carter human rights policy served to obscure this distinction. It focused insistently on individual abuses rather than systemic deformities. It spoke always of "violations" of human rights, rather than of their "denial." What does it mean to say, for example, that the Soviet government "violates" the right of free speech? The Soviet government simply does not recognize that right. It denies it both in theory²¹ and in practice, and has done so for the better part of a century.

To speak in terms of "violations" in the Soviet Union or in many other countries is implicitly vastly to understate the problem, because the word "violation" suggests something that contradicts a norm. But in the USSR and much of the rest of the world, the vast majority have long since learned that they dare not give voice to unapproved ideas. Silence and obedience are the norm.

The struggle for human rights, far from being, as Carter and his aides proclaimed, indifferent to political systems, is fundamentally a struggle about political systems. It cannot sensibly be merely an endless chase after an infinite number of individual "violations." It must aim instead to erect political systems which have the idea of human rights, and the means for their protection, built in.

Recognition that the struggle for human rights is basically a struggle about political systems leads to consideration of another struggle. To say that the distinction between democracy and dictatorship is the "great divide" as far as human rights are concerned does not mean that all forms of

dictatorship are equally bad. On the contrary, dictatorships vary greatly in form and severity. In today's world, one form of dictatorship stands out as the most virulent enemy of human rights—Communism.

There are several arguments for this. The first argument is simply quantitative. Of the vast amounts of innocent blood shed in the course of human persecution, the mightiest rivers belong to the Communists. Only Hitler can be counted as a rival to Stalin or Pol Pot in the sheer dimensions of the suffering imposed on the people within their respective grips. Hitler, however, is long dead and the National Socialist system he created died with him. Pol Pot, on the other hand, is alive and kicking and bidding for a return to power, and he enjoys the support of thousands of armed men. Stalin is dead, but the system he created lives on, more powerful than ever before and with an ever growing number of clones. This is not to deny that some non-Communist regimes have spilled more innocent blood or done more grisly things than some Communist regimes. One might well prefer to live in, say, Tito's Yugoslavia than in Amin's Uganda. But the grim toll that may be attributed to government forces in Uganda or Argentina or Guatemala or other such places would have to be multiplied many times over before it would approach the level of carnage exacted by Stalin or Pol Pot or Mao. Moreover, although non-Communist dictatorships in certain countries are bloodier than Communist dictatorships in certain other countries, in any one country Communism has almost always been more sanguinary. No Communist regime has been more benign than the regime that it replaced, except in East Germany.

The second argument is that, as Peter Berger has put it, Communist regimes "must be seen as an assault on human rights in their very structure, over and beyond the particular outrages they habitually engage in."²² Here we are talking neither about gallons of blood nor about numbers of beatings or incarcerations nor any other quantifiable (at least in our imaginations) acts of brutality. We are talking rather about the extent to which a government attempts to make every

moment or every action in the individual's life its own. The salient case in point is not that of the dissident, but that of the individual who in no way challenges the regime. If he leaves it alone, will the regime be content to leave him alone? The answer for Communist regimes is no. Robert Nisbet has put it this way:

What identifies the totalitarian country and stamps it with far greater menace to human freedom than any other state known to us in history is its systematic and relentless effort to destroy every possible form of the past and present that in any way might militate against the formation of "the New Soviet Man," or whatever his counterpart may be in other totalitarianisms.²³

Other kinds of dictatorships may exploit people or rob them, may neglect their needs and deny them many freedoms, may abuse those seen as opponents of the established order, but none except the totalitarian regime seeks to mold each of its citizens according to its own model. (The term "totalitarian" as used here and "Communist" are not synonyms, but since World War II the only extant totalitarian regimes have been Communist. It is of course far from inconceivable that other forms of totalitarianism could again arise, and some of the apparent goals of Khomeini's "Islamic Republic" seem to suggest this very characteristic of totalitarianism.)

A third argument for the view that Communism is an especially virulent enemy of human rights is that Communist regimes are often expansionist. The Soviet Union gobbled up Estonia, Latvia, Lithuania, as well as parts of Poland and Finland, conquered an empire in Eastern Europe and seeks more of the same in Afghanistan. The People's Republic of China swallowed Tibet and attacked India. North Korea invaded South Korea. North Vietnam conquered South Vietnam, Laos and Cambodia, and Cuban troops are today serving the cause of repression on three continents. There are of course many non-Communist governments that engage or have engaged in acts of aggression, but none has shown that it has the combination of means and inclina-

tion that the Communist governments have. This discussion may seem more relevant to the problems of preserving peace than to human rights, but the point here is that Communist governments more than others not only violate the rights of their own subjects, but also aspire to violate those of other surrounding and even distant peoples.

A fourth argument is that no Communist government has ever evolved into a democracy or been ousted by domestic opposition (except by other Communists). All manner of other dictatorships have given way to democracy, for example in Spain, Portugal, Greece, and recently all over Latin America. Even the Fascist government of Italy, the first self-proclaimed "totalitarianism," was overthrown by domestic forces, albeit not by democrats.

The fifth and most important way in which Communism is distinct from most other forms of dictatorship is that Communism is not merely a form of government; it is also an ideology. As Senator Moynihan has put it: "authoritarian regimes of the Right...commit abominations in practice; the Communist countries commit abominations on principle."²⁴ Is this an exaggeration? Do Communists really violate rights "on principle?" Let us consider Lenin, the inventor of Communism. Lenin explained that the seizure of power by Communists constitutes not the conclusion, but in a sense only the beginning of the struggle to build Communism. "The proletariat does not cease the class struggle after it has captured political power, but continues it until classes are abolished."²⁵ This "*continuation* of the class struggle of the proletariat" after it has seized power, he explained, is what is meant by the term "the dictatorship of the proletariat."²⁶

Kautsky and other interpreters of Marx in the social democratic tradition have argued that Marx used the term, "dictatorship of the proletariat," without really meaning what is normally meant by the word "dictatorship." But this view so enraged Lenin that he was inspired to write his classic pamphlet, "The Proletarian Revolution and the Renegade Kautsky." In it, Lenin declared: "The revolutionary dictatorship of the proletariat is rule won and maintained by the use

of violence by the proletariat against the bourgeoisie, rule that is unrestricted by any laws."²⁷ Obviously, rule that is "unrestricted by any laws" is also unrestricted by any notion of human rights.

Nor did Lenin's idea of the "dictatorship of the proletariat" necessarily embody any majoritarian implications, as some of his apologists have claimed. Lenin argued that the term "dictatorship" didn't necessarily mean rule by a single individual, but he did not rule out that the proletariat's dictatorship could be exercised that way. "In the history of revolutionary movements the dictatorship of individuals was very often the expression, the vehicle, the channel of the dictatorship of the revolutionary classes," he said, adding that "there is...absolutely *no* contradiction in principle between Soviet (that is, socialist) democracy and the exercise of dictatorial powers by individuals," and that "the...revolution demands...that the people *unquestioningly obey the single will* of the leaders of labor."²⁸

Even so, does this really, as Moynihan claims, distinguish Communism from other dictatorships? Isn't Lenin in these passages merely prescribing repression as a means to some higher goal, and don't the others often claim that their repression is similarly instrumental? Perhaps, but there is a vast difference in the nature of the goals proclaimed and therefore in the time and exertion required to fulfill them. Other dictatorships characteristically justify themselves in terms of the need to restore order or to salvage the economy or to root out corruption or similar transitory goals. But Communists are after something much loftier—the abolition of classes, which in itself requires at least large steps toward the creation of a "new man."

Here again Lenin is instructive. "In order to abolish classes completely," he said, "... it is necessary to abolish the distinction between town and country, as well as the distinction between manual workers and brain workers" and "it is necessary to overcome the enormous force of habit and conservatism which are connected with" the survival of small-scale production.²⁹

Until this is achieved, the class struggle—which means the dictatorship of the proletariat, which means rule by violence and without law—must continue. To achieve all this, added Lenin, acknowledging the obvious, “requires a very long period of time.”³⁰

Lenin could scarcely have foreseen that only seventeen years after he uttered these words, the Soviet government would proclaim the achievement of a classless society, which it did in the new constitution promulgated by Stalin in 1936. But, alas, the unforeseen rapidity with which the class struggle was brought to completion in the USSR did not serve to shorten the duration of justified repression in Communist theory, for it turned out that Lenin, and before him Engels, had considered the problem too narrowly. They had treated the class struggle only in its national, but not its international, dimension. The dictatorship of the proletariat was supposed to lead to the withering away of the state. But no sooner had Stalin proclaimed victory in the class struggle than at the Eighteenth Congress of the Communist Party of the Soviet Union in 1939, he modified the doctrine of the withering away of the state.

Stalin explained that when Engels had postulated the withering away of the state he had been considering only an abstract socialist state existing in isolation, but the Soviet state could not be dispensed with because it was surrounded by enemies. It, too, might wither, but only “if the capitalist encirclement is liquidated and is replaced by a socialist encirclement.”³¹ Stalin’s “cult of personality” was denounced by Khrushchev at the Twentieth Party Congress in 1956, but this doctrine has never been repudiated. Carried to its logical end, it means that coercion and dictatorship must continue not only until a new Soviet man has been created, but until that creature constitutes the only form of human life left on earth.

It has been three generations since the Bolsheviks seized power and this goal is not yet in sight. To estimate the toll of suffering that might be inflicted before it is reached may be beyond the powers of the human imagination.

But are there no limits to what Communist theory will allow in pursuit of its goals? Stalin and Pol Pot have shown us that there are virtually no limits in practice to what Communist rulers will do, but, and this is the crux of Moynihan's point, Lenin and Trotsky have told us that there are no such limits *in principle*, either. The two key founders of Communism both made a point of repudiating any standard of morality by which it would be possible to condemn as excessive any action serving the cause of Communism. Lenin said in his 1920 speech to the Komsomol:

When people tell us about morality, we say: to a Communist all morality lies in...conscious mass struggle against the exploiters. We do not believe in eternal morality....

...Communist morality is based on the struggle for the consolidation and completion of Communism.³²

In the same vein, Trotsky wrote:

Civilization can be saved only by the socialist revolution. To accomplish the overturn, the proletariat needs all its strength, all its resolution, all its audacity, passion and ruthlessness. Above all it must be completely free from the fictions of religion, "democracy" and transcendental morality—the spiritual chains forged by the enemy to tame and enslave it. Only that which prepares the complete and final overthrow of imperialist bestiality is moral, and nothing else. The welfare of the revolution—that is the supreme law!³³

It is hard to see how Lenin's and Trotsky's view can be disputed if one accepts Marx's premise that "Communism is the riddle of history solved."³⁴ It is also hard to see how, given this view, Trotsky could object, for example, to his own assassination, except to argue that the ice-axe landed in the wrong cranium.

This view, moreover, is closely linked to another important tenet of Soviet morality, that which governs the relationship of the individual to society. It has been put this way by

A. F. Shishkin, the author of the major Soviet text on Marxist-Leninist ethics:

The new society cultivates the individual in such fashion as to cause him...to see the fullness of human existence to lie in struggle for a common cause and, in that struggle, to be able to resolve in favor of society any contradiction arising between the needs of society and his personal ambition.³⁵

It is important to note that here Shishkin is speaking not of a society in transition but of "the new society." Thus, not only is the revolution a supreme value to which the well-being of the individual is completely subordinate, but even when the revolution has reached its goal the individual must remain subordinate to "society." He possesses no "rights" that he may assert over and against the interests of society. In theory, this does not necessarily contradict the idea of a stateless society: each individual might learn to be voluntarily self-subordinating, making coercion unnecessary. But until that happens, the use of coercion against deviants or dissidents would be not only necessary, but a positive good, a way of teaching the individual to be a good person. In this we can see the full meaning of Moynihan's formulation that Communists violate human rights "on principle."

But even this does not reveal the full scope of Communism's challenge to human rights. It must be combined with the recognition that Communism makes what Henry Kissinger calls "universal ideological claims."³⁶ Communism offers itself, by means of persuasion and coercion, as a model to all mankind. What other form of tyranny has such pretensions? Surely not Pinochet's, nor Botha's, nor Fahd's. Even Khomeini's or Hitler's schemes offer or offered models only for selected groups or races.

Significantly, one other system that *does* claim universal applicability is liberal democracy. "Working men of all countries unite," said Marx: "All men are created equal and endowed by their creator with certain unalienable rights," said Jefferson.

As models, these two systems have been remarkably

successful. If one counts by country, most countries of the world are neither Communist nor democratic, but if one counts people, more than two-thirds of the world's people live either in democracies or under Communism, more than a billion and a half in each category out of a world population of approximately four and a half billion. This is the result of a very rapid transformation of the world: all of the Communist nations and almost all of the democratic ones have become so since 1917.

When it comes to human rights, these two models are polar opposites. Democracy, in its modern, American-born sense, is predicated on the idea that human beings have innate or "natural" or "unalienable" or God-given rights. A main purpose of government is to protect these rights. In accepting the authority of government, individuals surrender a certain portion of their rights in exchange for the protection of the better part of them. This exchange is made voluntarily: governmental authority is justly derived only from the consent of the governed. And democracy is the method of government by which that consent may be formally and repeatedly ascertained.

Communism, in contrast, is predicated on the denial that individuals have innate rights. Communists will sometimes speak of "human rights," especially in international settings, but they profess a unique definition of the term. As Shishkin makes clear, in Communist theory rights inhere not in individuals but in "society." The individual is obliged to accommodate himself to "society," and society may grant him certain "rights" that do not conflict with its own. But there is no notion here of a voluntary exchange or of consent of the governed.

The individual under this system is free to say whatever he is not forbidden to say. He is, for example, free to praise Stalin...until Stalin dies. Then he is no longer free to praise Stalin, but is free to praise Khrushchev...until Khrushchev is deposed. Then he is no longer free to praise Khrushchev, but is free to praise Brezhnev. To look upon this as a different form, or even a lesser form, of "rights" is to miss the

point: this is the negation of rights. The right of free speech means that the individual may say whatever *he* wishes to say. This right is not only unknown to Communism but is contradictory to its basic principles.

Alas, the problem does not end there, for the struggle between democracy and Communism is entwined in a conflict between two power blocs. Much of world politics is shaped by the actions and competition of two superpowers, each of which was the original model for its system. In such a conflict the actions of each side will inevitably be motivated by a mixture of idealism and self-interest. Naturally, in its perceptions and descriptions of its own motives, each side will tend to emphasize the idealistic component, while outsiders will be more skeptical, tending to see that of self-interest.

Concern over such skepticism led President Carter to say: "The cause of human rights will be all the stronger if it remains at the service of humanity, rather than at the service of ideological or partisan ends."³⁷

But a few weeks later he said something quite different: "America did not invent human rights. In a very real sense, it's the other way around. Human rights invented America...The fundamental force that unites us is not kinship or place of origin or religious preference. The love of liberty is the common blood that flows in our American veins."³⁸

These two statements are hard to reconcile. If human rights is the essence of Americanism, how can the advocacy of human rights not serve partisan ends, if by "partisan" we mean advancing America's cause? Any victory for freedom is a victory for America—perhaps not of her "imperial" interests, but always of her ideological interests. Indeed, it is hard to think of any case where a victory for freedom or human rights did any damage even to America's "imperial" interests, although there have been a few instances in which some U.S. officials feared such damage.

Samuel P. Huntington has put it thus:

....any increase in the power or influence of the United States in world affairs generally results—not inevitably, but far more

often than not—in the promotion of liberty and human rights in the world. The expansion of American power is not synonymous with the expansion of liberty, but a significant correlation exists between the rise and fall of American power in the world and the rise and fall of liberty and democracy.³⁹

Huntington's claim is not absolute. There have been instances in which the United States has intervened against democracy, such as in Iran or Guatemala in the early 1950s, but these have been few. It can also be argued against Huntington that the United States often gives aid support to governments that are not democratic. But this argument carries little weight. In almost all such situations the United States finds itself in a position not of wishing to sustain undemocratic rule, but of not knowing how to engender a shift to democratic rule in countries without democratic traditions. U.S. influence in such countries is generally a force for liberalization but is insufficient to bring about full-scale democratization. In situations where the United States has been free, by virtue of conquest, to work its will with another country, as in Germany, Japan, the Dominican Republic or Grenada, it has consistently used that power to "impose" democracy and freedom.

In addition, though much of the world looks skeptically upon claims that Soviet or American policy is idealistically motivated, it still does see the two superpowers as embodying contradictory models of civilization, and therefore tends inevitably to see the rise or fall of American or Soviet power as a critical measure of the "success" or "failure" of the respective system. In the eyes of Third World elites, few benefits are sufficiently appealing to recommend the adoption of a particular political system if it appears that that system will weaken their countries.

Huntington criticized what he labeled the "new moralism" in U.S. foreign policy for seeking "to effect a reduction in American power."⁴⁰ Just such a new moralism was at work in Carter's administration and in his own approach to world affairs. As a presidential candidate he had declared: "our foreign policy ought not to be based

on military might nor political power nor economic pressure. It ought to be based on the fact that we are right and decent and honest and truthful and predictable and respectful."⁴¹ Then, in an address to people of other nations delivered upon taking office, President Carter said: "We will not seek to dominate nor dictate to others....we Americans have...acquired a more mature perspective on the problems of the world. It is a perspective which recognizes the fact that we alone do not have all the answers to the world's problems."⁴² Nonintervention became the hallmark of his presidency.

But who has ever claimed that "we alone" have "all the answers"? The real question is whether the United States and other democracies have *one key answer*, or, better yet, have the best system for arriving at answers. It is hard to see why one would favor a "human rights" policy unless one did believe something along these lines. Carter's assault on this straw man revealed the depths of the conflict between his human rights policy and his commitment to a policy of national self-effacement.

This conflict prevented him from ever seeing clearly the most important truths about the quest for human rights worldwide: that it is fundamentally a quest for the creation of political systems predicated on the belief in human rights; and that, at this moment in history, it is critically dependent upon the success of democracy in its conflict with Communism, and upon the power of the United States relative to that of the Soviet Union.

NOTES

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FOUR Defining “Human Rights”

INTERNATIONAL LAW OR AMERICAN TRADITIONS?

The Carter administration recognized that the principal objection to its human rights program was that it was intervening in the internal affairs of other nations. What right, it was asked by America’s adversaries as well as by some of its allies, has the United States to preach to the rest of the world how another nation ought to govern itself? And by virtue of what writ does the United States assume that its peculiarly Anglo-American notion of human rights is superior to that by which other nations conduct their affairs? Who has the authority to proclaim the American conception of “democracy” superior to the conception observed in the People’s Democratic Republic of Yemen or the German Democratic Republic?

It was in response to this challenge that the Carter administration adopted the stance that U.S. human rights policy was based on international law. We were not trying to impose our way of doing things on other countries, the administration said, but only trying to make all countries live up to the standards enshrined in international treaties. “International law is our guide to the definition of human rights,” testified Assistant Secretary Derian.¹

Less than two months into his term, President Carter went before the UN General Assembly to present his human rights policy. He said there:

All the signatories of the U.N. Charter have pledged themselves to observe and to respect basic human rights. Thus no member of the United Nations can claim that mistreatment of its citizens is solely its own business. Equally, no member can avoid its responsibilities to review and to speak when torture or unwarranted deprivation occurs in any part of the world.²

This remained the constant theme of his human rights policy. Three days before leaving office, President Carter, in his last State of the Union message, said once again:

Rather than attempt to dictate what system or institutions other countries should have, the U.S. supports, throughout the world, the internationally recognized human rights which all members of the United Nations have pledged themselves to respect. There is more than one model that can satisfy the continuing human reach for freedom and justice.³

While the resort to international law and the references to UN documents helped the Carter administration to respond to one problem, it created another set of problems, problems that arise both from the nature of the relevant international institutions and from the relationship of the United States to them. Not least of these is that the content of international human rights law is uncertain. The charter of the United Nations, which is binding on all UN members, contains brief human rights provisions. Articles 55 and 56 pledge all members "to take joint and separate action in cooperation with the" UN to "promote....universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." But the Charter contains nothing further; it obligates members to no specific actions.

The document that might serve in the international arena as the equivalent of the Bill of Rights in the United States is the Universal Declaration of Human Rights, but it was specifically adopted by the United Nations as nonbinding, as a "declaration" not a piece of law. The universal declaration is supplemented by two covenants, the International

Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. These covenants are binding, but only on those who ratify them. Although the covenants have been open for ratification since 1966, only a minority of states have ratified them. Fewer still have acceded to the Optional Protocol or the Optional Article which are the only significant mechanisms through which a complaint may be brought against a signatory for noncompliance with the covenant.⁴ An additional problem for U.S. policy is that the United States is not among the ratifiers of either covenant.

In addition to the charter and the covenants, there are several other pieces of international human rights law, but each has some significant limitation. There are some other conventions, but these either have been signed by only a minority of states or pertain only to a relatively narrow slice of human rights issues, such as the conduct of war or labor standards. There are some regional human rights treaties, but each of these covers only a few countries. The most effective, the European Convention on Human Rights, for example, applies only to the states of Western Europe. There are probably some isolated bits of customary law, such as the outlawry of slavery and the slave trade,⁵ but again, these apply only to a single aspect of human rights. In short, there is no binding law, ratified by most states, that pertains to the central issues of human rights.

Some human rights activists among international lawyers have sought to rectify this defect by devising arguments aiming to prove that the Universal Declaration has become binding. These arguments, however, all tend to be as unconvincing as they are well intentioned. Eleanor Roosevelt, who was generally recognized as the guiding spirit behind the Universal Declaration, presented it to the General Assembly this way:

In giving our approval to the declaration today it is of primary importance that we keep clearly in mind the basic character of the document. It is not a treaty, it is not an international agreement, it is not and does not purport to be a statement of

law or of legal obligation. It is a declaration of basic principles of human rights and freedom to be stamped with the approval of the General Assembly by formal vote of its members, and to serve as a common standard of achievement for all peoples of all nations.⁶

To argue that, despite statements such as this, the nations assembled were inadvertently adopting something contrary to their intentions is sheer casuistry.

In defense of such an approach it might be said that the cause of human rights is so morally compelling that it is justifiable to stretch the law in its behalf. But however good the cause, the question is, what will this stretched law achieve? International law rests essentially on voluntary compliance, a chancy business at best. It is unlikely that many nations will voluntarily comply with "laws" to which they have never consented. Thus the net effect of such stretching is likely to be not a strengthening of human rights, but a weakening of the already fragile tissue of international law, and with it a weakening of whatever prospects exist that international law can some day become a more effective instrument for the advancement of human rights. No act of casuistry will suffice to remedy the problem of the lack of a body of binding international human rights law, dealing with central issues, to which the United States is party.

The Carter administration, to its credit, did not rely primarily on casuistic arguments to deal with this problem. Its main approach was to try to secure United States ratification of five major human rights treaties: the two covenants, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, and the American Convention on Human Rights.

But despite Carter's exhortation that "no single action by this country would do more to advance the cause of human rights than Senate approval of these instruments,"⁷ the Senate acted on none of them. Why was the Senate so recalcitrant? Was it reverting to isolationism and know-