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> the record on direct and explicit use of foreign assistance as leverage to bring about specific improvements in human rights conditions is hardly encouraging. In only five or six instances did we find evidence that actual or explicitly threatened reductions in aid played a significant role in bringing about changes in human rights conditions.[46]

The conclusions of the CRS have been echoed in the observations of several human rights activists. Former Representative Don Fraser had, by the time he left the Congress, grown ambivalent about the use of punitive measures in which he had been a pioneer. He testified:

> The longer I worked in the human rights area, the more conservative I became in assessing our capacity to enforce change in other parts of the world. The U.S. has foregone the role of acting as policeman of the world....
>
> We should not now make the mistake of replacing that lost role of policeman with a new one, that of being the world's judge.
>
> Just as we did not fully understand the nature of the forces at work in other parts of the world when we came to apply our military might, equally we must be cautious in assuming that we fully appreciate all the circumstances and antecedents which cause governments to act differently than we think they should.[47]

Jo Marie Griesgraber, a key human rights activist, found in her study of the effects of human rights legislation that by the end of the period of the greatest congressional activity in this field, "there was little to show for congressional human rights efforts."[48]

There are surely some situations where U.S. sanctions have helped to bring about improvements, for example, Argentina. When measured against the hopes of human rights activists like Fraser and Griesgraber, these improvements may seem very small, but measured against less ambitious standards they might seem more noteworthy.

However, the critical question about the use of punitive measures is not whether they *ever* do any good, but whether they *often* do any good, as well as whether they do any harm, and whether the good they do could be achieved by other means.

In order to attempt a crude measure of whether punitive actions often help to improve the human rights situations in the countries to which they are applied, I have compiled a list of all countries to which concrete punitive measures were applied by the Carter administration. I have tried to see whether any measurable change in the human rights situation occurred in these countries during the course of the Carter administration. For this purpose I have relied on the annual "Survey of Freedom" published by Freedom House which constitutes the only extant attempt to measure the human rights performance of countries on a standard scale. Freedom House rates each country in the world on two scales, one for political rights, the other for civil liberties. On each scale, a country receives a numerical rating ranging from a best of 1 to a worst of 7. For the purpose of this exercise I have combined the two scales so that a country's best possible total rating would be 2, and its worst possible rating 14.[49]

The Carter administration took punitive measures against 28 countries. In the beginning of 1977, when the Carter administration took office, these 28 countries had an average score of 11.7 on the combined Freedom House scales. In the beginning of 1981, when the Carter administration left office, these 28 had an average score of 11.9, slightly worse than when Carter began.

The other 136 countries rated by Freedom House had an average combined score at the beginning of 1977 of 8.1. At the beginning of 1981 their average was 7.9, a slight improvement. To make one other comparison, I found that there were 30 countries, among the 136 that had received no sanctions, each of which had a score of 11 or 12 at the outset of the Carter administration. The averge score of these 30 was 11.7, exactly equal to the average of the 28 countries that had

received sanctions. In 1981 these 30 unpunished countries had an average score of 11.0, a small improvement, that contrasts with the deteriorating average score of the punished countries.

In sum, the countries that received punitive measures from the Carter administration were slightly worse off in terms of human rights at the end of Carter's term than they had been end at the beginning, while other countries were slightly better off. Of course, it may have been the worsening situations in these countries that led to their punishment. In fact, there is often no reliable way to determine which came first, the deterioration or the punishment. That is because the deterioration never consisted of a single discreet event, but was always a long chain of events. It is impossible to pinpoint when a certain number of these events registered a certain impression on Freedom House or on officials in the administration. Less obviously, it is also very difficult to pinpoint "when" a punitive measure occurred: did it happen at the moment the decreased aid allocation was announced, or during the span of time during which those withheld dollars would have been spent?

But this uncertainty is not large enough to bring into question the basic inference that the use of punishments had no measurable positive effect. Even if we assume that in almost all cases the deterioration preceded the punishment, there is no pattern evident in these 28 cases of improvement in the Freedom House ratings after the application of the punishments.

Two important caveats need to be added. The first is that although the Freedom House scale is a rather sensitive one—a combined scale of 2 to 14 leaves a lot of opportunity for registering gradations—any such scale still has its limitations. It may not be sensitive enough to reflect events that may be of consummate importance to individuals or even hundreds of individuals. Thus it is quite possible that pressures from the Carter administration saved many individuals from undeserved imprisonment or from torture or even murder, without Freedom House registering a change in the

overall level of freedom in their countries. This appears to have been the case in Argentina, for example. Whether or not the punitive measures constituted an indispensable part of that pressure is a separate question, but every human life is sacred, and the saving of some number of lives is an estimable achievement even if the overall level of freedom in a country is not measurably changed.

The second caveat is that although the punitive measures may have no beneficial effects on the countries to which they are applied, they may have a deterrent effect on other countries or on future governments. Thus David Newsom has written about the sanctions contained in human rights legislation: "The laws are more effective in abeyance than in application....It is difficult to find cases where the actual application of the law has led to changes in another country's human rights practices. Knowledge of the law, however, can sometimes help a faction within a foreign government seeking more liberal practices to prevail."[50] In the same vein, Robert Pastor, the chief Latin American specialist on Carter's National Security Council staff, argues that punitive measures

> were essential to establish credibility. If you never take such steps then your public statements and private demarches have no credibility. If you are unwilling to follow up occasionally with something that is costly....then you don't have any credibility for the broader policy. [And] if you ask if the broader policy had any impact on human rights, there is just no question in my mind, it had a tremendous positive impact on the human rights of individuals and on developing an international consciousness.[51]

HARMFUL EFFECTS

If the punitive measures had some benefits, they also had some harmful effects. The most obvious of these was the strain put on relations with the governments that were

subjected to our punishments. The principal author of several Congressional Research Service studies reported that: "Direct pressures seem often to provoke counterproductive reactions. Chile, Argentina, Ethiopia and the Philippines represent cases in which such pressures clearly contributed to significant deterioration of bilateral relations."[52] A strain in relations may not only be detrimental to the diplomatic interests of the United States, it also may impair our ability to have a beneficial influence in terms of human rights, as was suggested by Secretary Vance's reply to critics of the Panama Canal treaties who pointed out that the Panamanian government violated human rights. "The closer relations between our two countries that will grow out of the new treaties will provide a more positive context in which to express such concerns," he argued.[53]

Almost all observers agree that at best foreign aid is an unwieldy instrument to use for human rights leverage. For example, David Newsom reports: "In some countries, the U.S. actions on bank loans were resented by the very officials who might, otherwise, have had an understanding and sympathy for a sound human rights policy, the managers and technocrats. They were frequently the initiators of the projects" that got cut off.[54]

For this reason it often seems preferable to withhold military aid, rather than economic aid, for human rights leverage. But to withhold security assistance where it is genuinely needed is to play a dangerous game. The human rights situation within the country is likely to be aggravated, not improved, if the country falls victim to foreign aggression, and U.S. security interests and the cause of world peace may suffer, as well. To threaten to withhold security assistance in such circumstances is to apply to the realm of human rights policy the logic that underlies the strategic nuclear policy known acronymically as MAD, Mutual Assured Destruction. In this case, if the government receiving U.S. security assistance fails to stop violating human rights, then we threaten to retaliate by destroying it and our own interests as well. This may be true even if

the military threat that a government is facing is primarily internal.

The experience of Nicaragua is a good case in point. There was ample reason to want to punish or pressure dictator Anastasio Somoza. But the cut-off of U.S. aid contributed directly to his overthrow by the Sandinista National Liberation Front. The Sandinista government may prove in time to be even more abusive of human rights than was Somoza and it poses a far greater threat to the peace of the region.

The other harm that is done by the use of punitive measures in human rights policy is that they vastly complicate the problem of maintaining even a modicum of consistency in the policy. That is because the United States tends to give more aid to countries that are friendly to it than to those which are hostile to it, but countries friendly to the United States tend to have better human rights records than those hostile to it. The result is that where aid is used as a lever, there tend to be more levers available for use against lesser violators than against greater violators. The fact that we don't have the leverage to bash all dictators equally does not make it immoral to bash those we can. But such inconsistencies rob a human rights policy of its clarity and moral force.[55] This problem is exacerbated if, as was the case with the Carter policy, the press of other foreign policy objectives makes the United States reluctant to use levers against some governments where it has no shortage of leverage, with the result that the bulk of its punitive measures fall on a small number of easy targets.

The Carter administration itself seems to have experienced growing doubts about the utility of punitive measures, but rather than abandon them, it developed a new justification for their use.

Lars Schoultz, who sympathized with the administration's approach, described the transition this way:

> ....At first HA [the Human Rights Bureau] viewed the threat of aid reductions as a tool to force decreases in recipients' levels of political repression....By 1978, this goal had proven to be

> unrealistic—aid or no aid, most of Latin America's most repressive governments refused to alter their policies....At that point, HA began to speak of aid reductions as a tool not to reduce repression but to dissociate the United States from repressive regimes. By 1978, in fact, the word "dissociate" had become the most frequently used verb in the lexicon of human rights officials.[56]

Early in her tenure, Derian had said: "I think anything we do, we ought to see what the results are beyond our own feeling good about it."[57] But a year later she was saying: "What we must do is see to it that we don't contribute to the violations."[58]

There are various degrees to which the United States can "dissociate" itself from a repressive government. The most elementary is to avoid direct complicity in acts of repression. As Bruce Cameron puts it: "we should never, ever sell instruments that can be directly used in the violation of the integrity of the person to a government with human rights problems."[59] That this is not a merely abstract question is proven by the experience of Soviet dissident, Vladimir Bukovsky, who relates in his autobiography: "what the guards always did when they were going to beat you [was] put American handcuffs on you, which tightened automatically at the least movement of the wrists."[60] The argument for dissociation at this level is virtually incontrovertible. It is true that KGB guards will beat prisoners with or without American handcuffs, but if they find that American handcuffs help them to make a good job of it, then that in itself is a powerful argument for withholding these devices. And what possible considerations could weigh on the other side? The profits of handcuff manufacturers seem an insufficient consideration.

A second level of dissociation involves things that the United States can give or sell to an unelected government that aren't used to brutalize people, but may be used to help it stay in power. Thus, the Carter administration withheld riot control equipment, such as tear gas, from the Shah of Iran, even while supplying the Shah's army with advanced

warplanes and missilery.[61] The thought seemed to be that as long as he kept his throne he could be our surrogate in the gulf, but keeping his throne was his own problem. The flaw here, as the Iran experience demonstrates, is that undemocratic governments are often replaced by other undemocratic governments. All undemocratic governments may be in some fundamental sense illegitimate, but some are much crueler than others. Is it ever legitimate for the United States to help an unelected government to stay in power in the face of domestic opposition? To answer "no" convincingly requires a cogent reprise to former Secretary Haig's argument that the United States should "examine the credentials and program of the opposition as well as the government [to] see clearly what change portends for human rights..."[62]

A further degree of dissociation involves economic aid and those forms of military aid that may help a country to defend itself against foreign foes but are ordinarily of little practical value against internal enemies, say, air defense systems. Aid of this kind is not used against a population, but presumably for its benefit, either, in the case of economic aid, by improving the standard of living, or, in the case of military aid, by protecting the independence of the country. Nonetheless, it is argued, as Jo Marie Griesgraber, former deputy director of the Washington Office on Latin America, has put it, "*any* aid to a human rights violator (even BHN aid) has symbolic and political impact that bolsters the position of the recipient government."[63] In this view, "dissociation" requires that the United States give no aid at all to repressive governments.

This approach was the one adopted by Derian and her colleagues, except that for the most part the administration's policy was to exempt aid designed to meet "basic human needs." Even this exemption was not always enforced. The State Department informed Congress that "if a regime engages in egregious abuses of human rights, we may oppose assistance projects even if they meet basic human needs in order to dissociate the United States from the

regime..."[64] The regimes the State Department found that fell in this category were those of Pinochet in Chile, Somoza in Nicaragua, Bokassa in the Central African Empire, and that of South Yemen.[65]

Patricia Derian argues that failure to dissociate creates the danger that a "revolution might...bring to power groups resenting and blaming the U.S. Government for having supported the previous government."[66] There is a little grain of truth in this and a big dollop of foolishness. The likelihood that revolutionary movements will succeed in seizing power vastly increases if U.S. aid is withheld from existing governments. Many of these movements are hostile to the United States for ideological reasons, and not merely, if at all, because the United States supports the incumbent government. Indeed, people do not become revolutionaries merely, as Derian implies, because they have grievances; they become revolutionaries only once their imaginations have been gripped by an ideology. Democracy, too, may be an ideology, but people who embrace democracy as their ideology are much less likely to take the path of revolution than those who embrace some variant of Marxism or another millenarian philosophy. The reason is that the very habits of mind that lead one to embrace the democratic creed, especially the acceptance of one's own fallibility, militate against the single-minded determination, the discipline, the ruthlessness that are so essential to the enterprise of revolution.

Moreover, if a revolution brings about a democratic government, this inherently favors the interests of the United States, even if, in the circumstances Derian suggests, the new government or the populace harbors resentment against the United States. Some democratic polities, say, India or France, have sometimes shown resentment toward the United States, but none has ever been our enemy. On the other hand, if a revolution brings about a new dictatorship, then its friendliness or hostility to the United States would be immaterial, because, according to Derian's formula, the United States would have to dissociate itself from that new government in anticipation of *its* overthrow.

The main argument for "distancing," however, is not instrumental, but ethical. It is exemplified by this flat assertion made by Derian in 1981 in criticizing the Reagan administration for giving aid to Guatemala: "Guatemala's government is a gross violator of human rights, and we have no business having a security relationship with it."[67] This emphasis on keeping our hands clean reflects what Max Weber called the "ethic of ultimate ends."[68] Those guided by this ethic demand to be judged by the purity of their intentions rather than the consequences of their acts. Weber made clear that he preferred the opposite approach, which he called the "ethic of responsibility," but he was not able to prove its superiority because such basic moral choices are not susceptible to "proof."

For the same reason it is not possible to prove "wrong" those who would make it an ethical absolute that no aid be given to autocrats. Nonetheless, it is instructive to consider what the consequences of such a policy would be.

Such a policy would leave the United States free to pursue friendly relations with only a few handfuls of countries outside of Western Europe, that is, turning its back on almost the entire Third World, thus giving meaning to Henry Kissinger's warning that "the issue of human rights if not handled with great wisdom could unleash new forces of American isolationism."[69]

In addition, there is a contradiction between Derian's penchant for "dissociation" and the Carter administration's chosen emphasis on violations of "the integrity of the person." The key motivations for this emphasis were that such violations are amenable to diplomatic intercession and that they merit priority because of the sheer intensity of suffering that they entail. But a policy based on a moral absolute has little grounds for interest in something so prosaic as the intensity of suffering. A violation, after all, is a violation.

And if it is hard to reconcile the penchant for "clean hands" with a stated emphasis on violations of the integrity of the person, it is impossible to reconcile it with the pragmatic approach that the Carter administration put forward as

the justification for the admitted inconsistencies in the way it applied its human rights policy to differing countries. Mark Schneider, the administration's best defender on the issue of consistency, coined the phrase that the administration's goal was "to do the most we can, wherever we can."[70] How is it possible to believe that and also believe that in principle the United States should dissociate itself from all dictators?

In sum, the case for dissociation is far from compelling, with the exception of Cameron's incontrovertible dictum that the United States should never be in the business of supplying the instruments of cruelty.

ALTERNATIVES TO PUNITIVE MEASURES

If the argument for dissociation is weak and if the value of punitive measures is mitigated by their harmful effects, what alternatives are there? The most obvious alternative is *words*. In their book about Iran, Michael Ledeen and William Lewis write:

> From the beginning there were only two real possibilities: either the administration was serious, in which case some form of "linkage" would have to be adopted, which meant in practical terms that the United States would have to punish governments of which it did not approve by withholding trade benefits or aid packages; or there would be no linkage, in which case the human rights campaign would shortly be regarded as mere rhetoric with no concrete payoff.[71]

This argument ignores the fact that "mere rhetoric" has been one of the most potent forces shaping the history of our time, indeed of all time. It is necessary to go no further than the tale Ledeen and Lewis themselves were telling, that of the fall of the Shah, to be forcefully reminded of this truth. Only a few years earlier, when Khomeini was in exile and Reza Pahlavi was upon his throne and commanding a prodigiously equipped army, one might have asked: "how many divisions has the Ayatollah?" The answer, as all soon

saw, was that, as a result of "mere rhetoric," the Ayatollah had more than enough power to achieve his purposes, and the Shah had none at all.

The two most widely noted successes of the Carter human rights policy were achieved largely through words alone. In the first, the government of Indonesia released upwards of thirty thousand political prisoners who had been held ever since the abortive Communist putsch of 1965. Richard Holbrooke, who was then the assistant secretary of state for East Asian and Pacific Affairs, has testified that the administration weighed and rejected recommendations "from Patt Derian and some of [her] colleagues" to use or threaten punitive measures against Indonesia over this issue, and that this decision contributed to the successful outcome of this episode.[72]

In the second major success, the military of the Dominican Republic had interrupted the counting of ballots in 1978 when early returns made it appear that the left-of-center candidate, Antonio Guzman, would be elected president. As a result of urgent and forceful communications from the U.S. government, the generals desisted and the election results were honored. About this episode, Jo Marie Griesgraber has written: "No Marines were sent in, no assistance programs were added, suspended or deleted. Only words were exchanged. But, given the context, they exerted strong influence on the results."[73]

Of course in both of these cases, although only words were exchanged, the words were to some degree backed with threats that pressures of a more material nature could be applied. In the Dominican case, the threats were probably explicit; in the Indonesian case probably implicit. It can, therefore, be argued that these cases serve to bolster Newsom's and Pastor's point that although punitive measures may not work well once applied, the threat of such measures does work. Perhaps, but it is doubtful that strong expressions of U.S. interest in situations in other countries often need to be backed with explicit threats or painful examples, especially when aimed at friendly governments.

Communist or other unfriendly governments may be able to slough off inquiries or public criticisms voiced by the United States about human rights issues as so much "bourgeois propaganda." But for most friendly Third World governments, their ties with the United States bolster their legitimacy and add to their standing in the eyes of their own people and of at least part of the international community. Frequently, these governments are under challenge or criticism from forces allied with one of the world's other power centers (the Soviet Union or China or, these days, Iran). Under these circumstances, the threat of expressions of American disfavor, albeit of a strictly rhetorical kind, can be a potent one.

Indeed, as it turned out, the concrete punitive measures most often applied by the Carter administration were essentially rhetorical. The United States voted negatively, on human rights grounds, on more than 120 loan applications considered by the multilateral development banks, a number greater than the combined total of all other punitive acts taken by the Carter administration in the name of human rights. And yet not once did the United States win a majority of any bank's board of directors to its side! Not once was a loan voted down! Each one of these votes was nothing more than a lonely symbolic gesture of American displeasure with the government in question. It is true that in some cases governments withdrew loan requests for fear of a negative vote by the United States, but here, too, what was feared was the public expression of American disfavor, not that the loan would be voted down. Thus, Mark Schneider, one of the more militant advocates of punitive measures within the Carter administration, acknowledges:

> My view has always been that any of the individual items is not the relevant issue. What is relevant is the political relationship to the United States. All of these things are symbolic of that. In only very rare instances does a single loan, grant, [or] project...of itself provide a significant pressure point. Rather it is the reflection of the U.S. relationship. That is ultimately what you are asserting is going to be affected by the country's action

or lack of action...on human rights objectives.[74]

There probably are some instances in which concrete measures—aid cuts or negative votes—are more effective as punishments or threats than "mere words." And "mere words" can have some of the harmful effects that material punishments have; they, too, can evoke undesired reactions. But a greater reliance on "mere words" rather than material measures is likely to reduce the harmful more than the beneficial effects.

For one thing, it would immediately eliminate the tendency of punitive measures to push the United States toward an inconsistent policy because we can only punish those who are receiving our aid. (Former Congressman Edward Derwinski (R.-Ill.) once inquired whether we could extend military aid to the People's Republic of China for just one year, so that we could then cut it off to punish their human rights violations.[75]) If we rely instead on verbal spankings, we can dish those out even-handedly to all miscreants. For another, the use of "mere words" eliminates the suspicion that the ulterior motive for our aid cuts is mere niggardliness, a suspicion that turns out to have some merit, given the central part played by Congressman Rousselot and his co-thinkers in the adoption of the human rights legislation. Above all, cutting aid in order to send symbolic messages allows for no nuance nor precision to the message. It constitutes a broad-brush condemnation, oblivious to consequences. The use of "mere words" allows the United States to send a message that says precisely what we may wish to say in a given situation, for example, to encourage democratic dissidents while condemning antidemocratic forces, or to criticize a government while recognizing genuine threats it faces or progress it has made.

Another alternative to punitive measures is positive inducements. Early in its term, the Carter administration had stressed its desire to move in this direction, but aside from several increases in AID allocations, it found few ways to do so.[76] The Congressional Research Service wrote:

> Offering rewards for good behavior rather than punishment for misconduct provides a way to maintain satisfactory bilateral relations. This, too, was recognized by the administration from the start, but punitive measures were more readily available, became more pronounced and attracted more attention. Working level officials on several occasions voiced frustrations that the procedures for generating an increase in foreign assistance were often too slow and cumbersome to be useful in rewarding human rights advances.[77]

In addition to its cumbersomeness, it is easy to see that the use of material incentives could create even more wicked dilemmas regarding consistency than the use of material punishments. If a government that held ten thousand political prisoners released half of them, does it deserve a reward for its progress? What about the government that never held any? To take a real life example, when the rate of "disappearances" in Argentina fell from hundreds or thousands in a year to several handfuls, did its government deserve a reward?

Moreover, the use of "carrots" has one critical limitation in common with the use of "sticks." Both are actions aimed at governments, as if tyrannical governments can be induced simply to bestow human rights upon their subjects.

Experience teaches that systemic change of the kind that secures human rights is not something bestowed by rulers, but something won by peoples. That it is not easy to foster such change from the outside is obvious, for it is not easy to foster it from the inside, either. But surely this must be the goal of U.S. human rights policy, even though it requires the kind of long-term interest that Americans have historically been so poor at sustaining in any foreign policy goal.

If systemic change is not the goal, if the goal is nothing more than saving some lives and freeing some people from jail, then our human rights policy is nothing more than what Moynihan has called "a special kind of international social work."[78] There is much to be said for such social work. Each life saved is precious. But if this is all our human rights policy is after, then we might well want to reassure ourselves

that the resources wouldn't touch more lives if used to feed hungry children or in the search for a cure for cancer.

We don't know much about how to encourage the development of democracy in other countries in the absence of U.S. military occupation, but we do know some general truths. One is that the development of democracy must depend to some significant extent on the acceptance of the *idea* of democracy. People must be willing to fight for democracy and to subject themselves and their political leaders to the rules of democratic behavior—compromise, self-restraint, relinquishment of office, tolerance of opposing views, and more. The second is that the development of democracy depends to some extent on the development of participatory private organizations, which serve both as training grounds in democratic behavior and as independent centers of power able to constrain and counterbalance the power of government. A human rights policy that aims to achieve systemic change might well begin by seeking better ways to broadcast the idea of democracy, to teach the rules and encourage the habits of democratic behavior, and to aid the growth of participatory private organizations that can form the infrastructure of democracy.

Neither the Carter administration nor the Congress during the Carter years showed much interest in this problem. From fiscal year 1978 on, certain funds were disbursed each year under section 116(e) of the Foreign Assistance Act for "programs and activities which will encourage or promote increased adherence to civil and political rights." But the sums were quite small, and both Congress and the executive treated this as an inconsequential addendum to the main human rights policy of administering punishments. The Reagan administration, to its credit, has moved to address more seriously the problem of how to encourage the growth of democracy. In 1982, it initiated a study which resulted in the creation of the National Endowment for Democracy. The Democrats, too, can claim some credit for this, not merely because the endowment was created with bi-partisan support in Congress, but also because the Endowment is reminis-

cent of an earlier proposal of Congressman Dante Fascell's to create an "Institute for Human Rights and Freedom." It will be a long time before any informed judgment can be made about the effectiveness of the endowment, but certainly it is a step in the right direction. Whether or not punitive measures ought to be a part of U.S. human rights policy, there is a strong case to be made that the central focus of that policy ought to be on helping peoples to build democracy, not on punishing, or for that matter, rewarding the actions of governments.

NOTES

1. U.S., Department of State, *Human Rights and U.S. Foreign Policy*, Pub. 8959, December 1978, p. 8.
2. U.S., Agency for International Development, "Section 116(d)(2) Report," February 1978, and identically titled reports dated January 1979, January 1980, and January 1981. The nine were Gambia, Costa Rica, Peru, India, Ecuador, Kenya, Sri Lanka, Upper Volta, Equatorial Guinea.
3. Elizabeth Drew, "A Reporter at Large: Human Rights," *New Yorker*, July 18, 1977, p. 62.
4. "Memorandum, To: Members of the Working Group on Human Rights and Foreign Assistance, From: HA/HR - G. Michael Bache and EB/OFD/IDF - David Pierce, Subject: Historical Reports, Feb. 3, 1981" Copy in author's files.
5. Interview with David Newsom held in Washington, D.C., June 22, 1982.
6. U.S., Congress, House, Committtee on Appropriations, *Foreign Assistance and Related Agencies Appropriations for 1979*, Pt. 2, 95th Cong., 2nd sess., 1978, p. 434.
7. U.S., Congress, House, Committee on International Relations, *Institute for Human Rights and Freedom, Hearings and Markup before the Subcommittees on International Operations and on International Organizations*, 95th Cong., 2nd sess., 1978.
8. Hans J. Morgenthau, "A Political Theory of Foreign Aid," *The American Political Science Review*, Vol. 56 (1962), pp. 301-309.
9. U.S., Congress, House, Committee on Appropriations, *Foreign Assistance and Related Agencies Appropriations for FY1978, Pt. 1, Hearings before the Subcommittee on Foreign Operations*

Appropriations, 95th Cong., 1st sess., 1977, p. 583.

10. House Report 94-1228, p. 49. Quoted in Lars Schoultz, *Human Rights and United States Policy toward Latin America* (Princeton: Princeton U. Press, 1981), p. 60n.
11. Bruce Cameron, unpublished paper on the history of the Human Rights Working Group, copy in author's files, p. 31.
12. David Trask, "A Short History of the U.S. Department of State 1781-1981," *Department of State Bulletin*, Vol. 81, No. 2046, p. S37.
13. U.S., Congress, Senate, Committee on Foreign Relations, *Human Rights and U.S. Foreign Assistance*, Report Prepared by the Foreign Affairs and National Defense Division, C.R.S., Library of Congress, November 1979, p. 84.
14. Ibid., pp. 12-15.
15. The term "militants" is used here with no pejorative connotation, but simply to designate a group of legislators who pushed the human rights issue with great intensity. All were liberals, but many prominent liberals were not among them.
16. Interview with John Salzberg held by telephone, Jan. 24, 1984.
17. Statement conveyed by telephone by Rep. Harkin's Press Secretary, Feb. 6, 1984.
18. Shoultz, *Human Rights and United States Policy*, p. 105.
19. "Vietnam: A Time for Healing and Compassion," *New York Times* (paid advertisement), Jan. 30, 1977, Sect. 4, p. 5.
20. See Jacqui Chagnon and Roger Rumpf, "Search for 'Yellow Rain,'" *Southeast Asia Chronicle*, No. 90, June 1983 pp. 3-17; "Relief Workers in Laos Debunk Yellow Rain Claims," *New Scientist*, Vol. 99, No. 1373 (1 Sept. 1983), p. 604.
21. U.S., Department of State, "On the Record Briefing," Feb. 8, 1983.
22. Interview with Jacqui Chagnon held in Washington, D.C., Dec. 16, 1983.
23. Ibid.
24. Ibid.
25. Ibid.
26. Ibid.
27. U.S., Congress, Senate Committee on Foreign Relations and House Committee on Foreign Affairs, *Country Reports on Human Rights Practices for 1982*, Report by the Department of State, February 1983, p. 752.
28. Chagnon interview.
29. Ibid.

30. Interview with Bruce Cameron, held in Washington, D.C., Jan. 21, 1984.
31. Ibid.
32. Cameron paper, p. 15.
33. CALC Membership application form, copy in author's files.
34. Cameron interview, Jan. 21, 1984.
35. Ibid.
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49. For various methodological notes and explanations see Appendix.
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51. Interview with Robert Pastor held in College Park, Md., Nov. 10, 1983.
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SEVEN

Evaluating the Carter Policy

It is not easy to reach a comprehensive evaluation of the Carter human rights program. How much did it succeed? How much did it fail? Is the world a better place for it? The answers to such questions are difficult to formulate, and even more difficult to defend. There are various criteria that ought to be applied in reaching such a judgment, but none of them involves "variables" that can be measured with any rigor, and the ones that may be the most important are the least concrete. Any evaluation, then, is necessarily impressionistic.

The first question is: did the Carter policy raise the level of observance of human rights in the world? The annual Survey of Freedom issued by Freedom House registered very slight gains for freedom in the world during the Carter years, except during Carter's first year in office when Freedom House reported that the percentage of the world's population living in free countries jumped from 19.6 percent to 35.7 percent, a truly startling improvement.[1] But more than 99 percent of that gain was attributable to the restoration

of democracy in India and Spain, neither of which was a particular focus of the administration's policy, nor was even mentioned among the couple of dozen countries for whose progress administration spokesmen did on occasion claim credit.

Aside from India and Spain, the gains registered by Freedom House were of little statistical significance and of unknown cause. In all, it is probably fair to conclude that the administration's human rights emphasis had some small overall beneficial impact on the international atmosphere.

Whatever the uncertainty about its effects on the state of human rights in the world as a whole, there is strong reason to believe that U.S. human rights policy had an important beneficial impact on certain countries. In the Dominican Republic, the evidence seems overwhelming that only direct American pressure dissuaded military officials from aborting the election of 1978. Indonesia made good on the release of thirty thousand political prisoners held since the unsuccessful Communist putsch of 1965. David Newsom, the U.S. ambassador to Indonesia who handled the pertinent discussions with the Indonesian government, reports that they "really pre-dated the Carter administration."[2] Nevertheless, the Carter administration deserves much credit for bringing them to a successful conclusion.

In Argentina, pressures brought by the Carter administration helped to bring about an end to "disappearances." It is hard to say whether American policy deserves any credit for the return to democracy in that country. The Reagan administration maintained some of the pressures against Argentina that had been begun under Carter, and discarded others. Can the reemergence of democracy in Argentina be attributed to the pressures that Reagan maintained? Or to his easing of pressures? Was it a delayed benefit of Carter's actions? Most likely, the answer is none of the above. Their catastrophic misadventure in the Falklands/Malvinas was probably the undoing of the generals—the single most important factor leading to restoration of civilian rule. Nonetheless, President Alfonsin's

statement that the Carter administration's campaign against "disappearances" saved thousands of lives is testimony to an impressive accomplishment.

Some countries moved from dictatorial to democratic rule during the Carter years—Bangladesh, Ecuador, Ghana, Nigeria, and Peru—but there is no way to judge how much credit for this, if any, should be given to the Carter policy. Once again, it seems fair to guess that the atmosphere created by the Carter policy added some unquantifiable weight to the scales on the side of restoration of democracy. Three of those five, all but Peru and Ecuador, have since lapsed back to dictatorship. Is this because Reagan has not pressed the human rights issue as hard as Carter, or does it merely show that the changes were ephemeral in the first place? There is no good way to judge.

In some countries where there was no overall movement toward a freer or more democratic system, the administration was nonetheless able to secure the release of various individual prisoners. This was the case with the Soviet Union, as is well-known, and Brzezinski, in his memoirs, cites some less well known cases, about which there is no reason to doubt—Guinea, Niger, Rwanda, Swaziland.[3] There were surely many other such cases. Similar things are being done by the Reagan administration,[4] and were even done, although perhaps less often, under Carter's predecessors, as Kissinger claims.[5]

"What can we conclude from this record?" asked Ernst Haas. His answer:

> There has been some marginal improvement in behavior on the part of a few countries. Nobody can tell how permanent that change may be, but past experience with similar waves of relaxation in repression strongly suggests that, unless the regime changes basically, people released from prison can always be rearrested. The skills of the torturer, though perhaps not used for a while, are never forgotten. No fundamental change in the global human rights picture can be discovered.[6]

There is nothing in Haas's judgment that is untrue, but it is

too cynical. Some number of lives were saved or spared from grievous suffering. Even where this was unaccompanied by any change in the political system, it is a benefit of inestimable value. Some countries were moved toward democratic process, and here the gain is all the greater. And even where moves toward democracy were soon reversed, it is not necessarily the case that these were for naught. If nations that have not known democracy are going to achieve it, might it not take several attempts? And might not each attempt strengthen the next one?

As for Carter's other goals, there is more reason to doubt that they were achieved. The first of these was, as Carter put it, to "restore...to our people a pride again."[7] Carter was probably right to think that articulating America's idealism would be a good tonic for post-Vietnam self-doubt, but in the end there is little reason to believe that Carter's policy made Americans feel proud again. Had it done so, it is hard to imagine that he would have been beaten so badly for reelection. This is not to suggest that Carter's defeat in 1980 was the result of his human rights policy or even of his foreign policy as a whole, but surely he would have done better in the election had he succeeded in making Americans feel proud.

In preelection surveys by CBS News and the *New York Times* voters were asked: "If [Carter or Reagan] is elected, do you think he will see to it that the United States is respected by other nations?" When the question was asked about Reagan, 77 percent responded "yes." When it was asked about Carter only 55 percent responded "yes."[8] Of course, many of those who answered yes, especially in regard to Reagan, may have had in mind the criteria of diplomatic and military toughness. But there are many ways to win respect: you can win respect for your strength or for your ideals. It is reasonable to assume that if Carter had succeeded in restoring Americans' pride in their foreign policy, he would not have compared so unfavorably in their estimation of his ability to make others respect us.

Another of the indirect goals of the human rights policy

was to achieve, as Carter put it, "a resurgence of admiration for our country" in the Third World.[9] It would be hard to argue that this goal was achieved. To be sure there were individual democrats, dissidents, lovers of freedom, in various countries around the world who appreciated deeply the new U.S. emphasis on human rights, but the Carter years were rife with evidence of Third World contempt and hostility toward the United States. The Ayatollah Khomeini swept to power in Iran on a platform of rabid anti-Americanism. He quickly won a following throughout the Near East, signified by such grassroots activities as the burning of the American embassy in Pakistan. Also in the Near East, the administration was unable to induce a single Arab state to stand by Egypt in the face of its ostracism for having made peace with Israel.

In Latin America, the Sandinistas took over Nicaragua and gave it a new national anthem declaring the Yanqui "the enemy of mankind." A month before the Sandinista triumph, the United States had proposed that an OAS peacekeeping force be used to ensure a transition to democracy in Nicaragua without further bloodletting, but this proposal was rejected overwhelmingly, marking the nadir of U.S. influence in the regional body. Moreover, during the Carter years, the conference of "nonaligned" nations became more blatantly aligned—against the United States—than ever before, creating the absurd situation in which the leadership of those who wished to resist total obeisance to the USSR fell by default to an obviously somewhat nonplussed Marshall Tito.

Also during the Carter years, the United States found itself with so little support in its efforts to resist the politicization of the International Labor Organization that it felt compelled to withdraw from that venerable institution in 1978. True, the United States rejoined the ILO two years later, after the withdrawal of American participation and financial contributions had a sobering effect on the remaining members, but the whole episode hardly bespoke a "resurgence" of Third World "admiration" for the United States.

A third goal of the human rights policy, articulated by several of the leading figures in the administration, was to capture the ideological initiative. There is little doubt that in its first weeks—with the Sakharov letter and the Bukovsky visit—the administration did have the Soviets on the defensive. And the feeling, in those weeks, that the United States had seized the initiative extended beyond U.S.-Soviet issues. When the president was speaking loudly about human rights, he to some extent altered the international agenda. But the administration was of no mind to pursue an ideological offensive against the Soviets: when it discovered that this made the Russians angry, it quickly backed off.

As its human rights policy came to focus on the abuses of rightist governments in Latin America, southern Africa, and a few in Asia, the administration often was in the position of playing into the ideological offensives of America's adversaries. After all, "human rights" as a slogan is not anathema to them. Moynihan has pointed out that, "as defined by the totalitarian nations...the issue of human rights has long been at the center of international politics."[10] In the name of human rights, the Communists conduct worldwide campaigns against the governments of Pinochet, Somoza, Muzorewa, and Begin, not to mention in behalf of such as the "Wilmington ten." To be sure, in some of these cases—Pinochet and Somoza are clear examples—egregious abuses exist and the United States must address them, but when these come to dominate, as they did under Carter, U.S. human rights policy, then, far from holding the ideological initiative, the United States finds itself following someone else's agenda.

It is hard to see how, under the Carter administration, the United States could have held the ideological initiative. Carter's foreign policy team was made up of what Carl Gershman has called "the new foreign policy establishment,"[11] one of whose central tenets in the wake of Vietnam was that the United States needed to accept gracefully a diminution of its influence in the world. As Thomas Hughes, president of the Carnegie Endowment for

International Peace, put it, the task of the Carter administration was to forge "a constructive new American accommodation with mankind."[12] Such attitudes on the part of its leaders leave a nation ill-suited to seize initiatives, ideological or otherwise. Charles Fairbanks has pointed out that Britain's campaign in the last century to abolish the slave trade owed its success to the connection that was perceived, both by the British themselves and by those they were trying to influence, between "Britain's success in the world" and "its principles." Fairbanks goes on to argue:

> ....A nation's insistence on human rights cannot have a powerful effect if that nation does not provide an example of the success of those principles. A weak, poor, and despised nation cannot provide an attractive example. In recent years the United States sometimes seemed to base its human rights policy on the opposite assumption. In his Notre Dame speech defining his administration's new human rights emphasis, President Carter declared that "through failure, we have now found our way back to our own principles and values."[13]

In its first weeks in office the Carter administration succeeded in demonstrating the potential that human rights policy held for enabling the United States to take the ideological initiative, but it was a potential that the administration left unfulfilled.

The fifth goal of the Carter human rights policy was the ulterior one—to give the administration "running room on the Right" that would help it win ratification of a SALT treaty. That it never got its SALT treaty ratified was of course not the fault of its human rights policy. That failure was due to the Soviet invasion of Afghanistan, to the discovery of the Soviet combat brigade in Cuba, to the disastrous selection of Paul Warnke as SALT negotiator, to the loss of American intelligence installations in Iran—all told, to the feeling in the country and in the Senate that the Carter administration was weak. It was surely not the human rights policy that gave rise to this perception of weakness, but the handling of it toward the Soviets did nothing to counteract that perception.

The two top officials who guided Carter's foreign policy had conflicting approaches to the Soviet Union. Brzezinski had some inclination to confront the Soviets, while Vance's inclination was to placate them. Rather than choose between the paths offered by Vance and Brzezinski, Carter chose instead to be guided a little by each. On the issue of human rights, Carter first confronted the Soviets rather boldly, thus provoking them, and then, feeling their wrath, he sought to placate them. This may have been the worst course of all. It elicited only contempt from the Russians, and helped to make Carter appear weak in the eyes of Americans. If this didn't contribute to Carter's problems with SALT, it certainly didn't contribute to solving them either.

In sum, the Carter human rights policy achieved little in the realm of its indirect goals—restoring American pride, winning the admiration of the Third World, capturing the ideological initiative, boosting SALT—although it does seem to have achieved some benefits in the realm of its most direct and central goal—raising the level of respect for human rights in some countries. Against this gain must be balanced any losses. Are there any countries in which the Carter human rights policy caused a deterioration in the human rights situation? This question presents itself most urgently with respect to Nicaragua and Iran where Carter's human rights policy has been blamed for contributing to the overthrow of existing governments.

The replacement of governments friendly to the United States in those two countries with governments hostile to the United States is a clear setback for U.S. geopolitical interests. Because America is the world's most important democracy and the protector of all other democracies, a setback for American interests is, all other things being equal, *ipso facto* a setback for the cause of human rights. Of course, all other things are not often equal, but in this case the pros and cons are not hard to sort out. The changes in government in Nicaragua and Iran were not only inimical to U.S. interests, they also brought no gain for human rights in any other significant respect.

This is easiest to see in Iran where the rule of Ayatollah Khomeini and his cohorts has eclipsed that of the Shah in terms of many different kinds of human rights violations, notably the frequency of executions on political or religious grounds, the absence of due process, the persecution of Jews, Bahais and other minorities, the denial of rights to women, the persecution of dissenting views, and the censorship of expression and of the arts according to rigid clerical precepts, not to mention such additional peccadilloes as the use of human wave attacks and of human mine detectors by the Iranian armed forces in their war with Iraq.

In Nicaragua, it is not so clear that the present Sandinista government is worse than Somoza's was in terms of human rights. The present government is clearly worse in terms of censorship of the press and restrictions on the churches. It has abused the Miskitos and smaller Indian populations far more viciously than ever before. It has created a system of neighborhood organizations that stretches the tentacles of government control and surveillance down into the daily lives of every citizen in a way that was unknown under Somoza. It is argued on the other side that such gross abuses as executions, torture and "disappearances" are fewer under the Sandinistas than under Somoza. Whether or not the human rights situation in Nicaragua is yet as bad or worse than it was under Somoza, there is little room for doubt that the intention of the ruling Sandinistas is to turn Nicaragua into a full-fledged Communist state, and if they succeed in this endeavor there is no doubt that the abuse of human rights will be far worse than it was under Somoza.

The human rights effects of the Iranian and Nicaraguan revolutions are felt not just in Iran and Nicaragua. Both are having powerful deleterious repercussions on the human rights of neighboring peoples. The success of Khomeini's revolution has kindled a wave of fanatical Islamic fundamentalism throughout the Near East. It may not be for us to say whether or not this movement is pleasing to God, but it clearly is inimical to the cause of human rights on this Earth. It is inciting bloodshed and instability throughout

the region, and in whatever countries or areas it succeeds in establishing its authority it can be relied upon to impose a regime of narrow intolerance and repression. The victory of the Nicaraguan revolution has strengthened Communist guerrillas in other Central American countries both through the power of its example and through direct material support.

These Communist revolutions entail vast losses of life and treasure—"treasure," that is, often in the form of the meager possessions or crops of impoverished people. This is not to say that the loss of life that revolutions entail is never justified. Only a strict pacifist would deny that the blessings that could be brought by a genuine democratic revolution could ever outweigh, in the scales of human rights, the toll exacted by the revolution. But the special tragedy of Communist revolutions is that they bring no blessings.

If, then, the Iranian and Nicaraguan revolutions were clear defeats for the cause of international human rights, the question remains whether the Carter human rights policy bears any responsibility for the victory of these revolutions. The answer is surely yes, it bears *some* responsibility, but it is harder to say how much. William Bundy, someone not unsympathetic to the Carter administration, asked himself these questions in the immediate aftermath of the two revolutions and concluded that the Carter policy bore a great deal of responsibility for the overthrow of Somoza and at most only a little for the overthrow of the Shah.[14]

Jeane Kirkpatrick has been most forceful in placing responsibility for Somoza's overthrow on the Carter policy. The Carter administration didn't merely tolerate Somoza's fall, she says, "*it brought down the Somoza regime.*"[15] To this Robert Pastor, chief Latin American specialist on Carter's National Security Council, has replied: "Somoza fell of his own corrupt and repressive weight."[16]

In 1977, when the Carter administration took office, a state of siege had been in effect in Nicaragua since a celebrated guerrilla raid in Managua in 1974. During the administration's first weeks in office, Under Secretary of State for Security Assistance Lucy Benson encouraged Congress

to cut off aid to Somoza. Testifying before the House Subcommittee on Foreign Operations Appropriations, Mrs. Benson was asked by Subcommittee Chairman Clarence Long: "...if this committee were to suspend all aid to Nicaragua....What would be lost to the United States ...?" She replied: "I cannot think of a single thing."[17] In addition to congressional aid cuts that were enacted against Somoza, the administration exacted sanctions of its own, withholding authorized military aid and blocking licenses for the private sale of military goods.

In September 1977, Somoza, responding to U.S. pressure, lifted the state of siege, and, according to leftist academic Richard R. Fagen: "There was an immediate response: labor unrest, student demonstrations, a wave of disclosures in the local press, and armed attacks by the FSLN against several provincial towns."[18]

In January 1978, Nicaragua was convulsed when Somoza's most prominent political opponent, Pedro Joaquin Chamorro, editor of *La Prensa*, was assassinated. Suspician (still unconfirmed) that Somoza was behind the assassination sparked massive protests. *Time* magazine reported in February:

> Last month opposition elements mounted a two-week nationwide general strike to protest the assassination of an anti-Somoza newspaper editor. Ambassador Solaun cautioned Somoza that Washington would not support him unless he responded to the strike with reform rather than repression. "If it were not for Carter's concern for human rights," an opposition leader told TIME, "this general strike would not have been possible."[19]

Also during February, Miguel D'Escoto, now the foreign minister in the Sandinista government, in testimony before a congressional committee, expressed his gratification that "during the Carter administration...much progress has been made" in getting "the United States to cease the interventionist policy of giving military and economic aid to the Somoza regime."[20]

In July 1978, the *Washington Post*'s Karen DeYoung reported that a source in the Carter administration had told her that it had threatened Somoza with the withdrawal of the U.S. ambassador and even a severing of diplomatic relations should he respond to the growing challenge to his regime with repression. "We are not intriguing against any opposition faction. The fact is, we're against Somoza," DeYoung quoted her source as saying.[21]

In the fall of 1978, a U.S.-led OAS mediation effort foundered. The mediators had taken up a proposal by Somoza that his rule be put to a national plebiscite. But when Somoza and the mediators could not come to agreement on the conditions for the plebiscite, the administration came down hard on him. It withdrew the U.S. military assistance group from Nicaragua and "terminated" the military assistance program, which had been in a state of "suspension." It announced that it would consider no further economic aid programs and would not implement two loan projects which had been signed but not yet begun. It withdrew all Peace Corps volunteers and reduced the number of U.S. diplomatic personnel in Nicaragua.[22] At the same time, according to transcripts of secret tape recordings made public by Somoza in his memoirs, the authenticity of which has not been challenged, a series of special diplomatic messengers traveled from Washington to Managua to urge Somoza to leave office.[23]

Somoza refused to leave, and in a few months U.S. spokesmen began to call publicly for his ouster. In June the United States joined in an OAS resolution making the position formal.[24] The administration reinforced its boycott on military aid to Somoza by bringing pressure to bear on its allies, notably Israel, to cease selling arms to him. These acts paved the way for the success of the Sandinistas' well-armed "final offensive" in July.

This brief review of the events makes clear that Pastor's reply to Kirkpatrick is inadequate. Whatever Somoza's own "corrupt and repressive weight," his fall was aided by a push from the Carter administration. Pastor may wish to argue

that Somoza would have fallen even without the push, but that we'll never know. And although many former Carter administration officials and academic commentators sympathetic to the Sandinistas dispute the blanket charge that the Carter administration "lost Nicaragua," most agree that its policies had some part in the overthrow. Richard Feinberg, the Latin American specialist of the State Department's Policy Planning Staff under Carter, has written: "the human rights policy did energize Somoza's opposition and compound his diplomatic isolation. However, on two separate occasions many in the State Department had wanted to ease Somoza out in a controlled transition well before the Sandinistas had become the alternative."[25] The fact that some in the administration wanted to "ease Somoza out" earlier hardly contradicts the claim that the administration helped to topple him.

Lars Schoultz, an academic sympathetic to the Sandinistas, has written:

> ....I believe the human rights policy of the United States helped to create this opposition [to Somoza]. There are no data to confirm this belief, but in the early 1980s it is widely if not universally held by foreign policy analysts. Popularity is not always the best gauge of an argument's validity, of course, but analysts who rarely found a trace of competence in U.S. foreign policy makers were caught admitting that their human rights policy had encouraged the resurgence of the opposition to repressive Latin American governments. The normally critical liberal weekly *Latin America* noted, for example, that "Carter's policy (albeit unwittingly) undermined the entire *somocista* system in Nicaragua."[26]

Finally, William Bundy finds the Carter administration's responsibility to be every bit as profound as Kirkpatrick argues. He wrote in late 1979: "If Gerald Ford had been elected in 1976....it seems a safe bet that Tacho Somoza would still be in charge of Managua."[27]

The case of Iran is quite different from that of Nicaragua. Far from pushing the Shah out, U.S. policy-makers, at least

at the top level, were frightened by the prospect of his fall. An argument made about Iran is that Carter's human rights policy contributed, albeit indirectly, to the fall of the Shah by energizing the opposition and by paralyzing the Shah, the Iranian military, and perhaps even the U.S. government, once the crisis was underway. This is essentially the argument made by Michael Ledeen and William Lewis in their book, *Debacle: The American Failure in Iran*.[28] Stephen Cohen, the official who was responsible for human rights policy toward Iran, has taken the lead in debunking these accusations. "Ledeen and Lewis tell a fairy tale," says Cohen, "because we lost all the battles [within the administration] to apply human rights pressures on the Shah." Cohen adds: "The best you can do...and this is pure hypothesis...is say that because of general rhetoric about human rights spoken by Jimmy Carter in the United States, the Shah felt himself to be under some pressure."[29]

But Cohen doesn't do justice to the case. It is more than "pure hypothesis" that the Shah felt pressure. Sandra Vogelgesang, who served in 1977 as the human rights specialist on the State Department's Policy Planning Staff, wrote in mid-1978, while the Shah still seemed securely on his throne, that "the Shah of Iran...has responded to criticisms from the United States and others by releasing political prisoners, engaging in fewer reported cases of torture, inviting the International Committee of the Red Cross to make two inspections of Iranian prisons, permitting meetings with representatives of the International Commission of Jurists, and continuing to give high priority to such basic human needs as health care and housing."[30]

Nor is it true that *no* human rights sanctions were applied to Iran. At the insistence of Patricia Derian, the Iranian military was denied tear gas and other crowd-control equipment, a decision with which Cohen says he disagreed because it was unimportant.[31] Perhaps it was unimportant, but it was not entirely without consequences. A major turning point in the Iranian crisis was the infamous "bloody Friday" when the Shah's troops fired on demonstrators in

Jaleh Square, killing hundreds. According to Barry Rubin's highly regarded account of the crisis, the Iranian generals "wanted riot control equipment. Many of the deaths that had occurred could have been avoided, they said. If they had had tear gas they would not have had to rely on bullets."[32] Rubin does not assert that the generals' claims were ingenuous. They may of course have been merely self-serving, but they are certainly not implausible.

The argument that Carter's policy served to energize the Iranian opposition comes from an authority, Richard Cottam, who was bitterly opposed to the Shah and on whom Cohen himself relies. Cottam wrote in early 1978, before the Iranian crisis began: "The Carter human rights advocacy has precipitated in Iran the reappearance of public opposition" and, moreover, "there is not the slightest question that the timing of opposition activity is directly related to Carter's pronouncements on human rights."[33]

When the crisis reached full bloom, Brzezinski reports in his memoirs that he tended to favor a coup by the Iranian military in the hope that the armed forces could restore order and authority. That approach sounds draconian, but on hindsight it is possible to say that it might have been a more humane outcome than the triumph of Khomeini. Brzezinski says that he was stymied by the top officials of the State Department who "were much more preoccupied with the goal of promoting the democratization of Iran and feared actions—U.S. or Iranian—that might have the opposite effect."[34] This is in effect confirmed by Vance in his memoirs, where he writes that the "Shah's best chance" was "to share enough power with a coalition government to split the moderate nationalists off from the Khomeini followers."[35] In addition, Brzezinski charges that "the lower echelons of State, on the Iran Desk, were clearly cheering the Shah's opponents."[36] The Iran desk chief to whom Brzezinski is referring, Henry Precht, sent a delegation to Iran in the midst of the crisis, one of whose three members was Stephen Cohen of the human rights bureau. Ledeen and Lewis write that Cohen's assignment was "to ensure that [Ambassador]

Sullivan would continue to remind the shah of America's commitment to human rights and that the Iranians would not be subjected to a savage repression."[37] Cohen denies this, insisting that the primary purpose of his visit was fact-finding, but he agrees that a "subsidiary purpose" may have been to send "send some kind of message to somebody by including me on the team."[38] If Cohen was viewed by others as he was by Under Secretary Newsom, as one of those eager to see the Shah overthrown,[39] then his inclusion in the delegation may have sent a strong message indeed.

There are many who argue that the events in Iran were the work of profound forces on which American policy had only minimal impact, but the above facts make at least plausible the contrary argument put by Max Lerner: "There are no 'inevitable' revolutions. The Iranian revolution...didn't have to take place. The fact that it did was largely due to American blunders and the American policy climate."[40] Lerner may overstate the case, and Bundy may be right in arguing that the American influence on the course of events was only marginal, but the argument that U.S. human rights policy contributed in some degree, probably never measurable, to the outcome in Iran seems compelling. And in his memoirs President Carter seems to concede that his human rights policy contributed to the overthrow of Somoza or the Shah or both when he says that he knew from the beginning that "there would be cases when oppressed people could obtain freedom only by changing their own laws or leaders."[41]

Difficult as they are to measure, the good that the Carter policy did in Argentina, Indonesia, and the Dominican Republic, and the harm that it did in Iran and Nicaragua, are effects that are material. But the more profound effects of the Carter human rights policy may be those that are not material, but "spiritual"—those that exist only in the minds of people. Like the material effects, the spiritual effects include both some that were beneficial and some that were harmful to the cause of human rights.

My main premise here is that a crucial determinant of

the state of human rights in the world is the state of the *idea* of human rights. How widely human rights will be respected depends upon how many people believe that human rights should be respected and upon how deeply they believe it. Will unfree people fight for their rights? What risks will they take? What sacrifices will they make? And will members of elites obey the rules that protect human rights? Will office-holders submit to the rule of law? Will they leave office peacefully when their terms expire? Will leaders of interest groups engage in constructive compromise with other groups? Will members of blocs and factions and parties tolerate expression of opinions different from their own? Will intellectuals and artists and educators help to create a climate in which those norms respectful of human rights are reinforced? These are the questions on which the state of human rights in individual societies and in the world depends.

This way of viewing the problem is in explicit contrast to views that hold that the state of human rights is determined by such "objective" factors as wealth or industrial development or class and race relations, although of course it does not deny that these factors may affect people's thoughts about human rights, as well as other things. Nor does it claim that if the idea of human rights flourishes, the fulfillment of those rights will necessarily follow. As long as there are armed tyrants in the world, human rights must be defended, not only in the realm of ideas but in that of arms, as well. Poland provides a good example of a society whose populace gives every sign that it wants and understands and is willing to fight for human rights, and yet is still denied them by a relatively small number of people with guns, mostly foreigners. But, the case of Poland is not typical. In most of the unfree world today, the idea of human rights holds insufficient force over the minds of elites and of the masses, and its requirements are insufficiently understood. The goal of human rights policy is to change this.

How, then, did the Carter human rights policy affect the state of *the idea of human rights*? Peter G. Brown and Douglas MacLean argue: "If the policy merely gives high visibility to

human rights, but low priority to actions that promote them, it may be counterproductive."[42] My view is the opposite of this. Giving it high visibility strengthens the idea of human rights. The presidency is still a "bully pulpit" and the United States is still the world's most influential country. When the president of the United States emphasizes human rights, as Carter did, this is bound to have a significant effect. Who knows how many people were inspired by it? How many were deservingly embarrassed by it? How many dissidents were encouraged or emboldened by it? How many were sustained or given faith? We will never be able to count the number, but surely there were some, and perhaps many.

After Carter's first year in office, the International League for Human Rights said:

> Within the past year, human rights has for the first time become a subject of national policy debate in many countries. Human rights concerns have been the focus of discussion in international organizations and of greater attention in the world media. A most significant factor in this has been President Carter and the U.S. human rights policy.[43]

And a year later, Arthur Schlesinger wrote: "For all its vulnerabilities, the campaign had significantly altered the international atmosphere. It had placed human rights on the world's agenda—and on the world's conscience."[44] For these reasons I believe that President Carter is justified to claim in his memoirs:

> The lifting of the human spirit, the revival of hope, the absence of fear, the release from prison, the end of torture, the reunion of a family, the newfound sense of human dignity—these are difficult to quantify, but I am certain that many people were able to experience them because the United States of America let it be known that we stood for freedom and justice for all people.[45]

The struggle to strengthen the idea of human rights, however, does not consist only in broadcasting it, of putting it "on the world's agenda." It consists just as importantly

in clarifying it and teaching its true meaning. The reasons for this are not pedantic. Human rights and the idea of human rights have powerful enemies in the world today. But nowhere do they announce themselves as such. In other times, the idea of human rights had been explicitly rejected by those who said it contradicted the divine order or historic destiny. But today the enemies of human rights all proclaim themselves to be its most ardent champions. This is most obviously true in all of the vicious dictatorships that go by the name "People's Democracy," but the phenomenon is not limited to the Left: Anastasio Somoza explains in his memoirs that when he was president, Nicaragua was "a free and democratic nation."[46] In this age there is much less danger that the phrase, "human rights," will be forgotten or rejected than that its meaning will be lost. It follows that the highest task in the struggle to strengthen the idea of human rights is to defend it against impostors and to keep its meaning clear. At this task the Carter administration failed; indeed it may justly be accused of having added to the muddle.

Part of this problem was caused by Carter's own inadequacies and part was caused by the policy choices of his administration. In the former category there are a long string of ignorant or impulsive or opportunistic utterances that made his human rights policy look foolish or that did harm in other ways. For example, whether or not the distinction between "totalitarian" and "authoritarian" dictatorships ought to have major operational implications for U.S. human rights policy, the concept "totalitarian" is a valuable one to the cause of human rights because it aids in the understanding of the dynamics of certain forms of oppression. Carter relentlessly debased this term by applying it to America's allies to whom no knowledgeable person, of whatever political stripe, would find it applicable. Thus, speaking of the cuts in aid to rightist U.S. allies, Carter proclaimed proudly: "We are no longer the best friend of every scurrilous totalitarian government on Earth."[47]

Secondly, Carter often made outlandish claims about the effects of his human rights policy that suggested that either

he didn't understand much about the world or that he was insincere and motivated by narrow political self-interest. For example, on dozens of occasions he repeated the litany that as a result of his policies, "almost the entire world leadership is now preoccupied with the question of human rights," that there is not "a single leader of a nation on Earth today who doesn't have within his or her consciousness a concern about human rights," that "among almost all the leaders of the 150 nations of the world this year, there is a preoccupation with and a concern about human rights."[48]

Worse still was Carter's penchant for flattering tyrants. Campaigning in Minneapolis, Carter boasted: "We are strong enough now not to have to depend on every cheap, tinhorn dictatorship in the world."[49] But then he told Gierek that he was an "enlightened leader," Ceaucescu that he was a "great leader," Tito that he "exemplifies the eagerness for freedom," and Pahlavi that Iran was an "island of stability" because of the "love which your people give to you."[50]

In addition to Carter's own various faux pas, critical policy choices that guided his human rights policy helped to confuse rather than clarify the meaning of human rights. In order to curry favor with the Third World, the administration embraced the concept of "economic and social rights," a concept whose effect, and probably whose purpose, is not to expand the realm of "rights" but to dilute the concept of "rights." In pursuit of universalism it placed undue emphasis on UN-sponsored international human rights documents which at best are utopian and at worst hypocritical. And out of bureaucratic cautiousness it created a category, "the integrity of the person," which in reality is a category of abuses and designated it instead as a category of "rights." The net effect was to downplay the idea of human rights as it is known in the American, more broadly the Western, tradition, which remains the only tradition that has given the world human rights in practice.

Second, in the name of case-by-case pragmatism, the Carter human rights policy bound itself to no standard of consistency. At times this meant that the policy was erratic

or irrational, reflecting accidents of the bureaucratic process or the biases of administration officials. Still worse, the policy reflected a strong emphasis on weak countries ("tinhorn dictatorships") and countries with which the United States had little other important business, thus conveying the impression that human rights was not a matter of principle for the United States, but a slogan of convenience or hypocrisy.

Because of its disdain for consistency and its emphasis on punitive instruments, the Carter policy focused more sharply on rightist than on Communist regimes. This played into the hands of the powerful international propaganda campaigns waged by the Communists, hypocritically in the name of "human rights," the aim of which is to destabilize the "imperialist camp." Worse, it helped to mislead our own people and others about where in today's world the most dire enemies of human rights are found. The emphasis on punitive measures also served to sow confusion about how human rights are achieved, and about the purposes of human rights policy.

Worst of all, by proclaiming and, indeed, attempting to conduct, a human rights policy that stood above ideology, the Carter administration opted out of the very struggle for the idea of human rights. It believed or pretended to believe that either the respect or the violation of human rights was nothing more than a collection of actions performed by governments unrelated to the ideas that guide them. This was not merely foolish, it was dangerous. If Americans and others who now enjoy unimpaired exercise of their human rights ever came to believe that this heritage was merely a bit of random good fortune, rather than the fruits of a painstakingly constructed system of ideas, they would stand in danger of losing those rights, for they would be without any guide as to how to defend them in difficult times.

We can't say how much of one or how much of the other, but the good that the Carter policy did for the idea of human rights by broadcasting it must be weighed against the harm it did by contributing to the miasma that surrounds the term, much of it deliberately stirred up by the enemies of human

rights.

NOTES

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