

Human Rights in Our Time

Essays in Memory of Victor Baras

Edited by

Marc F. Plattner



Human Rights in Our Time



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HUMAN RIGHTS IN OUR TIME *Essays in Memory of Victor Baras*

edited by Marc F. Plattner

In the past decade, human rights as a component of U.S. foreign policy has been the subject of intense debate. First brought to the forefront by President Carter, it has also turned out to be one of the most controversial aspects of foreign policy during the Reagan administration. Policymakers who attempt to cope with human rights issues are immediately confronted with questions not only about the basic purposes of U.S. foreign policy, but also about the essential nature of our political system; they are compelled to reflect upon the interrelationship between domestic public opinion and the pursuit of U.S. interests abroad.

The complexity of human rights issues is reflected in the diverse contributions to this book. The authors examine the philosophical foundations of human rights, the lessons of history that are relevant to today's concerns, and contemporary policy. A concluding essay provides a critical analysis of the arguments made by the authors.

Dr. Marc F. Plattner, who is currently a fellow at the National Humanities Center in Research Triangle Park, North Carolina, served from 1981 to 1983 as an adviser on economic and social affairs with the U.S. Mission to the United Nations. He has also served as a program officer at the Twentieth Century Fund and as managing editor of *The Public Interest*. He is the author of *Rousseau's State of Nature* (1979) and of numerous articles and reviews on public policy issues.



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Contents

| | |
|--|------|
| <i>Preface</i> | ix |
| <i>About the Contributors</i> | xiii |
| | |
| 1 The Philosophical Foundation of Human Rights, <i>Clifford Orwin and Thomas Pangle</i> | 1 |
| 2 Human Rights and the International State System, <i>Abram N. Shulsky</i> | 23 |
| 3 The British Campaign Against the Slave Trade, <i>Charles H. Fairbanks, Jr., with Eli Nathans</i> | 30 |
| 4 Affirmative Action: Human Rights at Home, <i>Fred Baumann</i> | 69 |
| 5 Human Rights in U.S. Policy Toward the Soviet Union, <i>Myron Rush</i> | 92 |
| 6 From Helsinki to Madrid, <i>James Ring Adams</i> | 105 |
| 7 Human Rights Policy in a Nonliberal World, <i>Carnes Lord</i> | 125 |
| 8 Conclusion. Human Rights Abroad and at Home, <i>James H. Nichols, Jr.</i> | 140 |
| | |
| <i>Index</i> | 154 |



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Preface

Although considerations of human rights have always been a factor in the foreign policy of the United States, it is only in the past decade that explicit discussion of the human rights issue has occupied the center of national debate. The story of this development is a complex one, but there can be no question about the central role of President Jimmy Carter in elevating human rights to the forefront of American consciousness. It was during the "human rights offensive" that marked the early years of the Carter administration that the work that culminated in this volume began. The contours of the human rights debate may have shifted somewhat since then, but it has lost none of its intensity. Indeed, no aspect of foreign policy has provoked greater controversy during the first part of the Reagan administration.

Among foreign policy issues, that of human rights is unique in the directness with which it raises theoretical questions of the most fundamental kind. The policymaker or critic who deals seriously with the problem of human rights is immediately confronted by questions not only about the basic purposes of U.S. foreign policy but also about the essential nature of the American regime. The issue of human rights compels us to pay particular attention to the point where foreign policy and domestic politics intersect; in a democratic and pluralistic country like the United States, the influence of domestic public opinion on foreign policy can hardly be overestimated. Moreover, now that the issue of human rights has gained a prominent place on the American political agenda, it powerfully affects the formulation of our foreign policy toward key countries and hence the details of our diplomacy as well.

The diversity of the essays that compose this book reflects the depth and the complexity of the subject of human rights. The volume begins with a study by Clifford Orwin and Thomas Pangle of the philosophical foundations of human rights. Next follow two essays that bring the lessons of history to bear on our current concerns with human rights: one by Abram N. Shulsky focusing on the seventeenth century and another by Charles H. Fairbanks, Jr., focusing on the nineteenth century. The four following essays, by Fred Baumann, Myron Rush, James Ring Adams, and Carnes Lord, deal more directly with questions of contemporary policy, but they too contain reflections of a more theoretical

nature. Finally, in his concluding essay, James H. Nichols, Jr., takes on the difficult task of providing a critical analysis of the arguments offered by the other contributors.

Although there are some profound disagreements among the authors, it will undoubtedly be apparent to the discerning reader that they share a common perspective. They all possess a similar understanding of and devotion to the founding principles of the United States—principles that derive from the liberal political philosophy of thinkers such as Locke and Montesquieu. They all have a keen appreciation of the importance of ideas in politics. Yet they all remain no less aware of the recalcitrance of political reality to the noblest human conceptions and aspirations. These essays breathe a spirit of moderation that is equally divorced from both utopianism and cynicism.

This commonality of perspective is not accidental. The authors—and the editor—are all friends of long standing who have shared similar educations and who have helped to shape one another's views. There is also a more specific sense, however, in which this volume constitutes a work of friendship. The essays that follow have been written and collected as a tribute to the memory of another much beloved friend, Victor Baras, whose death in 1977 at the age of thirty-two left those who knew him with a sense of loss that time seems unable to heal.

Victor Baras received both a B.A. and a Ph.D. in government from Cornell University. Fred Baumann, Charles H. Fairbanks, Jr., Clifford Orwin, Thomas Pangle, and Abram Shulsky were all fellow undergraduates with Vic at Cornell. James Adams, Carnes Lord, James H. Nichols, Jr., and I were fellow graduate students. Myron Rush was Vic's thesis adviser and a teacher of all the other contributors as well.

Two memorial symposia devoted to the subject of human rights were held in Victor Baras's honor: The first took place in April 1978 at the New School for Social Research in New York City, where Vic was an assistant professor at the time of his death; and the second in October 1978 at Telluride House at Cornell, where Vic had lived as an undergraduate. Adams, Pangle, Rush, and Shulsky spoke at the New School symposium, and Baumann, Fairbanks, and Orwin at Telluride. The essays by these authors are extensive elaborations of their original presentations. The essays by Lord and Nichols were written especially for this volume.

The project of bringing all this material into publishable form was carried out under the sponsorship of the Salvatori Center for the Study of Individual Freedom at Claremont McKenna College, which was supported in this effort by a grant from the Institute for Educational Affairs. The authors and the editor extend their thanks to all these institutions, as well as to Thomas Main, who first brought this project to the attention of Westview Press.

In Victor Baras's all-too-brief academic career—three years of teaching at Wellesley and two years at the New School—he had already shown himself to be a fine scholar, a gifted writer, and a superb teacher. His

articles and reviews had appeared not only in scholarly publications like *Slavic Studies* but also in intellectual journals such as *Commentary* and the *American Spectator*. His classes overflowed with students eager to listen to and debate with him. Vic's academic field of specialization was the politics of the Soviet Union and Eastern Europe, but his interests were wide and his learning was vast. Instead of the standard course in comparative politics, Vic characteristically taught a course that compared the regimes of ancient Athens and Sparta, the France of Louis XIV, Nazi Germany, and the Soviet Union; the reading list for his course ranged from Aristotle and Plutarch to the works of contemporary political science.

Human rights was a subject with which Victor Baras was deeply concerned—as an expert on the Soviet bloc, as a student of political philosophy, and as a man devoted to the political freedom that he and his immigrant parents had found in the United States. We believe that he would have regarded a book of essays on this subject as a fitting memorial. We hope that the contents of this volume display some measure of the theoretical insight, breadth of outlook, and political acumen that were so happily united in our friend Victor Baras.

Marc F. Plattner



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Thomas Pangle, associate professor of political economy at the University of Toronto, is the author of *Montesquieu's Philosophy of Liberalism* and of a translation, with an interpretive essay, of *Plato's Laws*.

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Marc F. Plattner, who is currently a fellow at the National Humanities Center, served from 1981 to 1983 as adviser on economic and social affairs at the U.S. Mission to the United Nations. He is the author of *Rousseau's State of Nature* and numerous articles on public policy issues.

†The work of these contributors, which was substantially completed before they entered government service, reflects solely their own views and not necessarily those of the government agencies by which they are employed.

1

The Philosophical Foundation of Human Rights

Clifford Orwin and Thomas Pangle

Only in the West and in lands that it has touched, and only since the seventeenth century, has politics been understood as grounded upon rights enjoyed equally by all human beings simply because they are human beings. What once represented a novel transformation of the traditional Western understanding has become a Western imposition upon traditional understandings everywhere. One must at least wonder, however, whether in the course of conquering the world, “human rights” has not lost its soul. There is not a regime in the world today that does not profess to respect human rights. Yet there is hardly any political leader, sensible or otherwise, who can still articulate with confidence just what “human rights” means.

Part of the confusion over human rights stems from the very vogue the conception enjoys. Anything so prated about through all the nations of the earth is bound to lose much of its pristine core of meaning. It is also the case that regimes accused of violating human rights have a penchant for redefining those rights so as to bring themselves into compliance. The Soviet Union affirms human rights to those things that the Soviet Union already provides—like nominally universal access to free bad dental care. A great many Muhammads have taken this tempting shortcut to the mountain, and the clarity, as well as the reputation, of human rights has suffered as a result.

But political inconsistency and hypocrisy account for only a part of the confusion over human rights. Looming behind them is a problem of a more theoretical sort. In order to say what we mean by human rights, we must know what we mean by “human.” By human, in turn, we must mean more than “born of human parents.” Even if this last

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definition were not tautological and did not presume a prior understanding of the term to be defined, it would still do no more than identify that class of beings that enjoys human rights. It can cast no light on the character of those rights. If we as human beings enjoy certain rights that other classes of beings do not, that is because human beings are beings of a certain kind. A human being understood one way, as our Founding Fathers did, for example, will appear to possess different human rights than would a human being understood differently—say as Plato, or the Stoics, did. As it is not overwhelmingly obvious in precisely what humanity consists, so it must be at least provisionally problematic in what human rights consist. In our century this problem has been vastly enlarged by the impact of modes of thought—especially Marxism, Existentialism, and certain types of scientism or behavioralism—that deny the possibility of speaking meaningfully of human nature at all. If man as a subject of rights is merely the product of ever-changing historical and cultural conditions, if he is nothing more than the malleable matter of an endless process of transformation, then there is nothing in him that can serve as the needed fixed star for “human rights.” There can be no rational or permanent standard by which to guide our growing power for self-transformation and self-destruction and nothing in us that can claim exemption from social engineering and manipulation. The dramatic loss of clear focus in contemporary discourse about human rights is thus a fact of far more than academic interest. The malaise it engenders has spread to every battleground of the struggle for human rights. It helps explain why the West can be so vacillating in demanding or defending the rights that it has lived by these several centuries.

In what follows we try to contribute to a recovery of the lucidity and precision with which liberals once spoke of the “rights of man.” With an outline of the authentic human rights tradition in view, we shall then briefly consider some of the current dilemmas we confront as heirs to this once young and vigorous tradition.

The notion of human rights, the appeal to the rights of man, stems from a specific tradition of political philosophy that began with Spinoza and Hobbes and matured in the writings of Locke, Montesquieu, Rousseau, and Kant. These men were the first to teach that all legitimate government derives its authority solely from the consent of the governed; that each sane adult, as an independent individual, must be understood to possess certain claims or rights that cannot be taken away, and for which he is beholden to no human authority; that far from being indebted to government or political society for these rights, the individual has joined with other individuals in creating, transforming, or maintaining government as an instrument whose major purpose is to protect and foster preexisting rights.

To grasp the significance of this point of departure, one must recall that prior to Thomas Hobbes, discussion of the legitimacy of government,

or appeals to standards of good government, made almost no reference to rights that were not derivative from a person's duties as a citizen. An individual's political dignity was thought to be grounded in his belonging to larger social and political wholes of which he was necessarily a part. Titles to rule depended only partially on consent, and that consent did not create but merely recognized and ratified political authority grounded in other sources, such as divine revelation, age and experience, moral virtue, superior birth, wisdom, wealth, and parenthood. The purpose of authority so understood was to guide men to fulfillment through participation in a particular way of life that the community encouraged at the expense of other ways of life.

The commitment to human rights, however, does not entail an endorsement of any particular conception of human perfection or of man's destiny. On the contrary, to lay stress on the rights of man is to allow controversy about the ultimate meaning of life to recede into the background of politics. Government is certainly supposed to protect the "pursuit of happiness," but it should hesitate in giving direction to that pursuit; without becoming altogether neutral, or limitlessly tolerant, political life at its best is to foster a much greater diversity than was hitherto believed prudent or desirable. This wide shift in perspective follows from the insight that every human being, apart from and prior to any other ties and obligations he or she may have, possesses as an individual certain desires that are uniquely human and that cannot be chosen or rejected but are simply given. These desires are observably less alterable than any others and can therefore be said to be a part of man's natural constitution. The drive to satisfy them appears to be the only generally shared goal of human societies, and one may reasonably conclude that this drive is the fundamental and the only indisputable reason why men come together in political societies. It thus provides an objective political standard, a ground upon which all government, whatever its other aims, must stand—and which gives every citizen a set of claims against his government and his fellow citizens.

The Original Understanding

What are the desires that have such a status? The first and strongest, wrought into the very principles of human nature, is self-preservation. Nature teaches all creatures the general rule of self-preservation, but only in human beings does this rule operate through a potentially rational mind that produces knowledge of death and its causes, as well as a personality that seeks to sustain and continue to express itself. The mind's knowledge necessarily leads to anxiety and to an overwhelming urge to improve one's physical condition so as to postpone death and minimize the suffering that brings death nearer. Hence the root *human* need is, in Locke's phrase, "comfortable preservation,"¹ or what Montesquieu more expansively calls "that tranquillity of mind which arises from an individual's opinion of his security."² The basic *raison d'être* and re-