

According to Catholic social theory, human rights must be factored into all foreign policy equations

HUMAN RIGHTS & THE NATIONAL INTEREST

by J. Bryan Hehir

The philosophical discussions about the nature and origins of human rights are learned, complex and fascinating; it can certainly be argued that before a statesman decides to make a national goal of their promotion he should have a firm moral theory about their essence and their foundations. But much of the literature has a tendency to overcomplicate what is already a formidably difficult subject.

—Stanley Hoffmann, *Duties Beyond Borders*

Heeding this cautionary note from a perceptive theorist who has explored the philosophical dimensions of rights policy, my limited purpose here is to examine three concepts from Roman Catholic theory that structure the Church's participation in the human rights debate. These concepts are: (1) the foundation of human rights; (2) the range of human rights claims; and (3) the conception of the state in international relations today. The argument is drawn from two contemporary Catholic statements, Pope John XXIII's *Peace on Earth* (1963) and Pope John Paul II's U.N. address of 1979.

The foundation of human rights in the Catholic tradition is the dignity of the human person. John XXIII opened the first chapter of *Pacem in Terris* with a statement summarizing the traditional case:

Any human society, if it is to be well-ordered and productive, must lay down as a foundation this principle: that every human being is a person; his nature is endowed with intelligence and free will. By virtue of this, he has rights and duties of his own, flowing directly and simultaneously from his very nature, which are therefore universal, inviolable and inalienable.

This argument that human dignity is the basis of human rights is rooted in the teaching of Pius XII, was reaffirmed in Vatican II's *Declaration on Religious Liberty*, and has been stated with new power and originality by John Paul II. The argument that the person has transcendent worth or dignity has its source in the origin and destiny of each person and in the way

the person reflects the presence of God in history. The argument is cast in both philosophical and theological terms; the full appeal is to the resources of both disciplines, although the Catholic conviction has been that an argument from reason, useful in a pluralistic context, can sustain the claim of a unique dignity for the person.

The political significance of this argument is that it protects the person from absorption by any human institution or subordination to any ideology. Since the person has a *transcendent* destiny—that is, beyond history but achieved through history—no political or economic system can subordinate the person totally to its ends. It is this conviction that was cited by Carl Friederich years ago as the reason the Church would always have to oppose the totalitarian tendencies of a state.

The logic of the Catholic case moves from dignity to rights, from an affirmation of transcendent worth to an argument about the kinds of rights needed to protect human dignity. Both *Peace on Earth* and John Paul's U.N. address elaborated a spectrum of human rights understood to flow directly from the dignity of the person. The enumeration cuts across the conventional political categories of political-civil vs. socio-economic rights. The papal position argues that both are necessary for human development, and society has a responsibility to create the conditions under which both kinds of rights can be protected and pursued. This complementary conception of rights is, of course, reflected in the U.N. Declaration of Human Rights and its supporting covenants.

There is contained in Catholic social thought an extensive discussion about the distinct roles of diverse institutions in realizing these rights for the person in a social system. The argument entails a doctrine of the limits and functions of the state, the role of intermediary institutions, and the relationship of Pius XI's principle of subsidiarity to John XXIII's discussion of the process of socialization. What one can conclude about the role of human rights in foreign policy from this social theory is that rights are to be conceived broadly and that a nation should assess its performance and that of other states in light of how political-civil rights

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are protected and how socioeconomic rights are promoted.

The third contribution of Catholic social theory to the human rights debate is its conception of sovereignty. A continuing theme in the foreign policy process is that the recognition of state sovereignty, the principle on which the international system has operated since the Peace of Westphalia, restricts the role of human rights in foreign affairs. Catholic theory begins its assessment of international politics with a conception of the human community, divided into states by historical accident and/or human decision, but bound together by rights and duties that apply to both individuals and states.

This view does not deny, in theory or practice, the significance of the sovereign state in the existing international system, but it continually stresses that national sovereignty is not a moral absolute. In Pope John's words: "The same moral law which governs relations between individual human beings serves also to regulate the relations of political communities with one another." This view attributes a relative moral value to state sovereignty; it fulfills specific, limited, justifiable purposes but does not place the state above or apart from the moral law.

Peace on Earth situates the state within a framework of moral and legal restraint. It rejects the idea of the state immune from criticism by its own citizens or by other states, groups, and individuals in the international community. State boundaries do not negate moral responsibility. Violations of basic human rights within sovereign states are an international and not a purely internal issue. That is why a foreign policy should have a human rights component.

POLICY ANALYSIS

Catholic social theory affirms the need for the inclusion of human rights in foreign policy. But the move from philosophical assertion to policy prescription is a complex journey, an exercise in ethical calculus. The two principles that guide the journey are that human rights are a legitimate and necessary element in a balanced conception of national interest, and that human rights concerns must be woven through the broader foreign policy equation. Both principles require elaboration.

There are three distinct arguments to be made in support of the assertion that human rights are a legitimate and necessary dimension of U.S. foreign policy. The legal argument is that the United States is party to international instruments such as the U.N. Charter and the accompanying U.N. Declaration of Human Rights, which at least imply an obligation to assume responsibility for human rights in the international system. The historical argument is that the very sense we have of ourselves as a nation is embedded in a philosophy of rights and thus should find expression in the way we project American influence in the world. Both of these cases admit of detailed exposition, which has been made in other places. Instead of rehearsing these arguments, let me emphasize a third case, drawn from the nature of foreign policy today.

Briefly, the human rights question should be seen

today as one of the transnational problems in the international system. These questions, ranging from monetary issues to environmental controls to food and population, exhibit similar formal characteristics. They are macro-questions that cut across national boundaries, affecting large segments of the global population and reaching beyond the capacity of any single state to resolve. Yet they are of such a nature that they cannot be left unresolved. Although the human rights question does not have the same kind of impact on the daily character of foreign policy as do monetary questions, it increasingly is perceived as a central rather than an optional policy problem. Precisely because there exists no adequate international instrumentality to address the transnational issue of human rights, the burden of protecting and promoting basic rights falls upon the states, which remain the unique actors in international politics. The convergence of legal, historical, and analytical arguments establishes the presumption that human rights is an abiding element of policy today, and this policy presumption complements the moral argument as stated above.

The presumption must be implemented by a human rights policy. The essence of policy involves blending a mix of factors into a coherent and consistent pattern of action. This raises the second assertion of *how* human rights concerns are to be factored into the policy equation. It is presumed here that human rights and foreign policy cannot be equated; the concerns of foreign policy are broader than human rights. At the same time, it is clear that an effective concern for human rights requires that it be included in principle at the very initiation of policy. If human rights objectives are treated as an addendum or footnote to larger political, strategic, or economic considerations of national interest, then the human rights factor never will influence policy substantively. The policy product reflects the weight given to each factor at the very initiation of the policy process. The significant shift in human rights policy that occurred with the Carter administration was an acceptance in principle to install human rights as a constant element in the policy equation. This step makes it possible to carry on the politico-moral process of systematically balancing the human rights concern against other objectives of policy. Before commenting on how this weighing of human rights should occur, it is necessary to address the criticism that giving such a priority to human rights will lead to moralism or messianism, to a policy that inevitably will be morally pretentious or politically interventionist.

Two procedural guidelines can be proposed to guard against these real pitfalls. First is the perspective that should govern the role of human rights in foreign policy. The primary function of human rights criteria should not be to tell others what to do but to indicate to others what kinds of policies the United States will neither aid nor abet. Human rights standards should act as a restraint on U.S. policy, limiting active cooperation with regimes that systematically violate basic human rights.

Second, the protection against moralism resides in

the rule that the human rights objectives should be weighed *systematically* against other considerations in the foreign policy equation. The presumption here is that moralism is the corruption of moral reasoning. The antidote to moralism is rigorous application of the standards of moral judgment. It is easier to identify these standards (e.g., principles of generalizability, consistency, etc.) than to apply them in the matrix of foreign policy decisions, but this is true in any serious issue of public morality.

In defining the moral calculus of the human rights policy, it is necessary at the outset to assess the pattern of relationships in which the human rights problem emerges. The two basic relationships are the East-West and North-South questions. From the point of view of U.S. policy, these relations vary in terms of three factors: the nature of the political relationship, the instruments of policy and leverage available, and the domestic constituency supporting a human rights approach to policy.

The East-West problematic, exemplified by U.S.-Soviet relations, is by definition an *adversary* relationship. This basic characteristic means, in turn, that the instruments for U.S. influence are few (although not absent) and that the margin of movement for U.S. policy is narrow (because our leverage is limited). At the same time, domestic support for such a policy is strong. The North-South problematic, exemplified by U.S.-Latin American or U.S.-Philippine relations, is an *alliance* relationship. The consequences of this are that the instruments of influence are multiple and U.S. leverage, as well as U.S. involvement in the policy of the ally, is usually substantial. Domestic support for human rights policy vis-à-vis U.S. allies is less visible and more fragmented than for U.S. policy toward the Soviet Union. None of these three factors—political relationship, degree of influence, or public support—possesses explicit moral characteristics, but all shape the way in which the moral calculus is determined, since public morality involves a balancing of what *ought* to be done with what *can* be done.

DOWN TO CASES

To illustrate just what is meant by the ethical calculus, it is possible to distinguish four general “cases” of human rights and U.S. policy. In all four cases the politico-moral balancing will be cast between human rights considerations and questions of military security. The purpose of the cases is simply to indicate how a commitment in principle to include human rights in the foreign policy equation can produce significantly different policy conclusions, each of which has its own distinctive logic and rationale.

The central case in East-West relations is the role human rights should have in pursuing U.S.-Soviet policy. Some of the commentary on human rights reduces the whole policy to this relationship. It is the most politicized of the human rights questions and involves the highest stakes. It is exemplified today in most dramatic fashion in Poland, but it is not confined to the Polish case. Few, if any, voices in the U.S. policy debate are questioning whether human rights should be part of the policy with the Soviets; the hard

questions arise when the moral good of protecting human rights is weighed against a substantial moral good like arms control. Since the political relationship is an adversary position between parties of commensurate strength, the margin of leverage is narrow and the Soviets retain the capacity to deny the United States objectives that may affect the entire international system. To give human rights a unilaterally determined value in this situation could be morally irresponsible because of the contending values at stake and the narrow margin of leverage the U.S. has in this adversary relationship. In contrast, if the East-West case involved trade with Czechoslovakia, a different calculus would be at work in terms of both the contending values and the degree of influence available to the United States.

A very different kind of political and moral equation emerges in the North-South case or in alliance relationships. Here the posture of the U.S. is fundamentally different; it is not outside the situation seeking to influence it but is part of the policy equation. The bonds that tie it to the human rights situation in an allied country may be a treaty agreement or economic or military assistance; in some way the United States is closer to being an accomplice than an adversary. Here the problem is one of balancing human rights claims and the military or economic assistance being provided to a government accused of human rights violations. There is a more developed framework for policy judgment for this problem, since Congress has passed legislation that makes it necessary to evaluate all potential recipients of military and economic assistance by human rights criteria. Even with this framework, however, one can discern three types of “security vs. human rights” decisions.

The first exists when the ethical calculus should weigh in favor of the human rights factor, denying legitimacy to the security claim. This is best illustrated in Latin American cases, when the government is accused of gross human rights violations by sources within and outside and yet still receives U.S. military assistance under the justification of security needs. At times the case is made that U.S. security is dependent upon the stability of the government in question or of the region as a whole. After almost twenty years of this pattern, beginning with the Brazilian military coup in 1964 and now extending over the whole of Central and Latin America, enough is known about this argument to deny it the power to override human rights claims. In most instances the threat to “security and stability” derives from a prolonged conflict between an authoritarian military government and the country’s civil population. In such instances the presumption of the ethical calculus should be in favor of human rights; the burden of proof rests upon those who would argue for an overriding legitimate security requirement.

The antithetical case is a situation in which legitimate and verifiable questions of security are so dominant that human rights claims can be subordinated, at least temporarily. The example that best fits this model of ethical calculus is the Middle East. There are charges of human rights violations made against Israel

and against a number of Arab states. Most of these states, on both sides of the Mideast conflict, receive U.S. military assistance. How should human rights claims be weighed in these cases? The dominant political and moral problem in the Middle East is the conflict over territory, sovereignty, and legitimacy that has convulsed the region for thirty years. Until there is some basic resolution of these macro-questions of politics and security, the ability to deal with human rights claims in a systematic fashion is gravely impaired. In this instance the presumption should be given to the security questions, not because they have greater intrinsic value than human rights claims, but because they must be resolved in order that the human rights questions can be addressed.

A third case fits between the Latin American and Middle East examples. U.S. assistance to the Republic of South Korea is perhaps the most delicate of the "North-South" issues in the human rights debate. It is possible to argue in the Korean case that there exists both an authentic security question (avoiding war on the Korean peninsula) and a human rights situation in the South that cannot simply be subordinated to security considerations. The process of evaluating what weight should be given to human rights claims in deciding how the United States should relate to the Korean regime forces us to examine what we mean by security. The human rights advocates within South Korea do not deny that an external security threat exists; but they are convinced that the regime of authoritarian control is in fact eroding the security of the country by suppressing the spirit and morale of the Korean people. These voices for human rights within South Korea ask that the security claims of the regime be tested critically before they are accepted as the overriding feature of our policy vision regarding their country.

PUBLIC OPINION AND PUBLIC POLICY

An effective human rights policy requires both a conceptual design and a public constituency. The Church's contribution to human rights is not exhausted by its philosophical and moral contributions to the policy argument. The Catholic Church has unique resources to enter the public debate on human rights, resources residing in the Church's structural presence in society. In the face of a transnational problem like human rights, the Church is by nature a transnational institution. In the present international system transnational actors have assumed a major role. These institutions are usually based in one place, present in several others, and possess a trained corps of personnel, a highly developed communications system, and a single guiding philosophy. The Church has each of these characteristics and has been using them for centuries.

The relevance of these characteristics for gathering human rights data, transmitting them and interpreting them is obvious. But the Church is not simply a transnational actor; it is also capable of participating in the U.S. policy debate from within the American political system. This mix of the transnational and the national is one that few institutions possess. To take

advantage of its transnational perspective and national position, the Church in the United States must have a policy. The policy must join theological-philosophical theory and an empirical analysis of the U.S. policy debate on human rights.

The origins of a systematic inclusion of human rights in U.S. policy lie with initiatives by the U.S. Congress in the early and mid-1970s. Congressional pressure led to the establishment of the Bureau of Human Rights and Humanitarian Affairs in the State Department. Congressionally sponsored legislation amended the Foreign Assistance Act to provide categories for assessing U.S. military and economic assistance in terms of human rights criteria. The congressional initiatives were resisted in theory and practice during Secretary of State Henry Kissinger's tenure as not being a helpful contribution to diplomacy. During this first period the involvement of the U.S. Catholic Conference (USCC) was aimed at supporting the congressional initiative that sought to establish human rights as a pervasive theme of foreign policy.

The Carter administration made a decisive contribution by accepting the idea that human rights are a central aspect of national interest and a constant element in the policy equation. It is possible to criticize the implementation of the Carter policy while acknowledging that a major step was taken at the level of principle. The USCC supported this affirmation of the centrality of human rights in the policy equation, even though we had several differences with the Carter administration on specific cases of human rights policy.

The Reagan administration brought to office a well-publicized hostility to the Carter conception of human rights and a determination to make policy in this area in direct contrast to its predecessor. While several commentators have noted striking similarities between the recent human rights report of the State Department and its predecessor in the Carter period, there are substantial differences in the two policies on human rights. First, human rights policy is now clearly part of U.S.-Soviet policy and is to be used as an ideological weapon in the superpower competition. This theme was never absent in the Carter period (it was a favorite of then National Security Advisor Brzezinski), but it has been greatly intensified by the Reagan policy. Second, at the philosophical level, the recent human rights report explicitly demotes socioeconomic rights from the position they held in previous reports. Third, the now famous distinction between totalitarian and authoritarian regimes has been used during the last year to shift U.S. policy regarding countries such as Argentina and Chile.

In none of these three periods was the Church's position identical with that of an administration. Our participation in the policy debate at the level of philosophical assessment and policy critique and analysis of specific cases will continue. By sharing in the public debate, we believe the Church contributes to both human rights and the national interest. [VVV]