

The New U.S. Human Rights Policy: A Radical Departure

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The United States, as the most powerful state and as the self-appointed champion of human rights, has a profound impact on the way human rights norms are interpreted and applied throughout the world. The human rights foreign policy of President George W. Bush can be distinguished from the policies of other administrations in three crucial respects: (1) In identifying the values that Americans can and should promote abroad, it avoids human rights terminology and scorns multilateral institutions, and instead looks to divine inspiration; (2) in place of well-recognized human rights norms, it uses a concept of “dignity” that is narrow and self-serving; and (3) it engages in “exceptional exceptionalism,” continually holding others to standards that it does not apply to itself. This essay contends that the new U.S. human rights foreign policy drains human rights of its core meaning and limits its potential impact. Moreover, the United States lacks moral authority to act on human rights grounds as long as it fails to prioritize human rights explicitly and to uphold the same standards to which it holds other nations accountable.

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The United States, as the most powerful state and as the self-appointed champion of human rights, has a profound impact on the way human rights norms are interpreted and applied (Vincent, 1986:31–42; Evans, 1996:113–116, 148). This article examines the nature and impact of the human rights foreign policy of President George W. Bush. Both before and after September 11, 2001, the Bush administration professed an interest in human rights—as long as they are applied in the interests of the United States and the United States itself would not be bound to any international laws or commitments to multilateral institutions. The Bush administration’s human rights foreign policy is at first glance the continuation of old themes in American international affairs: selective, instrumental manipulation of human rights. Yes, this essay contends, the Bush administration’s human rights policy represents a significant departure from those of earlier administrations and serves to undermine international human rights norms.

This analysis of the Bush administration’s human rights foreign policy is divided into three parts. First, the essay outlines President Bush’s human rights foreign policy and explains its unique attributes. Second, it underscores the extent to which the unilateral and particularist nature of the policy represents a departure from well-established international human rights norms. Finally, the essay suggests a test for examining the legitimacy of the new White House approach and, applying the test, contends that the new approach is illegitimate and should be rejected. The

essay concludes that to acquire legitimacy, the human rights foreign policy of the Bush administration must shift to a more universalist orientation and must uphold the same standards to which it holds other nations accountable.

The New U.S. Human Rights Foreign Policy

The Bush administration's human rights foreign policy can be distinguished from the policy of other administrations in three crucial respects: (1) It avoids human rights terminology and scorns multilateral institutions and treaty obligations and instead is inspired by providence in identifying the values that shape the American character and that can and should be prompted elsewhere; (2) in place of well-recognized human rights norms, it uses a concept of "dignity" that is narrow and self-serving; and (3) it arguably goes further than any presidential administration has gone before in asserting "exceptional exceptionalism," that is, the view that it need not uphold the same standards it expects of others. Each of these policy developments is discussed in turn below.

"Dignity" and Providence over International Human Rights Obligations

From the very beginning of his presidency, George W. Bush has avoided human rights terminology, especially when it would place any legal obligations on the United States or bind U.S. action in any way. Instead, he has invoked a more amorphous concept of "dignity." His inaugural address was a plea for Americans to remember particular tenets of U.S. history (real and imagined) and culture. America, he says, was born from a "simple dream of dignity," and has long striven to be "a place where personal responsibility is valued and expected" (Bush, 2001). In U.S. foreign policy, this great tradition of responsibility is manifested in a messianic spirit (Sarkisian, Williams, and Cimbala, 2002:27), that is, the notion that American values are the most enlightened and that America has a God-given responsibility to bring "the light" to others. "Where there is suffering, there is duty," President Bush declares. Drawing from scripture, (Bush, 2001) he "pledge[s] to [the] nation ... a goal: When we see that wounded traveler on the road to Jericho, we will not pass to the other side."

The President proclaims in his inaugural address (Bush, 2001) that it is consistent with the American spirit to be "generous and strong and decent, not because we believe in ourselves, but because we hold beliefs beyond ourselves." The source of these beliefs is not international human rights law or American commitment to multilateral institutions, but rather, the President suggests, providence (Bush, 2001); in Bush's words "an angel" who "rides in the whirlwind and directs this storm." Emory University religion professor Steven Tipton observes that in the inaugural address providence is one of the central motifs:

From beginning to end, as the inaugural address concludes, there has been this providential angel riding the whirlwind of history—surprises, reverses, tragedies, catastrophes, calls to war, national emergencies, this providential angel in whom we trust. And beyond, we trust the authorship of the creator and the orderer of the universe and the orderer of history, too. That carries through from the Inaugural to the State of the Union to the National Cathedral and the other addresses that follow more or less immediately on 9-11. (PBS, 2003a)

Whereas the foreign policies of other administrations have been informed by the religious convictions of the president and his close advisors (Wald, 1992), President Bush's is unusual in the extent to which he justifies his policies based on scripture. Elaine Pagels, a professor at Princeton University finds that "in recent memory, [she] cannot think of anyone who has used the language in the way that this man has" (PBS, 2003b). At a National Prayer Breakfast, the President declared: "The

Almighty God is a God to everybody" (Bush, 2003c); in announcing the Columbia space shuttle disaster, he paraphrased Isaiah 40:26: "The same Creator who names the stars also knows the names of the seven souls we mourn today" (Bush, 2003b); and in his 2002 State of the Union address he drew from a popular evangelical hymn in declaring: "There is power—wonder-working power—in the goodness and idealism and faith of the American people" (Bush, 2002a). After the September 11, 2001, tragedy, the Bush administration repeatedly referred to the "war on terrorism" as a "holy war," suggesting that it would be no ordinary war restricted by international norms (Williams, 2001). His vehement apocalyptic rhetoric left even evangelical leaders worried (Lapman, 2003).

Human rights advocates who feared that "the era of human rights has come and gone" (Ignatieff, 2002) could point to substantial evidence in the doctrine's decline in U.S. foreign policy. In the post-September 11 era, strategic interests appeared to outweigh previous concerns over human rights and democratization (Mufson, 2001). The United States became more willing to overlook human rights violations in its attempt to build a broad alliance against terrorism. As Marwan Bishara has pointed out: "[T]he members of the unwritten alliance [—including Pakistan, Saudia Arabia, Turkey, Russia and Uzbekistan—] are undemocratic regimes that grossly violate human rights" (Bishara, 2001:6). Countries with poor human rights records such as China, Indonesia, Malaysia, Russia, and Uzbekistan were thus well positioned to use the U.S.-led war on terrorism to justify oppression and act with impunity (Richardson, 2001:6; Human Rights Watch, 2002a).

Nonetheless, the Bush administration insisted that it had not given up on human rights. In a speech before the Heritage Foundation on October 31, 2001, Lorne W. Craner, Assistant Secretary for the Bureau of Democracy, Human Rights and Labor, told his audience that "maintaining the focus on human rights and democracy worldwide is an integral part of our response to the attack and is even more essential today than before September eleventh." Craner (2001) goes so far as to assert: "We are proud to bear the mantle of leadership in international human rights in this century." The kind of human rights policies promoted by the administration, however, are only those consonant with a narrow set of American values and interests. Craner clarifies: "Our policy in this administration, and it is certainly true after September eleventh, is to focus on U.S. national interests," which includes "concentration on advancing human rights and democracy in countries important to the United States." The goal for U.S. supporters of democracy and human rights, says Craner (2001), is to "protect the values that underpin civil society at home." Thus, although the Bush administration is not discarding human rights in the post-September 11 climate, it is also continuing its practice of U.S. exceptionalism.

In both the 2002 and 2003 State of the Union addresses, the president drew on a notion of "human dignity" as a new policy term, in the place of language about human rights obligations. These "dignity" obligations, he contends in the 2003 address, are at the core of the American character: "The American flag stands for more than our power and our interests. Our founders dedicated this country to the cause of human dignity, the rights of every person, and the possibilities of every life. This conviction leads us to help the afflicted, and defend the peace, and confound the designs of evil men" (Bush, 2003a).

Following the pattern of many earlier addresses, President Bush does not invoke international human rights standards and instead appeals to a religious foundation for the "cause of human dignity." He declares: "As our nation moves troops and builds alliances to make our world safer, we must also remember our calling as a blessed country is to make this world better" (Bush, 2003a). The "liberty" that the America strives to bring to others, he says, is "not America's gift to the world, it is God's gift to humanity." Deploying military troops based on a sense of a "calling" and of being "blessed" with "God's gift to humanity" represents a departure from

appeals to action based on a sense of obligation grounded in international standards and enforced by multilateral institutions.

The National Security Strategy Explanation of "Dignity"

The 2002 *National Security Strategy*, the 31-page report submitted to Congress by President Bush at the end of September 2002, provides the most comprehensive explanation of the Bush administration's attempt to downgrade human rights by replacing it with a peculiar U.S. notion of "human dignity" (White House, 2002). Although different cultures have their own notions as to what constitutes "dignity," President Bush acts on the assumption that it is the American version of dignity that is universal. Yet the invocation of "dignity" instead of "human rights" is deeply regressive and, if accepted and repeated elsewhere, may overturn fifty years of progress in the development of human rights norms.

To be sure, the *National Security Strategy* is peppered with references to human rights, for example, promising to "press governments that deny human rights to move toward a better future" (White House, 2002:4) and predicting that "only nations that share a commitment to protecting basic human rights" (White House, 2002:v) will be assured future prosperity. Yet "human rights" appear as a vague matter of concern for other states; the administration's commitment to the applicability of the norm to the United States itself remains uncertain. In contrast to "human rights," "dignity" is outlined in detail. The *National Security Strategy* defines the "nonnegotiable demands of human dignity" (White House, 2002:4) as consisting of the following elements: "the rule of law; limits on the absolute power of the state; free speech; freedom of worship; equal justice; respect for women; religious and ethnic tolerance; and respect for private property" (White House, 2002:3). The eclectic list is remarkable in that it is wholly divorced from any that has ever appeared in international human rights instruments. Through this unilateral reordering, the administration redefines who is on the side of human rights (those on the side of freedom, dignity and capitalism) and who is against human rights (those on the side of tyranny and indignities) (van der Vyver, 2001:775-832).

While the list declares that limits should be placed on the power of the state, little responsibility is conferred on the state to do anything to promote and protect rights, such as reducing the level of structural violence within society (Galtung, 1969). At the same time, under this formulation individuals have very little power to assert any rights claims against the state. The list itself is contradictory; it calls for "equal justice," but women are merely due "respect" and religious and ethnic groups are due "tolerance." Further, despite Bush's call for the "rule of law" and "justice," in the absence of a clearly articulated and recognizable set of norms, these rights are difficult to enforce, and they create passive actors without the agency to make legal and political claims. Without recognizing equality and the value of dialogue, which can lead to acceptance of differences between various components of society, such a policy could further entrench power asymmetries and marginalize groups.

Far from reflecting a universal consensus, the Bush catalogue of rights is a random rendition of the administration's current priorities. The listing omits nearly all of the human rights deemed "non-derogable" in international human rights treaties (and, thus, not subject to any exceptions such as national emergency or necessity) (Buergethal, 1981:78-86; Gross, 1998:437-501), including the right to life, freedom from torture, and freedom from slavery. Also missing is any mention of the many human rights associated with civic participation and democracy, a popular (and nonpartisan) tenet of American assistance abroad, based on the belief that democracy brings with it peace and freedom. The single item that is elevated to a higher status than that recognized in international human rights law is the right to property.