

# Human Rights and the "National Interest": Which Takes Priority?

No one is ever *against* human rights. No (reasonably sane) person mounts a soapbox to urge that a greater number and variety of human rights should be violated, or violated more thoroughly. Such an attitude would seem almost incoherent: to declare that something is a right implies a positive attitude toward its protection and promotion.

Likewise, no (reasonably patriotic) American is against furthering the U.S. national interest. One might maintain that it should be furthered only in certain ways, constrained by certain crucial conditions, but no citizen, unless animated by a peculiar antinational venomousness, takes the fact that some project promotes the national interest as in itself a reason to oppose that project. It seems fair to say that we are all in favor of human rights, and we all care about our country.

It is not surprising, therefore, that in the recent renewed debate about the role of human rights in American foreign policy, opposing policies are each defended by their adherents on the grounds that they simultaneously promote human rights in developing nations and further our own national interest. United Nations Ambassador Jeane Kirkpatrick, in roundly denouncing the Carter administration's Latin American foreign policy, argues that her proposed alternative "will protect U.S. security interests and make the actual lives of actual people in Latin America somewhat better and somewhat freer." (*Commentary*, January 1981). Tom J. Farer, President of the Inter-American Commission on Human Rights of the Organization of American States, counters that the previous administration's policy initiatives contributed importantly to democratic social reforms. He concludes: "It is in the national interest that Latin Americans succeed in establishing capitalism with a human face." (*New York Review of Books*, March 19, 1981).

Kirkpatrick and Farer hotly dispute each other's claim to the superior human rights policy. Kirkpatrick charges that President Carter's public insistence on unrealistically high human rights standards resulted repeatedly in the toppling of a less repressive regime by a more oppressive regime whose human rights

violations were even more egregious. "The American effort to impose liberalization and democratization on a government confronted with violent internal opposition not only failed, but actually assisted the coming to power of new regimes in which ordinary people enjoy fewer freedoms and less personal security than under the previous autocracy," (*Commentary*, March 1980). She cites as examples Nicaragua and Iran.

Farer replies that Kirkpatrick's rosy comparison of "traditional" to "revolutionary" autocratic governments emerges from distorted political perceptions. The forced relocation of large numbers of people in a revolutionary state is condemned as a severe violation of human rights, while the analogous displacement of millions of hungry peasants in a traditional dictatorship is simply overlooked. The greater flow of exiles from revolutionary states such as Cuba is not a product of the greater misery of the Cuban population, Farer maintains, but of the warmer welcome extended in the United States to "political" refugees fleeing Communism than to "economic" refugees fleeing even bleaker life prospects under more conservative regimes. He gives the Carter administration considerable credit for specific human rights advances, such as fair elections in the Dominican Republic, and for encouraging the recent growth of national human rights movements throughout Latin America: "Carter helped to shape this more promising situation by insisting that the way a regime treats its own people has to affect the quality of its relations with the United States."

This debate about the human rights implications of differing foreign policies is heated and apparently inconclusive. The relevant data are often obtained only with great difficulty and with correspondingly great doubts about their accuracy: if other rights are being systematically violated, there is little reason to expect the right to the free exchange of information to be impeccably observed. There is also disagreement about what is to be counted as a right and how different rights are to be balanced in the final evaluation. Kirkpatrick, for instance, seems to judge economic rights, if she recognizes these as rights at all, to

be less weighty than political rights, while Farer perhaps reverses this weighting. Still, there remains a basic consensus on a core group of rights, containing such indisputable rights as the rights not to be killed or tortured, and, while records of violations are not easily obtained, at least it is fairly clear what kind of evidence would be required to document a success or failure in decreasing the occurrence of these activities.

This is much less the case in the debate over the national interest. Here the disputing parties disagree not only about how best to serve the national interest, but about just what it is they are supposed to be serving. Kirkpatrick tends to identify the national interest with military security and flourishing business, while Carter administration spokesmen have identified it perhaps as much with the promotion of certain moral values and political ideals. It is hard, in fact, to think of *any* positive national goal that could not be construed as a pursuit of the national interest, just as it is hard to think of any personal benefit that would not be in our own self-interest. It is in the national interest to prevent a Soviet first strike at our defense installations and population centers. But it is also in the national interest for American citizens to be able to drink coffee at \$2.00 a pound. Arguments about the national interest are not arguments about the choice of effective means to reach a common end, but about the pursuit of a multiplicity of different ends under the same broad and perhaps hopelessly vague label.

Factual disputes on what policies best serve the national interest will be settled, if they can be settled at all, only in the far longer run. But the vagueness in the concept of the national interest may be even more

important to resolve. It appears particularly troubling if we consider the very real possibility of the national interest, thus broadly understood, conflicting with our other goal of protecting and promoting human rights. Kirkpatrick and Farer both claim to be proposing policies that serve our nation's special interests while respecting human rights internationally. But what if they are wrong? What if their notions of the national interest do indeed bring the national interest into conflict with our moral aims?

The Congress, alert to this dilemma, has passed legislation designed to provide guidelines for its resolution. In 1976 it added this amendment to the Foreign Assistance Act of 1961, Section 502B, which states:

The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. . . . Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.

The "circumstances specified" are circumstances in which it is in the "national interest" of the United States to provide the otherwise forbidden assistance to the human-rights-violating nations. Our policies regarding human rights, then, are to be constrained



Photo courtesy McDonnell Douglas Corporation

*Should the United States give military aid to foreign governments that systematically violate the human rights of their citizens?*

by considerations of the national interest, and not vice versa. When the two conflict, the national interest has the higher priority.

Peter G. Brown, Director of the Center for Philosophy and Public Policy, argues that this ranking exactly reverses the proper ordering of our foreign policy goals. In his article, "... in the National Interest," appearing in *Human Rights and U.S. Foreign Policy*, edited by Brown and Douglas MacLean, he examines more closely the disparate collection of interests grouped together under the umbrella of the "national interest" and concludes that we are required to give human rights priority over many of these concerns.

Some of our interests, Brown points out, are simply that: mere interests, things that would satisfy our preferences and make our lives more comfortable and easy. Our interest in paying low prices for gasoline so that we can continue to cruise the freeways in large-model cars is an interest of this sort. But other interests significantly affect our rights, and not just our general well-being. Our interest in not being aggressively attacked, or our interest in having some feasible energy source to fuel our economy, are matters of rights, as well as preferences. We have, at some level, a right to security as well as a desire to be secure, a right to food as well as a desire to eat.

This classification of various components of the national interest into mere interests and interests that are also rights bears importantly on our foreign policy priorities. For it is an uncontroversial feature of a right that it cannot be set aside for the purpose of satisfying or advancing something that is an interest only, or for reasons of promoting overall societal well-being. In the terminology of philosopher Ronald Dworkin, a right can serve as a veto over an interest. This is part of what we mean by calling something a right: that its importance in staking out the boundaries of someone's very humanity and personhood is so great that it cannot be outweighed by any collective social goals.

Brown suggests replacing the priority ranking of the Foreign Assistance Act with this principle: "In every case of conflict between the promotion of an interest to which no one has a right and the promotion of a right, the right takes priority over the mere interest." We cannot, on this principle, disregard the rights of citizens of other countries in order to advance American interests that are only mere interests. When we can promote the human rights of the citizens of other nations we cannot fail to use the effective means at our disposal, such as refraining from mutually advantageous arms trade, because they conflict with elements of our national interest to which we have no right. Their rights in such cases veto our interests, and veto them absolutely.

The only thing that can override a right is another, more weighty right. Human rights may be set aside only to secure other rights of higher priority. This principle would permit the U.S. government to set aside opportunities to improve the human rights

situation in other nations only if such policies would adversely affect the rights of Americans (assuming that the rights of Americans take priority over comparable rights of non-Americans) or if such policies are in fact counter-productive. It leaves open the possibility that Kirkpatrick may be right that we do not promote human rights by replacing a bad dictator with a worse one.

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But it also shows that Kirkpatrick cannot take it as a valid criticism of the previous administration's rights policy that: "Sanctions could be employed to punish human-rights violations, but not to aid American business" (*Commentary*, January 1981)—not if the use of such power involves some disregard of human rights. For on the rights-over-interests principle, human rights can be disregarded only to promote or safeguard other rights, and not to promote or safeguard a "favorable business climate" for multinational corporations.

The principle does not require us, however, to sacrifice American business interests in the making of ineffective, symbolic human rights gestures. If arms suppliers to dictatorships are in abundant supply, the principle does not require that we alone should allow our aircraft industry to collapse. But it does place on us a heavy burden of proof to show that our threat of reduced arms assistance would indeed be ineffective, and, furthermore, that we have energetically pressured other arms suppliers to join us in a boycott, whatever the effect of such pressure on our economic interests.

Nor, certainly, does the principle require us to abandon our commitment to national security. If Americans have a right to anything, it is to freedom from unprovoked attack. But we are required to scrutinize the concept of national security just as we earlier sifted through the concept of the national interest: to sort out genuine from fanciful threats, and threats to American lives and liberties from threats to the security of American investments. For our right to security may take priority over the rights of Latin Americans not to be tortured by the dictators we help to support. Our interest in a favorable balance of payments does not.

*Human Rights and U.S. Foreign Policy*, edited by Peter G. Brown and Douglas MacLean (Lexington, Mass.: Lexington Books, 1979), gathers together a series of essays by philosophers, lawyers, State Department officials, Congressional representatives, clergy, and others, growing out of an extensive project on human rights conducted by the Center for Philosophy and Public Policy. To order, see p. 15.