



## **What is the Role of Human Rights in Strategic Competition?**

*Elliott Abrams*

The role of human rights in U.S. foreign policy in an era of great-power competition is not a new question, but one with which the Reagan administration was quite familiar. Since Ronald Reagan, the president most deeply concerned with the advance of human rights was George W. Bush, and additional lessons can be learned from his successes and failures. After this essay, you will find the 1981 memo that I wrote for Secretary of State Alexander Haig and President Reagan at the request of Judge William Clark, who was then the deputy secretary of state, on what a conservative human rights policy during the Cold War should look like. You will note some continuing themes, which is another way of saying I have perhaps not learned very much in the last 40 years. I would urge you to read this memo first, because it argues the ideological case for a human rights policy, then and now. The final sentence reads: “The goal of human rights policy is to improve human rights performance whenever we sensibly can; and to demonstrate, by acting to defend liberty and speaking honestly about its enemies, that the difference between East and West is the crucial political distinction of our times.”

The most important practical guidelines are, in my view, clear.

First, programs, stated policies, and spending are not as important as what the military might call “commander’s intent.” Human rights policy under President Donald Trump was undermined by the view on the part of many offenders that the policy stated in speeches (both his and those of many other top officials) did not really reflect the president’s policy preferences and that offenses would not carry any real cost. With Presidents Reagan and Bush, offenders understood

that the human rights policies were genuine and that offenses would carry a cost in relations with the presidents personally and with the United States more generally.

President Reagan negotiated with the Soviets even as he denounced their system; or, better put, because he denounced their system, he had the ability to negotiate with them. No one was in any doubt about his principles or longer-term objectives. This lesson should certainly apply to Russia, China, and Iran today.

At the same time, we should avoid hypocrisy by criticizing only our opponents while treating the human rights abuses of our friends with silence. Then, we do not have a human rights policy but instead are simply weaponizing human rights as one tool among many to defeat opponents.

Second, the goal of the policy must be improvement in human rights practices rather than virtue signaling. There are several reasons for this. Dictators and other offenders are not stupid. They can tell when a policy is genuinely seeking a tangible improvement—for example, releases from prison, reopening newspapers, or ending torture—or when it is designed mostly to make the president and other U.S. politicians look good. Justice Oliver Wendell Holmes once said, “Even a dog knows the difference between being kicked and being stumbled over.” So do dictators. They can distinguish between serious efforts meant to improve a situation we view as bad but fixable and unserious, unattainable goals that amount to utopianism or a poorly concealed search for regime change.

This distinction implies that we must choose our targets carefully, because asking a government to take actions that amount to suicide is not a serious human rights policy. Even in the Soviet case, where President Reagan clearly believed that history would produce regime change, he did not pursue it as the goal of his human rights policy. He negotiated over things like getting individuals out of confinement and sought agreements with the Soviets, such as the 1975 Helsinki Final Act that created the Organization for Security and Cooperation in Europe and included political, arms control, and human rights dimensions. In the Bush years, we approached the Saudi government about human rights with a similar approach. We did not press the Crown Prince who then ruled to hold free elections for a parliament or suggest that monarchy was an outmoded system. We looked for a door that was slightly open and found one: the abuses of the religious police. We argued that restrictions on worship for any people, including Christians, went against the crown prince’s own belief in God and in the need all mankind has for worship. We knew that many Saudis agreed that the religious police were overstepping

and were abusive. Progress reining them in was made. Additionally, in the case of China, our ambassador during the Bush administration was able to get numerous dissidents freed. Again, we chose a realistic target.

In the case of Turkey in 1982, when the army ruled and there were many human rights abuses, we tried to reduce the use of torture. We worked with the military brass and told them we knew a lot of the abuse occurred in police stations. We told them this problem existed because the police were untrained. This approach was designed to appeal to the generals because it did not blame them, nor did it blame some kind of brutal national character. Instead, it confined the problem to the police and suggested ways forward that might put the United States and the Turkish army on the same side. Was this a perfect plan or a totally accurate description of the problem? No. But it was a realistic plan designed not to win applause but to make real progress.

This approach also means that speaking both publicly and privately must be weighed in every case and every country. Silence is obviously not a human rights policy, but sometimes the choice we will face is between effectiveness or publicity. In my earliest days as assistant secretary for human rights in 1982, I criticized our ambassador to Uruguay for silence when several democratic dissidents had been arrested. He called me and said, “I am talking to the army. I can get them out in a couple of days or weeks—but only if I shut up and negotiate. What do you want me to do? Do you want the speech or the objective?”

In the Reagan administration, we watched so-called human rights advocates on the left oppose the government of the Christian Democrat José Napoleón Duarte in El Salvador and back the FMLN—guerrillas backed by the USSR and Cuba. They wanted U.S. aid to Duarte stopped because the army was committing human rights abuses. Indeed, it was. Our policy was to reduce those abuses steadily while backing a democrat against Communist forces whose victory would have meant an end to any hope of human rights improvements. Our goal was not utopian; El Salvador was not and is not Costa Rica, much less the United States. But we hoped and worked for real improvements, and they came.

Third, we should always remember that China and Iran are not black boxes. Neither are they defined by the leadership of Xi Jinping and Ali Khamenei—nor even the Chinese Communist Party and the Revolutionary Guards. Vladimir Putin is not Russia. These are nations with populations, many of whom are on our side. That was one reason Presidents Reagan and Bush were optimists. What we

were asking for was what many Russian and Chinese and Iranian citizens were also seeking; our demands were their demands, and we were supporting them, not imposing our own values. This remains true today with respect to all three countries. These countries have all signed the Universal Declaration of Human Rights, and many countries have signed and now violate the International Covenant on Civil and Political Rights (ICCPR) as well. So again, we must be clear that our role is not to impose our values and practices but to support citizens in those countries in their own quest for freedom.

This last point has implications that lead to the fourth guideline: We should remember to insist on *accepted universal* rights, not controversial rights we established in our own country yesterday morning. I remember a conversation with a spokesman for Hungary's Viktor Orbán on immigration and the EU. He said, "Look, we are a tiny country. We are ten million and we are shrinking. We have a history, language, and culture we want to preserve and it will be difficult. The number of immigrants we want is actually zero. Is this a crime?" Similarly, to insist on our version of abortion rights or same-sex marriage strikes me more as cultural imperialism than defending human rights. But as Condoleezza Rice used to say, no one, in any culture, wants to hear the knock of the secret police at midnight coming to drag you or your child or spouse or parent away. There are indeed some universal values we can defend, and we should not constantly seek to redefine and expand basic human rights. In my view, our best guideline is our own Constitution and the ICCPR. The latter lists the following substantive rights: physical integrity, meaning the right to life and freedom from torture and slavery; liberty and security of the person, meaning freedom from arbitrary arrest and detention and the right to court review of detention; due process, fair trials, and the presumption of innocence; political participation, including the right to vote; minority rights and equality before the law; and what we would call First Amendment rights, including freedom of assembly, religion, speech, thought, movement, and privacy.

The fifth guideline is that when we think about reflecting the demands of democratic dissidents and supporting them, that is exactly what we should do. We should support them, not pour money into fancy programs that pay for conferences and consultants or establish bureaucracies. People risk their freedom and their lives. If they are killed, who will help their families? If they are imprisoned, who will help their families, both while they are in prison and when they are freed and must reintegrate into society, politics, and family life? Sometimes people need money because they have lost their jobs. Sometimes a former prisoner or dissident, under awful threats and pressure, needs a few months outside to rest, regroup, and return to

normal life. In my view, this key strategy is something that we too often sell short. If you want to help dissidents, help the dissidents. Do not build an elaborate superstructure.

The sixth guideline is related to the idea of avoiding hypocrisy. That is, we should tell as much truth as we possibly can. When President Jimmy Carter visited Iran for New Year's Eve 1977, he toasted Shah Mohammad Reza Pahlavi's "great leadership," and said, "This is a great tribute to you, your majesty, and to your leadership and to the respect and the admiration and love which your people give to you." Now that is hypocrisy. In March 2009, Secretary of State Hillary Clinton said, "I really consider President and Mrs. Mubarak to be friends of my family." It ought to be possible to say things about human rights abusers that are true, such as his government is very helpful in many U.S. policy goals, seeks stability in a region where there is a high chance of war, or manages the Suez Canal with neutrality and efficiency. Why must we fawn? Contrast these examples with the way President Reagan treated Augusto Pinochet, with whom we maintained good relations while clearly signaling the time had come for him to allow a free election in Chile and relinquish power if he lost.

Finally, the seventh guideline is to seek multilateral support. It really is much better when a protest against or reaction to human rights abuses comes from twenty democracies not one or two. Speaking in concert with other democracies greatly diminishes the opportunity for the abusers to say this is merely American imposition of foreign values or simple lies from Washington.

These seven guidelines are derived from what I think were some successful past Republican human rights policies. Notably, they are only valuable in a particular context: that we think a U.S. human rights policy is itself a thing of value. In my view, the association of the United States with liberty is one of our greatest assets. A foreign policy of pure realpolitik will not in the long run sustain public support, nor would it utilize well this asset of the United States: the admiration for our open society and respect for law, justice, and human rights that still leads so many of the world's best and brightest to seek to become Americans.

Human rights are a part of our foreign policy because they are the reason our nation was created. We are now in a great competition with China. Why do Americans fear a Chinese victory, and why should the world? Not because we will not be as rich if they win. What can we say to rally other nations to our side? That we have more cars or make better cars? Neither may be true or matter much. Needless to say, nationalism matters, and that is why the Vietnamese

regime, for example, fears Chinese domination, as does everyone else in Asia. Nonetheless, just as in the Cold War, the essential difference is whether human rights exist and are respected.

As we seek allies in our competition against China, Russia, and Iran, it is obvious that we will find some regimes on our side that are not democratic or that abuse human rights. How do we deal with them? With the skill that President Reagan showed, I hope, and perhaps with these seven guidelines in mind. Republicans should not favor utopian foreign policy. We should favor a policy that is both principled and practical, designed to advance human rights in the real world, respectful of our own political traditions, and reflective of the system of liberty under law that Americans enjoy and that so many brave people around the world are risking so much to achieve.

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Washington, October 26, 1981

## **SUBJECT: Reinvigoration of Human Rights Policy**

### **Overall Political Goals**

*Human rights is at the core of our foreign policy*, because it is central to America’s conception of itself. This nation did not “develop.” It was **created**, with specific political purposes in mind. It is true that as much as America invented “human rights,” conceptions of liberty invented America. It follows that “human rights” isn’t something we add on to our foreign policy, but is its very purpose: the defense and promotion of liberty in the world. This is **not** merely a rhetorical point: ***We will never maintain wide public support for our foreign policy unless we can relate it to American ideals and to the defense of freedom.*** Congressional belief that we have no consistent human rights policy threatens to disrupt important foreign policy initiatives, such as aid to El Salvador. In fact, human rights has been one of the main directions of domestic attack on the Administration’s foreign policy.

### **East-West Relations and the Battle for Western Opinion**

*“Americans don’t fight and die for a second car or fancy refrigerator. They will fight for ideas, for the idea of freedom.”*

- Representative Millicent Fenwick

“Human Rights”—meaning political rights and civil liberties—gives us the best opportunity to convey what is ultimately at issue in our

contest with the Soviet bloc. The fundamental difference between us is not in economic or social policy, but in our attitudes toward freedom. ***Our ability to resist the Soviets around the world depends in part on our ability to draw this distinction and persuade others of it.***

***Neutrality*** in Europe or Japan, or a sagging of spirit here at home, results in part from fear of Soviet military might and fear that we do not or will not have the power to resist. But—particularly in the younger generation—its cause lies even more in ***relativism***, in a refusal to acknowledge the distinctions between them and us. Why arm, and why fight, if the two superpowers are morally equal? ***Our human rights policy is at the center of our response, and its audience is not only at home but in Western Europe and Japan, and among electorates elsewhere.*** We must continue to draw that central distinction in international politics—between free nations and those that are not free. ***To fail at this will ultimately mean failure in staving off movement toward neutrality in many parts of the West.*** That is why a credible US policy in this area is so vitally important. Our new policy should convey a sense that US foreign policy as a whole is a positive force for freedom and decency in the long run.

### **Two-track Policy**

I recommend a two-track policy, positive as well as negative, to guide our rhetoric and our policy choices. On the ***positive track we should take the offensive:***

—Expounding our beliefs and opposing the USSR in the UN, CSCE and other bodies;

—Hitting hard at abuses of freedom and decency by communist nations;

—Reinforcing international moral and legal standards whenever possible. (We can help by responding strongly to outrages against our citizens and diplomats and by undertaking a serious program against terrorism.)

—Restoring our reputation as a reliable partner for our friends, so as to maximize the influence of our quiet diplomacy.

On the ***negative track, we must respond to serious abuses.*** It is clear that human rights is not the largest element in bilateral relations. It must be balanced against US economic and security interests. It must take into account the pressures a regime is under

and the nature of its enemies. We must be **honest** about this. We should not, if Pakistan or Argentina is abridging freedom, say it is not; we should instead say (if it is) that it is and that we regret it and oppose it. Then we can add that in the case in question, terrorism or revolution or US security interests, or whatever, are present and make a cutoff of aid or arms or relations a bad idea. We should note the words the Hippocratic oath addresses to would-be intervenors, “First do no harm.” It does not help human rights to replace a bad regime with a worse one, or a corrupt dictator with a zealous Communist politburo.

***We have to be prepared to pay a price.*** In most **specific cases** taken alone, the need for good bilateral relations will seem to outweigh our broad concerns for freedom and decency. Nevertheless, it is a major error to subordinate these considerations in each case—because **taken together** these decisions will destroy our policy. They will therefore feed the view that we don’t care about violations of human rights and will undercut our efforts to sway public opinion at home and abroad. ***If we act as if offenses against freedom don’t matter in countries friendly to us, no one will take seriously our words about Communist violations,*** and few abroad will take seriously our argument that our society (and our military effort) are dedicated to preserving freedom.

In practice this means that we must, in the Multilateral Development Banks, abstain or vote against friendly countries on human rights grounds if their conduct merits it, although we should also motivate further improvement by voting “yes” when there has been substantial progress. It also means that in highly controversial areas such as crime control equipment, we should not issue licenses in questionable cases. (While there will be exceptions, this is a political rather than a security issue: this equipment is readily available on the market and those who need it can get it, so that our decision will not hurt other nations’ security but can powerfully undercut our human rights policy.)

## Dealing With The Soviets

***We must also be prepared to give human rights considerations serious weight in our dealings with the Soviet Union.*** The Soviets are a special case, for they are the major threat to liberty in the world. Human rights must be central to our assault on them, if we are to rally Americans and foreigners to resist Soviet blandishments or fight Soviet aggression. But to be seen as serious we must raise human rights issues in our discussions with the Soviets. In forums such as the UN, we must address issues such as abuse of psychiatry and restrictions on emigration. With Soviet or Soviet-sponsored

invasions (in Afghanistan and Kampuchea) under attack in the UN, with Poles demanding political freedom, with Soviet CW violations coming to light, now is the time to press the issue of Soviet human rights violations.

***A human rights policy means trouble***, for it means hard choices which may adversely affect certain bilateral relations. At the very least, we will have to speak honestly about our friends' human rights violations and justify any decision that other considerations (economic, military, etc.) are determinative. There is no escaping this without destroying the policy, for otherwise what would be left is simply coddling friends and criticizing foes. Despite the costs of such a real human rights policy, ***it is worth doing and indeed it is essential***. We need not only a military response to the Soviets, which can reassure European and Asian allies and various friends around the world. We also need an ideological response, which reminds our citizens and theirs what the game is all about and why it is worth the effort. We aren't struggling for oil or wheat or territory but for political liberty. The goal of human rights policy is to improve human rights performance whenever we sensibly can; and to demonstrate, by acting to defend liberty and speaking honestly about its enemies, that the difference between East and West is the crucial political distinction of our times.