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Wrong about human rights

The Obama administration has recklessly subscribed to the United Nations' mushy definition of a just society.

By Roger Pilon

When we think of human-rights problems, most of us imagine arbitrary arrests, political repression, religious persecution, torture, show trials, censorship, and the like. In America, we don't often have those kinds of problems. Even the current controversy over an Islamic center near ground zero isn't about the right to build there; it's about the wisdom of doing so.

All of which made it surprising to learn from the Obama State Department that America does indeed have human-rights problems.

The news came last week in the form of our first report on U.S. human-rights conditions to the U.N. Human Rights Council, submitted pursuant to a U.N. mandate that members conduct self-assessments every four years. According to the State Department, we fall short on "fairness, equality, and dignity" in areas such as education, health, and housing, especially when it comes to women, blacks, Latinos, Muslims, South Asians, American Indians, and gay people.

On closer reading, however, the claimed "human rights" problems start to look dubious. Take the report's contention that "work remains to meet our goal of ensuring equality before the law" - a human right, to be sure. The supposed evidence is that unemployment is higher among blacks and Hispanics; there are racial and ethnic disparities in home ownership rates; and "whites are twice as likely as Native Americans to have a college degree." But those are socio-economic inequalities owing to many factors, not inequalities before the law.

Or consider this point: "Asian-American men suffer from stomach cancer 114 percent more often than non-Hispanic white men." That's a human-rights problem?

So what's going on here? A little background will be useful. Founded on the ashes of the Second World War, the United Nations assumed as one of its gravest missions the protection of human rights. Toward that end, however, its declaration on the subject cobbled together both real and spurious "rights."

Hence the United Nations' two main rights covenants: one on civil and political rights - those

any American would recognize - to which the United States is a party; and the other on economic, social, and cultural "rights" commonly recognized by European welfare states, which the United States signed but the U.S. Senate has never ratified.

The Carter administration was less than adept at defending America against Soviet charges that we failed to protect the second class of "rights." By contrast, the Reagan administration showed that the United States not only protected real rights, but in doing so afforded American citizens far more of the results that the Soviets purported to be providing their citizens as rights. Moreover, President Ronald Reagan went on the offensive, using the U.N. Commission on Human Rights as a forum for public diplomacy against some of the worst regimes of the Cold War, including the Soviet Union.

With the end of the Cold War, however, the lines between the two kinds of rights grew blurry. What's more, "human rights" became just another club to be wielded for political ends by human-rights abusers who sat on the commission, often targeting Israel and America.

When it got so bad that Sudan, deep into its ethnic cleansing of Darfur, was elected unanimously to the Commission on Human Rights in 2004, the U.S. ambassador walked out. But things got even worse, and the commission was abolished two years later - only to be reconstituted as the U.N. Human Rights Council, whose members today include such human-rights exemplars as Russia, China, Saudi Arabia, Libya, and Cuba.

Just last year, however, the United States joined the council as part of President Obama's outreach to the world. But in doing so and being required to produce last week's report, we've implicitly sanctioned the conflation of real and supposed rights, even as the Senate has declined for decades to ratify the International Covenant on Economic, Social and Cultural Rights. Moreover, the report reads like a politically correct campaign brochure, touting everything from stimulus spending to Obamacare as promoting human rights, which renders the idea boundless and therefore meaningless.

History has shown that nations that promise everything as a matter of rights have provided little but the oppression required by that misconceived goal. We should not abandon a distinction at the core of our political order that has enabled us to be both free and prosperous - much less do so in the good name of human rights.

Roger Pilon is vice president for legal affairs at the Cato Institute. He served in the Reagan administration as, among other things, director of policy for the State Department's Bureau of Human Rights and Humanitarian Affairs. He can be reached at rpilon@cato.org.

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