

From the New Rhetoric on Human Rights

AMERICAN DREAM, GLOBAL NIGHTMARE: THE DILEMMA OF U.S. HUMAN RIGHTS POLICY. *By Sandy Vogelgesang.*

(W. W. Norton & Company, New York, London, 1980)

HUMAN RIGHTS & AMERICAN FOREIGN POLICY. *Edited by Donald P. Kommers and Gilbert D. Loescher.* (University of Notre Dame Press, Notre Dame, London, 1979)

PUNITIVE MEDICINE. *By Alexander Podrabinek.* (Karoma Publishers, Inc., Ann Arbor, 1980)

In the aftermath of the recent election, President Carter consoled what remained of his constituency with the thought that his administration would be remembered for having placed a concern for human rights at the forefront of American foreign policy. Welcome as that change may have been—especially after the conspicuous amorality that characterized the recent past, so poignantly captured by the White House snub of Solzhenitsyn—a careful look at the new rhetoric surrounding the human rights issue reveals its appallingly sinister quality. One can well imagine the desperation of those millions paralyzed by the ubiquitous tentacles of the totalitarian state as they watched the spectacle of a free culture unable to appreciate its own libertarian legacy—unable, indeed, to locate the real meaning of the human rights issue in this century, the most brutal ever. For even as we witnessed the wholesale massacres of gentle lands under the banners of proletarian dictatorships, the self-styled “human rights squad” in our midst was directing its principal attention to the Western democracies, calling for the international redistribution of resources—and all in the name of rights, no less, in the name of so-called “economic rights.” And in all of this egalitarian fervor, little heed has been paid to the fact that nowhere is equality less evident than in regimes where the ruling bureaucracy has the power to undertake the enormous task of total economic regulation, an outcome that countless theorists predicted *a priori*, given the incompatibility between the traditional rights to liberty and “rights” to goods and services, the political implementation of which ineluctably erodes traditional rights.

How ironic it must be to those living under so-called “democratic” constitutions that promise bread and deliver terror that the manifesto of the new rhetoric, the UN Declaration of Human Rights, was conceived in the aftermath of holocausts in two socialist regimes, actually allied at one time. That Declaration, however problematic its legal status, has had an enormous impact on the effort now underway to change fundamentally the entire Western economic structure. For by calling a “right” that which at best is a desirable goal (the list of such rights includes “free” holidays with pay, suitable employment, even equal access to “the arts”), the Declaration has given moral support to the strident, self-righteous demands of those who would pursue egali-

tarianism at the expense of liberty: it has legitimized the activities of those who have no compunction about *using* people to bring about their desired world. Thus Sandy Vogelgesang, author of *American Dream, Global Nightmare* and policy planner for the Department of State, is not alone in interpreting that Declaration to imply the eventual demise of the Western—and in particular, American—status quo of (relative) economic freedom. As she sees it, “moving to meet the ideals [of the Declaration] would require a considerable redistribution of income in the U.S.”—an eventuality she welcomes, evidently unmoved by the implicit violation of traditional rights.

In fact, her study is designed to persuade the reader that our traditional rights are not “absolute,” their occasional violation being not only expedient but “moral,” not only good politics but a reflection of genuine idealism. Her book is organized to set the stage for that argument: the first two parts, which deal with the diplomacy and politics of human rights and document the history of human rights legislation in the U.S., come to a head in the third part, which deals with the economics of human rights, the author’s ultimate concern. To be sure, she is not indifferent to the cause of individual liberty: thus the first two parts use Cambodia and the Soviet Union as case studies of politically repressive regimes. Yet the full extent of the terror in these regimes does not really surface: the constant fear and want, for example, so poignantly described in such works as Vladimir Bukovsky’s autobiography, *To Build a Castle*, or Solzhenitsyn’s *Gulag Archipelago*, are hardly discernible. Moreover, Chile and Brazil are invariably cited as human rights violators on a par with Cuba or China; in fact, it is the former she especially warns against. At the same time, she recommends closer ties to the Third World, with whom “the U.S. can improve its standing . . . if it puts high priority on furthering economic and social rights.” Accordingly, her analysis concludes with an impassioned argument for “a broad interpretation of human rights” since “a more narrow or traditionally Anglo-Saxon recital of political and civil rights alone misses the point of what worries much of the world and many disaffected Americans.”

One can only wonder at the frivolity with which an uncompromising respect for liberty is thus cast aside as so much parochialism, as a mere “recital.” Those who even now are surrendering their destinies and the destinies of their children to the mercy of the Indochina seas, those who flee the lands of their parents’ graves by defying barbed wires and soldiers instructed to shoot on sight, must surely despair. But Sandy Vogelgesang is apparently interested less in the fate of these individuals than in change within the U.S. Thus she predicts that

the ultimate significance of U.S. policy may lie not in promotion of fundamental freedoms abroad, but in domestic impact. The effect could range from more pressure on U.S. multinational corporations to support the sense of the Congress on human rights in their business operations, to closing political and economic gaps for U.S. women, blacks, and Hispanics, to assuring dignity for the elderly and providing reasonably priced health care for all Americans.

And so the new rhetoric of human rights, invoking the private ends

that have ever motivated free individuals, proceeds to shift the focus of the debate away from the principal threat to human dignity today, away from the holocausts that follow ill-conceived utopian blueprints, and toward the provision of these ends not by private enterprise but by public force.

That shift of focus, unfortunately, is often considerably less subtle. One rather typical example is the symposium on *Human Rights & American Foreign Policy* held at the Law School Center for Civil Rights at the University of Notre Dame and published in 1979. In a key essay from that symposium, Rutgers law professor Tom Farer explicitly denounces the boorish American propensity to "a visceral anti-communism" and predicts that "a sustained and evenhanded effort to promote human rights will progressively inoculate the American public against [that] Manichean virus." Far from calling for an impartial outrage against abuses of both right and left, therefore, Professor Farer is clearly sympathetic to regimes with redistributionist policies, no matter how totalitarian the outcome of such policies may turn out to be. The entire thrust of this essay, in fact, is to oppose the allegedly mindless "antiradical bias" of the U.S. Evidently, to be able to claim that a concern for human rights will make it possible to become more tolerant of communist regimes requires so radically novel a definition of human rights as to render the original concept all but unrecognizable.

Professor Farer's essay appears in the concluding section of the Notre Dame symposium, in the part dealing with "Human Rights and Priorities in American Foreign Policy." The other six sections are entitled, respectively, "Human Rights Around the World," "Individual and Group Rights," "Human Rights: Conflicting Ideologies," "Human Rights: The Soviet Union and Helsinki," "International Monitoring Agencies," and "American Foreign Policy and Human Rights." It is this last section that features what is perhaps the most appalling instance of blindness to the barbarism that keeps its citizens fenced in and finds its legacy in Marx. The author of the essay in question, Roberta Cohen, a human rights officer at the Department of State, after criticizing Henry Kissinger (not entirely without justification) for being callous to matters ethical, then goes on to accuse him of corrupting the Office of Humanitarian Affairs. But consider the reason for her outrage: that office, she charges, "for the most part sidestepped the issue of human rights and focused its attention almost exclusively on the Vietnam refugee problem." The Vietnam refugee problem involves "sidestepping" human rights! If the 1960s left any moral vacuum, this surely is it. Orwell is undoubtedly too stunned even to turn in his grave.

To be fair, not all the contributions to this volume are quite so preposterous. But the claim made by editors Donald P. Kommers and Gilbert D. Loescher, that the book represents "a diversity of views," should not lead to overly sanguine visions of balanced perspectives concerning the meaning of human rights. Part III, for example, which is promisingly labeled "Conflicting Ideologies," has Rita Hauser addressing a participant from Zimbabwe: she defends, we are told, the "Western" conception of rights, yet her argument does not question

the validity of so-called economic rights. While she admits that they are "derivative" compared to political freedoms, which are fundamental, in the end she simply claims that we have achieved a considerable degree of equality through (redistributionist) state measures. The difference between her position and that of her interlocutor would appear, therefore, to amount to no more than a matter of degree.

Only Part IV, which deals with the Soviet Union and Helsinki, could be said to present some sort of challenge to the antilibertarian bent of the rest of the symposium. A. H. Robertson cogently explains some key features of the Helsinki Agreement, while Peter Reddaway concisely and perceptively analyzes "The Theory and Practice of Human Rights in the Soviet Union." His claim, however, that "one of the major problems for the dissenting groups is the inertia and passivity of the general Soviet public, whose legal culture is virtually nonexistent and who have retained no viable independent values from the past," is at best surprising. Quite apart from the impossibility of documenting so universal a statement concerning the values of "the general Soviet public," Mr. Reddaway's serious charge against that entire people is egregiously insensitive to the terror that awaits a dissenter under the Soviet regime. Coming from the author of two splendid books — *Uncensored Russia: The Human Rights Movement in the Soviet Union*, and the painstakingly documented *Psychiatric Terror: How Soviet Psychiatry is Used to Suppress Dissent* — such a lapse is altogether inexcusable.

"Terror" is no hyperbole: if the word calls to mind the days of Stalin, it well should. For psychiatric incarceration and torture are the new, more sophisticated, and considerably more efficient weapons the Soviet leaders are using against the less docile of their slaves. In his *Punitive Medicine*, Alexander Podrabinek describes these practices simply but incisively, with understated but unmistakable rage. This is an invaluable personal document in which Mr. Podrabinek argues that psychiatric abuse may surpass Stalinism itself: plainly "rooted in intolerance," this is indeed the very "triumph of intolerance," eliminating as it does even the facade of justice. For not only does Soviet psychiatry provide an excellent curtain to hide repression from Western eyes — already too willing to be blinded — it is also the best of deterrents. And its effectiveness is accordingly superior to mere murder:

This is where punitive medicine becomes of service. No one abroad must know that resistance exists in the USSR. Our fellow citizens must not be inspired by the example of these few. The truth about the USSR must not be heard either abroad or inside the country. Trials make too much noise, and execution without a trial is too scandalous. Another solution has been found: declare political opponents mentally ill. Indeed, who would take a schizophrenic's resistance seriously? Of what value is information supplied by the feeble-minded? And who, in his right mind, would emulate the insane?

The book then proceeds to illustrate the manner in which this "civilized" form of barbarism is carried out. By the end, the reader comes to appreciate Mr. Podrabinek's report that inmates of the "special psychiatric hospitals" prefer labor camps, where they lose their physical

health but not their intellectual and emotional capacities. Understandably, what terrifies most is not the agony caused by the various drug "treatments" carried out by professional sadists, but their effects on the psyche: the irreparable damage. Yet despite the knowledge that he might suffer the same fate, the author set out in 1973, at the age of twenty, to find out all he could about the institutions of medical terror. His first book together with its documentation, was confiscated by the secret police in 1977. Mr. Podrabinek nevertheless succeeded in reconstructing it, partly from memory and partly from notes he had managed to hide. His inevitable arrest—charged with disseminating premeditated fabrications denigrating the Soviet system—after constant harrassment, came the following year; sentenced to exile, he is still in Siberia today. But his book has reached us, and with it one more proof of the reality behind the barbed wire so neatly camouflaged in the loftiest rhetoric.

Nor is this "mere" rhetoric—or, better, rhetoric is never just "mere." Behind a suppressed premise or an equivocation may lie a country silenced, and sane men turned vegetable by fearful drugs. Nor is logic alone at fault, but equally—and maybe more—a lack of will and understanding. Whatever the reason for it, seeing the philosophical battles on human rights being fought by so many academics and politicians in this country today with such disregard for a genuine moral sense—in the name, no less, of freedom—is especially disturbing. For as Daniel Patrick Moynihan aptly put it:

Human rights is the single greatest weapon we have left for the defense of liberty. It would be calamitous if we allowed ourselves to be robbed of it by the voices of fear and guilt, inside the government or out.

Calamitous not only for the millions who have paid and continue to pay with their lives; calamitous, indeed, for the very ideal of human dignity which is meaningless without liberty. Were they called upon to do so, the Indochina seas would surely stand witness.

Juliana Geran Pilon

Questioning Authority

THE POLITICS OF REGULATION. *Edited by James Q. Wilson.*
(Basic Books, New York, 1980)

Thank heavens for a book that gets right to the point, and *The Politics of Regulation* hits its theme song just as soon as it can: in its title. Regulation is politics.

As the book's editor, James Q. Wilson, the distinguished Harvard political scientist, notes, "To citizens, such a statement will appear self-evident, even trivial; to scholars studying the subject, it is controversial." And "controversial" is a big improvement over "heretical," which is what the notion was just a few semesters back.

Among professional economists in the 1930s and 1940s the unquestioned hypothesis was that behind every free market lurked a poten-