

## **THE IDEAL OF HUMAN RIGHTS: A U.S. PERSPECTIVE**

**Or**

**“We’re all in this mess together!”**

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Since the end of World War II, an international consensus on human rights has developed and continues to evolve. Enshrined in the Universal Declaration of Human Rights, the consensus grows from the basic principle that

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” (Article 1, Universal Declaration of Human Rights, adopted December 10, 1948 by the United Nations General Assembly in Paris, France.)

The rights of life, liberty and security of person are identified as fundamental to the enjoyment of all other rights. The Universal Declaration goes on to establish a panoply of civil and political rights, as well as economic, social and cultural rights.

Human rights have been further articulated in numerous additional international documents and have been the subject of as many international conferences. These principles represent the highest aspirations of human society. Reality falls far short. Nevertheless, the establishment of ideals provides a measure for human action – and a beacon in a troubled world.

No country has succeeded in guaranteeing all human rights to all its citizens all of the time. Some have tried, while others have resisted. And still others have stood for the abrogation of human rights altogether.

States also manipulate human rights dialogue for the self-interest of their ruling elite. The United States, for example, claims to be a world leader in human rights. While it castigates China for human rights abuses, it refuses to grant social and economic rights to its own citizens. All U.S. citizens have the right to vote (though for a very select group of candidates), but they do not have the right to a standard of living that assures health and well-being. Nearly one-quarter of all children in the U.S. live in poverty. They struggle daily for enough to eat. As the gap between rich and poor continues to grow, most people do not demand more government services, but seek to separate themselves from those who have fallen through the “safety net.”

In every state, to one degree or another, there are people who support human rights and people who oppose them – and people who support rights for some, but not for

others. In the U.S. where equality of rights is guaranteed by the federal constitution, people are free to deny housing and employment to their fellow citizens who happen to be gay or lesbian. People are discriminated against solely on the basis of who they love. For this reason, they can lose custody of their children and be denied the protection of the law if their partner should assault them.

Human rights are never achieved for all time. They must be won anew every day. In the United States, the 20<sup>th</sup> Century saw the continued development and emergence of new movements of people seeking recognition of their rights: the Civil Rights Movement of African Americans, the Women's Rights Movement, the Gay Liberation Movement, Poor People's Movement, Disability Rights Movement, Immigrant Rights groups, Indigenous or Native American Rights, Farmworkers Rights, etc. While gains were made by all these groups, assertion of rights as much as the gains themselves have led to a reaction against them. It is now popular to disparage "political correctness," as if awareness of discrimination were nothing more than an arrogant, narrowminded dogmatism. Feminism has long been a dirty word and is now spoken of as "post-feminism" in liberal intellectual journals, as well as in the popular media. This is not to say that groups seeking recognition of their rights have not been guilty of sloganeering and dogmatism. This seems inevitable in a society that prefers sound bites to the complexity of intellectual discussion, and that continues to disinvest in its educational system. Nevertheless, the injustices addressed by feminists are real, and, despite reforms, continue to impede women's enjoyment of rights guaranteed by the US constitution.

This penchant for sound bites can be seen in the "No Special Rights" campaigns which were designed initially to prevent the extension of constitutional protections to gays and lesbians. These campaigns asserted that any legal recognition that people are discriminated against because of their sexual orientation confers special rights on gays and lesbians if legal remedies are provided to redress that discrimination. The concept has since been applied to other groups that require legal intervention to secure their rights from a prejudiced majority.

General constitutional principles provide that all citizens are equal and have an equal right to life, liberty and the pursuit of happiness. Laws specifically prohibiting discrimination against people because of their ethnicity, race, religion, and gender have been enacted as a necessary way for people from unpopular groups to secure these fundamental rights. Without this legal protection, dominant groups, who control state power and private resources, could refuse transportation, food, employment, housing, as well as the benefits of citizenship, to members of the nondominant group – and have done so. This prohibition against discrimination is what has been termed a "special right". The majority of voters in Colorado believed the special rights' propaganda a few years ago when they passed an initiative denying the protection of the law to gay men and lesbians who face discrimination. (The law was later overturned by the federal court.) A

similar measure was twice narrowly defeated in Oregon, though passed in a number of its towns.

The “No Special Rights” slogan was also used to destroy affirmative action programs in California in 1996, again by popular vote of the citizens. Irresponsible and opportunistic political leadership over the past 20 years has promoted a climate of reaction against employment and educational gains made by African Americans and members of other minority groups, as small as those gains have been. Affirmative action was designed in the 1950’s as a way to redress the tremendous disadvantages suffered by African Americans because of past and ongoing discrimination. Since being brought to the U.S. in slave ships, African Americans were denied education, employment and fair remuneration for work, housing, political representation, and access to institutional power. Affirmative action was meant to help equalize opportunities.

As U.S. economic opportunities became more limited, the fears of the dominant (white male) group grew and resentment was focused on African Americans and women, who they felt were “taking their jobs” and educational opportunities through unfair affirmative action programs which gave women and people of color preference. This reflects both individual resentment of those identified as “other” and, therefore, legitimate targets of anger, and manipulation by the ruling elite, through the media, to focus that anger on people least able to defend themselves (the poor and other marginalized social groups). The latter is effective in keeping people from directing their anger at real causes and, thus, threatening the status quo and the existing power structure.

Another group that has felt the brunt of this rights’ backlash in the U.S. are women, particularly poor women. It has been cloaked in the disguise of welfare reform and reduction of government. Welfare, the meager and degrading social benefits provided to poor people in the U.S. most of whom are women and children, underwent major “reform” last year. The reform was based on the false assumption that the state was supporting generations of single mothers and children who were too lazy and ignorant to work. Studies proved otherwise, showing that the majority of welfare recipients used this meager social allowance for short, temporary periods of social disruption – loss of employment, divorce, etc. Nevertheless, the welfare system was drastically revised, throwing hundreds of thousands of people into abject poverty.

In this nation of immigrants, the Rights’ Backlash has also targeted immigrants. Social benefits for all immigrants have been cut, including basic food subsidies, emergency health care and education for children. At the same time, border police have been increased, as well as deportations.

The mean-spiritedness abroad in the U.S. is led by what we call the “radical right.” It has effectively tapped into popular fear and shifted political dialogue to the right, so that government itself has become a dirty word – at least government that feels any responsibility to address social problems and intervene on behalf of the state’s most vulnerable citizens. Government which spends billions of US tax dollars on military

weapons and military actions in places like the Persian Gulf is exempt from popular criticism. As are government expenditures for a vastly increased police and prison system.

In Oregon, a few wealthy businessmen funded and organized a successful initiative campaign that drastically cut taxes and, therefore, financial support for government services such as schools. (Oregon has a very liberal mechanism for citizen-initiated laws. Theoretically, this is the height of democracy. However, such a conclusion ignores the influence of money and media in packaging a message for popular consumption. Money passes laws, and people all too often are ignorant of what they vote for.) At the same time, another initiative was passed, requiring that “criminals” be imprisoned for longer periods, that more crimes be punished by imprisonment and that more prisons be built. As a result, the fewer public tax dollars available to government must be spent on punishing and controlling crime, despite the fact that these punitive measures have not proven effective in reducing crime.

Not surprisingly, the public educational system is falling apart. Schools have had to lay off substantial numbers of teachers, while those who remain must teach more students with fewer resources. The overall result is that, for the first time in its history, the United States is spending more money on prisons than it is on schools. This does not, of course, affect the upper classes, who have the resources to buy private schooling for their children. For many in the lower classes, where people of color are disproportionately concentrated, prison is now a greater possibility than college. And this, despite the fact that it costs substantially more to send a person to prison than to send him to college.

Examples of the deterioration of U.S. society proliferate. Legal services to the poor have been drastically cut and restricted by the U.S. Congress, leaving this segment of society not only with fewer rights but with virtually no means to redress their violation.

At the same time that human rights are being assaulted in the U.S., citizens, though often demoralized, continue actively working for their expansion. Thousands of nongovernmental organizations organize around issues and advocate for human rights. A thriving, though too often inaccessible, alternative media provides information and analysis to challenge the sound bites of the mainstream media, whose coverage is colored by its corporate ownership. People occasionally gather in the streets to protest, though the mainstream media rarely covers these actions even when substantial numbers participate. (Thousands of citizens across the country protested U.S. bombing of Iraq in 1991, for example, but media coverage focused almost exclusively on military briefings.) Human rights advocates have also organized successful political campaigns where real issues were discussed. Some cities and states have passed laws prohibiting discrimination against marginalized citizens, such as gays and lesbians. NGOs have organized to lobby state legislatures and the U.S. Congress to vote for or oppose specific

legislation. While the labor movement was nearly devastated during the Reagan-Bush years in the White House, it has rallied and recently won victories for workers in some industries.

The United States is also home to a number of public interest legal organizations and law firms. One of the oldest is the National Association for the Advancement of Colored People (NAACP) Legal Defense & Education Fund, which developed the successful strategy that ended school segregation in the South. The NAACP educated and organized average citizens, lobbied for legislative changes and sued state and local governments for discriminatory practices.

Following this pattern, the National Organization for Women formed a Legal Defense & Education Fund, which similarly works to educate and organize the public, lobby Congress and initiate lawsuits. The Southern Poverty Law Center focuses on race discrimination and has successfully sued the Ku Klux Klan and other white supremacy groups, including individual members of those groups, for injunctions and monetary damages. It has won judgments that bankrupted a white supremacy group and confiscated the assets of a man whose activities led to the skinhead murder of an Ethiopian man in Portland, Oregon. The Southern Poverty Law Center has also developed a school curriculum to teach tolerance in primary schools. This curriculum is provided to schools throughout the U.S. free of charge.

Other notable legal advocacy organizations include the Center for Constitutional Rights (which filed suit against the U.S. government for its illegal actions in Nicaragua) and Ralph Nader's Public Citizen (which has extensively investigated U.S. corporate fraud).

These organizations are privately funded from attorney fees awarded in successful lawsuits, membership fees and small donations from a large number of private citizens, sales of books and materials, newsletter subscriptions, public speaking fees, and, in some cases, foundation grants. Several of them have sizeable memberships that not only provide financial support for their activities, but can also be mobilized to pressure public officials or inform a broader public about specific issues.

All of this activity and the accomplishments to date are good reason for the backlash. If there hadn't been substantial changes and significant threats to existing power arrangements, there would have been no need for a backlash. The backlash demonstrates the success of human rights activities in the U.S., though there was obviously a long way to go even before the retrenchment of the last two decades.

This Rights' Backlash is not unique to the United States. It represents one, and fortunately only one, of the global forces unleashed in the world. We are in a time of change, or as the old Chinese proverb says, "We are condemned to live in interesting times." Other forces at work include the globalization of the economy; a communications network that is fast encircling and including even the remotest sections of the planet; realization (by some) that we are facing major ecological disaster if we as

planetary inhabitants do not tend to the pollution of our environment; a trend toward democratization; a global women's rights movement that has claimed all issues as women's issues; fundamentalist religious and political movements that seek to restore patriarchal power; a plethora of local and regional wars; the expansion of international organized criminal syndicates; a growth in ethnic nationalism at the same time we are seeing a growth in world citizenship; a decrease in the power and importance of state governments as multi-national corporations (with no accountability) exercise nearly unfettered economic power; an unprotected world labor market and its exploitation; the unregulated spread of consumer capitalism. This is by no means an exhaustive list. But it illustrates the tensions under which we live – efforts to expand human rights are met with efforts to reduce them; the impulse to democracy struggles against the autocracy of international capitalism; the realization of interconnection faces its denial in the creation of ethnic states; concern for one's neighbor vies with fear of the other.

And I, with more than enough human rights work to do at home in the U.S., find myself here in Yugoslavia, where you face somewhat different challenges, out of a different historical, cultural and political experience. It is perhaps the difference and the distance that I seek to give me a new perspective on the seemingly worsening and intransigent problems at home. Or perhaps it is that I am propelled to investigate these broader forces and, by so doing, place myself in a broader sphere – the growing international community of people whose first allegiance is to an ideal, not a state, political party or ideology – the ideal of human rights. Or perhaps I'm merely retracing the journey of my ancestors who set out from the Slav lands of Bohemia a little more than a century ago, in search of freedom, a better standard of living and escape from Habsburg domination. Perhaps this is really the nature of humans – to wander here and there, out of some often unconscious recognition that the planet itself, and not some small corner of it, is home.

I'll end with the words of my countryman, Vaclav Havel:

“Human rights are universal and indivisible. Human freedom is not separate from these: if it's denied to anyone anywhere, it is therefore denied, indirectly, to all. This is why we cannot remain silent in the countenance of evil or violence; silence merely encourages evil and violence . . . . Respect for the universality of human and civil rights, their inalienability and indivisibility, is perforce possible only when it's understood – at least in the practical or existential sense – that one is “responsible to the whole world” and that one must behave in the manner in which all ought to behave, even if not all do. . . .” (*“True Democracy Demands Moral Conviction.”*)