

# Reporter

August 1988.

No. 241

## THE RISE AND FALL OF FULL EMPLOYMENT:

### Part II: Right-Left Rites,

by Bert Gross //

Economic rights trace back to the earliest days of human history. Weaker people claimed the right to freedom from despotic power, and more participation in enjoying the "fruits of the land." Against them have stood the rights and privileges and prerogatives of rulers and conquerors. In large part, human history has been a race between the two. Over the centuries more and more people have won new rights for themselves and imposed new limits on the rights of rulers and others.

New rights came with the capitalist-industrial revolution of the 18th and 19th centuries, as the rights of gentlemen or aristocrats, who attacked the rights of monarchs, who in turn had attacked the rights of ecclesiastics. Informally, the new "rights of man" included the right to amass large amounts of property, including slaves or serfs, extend domains by war, colonize the lands of "primitive" peoples, and establish empires. Formally, the new rights extended from the right to "life, liberty, and the pursuit of happiness" to freedoms of religion, speech, petition and assembly, the right to vote, and the right to due process, fair trials, and other protections from despotic governments.

By the 20th century, corporations had won firm legal rights as fictional persons with all the rights and freedoms conferred on human individuals. This development helped to strain the distinction between "economic" rights on one hand and "civil and political" rights on the other. The latter have served as the tacit basis for economic rights under capitalism.

Reformers and radical activists have more recently invented the slogan "human rights before property rights," obscuring the fact that individual property owners are also human beings. Corporate property owners who are also "persons" under the law enjoy many human entitlements to costly government protection and help. Further, the ultra-rich and powerful people who stand behind the fictional personalities of both the corporation and the state are often those who regard economic rights for "non-elites" as threats to their own economic, civil, and political privileges.

While resisting any strong commitment to economic rights in principle, the governments of industrial capitalist states tacitly recognize carefully rationed economic rights that cope with the worst aspects of destitution. By putting floors under effective market demand, welfare state programs have helped stabilize business operations, thereby protecting corporate property rights. They have also had the effect of taming political protest, thus undermining movements for stronger reforms, or for socialism or communism.

In eastern "Marxist-Leninist" countries, communists have consistently criticized the so-called "bourgeois" rights and freedoms of capitalist countries. But openly recognizing the civil and political rights of their "non-elite" people might threaten the civil, political, and economic privileges of their party leaders. They boast of their guarantees of individual rights to paid employment, free education, free medical services, subsidized housing, etc. But they have usually enthroned most bourgeois-style rights in their own constitutions, adding some loopholes and unofficially suppressing any exercise of those rights that might challenge the power of the party bureaucracies. Going along with the artificial Western distinction between political and economic rights, they produced an artifice of their own. Contrasting "individual" rights with "collectivist" rights, they justified the collectivist right of the central government to suppress the collectivist rights of union members.

Few Third World governments, not even the "Marxist-Leninist" ones, have committed themselves to the economic rights guaranteed by the more developed communist regimes. Most support the newly declared collective right to development, usually interpreted as a right to control their own natural resources without outside involvement, and the right to more external

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involvement—with no strings attached—through the expansion of foreign aid and trade.

## Transnational Declarations

During World War II, the revulsion against the atrocities being committed by the fascist powers led to proposals for a bill of rights as part of the Charter of the United Nations. But disagreements on particulars led to establishing a commission that would later propose such a bill of rights. In the spring of 1945, the Charter laid the groundwork for the commission by providing that “The United Nations shall promote . . . universal respect for, and observance of human rights” (Art. 55). Full employment was listed as something that the U.N. was somehow or other to “promote.” But this was quite different from the idea of “assuring full employment,” then being discussed in the controversial Full Employment Bill in the U.S.

Eleanor Roosevelt, chairing the U.N.’s Human Rights Commission, fought for a broad measure that would bring civil and political liberties together with the economic rights set forth in her late husband’s “second bill of rights.” She was bitterly attacked for trying to establish “state socialism, if not communism.” Nonetheless, with backing from the Truman White House, she persevered. On December 10, 1948, as communist states abstained, the Universal Declaration of Human Rights was adopted without dissent. Of the 30 articles, five deal specifically with economic rights. Article 23-1 declared the “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment.”

During the next eight years, new battles were waged at the U.N. over how to convert this declaration into a more enforceable covenant. The economic rights were strongly supported by the socialist nations and many Third World countries that had attained or were still seeking independence. But after Eisenhower’s administration replaced Truman’s, U.S. representatives at the U.N. opposed the introduction into a U.N. treaty of any basic concepts from the original U.S. Full Employment Bill. With the support of other Western governments, they insisted on two separate covenants that would differ in fundamental respects. First, member states were to “ensure” civil and political rights, and a Human Rights Committee was to follow up on their enforcement. Then an Optional Protocol provided for the Committee to hear individual or state complaints against violations.

Four measures are often brought together under the title of “The International Bill of Rights.” These are the Universal Declaration, the Covenant on Civil and Political Rights, its Optional Protocol, and the Covenant on Economic, Social, and Cultural Rights. Under the latter, a member state is merely expected “to take steps . . . to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant.” These are economic rights,

with no follow-up committee and no Optional Protocol to deal with complaints and violations. They are less genuine rights, with less binding duties than political rights.

Since 1948, the U.N. has brought forth many specific measures that articulate vital rights more clearly than the four general measures just noted. Among these, the most meaningful are the Genocide Convention; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Elimination of All Forms of Discrimination Against Women. Of these, the U.S. has approved only the Genocide convention—and that only after 30 years of delay.

## From Pillar to Battering Ram?

In earlier years, the U.S. was a strong “pillar of the church of international human rights.” This strength came not only from the federal government but also from many non-governmental groups—particularly, lawyers, religious groups, and the labor movement. But the cold war emerged as a central fact in international relations, and the picture changed. Early retreat from economic rights was followed by retreat from civil and political rights also. Faced with strong extremist opposition to the United Nations (even though that body was then dominated by the West and its allies), the Eisenhower administration promised not to move forward on the human rights covenants. From that time on, the U.S. became not a “pillar” but instead merely a “flying buttress,” supporting the church of international rights from the outside.

During the 1970s, Congressional liberals tried to condition U.S. aid to foreign dictatorship upon loosening of their violations of civil and political rights. But the Nixon and Ford administrations fought Congress on human rights initiatives. Secretary of State Kissinger made it clear that such initiatives undermined containment policies by criticizing U.S. allies in the cold war.

In 1977, President Carter made human rights (in non-economic terms) an international issue *par excellence*, and created a small new bureaucracy for implementation. Cyrus Vance, Carter’s Secretary of State, argued that the advancement of human rights in U.S. foreign policy would require protection in three categories: “the right to protection against violation of the integrity of the person; the right to food, shelter, health care and education; and the right to enjoy civil and political liberties.” Patricia Derian, the new Assistant Secretary of State for Human Rights and Humanitarian Affairs, made valiant progress in the first of these categories. But serious opposition developed, despite a quick retreat from Vance’s economic rights, which never included the more controversial right to a job opportunity. In February 1978, after much internal debate, Carter finally signed four international measures—and sent them to the Senate. Near the end of his term, Carter also signed and sent to the Senate

the Convention on Discrimination Against Women. None of these measures was ever reported out of the Senate committee.

In 1981, President Reagan asserted cold war priorities and subordinated completely all human rights initiatives in foreign policy. His first Secretary of State, Alexander Haig, announced that "international terrorism will take the place of human rights in our concern, because it is the ultimate of abuses in human rights." Elliot Abrams, the new Secretary of State for Human Rights and Humanitarian Affairs, gave lip service to human rights ideals, but interpreted them in cold war terms, and dismantled the work started under the Carter administration. In this context the Reagan administration has consistently attacked communist countries for their violations of civil and political rights, while urging Congress to reinstate military aid to Chile, Argentina, Guatemala, and Uruguay—all of which had been denied aid because of their records on human rights. President Reagan also gave consistent early support to the bloody dictatorships of Marcos in the Philippines and Duvalier in Haiti. Even after Congress approved legislation against apartheid in South Africa, the Reagan administration refused to support tough sanctions. And in 1985, when the Economic and Social Council established an expert Committee on Economic, Social and Cultural Rights, the U.S. was the only member state to cast a negative vote.

For all these reasons, one might conclude that by 1988 the flying buttress supporting the church of international rights had become something of a battering ram, attacking the structure from outside. What would it take for the United States to ratify such basic international measures as the two human rights covenants, the American Convention on Human Rights, and the conventions on torture, racism, and discrimination against women? When might the United States become once again a "pillar of the church of human rights?"

These questions involve many complexities, including pride in American institutions, a fear of foreign involvements, a failure to comprehend the dreadful denial of human rights in many nations, and a resistance to most "internationalist" ideas. To these factors we must add the cold war, and old concepts of national sovereignty.

Yet there is rarely any watertight division between foreign and domestic policies, or economic and non-economic policies. In my judgment, a major factor in undermining U.S. international policies on human rights is the deep division at home on economic rights and full employment. This subject demands much more serious analysis than it has received in the past. That is the task of the following articles in this series.

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