ABSTRACT

This paper explores whether the United States has exhibited a consistent foreign policy approach to human rights. Further, the paper attempts to determine an appropriate American response amidst the current crises, instability and turmoil of global politics. The paper briefly outlines the historical development of the human rights movement from the legal codes of ancient civilizations to the ideas of Enlightenment thinkers that influenced the ideological foundation of democratic governments, to the international focus on preventing human rights violations in the post-World War II environment. Taking into consideration both the conservative concern for maintaining the balance of powers and sovereignty of independent states as well as the passionate appeal of the liberal advocates to protect human dignity by defending the rights of the weak and oppressed, the paper endeavors to navigate the available policy alternatives in addressing the issue of human rights. To do so, American foreign policy approaches to human rights are analyzed, focusing on the policy development and change during the administrations of Jimmy Carter, Ronald Reagan, George H.W. Bush, Bill Clinton, George W. Bush and Barack Obama. The objective of the paper is to arrive at a Biblical way of addressing injustice by means of foreign policy and individual action.
INTRODUCTION

It was September 2004. My siblings and I had just returned to school after a year break in our education. My parents were evangelists, working on a church plant in a small Russian city. The local authorities were very hostile towards Evangelical Christians and threatened to kidnap my siblings and me from school. They reminded my parents of another Russian Christian family whose son never came back from school. Thus, for security reasons, I remained at home until the end of that academic year. Returning to school in the fall of 2004, I was intently following the news of what was happening at the time in a school of Beslan, North Ossetia. Three days after the terrorists interrupted the first day of school celebration by taking the school full of kids, parents and teachers hostage, the Russian government ordered the militia to storm the building. Along with the terrorists who demanded sovereignty for Chechnya, hundreds of civilians lay dead as a result of the government action. The images of families carrying the corpses of school kids are unforgettable. Russia would not be my home for much longer. In a matter of a few months, my parents moved our family to the United States of America, seeking refuge and the opportunity to raise their children in a peaceful environment.

The images of lifeless, bloodstained bodies of children who were ruthlessly exterminated or severely wounded by the very government that should have protected them from harm were my first introduction to the topic of human rights. Colored by those images and other atrocities committed by the corrupt Russian government against its citizens and foreigners, my idea of government was far removed from goodness and justice. Protection of human rights was not, in practice, a major policy objective for the government of Russia. However, it is a major concern for the government of the United States.
As a Christian, I find the public attempt to protect the innocent and weak encouraging. The word of God condemns corruption and oppression of the innocent. The Scriptures explicitly state, "Woe to those who decree iniquitous decrees, and the writers who keep writing oppression, to turn aside the needy from justice and to rob the poor of my people of their right" (Isaiah 10:2). Yet, it is not a secret that American government no longer looks to the Scripture as a legitimate guide for public policy. What then drives the human rights objective in American foreign policy? Was the human conscience awakened by the horrors of the holocaust? Are the pressures of upholding international commitment to human rights expressed in the UN Declaration of rights motivating America to continue upholding its image of a global law enforcement? Or is it the diversity of the American public that demands concern for worldwide justice?

Daily media informs the American public of new human rights violations. The images of beheaded Christians, of refugees carrying their children and bodies of those who did not make it through the flight for their lives washed onto the shores are still fresh in our memories. So are the latest news of terrorist attacks or sexual assaults of civilians in Europe. How strong is the American commitment to human rights? Will the country be able to take a stance for justice? In an attempt to address those questions, this paper will analyze the origins of American concern with human rights and its implementation in American foreign policy.

**HUMAN RIGHTS IDEOLOGY**

In a discussion of human rights it is important to remember that all observers, academics and policy makers look at human rights through the lenses of their individual worldview. Policy formulation is influenced by various players, including Congress, the Executive Branch, and non-profit advocacy organizations that are all made up of individuals who approach the issue of human rights from their own personal paradigm. Many are driven by their religious convictions
to either uphold or neglect the issue of human rights violations. Both religious and secular thinkers seek to find the balance between the defense of individual state sovereignty and the extent of appropriate intervention for the sake of defending human rights. When they are not based on obedience to sacred scriptures, the arguments defending human rights are often influenced by theories of realism and relativism.

Religion has a powerful role in forming the views of individual on moral questions such as human rights. Biblical standards motivate Christians to promote greater freedom and human rights. Those standards promote a rule of law that is consistent with God’s eternal law, and stimulate denunciation of human laws that oppress the innocent. As a philosopher and theologian, Thomas Aquinas laid the framework for thinking about law from a Biblical perspective. He differentiated among four levels of law: the eternal law as the reason of God, divine law which is revealed in the Scripture, natural law that includes the ethical standards which humans can grasp by common sense, and finally, human or civil law. Aquinas concluded that human law is legitimate only "to the extent that it accords with the dictates of moral reason". A human law that is consistent with moral law can be seen "as a reflection of the ultimate justice of God's eternal law." For those who believe that humans are created in the image of God and called to love one another, the efforts to promote and protect human rights seem to be consistent with divine law. Yet the divine law varies from one religion to another. The Sharia law that guides the conduct of followers of Islam does not have the same human right implications as the Levitical law of Judaism or beliefs of contemporary Christians. The conviction of radical believers of Islam who reject Western culture and democratic ideas, such as promotion of equality between man and woman, can lead to active implementation of jihad or the duty to wage holy war to overthrow secular governments. Thus religious convictions can
both encourage defense of human rights and violations of such, depending on the standards that the religion advocates.

To illustrate the dilemma of human rights created by diverging standards rooted in different worldviews, let's take a quick glance at the story of Aslan Maskahdov. Aslan was killed during a counter terrorist operation by Russian Security Forces. As the leader of the Chechen separatists, he was accused of being responsible for several major terrorist attacks, including the Beslan School massacre. His body was not returned to his family in accordance with the laws of the Russian Federation. However, this denied the family the opportunity to observe a mourning period, pay their last respects, and bury him in accordance with Islamic religious requirements. According to their religious tradition, improper burial may lead to the deceased being denied access to heaven. Should the religious right be protected? On June of 2013, the European Court of Human Rights ruled affirmatively demanding that Russia pay $23,500 to the family of the deceased for violating their right to the body of Aslan. Yet, does the same apply to all deeply held religious convictions? What about the conviction of terrorist organizations that giving women equal rights with men is a violation of divine law? Or the deeply held religious belief of Islamic extremists that they are to establish a caliphate, or Islamic world order?

The role and significance of human rights’ objective in American foreign policy is a source of disagreement among secular political thinkers, especially between two of the major paradigms known as realism and liberalism. While realism views politics as power play, liberalism seeks to achieve human flourishing through international cooperation. Those who view the world from the perspective of realism would agree with Machiavelli that “politics are not a function of morality but ethics of politics” Realists prefer to derive theory from observing
existing practice rather than try to adapt reality to fit ideals of the philosophers. Liberalists, on the other hand, initiate change based on a vision of what reality should be like. Those differences have several implications in the sphere of foreign relations when it comes to the defense of human rights.

State sovereignty, state interest, and the capacity to implement proposed policy are things that a realist emphasizes in the context of dealing with international standards such as human rights. Realists would not approve international commitments that undermine interests of the state or impose undesirable obligations. Yet, human rights may be considered and promoted in congruence with other strategic interests. For example, it is widely recognized that countries that support human rights are more reliable trade partners. It could be good for upholding a positive image of a country and help to establish a better economic environment. Thus, realists often find utilitarian reasons to pursue human rights as a foreign policy objective.

Built on the ideals of enlightenment, affirmation of a natural law and the concept of harmony of interests, liberalism assumes that, by pursuing human rights, a state is pursuing not only the good of humanity but also the good of the state. James P Toomey explained that liberal policies redefine national interest to include interests of individuals in the United States and abroad. Thus the utilitarian argument is now used to pursue the good of as many people as possible through international relations built on shared principles. Liberalism declares that international institutions can do a lot, and nations should work together to prevent wars and limit the ability of states to commit atrocities against their people. While realists do not trust the task of enforcement to global organizations, liberalism advocates dealing with human rights violations are delegating the responsibility for justice to international organizations, and pursuing the goal of freedom and respect of human dignity through diplomacy.
Overall, based on the secular worldview, human rights should be protected for the benefit of the state. In the eyes of realists, protection of human rights can be a useful objective if it does not interfere, but rather is consistent with, other national objectives. Liberals believe that human rights is a worthy objective to pursue on its own for the good of individuals in the United States and abroad. Religious worldviews motivate individuals to pursue human rights objectives in accordance with the religious laws that do vary from one religion to another.

HISTORICAL BACKGROUND

Human rights is not a new concept in the governing of civilized societies, but it became especially prominent after World War II. According to Andre Clapham’s short introduction to Human Rights, "recognition of the need to protect human freedom and human dignity is alluded to in some of the earliest codes, from Hammurabi's Code in ancient Babylon, right through the natural law traditions of the West, which built on the Greek Stoics and the Roman law notion of jus gentium". The Old Testament laws extend concern for the rights of individuals in Israel, giving instructions for humane treatment of slaves, aliens, and the poor. Cyrus the Great is recognized for creating the world's first charter of human rights in 539 BC. He established reforms protecting religious freedom and diversity. The reforms included releasing slaves, declaring freedom of religion and racial equality, and forming the famous Cyrus cylinder, which is considered a “precursor of the human right declaration”.

The first legal concepts that were considered universally applicable were formulated in the Roman world, as the text Institutes of Gaius differentiated between Roman laws and laws guiding interaction between Romans and non-Romans. This became known as jus gentium or the law of nations. The Law of Nations, compiled and codified under the Byzantine emperor Justinian I was based on the principles of natural law. The thinkers of the Renaissance expanded
on the idea of natural law and natural rights of men. Their ideas became foundational for the Western system of governance and political philosophy. The writing of Locke, Thomas Paine and Jean-Jacque Rousseau contributed documents such as the American Declaration of Independence, French Declaration of the Rights of Man and of the Citizen of 1789, US Constitution and Universal Declaration of Human Rights.

The League of Nations was the first attempt of a cooperative approach to addressing the issue of human rights and prevent global conflict. Although the League of Nations was not successful in sustaining peace, its humanitarian ideas were influential in international relations, and were incorporated in the creation of new international organizations. It was after World War II and the establishment of the United Nations that human rights gained real momentum in international politics. The Universal Declaration of Human Rights attempted to draw a clear distinction between good and evil, learning from the dark reality exposed through World War II. The contrast is painted vividly in the preamble, “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind”xi. Building on "faith in fundamental human rights and in the dignity and worth of the human person" and with respect to "fundamental freedoms", the General Assembly established in the Universal Declaration of Human Rights "a common standard of achievement for all peoples and all nations". It is the standard to which America’s Department of State refers in its pursuit of the human rights in international relations.

Although America was historically built on ideals important to human rights protections, it was not until late 1970s that human rights became a major part of US foreign policy
A CONSCIENTIOUS OBJECTION TO HUMAN RIGHTS POLICY AS WE KNOW IT

Several factors contributed to the rise of human rights as a significant policy objective: authority of the United States as a superpower in the post-World War II global scene, and public demand for justice as Americans were exposed to human right violations abroad and at home. The following section analyzes American foreign policy beginning with Carter’s administrations until the current administration of president Obama, with the purpose of identifying patterns in the policies under the consecutive administrations, and eventually proposing possible alternatives to the existing foreign policy.

THE CARTER ADMINISTRATION

The Carter Administration stood at a turning point as the first “to employ human rights as a fundamental part of their foreign policy framework”\(^{xiii}\). The focus was shifted there not by executive efforts alone, but rather because the executive acted in sync with prevailing public opinion. However, the administration had a hard time defining the concept of human rights. With increased Soviet aggression around the globe, including a Soviet-backed Vietnamese invasion of Cambodia, Carter began emphasizing sovereignty as the primary human right to be protected by the United States. Implementation of human rights objectives in foreign policy were characterized by inconsistencies and in the end severely criticized. Nevertheless, it was during the Carter Administration that major tools were introduced that are still utilized to apply to human rights policy.

A turn away from Kissinger’s realpolitik approach to foreign policy was appreciated by the American public. While the administrations before Carter focused on the strategic importance of states choosing to ignore certain human rights violations “because of their overriding importance in global order” as highlighted by James M. McCormick in the text *American Foreign Policy and Process*, the policymaking community was moving in the
direction of human rights. Three years before Jimmy Carter became president, a subcommittee of
the House Foreign Affairs Committee issued a report calling for US leadership on human rights
in the world community. Congress then took a series of actions, including enacting legislation
that required human right reports from countries receiving US aid, prohibited some military and
economic assistance to human right violators, and recommended creation of a human rights
office in the US department of State\textsuperscript{xiv}. Human rights were a domestically attractive platform,
“especially after Vietnam, Watergate and revelations of CIA abuses”\textsuperscript{xv}. Thus the public
enthusiastically supported Carter’s initial commitment to human rights policies, seeing those as a
return to American traditional values and beliefs.

The Carter administration’s pitfall was not being able to specifically articulate their
vision with human rights. Despite the president’s desire to focus on “humane treatment of all
individuals and their freedom from torture and arbitrary punishment for expressing political
beliefs”, the administration initially defined human rights in a way that included "promotion of
political, economic and social rights of all individuals" ending up with a very broad definition\textsuperscript{xvi}.
The inclusivity of this definition did not only make the policy difficult to implement but became
a source of criticism from outsiders. It seemed that America was advocating something that it
had not achieved in its own country. The communist block argued that the US was neglecting
their citizens’ economic rights, while the “newly independent Third World nations feared new-
colonialism and fought viciously for their right to sovereignty and self-determination that they
believed was the "first right" from which all other rights derived”\textsuperscript{xvii}. Eventually, the
administration addressed the concerns of the developing nations by shifting its focus to
protecting the autonomy of neutral countries in order to prevent them from falling to communist
influence. This goal was not always consistent with the aim to promote justice to the poor and oppressed.

There were several inconsistencies in applying human rights policies during the Carter Administration. First, the administration had to return to the use of covert actions by the CIA when the tension increased between the cold war superpowers and the Soviet Union invaded Afghanistan in 1979\textsuperscript{xviii}. Second, the United States was still "providing economic and military assistance to nations often cited as having serious human rights violations, such as South Korea, the Philippines, and Iran"\textsuperscript{xix}. On top of that, the administration failed to use diplomatic means to interfere with the genocide of civilians under the Khmer regime in Cambodia\textsuperscript{xx}. When the Soviets backed Vietnam and intervened and invaded the country, the Carter administration ended up having to decide between supporting the oppressive Khmer Rouge regime or the communist government that was established after Vietnam's invasion that stopped the atrocities of the "murderous Khmer regime". Despite having Jimmy Carter pronounce the regime as the "worst violator of human rights in the world" in April 1978, in September of the same year Carter's administration chose to vote to seat the condemned Khmer Rouge's genocidal regime in the United Nations.

While some foreign policy textbooks credit Carter's policy with an overall worldwide change in attitude and atmosphere towards individual liberties, that change is difficult to measure. The public had very high expectations for policy results that the Carter Administration was unable to fulfill\textsuperscript{xxi}. However, Carter introduced the tools of human rights policies that were used by his successors. Those include vigorous private diplomacy, public statements, symbolic gestures, positive measures and sanctions. The issue remained, however, to define the human rights concept, and the following administration had to face it despite its lack of desire.
REAGAN ADMINISTRATION

The foreign policy response of Reagan's administration to human rights was rather unexpected, for it was not driven by the executive. On the contrary, despite the executive branch's initial open opposition to human rights policies, it ended up continuing and even strengthening the human rights policy that it inherited from the Carter administration. Precisely because the Reagan administration was genuinely not intending to focus on human rights, interest groups and the Congress found it necessary to hold government accountable. Where Jimmy Carter campaigned with the aim of protecting human rights worldwide, Reagan came unto the political scene with a very different attitude. President Reagan staffed his cabinet with individuals who publicly condemned Carter's human rights policy as unneeded and not beneficial to the United States. The administration acted on their words, requesting Congress to reinstate military aid to countries that were denied assistance under the Carter administration due to their human right violations. Carter’s opposition to giving loans to authoritarian governments was also to be reversed.

As one may expect, Congress was not supportive of the executive agenda. Congress vetoed the appointment of the assistant Secretary of State for human rights and humanitarian affairs based on the candidate’s view on human rights. Even when the Administration did begin paying more attention to human rights, Congress was not satisfied with the extent of the administration’s commitment. This led to a continuing debate that forced the Administration to pay attention to the issue. Ironically, the conflict served as a positive feedback loop in a way. Issues from the extent of human rights violations in friendly nations like El Salvador or Turkey, to the apartheid in South Africa, would come up in bitter disputes between the new head of the
human rights bureau and organizations such as Helsinki Watch, bringing those issues to the attention of the public.

As a result, both the government and interest groups continued their investigations, leading to increased release of detailed reports intended to inform congressional committees and influence congressional decisions. Desiring to continue providing military aid to El Salvador, the Reagan Administration attempted to justify it by saying that the government is showing signs of improvement. The continuous criticism of the shallowness of the human rights policy encouraged policy debates at the White House, which sent a conflicting message to San Salvador from the official signals that the military aid would be continued. Eventually, Washington had to make a serious push through private diplomacy, public statements, Congressional threats that aid would be withheld if significant change did not occur, and even personal correspondence from President Reagan urging to remove from office officials guilty of human rights violation, compelling the Salvadorans to improve their human rights record. In response, the Salvadorian government took some steps to restore justice.

The Reagan Administration realized that they would not be able to get the support of the American people for their foreign policy unless the government framed it within the structure of defense of freedom based on American values. Having to deal with the public outcry for justice, the Administration decided that they would use human rights for its own geopolitical purposes and established its own policy approach to human rights. The refined human rights policy included two parallel goals: use of positive actions to promote democratic values at the expense of Soviet Union’s image, and use of public statements to scold both allies and enemies for serious human right abuses. The first goal was pursued through a program of conferences, studies, exchanges and grants, culminating with the creation of a federally funded private
corporation with the aim of encouraging democracy around the world\textsuperscript{xxiii}. The second was often addressed through quiet diplomacy. Official pronouncements were also made in international forums. The focus was on honesty, rather than on taking actions against allies, since the Administration did not want to risk replacing one evil with a worse evil, by letting a country fall under communist influence. The administration was willing to use human rights language strategically "as a weapon against hostile regimes", yet preferred to correct authoritarian behaviors of other countries through the power of example rather than anything else.

The Reagan administration ended up with a realistic outlook on the issue, reminding the nation that human rights are "not a free floating goal to be considered in isolation each morning. We do not betray the cause of human rights when we make prudential judgements about what can and can't be done in one place at one time"\textsuperscript{xxiv}. Deciding to make an effort to pursue human rights objectives, the administration found out that in many places it was consistent with a broad range of other foreign policy objectives, such as containment of Communism. Unlike the previous administration, many of those who followed the Reagan Administration did not forget that there were limits to American power to transform others.

\textbf{GEORGE H W BUSH ADMINISTRATION}

Order and stability were the focus of the George H. W. Bush administration. Despite the prominent place Bush gave the human rights in his rhetorical vision of the new post-Cold War world order, the administration clearly preferred “geopolitical stability over interventions based upon human rights”\textsuperscript{xxv}. The administration approached foreign policy from the worldview of realism. It recognized the limits of US influence, promoted flexibility and chose to compromise human right values in order to pursue national interests like trade and stability. America had not intervened “in every major human rights controversy during Bush’s presidency—such as the
massacre of prodemocracy demonstrators in Beijing’s Tiananmen Square, Moscow’s
discouragement of independence in Ukraine, and the Serbian onslaught in Bosnia”xxvi. United
States did choose to invade Panama to remove a former CIA operative, Manuel Noriega, from
power. The invasion was known as Operation Just Cause. It successfully deposed
Noriega, protected the 35,000 Americans in Panama and the treaty of the Panama Canal. The
justice done through the operation was, however, relative to the US interests. According to
Doctors for Human Rights more than 80% of Panama’s casualties were civilians; thousands were
wounded and displaced, while the country was left in shambles, “with a government
characterized by violence, corruption and an unstable economy” xxvii Another major US
intervention that did occur during Bush Administration was the Gulf War. Although Operation
Desert Storm was framed as an effort to promote a New World Order and seen as a response
Iraq’s act of aggression and gross violations of human rights, it was not an example of a
humanitarian intervention. “Iraq’s aggression against Kuwait was seen by the Bush
administration as a direct threat to U.S. oil interests” xxviii Presented in the language of human
rights it was, nevertheless, an example of US pursuit of economic interests.

Bush’s human rights policies became the focus of public discourse because of the failure
of the administration to address appropriately the Tiananmen Square massacre. When United
States attempted to use economic means of pursuing human rights objectives China argued “that
the West had a different definition of human rights; it considered the United States to be
interfering with its internal politics.”xxix In efforts to maintain Sino-American relations the
administration ignored public outcry and objected Congress bills that would impose negative
sanctions on China for economic reasons. Bush feared that Americans would lose jobs if China
would no longer receive the status of Most Favored Nationxxx. The executive-congressional
conflict over foreign policy produced policy that satisfied neither the Congress nor the executive. The limited sanctions that were placed did not change China’s human rights behavior but did worsen Sino-American relations.

BILL CLINTON ADMINISTRATION

In the beginning of his term Bill Clinton openly criticized Bush’s response to human rights violations in China. Entering office he publicly supported the argument that “we have a right to ask a country that has a $15 billion trade surplus with us not only not to export goods made with prison labor, but to observe basic human rights while building market strength.” On the other hand, he acknowledged that security needs and economic needs will at times “diverge our commitment to democracy and human rights.” His administration did not have a consistent approach to foreign policy; its focus drifted from promoting democracy and human rights, to economic, humanitarian and strategic goals. Despite maintaining a rhetorical commitment to human right values the administration failed to strongly back up the idea in practice.

Although initially Bill Clinton demanded that China must make significant human rights progress to maintain” its trading privileges with the United States, it was soon discovered that the policy “did not produce desired results.” Understanding that America cannot use economic lever to achieve a change in China’s behavior on human rights the administration promoted integration of China into international economic institutions such as World Trade Organization. Economic interdependence would give America more leverage to hold China “accountable to acceptable standards of conduct.” In addition to delegating the concern for human rights in China to international organizations, the Administration worked on establishing a low-key human rights dialogue and supporting several radio broadcasts in China.
There were several major human rights violations that took place during the Clinton Administration: ethnic genocide in Bosnia that led up to the Kosovo War and the genocide in Rwanda. While the United States’ response to the Kosovo War was too slow to be successful in protecting human rights, the administration failed to act altogether to prevent the genocide in Rwanda. The US’ ability to manage an alliance was demonstrated by the response in Kosovo but it also demonstrated the unwillingness to sacrifice for the sake of defending the values it professed to uphold. Initially, United States wanted to rely sole on airpower in Bosnia. Eventually it did lead the air campaign against Kosovo and left it up to the European nations and the UN to take responsibility for peacekeeping and reconstruction of the country. xxxvii

After the fall of the Soviet Union there was no longer a strong unifying purpose to American foreign policy. This gave United States flexibility not only in commitment to multilateral institutions but also in the way it chose to address conflicts on European soil. When it came to multilateral institutions Clinton chose to rely “on international institutions when they suit U.S. purposes” but criticized or ignored them “when they did not”xxxviii The administration chose to reject the proposal to create an international criminal court refusing to give up its freedom of actions.

GEORGE BUSH ADMINISTRATION

The Bush administration did not have to deal with creating new methods of dealing with human rights violations. It had “inherited a number of policy options and mechanisms left in place by both the previous administration and Congress”xxxix. Those included the State department country reports intended to inform the public of human rights violations in other countries, support for international organizations and programs that held states accountable for
misconduct, and diplomatic and economic relationships with other countries. “By strategic wielding of human rights throughout his presidency…Bush connects his actions in important ways to the foundational myths of American democracy”xl. Just like previous administrations, the Bush administration used human rights language to justify foreign policy decisions even though the actions that were advocated for often undermined the very practices that America claimed to be supporting. This became especially prominent after the terrorist attack on September 11, 2001. Many academics and political analysts argue that the way the United States responded to the enemies attack was a compromise of the very values that United States claimed to be defending and promoting worldwide.

The Litigation Director of the International Centre for the Legal Protection of Human Rights, Helen Duffy, outlined the impact which the war on terror had on human rights by focusing on enforced disappearance, detention and torture of terrorist suspects. Duffy argues that aside from strategic military aims, the main goal of post 9/11 policy was intelligence gathering. This goal was pursued at the expense of “most sacred human rights norms”, particularly through the use of torture and arbitrary detention. The terrorist label became a blanket statement to justify violations of human rights by political actions, such as taking away the right of habeas corpus from those detained in Guantanamo Bay, by arguing that obligations of Human Rights’ treaties do not apply to actions of US military outside of the United States, by justifying the use of torture for the sake of national security, and withholding due process of law from kidnapped individuals, as happened in the case of Khalid el-Masri.

Khalid el-Masri is a German citizen who was arrested by Macedonian border officials questioning if his passport was a forgery, and alarmed by his name’s resemblance to the name of a leader of the al-Qaeda Hamburg cell. Khalid was handed over to the CIA and flown to a covert
CIA interrogation center in Afghanistan. After 4 months it became clear that he was not associated with al-Qaeda and his passport was genuine, so he was released at night on a desolate road in Albania with no apology or funds to get back home. “When a lawsuit was brought before a US court, the government invoked the so-called ‘state secrets’ privilege, arguing that the ‘entire aim of the case is to establish state secrets’”xli. In order not to damage national security, government misconduct was ignored. The case was dismissed by the US District Court, refused by the US Supreme Court, and even European courts chose not to prosecute the CIA agents for security reasons.

The US Supreme Court did address some human rights violations caused by the war on terror. For example, in a Supreme Court case decided in June 2004, Justice Sandra Day O’Connor cautioned on behalf of the Court that ‘We have long since made clear that a state of war is not a blank check for the President when it comes to the rights of the Nation’s citizens’. That case, Hamdi v. Rumsfeld, followed by several others, addressed the issue of habeas corpus first for US nationals and other detainees held at Guantanamo Bay. The judicial advocacy for human rights was not welcomed by other branches of government. “Rather than a response that would seek to deal with the problem by bringing policy in line with law, the law was identified as the problem, and international sources of law and judicial oversight of them were removed”xlii. When the Supreme Court declared that the president acted outside of congressional limits violating international and domestic law, Congress substituted habeas corpus rights of detainees by procedures for review of the detainee status by passing the Detainee Treatment Act of 2005. The law was further modified by the 2006 Military Commission Act, which stated that the Geneva Convention international law could not be used as a source of rights in habeas corpus or
other civil proceedings against US personnel, although it was incorporated into US law by the
Uniform Code of Military Justice (UCMJ) statute.

**CURRENT POLICY**

Current American policy has a clear reasoning for upholding human rights. Keeping in
mind the historical background of the United States, the Department of State declares promotion
of human rights to be “a central goal of U.S. Foreign Policy”. Concern for human rights is
consistent with other vital policy objectives, such as promoting the rule of law, deterring
aggression, fighting corruption and crime to obtain a peaceful and prosperous world. Policy
applications can be summarized as a commitment to collaboratively enforce universal norms and
individually advocating on behalf of the oppressed.

The Bureau of Democracy, Human Rights and Labor (DRL), which was established in
1977 through administrative action by the Department of State, has three foundational principles
in approaching human rights. “First, DRL strives to learn the truth and state the facts.” The
Bureau provides Congress with a detailed report on human rights conditions and needed
information to immigration judges as well as to the Immigration and Naturalization Service. In
all its outputs, DRL prides itself in being accurate and objective. “Second, DRL takes consistent
positions concerning past, present and future abuses”. This includes demanding accountability
for past violations “inside outside” approach to ongoing abuses and preventative domestic
training and international diplomacy. “Third, DRL forges and maintains partnerships with
organizations, governments, and multilateral institutions committed to human rights.” Its
functions include regular consultations with Native American Tribes as well as the expected
communication with international human right organizations.
Obama's administration criticized the previous administration for their failures in achieving human rights goals. The current administration focused on developing policy in three areas as a response to weaknesses in Bush's policies. Those are recognition of international law and institutions, police treatment of detainees, and promotion of democratic values. He also shifted focus to place increased attention on LGBT and women's rights.

When it came to joining international treaties and institutions, Obama made public statements supporting U.S ratification of several human rights conventions. Those included the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of a Child, and the UN convention on the Rights of Persons with Disabilities. While that signaled a rhetorical change in US policy, it did not have the intended effect since the treaties were not supported by Congress. Thus the laws actually did not change. Obama did successfully encourage greater US involvement in the United Nations. In 2009, the United States were once again elected to be a part of the group that makes decisions on human rights for the United Nations. It also submitted its first review analyzing domestic human rights policies to the Universal Periodic Review. In an effort at self-analysis, the report admitted continued racial conflict issues as well as immigration problems. Closing down the Detention Facilities at Guantanamo Bay Naval Base proved to be harder than expected. Obama attempted to address the issue through a series of executive orders, yet despite federal efforts to release detainees, the base remains open.

**ANALYSIS**

All of the administrations described above struggled to be consistent. All of them had to deal with public opinion, human rights organizations and the direction of policy demanded by the legislative branch. All but Reagan struggled to maintain its human rights goal in face of other
policy objectives (Reagan did not care about the goal much, and was at least honest about it). All administrations struggled to clearly define human rights. While the Carter administration concluded its policy work with an attempt to line up human rights with defense of sovereignty and self-determination, Reagan's administration closely tied demands for human rights with the strategic goals of containing communism. The Bush Administration contributed to policy evolution by establishing a more intimate connection between human rights and American economic objectives. Key global events such as the fall of the Soviet Union, and the terrorist attack on 9/11 significantly shift foreign policy focus, and there are clearly limitations to what policy can accomplish concerning human rights.

POLICY RECOMMENDATIONS

The objective of the paper is to arrive at a Biblical way of addressing injustice by means of foreign policy and individual action. In order to respond to human injustice domestically and abroad in a way that is consistent with our calling as Christians, it is important to seek to fulfill what God has commanded in His Word. God is the ruler of all kings and nations. He will one day bring everyone to account for their actions and passivity when action was needed. For both individual response and policy recommendation, three key principles apply: truth, integrity and compassion.

It is recommended that the United States should recognize failures in domestic human rights in such things as indefinite detention of terrorist suspects, torture and violation of privacy of United States citizens before formally continuing promotion of human rights abroad. American foreign policy is characterized by outward commitment to doing good while in action good is not done. Simultaneously, policymakers call good things that are evil in the eyes of God. An example of this is the human rights focus on LGBT rights in the current administration. The
Word of God clearly decrees "Woe to those who call evil good and good evil" (Isaiah 5:20). The American policymaking community should not be misled by good intentions but critically analyze what the government is truly doing. As individuals we are commanded to “have nothing to do with the fruitless deeds of darkness, but rather expose them” (Eph. 5:11). Individually we must know the truth and refuse to support lies. This demands a commitment to refuse compromising on what goes against our conscience and may cause one to become a whistleblower to expose corruption, oppression and injustice.

It is recommended that the United States should faithfully enforce existing Constitutional and economic laws. Enforcing existing statutes regulating American conduct in the international sphere will demonstrate to the world that human rights is not an empty idea for the United States but a standard that the US government holds not only for others but also for itself. An example of laws that needs to be faithfully enforced is the Foreign Corrupt Practices Act passed in 1977 to prevent companies from making corrupt payments to foreign officials, encouraging integrity of American business. Focusing on the law that is already in place is the best way, according to Andy Spalding, to “construct a regime of corporate liability for overseas human rights violations” Why would the United States be taken seriously on public condemnation of human rights violations when privately the government is condoning those violation for economic and security purposes. The apostle Paul reminds followers of Jesus in the first epistle to Timothy that the goal of God’s commandment is “love from a pure heart, good conscience and sincere faith”. Obedience to the “golden rule” of loving your neighbor as yourself does not begin with political participation and promotion of good ideas overseas, but in our homes, our immediate context such as workplace, academic settings and churches. How could we demand
righteous conduct from anyone else, including our leaders, while our own heart convicts us before God?

It is recommended that the United States should support policies at home and abroad that respect the rights of asylum seekers, refugees, migrants, and immigrants. Biblically, the people of God are called to welcome strangers since they know exactly what it means to be one. Isaiah 21 calls to “meet the fugitive with bread... for they have fled from the sword” America should continue its historical tradition to open the doors for those fleeing destruction in their country. The policy specifics will not be discussed in this paper, since in the current political context this topic could not be covered in a few paragraphs. As believers, living in the Sacramento area gives us a unique opportunity to physically welcome refugees and establish relationships with people from various backgrounds, cultures and faiths. Thus we have the opportunity to heed the call of Christ to make disciples of all nations, sharing with them the good news that changed our lives.

CONCLUSION

Human rights is accurately a global issue. After living in the United States of America for more than a decade I am learning that no government on earth has figured out how to effectively address the issues of injustice and the cruelty inherent to human nature. This paper is a conscientious objection to human rights policy as we know it. American foreign policy is consistent in its inconsistencies, and if a body politic could have a conscience America would be going against its conscience for it does not do what it preaches. Truly pursuing human rights would require the United States to honestly acknowledge internal failures and address inconsistencies in implementing justice domestically as well as faithfully implementing just laws. The first step is a personal commitment to live out what God requires of humanity: “To act justly and to love mercy and to walk humbly with your God” (Micah 6:8).
A CONSCIENTIOUS OBJECTION TO HUMAN RIGHTS POLICY AS WE KNOW IT

Carr (1946).
The Universal Declaration of Human Rights
1 Timothy 1:5
Isaiah 21:14-15
REFERENCES


