

# UNDERSTANDING AMERICA



## How Should Americans Think About Human Rights?

LIFE LIBERTY  
AND THE  
PURSUIT  
OF  
HAPPINESS



Kim R. Holmes, Ph.D.

The *Understanding America* series is founded on the belief that **America is an exceptional nation**. America is exceptional, not for what it has achieved or accomplished, but because, unlike any other nation, it is dedicated to the principles of human liberty, grounded on the truths expressed in the Declaration of Independence that all men are created equal and endowed with equal rights. As Abraham Lincoln once said, these permanent truths are “applicable to all men and all times.” The series explores these principles and explains how they must govern America’s policies, at home and abroad.

## **About This Cover**

When Americans think about human rights, they must be careful to distinguish the inherent natural rights that government is responsible for securing from manufactured rights that some claim government is obligated to provide. As the Declaration of Independence proclaims, we all have the right to life, liberty, and the pursuit of happiness. The Declaration’s wisdom should inform our answer to the question “How Should Americans Think About Human Rights?”

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# How Should Americans Think About Human Rights?

America's storied leadership in promoting liberty and individual rights began long before we became a nation. It began when the first persecuted immigrants came here to find religious freedom. Their belief in a natural, God-given right to practice religion freely grew out of centuries-old struggles of people to secure a right to life, liberty, and property under the rule of law, not the whim of rulers. How should Americans think about human rights today?





*Our rights are not created by government. Each and every one of us possesses them by virtue of being human. In the United States, this was recognized by the Founding Fathers and enshrined in the Declaration of Independence and the Constitution. The purpose of government is to secure our rights, and therefore our inherent freedoms.*



Since the 13th century, people in England had fought for and won a number of agreements with their kings to secure certain liberties. In 1607, King James I granted the colony of Jamestown a royal charter assuring its residents of “all the liberties as if they had been abiding and born within this our realm of England or any other of our dominions.”

Growing out of these historic liberties and the development of the rule of law is the Founders’ deeper recognition of the inherent natural rights as the foundation of human freedom. Hence, the Virginia Bill of Rights, penned by Founding Father James Madison and adopted in June 1776, began with these familiar words:

That all men are by nature equally free and independent, and have certain *inherent* rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety. That all power is vested in, and consequently derived from, the people;

that magistrates are their trustees and servants, and at all times amenable to them.<sup>1</sup>

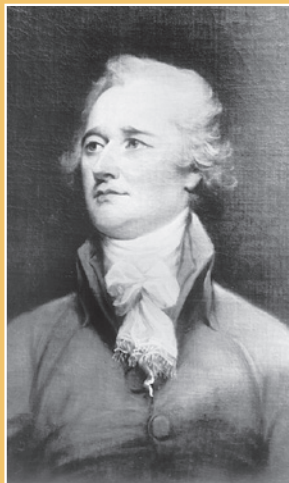
This principle of “inherent” or inalienable rights outside of and despite government imbues our Declaration of Independence and invigorates our Constitution. Since our founding, these important documents provided the basis for our social order and American jurisprudence. They have guided our struggles to overcome slavery and discrimination by race, religion, sex, or birth. And they have guided our engagement abroad.

Yet this principle of inalienable natural rights—fundamental rights that government neither creates nor can take away—isn’t the same as the thoroughly modern idea of “human rights.”

Although both are universal, natural rights most emphatically do not come from government. Government only secures these rights, that is, creates the political conditions that allow one to exercise them. Human rights, as popularly understood, are bestowed by the state or governing body.

In addition, natural rights, being natural, do not change over time. All men, at all times, have had the same right to life, liberty, and the pursuit of happiness. Human rights, on the other hand, constantly change. A whole cottage industry has sprung up to

“The sacred rights of mankind ... are written ... in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.”



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—Alexander Hamilton  
*February 23, 1775*





*If you want to take a vacation, you have to pay for it. A vacation is something you earn and enjoy yourself; it is not a right. Yet activists have invented the “right to leisure,” and defined it as a human right. In reality, it is something they want the government to provide. Government can only do this by redistributing private wealth.*



advance a bevy of new “economic and social rights” conceived of, defined by, and promoted by activists, governments, and international bureaucrats.



Many Americans are unaware that these manufactured rights are not the same as the natural rights endowed by God or nature. What are often called “human rights” today are social constructs. They either sound like high-minded aspirations—equal rights for women and minorities—or like trivial and harmless concepts such as the “right to leisure.”

These concepts are in fact neither high-minded nor harmless: they are fundamentally incompatible with the Founders’ understanding of natural rights.

First, they are largely goals that government cannot guarantee. Take the “right to development.” Government can strive to level the playing field so everyone has an opportunity to improve their lives. But the power it would need to guarantee that no one is poor would be so great it could crush the natural rights and liberty of

individuals. That is the sad lesson of Communism in state-controlled societies, which limit individual freedom and civil liberties so as to provide a “guaranteed” level of income, or some other high-minded social goal, for everyone.

Whereas natural rights (such as life, liberty, and property) are rights that government protects from infringement by others, invented rights (such as “housing” and “leisure”) are things that government is obligated to provide. And it does so by redistribution of private wealth.

Second, they suffer from confusion over what a right really is or should be. Governments that pretend to give and safeguard rights to certain groups inevitably endanger individual rights held by everyone. If your social value is defined by your sex, class, or race, then your intrinsic value as a person is lost.

Your natural right to freedom of speech or assembly is tangible and real. Government can protect it without infringing on someone else’s rights. But trying to guarantee a social group’s right to something inevitably puts them at odds with other groups, and both are reduced to petitioning political favors from government. A woman’s right to freedom of speech is no less important than a man’s, but that’s because she’s human, not because she’s a woman.

The same confusion exists with “economic rights.” The U.N. and countries often define them as a guarantee to a certain wage or income. But governments don’t create wealth any more than they create natural rights. You indeed have a right to property, but it’s because of your natural right to keep what you gain through your efforts in the first place. When the U.N. or government mistakenly defines “economic rights” to things it cannot guarantee, it ends up creating conditions that deny people the very liberties and property rights it should protect.



Lofty sounding aspirations can be seductive. Who would not want to eliminate poverty in the world? Who would not want women, children, and minorities to live full and complete lives in a free society? No one of conscience would object to any of these as outcomes.

But they are not what motivate the modern human rights proponents. To understand why not, you only have to consider the United Nations. Its institutions, like the Human Rights Council,

have become distractions from (or worse, obstacles to) advancing the kinds of liberalizing policies countries really need.

Why? Because the U.N. is populated with nations that abuse the principles in its Charter. Socialist, Communist, and authoritarian regimes consider basic civil, political, and economic freedoms as real threats to their hold on power. They claim to promote collective rights to advance the “common good,” but they exploit these rights politically to maintain control. The one-nation, one-vote rule at the U.N. and other international forums affords them a legitimacy they do not deserve and a venue for waging their ideological battle with true democracies.

Americans likewise should be wary of international human rights treaties. The goals of such treaties may be laudable. But all too often they fail to deliver on their promises: many nations sign them with no intention of changing their ways. Saudi Arabia is a perfect example; it signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), yet it treats women as second-class citizens who need their husband’s permission to travel and who are still forbidden to drive. The U.S. is far more committed to enforcing the terms and conditions of

“Democracy, freedom, human rights have come to have a definite meaning ... which we must not allow any nation to so change that they are made synonymous with suppression and dictatorship.”



–Eleanor Roosevelt  
*September 28, 1948*





*The Convention on the Elimination of All Forms of Discrimination Against Women has many signatories, including Saudi Arabia. But these regimes, all of which are members of the United Nations, do not live up to their word. They sign treaties and claim to promote “collective rights” merely in order to win international legitimacy and internal control. The best way for Americans to protect our freedoms is to preserve the Constitution.*

the treaties it ratifies. It has not signed CEDAW, in part, because America's legal protections of individual rights are already well established.

Ratifying treaties like CEDAW would also reduce our ability to govern ourselves by undermining our national sovereignty. By ratifying CEDAW, the U.S. would subject its laws to a body of international "experts" who monitor the treaty's implementation. Those experts would try to impose their interpretation of rights on Americans, in defiance of the rule of law and our Constitution. The CEDAW Committee, for example, has instructed some countries to legalize prostitution and others to give prostitutes full benefits like any other employee. And it discourages references to "motherhood" as "stereotypical."

For Americans, the protection of human rights is fundamental to liberty. We understand that our rights are not guaranteed simply because we join the U.N. or sign a treaty. Rather, they are guaranteed by our Constitution and our laws, which ensure that no one will be deprived of his rights without due process of law. The best way to ensure every generation enjoys the liberties and civil rights we fought so hard for throughout our history is to preserve the Constitution.



The United States is uniquely situated to be the global leader on behalf of fundamental and traditional freedoms because it is the only nation of the world explicitly founded on the creed of individual liberty, natural rights, and constitutional government. It is an exceptional nation. But it will remain so only if succeeding generations are committed to this creed.

The best way to promote human rights as we understand them is not through international treaties and institutions. It is through a properly balanced political system that ensures equal justice and limits the state's role to only what is necessary to secure our rights. It is by standing up for victims whose natural rights are violated around the world and assisting them when we can, and by pointing out other states' failings to live up to their treaty commitments. It is by remaining the beacon of liberty for people everywhere—that “shining city on the hill” that Ronald Reagan described as he confronted the evils of Communist states.

We should be proud of our record on rights. In our comparatively short history, we've brought more prosperity and equality to more people than any other nation in history. We back our words with our

lives, our treasures, and our future. We have corrected the great flaw of our past—a bloody Civil War ended slavery in America—and don't need to go around the world apologizing for our nation's history. We should never allow the U.N. or anyone to abuse the mantra of human rights to undermine our sovereign constitutional system which not only protects our God-given rights and the liberty to govern ourselves but also offers the best model for others to do the same.

And so the question remains, as Reagan once asked, “If we are not to shoulder the burdens of leadership in the free world, who will?” For all that it represents and continues to defend in the world, America remains liberty's last best hope.



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# Enduring Truths

For links to these titles, go to [heritage.org/UnderstandingAmerica](https://heritage.org/UnderstandingAmerica).

- **Isaiah Berlin, *Two Concepts of Liberty***

The English philosopher Isaiah Berlin defined the concepts of negative and positive liberty. In this case, negative is good: it means freedom from government interference. Positive liberty, by contrast, means government intervention to guarantee outcomes. Berlin points out dictators have often used the excuse of positive liberty to deprive the people of their freedom.

- **Thomas West and William Schambra, *The Progressive Movement and the Transformation of American Politics***

The Founding Fathers believed that all men naturally possess inalienable rights. But the Progressives of the late 19th century did not believe that natural rights exist. Instead, they believed that the government creates and promotes freedom—in Berlin’s terms, positive liberty. As West and Schambra explain, the Progressives therefore rejected the understanding of freedom on which America was founded.



- **Kim R. Holmes**, *Economic Freedom as a Human Right*

Economic freedom offers people around the world the best hope for achieving healthier, safer, wealthier, and more productive lives. But economic freedom is not just a good idea in practice. As Holmes emphasizes, it is also a natural right, and indivisible from the broader idea of liberty.

- **Natan Sharansky**, *Is Freedom For Everyone?*

In his inaugural Margaret Thatcher Center for Freedom Lecture, Sharansky, a Soviet dissident who found freedom in Israel, speaks eloquently to the legacy of Ronald Reagan and Margaret Thatcher, and proclaims his belief that “freedom is a cause for everybody.”

- **Jeane J. Kirkpatrick**, “*Dictatorships and Double Standards*,” *Commentary*, November 1979

This essay inspired Ronald Reagan, after he won the 1980 presidential election, to make Kirkpatrick the U.S. Ambassador to the United Nations. It remains timely today because it exposes the folly of pretending that totalitarian insurgents, or the United Nations, are on the right side of history and that American foreign policy must therefore seek to win their favor.

# Current Issues

For links to these reports, go to [heritage.org/UnderstandingAmerica](http://heritage.org/UnderstandingAmerica).

- **UNITED NATIONS.** Brett Schaefer and Steven Groves, “The U.S. Universal Periodic Review: Flawed from the Start,” August 26, 2010. When the Obama administration joined the U.N.’s Human Rights Council, it subjected the U.S. to the Council’s system of regular reviews. Schaefer and Groves explain why the U.S. should not have joined the Council, why the review process is flawed, and argue that it must be fundamentally reformed if it is to play any meaningful role in the advance of liberty.
- **THE LANGUAGE OF FREEDOM.** The Heritage Foundation, “Reclaiming the Language of Freedom at the United Nations: A Guide for U.S. Policymakers,” September 6, 2006. The American idea of freedom is more and more poorly understood, not just by foreign countries and diplomats, but by some Americans as well. At the U.N., and everywhere else, the U.S. must reinvigorate the American tradition of freedom, which is universal and indivisible.

- **WAR AGAINST TERRORISM.** Lisa Curtis, “Championing Liberty Abroad to Counter Islamist Extremism,” February 9, 2011.

Promoting democracy and liberty around the world has long been a core component of U.S. foreign policy. Such efforts are particularly important in Muslim-majority countries because the principles of liberal democratic governance are a powerful antidote to Islamist extremists’ message of intolerance, hatred, and repression.

## Endnotes

- 1 Virginia Bill of Rights, 1776, emphasis added.

# About *Understanding America*

**AMERICANS HAVE ALWAYS BELIEVED** that this nation, founded on the idea of freedom, has a vital responsibility to the rest of the world. As George Washington first recognized, the “preservation of the sacred fire of liberty” depended on the American people. These words remain true today.

*Understanding America* explores how the United States’ commitment to the universal truths of human equality and the right to self-government—as proclaimed in the Declaration of Independence—requires a vigilant defense of the cause of liberty, both at home and abroad.

## **Other volumes in the series:**

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# How Should Americans Think About Human Rights?

*“All men, at all times, have had the same right to life, liberty, and the pursuit of happiness.”*

America was founded on the understanding that everyone has inalienable rights, endowed by God or nature, and that government must secure these rights for all its citizens. Today, these natural rights are at risk, endangered by modern notions about “human rights” that have been manufactured by international organizations and activists.

These so-called “rights”—such as the “right to leisure”—sound like lofty aspirations at best, or trivial concepts at worst. In reality, these ideas are incompatible with the Founders’ understanding of natural rights. This volume in the *Understanding America* series explains how Americans should think, and act, to protect those rights.

