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Katarzyna GRUSZKO¹

HUMAN RIGHTS AND US FOREIGN POLICY

Human rights are fundamental elements of the post–World War II world order, and in contemporary international relations. They constitute the moral base of the West, which, through the system of international institutions, has been implemented all over the world. Treated as universal, they constitute a bridge between the West – and, above all, the United States – and the rest of the world, in a moment of changes in the global order. The aim of this paper is not to analyze these changes, but to show how human rights happen to be politicized and what the consequences may be. The position and foreign policy of the United States as the architect of the liberal order after World War II, and its care for human rights in an era of global changes at the beginning of the 21st century, seem to be of key importance for international policy on the fate of humanity.

Keywords: human rights, foreign policy, US exceptionalism.

1. INTRODUCTION

Human Rights are considered to be a crucial for World Order after World War II. As a product of the West, they were qualified as universal and included in the global liberal system. It was assumed that the implementation of human rights by all or most of the states in the world would help to avoid repeating the traumatic experiences of the War. Moreover, by guaranteeing individual and collective rights, they were to ensure the stability of the new system and the stability and predictability of social and national movements. In this way, having a moral foundation based on the concept of human dignity, they became not only ends, but means to build secure international relations. But analyzing foreign policies of states, it can be seen that human rights are also used to achieve the particular goals of individual states. Especially the US foreign policy, on the one hand, the chief architect of the Global Order after World War II, and on the other exceptional, with the status of *primus inter pares*, can explain the actual place of human rights in international relations.

The paper consists of following parts. Methodology of research and conceptual framework give the theoretical basis for further considerations. HR in US Politics Research Review presents the state of research on the topic as of today. Later the author investigate whether human rights are tools of foreign policy of individual states and if the United States happen to use human rights to achieve political goals in the world. The literature of the subject is rich and consists of scientific articles, monographs, documents and international

¹ Katarzyna Gruszko, Jan Kochanowski University in Kielce, Poland; e-mail: katarzyna.gruszko@ujk.edu.pl. ORCID: 0000-0002-6700-5696.

agreements. Sources regarding global order and the importance of human rights in international relations allow to outline the background and the environment in which entities operate.

2. METHODOLOGY OF RESEARCH

Since the aim of the paper is to investigate the role of human rights in the politics of states, especially the United States, none of the theories of international relations will be leading. Each of them will refer to the importance of human rights in the IR, and will shed light on the problem of their politicization, but at the same time the perception of this phenomenon will be different. Among the many, the most important in this context will be realism, liberalism, constructivism and the English School. Especially the latter, and in particular the dispute between solidarists and pluralists, will help to answer the question whether human rights are universal value in themselves, the common good of humanity, and states should take responsibility for them, or whether culturally diverse human rights are the sovereign responsibility of individual states, and the international community should not interfere in their implementation.

Liberalism assumes that the legitimacy of the internal order of states stem from respect for human rights, but also for democracy and free market. Human rights, are universal in nature, although the values and achievements of the West are the point of reference in this area. For foreign policy and international relations from the liberal perspective, it is extremely important to promote human rights as an emanation of moral principles desired both in the domestic politics of states and in international politics. Although this often requires states to sacrifice their own national interests, it serves the international community. Human rights are an expression of respect for human dignity as the highest value, as well as give credibility to states in the international arena and are one of the guarantors of non-violence (Burchill, 2005). In liberalism the world is perceived not as a perpetual state of war, but as war and peace, and peace can be achieved by eliminating war. Competition exists but is not limited to power. International institutions have an impact on relations between states. They differ from each other, and the criterion of their qualification depends on their attitude to human rights. Obligations of the state are not limited to ensuring security, but include protection and promotion of individual rights. Realism, on the other hand assumes that relations between states are of an anarchic nature which does not exclude trade between them, cultural interactions, and the existence of international law as an institution regulating international relations. However, this is state that remains a basic and strategic player in the international arena. Some of them focus on expansion, others only on survival but none of them can maintain lasting cooperation with others. States are selfish and fear each other. This does not mean, however, that they do not cooperate – *clubs are trumps*, and all goods have a relative value, determined by the measure of strengthening one's own security (Doyle, 1997).

Constructivism assumes that states, through their mutual interactions, co-create a system and the structure of this system influences their identity and interests. This mechanism applies to human rights: the state's attitude to HR shapes the system, and within it, standards are created and implemented in this area. It is a feedback loop. The mutually created social structure excludes the assumption that human rights policy, because it is implemented by selfish states, results only from their particular interests, ensuring their independence and security (such an approach is represented by some representatives of

liberalism). This does not mean that states do not act in this way, but the calculations mentioned above arise as a result of social interactions between them (Mertus, 2008).

The English School assumes that subjects of IR are socialized by the structure, and that the international community is a political and social concept. However, there is no consensus as to what kind of values are promoted by this system. The division of the English School into pluralists and solidarists is important for the search for the role of human rights in international politics. The former assume that the international community is not the same as the universal community of humanity. Therefore, it is only a framework for the international order in which states work together to achieve the common interest. States remain as separate entities, and the standards created by the international community are intended to maintain this distinctiveness. Pluralists represent the point of view in which states are the main actors and as a result of the principle of sovereignty, and differences between them (also regarding the interpretation and implementation of HR) are desirable (Buzan, 2004). Solidarists assume that human rights, understood in a cosmopolitan and universal way, are essential to the international community as such. Raymond Vincent (1986) dismisses the allegation that human rights, as an expression of Western values, can serve imperialist purposes and be essentially a tool to curb the emancipation of the rest of the world, not to promote them². The author notes that values implemented from the West serve primarily to limit rather than promote any hegemony. The world of shared moral values serves the security of the weaker and the stronger in the same degree. Therefore, human rights must be regarded as an end in itself that serves the good of the international community and, therefore, of all states³.

The activity of states in the area of guaranteeing respect for human rights, the risk of overzealousness or too far-reaching restraint, raise questions about the reasons for undertaken or omitted actions. The paper works with the above IR theories and the aim is to use them as a background and test them. The aim of the paper is to find out whether and to what extent HR in US foreign policy can be described as means or ends. They will not be analyzed individually, but their groups. Human rights are based on the principles of equality, universality and morality. The implementation of the above principles in US decisions and actions may be a determinant of whether human rights are ends (if the principles are fully respected and implemented) or means (in the opposite situation, when none or not all principles are reflected in the foreign policy of this superpower). Considerations base on a qualitative methodology in a form of instrumental case study where human rights is an independent variable, foreign policy and its tools, global order, ideological basis for the US foreign policy are mediating variables and the US foreign policy is a dependent variable.

3. CONCEPTUAL FRAMEWORK

To consider the place of human rights in the US foreign policy, it is necessary to explain the way and extent to which states are obliged to abide by them. It is not an aim of the paper to analyze the essence of human rights and assess the quality of their functioning. According to the jurisprudence of the International Court of Justice, they can function as a custom, and thus legally bind also those states which have not acceded to relevant

² For the conceptions of the West and the Rest see also (Bonnett, 2004; Kurth, 2009; Zakaria, 2008; Huntington, 2013; Khanna, 2008; Gajewski, Gruszko, 2018).

³ The presented dispute is best illustrated by an approach to the principle of non-intervention. See: (Buzan, 1993; Devlen, James, Özdamar, 2005; Linklater, 2005).

international agreements. Human rights may also be qualified as mandatory at all times and circumstances, not a subject to derogation and be included in the *ius cogens* system. In practice, only international tribunals decide which laws are mandatory. States in doing so, would impose self-limitation, so none of the international, universal or regional organizations has undertaken and will probably not take such action in the future. So only their judicial authorities decide which human rights are not subject to derogation. At present, the number of such rights remains limited (Mazurkiewicz, 2015).

According to moral foundation of human rights it is necessary to underline the definition of social order, which emphasizes such distribution of entities that allows the implementation of the most important values and goals. Social, political, international or global order will be subordinated to these values. At the same time, the existence of order does not allow the implementation of undesirable or harmful ones (Bull, 2012). The definition of Kissinger's Global Order, a representative of realism in international relations, allows the application of values and principles proposed by a region or civilization to the whole world. Standards, rules and institutions define the system, but at times of crisis, rules such as balance of power will guarantee its survival and stability (2014).

It should be emphasized that, although democracy is not a human right, according to the United Nations it plays a significant role in maintaining peace and security in the world, ensuring economic and social progress and development, as well as respecting human dignity. Its Member States recognized in 2005 that democracy, development and human rights are mutually reinforcing and the rule of law is a condition for the protection of individuals and groups (United Nations, 2005). The Universal Declaration of Human Rights and the Paris Charter made peace and security dependent on democracy and respect for human rights. Even after the end of the Cold War, democracy was recognized as a prerequisite for conflict prevention especially in the context of non-international conflicts (Clark, 2009).

The above definitions of the concept of order show how important the values are and the mechanisms aimed at guaranteeing them. After World War II, a Global Order was based on liberal economic and political principles. This order was created under the leadership of the United States and became a reflection of the values of the Western World. The Cold War strengthened the position of the United States in the new system, while the power fulfilled the role of leader by exercising the rights and obligations that resulted from the nature of the system they created. One of the most important elements of the liberal order after World War II was the development of a catalog of universal human rights, which was reflected in the Universal Declaration of Human Rights (Ikenberry, 2011).

A foreign policy of state can be defined in many ways. It is assumed that this is the behavior of one state towards others. Such behavior results from decisions made by an individual or a group of people. The main goal of foreign policy will be to change or to continue the behavior of others, depending on what is conducive to the implementation of the national interest. Values of a given state affect foreign policy it implements. It happens that they become foreign policy tools, as in the case of exporting democracy or the free market in the case of the United States. In their case, affective investment has become one of several pillars of foreign policy. American exceptionalism emphasizes the moral superiority of the US, their uniqueness, but most importantly, values happen to be treated as the basis for aggressive foreign policy – their exports, fighting against evil or conversion of others into American ideals. It contains an element of moral superiority. As a *city on the hill* the US has the right and duty to emphasize its own models and ideals (Izadi, 2016). The ideologization of the US foreign policy finds expression in their specific approach to

it. Michael Hunt noted that ideology is the basis of American activity because it is an inherent element of their vision of the world and determines their place in the world (Hunt, 2009).

The above assumptions do not mean that US foreign policy can only be assessed as a cynical game of a power and human rights remain just slogans used to achieve the state's particular goals. The Author notes, however, that they might be one of many tools that states, especially powers, might have in their toolbox. On the other hand, their moral overtones testify to their uniqueness and require special care and caution. Without it, there is a risk of undermining the moral leadership of the US in the world. Due to the research problem, the Author focuses mainly on those examples that illustrate how human rights can be used in contemporary international politics in a different way, and have a chance to play a leading role as a new global order develops.

In the paper the Author assume that human rights are often not the goal of the state's foreign policy, but become means to achieve often other goals, also particular ones. Basing on the above, the author proposes the following hypotheses:

1. Human rights can be tools of foreign policy of individual states.
2. The US happens to use human rights to achieve political goals in the world.

The verification of the above hypotheses requires the answer to the following research questions:

1. Why did human rights become one of the elements of global liberal order after World War II?
2. What does the politicization of human rights look like?
3. What are the consequences of politicizing human rights?
4. What role do the values play in US foreign policy?
5. How does exceptionalism affect US foreign policy?
6. Why does the US usurp a special position towards human rights?

Activities in the field of foreign policy will not be analyzed in terms of the structure of the US political system and its main elements and actors, although the decisions of the presidents of their administration will be an important element of the analysis.

4. HR IN THE US POLITICS RESEARCH REVIEW

The place of human rights in the US foreign policy is examined from different points of view. In the context of the American tradition of political thought, many authors refer to Tocqueville and his concept of equality and natural law (Tocqueville, 2012). Other authors focus on the US political system, which requires the consent and cooperation of several decision-making institutions. The problem was most extensively described during Carter's presidency, when there was a return to moral values in foreign policy. However, some authors believe that it was the Reagan presidency that put most emphasis on promoting human rights (Keys, 2014). The war on terrorism and the neoconservatism of the presidency of George W. Bush caused a return of discussions on this topic. Cultural conditions, and above all exceptionalism, are often indicated as the main cause of double standards and even hypocrisy in the US HR policy. The dichotomous and simplified vision of the world allows to usurp the right to carry out the mission of promoting democracy and human rights, and many researchers point out that this mission is only a tool to achieve particular goals. With a simultaneous ambivalence to multilateral cooperation, it makes the USA unreliable, and the lack of consistency of actions causes reluctance and weakens the state's Soft Power. In the literature on the subject, many works are devoted to the activities

of American non-governmental organizations, whose activities deviate from this state policy, but due to the research problem of the article, they will not be analyzed in detail⁴.

The uniqueness of US policy, including foreign one, is being emphasized. Its cultural foundations determine that it has a highly polarized character, situated between idealism and realism. The former forces actions to combat evil, although neoconservatism presupposes a balance between morality and political power. Successive presidencies represented a different perception and understanding of human rights (Apodaca, 2006). Schlesinger (1978) emphasizes that human rights play a special role in the US tradition, which is particularly evident in the state's foreign policy. The question the Author is asking is not whether, but how the United States has carried out this mission. Activities to promote human rights in the 1970s initially sparked anxiety and fears about far-reaching messianism, resulting from the American tradition, and about the use of HR as such in the Cold War conditions.

Carter's human rights policy sparked initially criticism from those who feared the far-reaching self-limitations of this unique task, especially in the area of security and the economy. The active protection of human rights jeopardized the US's good relations with those states that did not guarantee them to their citizens. Consistency and selectivity equally exposed the United States to losses, and a similar calculation can also be observed today. Jack Donnelly and Debra Liang-Fenton (2004) point to the presence of this dilemma in US foreign policy, and consider the search for an optimal solution to be a difficult and complex task. What is required in this respect is coherence and consequence, as well as a skilful combination of means and goals, taken into account at the stage of formulating goals and strategies.

Carter's decision to return to the inclusion of moral values in US foreign policy should be understood, according to Hal Brands (2016), as a decision to use democracy and human rights as weapons in the Cold War confrontation. It was supposed to be so much more effective that against the background of the above, traditionally American values, the shortcomings of the totalitarian system of the Soviet Union were highlighted. Nevertheless in implementing this plan, the United States referred to a number of actions, also morally questionable, such as persuasion, backstage diplomacy, and selective military and economic aid. However, it lacked consistency. Moreover, Carter's human rights policy interfered with arms control and Detente.

Joe Renouard (2016) sees a specific approach to human rights in the general reluctance of Americans to multilateral agreements. While the bilateral agreements within the framework of human rights policy in the 1970s were respected, those organized within the UN were not. The second reason, according to the author, resulted from the contradiction between the laws of states and the rights of individuals. Since the principle of sovereignty remained the basic principle regulating international relations, many states included human rights in the sphere of autonomous state decisions. Changing this logic would require a reinterpretation of the concept of sovereignty⁵. Moreover, the very concept of human rights is imprecise and it is unjustified to define them as universal. The argument is made here that they reflect Western values, and to deny this is equal to neo-imperialist actions. Importantly, the proposed concept of human rights ignores not only the East-West division,

⁴ For nongovernmental organizations and global civil society see: (Schlesinger, 1978; Dietrich, 2006; Acuto, 2009; Forsythe, 2006). See also social movements and HR: (Renouard, 2016).

⁵ See above discussion between pluralists and solidarists in the English School IR Theory.

but also collectivism-individualism, capitalism-Marxism, religiosity-secularism, and also Christianity-Islam ones.

US human rights activities are extensively analyzed in the context of the war on terrorism. The necessary multilateralism in this regard has been weakened in favor of unilateral actions, possibly bilateral arrangements. The aim of changing the regime and guaranteeing security was also achieved using human rights arguments, but these were more imprecise rhetorical figures than legal language (Roberts, 2003). The US attitude to human rights is most often described as ambivalent. Many authors use even stronger terms such as hypocrisy and double standards. According to Andrew Moravcsik (2005), the latter are particularly visible in the US accession to a series of human rights treaties after World War II. The liberal order and the US leadership in the world were based, *inter alia*, on their respect for them, but also on multilateral agreements and, consequently, on imposing self-restraint by this power. The failure to ratify many documents regulating individual rights in more detail is frequent, not only in comparison with the West, but also in relation to all states of the world. The US rejects regulations that give its citizens the opportunity to pursue their rights before national and international courts. Few of the norms have been directly incorporated into domestic law.

John Dietrich (2006) points to several factors that have prevented the United States from implementing full human rights in international relations. It is a lack of sufficient force, illustrated by the failure in Vietnam, a historical caution in multilateral cooperation, especially permanent (e.g. agreements, international organizations), lack of consistency in choosing policy priorities (*ad hoc* political goals often took precedence over human rights, e.g. the Doctrine of Containment) and the lack of sufficient support within the USA (systemic conditions necessary for the formulation and implementation of foreign policy). Barbara Keys (2014) however, sees the importance, place and role of human rights in US foreign policy differently. She points out how important a role they played in shaping and transforming American identity. They are not only a point of reference for the American people, but also for defining its role in the world. After the defeat of Vietnam, it was the promotion of human rights that became not so much a foreign policy tool as an externally used internal policy tool aimed at washing away guilt and responsibility.

The aforementioned dichotomous vision of the world and the entrenched division into the civilized and barbarian world is, according to Robert Kagan (2007), a legacy of continental expansionism, in which Americans, in the name of spreading values, modernizing the West and Manifest Destiny, implemented a plan of conquest and destruction of indigenous people. The author calls this phenomenon proto-globalization, imposing a liberalism that the Indians and their culture did not want or were unable to accept. The United States today is liberating states and individuals rather than subjugating them. The American ideology of a state against colonialism and imperialism proposes the export of democracy and human rights in this place. Nevertheless, the history of American expansionism shows that these are not true intentions in US foreign policy (Douzinas, 2007).

William Schulz (2008) emphasizes that the theory of natural law is considered one of the most important sources of human rights in the United States. For neoconservatives, the minimum participation of the state in the protection and implementation of human rights is very attractive, and human rights equate to civil and political rights, recognized in the American tradition. Moreover, natural law assumes the universal nature of human rights, and the world vision presented a dichotomous division into the above-mentioned division: civilization and barbarians. As a result, the United States repeatedly failed to act in the face

of genocide, on the one hand, and on the other hand, applied a policy of introducing moral principles through legislation. The export of democracy, on the other hand, was to be a sufficient condition for the HR implementation and respect.

Clair Apodaca (2019) draws attention to the problem of the nature of the US human rights policy. Due to the American political system, they are largely a part of political rhetoric or political marketing. Successive presidents use human rights, like democracy or torture, objectively, as a tool in both domestic and foreign policy. The division of competences between the president and Congress in the field of foreign aid additionally aggravate this problem.

Harold Koh (2003) also emphasizes the importance of human rights in the rhetoric of US presidents. Despite the differences between them, the common trait has always been exceptionalism. It causes a certain inconsistency on the issue at hand. The US is both an advocate of human rights and a state that violates them itself. According to the author, promoting double standards causes harm to the US, which is consequently included in the group of states that maintain the death penalty for juvenile offenders, such as Iran, Saudi Arabia and Nigeria. The parallel promotion of human rights does not build their credibility. The result is a lack of consistency in the assessment of other states in terms of HR protection. The use of double standards does not strengthen Soft Power USA, trust or the willingness to duplicate the values of a state that is putting itself in the role of a global moral authority. Flexible approach to human rights, optional using of them as means or ends, depending on particular interests, undermines faith and trust in the rights themselves. When it comes to human rights, Michael Ignatieff (2005) divides American exceptionalism into three elements. The first comes down to the practice of signing international treaties in this area, with reservations in the form of even non-ratification or non-compliance with the provisions. The second element is the use of double standards, being more lenient with oneself and allies and more demanding with enemy states. The last one is the refusal to implement human rights norms into domestic law, while invoking independence, autonomy and a different tradition.

Exceptionalism is particularly apparent in public diplomacy, and respect for human rights is necessary to build Soft Power. Michele Acuto (2009) emphasizes that this is a sphere where the ideals of human rights and the diplomatic activities of the state overlap. Due to the specificity of public diplomacy and the fact that its main recipients are not states but individuals, societies and nations, a sharp distinction between human rights as a tool and as a goal is impossible. The situation is particularly dangerous when states, especially the strongest ones, cynically use propaganda under the banner of public diplomacy (Gruszko, 2020).

The promotion and protection of human rights as such and how they are included in the strategies and activities of foreign policy, and in particular the concept of Human Rights Diplomacy, are not widely described in the literature. As a result, in the actions of states, human rights are presented more often in hard and confrontational politics than in soft politics (O'Flaherty, Kędzia, Müller, Ulrich, 2011). Rein Müllerson (1997) defines the HR Diplomacy as both the use of foreign policy tools to promote human rights and the use of human rights to achieve the particular goals of the state. While this is a combination of human rights as goals and tools, it should, in the author's view, be implemented with many caveats, not arbitrarily. First, human rights should be treated as a priority by states, as their implementation is a condition of international security and stability. There is a relationship between domestic stability and predictability in the international arena, but the author warns against excessive simplification in this respect. It is not only the fact of a democratic

or authoritarian system that determines the state's behavior, but also other, individual factors. It is imperative to accept a realistic view of international relations in which states act rationally, but it should be remembered that double standards against states that violate human rights are detrimental to the entire international community.

5. HUMAN RIGHTS AS A TOOL OF FOREIGN POLICY OF INDIVIDUAL STATES

The truth is that the Universal Declaration of Human Rights is the most important document, but in fact no state can guarantee its citizens all of its rights. Every human rights policy requires choices and distribution of focus, that governments decide what tools and resources they have and how they will use them to implement these rights. Cultural differences and security issues will also affect the diverse implementation of rights in each state or group of them (Borshoff, 2016).

There is an agreement that important element of human rights is to meet basic human needs, such as access to food, water and education. In the case of weaker or repressive and corrupt states, the implementation of human rights might be impossible. It is postulated to eliminate differentiation and gradations between the first and second generations of human rights - they function in symbiosis and are interdependent. There is also a close relationship between human rights and security. Excessive militarization and perception of the state's position according only due to power often strikes at human rights. National security depends on the environment in which it operates and vice versa. The source of internal conflicts may arise from economic, social and ecological tensions that cause problems such as unemployment, poverty underlying tensions between social groups and classes. Application and respect for human rights of all generations makes it possible to eliminate these tensions, but this is not possible in all types of systems as e.g. totalitarianism excludes human rights (Felice, 1998). Human rights affect the quality of relations between states. On the one hand, the institutionalization of human rights alone will not create a liberal-capitalist unification in the approach of states to social, political and economic issues. On the other hand, individual rights, not the system as such, provide a starting point for achieving this goal (Noonan, 2009).

Even some proponents of IR liberal theory claim that human rights are one of many, not necessarily the most important means to guarantee respect for human dignity. Islamic, Asian and non-Western states say that especially the American model of human rights protection is too individualistic and has no elements of collectivism. Criticism of the human rights system is also found in the West. There is too much emphasis on civil and political rights, too little on the social, economic and cultural aspects of human dignity. It is claimed that they are too secular and unjustly treated as universal, which is why they strike local cultures and religions. Globalization also gives a rise to particularisms that oppose universal human rights system. On the other hand, we have the example of the Arab Spring in 2011, in which the grassroots demanded democracy and respect for human rights traditionally understood. In addition, many states are constantly seeking membership of the OECD, an organization of liberal democracies with a capitalist system in which human rights of the three generations are respected (Forsythe, 2012). Especially the end of the Cold War resulted in the activities of the international community to improve the quality of governance and the implementation of liberal values such as democracy and human rights in international politics. Development aid, as an element of international policy for

development or post-war reconstruction, has become part of the policy of the European Union and NATO (Clark, 2009).

Human rights in the assumption of the liberal order after World War II were to be one of its pillars. From the very beginning they have been defined as tool to achieve a more important goal according to the international community – peace and security. Therefore, it should not be surprising that in the politics of individual states they are also used to achieve particular goals. From the point of view of international relations, it is important to agree whether the implementation of these states' goals strengthens the global goal – peace and security. And security is not only a goal, but also, as Robert Jackson (2003) emphasized, is a moral issue.

The earlier part of the paper has mentioned President Carter's HR policy, which was to constitute an ideological counterpoint to the totalitarian system of the USSR. However, this logic was also used earlier by the Soviet Union. Jan Eckel (2019) points out that in the late 1940s the Truman administration became the target of criticism from an opposing power for discriminating against African Americans. The aim of such actions, reinforced by propaganda, was to weaken the support for the USA from African and Asian countries and human rights were tools in the Cold War game, and the arena of action was the UN forum.

States politicize human rights, often using propaganda. HR are used to draw the dividing line between worlds, e.g. the civilized and failed ones, which the US used in the war on terrorism. Human rights in such a constellation are tools and serve to build individual strength and position, not agreement between states. The achievements of international law in the field of implementation of human rights are rich, but the insufficient number of mechanisms to verify and monitor their implementation puts the intentions of states into question. These could be effective independent committees, legal instruments or ad hoc summits. The mechanism of shaming is also politicized, as it comes down to reacting in most cases, not promoting or condemning (Acuto, 2009).

Human rights are important element of foreign policy. States take actions to influence the behavior of others through a series of tools. By traditional diplomacy, states can take action against violation of human rights. They are used to protest or to draw attention to specific issues. It is discrete and helps to deal with such problems without publicity. When the matter becomes public, such a state may become subject to repercussions and a negative reaction of the international community. This in turn leads to a stiffening of their attitudes and a lack of willingness to cooperate. Sometimes *naming and shaming* activities are deliberately used, intentionally used to put pressure on a given state. Sometimes, however, they are used to support states to strengthen the protection of human rights. This is how international organizations and conferences operate. Similarly, economic measures can be used to exert both pressure and support. In the first group, we have economic sanctions, which may amount to suspension of trade, financial assistance or other forms of foreign support. In the area of human rights, states usually use multilateral sanctions, combine them with certain forms of incentives, are aware that sanctions that last longer than two years are ineffective, complement them with other means of pressure. Often, so-called smart sanctions are used to ensure that the effects of sanctions are least perceived by civilians. On the other hand, economic assistance programs are proposed and initiatives aimed at building civil society are supported. Military measures are used in the form of humanitarian intervention, which, however, rarely leads to improved protection of human rights. Here the question arises about the purity of intentions, especially if the activities are not authorized by the UN Security Council (Forsythe, 2012). Above we have circumstances in which not human rights themselves but other tools are used.

No state merely pursues a human rights policy, and its issues are part of a broader foreign policy strategy. In such a system, each state will lay its weights differently, and the shifts will result not only from the changing international reality, but also from the balance of political forces and their values in country. The positioning of HR as goals or tools in the foreign policy of states will depend on the above set of priorities and goals.

After World War II, it was decided that positive, internal and international law must meet the highest moral standards. Natural law was also recognized as the foundation of liberal democracy and human rights. The human rights system is a reflection of liberal political thought. Although considered universal, they reflected a particular view and system of values, because they grew out of the political and philosophical output of the West. The universality of modern human rights is rather expressed in the assumption that they should be used as moral norms for the assessment and judgment of human actions. Proponents of such a system of human rights protection assumed that their solutions are obvious and liberal values are universal. In fact, they are neither universal nor universally accepted (Langlois, 2013). Here human rights themselves become a tool of some Western states foreign policy.

What is more, many rights are mutually exclusive. The Western World while puts emphasis on specific political and personal rights and freedoms, manipulate or even overlook others. The implementation of rights requires certain compromises, and individual states focus on different values resulting from both cultural and developmental differences as well as current policies. Thus, the right to freedom and self-determination as well as the right to development may result in individual states understanding and implementing them in different ways (Felice, 1998). The above conditions create tendencies to politicize human rights and introduce relativism in their perception and implementation. States implementing the so-called human rights policy adapt their prioritization to their own capabilities and strength, as well as the interests they want to pursue.

When it comes to HR, researchers most often complain of a lack of consistency. While accepting the politicization of human rights, it is important that states treat them as priority. Pluralism and cultural differences that differentiate human rights and treat them as universal can equally weaken faith in them. The power of human rights depends on whether states and individuals believe in their effectiveness. As a reflection of universal moral values, in essence, they should be accepted and desired by all of them. The erosion of the human rights myth (Gruszko, 2018) can pose a serious threat to the entire international community. For this reason, they should be reflected in the foreign policy of states, even as a tool, but treated not only in a priority but also far-sighted in way, not ad hoc. They must also bring about the tangible results desired by states and individuals. A picture of the conflict between security and state sovereignty in the context of HR is the problem of humanitarian interventions, represented by the English School. This discourse is described by Matt McDonald and Alex J. Bellamy (2004) as an immanent critique of traditional security practices and of 'insecurity of security'.

6. THE US POLITICAL GOALS IN THE WORLD AND HUMAN RIGHTS

American exceptionalism has its roots in the values of Enlightenment. However, human rights introduced into the liberal global order after World War II, it was argued, were to be universal and therefore could not be American. In this way, it would cause distrust of weaker states that they are merely a tool for building and maintaining American

imperialism. The right to property and entrepreneurship was the basis of the American system, but including it in the system of international protection of human rights would be contrary to the right of nations to self-determination (Kane, 2003). Contemporary public opinion polls display that Americans still support liberal internationalism. However, specific questions reveal strong elements of realism apparent in the desire for independence and security. Multilateralism, human rights and democracy and its promotion are still supported by less than half of the respondents (Drezner, 2008). Democracy and free market themselves are not human rights, but from the American point of view they create environment for their best implementation.

In the same time in the United States, there is a strong belief that their task is to promote democracy in the world to help others, as well as to create and maintain a safe and predictable environment for themselves. Experience shows that US foreign policy is more complicated, and cases of support for undemocratic governance, including dictatorships, can be found in their history. Some researchers believe that democracy as a value is part of the US strategy, some that only a rhetorical structure used as a tool to achieve political goals. The argument is made that it is subordinated to the achievement of other goals and values, such as access to markets, increasing investment opportunities, and access to raw materials. In terms of security, it functions as a mean to ensure stability, order and hegemony of the US (Pee, 2016).

Understanding the historical determinants of US foreign policy helps to understand their complex and complicated attitude towards international institutions, human rights, democracy promotion, unilateralism and the use of force. Traditional American exceptionalism is dichotomous and cyclic. Exemplary and defensive one presents the United States as a model state that should be copied as a *city on the hill*, unique and better in comparison to the rest of the world and implemented by isolating from the worse. Missionary and offensive, Wilsonian one, can be put down to an active export of democratic values and free market outside the US, implemented by two traditions of US foreign policy interventionism or multilateralism (Restad, 2015).

From the beginning of the establishment of the state the dominant feature were restraint and neutrality. The assessment of the actions and decisions of President Donald Trump is in most cases negative, but a closer analysis allows one to understand that it is a continuation of isolationism and neutrality of tradition rather than its breach. It is rather the policy of Obama, Bush, who after 9/11 launched a campaign to build and promote democracy in Afghanistan or Iraq or Clinton, who broke isolationism or neo-isolationism and promoted overseas economic expansion supported by political initiatives, can be treated as an exception. Trump confirms rather the rule. However, continuing the thoughtless traditions, which do not take into account changes in the international environment, may have a destructive impact on the Global Order created by the United States and implemented under their leadership, and introduce uncertainty in world politics in the 21st century (Paterson, 2018).

In the US foreign policy we can find also dichotomy between liberalism and imperialism, although norms and institutions have repeatedly prevented the US from using its full strength. Anti-statism and anti-imperialism are liberal values. A society that shares such values will be against the actions of the government that breaks them and choose its representatives who share them. In addition, international institutions and commitments may also act in a similar way (Meiser, 2017).

The assumption that human rights are universal is often synonymous with the primacy of Western values over non-Western cultures. It causes fears of attempts to dominate and

impose own solutions, violating sovereignty (Burchill, 2005). The American view of human rights differs fundamentally in how it is viewed in other parts of the world, even in Europe. As emphasized by Noam Chomsky (1999), pure ideas of the Enlightenment have survived in the USA in an almost unchanged form to this day, which would explain treating them as absolutely universal. At the same time, the actions of this country towards the indigenous people of the continent, slavery maintained and accepted for a long time, and later actions in Vietnam did not destroy the myth of human rights, freedom and individualism.

During the Cold War, the promotion of democracy and liberal values were used as means to limit the influence of the USSR. It manifested itself in interference with elections, influencing regime change, and accepting undemocratic but anti-communist regimes. After the end of the Cold War, the United States continued to show a selective attitude towards human rights. On one hand, President Clinton's policy promoted the extension of the area of democratic states, and on the other, towards China after the massacre of Tiananmen Square, the issues of trade cooperation were separated from human rights. G.W. Bush supported the freedom agenda, and at the same time used human rights and the promotion of democracy to fight terrorism. By contrast, Obama avoidance of the imperial overstretch contributed to the fall of the Arab Spring. Donald Trump introduced in his policy hostility and distrust among democratic countries, using antagonizing them against each other (Chhabra).

Strengthening democratic institutions and human rights standards have long been a key element of US foreign policy and foreign assistance is allocated to raise democratic standards and promote American values, such as building civil society, and programs supporting human rights and the rule of law. An example would be the Marshall Plan as part of a far-reaching foreign assistance program, one of the most important activities in US foreign policy. Today, the goal of foreign assistance is first of all to support stable governments and economies so that disruptions in this area cannot turn into crises. Secondly, the military potential of partner states is being strengthened, which is in the interest of the US. If states can help guarantee security, it will save the US from costly oversea military operations. Thirdly, a significant portion of economic and military assistance is provided through American companies, which stimulates the US economy and opens up foreign markets (Paterson, 2018).

In the literature on the subject, the US selectivity towards HR is most often illustrated by their attitude to signing and ratifying international agreements in this area. The US has been a liberal democracy since its inception, emphasizing the extension of civil rights throughout the world. On the other hand, however, they are not a state that fulfills international obligations in this area and do not accede to some relevant treaties. Lack of ratification concerns documents such as American Convention on Human Rights 1978, Convention on All Forms of Discrimination Against Women (CEDAW) 1981, Convention on the Rights of Persons with Disabilities 2008, The Convention on the Rights of the Child (CRC) 1990 (United Nations Treaty Collection). This may be due to the characteristic ambivalence between unilateralism and multilateralism. Traditionally, multilateralism along with Smart Power is expected to be implemented by the administration of Democrat, while unilateralism and Hard Power by Republicans. However, it should be emphasized that the ambivalent attitude to human rights applies not only to the US, but also to other powers like Great Britain, China, Brazil, India. At the level of international organizations their strength is disproportionately reflected and especially human rights are implemented at the legal, less legislative level. Weaker states, basing on the jurisprudence

of international tribunals, make efforts to eliminate treaty reservations of the stronger ones. Such actions may also be treated as the use of human rights as foreign policy tools.

In the Helsinki Final Act of 1975, the US introduced the provision that 'participating states will respect the equal rights of peoples and their right to self-determination'. This was refilled gradually by the CSCE, until in 1990 it was decided that individuals decide which minority they belong to. This meant that any minority had the right to political autonomy and even statehood. At the same time, the United States did not share this view. Philosophically, they themselves arose on the basis of civil and political ties, not ethnic or religious, which is a source of a lack of understanding of European, Asian or African states. US human rights policy is based on individual, non-collective rights, both during and after the Cold War. The pragmatic reasons for this policy are associated with the avoidance of the position of arbitrator between parties requesting a given territory. Moreover, the right of nations to self-determination would be implemented selectively – there is no way for every nation to gain statehood and it is difficult to create fair criteria. A selective approach would devastate the moral foundations of human rights. Ultimately, strengthening such collective rights could cause internal conflicts in the US and accusations of hypocrisy. That is why they remain neutral towards such demands (Cullen, 1992/93).

The justification for prioritizing between certain groups of human rights can be found in the Presidential Review Memorandum-28 (PRM-28) of July 8, 1977, the primary strategy document for the US human rights policy, which is:

it is somewhat easier to use leverage we have to achieve a reduced level of violations with respect to the first group than to make meaningful improvements in the second or third groups (The Deputy Secretary of State, Presidential Review Memorandum on Human Rights, Washington, 1977).

Two years earlier, Donald Fraser, a member of the House of Representatives, made his own decision to restore human rights to US foreign policy. He took the position that human rights should not only be present in US foreign policy, but should also be an end, not a mean. In a memorandum of 1977, he said:

there is a need for up-to-date reporting on human rights conditions. It would be desirable to make an annual report on all countries, not just on those countries to which military equipment will be sold. [...] Such reports provide an opportunity to show positive change without making a direct link to U.S. efforts (Foreign Relations of the United States, 1977–1980, Vol. II, Human Rights And Humanitarian Affairs, Washington, 1977).

The conduct of President George W. Bush towards the permanent International Criminal Court is characteristic for American treatment of human rights. The establishment of this institution was interpreted at the beginning of the 21st century as a milestone in efforts to protect human rights, humanitarianism and hope for effective protection of the population in times of armed conflicts. The United States made its support for the initiative conditional on the UN Security Council obtaining the power to scrutinize cases that the Court would deal with. In practice, this concept boiled down to excluding own soldiers from the jurisdiction of the ICC. The US President not only refused to sign the founding

agreement, but also took the diplomatic initiative of creating a network of bilateral agreements with other states aimed at achieving this unique position (Mertus, 2008)⁶.

7. CONCLUSIONS

There is an agreement that human rights are a fundamental element of Global Order and the international system, an utterly important institution of international relations. The above analysis presents human rights not only as a moral foundation of interstate relations after World War II, but also mechanisms of their application in order to induce specific behaviors of certain entities. The main dividing line concerns weaker states and powers. Both categories use human rights to limit the stronger or to put pressure on the weaker. The emotional load that human rights are burdened with, is used to strengthen both Hard and Soft Power of given state. Politicization of human rights does not serve to strengthen the stability of international and global order.

The specific US approach to human rights and its human rights policy is determined by the state's general approach to international policy. Historical and cultural background do not serve to comprehension between the main architect of the order after World War II and other entities. Certain values will result in some ambivalence and lack of continuity in US foreign policy. It is often accused of hypocrisy. This accusation results not only from the objectification of human rights in their foreign policy, but also from a misunderstanding or varying understanding of their concepts. Human rights have evolved differently in different parts of the world. In the US, they have survived in almost unchanged form since the Enlightenment, and the ideas of that period also became the foundation of statehood. The violation of human rights, even in its most brutal form, found its explanation in exceptionalism and expansionism. Likewise today, the US human rights policy lacks coherence and consistency. And it is needed in the actions of every state, along with skillful and priority placing them in the foreign policy strategy. This would make the actions on the international stage more credible and dismiss the accusations of non-transparent and grass-roots initiating protests and social movements – that is, in the eyes of partners, interfering in the internal affairs of other states.

Thus understood and implemented activities in the field of human rights may not only be foreign policy tools, but an external policy tools aimed at maintaining a sense of community, assembling citizens around pride, not shame. Democratization begins at home, which, while insignificant in relation to China, may become a starting point for the US to democratize not only states but the global system. The promotion of human rights, the deepening of democracy in the United States itself, and greater citizen participation in shaping foreign policy could contribute to ending the application of double standards, restoring moral strength and strengthening the US position in the international arena.

With regard to shaping the behavior of other participants in international relations, the use of double standards weakens their Soft Power and credibility. Selectively reacting to violations of HR, or reacting in a different intensity depending on whether it concerns an allied state or on the contrary, raises justified accusations of hypocrisy. HR became one of the pillars of the liberal order after World War II, which was created to ensure peace and security for the international community. Thus, they are, in a sense, a tool of state policy, provided that their use leads to the protection and strengthening of the most important and

⁶ So called *hub-and-spokes* structure is often used by the US as a substitute for multilateral cooperation. Most often this state stays as its hub which is an exemplification of the *primus inter pares* rule.

universal values. Often, however, states, not only the US, politicize human rights, using them to achieve individual goals. When accepting such foreign policy mechanisms, it is important that states treat HR as a priority and far-sighted rather than ad hoc. HR may be foreign policy tools, but must be used in an appropriate, consistent, responsible manner appropriate to their importance for international security.

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