

Backgrounder

No. 1964
August 30, 2006



Published by The Heritage Foundation

Economic and Political Rights at the U.N.: A Guide for U.S. Policymakers

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Introduction

Freedom is one of the most powerful ideas in human history, but also one of the most elusive. Defining freedom and the set of human rights associated with it remains a profound challenge for crafters of national constitutions as well as international treaties.

The intellectual origins of this idea stretch back almost 800 years to the Magna Carta. Only in the 200 years since the American and French Revolutions has freedom become a major driving force for political development and the spread of democracy, the political system that to the greatest extent embodies the individual citizen's inalienable rights as a free moral agent. Today, the idea of expanding the reach of democracy is a central theme of President George W. Bush's "freedom agenda," but it remains as controversial as ever.

In this relatively short time span, countless political and intellectual movements have laid claim to the word "freedom." It has come to be associated with everything from the "right to life" to the "right to a state-funded standard of living." Accordingly, to understand properly the role that concepts like freedom and political and economic rights play in the governance of nations and international organizations, identifying the source of the different definitions of these same concepts is essential.

Today, the United States is part of an international system of governance largely organized in the post-World War II era. Its institutions range from diplomatic institutions like the United Nations and its

Talking Points

- The principles of economic and political freedom have proven themselves time and again, from the development of the free-market economies of the West to the spectacular failure of the Soviet economic system of central planning and state ownership of enterprises and resources.
- The American understanding of freedom—based on the right of the individual to "life, liberty, and the pursuit of happiness" as expressed in the Declaration of Independence—is often quite different from definitions embraced by other countries, particularly those from a Communist, Socialist, or even Continental European tradition.
- Getting the terminology of freedom right in our discourse with other nations is crucial for correcting the Socialist bias, which is derived from a different understanding of "rights" that often dominates thinking in international institutions.

This paper, in its entirety, can be found at:
www.heritage.org/research/worldwidefreedom/bg1964.cfm

Produced by the Margaret Thatcher Center for Freedom

A Freedom Project Report

Published by The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002-4999
(202) 546-4400 • heritage.org

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associated bodies to financial institutions like the International Monetary Fund and the World Bank to military organizations like NATO to more informal groupings like the G-8. Many others have been added in the intervening years, like the International Criminal Court, and some have been viewed unfavorably by various U.S. Administrations, particularly Republican Administrations.

In international fora, ambiguities and downright disagreements over the meaning of the concepts of freedom and human rights can be significant stumbling blocks to the conduct of U.S. foreign policy. The American understanding of freedom—based on the right of the individual to “life, liberty, and the pursuit of happiness” as expressed in the Declaration of Independence—is often quite different from definitions embraced by other countries, particularly those from a Communist, Socialist, or even Continental European tradition.

In economic rights, the Anglo-Saxon and Continental European traditions tend to come into direct conflict. The Anglo-Saxon tradition of Adam Smith and John Stuart Mill asserts that economic and political freedoms are indivisible, that they adhere to the individual and his enlightened self-interest, and that one cannot exist without the other. Political freedom in the absence of economic freedom becomes a mere token and does not involve the exercise of real individual choice or power. Economic freedom in the absence of political freedom can exist only up to a point, beyond which it becomes a threat to the political leadership of the moment. Emphasis on one or the other tends to endanger both.

It is therefore beside the point to ask which precedes which—political or economic freedom—as the very same civil and governmental institutions guarantee the development and security of both. For instance, the right to own property, along with the judicial framework that protects it, is a fundamental political right without which economic development is severely hampered or even made impossible. Equally fundamental is the freedom to sell one’s own labor or to trade the fruits of that labor without undue interference from centralized government. Allowing the individual the freedom to act in accordance with his

enlightened self-interest is what causes market economies to thrive.

In the development of the free-market economies of the West, these principles of economic and political freedom have proven themselves time and again, and they have done so in the nations of the former Socialist bloc that have adopted democracy and free-market economics together since the end of the Cold War. Equally illustrative is the spectacular failure of the Soviet economic system of central planning and state ownership of enterprises and resources, despite the Soviet Union’s enormous wealth in terms of labor force and natural resources.

Today, the argument over the primacy of economic or political rights is often couched in terms of the development of the Chinese economy and political systems. There is little doubt, though, that China will never fulfill its true economic potential until guarantees of political freedom are allowed to unleash the enormous creativity of the Chinese people.

This paper explores the crucial distinctions between real and perceived human, political, and economic rights. Getting the terminology right in our discourse with other nations is crucial for correcting the Socialist bias, which is derived from a different understanding of “rights” that often dominates thinking in international institutions. It is time to change the ground on which international discourse takes place and to bring it back to the basic definition of human rights and freedom that serves as a cornerstone of conservative thinking.

Definition of Terms: Philosophical Underpinnings

Tracing the philosophical and intellectual origins of freedom reveals that a disparity has existed for centuries between the notions of individual freedom brought forth by the American Revolution and the collectivist overtones of the European philosophical tradition. Understanding these historical origins is key to understanding the use of freedom in contemporary usage.

The English liberal tradition and the American Revolution provided a crucible in which the ideas of John Locke, Edmund Burke, David Hume, and

Thomas Jefferson were molded into the American concept of individual freedom. At its core, this tradition of freedom is rooted in the natural rights of man. Natural rights are derived from the idea of common human nature and, as such, are inalienable. They cannot be bought, sold, or taken away. The highest priority in this tradition is the right of life, liberty, and security of person.

Arising from a Lockean interpretation of natural rights, the right to life, liberty, and security is acknowledged in the Declaration of Independence and is the basis for the U.S. Constitution. From this definition emerges a picture of freedom that seeks to liberate the individual's creative and intellectual capabilities. Additionally, the legacies of Voltaire, Jefferson, and the Magna Carta promote freedom of thought, consciousness, and religion, which are guaranteed by the First Amendment to the U.S. Constitution. The freedoms of opinion, expression, and assembly are the philosophical descendents of the English Bill of Rights of 1689 and were advocated by the likes of Voltaire, Thomas Paine, and Thomas Jefferson.

In addition to providing intellectual and creative freedoms, the individualist tradition sought to define freedom externally, in relation to society. Individual freedom is predicated on the right to life; therefore, that right should be equally protected before the law. Government is necessary to secure these rights, with the consent of the governed, and should do so with blind justice. These are ideas that can be traced to John Locke and the Magna Carta.¹

The right to be free from slavery is a further extension of the natural rights of man and one of the core tenets of liberalism. As Locke, Montesquieu, Hume, and Jefferson pointed out, however, the individual must be free not only from enslave-

ment to others, but also from enslavement to the government. They sought to preserve freedom by protecting individuals from arbitrary arrest, detention, or exile, as well as from arbitrary deprivation of property. These philosophies were given a legal foothold in the Third, Fourth, and Fifth Amendments to the U.S. Constitution.

A number of these individual rights have subsequently been enshrined in international documents, including the U.N. Universal Declaration of Human Rights, the Charter of the United Nations, and the European Convention on Human Rights. The Universal Declaration declares, "All human beings are born free and equal in dignity and rights,"² and the European Convention on Human Rights acknowledges the "right to liberty and security of person."³ These rights are therefore easy to embrace from an American or Anglo-Saxon point of view, enshrined as they are in our constitutional tradition. "Human security" has made a recent reappearance in relation to the potential obligation of the international community to intervene in areas under the threat of genocide, such as in Darfur.⁴

However, a second set of "rights" has grown out of the different philosophical tradition of Continental Europe, which gave birth to Social Democracy, Socialism, and Communism. To this day, they often epitomize the differences found between the diplomatic stances in international organizations that are taken by the United States and the European Union. In fact, there is a remarkable consistency in the ways that freedom rights have been viewed over the centuries by Anglo-Saxons on the one hand (including Americans) and Europeans on the other. The Anglo-Saxons see freedom as adhering to the individual (or individual nation) by right, while the Europeans look at the collective "greater

1. See the Magna Carta, Clauses 17–22, at www.constitution.org/eng/magnacar.htm (August 21, 2006).

2. United Nations, Universal Declaration of Human Rights, Article 1, at www.hrweb.org/legal/udhr.html (August 21, 2006).

3. *Ibid.*, Article 5, and Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms, Section 1, Article 5, at www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/EnglishAnglais.pdf (August 21, 2006).

4. For further treatment, see James Carafano, Ph.D., and Janice A. Smith, "The Muddled Notion of Human Security at the U.N.: A Guide for U.S. Policymakers," Heritage Foundation *Backgrounder*, forthcoming.

good” or General Will, whether that means the greater good as defined within a national community or among the community of nations.

Arising subsequent to the notion of freedom as an individual concept in the 18th century was the notion of freedom in the collective. Rooted in the intellectual traditions of Jean-Jacques Rousseau, French labor organizer Louis Blanc, and Karl Marx, the collective conception of freedom is based on abstractions that seek the good of the whole over the good of the individual. Rather than being guided by the individual exercise of natural rights, collectivists more often look to the state to determine the best course of action and how to provide for individuals.

The preeminent forerunner of this thinking was the philosophy of Jean-Jacques Rousseau. Like the individualist tradition, Rousseau believed that man was born into a natural state of freedom. Yet, unlike the Anglo-Saxon philosophers, he rejected the idea that man’s natural freedom was compatible with the restraints of society. Instead, he proposed that man’s natural state and social restraints could be reconciled by submission to the General Will—a vague concept that represents what the general community supposedly would do unanimously with perfect reasoning, unbiased judgment, and an inclination toward the common good.

While this may have been a noble aspiration in theory, in practice it became apparent that governments can justify any action by claiming it as a discernment of the General Will. According to this reasoning, the state becomes an omnipotent entity, usurping the rights of the individual in the name of the collective good. From this philosophy and the intellectual traditions of Louis Blanc and Karl Marx spring the modern notions of collective rights.

Based on nothing more than a vague abstraction of what constitutes the common good, collective rights form a seemingly endless string of entitlement claims on the state. For instance, the right to social security is essentially a claim on the state to provide for individuals and is a direct derivative of

Rousseau’s thought. The right to education and the right to a standard of health, while noble aspirations, are further examples of rights that are based on nothing more than what people feel they deserve from the state. In terms of international treaties, the International Covenant on Economic, Social and Cultural Rights⁵ and the Constitution of the International Labor Organization are key sources of such insidious rights that more closely resemble entitlements.

A significant portion of the collective tradition is focused around the rights of labor. This focus is directly descended from the philosophies of Louis Blanc and Karl Marx, both of whom sought to protect laborers from the “exploitation” of capitalism through collective equality. The right to work, the right to equal pay for work, the right to organize trade unions, and the right to the prevention of unemployment are rights that speak to the direct influence of Marx. Further examples of Marxist influence include the right to a maximum working day and week, the right to a regulated labor supply, and the right to rest and leisure, including the right to periodic holidays with pay.

While it is not disputed that a certain amount of labor market regulation is necessary for a labor force to function well, these are not rights in the sense that they arise from the nature of man. They are entitlements that, when given the status of fundamental rights, replace individual choice and responsibility with a plethora of claims that result in a dependent society with a pervasive centralized state.

In recent years, the collective influence of Rousseau, Marx, and Blanc has transcended strictly material conditions. The notion that each individual has rights to state provisions for his welfare has given rise to spurious entitlements such as the right to be free from hunger, including provisions that ensure improved methods of production, conservation, and distribution, as well as the equitable distribution of food supplies in relation to need. The principle of consumption based on

5. U.N. General Assembly, International Covenant on Economic, Social and Cultural Rights, January 3, 1976, www.unhcr.ch/html/menu3/b/a_ceschr.htm (August 21, 2006).

need is directly descended from Louis Blanc, and the emphasis on equitable distribution is characteristic of the Marxian inclination toward total equality. Increasingly vague notions of freedom include the right of everyone to take part in cultural life, to enjoy the benefits of scientific progress and its applications, and to benefit from the protection of the moral and material interests resulting from any scientific, literary, or artistic production of which he is the author. The latent influence of Rousseau's General Will is clearly visible as nearly anything can be claimed in the name of the common good.

Thus, the International Covenant on Economic, Social and Cultural Rights defines freedom as founded in equal and inalienable rights of all members of the "human family," based on the "inherent dignity of man." The rights that it lists range from the right of self-determination to the right to earn a decent living for oneself and one's family to paid holidays and the right to strike. Inherent in many of these rights is the notion that the state will facilitate their realization through programs, services, and monetary handouts. It even includes the "right of everyone to the enjoyment of the highest standard of physical and mental health."

Equally wide-ranging is the Constitution of the International Labor Organization. Its preamble talks about establishing "universal and lasting peace" based on "social justice"⁶ and the goals of regulating hours of work and labor supply, preventing unemployment, providing an adequate living wage, protecting the worker against sickness and disease, protecting the interests of workers in countries other than their own, protecting the worker against injury arising from employment, protecting children and women, providing for old people, guaranteeing freedom of association, and even providing technical and vocational education.

In the economic realm, natural rights and entitlement rights clearly run afoul of each other. Thus, the economic freedom to pursue a living or to trade according to individual choice and enlightened

self-interest—the essence of the successful capitalist free-market system—has become suspect in many international contexts because it contradicts the postulated General Will to regulate labor markets and the associated social provisions and trade barriers that are erected to protect certain segments of the labor force. The right to seek enlightened self-interest and the "right" to employment are indeed sometimes in direct contradiction. In international fora, therefore, "economic freedom" sometimes becomes a deeply suspect term, despite its proven record as the way to lift nations out of poverty into continued prosperity.

Although some level of government spending is necessary to ensure that the basic structures of society function smoothly enough to facilitate economic activity, excessive government spending shifts resources from the private sector and impedes economic growth. Between these two principles lies an ocean of possibilities encompassing the small-government tendencies of Hong Kong, Ireland, New Zealand, Singapore, and the United States; the decidedly robust government philosophies of the countries of Western Europe; and the many developing countries that hope to use government spending to meet their development goals.

A Compendium of Rights in International Documents

The 10 individual rights and 15 collective "rights" listed below are enumerated in one or more of the following international documents:

- The U.N. Universal Declaration of Human Rights (UDHR);
- The International Covenant on Economic, Social and Cultural Rights (ICESC);
- The Constitution of the International Labour Organization (CILO); and
- The Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms, which is also called the European Convention on Human Rights (ECHR).

6. International Labour Organization, Constitution, May 10, 1944, at www.ilo.org/public/english/about/iloconst.htm (August 21, 2006).

Individual Rights. These 10 rights are *a priori* human rights that adhere to each individual, regardless of nationality or social status.

All human beings are born free and equal in dignity and rights (UDHR, Article 1). This essential human right is recognized in the preamble of the Universal Declaration and speaks to the equal worth of all humans, regardless of any differences in race, class, religion, or country of origin. It arises from the Lockean tradition of *a priori* rights and is also acknowledged in the Declaration of Independence.

Right to life, liberty, and security of person (UDHR, Article 3; ECHR, Article 5). These fundamental rights are similarly derived from the Lockean influence of *a priori* rights, which Locke specifically defined as “life, liberty and property.”

Everyone has a right to life that should be protected by law (ECHR, Article 2). Every human being has a right to his life, which should be legally protected. The right to life is identified as an *a priori* right by Locke and cited in the Declaration of Independence. The notion that individuals have a right to the legal protection of their lives is additionally assumed by Locke at the point of social contract, as the government is formed solely for the protection of the people.

Right to recognition everywhere as a person before the law, and all are equal before the law and are entitled without any discrimination to equal protection of the law (UDHR, Articles 6–7). These rights make the law an impartial judge of all persons, requiring that everyone must be held to the standard of personhood and treated fairly and equally. In its constitutional form, this right can be traced to Clauses 17–22 of the Magna Carta. It is the essence of the legal systems of free societies.

No one should be held in slavery or servitude (UDHR, Article 4; ECHR, Article 4, Part 1). All people have a right to be free from all forms of slavery. This right is additionally put forth by the Thirteenth Amendment to the U.S. Constitution. In its basic form, the right to be free from servitude has been with man since he first began to enslave others. This notion is one of the most central tenets of liberalism—man is to be free from enslavement to others and to the government.

No one should be subjected to arbitrary arrest, detention, or exile (UDHR, Article 9; ECHR, Article 5). This set of rights limits the government’s use of force and detention by placing the burden of proof on the government, which must show just cause for arrest and detention. Freedom of this type emerges from the idea of limited government, emphasized by Locke, Montesquieu, Hume, Paine, and Jefferson. Additionally, this type of freedom is encapsulated in the Third and Fourth Amendments of the U.S. Constitution.

Right to be presumed innocent until proven guilty at a public trial (UDHR, Article 11, Paragraph 1; ECHR, Article 6, Paragraph 2). The right to be proven guilty ensures a fair trial, as the preponderance of evidence must be weighted on the side of guilt for the accused to be convicted. The presumption of innocence has been a part of the democratic tradition for centuries and can be traced back to the laws of Sparta and Athens. While not stated explicitly in the U.S. Constitution, the presumption of innocence is widely held to follow from the Fifth, Sixth, and Fourteenth Amendments.

No one shall be arbitrarily deprived of his property (UDHR, Article 17, Paragraph 2). This right limits the government’s power over individuals, requiring it to show adequate evidence to seize property. The protection of property derives most directly from Locke, who believed that the government’s sole function was to protect property, and thus a substantial amount of just cause must be shown to justify its seizure. This right is recognized in the Fifth Amendment to the U.S. Constitution.

Freedom of thought, conscience, and religion (UDHR, Articles 18; ECHR, Article 9, Paragraph 1). This right includes the right to change religion or belief and the freedom to worship alone or with others. Freedom of religion is a basic individual right that originated in its embryonic form in the first clause of the Magna Carta. It came to modern fruition during the Enlightenment, when it found staunch advocates in Voltaire and later in Thomas Paine and Thomas Jefferson. This freedom is additionally guaranteed by the First Amendment to the U.S. Constitution.

Freedom of opinion and expression, and freedom of peaceful assembly (UDHR, Part I Articles 19–20; ECHR, Article 11, Paragraph 1). This set of rights includes the freedom to hold and impart opinions without interference and the right to assemble without compulsion. Freedom of speech is a fundamental right that originated in ancient Greece and Rome, became a philosophical cause in the English Bill of Rights, and later found advocates in Voltaire and John Stuart Mill as well as Thomas Paine and Thomas Jefferson. Both of these rights are recognized in the First Amendment to the U.S. Constitution.

Collective Rights. These 15 “rights” are derived from the collectivist tradition and are more entitlements or goals than *a priori* rights of the individual.

Right to social security (UDHR, Article 22; ICESCR, Part III, Article 9). As a member of society, each individual is guaranteed a state-facilitated, worker-funded pension in his old age. In addition to social security, the International Covenant on Economic, Social and Cultural Rights includes the right to social insurance. The idea that the state should provide for the common good is a direct derivation of Rousseau and was also noted in the works of Louis Blanc, who believed that “each [should] consume according to his need.”⁷ The proletarian revolution, as envisioned by Karl Marx, would create a worker’s paradise that aimed at production for the common good. However, despite the appealing rhetoric, every attempt to create such a social and political system has failed miserably. This is no less true in international treaties than it has been in individual nation-states.

Right to work and right to equal pay for work (UDHR, Article 23, Paragraphs 1–2; ICESCR, Part III, Articles 6–7; CILLO, Preamble). The fundamental right to work includes free choice of employment, just and favorable working conditions, and the protection against unemployment. This concentration on the worker can be traced directly to Louis Blanc and his predecessor Karl Marx, both of whom believed in the equalization of wages and in protecting the worker from the “dangers of competition.” François Fourier, additionally, emphasized

the repayment of workers according to their contribution. Again, the right to work in this particular context exemplifies only provisions of a failed social system.

Right to just and favorable remuneration to ensure a standard of living for his family and right to a standard of living adequate for the health and well-being of himself and his family (UDHR, Article 23, Paragraph 3, and Article 25, Paragraph 1; ICESCR, Part III, Article 7 and Article 11, Paragraph 1; CILLO, Preamble). According to the Universal Declaration, this “just and favorable remuneration” may come from either the employer or the state. The Universal Declaration defines an acceptable standard of living as including food, clothing, housing, medical care, and the right to security “in circumstances beyond his control.” The idea that each individual is guaranteed a standard of living stems from the Blanc and Marxian traditions of total equality. The latent influence of Rousseau is also evident in the move toward laws for the common good. While this is a desirable condition, this “right” is an example of an entitlement, something enacted by law in individual nation-states.

Right to the regulation of working hours and the establishment of a maximum working day and week (CILLO, Preamble). The ILO states that the absence of the right to the regulation of working hours would create an unjust environment that would imperil the peace and harmony of the world. The principle behind regulated work hours—that labor must be protected from the exploitative powers of employers—is a Marxian concept. The subsequent set of rights relating to the labor force embodies principles that adhere to social organization in individual nation-states, primarily those of a Socialist or Social Democratic nature. As such, they cannot be considered human rights.

Right to the regulation of the labor supply (CILLO, Preamble). The right to a regulated labor market entails the right to stable growth, a minimum wage, and union benefits. Again, the concepts of worker protection, rights, and benefits are derived directly from the Marxian need to protect the worker

7. Louis Blanc, *Organisation du Travail* [Organization of Work], 1840, quoted at www.bartleby.com/65/bl/Blanc-Lo.html.

from exploitation by the bourgeoisie and the woes of capitalism.

Right to the prevention of unemployment (CILO, Preamble). The right to the prevention of unemployment is stated in broad general terms. There are no caveats or provisions listed as to what constitutes “prevention” or whether employment can be lawfully terminated under this right. As such, it can be taken to mean that once hired, an employee cannot and should not be fired without the prospect of further employment.

Right to form and join trade unions for the protection of his interests (UDHR, Article 24, Paragraph 4; ICESCR, Part III, Article 8; CILO, Preamble). This right allows workers the freedom to organize in protection of their individual and collective interests. Furthermore, the International Covenant provides the right to strike. The notion of organized labor first appeared in Louis Blanc’s 1840 book *Organization of Work*, in which he proposed the establishment of “social workshops” where the workmen in each trade would unite their efforts for the common benefit. Karl Marx picked up on the power of organized labor a few years later, believing that the organization of the proletariat would foment the workers’ revolution.

Right to protection of the worker against sickness, disease, and injury arising out of his employment (CILO, Preamble). While employed, the worker has the right to be protected from any illness or injury that may result from his term of employment. This need to protect the worker from any sort of hazard that he may encounter is again a derivative of the Marxian need to shield the worker from the oppressive bourgeois tactics of employee exploitation.

Right to rest and leisure (UDHR, Article 24). The right to rest and leisure includes a reasonable limitation of working hours and periodic holidays with pay. This focus on pampering the worker is truly Marxian, in the sense that a worker’s paradise would include such entitlements, solely in the name of the common good. While rest and leisure are certainly desirable ends, they are aspects of the relationship between employer and employee. They are not essential rights based on the human

condition. This takes the concept of a “human right” to an almost absurd level.

Fundamental right of everyone to be free from hunger (ICESCR, Part III, Article 11, Paragraph 2). The right of everyone to be free from hunger includes provisions that ensure improved methods of production, conservation, and distribution, as well as the equitable distribution of food supplies in relation to need. The principle of consumption based on need is directly descended from Louis Blanc, and the emphasis on equitable distribution is characteristic of the Marxian inclination toward total equality. Freeing the world from hunger is, again, something that is a goal of worldwide organizations as well as international donors. It is an entirely worthy goal, but not a human right. Furthermore, regulation of the world’s production and distribution of food by international organizations is only likely to create failures similar to those that beset the centralized Soviet and Chinese economies under Communism. The result would be less food, not more.

Motherhood and childhood are entitled to special care and assistance (UDHR, Article 25, Paragraph 2; CILO, Preamble). During these vulnerable times, the state should provide extra assistance for mothers and children, whether the children were born in or out of wedlock. The ILO Constitution extends the scope of this right to providing for old age and injury. The idea of a state-funded entitlement can trace its roots to the collective submission to the state, as championed by Rousseau. These ideas have led to the establishment of the “nanny state,” particularly in Europe, and have prompted the emergence of an entitlement complex in which individuals feel that they no longer need to provide for themselves and that the state should provide for them.

Right of everyone to enjoy the highest attainable standard of physical and mental health (ICESCR, Part III, Article 12). The right of everyone to a standard of health includes state-funded provisions for reducing infant mortality and for healthy development of the child; improvement of hygiene; prevention and treatment of epidemic, endemic, and occupational diseases; and creation of conditions that would assure medical attention to all. The enti-

tlement to health care is another consequence of the trend toward collective submission to an omnipotent state. In the name of the General Will (and welfare), the state collectivizes individual responsibility and becomes the ultimate provider. Again this is an entitlement, not a right.

Right to education (UDHR, Article 26, Paragraph 1; ICESCR, Part III, Article 13; CILLO, Preamble). According to this right, elementary education should be free and compulsory, and secondary and higher education should be available to all. The importance of education as an entitlement can similarly be viewed as a consequence of Rousseau's nanny state.

All are entitled to a social and international order in which the rights and freedoms set forth in this Universal Declaration can be fully realized (UDHR, Article 28). Every person deserves a world in which all of his or her basic rights and entitlements are provided for. The idea that people deserve something better is a tribute to the collectivist impulse to perfect "flawed" societies. This discernment of the route to perfection—first embodied in Rousseau's General Will—has had disastrous consequences throughout the past two centuries. The quest for the perfect human social order has been the justification for egregious acts of terrorism, genocide, and homicide—all in the name of a more perfect freedom.

Right of everyone to take part in cultural life, to enjoy the benefits of scientific progress and its applications, and to benefit from the protection of the moral and material interests resulting from any scientific, literary, or artistic production of which he is the author (UDHR, Article 27, Paragraph 2; ICESCR, Part III, Article 15). To ensure the full realization of this right, the state should create an environment of freedom in which science and culture flourish. This is as vague a notion of "freedom" as may be imagined and cannot be described as a right or even as an entitlement. It is more of a general social goal that is derived from Rousseau's amorphous General Will. All things done in the name

of freedom fall under its definition, and the state is its vanguard, supposedly representing the best and most free wills of the people. However, once freedom is expressed as the General Will and not an attribute of the individual human being, the person who holds the key to defining it intellectually also holds the power. This is why the semantics of freedom and rights remains so extraordinarily important.

Current Controversies

Change in the perception of the beneficial role of government in economic relations has been jarring in the post-World War II era. After World War II, the tendency was toward extensive government involvement. More recently, an abundance of evidence, including the demise of the Communist experiment in the former Soviet Union, has shown that too much government expenditure and intervention unduly impedes private-sector activity, which is the key to long-term economic growth.

The freer economies of the West always outperformed the centralized economies of the Soviet bloc—a fact that was masked during the Cold War by faulty and inflated statistics provided by Socialist governments. As noted by Heritage Foundation analyst Brett D. Schaefer,

This swing from a leading role for government to a supporting role has profound implications for developing countries that spent the early post-independence years pursuing development based on heavy government intervention only to discover in the past couple of decades the detrimental effects of such a strategy.⁸

Since 1995, the *Index of Economic Freedom*, published each year by The Heritage Foundation and *The Wall Street Journal*, has documented the discrepancy in performance between free and less free economies.

Conclusion

In questions of human, political, and economic rights, U.S. policymakers in both the executive

8. Brett D. Schaefer, "How the Scope of Government Shapes the Wealth of Nations," Heritage Foundation Lecture No. 925, March 7, 2006, at www.heritage.org/Research/TradeandForeignAid/hl925.cfm (August 21, 2006).

branch and Congress should keep firmly in mind a number of basic points when dealing with international treaties, law, and organizations.

- Freedom, properly understood, means the right to life, liberty, and the pursuit of happiness. In rival and misleading interpretations, it might mean something far different: the right, for example, to join a trade union or to be part of a regulated labor supply. This misunderstanding of rights as entitlements often causes the discussion of freedom in international fora to take a detrimental direction.
- Understanding the philosophical and intellectual origins of freedom sheds some light on the disparity that continues to exist between the individualist and collective understandings of the concept. It also gives the true champions of freedom the tools with which to argue their case against the advocates of essentially Socialist interpretations.
- By analyzing these origins, it becomes apparent that many of today's "rights" are based on nothing more than an ambiguous and indefensible

notion of the "common good." As appealing as the associated rhetoric can be, the "common good" invariably leads to coercion against the individual.

- Truly defensible rights exist only when the quest for liberty is guided by the immutable nature of man. This human nature is derived from our Maker and therefore inherently the birthright of every human being.

Policymakers should make every effort in international deliberations to ensure that documents get the terminology right.

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