

The Canadian State and Human Rights: the importance of *idealpolitik* and legitimacy

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Abstract

Prepared for the January 2005 Atlis Conference, hosted at Mount Allison University. This special contribution examines Canada's commitment to human rights as an important element of its foreign policy. It argues that Canada has supported human rights not only through diplomatic, moral, and military means, but also by upholding the theoretical perspective of liberalism in order to legitimize its foreign policy.

Abstrait

Préparé pour la conférence d'Atlis en janvier 2005 à l'université Mount Allison. Cette contribution spéciale examine l'engagement du Canada vers les droits de l'homme comme élément important de sa politique étrangère. L'auteur propose que le Canada a soutenu les droits de l'homme non seulement par moyen diplomatique, moral, et militaires, mais également en soutenant la perspective théorique du libéralisme pour rendre légitime sa politique étrangère.

Canada is a unique, exceptional country in many ways. However, Canada's international human rights policies should be viewed against the ethico-political standards that we might reasonably apply to any agent of its class, i.e., against any state, or any "middle power" state, or any "liberal" state, and so on. This helps to avoid both extremes of self-congratulatory celebrations of Canada's policies and the opposite, cynicism. Cynicism is the view that nothing any state or Canada does can be viewed in ethical terms or as succeeding in any way to realize the morality behind international human rights.

International human rights are a significant and evolving part of Canada's foreign policy. Canada has been a committed advocate of key international developments in international human rights since World War II. Such developments include the creation of the United Nations Charter, the Universal Declaration of Human Rights, the two main international Covenants of Human Rights, and the dense network of international treaties on more specific issues like refugees, racial discrimination, torture, women, children, and genocide.

Canada's commitment to human rights is evident also in the campaign against Apartheid in South Africa during

the 1980s, the steadfast commitment to democracy and rights in the former Eastern block in the context of the Cold War, or the military intervention in Kosovo, something that was justified in terms of human rights (but whether it was justifiable is another question). Yes, Canada is among the most ardent supporters of international human rights norms, laws, and standards. Canada has clearly used its resources, diplomatic, moral, and even military, to attempt to promote and protect universal human rights beyond borders. But these truths have to be put into more general theoretical perspective. How do we explain the commitment to human rights in any state's foreign policy?

Political scientists have put forward at least two, related explanations:

First, the power of liberalism in

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global politics. After World War II a convergence of ethical principle and political interests occurred in liberal democratic states. As David Forsythe argues, in the wake of a brutal war against fascist aggression, *liberal states in particular* (and the US and Canada chief among them) made a vital ethical and political connection between respect for individual rights and international peace and security.¹

This should be put into perspective. The *realpolitik* calculation, one that has arguably dominated the history of global politics, has always been *if you want peace prepare for war*. After World War II, this lesson was, if not supplanted, at least supplemented in liberal democratic states with the following maxim: *if you want peace, make sure that your values, and the values that promote peace, are accepted globally*. This view can be labeled *idealpolitik*.

Liberal states, and Canada as a liberal state, have promoted human rights because human rights dovetail with their own security concerns. In this explanation, human rights are *not* simply and only a means to an end (although they have been used as such). Rather, human rights are a fundamental part of a progressive and reformist vision of political ethics. This vision can be described as finding practical reasons and prudential opportunities to pursue ethical ends.

As Stanley Hoffmann claims, liberal states have sought to project their values abroad because these values have the greatest potential to domesticate and civilize the global state of nature.² Liberal values such as individual rights have worked at home in this respect, so they *must* (perhaps as an article of faith) have the same efficacy abroad. Human rights are not only worthy in themselves but because they are constitutive of a global order best suited to the basic goals of

liberal states. Promoting human rights promotes a liberal global order.

A second explanation often put forward for why states promote international human rights is the need of (capitalist) states to generate legitimacy. States as political actors, and the state system itself as a larger global structure, depend upon, require, and must generate political legitimacy or consent. This search for consent occurs in a particular setting -- capitalist production and social relations -- a setting that shapes more particularly how states seek out legitimacy.

Capitalism generates and is driven by contradictions and inequalities. Within states, individual rights were extended slowly and unevenly to various portions of national society, to labour, to women and other minorities, as part of a process of the state legitimizing itself. States are open to the pressure of moral norms for inclusion and for equality, and have used rights as a way of generating precious legitimacy. In this explanation, state legitimacy in turn is needed to ensure the continued evolution of capitalist social relations.

As Craig Murphy argues, this process has an international dimension.³ Things like international labour rights (pursued by the International Labour Organization for almost a century), universal human rights, and women rights are products of international governance institutions that help

states to manage their legitimacy problems as they face certain problems endemic to a capitalist world order (inequalities, instabilities, and disorders). In this explanation, capitalist states (like Canada) support human rights because, and to the extent that, they help legitimize the state -- say, by offsetting or smoothing over the most disruptive, inefficient, and unnecessary harms that occur in and across modern societies.

"Liberal states have promoted human rights because human rights dovetail with their own security concerns"

¹ David P. Forsythe, *Human Rights in International Relations* (Cambridge: Cambridge University Press, 2000).

² Stanley Hoffmann, "The Crisis of Liberal Internationalism," *Foreign Policy* 98 (1995): 159-177.

³ Craig N. Murphy, *International Organization and Industrial Change: Global Governance Since 1850*. Oxford: Oxford University Press, 1994.

"no state has a perfectly consistent human rights policy"

To be clear, in this explanation, human rights are *not* simply and only a means to the end of functionally securing the goals of capitalism or any particular capitalist owner of the means of production (say, indirectly, Paul Martin). (Certainly human rights have often been subordinated to economic ends.) Rather, human rights emerge as a fundamental part of the dialectical relationships among states, markets, and societies at both national and global levels. As long as legitimacy and consent are essential ingredients in any political order, individuals and groups can agitate, sometimes successfully, sometimes not, for states to promote human rights.

Viewed from both of these somewhat different, certainly incomplete explanations, Canada's commitment to human rights is perhaps unexceptional. Canada is a liberal state, one tied to the capitalist order constructed mainly *via* American leadership. Like other liberal states, Canada has found – in varying manifestations and guises – that projecting its key values into the global order is a prudent way to enhance its own security interests. Like other states in the capitalist world system, Canada has legitimated itself, and has taken steps to sustain the capitalist order, in part by promoting human dignity in an economic system that has proven time and again to be indifferent to individuals as moral ends-in-themselves.

Two salient features of Canada's international human rights policies can be interpreted through the lenses of these explanations:

First, these explanations provide reasons for why a pattern "consistent inconsistency" has marked Canada's human rights policies. David Black, a political scientist at Dalhousie University, suggests Canada's overall human rights policy is best characterized in such paradoxical

"ethical and political matters can often lead to more harm than good"

terms.⁴ He acknowledges that no state has a perfectly consistent human rights policy; he also acknowledges that consistency in ethical and political matters can often lead to more harm than good. Obviously Canada has to pay attention to calibrating intentions, means, and ends in crafting appropriate responses to any concrete human rights situation. A policy designed to bring about the best ends in terms of human rights might require very different means *vis-à-vis* China versus, say, the Sudan.

But Canada has, for example, only soft pedaled human rights in Asia, particularly China, compared to the more robust stances taken *vis-à-vis* African regimes like South Africa, Nigeria, and Zimbabwe. One can interpret this as follows: Canada can shore up its legitimacy as a humane internationalist state in relation to Africa, where fewer commercial or trading linkages are at stake, and attempt to reap benefits of basically acquiescing to the human rights violations of more powerful states (economically and politically) in Asia.

There is another manifestation of consistent inconsistency: Canada has promoted human rights *standards* of every type, civil, political, social, economic, cultural, women's, aboriginal, and other rights. But for the most part, Canada has contributed to and benefited from a global trading system, financial system, and international rules that have undermined the potential of developing countries to actually provide for social and economic rights. In other words, Canada has basically acquiesced to increased global poverty, inequality, and human misery.

Especially in the last decade or so, promoting humanitarian law, human security initiatives like the banning of land mines, and other less costly initiatives has been a way to for Canada to retain a humane internationalist reputation while benefiting from an economic and political order

⁴ David R. Black, "Human Rights and Canadian 'Foreign Policy': Methods and Meanings" (draft chapter, 2002).

that undermines a tremendous chunk of humanity's very basic human rights to food, shelter, and a reasonable standard of living. Recent estimates are that about 18 million people from the developing world die each year from poverty related causes.⁵

Ultimately, although we shouldn't be surprised by consistent inconsistency, it does erode Canada's credibility, and it cumulatively undermines international human rights standards. If Canada seems and is seen to be unconcerned or less concerned with human rights in particular countries for commercial or selfish interests, a message is communicated: The human rights of some people are worth more than others. Also, Canada chooses to use its institutional power to support the Canadian peoples' interests at the expense of outsiders. In other words, the forces that propel Canada to pursue human rights – again, a liberal vision of *idealtolitik* and the concern for legitimacy – are *limited* and *shaped* by the pressures of serving Canadian interests first, and by the need to manage Canada's own place in the capitalist global economy.

A second thing that emerges from the two theoretical accounts of human rights described above is the realistic hope that judging, criticizing, and pressuring Canada to do better in its policies can and will work. States, including Canada, are not amoral machines. They are ethical agents that perceive international duties. Truly, we can say that Canada did, in some cases, do better in its policies than it otherwise could have (and in the circumstances). Similarly, we could say that Canada could conceivably do better than it currently does. The notion of Canada as an international citizen captures this idea of a state's moral agency. Jennifer Welsh's recent book, *At Home in the World*, argues that Canada should be viewed in terms of the notion of a "model citizen."⁶

"where Canada is failing is in allowing global poverty and inequality to get worse"

Is it reasonable to hold Canada up to standards such as the "model citizen"?⁷ The two dynamics noted above, the power of liberal political ethics and the legitimacy requirement are potentially effective means of influencing the Canadian state's policies for the better. Yes, these factors can limit the extent of Canada's human rights policies, as I've noted. Canada as an international citizen might not always be able or willing to risk steps to further humanize or politically (and not just economically) liberalize the global order. And Canada may not believe it needs to legitimize itself much further, i.e., it has sufficient consent or approval at home and abroad. However, Canada must still and in the future take risks and steps in defence of its liberal values. And Canada must still and in the future seek out legitimacy. Canada as a state has to *choose* again and again. In its deliberations Canada is open to being pressured to make the right and better

choices.

It is important to avoid self-congratulation but one consequence of states being moral actors is that they will vary in moral performance. States will make different choices from each other. We can compare them against moral criteria and evaluate how they perform. Clearly, Canada did well to pursue with vigour the International Criminal Court, a treaty banning landmines, and the end of Apartheid in South Africa. Canada does well now to pursue where possible solutions to the global AIDS crisis, to promoting global debt relief, and to pursuing a duty of humanitarian intervention in cases of genocide.

Again where Canada is failing, however, and it is not alone here, is in allowing global poverty and inequality to get worse. Canada acquiesces to and benefits from a world economic system with manifestly harmful impact on human rights and

⁵ Thomas W. Pogge, *World Poverty and Human Rights* (Cambridge, UK: Polity, 2002), 2.

⁶ Jennifer Welsh, *At Home in the World: Canada's Global Vision for the 21st Century* (Toronto: HarperCollins Publishers, 2004).

⁷ See Antonio Franceschet and W. Andy Knight, "International(ist) Citizenship: Canada and the International Criminal Court," *Canadian Foreign Policy* 8, 2 (2001): 51-74.

dignity. Why? The kind of liberalism that influences the Canadian state does not emphasize those kinds of harms to human rights very strongly; nor does it see such threats as having the potential to undermine the global order we rely upon. Like other advanced industrialized states, Canada has managed the legitimacy problem through a variety of ways short of actually promoting fully the economic and social aspects of universal human rights.

Finally, and more optimistically, the Canadian state, like other states, is now more than ever held accountable by non-governmental organizations (NGOs), domestic and transnational. If we are going to get better foreign policy choices, it will be in large part because NGOs are able to exploit liberal norms and the concern for legitimacy that Canada has. This means that not just states, but concerned private individuals have a vital role to play in international human rights.

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