

Sec. Rubio Should Build on the Commission on Unalienable Rights



realclearpolitics.com/articles/2025/02/02/sec_rubio_should_build_on_the_commission_on_unalienable_rights_152295.html

Peter Berkowitz



SPECIAL SERIES:

Religious Liberty Around The World

On Jan. 20, in his second inaugural address, President Donald Trump reiterated his determination to “make America great again.” America’s founding affirmation of and the nation’s enduring dedication to unalienable rights – the rights inherent in all human beings – form an inseparable part of America’s greatness. To keep the president’s signature promise, therefore, the Trump administration must give unalienable rights or, as we say today, human rights, their due.

The work of the Commission on Unalienable Rights, which then-Secretary of State Mike Pompeo created in 2019, provides the Trump administration and Secretary of State Marco Rubio in particular an excellent opportunity to reaffirm the traditional American understanding of universal rights. Moreover, the commission’s 2020 breakthrough with Indonesia’s Nahdlatul Ulama, the world’s largest independent Muslim organization with a membership of some 100 million, offers a model for orienting U.S. partnerships and friendships around a shared commitment to the basic rights and fundamental freedoms that give expression to the dignity of the individual. Too little known in the West, NU promotes a form of Islam that embraces toleration and abjures the use of religion as a pretext for violence. The organization remains eager to work with the United States in defense of the rights shared by all human beings.

In July 2019, Pompeo established the Commission on Unalienable Rights. Its mandate was to re-ground America’s undoubted commitment to equality in rights in the nation’s founding principles, the best of the country’s constitutional traditions, and the obligations that America embraced in 1948 in voting for the United Nations General Assembly to approve the Universal Declaration of Human Rights (UDHR). Pompeo appointed his Harvard Law School mentor, the distinguished teacher, scholar, and diplomat Mary Ann Glendon, to chair the commission. As then-director of the State Department’s Policy Planning Staff, I served as the commission’s executive secretary.

The contemporary crisis of human rights made the commission necessary. Equating universal rights with progressive politics, left-wing scholars, journalists, activists, and diplomats promiscuously created new rights, which played into the hands of authoritarian states that seek to dilute human rights and expand centralized power. These new rights, which amount to special claims for favored groups and increase government's size and scope, have little basis in traditional thinking about law and justice, and they could not win the support of decisive majorities within progressives' own countries, much less inspire a world-wide consensus. In addition, progressives established new international legal institutions that discredited human rights. These lacked democratic legitimacy and political accountability; in the extreme case, authoritarian countries that egregiously violate human rights sit on the United Nations Human Rights Council. And under the banner of human rights, the U.S. State Department pursued international campaigns designed to advance controversial progressive priorities.

Meanwhile, American universities promulgated postmodern, identity-saturated, and woke-progressive dogmas that selectively rejected objective knowledge. The new campus orthodoxy undercut human rights by insisting that universal claims about human nature, virtue, and religion were fabricated by white oppressors to pin down the oppressed – people of color and women. Yet the campus orthodoxy also denounced the iniquities of the oppressors and espoused the entitlement of the oppressed to command organizations and set and enforce rules, as if its judgments reflected the unvarnished and incontestable truth.

American conservatives were appalled by the spectacle but drew the wrong conclusion. Many conservatives turned their back on universal claims about basic rights and fundamental freedoms, seeing them as little more than a tool of left-wing aggrandizement and social transformation. But that confuses the corruption of human rights with the essence of human rights and ignores their place of honor in America's heritage.

America's Declaration of Independence proclaims the nation's founding on unalienable rights shared equally by all persons. Prominent "among these are life, liberty, and the pursuit of happiness." Governments obtain "their just powers from the consent of the governed," states the Declaration, and just governments' first task is "to secure these rights." With the United States Constitution, the people established an intricate scheme of political institutions that empowers government to accomplish its proper goals while erecting barriers to the infringement of individual freedom. America's greatest reform movements – the abolition of slavery, women's suffrage, and the civil-rights movement – took inspiration from and appealed directly to the nation's founding commitment to unalienable rights.

Accordingly, the Commission on Unalienable Rights opposed the left's politicization of human rights while correcting the right's neglect of them. Composed of men and women, scholars and activists, lawyers and clergy, and Jews, Christians, and a Muslim – and following six public meetings over 10 months – the commission published its report in the summer of 2020.

The commission's report consists of five parts. Part I explains the importance of reacquainting American diplomats and citizens with the distinctive American rights tradition and invites friends and partners around the world to find within their own moral, political, and religious traditions – as the commission had in America's – grounds for reaffirming human rights. Part II explores the several strands of America's unalienable-rights tradition; the Declaration of Independence's assumptions and logic; the Constitution's institution and protection of rights; and the nation's unending efforts to live up to its founding promise, beginning with the long and agonizing struggle to end the evil institution of slavery. Part III deals with the Universal Declaration of Human Rights. The intentionally austere document, we observed, enumerates only those universal rights capable of acquiring support across cultures, religions, and nations. And we stressed that while recognizing the importance to human rights of legal instruments and political institutions, the UDHR highlights education's indispensable role in forming citizens disposed to respect and capable of upholding human rights. Part IV examines the new challenges to human rights: migration; global health; politicized international institutions; new technologies; non-state organizations engaged in terrorism, human trafficking, and child pornography; and a resurgent authoritarianism led by the Chinese Communist Party. Part V offers several concluding observations, not least that free and democratic nations furnish human rights' best home, and that families, communities, and schools constitute the seedbeds of human rights.

Shortly after publication of the commission's report in the summer of 2020, representatives of Nahdlatul Ulama Chairman KH Yahya Cholil Staquf conveyed to me NU's enthusiasm for the report. They said that its approach to human rights reflected the pluralism, toleration, and human dignity taught by NU's school of Islam. In October 2020, at NU's invitation, Secretary Pompeo presented the report in Jakarta.

The Biden administration chose to turn a blind eye to Nahdlatul Ulama's cooperation with the United States in defense of toleration and religious liberty. Then-Secretary of State Antony Blinken went further, denouncing the Commission on Unalienable Rights' report. In March 2021, in remarks delivered barely two months after the Biden administration entered office, Blinken kept his confirmation-hearing promise to "repudiate" the report's allegedly "unbalanced views." Yet it was Blinken who grossly distorted matters. He baselessly accused the report of omissions, distortions, fabrications, and falsehoods that it did not commit. At the same time, he ignored the bridge the report built to an eminent Muslim organization – with a membership greater in number than the populations of most nation-states and from a country with the world's largest Muslim population – that was keen to promote mutual understanding of peoples and nations grounded in respect for universal rights.

The Rubio State Department should seize the opportunity fostered by the Pompeo State Department and cast aside by the Blinken State Department.

Nahdlatul Ulama continues to organize international fora to gather representatives of the world's largest religions to discuss and advance the cause of toleration, religious liberty, and human rights. In 2022, NU organized the G20 Religion Forum. In its capacity as 2022 president and host in Bali of the annual G20 meetings, Indonesia inaugurated this international summit of religious leaders and scholars, which featured the Commission on Unalienable Rights' report. In 2023 at Princeton University, NU – along with the Center for Shared Civilizational Values, which works closely with it and the G20 Religion Forum – teamed with Princeton's James Madison Program in American Ideals and Institutions to host approximately 40 religious figures and professors from numerous countries for a two-day conference on the Universal Declaration of Human Rights. The conference organizers believed that the UDHR provides the best available basis for forming consensus among peoples and nations about the basic rights and fundamental freedoms that all nation-states should respect.

Two major events next year provide the Rubio State Department special opportunities to take advantage of the commission's report and of Nahdlatul Ulama's labors on behalf of human rights.

In 2026, the United States will celebrate the 250th anniversary of the Declaration of Independence. The State Department should organize events at American embassies around the world aimed at educating citizens of other nations about American principles of freedom and democracy and American constitutional government's grounding in unalienable rights.

In addition, the United States will host the G20 meetings next year. The State Department should work with Nahdlatul Ulama to include an accompanying G20 religious forum. After all, no nation has done more than the United States to recognize the central importance of religious liberty and economic liberty to human dignity and the inseparable connection between those unalienable rights and the other basic rights and fundamental freedoms.

Through such initiatives, the Rubio State Department can highlight what is great in America by giving human rights their due.

Peter Berkowitz is the Tad and Dianne Taube senior fellow at the Hoover Institution, Stanford University. From 2019 to 2021, he served as director of the Policy Planning Staff at the U.S. State Department. His writings are posted at PeterBerkowitz.com and he can be followed on X @BerkowitzPeter.