“We hold these truths to be self-evident...”
(*Declaration of Independence*)

“Everyone has the right to life, liberty and security of person”
(*Universal Declaration of Human Rights*)

## Human Rights and the Dissident Movement

**Jan Sokol, Prague**

I would like to begin by expressing my sincere gratitude to you all for the great and unexpected honour of being invited to speak to you today on the subject of human rights and the dissident movement. The dissident movement was an important factor in broadening the conception of human rights in my country’s recent past – and it was my good fortune to be able to play a role, however modest, in that movement.

The courage and activism of a small group of dissidents was a very significant factor in my country freeing itself from forty years of dictatorship and taking its place, to my great happiness, alongside Ireland and 24 other countries in the European Union. This does not mean that we should be entirely content with the extent to which human rights are upheld. But our constitutional and legal arrangements have accorded human rights a certain degree of double protection – legal and political. Experience has shown that parliamentary declarations, no matter how binding they may pretend to be, are by themselves not a sufficient protection against the pressure of dictatorial power, unless the majority shares the political conviction that human rights need to be upheld. If this conviction is not shared, then the integrated power of government, police and media (such as exists in a one-party state) can not only breach these rights at will, but can also persuade the society that it is acting in the society’s own interest.

**The Dissident Movement**

To put it more precisely, a dictatorial power can persuade a large part of the society of the rightness of its actions, maybe even a majority, but with a significant exception. In the last fifty years this exception has been often represented by dissidents. For all the horrors of the 20th century we must acknowledge that the idea of human rights has recorded some remarkable victories, especially in the second half of that century – from the end of the Second World War. Of course this period also witnessed brutal, murderous regimes, such as Stalin’s USSR, Pol-Pot’s Cambodia and Pinochet’s Chile. But these regimes could no longer afford to entirely ignore public opinion in the democratic countries as they had before. While they continued to expel, torture and kill hundreds of thousands, perhaps millions of people, they could no longer do so with the same unconcerned callousness as they could before 1945.

The political response to the Second World War was not immediately apparent, but shortly after 1945 the leaders of the European powers began to act in a somewhat unusual manner. Political leaders as persons are not necessarily egoists, but it is part of their job to assert their own interests and the interests of their countries using all available means, and rarely if ever admitting, for example, that they may have made mistakes. But the leaders of the democratic powers in the immediate post-war years seemed to be harassed by the awful question hanging in the air: how could the Holocaust have happened? This question continues to haunt European political thought to this day and to distinguish it from the others.

It seems to me that the Western Allies behaved in a fundamentally different way than they did after the First World War. The temptation to attribute all blame to Germans, and to try to trample down, to definitively “neutralise” Germany would have been understandable, but they did not succumb to it. On the contrary, they started to consider how it would be possible in future for Europeans to live together on their explosive little continent. And perhaps because they were to some extent immune to the pressure of public opinion, which would have called out for revenge, they quickly realised that living together in peace demanded some degree of self-restraint from all concerned, winners and losers alike. This manifested itself in the creation of The European Coal and Steel Community (the forerunner of today’s EU) and the establishing of the United Nations, where this voluntary self-restraint of state power took the form of rights of the person and citizen.

Negotiations in the UN were not easy, but even in this “global” assembly it became clear that European leaders were not alone in their endeavours. They could not easily agree on the idea that they should voluntarily put limits on state power, so they preferred to formulate this as a set of rights for citizens. I can only marvel over the fact that such a large majority of the world’s leaders were able to agree on it. Many of these may have been less than overjoyed, but on the 10th of December 1948, nobody in the General Assembly voted against, and only eight states abstained: the Union of South Africa, Saudi Arabia and the states of the Soviet Bloc. Some of those present in the General Assembly were perhaps already thinking how to find ways around the principles contained in the Declaration, and yet nobody voted against it.

Preparations for a more tangible collaboration among European countries provoked quite different response, however. While the Declaration was accepted by the vast majority in the UN, the early implementation of the Marshall Plan, and nascent European institutions, met with fierce resistance from the Soviet Union. The Czechoslovak delegation sent to Moscow in July 1947 to negotiate access to the Marshall Plan were terrified by the hard line taken by Stalin. Jan Masaryk, the Foreign Minister, was quoted as saying “I went to Moscow as the Foreign Minister of an independent, sovereign state. I returned as Stalin’s groom”. Masaryk died in mysterious circumstances shortly after, and Europe was soon divided by the iron curtain.

The experience of the Cold War years was very different depending on what side of this curtain you found yourself on. The West experienced rapid renewal and economic growth, while in the East...a whole series of war-time restrictions – such as rationing and forced labour – lasted for a long time, while barbed-wire borders evoked the conditions of life on the front-line. State propaganda portrayed Germany as a revanchist menace, and for such propaganda to be effective, all communication with Germany and the West had to be prevented. Not only could people not travel, not only were the borders reinforced with electrical wire, but it was not even possible to get books or magazines, while most Western broadcasts were jammed. In Czechoslovakia alone several hundred political opponents were hanged, while around 100,000 citizens – mostly rather small farmers – were sent without trial to concentration camps.

Under these conditions, which were aptly described as a “cold war”, as they in fact prolonged the wartime climate, it was impossible for a dissident movement to emerge. There was no way for people to assemble, no public discourse in which a dissident could give voice to his or her disapproval. As in a real war, propaganda had the power to mobilise the entire society, to force it into submission and move it one direction: to war with the enemy. “If you are not with us you are against us”, “it’s us and them”. Any criticism of one’s own side could appear treasonous, and the propaganda exploited it with no hesitation.

Totalitarian states have the power to discredit and suppress all internal dissent, usually before it has even found expression. The “Cold War” of course differs from “hot wars” not only in that there is no shooting, but also in that the state of war is largely imaginary, and usually only on one side. The supposed enemy on the other side is, in reality, not at all interested in destroying us. But that important fact must never be made clear to people, and so all lines of communication over the border are blocked, and state propaganda becomes the only source of information. Impenetrable borders reinforced with barbed-wire, and the systematic scrambling of foreign radio broadcasts provides physical testimony to this mentality.

The mobilising of whole societies, such as we witnessed in the Cold War, can be pretty effective, but it cannot be sustained forever. At some point in the 1950s even communist societies started to awake from this nightmare. Khrushchev’s critique of Stalin’s regime, although tentative and secret to begin with, provided an important impulse; it gradually became acceptable to say that things are not as they could be in our own societies, and that these shortcomings cannot all be blamed on our supposed enemies on the other side of the Iron curtain. This did not immediately lead to any significant change to the external social and political realities, but the shift in rhetoric led to a certain thawing of the ice.

At the risk of sounding tendentious, I must again emphasise that the situations on our respective sides of the Iron curtain were not symmetrical. A mere glance at border security along the length of the Iron curtain tells you that they were not aimed at the enemy waiting to pounce, but against their own people, who must be prevented from escaping to the other side. This state of affairs cannot be kept secret from the population forever, and it throws a somewhat disturbing spotlight on the political elite. What kind of power is this that has to keep its own people caged in by barbed wire to prevent them from leaving?

Such was the situation of Khrushchev’s reforms and the beginnings of the dissident movement as is first appeared in the Soviet Union – particularly in Russia. There was no public space for dissidents to occupy, so they had to start to build one, which they did using the primitive tool of *samizdat* publishing. Try to put yourselves in the position of these courageous individuals. Try to imagine the feelings they must have experienced in their early attempts to influence events in their totalitarian superpower, with typewriters and carbon paper as their only weapons.

Russian dissent, however, was soon to receive unexpected but significant support. There was one area of Soviet society where the political elite needed to allow a certain degree of freedom. This was in the area of military technology – the development of nuclear weapons and rockets. It was therefore impossible for the Communist Party to silence such significant scientists as Andrei Sakharov when they started to support dissent.

I do not mention these forgotten details for their own sake, but to demonstrate the conditions under which dissent could be possible – and indeed successful. The first of these conditions is a feeling of discontent with the status quo among the general population but also among the middle and upper classes of society. The second is the existence of at least a small group of dedicated and courageous people, who must take significant risks. Though they were no longer risking deportation to the Siberian Gulag and the near-certainty of death, but they were still risking several years of imprisonment or being locked up in psychiatric wards. The sense of personal risk gives a feeling of authenticity to the accounts of dissidents and is one of the sources of their legitimacy in the eyes of others. But even this is not enough. Dissent can be successful only when it is of some use to some component of state power – even an extremely narrow component. It may be of use to them in their internal party conflicts between hidden factions; or it could be of use to someone who genuinely wishes to reform the system from within. And finally, as the European experience of dissent shows, the support of democratic forces in other countries is extremely important.

In the communist bloc, it was only in Poland that the dissident movement could rely on broad-based support as it was able to combine, to a certain extent, with social, religious and national concerns. In every other country, the movement was made up of small groups of mostly educated people, who missed freedom for their artistic, scientific or simply civic, but creative ambitions. Some of them followed more specific goals – ecological, national or religious. What united them however was the endeavour to make themselves known to the wider public and compel the political elite to discuss their aims and concerns with them.

As soon as the group started to carry out its activities, it found itself in trouble immediately, and from several directions. Naturally they would attract the immediate attention of the secret police, which, in a well-functioning repressive system has many options for persecuting people. By imprisonment without trial, perhaps, or simply by relentlessly following them, by excluding their children from schools or by impeding them from gaining any kind of employment – which was, in communist societies, the only legal possibility of securing a livelihood. On the other hand, however, dissident groups naturally sought ways how to negotiate with their political rulers; so they were obliged to express themselves moderately and cautiously, eschewing [*isčúing*] overly conspiratorial methods. This in turn immediately made them suspect to the more radical opponents of the regime, who frequently rebuked dissidents for their conciliatory approach and language.

I have already mentioned the importance of foreign support; foreign broadcasts, for example, could help to spread the dissidents’ message to a wider public. But equally important was material aid, for example to the families of imprisoned dissidents or those who were barred from employment. And yet during the Cold War, when from youngest childhood people were force-fed with stories of spies and enemy agents, and you had to be careful who you spoke to, any contact you had with foreigners could be used to discredit you. The political trials, and the films and TV serials of the time, are full of this; and traces of xenophobia remain in post-communist countries to this day.

All dissident movements started on the initiative of a relatively small number of individuals; the opinions and stances of these individuals naturally influenced the form that these movements take. And although they all sought to engage with the political leadership, they all had to adopt their own specific strategies in line with the limited options that were available to them. The goal of engagement with political power must certainly have seemed entirely out of reach in the early days, and dissent was therefore limited to the most modest gestures – I am reminded of the silent protest of seven people in Moscow’s Red Square against the occupation of Czechoslovakia in August 1968, which lasted only a few minutes before being broken up by the police. In fact the goal of negotiation with the political elite remained out of reach until the Polish “round table talks” that took place between February and April 1989.

Returning now to the situation in my own country: the beginnings of active dissent in Czechoslovakia happened primarily at the initiative of Václav Havel, culminating with the Charter 77 petition. This petition was a reaction to breaches of the 1975 Helsinki Accords on human rights, which had been ratified by the Czechoslovak parliament. The document, signed by 241 people, was published in several foreign newspapers in January 1977. Delivery of the document to the Czechoslovak parliament was blocked by the secret police, who sought to discredit Charter 77 as foreign interference.

There followed an intense campaign of defamation against the people involved, accompanied with many repressive measures, including the imprisonment of several signatories. The petition was exploited by hardliners within the Communist Party as a pretext for forcing ever tighter ideological discipline, both within the party and also in the wider society. Charter 77 did not, therefore, bring any immediate benefit to public life in Czechoslovakia. Nonetheless, there were soon more than 1,000 signatories, and Charter 77 was able to keep up its modest operation under extremely difficult conditions, using its rotating roster of spokesmen and women to publish documents on the breaching of human rights in Czechoslovakia. However, the full political significance of Charter 77 (in my opinion) only became apparent in November 1989, when it was able to emerge under Havel’s leadership as the more or less acknowledged spokesman for the non-communist majority, and provide legitimacy to the then nascent Civic Forum.

We have seen, then, that dissident movements are only possible in very specific social circumstances: namely under serious, but not excessively brutal political pressure, which provides the movement with a certain legitimacy and authenticity in the eyes of the disaffected public. It requires an environment in which at least some communication is possible and, in modern times, it also needs to enjoy some degree of public support in the free world. Dissent cannot change society by itself, but it can, under better conditions, compel the political leadership to engage them in debate, and present a legitimate spokesperson for such debate. But of course as soon as such engagement in debate is secured, dissent ceases to be dissent, transforming instead into a more or less lawful and legitimate form of opposition. It is my view, therefore, that the meaning of the word *dissidence* would become unacceptably stretched if we were to speak of dissent and dissidents in free societies where there is no persistent threat of repression and incrimination. Here, we should appreciate the fact that we are allowed to speak freely about public concerns and politics, and therefore do not need any dissent.

**The protection of human rights today**

I said earlier that in spite of all the horrors and genocides of recent history, the second half of the 20th century witnessed a series of impressive political victories for human rights. This of course does not mean that we can profess ourselves satisfied with the state of human rights; the very existence of your organisation persuades me that you are of the same opinion. First of all, I do not think we can be satisfied with the extent to which human rights are practically upheld, not only in the so-called developing countries but even in the free and affluent democracies. We are still a long way from fulfilling what Heraclitus called for in Ancient Greece, when he said the people should defend their laws as their city walls. But in my opinion our conception and interpretation of these rights is also unsatisfactory. Unclear formulations and interpretations prevent human rights from expanding into other cultures, but also prevent them from becoming more deeply anchored in our own minds, as something distinct from mere truisms.

I wish to dedicate the second part of my lecture to these two areas. I wish to illustrate, with reference to one episode from the 1970s, the importance of ridding ourselves of certain “western” presumptions and of paying closer attention to what people in totalitarian, dictatorial regimes really consider to be their human rights, and what they consider to be serious breaches of those rights. The western canon of human rights, as it emerged in the 18th century enlightenment, reflected a certain view of humanity, society, power and politics, and has therefore required ongoing adaptation since then. We need only remind ourselves that even the most ardent liberals of the 18th century still believed that only propertied men could be bearers of human rights and the American political elite continued to avoid the question of slavery. It took another bloody civil war to teach all Americans that even slaves are human beings.

It would therefore be very naive of us to suppose that the profound social changes of our contemporary world will not influence our formulations and interpretations of human rights. We may take comfort from the fact that human rights remain attractive all over the world and no political power can avoid them entirely. Technical progress and globalisation continue to bring ever greater challenges and dangers, and it is to human rights that people look for protection from these dangers. But if we sincerely wish for human rights to become established beyond western civilisation, we should observe closely what people want from them and make sure that we do not prevent their acceptance through culturally insensitive interpretation of what they mean and what gives them legitimacy. It is clear that the classic phrase “we hold these truths to be self-evident...” will not convince everyone.

The participants in the Helsinki debates in the early 70s had to establish a kind of “taxonomy”, a list of the relevant human and civil rights. The starting point for the western negotiators was, naturally enough, the canonical version of the UN charter. They continued to hold onto this version despite the efforts of some Russian dissidents to explain to them that this version was not an ideal fit with the prevailing Soviet reality. For ordinary Russian people, especially in rural areas, freedom of speech and assembly were not as important as they were for the citizens of the Western democracies. What would be of immediate interest to them would be the right to travel freely inside their own country. Villagers often did not keep their personal documents at home, but rather at the local community offices or at their agricultural co-operatives, so they had to request permission for every journey they undertook. This was not known about in the West and it appears that the western negotiators were unwilling to believe such accounts. This may strike you as merely a quaint historical episode; but similar conditions prevail today in large parts of rural China. For many Chinese citizens, the impossibility of travelling to the nearest city, or of sending their children to school there, is a more serious restriction of their human rights than, say, the prohibition against travelling abroad or publishing a magazine.

If we do wish to see a multicultural acceptance of the concept of human rights, we should pay very careful attention to the unspoken assumptions on which they rest, and which strike many in the West as self-evident. The first assumption is the absolute primacy of the individual human person with his or her rights and freedoms. And yet even in our own societies, this idea has only really taken hold in the last two centuries. It emerged much earlier, of course, but for a very long time it was only the norm in urban societies, while in rural, agricultural societies even in Europe, it continued to be the case that the family, not the individual, is the basic social unit. There was a very strong argument to be made in favour of this idea: an individual cannot on his or her own secure even the reproduction and continued existence of their societies. Traditional rural communities all over the world continue to think in these terms today; and even if we cannot accept their viewpoint, we should at least try to understand it.

The second topic which I believe merits our careful consideration is the question of some rational or philosophical foundation on which our understanding of human rights rests. This too has undergone considerable development. The famous second sentence of the American Declaration of Independence summarises them in this way: “we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”. The validity of other American Declarations of Rights has been grounded in the idea that men were born with these rights, and that these Rights are an expression of their Creator’s plan. This is certainly a powerful argument, but its validity is culturally limited. The French declaration of 1789 appeal to the supreme being and claims that every man is born free and equal in his rights.

Most of these documents say that these rights are “natural”, which could either mean two different things. “Natural” could mean the same as “self-evident” in the American Declaration of Independence; but it could also be an echo of the ancient tradition of natural law, which dates back to Aristotle. Even the famous sentence that “man is born free” stems from the Code of Justinian, the Eastern Roman Emperor, from the year 534 AD – although Justinian himself does not see any far-reaching consequences arising from this observation. The Christian tradition of natural law meant that the foundations of law are embedded in creation and therefore of divine origin – and therefore it compels unconditional respect of all men. From the practical viewpoint, it expressed the conviction that human rights are not the preserve of rulers and states, but that they belong to everyone.

The assertion that man is born free does not carry much weight in our empirically-minded era. The new-born child depends entirely on its parents and is many long years away from attaining civic freedom. And it is not at all the case, even in our prosperous European democracies, that everyone accepts the idea of human rights as something self-evident. There have always been categorical opponents, from Jeremy Bentham through to Alasdair MacIntyre. But you only need to go to an ordinary pub and listen to people talking on subjects such as capital punishment, the presumption of innocence or legalised opposition of any kind; if anything is self-evident to people in this environment, it is that criminals should be executed as soon as they are caught and that lengthy court trials represent an unjustifiable defence of wrongdoers.

The overly cautious legal formulation of human rights can weaken their persuasive power. For example, the right of citizens to use their native language can mean two quite different things. It could mean the problematic “right” to speak in our own maternal language anywhere in the world, or the extremely demanding obligation on others to try to understand us. Thus, I am either authorized to speak Czech in Dublin streets to myself, or else the society commits itself to try to understand me. It is generally the case that if one person has an enforceable right, an entitlement, someone else then must bear a corresponding responsibility to secure that right for that person. Law is not a *perpetuum mobile* that can conjure entitlement out of thin air. So for example it is important that everyone has the right to an education, but it must also be made clear who is going to pay the teachers. We could simply say that this is the responsibility of the state, but we should not forget that the concept of human rights emerged, among other reasons, to emphasise that these rights are not privileges to be accorded to individuals by the state, but that they belong to those individuals.

Human rights are not something that arises from the decisions of states, legislators or parliaments; they are in this sense “inalienable” and “natural”. This of course does not mean that they are part of our natural endowment, the way that our ears and hands are. We can only rely on them if the society and the state we live in acknowledges and respects them. As soon as we cross the border into a totalitarian state, it is as if our rights have been left behind on the other side of the border. Some people can feel safe and secure even in a totalitarian state, but this depends on the whims of state power. This is what dissidents are fighting for; the recognition of human rights for *all* citizens of their state, not just for some.

It seems to me that the most serious paradox of our current interpretation of human rights is with the first and most fundamental of these rights, the one on which all others depend: the right to life. Most of us understand this to mean that *everyone ­*–including me – has the right to life; this is my entitlement. But in truth I perhaps do not have any such entitlement; after all, who is to take upon themselves the corresponding responsibility, to secure my life in all circumstances? A man who becomes terminally ill with leukaemia is hardly in a position to sue the unknown assailant who threatens his right to life. I think it is therefore necessary to read this sentence – “everyone has the right to life” – in a different way: namely “everyone” should mean that everyone else has a right to life. Put more simply, nobody has a right to anyone else’s life. Only when this principle asserts itself in society, and when it becomes self-evident through the support of legislators and the state, will I be able to enjoy real security or my “right to life”.

Although this conception of human rights is not widespread, it has, to my mind, several significant advantages. First of all, it does not promise something it cannot deliver, and it takes account of the reality that the right of one person necessarily involves the responsibility of others. It does not support the naive idea that human rights have legal force in themselves or through the acts of lawmakers. When the parliaments of Eastern European countries ratified them after 1989, many people felt disappointed that these newly-gained rights did not lead to any real changes in their own lives. This interpretation only goes to emphasise the importance of being “educated” or “trained” in human rights and the need for constant vigilance in ensuring that they are upheld.

This interpretation of human rights, as a consequence of the acceptance of certain responsibilities and restrictions, also enables us to solve other difficulties. In the current debate we hear more and more that the protection afforded to us by human rights should be extended to animals, and perhaps to nature as a whole. It is almost impossible for any society to escape the question of how best to protect animate and inanimate nature from the damage brought about by human intervention. However, the idea of “animal rights” and “nature rights” immediately comes up against a fundamental problem. Animals (let alone abstract “nature”) cannot become legal persons; they cannot defend their interests in a court of law or accept obligations. But in the other conception that I have outlined, this can be easily done; and in fact it is today quite common for people and institutions to be held legally responsible for their treatment of animals and of the natural world.

I have tried to explain that the sentence “everyone has the right to life” can be interpreted as a recognition that all other people have this right, that no-one has the right to the life of anyone else. In this form, it says something very similar to the Ten Commandments: “thou shalt not kill”. The only difference is that, while in ancient societies this prohibition only applied to members of that society, our version is meant to apply to everyone in the world, without exception. It is also derived from human equality and reciprocity, and cannot be limited to religious communities. In our frenetically globalised and globalising world, it is increasingly significant that other cultures and civilisations recognise the principle “thou shalt not kill”, in whatever form it takes. In our fast-moving world full of conflict and tension, this is extremely important for the future of the whole mankind.

(*Front Line Defenders,* 28. 4. 2016)