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# INTERDISCIPLINARY CONFERENCE ON HUMAN RIGHTS

**Organized in Prague on March 7–9, 2019**

**Anglo-American University, Czech Republic**

**Norwich University, Vermont, USA**

**PROCEEDINGS OF THE  
1<sup>st</sup> INTERNATIONAL CONFERENCE**

**Partner of The Conference:**

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## INTRODUCTION

Attached are the proceedings of the 1<sup>st</sup> Interdisciplinary Conference on Human Rights, at Anglo-American University, in Prague, on March 7–9, 2019, co-organized with Norwich University, Vermont, USA.

The proceedings include contributions authored by conference participants presented during the conference. They have been reviewed and accepted by the conference editorial team and international external reviewers.

The program is as follows:

### **Thursday, March 7<sup>th</sup>, 2019:**

- Conference opening ceremony
- Morning sessions: Presentation of conference keynote speakers, special speakers, and students
- Afternoon session: Post Bellum Documentary Screening and Discussion, Round Table on Roots of Human Rights

### **Friday, March 8<sup>th</sup>, 2019:**

- Moot Court
- Morning session I: Contemporary Human Rights Challenges in Eastern Europe
- Morning session I: The Protection of Minorities
  
- Morning session II: World War II in Czechoslovakia
- Morning session II: Linguistics and Definitions of Human Rights
  
- Afternoon session I: August 1968 and the 1970s: Human Rights Resurgence
- Afternoon session I: Human Rights and Middle Eastern History
  
- Afternoon session II: Genocide: Law and History
- Afternoon session II: Post-Atrocity Memory and Legacy
- Afternoon session II: Media, Technology, and Surveillance
  
- Afternoon session III: Women: Historical Victims and Activists

### **Saturday, March 9<sup>th</sup>, 2019:**

- Mock Truth Commission

### **CREATORS OF THE PROCEEDINGS:**

- Mihaela Stratulat
- Miroslava Dvořáková

Prague, August 31, 2019

## FOREWORD: IDEA AND MISSION OF THIS CONFERENCE

Petr Jan PAJAS

Cofounder of the Conference and AAU President Emeritus

In October 2017, during a visit to Norwich University, when discussing possible cooperation, we were inspired with the idea of Prof. Rowland Brucken to organize a joint International Conference on Human Rights as a first step in fulfilling the Memorandum of Understanding between AAU and NU signed on August 8<sup>th</sup>, 2017 in Prague.

At that time, it seemed realistic to think about an interdisciplinary conference allowing to bring to one place – preferably Prague – scholars (faculty and students) and experts of both universities. In order to provide sufficient time for organizing the conference, as well as to make use of coincidence with expected celebration of important changes in the world during the year 1989, it was later decided to meet in these days.

The main topic of the conference – Human Rights – is related to research already being in progress at NU under leadership of Prof. Brucken. It also coincided with my personal deep conviction that students of AAU – as well as students of any university – should have a chance to learn from crucial events of the past to better understand the present and be better prepared to serve their societies.

As Prof. Brucken in his more detailed proposal from October 2017<sup>1</sup> explained, we should consider human rights viewed in relation to their historical legacy, philosophical and socio-economic background, including their conditioning and differentiation caused by diversity in culture, religion, traditions and even as a factor in economic development within framework of related ideals of humanity and enlightenment.

Allow me to dwell a bit on the following issue: **Is there any need to defend human rights, which might be and mostly are considered as self-evident?**

For more than twenty-five centuries and in most of human civilization and cultures there is known the ancient Golden Rule: *What you do not wish for yourself, you ought not to do to anybody else*<sup>2</sup>. It is, perhaps, the fundament from which other ethical and moral principles have grown, as well as the attempt to formulate rules including respect to some basic values.

Remember, that in 1776 American colonies declared “*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**”<sup>3</sup>.*

However, it took centuries before death penalty was abolished in most of countries, it took centuries before these rights were accepted as valid for all people regardless ethnicity, origin, color of skin, etc.

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<sup>1</sup> Rowland Brucken: *Proposal for a Joint Conference on Human Right: Anglo-American University and Norwich University*, e-mail communication, October 2017.

<sup>2</sup> See e.g. [https://en.wikipedia.org/wiki/Golden\\_Rule](https://en.wikipedia.org/wiki/Golden_Rule)

<sup>3</sup> US Congress, July 4, 1776: *The Unanimous Declaration of the Thirteen United States of America*, full text available on <http://www.ushistory.org/declaration/document/>

### So, is the right for life self-evident?

It took nearly a century until slaves became free (1863) in states of the Union – and the cost for it were thousands of lives lost in civil war with the Confederation.

Another century later, in 1968, assassination of Martin Luther King ignited the final battle for full liberty and right to pursue the rout for happiness for all. In the same year 1968, Czechoslovakia was occupied by Soviet bloc armies in an effort to prevent development towards more freedoms of individuals and society.

### So, is the right for liberty and the pursuit of happiness self-evident?

In August this year we shall commemorate 230 years since French National Assembly issued the **Declaration of the Rights of Man and Citizens**<sup>4</sup>. Since then, we not only recognize the basic rights of every man, but also special rights of inhabitants of certain territory – state citizens. Most of the world accepted these basic civil rights that are usually incorporated into constitutions and civil codes. There is even the universally binding **Universal Declaration of Human Rights** accepted as a basic convention by United Nations in December 1948<sup>5</sup>.

However, centuries had to elapse before rights of man are mostly interpreted as equal rights of men and women, people with black, white, yellow or red skin, blue or brown eyes, regardless their life philosophy, faith, religion, social stand, sexual orientation and territorial origin.

The French Declaration of 1789 added another major aspect to the term “rights”: They are given and protected within limits set by the law. And the law may be issued only by representatives of the people. That means that **the rights have certain well-defined limits and relate to certain obligations**.

Cooperation of AAU and NU is also inspiring from the perspective of comparison of views and ideas standing behind past and contemporary issues of international relations as they are conceived in Central Europe, on one side, and in the US, on the other side.

Our conference provides an opportunity to look into the issue of **human rights from three different perspectives**:

- First is the European (or even Central European) view of a society that developed for centuries to reach its contemporary status of social state governed by the rule of law, where universal human rights are embedded into basic laws of liberal democracy. This is a view specifically strengthened by exposition to totalitarian and basically civil and human rights suppressing regimes during several decades of 20<sup>th</sup> century. However, we are now challenged by tendencies for authoritarian governance proposing popular solutions for difficult and complex issues of social and political problems.
- Second is the US view of a society where people are used to follow their individual dreams and chances for happiness in life within an open society of free individuals. Still, some people in America may feel burden of the past, since an important part of population has ancestors who were forced to live as slaves and servants to richer and happier or were deprived of original aboriginal rights and cultures.

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<sup>4</sup> Declaration des droits de l’homme et du citoyen du 26 Aout 1789, available on [https://www.quelsdroitsfacealapolice.be/IMG/pdf/ddhc\\_1789-08-26\\_fr.pdf](https://www.quelsdroitsfacealapolice.be/IMG/pdf/ddhc_1789-08-26_fr.pdf)

<sup>5</sup> UNITED NATIONS: Universal Declaration of Human rights, available e.g. at [http://www.un.org/en/udhrbook/pdf/udhr\\_booklet\\_en\\_web.pdf](http://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf)

- And third, there is also the view based upon experience of students and experts from other parts of the world, where the past and even the present were and are still deemed to balance between frozen conflicts and active wars stemming from hatred between those of different religion, faith, nationality or ethnicity.

Contemporary world is confronted with many conflicting situations, where human rights are in the center of disputes and challenged from many aspects. History offers many examples of how easily might the established and recognized human rights be pushed down, disregarded and violated. This happens when people do not stand behind them and surrender to anti-humanistic actions of those in power, or even, if opponents of human rights are allowed to gain and strengthen their power due to negligence, passivity or even greediness of majority of population.

Allow me to mention some of such events, which are closely connected with Czechs and their national history and might be considered as important even on European level:

- 1918: Independence of new state for Czechs, Slovaks and Ruthenians – Czechoslovak Republic following decay of the Habsburg Empire. In 1919/1920, the new Republic legalized suffrage for women<sup>6</sup> as one of the first in Europe.
- 1938/1939: Loss of territories to Germany and later full loss of independence after occupation by Germany and creation of the “Protectorat Böhmen und Mähren”. That was the end of democracy, followed by implementation of German Nazi Nuremberg Laws (from 1935) in the Protectorate. As a consequence, Czech Jews, Roma and mentally handicapped were deprived of all rights, expelled from society or even literally evaporated. Mementos of that time are names like: Terezin, Auswitsch, Lidice, Lety ...
- 1945: Prague uprising at the end of the World War II in Europe. These were happy days marked, however, by atrocities committed in revenge, including expulsion of millions of Germans from this country during 1945–46. We are still feeling the pain from what did happen and might have not happen, if the Golden Rule would be respected.
- 1948: End of democracy in post-war Czechoslovakia. That resulted in the complete liquidation of any private business, tough censorship, limited rights for free movement, closed frontiers, persecution, political trials with death penalties, associations dissolution and confiscation of foundations’ property, ... We had to learn how to live in regulated society fully controlled by Communist Party and its subordinates.
- 1968: Prague Spring. It was a time of hope for return to democratic rules and economic freedoms. An idealistic dream brutally terminated by intervention of Soviet and other armies followed by “normalization” of internal politics, i.e. return to totality. For me, personally, and hundreds of thousands of others, it meant loss of profession or even worse fate.
- 1969: Two other Jan’s entered history of Czechs for offering self-sacrifice in the throe for truth:
  - Jan Palach and Jan Zajíc. A few weeks and days ago we had a chance to commemorate the deeds of these two and others, who desperately wanted to evoke defiance against submissiveness to occupants.
- 1978: Charta 77 in the aftermath of the 1975 Helsinki International Conference on Human Rights appears as a series of documents in which a group of dissidents since 1977 tried to persuade the rulers and population about the necessity to fulfill obligations

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<sup>6</sup> Act No. 75/1919 on Suffrage Rules for the Communities in the Czechoslovak Republic (in Czech).

signed by the government during the 1977 Helsinki Conference<sup>7</sup> and because of it was systematically persecute.

- 1989: “Velvet Revolution” – victory of spontaneously formed Civic Forum and ideas promoted by supporters of Charta 77.

According to me, **the main lesson** derived from these and other events is that there are situations when we have to stand behind certain values or explicitly oppose what we consider wrong if we are aware of possible negative impacts of opposite stand. Sometimes, it may even require putting our own carrier, our freedom, and our hopes for happiness at stake.

One more remark as regards **contemporary challenges**. We should not close our eyes before:

- Tendencies to accept strong and unilateral decisions without deeper analysis of possible consequences.
- Tendencies to limit the right of citizens for open criticism of political, social or economic decisions made by governments.
- Tendencies to over- or under-estimate fanatic adherence to certain religious or philosophical faith.
- Tendencies to live in a virtual rather real world, refusing proven natural laws and accepting esoteric visions based primarily on manipulation with words and facts.

During these days, we shall have a chance to hear insightful contributions to the universal issue of human and civil rights from experienced professors and teachers of both NU and AAU and other prominent speakers.

It will be a special pleasure to hear and read contributions from students, who are bringing our attention to important contemporary or less known past events or situations, where human and civil rights are or were in jeopardy.

Let me wish full success to this conference and express thanks to its organizers.

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<sup>7</sup> Final Act of the Conference on Security and Cooperation in Europe, Helsinki, 1975, available at [https://en.wikisource.org/wiki/Helsinki\\_Final\\_Act#1. \(a\) Declaration on Principles Guiding Relations between Participating States](https://en.wikisource.org/wiki/Helsinki_Final_Act#1._(a)_Declaration_on_Principles_Guiding_Relations_between_Participating_States)

In Particular, the Declaration in part VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief contains the following proclamation:

- The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States.
- They will constantly respect these rights and freedoms in their mutual relations and will endeavour jointly and separately, including in co-operation with the United Nations, to promote universal and effective respect for them.
- They confirm the right of the individual to know and act upon his rights and duties in this field.
- In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound.

## **BEING A WITNESS. ALBERT CAMUS AND POLISH ALTERNATIVE CULTURE OF THE 1970s AND 1980s**

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### **Abstract:**

*In the 1970s and 1980s, Albert Camus' philosophy of rebellion, despite Marxist criticism claiming that it was only an empty theory that could not change anything on a social scale, was adopted by the Polish political and artistic opposition. For many alternative theater artists, Camus was an extremely important thinker, deducing from the absurd three consequences – rebellion, freedom, and passion, and proposing a healing rebellion that changes the negation of reality into the affirmation of values. "The Rebel" by Camus convinced: you have to act. It argued that in order to survive one must have an active attitude towards reality. Camus' postulate of moral, collective, constructive rebellion abstaining from violence, united Polish theater artists and political activists.*

**Keywords:** *Albert Camus, Polish Culture, Political Opposition, Alternative Theater, Student Culture*

### **1. INTRODUCTION**

In the late 1960s, Jerzy Giedroyc, a Polish émigré publicist who edited the influential Paris-based periodical, "Kultura", noticed a huge increase in interest in the "Kultura" Library series among young Poles. Yet he did not suspect that Camus' *The Rebel* (*Człowiek zbuntowany*), published by the "Kultura" Library in Paris in 1958, would have a considerable impact not only among members of the Workers' Defense Committee (Komitet Obrony Robotników) but also among artists of student and alternative theaters (Giedroyc, Miłosz, 2008, p. 41). Earlier, Americans contributed to the popularity of Camus' work in Poland. From 1957 to 1989, as part of an action initiated and financed by the Central Intelligence Agency, they transferred about ten million publications to Eastern Europe, including four million to socialist Poland. Already at the turn of the 1950s and 1960s, it was possible to receive *The Rebel* by mail order or by other channels. Moreover, forbidden books waited for visitors in distribution points in Western Europe. It is difficult to assess how many copies of *The Rebel* came to Poland this way; we know, however, that Camus' books were among those for which readers asked repeatedly. The common practice was to transfer Polish émigré publications to the country (Reisch, 2013, p. 156, 248). Thanks to this, *The Rebel*, uncensored and translated into Polish by Joanna Guze, was read on a larger scale than if it had been distributed in the original or in the English version (Camus, 1958).

### **2. TOWARDS A NEW SOCIETY**

Organizing political opposition was the key experience of the late 70s in Poland. When in 1951 Camus published *The Rebel*, where he described Communism as a threat to the world, his intellectual environment treated the book as an unacceptable act of betrayal. His anti-communism made him apostate also in Poland. It was only after three decades that Polish underground journals reprinted uncensored fragments of *The Rebel*, as well as other texts of

Camus' presenting his political choices (Camus, 1980, pp. A–B; Camus, 1985, pp. 22–26; Camus, 1984, pp. 1–2; Camus, 1983, pp. 201–211).

The stories and events described by Camus are full of convincing, intense suggestiveness, which cannot be presented with quotes that often boil down to banality. The generation of the Workers' Defense Committee (a Polish civil society group that was founded to give aid to prisoners and their families after the June 1976 protests) appreciated the temperature of *The Rebel*, its intense emotional quality, stylistics, its author's obsession with the desire to break free of authoritarian political systems and his deep reflections on Marxism and Communism. Camus, with his postulate of revolt against injustice and violence, supported Poles in search of moral principles on which to base their protest against the communist government. He refused to look for any idea justifying morally repulsive acts and supported the opposition with examples of noble rebels from literature and history (Nowicki, 2014, pp. 25–26; Michnik, 1985, pp. 71–74). Camus' emphasis on language integrity, on a struggle not to be removed from the world by the language of propaganda jargon, must have evoked emotions in this difficult time.

Although the political and philosophical considerations of Camus contained in *The Rebel* did not provide any precise, clearly defined clues for political action, his criticism of historical fanaticism and his juxtaposition of revolt and revolution encouraged Polish dissidents. The idea of civil society believing in the ability of creative resistance, the idea of politics as a morality in practice, the idea of a political opposition consisting of self-determined and deeply conscious participants, and finally the belief that people are able to establish a community that cannot be choked by any political doctrine, were deeply supported by Camus. For him “a revolutionary is also a rebel or he is not a revolutionary but a policeman and an official who turns against rebellion” (Camus, 1981, p. 253). According to Adam Michnik, a former dissident and public intellectual, the belief in the possibility of overthrowing the dictatorship of the Communist Party through revolution was a dangerous strategy. Opting against revolutionary practices that would result in mass hysteria and provocations on the part of the authorities, he took a view very close to Camus' political thought – not revolution, but uninterrupted public pressure on the government, the pressure of rebels in the Camusian sense and not revolutionaries by force destroying the existing political model, was to be a guarantee of a gradual, but permanent and peaceful change (Issac, 1992, pp. 227–259).

We also should not forget the activity of the Society for Scientific Courses (Towarzystwo Kursów Naukowych). It was an independent educational association existing in Poland in the years 1978–1981, and breaking the state's monopoly in teaching at the university level. In the period preceding the Solidarity Uprising, in the academic year 1977/1978, it inaugurated the seminar of Tomasz Burek, during which selected works of French literature were discussed, including *Nausea* by Jean-Paul Sartre and *The Plague* by Camus. The aim of the course was to look at the literature of the twentieth century from the angle of illustrating the world of interpersonal relations against the background of decaying social bonds. The following year Hanna Buczyńska, a philosopher, conducted the seminar “Contemporary moralists: Nietzsche, Scheler, Camus”, during which *The Rebel*, crossed out from Polish textbooks and catalogs of literature, was probably discussed (*Oświadczenie*, 1979, p. 29). It is worth recalling that these meetings were intended not only for students; their organizers wanted first and foremost to encourage participants to freely exchange ideas about the state of contemporary culture, using texts illustrating moral conflicts appearing in politics, art, and everyday life.

The Polish edition of Camus' essays translated by Joanna Guze awaited publication in Poland until the 1970s (Camus, 1971). When it finally appeared, it contained among others fragments of *The Rebel*. In this collection, which was issued in three thousand copies (it was not an impressive number), the political dimension of *The Rebel* was omitted. Censors found less than half of the book suitable for printing. What were the reasons for the cuts? “You can

but note that all revolutionary reformers have been hostile to art”, “The artists of our time resemble the Russian nobility of the nineteenth century: unclean conscience is their justification”; “One who claims the right to send beauty to the end of history, transcends ordinary and necessary boundaries of humility”; “This ascetic madness, however, has its interesting reasons. These reasons show, in the aesthetic plane, the struggle of revolution and rebellion” – the removed fragments can surprise contemporary readers because it seems that in the 1970s the equivocation of the art of socialist realism with bad conscience or madness should no longer have caused outrage<sup>1</sup>. This precaution resulted from Camus' antagonistic juxtaposition of the idea of rebellion and the Marxist revolution in his reflections on history, painting or literature.

Characteristic interventions in the text were noticed and maliciously commented on by two critics, Małgorzata Szpakowska and Janusz Majcherek. They suggested that everything which could be summed up in three words: “criticism of Marxism”, vanished from the essay, and marveled at how much work had been put into hiding the proper message of the work. Majcherek, who in 1985 published the review of *The Rebel*, stated that the reading of the essay had required him to underline fragments of the text. Unfortunately, people responsible for the shape of its Polish edition had forced readers to move along a road strewn with obstacles (Majcherek, 1985; Szpakowska, 1983, p. 47).

The influence of Camus' essayistic texts on the Polish culture did not have much to do with the censored *Essays* released during the small Gierek “thaw”. In November 1979, during the Forum of the Young Theater in Toruń, Janusz Opryński, co-founder and director of the Provisorium Theater (Teatr Provisorium) from Lublin, delivered its famous twenty-two theses. The tenth of them was: “Get through Camus' essays. I recommend *The Rebel* in the full version” (Kłoczowski & Opryński, 1991, p. 11). In the student theater environment, poetry and prose supported the emerging sense of rebellion against everyday socialism.

Artists and their friends, associated with the circle of the Workers' Defense Committee, undertook initiatives aimed at minimizing the influence of the state on culture, attempts to organize self-governing structures providing space for free intellectual activities. Members of the most prominent Lublin student groups, the Provisorium Theater, the Stage 6 Theater (Teatr Scena 6), and the Temporary Group Theater (Teatr Grupa Chwilowa), all having their headquarters at the Academic Culture Center “Chatka Żaka” (the Abecedarian's Hut), joined in creating the Independent Students' Union (Niezależne Zrzeszenie Studentów). It was a student organization founded following workers' strikes in August 1980. When the information monopoly of the state, characteristic for the period of the Polish People's Republic, had been stopped by the creation of the independent underground publishing movement in the 1970s, these theatrical groups created a transmission belt of alternative contestation. The Independent Students' Union, a new guardian of the Lublin artists, preparing for a strike planned for December 12th, 1981, at the University of Maria Curie-Skłodowska in Lublin, commissioned the print of *The Rebel* in the printing lab run by Krzysztof Borowiec's family. Borowiec was an actor of the Temporary Group Theater. Whereas Wiesław Ruchlicki, an actor of the Provisorium Theater, transported the printouts to the Abecedarian's Hut. Then, a group of students took packages to an auditorium and it was there, on the stage, that the Controversial Editing Department had its office – a dozen people folded the copies of *The Rebel*. Already on the second day, members of the Independent Students' Union were selling the book in a small shop in the Abecedarian's Hut. Both students and academics waited for it in a long queue (*Wstawiliśmy*, 2006; Kozicki, 2011, pp. 79–86; Kuszyk-Peciak, 2003, p. 81; *Kazimierz Iwaszko*, 2005; Góra, 2013, pp. 48–65, 115–129, 190–196).

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<sup>1</sup> The place of the censored fragment: (Camus, 1971, p. 363). Compare with the full version: (Camus, 1981, pp. 259–261).

*The Rebel* was an “experimental” publication. It was the first book published in the underground academic circle in Lublin. What is more, it was distributed during the strike, on the day of the introduction of martial law, on December 13th. For many actors or theater supporters the cooperation on the distribution of this book was a kind of “baptism”, an adventure remembered for years. Piotr Kozicki, returning in memory to smuggling a large edition of the book from the Abecedarian's Hut, recalled his escape from officers of the Security Service, with a backpack full of copies of *The Rebel*. Confusion and fear contributed to the fact that not all of the copies smuggled by a group of more than ten people, in appropriate intervals, reached their pre-determined places (Kozicki, 2007). After the aforementioned strike, several young students were interned on account of distributing texts containing information that might have caused public concern or riots on the territory of the country. Camus's essay appeared in about 300 copies, each of them bearing the imprint: “The Abecedarian's Hut. Lublin 1981. For the internal use of the Committee of the Independent Self-Governing Trade Union *Solidarity*. The University of Maria Curie-Skłodowska”.

### 3. TOWARDS A NEW TRANSCENDENCE

#### *The Growing Stone*

Jan Kłossowicz, a theater reviewer, suspected that in the 1970s Poles were more interested in how to live than how to die, and that at that time, *The Plague* by Camus would have been the most helpful for them (Kłossowicz, 1979). This is worth remembering while looking at how the literary works of Camus were used by alternative theaters in the 1970s and 1980s, especially by the Theater of Vision and Movement (Teatr Wizji i Ruchu).

Polish critics dealt with *Exile and the Kingdom*, a not well known collection of Camus' short stories, in a merciless manner, even calling it “an exhaustion of trivial truths” (Greń, 1967). *The Growing Stone* included in this collection, a tale of a man falling under the weight of a stone that should be brought to a church in a penitential procession, was used in the performance by the Theater of Vision and Movement, a Lublin group created in 1969, gathering young people from various creative environments. Its premiere took place on June 8, 1971. When asked about the technique of acting used in this performance, its director and stage designer Jerzy Leszczyński replied that working on *The Growing Stone* (*Rosnący kamień*) the group resigned from the mimetic movement characteristic of pantomime, and instead of imitative movement, it proposed mimodrama, impression of movement, striving to create as communicative gestures as possible. The artists found inspiration in trembling madmen who “danced to die”, whom Camus described in *The Growing Stone* (he participated in a makumba ceremony in Brazil) (Camus, 1992, p. 151). But it was the subject of solidarity raised by the writer that had the greatest importance for the shape and message of the performance. What connected the characters of the short story and the characters of the performance was the feeling of exile and isolation experienced by each of them and overcome in gestures of solidarity. In *The Growing Stone*, as in *The Plague*, people needed to learn to accept the awareness of their common condition. Only then did individual and cultural differences lose their strength. The Theater of Vision and Movement showed that nobody carried a stone (a symbol of life's absurdity) alone, although everyone carried it in his or her own way.”The dialectic-romantic path towards synthesis presented by the group probably meant, in the immediate sense, a path towards a different principle of the organization of society, and in the philosophical sense, a path to transcendence (...). It may have also signified a longing for transcendence, impossible at the time of the fall of great myths (...), and characteristic of, for example, that branch of existentialism which was represented by Albert Camus” – this is how Juliusz Tyszka wrote about the philosophy of the Theater of the Eighth Day (Teatr Ósmego Dnia) (Tyszka, 2003,

p. 266). The ethical radicalism he noticed was equally visible in *The Growing Stone* by the Theater of Vision and Movement.



Figure 1. *The Growing Stone*, directed by J. Leszczyński, premiere: 6/18/1971  
Photographed by L. Demidowski

#### *If One Day in a Happy City*

The Theater of the Eighth Day, active from 1964, was known for choosing for its performances quotations from the Bible and literary works by Fyodor Dostoyevsky, Czesław Miłosz, Zbigniew Herbert, or Camus. When in the 80s almost all artists of the theater were forced to emigrate from Poland, the team prepared a performance directed by Lech Raczak, *If One Day in a Happy City* (*Jeśli pewnego dnia w mieście szczęśliwym*), on the motives of *The Plague* by Camus. It was presented for the first time on the streets of Ferrara on May 19th, 1986. Its very title was an allusion to the last words of the novel: “And the day will come when, to the bane and enlightenment of man, the plague will awaken its rats and send them forth to die in a happy city” (Camus, 1976, p. 253).

What might be saved from the time of the plague, except for bitter knowledge? The creators of the performance directed this question to the audience, wanting to share with the people of the West their own world; to tell about the fates “on the other side of the wall”, believing that Western Europe was also co-responsible for Soviet totalitarianism (Wójciak, 2010). Therefore, presenting on the streets of Ferrara a feverish struggle of people to maintain dignity in a world where rats had left the canals, birds had disappeared from the sky, and finally the plague had changed the souls of men and women and forced them to arrange life anew, the group pointed at not only those countries where the plague bolted the doors of houses with force, but also at those where it insulated people insidiously and imperceptibly. Without revealing its presence in the air, it made them blind to their own and others' condition.



Figure 2. *If One Day in a Happy City*, directed by L. Raczak, premiere: 5/19/1986  
Photographed by J. Helander

### *The Just Assassins*

An attack on the Marxist-Leninist revolutionary tradition is strongly present in *The Just Assassins* (*Sprawiedliwi*), a drama of the Russian revolutionary movement by Camus. The protagonists are Socialist Revolutionaries, originating from the tradition of Narodnaja Wola (the People's Will). The Kalambur Theater from Wrocław, founded in 1957 by Bogusław Litwiniec and Eugeniusz Michaluk, presented this text on the dilemmas of anarchists a year before the publication of the full version of the Polish translation of this drama (Camus, 1987). The play, directed by Jan Sycz, premiered at the headquarters of the Kalambur Theater in Wrocław on October 5th, 1986. The artists of the Kalambur Theater, just like Camus, used a historical context as a vehicle for a modern engagement.

Kalajew (Mariusz Osmelak) and Stepan (Ryszard Malinowski) represented diametrically different ways of understanding revolutionary activities. The first one, a rebellious intellectualist, a poet wearing a black sweater, refused to kill innocent people on behalf of the revolution and future society, whose shape it was difficult to predict. The second one, a serious and ruthless man, wearing a perfectly tailored coat, was ready to kill even children, to see the days when Russia would be free from tyrants. In an apartment equipped only with a wooden table and several chairs (in the penultimate act of the play turning into a jail cell), the characters, equally historical and contemporary, fought with each other, which was to encourage the viewers to reflect on the means by which the revolution accomplished its goals.

Bogusław Litwiniec wrote an unusually emotional text, Camusian in its poetics, *Abhorrence of Extremism*, which was included in the theater leaflet. Many of its fragments are paraphrased words from Camus' *The Rebel*, for example: "Jacobins' feats fulfill our latest history. It's because of them that in my theater I continue to dwell upon the subject of the fate of the individual in the grip of a collective life which has lost the sense of measure" (*Sprawiedliwi*, 1986).

*The Just Assassins* remind us that the tragic struggle of rebellion and terror was one of the challenges of the twentieth century – the artists of the Kalambur Theater and the Theater of the Eighth Day were convinced that it was inconceivable to talk about terrorism not mentioning Dostoevsky's *The Possessed* and that which Camus, fascinated by Dostoyevsky, said on rebellion.



Figure 3. *The Just Assassins*, directed by J. Sycz, premiere: 10/5/1986  
Photographed by B. Konopka

Describing the mood in which the performances of the Theater of the Eighth Day were being prepared in the 70s and 80s, the actress Ewa Wójciak recalled discussions, sometimes lasting days and nights, on how to combat totalitarianism. Like the revolutionaries of the People's Will, the actors swore to become lone fighters of value, to fight on the theater plane (Wójciak, 2010). The need for a rebellion against the lies on which the Polish political system and its values were based, encouraged Wójciak to read special books, including *The Rebel*. “The noble terrorists” described by Camus were one of the artistic inspirations of groups such as the Theater of the Eighth Day and the Kalambur Theater. In their performances, they asked about the ethical consequences of terrorism, the moment at which state terrorism started, and the place of the rebellious artist in a society governed by totalitarian methods. Many of the artists mentioned here strongly identified themselves with Camus’ attitude demonstrating that it was possible to say “no” to totalitarian systems; they, like him, wanted to find authentic and indisputable human values in a world falsified by criminal ideologies.

#### 4. THE PERSONALITY OF THE WITNESS

Camus surpasses his literary characters, hides somewhere among decorations for performances based on his texts. Artists do not ask: what would the characters of Camus’ works do, but: What would Camus say? (Sonnendelf, 1961). If the personality of the prophet can be attributed to Kafka, the personality of the wise jester to Joyce or Shakespeare, the author of *The Rebel* has the personality of the witness (Kijowski, 2014). He is testament of an individual who is afraid of totalitarianism and alienation, who knows that there is no escape from fear but does not stop at this diagnosis.

The history of relations between Polish alternative theaters and Camus perfectly confirms the thesis of Zygmunt Greń, a theater reviewer, which is worth quoting here fully. “[It is not] Camus's theories about rebellion, but he himself, his literature, that opened the way for escape. He left (...) the hope that a real man stands against the real world – with his evil and good. That this man for his salvation – and for the salvation of the world – is capable of the greatest things. That only the greatest, the total, counts at the last judgment. That such a judgment will not be presented to us by anyone, but that we are here to prepare it and fulfill it

in loneliness. That loneliness, heroic and uncompromising, is the only chance of dignity” (Greń, 1967, p. 195).

Already in the second half of the 1970s, the attitude of these artistic communities to Camus may have been summarized in a confession: we live in completely different historical and cultural conditions, but it seems that we want to ask questions about the fate of man against the background of history in a similar way. It is worth remembering that the counterculture of the 1960s and 1970s may have discovered in what is called “existentialism” a lot of common ideas – searching for life-forms that allow for the individual's self-realization or the authenticity of human beings, to limit oneself to the slogans of both cultural phenomena.

According to Janusz Opryński, Camus could boast of this type of courage which allowed for the ruthless asking of the most serious and final questions. Opryński emphasized that the author of *The Rebel* was for his theater, for its “way of thinking”, a peculiar icon, a reference point, while *The Rebel* itself – a cult-book for the entire generation. Getting acquainted with reviews of performances by the Provisorium Theater, we repeatedly find confirmations of these words. For example, Elżbieta Morawiec, in her article discussing the “Confrontations of Young Theaters Festival” in 1980, interpreted the performance of the Provisorium Theater, *We Are Not Allowed to Go to Happy Islands*, using the category of rebellion. In the ethics proposed by the group, she noticed Camus's belief that it was man's duty to disagree on nothingness and to affirm the mystery of life (Morawiec, 1980).

Lech Raczak, a co-founder of the Theater of the Eighth Day, argued that *The Rebel* was a spiritual patronage of the artistic achievements of his group. In the rebellion and ethos from which the group's activities were supposed to grow, critics recognized what they called “Camus' point of view” (Raczak, 2002, p. 102; Majcherek, 2009, p. 7; Michnik, 2009, p. 14; Wiślicki, 2007).

It is the artist to whom Camus turns in *The Rebel* and asks to express the suffering of those who cannot speak for themselves. “Theater should always be on the side of the weaker (as Camus says in *The Plague* – on the side of the victims)” – explains Ewa Wójciak from the Theater of the Eighth Day (Ewa Wójciak, 2014). Art, for the author of *The Rebel*, is a constant tear between dissent and affirmation and as such, politically independent, it is to be the voice of people who want to live but in a different, more complete way. The rebel artist undoubtedly demands freedom for himself or herself, but he or she does not humiliate anyone. The rebel artist claims that total freedom is not possible, that all human freedom in its deepest essence seems relative. His or her logic is to act so as to make people aware of living in falsehood (for many Polish artists, reading *The Rebel* was such a moment of awareness). It is impossible to imagine freedom without the freedom of expression for which the rebel artist must fight. Camus is not about a total manifestation of maladjustment, an absolute protest against living conditions. The protest he proposed must remain functional; it must not turn against the values that initiated it and into an act of self-destruction. A rebel is one who understands his or her life as an obligation of mental activity, as a striving for solidarity. The one who, against restrictions imposed by history, loves life and wants to instill this love in others.

Camus was an utopist, his anarchist sympathies are widely known – the artists of the Theater of the Eighth Day or the Kalambur Theater also believed that social and public activity should be open to the most distant goals. They postulated ethical radicalism. For them “Camus” meant just this – the ability to overcome one's own fear, being a man who stands against the world of a master and a slave and who recognizes in himself the same destructive tendencies that destroy others.

In his essays, Camus turns to artists with such a message, especially to actors that he distinguishes: speak directly, shake up consciences (let us recall that in *The Myth of Sisyphus* Camus presented the whole metaphysics of acting).

The rebel artist must respond to reality, searching for a place between an extreme distance and participation in the whirl of events. Polish alternative theaters wanted to judge not

only the world but also themselves, to cross the border between the world and participation (Nyczek, 1979).

Camus “came back to life” – he became a companion of young Poles in their conflicts, victories, and defeats. It is all the more fascinating because it was a Camus abstracted from reality, uncontaminated by any compromise, almost immaculate. Perhaps the writer has never had as many readers in Poland as at the end of the 50s, when in the period of the “thaw” his most important novels were made available. But those for whom his works were valid during the establishment of the Workers' Defense Committee, the birth of “Solidarity”, and the implementation of martial law, deeply and extremely personally experienced and understood his texts.

If we assume that in the late 1970s and early 1980s there were in Poland three independent environments – the democratic opposition milieu in the form of the Workers' Defense Committee, Polish cinema, especially the movies by Krzysztof Kieślowski and by Krzysztof Zanussi, and the student theater – the Theater of the Eighth Day, the Kalambur Theater, and the Lublin theaters – then it can be said that Camus's work exerted great influence on each of them, being in this way an exceptional phenomenon.

All the performances that have been discussed by me referred to the situation of enslavement understood in two ways – mental and political. Spiritual concerns about the fate of the world and the causes of the contemporary tragedy were common subjects of the performances based on Camus' texts. Their authors wanted to describe a man entangled in relationships with others, with God and society, with history and the future. And the works of Camus used by the Polish artists are in fact variations on the same subject, attempts to develop a new ethics that gives protection against the sense of powerlessness and alienation.

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## **BREAKING THE STATE OF ‘ANOMIE’: ZBIGNIEW BRZEZINSKI AND THE CHARTER 77 MOVEMENT IN CZECHOSLOVAKIA**

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### **Abstract:**

*This paper will address the role of Zbigniew Brzezinski in stimulating the human rights campaign in Czechoslovakia that eventually played a role in galvanizing the peaceful revolutions of 1989. In June of 1968 Brzezinski spoke in Prague generally supporting the aims of Alexander Dubček and the Prague Spring. The resulting Soviet invasion and enforcement of the Brezhnev Doctrine led to a dismal era in Czechoslovakia that playwright Vaclav Havel described as the “state of anomie”. In 1977 National Security Adviser Brzezinski advised President Jimmy Carter to stress the ideas of human rights outlined in the Helsinki Final Act. This helped support and promote the “Charter 77” movement in Czechoslovakia which began the long but peaceful revolution that ended the Soviet imposed system in 1989.*

**Keywords:** *Brzezinski, Carter, Havel, Helsinki Final Act, Human Rights*

### **1. INTRODUCTION**

In June of 1968 Zbigniew Brzezinski arrived in Prague for a very unusual speaking engagement. It was unusual because the Polish-born American scholar was known as one of the leading critics of the Soviet Union and the fragmenting nuances of the states behind the Iron Curtain.

In the 1950s Brzezinski argued that Vladimir Lenin’s “Great October” was better understood as a *coup d etat* that introduced a “totalitarian” state that had more in common with Nazi Germany than the purported ideals of international socialism. This was largely the same system that the Soviet Union had imposed on Eastern Europe in the waning days of World War II.

In the early 1960s Brzezinski outlined the concept of “peaceful engagement” that favored the expansion of trade and cultural and social contacts with the East European states. The most common metaphor was “building bridges” as a way to gradually attenuate what he regarded as the artificial partition of Europe.

Brzezinski gave his speech at the height of the Prague Spring and Alexander Dubček’s attempt to facilitate a socialist system with a “human face”. “The atmosphere was absolutely euphoric,” Brzezinski recalled. “But there was also a widespread conviction that the Soviets would not invade. And I was somewhat less convinced of that.” (Brzezinski, Interview with Author, 1999)

Indeed, on August 20, 1968 the Soviet Union led a military occupation of Czechoslovakia. If the Prague Spring was over Brzezinski saw the decision as one that would accelerate the internal decay of the Soviet empire. “Before long,” Brzezinski wrote in the days after the invasion, “the contagion of freedom which is temporarily being snuffed out in Prague will spread to Kiev and Moscow.” (Brzezinski, “Invasion Revives a Stalin Credo,” 1)

The leaders in Moscow had likely given that scenario a good deal of thought before the decision to invade. Soviet tanks were still roaming the streets of Prague when Soviet leader Leonid Brezhnev articulated the “Brezhnev Doctrine” warning that the Soviet Union would resort to military force to protect its empire in force to protect its imperial interest in Eastern Europe.

This raised the delicate question: how could the United States hope to “build bridges” to Eastern Europe if the Soviet Union would not permit their construction? This was the same question that followed the 1956 Soviet invasion of Hungary. What could be done to change the geopolitical situation in a region that most experts conceded had been forfeited to the Soviet Union at Yalta?

Brzezinski argued it was the success of “peaceful engagement” that had forced the Soviet Union into the invasion. The United States, he persisted, must not give up on the idea of “building bridges” toward Eastern Europe. He warned that simply voicing rhetorical outrage while in reality forfeiting the region to the Soviet sphere of influence would result in a self-fulfilling prophecy.

“I would regret it” Brzezinski noted shortly after the Soviet move into Prague, “if we were forced by the Soviet invasion to adopt such a simplistically hostile position-rigid, militant anti-Communism-as to make it easier for the Soviet Union to reassert its control over Eastern Europe.” (Handler, “U.S. Specialist on Soviet Affairs Urges NATO Parley on Invasion”, 20).

## 2. DÉTENTE

In January of 1969 President Richard Nixon entered the White House seeking a more cooperative approach to the Soviet Union. Nixon and his national security adviser Henry Kissinger followed the “realist” school that viewed the Soviet Union a powerful state that had its own interests to defend. The idea of “engaging” Eastern Europe or attempting to liberalize the domestic structure within the Soviet Union would only complicate larger matters in what came to be known as “détente”.

The new relationship reached a peak in 1972 when Nixon and Kissinger arrived in Moscow for their first summit in the Soviet Union. The negotiations focused largely on trade and arms control-and would avoid the delicate issue of human rights. This was seen in the signing of a document called “Basic Principles of Relations Between the USA and the USSR” in which Nixon and Brezhnev agreed to pursue a new relationship “based on the principles of sovereignty, equality, [and] noninterference in internal affairs”.

This document was signed at the same time the Soviet Union he was attempting to smother any signs of active dissent. Those dissidents daring to oppose the regime were imprisoned or sent to mental institutions. Yuri Andropov, the head of the KGB, stated that those questioning the Soviet system must be reformed with psychiatric treatment. (Dziewanowski, 360).

Brzezinski was a vocal critic of the Nixon-Kissinger version of détente with the Soviet Union and the apparent willingness to concede that the nations of Eastern Europe were simply appendages of the Soviet Union. This approach, he argued, was a policy of “moral indifference” and “benign neglect”.

Brzezinski thus advocated the United States take an assertive approach at the CSCE conference that opened in Helsinki in November of 1972. For three years the nations negotiated a number of cumbersome issues that were broadly grouped into “baskets”

In terms of human rights, the United States delegation was said to follow Kissinger’s preference of avoiding the issue of human rights as he pursued a broader policy of détente with the Soviet Union. “We were the big hitter on the NATO team,” said one U.S. representative, “but we couldn’t come to the plate”. (Thomas 75).

It was the West European members took the lead in promoting the issue of human rights that were encapsulated in the so-called “Basket Three” proposals. Some West Europeans thought Kissinger was avoiding issues of human rights because he actually seemed to prefer “stability and détente [in the Russian sense of the word] for their own sakes.” (Maresca, 79).

In June of 1974 President Nixon continued to downplay the issue of human rights while stressing his personal relationship with Leonid Brezhnev. In a prominent speech Nixon was critical of the “eloquent speeches” from those in the West supporting human rights movement in the Soviet Union.

“We would not welcome the intervention of other countries in our domestic affairs,” said Nixon before departing for Moscow, “and we cannot expect them to be cooperative when we seek to intervene directly in theirs.” (Shabecoff, “President Warns Policy of Détente Bars Interfering”, pp. 1, 16).

But his foreign policy achievements could not save Nixon from the Watergate crisis. In August of 1974 Gerald Ford entered the White House and retained Henry Kissinger as his primary foreign policy adviser.

On August 1 1975 President Ford traveled to Helsinki as one of thirty-five representatives from Europe and North America to sign a document entitled the “Final Act of the Helsinki Conference on Security and Cooperation in Europe.” The supporters argued that the Helsinki Final Act was something close to a general peace treaty on World War II.

In the United States conservative critics claimed the Final Act had achieved little-and had once again abandoning the region of Eastern Europe to the Soviet Union. In political terms Ford had played with the legacy of Yalta. One columnist took it one step further and called the agreement a “Super Yalta.” (Safire, “Super Yalta”).

“I am against it, and I think all Americans should be against it,” argued Ronald Reagan who had emerged as the leading conservative voice criticizing the Ford-Kissinger approach to détente. (Naughton, “Ford Sees 35-nation Charter as a Gauge on Rights in East Europe, 2)

Any potential benefits seen in the sections of “Basket III” were generally dismissed since the legalistic wording on human rights also appeared in the formal constitution of the Soviet Union. Indeed, the Soviet foreign minister assured Leonid Brezhnev that the more troubling aspects of “Basket III” could be simply be ignored. “We are masters in our own house,” he told the Soviet leader before he departed to Helsinki. (Dobrynin, 346).

This was indeed the impression the Soviet Union sought to present at Helsinki. The Soviet Union was in fact confident enough to run photos celebrating Brezhnev’s speech at the ceremony along with a full text of the Final Act. (Current Digest of the Soviet Press,. 14–15). The aging Brezhnev was noticeably slurring before he stopped to clearly enunciate his view that the “main conclusion” of the Helsinki Final Act was that no country should attempt to dictate to another how “they ought to manage their internal affairs.” (Clarity, “Soviet Wary of the Internal Effects of Détente Abroad”, 8).

The Soviet Union had reason to think the story had ended there. Before departing Helsinki, Brezhnev met with President Ford to discuss the possibility of a summit in 1976-and to wish him luck in his upcoming election-whomever he might face. (Dobrynin, 347).

### **3. JIMMY WHO?**

By 1975 Brzezinski had become concerned about the long-term goals of an increasingly self-confident Soviet Union that claimed the historical trends and “correlation of forces” were now moving its way. That same year Jimmy Carter asked Brzezinski to begin advising him on foreign policy issues. Carter was a little known one-term governor from Georgia dismissed by pundits as “Jimmy Who?”

Brzezinski had worked with Carter in the Trilateral Commission where they established a cordial relationship. Brzezinski argued that the issue of human rights was a way for the West to regain the offensive in the realm of ideas. The Helsinki Final Act should not be dismissed as another Yalta. In reality this was a way to expose a fundamental weakness of the Soviet empire.

Brzezinski would use Carter's televised debate against President Ford as an opportunity to turn the Helsinki Final Act from "Yalta II" into a rallying call for dissidents behind the Iron Curtain.

On the morning of the debate Brzezinski met with Carter at the St. Francis hotel in San Francisco to eat a light breakfast and discuss campaign strategy. Carter was feeling the nerves that day. Foreign policy was not his strength-and newspapers estimated that some 300 million people would be watching-the largest viewership since Neil Armstrong walked on the moon. "The Debates", 24).

"I was so nervous" Carter recalled. "And I was trying to conceal it. I had been Governor of Georgia, but that morning I felt just like a peanut farmer coming out of the field. And that evening I was going to debate the President of the United States in front of tens of millions of people. And I was really uptight. Still I was trying to study every possible aspect of the debate."

Carter had prepared himself on the basics of international affairs but by his own admission he was "completely ignorant" about Eastern Europe that particular morning in San Francisco.

"I had never been there and didn't know much about it," recalled Carter. "So Brzezinski gave me a lot of advice. And fortuitously, one of the things we talked about was the status of Eastern Europe-and an element of the agreement at Helsinki that up to that point had been ignored by both the Soviet Union and the United States." (Carter, Interviewed by Author).

Brzezinski handed Carter a memo listing points of Ford's weakness toward the Soviet Union-including the failure to take advantage of the opportunities provided by the Helsinki Final Act.

"Do not attack the Agreement as a whole. The so-called "Basket III" gives us the right-for the first time-to insist on respect for human rights without this constituting interference in the internal affairs of communist states. Accordingly, this is a considerable asset for us, and you should hammer away at the proposition that the Republicans have been indifferent to this opportunity."

"The Helsinki Agreement also provides for the permanence of existing borders in Europe, and this happens to be in our interest. Insecurity about borders tended to drive the East Europeans [notably the Czechs and Poles-into Soviet hands]. Thus, it is not in your interest to suggest that it would have better if we had not accepted the existing borders." (Brzezinski, "Points to Bear in Mind on East-West Relations")

Carter eased his nerves by taking the offensive and focusing heavily on the Basket III aspects of the Helsinki Final Act. The emphasis on Eastern Europe would prompt Ford into one of the more famous self-imposed errors in modern political history as he declared to an incredulous audience that there was no Soviet domination over Eastern Europe-and there never would be under a Ford Administration.

A few weeks later Carter defeated Ford in a narrow election. A few weeks later the President-elect selected Brzezinski as his National Security Adviser. This marked a quiet but important change in the history of the Cold War.

#### **4. CHARTER 77**

In Czechoslovakia the Brezhnev Doctrine led to a general feeling of apathy that the playwright Vaclav Havel called "the state of anomie." Havel was critical of Western intellectuals who urged obedience for fear of destabilizing the concept of détente-as well as his own friends who avoided him because "they would feel compelled to apologize for not openly defying the regime too."

In 1975 Havel had written an "Open Letter" to the government noting that "even if people never speak of it they have a very acute appreciation of the price they have paid for

outward peace and quiet: the permanent humiliation of their human dignity.” (Havel, *Living in Truth*, 31).

But the Carter Administration’s emphasis on the Helsinki Final Act provided a new opportunity to challenge the communist system. On January 1, 1977 a group 242 petitioners in Czechoslovakia signed a 3000 words document protesting the repressive nature of the regime—including its failure to abide by the agreements in the 1975 Helsinki Final Act. The “Charter 77” movement provided the first glimmer of hope since Brzezinski had spoken in Prague just prior to the Soviet invasion of 1968.

Brzezinski advised Carter that the “quiet diplomacy” toward human rights had not worked—and less than a decade after the Prague Spring the United States could not once again turn its back on an opposition movement in Czechoslovakia.

“Certainly, Helsinki was at the beginning of all this,” noted one dissident “We were waiting to see if the Helsinki principles would be implemented here, if they would have the force of law”.

He continued. “One had to do something as a citizen, as a human being, to ensure that these rights were given to us would not remain a dead letter. The fundamental question now is indeed whether this action will bring about more freedom or more repression.” (Getler, “Dissidents Challenge Prague”).

It would not take long to find out. The reaction from the communist regime was severe. Vaclav Havel was imprisoned while Charter 77 members were vilified as “Zionists” and “cosmopolitans” and “enemies, traitors, vermin, scum,” and “agents of imperialism”.

As Carter prepared to take office Brzezinski inserted a short but vital section into his inaugural speech. “We are a proudly idealistic nation,” said Carter, “but let no one confuse our idealism with weakness.... “Because we are free, we can never be indifferent to the fate of freedom elsewhere.” (“In Changing Times, Eternal Principles”, 1).

A week into office the Carter State Department issued a formal protest regarding the treatment of the Charter 77 signatories. This marked the first time the U.S. had spoken out on the rights proclaimed in the Helsinki Final Act.

The Czech authorities accused the Carter administration of breaking the “code of détente” and interfering in its internal affairs. Indeed, the Czech government rekindled its criticism of Brzezinski and his previous attempts in 1968 to promote “counter-revolution” in Czechoslovakia. (“Prague Ties Brzezinski to Dubcek Movement”, 10).

The Soviet Union was extremely sensitive to the issue—and this led many critics in the West to question what some regarded as Carter’s excessively moralistic stance. But the attention on human rights had put the regime on the defensive. The authorities in Prague insisted that they would not be distracted by a handful of “reactionaries” on their way to the “building of socialism”. (“Dual Messages to Washington”, 33)

But the emphasis on the Helsinki Final Act had changed the atmosphere. In May of 1977 Vaclav Havel was released from prison. For the first time since 1968 he sensed an atmosphere of hope.

“The euphoria was intensified by the discovery that things outside were completely different from the way I’d imagine they would be,” recalled Havel upon his release. “I had the intense feeling that, during my few months in prison, history had taken a greater step forward than during the preceding eight years.” (Havel, *Disturbing the Peace*, 142–143)

Havel argued the system may have never have changed had there not been those courageous enough to challenge it when there appeared little hope—and much of this was due to never forgetting the message of change that Brzezinski presented to his audience in Prague in 1968.

“We were considered to be a small group of crazies by most of our fellow citizens—a group that keeps banging its head against the wall,” recalled Havel the dramatic revolutions of

1989. “Nevertheless, we did it for years, actually decades, and in the end it showed that when you’re doing the right thing it makes sense to do it.” (Havel, “Transcript from CNN series, The Cold War”).

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## **CIVIL SOCIETY IN CENTRAL AND EASTERN EUROPE: THE ENEMY WITHIN?**

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### **Abstract:**

*The year 1989 marked the democratic transition and the rebirth of civil society in Central and Eastern Europe. During the last 30 years, this civil society grew stronger and helped to drive many socio-political changes in the region. During the last several years, the illiberal and autocratic leaders and their narratives are slowly winning against these, committed to promoting liberal democracy and human rights. The strong and well-developed civil society poses a threat to their governance and in some of the countries of the region it is being slowly subjected to the tighter government control and even repression. The adoption of restrictive legislation, which effectively limits the functioning of the civil society organizations, is one of the means how to exercise a pressure on the civil society. The first country to adopt such legislation was Russia, where the so-called “foreign agent” law entered into force in 2012. Seven years later, the similar legislation was adopted in numerous other countries. Surprisingly for many, Hungary became of them, when the local version of “foreign agent” law was adopted in 2017. The paper will compare the “foreign agent” legislation of Russia and Hungary and describe to which extent these laws pose a threat to freedom of association in both countries.*

**Keywords:** *rule of law; rule by law; freedom of association; Russia; Hungary; NGOs; foreign agent laws; restrictive legislation*

### **1. INTRODUCTION**

Freedom of association is a fundamental human right guaranteed by international human rights instruments including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights or European Convention on Human Rights. When the authoritarian and non-democratic regimes come to power, this right becomes under threat. Lately, also so-called illiberal democracies, which are increasing in number around the world, started to limit this right pro-actively.

In the region of Central Europe (Czech Republic, Hungary, Poland and Slovakia), the main representative of the illiberal democratic system is Viktor Orbán’s Hungary. Viktor Orbán has been in power since 2010. He denies the liberal democracy as a successful model for the future development of the country. During eight years in power, Viktor Orbán has been able to substantially change the constitution and amend a number of laws. This has been made possible by the two-thirds majority his party has had in the Hungarian parliament. As a result, in Hungary, institutions and political system have changed considerably over the last 8 years, which assures the ruling party’s dominance in the future.

One of the most visible campaigns, Viktor Orbán has pursued over the years is the attempt to limit the freedom of association in the country. The peak of this campaign was the introduction of the Law on Foreign Funded Non-Governmental Organizations in 2017. This law was directly inspired by the Russian Law on “Foreign Agents” adopted in 2012, which has been widely criticized as non-democratic and violating the freedom of association in the Russian Federation. Surprisingly, this law has not been copycatted only by other authoritarian regimes in the Post-Soviet region, but also by Hungary, which adopted it as the first country in the European Union.

The resentment against non-governmental organizations (further referred to as NGOs) is growing also in the three other states of the Central European region. In addition, it might be only the matter of time, when the local governments will move from the criticism and anti-NGOs campaigns to adopting new pieces of legislation inspired by the Hungarian model, which is perceived as more legitimate than that of Russia.

Firstly, this paper aims to analyze the reasons, why the law on “foreign agents” was adopted in Russia and what was the impact of the law on the local civil society and NGOs. Secondly, it will examine the situation in Hungary and describe, why the Hungarian authorities decided to adopt the similar law in the country and to which extent it is similar to the Russian example. Finally, the paper will outline characteristic features, which are contained in both laws and identify if they pose a threat to freedom of association in the two countries.

## 2. RUSSIAN CIVIL SOCIETY AND THE LAW ON “FOREIGN AGENTS”

Russia has a tradition of fighting against various independent and opposition voices throughout the whole Soviet era. There has been also a certain level of informal pressure against the civil society in the region since the dissolution of the Soviet Union in 1991. Nevertheless, the new wave of pressure, which we can witness approximately during the last decade, is unprecedented. It is more sophisticated and effective in its results. In addition, the pressure is exerted based on the laws, which were adopted by Russian lawmakers. These restrictive laws are claimed to be in line with the Russian constitution, therefore the pressure is considered legal by the Russian authorities.

According to the Russian constitution, “Russia is a democratic federal law-bound state where man, his rights and freedoms are the supreme value and it is an obligation of the state to observe and protect them.”<sup>1</sup> Despite this fact, Russia experiences the decline of democracy in the long-term. Since 2005, it has been rated as “not free” according to the Freedom House’s annual report “Freedom in the world”.<sup>2</sup> The NGOs have gradually become one of the targets of repressions, conducted by Vladimir Putin’s regime. The other targets are traditionally independent media, political opposition and disobeying oligarchs.

The first law on NGOs<sup>3</sup> was adopted in 2006 and, as Freedom House noted, „Imposed onerous new reporting requirements on NGOs, giving bureaucrats extensive discretion in deciding which organizations could register and hampering activities in subject areas that the state deemed objectionable. The law also placed extensive controls on the use of foreign funds. “<sup>4</sup>Even though Russian president Dmitry Medvedev lifted some of the requirements imposed by this law, the overall situation for the NGOs remained difficult.

Nevertheless, until 2012, NGOs were facing mainly obstacles of administrative character, such as delays in registration, bureaucratic harassment or negative coverage in the government sponsored media.<sup>5</sup> NGOs receiving funds from abroad and especially these dealing with the topics sensitive for the government (such as consequences of the Chechen Wars) were more prone to the government harassment. One example is the Human Rights Centre Memorial (further referred to as HRC Memorial), the oldest human rights oriented NGO in the country. Police raided the office of HRC Memorial and seized the documents and equipment without

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<sup>1</sup> *The Constitution of the Russian Federation 1993*. (c1). Moscow. Ministry of Justice of the Russian Federation.

<sup>2</sup> Freedom House, 2005. *Russia | Freedom in the World*. [ONLINE] Available at: <https://freedomhouse.org/report/freedom-world/2005/russia> [Accessed 14 January 2019].

<sup>3</sup> Machalek, Katherin, 2012. Factsheet: Russia’s NGO Laws. *Freedom House*, [Online]. Available at: [https://freedomhouse.org/sites/default/files/Fact%20Sheet\\_0.pdf](https://freedomhouse.org/sites/default/files/Fact%20Sheet_0.pdf) [Accessed 8 January 2019].

<sup>4</sup> Freedom House, 2006. *Russia | Freedom in the World*. [ONLINE] Available at: <https://freedomhouse.org/report/freedom-world/2006/russia> [Accessed 14 January 2019].

<sup>5</sup> *Ibidem*.

any substantial grounds in 2008. Even more serious was the pressure on HRC Memorial's work in Chechnya. Natalia Estemirova, the HRC Memorial's representative, who investigated the human-rights abuses there was kidnapped and killed by unknown persons in 2009. Chechen as well as Russian authorities failed to investigate this crime properly.<sup>6</sup>

The Russian Law on "Foreign Agents" was adopted in 2012. Which events can be considered as the main factors bringing about the adoption of this legislative act?

Firstly, the wave of Colour Revolutions spread in the countries of the former Soviet Union. The pro-democratic revolutions took place in Georgia (2003), Ukraine (2004) and Kyrgyzstan (2005). NGOs and their members played an important role in the civic resistance. The Russian economy was growing back at that time after many years of stagnation and chaos. As a result, the Russian society was calm and was not enthusiastic to engage in any anti-governmental protests. Despite of this fact, the Russian regime was threatened and started to think of the best ways of how to prevent the similar scenario in Russia.

Following the Colour Revolutions, the second wave of anti-government protests, uprisings, and armed rebellions called Arab Spring spread across the Middle East in late 2010. It began as a response to oppressive regimes and quickly expanded to other parts of the world.<sup>7</sup> Russia was not an exception and while the political system showed signs of stagnation in 2011, civil society became more active during the year. Hundreds of various civil unrests took place in the country with the peak in December 2011. The ruling political party United Russia was accused of widespread frauds during the parliamentary elections allegedly committed in order to achieve the victory. Following these elections, Russia experienced the most extensive protests since the break-up of the Soviet Union with the epicenter in Moscow, where dozens of thousands of people gathered, but also in provinces, where the rallies do not happen that often.<sup>8</sup> The U.S. Government was blamed to conceive and fund the unrests by Vladimir Putin himself.<sup>9</sup> Back in 2011, such accusations were not that common in the Russian governmental narratives, but they have turned out to be quite regular ever since, especially in the domestic policy. As Dmitry Trenin, the director of Carnegie Moscow Center assessed: "Russia's most recent version of anti-Americanism is essentially about Russia. More specifically, it is about Russian domestic politics. As such, it is the authorities' reaction to a phenomenon called the Russian Awakening: a gradual maturing of Russian society, some of whose members are stepping out of their private niches into the public arena."<sup>10</sup>

This gradually maturing Russian society showed its strength once again in May 2012, when the protests against the re-election of Vladimir Putin as a president of the Russian Federation were even stronger than the first wave in 2011. Shortly after these protests, in July 2012, the new law on „foreign agents“ was introduced by legislators from the governing party, approved by both chambers and signed into law by President Vladimir Putin the same month.

The Law on "Foreign Agents", officially "*On Amendments to Legislative Acts of the Russian Federation regarding the Regulation of the Activities of Non-Commercial Organizations Performing the Functions of a Foreign Agent*", requires organizations to register and declare themselves as foreign agents if they fulfil several criteria.

The organization:

- is registered in the Russian Federation as an NGO,

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<sup>6</sup> Front Line Defenders. 2019. *Case History: Natalia Estemirova*. [ONLINE] Available at: <https://www.frontlinedefenders.org/en/case/case-history-natalia-estemirova> [Accessed 14 January 2019].

<sup>7</sup> Amnesty International. 2016. *The 'Arab Spring': Five years on* | Amnesty International. [ONLINE] Available at: <https://www.amnesty.org/en/latest/campaigns/2016/01/arab-spring-five-years-on/> [Accessed 15 January 2019].

<sup>8</sup> BBC News. 2011. *Russian election: Biggest protests since fall of USSR* | BBC News. [ONLINE] Available at: <https://www.bbc.com/news/world-europe-16122524> [Accessed 14 January 2019].

<sup>9</sup> Carnegie Europe. 2013. *Russia's New Anti-Americanism* | Carnegie Endowment for International Peace. [ONLINE] Available at: <https://carnegieeurope.eu/strategieurope/51894> [Accessed 14 January 2019].

<sup>10</sup> Ibidem.

- receives foreign funds,
- is involved in political activities.

Foreign funds encompass all types of monetary assets and other property from foreign governments and their state bodies, from international and foreign organizations, foreign nationals as private individuals or from Russian legal entities, which receive funds from the cited sources. There is no threshold set by the law so even a small amount can lead to the inclusion of an organization to the list.

The engagement of the organizations in the “political activity” is further explained as participation in “political acts aimed at influencing the decision making of public authorities, changing public policy, or influencing public opinion with respect to government policy”.<sup>11</sup> The definition of political activity under the law is very broad and vague and opens doors for its selective application and enforcement.

This fact was criticized by many foreign governments and international organizations including the European Commission for Democracy through Law (Venice Commission). In its opinion on Federal Law on “Foreign Agents”, Venice Commission states that “excessively broad and vaguely worded provisions may grant scope for arbitrary action as they can lend themselves to discriminatory interpretation and unjustified restrictions”.<sup>12</sup> This expectation proved to be completely valid, when NGOs of various background started to be registered as “foreign agents” including those working in the area of ecology, HIV/AIDS prevention or cultural organizations such as the Jewish Cultural Association.

According to the initial version of the Law on “Foreign Agents”, NGOs were responsible for registering themselves. Understandably, they did not rush to do so. Therefore, new amendments to the Law on “Foreign Agents” were adopted in 2014, which entitled the Ministry of Justice to include NGOs to the registry at its sole discretion.<sup>13</sup> As a result, the number of NGOs included in the list started to grow, from one organization, which was in the register in 2013, to 29 organizations in the register in 2014 and 81 organizations in 2015.<sup>14</sup>

The special Register of Foreign Agents has been created and is publicly available on the website of the Russian Ministry of Justice.<sup>15</sup> The publicity of “foreign agents” is also ensured by the requirement to label all of the materials published by the organizations with the information that they have been published by foreign agent and include this information on the organization’s website and social networks.

Since 2012, when the law was adopted, 175 NGOs have been registered as foreign agents according to the analysis published by the Public Verdict Foundation in November 2018.<sup>16</sup> By the moment of writing this paper (January 2019), there are 73 NGOs on the list. As Public Verdict Foundation comments, “the number of the organizations in the registry is not in itself an indicator of the problems that have arisen with the adoption of the Law on “Foreign

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<sup>11</sup> *On Amendments to Legislative Acts of the Russian Federation regarding the Regulation of the Activities of Non-Commercial Organisations Performing the Functions of a Foreign Agent 2012*. (c1). Moscow. Ministry of Justice of the Russian Federation.

<sup>12</sup> *Opinion on Federal Law N. 121-FZ on Non-Commercial Organisations (“Law on Foreign Agents”) 2014*. Strasbourg: Venice Commission.

<sup>13</sup> TASS. 2014. *Путин подписал закон о принудительном включении в реестр НКО – иностранных агентов* / TASS. [ONLINE] Available at: <https://tass.ru/politika/1238028> [Accessed 14 January 2019].

<sup>14</sup> Общественный вердикт. 2018. *Вердикт – Главная*. [ONLINE] Available at: <http://publicverdict.org/topics/news/12500.html> [Accessed 14 January 2019].

<sup>15</sup> Портал государственных услуг. 2019. *Сведения реестра НКО, выполняющих функции иностранного агента*. [ONLINE] Available at: <http://unro.minjust.ru/NKOForeignAgent.aspx> [Accessed 14 January 2019].

<sup>16</sup> Общественный вердикт. 2018. *Вердикт – Главная*. [ONLINE] Available at: <http://publicverdict.org/topics/news/12500.html> [Accessed 14 January 2019].

Agents“. The organizations are getting from the register only in connection with the refusal of foreign funding, or with their liquidation.”<sup>17</sup>

The obligations of the organizations listed as foreign agents compared to other NGOs are especially of administrative character. They have to provide the supervising state authority with the report on their activities every half a year and about their financial operations even quarterly. Once a year, they are subject to planned inspection. There are also extraordinary inspections, which can be carried out anytime on the grounds determined in the law such as when they evince the signs of extremism or on a request from the prosecutor’s office. In addition, at the moment there are 350 more legislative acts, which include some other obligations or further regulations of the “foreign agent” organizations.<sup>18</sup> These organizations cannot receive any funds from public budgets, they are not allowed to monitor the elections, carry out anti-corruption analyses, etc.

It is very demanding to comply with all these obligations, especially for smaller NGOs and those working in the regions, which are more isolated and vulnerable. The fines imposed in case of non-compliance with the law are usually devastating. For example, fines for not indicating the status of “foreign agent” in the press and online publications are now up to 500 thousand rubles (approximately 6,500 EUR) for an organization and up to 300 thousand rubles (approximately 4,000 EUR) for its representative.<sup>19</sup> It is not surprising, that in this situation, many NGOs have opted for preventive liquidation even before they were enlisted in the register. These organizations now exist in the form of unregistered civic initiatives, have acquired the form of commercial companies or simply have ceased to exist.

The “foreign agent” label not only makes the internal functioning of an NGO uneasy. It also tarnishes the public image of the NGOs and discourages its supporters. As the Foreign Policy Center’s analyst Adam Hug pointed out: “The use, or attempted use, of the Soviet-era term “foreign agent” as part of civil society restriction attempts has its genesis in Russia, whose 2012 legislation, as examined in a number of the contributions contained herein, set down a firm marker against civil society groups receiving foreign funding. The framing of human rights NGOs as political tools of Western powers seeking to undermine the independence of sovereign states is neither new nor restricted to this region, though both the Soviet legacy and Russian-promoted narratives bolster the influence of such thinking.”<sup>20</sup> As noticed by the Council of Europe Commissioner for Human Rights, the term foreign agent “has usually been associated in the Russian historical context with the notion of a “foreign spy” and/or a “traitor” and thus carries with it a connotation of ostracism or stigma”.<sup>21</sup>

As a result of adoption of “foreign agent” legislation, NGOs in Russia have become more isolated from the international community as well as from the Russian public, which has started to perceive them with certain suspicion. Foreign agent legislation has proved successful and the government has started to invent similar legislation to target other inconvenient groups such as independent media outlets, journalists and bloggers.

Nevertheless, some of the NGOs challenged the decision to include them in the “foreign agent” register in the courts, while they remained functioning and receiving money from foreign

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<sup>17</sup> Ibidem.

<sup>18</sup> Общественный вердикт. 2018. *Вердикт – Главная*. [ONLINE] Available at: [http://publicverdict.org/topics/pv\\_research/12378.html](http://publicverdict.org/topics/pv_research/12378.html) [Accessed 14 January 2019].

<sup>19</sup> *The Code of the Russian Federation on Administrative Offenses 2001*. (c19). Moscow. Ministry of Justice of the Russian Federation.

<sup>20</sup> Hug, Adam, 2016. Sharing worst practice: How countries and institutions in the former Soviet Union help create legal tools of repression. *The Foreign Policy Center*, [Online]. Available at: <https://fpc.org.uk/wp-content/uploads/2016/05/1749.pdf> [Accessed 10 January 2019].

<sup>21</sup> *Opinion No. CommDH(2013)15 of the Commissioner for Human Rights on the Legislation of the Russian Federation on Non-Commercial Organisations in Light of Council of Europe Standards 2013*. Strasbourg: Commissioner for Human Rights.

organizations and funds. In addition, the Ministry of Justice did not have enough capacities to identify all NGOs, which receive foreign funding and include them in the register. Therefore, the Russian authorities decided to adopt a new Law on “Undesirable Organizations”, which aimed at pushing the biggest foreign donors out of the country. President Vladimir Putin signed the law on 23 May 2015.

The Law on “Undesirable Organizations” authorizes the prosecutor general's office to ban from the country any foreign or international organization that allegedly undermines the country's security, defense, or constitutional order. Now, 15 organizations, mainly American donor institutions have been enlisted in the register of undesirable organizations, administered by the Ministry of Justice.<sup>22</sup> Other donor institutions have stopped working in Russia preventively.

Unfortunately, in Russia, there are not enough local funds available to support the NGO sector. According to the annual report *Freedom in the World*: “The non-governmental sector is composed of thousands of diverse groups, with many of them dependent on funding from foreign sources. While there had earlier been trends among Russia's newly wealthy to support the NGO sector through charitable giving, the prosecution and repression of business magnates (including Mikhail Khodorkovsky, patron of the Open Russia charitable fund), who had earlier supported NGOs focused on democratic reform has had a chilling effect on such funding”.<sup>23</sup>

Especially vulnerable in this respect are human rights organizations, because they protect Russian citizens from violations committed by the authorities, therefore it is unlikely that the same authorities will be willing to support them financially. The main Russian source of financial support to the NGOs are so called “presidential grants”, which is a government backed fund distributing grants to NGOs in the country. The majority of the presidential grants are allocated to NGOs supportive of the government. Human rights organizations or NGOs whose activities are not in line with the governmental policies are supported rather randomly.

The Russian authorities have been gradually adopting and amending the laws regulating NGOs during the past twelve years. This has had a disastrous impact on the state of civil society in the country as well as on the level of democracy in general. The Russian civil society still exists, but the work of NGOs is severely limited at the moment, due to restrictions of foreign funding, administrative overload and legal uncertainty, in which the laws can be used against particular NGO under different unpredictable pretexts. In the recent report, “*Freedom in the World*” Russia scored 0 out of 4 points in the part examining freedom of NGOs, particularly those that are engaged in human rights. Unfortunately, this trend is not likely to improve in the years to come.

### **3. EXPANSION OF THE LAW ON “FOREIGN AGENTS”: CASE OF HUNGARY**

The Russian “foreign agent” legislation is deemed successful not only by the Russian authorities, but also by other countries in the Post-Soviet region. Especially the countries under the rule of authoritarian regimes have been inspired by the Russian example. As a result, similar anti-NGO legislation has been adopted in Azerbaijan (2015), Kazakhstan (2015) and Moldova’s breakaway region of Transnistria (2017), it was also discussed in Ukraine (2014, the initiative was interrupted by the Maidan revolution) and Kyrgyzstan (2016, the national parliament did not approve a law). Depending on the country, the national “foreign agent” law has been either

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<sup>22</sup> Минюст России. 2019. Перечень иностранных и международных неправительственных организаций, деятельность которых признана нежелательной на территории Российской Федерации. [ONLINE] Available at: <https://minjust.ru/ru/activity/nko/unwanted> [Accessed 14 January 2019].

<sup>23</sup> Freedom House, 2005. *Russia | Freedom in the World*. [ONLINE] Available at: <https://freedomhouse.org/report/freedom-world/2005/russia> [Accessed 14 January 2019].

copied word by word from the Russian original or the Russian Law on “Foreign Agents“ has served as an inspiration, but final piece of legislation has been adjusted to local context.

This trend is not that surprising, since Russia traditionally attempts to export selected pieces of legislation to the other countries of the region and especially authoritarian leaders are grateful for that. For this purpose, Russia uses regional multilateral institutions, informal networks among the ruling elites of the region or Russian-language media, available through the region. As Adam Hug noted: “There is some “sharing of worst practice” amongst the countries of the former Soviet Union, for the most part it is authoritarian and semi-authoritarian regimes informally collaborating and perhaps more importantly learning from each other about methods that can help them consolidate their own power, that are primarily driving the spate of similar looking repressive legislation and practice that spreading across the region”.<sup>24</sup>

The Russia-inspired laws usually do not get further than to the borders of the post-Soviet space. This time the situation is different. The initiative has been taken over in other countries such India, Israel or Ecuador, but also by two countries in Central Europe, Hungary and Poland.<sup>25</sup> These two countries are currently ruled by parties, which are ideologically not far away from the United Russia. Hungary’s Fidesz and Poland’s Law and Justice Party share the socially conservative cultural attitudes, authoritarian tendencies and anti-Western rhetoric. The narrative on NGOs, which have financial resources from abroad and act as “fifth column” of foreign governments became popular with these two regimes quickly and motivated their further actions.

After many discussions including the same arguments against NGOs as these mentioned above, Poland did not restrict the foreign funding for NGOs, but decided to restructure the national one. A new government agency “National Freedom Institute-Centre for the Development of Civil Society” was established in 2017. The agency is centralized and responsible for the distribution of funds coming from the state. The main concern regarding this agency is that the funding priority will not be given to the groups unsympathetic to the government and its policies. NGOs working with refugees and migrants, women rights and LGBT-community are especially concerned.

The situation of NGOs in Hungary is even worse than in Poland. In 2017, the Hungarian parliament adopted the Law on Foreign Funded Non-Governmental organizations. Viktor Orban has much more unshakeable position and higher popular support in Hungary compared to Jaroslaw Kaczynski in Poland. In addition, Orban’s Fidesz party has constitutional majority in the Hungarian unicameral parliament; therefore, it is not hard to adopt laws that are even more controversial without consulting the opposition. Viktor Orban has ruled the country already for eight years and there has been enough time to “prepare the ground” and promote anti-NGO narratives among the Hungarian public.

Moreover, Orban and the Russian president Vladimir Putin have a long-term special relationship and Orban is not ashamed to confess that he deeply admires, and is inspired by, Putin. “In the past, we Hungarians have suffered a lot under Russia. Nevertheless, it needs to be recognized that Putin has made his country great again and that Russia is once again a player on the world stage,”<sup>26</sup> Orban told the press before meeting Russian president in January 2018. The last reason for such strong anti-NGO sentiments of the Hungarian authorities is the strong position

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<sup>24</sup> Hug, Adam, 2016. Sharing worst practice: How countries and institutions in the former Soviet Union help create legal tools of repression. *The Foreign Policy Center*, [Online]. Available at: <https://fpc.org.uk/wp-content/uploads/2016/05/1749.pdf> [Accessed 10 January 2019].

<sup>25</sup> The Guardian. 2015. *Human rights groups face global crackdown 'not seen in a generation'* | Law | *The Guardian*. [ONLINE] Available at: <https://www.theguardian.com/law/2015/aug/26/ngos-face-restrictions-laws-human-rights-generation> [Accessed 15 January 2019].

<sup>26</sup> Deutsche Welle. 2018. *Vladimir Putin and Viktor Orban's special relationship* | DW | [ONLINE] Available at: <https://www.dw.com/en/vladimir-putin-and-viktor-orban-s-special-relationship/a-45512712> [Accessed 14 January 2019].

of Hungarian-born George Soros's Open Society Foundations and related institutions such as Central European University in Hungary. Hungarian authorities showed their dissatisfaction with the presence and the influence of these organizations regularly in the past years.

The Hungarian Law on Foreign-Funded NGOs has many similar features as its Russian model, but does not cause the total regulation of NGOs as in Russian case.

What are the differences between the two laws? The Hungarian Law on Foreign Funded Non-Governmental Organizations does not contain the defamatory label "foreign agent" and mark the organizations "only" as foreign funded NGOs. Yet, according to the opinion of the Venice Commission "while on paper certain provisions requiring transparency of foreign funding may appear to be in line with the standards, the context surrounding the adoption of the relevant law and specifically a virulent campaign by some state authorities against civil society organizations receiving foreign funding, portraying them as acting against the interests of society, may render such provisions problematic, raising a concern as to whether they breach the prohibition of discrimination".<sup>27</sup>

Moreover, there is no need for the organization to be engaged in political activity, the only prerequisite for enlisting the organization is the existence of foreign funding. The interesting fact is that both the Hungarian and the Russian law excludes organizations such as religious and sports organizations from its scope. The reason behind that is that allegedly, these other organizations are not able to influence public opinion.<sup>28</sup> This statement is dubious especially when it comes to religious organizations, which are very influential mainly in Russia.

The third difference is that the Hungarian law sets a threshold, which subjects only organizations receiving higher donations from abroad to this act. In order to register with the court as an organization receiving the foreign funding, the organization has to receive more than 7,2 million HUF (approximately 22,000 EUR) annually. In addition, the law obliges the organizations to submit the name, country and city of foreign donor, even if they are private individuals, if their donation exceeds 500,000 HUF (approximately 1,500 EUR) per year. This clause has been criticized especially in relation to the personal data protection. Hungarian NGOs receiving foreign funding have to report annually about their foreign funding to the authorities, including the donors and the sum of transactions. However, as was described above, in Russia the requirements for reporting from "foreign agent" NGOs are still much more demanding.

In both countries, the NGOs receiving foreign funding are required to publish on their website and in press products that they are "organization receiving public funding" (in Hungary) and "foreign agent" organization (in Russia). Also, in both cases, there has been a public register created to maintain the publicly accessible information on these organizations. There are fines imposed by the law in case the organization does not comply with its obligations under the law. In the Hungarian case, the fines are smaller than in the Russian one. They amount from 10,000 HUF to 900,000 HUF (approximately 31 EUR to 2,800 EUR) comparing to the Russian fines of 500 thousand rubles (approximately 6,500 EUR) for an organization and up to 300 thousand rubles (approximately 4,000 EUR) for its representative. Still, Hungarian fines are considered extremely harsh and disproportionate by many international observers and organizations. "Such restrictions of the freedom of association would not meet the standards of having a legitimate aim, pressing the social need and proportionality,"<sup>29</sup> states the Hungarian Helsinki Committee. In both cases, non-compliance with the law can lead to the dissolution of an organization.

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<sup>27</sup> *Opinion CDL-AD(2017)015 on The Draft Law On The Transparency Of Organizations Receiving Support From Abroad 2017*. Strasbourg: Venice Commission.

<sup>28</sup> Hungarian Helsinki Committee, 2017. *What Is The Problem With The Hungarian Law On Foreign Funded NGOs?* Budapest: Hungarian Helsinki Committee.

<sup>29</sup> *Ibidem*.

Most worrying is the fact, that from the formal point of view, some parts of the Hungarian law were literally translated from the Russian original. “Both laws” starting point is that the foreign funded organizations, through their societal influence, serve other interests than those of the nation, therefore they may pose a high risk to the national security and sovereignty. (See Article 2.6 of the Russian law and the Preamble of the Hungarian law.) The Hungarian legislators followed the Russian model when they drafted the definition of the organizations supported from abroad, the notion of foreign funding, and the exemptions (e.g. religious organizations). Both laws apply irrespective of the origin of the funds (governments and private sources are treated equally, all countries are considered as foreign sources) and of their percentage in an NGO’s overall budget”.<sup>30</sup>

The Venice Commission was of the opinion that the Hungarian law as adopted “will cause a disproportionate and unnecessary interference with the freedoms of association and expression, the right to privacy, and the prohibition of discrimination”.<sup>31</sup> Nevertheless, it must be pointed out that the Hungarian Law has not produced such a disastrous effect when it comes to the majority of organizations as in the Russian case. There are 133 NGOs listed in the register, using the data provided by the Hungarian Civil Information Portal, which gathers public information about NGOs published by ministries and central government bodies on the internet.<sup>32</sup> However, so far, there have been no information available regarding extensive direct repressions of the NGOs, huge fines or liquidation of NGOs following the pressure from the authorities.

But there are two exceptions of NGOs, which are persecuted in a way comparable to Russian example. The first group of such organizations are these, founded or directly controlled by George Soros’s Open Society Foundations. The second group are the organizations, which are active in immigration, asylum and refugee issues.

First, the Hungarian president Janos Ader, an ally of the Prime Minister Viktor Orban, signed the so-called „Lex CEU“ in November 2017, which had led to the partial withdrawal of the Central European University founded by George Soros from Hungary. Then, under the threat of new upcoming “Stop Soros” laws, The Open Society Foundations left Hungary and moved their operations fully to Germany. Finally, the “Stop Soros” law was adopted by the Hungarian parliament in June 2018. According to this law, individuals or groups that support migration and are seen as a national security risk (for example by helping illegal migrants to gain status to stay in Hungary) will be liable to prison terms.<sup>33</sup>

Another law has introduced a special 25% tax on NGOs, which support immigration. This approach has not only pushed the Open Society Foundations and related institutions to move out of a country, but has brought damage to several Hungarian NGOs, which have been forced to cease their activities in this particular field of work. It has to be noted, that in the original draft of the bill, the 25% tax was imposed only on NGOs, which have majority of the funding from foreign donors.<sup>34</sup>

At first, the Law on Foreign Funded Non-Governmental Organizations was seen as a real threat to the civil society and NGOs in Hungary. In reality, only the subsequent amendments to this and other legislative acts have caused a real damage to particular NGOs, which were directly targeted by them. Given the fact that Viktor Orban apparently has not

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<sup>30</sup> Ibidem.

<sup>31</sup> *Opinion CDL-PI(2017)002-e on The Draft Law On The Transparency Of Organizations Receiving Support From Abroad 2017*. Strasbourg: Venice Commission.

<sup>32</sup> Főoldal – Civil Információs Portal. 2019. *Főoldal – Civil Információs Portal*. [ONLINE] Available at: <http://civil.info.hu/kezdje-itt> [Accessed 14 January 2019].

<sup>33</sup> The Guardian. 2018. *Hungary steps up anti-immigration stance with plans for NGO tax* The Guardian. [ONLINE] Available at: <https://www.theguardian.com/world/2018/jun/19/hungary-anti-immigration-plans-ngo-tax-orban-bill-criminalise-aid> [Accessed 14 January 2019].

<sup>34</sup> Ibidem.

changed his focus on NGOs, it can be expected that further amendments will negatively affect their future work. In this respect, the situation is very similar to that in Russia; where the authorities have in mind particular NGOs, when they adopt new anti-NGO legislative acts.

The main difference is that Hungary is a member of the European Union, the supranational structure, which can have a significant impact on the entire future of the country. Even though Viktor Orbán despises this structure, he still needs it, because it brings benefits to the country, especially when it comes to economic ones. The European Parliament has pursued disciplinary action against Hungary under Article 7 of the European Union treaty.<sup>35</sup> In addition, there is an infringement procedure conducted by the European Commission against Hungary for its law on foreign-funded NGOs now.<sup>36</sup> But in my opinion, only the threat of the negative consequences for the Hungarian economy can be used as a real advantage to mitigate the present and future impact of the anti-NGOs laws on Hungarian civil society.

#### 4. OVERALL CONCLUSION

The rule of law in Russia and Hungary is substituted by the rule by law. Both countries use laws to limit the freedom of association and stipulate that the reason for their adoption is the achievement of positive social phenomena such as transparency, security or public good in general. However, in practice these laws are adopted only to reach political goals irrespective of the rights and freedoms of individuals. In addition, these actions against the civil society should hide the fact that the ruling elites cannot bear criticism and interference of their civil societies because it decreases their chance to stay in power in the long-term view.

The adopted legislation in many cases does not comply with the obligations, which arise for the states under international law and human rights standards. International and European organisations concerned should be more attentive, bring this negative trend to light and try to prevent similar scenarios in different countries in the future. All their bodies should react quickly and resolutely to the new challenges, because as we can observe, the trend of adopting the “foreign agent” legislation is contagious and keeps expanding also to the countries perceived as well established democracies.

One of the issues, which should be closely followed by the international and European organisations, is arbitrary enforcement of the “foreign agent” legislation, which is the case especially in Russia. The Russian authorities make use of vague terminology included in these laws such as “organisation engaged in political activities” or “organisation, which presents a threat to the national interests” to discipline the oppositional and critical voices in the country. In addition, labelling the organisations as “foreign agents”, which is the term having negative connotations in the Russian society is a dangerous approach, which proved to be infamously effective under all the totalitarian regimes of the past.

Foreign agent legislation might seem to be effective in short-term, but in long-term it only complicates life of all the actors involved, including the state. The civil society cannot simply cease to exist and NGOs are forced to find new ways, how to operate. Due to the strict legal frame imposed on them, they keep transforming to different legal forms, they act as unregistered civic initiatives or invent some other non-traditional methods of self-preservation. As a result, the state has to make even bigger effort to exercise the control over much diversified

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<sup>35</sup> BBC News. 2018. *What sanctions can the EU impose on Hungary?* – BBC News. [ONLINE] Available at: <https://www.bbc.com/news/world-45485994> [Accessed 15 January 2019].

<sup>36</sup> European Foundation Centre, 2017. *European Commission steps up infringement procedure against Hungary on NGO Law*. Brussels: European Foundation Centre. Available at: <https://www.efc.be/news/european-commission-steps-up-infringement-procedure-against-hungary-on-ngo-law> [Accessed 14 January 2019].

group of subjects; otherwise, the control is definitely lost. This is a lose-lose situation for the NGOs, which waste time realising the survival strategies, rather than on their main scope of work, for the state, which is not able to exercise control to the extent it wanted, as well as for the society, which is the final beneficiary of NGO services.

I hope that the states, which are currently considering adopting the similar legislation, will think of this point of view and will prefer cooperation rather than conflict with NGOs. As suggested above, the results of this cooperation would be beneficial all the parties involved.

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## COMBATING SEXISM: REVIEWING THE TREND OVER THE PAST 100 YEARS IN SCIENCE AND MATHEMATICS

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### Abstract:

*Gender equality is central to the human rights movement. Our current laws claim we are all equal, but our routine proves we are not. This paper focuses on the challenges three female European mathematicians and physicists faced when they were severely discriminated against based on gender and ethnic background. Despite being trailblazers in their respective fields, they were forced to publish under male names and some of their important discoveries therefore often went uncredited. The fields of science and mathematics have improved in this regard, but sexism is still common. Considering the positive trend, we have seen over the past 125 years in women's rights and equality, while keeping in mind that further improvements are still needed, this paper aims to inspire further advancements in gender equality. The three women are: Emmy Noether (1882–1935), Grace Chisholm Young (1868–1944) and Mileva Maric-Einstein (1875–1948).*

**Keywords:** *sexism, female, mathematicians, trailblazers, gender bias*

### 1. INTRODUCTION

As humans, we enjoy receiving attention and accolades for work we do, discoveries we make or simply for a job well done. Praise or recognition should not be based on gender, religion, race, nationality or any other discriminant, but as we will see, the three women described in this paper were clearly discriminated against, particularly due to gender, race and nationality. Despite the obstacles they faced as females in fields dominated by men, they forged ahead and completed advanced degrees formerly thought to be impossible for females to obtain. They also published research they conducted, sadly not always under their own names.

All three women contributed to their respective fields in ways that others before them had not done, making connections and new discoveries that were instrumental to the development of math or physics (even making connections to other fields). “In 20th century Europe female scientists faced many institutional obstacles and it was not uncommon for them to be excluded, despite any contribution, from scientific papers. By Swiss custom the maiden name of the wife is added to the husband's family name” (Banovic, 2018). Because of their respective trail blazing, women who came after them were permitted to attend higher education institutions and women began publishing scientific papers in their own names. Although these women's early efforts achieved lasting positive change, gender inequality still exists particularly in the mathematics and math intensive science fields.

## 2. BIOGRAPHIES<sup>1</sup>

**Amalie Emmy Noether** was born in Erlangen, Germany, March 23, 1882, to a Jewish family. Her father, Max Noether, was a mathematician. She was the oldest of four, the three younger children all being male. She was near sighted and talked with a lisp during her childhood. She was not considered academically brilliant during her formative years, but she was described as friendly and clever, and able to solve brain-teasers easily at children’s parties.

Although she primarily wanted to teach French and English after passing the required examinations in 1900, she ended up studying mathematics at the same college where her father was a professor, University of Erlangen (now University of Erlangen-Nürnberg). She was one of only two women out of 986 students at this school. Despite only being permitted to audit classes, she completed the equivalent of a bachelor’s degree in 1903. The very next year women were formally permitted to attend classes at Erlangen, so she continued her graduate studies, simultaneously working on a dissertation under the tutelage of Paul Grogan, completing her doctorate in 1907. For the next seven years, she worked without pay while continuing work on her own research and assisting her father at the Mathematical Institute of Erlangen, because at that time women were excluded from academic positions.

In 1915, she was invited by David Hilbert and Felix Klein to join the mathematics department at University of Göttingen, which at the time was a world-renowned mathematical research center. Despite the invitation, she was forced to lecture and work under Hilbert’s name rather than her own for the next four years, because the philosophical faculty objected to her officially becoming part of the faculty. In 1919 her approval to teach was granted and she was given the rank of Privatdozent (equivalent to a visiting lecturer, which is usually temporary and below a tenure-track position). Her primary field was in abstract algebra, but she also contributed important calculations in the field of physics, topology, elimination theory and groups.

During these years (1908-1919) Noether made contributions to areas in math known as algebraic invariants and number fields. Noether's (first) theorem states that every differentiable symmetry of the action of a physical system has a corresponding conservation law. This theorem has been called “one of the most important mathematical theorems ever proved in guiding the development of modern physics” (Scientific Women, 2018). This first theorem was proven by Noether in 1915 and published in 1918.

At the University of Göttingen, Noether surrounded herself with brilliant students, who often portrayed her work and her ideas as their own, furthering her work in a way she could not. These male students were dubbed “the Noether Boys”. She sometimes allowed colleagues and her own students to receive credit for her work, never asking for recognition and often helping them develop their careers at the expense of her own. During this time (1920–1926), her ideas changed the face of modern abstract algebra by drawing together many important mathematical developments that others in the field had not yet realized. In 1921, she published a paper (*Idealtheorie in Ringbereichen* (The Theory of Ideals in Ring Domains)), where she used commutative rings as a tool while extending these ideas to various applications. Objects satisfying her ascending chain conditions have been given the name *Noetherian* in her honor.

In 1924, Dutch mathematician B. L. van der Waerden became one of her “boys” and he developed into a leader in exposing and presenting her mathematical ideas, which were the foundation for his textbook, *Moderne Algebra*. The second volume of this book published in 1931 was primarily Noether’s work. He stated that her originality was absolutely beyond

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<sup>1</sup> All biographical information is taken from each woman’s Wikipedia page, unless otherwise noted. This is done purposely to reduce the number of different references. Wiki<sup>a</sup> = Emmy Noether. Wiki<sup>b</sup> = Grace Chisholm. Wiki<sup>c</sup> = Mileva Maric.

comparison. Not until the seventh edition of this second volume, did he include “based in part on lectures by E. Artin and E. Noether” (Wiki<sup>a</sup>, 2018).

Between 1926 and 1930 she befriended Russian mathematician Pavel Alexandrov. They met regularly to discuss algebra and topology. He started calling her “der Noether” using the masculine German article as a term of endearment to show his respect. After her death, Alexandrov said she was “the greatest woman mathematician of all time” (Wiki<sup>a</sup>, 2018). Although unselfish, patient and always helpful to her students, colleagues described Noether as rude toward those who disagreed with her and often a severe critic to anyone who was not mathematically precise.

In 1932, she celebrated her 50th birthday, and Helmut Hasse dedicated an article to her in *Mathematische Annalen*, where he confirmed that she had proven a noncommutative reciprocity law. This made her very excited and happy. Simultaneously, he sent her a mathematical riddle which she solved immediately, but the riddle has since been lost. At this time, she had become well-known in the world of algebra and she was able to present her own work in the plenary presentation (*großer Vortrag*) at the International Congress of Mathematicians in Zurich, which was attended by 800 people. This event has been described as the highlight of her career in terms of receiving appreciation for her work by colleagues and other mathematicians. This is the same year she was given recognition alongside Emil Artin, receiving the Ackermann-Teubner Memorial Award for their contributions in mathematics. This award included a reward of 500 Reichsmarks (German currency from 1924-1948), which was viewed as being a long overdue acknowledgement of her considerable work in the field of mathematics. Her colleagues at Göttingen often expressed frustration at the fact that she never received the position of *Ordentlicher Professor* (full professor) and that she was never elected to the Academy of the Sciences (*Gesellschaft der Wissenschaften*). The very next year (1933) Nazis took control in Germany and removed all Jews from University positions.

Because she was Jewish she was forced to flee to the United States, where she was appointed to a position of visiting professor at Bryn Mawr College in Pennsylvania. She then received an invitation to lecture and conduct research at the Institute for Advanced Study in Princeton, New Jersey. She was always generous with her ideas and was often credited in research done by other mathematicians, even in fields seemingly unrelated to her own.

In 1935 doctors discovered that she had an ovarian cyst, and she underwent an operation, from which she died four days later at the age of 53. In a letter to *The New York Times* after her death, Albert Einstein wrote:

In the judgment of the most competent living mathematicians, *Fräulein Noether* was the most significant creative mathematical genius thus far produced since the higher education of women began. In the realm of algebra, in which the most gifted mathematicians have been busy for centuries, she discovered methods which have proved of enormous importance in the development of the present-day younger generation of mathematicians (Cavna, 2015).

**Grace Chisholm Young**<sup>2</sup> was born in Surrey, England on March 15, 1868. She was the youngest of three surviving children. Her father was a civil servant, the head of Standards in the Weights and Measures Department. She was homeschooled with her sister and encouraged to help the poor people in London by embarking on studies related to social work. She really wanted to become a physician, but she was not permitted by her family to study medicine after passing her senior exams at the age of 17 (high school equivalency).

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<sup>2</sup> Wiki<sup>b</sup> = biographical information for this section is taken from Grace Chisholm’s Wikipedia page.

In 1889, she was permitted to start studying at Girton College, which opened in 1869 and became the first school dedicated to educating women at the university level. Girton College was associated with Cambridge University, but men and women were graded on separate scales. She could only enter Girton because she had been offered a scholarship. Influenced by her father's line of work she decided to study mathematics. At the end of her first year, she was number two on the "second class list" just below Isabel Maddison. After their final year there, on a challenge from Maddison, Chisholm took the Final Honours exam (equivalent to final examinations senior year in college) in mathematics at the University of Oxford in 1892 and outperformed all the Oxford students, resulting in a First Class<sup>3</sup> degree from both Oxford and Cambridge simultaneously, something that had never been done before by any student of any gender, in any subject.

Mary Cartwright (British mathematician, 17 December 1900–3 April 1998) wrote: "[Maddison and Chisholm] were the first women to sit for the Final Honours exam for the School of Mathematics, and they did it to refute a suggestion from one of their coaches that it was more difficult for a woman to obtain a First Class degree at Oxford than at Cambridge" (Wiki<sup>b</sup>, 2018). Chisholm stayed on at Cambridge and completed Part II of the Mathematical Tripos, which was unusual for a woman at that time, the assumption being that any student attempting the Tripos was male:

To obtain high honours in the Mathematical Tripos, a student must put himself in special training under a mathematician, technically called a coach, who is not one of the regular college instructors, nor one of the University professors, but simply makes a private business of training men to pass that particular examination. Skill consists in the rate at which one can solve and more especially write out the solution of problems (Macfarlane, 1916).

While at Cambridge she met William Henry Young, who was initially her tutor and coach, then a good friend and mathematical collaborator, who eventually became her husband. During this time women were not permitted to attend graduate school in England, so she went to the University of Göttingen in Germany, to study with Felix Klein. This was one of the foremost centers for study and research in mathematics worldwide. Her admission had to be approved by the Berlin Ministry of Culture and was considered an experiment in allowing women to study at universities. In 1895 she received a doctorate, becoming the first woman to reach this level, but only after passing probing questions from multiple professors about geometry, differential equations, physics, and astronomy, in addition to writing a dissertation. All of this was in German, and again required special approval from the German government. Her doctoral thesis was titled *Algebraisch-gruppentheoretische Untersuchungen zur sphärischen Trigonometrie* (Algebraic Groups of Spherical Trigonometry).

After completing her doctorate, Chisholm returned immediately to England. She married W. H. Young in 1896 and they had 6 children in a period of 9 years. He continued to coach her in mathematics and she continued her work on the research she had started while in Göttingen, trying to find an equation that would determine the orbit of a comet. The next year they both decided to return to Germany after receiving an invitation from Felix Klein to come to Göttingen to attend advanced lectures in mathematics. They took a trip to Turin, Italy to study modern geometry together, and under Klein's tutelage they both ventured into a new field in mathematics called Set theory.

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<sup>3</sup> Commonly known as a "first", a first class is the highest honours degree achievable. A first class degree is achievable with very hard work and passion for your subject (Ellett, 2018).

In 1901, they started publishing research papers together, even though it is clear Chisholm did most of the writing related to their joint publishing. This was evident based on independent work she produced at the same time, which was said to be even deeper and more important than her husband's work. It was easier for her husband to list his name first on their joint work because of the prejudices that existed against women in the hard sciences. Their joint papers were influenced by new ideas in the theory of functions of a real variable, which she had been exposed to while getting her doctorate. *The First Book of Geometry* was published in 1905 and eventually translated into 4 languages. The following year they published *The Theory of Sets of Points*, the first ever textbook on Set theory. Together they wrote 214 papers and four books.

In 1908 they moved to Geneva, Switzerland, where Chisholm would stay while her husband traveled a great deal and accepted posts at universities in India and the UK. She was able to learn six languages, and she taught each of her children a musical instrument. Despite not being able to study medicine (which was still a field with significant barriers for women), she completed all the requirements needed for a medical degree except for the internship.

She wrote and published two children's books related to explaining medical phenomena to children: *Bimbo: A Little Real Story for Jill and Molly* (1905), explaining where babies come from; *Bimbo and the Frogs: Another Real Story* (1907), describing cells to children. Chisholm finally published mathematics under her own name in 1914 and was soon after awarded the Gamble Prize for Mathematics by Girton College (in 1915), for an essay *On infinite derivatives*. The basis for this essay and other work she did between 1914–1916 resulted in the Denjoy-Young-Saks theorem, which gives the possibilities for the Dini derivatives of a function to hold almost everywhere. In 1929 Chisholm started a historical novel set in the sixteenth century, *The Crown of England*, but after five years she abandoned the project.

Her eldest son (A Royal Air Force pilot) was killed in the first World War, a loss that profoundly impacted his parents' abilities to be creative in their mathematical research. In 1940 she moved back to England (from Geneva) with two of her grandchildren, because of the second World War's approach in Europe. She intended to return to Geneva but was unable to when France fell to the Germans. Her husband was left alone, and in 1942 he died. In 1944 Chisholm died of a heart attack in Croydon, England at the home of her daughter.

**Mileva Maric-Einstein**<sup>4</sup> was born in Titel in the Austro-Hungarian Empire (today in Serbia) on December 19, 1875. She was the oldest of three children. Little is written about her formative years and schooling, but once she reached high school age she switched schools quite often, likely because her father wanted her to have the best education possible. He was wealthy and used his influence to get Maric into certain schools. Initially, starting in 1886, she attended an all-girls high school in Novi Sad, but she changed schools in 1887 to a high school in Sremska Mitrovica. Then in 1890 she attended the Royal Serbian Grammar school in Sabac, until her father acquired special permission for her to attend the Royal Classical High School in Zagreb (which did not allow females). She passed the entrance exam and entered 10th grade in 1892 and was given special permission to attend physics lectures in early 1894. In September that same year she passed her final exams, getting the highest grades ever awarded in both mathematics and physics. "Her grades were excellent, and in physics and mathematics she received an evaluation as 'Brilliant' from her teachers" (Fembio, 2019).

At eighteen she decided to go to Switzerland, the only German-speaking country where women were admitted into higher education. After a brief illness, she started studying at an all-girl's school in Zurich before enrolling at the University of Zurich to study medicine in 1896. She transferred to the Zurich Polytechnic (now Eidgenössische Technische Hochschule (ETH)) after passing the mathematics entrance exam. Initially she enrolled there to get a diploma that

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<sup>4</sup> Wiki<sup>c</sup> = biographical information for this section is taken from Mileva Maric-Einstein's Wikipedia page.

would allow her to teach physics and mathematics in secondary schools. Starting the same diploma program, at the same time, was Albert Einstein. She was the only female student enrolled in this program.

Women ‘did not belong’ in this institution. The male professors (there were no female professors there, the first female professor being appointed in 1985) had no positive expectations for female students; they were not recognized, encouraged or fostered as were their male counterparts, who, as soon as they entered, became members of the institution and began to profit from its privileges. (Fembio, 2019)

She overcame some of the barriers she faced because of her skill in the subjects she studied along with her extraordinary grades. Maric and Einstein became friends. They attended the same lectures, read and worked together, and eventually fell in love.

In 1897/98 she briefly attended a winter semester at Heidelberg University, where she was only allowed to audit physics and mathematics lectures. When she returned to Zurich Polytechnic she continued her studies in math and physics, and despite now being a year behind her fellow students, she took the intermediate teaching diploma examinations in 1899 and scored an average grade of 5.05 (grade scale being 1–6). In physics, Maric had the same score as Einstein, 5.5. At the end of their senior year (in 1900) they were in the same physics lab getting the exact same grades from Professor Weber. They wrote their thesis with him in the same area: heat conduction. However, despite doing well in her classes, she failed the final teaching diploma exam, because her math grade dropped to a 2.5 (pulling her overall grade down to 4.0). During the oral exam in applied physics she was given a 5 out of 12 points, while all the males students received an 11 out of 12, allowing Einstein to pass with an overall grade of 4.91 (greater than 4.00 was required to pass).

Einstein’s family was opposed to him marrying Maric. His mother did not approve, telling him “She (Maric) cannot enter a respectable family.” Maric was not German, nor Jewish, and in fact she walked with a limp and was “too intellectual” according to Einstein’s mother, who was known for being prejudiced against foreigners (Wiki<sup>c</sup>, 2019). Einstein’s father insisted that his son should get a job before getting married.

When Maric and Einstein returned to ETH to embark on thesis work, they realized all the other male students in their class had received assistant positions at the school, while he did not. Since he did not have a job he refused to marry Maric, so they had to give private lessons to make ends meet. In December of 1900 they submitted their first article on capillarity, listing only Einstein as the author.

Although intending to go right back to her studies and retake the teaching certificate exams, she became pregnant with Einstein’s child. While three months pregnant she re-sat for the exams and got the same score as last time, an average grade of 4.00. She then abandoned work on her dissertation and her studies. Their daughter Lieserl was born in January 1902. Albert never saw this daughter. The baby suffered permanent damage from scarlet fever and it is unknown if she was given up for adoption in Serbia at the age of one or if she died from the permanent damages to her health in 1903.

Witness accounts, as well as letters between Maric and Einstein clearly indicated that they often collaborated on research topics. She was likely the most important intellectual partner of Einstein’s career. He appreciated her genius: “How happy and proud I will be, when both of us together will have brought our work on relative motion to a victorious end. When I look at other people, I can really appreciate what mettle you are made of. (Letter from Albert to Mileva, March 27, 1901)” (Fembio, 2019) It is unclear if Maric was bothered by not being listed as an author on papers they both worked on. “Her story illuminates the plight of intellectual women

during the first half of the 20th century. Maric's achievements and real historical significance have been obscured by institutional obstacles and an incomplete archive" (Banovic, 2018).

In 1903 Maric finally married Einstein in Bern, Switzerland, where he got a full time job at the Federal Office for Intellectual Property. In 1904 their first son, Hans Albert, was born, and they continued to live in Bern until 1909. Einstein got a teaching position at the University of Zürich, so they moved back to Switzerland. In 1910 their second son, Eduard, was born. The next year, 1911, they moved to Prague because Einstein then got a teaching position at Charles University. Continuing their vagabond lifestyle, they moved back to Zurich again the next year (1912), because Einstein was offered a professorship at his alma mater, The University of Zurich. In 1913 he was invited to come to Berlin, where he was elected to the Prussian Academy of Sciences (Königlich-Preußische Akademie der Wissenschaften). Maric was against the relocation, but regardless of her protests they moved briefly as a family to Berlin in 1914. Increasingly unhappy with her marriage, particularly because of Einstein's increasing association and subsequent infidelity with his cousin Elsa, along with being unhappy with having to live in the city of Berlin, Maric moved back to Zurich with their boys in 1914. This separation from her husband would become permanent, ending in divorce in February 1919.

Maric granted the divorce by negotiating a settlement of the Nobel Prize money that Einstein anticipated receiving for his work on the theory of relativity. Only months after the divorce was final Einstein married his cousin in June 1919. The Nobel Prize would not be given to him until November 1922. With this money Maric purchased three apartment buildings in Zurich, as an investment as well as needing a place to live with their two children. In 1930, their youngest son, Eduard, was diagnosed with schizophrenia and he was institutionalized at the University of Zurich's psychiatric clinic, Burghölzli. The expense of continued care for her son was overwhelming for Maric and she had to sell the two apartment complexes in order to generate income. Eventually she was forced to transfer ownership of the house she was still living in to Albert, who promptly sold it and had her evicted. She died a week later, on August 4, 1948, in Zurich, of a stroke. She was 72 years old.

### 3. CONCLUSION

As these biographies demonstrate, all three women were victims of sexism. They rebelled against tradition by attending schools and/or lectures, with or without permission, that only allowed men. They were forced to publish their research under a spouse's, student's or male professor's name, unless they conceded to being listed as a secondary author. Furthermore, they were not given or afforded the same opportunities as their male counterparts, particularly with respect to being gainfully employed in their respective fields. This had to have been a personal and professional strain for these intelligent women.

Noether was further persecuted for being Jewish, and forced to flee the Nazis. Chisholm, because of her gender, could not attend graduate school in the United Kingdom and had to go to Germany to further her education. Maric was judged, particularly by Albert's mother, for her nationality, having a physical handicap and her intellect. These women were unusually intelligent, and persevered despite repeated hindrances and challenges blocking the way toward their personal and professional goals.

Regrettably, the field of math and math intensive sciences has not followed the gender equalization trends that have occurred in other fields. In science fields more than half to over three-quarters (52–77%) of MDs, PhDs in life and social sciences and DVMs (veterinarians) are now women. However, in math intensive fields only 8–15% of tenure-track positions belong to women, while reaching full professor status for a female mathematician happens only 10% of the time (or less) (Ceci & Williams, 2011). Some researchers fault the current system

involving selection and promotion, stating that it favors males. “Substantial research shows that resumés and journal articles were rated lower by male and female reviewers when they were told the author was a woman; similarly, a study of postdoctoral fellowships awarded showed that female awardees needed substantially more publications to achieve the same competency rating as male awardees” (Ganley & Lubienski, 2016).

Gender inequality is occurring all over the globe in the field of mathematics, making it a current problem, not just historical. The first woman to be elected to a professorship at Cambridge University (in England) was the applied mathematician, Anne Davis, in 2002. In 2018, there was still not a female full professor in pure mathematics at this institution (Barrow-Green, 2018). In August 2014, the first woman ever, Maryam Mirzakhani, was honored with the Fields Medal, the most prestigious award given out in mathematics (Wiki, 2019).

To simply attempt to change the problem of sexism at the professional level may not be enough. Research indicates that a culture of gender disparity starts at a much earlier age. Ganley & Lubienski (2016) found that grade school teachers have a “gender differential rating” which happens when girls and boys perform equally in math class, yet the teacher perceives that the boys are doing better in the subject. This they feel perpetuates the gender gap. Similarly they reported “that girls’ math achievement is lower if they have a female teacher who is anxious about math”.

Sexism is a social phenomenon which undervalues women’s abilities and contributions. While hard work towards gender equality in the United States has shown some progress, more effort locally and globally is clearly needed to empower women, and to change the mindset that women cannot conduct research, produce results or lead as well as men can. We must overcome these obstacles by educating people about gender equality and supporting organizations that recognize the unique challenges women have and still face. Moving forward, women can be supported and empowered, but everyone must participate, personally, professionally and institutionally to make this a reality. The opportunities for equality are infinite and success in any science discipline should be as genderless as the mathematics behind it.

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## **CZECH-SOVIET RELATIONS AND IDENTITY AS PORTRAYED IN POST-COLD WAR CZECH FILM: A DISCOURSE ANALYSIS**

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### **Abstract:**

*This paper will examine three post-Cold War Czech films depicting three critical events in the Czech-Soviet relationship: *Želary*, as a depiction of the Soviet liberation of the Czech Republic in World War II; *Pelišky*, as a depiction of the 1968 Warsaw Pact invasion; and *Kolja*, as a depiction of the 1989 Velvet Revolution. The goal of this examination is to find and explore the metaphors in the films which describe the post-Cold War Czech perspective of the 1945–1989 Czech-Soviet relationship and the period's impact on Czech identity.*

**Keywords:** *Cold War, Czech, film analysis, identity*

### **1. INTRODUCTION**

In 1945, the Czech Republic<sup>1</sup> became involved in a relationship with the Soviet Union that would last more than 40 years. This relationship was welcomed at first, then entrenched through might, and thus with might was sustained through several volatile decades. The Soviets would initially come to the Czech Republic to fight Nazi Germany, then to support an elected Czech communist government, followed by support for an unpopular Czech communist regime. In 1968, the Soviets would return to the Czech Republic to maintain that regime, and in 1989, the Soviets would standby as that regime collapsed. This paper will examine three post-Cold War Czech films depicting three critical events in the Czech-Soviet relationship: *Želary*, as a depiction of the Soviet liberation of the Czech Republic in World War II; *Pelišky*, as a depiction of the 1968 Warsaw Pact invasion; and *Kolja*, as a depiction of the 1989 Velvet Revolution. The goal of this examination is to find and explore the metaphors in the films which describe the post-Cold War Czech perspective of the 1945–1989 Czech-Soviet relationship and the period's impact on Czech identity.

The paper will begin with an explanation of the perspective being investigated, followed by a set of initial conceptual metaphors (Lakoff and Johnson, 1980; Drulak, 2008). The initial conceptual metaphors will be applied to the metaphorical expressions found in the films, and the conceptual metaphors will be revised. Through this revision, the significance of the metaphors as an expression of the Czech perspective on the Czech-USSR relationship will be discussed and a conclusion regarding Czech identity will be offered.

### **2. EXPLANATION OF PERSPECTIVE**

A key point that must be kept in mind throughout the investigation of these three films and their metaphors is that the metaphors are not assumed to depict the perspectives of the times in which

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<sup>1</sup> Though throughout the timeframes after 1945 covered by the films discussed in this paper the Czech Lands were part of Czechoslovakia, the terms “Czech” and “Czech Republic” alone will be used because the films are all set in what are/were the Czech Lands, feature Czech experiences, and were produced by the Czech Republic after the Velvet Divorce, depicting, one would assume, a Czech version of events.

the films are set. To explain further, it is *not* assumed that the film *Želary*, which was filmed in 2002–2003, depicts the perspectives of the Czechs in 1945 towards the Soviets in 1945. It *is* assumed that the film depicts the perspectives of the Czechs in 2002–2003 towards the Soviets in 1945 through the inescapable influential lens of their 40-plus year relationship. The same holds true for *Pelišky*, filmed in 1999, and *Kolja*, filmed in 1996. The perspective under investigation is that of the recent Czech looking back on their nation's experiences in history.

Two forms of metaphors will be investigated. The first is linguistic metaphor. The second is visual metaphor. While visual metaphors in film cover things like lighting, camera angle and movements, music, and scene framing, concentration here will be only on the metaphors that may be gathered from the scenes themselves, from the characters' dialogue and interactions as well as events in the scenes. Though the aforementioned cinematographic elements offer a wealth of metaphorical meaning, they are neither as explicit nor readily identifiable as the metaphors of the story itself as displayed through character dialogue and scene events. Often, also, such cinematographic metaphors aim to accentuate the emotion of a given scene, which is not within the scope of this inquiry.

### 3. INITIAL CONCEPTUAL METAPHORS

The initial conceptual metaphors (Drulak, 2008) utilized to approach the films are: RUSSIANS AS INVADERS of the Czech Lands, RUSSIANS AS CHAOS, RUSSIANS AS OPPRESSORS of the Czechs, CZECHS AS INNOCENTS, RUSSIANS AS PRIMARY AUTHORITY over the socio-political life of the Czechs, CZECH-RUSSIAN RELATIONS AS FORMAL RELATIONSHIP, LANGUAGE AS CLEAVER between the Russians and the Czechs, and AGE AS INFLUENCER of Czech perspective on Czech-Russian relationship.

These are the conceptual metaphors that were determined based on a casual viewing of the films at different times in the past and based on casual conversations with Czechs about their history and about their views towards Russia and Russians. They reflect the positions and memories in the mind of the author at the beginning of the investigation. While the first four conceptual metaphors listed above may be grouped into a more general RUSSIANS AS EVIL or NEGATIVE and CZECHS AS GOOD or POSITIVE, this would be too general a classification to be useful here (Hays, 2012; Hays, 2014). While these are in fact the baseline perspectives that are assumed to appear as conceptual metaphors, the interest lies in how and why the Russians and Czechs may be perceived as evil or good by the Czechs themselves.

There is a jump made here between “Czech-USSR relations” as the relations between states through the conceptual metaphor of STATES AS PERSONS and the conceptual metaphors above referring directly to person-members of those states. This jump is made purposefully because the films are personal stories and personal expressions of people, not states. The perspective is of *people* looking back over history, not history examining state relations. In the interactions of the characters in the films, they do not see Russia or the USSR “invading,” they see *Russians* “invading.”

There is one more point that should be stressed before continuing. In reviewing the above few paragraphs, and in considering the films in question, one more conceptual metaphor comes to light. This metaphor is SOVIET AS RUSSIAN. The Czech-Soviet relationship was a relationship between the Czechs and the Soviets, not just the Russians. Perhaps due to the overwhelming presence of Russia and the Russian language and culture in the Soviet Union, however, the distinction between Soviet and Russian is largely missing from the films as well as from the initial conceptual metaphors. Since the films make the substitution, however erroneously, it will be maintained while referencing the films.

#### 4. METAPHORICAL EXPRESSIONS IN THE FILMS

##### *Želary*

*Želary* displays the most direct confrontation between the Czechs and the Russians out of the three films, as it is the only film to contain Russians in a scene of confrontation at all. The end of *Želary* presents the liberation of the Czechs by the Russians at the end of World War II. These final scenes present many metaphorical expressions regarding the Czech-Russian relationship.

The day the Russians arrive in the village, there is a huge party with lots of drinking. The majority of the Czechs are shown as enjoying themselves, getting drunk, but in control of themselves. The Russians are depicted as severely drunk and belligerent and barely in control of their own persons much less under some form of military order. This lack of order and discipline combined with mass drunkenness comes to a head the following morning when one of the villagers kills another villager and a Russian for attempting to rape a village woman. This sets off a drunken paranoid shooting spree by one here-to-fore unseen Russian, killing the defending-villager as the Russian screams “I’ll kill all of you fascists!” The shooting awakens and alarms the drunken group of soldiers in the village, who immediately go off to support in the killing of the fascists, which turns out to be the killing of several villagers including the village priest. The metaphor gathered here is Russians as a drunken, chaotic, and paranoid power.

This image of the Russians is contrasted with that presented the following morning. This is a different, new group of Russians than the first. This group is clean, sober, well ordered, and led by a smartly dressed and meticulously obeyed lieutenant. These are the exact opposite of the soldiers who arrived to the village first two days previously. These Russians have nurses and are led carefully through the protecting bog by the Russian speaking village principal and child outcast to the held up and terrorized villagers. The Russians care for the wounded and transport them out of danger, presumably. Here, the Russians are saviors.

There is an ominous message at the end of this scene, however, when the Russian lieutenant picks up a baby at the end of the scene. The baby belongs to the woman whose rape sparked off the violence of the past 24 hours. The lieutenant holds the baby proudly and says, “A lovely future soldier.” Though to the characters in the film itself this statement may mean nothing, to the viewer looking back on history, it reaffirms the militant mindset of the Russians, to view a baby as a future laborer, and for that labor to be war. The metaphor is that the Russians are inherently militaristic, for whatever reason, and there is an implication that this system will be widened to include this Czech child at some point.

There are several metaphors revolving around the Czechs themselves, which also need to be addressed. The first is that of the greatness of the country-Czech as displayed by Jozo, the main male character. He is slightly larger than life in terms of strength, endurance, and practical knowledge. He has a highly developed (seemingly innate) set of morals that extend to defending women in abusive marriages (as displayed after his and Hanna’s wedding banquet) and apologizing for pre-marital infidelity. He is as gentle as he is strong and sensitive to the needs of others. He is the one villager who goes out searching for the dead and wounded all night and carrying them back to the safety of the bog. Jozo, as the country-Czech, is the perfect citizen and the perfect Czech.

Hanna’s exclamation towards the middle of the film displays the otherworldliness of Jozo, when she asks with astonishment if he really has a mother after he says he would like to introduce them. The idea that such a being as Jozo could come to be as an ordinary human does seem immediately improbable to Hanna. The fact that the “introduction” takes place in a cemetery returns some amount of greatness to Jozo because it is still not obvious who or what such a woman is that can bring such a man into being.

The second important metaphor concerning the Czechs is tied closely to the first one. It is that the Czechs killed and harmed too. The heroic Jozo dies in the end, not from a drunk Russian soldier, but by his scared friend shooting blindly into the dark. There are darker instances of Czech violence, in particular relating back to the initial rape discussed above. The husband of the victim invited the drunken soldier to have his wife and stood by and watched until shot dead by his fellow villager.

### *Pelišky*

*Pelišky* is set in the winter, spring, and summer of Prague 1967-1968. There are four particular points that mention the specific Czech-Russian relationship. The first is during the very beginning, the second occurs just after the beginning of the film, the third occurs in various places throughout the film, and the fourth is at the very end.

In the opening scenes, we see a Russian military officer and a Czech military officer parting friendly with their children around them after what appears to be a social visit. The Russian officer gives a Christmas-tree-stand to the Czech officer, and we learn that the two men are on a first name basis with each other. The metaphor stresses that the Czechs and Russians are equal (or close to it) and close friends.

Shortly after the beginning, there is a scene involving two teachers on a holiday “date”. The male teacher, Sasa, spent time in Ukraine, one of the few references to the Soviet Union and not Russia. He gives the son of the female teacher, Eva, a Soviet toy designed “to make children strong.” Though it is from Ukraine (the Soviet Union), the writing on the toy is in Russian, thus making the connection of the scene to Russia, not the Soviet Union. The toy is a shocking device, and the object of the “game” is to hold on through increasing levels of voltage for increasing amounts of time in order to prove/build up your strength. This metaphor stresses ineptitude of the Russians, and the teacher, when it comes to relating to children, as well as the Russian culture’s prizing of pain endurance, a reference to good qualities in soldiers.

Throughout the film, when it comes time for vodka drinking, the Czech officer, Sebek, always toasts “Marshall Malinovsky,” an influential World War II Russian general, in what sounds like a stressed Russian accent. Like the parting scene between the officers at the beginning of the film, the metaphor here stresses a connection and a respect emanating from the Czechs towards the Russians. Connected with this, however, is that the vodka drinking always leads to drunkenness. This metaphor recalls the one from *Želary* in which “Russian” was connected with “uncontrolled drunkenness.”

The end of the film is about the Soviet return to the Czech Lands. It is presented as an invasion, though no Russians or military equipment is ever seen. All that is depicted in the film are the sounds of engines, accompanied by looks of fear, shock, and pain on the faces of the main characters. Sebek receives a phone call that the “Russians are here,” but he is drunk from the vodka and at first thinks that the message is referring to his Russian officer friend. He is taken completely off guard. Jindriska, one of the high school age children and neighbor to Sebek, sits terrified while the shadows of planes produced by a toy lamp circle the room to the sounds of engines outside. Her father, Kraus, a Nazi POW camp survivor, plays a mournful song at the piano; it is the Czech national anthem. All of these aspects point to the metaphor of an invasion. Furthermore, just after this scene and at the very end of the film, Sebek attempts to commit suicide by hanging himself in the shed where his son and film narrator, Michal, attempted suicide at the beginning of the film for the unrequited love of Jindriska. Adult-Michal’s voiceover while this is happening says, “Dad’s whole world fell apart. He took it as a total betrayal,” referring to the invasion by the Russians.

Beyond the metaphors relating to the Russians, there are a few very important ones relating to the Czechs themselves. Several of these metaphors center on identity and change. There is also one continual metaphor describing possible changes in the Czech socio-economic-

political system. Due to the style and nature of the film, it is difficult to separate these two groups of metaphors from each other.

There are four “families” in the film, each of which describes one of four possible socio-economic-political systems. One is Sebek’s family, representing comically the Czech communist system. Sebek is a military officer and tries to run his family as he does his office, complete with message board and weekly menu postings. No one in the family really takes him seriously, and his wife alone pays him lipservice by not speaking out against such things as the menu, but not following it either. When Sebek is not around, she stands outside with the local youth to watch an American movie being played by a student, Elien, a “crime” in part for which Sebek has just chased away his son (the other part being to tell the immature teacher Sasa to go fuck himself).

Elien himself actually represents another family and system. His parents are living in the United States, and he is living in the school’s foreign exchange student dormitory. He has wonderful possessions, several of them being from the West through gifts from his parents. In addition, his parents (i.e. authority), are far away and do not involve themselves in his daily life. This represents the Anglo-Western system, complete with scenes of loneliness surrounded by possessions and “freedom,” which Michal, in all of his jealousy of Elien, does not see and does not appreciate as he plays with his little sister.

The third family and system is that of Kraus’s family. This family actually represents two forms of the same system, the initial one being extreme-nationalist, and the following being moderate-nationalist. For the first half of the film, Kraus exists in his family as a tyrant, damning his neighbors and the communists, raising everything Czech to a level of praise, reverting all conversations back to painful reminiscences of his experiences in World War II, and causing such anxiety in his home that, it is implied, he contributes to his wife’s death through stress. That is the changing point. After his wife’s death, Kraus goes through a purgatory period where he is mentally lost and broken. He comes out of this only through a growing relationship with Eva and her son Peta, the two who Sasa tried to impress at Christmas. Kraus becomes soft-spoken and warm, relative to how he was. Also relative to how he was, he admits faults and weaknesses in himself as during his first conversation with Eva in the school, where he says that he never knew how much he needed a woman in his life until his wife died.

While Eva and Peta are actually a separate family in the film as well, they are not portrayed on the same level as the other three described. Eva and Peta effectively represent the ordinary Czech citizens during a time of change, looking for a new government and system. In the movie, they are looking for a father for Peta. It is interesting to note that Eva is not looking for a husband first and foremost, but for a father and effective role model for her son. They refuse the communist system without ever seriously entertaining it. This system was represented by Sebek’s family, and the two are actually related through Sebek’s wife. Eva and Peta likewise do not consider the Western system, as it never even appears as a possibility. The fourth “family” in the film is represented by Sasa, the Soviet-leaning teacher. This option is rejected after his odd behavior followed by a violent outburst towards Peta the evening of the holiday date. This leaves Kraus’s family after the reform brought on by his wife’s death. This reformed-national system is the one that both Eva and Peta choose happily, but that encourages them to leave their home and homeland due to the invasion.

Within these families, there are two identity levels, that of the children and that of the parents. Michal and Jindriska both rebel against their respective families and systems. Michal rebels passively, simply not doing what his father wishes or mildly talking back. Jindriska is much more forceful in her family system during the first half of the film. She actively and persistently argues with her father on any point that she deems worthy, the most vocal of these being their “noky/knedliky” argument which leads to Kraus throwing his wife’s hideous homemade Christmas present through Jindriska’s bedroom-door window. These two responses

represent the two varying responses to the Czech Lands' occupation during World War II (Jindriska-active and confrontational) and during the Cold War (Michal-passive to a large extent but persistent). As representatives of the Czech population, the children and their rebellious attitudes signify a coming change. Sebek's generation is the generation of the 1968 Prague Spring, but Michal and Jindriska belong to the generation of the future Velvet Revolution.

### ***Kolja***

*Kolja* is set in 1988-1989, ending during the time of the Velvet Revolution, and revolves around the relationship between Franta, a 50-something Czech cello player, and Kolja, a five year old Russian boy left in his care. The film is expectedly full of metaphorical expressions regarding Czech-Russian relations.

Unlike the other two films, *Kolja* does not separate the Czech and Russian characters almost at all. The story itself is of the interaction between an older Czech and a young Russian boy, making their interactions almost wholly a single metaphor of Czech-Russian relations. Likewise, as opposed to the other films that incorporate the actions of both the Czechs and the Russians, *Kolja* concentrates almost exclusively on the actions of the Czechs among and towards each other and involves really only their thoughts and memories regarding the actions of the Russians.

These thoughts and memories are projected onto Kolja almost as though he were a screen meant for displaying them. This is because Kolja is wholly innocent, both as a Russian and as an individual. Things happen to him, he does not happen to other things. He is a metaphor for the Czech-envisioned Russian, though unable to have done anything wrong, he receives the mistrust and disdain of the Czechs for history.

Franta is in actuality two generations older than Kolja, but he is the metaphor for both the generation of Czechs during the Prague Spring and also the generation of Czechs during the Velvet Revolution. He represents the people who have only known the communist oppression that Russia brought to the region, not the liberation from the Nazis.

Even the generation that did experience the liberation by the Russians, represented by Franta's mother, distrusts and hates the Russians as a rule, even young Kolja. This is shown in the part of the film where Franta is trying to convince his mother to care for Kolja for a time. She is reluctant at first, but then seems to give way. Once she sees Kolja talking in Russian with the Russian soldiers on the street, however, and this after he refers to them as "Ours," Franta's mother is adamant that Kolja cannot stay at all and scolds Franta for trying to deceive her.

A very important point is made by Franta during this chilled scene with his mother. That is, Kolja is indeed Russian, but not all Russians are the same. Not all Russians are whatever his mother hates. It is a declaration of innocence on behalf of Kolja that Franta himself has yet to fully recognize and accept.

Franta's relationship of tension with Kolja, both the actual tension between he and Kolja as well as his internal conflicts projected onto Kolja, are best exemplified through metaphors centering on language. Numerous scenes throughout the film use language as their catalyst. It is the instrument through which the tensions and conflicts involving the two are both presented and resolved.

One of the first and most poignant scenes centering on language regards the display of the Soviet and Czech flags in Franta's loft windows. He displays them grudgingly at the insistence of his landlady, who warns about the possible reprisals from the police if he does not comply with the instructions they were all given. When Kolja sees the Soviet flag in the window, he happily declares, "Nas krasny." This is a completely neutral empirical statement meaning, "Ours is red." Franta, however, does not understand it as such. Either he honestly does not know, or simply refuses to acknowledge, that "krasny" in Russian means both red and beautiful. In Czech, it means only beautiful, and so he becomes defensive saying, "What's so

beautiful about it? It's red like underwear. Ours is beautiful." Kolja insists, "Ours is red," to which Franta replies, "You don't understand anything." Kolja's innocence combined with his empirical and neutral statement signifies the opposite. It is Franta who does not understand anything. It is Franta who cannot separate ideology from the member of a nation, who cannot let go of that ideology.

Though this scene displays the cleavage that can be caused, or exercised, by language, other scenes express the unity that should be found in it. In Kolja's first night with Franta, he sits silent and still at the dinner table while Franta tries to get him to eat and drink. As Kolja remains motionless, Franta distractedly lectures him on how he cannot be misunderstanding what is being told to him. He says, "We're both Slavs. You must understand something. We're, Slavs, both of us. I don't understand Russian. You don't understand Czech. But you must understand 'Tea.' 'Tea' is among us (in the Czech language), and among you (in the Russian language) is 'Tea.'" At some point during this exclamation, Kolja has silently drunk all of his tea. The empty cup is seen to be on the opposite side of him from where it originally stood, full. There is an implication that there is some amount of understanding between the two.

This implication of understanding teases again the evening of Franta and his mother's argument about Kolja. While lying in bed together, Kolja and Franta watch the lights from the Russian trucks move across the wall repeatedly. Kolja asks if the lights are "Ours." Franta replies, "They are yours." Back and forth the conversation goes in simple sentences that each understands. More than understanding the words, Kolja demonstrates that he understands his situation. He asks if the Russians live here. Franta replies, "Unfortunately." Kolja concludes the conversation, "Just like me," implying that he is fully aware that it is considered regrettable that he is living among the Czechs, especially Franta.

Two further examples involving metaphors concerning language bring a resolution to the tensions of the relationship in this film. The first comes with Kolja getting accidentally left behind on the metro. The second is a single important statement made by Franta towards the end of the movie.

Franta gets distracted talking with a friend he has not seen in a long time while he and Kolja ride the metro. Kolja likewise gets distracted looking at a dog on the metro car. The two get separated, and Franta gets off the metro without Kolja. Franta realizes this immediately, but too late to catch the closing doors. He goes to the metro control station at that particular stop to announce him missing. After the controller gets done broadcasting the message over the PA, Franta grabs the microphone and speaks, in broken Russian, trying to reach out to Kolja.

The importance of this scene in terms of the relationship is that, regardless of why Franta knows Russian, regardless of how poorly he knows Russian, he does understand and he does know how to communicate with Kolja. The missing factor had been a reason to do so. Franta did not speak in Russian, not because he was unable to do so, as he constantly maintained, but because he vehemently did not wish to do so. It shows the ability to understand and breach cleavages if the will is there to do so.

The final example regarding language is possibly the most important in explaining Czech-Russian relations. In the first half of the movie, Franta tried to file Kolja with social services in order to get him placed in a home or sent to his mother, or in any way taken out of his life. After he and Kolja's warming and pseudo-father-son relationship blooms, however, is when the social worker comes to visit. The social worker is named Miss Zubata. She, in and of herself, is a metaphor for "the system," cold, path dependent, and abiding by the rules regardless of what is best. After she leaves, declaring that Kolja will be taken and handed over to the Soviet authorities, Franta grabs the suitcases. Kolja asks about the suitcases, asking what is going on. Franta replies, "Yes, the suitcases, before Zubata comes for us." The importance of this statement is lost without an understanding of Zubata. Zubata is Czech for the Grim Reaper.

Franta and Kolja are now united, running from the death that is the system which exists in both their societies.

There is one more metaphor of importance that must be noted. This metaphor relates to the Czechs actions towards each other. The metaphor centers on keys.

About half-way through the movie, Franta is requested for questioning by the police about his “wife’s” emigrating to the West. While being led ever further into the depths of the police station, Kolja, who accompanies Franta, notices the large ring of keys that the detective has. Later, during the interrogation, Kolja notices another detective’s large set of keys. At the end of the movie, these two investigators are shown again with their keys, this time using them alongside throngs of protesters simultaneously calling for and celebrating the fall of the communist regime. It is the Velvet Revolution on Vaclavske Namesti, and the investigators’ keys, once used for the purposes of the system, are now being used for the purposes of ending that system.

## 5. INITIAL CONCEPTUAL METAPHORS REVISITED

Having brought out some of the metaphorical expressions from the films above, it is now time to reassess the initial conceptual metaphors outlined previously.

### *Reassessment of Initial Conceptual Metaphors*

#### *RUSSIANS AS INVADERS:*

While there is no question that the metaphor at the end of *Pelišky* portrays the Russians as invaders, this single moment is the only one out of the three films that clearly does so. The Russian presence in *Želary* is many things, which will be discussed in following subsections, but an invasion force is not one of them. While *Kolja* does display the Russian presence in the Czech lands, this presence is hardly portrayed as an invasion force, and its lack of action during the Velvet Revolution makes it appear even weaker as an occupation force. Rather, the Russians are simply present on Czech lands

#### *RUSSIANS AS CHAOS:*

Rather than saying that the Russians themselves are chaos, it is better to state that the Russians are the bringers of chaos. Only through this alteration can such things as the accidental shooting of Jozo be reconciled with the actions of the Russians themselves in *Želary*. Likewise, in *Pelišky*, the chaos extends to a lesser level into the families and personal relationships of the characters, not to mention the failed technological “advancements” that Sebek is so fond of lauding, for example the broken “unbreakable” drinking glass and the melting plastic spoons from neighboring communist states. Again, in *Kolja*, on the level of individual relationships, the sham marriage and personal debts of Franta, not to mention the subsequent falling out with his mother, all have ties back to the Russian influence, but not to Russians themselves. *Kolja* is not causing mischief or chaos, but chaos does seem to exist around him.

#### *RUSSIANS AS OPPRESSORS:*

Similarly to *RUSSIANS AS CHAOS*, it seems to be more correct to say that Russians are the bringers of oppression. There were two groups of Russians in *Želary*, the drunk patrol that terrorized the village and the well-ordered detachment that gave aid to the villagers. Similarly in *Pelišky*, the oppressors in the film (Sasa, Sebek, Kraus) were all Czech, not Russian, and despite the Russian invasion and influence, the state oppressors were Czechoslovak. In *Kolja*, the only actors close to being considered oppressors were all Czechs.

*CZECHS AS INNOCENTS:*

Each of the three films strongly refutes this metaphor. In each film, the Czechs were accomplices, opportunists, manipulators, or outright aggressors. They may have been unduly influenced themselves by Russians in some cases, but in each film there were examples of Czechs as not innocent.

*RUSSIANS AS PRIMARY AUTHORITY:*

Similarly, to *CZECHS AS INNOCENTS*, this metaphor does not hold completely true. In each film, Czechs are shown to be in positions of authority. Though, as in *Pelišky*, Czech authority may be circumvented in certain cases by the Russians, that circumvention is only in special cases. In every day activity, as displayed in the films, Czechs are the authority.

*CZECH-RUSSIAN RELATIONS AS FORMAL RELATIONSHIP:*

With the loss of *RUSSIANS AS OPPRESSORS* and *RUSSIANS AS PRIMARY AUTHORITY*, the concept of a formal relationship is also lost. *Želary* is set in a time before a definable relationship takes place between the two, other than perhaps liberator-liberated. In both *Pelišky* and *Kolja*, the Russians are seen on a level or personal and even intimate relationship, not as rulers.

*LANGUAGE AS CLEAVER:*

This metaphor has mixed representation in the films. In *Želary*, set in a time when there had been little reason to know Russian, language is indeed a cleaver that contributed to the death of the village priest. In the times of the other two films, language was not a cleaver because enough of the Czech population (and the Russian population in *Kolja*) knew both languages well enough to communicate.

*AGE AS INFLUENCER:*

Age does indeed seem to have an impact on the perception of Czech-Russian relations. As with *LANGUAGE AS CLEAVER*, *Želary* is set in time that more or less exempts it from this category. In *Pelišky*, the parents' generation (excluding Kraus as he is presented as being a good bit older than Sebek's generation) seems to accept the way of life they are in, if not the ideology of the system itself. The children seem rebellious and opposed to the current system if only for materialistic reasons at times. In *Kolja*, the different generations again have different outlooks on the Czech-Russian relationship. Franta's student/love interest knows Russian and has no problem embracing *Kolja* in this way. Another one of Franta's love interests who is a bit older than the student is a Russian language teacher, and reads bed-time stories to *Kolja*. Franta's friend and colleague who is again younger than he sets up the sham marriage, seemingly unhindered at helping a Russian. Franta is the one who is personally disgusted when it comes to the Russians, but his attitude is evidently changeable. Franta's mother's attitude is unchangeably anti-Russian.

**Revised Conceptual Metaphors**

In the following revised conceptual metaphors, some metaphors have been added, some have been altered, and some have been eliminated. In general, they are presented in descending order of importance. It should be noted, however, that the list is subjective based on the impression of the three films taken together. The first conceptual metaphor is considered most important because several of the following conceptual metaphors rely upon its primacy.

*SYSTEM AS OPPRESSOR:*

This is quite possibly the most important change from the initial conceptual metaphors. In all three of the films, the separation of people, primarily Russians, from the system that rules over them was made. The very first scene that introduces the Russian soldiers in *Želary* is not of them drunk or celebrating or randomly shooting. It is of them standing over the fresh grave of a fallen comrade. They are calm. They are tired. They are forlorn. They are human, forced into a situation that they did not want to be in by the system that rules over them. *Pelišky* likewise separates the person from the system. The first image in the film is of the personal friendship between Sebek and his Russian counterpart. When the invasion comes at the end of the film, not a single Russian is seen, they are only heard. Only machinery is heard, driven by the system. Sebek does feel totally betrayed, but the betrayal could be just as easily from the system he spent the majority of the movie lauding as the betrayal of his friend. As noted above when discussing *Kolja*, Franta's comment about Zubata, in one sentence, transfers all the negative feelings he has been directing at the Russians onto the system of the Russians.

*RUSSIANS AS BRINGER OF SYSTEM:*

The three films together, if not independently, assign the Russians as the bringers of the oppressive system to the Czech Lands. It is difficult to connect the bringing of a new system to the Czech Lands in *Želary* because of the time it is set in. The Russian lieutenant's comment at the end of the film, however, implies that the system, which drove the Russians to that village, will incorporate the Czech baby at some point as well. *Pelišky* makes reference to the invasion as the rejuvenator of the system when, at the end, adult-Michal's voiceover states, "Some got promoted," while a scene of Sasa being referred to as Comrade Principal plays out. *Kolja*, as discussed in the immediately previous subsection, results in Franta separating Russians as people from the system he had been associating with them.

*RUSSIANS AS BRINGER OF CHAOS:*

Closely related to *RUSSIANS AS BRINGER OF SYSTEM*, is that the Russians brought with them chaos. As argued in the above section *RUSSIANS AS CHAOS*, the Russians themselves were not necessarily chaos, nor were they solely those acting in chaotic manners. The effect they had on the Czechs, in part due to the system they brought with them, led to chaos existing among the Czechs themselves.

*CZECHS AND RUSSIANS AS VICTIMS:*

With the separation of the system of oppression from the Russians themselves, each of the three films shows that both Czechs and Russians are victims, while both Czechs and Russians at different times are perpetrators as well. The introduction of the Russian soldiers discussed above in *Želary* is likewise one of victims. The soldiers have been through terrible experiences, as evidenced by their paranoid firing and battling. The Czechs are likewise obviously victims from both the Russians and their fellow Czech villagers. In *Pelišky*, the only perpetrators, or anyone close to being perpetrators, are Czechs. This extends to the police chief recounting his murder of at least one innocent person due to orders from the system, Sebek's political harassment of his son, and Kraus's tyranny in his first family. In *Kolja*, we learn that Franta's brother emigrated to the West to escape the system enforced by the Czechs, not the Russians. This concept is reinforced by the fact that Franta's sham marriage is actually arranged (without his knowing) so that his Russian "wife" can similarly escape to the West. She is not running from Russians, she is running from the system. Franta and *Kolja* likewise flee from the system, not the people. Each is a victim, but there are also perpetrators, namely the two Czech investigators and Miss Zubata.

### *LANGUAGE AS TOOL:*

As begun above in LANGUAGE AS CLEAVER, language is not always a cleaver. Language is a tool. Franta's speech concerning tea demonstrates that some level of communication is indeed common between the Czechs and Russians. In addition to this, the changing relationship between Franta and Kolja shows that language can be used towards whatever means those who wield it desire. It is a tool. Those who do not wish to be cooperative can feign ignorance like Franta. Those who wish to help can, like the Principal in *Želary*, diffuse a misunderstanding and help. The knowledge of Russian, at least on the Czech part, did exist to some extent from the beginning of the relationship. The knowledge of Czech on the part of some Russians is demonstrated in *Kolja* to exist later on. It means that language and communication were tools, or weapons, to be wielded, not independent forces that each side was impotent in face of. In addition to mere knowledge of each other's languages, the scene involving tea in *Kolja* highlights the commonalities between both languages, both cultures, and both peoples which cannot be disputed.

### *AGE AS INFLUENCER:*

As argued in the previous subsection AGE AS INFLUENCER, the films do indeed indicate that different generations of Czechs view their relationship with the Russians differently. It cannot be accurate to say that the different opinions are strictly generation-dependent or exclusive, such as "The World War II generation loves the Russians, the 1968 Invasion generation hates the Russians, and the Velvet Revolution generation is indifferent to the Russians." The only real example from the films of the World War II generation showing any emotion towards the Russians years afterwards is Franta's mother, who hates all Russians passionately, though the reason for this is never fully explained. What may perhaps be drawn from the films is that the different generations have different degrees to which they regard the Czech-Russian relationship. This would be that, the World War II generation has firm opinions that are not easily altered, if at all; the 1968 Invasion generation has vulnerable and alterable opinions if applied to with enough force; and the Velvet Revolution generation does not have opinions that connect the Czech-Russian relationship with their respective states, but rather make individual personal connections. In effect, this last generation does not view itself in conflict or alliance with Russia, but with the Czech system left by Russia, whereas the previous two generations saw conflict or alliance outside of their borders.

## **6. CONCLUSION**

There is one more conceptual metaphor that seems fitting as a conclusion. As noted in the metaphorical expression sections of the films, several metaphors in each of the three films deal with the Czech relationship with itself, with Czech identity. Taking into account all three films together, there seems to be a conceptual metaphor of CZECH AS SEARCHING FOR IDENTITY. In *Želary*, Jozo, the signature Czech, the representation of all good Czech things, and the representation of the rural tradition, is killed by his fellow villager. This after the entire film observing Hanna's internal conflict being an urban Prager sent out into a rural Czech village. In *Pelišky*, Eva and Peta search for a father (a system), and through that an expression of identity. What they choose is not the system they are related to currently. In addition to this, within Kraus's and Sebek's respective families there is conflict between the generations. There is no peaceful strong identity displayed in the film. When perhaps Kraus's new family would indeed display this, they are removed from the film through emigration after the invasion. The absence of a visible strong identity, therefore, persists. In *Kolja*, Franta spends the film in conflict with his mother, his duties, and himself, trying to determine who he is. The ending

scenes of the film, all after the Velvet Revolution, finally show a resolution to this identity problem. Franta jubilantly returns to his symphony as his most intense love interest looks on happily and obviously pregnant, the implication combined with a previous conversation between the two of them being that Franta is the father. The problem of the loss of identity begun at the end of World War II, and the ensuing search through the decades, is resolved with the end of the Cold War in the Czech Lands.

It is important to recognize this identity conflict on the part of the Czechs. If there is difficulty in identifying one's self, it cannot be easy to identify others. Being involved in a relationship, willfully or not, is therefore greatly complicated by the lack of knowledge regarding the relationship's two component parts. The films adequately portray this difficult, confused, and evolving relationship between the Czechs and the Russians as they do the difficult, confused, and evolving search for Czech identity itself.

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## **FEMINISM AND UNDERSTANDING OF GENDER ROLES IN THE CZECH REPUBLIC**

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### **Abstract:**

*Thirty years after the Velvet Revolution and the extensive alignment of the Czech anti-discrimination norms and policies with the European and international standards, the development of de-facto gender equality in the Czech Republic is still very slow. Based on a historical analysis of the Czech female empowerment, this paper argues that the present perception of the Czech society regarding gender equality is to a great extent influenced by its past, during which it was developed and shaped in the context of having a constant external enemy. The paper also points out that this pattern and the construct of a common enemy is being evoked and used in the latest populist attempts to preserve “traditional Czech values” in opposition to liberal western values. Such strategies prevent further progressive development in the field of gender equality and worsen the Czech Republic’s cooperation with its Western European partners.*

**Keywords:** EU, feminism, gender roles, historical perspective, patriarchal society, socialism

### **1. INTRODUCTION**

Despite the fact that the Czech Republic is the most atheist country in Europe,<sup>1</sup> it is also a very conservative one with a traditional patriarchal perception of gender roles. The situation has been slowly changing after its accession to the European Union (EU) and its adoption of the European and international anti-discrimination and gender acquis. A number of gender progressive norms and policies have been adopted in the country but the overall change of the gender role perception and the actual gender equality process are rather slow. This paper looks at the status and involvement of women in the most crucial periods of Czech history and tries to decode the pattern of its development. It chronologically reviews the periods of the Hussites, the Czech National Revival, the independent Czechoslovak state, the German occupation during World War II, the communist period and, finally, the period of the Czech Republic’s democratisation and accession to the EU and subsequent adoption of new norms and policies. The overall aim of the paper is to decode how the Czech historical development influenced the local feminist movement and the Czech society’s perception of gender roles and equality.

### **2. MILESTONES OF CZECH FEMALE EMPOWERMENT**

The Czech Republic earned its independence and formal formation in 1918 but the Czech history goes back centuries before then. Historians point out that one of the most important periods of the development of the Czech identity and equality took place in 1419–1434, namely in the context of the Hussite movement. This pre-Protestant Christian movement demanded the

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<sup>1</sup> In the Czech Republic, only 16% of the people are religious; 37% are atheists; and the rest are agnostics or people with religious indifference. This is in stark contrast with the remaining Visegrad countries: believers make up 80% of Poles, 63% of Slovaks and 45% of Hungarians. EUROPEAN COMMISSION: Eurobarometer. Special Edition on Biotechnology, 2010, p. 204. Online: [http://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs\\_341\\_en.pdf](http://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs_341_en.pdf)

public accessibility of the Bible in local languages and also greater availability of basic education, which would enable more people to comprehend it.<sup>2</sup> Especially in the early stage of this movement, women enjoyed a rather good social status, they fought alongside men, and the movement's radical faction (the Taborites) even allowed women to become preachers.<sup>3</sup> In today's Hussite Church female preachers still constitute about half of all active priests.<sup>4</sup> Overall, Hussite women enjoyed a relatively equal position to that of men without major discrimination but also without any radical separation of the two sexes,<sup>5</sup> which was a pattern that remained symptomatic of all further development of Czech female empowerment.

Moving on in history, another important milestone was the Czech National Revival process in 1775–1848. It is important to mention that at that time, the Czech lands had been part of the Austrian monarchy for almost three hundred years and their national identity was gradually decreasing under the overwhelming influence of Austrians and Germans. The main purpose of the movement was to revive the Czech language, culture and overall patriotism, and the Czech society as a whole was active in this movement, including Czech women.<sup>6</sup> It is also important to mention that the absence of the Czech aristocracy in the monarchy<sup>7</sup> and the domination of non-Czech nobles helped to create, as a side effect, a certain egalitarian tradition among the ethnically Czech population that was reinforced during socialism and has persisted until today.<sup>8</sup>

A truly revolutionary period for the rights of women began with the formation of Czechoslovakia in 1918. Tomáš Garrigue Masaryk, a Professor of Philosophy and the first Czechoslovak president, largely supported the equal rights of women to education and voting as well as their equal participation in decision-making in society<sup>9</sup> and he is rightfully considered to be the most influential Czech male feminist politician.<sup>10</sup> However, one could speculate that his major support could have been paradoxically counterproductive to the development of a genuine local feminist movement since through his policies, Czech women acquired political

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<sup>2</sup> The movement gradually grew into the conflict between the Hussites and the combined forces of the Holy Roman Emperor, the Papacy and several European monarchs loyal to the Catholic Church.

<sup>3</sup> More information about this can be found in: CÍSAŘOVÁ-KOLÁŘOVÁ, A. (1915). *Ženy v hnutí husitském (Women in the Hussite Movement)*, 1915, Prague: Knihy Sokolice.

<sup>4</sup> The membership of the Czechoslovak Hussite Church is estimated to be between 100,000 and 180,000 adherents, and about half of its 266 active priests are women. Online: <https://www.csh.cz/view.php?id=336>

<sup>5</sup> HANAKOVÁ, P.: The Viscitudes of Czech Feminism, *Feminism in Czech Republic*, 1998, <https://www.ccdc.vt.edu/feminism/cz.html>

<sup>6</sup> Two notable examples of women active in the movement are the female writers Božena Němcová and Magdaléna Dobromila Rettigová.

<sup>7</sup> Most of the Czech Protestant nobles were forced into exile or executed and their property was transferred to the Catholic Germans during the Thirty Years' War (1618–1648) – a war between Protestants and Catholics that was fought primarily in Central Europe. In the long historical perspective the most devastating effect of this period is that it deprived the predominantly Protestant country of its elites.

<sup>8</sup> This fact was evidenced also by the land reform carried out by the New Republic after World War I, in which the majority of expropriated aristocrats were Austrians and Hungarians. FEBER, M.A., RAABE, P.H.: Women in the Czech Republic: Feminism, Czech Style, *International Journal of Politics, Culture and Society*, Vol. 16, No. 3, Spring 2003, p. 410.

<sup>9</sup> FEINBERG, M. (2006). Masaryk, Feminism, and Democracy in the Czech Lands, in *Elusive Equality: Gender, Citizenship, and the Limits of Democracy in Czechoslovakia, 1918–1950*, Pittsburgh: University of Pittsburgh Press, 2006, p. 11–40.

More from the original writings of President Masaryk on this topic can be found in MASARYK, T.G.: *Postavení ženy v rodině a veřejném životě (The Position of the Woman in the Family and in Public Life)*, and *Moderní názor na ženu (A Modern View on a Woman)*, in MASARYK, T.G., FRANTA, Z. *Mravní názory*. 2nd ed., 1925, Prague: Státní nakladatelství.

<sup>10</sup> It needs to be noted that Masaryk's attitude was greatly influenced by his wife, the American feminist Charlotte Garrigue. Masaryk even adopted her name as his middle name in a very progressive move at a time when women were only starting their emancipation.

rights without a need to revolt and form a suffragette movement from the bottom up.<sup>11</sup> Czech women thus acquired their first formal rights in cooperation with men, and this cooperation continued during the subsequent fight against the Nazi occupation, when Czechs, once again, had to unify against a common enemy and naturally focused on the fight for independence and general human rights rather than the rights of women.<sup>12</sup>

The socialist period of 1948–89 brought about a range of new enemies, including Western, imperialist nations (as dictated by the communist propaganda) and the Soviet Union (as the self-imposed defender of the communist regimes), as well as the local Czech communist government and party leaders. The existence of common enemies, the egalitarian character of the Czech society, and the mandatory equalization and political oppression during the socialist era led to a natural alliance and solidarity between Czech men and women.<sup>13</sup> As Šiklová points out, most of the “*men were not self-confident bosses but people similarly ‘downtrodden’ by the overprotective party and government...and thus they were not rivals but humble partners of women.*”<sup>14</sup> Unfortunately this humble partnership was not reflected in the division of labor – neither in the public nor in the private sphere. Most leading public positions were held by men and they were not expected to do their portion of the housework, as this task was almost entirely left to the women. According to Goven, the traditional arrangement of gender roles in families was never abandoned, not even during the Stalinist times, and the only thing that was “revolutionary” was the political rhetoric.<sup>15</sup> In this regard, the official socialist ideology of full-paid and growing employment of women was not accompanied by corresponding changes in the gendered division of labor in terms of redistribution of the responsibility for care and housework between men and women on the one hand, and between the private and public spheres on the other.<sup>16</sup> This state policy resulted in a dual role and a double shift burden for Czech women, who were expected to take full care of their families and to work and contribute to the family budget at the same time.<sup>17</sup> Czech women as well as other women in the socialist bloc accepted these multiple roles with resignation and sustained the burden of being overworked with a peculiar sense of self-efficiency and self-esteem. It is important to note that full-time employment for women was represented as an integral part of the female emancipation program supported by the government, and as such it was not initiated and fought for by the citizenry as in Western states.<sup>18</sup> In order to enable female employment, the state introduced and maintained a free system of nurseries and kindergartens and significant social benefits, many of which are still available today.<sup>19</sup> The state also took care of the female political representation

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<sup>11</sup> FEBER, M.A., RAABE, P.H.: Women in the Czech Republic: Feminism, Czech Style, *International Journal of Politics, Culture and Society*, Vol. 16, No.3, Spring 2003, p. 411.

<sup>12</sup> HAVELKOVÁ, H.: A Few Prefeminist Thoughts, in FUNK, N., MUELLER, M. (eds.), *Gender Politics and Post-Communism*, New York and London: Routledge, 1993, p. 62–73.

<sup>13</sup> ŠIKLOVÁ, J.: Feminism and the Roots of Apathy in the Czech Republic. *Social Research* 64 (2), 1997, p. 258–80.

<sup>14</sup> ŠIKLOVÁ, J.: McDonald's, Terminators, Coca Cola Ads and Feminism? In RENNE, T. (eds.), *Ana's Land. Sisterhood in Eastern Europe*, Boulder, CO: Westview Press, 1997, p. 76–7.

<sup>15</sup> GOVEN, J.: Gender and Modernism in a Stalinist State, In *Social Politics: International Studies in Gender, State & Society*, Volume 9, Issue 1, March 2002, p. 3–28.

<sup>16</sup> UHDE, Z.: From Women's Struggles to Distorted Emancipation. The Interplay of Care Practices and Global Capitalism, *International Feminist Journal of Politics*, Volume 18, Issue 3, first online: <https://www.tandfonline.com/doi/full/10.1080/14616742.2015.1121603>, 2016, p. 5.

<sup>17</sup> A woman's typical working day during the socialist period and still today usually amounts to two shifts – one at work and a second unpaid shift at home after work. Women from the countryside work even three shifts, including gardening and farm work as well.

<sup>18</sup> UHDE, Z.: p. 6.

<sup>19</sup> Despite all these measures, Czech women have never reached full employment, and this was never even a true ultimate goal of the regime considering circumstances such as the birth-rate drop in the 50s. The female employment policies were gradually counterbalanced by pro-motherhood and pro-family oriented policies; and the Czech maternity leave has been continuously extended since the 60s to become one of the longest in the world.

by introducing quotas for women in the Parliament,<sup>20</sup> which, nonetheless, had no real influence. The government also supported female “activism” through the association the League of Women, which, however, was, in reality, functioning as a division of the Communist Party. As far as the right to abortion is concerned, it has never been seriously challenged in Czechia, whereas abortion discourse served as a strong platform for the unification of women’s movements in other countries where it was not available. Overall, the previous historical pattern repeated itself during the time of socialism. The Czech women were united with the men in the resistance against the main common enemy, namely the Soviet Union and an imposed communist regime. Similarly, as during the time of the First Republic, women did not necessarily have to fight for their political and working rights, as those were provided and enacted by the government. At the same time numerous social benefits were introduced, which helped to prevent the possible formation of a mass grass-root women’s movement, and women’s activism was “secured” by the state controlled socialist associations.

Nevertheless, despite the centralized state nature of the emancipation, communist regimes did not merely exploit women, and many authors point out that the position of women in the socialist bloc was actually stronger than that of women in the West.<sup>21</sup> Based on interviews with women conducted at the beginning of the 90s, Zabrodská shows that most women were indeed far more troubled by the fact that the emancipation was not properly concluded than by the fact that it was imposed.<sup>22</sup> Havelková and Oates-Indruchová further problematize this period and warn against the prevailing binary reduction of the actors to the regime as the actant, and the people as the object being acted on, while maintaining that the all-embracing framework of communist power and ideology should be neither trivialized nor denied. Through their collection of studies analyzing different aspects and sectors of life during socialism, they prove that many different actors were involved in the creation and modification of a gender culture during this period. They also stress that despite the wide-spread myths, there was a fair portion of gender-relevant home-grown work in this period, and the communist gender policy arose not only from Marxism but also from the liberal first-wave feminism, and in the time of its application it even matched the demands of second-wave feminism.<sup>23</sup>

The following period of transition from 1989 was marked by the hectic liberation from old enemies and the creation of a new democratic and capitalist identity. The Czech Republic began the privatization of its state economy and vast legal and policy reforms in order to access NATO and the EU, which it joined in 1999 and 2004 respectively. Many expected that the end of the official full employment state policy would result in a major decrease of the number of working women but this has not taken place. Despite the fact that the number of available nurseries and kindergartens drastically diminished, most women still continued to work in order to improve their household economic situations. This period was also marked by the growth of a local feminist movement which, however, held often quite different opinions and ambitions

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<sup>20</sup> During the socialist period, the representation of women in Eastern European parliaments reached, on average, 20–25% and it was one of the highest worldwide. This number largely decreased after the first free elections in 1989 but it has been gradually increasing back to approximately 20–25%. KUNOVICH, S.: The Representation of Polish and Czech Women in National Politics: Predicting Electoral List Position, *Comparative Politics*, Vol. 35, No. 3, 2003, p. 273.

<sup>21</sup> These authors include Chris Corrin, Bob Deacon, Barbara Einhorn, Nanette Funk, Magda Muller, Hilda Scott, and Alena Köhler-Wagnerová.

<sup>22</sup> ZÁBRODSKÁ, K.: Between Femininity and Feminism: Negotiating the Identity of a ‘Czech Socialist Woman’ in Women’s Accounts of State Socialism. In H. Havelková, & L. Oates-Indruchová (Eds.), *The Politics of Gender Culture under State Socialism: An Expropriated Voice*, London: Routledge, 2014, p. 109–133.

<sup>23</sup> HAVELKOVÁ, H., OATES-INDRUCHOVÁ, L.: Expropriated Voice: Transformations of Gender Culture under State Socialism; Czech Society, 1948–1989, in *The Politics of Gender Culture under State Socialism: An Expropriated Voice*, London: Routledge, 2014, p. 3–29.

than the Western feminists (causing much of their frustration)<sup>24</sup> – as expressed by Laura Busheikin, “*the iron curtain was replaced by the blinds*”.<sup>25</sup> These differences might be generally ascribed to what was considered compulsory equalization and involvement in the public sector during the Soviet era, and to the rejection of feminism as just another “ism,” another ideology imposed from without, and one with leftist leanings.<sup>26</sup> Šiklová provides a quite expressive example of this East-West feminist relation in her reflection from 1998: “*Their criticism of Western democracy makes us uneasy because that is precisely the kind of system we would like to have in our own country... They criticize us for not fighting for the ‘gains’ of socialism which the former regime bestowed on us. They argue that socialism enabled women to obtain the same level of education and employment as men, thereby proving that women are just as capable as men. They don’t understand that in our country, both men and women value the freedom of expression and the free market they have today more than they valued the ‘security’ that the socialist regime offered them.*”<sup>27</sup> Another interesting fact was brought by survey findings from the 90s disclosing that the Czech women tend to be righter wing oriented than their male compatriots.<sup>28</sup> Western scholars on their part note other interesting local phenomena such as a strong tradition of non-violence and a striking absence of militarism,<sup>29</sup> which may have contributed to the lower level of activism and radicalism of the Czech women. Another interesting claim is that Czech women activists tend to take a far more essentialist approach to gender than most Western feminists do, and correspondingly emphasize differences between men and women.<sup>30</sup> Even though these are accounts from the end of the nineties and the early 2000s, much of this reasoning seems to still be valid today. In general, it is surely safe to conclude this part with some words from Havelková and Oates-Indruchová which well characterize the current state of affairs and the legacy of the past: “*there is something like a local cultural legacy, whether seen as [a] direct consequence of the politics of the communist government, or as the resumption of an intermediate cultural tradition with roots in the remoter past.*”<sup>31</sup>

### 3. PRESENT ATTITUDES

Since its accession to the EU, the Czech Republic has adopted a vast amount of anti-discrimination and gender equality laws and policies but unfortunately the substantive equality process has been very slow. The World Economic Forum’s Gender Gap Equality report placed Czechia in the 88<sup>th</sup> place on a ranked list of 144 countries<sup>32</sup> and the Gender Equality Index,

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<sup>24</sup> The whole debate developed between Western and Eastern European feminists with the most notable example of an exchange of arguments between Slavenka Draculic and American feminists.

<sup>25</sup> BUSHEIKIN, L.: Is Sisterhood Really Global? Western Feminism in Eastern Europe, in RENNE, T. (ed.), *Ana’s Land. Sisterhood in Eastern Europe*, Boulder, CO: Westview Press, 1997, p. 12–21.

<sup>26</sup> ŠIKLOVÁ, J: McDonald’s, Terminators, Coca Cola Ads and Feminism?, p. 76–77.

<sup>27</sup> ŠIKLOVÁ, J: Why Western Feminism Isn’t Working in the Czech Republic. *The New Presence: The Prague Journal of Central European Affairs*, 1998, p. 4.

<sup>28</sup> ČERMÁKOVÁ, M., HAŠKOVÁ, H., KRÍŽKOVÁ, A., LINKOVÁ, M., MAŘÍKOVÁ H., AND MUSILOVÁ, M.: *Relations and Changes of Gender Differences in the Czech Society in the 90s*. Prague: Institute of Sociology of the Academy of Sciences of the Czech Republic, 2000.

<sup>29</sup> BRYANT, C.G.A, MOKRZYCKI, E.: Introduction: Theorizing the Changes in East-Central Europe, in Bryant, C.G.A, Mokrzycki, E. (eds.) *The New Great Transformation? Change and Continuity in East-Central Europe*, London and New York: Routledge, 1994, p. 1–13.

<sup>30</sup> FEBER, M.A., RAABE, P.H.: p. 408.

<sup>31</sup> HAVELKOVÁ, H., OATES-INDRUCHOVÁ, L.: p. 3.

<sup>32</sup> Czechia was placed below the Kyrgyz Republic, Surinam and Cameroon in the latest report. WORLD ECONOMIC FORUM: *Global Gender Gap Index 2017*. Online: [http://www3.weforum.org/docs/WEF\\_GGGR\\_2017.pdf](http://www3.weforum.org/docs/WEF_GGGR_2017.pdf)

which measures gender equality in the EU member states, also places Czechia well below the EU average in most of the surveyed categories.<sup>33</sup> Although Czech women account for more than 60% of all university graduates, they only make up 16% of the representatives on the boards of major listed companies<sup>34</sup> and less than 25% of the representatives in state organs.<sup>35</sup> At the same time Czechs have one of the biggest European pay gaps, reaching 22%.<sup>36</sup> The main question here is why, in this period when women form the majority of university graduates and most of the laws enable full female participation in society, women still underperform in the public sphere and are not represented in leading political and economic positions. The answers are very likely to be tied to the previously analyzed Czech historical development, which still influences and constructs the gender perception of political and business leaders as well as the ordinary population.

The most common Czech understanding of the roles of men and women remains very essentialist. The differences between men and women are regarded as natural and biologically determined and most of the population does not seem to realize that they could or should be altered.<sup>37</sup> As in the past men are regarded as breadwinners and women are perceived primarily as mothers and caretakers.<sup>38</sup> Nevertheless, the regional post-socialist specificity remains present – women are expected to work in addition to their caring duties and they continue to have the same dual burden as during the socialist period.<sup>39</sup> This traditional perception of roles was also tracked in the nineties, when the Czech Republic was found to be one of the most conservative European countries with a majority of 53% believing that the men should earn the money while women should take care of the family.<sup>40</sup> Interestingly, in a larger national survey conducted in 2001, still a whole 72% of the interviewed men and women believed that women are responsible for the cooking in a family household, and a majority of 54% maintained that they are also responsible for the cleaning.<sup>41</sup> Nevertheless, the results of the surveys have been gradually improving in favor of women over the last twenty years, as increasingly more respondents maintain that the childcare and household-care should be shared by both partners. At the same time, all the polls and research studies prove that Czech women generally want to keep their jobs and remain economically independent, but they also have a firm attachment to family

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<sup>33</sup> EUROPEAN INSTITUTE FOR GENDER EQUALITY: *Index Score 2015. Czech Republic*. Online: <http://eige.europa.eu/gender-equality-index/2015/CZ>

<sup>34</sup> EUROPEAN INSTITUTE FOR GENDER EQUALITY: *Largest Listed Companies: Presidents, Board Members and Employee Representatives*. Online: [http://eige.europa.eu/gender-statistics/dgs/indicator/wmidm\\_bus\\_bus\\_wmid\\_comp\\_compbn](http://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_bus_bus_wmid_comp_compbn)

<sup>35</sup> In spring 2018, women accounted for 28% of the Czech Government (out of 14 ministers, 4 were women) and 22% of the Parliament; they are, however, not represented sufficiently in individual organs of the Parliament.

<sup>36</sup> The only EU country with a higher pay gap is Estonia with its pay gap of 25% whereas the best performers in this respect stand at a 5% gap. EUROSTAT: *The Gender Pay Gap Statistics*. Online: [http://ec.europa.eu/eurostat/statistics-explained/index.php/Gender\\_pay\\_gap\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Gender_pay_gap_statistics)

<sup>37</sup> HAVELKOVÁ, B.: *Gender Equality in Law: Uncovering the Legacies of Czech State Socialism*. Hart Publishing. 2017, p. 1–24.

<sup>38</sup> More information on the specific Czech institutional setting and the cultural norms related to motherhood and their influence on employment can be found in: FORMÁNKOVÁ, L., PLASOVÁ, B., VYHLÍDAL, J.: Parental Employment Patterns in the Czech Republic: Economic Rationality or Cultural Norm? In Roosalu, T., Hofäcker, D. (eds) *Rethinking Gender, Work and Care in a New Europe*, Palgrave Macmillan, London, 2016, p. 141–169.

<sup>39</sup> Overall, the employment rate in the CR is relatively high for both men (80.2%) and women (66.2%). CZECH STATISTICAL OFFICE: Rates of Employment, Unemployment and Economic Activity – January 2017. Online: <https://www.czso.cz/csu/czso/ari/rates-of-employment-unemployment-and-economic-activity-january-2017>

<sup>40</sup> INTERNATIONAL SOCIAL SCIENCE SURVEY PROGRAM (ISSSP): *Survey of Men and Women*, 1994, Online: <https://dbk.gesis.org/dbksearch/sdesc2.asp?no=2620&search=issp%201994&search2=&field=all&field2=&DB=e&tab=0&notabs=&nf=1&af=&ll=10>

<sup>41</sup> More information can be found in the research press releases on relations and attitudes conducted by THE PUBLIC OPINION RESEARCH CENTRE (Centrum pro výzkum veřejného mínění): *Press Releases on Relations and Attitudes*, 2003–present. Online: <https://cvvm.soc.cas.cz/en/press-releases/other/relations-attitudes>

values and believe that it is predominantly their duty to take care of the household and children. Those findings were also confirmed throughout the country's history. Czech women resisted an attempt to reduce their presence on the labor market during the economic reforms in the sixties and despite general expectations they did not leave the market in the nineties once the socialist full employment policy ceased to exist. As the American feminist economist Ferber points out, Czech women are fully aware that labor force participation enhances their economic status as well as their status in the family and apparently they are determined to keep both.<sup>42</sup> They accept this dual role either because they see it as natural and as something that “they have over what men have” or because they are not willing to struggle for a change even if they hold a different opinion. This striking mixture of strong family values with a firm attachment to the labor market, a sense of personal efficacy and independence, forms according to Feber a “feminism Czech style”. However, the dual burden gives Czech women hardly any time and energy to concentrate on their careers and political life. As a result, most women do not aspire to pursue an active career path and political engagement and leave this space for men.<sup>43</sup> Even though the general perception is still very conservative, it has been increasingly changing over the last thirty years. For example, the latest qualitative and quantitative research shows that fathers of young children still predominantly assume the breadwinner role, leaving most of the childcare to the mothers; however, a growing number of parents express a preference for a more equal sharing of the responsibilities of childcare, which indicates a shift in the perception of fatherhood.<sup>44</sup> At the same time, according to the Eurobarometer survey of 2017, almost 70% of Czechs support legislative measures that would balance female participation in politics, and only 16% are expressly against them.<sup>45</sup>

Despite the changing general attitude, there is still a strong conservative resistance in the country coming mainly from right wing populist and conservative parties. Already in 1997, J.C. Goldfarb cautioned that women in a post-socialist society will have to face new waves and forms of nationalism, traditionalism and religious revival which may threaten any position that they previously acquired.<sup>46</sup> And indeed these trends were proved to exist. During the nineties and the first decade of this century feminists were objects of increased criticism as alleged importers of foreign values. This criticism eventually culminated in a point at which the word feminist became almost a swear-word in the Czech context. A great opposition against women's issues and the anti-discrimination agenda is also visible among legislators during the process of implementing the EU acquis. The Czech Republic has, for example, adopted its Anti-Discrimination Act as the last country in the Union to do so after years of negotiation. This prolonging of the process was due to the strong opposition to the Act coming from the Senate and the president.<sup>47</sup> In the Czech context, women active in NGOs and experts defending gender

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<sup>42</sup> Feber bases her claim on numerous studies confirming this correlation done by Blumberg, Haddad, Hersch and Stratton, and Kranichfeld.

<sup>43</sup> FEBER, M.A., RAABE, P.H.: p. 409–422.

<sup>44</sup> NESPOROVÁ, O., JANUROVÁ, K.: Working Fathers and Childcare in the Czech Republic, in Santero, A., Musumeci, R. (eds.) *Fathers, Childcare and Work: Contemporary Perspectives in Family Research*, Volume 12, Emerald Publishing Limited, 2018, p. 103–128.

<sup>45</sup> Even though there are major gender differences among the respondents, as almost 60% of women but only 31% of men think that there should be more women in politics. EUROPEAN COMMISSION: *Special Eurobarometer 465: Gender Equality 2017*. Online: [http://data.europa.eu/euodp/en/data/dataset/S2154\\_87\\_4\\_465\\_ENG](http://data.europa.eu/euodp/en/data/dataset/S2154_87_4_465_ENG)

<sup>46</sup> GOLDFARB, J. C.: Why There Is No Feminism after Communism. *Social Research*, Vol. 64, No. 2, 1997, p. 234.

<sup>47</sup> The negative position of the Senate is well documented in its declaration stating that it “considers the Anti-Discrimination Act to be an instrument implementing the requirements of European law ... but does not, however, agree with the character of this norm that artificially interferes with the natural development of society and does not respect cultural differences of the EU Member States; and places the requirement of substantial equality above the principle of freedom of choice.” CZECH SENATE: *Report of the 13<sup>th</sup> Meeting of the Senate of the Parliament of the Czech Republic*, Senate Press No. 225, p. 67. Online: [http://www.senat.cz/dokumenty/stenozaznamy/brozury/6\\_funkcni\\_obdobi/brozura\\_13\\_schuze.pdf](http://www.senat.cz/dokumenty/stenozaznamy/brozury/6_funkcni_obdobi/brozura_13_schuze.pdf)

equality are often referred to as neo-Marxists; and the EU and the Norwegian funds supporting them are often labeled as humiliating and/or as interfering with Czech interests.<sup>48</sup> Under such circumstances, many women who have long been fighting for gender equality do not identify themselves as feminists and are reluctant to engage in political life, and their decision might be intentional or subconscious. Since the end of the 2000s the Czech anti-feminist discourse gradually grew into a whole anti-gender discourse, and the term “gender ideology” has started to be used to label foreign liberal values that were “imported and imposed” on “the traditional Czech family” and the “existing social order.” The criticism of “gender ideology” has eventually developed into a whole new discourse strategy of many conservative political representatives, and it is rather successfully used in the media to detour popular support from new progressive gender laws and policies such as the Istanbul Treaty. Moreover, the criticism and hate speech directed towards feminists and “genderists” largely also target the EU and other international organizations which promote such liberal values. These “new enemies” enable a “re-unification” of the Czech nation in its original traditional existentialist approach, which should not be altered through support of liberal Western ideas. The effect of such a discourse has already been proved as the Czechs currently belong among the major Eurosceptics in the Union<sup>49</sup> and the ultra-right wing spectrum has been on the rise in the Czech society.<sup>50</sup>

#### 4. CONCLUSION

Based on the analysis of the main historical events, it is possible to conclude that Czech female empowerment and feminism have been, to a great extent, shaped during the ongoing fight against various national external enemies, where women acted alongside men, as could be witnessed in the events of the Hussite movement, the Czech National Revival Movement, the fight against Nazism as well as the resistance against the communist regime. Unlike in other western countries, where the national independence was already mostly secured and women could thus concentrate on their specific rights, Czech women had to unite with and fight for their independence alongside men throughout most of their history, and focus primarily on national and basic human rights at the expense of their own rights. Since Czech women obtained their first legal political rights with the support of men, notably president Masaryk, they were not forced to unite from the bottom up and form suffragette or other types of organized movements. The socialist state promoted the full employment of women, and secured a network of available nurseries and kindergartens and sufficient social allowances and services, including an available abortion service, and thus to a great extent diminished the reasons for women to unite and forward their rights. These policies were implemented, though, on the basis of a traditional patriarchal role perception where women remained caretakers, which resulted in the creation of a double burden for women, who ended up being the caretakers and co-breadwinners at the same time during the period of socialism. This is the price that Czech

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<sup>48</sup> Such attitudes are traceable, for example, in: <https://finmag.penize.cz/kaleidoskop/311345-norske-fondy-jsou-potupne-ceske-fondy-absurdni>; <https://www.parlamentnilisty.cz/profilu/Radek-Rozvoral-22025/clanek/Novolevicove-a-neomarxisticke-myslenky-nici-svobodu-a-tradice-86173>

<sup>49</sup> The 2019 Eurobarometer survey found that only 47% of Czechs would vote to remain in the EU if a referendum on this was held, which is the second-lowest number for this figure and just behind the U.K.'s 45%. Online: <https://www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2018/parlemeter-2018/report/en-parlemeter-2018.pdf>

<sup>50</sup> Populist politicians from five countries, led by France's Marine Le Pen and Geert Wilders of the Netherlands, gathered in Prague in April 2019 for a European election rally in support of their Czech political ally Tomio Okamura and his far-right party Freedom and Direct Democracy (SPD). Online: <https://www.politico.eu/article/tomio-okamura-czechs-host-a-skirmish-in-the-battle-for-europe/>

women have paid until now and they carry out the double burden which leaves them very little time and energy to concentrate on their own careers and public life. This seems to be one of the reasons for the relative lack of career and political aspirations of Czech women and the fact that 85–95% of the main political and economic decision-making positions are occupied by men despite the fact that the majority of university graduates in the CR are women. In order to allow women to be more active in public life, they need to get an increased support on the care-taking side from both their partners and the state. National polls conducted over the last 30 years confirm the changing nature of the general opinion, which has constantly and gradually shifted towards a fairer caretaking burden division. The younger generation of fathers wants to take an increasingly active role in child and household caring activities and they are also more supportive of female participation in public life and work.

Based on this trend of changing norms and attitudes, one would expect a steady progressive development in the future. Nevertheless, in the attempt to preserve the existing gender role status quo, a brand “new enemy” has been constructed by populist and conservative politicians – namely feminism, which organically grew into the whole “gender ideology” marketed as a “foreign import imposed” on Czech society rather than as a legitimate demand of women. The EU and other international organizations, which the Czechs were so eager to join in the nineties, have also become an object of criticism as promoters of foreign liberal values, and rather than as our partners they are increasingly being depicted as a new threat to us from the west. At the same time the Czech populist and conservative representatives use migrants, especially those from Muslim countries, as an alleged threat which endangers our society from the east and south. Within a relatively short amount of time, only thirty years after the Velvet Revolution, many Czechs have found brand “new enemies” against which they claim the need to unify and preserve their “traditional culture and social norms”. The question remains whether the present enemies are real or constructed and to what extent they realistically endanger the Czech values. As it seems so far, the only real danger of such a strategy is that it causes a further retreat of the Czech society from the rest of Western Europe towards a new isolationism shared by other Central European countries.

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## FROM MOBILIZATION TO NORMALIZATION OF THE RADICAL RIGHT: THE CASE STUDY OF SLOVAKIA

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### Abstract:

*The fall of communism in 1989 introduced far-reaching changes in the development of Slovakia. Not only was the society set on the path to the liberalism, democracy and Europeanization but it also witnessed the upsurge of the ethnic nationalism as a result of the nostalgia linked to the wartime Slovak state. The 1990s spread of the wartime Slovak state nostalgia encouraged the young generation of mostly disillusioned young to uphold the far right worldview and condone human rights abuses in post-communist Slovakia. Initially, on the margins of the society, the far right in Slovakia has implemented a variety of efficient means to reach out to the public to persevere and mobilize its supporters while appealing to Slovak national pride and consciousness. The effort of this paper is to understand the process of the diffusion of the extreme right in Slovakia and focus on the extremists' effort to normalize far-right ideology as a pretext of a broader mobilization.*

**Keywords:** radical right, Kotleba, *Ludová strana Naše Slovensko*, normalization

### 1. INTRODUCTION

The societies around the globe have been witnessing the emergence of the radical right or the process of *verrechtsing* (turn to the right) which is often seen as the result of neoliberal globalization.<sup>1</sup> In European Union (EU), we are witnessing major shifts in the discourse about the sameness and the otherness, the convergence of left and right ideologies and the emergence of hybrid forms of authoritarianism and democracy. The illiberal democracy emerging in Central Europe attacks the values of liberal democracy in a way that Grzebalska and Peto (2017, p. 4) compared to the existence of a polypore –“a parasitic fungus that feeds on a rotten tree [democracy – NP] while contributing to its decay, and produces a fully dependent organism in return.”<sup>2</sup> The rise of the radical right and its mobilization across EU member states is reflective of these processes: the radical right is empowered as liberal democracies face growing disillusion over the complex societal issues.

Concerns about the normalization of the radical right worldview are widespread. The image of radical right followers as “half-literate skinheads” was replaced by the fascists with “clean-cut savvy face”<sup>3</sup> who like to portray themselves as “rebellious outsiders.”<sup>4</sup> In Great Britain, we have seen ‘rebranding’ of the identitarians, the followers of *Generation Identity*

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<sup>1</sup> Mudde, C., 2013. Three Decades of populist radical right parties in Western Europe. So what? The 2012 Stein Rokkan Annual Lecture. *European Journal of Political Research* 52(1), 1–19; Hayduk, R. (2009) ‘Radical responses to neoliberalism: immigrant rights in the global era,’ *Dialectical Anthropology*, 33(2), 157.

<sup>2</sup> Grzebalska, W., Peto, A. 2017. The gendered modus operandi of the illiberal transformation in Hungary and Poland. *Women's Studies International Forum*. Available at: <https://doi.org/10.1016/j.wsif.2017.12.001>

<sup>3</sup> Meet Europe's New Fascists. 2012. Available at:

<https://www.tabletmag.com/jewish-news-and-politics/96716/meet-europes-new-fascists>

<sup>4</sup> Baier, W., 2016. Europe on the Precipice: The Crisis of the Neoliberal Order and the Ascent of Right-Wing Populism. *New Labor Forum*, 25(3), 51. Doi:10.1177/1095796016661155

movement in several European countries,<sup>5</sup> “with skinny jeans, trainers and honeyed words.”<sup>6</sup> The identitarians in Great Britain were even described as “hipster fascists”<sup>7</sup> which indicates the attempts to trivialize the radical right philosophy as it approximates and confuses the radical right supporters with the urban youth alternative subculture.<sup>8</sup> The “identitarians’ ideological portfolio is clearly outlined as they call for “peaceful ethnic cleansing” via “remigration” or “repatriation” in order to achieve “ethno-pluralism.”<sup>9</sup> However, these terms are problematic as they signify the ethnic supremacy of one group to the detriment of the other, the ethnic violence and the breach of human rights.

Europe has also witnessed the establishment of the *Alliance of Peace and Freedom* (APF) that is uniting the radical right groups all around Europe. Similarly to the terminology utilized by the identitarians, APF places emphasis on peace and freedom – the terms that acquire very different meanings in the context of security discourse promoted by APF. The effort to attach different signifieds to signifiers of peace and freedom is reflective of an effort of radical right supporters to sooth general anxiety over its violent ideology rooted in racism and xenophobia. In general, the radical right refuses to be associated with Nazism or fascism, and they appeal to all good citizens: for example, in Germany radical right *Alternative Für Deutschland* (AfD), (Alternative for Germany), and *Patriotische Europäer Gegen die Islamisierung des Abendlandes*, (PEGIDA), (Patriotic Europeans Against the Islamization of the West) insist on representing the interests of “normal citizens,”<sup>10</sup> and in Slovakia the radical right *Ludová strana Naše Slovensko* (LSNS), (People’s Party Our Slovakia) defends the interests of “decent people.”<sup>11</sup>

Enyedi argues that the normalization of the radical right in Eastern Europe has been implemented by producing two distinct versions of the extreme ideology, i.e. “one presented for the masses and one provided for insiders.”<sup>12</sup> In Hungary, for example, *Jobbik* (The Movement for a Better Hungary) operates on two ideological levels: one level is “law and order populist” directed for the public whereas the second level openly discussed only by the *Jobbik*’s insiders is ultra-nationalist and racist.<sup>13</sup> However, the degree of the extremity of the views cannot be easily located along the clear cut boundaries between the public and intra-party realm. Within the targeted context of this study – the radical right in Slovakia – the extreme ideology freely fluctuates across public and intra-party boundaries – the process that facilitates more effective mobilization of the radical right supporters.

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<sup>5</sup> Generation Identity movement originally emerged in France in 2012 and have rapidly spread to many European countries, including Germany, Italy or Austria.

<sup>6</sup> Gilligan, A., 2018. The ‘hipster fascist’ who anti-racism campaigners say are breathing new life into the far right. *The Sunday Times*. Available at: <https://www.thetimes.co.uk/article/the-hipster-fascists-breathing-new-life-into-the-british-far-right-6hvtmq63k>

<sup>7</sup> “Hipster Fascists”: The Normalization of the Radical Right isn’t just Happening in America. 2018. CARR Centre for Analysis of the Radical Right. Available at: <https://www.radicalrightanalysis.com/2018/08/01/hipster-fascists-the-normalization-of-the-radical-right-isnt-just-happening-in-america/>

<sup>8</sup> Today’s Revolutionary. Available at:

<http://savings-revolution.com/todays-revolutionary/todays-revolutionary/19700286>

<sup>9</sup> “Hipster Fascists”: The Normalization of the Radical Right isn’t just Happening in America. 2018. CARR Centre for Analysis of the Radical Right. Available at: <https://www.radicalrightanalysis.com/2018/08/01/hipster-fascists-the-normalization-of-the-radical-right-isnt-just-happening-in-america/>

<sup>10</sup> Marcks, H. 2016. Don’t Call me Right! The Strategy of Normalization in German Right-Wing Extremism. 2016. Available at:

<https://www.sicherheitspolitik-blog.de/2016/04/26/dont-call-me-right-the-strategy-of-normalization-in-german-right-wing-extremism/#fn-7926-4>

<sup>11</sup> Náš Nitriansky Kraj, Slovo Mariana Kotlebu. O smeráckej rošáde. 2018. Available at:

<http://www.naseslovensko.net/wp-content/uploads/2018/04/Noviny-LS-Nase-Slovensko-NR-april-2018.pdf>

<sup>12</sup> Enyedi, Z., 2016. Paternalist populism and illiberal elitism in Central Europe. *Journal of Political Ideologies*, 21(1), 17.

<sup>13</sup> Ibid.

That being said, the goal of this study is to understand the mechanisms behind the empowerment, mobilization and normalization of radical right *Ludová strana Naše Slovensko* (LSNS). I will bring to the fore the ways the radical right framed the discourses to normalize their ideology to mobilize more considerable electoral support. Firstly, I will reflect on the “facelift” of the radical right, i.e. the normalization of its image and symbols, and secondly, I will analyze how the LSNS promoted the image of civility, i.e. framed themselves as altruists, caretakers, protectors and rescuers while disseminating racism, hatred of the Western culture and promoting pro-Russian stance. To scrutinize this process closely, I will bring to the fore the LSNS effort to normalize radicalism in its youth organization *Ludová mládež* (People’s youth) summer camps. My effort is to understand how the radical right frames its messages and creates conditions and environment that offers a platform for the congruence of the extremist ideology and the expectations of the disillusioned groups. During my effort to address these goals, I came across two methodological challenges: a) the problem of contextualizing the factors behind the extreme right empowerment and b) the problem of far right definition. These challenges will be briefly tackled with an aim to shed light on the obstacles that need to be kept in mind while studying the targeted theme.

### **The Problem of Contextualizing – The Factors Behind the Emergence of Radical Right**

The 1990s transition from communism to democracy and liberalism offered fertile ground for the emergence of the radical right in post-communist states. In comparison to the Western European radical right, its Eastern European counterpart was relatively weak and “somewhat pathetic” as it failed to gain more followers.<sup>14</sup> The situation changed during the EU’s 2004–2007 enlargement when several post-communist states became EU members.<sup>15</sup> Polyakova argued that the unification of national economies and the adoption of single currency of Euro “has amputated the economic arms of national governments” which resulted in a failure of the states to “create protective social measures, as was the usual strategy before the adoption of the Euro.”<sup>16</sup> Postcommunist states thus suffered from a “status loss” (Vieten and Poynting, 2016) as one of the primary causes of the emergence of radical right ideology.<sup>17</sup> There is another stream of scholarship arguing that the economic impact of the EU unification or even “perceived economic ethnic threats,” is less important factor behind the emergence of the radical right than “perceived cultural ethnic threats” (Lucassen and Lubbers, 2012, p. 1) or policy hostility (Buščíková, 2014, p. 7; Rydgren 2008; Dancygier, 2010).

It is the view of this author that the prevalence of “perceived cultural ethnic threat” (Lucassen and Lubbers, 2012, p.1) in Slovak society is one of the primary culprits behind the LSNS empowerment in Slovakia. In particular, the electoral success of the radical right in 2016 when LSNS led by a high school teacher of informatics Marian Kotleba won 8% votes and fourteen seats in the Parliament has roots in several long-term factors (dissilusionment over the process of transition, the emergence of ethnonationalism, antisemitic and anti-Roma sentiments,

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<sup>14</sup> Mudde, C. (ed.) 2005. “Central and Eastern Europe,” in *Racist Extremism in Central and Eastern Europe*, London: Routledge, p. 269.

<sup>15</sup> Minkenberg, M., 2017. The Rise of the Radical Right in Eastern Europe: Between Mainstreaming and Radicalization. *Georgetown Journal of International Affairs*, 18 (1). Available at: <https://www.georgetownjournalofinternationalaffairs.org/online-edition/2017/12/22/the-rise-of-the-radical-right-in-eastern-europe-between-mainstreaming-and-radicalization>

<sup>16</sup> Polyakova, A., 2015. The Dark Side of European Integration. Social Foundations and Cultural Determinants of the Rise of Radical Right Movements in Contemporary Europe, In Shekhovtsov, A. (ed.) *Explorations of the Far Right*. 4, Ibidem, p. 17.

<sup>17</sup> Ulrike M. Vieten, Scott Poynting., 2016. Contemporary Far-Right Racist Populism in Europe. *Journal of Intercultural Studies* 37 (6), pp. 533–540; Jansen, R.S., 2015. Populist Mobilization: A New Theoretical Approach. In: C. de la Torre, ed. *The Promise and Perils of Populism – Global Perspectives*. Lexington: University Press of Kentucky, pp. 159–188.

anti-Western mood, Euroscepticism, anti-Americanism discourses, instability of political parties and the sense that none of these parties deserves to be voted, widespread corruption, crisis in the education system and health care) and situational factors (refugee crisis and the upsurge of alternative media) (Mesežnikov and Gyárfášová, 2017; Pirro, 2013; Paulovicova, 2018)<sup>18</sup>.

### Defining the Radical Right

Minkenberg (2000, p. 171) pointed to the proliferation of the definitions on radical right that he described as mere “shopping lists of criteria rather than conceptually grounded definitions.”<sup>19</sup> There is no consensus on how to define the radical right of the past few decades. Some scholars classify radical right within the larger frame of populism (Muddle, 2017; Kriesi and Pappas, 2015). Betz and Johnson (2017, p. 69), for example, argue that “contemporary radical right represents a radical type of right-wing populism whose proponents seek to transform liberal democracy into an ethnocratic regime, which gives supremacy to the interests of ‘the people’ defined in terms of the narrow conception of citizenship.”<sup>20</sup> However, Rydgren (2017, p. 486) cautions us to define the radical right parties as populist parties since ethnonationalism, rather than populism, is a primary feature of radical right parties.<sup>21</sup> The supporters of the radical right have been labeled as fascists, neo-Nazis, extremists, extreme populists or the “third wave” right wing parties (Kluknavská, 2014; Von Beyme 1988) and “the new right.” (Ignazi, 1992).

At the core of all definitions is the ethnonationalist myth about “homogenous nation” as the basic stone of the far right values. Slogans “France to French,” “Slovakia to Slovaks,” or “Ukraine to Ukrainians” are at the core of victimization discourses that promote the “imagery of cultural loss.” (Poliakova, 2015, p. 32). Prevalent amount of scholarly literature is misled by these discourses as they approach ethnicity as an unquestioned stable entity and ethnonationalism as a starting point of analysis of the emergence of the radical right. Even the fancier terms such as “ethnarchy”, “ethnarchism” or “ethno-anarchism” (Ramet, 2010, pp. 25–26), “nativism (combination of nationalism and xenophobia)”, (Kluknavská, 2014, p. 4; Muddle 2007) are not helpful in our effort to embrace the essence of the recent radical right. Such focus tempts scholars to draw attention to the era of prewar and wartime fascism and Nazism as an identical twin of the recent radical right and hence leads to a temptation to recycle the term fascism or use the term neo-Nazism as its key descriptor. Some scholars worry that using terms fascism and neo-Nazism to describe the late 20<sup>th</sup> and early 21<sup>st</sup> century radical right “become increasingly obsolete” as these terms “suggest a historical continuity.”<sup>22</sup> (Minkenberg, 2000, p. 171). This study does not approach ethnic-nationalism as a static category or as a “closed object” of inquiry. It contributes to a new stream that recognizes the importance of the ethnonationalism but does not overestimate its importance as the core value of the radical right (Kitschelt, Gregor, 2010). My aim is to recognize transnational perspective and approach the rise of the radical right as “international phenomenon” (Minkenberg, 2000, p. 170) by bringing into the picture transnationalism and civilizationism (Brubaker, 2017) as a dimension that has been neglected.

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<sup>18</sup> Paulovičová, N., 2018. *Holocaust Memory and Antisemitism in Slovakia: The Postwar Era to the Present*, *Antisemitism Studies*, 2(1), 4–34.

<sup>19</sup> Minkenberg, M., 2000. The Renewal of the Radical Right: Between Modernity and Anti-modernity. *Government and Opposition*, 35(2), 171. doi:10.1111/1477-7053.00022

<sup>20</sup> Muddle, C. (ed.), 2017. *The populist Radical Right*. London: Routledge.

<sup>21</sup> Rydgren, J., 2017. Radical right-wing parties in Europe: What’s populism got to do with it? *Journal of Language and Politics*, 16(4), 486.

<sup>22</sup> Minkenberg, M., 2000. The Renewal of the Radical Right: Between Modernity and Anti-modernity. *Government and Opposition*, 35(2), 171. doi:10.1111/1477-7053.00022

My attention will be shifted from a notion of a homogenous Slovak nation as a core value of the radical right's ultranationalism towards the transnational notion of panslavism, a desire to promote Slavic unity and a brotherhood of Slavs under the leadership of Russia. This idea with historical roots in the nineteenth century romanticism (Maxwell, 2018) has been recently more emphasized by the Slovak radicals. The far right representatives' effort to disseminate the idea of pro-Russian orientation is reflective of real geopolitical threats that Russia poses on the ground in Eastern Europe. Panslavism is not only the expression of the pro-Russian stance of the radical right in Slovakia, but it also underscores tradition, religion and family values of Eurasian civilization as an alternative to what the radical right in Eastern Europe describes as "morally decadent" Western civilization – a nest of "dangerous sects and sexual deviations."<sup>23</sup> Yet, discursive West – East split is paradoxically dissolved when negotiated with a geopolitical reality on the ground. Firstly, competing ethno-nationalisms in Europe are concurrently united in their anti-European stance (Baier, 2016)<sup>24</sup> and secondly, as a result of the refugee crisis, the radical right in Eastern Europe inevitably became "Westernized" (Bušítková, 2018, p. 4). The fear of "Muslim hords" invading Europe was widespread in the postcommunist region and resulted in the alliances between Central-Eastern and Western European radical right. As it will be demonstrated, transnationalism and civilizationism, in addition to the ethnonationalism as a core of radical right viewpoint, are crucial in constructing security, morality, decency and respectability discourses that aim to normalize radical right ideology in the eyes of the broad public.

### **The Emergence of The Radical Right LSNS**

The radical right that emerged after the fall of communism in Slovakia can be described as a heterogenous block of the groups on the fringes of the society, extra-parliamentary as well as mainstream parties (Kluknavská, 2014). As opposed to the Czech Republic, Hungary and Poland whose radical right mobilize against "socially conservative issues," radical right in ethnically diverse Slovakia displays different model, i.e. the mobilization "against constitutive, larger ethnic groups with a high degree of politization." (Bušítková, 2018, p. 2). The LSNS is an anti-system party, an extreme faction of populism that represents "the fourth generation" of the alternative parties (Gyárfášová, 2018). It can also be classified as the party of "radical return" (Shafir, 2012) as it puts emphasis on the continuity with the radical right interwar or wartime regimes and promotes the Holocaust denial, relativization or trivialization.<sup>25</sup>

The roots of the LSNS go back to the movement *Slovenská Pospolitosť* (Slovak Togetherness), established in May 1995, which, at that time was the most notable emerging force of extreme right that fed on the general disillusionment and attacked parliament democracy while emphasizing the suffering of Slovaks and promoting hatred against Jews and Hungarians. A year after Marian Kotleba, joined *Slovenska Pospolitosť*'s ranks in 2003, he publically announced his goal to transform *Slovenská Pospolitosť* into a political party and on January 31, 2005, *Slovenská Pospolitosť – Národná Strana* (SP-NS) was registered as a political party that aimed to "build Slovakia on national, social and Christian principles" and change the existing political system.<sup>26</sup> Kotleba led radical SP-NS was banned in 2006 as the result of the program which aimed to replace parliamentary democracy with a state based on the corporate

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<sup>23</sup> Simms, B., Laderman, Ch. 2016. The Longest Hatred. *New Statesman*. Available at: <http://www.newstatesman.com/politics/uk/2016/05/longest-hatred>

<sup>24</sup> Baier, W., 2016. Europe on the Precipice: The Crisis of the Neoliberal Order and the Ascent of Right-Wing Populism. *New Labor Forum*, 25(3), 52. Doi:10.1177/1095796016661155

<sup>25</sup> Shafir, M., 2012. Denying the Shoah in Post-Communist Eastern Europe. In: Wistrich, R. S. (Ed.) *Holocaust Denial: the Politics of Perfidy*. DeGruyter. p. 31.

<sup>26</sup> Vražda, D., 2017. *Odkiaľ prišiel a ako je možné že sedí v parlamente*. N Press.

principle and discrimination of the minorities. Despite the ban, Kotleba managed to participate in 2006 elections as the candidate of a different party, *Slovenská Ľudová Strana* (SĽS), (Slovak People's Party) with a program similar to the banned SP-NS. With 0.16% of votes the SĽS, however, suffered a major defeat in 2006 parliamentary elections<sup>27</sup> and Kotleba and his supporters realized that the party needs to be built anew and the changes need to be done to attract more electorate. To lower the risk of the ban, Kotleba and his supporters tricked the system and joined the already registered party called *Strana priateľov vína* (The Party of the Friends of Wine) which was soon renamed to *Ľudová strana Naše Slovensko*, (ĽSNS), (People's Party Our Slovakia) and promoted the extreme right ideology.<sup>28</sup> For his party to succeed, it was essential to get rid of the associations with the Nazis and fascists and “normalize” the image of Kotleba and his party in the eyes of the public.

## Normalization

### Discourses of Normality – Decency, Civility and Security

Kotleba's ĽSNS publicly present itself as being based on national, social and Christian pillars.<sup>29</sup> However, each of these pillars indicates more radical signifieds that go far beyond the content of what is generally understood and accepted under the terms: national, social and Christian. Mesežnikov and Gyárfášová (2016, p. 22) pointed out that ĽSNS's “national” pillar is built solely on ethnonationalism and majoritarianism, I argue that ĽSNS's focus has expanded from a) ethno-nationalism and majoritarianism excluding minorities in Slovakia to b) transnationalism and civilizationism that underlines the brotherhood of Slavs and openly demonstrates its pro-Russian orientation. Secondly “social” pillar, in ĽSNS approach, signifies “economic protectionism and social shovinizism” and “Christian” is a normalized term for “neoludak version of political Catholicism” representing historical-political continuity with the clerico-fascist heritage of the wartime Slovak Republic's HĽSĽ.<sup>30</sup> As it will be demonstrated, Kotleba keeps reaching out to the potential electorate while attaching normalized, i.e. publicly accepted and valued signifiers such as decency, rescuing, protecting and caring to problematic signifieds such as racism, ethnic and religious hatred, illiberalism and anti-systemness. The following lines will address the specific frames within which this process stands out.

### Decent Radical Right

The fiasco that Kotleba and SĽS suffered in 2006 election made the normalization of the image of the extremists a necessity. The dark blue uniforms with a double cross on armbands that the members of earlier *Slovenská Pospolitosť* movement, the forerunner of today's ĽSNS were proudly wearing were very similar, although not authentic, with the uniforms of *Hlinka guards* -the paramilitary group of *Hlinkova Slovenská Ľudová Strana* (Hlinka Slovak People's Party) in 1938-1945.<sup>31</sup> The dark blue uniforms not only promoted masculinity and paramilitarism but also amplified the values of wartime HĽSĽ – ethnic nationalism, populism, antisemitism and Roman Catholicism as a link to conservative values and traditionalism. Following 2006 elections, the radicals resorted from wearing the dark blue uniforms in public and preferred civilian clothes. Kotleba replaced his uniform with long black leather jacket and

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<sup>27</sup> Ibid.

<sup>28</sup> Mesežnikov, G and Gyárfášová, O., 2016. *Súčasný pravicový extrémizmus a ultranacionalizmus na Slovensku. Stav, trendy, podpora*. IVO, Nadácia Hannsa Seidela, Bratislava, p. 19. Available at: <http://www.ivo.sk/8003/sk/publikacie/sucasny-pravicovy-extremizmus-a-ultranacionalizmus-na-slovensku-stav-trendy-a-podpora>

<sup>29</sup> Kotleba – Ľudová strana Naše Slovensko. *Odvahou proti systému*. Available at: <http://www.naseslovensko.net/en/about-us/> [Accessed 2 February, 2018]

<sup>30</sup> Ibid.

<sup>31</sup> Vražda, D., 2017. *Odkiaľ prišiel a ako je možné že sedí v parlamente*. N Press.

stopped shaving his head. Daniel Vražda described this transformation of appearance as Kotleba's need to "zľudoviet'," which in English can be translated as "getting closer to people" in a sense that he would become accepted and ideally admired by the wider population.<sup>32</sup> The followers of Kotleba (Kotlebovci) opted for a calming effect of dark green color T-shirts with Kotleba LSNS' logo. Some party members, such as the district leader of LSNS in Levice Rastislav Jakubík even removed a tattoo of *Haken Kreuz*. When asked about the Nazi symbol tattooed on his chest, Jakubík denied the association of the LSNS with Neo-Nazism as "an absolute nonsense" and explained that the tattoo was the act of his past youth rebellion.<sup>33</sup> Another major step in the normalization of the image was the replacement of the problematic double cross, resembling the wartime fascist HSLS' cross, with the Cyril-Methodius double cross – the state sign of Slovakia. Milan Uhrík described this move as a "resolute distancing from any association with nazism, fascism or any form of extremism" and claimed that the change of symbol is a message to "all decent and conscientious people not to be afraid of LSNS. Only those who steal from the state should worry."<sup>34</sup>

The normalization of the image was followed by public gestures of altruism as an expression of social and Christian pillars of LSNS policies. In March 2017 Kotleba's party was donating money to low-income families with disabled children to gain more popular support. This altruistic gesture of reaching out towards the electorate represented a new level of normalization as the donating money to the low-income families in public approximated the distance between the electorate and hence offered a direct channel to disseminate radical right views. On March 14, 2017, the LSNS positing themselves in the roles of caretakers and altruists donated the sum of 1,488 EUR to the families in need. This gesture is imbued with multiple problematic messages: it was donated on March 14th, the anniversary of the establishment of the wartime clerico-fascist Slovak republic; the number 14 represents fourteen words of the sentence "We must secure the existence of our people and the future of white children."<sup>35</sup> The sentence is a neo-Nazi symbol attributed to the American racist David Lane. The last two digits 88 refer to the Nazi greeting Heil Hitler – with H being the eighth letter of the alphabet.<sup>36</sup> This extremely problematic gesture was an attempt to mobilize the electorate via diffusion of the extremist ideology (Törnberg & Törnberg, 2017) within the frame of an act of altruism.<sup>37</sup> The case of donation of 1,488 EUR was not the sole case of mobilization via dissemination of neo-Nazi signs. There are more examples when the LSNS difused the racist messages by disseminating the Nazi symbols of *Blood and Honor*, neo-Nazi *Triskele* or white supremacist sign of KKK (Ku Klux Klan) in Kotleba's online business with English fashion called KKK. The business was opened in 2006 and was run by Kotleba and his two brothers (hence, allegedly, the name with a triple capital K) until February 2017 when it was closed.<sup>38</sup> Kotleba has displayed his obsession with Nazi symbolism while running his business. If Kotleba's customers purchased the goods over 8,818 Sk, they received a gift – a telescopic police baton. The members of SP and policemen in Banská Bystrica district were offered an 8,8% discount

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<sup>32</sup> Ibid.

<sup>33</sup> Okresný šéf kotlebovcov si dal odstrániť hákový kríž z hrude: Bola to vraj mladicka nerozvážnosť, 2018. Available at: <https://www.topky.sk/cl/10/1759025/Okresny-sef-kotlebovcov-si-dal-odstranit-hakovy-kriz-z-hrude--Bola-to-vraj-mladicka-nerozvaznost>

<sup>34</sup> Náš Nitriansky Kraj, Slovo Mariana Kotlebu. O smeráckej rošáde., 2018. Available at: <http://www.naseslovensko.net/wp-content/uploads/2018/04/Noviny-LS-Nase-Slovensko-NR-april-2018.pdf>

<sup>35</sup> Kotleba's far-right party faces prosecution for '1488' donation. The Slovak Spectator. Available at: <https://spectator.sme.sk/c/20524510/kotlebas-far-right-party-faces-prosecution-for-1488-donation.html>

<sup>36</sup> Ibid.

<sup>37</sup> The term was used by Törnberg, Anton, and Petter Törnberg. 2017. Modelling Free Social Spaces and the Diffusion of Social Mobilization. *Social Movement Studies* 16 (2): 182–202.

<sup>38</sup> KKK anglická móda. Kotleba zrušil biznis. Aktuality.sk, March 22, 2017. Available at: <https://www.aktuality.sk/clanok/426280/kkk-anglicka-moda-kotleba-zrusil-biznis/>

and in a promotion, “akcia 1488,” the customers got a free tear gas spray if they spent over 1,488 Sk.<sup>39</sup> Such spilling of Nazi symbols into public space not only facilitates the mobilization of the disillusioned voters but it also clearly points to a failure of the democratic regime to decisively step in, contain and prosecute the elements trying to undermine the system from within. A failure of the government to promptly react to such attempts sends out the message that such acts are accepted and tolerable. The government’s reluctance to promptly respond and prosecute such acts considerably increase the chances of the normalization of radical right messages by public audiences.

The notion of decency has been embedded in the ĽSNS’ program as it promised to build Slovakia that will be “safe for all decent citizens, so they are not terrorized by a gypsy or other extremists and corrupted politicians.”<sup>40</sup> Repeated appeals to “slušné Slovensko” (decent Slovakia) are the result of the 2018 mass protests comparable to the scale of 1989 Velvet Revolution. The 2018 protests were sparked by the murder of twenty-seven-year-old investigative journalist Ján Kuciak and his fiancé Martina Kušnírová in February 2018. The murder of Kuciak who investigated the links between an Italian crime network *Ndhraghetta* and Slovak government resulted in the urgent calls to remove corrupted politicians which eventually caused the fall of Prime Minister Robert Fico and the Minister of the Interior Robert Kaliňák who under the public pressure resigned from their posts. The non-violent mass protests demonstrated the general will to fight corruption and protect democracy at times when Slovakia’s neighbors Hungary and Poland have slipped to illiberal models of democracy. Not surprisingly, the calls for ‘decent Slovakia’ were readily appropriated by the radical right who joined mass calls for the removal of the corrupted politicians. In March 2018, ĽSNS representative Uhrík, emphasized the decency of the party: “The opposition politics can be done differently. Without any compromises, but also decently and fairly. Just like we do. ... We want to persuade all that ĽSNS is different – it is the positive change that all decent citizens of Slovakia have been waiting for a long time.”<sup>41</sup>

### **Security discourse: Kotlebovci as protectors and rescuers**

As it was mentioned above “perceived cultural ethnic threats” (Lucassen and Lubbers, 2012, p. 1) represent efficient means of radical right mobilization although the importance of “perceived economic threats” cannot be underestimated as both types are closely interwoven and feed into each other. Between 2006 and 2016 Kotlebovci utilized four ethnic cards to construct the perception of security threat: antisemitic, anti-Hungarian, anti-Roma and anti-Muslim cards.

Although Kotlebovci curtailed the expressions of the nostalgia for wartime fascist Slovakia as the topic lost the resonance among the public, virulent antisemitism, as an indelible heritage of wartime republic, was not abandoned and was further exacerbated even if the actual targeted “enemy” was, in reality, a tiny remnant of 3,000 Jews currently living in Slovakia. The vast majority of Slovak Jewry was annihilated as a result of the antisemitic policies of the wartime Tiso’s regime and many survivors facing antisemitism of communist regime emigrated in the postwar era. Kotleba has used vicious antisemitism more as a means to define belongingness to the group. Externally, the antisemites in Slovakia attack the EU, NATO and

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<sup>39</sup> Benčík, J. Kotleba – Ľudová strana Naše Slovensko 1488, “*Denník N*, March 20 2017. Available at: <https://dennikn.sk/blog/709155/kotleba-ludova-strana-nase-slovensko-1488/>; ĽSNS v kocke [https://www.youtube.com/watch?v=c-TFXt\\_NYQM](https://www.youtube.com/watch?v=c-TFXt_NYQM)

<sup>40</sup> Kotleba – Ľudová strana Naše Slovensko. Odvahou proti systému. Available at: <http://www.naseslovensko.net/en/about-us/>

<sup>41</sup> Náš Bratislavský kraj. Slovo Mariana Kotlebu o Šorošovi a jeho bábkach. Available at: <http://www.naseslovensko.net/wp-content/uploads/2018/03/Noviny-LS-Nase-Slovensko-BA-marec-2018.pdf>

the Western European elitist institutions that they see as being ruled by Jews.<sup>42</sup> Within the domestic context, the antisemites targeted internal enemies such as “Magyarophiles” and “Czechoslovakists” as a threat to ethno-national Slovakia and often turned their antisemitic attacks against Slovak elites. Prior 2006, Kotleba and his followers attempted to mobilize the electorate by disseminating the fear of the “Hungarian expansionism” but since the Slovak-Hungarian relations have been consolidated, so called “Hungarian card” has no longer proved to be an efficient tool of the mobilization.<sup>43</sup>

The ĽSNS’ prospects seemed brighter after Kotleba, during his visit of Litvinov, in the Czech Republic in fall 2008 witnessed one of the most brutal encounters between the radicals and the Romas. Following the Czech example, Kotleba utilized “Roma question” to mobilize public support by disseminating a security threat discourse of “black racism,” “Cigáň terror” and “Cigáň extremism.”<sup>44</sup> The Romas mostly concentrated in Eastern Slovakian ghettos, offered a convenient *raison d’être* for the ĽSNS’ racism. ĽSNS accused the government of the failure to “protect decent citizens” from “Roma parasites” and organized their *domobrana*, community patrols at the public spaces such as parks, theatres, railway stations or on the trains in the areas densely populated by Romas. Kotlebovci called for the measures to curb the birthrates of “associates, parasites (Roma-NP) and immigrants,” increase the birthrate of “decent people” and organized the protests in the vicinity of the Roma’s illegal settlements to reclaim the land of “the whites” back.<sup>45</sup>

The Roma ethnic card in the hands of ĽSNS helped to increase the number of ĽSNS’ sympathizers, but it was the refugee crisis that facilitated more normalized image of the radical right as the mainstream political parties too slipped into fearmongering and fueled the outbreak of islamophobia in Central Europe. Mainstream politics often embraced security discourse based on defending the Slovak nation while producing the same xenophobic, racist and ethnonationalist views as the radical right. By doing so the representatives of the mainstream “pierced the cordon sanitaire vis-à-vis extremism,” and “lent indirect legitimacy to taboo ideas of extremist provenance, and effectively become agents of their mainstreaming.”<sup>46</sup> Slovakia experienced “fear of refugees without refugees.”<sup>47</sup> Many Slovaks had never seen refugee in person. In 2016, the year of Slovakia’s presidency in EU, Slovakia along with Czech Republic, Hungary and Poland voted against the EU scheme for refugee distribution according to which Slovakia was obliged to accept 2,600 refugees to help to ease the pressure that Greece and Italy were exposed to as the result of the crisis.<sup>48</sup> In the repertoire of ĽSNS, islamophobia, similarly, as antisemitism are flexible concepts utilized to define internal and external enemies. Whereas antisemitism is used as a tool to mock and attack the Western European elites, culture as well

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<sup>42</sup> Mesežnikov, G and Gyárfašová, O., 2016. *Súčasný právnicový extrémizmus a ultranacionalizmus na Slovensku. Stav, trendy, podpora*. IVO, Nadácia Hannsa Seidela, Bratislava, p. 25. Available at: <http://www.ivo.sk/8003/sk/publikacie/sucasny-pravnicovy-extremizmus-a-ultranacionalizmus-na-slovensku-stav-trendy-a-podpora>

<sup>43</sup> Minkenberg, M., 2017. The Rise of the Radical Right in Eastern Europe: Between Mainstreaming and Radicalization. *Georgetown Journal of International Affairs*, 18(1). Available at: <https://www.georgetownjournalofinternationalaffairs.org/online-edition/2017/12/22/the-rise-of-the-radical-right-in-eastern-europe-between-mainstreaming-and-radicalization>

<sup>44</sup> Vražda, D., 2017. *Odkiaľ prišiel a ako je možné že sedí v parlamente*. N Press; *Holocaust Memory and Antisemitism in Slovakia: The Postwar Era to the Present, Antisemitism Studies*. Volume 2, No. 1, (Spring 2018), pp. 4–34. Cigáň is an archaic and derogative term for a member of Roma community in Slovakia.

<sup>45</sup> Rafa, T. Docu film: Marián Kotleba "Veľké upratovanie" ĽSNS rómska osada Krásna hôrka. Available at: [https://www.youtube.com/watch?v=ZAK\\_tZT15v0](https://www.youtube.com/watch?v=ZAK_tZT15v0)

<sup>46</sup> Kallis, A., 2013. Far-Right “Contagion” or a Failing “Mainstream”? How Dangerous Ideas Cross Borders and Blur Boundaries. *Democracy and Security*, 9(3), p. 225, DOI: 10.1080/17419166.2013.792251

<sup>47</sup> Paulovičová, N., 2018. *Holocaust Memory and Antisemitism in Slovakia: The Postwar Era to the Present, Antisemitism Studies*, 2(1), pp. 4–34.

<sup>48</sup> Ibid.

as internal political enemies, anti-Muslim prejudice is linked to “the fear of proximity of [*sic*] Muslim body” and as an “external threat perpetrating, wars and invasions.” (Alietti and Padovan, 2017, p. 586; Paulovičová, 2018, p. 25–26)<sup>49</sup>

### **The gendered lens of Security Discourse**

The LSNS’s effort to fight the “decadent West’s liberalism“ and its vices can also be seen as the “rejection of liberal emancipatory politics“. (Grzebalska, Peto, 2017, p. 2)<sup>50</sup> Similarly, as in Hungary, equality politics is condemned by LSNS and is a “symbol of everything that is wrong with a current state of politics. It is a metaphor for the insecurities and injustices created through the process of socio-economic transformation guided by the principles of the neoliberal policy consensus“.<sup>51</sup> Grzebalska and Peto (2017, p. 2) pointed that the radical right attacks on liberalism are “grounded in very real inequalities and contradictions created by the globalized, neoliberal model” and describe these failures as “neoliberal neopatriarchy.”<sup>52</sup> These scholars criticize EU policies that utilized gender as “a tool serving economic goals ...rather than a critical perspective serving equality per se.”<sup>53</sup> Prioritizing economic goals over the principle of gender equality inevitably left gender grievances of masses of women unaddressed while only “some token women” enjoyed power posts.<sup>54</sup> These flaws of neoliberalism and democracy are easily exploited by the disillusioned groups. In the Slovak context, the gendered lens is always amplified as a means of normalizing LSNS’s radicalism within the context of the security discourses. In particular, it helps to relativize the fact of racial and ethnic minority persecution as it highlights the importance of duty to protect, defend and rescue women and girls from non-Slovak others. The persecution of ethnic minorities thus becomes easily justified and accepted by the electorate.

During refugee crisis, the LSNS called to protect women from the invasion of “Muslim hords” and Islam, which Stanislav Mizík, a LSNS representative described as “satanic-pedophile work of the devil” during 2016 Parliament session. (Vražda, 2016) The LSNS emphasizes the need to protect and rescue women from liberalism’s vices such as drugs, homosexuality and pornography spread by Jews. The LSNS approach to morality, respectability, nationalism and sexuality was clearly articulated at the occasion of the establishment of its youth organization *Ludová mládež Naše Slovensko*, (People’ Youth Our Slovakia). In his introductory notes, Milan Mazurek articulates rescue mission of the youth in gendered terms:

“Young boys are losing their onetime masculinity. New trends have been emerging in fashion, behavior and hobbies, which only a decade ago were exclusively a part of the female portfolio. ... we have seen increasing addiction of young girls to cigarettes, alcohol and drugs, often time comparable to the addiction level of boys. Their life [the life of girls – NP] has become a rollercoaster of social media, materialistic cravings linked to the permanent fall of the

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<sup>49</sup> Ibid. Paulovičová referred to Alietti, A., Padovan, D., 2013. Religious Racism. Islamophobia and Antisemitism in Italian Society. *Religions*, 4. Available at

[https://www.academia.edu/13552063/Religious\\_Racism\\_Islamophobia\\_and\\_Antisemitism\\_in\\_Italian\\_Society](https://www.academia.edu/13552063/Religious_Racism_Islamophobia_and_Antisemitism_in_Italian_Society)

<sup>50</sup> Grzebalska, W., 2017. The gendered modus operandi of the illiberal transformation in Hungary and Poland. *Women’s Studies International Forum*. [online] Available at <https://doi.org/10.1016/j.wsif.2017.12.001>

<sup>51</sup> Ibid.

<sup>52</sup> Ibid. Grzebalska and Peto refer to Campbell, B., 2014. Neoliberal neopatriarchy: The case for gender revolution, Open Democracy [online] Available at <https://www.opendemocracy.net/5050/beatrix-campbell/neoliberal-neopatriarchy-case-for-gender-revolution>; Campbell, B., 2014. *End of Equality*. Seagull Books.

<sup>53</sup> Grzebalska, W., Peto, A., p. 2.

<sup>54</sup> Ibid.

essence of their womanhood. Today, the desire to become a mother, raise children and dedicate their hearts to family concerns an only minority of girls.”<sup>55</sup>

In the motivational video, Milan Mazurek offers the young generation the alternative to such “mud of moral decadence.” Mazurek appeals to the disillusioned youth, those who are fed up with getting drunk in the pubs and those who are not afraid to work on virtues such as patriotism, courage and dedication to the cause. He encourages boys to become “real men” physically strong and dedicated to their ideals; “to girls,” Mazurek continues, “*we need to show* [italics mine – NP] that the meaning of life must not be found in promiscuity but rather in real desire to build a family.”<sup>56</sup> The four minute long motivational video concludes with images of Milan Mazurek and another young member, both muscular men, working out and lifting heavy weights in the gym while the slow motion allows the viewers to be aware of sweat and hard work involved. No image of girls is presented in the second part. The radical right ĽSNS embraced these gendered tensions of neoliberalism and appropriated them for their radical agenda. Rather than assuring the rights of women, women’s agency is not acknowledged as “girls have to be shown the right path.” More importantly, girls and women are associated with all the vices that liberalism introduced and liberalism is feminized to highlight its vices.

Security discourse disseminated by the ĽSNS not only amplifies the perceived threat of “invasionism” of Western and Muslim civilizations, but, it also creates a platform to sooth the unleashed anxieties that such discourses create on the ground by offering a solution: a pro-Russian orientation as the logical way of successful conclusion of radical right’s gendered civilizational rescue mission. The brotherhood of Slavic nations under the leadership of Russia is proposed as a viable solution to rescue Slovak women and girls from the claws of the Western and Muslim civilization “threats.” In this regard, the idea of the revival of nineteenth century idea of pan-Slavism is not merely a nostalgic enterprise aiming to extend historical roots of the nation, but rather reflect the “social, political, economic frameworks of Russia’s presence in Slovakia“ and its impact on the empowerment of the radical right.<sup>57</sup> Mesežnikov and Bránik (2017, p. 8–12), in their research covering five Central-Eastern European countries concluded that “the national security risk posed by pro-Kremlin paramilitary radicalisation in Slovakia is among the highest in the region“ The authors point to Slovak extremists’ “long-term organizational or military cooperation with Russian officials or extremists“. In addition to "paramilitary groups, civic associations and fringe media outlets“ the ĽSNS represents an actor that helps Russian government to weaken EU from within by applying strategies such as promoting disinformation, “change[ing] the system of security architecture in Europe,“ in addition to discrediting the EU, NATO and state authorities.

On a symbolic level, the ĽSNS emphasized its pro-Russian stance by taking down EU flag which Kotleba called “European occupation rag” and raising Russia’s flag from his office in Banská Bystrica during the visit of Night Wolves, the biker gang supporting Putin in May 2016.<sup>58</sup> To instill the ideas of panslavism and Slovak-Russian brotherhood, the ĽSNS sanitizes history to produce simplified politicized messages. Similarly, as the core paradigms of ethnonationalism, the idea of panslavism under the leadership of Russia is processed into a simplified discourse by the selective approach, sanitizing of past and reconfiguring the temporality of Slovak-Russian and Slavic-Russian relations in the history of both nations.

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<sup>55</sup> Mazurek, M. 2017. Nový projekt: Ľudová mládež ako hradza proti vlne úpadku. Available at: <http://www.naseslovensko.net/nasa-praca/novy-projekt-ludova-mladez-ako-hradza-proti-vlne-upadku/>

<sup>56</sup> Mazurek, M. 2017. Milan Mazurek o vzniku Ľudovej mládeže. Available at: [www.ludovamladez.sk/pridaj-sa-k-nam/](http://www.ludovamladez.sk/pridaj-sa-k-nam/)

<sup>57</sup> Mesežnikov G., Bránik R., 2017. Hatred, Violence and Comprehensive Military Training. The violent radicalisation and Kremlin connections of Slovak paramilitary, extremist and neo-Nazi groups. In: Lóránt Györi, (Ed.) *Political Capital*.

<sup>58</sup> Do Bystrice prišli noční vlci. Kotleba vyvesil na župe ruskú vlajku, 2016. *HN Slovensko*. Available at: <https://slovensko.hnonline.sk/657800-do-bystrice-prisli-nocni-vlci-kotleba-vyvesil-na-zupe-rusku-vlajku>

Selected historical events such as the nineteenth century panslavism and the 1945 liberation of Czechoslovakia by the victorious Red Army are simplified, sanitized and collapsed in a timeless ideological capsule which is then disseminated via a variety of communication channels for the public consumption. One example of the normalization of pro-Russian stance can be traced in *Ludová mládež* summer camps and hiking trips where the youth are exposed to the normalization of right-wing ideology through their own existential experience. (Cammelli, 2017, p. 91)

The youth organization *Ludová mládež* was established by ĽSNS' in 2017 as an elitist youth organization with a cause to pull Slovakia out of "moral dirt" and stand as "a wall against the wave of Western liberalism's "decadence" which deprived the young of "thousand years old ideals against which Europe and the soul of Slav was built".<sup>59</sup> It refuses "self-destruction in all forms" (alcohol consumption, smoking and drugs automatically exclude from the membership) and underscores "moral values, spiritual growth and education" to overcome youth' indifference.<sup>60</sup> The organization aims to awaken a desire of youth to resemble "the most honorable fighters of old times who always fought for the truth and justice"<sup>61</sup> – the ideals that are carefully framed and instilled in youth's value system during summer camps, hiking and other leisure activities.

During 2018 summer camps, the participants hiked to a guard tower called *Vartovka* built in 1564 as part of a defense system against the invasion of Turks near Krupina. After they reached the destination, the boys and girls were lectured on "bloody invasion and fights of the Ottoman Empire against Christian Europe" to emphasize that the majority of Slovakia was occupied by "Muslim hordes for long centuries."<sup>62</sup> The radical right thus justifies islamophobia by constructing Slovak history within the frame of an eternal fight between Christians and the Muslims. They are whitewashing the history firstly because Slovakia as a state did not exist in the Middle Ages and secondly, although the territory itself was indeed invaded by the Ottomans on a few occasions there were also periods of symbiosis between both cultures. Diachronically, the radical right supporters collapse Middle Ages conflict with a twenty first century refugee crisis into an ahistoric notion that Muslims are invaders and terrorists, which, in their line of thinking, is why the youth needs to be vigilant, physically and mentally fit and equipped with essential survival skills. Pro-Russian orientation as a solution to Muslim threat is also carefully framed as the youth takes part in organized hiking along the same trails that the famous Slovak national awakers hiked in the past

At the 80th anniversary of the death of Andrej Hlinka (after which the controversial fascist HSPP was named) on August 17, 2018, the leaders of *Ludová mládež* organized the hike to a mountain top Kriváň. Before the hike, the young participants were given a lecture by historians Martin Lacko, Emília Hrabovec and Ivan Mrva – revisionist historians who downplay the problematic past of the wartime Slovak republic.<sup>63</sup> More than a hundred years ago, on August 16, 1841, the group of Slovak national revivalists around Ľudovít Štúr climbed Kriváň to mark their national territory and express brotherly relations with Slavs. On the top of Kriváň is a double cross of Cyril and Methodius which is the part of the Slovak state sign and was also adopted as a sign in ĽSNS logo after the party decided to abandon the problematic double cross used by the wartime HSPP. The symbolic meaning of these different historical events, i.e. the ninth century era of Cyril and Methodius, the nineteenth century Slovak national revival and

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<sup>59</sup> Ludová mládež. O nás. Úonlineä Available at <http://www.ludovamladez.sk/o-nas/>

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ludová mládež, 2018. *Letný tábor Ludovej mládeže 2018*. Available at: <http://www.ludovamladez.sk/letny-tabor-ludovej-mladeze-2018/>

<sup>63</sup> Ludová mládež. 2018. Po stopách našich predkov. Available at: <http://www.ludovamladez.sk/po-stopach-nasich-predkov/>

1930s prewar era of Andrej Hlinka is symbolically collapsed into the idea of the rootedness of Slovak nation, Slavic transnation and the idea of the brotherhood of Slavs.

### 3. CONCLUSION

There is a general misconception of Europe as a pot of ethnic, racial, religious and gender hatreds bubbling under the lid. Ethnic, racial, religious and gender hatred are present in Europe, but it takes an effort to make them bubble. These hatreds are not unconscious fears, but instead carefully manipulated feelings, fear mongering behind the security discourses that with the help of gender lens can be readily normalized, rationalized and accepted. The process of normalization of the extreme right is under way. If Kotleba succeeds in promoting his extreme worldview as an alternative lifestyle appealing to the youth, then ranks of the radicals will increase. Although those who will be attracted might not be racist, their sympathizing with Kotleba's multidimensional effort to challenge the system will draw the sympathizers closer to the acceptance of the racist worldview. The next elections are scheduled for March 2020. Sociologist Vašečka made a gloomy prediction: "It might be a dramatic mess in the next election," he says, "We do not know what will happen in the next two years, but we do know that the cynicism and frustration will be there."<sup>64</sup>

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<sup>64</sup> Woodruff, S., 2018. After the murder of investigative journalist and a government shakeup, Slovakia ponders its tenuous future. *Global Post*. Available at: <https://www.pri.org/stories/2018-04-03/after-murder-investigative-journalist-and-government-shakeup-slovakia-ponders-its>

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## HUMAN RIGHTS, EMPIRE, AND THE BIBLE

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### **Abstract:**

*An objective of this conference is “to derive lessons from the past to make sense of how and why this is happening across different contexts.” This paper looks to the ancient, religious past to derive lessons about human rights from the Bible. In fact, the biblical worldview played a significant role in the formation of European culture and institutions. The Bible provides a diagnosis of the human condition and an explanation for the perennial challenge of human rights due to imperialism. I identify some of the Bible’s ontological, anthropological, and ethical assumptions about the rise of imperialism as a chief opponent of human rights. I provide examples of the Bible’s polemic against empire among the Gentiles and within Israel. I contrast the biblical worldview with Mesopotamian, Egyptian, and Roman ideology. I explain how the biblical worldview critiques the abuse of power and denial of human rights from cover to cover.*

**Keywords:** *Empire, Corruption, Sin, Ideology*

### **1. INTRODUCTION**

How many millions have perished and how often have human rights been violated because of empire and colonialism, throughout human history? God alone knows the suffering and injustice inflicted due to the divine right of kings, manifest destinies, ideologies, and myths of progress. How often have lands been acquired, peoples dispersed, access to the sea or trade routes expropriated for purposes of security, gain or glory? How many people have been enslaved or exploited for want of manpower or greed? How often has religion affiliated with the powerful and prosperous, but overlooked the victims of empire: the poor, exploited, enslaved, and abused?<sup>1</sup> The Bible provides a diagnosis of this lamentable reality and some wise counsel how to alleviate it. We would be prudent to learn and apply lessons that could help.

In this paper I provide, first of all, a summary of the biblical worldview with respect to human beings and by extension human rights. I also explain what went wrong with humanity to create an environment of corruption, violation, and abuse. In part two I provide five case studies from the Bible describing how basic human rights were denied due to the imposition of empire. Third, I summarize the Old Testament prophetic critique of corruption and the violation of human rights. And fourth, I present some of Old Testament’s prescriptive advice about human rights with respect to the most vulnerable in society – the poor.

### **2. IN THE BEGINNING**

The Bible asks two questions with reference to humanity: “Why does the earth exist?” and “What is the purpose of human life?”<sup>2</sup> According to the biblical worldview, the purpose for the earth is spiritual, to become God’s tabernacle and for humans to serve God as priests and rulers

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<sup>1</sup> As a Christian believer I lament the negative role that many Christians have played in the abuse of human rights throughout history.

<sup>2</sup> T. Desmond Alexander, *From Eden to the New Jerusalem: An Introduction to Biblical Theology*, (Grand Rapids, MI: Kregel, 2008), p. 9.

within his earthly domain. Or, mankind's purpose is famously expressed in the Westminster Shorter Catechism: „What is man's primary purpose? Man's primary purpose is to glorify God and to enjoy Him forever”.<sup>3</sup>

First, in the book of Genesis, chapters 1 and 2, God established an environment where human beings could flourish, called Eden. God called forth the life support systems (air, light, land, vegetation) essential for the sustenance of his reign. He commanded every living thing to produce “according to its various kinds.” He provided fruits, grains, and an abundant supply of water. He ordered space, separating land, sea, and celestial objects. He ordained time and regularity, calling forth the twenty-hour cycle, seasons, and Sabbath. He also designed the world as his temple and human beings for worship. In short, God established all the necessary conditions that human beings presuppose at all times and in every activity.

In fact, Genesis 1–2 portrays Eden as the ideal economy, the epitome of household creation and estate management. Eden, means “bliss,” “delight,” or “pleasure” with nuances of contentment and prosperity. In God's garden human beings enjoyed everything that he provided: status, abundance, productive work, intellectual stimulation, creative expression, and a significant calling within a secure environment. The edenic nexus was a stable and plenteous environment, created for mankind to flourish in every way. In God's house and within his economy there was peace, prosperity, and more than enough for all. He well managed his assets and the welfare of his residents.

Second, God gave Adam and Eve a big job to do: develop and extend the Garden economy and temple throughout the earth. Within this rubric their task was to represent God's interests as apprentice rulers, builders, benefactors, and thinkers. He wanted his vice-regents to care for, protect, and enlarge his property for his namesake and the benefit of his creatures.

Third, the edenic nexus did not last, however, for sin entered the world. Adam and Eve took to themselves the authority to re-identify everything over which they were designated stewards by God. Their self-definition, lust for power, and grasping for illicit knowledge were equal to self-deification. In other words, the original players in God's drama rebelled and attempted to rewrite the script. They wanted to be in charge. They did not to remain within the limits set for them. They did not want to listen to God's voice or acknowledge his revelation all around and within them. They ignored God and in this way they brought about what we now call history.

In fact, the drastic changes introduced as result of sin amount to a reversal of creation. The vice-regent whose sacred duty was to serve and guard the garden of God instead brought disarray and turmoil to God's estate (or tabernacle). Instead of fruitful and meaningful work came sweat and frustration. In the place of contentment and peace came dissatisfaction and discontent. As a substitute for peace and blessing, humans experienced hostility and conflict. In place of stewardship came exploitation and excess. Instead of caring and sharing, there was greed and gluttony. Instead of enjoying a homeland with God, humans faced expulsion and exile.

For instance, because of greed, humans reinterpret and abuse God's mandate to develop creation. Those with power wage war for natural resources, limit access to raw materials, and hoard for private use. Because of sin, humans do not equitably maintain the values, structures and practices that enable human life to flourish. In comparison with the Garden, no one really flourishes “east of Eden.” Generally, human rights are under constant and comprehensive threat.

Yet, humans try to replicate Eden and re-establish a religious orientation, but they often settle for visions of utopia, totalitarian ideology, theocracy or empire. Why? Because human beings are the *imago Dei* and we are hard-wired for extension, development, growth, even globalization. But, because we are sinful and selfish, the usual result is conquest, empire, monoculturalism (consumerism, for example), subjugation, exploitation, and plunder. We are designed for relationship and community, but as a matter of course we create cultures and

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<sup>3</sup> The Westminster shorter catechism in modern English, (Philipsburg, NJ: Presbyterian and Reformed Publishing Company, 1986), p. 5.

communities that are nothing short of abusive, inhumane, and unjust. Men and women can use creation to make new things with the raw material God provides. However, they do not extend the benefits of their creativity and productivity fairly to everyone who has the need for or right to them. In short, the practice of human rights throughout history has been at best irregular.

So, once again, the Bible asks with reference to human rights: How many millions have perished because of empire and colonialism throughout human history? Myriads upon myriads of people. And why? They turned their back on God and his agenda, and sought their own. From the Bible's point of view, the problem of human rights is more than a legal, ethical, social, economic, or political problem. At its root it is theological and spiritual.

Before proceeding it is useful to summarize the “mentality of empire” that emerged in the ancient Near East. The following partial themes are excerpted from a list provided by Douglas K. Stuart.<sup>4</sup>

1. Certain kings, selected and favoured by the gods, and the nations they rule, have both the divine right and a divinely-assigned duty to subdue, annex, or subjugate others, thus creating an empire. It is their destiny to do this, just as it is the destiny of other nations to be subdued and made subservient to an empire.
2. Empires exist for the benefit primarily of the controlling monarchy and the “home” nation, rather than as commonwealths. Thus the financial bleeding of conquered or subjugated lands via tribute, tax, and toll is permissible and expected. It is the right of some nations to enrich themselves via empire and the required role of other nations to provide the riches.
3. A mark of a great emperor is his ability to keep foreign lands subjugated and obedient within the empire. Propagandistic techniques of various sorts may be required to help subjugated nations realize and accept their role.
4. An indication of the greatness of a god and his emperor is the duration of the empire—including both the ability of kings to pass on their empires to their heirs ... and their ability to protect it from rebellion by subjugated peoples or takeover by other empires.
5. Empires had a right to be religiously imperialistic
6. Empires bring peace and tranquillity to a series of lands. It is the right and responsibility of an emperor to dominate his own people and subjugate other peoples in order to establish this peace.
7. The right to control other countries extended even to the right to rearrange their populations via deportations (exiles).
8. Conquered kings were expected to bring their nations' practices and attitudes into conformity with the values of the empire into which they had been placed ... especially in the provision of tribute, tax, and toll, but also in supplying slaves, soldiers, ships, and various other goods and services to the empire, and emulation of the empire's practices.

In the next section I provide five cases from the Bible about destructive empires that arose due to the reversal of creation with tragic results in the field of human rights.

### **3. FIVE CASE STUDIES**

#### **3.1 The Divine Image**

Let us begin with the divine commission given to Adam and Eve in the Garden of Eden (Genesis 1: 26–30):

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<sup>4</sup> “The Old Testament Context of David's Costly Flirtation with Empire-Building,” in *Empire in the New Testament*, ed. by Stanley E Porter and Cynthia Long Westfield, (Eugene, OR: Pickwick Publications, 2011), pp. 21–30.

Then God said, “Let us make man in our image, after our likeness. And let them have dominion over the fish of the sea and over the birds of the heavens and over the livestock and over all the earth and over every creeping thing that creeps on the earth.” So God created man in his own image, in the image of God he created him; male and female he created them. And God blessed them. And God said to them, “Be fruitful and multiply and fill the earth and subdue it, and have dominion over the fish of the sea and over the birds of the heavens and over every living thing that moves on the earth.”

Scholars have noted similar terms and concepts shared by Genesis 1–2 and the royal ideology of the ancient Near East – as well as the differences. According to the *Antrahasis Epic*, for instance, humans were created to mitigate the toil and tedium experienced by the inferior gods, who dug canals. Mankind was created and put to work, replacing the lesser gods in food production, infrastructure maintenance, and civil construction projects. This hoped-for solution proved to be a mixed blessing, though, as the numbers of humankind grew immensely and caused great commotion, upsetting the tranquility of heaven. Some gods attempted to quell this disturbance through disease, infertility, and stillbirth, but the “final solution” was a great flood. Following the deluge, a new race of human beings was permitted to develop who were enslaved to the gods to provide offerings in their temples and service in the empire.

While there are similarities between the biblical and other ancient cosmologies, scholars note the great differences with reference to the purpose of human beings. The biblical story is set within an antithetical ontology and anthropology, and an entirely different worldview. According to Genesis, God was not burdened by drudgery in creation or in the maintenance of his house. In fact, it was a great pleasure. Rather than the Mesopotamian worldview in service of a corrupt social system existing for the very few and thriving on the subjugation of the many, God’s reign fostered true human flourishing among all social and economic classes. Further, the sacred image was not restricted to the king with its trickle down benefits for the priestly and aristocratic elite, but was shared by all. God was not disturbed by the advent of human beings. Neither was there a disjunction between God’s work and mankind’s labor. In fact, humans were critical agents in God’s mission in creation. They were not pests or slave labor, a necessary evil to keep the body politic operating smoothly. They were, rather, the crown of creation, the apex of God’s artistry and the stewards of God’s house. They were royal ambassadors and vice-regents in God’s kingdom. There was no human rights problem in God’s garden sanctuary, for human beings possess dignity given by God.

### **3.2 The Tower of Babel: “Let us build ourselves a city”<sup>5</sup>**

Instead of extending God’s domain throughout the earth, Genesis records that the fall into sin introduced an expansion and intensification of evil (Genesis 4–11). The builders of the Tower of Babel declared, “Let us build ourselves a city, with a tower that reaches up to the heavens, so that we make a name for ourselves.” (11:4a). The Tower of Babel was the primeval climax of human pride and autonomy. Dexter E. Callender observed, “The combination of the city, tower, unity of humanity, their single tongue points to the issue of human progress ... the secrets of the universe could belong to humanity and they can ‘be like God.’”<sup>6</sup> Babel was perhaps the first attempt to recreate the edenic nexus of divine presence, peace, and prosperity, but on sinful assumptions. The Tower was a prototypical manifestation of Adam’s cultural mandate gone

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<sup>5</sup> Sub-sections 2–4 adapted from my “Economics in the ‘Present Evil Age’,” *Evangelical Review of Theology* 42:4 (2018), pp. 354–364.

<sup>6</sup> *Adam in Myth and History: Ancient Israelite Perspectives on the Primal Human* (Winona Lake, IN: Eisenbrauns, 2000), p. 75.

terribly awry, a reversal of Eden.

Babel was also the primordial foreshadowing of the post-Eden cultural and religious trajectory of mankind. The human advances which Genesis 4–11 catalogues (city-building and military prowess, farming and herding, music and metal-working) were all problematic as they occurred after the advent of sin, which meant violence, corruption, and subjugation, as well as the abuse of human rights. In Babel powers of all sorts, religious and political, economic and legal converged to erect a society committed to rebellion against God, and determined to resist the mandate of God to disperse and subdue the earth. The harmony of language, cult, culture, ideology, and empire served as a means to subvert God's purpose in the world – and, the inevitable result was the violation of human rights.

### **3.3 Egypt: “Who is the Lord?”**

When Pharaoh asked, “Who is the LORD, that I should obey him and let Israel go?” (Exodus 5:2), he asked a very important question, even paradigmatic, only plausible “east of Eden” (Genesis 3:24). In effect, he queried: Who is the true God and what kind of society is best suited for mankind? Which house and householder is the best provider? Does Pharaoh provide what is needed to live? Does everyone associated with his household have fair access to raw materials and services? Are there equity and opportunity, justice and compassion for *all*? Do order and harmony, productivity and fulfilment characterize the social relations of Egypt's theocracy?

That Pharaoh alone was the image of the gods and that their social structure was taken from a heavenly model was accepted in Egypt. In the ancient world Egypt was a land of blessing. As a river civilization with access to the Nile it was the “bread basket” of the ancient Near East. Egypt was a nation with power, prestige, and highly developed culture. But, it was a culture which existed for the elite and sustained by slave labour, and justified by religious ideology. Like other theocracies of the period the religious, social, and economic system was organized to maintain the status quo and to benefit the interests of the powerful, which were only about 5% of the population. Economic life was centrally controlled for the redistribution of the nation's resources. With the cooperation of ruler and priest, its theocracy was sustained by the systemic withdrawal of slave's earnings and by the forced acquisition of their property.

The Hebrew slaves in Egypt, on the other hand, voiced their anguish under Pharaoh's harsh servitude: “Then we cried out to the LORD, the God of our fathers, and the LORD heard our voice and saw our misery, toil and oppression” (Deuteronomy 26:7). But, Yahweh did not merely listen and commiserate, he intervened. He showed the Israelites the “road out” (*exodus*, cf. Deuteronomy 26:8) and in so doing made “a distinction” (Exodus 8:23; 9:4; 33:16) between himself and the Egyptian pantheon, between his people and the Egyptians. Egypt, once a place of bounty and provision, had become an empire of corruption and oppression. The plagues and the destruction of Pharaoh's army functioned as a systematic repudiation and deconstruction of Egyptian worldview, as well as its social and economic infrastructure. No one but the very elite flourished and enjoyed human rights in Egypt's unjust culture.

### **3.4 Israel: “Like all the other nations”**

The establishment of monarchy described in 1 Samuel 8 represented a major religious and socio-economic turning point in the history of Israel. No doubt, with an eye towards the great Mesopotamian and Egyptian empires, the Hebrew elders (who made the request and had the most to gain as future royal retainers) expressed their desire to “be like all the other nations” (v. 20; cf. v. 5). In particular they wanted a king who would “go out before us and fight our battles” (v. 20). From the divine perspective, however, the underlying motive was foolish and not unexpected: “They have rejected me as their king. As they have done from the day I brought them up out of Egypt until this day, forsaking me and serving other gods.” (vs. 7b, 8). The assumption of monarchy was a repudiation of God's rule and an open door to religious

syncretism. It also meant the adoption of new social structures, a new economy, and a restructuring of God's house with non-Israelite criteria. The "ways of the king" (vs. 9,11) was the socio-religious toxin which would poison the entire body politic.

For a millennium before King David rulers in the ancient Near East served as the emissary of the gods. As the image of deity, kings maintained the divinely underwritten social order and the hierarchy which supported it. "Kings held their world together," wrote Robert Gnuse. "They helped to mediate the will of the gods to the people, as well as direct the economy, administer the law, and defend the country or city from foreign enemies."<sup>7</sup> Through cult and legitimating ideology royalty was tasked with holding chaos in check within society and extending civilization through conquest. With this divine right emanated the trappings of state and the necessary centralization of power in all realms. A special group of courtiers, advisers, administrators, artisans, clergy, and military leadership functioned as retainers providing goods and services to the elite. A professional army was required, as well as a diplomatic corp. In the economic sphere redistribution of peasant surplus and the production of commercial crops were centrally managed. Land tenure was monopolized by the elite and trade routes controlled by the crown. For the vast peasant majority, though, life was onerous. Service to the gods was service for the king. Laborers were subject to *corvée*, ponderous taxation and levy, *latifundia*, and debt slavery. Harsh labor and rigid hierarchy resulted in the creation of classes of impoverishment – the widow, orphan, poor, and alien – who received at best the inconsistent patronage of crown and court. God's people no longer flourished in God's land.

### **3.5 Roman Empire: "Put an end to war and set all things in order"**

Three elements enabled the Roman Empire and produced *Pax Romana*. The first was conquest. The typical Roman tactic was not to obliterate entire peoples or places, but to terrorize populations into economic fealty. Neil Elliot commented:

The peace that Rome secured through terror was maintained through terror, through slavery, defined by conquest and scrupulously maintained through constant intimidation, abuse, and violence; through the ritualized terror of gladiatorial games, where the human refuse of empire, captives of war, condemned criminals, slaves bought to the arena, were killed in stylized rehearsals of conquest ... and on the ideological plane through imperial cult and ceremony, the rhetoric of the courts (where the torture of slaves was a routine way of gaining evidence) and in an educational system that rehearsed the "naturalness" of Rome's global hegemony.<sup>8</sup>

The second element was the patronage system, a network of economic and political relationships that secured the loyalty of local aristocracy. Roman propaganda portrayed Caesar as the ultimate patron and model for all patronage activity. The emperor was understood as a paternal protector and benefactor, granting to communities or individuals status, privilege, resources, and access.

In this way the Roman elite used patronage as an instrument of social control. Everyone found their place within the patronage pecking order. For instance, the Jewish king, Herod the Great (37B.C.E.–4C.E.) became the Emperor Augustus's favourite vassal. The high priestly families, who had been relocated from Rome, benefitted from this "trickle down" patronage. The Jewish Historian, Josephus, described Herod's patronage relationship to his people:

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<sup>7</sup> "An Overlooked Message: The Critique of Kings and Affirmations of Equality in the Primeval History," *Biblical Theology Bulletin* 36 (2006), p. 147.

<sup>8</sup> "Anti-Imperial Message of the Cross," in *Paul and Empire* (ed. Richard A. Horsley; Harrisburg, PA: Trinity Press International, 1997), p. 170.

Herod loved honours and, being powerfully dominated by this passion, he was led to display generosity whenever there was reason to hope for future remembrance or present reputation. But since he was involved in expenses greater than his means, he was compelled to be harsh toward his subjects, for the greater number of things on which he spent money as gifts to some caused him to be the source of harm to those from whom he took this money.<sup>9</sup>

The third element was the imperial cult, which provided the ideological glue that held the social, economic, cultural, and religious pieces together by persuasion through image and ritual. According to Roman ideology, with the gods' help Augustus brought peace, order, and "salvation" to earth by the imposition of the *Pax Romana*. A new eschatological era was created by the gods, all flowing out of the bosom of Rome. Augustus was the prototype of a new kind of human being and brought "good news" (gospel) to the conquered nations. Consider this praise of the divine Caesar from the 9<sup>th</sup> century (C.E.):

For when everything was falling into disorder he restored order and gave the whole world a new aura ... [Emperor] Augustus, whom Providence filled with virtue for the welfare of humankind and who, being sent to us and our descendants as our Saviour, has put an end to war and has set all things in order; and whereas, having become god-manifest.<sup>10</sup>

Finally, ancient Israel keenly felt the social, religious, and economic impact of the *Pax Romana*. By the time Jesus was born many Judean and Galilean peasant families were forced off their land by the Romans. Virtually a whole generation was decimated in certain areas by the destruction of infrastructure, carnage, and enslavement during the repeated Roman and Herodian campaigns.

Whole villages were left destitute and displaced. Many were forced to borrow at interest from wealthy creditors among the priestly elite. The high-priestly families, who were beholden for their positions to Herod and his heirs, were originally not native-born Palestinian Jews but powerful families imported from the Diaspora and looked to Rome. Infamous for their exploitation of the poor, they were held in very low esteem by the lower priestly class (Levites). As wealthy landowners and entrepreneurs in trade, commerce, and agriculture, they opted for the status quo and they preferred Roman rule, patronage, and social pacification.

As a result, social outlaws arose seeking to redress the grievances of the peasants by playing the role of Jewish Robin Hoods. From 59 C.E. on the internecine strife between the different economical and ideological strata of temple clergy intensified. In view of this corruption and foreign oppression, many people withheld the required tribute to Rome and the lower priestly orders discontinued the daily sacrifice on behalf of the Emperor. This Rome construed as overt rebellion (66 C.E.). A full-scale insurrection occurred a few weeks later and was directed as much against the priestly, economic aristocracy as against the Romans.

#### 4. PROPHETIC CRITIQUE

The Bible confronts corruption in all of its forms and effects with a diagnosis that is deep and broad, and a prescription that is personal, social, and systemic. A brief survey of the Old

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<sup>9</sup>*Antiquities* 16: 153–56.

<sup>10</sup> Cited in *Divine Honours for the Caesars: The First Christian's Responses*, by Bruce W. Winter, (Grand Rapids, MI: Eerdmans Publishing Company, 2015), p. 36.

Testament prophets' critique of corruption and the abuse of human rights is instructive. As representatives of the God who "loves justice" (Isaiah 61:8) the prophets served as covenant prosecutors, calling Israel back to compliance with God's law, even as they warned of judgment on the Gentile nations and their oppressive regimes.

The prophets ascribed a major source of corruption and disorder to greed (sin). Isaiah described the "shepherds" (religious leaders) of Israel as "dogs with mighty appetites; they never have enough," those who only seek their "own gain" (56:11). Jeremiah censured the king, Shallum, because his "eyes and heart" are motivated by "dishonest gain" (22:23). According to Jeremiah, the entire social fabric was saturated by systemic acquisitiveness: "From the least to the greatest, all are greedy for gain" (6:13; cf. 8:10). Jeremiah denounced economic impurity in the royal court and the practice of *corvée*: "Woe to him who builds his palace by unrighteousness, his upper rooms by injustice, making his countrymen work for nothing, not paying them for their labour" (22:13).

Likewise, the lifestyle of the rich and famous was commensurate with their arrogance and avarice. Amos decried the accoutrements of Israel's corrupt upper class: "You lie on beds inlaid with ivory and lounge on your couches. You dine on choice lambs and fattened calves. You strum away on your harp like David and improvise on musical instruments. You drink wine by the bowlful and use the finest lotions" (Amos 6:4–6a).

The judicial system was full of scandal. Amos 2:6b–7a provides an example using common terms for poverty (the needy, poor, and oppressed): "They sell the righteous [poor] for silver, and the needy for a pair of sandals [latifundia]. They trample [tax] on the heads of the poor as upon the dust of the ground and deny justice to the oppressed." If such abuse came to adjudication, the wealthy, who either retained positions on the court or bribed those who did, manipulated the judicial system to their advantage.

The prophets also confronted economic injustice in the temple. Micah lamented the priests who "teach for a price" and prophets who "tell fortunes for money" (3:11b). Jeremiah "stood at the gate of the Lord's house" and condemned it as a "den of robbers" (7:1,11; and so did Jesus [Matthew 21:13]). Deceptive speech, injustice, oppression of the needy, violence, theft, adultery, and idolatry were practiced in its courts (vs. 4–9). Isaiah exposed the hypocrisy of religious fasting that condoned injustice, oppression, and neglect of the needy (58:6–7,10). Further, Amos recorded attempts to hurry through holy days to reopen the market (Amos 8:5a).

In short, the prophetic critique focused on the cabal between ruler, priest, judge, and merchant that constructed a cultural environment predicated on greed and lust for power, resulting in inequity and excess, abuse and oppression. Because of this, the prophets announced an array of punishments, decay, and disorder, as well as a call to repentance and a restoration of justice.

## 5. THE NEEDY IN THE LAND

As a class the needy in ancient Israel were those whose economic viability, social standing, personal safety, and legal security were in jeopardy. These included the physically impaired, the poor and the resident alien, as well as the widow and orphan. Each of these was dependent upon the goodwill of others for sustenance and protection as stipulated in God's law. However, all too often their countrymen harbored "wicked thoughts" (Deuteronomy 15:9) and were "unconcerned" about their plight (Ezekiel 16:49).<sup>11</sup> The needy were "forgotten" (Psalm 9:18),

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<sup>11</sup>"The worst problem, that which these group have in common, is powerlessness" and its consequences experienced as a denial of human rights: "lack of status, lack of respect, making one an easy mark for the powerful and unscrupulous, so that those who are not poor are likely to become poor and those who are poor are going to

“despised” (Proverbs 14:21), “disgraced,” (Psalm 74:21), “afflicted” (Psalm 72:12; cf. 107:41), and “taken advantage of” (Deuteronomy 24:14).

The Bible’s response to the violation of human rights of the needy and social corruption was twofold. First, there were subjective motivations based upon the biblical worldview. Israel’s response to the needy was rooted in the imitation of God and his redemption of Israel from Egyptian slavery. Every member of the community should evidence a positive disposition to the poor and powerless. The Lord was compassionate (Exodus 22:27) and kind to the needy (Psalm 106:7). Likewise, his people should be generous (Deuteronomy 15:8, 11; Psalm 112:5; Proverbs 11:25; 22:9; Isaiah 58:7) and kind to their brethren (Job 24:21; Psalm 109:12, 16; Proverbs 14:21, 31; 19:17; 28:8; Daniel 4:27). In fact, as an advocate for his impoverished people, God had redeemed Israel (Exodus 6:6; 15:13; Isaiah 63:9; Psalm 106:10). Just so, Israel should extend the manifold blessings of the divine economy to all. Israelites were to “love your neighbor as yourself” (Leviticus 19:18), even the aliens in their midst (Leviticus 19:34; Deuteronomy 10:19).

Protections and provisions for the needy were moral obligations imposed by God upon the individual, kinship group, and broader community. This meant willingness to share, the judicious exercise of power, and a commitment to mutuality governed by the reverence of God and obedience to his law. For judges this required judicial integrity in disputes involving the poor. For merchants this demanded fiscal truthfulness in the marketplace. At the level of the clan and kinship group care for the needy merged with maintenance of family lots given by God through inheritance. The duty of kinship redemption sought to prevent latifundia and the imposition of Gentile systems of land tenure.

So, the ultimate sanction for humane treatment of the needy was, first of all, reverence of God, for “The eyes of the Lord are in every place, keeping watch on the evil and the good” (Proverbs 15:3). Second, was the conviction that everyone deserved dignity as created God’s image (Genesis 1:26–27). For example, the theological rationale for the redemption of debt laborers and family lots was God’s ownership of creation. God owned both the land and its residents, whom he had redeemed. For this reason, the Hebrew was never truly for sale and neither was his land. They were never to be abused or neglected without dire consequences. Jacob Milgrom commented: “For Israelites, both kinds of slavery, chattel and debt, are prohibited: chattel-slavery is abolished, and debt-slavery is transformed into work for hire.”<sup>12</sup> God’s people must not replicate the working conditions of the ancient Near East and thereby deny human rights, where human beings were the chattel slaves of the gods and king, pressed into hard labor as a relentless fate.

Second and structurally, care of the needy and the preservation of human rights for all was attuned to the sacred calendar, whereby God’s bounty was extended to all. The weekly Sabbath was a summons to each head of household to manage his economic affairs, particularly concerning labor practices and dependent workers. In Israel family dependents and hired workers (especially Hebrew debt laborers, the vulnerable, and needy) were not to be treated like objects, manipulated for maximum profit through continuous labor. The Sabbath was a cessation of work for all, rich and poor, even farm animals, a regular respite from the rigors of sin (Exodus 20:8–11; Deuteronomy 5:12–15). It was also an interruption of the market cycle and its rapacious appetite for commerce, affirming clearly that time is the servant of God rather than money.

The three chief harvest festivals were also opportunities to share with the needy (Deuteronomy 16:14–15; cf. Exodus 23:14–17; 34:24). Three times a year the men of Israel were commanded to assemble before the Lord to affirm his future faithfulness. The Law also stipulated regular access to the gleanings of the field, tree, and vine. “When you reap the harvest

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get poorer.” (D. E. Gowen, “Wealth and Poverty in the Old Testament: The Case of the Widow, the Orphan, and the Sojourner,” *Interpretation* 41 [1987], p. 343).

<sup>12</sup> *Leviticus 23–27* (New York: Doubleday, 2001), p. 2213.

of your land, do not reap to the very edges of your field or gather the gleanings of your harvest. Do not go over your vineyard a second time or pick up the grapes that have fallen. Leave them for the poor and the alien. I am the LORD your God” (Leviticus 19:9–10; cf. Deuteronomy 24:19–21; Ruth 2:2, 6). This law hindered stinginess, hoarding, and excessive consumption. Such institutionalized beneficence was a public reminder of Israel’s former impoverishment in Egyptian slavery. It stimulated individual self-awareness of dependence upon the Lord and it fostered public awareness of the “have nots” among them.

Another structural provision for the needy was the three year tithe and the establishment of storage facilities for the poor living in the towns and cities. “At the end of every three years, bring all the tithes of that year's produce and store it in your towns, so that the Levites (priests, who had no allotment or inheritance of their own) and the aliens, the fatherless and the widows who live in your towns may come and eat and be satisfied” (Deuteronomy 14:28–29).

In summary, social justice and human rights required the equitable and altruistic use of power resident within the tribe, legal system, crown, and the rich in accordance with divine norms. Upon the clan and tribe were imposed the rule of hospitality (Genesis 18:1-8; 19:8; Judges 19:16–24; 19:23), protection and provision for the widow and orphan, as well as debt redemption and restoration of inherited lands. The legal system, its courts and judges, were obligated to rule with impartiality and equity.<sup>13</sup> The immigrant (or resident alien), who had no legal, economic, or filial association within the community, were protected as well (Leviticus 19:33–34; Deuteronomy 24:18, 22). The Law was the guide and norm for the monarchy (Deuteronomy 17:18–19; cf. 2 Samuel 14:17). Kings were obligated to “judge your people in righteousness” and “your afflicted ones with justice” (Psalm 72:2). As the guardian of the powerless his sacred task was to “save the children of the needy,” “crush the oppressor” (v. 4), “deliver,” “take pity on,” and “save the needy from death” (vs. 12–13). Similarly, generosity and equity were to mark those who were rich in their dealings in the marketplace, with clients, and with the needy (Job 29:6-16). Together, legal and economic infrastructure and power were interwoven to foster a seamless whole, a community characterized by the presence and practices of God. In the words of Zechariah the household of God should be typified by the divine commission: “Administer true justice; show mercy and compassion to one another. Do not oppress the widow or the fatherless, the alien or the poor. In your hearts do not think evil of each other” (7:9–10).

## 6. CONCLUSION

Several implications arise from the biblical story regarding human rights. The first is negative, while the others are positive and practical.

First, according to the biblical worldview, we will *never* achieve utopia in terms of human rights. In fact, in any human endeavor, we will never rebuild paradise lost. Why? Because human beings are morally flawed. From the biblical point of view, this is patently obvious.

According to the Bible, the human project „east of Eden” (Genesis 3:24) and “under the sun” as Solomon wrote (Ecclesiastes 1:9) has been undermined due to sin. Existence is conditioned by a myriad forms of corruption (Genesis 3:14–19, Psalm 90). This is the “present *evil* age,” as Paul described it (Galations 1:4).

As a result, there will never occur in this epoch a utopia through communism or socialism, capitalism or consumerism, Islam or any of the myriad alternative spiritualities.

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<sup>13</sup> Widows, for example, were allowed to remarry (1 Samuel 25:40-42) or return to their father’s house (Genesis 38:11; Leviticus 22:13), and the orphaned child could inherit his father’s estate (Proverbs 23:10). The widow’s vow was legally valid (Numbers 20:9) and they retained the right of appeal to the court and king (2 Samuel 14:15; 1 Kings 3:16–28).

Never will there be a true “holy fill in the blank empire.” Consider the many corrupt leaders and violent empires of destruction that systematically abuse human rights: ancient empires such as Pharaoh’s kingdom of the Sun-God or Caesar’s *Pax Romana*, the medieval Holy Roman Empire, modernity’s myth of progress (including racial elitism, unjust trade manipulation, and colonialism), as well as cruel ideologies like Nazism, communism, and totalitarianism. Sadly, history is a litany of tragic quests for paradise lost or for utopia on earth – and sadly, each of these systematically abuse human rights.

Second, however, we *can* make improvements, because we are created in God’s image. We should seek and express the values that foster human rights and dignity. We should build the political-economic-legal infrastructure that assures human rights. We should develop policies and practices that implement human rights.

Third, all the „shoulds” in the previous paragraph are noteworthy. Questions about human rights ooze with themes about moral obligation. But, where does moral duty come from? Why do we feel obligated about human rights? Or, why do we deny human rights? Where do the criteria for evaluating moral and legal infractions originate? Again, with what standard can we measure social obligation regarding human rights? This clearly brings us to metaphysical, anthropological, ethical, and religious issues. Specifically, I suggest, if we desire to deepen our understanding of moral obligation, we should look deeply at the Bible, an undeniable influence in the formation of western civilization.

Fourth, we have come a full circle – back to the past and the wisdom of listening to our spiritual forefathers. I asked at the beginning: How many millions have perished and how often have human rights been violated because of empire and colonialism throughout human history? I wrote as well: The Bible provides a diagnosis of this lamentable reality and some wise counsel about how to alleviate it. We would be prudent to learn and apply lessons from our past that could help, as a stated goal of this conference is „to make sense of” the „how and why” of human rights..

So, I suggest a reconsideration of the positive role of religion, and in particular the Bible, in the public square, especially with reference to human rights and dignity.<sup>14</sup> In a secular culture like Europe or in a consumer society like the United States serious consideration of the Bible often seems out of place. But, if human nature remains fundamentally the same in terms of moral character, then we will always witness abuse of human rights and the Bible will always remain revelant. I conclude with this thoughtful statement by the late sociologist, Jacques Ellul.

When the Scripture tells us that man is dominated by the spirit of power and of conquest, by the spirit of independence and surfeit, that he wants to put together a world for himself, and himself alone, to the exclusion of God, that he wants to exploit the world for himself, and that he proclaims, “Where then is God? What can this inoperative, unseen and illogical God do?” is that indeed an old-fashioned speech in need of being demythologized? ... The modern world, on the other hand, is convinced that finally, in this manner, man will realize his potential, fulfil himself, mature, become fully adult, and take charge of his own destiny.<sup>15</sup>

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<sup>14</sup> I refer readers to the Theos Think Tank (<https://www.theosthinktank.co.uk/>) and in particular the text by Nick Spencer, “‘Doing God’: A Future for Faith in the Public Square” (available at: <https://www.theosthinktank.co.uk/research?&author=3&page=2>). Also helpful is: “Democracy, Conflict, & the Bible: Reflections on the Role of the Bible in International Affairs,” available from the International Bible Advocacy Center at: <https://www.bibleadvocacy.org/uploads/files/democracy-conflict-and-bible-research.pdf> and an essay by Thomas K. Johnson, “Human Dignity and Rights: My Christian Perspective,” available at: <https://thomaskjohnson.academia.edu/research#persecutionandhumanrights>

<sup>15</sup> *The New Demons* (New York: Seabury Press, 1975), p. 226.

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## LEGAL, DIPLOMATIC AND MORAL ASPECTS OF DEPORTATION OF CZECHOSLOVAKS TO THE SOVIET GULAG

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### Abstract:

*On May 8, 1944, Czechoslovakia and the Soviet Union signed a treaty on the relationship between the Czechoslovak administration and the Red Army on the territory of Czechoslovakia in the course of its liberation. According to it, all power had to be in the hands of the Czechoslovak authorities. However, the Soviet Union did not respect the treaty. Czechoslovak civilians were captured and deported by the thousands to Soviet Gulag camps, in violation of the laws and sovereignty of Czechoslovakia as an allied country. Czechoslovakia requested the immediate repatriation of those deported, but the Soviets unyielding and manipulative diplomacy refused to comply with the legal and moral arguments. On the Czechoslovak side, nationalism and the later enforcement of selective repatriations by the Communists was a substantial failure with far reaching consequences. The deportations led to the deaths of many innocent people, created serious social problems, and caused life-long trauma and political persecution for those who survived.*

*In my article, I will examine the constitutional and legal aspects of the deportations as well as the impact of the deportations on the repatriated survivors. I will comment on the compensations legalized in Slovakia and in the Czech Republic. I will also provide a larger context for the deportations of Central Europeans to the Soviet Gulag. My conclusion is that the deportations of an estimated 10,000 civilians from Czechoslovakia could have hardly been avoided due to the hegemonic position of the Soviet Union in Central Europe, and that the increasing communization of Czechoslovakia after World War II benefited them.<sup>1</sup>*

**Keywords:** *Compensation; Czechoslovakia; Deportation; Gulag; Persecution*

### 1. INTRODUCTORY REMARKS ON THE HISTORICAL AND LEGAL CONTEXTS OF DEPORTATION

This article examines deportations to the Soviet Gulag of approximately 10 thousands of civilian inhabitants of Czechoslovakia in the end of the Second World War, and the struggle of Czechoslovak diplomacy for their repatriation.

Why the Red Army and NKVD deported people of Czechoslovakia which was an Allied country? The most obvious reason is that Soviet Union acquired this way, unlawfully, a labor force. Soviet and Russian historian Vladimir P. Galitsky however said that Soviet Union had the right to deport the foreign country citizens in order to decrease on a territory which was “predestined” to be a Soviet satellite the number of population which may not vote for the Communists at the next elections (Polišenská, 2015, p. 341). And in Slovakia, for a long time a suspicion survived that the deportations “ordered” from Stalin the Czechoslovak President Beneš as a revenge to the Slovaks and as a payment to the Soviet Union for the liberation. My opinion is that the first reason is a historical fact, and two other reasons rather mirror the state of mind in some social and intellectual circles in our recent past.

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<sup>1</sup> The author presented a speech of the same title at the Annual Conference of the European Society of Criminology *Crimes against Humans and Crimes against Humanity*, Sarajevo, Bosnia & Herzegovina, 29 August–1 September 2018.

On 14 March 1939, Slovakia broke away from Czechoslovakia. The following day, 15 March, the rest of the country was occupied by Nazi Germany, and the Protectorate of Bohemia and Moravia was proclaimed. The Slovak Republic became a pro-Nazi vassal state of the Third Reich. For the Czechoslovak Government of President Edvard Beneš in exile in London, the theory of the constitutional and the territorial continuity of Czechoslovakia (i.e. the political concepts of the “voiding of Munich” and of the continuity of pre-Munich Czechoslovakia) was a fundamental postulate which determined its strategy and tactics. The Government of President Beneš in exile was recognized *de jure* by the Soviet Union (I mention the USSR intentionally in the first place), United States, Great Britain and all states of the anti-Hitler coalition. Constitutional and territorial continuity of Czechoslovakia was a war aim of the Allies – and to be emphasized again, also of the Soviet Union.

Czechoslovakia and the Soviet Union signed in London on 8 May, 1944 an inter-governmental treaty concerning the relationship between the Czechoslovak administration and the Supreme Command of the Red Army on the territory of Czechoslovakia in the course of its liberation. The treaty was signed by the acting Minister of Foreign Affairs Hubert Ripka on Czechoslovak side and the Soviet Ambassador with the Czechoslovak Government in exile in London Victor Zacharevich Lebedev. This treaty in nine brief paragraphs prepared the territory of Czechoslovakia for its liberation by the Red Army.<sup>2</sup> Czechoslovak government tried to negotiate conclusion of identical treaty with the United States and United Kingdom, but these Allies considered this unnecessary and such treaties were not concluded.<sup>3</sup> According to this treaty, immediately after the military operations had been concluded, all power had to be in the hands of the Czechoslovak authorities. Paragraph 7, the key paragraph of this treaty stated that civilians had to submit to Czechoslovak jurisdiction, even in the cases of crimes against Soviet troops. This agreement on the relationship between the Czechoslovak administration and the Soviet command concerning the arrival of the Red Army on Czechoslovak territory would mean the renewal of Czechoslovak sovereignty. After the arrival of the Red Army on Czechoslovak territory, this treaty was not respected and its provisions were broken. Czechoslovak citizens were detained by the Red Army in large numbers and deported to the Soviet Union.

Even if the communist take-over took place almost three years later, in February 1948, the position of the Communists in the country right after the war was strong. President Edvard Beneš, in an effort for the security of Czechoslovakia, orientated the country's foreign policy strongly toward the East, hoping for an East-West linkage. In 1943, he concluded a treaty with the Soviet Union that strengthened the Soviet influence in Czechoslovakia. Both Beneš and members of his government returned from wartime exile to Czechoslovakia from London via Moscow, where they conducted month-long talks with Stalin and Czechoslovak communist leaders, which enhanced the communist position. The liberation of the vast majority of Czechoslovak territory, including the capital city of Prague, by the Red Army also strengthened the communists. The actively pro-communist Ambassador in Moscow, Zdeněk Fierlinger (Social Democrat) became the first post-war Prime Minister. The first post-war elections, in May 1946, were won by the Communist Party of Czechoslovakia, and its Chairman Klement Gottwald became the Prime Minister. The Communists started to assume influential governmental and administrative posts, for example the appointment of Vladimír Clementis (1902–1952) as state secretary in the Foreign Ministry. Clementis pushed for a number of Communists to be employed in the Foreign Service, but a still strong Masarykian democratic tradition continued to live in the Czechoslovak diplomatic corps. One of its representatives was the first post war Ambassador in Moscow, Jiří Horák, Charles University professor of comparative Slavic literature and internationally renowned scholar. Horák and his wife were

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<sup>2</sup> Full text of the this treaty see in Polišíenská, 2015, pp. 343–345.

<sup>3</sup> Polišíenská, Diplomatic relations between Czechoslovakia and the United States, 1938–1948, monograph manuscript in preparation.

very close to the late President T. G. Masaryk (1850-1937), and Horák's appointment to Moscow was an expression of the unrealistic and blind hopes that President Beneš and Foreign Minister Jan Masaryk (1886–1948), son of T. G. Masaryk, maintained; that Czechoslovakia would be a bridge connecting East and West.

The complex history of tragic events of deportation of Czechoslovak civilians to the Soviet Gulag camps was taboo for four decades in communist Czechoslovakia. After the collapse of Communism, some aspects of this long and multilayered historical process have been researched and, particularly, memories of survivors and witnesses have been published.<sup>4</sup> Many questions are still to be clarified, which will not be possible without larger accessibility to the archival sources in Russia. This paper examines legal and diplomatic questions regarding deportations which have, so far, stood in the margins of the focus of researchers. The article concentrates on deported civilians, leaving the question of repatriation of prisoners of war – soldiers of German, Slovak and Hungarian army – out of its focus.

## **2. LEGAL, DIPLOMATIC AND MORAL ASPECTS OF DEPORTATION OF CZECHOSLOVAKS**

The areas worst affected by deportations were the east and south east part of Slovakia (mainly in January, February, and March of 1945), and Prague (in May and June 1945). However, deportations also took place later and from other parts of Czechoslovakia. Later in this article, more particulars will be provided on how many and what types of people were deported.

There were several typical ways how the Red Army and NKVD<sup>5</sup> deported the civilians, and each of them used lies and false promises. All the men between sixteen and sixty years of age, but in many places also young women, were called to assemble to take part in voluntary work for three days. This work was usually to repair damaged bridges, railways or roads. Sometimes there was a promise of sugar coupons or discussion about a better arrangement for a “new life”. People usually obeyed, sometimes enthusiastically. In some places, local authorities, in efforts to cooperate, even assisted the Soviets in organizing this; thus, the people trusted the call more. Sometimes people were not free of anxiety, like when they learned about the aggressive behavior of Red Army soldiers or where the communist partisans or would-be partisans assumed power in the national committees.

After the people gathered, they started to be treated as prisoners and criminals and were transported away. The Soviets threatened to punish severely the entire family if an individual would hide or run away.

In Prague, the deportations occurred immediately after the Red Army reached the capital of Czechoslovakia. The victims of deportations were particularly the immigrants from the former Russian Empire, who came to Czechoslovakia in the early 1920's. They lived here almost twenty-five years and were Czechoslovak citizens. The Red Army/NKVD officers had (thanks to their spies) lists of them and of their addresses. They were mostly requested to come help as translators and interpreters, but were arrested immediately and disappeared in the Gulag without a chance to return.

Deportation in Slovak towns and cities often focused on elites – teachers, medical doctors, lawyers, priests, and technical engineers. This indicates an implementation of the “class principle” by the Soviets, i.e. according to the communist ideology an elimination of the bourgeoisie and exploiters.

Many individuals were victims of random arrests, walking in the streets or on the roads. Many of these randomly held individuals were subjected to a quasi-court of three, the so called

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<sup>4</sup> For a comprehensive bibliography on the topic, see Polišenská, Milada, 2015, pp. 387-407.

<sup>5</sup> NKVD – acronym for the People's Commissariat of the Interior.

“troika,” which would interrogate and immediately pass sentence in a purely arbitrary way. The usual charge of espionage led to 10-15 years in the Gulag. Those arrested were treated very roughly. They often were not told what the charge was or were forced to confess to espionage and to sign documents they did not understand. They were not able to defend themselves. They were not allowed a qualified defense, and no evidence was given. Even if some of those arrested thought that it must have been a bizarre mistake which will be explained and corrected soon, it was not. They had to experience how the Soviet regime treated the humans.

Even adherents of the pro-Hitler regime in Slovakia during World War II should not have been arrested by the Soviets, tried by the Red Army/NKVD officers, and deported to the Soviet Union. According to the Czechoslovak-Soviet Treaty of 8 May, 1944, they should have been tried by Czechoslovak courts. The Czechoslovak citizens were abducted on the mendacious pretext of a few days of voluntary work repairing bridges or after a trial which ran in complete conflict with legal principles.

There was a scenario/formula based on a highly immoral lie and abuse of peoples' good will and instinct for discipline. The deportations of civilians were undoubtedly planned and approved at the highest level of the Soviet authorities which decided to violate the sovereignty of an allied country and to not respect a valid international treaty.

The deportation had serious social impact. The Soviets left only children, women and old people in the towns and villages. Often mothers of small children were deported and their children abandoned. Many families remained completely without any means, due to the absence of a breadwinner. For example, Katarína Bernátová, from a village in the district of Spišská Stará Ves, applied to the Czechoslovak Government for the return of her husband saying that it was necessary to sow and plough which was beyond her strength. She also had to look after the children, with the youngest only two months old and still being breast fed (Polišenská, 2015, pp. 36–37). Bernátová's letter documents the tragedy in which many simple people in Slovakia were caught.

Many of the deported thought all their lives that, at the official level, nothing was done to rescue them from the Gulag. This is not entirely true, but this assumption was not their fault. The Czechoslovak government did not ignore the deportation, and Czechoslovak diplomacy made every effort to achieve the repatriation of those deported. Soviet diplomacy was, however, like a wall resisting all arguments. The victims of deportation could hardly know about it.

In the summer of 1945, and again in the summers of 1946 and 1947, the Czechoslovak government delegation traveled to Moscow for negotiations. The repatriation of the deported Czechoslovaks was always on the agenda of talks with Deputy Commissar and then Deputy Minister of Foreign Affairs<sup>6</sup> Andrey Yanuaryevich Vyshinsky (1883–1954), but the outcome of Czechoslovak efforts always was that the decision of the Soviet authorities would be communicated to the Czechoslovak government in the foreseeable future (Polišenská, 2015, p. 130). At the top level, Klement Gottwald and Vladimír Clementis officially negotiated for the repatriation of those deported in a correct manner, and they did not side openly with the Soviet position. Czechoslovakia was at that time still a democratic country. The Communists concentrated on building their power and reputation, which could have been easily damaged if they would too openly play the Soviet cards. Even Stalin at that time publicly maintained the illusion on respecting the specific national path toward socialism in every friendly country. A loss in the domestic political arena would be fatal for Czechoslovak communist leaders, who were fully dependent on Stalin. Their duplicitousness, however, is revealed by a case involving Clementis. Even if, as a diplomat, he officially intervened on behalf of the deported, he simultaneously, as a communist apparatchik, insisted in personal visits to the Soviet embassy in Prague that one of the Gulag prisoners, respected lawyer and legionnaire Karel Goliath-

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<sup>6</sup> Originally the People's Commissariat of Foreign Affairs (acronym NKID), it was renamed in March 1946 to the Ministry of Foreign Affairs (acronym MID).

Gorovský,<sup>7</sup> would never be freed from the Gulag and never be repatriated; as there was no interest in his return to Czechoslovakia. Goliath spent in 17 years in the Gulag and was repatriated in 1955, three years after Clementis was executed in one of the major Stalinist show trials.

There were many meetings of Czechoslovak diplomats and politicians, particularly Vladimír Clementis, with the Soviet Ambassador in Prague, Valerian Alexandrovich Zorin,<sup>8</sup> right from his arrival in Prague. For example, on 23 May, 1945, Clementis asked for Czechoslovak citizens held by the NKVD to be handed over to Slovakia, as a law had been passed in Slovakia about the punishment of Nazi and Slovak clero-fascist collaborators. Zorin requested a translation of this ruling into Russian and referred to a consultation with Moscow (Polišenská, 2015, p. 129).

The Chief of Staff of the Czechoslovak Armed Forces, General Bohumil Boček, notified the Foreign Ministry on 5 June, 1945, about many cases of deportation and asked the Foreign Ministry to intervene with Soviet Ambassador Zorin, with reference to §7 of the Treaty of 8 May, 1944. Boček requested that the detentions and deportations be stopped and those who had already been detained or deported to be handed over to Czechoslovak organs. Despite an immediate Czechoslovak note to Zorin, and several subsequent reminders, the Soviet Union responded only three months later on 27 August, 1945 (Archive of the Foreign Ministry of the Czech Republic, henceforth AMZV, USSR 1945–1959, box 37, folder 5, cited in Polišenská, 2015, p. 130).

The Soviet response made a promising and positive impression but was very misleading. This was a usual evasive action of Soviet diplomacy in the course of the repatriation negotiations. Czechoslovak diplomats always asked to be provided clear, specific data and facts concerning deported Czechoslovak civilians, but the Soviet diplomatic notes mostly threw in the air huge numbers of people of many nationalities liberated and repatriated mostly from the Nazi concentration camps, and in the cases of repatriation from the Soviet Union, without differentiating prisoners of war and deported civilians. Such replies were useless, and in addition they served as a tool of Soviet diplomats to sweep away the Czechoslovak arguments by claiming that the data have been provided already.

In Prague, at frequent meetings with Ambassador Zorin, Clementis provided more and more documents on deportations and particularly emphasized that the matter had become extremely urgent and was causing a lot of social and political unrest; as a failure to solve the repatriations was „supporting hidden reactionary, undemocratic and anti-Soviet elements“. Also in Moscow, Ambassador Horák repeatedly emphasized the difficulties the issue was causing in Czechoslovakia. The Soviets knew about this. Vyshinsky admitted to Horák that he knew that the issue undermined the authority of the Czechoslovak government, but it did not seem to matter to him, perhaps even the contrary (Bystrov, 2003, pp. 121, 122, cited in Polišenská, 2015, p. 132).

The Soviets disregarded the fact that Czechoslovakia had, because of their abusive approach toward Czechoslovak civilians, alarming social and economic problems. They even ignored the growth of anti-Russian and anti-communist sentiments in Slovakia and the fact that (unlike in the Czech lands) the leading political party in Slovakia was the Democratic Party and not the Communist Party of Czechoslovakia.

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<sup>7</sup> Karel Goliath-Gorovský (1901-1985) was a leftist orientated lawyer. After the occupation of Czechoslovakia by Nazi Germany, he escaped to Poland where he joined the Czechoslovak military abroad. After this unit crossed the border of the Soviet Union, he was arrested by the NKVD for “anti-Soviet activity.” He was released to Czechoslovakia in 1955 and was the longest imprisoned Czechoslovak in the Gulag. After his return, he published several books on the Gulag and on the Czechoslovak and the European socialist movements.

<sup>8</sup> Zorin served as Ambassador in Prague from 1945 to 1947, when he was appointed Deputy Minister of Foreign Affairs. Well known is his sudden arrival in Prague on the eve of the communist take-over, which he coordinated.

Zorin, in Prague, expressed to Clementis in one of his conversations (on August 13, 1945) the Soviet position that „there was no point in intervening in individual cases, and that there had to be a general solution which he (Zorin) had allegedly urged on several occasions“ (Bystrov, 2003, p. 119, cited in Polišíenská, 2015, p. 131). In reality, the Soviet position was quite the opposite. They refused a general solution, which the Czechoslovaks urged, and required an intervention for every deported Czechoslovak civilian individually.

Vague Soviet assurances continued. Zorin informed Clementis on 22 August, that Moscow had already made a „general decision,“ but did not say anything specific. The surviving documents do not reveal anything about this. I think that Zorin was not telling the truth because several years later the Soviet side was still promising a general decision, and the Czechoslovak diplomats were still urging it.

The main battlefield for the repatriation of deported Czechoslovaks was in Moscow. The main actors of this drama were the Ambassador Jiří Horák on one side and, on the other side, the Plenipotentiary of the Council of Ministers of the USSR for Matters of Repatriation Lt. General Konstantin D. Golubev, the Deputy Foreign Ministers Andrey Vyshinsky and Vladimir Dekanozov, and several heads of the 4<sup>th</sup> European Department of the Soviet Foreign Ministry.

When the first post-war Czech Ambassador in Moscow, Jiří Horák, officially assumed his post, he declared that, for him, the repatriation of deported Czechoslovak civilians was a priority of the embassy and a highly moral issue; and not just for him, but also for the diplomatic counselor Jiří Kašpárek and attaché Václav Vaško, who were involved in this agenda with a sincere dedication.

On October 12, 1945, the Czechoslovak Government instructed the foreign minister and state secretary at the Foreign Ministry to “every possible way work for the early release of Slovaks and Czechs who are until now interned in Soviet internment camps” (AMZV, Czechoslovak Embassy in Moscow, report of 15 October 1945. AMZV, USSR 1945–1959, box 39, folder 3, cited in Polišíenská, 2015, p. 134). By that time, the Soviet Union received at least twenty Czechoslovak requests at the top governmental level for a release of its deported civilians, emphasizing that no legal basis existed for their detention.

The Czechoslovak Foreign Ministry required that all deported Czechoslovak citizens should be repatriated *en bloc*. The Soviets, however, insisted that the Czechoslovak side must present lists of deported people and that only then were the Soviets willing to negotiate their repatriation. As the Czechoslovak embassy reported, „the Soviets here literally require the presentation of lists of reclaimed detainees and only on the basis of such lists are they willing to start the search for detainees.....They consider the opposite approach, recommended by our ministry – that is, concentrating all detained Czechs and Slovaks in one place [...] – to be impracticable” (AMZV, USSR 1945–1959, box 39, folder 3, cited in Polišíenská, 2015, p. 135).

Ambassador Horák was received on 21 March, 1946, by Deputy Minister Vyshinsky, who was known for his arrogant behavior. Horák insisted on a general solution and repatriation of Czechoslovaks *en bloc*, emphasizing also the political and social impact of the deportation. Vyshinsky’s reaction was evasive, and he said that it was almost impossible to ascertain where the deported people were living, scattered as they were across the enormous territory of the Soviet Union. Horák, however, had a strong argument and said that according to the Czechoslovak information there were several hundred Czechoslovaks in camps in Stalino in Donbas and named a few other camps with a large concentration of Czechoslovaks. Vyshinsky said as usual that “he would look into the matter further and would let us know, and as far as a radical solution was concerned, it would only be possible to decide the matter after an agreement with the relevant authorities.” The conversation was clearly not pleasant, and Horák left with a disappointing and unsatisfactory outcome. In his memorandum of the conversation with Vyshinsky, Horák noted: “I consider the strenuous investigation of this matter to be one

of the most important tasks of our embassy” (AMZV, USSR 1943–1960 [Moscow Embassy], box 22, cited in Polišíenská, 2015, pp. 160–161). And again, Ambassador Horák used his strong argument, §7 of the treaty, but with no effect.

Based on this, we can say that the proclamations of Vyshinsky and Zorin regarding a general solution were not true and can be considered as a bluff. In fact, it was the Czechoslovak side that requested a general repatriation of those abducted.

In my opinion the Soviet Union had no interest in repatriating the deportees, but rather in keeping them in the labor camps as long as possible. The Soviet authorities were in fact capable of compiling lists of interned Czechoslovaks and giving them to the Czechoslovak side as records according to the ethnicity were made anyway (Documentation of the author of this article based on her research in Tsentr Khraneniya Istoriko-Dokumentalnykh Kollekcii, Moscow, in 1994. Also see Stark, 1995, 204).

Ambassador Horák, in this situation, had to report to Prague: “After repeated interviews with representatives of the repatriation office of the USSR and representatives of the Soviet Foreign Ministry, it was again confirmed that both offices refuse to make the first steps toward repatriation of prisoners and internees in cases where the address for repatriation is not known to the Czechoslovak authorities” (AMZV, USSR 1945–1959, box 39, folder 3, cited in Polišíenská, 2015, p. 136). This Soviet requirement was in the first weeks and months after the deportations an unfulfillable condition. How could the family members of those abducted know to where their family members were disappeared? This way, the Soviets directed any negotiations towards a dead end.

It became clear that the process of repatriation was going to take much longer and the negotiations would be far more demanding; and that the Soviet side would never agree with a general solution and repatriation *en bloc*. It became clear that the Soviet Union was not willing to compile a list or lists of deported Czechoslovaks and hand them back to Czechoslovakia. It appeared that Czechoslovakia must present lists of its deported citizens itself. This was an absurd requirement, but Soviet intransigence in 1946 led the Czechoslovak authorities to embark on a systematic registering of all deported citizens. It was the only way to move the situation forward.

During the second half of 1945, and particularly in 1946, some deportees returned. Those few who returned in 1945 managed to make it on their own and escaped while on their way. In 1946, the first repatriations from the camps took place when the Soviet Union decided to release some of those deported. There is now indication, though, that these repatriations happened in response to Czechoslovak diplomatic efforts.

They brought information about the locations of some camps and about other Slovaks interned there. This allowed the Czechoslovak administration to start compiling lists of abducted civilians. These lists were collected by the Ministry of Foreign Affairs and then sent to the embassy in Moscow. Thus, Czechoslovakia accepted the Soviet dictate, but this was the only way how to move the process of repatriations forward. A “List of Czechoslovak Citizens Detained by the Red Army and Deported beyond the Borders of the Czechoslovak Republic” is a very important document in the Archive of the Czech Foreign Ministry, even if it is just an unsigned and undated copy (AMZV, USSR 1945–1959, box 39, folder 3, cited in Polišíenská, 2015, p. 141). It provides the names, dates of birth, and dates of arrest of the 1,254 deported persons. It can be assumed that it is the final product of a centrally coordinated periodical collection and compilation of lists of deported persons provided by the national committees and the police stations in Slovakia. Later, persons who had returned were also listed.

In 1946, the frequency of Czechoslovak interventions and negotiations with the Soviets intensified, and the number of repatriated civilians slowly increased. At the same time, the true horror of the drastic conditions in the camps came to the surface, as most of the repatriates

returned home on the edge of death and reported about huge mortality and physical and psychological violence in the camps.

The numbers of those deported was a permanent, difficult, and exhausting issue for the Czechoslovak diplomats. The Soviets were very hard negotiators, self-confident and haughty. They were promising an early solution, presented data that was completely different from that provided by the Czechoslovaks, and they did not provide any justification to the Czechoslovaks, which Czechoslovakia did. They denigrated the Czechoslovak data as exaggerated and untrue, even if the names of deportees were based on letters from their families, from local police stations, and from national committees. Immediately after Czechoslovakia presented the lists, the Soviets required new lists and asked for new and more precise data.

The Soviet Union acknowledged only 1,232 deported citizens: 482 as reportedly repatriated, 237 in the process of repatriation, and 513 to be tried in the Soviet Union (!) (AMZV, USSR 1945–1959, box 39, folder 3, cited in Polišíenská, 2015, p. 142). This was less than what the Czechoslovak summary lists indicated<sup>9</sup> and much less – approximately a quarter – than the reality (Polišíenská, 215, pp. 132–141). At this point, however, the Soviet Union proclaimed the issue of repatriations settled. This proclamation was highly alarming and raised worries among the Czechoslovak diplomats. The discrepancy between the Soviet and the Czechoslovak data was huge, and lists of deported civilians and desperate letters from the families continued to flow to the Foreign Ministry in Prague.

The following story shows how difficult it was to unravel the truth. On 18 March, 1946, Ambassador Horák was informed by Jan Masaryk that in the next few days 5,000 freed persons from the Soviet prison camps would be handed over to the Czechoslovak authorities in Chop on the border between Slovakia and the Soviet Union. This information was reportedly sent to the Czechoslovak Ministry of National Defense by its military mission in Moscow, and it should have come from the Soviet plenipotentiary for repatriation, General Basilov. Ambassador Horák did not receive any information from the military mission about this transport, and when, on 22 March, he visited the Narkomindel and spoke with Pavlov, the Head of the 4th European Department, he learned nothing. Even a month later, on 18 April, Pavlov was unable to answer Horák and maintained that he knew nothing about the matter (AMZV, USSR 1943–1960 [Moscow Embassy], box 22, cited in Polišíenská, 2015, p. 160).

Similarly, in May 1946, the Soviet Envoy in Prague, Chichayev, mentioned to Dr. Vladimír Outrata at the Ministry of Foreign Affairs that there would be a transport of 1,500 Czechoslovaks in the near future, but did not provide any particulars. The number was close to the number of deported people claimed by Czechoslovakia for repatriation, and therefore some optimists hoped that perhaps the Soviets finally decided to repatriate the Czechoslovak civilians *en bloc* as a general solution to the matter. In reality, this was a typical example of Soviet diplomacy. Providing vague information, which could not be verified, and which nevertheless could not have been ignored, the Soviet side manipulatively created a false impression of good will, prolonged the talks, or directed them down a dead end and blamed the other side for the complications. Ambassador Horák had to visit Pavlov several times, and finally he learned that the internees had been already brought to Chop and released across the border into Czechoslovakia. According to Pavlov, the exact number of repatriates could not be ascertained, and the Czechoslovak Foreign Ministry could not be informed because the repatriation was already in progress (AMZV, USSR 1943–1960 [Moscow Embassy], box 22, folder Prisoners of War, in Polišíenská, 2015, 167).

Czechoslovak diplomats repeatedly complained that the Soviets did not keep them informed, that it was not possible to authenticate the provided information, that it was not clear whether the repatriation means German prisoners of war, prisoners of war of German allies, or

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<sup>9</sup> In September 1945, Clementis quoted a list of 5,300 names which was later reduced through verification and particularly by removing of Hungarians and Germans from the list to 1,254 names.

Czechoslovak civilians. In this case no Czechoslovak authority in Chop reported on the repatriation of such a group, because the Soviets let the repatriates cross the border without a proper transfer to Czechoslovak authorities.

The Munich Dictate and the Vienna Arbitration, through which Germany and Hungary annexed significant portions of Czechoslovak territory in 1938, and recent tragic wartime experience, were a strong engine of particularly Czech nationalism. The Czech – Slovak relationship was also not smooth, due to the proclamation of the pro-Hitler Slovak state on one side and the very reluctant recognition of Slovak national identity by President Beneš combined with centralized policy on the other side. The transfer of historically German minorities from Czechoslovakia, Poland, and Hungary was codified by the Potsdam Conference. For Edvard Beneš and his establishment, this was a great historical victory which was fully justified. The efforts to achieve a transfer of Hungarians according to the same model did not succeed, and thus Czechoslovakia used population exchange and forced resettlement. Even if there were many ethnic Slovaks deported to the Gulag, the largest deportations occurred from regions populated by Hungarians (south and south east of Slovakia) and by so called Carpathian Germans, who settled particularly in the Zips region in the 1200's. Subsequently, Czechoslovak politicians were not interested in the repatriation of Germans and Hungarians, as this was one of the means how to reduce their minorities in the country. Retribution was clearly a strong motive.

The fact that many of them returned was a merit of democratic and human elements in the diplomatic service, particularly Ambassador Horák and Attaché Vaško.

In early 1946, Vladimír Clementis said that in Czechoslovak foreign politics, “What is perhaps historically most binding is ... that we want to have a national state of Czechs and Slovaks – that is, a state without Germans and Hungarians.”<sup>10</sup> This political concept reflected in Czechoslovak repatriation diplomacy as a violation of humanity and had a direct impact on it. Fortunately, the impact was not total, but it still caused dozens and perhaps hundreds of tragic fates, as the Czechoslovak organs in Prague and Bratislava excluded many Czechoslovak citizens from the lists.

The Czechoslovak Memorandum originally contained more than 3,000 names of deported citizens, including Hungarian and German ethnicity (AMZV, USSR 1945–1959, box 39, folder 3, cited in Polišenská, 2015, p. 140). The Foreign Ministry first deleted Slovak Germans and Hungarians and then sent this list to the embassy in Moscow. This happened at the time when, based on the so called Beneš Decrees, the Hungarians in Slovakia were deprived of Czechoslovak citizenship (and therefore also of the protection of Czechoslovak Government), and many lost their property and jobs. Many Slovak Hungarians however remained on the lists forwarded to the embassy in Moscow for negotiations – this was made possible thanks to statements on political reliability issued by local national committees to the family members, which were attached to the applications for repatriation.

In Czechoslovakia, after much pressure by the Ministry of Interior, which was one of the most pro-Communist institutions in the country, the unconditional requirement of repatriation of all deported civilians was replaced by a selective principle in 1947 (AMZV, USSR 1945–1959, box 38, folders 3 and 7 and box 33, cited in Polišenská, 2015, p. 232). Instead of insisting on an unconditional of all its deported citizens now the Czechoslovak state decided whom it wants back and who has to stay (which meant die) in the Gulag. The families had to justify why their deported members had the right to return. Usually this happened through so called certificate on national and political reliability issued (or denied) by national committees. The nationalistic application of ethnic criteria and the enforcement of selective repatriations were, on the Czechoslovak side, the main failures of the moral and humane, protection of one's citizens and rights.

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<sup>10</sup> Clementis, print of a public lecture on 23 October, 1945. Place of lecture and publisher not indicated. Polišenská, 2015, p. 137.

Czechoslovak Communists benefited politically from this change and emphasized that Czechoslovakia was the only country that was granted permission from the Soviet Union to conduct its own selections before the repatriation.

In 1947, in Luisdorf near Odessa, a central repatriation camp was established. Many internees from the Gulag camps were first sent here to wait for their further fate. The other major repatriation camp was called Marmaros Sziget, today Sighetu Marmăției in Romania. Periodically, a diplomat from the Czechoslovak embassy in Moscow was dispatched to these camps, particularly to Luisdorf, to approve or decline the repatriation of each individual one by one. Such screenings gave these diplomats enormous power and responsibility, and there was great potential for mistakes or intentional misuse. Some diplomats, as for example Attaché Václav Vaško, took this task with all humane responsibility and did not prevent anyone from returning to Czechoslovakia. Communist Miloš Krno, who was born in 1922 and was appointed by his protector Clementis to Moscow with the rank of 1<sup>st</sup> Secretary (which was an unusually high rank for his age), often refused repatriation and sent people who were just a few steps from repatriation back to the Gulag. Criteria for his decisions were, for example, an ability to sing a Czech song or a letter from family in hand – but the correspondence with home was strictly prohibited and impossible in the camps. This should have been a proof of a Czech nationality, i.e. national and political reliability. An interview took five minutes maximum (Polišenská 2006, pp. 137, 138), and was often random and fatal. Paradoxically, at this time it was the Soviet Union that pushed for fast repatriations. When Luisdorf's capacity was full, they sent repatriation transports to Czechoslovakia. They urged the Czechoslovak embassy to send a screening diplomat as soon as possible, and considered Czechoslovak individual screenings as an unnecessary delay.

This change of Soviet attitude in 1947, and particularly in 1948, was not a result of Soviet humanism or a success of Czechoslovak diplomacy. The reason was very pragmatic. A great number of the Gulag internees found themselves in such a physical condition that they were useless for the Soviet Union. Unlike in the past when the Soviet Union used lies and evasive responses to keep the internees in the Gulag as long as possible, now the Soviets became an engine of repatriations, but without respecting the agreed upon processes and mechanisms. The main reason behind this was an international agreement concluded between the United States, United Kingdom, France, and the Soviet Union on 23 April, 1947, according to which all prisoners of war have to be repatriated to their home countries by the end of 1948. The Soviet Union still held on its territory millions of prisoners of war. In 1947, and particularly in 1948, the Soviets tried to decrease their numbers by large repatriations, and they did not differentiate between prisoners of war and civilian internees. Actually, it was easier to achieve the repatriation of a larger group, even prisoners of war, than to negotiate successfully for a single individual. The Soviet Union did not meet the deadline for the repatriations of prisoners of war. Just a small remark for context: in 1950, the United States, Great Britain, and Australia requested from the Soviet Union, via the United Nations, for an explanation, data, and facts regarding several thousand German soldiers who were still in the Soviet Union. They requested either their immediate repatriation or clarification of their deaths. The Soviet Union responded that all prisoners of war were already repatriated and blamed the governments of the United States, United Kingdom, and France for the problems in their repatriation. The Soviet Union sharply denied the presence of any prisoners of war on its territory with the exception of 13,532 persons convicted or investigated for war crimes and fourteen (!) persons in medical care in hospitals (Polišenská, 2006, pp. 210–217). Many surviving archival documents confirm this was an unprecedented lie.

After the Communist take-over in Czechoslovakia, Ambassador Horák was immediately replaced by the Communist Bohuslav Laštovička. As a measure to strengthen the Soviet bloc, and also due to the approaching deadline for the repatriation of prisoners of war by the end of 1948,

the USSR announced an end to repatriation to Czechoslovakia on 29 June, 1948, and definitely ended repatriation on 29 April, 1949. This was very alarming for several diplomats from Jiří Horák's era (Václav Vaško and Counselor Emil Štefan) who were still in Moscow –and knew the real state of repatriations. They argued to Golubev that there were still many Czechoslovaks in the Gulag camps that needed to be repatriated (AMZV, USSR 1945–1959, box 38, folder 2). To negotiate for them was, however, hopeless. Czechoslovak diplomats were told that from now on any repatriation case had to be negotiated on an individual basis and only through the Czechoslovak and Soviet Red Cross, not via diplomatic channels. This was, however, very inefficient, as the Soviet Red Cross did not respond to any Czechoslovak correspondence. A glimmer of hope came after the death of Stalin in 1953, but only after the amnesty following the XXth Congress of the Communist Party of the Soviet Union in 1956 did some number (literally few last individuals) of Czechoslovaks from the Gulag camps return home.

The Gulag survivors were permanently persecuted under the communist regime in Czechoslovakia. They were labelled as politically unreliable persons. They were incessantly intimidated by the Czechoslovak secret services not to say a word about what they saw and experienced in the Gulag. They had problems finding jobs and accommodation. Their children were denied the ability to study at high schools and universities. The married deportees had big difficulties to reestablish previous family life and relations with their children. They suffered serious health problems and psychological trauma. The case of Mr. Rudolf Stybar is an illustrative example (Polišenská, 2015, pp. 65–68). He was deported as a seventeen-year-old high school student and was interned for just one year in the Donbas area. After repatriation, he and, later, his wife, were persecuted in Czechoslovakia for the rest of their lives. They were always immediately denied any job as soon as the “cadre department” learned he had been in the Gulag. They were thrown out of apartments. Their neighbors were afraid to be seen talking with them. Such persecution must also be added to the list of the violations of human rights under Communism.

After the collapse of Communism in Czechoslovakia, compensation was first adopted in Slovakia as a remedy for wrongs caused by the totalitarian regimes. The Act No. 319 of July 1991 mandated the compensation of 2,500 Crowns for every month of deportation. In the Czech Republic, the compensations were enacted ten years later by the Act No. 172 of April 2002.

### 3. CONCLUSION

How many people were deported? In the early 1990's, the estimates ranged dramatically between 1,000 and 100,000. One of the outcomes of my research is an online database of 7,422 names and data compiled from archival sources. It cannot be considered final and is open for further additions and corrections based on further research, particularly a more precise ascertainment of prisoners of war and civilians. It can be estimated that approximately 10,000 civilians were deported from Slovakia, and one third of them died in the Gulag. From the Czech lands, between 300–500 hundred persons were deported. Out of them, approximately 200 people were elite immigrants from the Russian Empire, and from this group, all died in the Gulag. The Soviet Union refused even to negotiate for the repatriation of these Czechoslovak citizens, arguing that it was “politically inappropriate.”

Deportations affected all countries of Central Europe. Very large deportations occurred in Hungary and in Poland and, also, in the Soviet zone in Austria. The Soviet Union also deported large numbers from Transcarpathian Ukraine, which, *de jure*, was still part of Czechoslovakia, but was taken over *de facto* by the Soviet Union.

Could the deportations have been avoided by the Czechoslovak government? My opinion is that under the given historico-political situation, it would not have been possible. The

Soviet Union was an absolute hegemon on the liberated territory, and it proceeded fully according to its own interest, disregarding, neglecting, and violating international agreements, legal stipulations, moral principles of truth, and humanity itself.

The goal of this article was to focus on legal, diplomatic and moral aspects of the deportations.

From the legal point of view, the Soviet violation of a valid treaty with Czechoslovakia and of sovereignty of an allied country was demonstrated clearly.

In the diplomatic negotiations, the Soviets were hard and tricky negotiators unresponsive to Czechoslovak arguments. Even before the communist take-over in February 1948, the Czechoslovak diplomacy was gradually affected by the communist influences from inside.

The moral aspects of the deportations are a particularly dark theme. The Soviet Union lied and used manipulative promises and fabricated charges. Czechoslovakia was, since the entry of the Red Army on its territory, treated by the Soviet hegemon as its sphere of unchallenged influence.

At the end, just few words about the longer-term consequences of the deportations for the relations between Soviet Union/Russia and Czechoslovakia/Czechia/Slovakia. For four decades of the Communist regime, this topic was a complete taboo and no research and publications were possible. In November 1989, Communism in Czechoslovakia collapsed. The General Prosecutor of the Soviet Union informed officially Czechoslovakia, that the decree of the President of the USSR Mikhail Gorbachev of August 13, 1990, which rehabilitated all victims of repressions, applies, also to nationals of other countries who were unjustifiably imprisoned in the Soviet Union. It was said that the applications will be examined on individual basis, detailed documentation will be required etc., but the most important was that Soviet authorities formally agreed with the compensation for the deportation and internment in the Gulag. In Czechoslovakia, the applications had to be submitted to Czechoslovak Prosecutor and then handed over to the General Prosecutor of the USSR.

While the search of Soviet official institutions for information about specific deported Czechoslovaks on request of family members did not bring any result and the response was usually that no information is available, the society Memorial which is currently facing problems in Russia was efficient and in a short time provided detailed archival and other information including a location of the grave and other particulars (Polišenská, 2015, pp. 77–79). At that time, the efforts for compensation were not fully organized. Most of applications was sent to the General Prosecutor, but many also to the Ministry of Foreign Affairs, to the Slovak Helsinki Committee and to several other NGOs. Czechoslovak General Prosecutor tried to follow up the first promising steps of its Soviet partner, but without major progress, and therefore tried to establish a larger team from all interested institutions and organizations to achieve a coordinated action. Then came the disintegration of the Soviet Union. 10 June 1992 the General Prosecutor of Russian Federation expressed his willingness to examine the individual applications of Czechoslovak citizens who were interned on the territory of Russian Federation, while the repressions that occurred in other republics should be solved by the institutions of the respective – now independent – republic. In the meantime, Slovakia and later Czech Republic adopted their laws on compensations. The topic of deportations remained at the level of archival research (unfortunately the Presidential Archives in Moscow is still not open for research), documentary movies and interviews.

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## **MEDIA AND ITS ROLE IN POLITICS OF RUSSIAN FEDERATION AND HUNGARY**

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### **Abstract:**

*The Twenty-First century is an era of information and fast exchange of it. With the emergence of the modern media, the population has an opportunity to speak and to be heard. Through articles in newspapers, Tweets, or Facebook statuses people are sending messages to those who can use it in their interest. Since media became a powerful tool in political games, modern “illiberal” political leaders intend to limit society’s enlightenment in order to keep their positions, not to allow a full understanding of the situation and to use it only for their benefit. That is why people who are trying to reveal the truth or speak out are under threat. Current trends in Russian Federation are very visible and might even be contagious. Since Russia has had an influence on the Central European region – there is a need to look at the current Hungarian situation with media as well. Adding up to Hungarian politicians’ general attitude towards journalists and the work of Fidesz party with a lead of Viktor Orban, the situation does not look democratic at all. In both states ‘freedom of speech’ is a constitutional right that has been limited. The goal of this research is to compare Russian and Hungarian policy towards media since the end of the Communist regime. In this paper it is argued that since media has framing power, Russian and Hungarian governments are trying to limit its freedom.*

**Keywords:** *freedom of speech, Hungary, media, politics, Russia*

### **1. INTRODUCTION**

The modern world cannot be described without contemporary means of media and its effect on political and social life. Nowadays, leaders are very concerned with tabloids and headlines, because their actions are intently watched. The Soviet history had its influence in Central Europe and it seems like it is trying to do so now. In Russia in 2016 *RBC* editors were fired, because they allowed information on Russian government’s connection to corruption (Freedom House, 2017). Similarly, in 2016 the major opposition newspaper in Hungary was closed, because of unveiling connection of ruling party to some scandals (Hungary, 2017). Moreover, there are new rules on online activities in Russia; “wrong” statements can lead to big issues. There are a lot of Facebook and Twitter statements against the current ruling party, the United Russia party, and today’s country’s position. The government itself is trying to strengthen its positions by toughening the rules on online activities. The so-called “Yarovaya Laws” of 2016 allows deeper interference into data providers’ work. As for Hungarian case, democratic values seem to be under the threat too. In Hungary and the Russian Federation press freedom is a constitutional right. Russia was already accused of rights’ limitations, while for Hungary such a phenomenon is quite new (Jones, 2016). These actions were caused by some political events within or outside the county. Each event will be discussed below in more detail. This essay will concentrate on study of two countries which have been criticized for limiting their press freedom. This work aims to compare Russian and Hungarian freedom of press since the end of the Communism. It is argued that since media has framing power, governments are trying to limit its freedom.

## 2. METHODOLOGY AND THEORETICAL APPROACH

The work of De Smaele (2007) gives an analysis of contemporary Russia's situation with media and its openness and how it is shared. This work is a comparison of the modern situation with the Soviet Union's one. Concluding, the author confirms that the position of media under the Soviet regime was very limited, but current situation in Russian Federation did not go far from it (De Smaele, 2007, 1310). More recent research of Ajir and Vailliant (2018) has shown different aspects of Russian policy towards media and how state is actually using media in its interest either national or international one. Also, scholars have shown the similarities between the Soviet usage of media and the modern one (Ajir and Vailliant, 2018, 72).

Other authors have done research on media's influence on political outcomes (Enikolopov, Petrova and Zhuravskaya, 2011), and vice versa – how the Russian state has been trying to control media straight after the Communism failure (Konzhukov, 2014). Also, the topic that is important for this work is how media interprets and constructs social world. In other scholars' works (Wasburn and Burke, 1997; Kovacs, 2003), media's construction of social reality in both Russia and Hungary is very well assessed. Straight after the dissolution of the USSR and elimination of politics of *glasnost* all media channels and newspapers went through reforms which did limit their freedom (Wasburn and Burke, 1997, 673).

The Hungarian case is not as old as Russian one, but it does already seem like Hungarian political elites are taking a very similar path in regards of media. In 2012 the new constitution with an amended law on media came into force, which triggered a wave of opposition and researchers (Hinsey, 2012). Lengyel and Ilonszki (2012) have assessed political elites' behavior in regards of new constitution and media law.

Based on the various scholars' works it became obvious that the amount of works on Russia is higher than the ones on Hungary. It is not surprising, because Russia started to lose its democratic characteristics earlier than Eastern European state. Previous works have already showed interpretive and constitutive power of the media.

This work is based on a comparative analysis of two countries in which several concrete case studies of governmental laws and policy approaches are used. There are 4 main world's political events for each country, which could influence laws' amendments. Laws are taken from the governmental websites and events are from online newspapers like the *BBC news*, the *New York Times*, the *Washington Post* and the *Guardian*. The significance of this work is that state's side and more independent side of media collide here. That is why the most of amended laws are justified by political elites as rules, which are supposed to "protect" rights of citizens in media or data spheres. But in reality, new laws only limit press freedom in order to satisfy states' orders.

The theory that will be used in this work is post-structuralism, because it provides the paradigm through which one can understand how societies construct and perceive themselves and others through speech, text and image. The theory itself entered into International Relations in the 1980s, first as a reaction to classical rational theories such as neo-realism and neo-liberalism, and second, it was fueled by the influence of Marxism and other critical approaches. However, it became more widespread and usable only by the end of the 20<sup>th</sup> century (Baylis, Smith, and Owens, 2008, 185). Different global events which could not be explained with the help of rationalists' theories affected development of this paradigm (Goldstein and Pevehouse, 2014, 102). Post-structuralism is a social theory that is dealing with the ideas and meanings attached to them. But in order to use this theory one needs to understand some basic postulates, which are important for this paper.

According to the poststructuralists, *language* is most important. Using post-structuralism with its importance of language allows us to look at these events and change of laws from a different angle. That is why theory is useful in conducting this research. Words are

very significant for understanding, in this case the image of a country (how it is constructed by media sources). It is due to the ability of language to give meaning to everything that exists; that all things, events and concepts have its sense, meaning and identity (Hansen, 2006, 16). Role of language is social and constitutive in this approach. That is why media is significant too – with the help of language it constructs realities. Everything can be text in social reality, because it has a specific meaning attached to it (Neumann, 2008, 63).

When it comes to the nature of knowing (epistemology of this approach), post-structuralism denies causal knowledge, it uses constructive knowledge meaning that social reality is constructed and built by people. Media has got power to construct reality and image of politicians, governments and states as well. It is so-called *framing power*, “that encourage target audiences to think, feel, and decide in a particular way” (Entman, 2007, 164; Gross and D’Ambrosio, 2004, 3). In order to maintain domestic obedience, political elites need to guide press in the direction of their interest. That is why media is both dangerous and useful for political elites. According to the scholars of the theory, there is a *power-knowledge* relationship, meaning that those who have knowledge have power, while those who have power create knowledge. Basically, “power requires knowledge”; and those who have power influence knowledge (Baylis, Smith and Owens, 2008, 185). This concept is essential for this work, because this is what political elites of two countries are trying to do – deprive “power of word” from journalists and take population’s right away.

This research’s aim is to compare Russian and Hungarian policy towards media after the end of the Communism up until present day. The common factors found for both states are: restriction of mass media – laws tightening censorship and ownership. Most of them were influenced by a world event, so there is an attempt to find connection between events and laws (and ideally, between two states).

### 3. FINDINGS

#### 3.1 The Russian Case

Today, Russian Federation occupies 148<sup>th</sup> place, while Hungary is 73<sup>rd</sup> out of 180 states in the press freedoms ranking (World Press Freedom Index | Reporters Without Borders, 2018). In 1989, the legal base of press freedom was founded, the ideas of *glasnost* and *perestroika* allowed people to express themselves and not being punished for it (Benn, 1996, 471). In 1990s the situation was different, because, first of all, there was no such amount of media channels to begin with and most of them were struggling economically (Benn, 1996, 471). After the dissolution of the USSR, a new media law came into force, which guaranteed the freedom of press and ensured only court’s order to close publications or TV channels (Price, 1995, 801). Surely, it was a sign of change, but few years later *Pravda* and *Sovetskaya Rossiya* were “asked” to reconsider their name and editors (Benn, 1996, 473). (This was against Media Law of 1991). What is important here is Chechen War of 1994, because that is when independent TV channel *NTV* by its honest and straightforward broadcasting showed an ignorance of national media sources (Muzzle Chafes Chechen War Media, 2018; Staff, 1995). This was the first example of Russian independent press speaking out. Unfortunately, since 2001 *NTV* has stopped being free, because the Gazprom Media Holding took over and turned it into the state-owned entity (Beumers, Hutchings and Rulyova, 2008; A Brief History of the Russian Media, 2013).

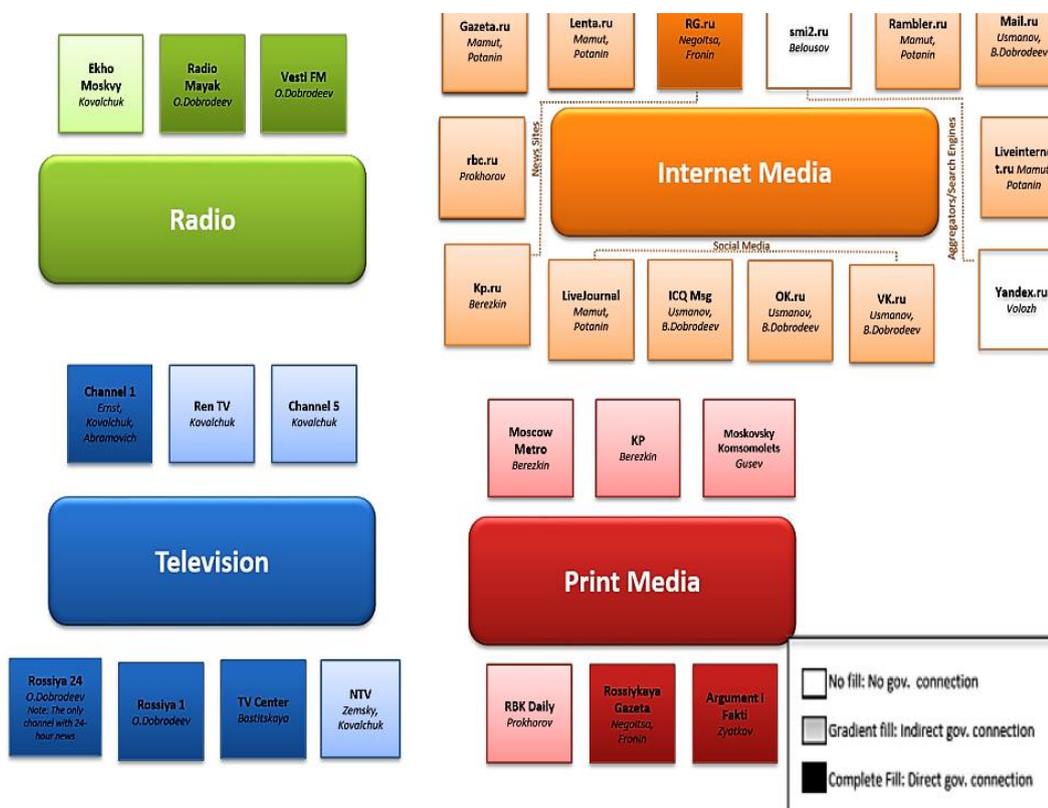
With the appearance of Vladimir Putin situation changed completely, because of his intention to control everything in the country (Beumers, Hutchings and Rulyova, 2008, 83). Interestingly enough Putin stated in the interview (2003):

We, in order to ensure the real freedom of the press, must ensure the real economic independence of the mass media. We will be persistent in trying to achieve this end. We will offer comprehensive support of the real independence of the press, even if we do not like those ideas and opinions that are expressed. There is always some kind of tension between the mass media and the powers that be, those who are controlling the political authority in a given period of time.

For foreign media and domestic readers, the president looked very democratically oriented. This is the image of the Russian president showed with the help of his wily public relations skills. The statement itself makes sense and sounds very democratic, except internal actions happening in Russia. During the same period newspapers were suffering numerous FSB (Federal Security Service) visits, the coverage of some events was not welcomed by law enforcement agencies, and TV-6 and TV5 closing were instances of the same mechanism (Bacon, Renz and Cooper, 2013).

### Laws restricting mass media

One of the main comparison factors is the existence of laws restricting media freedom. In Russia there are 4 main sources of information: television, radio, printed press and the Internet. The same works for Hungary. The primary source is still television, and it is severely controlled by ownership and censorship laws (A Brief History of the Russian Media, 2013). State-controlled companies like the Gazprom and others with connection to the government are responsible for media content (Semlet 2017). The figure below shows media sources and their independence. In 2016, most of media sources were state owned or owned by oligarchs linked to the Kremlin, except two internet systems (Zakem et al., 2018, 5).



Source: CNA. Data compiled using Alexa Website Traffic Statistics and the OSC Media Environment Guide on Russia (2016) owners and editors are listed below each media outlet

Figure 1. Media consumption in Russia

Censorship laws are the laws that demand an approval of the materials planned to show or print.

*Event 1: In 2010, WikiLeaks website provided top-secret information on USA in Iraq, murders in Kenya and the Guantanamo Bay procedures (Top 10 World Events in 2010: Year In Review / Long Island Press, 2018).*

Following such unveiling activity of the WikiLeaks website in 2010 the Law on Protection of Children from Information Harmful to Their Health and Development was signed, and came into force in 2011 (The Washington Post, 2018). On one hand, such a law is indeed supposed to have a positive effect, and protect children from inappropriate content (Roudik, 2011). But on the other, it gives more power to those who need it, in this case to the state and “Roskomnadzor” because their experts make decisions (The Federal Service for Supervision of Communications, 2014). It untied the hands of the government in regards of shutting down “undesired” websites (Russia blacklist law takes effect, 2012). These websites and networks like LinkedIn and Telegram are blacklisted in order “to stop the proliferation of extremist content,” as well as anything that incites hatred or violates the “established order” (Human Rights Watch, 2014; Top 5 online services banned in Russia, 2018). WikiLeaks provided very sensitive facts, thus cultivating Moscow’s mistrust and constructing the idea of “everything hidden will eventually be revealed”. This led to the tightening of the law and giving the authorities more freedom.

*Event 2: 2010 human rights violation of NGO’s members in Russia based on their usage of pirate Microsoft software (Levy, 2010).*

*Event 3: after winning elections in 2012, Putin and his administration realized essential meaning of media and how it should be used domestically and externally in order to satisfy “national” interest (Zakem et al., 2018, v).*

In order to win next elections. everything had to be under control and people were supposed to be looking in the same direction. This is when constitutive power of language and media comes into place, because in order to construct ideal image domestically and outside this tool is necessary. Since newspapers were accusing Russia of violation of rights and Microsoft of being on the Kremlin’s side – authorities had to do something about it.

In 2012, straight after getting into the office president, Putin signed a law “on foreign agents,” which was an amendment to previous laws on NGOs (‘Foreign agents’ under Russia’s NGO Law and its US doppelganger, 2018). It obliged NGOs getting funds from abroad to get registered as “foreign agents.” In 2013 Law on Traditional Family Values came into force, thus limiting freedom of press. According to this law, the propagation to children of the information “negating family values, promoting non-traditional sexual relations and encouraging children to disrespect to parents and/or other family members is banned” (Karpukhin, 2015, 25). This gives more chances for “Roskomnadzor” (the Federal Service for Supervision of Information Technologies and Communications) and “Rospechat” (the Federal Agency for Press and Mass Communications) (Karpukhin, 2015, 14) to engage in subjective activities.

*Event 4: in 2015 Russian Federation was blamed for interference into US elections (Ten Most Significant World Events in 2016, 2018).*

In 2016, the Law on Mass Media was amended prohibiting foreigners to have more than 20% of share, thus making 821 media entities change their shareholders or move back to their countries

(Russia Country Report | Freedom on the Net 2017, 2018; Luhn, 2014). “Yarovaya Laws” (called after author Irina Yarovaya) of 2016 allows deeper interference into data providers’ work (Yarovaya, 2016.; Yarovaya Law and New Telecoms Data Storage Requirements, 2018).

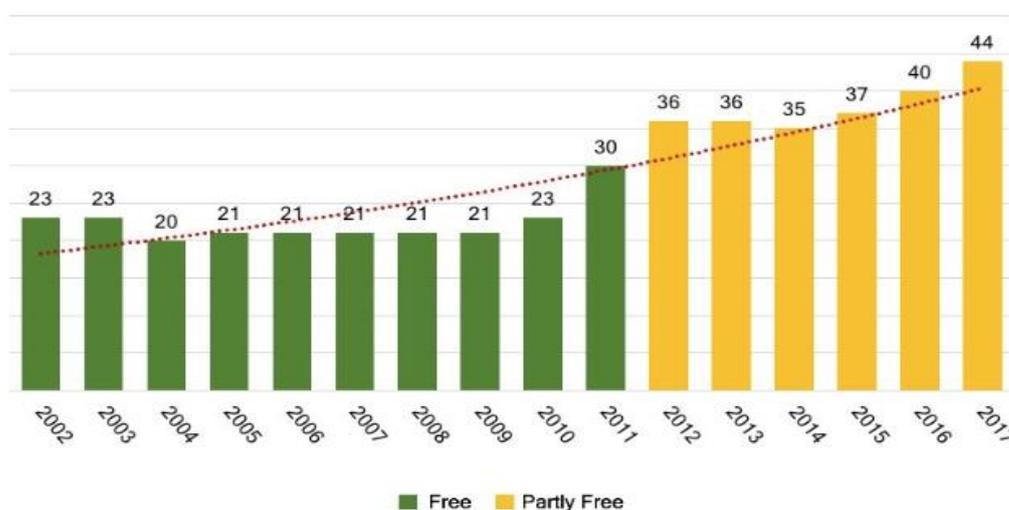
In 2016 RBC editors were fired, because they allowed information on Russian government’s connection to corruption (Russia Country Report | Freedom on the Net 2017, 2018). Blame for interference in US elections triggered laws’ amendments in order to secure the “quality” of information in the domestic media and image in foreign one.

All these instances can be seen through *power-knowledge* concept, because those holding power frame knowledge. This is what has been happening in Russia – government is accumulating so much power it just dictates the information to the population and expects them to believe in it. This is when constitutive power of language and media plays its role composing its reality and interpreting events.

### 3.2 The Hungarian Case

In 1990s, after fall of the Communism, the process of “deregulation” started in Eastern Europe (Gross, 2000, 121). It was done in order to limit states’ interference in the media activities, thus giving an idea of previous deep governments’ intervention. During democratization period Hungarian media went through reforms and it was one of those countries to allow foreign investors in, thus making media independent and pluralist (Jakubowicz, 2005, 6). This is different to Russia, where it is not independent, but pluralist (De Smaele, 2007). For two decades Hungary was an example of a developed media system, with the rules of social and legal control (Jakubowicz, 2005, 7). There are not many examples of Hungarian leaders’ attempts to monopolize media sources, like in Russia for instance, because all European states being tired of the Communist burden could not allow total control to happen again – only “demonopolization”.

With the emergence of new political elites in Hungary, media freedom became more limited and controlled. It is noteworthy that in 2010 *Fidesz* party came into office and appeared to be the only party to vote for the new constitution (Dempsey, 2011). Post-structuralism plays its role here with its *power-knowledge* concept again, because political leaders need to strengthen their positions in the long-term by curbing and directing any kind of press. As one can notice in the figure 3, the freedom of press started to decline after 2011.



Note: FoP 100-point index (2002-2017). Source: Freedom of the Press, Freedom House (2017)

Figure 2. Freedom of the press in Hungary

*Event 1: Lisbon Treaty came into force in 2009 and European citizens would be given the opportunity to influence proposed EU laws (EU celebrates entry into force of Lisbon Treaty – China.org.cn, 2018).*

The idea of citizens' opportunity to be deeper involved into politics does not have any positive effect on plans of the newly won *Fidesz* party. That is why in 2010 Hungarian Parliament adopted two laws: The Media Act, reforming media regulation, and the Press Act, reconsidering press content and its control (Alivizatos et al., 2015, 3). Both allow stronger government's interposal and limit of press. The Commissioner for Human Rights of the Council of Europe criticized the law emphasizing its negative impact on media freedom and pluralism (Alivizatos et al., 2015, 3). Since Hungary was broadly criticized for these laws year later it had to agree with the EU standards and amend them (Hungary profile, 2018).

*Event 2: in 2011 the new Hungarian constitution came into force, leading to international critique because of undermining of democratic values (Hungary profile, 2018).*

“Revisions to the criminal code, passed on June 25, 2012 [,] could allow the government to block websites if host providers fail to respond to takedown notices” (Freedom on the internet: Hungary ranks no. 8 in study, 2018). In 2014 media control got deeper in the Internet that triggered criticism inside and abroad (Howard, 2017).

*Event 3: in 2015 Russian president's visit to Hungary in order to discuss gas deal signed in 2009, that would be stopped in 2015 because of the EU pressure (Hungary profile, 2018).*

In 2014 *Fidesz* party won elections, and “advantageous media coverage” allowed them to be in the office again (Hungary profile, 2018). In October of 2016 (along with the Russian case) *Népszabadság* newspaper was shut down due to its involvement in unveiling of scandals including the *Fidesz* party and eventually sold to the Prime minister's associate (Hungary, 2017). Here we can notice leanings towards Russian Federation's authorities, and similarity of general pattern of events.

*Event 4: in summer of 2016 the coup in Turkey failed, and authorities accused a US-based Fethullah Gulen for triggering this coup (A brief guide to Turkey's coup, 2016).*

Hungary has been among other autocratic states to favor Turkey and its leadership. Also, straight after the failed coup in 2016 the Minister of Foreign Affairs and Trade visited Turkey “to demonstrate Hungarian Government's solidarity” (From Rep. of Turkey Ministry of Foreign Affairs, 2018). So, it does look like in order to ensure that such a thing would not be possible in the country, current Hungarian authorities had to take actions. In 2017 the Parliament passed a law forcing foreign investors to register as “foreign organizations” (Hungary profile, 2018). It gave the government more knowledge of who is entering country or from where the money is coming from. And again, a similarity with Moscow's behavior is very visible here too.

The current Hungarian prime minister seems to be pro-Russian, while his population does not (Hungary profile, 2018). According to a poll, Hungarian citizens prefer the US as an ally rather than Russia (Keszthelyi 2015). In 2014 in his speech Viktor Orbán stated: “the new state that we are constructing in Hungary is an illiberal state, a non-liberal state” referring to successful nations like “Singapore, China, India, Russia and Turkey” (Prime Minister Viktor Orbán's Speech, 2014; Buzogány 2017, 1). Also, the Hungarian government was criticized by the Western partners for being pro-Russian during Ukrainian crisis (Ágh 2016, 7). Thus, this can explain some similarities in media laws' amendment in both states. Since media has power

to construct reality along with constitutive power of language, it does pose threat on newly elected political elites with their constant struggle for power. It puts them in the position of competition, because knowledge is power and elites cannot allow someone else to monopolize this knowledge.

#### 4. CONCLUSION

The Twenty-First century is an era of information, and those who have it are very highly positioned compared to others. This paper's aim was to compare two specific states: Russian Federation and Hungary with their laws limiting media freedom. Both countries are considered democracies with press freedom constitutionally guaranteed. Historically, since the end of the Communism, they had different ways of developing. While new Russian leaders of 1990s started attempts to deeply control media, its ownership and censorship, Hungary avoided such a problem for two decades. And only in 2011 things became different and more concerning. For both countries and their elites, world political events were factors that triggered the laws toughening, because current administrations wanted to strengthen their positions. In both states, stricter laws appeared after elections, after the current ruling party went into the office. Also, it is noticeable that they use media channels as the means of states' persuasion and interpretation. That is why interpretivists' approach was used. Media is playing a significant role, because it has forming power. Such power threatens political leaders, which are already criticized domestically and abroad. Thus, leaving Putin and Orbán with only possible opportunity – to control media, its content and ownership. Right now, both states have similar ways of dealing with media sources and its freedom.

There are some visible leanings of Hungarian government towards Russian one. It became apparent after 2016 when the two countries passed quite similar laws on foreign funds. They are not the same, but both are trying to control foreign investments. Moreover, in 2016, a TV channel in Russia and a newspaper in Hungary were closed down, because of similar reasons. Also, after new political elites came into office, in both countries, one could notice changes in the indexes of media freedom (it dropped). But so far, there is a big difference between two states: Hungary still has to meet the EU rules in point of media laws and amendments, Russia does not have such commitments to fulfill. The most important thing is that power-knowledge concept of post-structuralism works here, because Hungary and Russian Federation are examples of states, which are trying to create their own kind of truth and information. In order to do so they create laws limiting media freedom.

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## NAZI IDEOLOGY BEHIND THE PERSECUTION OF THE ROMA

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### **Abstract:**

*The part of Nazi ideology based on discrimination against the Roma during the 1930s and 1940s led to the murder of hundreds of thousands of innocent Roma people. Roma from Hungary, Austria, Serbia and other European countries were labeled as criminals, asocials, and misfits due to being perceived as culturally inferior and lacking the superior qualities of the Aryan race. Like the Jewish population, the Roma were forced to register with the state and sent to labor camps and concentration camps, where systematic executions and medical experiments conducted by the Nazis occurred. Although it is important to understand the persecution of the Jews during this time, it must be understood that other races were persecuted by the Nazis. Therefore, it is important to recognize the Nazi ideology for the discrimination and murder of the Roma to better understand that like the Jewish people, the Roma encountered similar persecution.*

**Keywords:** Roma, Holocaust, World War II, racism

### **1. INTRODUCTION**

Leading up to the Second World War, Nazi ideology deemed the Romani as being an inferior race. The Romani experienced a similar fate as the Jews, resulting in dehumanization, segregation, and persecution. Although authors like George L. Mosse claim that “not all Gypsies were destined to die, as you know some were saved as Aryans.”<sup>1</sup> it is estimated that at least 220,000 Romani were killed throughout Europe.<sup>2</sup> The ideology that labeled Romani as being outcasts or asocials did not originally emerge from the rule of Adolf Hitler. Even the publication of Adolf Hitler’s *Mein Kampf* originally did not mention the Gypsy problem.<sup>3</sup> Instead, conferences involving official statutes of the Weimar Republic had been held prior to the rule of Nazi Germany, such as the 1925 conference on the Gypsy Question.<sup>4</sup> Such conferences were held to further the goal of the creation of a strictly Germanic nation and to remove Jews, Gypsies, and other minorities. The Nazis believed the Romani were a direct threat to military operations because of accusations of espionage and spying on Nazi military activities.<sup>5</sup> Additionally, the Nazis conducted research to gather a better understanding of the Roma and their way of life, which was difficult due to the Roma originating from Northern India.<sup>6</sup> The Roma were also dehumanized throughout Germany during the Second World War for not resembling the Aryan race with blue eyes and blond hair. It is important to understand the experience of the Roma during World War 2 because many people do not recognize that other ethnic groups had been persecuted. Although more Jews were killed during the Holocaust, many today do not understand or remember that other races and ethnic groups were also persecuted. Therefore, it is important to understand the history of Nazi dehumanization of the Roma during the Second World War to show that the Jewish community was not the only

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<sup>1</sup> Milton, “Gypsies and the Holocaust,” 376.

<sup>2</sup> Sridhar, “Historical Amnesia,” 3571.

<sup>3</sup> Lewy, “Himmler and the ‘Racially Pure Gypsies,’” 202.

<sup>4</sup> Sridhar, “Historical Amnesia,” 3569.

<sup>5</sup> Lewy, “Himmler and the ‘Racially Pure Gypsies,’” 202.

<sup>6</sup> Sridhar, “Historical Amnesia,” 3569.

population affected by the Nazi rule. But it is also important to gain a full record of the Holocaust and to memorialize all victims.

The Roma were originally from India and were said to arrive in Europe between the twelfth and thirteenth century.<sup>7</sup> Although Roma had moved throughout Eastern Europe, Asia, and Siberia, the estimates on the amount of Roma range from eight to ten million in Europe.<sup>8</sup> For the Roma, there are many positive characteristics that display their true capabilities and culture. Many Roma are skilled in metal working, as craftspeople, musicians, and fortune tellers.<sup>9</sup> Furthermore, Roma found it difficult to establish themselves in one country or region, giving them nomadic characteristics. Although the Roma possessed desirable qualities, they still had difficulty being accepted into society. Roma directly from India typically had darker skin and had a language that was like Sanskrit.<sup>10</sup> Such characteristics were not common throughout Europe, making Roma more distinct than other races.

## 2. ORIGINS OF NAZI IDEOLOGY

In Germany, the Roma were a threat to government operations, but not until the rule of the Nazi Party were the Roma murdered in the hundreds of thousands. Instead, small limitations were originally placed on the Roma by the Weimar Republic, gradually growing and creating a stronger reason to target the Roma.<sup>11</sup> Ian Hancock, a Romani activist and scholar provides evidence of oppression during the 1920s in Germany.<sup>12</sup> Hancock states, “In 1920 they (Romani) were forbidden to enter public parks and public baths; in 1925 a conference on ‘The Gypsy Question’ was held which resulted in the creation of laws requiring unemployed Romanies to be sent to work camps...”<sup>13</sup> Such acts by Germany’s government showed that this was not only an oppression created by social pressure, but an initiative by German leaders to remove unemployed Roma from society and separate them from Germans. Additionally, further emphasis had been placed on security, when during the 1920s officials throughout Bavaria and Prussia photographed and fingerprinted Roma individuals because a stigma painted Roma as criminals.<sup>14</sup> This stigma was developed through the research of German psychiatrist Karl Binding in the 1920s, where he determined that the Roma were lives of unworthy life. This would lead to the Roma being categorized with the Jewish population during the Nazi rule of Germany.

Although the goal of Aryan supremacy had not yet been fully stated during the 1920s, many acts that had already been committed toward the Roma would aid in the initiative to preserve German blood. Due to most Roma not having Aryan qualities, prior stereotypes given to the Roma would aid the Nazis in furthering the intention of racial separation and prevention of racial mixing.

The effects of mixing Romani and European blood was not well received in Germany during the Nazi Party’s rule. Josef Romer, a German Communist Party organizer states Romani “join Jews mainly via ascriptions like “strange species” (Fremdartig), “strange races” (Fremdrassig) as well as “not native” and “non sedentary” in the sense of “not capable of constitution an own state”.”<sup>15</sup> Nazis justified the segregation and dehumanization of the Romani

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<sup>7</sup> Cooper, “‘We Have No Martin Luther King’: Eastern Europe's Roma Minority,” 69.

<sup>8</sup> Cooper, “‘We Have No Martin Luther King’: Eastern Europe's Roma Minority,” 70.

<sup>9</sup> Cooper, “‘We Have No Martin Luther King’: Eastern Europe's Roma Minority,” 70.

<sup>10</sup> Cooper, “‘We Have No Martin Luther King’: Eastern Europe's Roma Minority,” 70.

<sup>11</sup> Sridhar, “Historical Amnesia,” 3569.

<sup>12</sup> Sridhar, “Historical Amnesia,” 3569.

<sup>13</sup> Sridhar, “Historical Amnesia,” 3569–3570.

<sup>14</sup> Sridhar, “Historical Amnesia,” 3569–3570.

<sup>15</sup> Trubeta, “‘Gypsiness,’ Racial Discourse and Persecution: Balkan Roma during the Second World War,” 498.

because they did not have a settlement in any specific European country, and they were often persecuted because of fulfilling occupations of music and living nomadic lifestyles. According to Nazi ideologists, this led to the belief that Roma were a disruption to German culture and that Roma were of little economic or political benefit.<sup>16</sup>

Though such laws and acts of basic human rights violations were not on par with those seen later during the Second World War, they proved to be the beginning of a greater goal. The motives behind the targeting of the Romani is shown through their origin. Having come from Northern India during the 13<sup>th</sup> century, Roma were often noticeable because they tended to lack blonde hair and blue eyes.<sup>17</sup> Therefore, the Roma were much more distinct than other races in Europe due to speaking different languages, and the skin color of Roma could be used to distinguish many of them from Europeans. The Nazis could use such qualities of Roma to establish ideology to persecute them.

### 3. ROMA AS SPIES

Since Romani were often moving from one location to another in caravans, Romani were perceived as being asocial.<sup>18</sup> Theodor Zell, an author that wrote ‘Gypsies as spies’ claimed that “Gypsies were born for espionage, especially since as a people close to nature, like bears, bees, reindeer and sled dogs, they had an analogous highly developed sense of orientation in the wild.”<sup>19</sup> Theodor Zell’s explanation of the Roma being spies furthers the Nazi ideas of Roma as being outcasts in European society. With the Roma being labeled as being “close to nature,” they were seen as unlike any other society in Europe and had not established themselves in a settlement. Also, the Nazis had fears of the Roma interfering with military operations or potentially aiding other countries in the time of war.

Furthermore, German military officials established ideology of the Roma being spies for other countries well before the Second World War. During the fifteenth century, “The first Gypsies to arrive reported they were from ‘Little Egypt,’ and struck the local population in any case as strange and alien.”<sup>20</sup> Clearly, Europeans have held the Roma as being different for many centuries due to having vastly different physical characteristics that were not prevalent in Europe. During the fifteenth century, there were fears of the Romani being Turkish spies and even related to the Ottoman military, leading to a declaration of Romani being enemy agents to the Holy Roman Empire of the German Nation.<sup>21</sup> In 1781, German enlightener Heinrich Grellmann concluded that Romani were being used as spies by the Turkish military in order to gather intelligence on military operations in Germany.<sup>22</sup> After the first World War, the Reichswehr saw Romani as being enemies because they were “agents for the spread of Bolshevik ideas”.<sup>23</sup> Due to having established such traitorous ideas about of the Roma well before the Second World War, ideas continued to develop about the Romani being spies for other countries. The creation of such ideas before the construction of Nazi Germany later added to the persecution of the Romani, because there were already existing beliefs that Romani were aiding enemies of Germany. Fear of the Romani began to spread in 1939, with Romani being labeled as placing the German Iron Works, armament production, and railroad development in

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<sup>16</sup> Trubeta, “‘Gypsiness,’ Racial Discourse and Persecution: Balkan Roma during the Second World War,” 499–500.

<sup>17</sup> Sridhar, “Historical Amnesia,” 3569.

<sup>18</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 128.

<sup>19</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 113.

<sup>20</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 113.

<sup>21</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 113.

<sup>22</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 113.

<sup>23</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 114.

danger due to Romani living in the vicinity.<sup>24</sup> Such fear was fueled by the ideology of the Romani as being spies for the Soviet Union and that the Romani were gathering information on military operations. For example, in 1939 members of a Gypsy band performing in Magdeburg had allegedly attempted to question soldiers about the military were kept for several months under surveillance.”<sup>25</sup> Romani were labeled as threats to Nazi military operations for allegedly inquiring on military operations. The Romani were targeted due to having a mobile lifestyle, which the Nazis had claimed was being used to camouflage their spying activities against the Germans.<sup>26</sup> Although not all of the Roma had the intent of disrupting military operations, Nazi ideology had been established many years ago from fears of Romani spying for other countries.

#### 4. ROMA AS INFERIOR RACE

Not only did the Nazis view the Romani as a threat to military operations, but Nazis had a desire to cleanse Germany of all other ethnic groups and preserve the purity of German blood. For example, the Nuremberg laws of 1935 had determined that “if two of a person’s eight grandparents were even part-Romani, that person had too much Romani ancestry to be allowed later, to live.”<sup>27</sup> Therefore, the Nazi dehumanization of the Romani had become increasingly strict with the goal of creating a Germanic and white country. Following 1939, both local and national government furthered efforts to do so through the Reich Security Main Office.<sup>28</sup> The goal of the office was to move the Jewish population from German towns to Poland, deport the Gypsies to Poland, and develop a system to transport Jews from German territory to Poland by railroad.<sup>29</sup> Although Germany had begun to deport 30,000 Roma from Germany into ghettos and remove them from German society as of 1939, there was a continued effort of dehumanization of the Roma race.<sup>30</sup>

Furthermore, racial scientists Robert Ritter and Eva Justin led the research on the Romani through experimenting with twin Romani children, which resulted in most of the children to be killed at Auschwitz.<sup>31</sup> Robert Ritter’s research led him to believe that “The Gypsy question can only be solved when the main body of asocial and good-for-nothing Gypsy individuals of mixed blood is collected together in large labour camps and kept working there, and when the further breeding of this population is stopped once and for all.”<sup>32</sup> Robert Ritter’s conclusions led to the Nazi development of “Basic Regulations to Resolve the Gypsy Question as Required by the Nature of Race.”<sup>33</sup> Such research by racial scientists aided in the degrading and dehumanization of the Roma, furthering Nazi beliefs.

#### 5. ROMA AS CRIMINALS

Historian Michael Zimmerman states, “Wehrmacht Supreme Command (OKW) requested Himmler to ‘order a ban on Gypsies in the border area as soon as possible.’ They were

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<sup>24</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 114.

<sup>25</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 115.

<sup>26</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 112.

<sup>27</sup> Sridhar, “Historical Amnesia,” 3570.

<sup>28</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 115.

<sup>29</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 115.

<sup>30</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 115.

<sup>31</sup> Sridhar, “Historical Amnesia,” 3570.

<sup>32</sup> Sridhar, “Historical Amnesia,” 3570.

<sup>33</sup> Sridhar, “Historical Amnesia,” 3570.

‘unreliable’, many were ‘of questionable character and with a criminal record’.<sup>34</sup> Although many Roma were targeted as criminals, it was only a justification for the Nazis to separate minority groups from those in support of Nazi Germany.

Through the Nazi dehumanization of the Romani, the Nazi government created institutions and organized research to justify their persecution of the Romani. C. R. Sridhar states that in 1936, the Racial Hygiene and Population Biology Research Unit was created to “study the link between Romani heredity and crime.”<sup>35</sup> The use of such units had strengthened the stereotypes that linked Roma with crime. Additionally, policies created by the Weimar Republic linked the Romani race to criminality and made Gypsies eligible to be subjected to cruel treatment.<sup>36</sup> This allowed for persecution of people that seemed like outcasts and aided in furthering the justification of depriving Romani of citizenship and condemning them to forced labor, and deportation.<sup>37</sup> Therefore, the Romani were dehumanized due to lacking similar culture to most Europeans.

## 6. RESTRICTIONS ON ROMANI

Nazi efforts to restrict the Roma from continuing their ways of life continued through 1939, with the Reich Security Main Office planning to deport 30,000 Roma to Poland.<sup>38</sup> Historian Michael Zimmerman states, “prohibition on various kinds of employment, social isolation in ‘Gypsy community camps’ (usually municipally run) and new limitations in social welfare.”<sup>39</sup> Such restrictions by the Nazis on the Romani began to become similar to those of the Jewish population, which would soon impact the fate of the Romani. The registration of Romani the police had been implemented shortly after 1936, which is like that of the Jewish population.<sup>40</sup> Unlike the original Romani that had come from Northern India, some Romani had a physical appearance that was similar to most Europeans due to intermarriage.<sup>41</sup> Such mixing of blood made it difficult to distinguish Europeans from Romani and forced the Nazis to become much stricter with regulations on Romani. Additionally, all Romani who had once been supportive of Germany in serving in the military had now faced discrimination. In 1937, all active duty military personnel had been excluded from the German military due to reasons of racial policy.<sup>42</sup> This shows that even the Romani that had once been supportive of Germany and the war effort were now being targeted due to their race.

Throughout the persecution of the Romani for being outcasts in European society, hundreds of thousands of Romani were killed as a result. Statistics of the brutality that the Romani had endured shows that over 200,000 Romani had been killed as a result of Nazi persecution.<sup>43</sup> An article published in London by *Die Zeitung*, an anti-Nazi newspaper had claimed that “262,000 Romanian Gypsies had been brought to the east of Poland, in accordance with Nazi instructions, murdered there like Jews.”<sup>44</sup> Although this article was not completely

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<sup>34</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 115.

<sup>35</sup> Sridhar, “Historical Amnesia,” 3570.

<sup>36</sup> Al-Samarai and Lennox, “Neither Foreigners Nor Aliens: The Interwoven Stories of Sinti and Roma and Black Germans,” 168.

<sup>37</sup> Al-Samarai and Lennox, “Neither Foreigners Nor Aliens: The Interwoven Stories of Sinti and Roma and Black Germans,” 169.

<sup>38</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 115.

<sup>39</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 116.

<sup>40</sup> Lewy, “Himmler and the ‘Racially Pure Gypsies’,” 201.

<sup>41</sup> Sridhar, “Historical Amnesia,” 3569.

<sup>42</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 117.

<sup>43</sup> Sridhar, “Historical Amnesia,” 3571.

<sup>44</sup> Margalit, “The Representation of the Nazi Persecution of the Gypsies in German Discourse after 1945,” 227.

accurate, it adds to the support that Western nations believed that the Nazis had been committing genocide against races other than the Jews. Furthermore, of the Romani that had been sent to the Auschwitz concentration camp, 19,000 of the 23,000 Romani had been killed.<sup>45</sup> From this, it is evident that the Romani experienced a similar fate that the Jewish population endured. Some German Romani also experienced medical experiments conducted by Doctor Josef Mengele, who used various techniques and ways of experimentation that proved to be tortuous.<sup>46</sup> At Auschwitz, approximately 19,000 of the 23,000 Roma had been killed, showing the pure hatred toward the Roma.<sup>47</sup>

## 7. SIGNIFICANCE OF ROMANI DEHUMANIZATION

The Nazi ideology of Romani as being inferior and lacking the qualities of the desirable Aryan Race led to the dehumanization of the Romani and deaths of hundreds of thousands. Much before the Second World War, the Romani had suffered discrimination due to having different physical and cultural qualities that were not European. Fears of the Romani had spread throughout Europe after the first World War due to fearing the spread of Bolshevik ideology.<sup>48</sup> This led to blame being placed on the Romani for spying during the Second World War. Additionally, the Romani were dehumanized for having dark skin, traditionally being nomadic, and speaking languages that were not European.

Although after WWII, some Germans claim that the Romani did not suffer the same fate as the Jews, the Nazis had made efforts to eliminate the Romani through imprisonment, placement into concentration camps, and forced labor.<sup>49</sup> Also, the compensation from Germany after the Holocaust shows that there was more focus on the Jews compared to Romani suffering through the claim of Romani being criminals. Although programs like the early compensation program had been established to compensate those affected by religious, racial, or political grounds, many Roma found it difficult to be aided and were denied because they were persecuted for being criminals.<sup>50</sup> Additionally, the Romani have found it difficult to gain support that they were also a large part of the Holocaust. One Romani victim claims that, “[o]ur ashes mingled in the ovens – why should that be remembered separately today?”<sup>51</sup> This effort by the Romani to be remembered has had trouble gaining traction due to not having as large of a death toll during the Holocaust as the Jews. However, the evidence proves that Jews and Gypsies alike were placed on similar levels of discrimination and suffering.<sup>52</sup> Therefore, it is important to discuss the ideology behind the Nazis and their Holocaust for all victims. The ideology that the Nazis created had not only targeted Jews, but also targeted ethnic groups like the Romani. Additionally, the Nazis used similar practices on the Romani that were used on the Jewish population. The use of law enforcement to intimidate, harass, and even arrest Romani was used by the Nazis to prevent further growth of the Romani.<sup>53</sup> Furthermore, like the Jews, the Romani were forced to wear black triangles on their clothing which labeled them as asocial.<sup>54</sup> Therefore, both the Jewish community and the Romani community suffered similar dehumanization during the Nazi rule. The evidence from Nazi officials, Romani holocaust

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<sup>45</sup> Sridhar, “Historical Amnesia,” 3570.

<sup>46</sup> Sridhar, “Historical Amnesia,” 3570.

<sup>47</sup> Sridhar, “Historical Amnesia,” 3570.

<sup>48</sup> Zimmerman, “The Wehrmacht and the National Socialist persecution of the Gypsies,” 114.

<sup>49</sup> Woolford, “Collecting on Moral Debts: Reparations for the Holocaust and Porajmos,” 873.

<sup>50</sup> Rosenhaft, “Blacks and Gypsies in Nazi Germany: the Limits of the ‘Racial State,’” 163.

<sup>51</sup> Woolford, “Collecting on Moral Debts: Reparations for the Holocaust and Porajmos,” 883.

<sup>52</sup> Margalit, “The Representation of the Nazi Persecution of the Gypsies in German Discourse after 1945,” 227.

<sup>53</sup> Milton, “Gypsies and the Holocaust,” 378.

<sup>54</sup> Sridhar, “Historical Amnesia,” 3570.

victims, and other articles from the Second World War prove that there were crimes committed against both racial and ethnic groups.

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## PEACE AND HUMAN RIGHTS AS PRECONDITIONS FOR SUSTAINABLE DEVELOPMENT

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### **Abstract:**

*As protection and improvement of natural and human environment, eradication of poverty, terrorism, climate change, threats posed by weapons of mass destruction are the most pressing global problems in the contemporary world, the concept of sustainable development gained attention of international community.*

*In my view, the concept of sustainable development integrates not only economic and environmental considerations but also human rights considerations (Kubanychbek, 1999, 2000). Why sustainable development is important for us? It represents the needed rules of survival for humankind.*

*It is important to know the past to understand better the present and to plan the future. After seventy-four years since the end of the Second World War and after seventy-one years since the adoption of the Universal Declaration of Human Rights (hereinafter: UDHR) and the Convention on the Prevention and Punishment of the Crime of Genocide in 1948, it is important to commemorate those important 20<sup>th</sup>-century dates in human rights history, to learn lessons from the past.*

*During the Second World War (1939–1945), the most destructive world war in human history, estimated 60–85 million soldiers and civilians died. After WWII, Europe was divided into a US-led Western Bloc and a Soviet led Eastern Bloc. From 1948 to 1989, Czechoslovakia was under totalitarian regime with total control of society and the individual by the government when private property was expropriated and human rights, including the right to a fair trial, were suppressed.*

*What are the main lessons to learn from the past? During wars and armed conflicts, inter alia, human rights to life, to liberty and security of person, to food, to housing, to education, to work are violated. The world is interdependent and mutually vulnerable and without peace, democratic governance, the rule of law, justice and enforcement of human rights, development of countries cannot be sustainable. Freedom from violence and fear enables people to reasonably take their own decisions for the development and governance of society.*

*In 2015, the UN member states adopted the 2030 Agenda for Sustainable Development to provide the roadmap to the future. One of the Sustainable Development Goals is to “Promote peaceful and inclusive societies for sustainable development”.*

*The article emphasizes preconditions for sustainable development, proposes rules and definition of sustainable development.*

**Keywords:** *economic development, peace, United Nations*

### **1. INTRODUCTION**

As protection and improvement of natural and human environment, eradication of poverty, terrorism, climate change, threats posed by weapons of mass destruction are the most pressing global problems in the contemporary world, the concept of sustainable development gained attention of international community.

What is sustainable development? According to the definition of the Report “Our Common Future” of 1987 of the World Commission on Environment and Development, sustainable development is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (Brundtland report, 1987). In my view, the concept of sustainable development integrates not only economic and environmental considerations but also human rights considerations (Kubanychbek, 1999,

2000). The human needs can be satisfied through implementation of legally enforceable human rights. Sustainable development can be defined as development characterized by stable social and economic well-being, maintaining the balance of *nature* and ensuring human rights, including the right to development, of both present and future generations.

In 2002, it was defined during the World Summit on sustainable development that “peace, security, stability and respect for human rights and fundamental freedoms, including the right to development, as well as respect for cultural diversity, are essential for achieving sustainable development and ensuring that sustainable development benefits all” (Report of the World Summit on Sustainable Development, Johannesburg, 26 August–4 September 2002, pg. 9).

Why sustainable development is important for us? It represents the needed rules of survival for humankind. Moreover, in 2015, the UN member states adopted the 2030 Agenda for Sustainable Development to provide the roadmap to the future. One of the Sustainable Development Goals is to “Promote peaceful and inclusive societies for sustainable development” providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

It is important to know the past to understand better the present and to plan the future. After seventy-four years since the end of the Second World War and after seventy-one years since the adoption of the Universal Declaration of Human Rights (hereinafter: UDHR) and the Convention on the Prevention and Punishment of the Crime of Genocide in 1948, it is important to commemorate those important 20<sup>th</sup>-century dates in human rights history, to learn lessons from the past.

As envisaged in the Preamble of the United Nations Charter, the United Nations was founded to “save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind”. Article 55 of the UN Charter refers to promotion of human rights in order to achieve stability, wellbeing and peaceful and friendly relations among states. In this article we shall mention world wars and look at development in the field of human rights in Central Europe, particularly, in the Czech Republic after the Second World War (WWII). We will discuss briefly the right to peace and the concept of sustainable development. At the end, we shall discuss what can we learn or remember from history of the post-war period in order to promote sustainable development.

## **2. WORLD WARS AND THE POST-WAR PERIOD**

Two world wars occurred in the 20<sup>th</sup> century. The First World War (1914–1918) was devastating to countries' economies, development and human lives. The total number of military and civilian casualties in World War I, was around 41 million with estimated 20 million deaths and 21 million wounded (Mougel, 2011). Out of them, estimated 8-10 million civilian deaths were due to military occupation, war-related famine and disease.

During the Second World War (1939–1945), the most destructive world war in human history, estimated 60–85 million soldiers and civilians died. Out of them, 340,000–355,000 estimated persons were from Czechoslovakia in postwar 1945–1992 borders (Erikman, 2004). A new word, ‘genocide’ appeared after the murder of 6 million of Europe's Jews by the Nazis (MacMillan, 2009). Also killed were hundreds of thousands of Roma people and people with mental or physical disabilities. There were lost or orphaned children in Europe with estimated 300,000 in Poland and 200,000–300,000 in Yugoslavia (Evans, 2013; MacMillan, 2009). At the end of WWII, millions of people were dead, wounded, displaced and millions became homeless. There were millions of refugees, some of them were deported as undesirable minorities. The newly independent Czech state expelled nearly 3 million ethnic Germans in the years after 1945, and Poland a further 1.3 million (MacMillan, 2009). The European economy

had collapsed, and much of the European industrial and transport infrastructure had been damaged after WWII.

At the first years of the war, there were state leaders who understood that peace and human freedoms were necessary for economic development. The 32<sup>d</sup> US President Franklin D. Roosevelt, in an address to Congress, on 6 January of 1941, set forth the doctrine of the Four Freedoms, which were freedom of speech and expression, freedom of every person to worship God in his own way, freedom from want and freedom from fear. On 14 August of the same year, Franklin D. Roosevelt and the Prime Minister of the United Kingdom, Winston Churchill, formulated the Atlantic Charter in the form of a joint declaration of common principles: no territorial aggrandizement; no territorial changes made against the wishes of the people; restoration of self-government to those deprived of it; reduction of trade restrictions; global cooperation to secure better economic and social conditions for all; freedom from fear and want; freedom of the seas; and abandonment of the use of force, as well as disarmament of aggressor nations. This declaration was signed on 24 September by the Union of Soviet Socialist Republics (USSR), commonly known as the Soviet Union, and the nine governments of occupied Europe: Belgium, Czechoslovakia, Greece, Luxembourg, the Netherlands, Norway, Poland, Yugoslavia and France. Later, representatives of 26 countries fighting the Rome-Berlin-Tokyo Axis signed the Declaration of United Nations on 1 January 1942, which became the basis for the United Nations.

The Four Freedoms were mentioned in the Preamble of the Universal Declaration of Human Rights, which was adopted on December 10, 1948, by the United Nations General Assembly: “Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people (...).”

How the Universal Declaration of Human Rights (UDHR) was adopted? After WWII, the United Nations was established in 1945 in an effort to prevent another war and to maintain international peace. The United Nations Charter affirmed in its Preamble faith in “fundamental human rights, and dignity and worth of the human person” and committed all member states to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion” under its Articles 55 and 56. The newly formed United Nations was providing humanitarian assistance to Europe after WWII. The UN Commission on Human Rights was established in 1946 under Article 68 of the United Nations Charter. That Commission established a drafting committee for the Universal Declaration of Human Rights. Eleanor Roosevelt, widow of American President Franklin D. Roosevelt, chaired the UDHR drafting committee. She worked with René Cassin of France, who composed the first draft of UDHR, the Committee Rapporteur Charles Malik of Lebanon, Vice-Chairman Peng Chung Chang of China, and John Humphrey of Canada, Director of the UN’s Human Rights Division, who prepared “the Declaration’s blueprint” (United Nations, 2009).

From 1946 to 1948 the delegates from various political, cultural and religious backgrounds and countries worked on UDHR. The Cold War between the Soviet Union and the United States in particular sharpened disagreements about individual freedoms. After almost three years of negotiations, the Universal Declaration of Human Rights, which Eleanor Roosevelt described as “a common standard of achievement for all peoples of all nations”, was adopted (Roosevelt, 1948).

It was adopted by the Resolution 217 A (III) of the General Assembly of the United Nations during its plenary meeting on 10 December 1948 in Paris. Of the 58 members of the United Nations, 48 voted in favor, none against, eight abstained (Czechoslovakia, Poland, Saudi Arabia, Soviet Union, Byelorussian SSR, Ukrainian SSR, South Africa, Yugoslavia) and two failed to vote or abstain (Honduras and Yemen).

The creation of the United Nations and the adoption of the Universal Declaration of Human Rights (UDHR) were the remarkable events in the 20th century. After the two world wars, the civil and political rights (first generation of human rights or Articles 3 to 21 of UDHR) like, for example, the right to life, liberty and security of person, the right to freedom of opinion and expression, on the one hand, and economic, social and cultural rights on the other hand (second generation of human rights or Articles 22 to 28 of UDHR), for instance, the rights to social security, education and work were for the first time included in one unified international document, the Universal Declaration of Human Rights.

For the first time in international law, the term “the rule of law” was used in the Preamble of the Declaration: “... it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”. The core principles of human rights were first set out in UDHR, such as universality, interdependence and indivisibility, equality and non-discrimination. The Universal Declaration of Human Rights has given rise to a range of international treaties. These include the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Today, the increasing number of ratifications of the two human rights Covenants and the fact that the rights stated in the UDHR are commonly recognized and reaffirmed in the Covenants and other human rights conventions means that there are grounds for asserting that most of the UDHR rights have become part of customary international law. It was noted that “many of the Universal Declaration's provisions have become incorporated into customary international law, which is binding on all states” (Hannum, 1998, pg. 145). Articles 2, 3, 4, 5, 10, 11 of the UDHR were even quoted as representing aspects of the norm *jus cogens* from which no derogation is permitted (Rehman, 2003, pg. 61).

The Universal Declaration of Human Rights is generally agreed to be the foundation of international human rights law. The Declaration was the first step in the process of formulating the International Bill of Human Rights, which was completed in 1966, and came into force in 1976, after a sufficient number of countries had ratified the two International Covenants. Most of the provisions of UDHR have been reaffirmed not only in the Covenants but also in other international treaties such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of Discrimination Against Women, the UN Convention on the Rights of the Child, the UN Convention Against Torture and many more.

After WWII, Europe was divided into two separate blocs in the context of Soviet-dominated Eastern Europe by what Winston Churchill called the “Iron Wall”: the US-led Western Bloc and the USSR-led communist Eastern Bloc (Churchill, 1946). The alliance established between the USSR and the USA during the war broke down in 1947. American President Harry S. Truman announced a new policy of containment to prevent further Soviet advances into Europe which A. Zhdanov, one of Stalin's close advisors, condemned as ‘imperialist’ (The Zhdanov Doctrine, 1947). This event marked the beginning of the Cold War (1947-1991).

In that 'bipolar world', most Central and Eastern European countries were formally independent but fell under political, economic and military influence or control from the Soviet Union and were called 'the Soviet Satellite' countries (Ismay, 1987; Rao, 2006).

According to the former US Secretary of State G. Marshall, economic stability would provide political stability in Europe. Under the Marshall plan (officially the European Recovery Program), for example, during 1948–1951 the United States Government allocated nearly USD\$13 billion dollars in the form of grants and loans to the 16 Marshall Plan countries in Western Europe and Turkey. Out of the total, 1.2 billion USD\$ were loan-aid (Agnew, 2015; Entrikin, 2015). Most Marshall Plan assistance was provided in the form of grants to address

the huge dollar deficits that prevented European countries from purchasing goods from the United States (Tarnoff, 2017). The United States offered the same aid to the Soviet Union and its allies, but the Soviet Union refused to accept it as doing so would allow a degree of US control over the communist economies (McMahon, 2003).

Soviet foreign minister V. Molotov rejected the Marshall Plan and he proposed the Soviet Union's alternative to the Marshall plan. It was created by the Soviet Union in 1947 to provide aid to rebuild the countries in Eastern Europe that were politically and economically aligned to the Soviet Union. It later was expanded to the Council for Mutual Economic Assistance (the Comecon), an economic organization from 1949 to 1991 under the leadership of the Soviet Union that comprised the countries of the Eastern Bloc along with a number of communist states in the world.

The post war period in the Soviet Union and in the Soviet 'satellite' countries were characterized by totalitarian control of society and individuals by the government when private property was expropriated and human rights, including the right to a fair trial, were suppressed. Thus, the Yalta agreement of 1945 called for "free and unfettered elections" in Poland. However, J. Stalin, a Soviet politician, who ruled the Soviet Union from the mid-1920s until his death in 1953, allowed for elections in Poland in 1947 only after persecution of anti-communist opposition candidates. (Oseka, 2011).

From 1948 to the Velvet Revolution of 1989, Czechoslovakia was ruled by the Communist Party of Czechoslovakia. Several party purges occurred, with several hundred thousand members purged in several states following some dissent within ruling communist parties throughout the Eastern bloc, especially after the 1948 Tito-Stalin split (Bideleux, 2007; Jeffries, 2007; Crampton, 1997). From 1949 to 1954, almost 180 people were executed in Czechoslovakia including Jews, democratic politicians, Catholics and high-ranking communists (Zapotoczna, 2017). There was no fair trial as judges were under the country's leadership control.

The show trials, a public trial in which the judges have already determined the guilt of the defendant, were a significant part of J. Stalin's regime and show trial methods throughout the Eastern Bloc "included a procedure in which confessions and evidence from leading witnesses could be extracted by any means, including threatening to torture the witnesses' wives and children" (Crampton, 1997). Any sign of disloyalty was suppressed in political trials, e.g. Slánský show trial.

On 20 November 1952, Rudolf Slánský, General Secretary of the Communist Party of Czechoslovakia, and thirteen other leading party members, eleven of them Jews, were convicted of being "Trotskyist-Zionist-Titoist-bourgeois-nationalist traitors" and convicted: eleven persons including Slánský were hanged in Prague on 3 December, and three were sentenced to life imprisonment. (Slánská, 1969) Many other political trials followed on, sending many innocent victims to jail and hard labor in Jáchymov uranium mines and labor camps (Margolius, 2006).

Another important event during the post-war period was the 'Prague Spring', a period of political liberalization in Czechoslovakia. It began on 5 January 1968, when reformist Alexander Dubček was elected First Secretary of the Communist Party of Czechoslovakia and continued until 21 August when the Soviet Union and other members of the Warsaw Pact invaded the country to stop the reforms.

The 'Prague Spring' reforms commonly referred to as "socialism with a human face", were intended to "build an advanced socialist society on sound economic foundations ... that corresponds to the historical democratic traditions of Czechoslovakia" (Navrátil, 1998). The reforms were an attempt by Dubček to promote economic decentralization and democratization and introduced freedom of speech, freedom of press, reduction and later abolition of censorship. Farmers were allowed to form independent co-operatives and manage their own work. The reforms, especially the decentralization of administrative authority, were not supported by the

Soviets, who, after failed negotiations, sent half a million Warsaw Pact troops (Barber, 2018) and tanks represented by the Soviet Union, Poland, Bulgaria, East Germany and Hungary on 20 August 1968 occupied the country with Romania and Albania refusing to participate. 137 Czechoslovakian civilians were killed (Fraňková, 2017) and 500 seriously wounded (Willoughby, 2018) during the occupation. The occupying armies quickly seized control of Prague and the Central Committee's building, taking Dubček and other reformers into Soviet custody. But, before they were arrested, Dubček urged the people not to resist militarily to avoid "senseless bloodbath" (Wasserstein, 2007). The invasion stopped A. Dubček's Prague Spring liberalization reforms and strengthened the authority of the authoritarian wing within the Communist Party of Czechoslovakia.

After the Velvet revolution or Gentle Revolution of 1989 characterized by public demonstrations and non-violent transition of power, the one-party rule in Czechoslovakia was ended. On **23 April 1990**, the Federal Assembly adopted the constitutional act which changed the name of the state to the Czech and Slovak Federal Republic. In June 1990, Czechoslovakia held its first democratic elections since 1946. Alexander Dubček was given a consolation prize and became Speaker of the Federal Assembly and Václav Havel, rebel playwright, writer, former dissident and human rights activist, became the last President of Czechoslovakia on 29 December 1989. On 4 December 1989, M. Gorbachev, head of USSR from 1988 until 1991, and the leaders of four other Warsaw Pact countries (Bulgaria, Hungary, East Germany and Poland) condemned the 1968 invasion. The statement, carried by the Soviet news agency Tass, said that sending in troops constituted "interference in the internal affairs of a sovereign Czechoslovakia and must be condemned" (Imse, 1989). According to the Czech Historian Prokop Tomek, the leadership of Czechoslovakia negotiated and organized the withdrawal of all Soviet troops (approx. 75,000) from Czechoslovakia by June, 1991 (Tomek, 2017, pg. 101).

On 25 November 1992, the Constitutional Act on the Dissolution of the Czech and Slovak Federal Republic was adopted by the Federal Assembly. According to this act, the two new states, the Czech Republic and the Slovak Republic, became equal succession states. On 1 January 1993, Czechoslovakia split into two countries—the Czech Republic and Slovakia. Václav Havel became President of the Czech Republic from 1993 to 2003.

During the last decades, the Czech Republic has been successful at enacting socio-economic and political reforms. The civic sector is lively and expanding. According to the public registry, about 130,000 nongovernmental organizations (NGOs) were operational in April 2017 in the Czech Republic, which is 6,000 more than at the end of 2014. The Freedom House concluded that the Czech Republic is a parliamentary democracy in which political rights and civil liberties are generally respected and its Press Freedom Status is 'Free'.

The Government of the Czech Republic has adopted its strategic Framework '*Czech Republic 2030*' in April 2017 as the main implementation platform for the Sustainable Development Goals in the Czech Republic. '*Czech Republic 2030*' consists of long-term objectives and policies for the sustainable development of the country. It covers six national priority areas: people and society, economic model, resilient ecosystems, municipalities, global development and good governance (<https://www.vlada.cz>).

If we look at the Human development index (HDI) for 2017, HDI of the Czech Republic increased from 0.730 score in 1990 to 0.888 score in 2017, leaving the country in 27th place in the table of 189 countries. HDI is used by the United Nations to measure the progress of a country and represents a statistic composite index of life expectancy, education, and per capita income indicators.

Depending on these indicators, HDI is changing. The deterioration of the situation in the country leads to decrease of this indicator. For example, HDI of Syria in 2010 was 0,644. In 2017, it became worse – 0.536. According to HDI Indices and indicators: "Violence not only threatens human security but also erodes development progress. Between 2012 and 2017, the

conflicts in Syria, Libya and Yemen contributed to these countries' slipping down the HDI, due to significant declines in their life expectancy or economic setbacks. It will take years, if not decades for them to return to pre-violence levels of development" (Human Development Indices and Indicators 2018 Statistical Update, pg. iii).

### 3. COLLECTIVE AND INDIVIDUAL HUMAN RIGHT TO PEACE

The United Nations proclaimed the maintenance of international peace and security as one of its purposes in Article 1 of the UN Charter (<http://www.un.org/en/sections/un-charter/un-charter-full-text>). The UN, particularly, the General Assembly (GA) has recognized the right to life in peace in its Resolution 33/73 (1978) and the right of peoples to peace in its numerous Resolutions, for example, in the Resolutions 39/11 (1989), 57/216 (2003), 60/163 (2006), 63/189 (2009) and the right of everyone to enjoy peace in the Resolution 71/189 (2016). Thus, it affirmed in the Declaration on the Right of Peoples to Peace that "the peoples of our planet have a sacred right to peace; the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State and ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations" (The UN GA Resolution 39/11, 12 November 1984). According to Article 1 of the Declaration on the Right to Peace of 19 December 2016: "Everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized" (UN GA Resolution 71/189).

The right to peace has been also affirmed by the Resolutions of the Commission on Human Rights No. 5 (XXXII) 76, 200/66 and 2002/71, the Human Rights Council Resolutions No. 8/9 (2008), 11/4 (2009) and 14/3 (2010), 17/16 (2011), 32/28 (2016).

The right to peace, a third-generation human right, was called "a human right with individual and collective dimensions" and justiciable under the individual complaint procedures of the UN Human Rights Committee and the Committee on Economic, Social and Cultural Rights (Zayas, 2016).

The right to peace can be violated in the case of an act of aggression or the use of force. Article 2 (4) of the UN Charter imposes obligations on States, particularly the obligation to refrain from the threat or the use of force in international relations and Article 2 (3) of the UN Charter contains a positive obligation to negotiate in good faith so as to settle disputes peacefully. The customary prohibition of the use of force is often claimed to be a rule of *jus cogens* status (Helmersen, 2014). It is universally considered to be a part of customary international law (Dörr, 2015) and has the effect of banning the use of armed force except for situations authorized by the UN Charter. Thus, the International Court of Justice noted in its judgement on Nicaragua case that "there can be no doubt that the issues of the use of force and collective self-defense raised in the present proceedings are issues which are regulated both by customary international law and by treaties, in particular the United Nations Charter" (ICJ Judgement of 27 June 1986, pg. 17). In its judgment in the Nicaragua Case the ICJ referred to the International Law Commission, "which in the course of its work on the codification of the law of treaties, expressed the view that the law of the Charter concerning the prohibition of the use of force in itself constitutes a conspicuous example of a rule in international law having the character of *jus cogens*" (paragraph (1) of the commentary of the Commission to Article 50 of its draft Articles on the Law of Treaties, ILC Yearbook, 1966-II, pg. 247). The prohibition of the use of force is generally considered to be a *jus cogens* rule, which would mean that it does not permit any derogation. It was noted, however, that derogations or exceptions from the

prohibition exist, for example, in Articles 42 and 51 of the UN Charter, Articles 105, 110 and 111 of the United Nations Convention on the Law of the Sea (Helmersen, 2014). In its 1970 judgement in the Barcelona Traction case, the ICJ has noted that the prohibition of ‘aggression’ is *erga omnes* obligation, a legal term describing obligations owed by states towards the community of states as a whole, which means that any state may invoke a violation of it.

#### 4. SUSTAINABLE DEVELOPMENT

The numerous UN GA Resolutions have endorsed the notion of sustainable development, for example, Resolutions 73/227, 73/225, 70/1, 62/189, 53/170, 47/190, 47/194, 44/229, 42/187, 42/186.

The non-internal UN GA Resolutions are considered as “recommendatory in character” (The International Court of Justice, the South West Africa cases, 18 July 1966, pg. 48). The recommendatory functions of the UN General Assembly have been established in Articles 10, 11 and 13 of the UN Charter. However, one can say that repeated affirmation of the right to peace and of the notion of sustainable development in the UN GA Resolutions or their adoption by unanimity or consensus may reflect evidence of *opinion juris* (a sense of legal right or obligation), a necessary element for the formation of a legally binding international custom along with a general and consistent state practice. In its advisory opinion on Nuclear Weapons, the ICJ noted that “a series of resolutions may show the gradual evolution of the *opinio juris* required for the establishment of a new rule” (Legality of the Use or Threat of Nuclear Weapons [1996] ICJ, pg. 33, para 70) and the relevant resolutions “fall short of establishing the existence of an *opinio juris*”, because “several of the resolutions under consideration in the present case have been adopted with substantial numbers of negative votes and abstentions” (Legality of the Use or Threat of Nuclear Weapons [1996] ICJ, pg. 33, para 71).

Sustainable development has been recognized by states and international organizations as the need and an important goal for international community (Kubanychbek, 1999, 2000). In the case concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia), sustainable development was called “more than a mere concept, but as a principle with normative value” and “one of the most ancient of ideas in the human heritage”. (Separate opinion of the Vice-President of the International Court of Justice Judge Weeramantry, pg. 85, 107). Development should be sustainable. Moreover, as there is the human right to development, the notion of the human right to sustainable development can be more evolved.

The following rules of sustainable development can be proposed: 1) Despite their contradiction, economic and environmental interests are interdependent. 2) Only by resolving the contradiction between economic and environmental interests can development enter the stage of sustainability. 3) Peace and human rights observance are preconditions of sustainable development.

#### 5. CONCLUSION

What are the main lessons to learn from the past to promote sustainable development? First, the world is interdependent and mutually vulnerable and without peace, independent judiciary, the rule of law and enforcement of human rights, development of countries cannot be sustainable. In order to be considered sustainable, development requires the condition of peace, human rights observance and political, socio-economic stability. Wars, armed conflicts and human rights violations make development unsustainable. They often lead to humanitarian and migration crisis affecting vulnerable populations – women, children and elderly. During wars

and armed conflicts, *inter alia*, human rights to life, liberty and security of person, to food, to housing, to education and to work are violated. The wars in the 20th century had devastating and destabilizing effect on development and fulfilment of human rights bringing deaths, atrocity, war-related famine, diseases and destruction.

Today, studies have found that agricultural production is an average of 12.3 percent lower in conflict-affected countries than in those same countries during peacetime, severely impacting the right to food and food security and access to education and other public services are severely constrained in conflict-affected countries (OHCHR, 2016).

Second, states or countries should refrain from the threat or the use of force or aggression and should negotiate in good faith so as to settle disputes peacefully in accordance with the UN Charter in order to ensure peace, human rights and sustainable development. Today, the use of force is prohibited under the UN Charter and customary international law. The prohibition of the use of force is generally considered to be a *jus cogens* rule. The prohibition of ‘aggression’ is *erga omnes* obligation. The prohibition of the use of force and aggression can be considered “the most important legal developments in international relations of the 20<sup>th</sup> century” (Kondoch, 2013). Moreover, wars, armed conflicts and disturbance in one country can be reflected in other countries. For example, since the civil war erupted in Syria, millions of refugees and migrants arrived at Europe. It is been referred to by the United Nations as the “biggest refugee crisis since WWII”

(<http://www.faithtoaction.org/displacement-and-family-separation-for-syrian-refugee-children/>).

Third, peace is not only absence of war. The former President of the UN Security Council noted in his report: “the non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace (UN Doc. S/23500, 31 Jan.1992. Note by the President of the Security Council, pg. 3)”. As stated by the UN today: “A peaceful society is one where there is justice and equality for everyone. Peace will enable a sustainable environment to take shape and a sustainable environment will help promote peace” (<https://www.un.org/en/events/peaceday/>). To ensure peace, states should promote justice and stability in the economic, social, humanitarian and ecological fields.

Fourth, we should remember that while wars and conflicts threaten both sustainable development and the enjoyment of human rights, sustainable development and human rights are themselves essential to conflict prevention. According to OHCHR, “the realization of human rights and of inclusive, equitable, human-centered development can alleviate root causes of conflict and enable peaceful and just methods of resolving tensions” (OHCHR, 2016). As history demonstrated, if there are no rule of law and public participation in democratic elections and reforms, there will be no political and socio-economic stability and sustainable development in the countries.

Recognizing that development, peace, security and human rights are interlinked and mutually reinforcing requires ongoing, dynamic participation from the entire society in its governance and economy to ensure that conflicts do not escalate into violence. A country’s development must be inclusive and sustainable (UNDP, 2017). According to the Resolution of the UN General Assembly: “We are determined to foster peaceful, just and inclusive societies which are free from fear and violence. There can be no sustainable development without peace and no peace without sustainable development” (UN GA Resolution A 70/1, 2015).

Fifth, international law is an essential tool for prevention and abolition of war (Weeramantry and Burroughs, 2005), promotion of human rights and sustainable development. The United Nations Charter and the basic international human rights instruments have been adopted in the 20<sup>th</sup> century, for example, the International Bill of Human rights, the Genocide Convention, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment. It is important to ensure implementation of the norms of international law and promote human rights and sustainable development through peaceful co-existence, good governance, partnership with state and non-state actors and mutual responsibility to solve the current global problems.

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## **THE AGE OF SUPER SURVEILLANCE: HOW TECHNOLOGY HELPS TO UNDERMINE DEMOCRACY, RULE OF LAW AND HUMAN RIGHTS IN THE REUNIFIED GERMANY**

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### **Abstract:**

*Surveillance is nothing new. Since we record history, governments have created clandestine organizations to find out what their enemies were planning. Denunciation was and is a widely used method especially in autocratic regimes to bring surveillance into the most private areas of people. The German Nazi secret police, the Gestapo and later the GDR Stasi were experts in collecting data but analyzing them still caused problems. Today, the center of a new right-wing fascist movement forms itself not only in the states of East Germany, plotting ideas about German superiority and super surveillance. And it is technology which enables the spreading of ideas, actions and violence against democracy, rule of law and human rights. Technology today is able to do what the old system of surveillance couldn't do: close the loopholes and actually process huge amounts of data in real-time. Do people actually ask: who will do what with these data? Platforms, and especially social media are the new playground of extremists and cyberwarriors. How surveillance can be total shows the new system which China is currently establishing. So, the questions are: How much privacy do people need? How can we protect ourselves against the ever-increasing demand not only of governments but also of private organizations to reveal our most private feelings, thoughts and activities? Who to trust? Does privacy in fact still exist in a time when people share their innermost secrets openly and voluntarily online? What are the success factors of efficient surveillance systems? This article analyses past and present surveillance systems and organizations, the technology involved and its impact on Germany 30 years after the fall of the wall and the end of the East German dictatorship.*

**Keywords:** *Civilization, democracy, human rights, technology, surveillance*

*Article 12: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks. (Universal Declaration of Human Rights, 2015)*

### **1. INTRODUCTION**

In December 2018, the German weekly newspaper DIE ZEIT reported that China introduced a new innovative AI application to control the most vulnerable of a society – school children. In some pilot project school pupils have to wear now special jackets with an implanted chip which not only checks their whereabouts but also who is actually wearing the garment so that kids can't just exchange their clothes. (ONLINE, ZEIT, 2018) That the Chinese government plans to force people to earn “social credits” to fully participate in social life is meanwhile well known. (Gruber, 2017) The idea of using algorithms to check on people has also fascinated the research team around Alex Pentland, pioneer in Artificial Intelligence (AI) at the MIT,<sup>55</sup> and they started to work on a similar solution to track people in their work environment. (KIM *et al.*, 2012) The journalist Theodore Kinni outlines a scary future for employees in which

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<sup>55</sup> www.mit.edu – Massachusetts Institute of Technology

emotions, actions, just everything people do on the workplace can and will be monitored and lead to measured allegedly predicted behavior. (Kinni, 2016) Amazon, not widely known for its humane treatment of employees just registered two patents for electronic bracelets which let the company know all movements of employees hands and their location on the premises. (Hurtz, 2018)

While the private sector seems to be well advanced on a global scale to introduce all sorts of surveillance systems, politics is also busy in that area. Prediction software systems like Palantir are not only used by American police forces but meanwhile also in Germany. Even the technology sleepy German political class woke up when it turned out that the American “friends” were actually listening in to Chancellor Merkel’s private cell phone.

The problem is not new. This article explores based on the example of some significant past cases, the changes technology enables and what this means not only for Germany. And it also discusses the human factor in surveillance systems which doesn’t seem to change. Looking deeper into the problem of surveillance it becomes clear that there always had to be an active collaboration of ordinary people and governments resp. surveillance/intelligence organizations to feed their need for data. So how much privacy do people actually need and want in a time when millions of social media users are more than willing to share their most intimate secrets online? How is it possible that so many people with a background in the former German Democratic Republic (GDR) today idolize Putin or even Hitler, both masters in super surveillance?

## **2. THE DARK YEARS – GESTAPO AND ITS SYSTEM OF POLITICAL CONTROL**

The date January 30, 1933, the day of Hitler’s Machtergreifung (takeover) is a dark date in German history. It started a chapter of horrific crimes based on surprisingly innovative ways to control, monitor and influence people in a centralized system of a political police and justice system.

At the core of the surveillance and terror system was the newly founded political police, the “Geheime Staatspolizei” or Gestapo. In the beginning the organization was only active in Germany, later in whole Europe. Another core element was the close connection to the SS, the “Schutzstaffel”, mainly built as personal security detail for Hitler. The new Chief of Police, Heinrich Himmler somewhat modified the mission of the SS to national socialist elite unconditionally faithful and committed to the “Führer”.

Ernst Fraenkel, German political scientist in his 1941 published work “The Dual State” distinguished the normative state from the prerogative state. In the former rule of law is the determining way of life while in the latter rule of law is replaced by brutal terror and arbitrary prosecution of any person or group considered as “enemy of the people”. (Dams and Stolle, 2017, p. 8) The Gestapo needed a reliable and wide network of ordinary people who were ready and willing to support the system by joining the SS or SS related organizations and by denouncing others. As all totalitarian systems the police had to be centralized and subjected to central control.

What is intriguing and can be observed in most of totalitarian states is the urge to documentation. Totalitarian systems seem to have a tendency to be so convinced that they have subscribed to eternity (“1000-jähriges Reich”) and that they are entitled to execute terror and surveillance that they have no scruples to document meticulously all their crimes and their victims. At least it lets us remember real people with names behind the incredible huge numbers of murder victims. What we see is that the Nazi regime adopted many methods of the inquisition (i.e. torture, denunciation networks, persecution without clear indictment) and the process – even though much more rapid and more structured and based on state-of-the-art technology –

from uncontrolled terror to a bureaucratic system of surveillance and persecution is almost similar. And as Goldhagen outlines a large number of people were involved in the industry of killing millions of people. (Goldhagen, 1996, p. 164ff) The Nazi regime was what we would today call an early-adopter of innovative technologies. The propaganda machine made use of all available channel, i.e. radio, telephone, print, cinema, mass events, travelling by car and planes etc. and the surveillance system was based on structured networks of organizations of faithful followers willing to denunciate alleged enemies of the party and the movement.

Many Germans have not come even with the past, they feel cheated out of a heroic history and would like to re-invent the past. As we know, unfortunately, these Germans are not alone in Europe. It is a process which currently has many EU countries in its grip. And many people think that surveillance will solve the rising problems of accepting diversity and complexity in our globalized world. The often-made remarks in West Germany after the war “unter Adolf wäre das nicht passiert” (it wouldn’t have happened during Hitler’s reign) was a reminiscence of the efficient denunciation system established by the Gestapo.

A closer look at two of the main resistance networks, the Communists and the group responsible for the failed assassination of Hitler on July 30, 1944, show the success factors and the limits of the Nazi surveillance.

## **2.1 The Juli-20-1944 Resistance Network**

The resistance network around the Generaloberst i.R. Ludwig Beck (Generalstabschef des Heeres – Chief of the German General Staff) was tightly knit and operated for quite a long time unknown to the political police organizations in Nazi Germany. The network consisted of a mix of groups, aristocracy, military officers, civil servants and civilians, all in somewhat influential roles. From today’s point of view, it is stunning how long the conspirators were able to plot their plans and how they managed to sustain the secrecy around the planned assassination of Hitler and the subsequent anticipated putsch. Beck was supposed to take over as Chancellor, and the aim was almost similar to the aim of the revolution of the sailors in November 1918 to end the war. Beck stepped down in August 1938 from his post as he saw that the Hitler regime now was actively moving into the occupation of Czechoslovakia and a next great war which he strongly objected. His resistance against Hitler in this question was however not that clear cut, as his arguments were mainly based on military reasons.

A just published study about the resistance movement by Linda Keyserlingk-Rehbein conducted a historical network analysis about the different connections and communication channels in the network and its NS<sup>56</sup> persecution. It is probably one of the most comprehensive and thorough analyses focusing on the perception and the surveillance success factors of the Nazi political police organizations. What interests us in the context of this paper is one of the results of her research that the NS persecutors seem to have been completely surprised by the attempted assassination of Hitler that Claus Schenk Graf von Stauffenberg undertook. We know that many conspirators were murdered after appalling political show trials in the so-called Volksgerichtshof (People’s Court) under the Court President Roland Freisler. The accused were humiliated and mostly sentenced to death. Interestingly, a few of the accused were only sentenced to some prison time or even acquitted. This probably helped to keep up the impression of existing rule of law. There are two issues which stand out: first, the NS persecutors never managed to unroll the whole network, so fortunately many conspirators survived and stayed free; second, the wives and families of the convicted members of the network were for some reasons left mostly unchallenged. The latter was strange considering the normal procedure of “Sippenhaft” (families of convicted political defendants were normally also prosecuted, a practice later adopted by the Stasi in the GDR) while many wives, female family members and

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<sup>56</sup> National Socialists.

otherwise related women played active roles in the resistance network. The NS administrations published the attempted assassination, but claimed that only a very small group was involved (“nur eine ganz kleine Clique” – this is also the title of the book. (Keyserlingk-Rehbein, 2018)

In conclusion, the system lacked the technology to process the gathered information in real-time. As we see in the second example, the method of choice was brute force, not smart analytics.

## **2.2 The Communist Resistance: Comintern**

The Communist resistance movement is interesting as its members as well as Social Democrats and Labor Union leaders were the primary focus of the NS persecution. Unfortunately for them, the communists were not only persecuted by the NS regime. They had a “home-made” problem: Stalin.

In the Soviet Union the power struggle between Stalin and Trotsky and other parts of the Communist Party who wanted to pursue different political strategies divided the movement. In the middle of the conflict in Europe was the Comintern, the Communist International (1919–1943) fighting for world communism. In 1943 the organization dissolved itself with a relatively lapidary resolution signed by the members of the Executive Committee of the Communist International. (International and Weber, 1966, p. 344ff) It was the final break Stalin enforced especially against Trotsky and other adversaries. In the years before, the division inside the Comintern already had tremendous impact on the anti-fascist resistance. As before Hitler’s so-called “Machtergreifung” the left-wing and anti-fascist movements were highly fragmented and fought often more against each other and especially against the Social Democrats than the mutual enemy. The Gestapo was focused on the Communist resistance. The KPD was prohibited already in 1933 and its leader Ernst Thälmann arrested and later in the concentration camp Buchenwald murdered.

Apart from the Comintern another parallel network with close ties to Moscow was existent in almost all Western European countries called by the Gestapo the “Rote Kapelle” (Red Chapel). The Gestapo finally arrested many of both organizations. The centralist hierarchical structure of the KPD made it easy for the Gestapo to arrest all leading members they could get hold of which made it difficult for the party to move into the illegal underground. Furthermore, communists were regularly extensively tortured, so that the Gestapo managed quite effectively to unroll their illegal networks. The “Rote Kapelle” network was of a size which surprised the Gestapo. The network consisted of artists, writers, intellectuals, military, civil servants, journalists, all being convinced that to set up an efficient resistance against Hitler it would be paramount to stay in touch with Moscow. (Roon, 1997, chap. 4)

The anti-fascist and communist resistance networks were inefficient for several reasons. One of the major problems was that many communists still held Social Democrats as their main enemies and that the movement was divided into several fractions. No united front could be set up as denunciation of comrades as counter-revolutionaries or Trotskyists or other alleged dissidents turned out to weaken the often-heroic attempts to change the German politics. Torture and bribery convinced many members of the movement to name comrades, and the Gestapo had other than in the July-20 network no big problem to identify enemies of the state. People arrested in the Soviet Union were often extradited to Germany and ended up in concentration camps. (Buber-Neumann, 2002) The grip of the regimes over anti-fascists alleged socialists and communists was almost total.

## **2.3 After 1945 – The Soviet Occupied Zone**

The Soviets after the war started to rob the country of anything they could get hold of, mainly all industrial appliances and machinery. At the same time many people were arrested and found themselves in the same concentration camps many had been in during the NS time. The Soviets

claimed to unroll so-called Werwolf-organizations, a sort of last resort of the 3<sup>rd</sup> Reich with many youths to go on fighting. Many intellectuals ended up in camps. It is still irritating when visiting the camps in Buchenwald or Ravensbrück and realize that the former SS barracks were used by Soviet forces and later the GDR army the NVA and that the camps were after being liberated from the Nazis put to use by the Soviet Military.

The Stalinist surveillance system was immediately installed. This was enabled by the meticulous documentation the German administration kept, the cooperation of former Nazi victims who finally wanted justice and by former Nazi official who all of a sudden discovered their love for Communism and Stalin. Otherwise the system worked as all these surveillance systems before: a rumor about someone was enough, any alleged accusation was taken as proof.

Outwards the Soviet Occupied Zone presented itself as the new center of German intellectuals and culture. Many writers, actors and other creatives came back after the war from their exiles and settled in the East. However, the right to publish was fragile, and censorship was immediately installed. Only famous writers like Bertold Brecht or Stefan Heym could escape, while for example later novels of Heym were published in West Germany or internationally but banned in the GDR. The enthusiasm soon evaporated, especially when Wolfgang Leonhardt, a career cadre and lecturer at the GDR elite school “Parteihochschule Karl Marx” fled the country, managed to come to the West via Yugoslavia and wrote his famous book “Die Revolution entlässt ihre Kinder” (Child of the Revolution, 1955) which brought to life the delusions of the Stalinist system followers. (Leonhardt, 1990)

The Soviet Union started already in 1945 the cleansing in the occupied zones. It was time for payback, the millions of Russian POWs which the NS regime killed or let starve under horrific conditions against international law were not forgotten. Military Tribunals convicted thousands of prisoners for alleged war crimes. Former NSDAP members, officials and war criminals were detained in former Nazi concentration camps like Buchenwald, the so-called “Speziallager” (special camps). (Gieseke, 2011, p. 28ff)

### **3. GERMAN DEMOCRATIC REPUBLIC AND ITS STASI ORGANIZATION**

The GDR was founded in 1949 with Wilhelm Pieck as its first president. 1950 the Ministerium für Staatssicherheit (Ministry of State Security) was established. It was proclaimed as a necessary step against alleged sabotage acts and bomb attacks against “Volkseigene Betriebe” – the Publicly Owned Enterprises VEB. (Gieseke, 2011, p. 23ff) Wilhelm Zeisser was appointed Minister of the Interior and Erich Mielke Undersecretary of State. Both men were hardliners. (Gieseke, 2011, p. 26) The MfS was basically entitled to invade every corner of the country, the most intimate relationships among citizens and to do so it recruited thousands of official informers, the so-called IMs, the Inoffiziellen Mitarbeiter (Unofficial Employees). (Gill, 1991, p. 31ff) The number of full-time employees continuously rose over time to more than 85000 (in 1989 the GDR had about 16,4 million citizens). (Gill, 1991, p. 34f) The Staatssicherheit or Stasi established an extremely tight system of surveillance and control. This is still remarkable as they lacked the technology to process the collected data. Letters, telephones, telegrams – each and every communication was monitored and documented. In East Berlin in 1989 the Stasi could simultaneously listen in to 20000 telephones. (Gieseke, 2011, p. 162) The denunciation inside of families was not so wide spread even though there were some appalling cases. The GDR society was strongly focused on what Günter Gaus, renowned West German journalist and first Ständiger Vertreter der BRD in the GDR (the BRD had no Embassy, just a representation in East Berlin) called “the private niches”. (Gaus, 1995) The strength of the IM system lay in the secondary environment of people, in jobs, universities and schools, circle of friends, neighbors and other social relations. It is not quite clear how many IMs there were, but

the number is a 6-digit one. Surveillance owed to lack of appropriate technology was hand-made. The IM system can be considered as a sort of analogue social media platform.

#### **4. WEST GERMANY, ALLIED FORCES AND THE BONN REPUBLIC BRD**

The Bonn Republic, West Germany or Bundesrepublik Deutschland (BRD) was basically under allied forces supervision until the final chapter of WWII, the re-unification in 1989. The influence namely of the CIA was shaping the post-war security systems of the young BRD in the Cold War. After the trials in Nürnberg the enthusiasm to face and deal with the crimes of the past collapsed.

The BRD established a federal system. The creators of the German Constitution set up a system which would prevent a similar capture of the state like in 1933. Police Forces were re-introduced, as well as the Secret Service for Foreign Intelligence Surveillance, the Bundesnachrichtendienst (BND) and the organization for internal intelligence, the Verfassungsschutz (Federal Office for the Protection of the Constitution). Rule of Law was re-incorporated, but the young democracy still had some important flaws. The Cold War initiated strange bed-fellows, and not only the German administration but also the justice system re-installed many former Nazis. The most prominent were the head of the newly founded BND, Reinhard Gehlen and the Chief of Staff of the German Chancellor Adenauer until 1963, Hans Globke. Both men were strongly backed by the CIA, as they were considered to be assets in the Cold War. Gehlen was especially hotly-contested. A former Generalmajor and Chief of the Abt. Fremde Heere Ost (FHO), he used to claim that the war wouldn't have been lost if Hitler would have listened to him. Overconfidence (Kahneman, 2011, p. 80ff) was his main characteristic, hand in hand with a thorough mistrust against everybody. After the war, he tried to go underground to avoid the Allied Forces denazification program, but then decided to offer his services and a lot of hidden documents about the Soviet military forces to the CIA. (Müller, 2017, p. 9ff) The CIA archives are still not open to historians (Müller, 2017, p. 12).

The infamous Gehlen Organization gathered not only as it was supposed to foreign intelligence, Gehlen also spied on West German politicians, especially on the Social Democrats SPD and other parties and groups he considered as "left-wing" (Müller, 2017, p. 16). He formed a strong bond with Hans Globke, lawyer and former high official in the Eichmann organization whose Chief Legal Advisor he was as Ministerialdirigent in the Office of Jewish Affairs in the NS Ministry of the Interior. He had written a legal annotation on the anti-Semitic Nürnberg Race Laws, thus placing the NSDAP on legal grounds enabling the Holocaust. Globke as Chief of Staff in Adenauer's Kanzleramt (Chancellery) was close to Adenauer and Gehlen was close to Globke. For more than a decade they managed to keep up a basically illegal surveillance system on alleged enemies of the government. The Constitution, rule of law or democracy didn't play a role in their considerations. And the censorship in different form went on. In 1961 Reinhard Strecker, a political activist and member of the SDS (Sozialistischer Deutscher Studentenbund) published a book revealing documents concerning Globke from Polish and Czech archives. (Strecker, 1961) Gehlen managed to put the book in a law suit on the list of prohibited books. The publisher was threatened that no official agency would ever buy a book from them again. (Müller, 2017) Beginning of the 60's, Gehlen lost influence and was more and more considered as a burden to the prospering young democracy of the BRD. (Müller, 2017, p. 110)

However, surveillance didn't stop, but it concentrated on left-wing movements, especially the student organizations. Members of certain organizations were prohibited from becoming teachers, while former or new Nazis as my generation could observe in universities and schools were not considered a problem. The threat of left-wing terrorism from the RAF organization led to new restrictive laws. In the 70's the then president of the BKA

(Bundeskriminalamt – Federal Criminal Investigation) Horst Herold installed the innovative technique to facilitate the search for alleged terrorists, the so-called “Rasterfahndung”, a first attempt to process and converge data from different databases. (Fischer, 2018) It was the first step into the age of our today’s super surveillance systems.

## **5. GERMANY REUNIFIED**

1989 provided again a new start for Germany. The re-unification was originally welcomed by the majority of the Germans. But the enthusiasm soon went sour. The new Eastern States were invaded by unaccountable consultants and administrators, who initiated all sorts of often useless projects for which they cashed in huge fees, people who the anthropologist Janine Wedel calls “Flexians” as they take roles according to needs, as academics, consultants, business men. (Wedel, 2009, chap. 1)

The approach did not meet the mostly exaggerated expectations of the people in the former GDR who had considered West Germany as the land of plenty. Instead a lot of things happened to them, which were felt as deep injustice. First of all, unemployment. Like often in acquisition situations, people often went into a denial about the economic condition of the GDR. However, the transition was in the end managed successfully, but not very well. The human costs were huge. One of the first results was a brain drain of young people from the new states to the West. The older people, especially those without a good education stayed. And their discontent grew.

What happened however was an eruption of racist terror right in the beginning of the 90s against people with migrant background not only in the new States, but also in the West. It was as if all dams were broken.

Surveillance in the first years after 1989 became increasingly unpopular and criticized. This changed with the rise of the internet and following social media. The rising totalitarian movement found a new unregulated playground for its activities.

The government agencies concentrated on the surveillance of left-wing and green activists which is only today slowly changing. The flawed investigation of the Nazi terror cell NSU (National Socialist Underground), which almost got away with 10 murders, including a police officer, 43 attempted murders and 3 explosions is the most outrageous example on how political and racist bias corrupts police investigations still today. As almost all victims had migrant backgrounds, police concentrated on their private environment assuming that they probably had some organized crime connections. When they couldn’t find anything, they looked for more, traumatizing the families even more. Until today, the terror of the totalitarian movement is not taken seriously.

## **6. THE TECHNOLOGY BASED “SURVEILLANCE CAPITALISM”**

We live in a time in which people most voluntarily share their innermost secrets online, visible for everybody, but especially for the greedy collectors of data in the technology industry. In her new book “The Age of Surveillance Capitalism” Harvard professor Shoshana Zuboff drafts a bleak vision of our technology based future. (Zuboff, 2019) As we have seen before, even Germany and especially its intelligence agencies, not especially known for advanced digitalization strategy development in politics, jump on the issue of predicting behavior. (Hanack, 2018) (Brayne, 2018) Software packages like Palantir already in use in several US police forces provide a surveillance system that is meant to “predictive, rather than reactive or explanatory, purposes” as Sociology professor Sarah Braynes writes. (Brayne, 2017) (Peretti,

2017) Predictive policing software like Palantir or PredPol have its benefits, but there is also a downturn. These programs are based on constant feedback loops. Each police operation produces new data which are fed into the system and subsequently lead to more police operations. As Cathy O’Neil, former Math professor at Harvard, anti-Big-Data-activist and author of the book “Weapons of Math Destruction” outlines, “[...] each policing approach, from broken windows to zero tolerance, represents a model. [...] each crime fighting model calls for certain input data, followed by a series of responses, and each is calibrated to achieve an objective.” (O’Neil, 2017, p. 88) Police forces appreciated the new predictive crime models. Unfortunately, the data they feed into the system after a while turned out to be deeply biased. The systems focused mainly on nuisance crimes mostly in poor communities, but left the top of the pyramid like homicides, rapes, assaults and especially financial crimes underrepresented. Bias on the side of the police officers who feed data into the system is one reason, the other is the sheer number of nuisance crimes. (O’Neil, 2017, chap. 5) O’Neil strongly recommends to always be aware of the fact that algorithms are developed by people and paid by organizations who all follow their own agendas.

Zuboff goes a step further. Analyzing the current tech giants based on the examples of Google and Facebook, she states that users of platforms are the new “free raw material for hidden commercial practices of extraction, prediction, and sales”. She calls this system “instrumentarianism” and writes:

*“Surveillance capitalism is instead defined by an unprecedented convergence of freedom and knowledge. The degree of that convergence corresponds exactly to the scope of instrumentarian power. This unimpeded accumulation of power effectively hijacks the division of learning in society, instituting the dynamics of inclusion and exclusion upon which surveillance revenues depend. Surveillance capitalists claim the freedom to order knowledge, and then they leverage that knowledge advantage in order to protect and expand their freedom.” (Zuboff, 2019, p. 466)*

The origin of this dream of super-surveillance goes back to some physicists and the psychologist Skinner. The idea was to measure, categorize and thus predict human behavior. The current high priest of this approach is MIT professor Alex Pentland. He and his Ph.D. students work since more than two decades on predictive behavior technologies. Pentland suggests that predictive behavior monitoring makes all our lives better. He calls it “Reality Mining”. In his book he describes what he has in mind: digital sensing platforms collecting data either from sociometric name badges or smartphone use; surveys in regular intervals; purchasing behavior collected from receipts, credit card data; and finally digital social network data collection application. (Pentland, 2015, p. 143f) His institute collaborates with several organizations, among which are also Fortune500 corporations. Employees are reduced to “raw material” (Zuboff) like hens in a cage. It means absolute control. At the core is the claim to be entitled to measure and predict human behavior throughout one’s whole life. Most obvious is this in China where no rules exist. The European Union has at least taken up the fight against the technology giants and their data supremacy. In a largely unregulated data market, the tech corporations and their totalitarian users are basically eliminating the human right to privacy.

## **7. THE RISE OF THE NEW TOTALITARIAN MOVEMENT**

It is Hannah Arendt, who already in 1953 outlined the roadmap of such a movement. Language tells a lot about the perception of something. The term “populism” for a violent terror based totalitarian movement trivializes the problem. It shows time and again in the different approaches of police forces towards right-wing terror attacks aiming to kill people and on the

other side crimes committed by people with foreign roots. While the Nazi terrorist is usually assumed to have some “psychological problems”, young refugees are immediately arrested and prosecuted as terrorists without looking at the crime itself. (Ramelsberger, 2019b)

Looking into extremist networks makes sense, as they turned out to be first professional adopters of the instrumentarianism technology opportunities. Especially the right-wing extremists proved to become expert users, often supported by cyber war experts from Russia. As Arendt tells us, it all starts with propaganda.

It seems that the German movement has privatized the internet surveillance system for their own purposes even further. Their party, the AfD, currently moving more and more to right-wing extremism, is just the propaganda interface to win ordinary people over. The party program doesn't really matter, just as Arendt points out. The AfD is the front organization, and that's what the world perceives. The sympathizers today are spreading the propaganda in social media, and often appear to be quite harmless. But many are not. The so-called “Reichsbürger”, the “Identitäre”, Pegida and its spin-offs have more than once proved that they wouldn't refrain from terror. (*Ermittlungen gegen „Reichsbürgerin“: Frau wollte Justizmitarbeiter ausspähen*, 2019) As Arendt says the sympathizer networks „make their fantastic lies more acceptable”. (Arendt, 2017, p. 479f) The Nazi marches in Plauen in uniformed attire on May 1, 2019, protected by the police finally even woke up the German Verfassungsschutz (Federal Office for the Protection of the Constitution).

It is not only the internet that the totalitarian movement uses for surveillance and control. Since the party has been elected to several state parliaments, they have repeatedly asked for records and contact details of Jews (in NRW), of homosexuals (in Thüringen), and in many smaller towns and villages specifically in East Germany they have installed a terror regime that threatens every citizen who doesn't comply with their aims. The AfD's latest idea was to set up a platform, on which pupils and students were asked to denunciate teachers who allegedly didn't comply with the mandatory political neutrality rule. Fortunately, this project seems to have failed, it violated data protection laws and was widely rejected by schools, teachers and students and parents alike. What happens is another strategy of the totalitarian movement to threaten adversaries online by a process called doxing – publishing very private and often non-disclosed information about people and their families and calling for “action”. (Steinke and Tanriverdi, 2019) What we see is that the movement tries to get access based on the overall instrumentarianism of the tech companies in the most private areas of people's lives. (Schlieben, 2019) Even more disturbing is the discovery of Nazi terrorist networks inside the police force and the military (Bundeswehr) using their privileges to get access to people's data with the purpose to threaten them and their families. (Ramelsberger, 2019a) The crime statistics speaks for itself. A newspaper investigation reveals about 169 right-wing extremist homicide victims since 1990. (Jansen, 2019)

Who votes for the AfD? Political scientist Philip Marnow from the University Bremen has done an in-depth analysis of election results. The main reason for people to join the movement is not poverty or unemployment. In fact, most sympathizers and members of the movement have jobs and live quite comfortably. It is mostly loss aversion, the fear of losing what they have. Furthermore, a feeling of depravity and fear of societal change in general seem to be core reasons. (Manow, 2018, chap. 4) If we add Arendt's insight:

*“The fellow-traveller organizations surround the totalitarian movement with a mist of normality and respectability that fools the membership about the true character of the outside world as much as it does the outside world about the true character of the movement.” (Arendt, 2017, p. 480)*

Positive is that at least currently the majority of the Germans seems not to want an AfD government, the party in the latest official survey lay at 14%. (tagesschau.de, 2019) The coming election in some of the East Germany States will show how reliable these data are.

## 8. CONCLUSION – THE “GERMAN CONDITION”

Germany is located in the middle of Europe. And maybe that is why Germans seem to have a tendency to consider themselves somehow special, different from their former allies and enemies. Fortunately, the current majority of Germans is still soundly supporting democracy with all its problems and flaws. But that may change rapidly as it has in other European countries like Hungary, Poland or Italy. Maybe it's in our DNA that we like to fall back on bureaucratic control systems in a situation of real or perceived crisis. And considering human beings with different backgrounds as “unworthy” has a long history. There is a legacy of racism, and unfortunately, also totalitarian dreams of Germany as a Super-Colonial-Power in Europe. (Clark, 2013)

All these feelings and thoughts are currently ascending from the underground again, poisoning the political debate and destabilizing democracy. The technology-based surveillance capitalism firms in their denial of responsibility about what happens on their platforms facilitates the impact and growth of totalitarian movements. There is a reasonable probability that after the next election in some of the East German States there will be the first fascist state governments aiming to advance the totalitarian movement. Zuboff might be wrong, when she claims, that instrumentalism doesn't come with terror. It does even though indirectly. The numbers of right-extremist murders and crimes prove it. There is a collusion between the technology corporations who claim that they just provide a platform for whatever people want to share and their theorists like Pentland and these totalitarian movements. As Pentland points out in all his publications: it's about measuring and predicting behavior, and what enchants a totalitarian movement or state more than predicting what people will do and/or how they will vote and how easy it will be to manipulate them into compliance. Currently, a recent survey reveals that Germans are concerned about their data and try to submit as little as possible about themselves online (60%) while at the same time being aware that some applications require personal data (37%). (tagesschau.de, 2019) Up to now, we don't have any reliable democratic control system against Mordor.

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## THE EUROPEAN UNION'S ROLE AS A HUMAN RIGHTS ACTOR HAS BEEN UNDERMINED BY DICHOTOMY BETWEEN ITS VALUES AND INTERESTS

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### Abstract:

*The European Union (EU) is a promoter of human rights in its external relations. The Union's human rights clauses are part of trade agreements with third countries and its development aid. The EU as a "normative power" is a concept that has been discussed by many scholars, in particular Ian Manners and Helene Sjursen (Manners 2002), (Manners 2006), (Sjursen 2006). In order to achieve the normative power, the EU has established strong links with civil society and aims to empower the democratic ground for human rights and democracy in third countries. However, the EU's human rights policy is condemned from different angles and the general discontent has heightened since the beginning of the refugee crisis in 2015. Even though the EU has been relatively successful in promoting human rights throughout the enlargement process until now, it has failed to promote its principles in its closest neighbourhood, particularly with Turkey. This paper will focus on the EU-Turkey statement and its assessment. Human rights principles have been sacrificed to stability and internal security. The Union's clash between interests and values undermines its role as a global player and has consequences both externally and internally on the EU stability and reliability. There is already a rising disagreement among the Member States and between the Member States and EU Institutions.*

**Keywords:** Human rights, European Union, Turkey

### 1. INTRODUCTION

The European Union has been an actor in international relations since its inception as the European Community particularly in economic terms since the 1950s. In political terms and as a promoter of human rights its rise can be documented since the 1970s. With the aim to strengthen the European identity the EU has linked its external policy to the common EU values for the past 35 years. (Yazgan 2017:55). The "respect for human rights" has been considered as one of the basic principles driving the European foreign policy (King 1999:313 in Yazgan 2017:55).

The EU as a "normative power" is an idea studied by many scholars (Manners 2002), (Manners 2006), (Bicchi 2006), (Sjursen 2006). The rule of law, equality, freedom, respect for human dignity and human rights are the core of the European Union's fundamental values. These values are common to all EU member states and they form the basis of the European Union's identity.

It has a well-developed human rights policy and human rights clauses are part of third-party trade agreements and the EU development assistance. The policy is based on three main policy papers, the so-called triptych. The first one is the Lisbon Treaty, particularly article 21, the second one is the Human Rights and Democracy at the Heart of EU External Action—Towards a More Effective Approach and the third document forming the triptych is the EU Strategic Framework and Action Plan on Human Rights and Democracy. While the Lisbon Treaty formulates its values and brings human rights to the core of EU activity, the other two documents attempt to formulate a 'toolbox' for implementing human rights even externally.

Furthermore, Ian Manners implies that the EU as a normative power has an impact on global affairs. The EU's normative premise "predisposes it to act normatively in world politics"

(Manners 2002:252). Accordingly, Manners guarantees that the EU has a capability to “shape conceptions of ‘normal’ in international relations” (Manners 2002:239). It is this notion of impacting others and by spreading its qualities, that describes the thought of the EU as a normative power (Noureddine Raja: 2016).

Nevertheless, the EU's policy on human rights and its position as a normative power are undermined from various angles. The general discontent has heightened since the beginning of refugee crisis in 2015. Thus, this paper will focus on the current human rights policy in the EU and the external and internal consequences of the refugee crisis that led to policies that clearly undermined the EU's role as a normative power. The focus will be particularly on Turkey and the EU-Turkey statement and related aspects. This paper argues that human rights principles have been sacrificed to stability and internal security. Not only can this shift undermine EU's role as a global actor in the long term, it has as well created drifts within its actors. There is a rising disagreement among the member states and between the member states and EU institutions, particularly the European Commission. According to King the EU common approach with regards to the external policy on human rights are very often restricted by the economic competition and conflicting national interests of its member states. (King 1999:313).

## **2. HUMAN RIGHTS IN THE EU'S EXTERNAL RELATIONS**

As European Union stated in its agreement with the Africa, Caribbean, the Pacific countries in 1998:

Human rights are universal, indivisible and inter-dependent. They bind every government body and may not be restricted. Whether civil and political or economic, social and cultural in nature, they must be respected and promoted in their entirety. They are the subject of a series of international and regional agreements and legal acts constituting an international legal framework (the United Nations Charter, the Universal Declaration of Human Rights, the 1969 American Convention on Human Rights, the African Charter on Human and Peoples' Rights adopted in June 1981 etc.). The commitments made in these instruments were reaffirmed by the participating countries in the conclusions to the 1993 Vienna Conference on Human Rights. (European Community, 1998)

The basis for human rights policy stems from international agreements as stated above. Furthermore, the 2003 European security strategy strengthened the status of human rights in external relations (Council of the EU 2009:3). Then the EU embraced the EU Strategic Framework on Human Rights and Democracy in 2012, with which the role of human rights policy was streamlined. In the Strategic Framework documents, it is stressed that democracy, rule of law and respect for human rights are the underlying principles of both external and internal policies of the EU. In its foreign policy the EU guarantees the promotion of human rights. It aims to prevent the violations of human rights and it sets up the mechanism to prevent the abuse of human rights. It also promotes an effective work with civil society and other intergovernmental organizations as well as with its partner countries (Council of the EU 2012:5).

Even though the EU puts in place a mechanism aimed at protecting human rights it can still run into difficulties when trying to enforce the rights with its partners. Guidelines and operational steps towards an improved human right advocacy are set in 2011 EU Action Plan. The issue of implementation and analysis of projects with its partners still lacks transparency. Moreover, the EU has no real capacity to be able to safeguard human rights norms. Instead, it is reliant on encouraging regional/national mechanisms to be established and then work with

these. In addition, the human rights' perspective is often dwarfed by economic and geopolitical strategic interests (Vadura 2015:351). In relation to the migration crisis, the human rights' perspective is overshadowed by the search for internal security and stability.

### **3. REFUGEE CRISIS, ITS EXTERNAL CONSEQUENCES AND THE CASE OF TURKEY**

2015 Refugee or migrant crisis has been an unprecedented influx of people to Europe since the beginning of 2015. The pressure following the influx of over a million of war migrants and asylum seekers from the Middle East and Africa to Europe in 2015 clearly uncovered severe flaws in the EU's asylum system. There have been several responses to the refugee crisis – both external and internal. Firstly, this paper focuses on the issue of Turkey and on the non-arrival policy linked to the EU-Turkey deal. It also focuses on the safe country status that has been due to circumstances reconsidered.

The history of EU-Turkey relations originates in the 1950s. Ankara Agreement, the foundation of these long-lasting relations that was signed in 1964, laid the basis for the European Community Customs Union with Turkey. In spite of its inadequacies, the Customs Union has demonstrated a strong economic cooperation between the EU and Turkey. Turkey has been one of the candidate countries to the EU since 1999. The process of Turkey's political integration with the EU has had many positive aspects. It has, among others, accelerated reforms to align Turkish legislation with the EU *acquis*. (Yazgan 2017:60).

Despite substantial improvements throughout the accession process and extensive political reforms, the process was not free from hurdles and recent developments in Turkey have completely reversed the trend. There is a continuous discussion on the rights to life, freedom of expression, as well as freedoms of religion, assembly and association. Turkey still keeps laws which are viewed as undemocratic, for example, preventing minorities from the use of their mother tongue when they receive an essential training. Furthermore, the Kurds, Turkish's biggest minority, have no right to self-determination even though Turkey is a signatory of the International Covenant on Civil and Political Rights.

The relations between Turkey and the EU noticeably deteriorated following President Erdogan's attempts to strengthen its authoritarian regime and his power. After the failed coup attempt in July 2016 the Turkey's reform process was reversed. During the state of emergency that followed the failed coup attempt several independent reports issued by various international organizations, such as the Council of Europe and the European Union, showed serious breaches of human rights. Violations occurred at alarming rate at that time. Reports indicated that elections were not taking place in a democratic environment and that the purges and reforms after the failed coup have weakened judicial independence. The EU report called the measures taken after the attempted coup "disproportionate", also saying they have limited procedural rights, freedoms of expression and the freedom of assembly. Report included serious concerns with regime's abuse of state of emergency. According to the report the EU expressed serious concerns with the widespread dismissals, arrests, and detentions, which were all collective in nature, excessive and widespread. The report also said that during this period, the parliament's "key function as legislative power was curtailed". It stated that the government used the emergency decrees and 'the force of law' to regulate such issues which should have been normally processed under the ordinary legislative procedure. In addition, constitutional changes that followed the coup jeopardised the division of powers. The report said that the newly introduced executive presidential system in Turkey lacks sufficient checks and balances and that it endangers the separation of powers between the judiciary and the executive. It also criticized a recent diminution of the judiciary independence and reduced freedom of expression.

The EU further reported that a civil society experienced high pressure under the state of emergency, which was reflected in the increased number of arrests of people that were reported as activists. The regime also banned the right to demonstration. Furthermore, the report criticised Turkey's actions against media. Various media offices were forcefully shut down, the authorities rejected the issuing of media cards and the government also pressed criminal charges against human right activists, social media users or journalists. (European Commission report 2018). The response of Ankara, on the other hand, has criticized the EU as biased and has categorically dismissed all allegations.

Similar concerns were raised by the United Nations Human Rights Office's report whereby it was stated that "profound human rights violations against hundreds of thousands of people" have occurred during the repeated prolongations of the State of Emergency periods in Turkey. Such violations included "arbitrary deprivation of the right to work and to freedom of movement, to torture and other ill-treatment, arbitrary detentions and infringements of the rights to freedom of association and expression". (UN Human Rights Watch Report 2018).

As depicted, the relationship between the EU and Turkey has gradually worsened due to the backsliding political and constitutional developments in the country. As a result, the European Parliament in 2016 voted to suspend the negotiations about possible future Turkey's EU membership. Even though such a pronouncement is not legally binding, it has an impact on the relations and influences the stand of other European institutions, such as the Council and the members states leadership. Austrian Chancellor Sebastian Kurz called for a formal ending of Ankara's EU accession talks. German Chancellor Angela Merkel stated in September 2017 – during a televised debate before her country's parliamentary elections – that Turkey "should not become a member of the EU". She also said that a formal suspension of talks with Turkey is on the table. (Umut Uras 2018).

The irony is that despite this impasse in the EU-Turkey accession process and deteriorated relationship, the 2015 refugee crisis pushed the EU to work closely with Turkey on this issue. The Turkey-EU statement has been proposed as one of the non-arrival policies that target the refugee influx and overlook the human rights situation.

#### **4. TURKEY-EU STATEMENT**

As a response to the migration crisis, the Council of the EU agreed with Turkey to sign a common EU-Turkey Statement. It was aimed to end or at least substantially limit the irregular flow of migrants from Turkey into the EU. The statement included assurances for the improved conditions for refugees arriving to Turkey and establish a safe, legal and organized way for the Syrian refugees to reach Europe. As a direct result, the irregular arrivals decreased to 97% compared to the period before the Statement. Importantly, the number of lives lost at sea has also decreased substantially. The EU had no other choice but to work closely with Turkish Government to support its efforts to handle the influx of refugees both logistically and financially. Towards the end of 2017 the EU contracted the first tranche of the €3 billion from its Facility for Refugees in Turkey. Turkey has followed up on its commitment to step up measures against people smuggling and has been cooperating closely on resettlement and return. The EU-Turkey Statement has delivered some tangible results since its inception. The EC praised the Statement as an important element of the EU's comprehensive approach on migration. (European Commission 2016 – Agenda on migration). This concept has been a focus of the European Union and it focuses on the nexus between security and development, in particular in dealing with external conflict and crises. This is in line with the conclusions that the Council adopted in 2007 with the aim to operationalize the security and development nexus.

However, it could be concluded that the EU is much more exposed by the statement than Turkey. The EU remains with no direct control of the condition of the refugees. It literally subcontracts the security and care of the majority of refugees arriving from the Middle East to Turkey. The EU is left with no leverage on Turkey. In case the latter decided to return hopeless people back to Syria or Iraq, the EU would be left with little or no influence.

As Wesel (2016) claims the revocation of responsibilities could be very costly for Europe in terms of international standing. The European Union jeopardized its soft power and credibility, its highly important political assets. According to Wesel the EU-Turkey deal has a dubious legal standing, which was loudly criticised by human rights organizations as illegal and inhumane. Turkey, on the other hand can gain substantively more from this precarious situation. According to Wesel the Turkish leadership can earn legitimacy and implicit recognition of its anti-democratic course. (Wesel 2016).

There were international warnings against such an approach – various human rights groups were loud arguing before the agreement has been realized. They were concerned that the refugees would have been cramped together in dire conditions on the Greek islands while Turkey could threaten additional surge in refugees. That is what Turkey did as they sent additional boats full of refugees to ward off criticism about its human rights situation back home. (Howden, 2018). In addition, Turkey has been declared as the safe country of origin even though neither of the conditions of such status nor the Copenhagen criteria is fully met particularly in the area of rule of law, human rights and democracy. The definition is rather clearly agreed in International Law (the Geneva Convention) and EU law (the Asylum Procedures Directive) whereby a country is considered as a safe when there is a democratic system in place, where generally and consistently there is no persecution, no torture, no threat of violence and no armed conflict (European Commission – Home Affairs Site on Safe countries of origin 2018).

Moreover, the Parliamentary Assembly of the Council of Europe (CoE) considered the EU-Turkey deal raised many grave human rights abuse breaches linked to its substance and its implementation. It mainly raised a concern that in case the EU returned the Syrian refugees to Turkey as the “first country of asylum” may be against the law of the European Union and the international law. According to the concerns expressed by the CoE, Turkey may not ensure a “sufficient” protection, which is defined by the Office of the United Nations High Commissioner for Refugees (UNHCR). In the Article 2.4 of the Resolution 2109 (2016) of the Parliamentary Assembly of the Council of Europe there have been reports of onward refoulement of Syrians. Furthermore, “returns of asylum seekers, whether Syrian or not, to Turkey as a “safe third country” are contrary to European Union and/or international law; as Turkey does not provide them with protection in accordance with the 1951 Convention relating to the Status of Refugees, non-Syrians do not have effective access to the asylum procedure and there have been reports of onward refoulement of both Syrians and non-Syrians.” (Article 2.5 of Resolution 2109 (2016) of the Parliamentary Assembly of the Council of Europe).

These are issues connected not only to the European Union standards but also to the international conventions applicable globally. European Union is breaching international standards and principles of human rights for the sake of its internal stability and security. Its interests are therefore more important than values and principles. Such dichotomy can be tricky in the long term as it can undermine its role as a global player. This compromise could set a serious precedent for EU external relations in the future. In addition, its ignorance highlights that its human rights role is not as important as it declares. Council of Europe, on the other hand, in comparison to the European Union, stands firmly for defending its values and has a clear niche as an international organisation as human rights arena.

## **5. INTERNAL CONSEQUENCES OF THE REFUGEE CRISIS**

In addition to external action consequences, there has been a serious split and divisions taking place among the member states and disputes are erupting between certain member states and the European Commission and/or the European Court of Justice. Relocation quota mechanism introduced in July and September 2015 or the so-called solidarity mechanism was to help the member states that were under the serious burden of asylum seekers. In September 2015, the extraordinary Home Affairs Council adopted the decision, which established a temporary and exceptional relocation mechanism over two years from the frontline member states, such as Italy and Greece to the other member states, which entered into force in September 2015. (European Commission on Solidarity and Relocation Mechanism 2018).

At its meeting in June 2016, the European Council asked to strengthen efforts to accelerate the implementation of the relocation and resettlement schemes. The Bratislava Roadmap of 16 September 2016 reaffirmed the need to apply the principles of responsibility and solidarity in future migration policy. Relocation schemes have created an opposition particularly by the Central and Eastern European Countries, the so-called Visegrad 4 (Czech Republic, Slovakia, Hungary and Poland). In its twelfth progress report published in June 2017, the Commission regretted that despite repeated calls, the Czech Republic, Hungary and Poland had yet to take the necessary action. The Commission decided to launch infringement procedures in June 2017 against these three member states. In December 2017, the European Commission referred Poland, Hungary and to the Court of Justice of the EU for non-compliance with their legal obligations on relocation (European Commission on Solidarity and Relocation Mechanism 2018).

But it is not only limited to those countries. As exiled Chinese artist Ai Weiwei (2018) stated “refugee crisis is a political tool for populists”. Central Europe’s leadership together with Italy is prone to populist tendencies which misuse the crisis to its own political gains. Populist leadership is supported by the majority of the population in those countries according to the recent polls. In addition, one in four Europeans vote populist political parties and the data shows that populism has been consistently on the rise – it has tripled since at least 1998 (Lewis 2018). Thus, any change in politics is hardly on the horizon.

Thus, Europe faces enormous difficulties, both internally and externally. It does not want to pressure, or sanction opposed countries because it is clear it would backfire against the notion of unity and solidarity. The emphasis in the European Union is to achieve a consensus despite the extended qualify majority voting in the justice and home affairs area. However, particularly those member states under migratory pressure insist on getting help from the European Union. The refugee crisis is a European problem and needs to be dealt with at the European level through solidarity measures. Solidarity is also linked to budgetary contributions, thus certain Member States together with the European officials warn Central and Eastern European countries that they might be cut off from European funding, i.e. structural funds within the Cohesion policy. They link the resistance to insufficient contribution to the EU budget and the “receiver status” of EU member states.

## **6. CONCLUSION**

To conclude, as it was analysed in the paper, values and principles, particularly in the area of human rights are sacrificed by the EU to its interests and internal stability. Following the refugee crisis in 2015, EU has closed many agreements that target the influx of the refugees and closes eyes on the issue human rights. The controversial Turkey-EU deal is the perfect example of such a short-sighted policy that might hurt the EU’s position in global affairs. There is a clear dichotomy between interests and values that undermine the EU’s role as normative power both internally and externally.

Turkey has been always criticized for its human rights violations and has been raised in several human rights fora for its breaches. The European Union has however changed by 180 degrees following the refugee crisis and limited its critics to just mere declarations. Instead, a deal worth 3 billion EUR has been accomplished which compromises the EU's role as a normative power. It sets also a dangerous precedent for other Enlargement and partner countries. The “more for more” principle in the European Neighbourhood Policy and conditionality in development aid might collapse due to the EU's attempts to build a Fortress Europe that would stop the influx of refugees.

In addition, the search for internal stability will have a counterproductive result. Divisions in the Council due to relocation mechanisms will build new walls among the EU actors and institutions. It will lead to greater problems and instabilities that will shatter the EU's in a long-term and create new crises on the horizon. Thus, the Union's clash between interests and values undermines its role as a global player and can have consequences on the EU stability in the long term.

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## **TRUTH, JUSTICE AND RECONCILIATION AFTER COMMUNISM AND THE NEUROPSYCHOLOGICAL IMPACT OF TRUTH**

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### **Abstract:**

*This paper will look at various truth and reconciliation processes that have emerged since the 1990s, but with particular emphasis on those conducted in Central Europe after the fall of communist regimes and the ensuing neuropsychological impact that truth has on individual healing. Some examples such as the Truth and Reconciliation Commission in South Africa placed strong emphasis on rebuilding the community, reconciling relationships, and both institutional and psychological healing. However, other places focused more exclusively on uncovering truth and documenting crimes and human rights violations. This is apparently the situation in the Czech Republic. Therefore, this paper will look at transitional (restorative) justice from two perspectives: the legal processes for finding truth and ensuring reconciliation, as well as the neuropsychological aspect of experiencing truth without achieving reconciliation.*

**Keywords:** *Czech Republic, Neuropsychology, Post-Communism, Truth and Reconciliation*

### **1. INTRODUCTION**

Throughout history, truth has been an inherent part of human culture. At times, we go to great lengths to know the truth through trials and even torture, at other times to bury it through deception and lies, and still others to disguise it through fairy tales, fables or fabrications. Nonetheless, the truth is found in every corner of society and in the minds of every individual, at the roots of trials, transitional justice, novels, health and the human psyche. As part of an interdisciplinary exploration of human rights, this paper will evaluate the role and impact of truth on individuals and communities after periods of oppression and human rights violations through the lenses of transitional justice and neuropsychology.

During the twentieth century, the world witnessed untold human rights violations. Dictators, fascist and oppressive regimes, and advances in weaponry paved the way for widescale abuses and suffering despite monumental advances in human rights law during the latter half the century. Through advances in technology, travel and telecommunications, these atrocities became more widely known and documented than ever before in history. Furthermore, with the increasing internationalization of the world, the feasibility and outcome of trials became more challenging due to jurisdictional, ethical and legal concerns, such as due process and the rule of law, as well as economic and human resource limitations. After seeing massive human rights violations in many corners of the world, many began to see the need for something more than the traditional justice of crime and punishment.

Transitional justice experienced, across the globe, the reality that many situations were so layered and complex, that trying and punishing perpetrators (assuming there existed a clear line between perpetrators and victims at all) was either insufficient or wholly ineffective for establishing and maintaining a healed and peaceful society. It became evident that the way to recover from and prevent human rights violations was to get to the root of what led to the atrocities and divided societies, dislodge the hate, discrimination and fear that had taken hold, and cleanse and heal the individuals, communities and peoples involved. This led to the emergence of processes that focused on truth, reconciliation, amnesty and more holistic healing

rather than trials aimed at punishment and restitution. After periods of human rights violations, such truth processes have proven to have a pivotal role in a combination of the following objectives: uncovering the truth, punishing perpetrators, documenting and remembering the past, healing victims, reconciling communities and preventing future atrocities.

However, the approach and objectives of the truth processes can have varying impacts on individuals. And certainly, it is these individuals that make up the communities that the truth processes seek to bring some closure and reconciliation to. It is likely that the impact the truth has on the individual, including the neuropsychological impact, will depend on a variety of aspects of the truth process, such as the definition and primary objective (uncovering the truth vs healing), the role of victims and perpetrators in the process (largely leaving them out of the process vs providing a forum for them to make statements, give testimony, and apologize), the approach for gathering the truth (cold investigation by authorities vs victim-led and -centered testimonies and hearings), how the truth is distributed to the public and the community (file access and reports, which may be difficult to obtain and understand vs public hearings and radio broadcasts), and the trustworthiness of how truth is delivered to individuals (through official administrators or in documentation vs via statements and testimony of victims and perpetrators). In order to explore the relationship between the truth, healing and neuropsychology, this paper will examine the truth process after the fall of communism in Czechoslovakia and the approach taken by the Czech authorities in uncovering and distributing the truth about human rights violations committed by the communist regime during the twentieth century.

According to the Czech Office of the Documentation and the Investigation of the Crimes of Communism (hereinafter ÚDV), which is tasked with investigating and documenting the crimes and violations committed during the communist regime in Czechoslovakia lasting from 1948 through 1989.

In the years of its totalitarian power this regime systematically and expediently violated human rights, principles of a democratic state, provisions of the International Law and even its own statutes. Communists denied to citizens a possibility to express freely their opinions and they suppressed mercilessly all differing political, religious and social groups. In order to strengthen their power communists didn't hesitate to torture, to hold prisoner, to murder and to execute their own citizens, in many cases participants of the home and abroad resistance movement. The constitution guaranteeing fundamental rights and freedoms (such as the freedom of education, a free choice of a profession, the freedom of residence and movement, the protection of private property) turned into a scrap of paper.

As part of its transition into a democratic state, the Czech Republic has been working to investigate, prosecute and document the crimes and human rights violations committed during communism. At its core, this process desired to uncover the truth, both for individuals through open access to secret files, including those that detail who informants were and the nature of the information they provided, as well as for the community as a whole, including understanding the decisions and policies of the communist regime that had a detrimental or debilitating effect on the lives of many. Yet, while uncovering the truth after a period of human rights violations can be useful in seeking justice, ensuring that perpetrators are removed from positions of power, and remembering, the approaches to reconciling and healing individuals and the community vary significantly. This is in part because truth processes are still relatively new and emerging, but also because the impact of truth on individuals is perhaps not fully understood.

Therefore, this paper will seek to first illuminate the ways in which this truth-seeking process differed from what are commonly referred to as truth and reconciliation commissions (though the naming may vary), including understanding the importance of not only finding truth

but working towards healing and reconciliation. Accordingly, the second part of this paper will explore the neuropsychological impacts that knowing difficult and traumatic truths can have on an individual, and through them on the community at large. In conclusion, this paper will look at the lasting impact that the revealing of truth without concurrent and connected steps to foster reconciliation and healing may have had on the individuals and community as a whole.

## **2. TRUTH: THE SPECTRUM OF COMMISSIONS AND PROCESSES**

### ***A. Definitions and primary objectives of Truth Processes (uncovering the truth vs healing)***

Over the past decades, particularly at the end of the twentieth century, the world saw a significant shift in the approach to widespread human rights violations in countries transitioning from oppressive regimes to more democratic institutions. This shift came in the form of truth processes used in lieu of, alongside of or as a tool for traditional criminal and civil trials. The variations in these processes can be quite dramatic (Hayner, 2001). Generically referred to as investigative commissions or commissions of inquiry, they range from simple fact-finding bodies to bodies meant to not only uncover the truth, but to promote greater healing and reconciliation. The latter are more commonly referred to as truth commissions or truth and reconciliation commissions (for example, those in South Africa and Canada), but are processes not uniformly defined and in fact they often vary from location to location. Not surprisingly, with the relative newness of the use of truth processes in the modern era, as well as the wide range of violations they are used to uncover (from racial discrimination in South Africa to forced disappearances in El Salvador), and the variations of governmental regimes perpetrating the violations (from apartheid in South Africa to authoritarian dictatorships in Chile to communist regimes in Central and Eastern Europe), there is not a prescribed format or specific outcome in these processes (Hayner, 2006). Rather they may be adapted to the needs of the location, communities, and history.

In an effort to understand the nature of these processes and perhaps to identify an ideal prototype, many researchers have tried to systematically compare truth commissions and processes in recent years in order to determine when they are best suited to address violations and which processes might be most effective (Brahm, 2009). As such, depending on the researcher, anywhere from approximately 30 to 70 truth commissions have been held since the mid-1970s (Stan, 2009, Brahm, 2009). Of course, there are factors other than definitions alone which lead to a variance in the numbers of truth commissions, such as a lack of international attention or consultation with international experts. When national governments rely less on international support or involvement, the truth processes may not have met the criteria or attracted the notice of researchers (Brahm, 2009). Ultimately, a solid definition and prescription for use has proved illusory. Researchers have only come to a wider variety of conclusions, rather than narrowing down the focus and presenting clear guidelines and answers. This became strikingly evident to the author via the wide range of diverging opinions on whether or not the Czech Republic and many other post-communist countries in Central and Eastern Europe engaged in a truth process at all, and if so, whether it was effective or successful. The range of opinions on these narrow questions themselves is quite telling regarding how well-understood truth commissions and processes are even today.

Nonetheless, there have been many attempts to define truth commissions. One of the most cited definitions comes from Priscilla Hayner, a highly regarded expert on transitional justice. Hayner qualifies truth commissions as “bodies set up to investigate a past history of violations of human rights in a particular country – which can include violations by the military or other government forces or armed opposition forces.” (Hayner, 1994; Brahm, 2009). This

definition is certainly sparse in many ways, which has the benefit of allowing truth commissions to vary according to their needs, in terms of their aim, scope and objectives. Yet, it does narrow down the perpetrators of human rights violations and seems to (albeit not explicitly) exclude the role of individuals or even bystanders, groups that were somewhat included or at least noted in South Africa's famous Truth and Reconciliation Commission (Tutu, 2000).

Notably, the above definition focuses on investigations, ie, uncovering the truth, with no mention of reconciliation, healing, or attention to victims. In many ways, this definition poises truth commissions as a something akin to a detective and investigative branch that would ideally gather evidence that could be used by the prosecution. In many truth processes, this is exactly the role. However, others included, even if as an ancillary objective, healing victims and reconciling communities. While still other definitions appear to steer the objectives of truth commissions in an effort to explicitly include victims and their experiences. For example, the International Center for Transitional Justice defines truth commissions as “non-judicial inquiries established to determine the facts, root causes, and societal consequences of past human rights violations. Through *their focus on the testimony of victims of atrocity, truth commissions provide acknowledgement and recognition of suffering and survival to those most affected.*” (Emphasis added). With this background, it is unsurprising that it is debated whether or not reconciliation and victims should be a central aim and focus in these processes at all (Hayner, 2001). However, there are certain widely agreed upon elements that truth commissions and/or processes should have, which Hayner, again, recognizes. Truth commissions are *officially-sanctioned temporary bodies* that focus on *patterns of past* human rights abuses (Hayner, 2001; Brahm, 2009). This slim definition seems to be a suitable base, acknowledging that aims and objectives may expand this definition as needed and when appropriate.

Regardless of the definition or even the title (Truth Commission, Truth and Reconciliation Commission, Quasi-Truth Commission, or Truth Process, among others), it is clear that the main goal of such bodies is to uncover the truth. However, what truth they are seeking to uncover (which can range from gross human rights violations including forced disappearances and mass killings or widespread suppression of civil rights, such as suppressing freedom of speech and imprisoning political dissidents) and how that truth is delivered (documentation, records access, statement-taking or public hearings) will likely have a significant impact on what will be done with the truth (Hayner, 2001). It is this latter concern that separates truth processes most dramatically from traditional civil and criminal trials, as well as simple commissions of inquiry.

While, generally speaking, criminal trials aim to punish perpetrators and civil trials aim to make victims whole again (often through monetary damages), truth commissions differ in that they aim to uncover the truth and present it widely to the public in order to promote reconciliation and healing. According to Androff, “For the most part, TRCs promote reconciliation by bringing together perpetrators, victims and community members at large who may have been witnesses, sympathisers or supporters of certain sides. All three populations are allowed the opportunity to present their side, sharing their experiences, and engage in dialogue. This dialogue is the primary means by which TRCs engage in reconciliation. This has led to perpetrators apologising and asking for forgiveness, and, in a few cases, victims have granted forgiveness” (Androff, 2010, Gobodo-Madikizela, 2003; Androff, 2008a). Whether they are capable of achieving this healing through truth alone, is the question this paper seeks to answer. They are “hailed for their potential to educate future generations and to provide truth, justice and reconciliation to deeply divided societies” (Stan, 2009; Hayner, 2001). In most cases, truth commissions will end in a final report, outlining the facts uncovered by the commission and possibly making recommendations for reparations, amnesty or other rehabilitative measures. The additional aims and objectives can include documenting the crimes committed by an oppressive regime in order to prevent history from repeating itself, ensuring that perpetrators

are no longer in positions of power or influence, and reconciling the community in order to transition to a more well-functioning society. However, rarely, if ever, is the primary objective of a truth commission to heal individual victims. (Rotberg, 2000) Of course this has been posited as being an important, albeit indirect, outcome of victims being given the opportunity to testify and learn the facts of what perhaps happened to disappeared loved ones, as well as to be given an apology, as the case may be, from the perpetrators. (Tutu, 2000) Yet, from a neuropsychological perspective, there is much debate and doubt as to whether telling or knowing the truth, without more therapeutic interventions and assistance can actually provide a real healing experience.

***B. The role of victims and perpetrators in the process (largely leaving them out of the process vs providing a forum for them to make statements, give testimony, and apologize)***

Furthermore, it is not the truth itself that is solely important, but the process by which that truth is given – that of giving and receiving the truth about the past. The United Nations High Commissioner for Human Rights considers taking statements from victims and the community and having open and public hearings to be essential for truth commissions during transitional justice. (Stan, 2009; UNHCHR Rule-of-Law Tools for Post-Conflict States: Truth Commissions, 2006). According to Archbishop Desmond Tutu’s experience, it is in this process that reconciliation can often be found most effectively. (Tutu, 2000). Without this aspect, it can be argued that an essential component of truth commissions is lacking and the process is nothing more, not to downplay its significance in prosecutions, lustration and other achievements, than an effort to reveal and document the cold truth. Nonetheless, a neuropsychological analysis demonstrates that telling or experiencing the truth alone does not lead to healing, but there must be additional reconciliatory or therapeutic efforts as well in order to prevent exasperating trauma.

Healing individuals is rarely an objective in any legal or judicial process. That is something most often left to social services and the medical and religious communities. Yet, when we consider transitional justice, the reality is that in order for a society to transition to peace, democracy and stability, the individuals who make up that society must be healed from the traumatic past. These two are inextricably linked and truth commissions are uniquely positioned to address both justice and healing through the truth. We can better understand truth commissions as “stage shows which provide a backdrop, albeit an important one, to the transitional process. They provide, as it were, a new shared – rather than disjointed – history. Crucially, where they are successful, TRCs are victim-led; they offer the chance for people to tell stories that would otherwise go unheard, a weapon of the weak turned back against seemingly almighty oppressors, from both sides of the barricades.” (Lawson, 2002). Nonetheless, there is no question that truth can have a significant and long-lasting emotional and psychological impact, for better or worse, on individuals. While telling one’s truth can certainly have a cathartic effect, the attention of this paper will be to analyse the impact of truth on individuals from the perspective of receiving and learning difficult truths, rather than telling one’s own truth.

***C. The approach for gathering the truth (cold investigation by authorities vs victim-led and –centered testimonies and hearings)***

During the 1990s, after Central and Eastern Europe witnessed the dominoing fall of communist regimes from one country to the next, many calls were made to uncover the truth behind the regimes’ iron grips on their communities, particularly behind the imprisoning and varied suppression of political dissidents, as well as for torture, extrajudicial killings, and other human rights violations. Yet, despite the eyes of the world intently following South Africa’s Truth and

Reconciliation Commission in the mid-1990s, most post-communist countries were unable or unwilling to launch a comprehensive truth commission. There were some attempts, such as in Germany, Romania and the Baltic States, which varied in their aims and objectives, as well as successes. (Stan, 2009)

These commissions do seem to have shared a common theme of formality and cool archiving, which was also prevalent in other truth processes throughout the region. Their focus on maintaining a quiet, academic and formal approach and focusing on documenting the truth for the archives was in stark contrast to the focus on victim testimony, shed tears, offered apologies, and hopeful reconciliation that characterized the TRC in Cape Town (Stan, 2009; Tutu, 2000). Certainly, by some definitions as described above, this disqualifies the truth processes in the Czech Republic and other post-communist countries from being considered as truth commissions. Consequently, in the post-communist countries that did employ truth commissions (Stan argues that only Germany, Estonia, Latvia and Lithuania can be considered to have had truth commissions, rather than only file access and lustration), their approaches and outcomes were certainly more academic in nature and, therefore, not easily understood by or distributed to the general public. As such, “the five commissions attained greater precision for the truth they uncovered about communist-era atrocities at the expense of justice for the victims and reconciliation for the society at large” (Stan, 2009). Certainly, there may be sound logic and understanding for why the post-communist countries’ truth processes should be excluded from being considered proper truth commissions as some opponents to over-labelling truth commissions have explained:

Although opening the secret police files in Eastern Europe communism might have similarities to truth commissions (Kaminski & Nalepa, 2006), the former’s concern with sorting out fact from fiction in secret police files to screen individuals for public office makes them qualitatively different. Although countless events in the world cry out for a more complete truth, labelling any sort of investigation a truth commission stretches the concept beyond utility. Truth commissions have typically focused on core human rights violations such as murder, disappearance, torture, and illegal detention. (Brahm, 2009)

Nonetheless, many will likely debate, not the least being the authors’ co-presenters in the Interdisciplinary Conference on Human Rights, for which this paper is written, that the human rights violations that occurred during the communist regimes of the Twentieth Century are more than deserving of a truth commission. However, in the interest of focusing less on terminology and more on impact, this paper will not seek to qualify the process in the Czech Republic as a truth commission, but will refer to it more generically as a truth process.

***D. How the truth is distributed to the public and the community (file access and reports, which may be difficult to obtain and understand vs public hearings and radio broadcasts).***

After the fall of communism, the Czechs did not establish a formally-named truth commission, but rather launched a truth process focused primarily on lustration and documentation. The process of file access and documentation has been ongoing and has been undertaken by the Office for the Documentation and Investigation of the Crimes of Communism (ÚDV), which comes under the umbrella of the Czech Police. Established in 1995, its “[i]nvestigation responsibilities enable the ÚDV to expose and to prosecute criminal acts from the period 1948-1989 where it couldn’t be decided by final judgment for political reasons” (ÚDV). One of most important aspects of any truth process, as well as to some extent, trials (assuming that they are not closed to the public or the records sealed) is to maintain and provide a record that is available

not only to the individuals directly involved, but to the public as a whole. Certainly, the ÚDV aims to achieve this goal:

In addition to the investigation there is as well its documentation activity which is equally important and consists especially in collecting, analysing and evaluating of materials, information and documents showing the criminality of the communist regime as well as of its repressive apparatus. ... On the one hand acquired materials and information are used for investigation activities of policemen, on the other hand *they are opened to the public in a suitable fashion, ie mainly by publishing and distributing free of charge (as a matter of priority to public libraries and to the whole system of secondary schools and universities) of various publications (collections Securitas Imperii, monothematic Issues and editorial series Testimony), further by our cooperation with mass media and universities (lectures and seminars), as well as by the cooperation with a lot of important domestic and foreign institutions* including the cooperation with institutions in post-Communist countries dealing with the same problems. (emphasis added)

Yet, the effort to make the documentation, and in fact the uncovered true history, available to the public has shortcomings as well. This appears to be a common problem with the truth processes and commissions in post-communist countries. While truth and reconciliation commissions, such as the one in South Africa, were broadcast widely across the whole country, invited people from all walks of life, and provided an accessible venue for victims and their families, as well as to the extent possible to perpetrators, the post-communist truth processes have maintained an almost clinical approach to documentation.

Furthermore, the documentation and materials are not always considered to be easily accessible in fact, though they are legally required to be. It has been asserted by some that “the files of the various organs of the communist machine are scattered in different archives around the country, including the Interior Ministry, the domestic intelligence service and the military intelligence service. Even the historians and investigators at the communist crimes office have to work through those who administer these archives” (Vaughan, 2006). Consequently, if it is difficult for experts and researchers to access documentation, it would likely be a prohibitive obstacle for average people and those who would simply like to know, understand and reconcile their own past with the truth, rather than access it with a strategic goal. Furthermore, there is irony that “years after the fall of communism, many former secret police files are still under the administration of the intelligence services themselves. This means that although the Archive Law of 2004 enables almost unrestricted access to files, they are often hidden away and virtually impossible to find” (Vaughan, 2006).

***E. The trustworthiness of how truth is delivered to individuals (through official administrators or in documentation vs via statements and testimony of victims and perpetrators)***

The ÚDV has found itself and its makeup subject to some level of criticism, as well. In fact, one of the most highly lauded aspects of victim-centered truth commissions is that the process is considered more neutral and trustworthy. When individuals who may have been, or may be perceived to have been, active in or complacent to crimes and violations during the time period in question, are the ones now administering the truth, there will be an inherent distrust by both victims and the public (Lawson, 2002). While certainly there is no doubt that the governing body has changed, tasking the police force, which under the communist regime was active in perpetuating the crimes and violations against many individuals, seems questionable with

regard to ensuring trustworthiness and the perception of transparency. One former dissident considers this to be a fatal flaw in the Czech truth process:

If the nation allows the police to play the role of the conscience then something is terribly wrong. I'm not saying the people working there did not try hard. They did. But I think the whole concept was flawed from the very beginning, and unless we find a way of getting rid of the state owning and controlling the secret police files and communist regime files, then we will never be able to find out what happened and how to deal with it (Vaughan, 2006).

As such, one can argue whether this process came close to achieving the merits of full-fledged truth and reconciliation commissions. In addition to the establishment of the ÚDV, the Czech truth process did go further than many post-communist countries by including “the reparation and rehabilitation of victims, the restitution of confiscated property, the extension of the statute of limitations to enable the prosecution of communist crimes, ... and the exclusion of former leading cadres, secret police members, and their collaborators from public administration under the so-called lustration law” (David and Choi, 2006).

However, there have been little efforts at reconciliation and true healing as a whole, aside from through civil society.<sup>1</sup> Furthermore, the scale of crimes and violations are likely much greater than what has been officially documented or prosecuted.<sup>2</sup> The officially-sanctioned process was one of fact-finding and education. Some of those directly impacted by the human rights violations and communist regime oppression would have liked to have seen a process of both truth and reconciliation

The 'truth commission' was a concept that was brought to existence in the late 80s and early 90s in Latin America, Argentina, Chile, El Salvador, then tried again in South Africa. The deal is very clear. It's the truth for amnesty. It allows the victims to raise their voice and tell their side of the story but it allows also the perpetrators. The poetry or the main advantage of the concept is that it allows society to look for consensus about what happened... *It shows that reconciliation is much more*

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<sup>1</sup> For example, through the “Stories of Injustice” Project, initiated by the NGO People in Need, is focused on schools, and aims to tell the real stories of those who suffered under the regime, using documentary films as the starting point. People in Need's director is Simon Panek.

<sup>2</sup> David and Choi (2006) demonstrate how “In Czechoslovakia between 1948 and 1989, about 234 people were judicially executed for political reasons, more than 4,000 political prisoners died under unclear circumstances (e.g., as a consequence of torture), hundreds died while crossing the border with West Germany or Austria), and about 262,500 people were criminalized for political reasons (Pacner 2000). The exact number of fatalities could have exceeded 6,000, and the number of those imprisoned could have been up to 50,000 more (Stehlík 2000; Zahrádka 2000; Kaplan 1983). 15. The judicial rehabilitation concerned at least 257,864 people condemned by the Czechoslovak communist judiciary between February 25, 1948, and January 1, 1990; 195,642 of them were from the territory of the Czech Republic (Gebauer 1993, 57–68). According to the head of the Confederation of Political Prisoners (KPV) archive, Otto Stehlík (2000), the number could be about 50,000 higher because many victims had already died, and their relatives, if any, did not apply for their rehabilitation (Act No. 119/1990 Sb.). The number rehabilitated does not necessarily equal the number imprisoned. Some people were condemned for their emigration, others were condemned but their sentences were suspended, and others were jailed more than once. 16. Political prisoners received a symbolic compensation for the confiscation of personal property, as well as CZK 2,500 (approximately US\$83) for each month of incarceration. Many of these provisions were options that formally allowed concerned persons to use other legal means to seek redress. The act also equalized the disadvantages of former political prisoners in pensions. Additional financial compensation was provided by the Act on the Lawlessness of the Communist Regime and on Resistance against It, which amounted to CZK 625 for each month of imprisonment (Act No. 198/1993 Sb.). Former political prisoners also enjoy other material support, including free public transport, organizational subsidies, special medical treatment, and modest spa subsidies (Zpravodaj KPV, 1994, 5).”

*important than punishment and acknowledgement of what happened is much more important for the victims than punishment of the perpetrators twenty years later* (Vaughan, 2006, emphasis added).

In sum, we can be certain that regardless of its form, be it as statements from victims, through public hearings or available in documentation, the truth will have an impact on those who hear it. Certainly, more research into the effectiveness of truth processes, particularly from the perspective of social workers and medical professionals, who are most well-suited to gauge the level of healing in individuals, and perhaps reconciliation in the community as well. (Androff, 2010). As such, we will now explore the neuropsychological evidence and analysis of how truth impacts individuals.

### 3. NEUROPSYCHOLOGICAL IMPACT OF TRUTH

In the *Moral Conflict of Law and Neuroscience* (2018), Peter Alces argues that all of legal doctrine and embedded deontological or moral norms are bereft of any neuro-cognitive basis and, as such, are simply folk psychology<sup>3</sup> rooted in fiction. As Alces observes, “[t]he problem with folk psychology is that it is a system of heuristics that actually obscures the important normative calculus by relying on imprecise inferences and then sanctioning it.”

Likewise, as a legal doctrine, truth processes such as that adopted by the UVD in the Czech Republic as normative deontological or moral cognates problematically fail to adopt neuro-cognitive bases in favor of folk psychological constructs. Specifically, these truth processes rely on folk truth-telling based on the conjecture that truth-telling, even without further restorative justice or trauma-focused therapy such as cognitive behavioral therapy, somehow extrapolates reconciliation. Essentially, as the proverb says (John 8:32), the truth will set you free.

Yet, a variety of studies suggest this is not so. In fact, Snyder and Vinjamuri (2003) conducted a comparative analysis of 32 post-conflict democratic countries where truth processes were utilized. They found that truth-telling was not effective as a sole means of either social reconciliation or individual healing and sometimes was even harmful to the extent it failed to restore equality between the victims and the perpetrators and perpetuated the victim’s traumatization without any therapeutic outcome.

In South Africa, for example, while the truth process permitted the community and victims to not only discover the truth but to tell their own, researchers working within the broader community and with focus groups of victims who testified found that longer-term “many experienced a significant deterioration of...physical and psychological health” (Byrne, 2004). In fact, researchers found of a total sample of victims who testified, 63% had a current mental health diagnosis. The most frequent diagnosis was depression (55%) followed by PTSD (42%), while 27% had an anxiety disorder (Kaminer et al., 2001). This led the researchers to affirmatively conclude that “[t]ruth commissions may not be sufficient for the recovery of survivors; additional therapeutic interventions that are culturally appropriate and specifically address the needs of survivors of human rights abuses should supplement the truth commission process” (Kaminer et al., 2001).

Likewise, in Liberia, a survey of the community and victims who gave testimony revealed that, while the truth may have been revealed, there was virtually no social reconciliation, and victims failed to achieve psychological healing (Twose and Mahoney, 2015).

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<sup>3</sup> Folk psychology refers to non-scientific, everyday common-sense theory about how humans behave.

And in the Czech Republic, where the UVD primarily relied on the media and the release of secret police files to reveal the truth, the vast majority of victims also reported a lack of social reconciliation, rehabilitation, and reparation (David and Choi, 2005). For example, David and Choi (2005) conducted a cross sectional survey of former Czech political prisoners to assess whether those who participated in public truth telling processes, specifically through the media, experienced a sense of social rehabilitation and reparation. In sum, former Czech political prisoners widely reported that the process of truth telling via the media only exacerbated frustration “by raising expectations of greater social acknowledgement that are never met, hence inhibiting sociopolitical redress” (David and Choi, 2005).

This is ultimately because as a legal doctrine, by utilitarian design, most truth processes envelop a normative deontological or moral perspective which places the most value on truth as an end. In the case of the Czech Republic, the nature of the democratization process and the distribution of political power during and after the transition, more so than any moral aim, may also heavily favored truth, albeit selective narratives, as an end (Nedelsky, 2004). As such, most truth processes either don’t attempt to or fail to effectively translate the truth and victim testimony as restorative justice or therapeutic techniques grounded in neuro-cognitive precepts in favor of folk psychological praxis.

Rather, without much scrutability, truth processes often presume the folk psychology notion of free-will. That is, that society and the victims as truth-tellers will voluntarily self-actualize personal healing simply by virtue of digesting testimony and exercising rational thought to adjust congruent emotional responses.

Perhaps this is not surprising. After all, the term “restorative justice” and the very conceptualization of the truth process itself arose in the 1950’s from a series of writings by Albert Eglash who was not a neuroscientist but a psychologist (Van Ness et. al. 2010). Eglash’s findings did not arise from vigorous scientific experimentation, even that typical of normative psychological research at the time, but from casual real-world observations of his personal experiences working with and rehabilitating the incarcerated (Gavrielides et al. 2015). As Eglash (1977) argued, at least in theory, restorative justice is a potential “third-way” to traditional notions of punishment but is based solely in folk psychology around the notion of so-called “psychological determinism:”

A restorative approach of creative restitution accepts both free will and psychological determinism. It redefines past responsibility in terms of damage or harm done and can therefore accept psychological determinism for our past behavior without destroying the concept of our being responsible for what we have done. Similarly, it redefines present responsibility in terms of our ability or capacity for constructive, remedial action and can therefore accept free will for our present, ongoing behavior and for our future contemplated behavior, without destroying scientific explanations of past behavior. Only in legislative justice are determinations of past and present responsibility independent.

As such, Eglash’s conceptualization of “restorative justice,” which would frame truth processes later, looks to rehabilitate rather than simply punish the actual perpetrators based on the notion that the perpetrators can accept responsibility for their past wrongs, make reparations, and look forward to the future (Maruna 2014). But as Eglash notes (1977), this “third way” is myopic and looks to reconcile the perpetrators, not the victims:

I now want to admit that I too am offender oriented... I have never visited any victims, never interviewed any, never wondered what questions I would want to ask, never thought to include any victims’ interviews... in this paper. For me,

restorative justice... like its two alternatives, punishment and treatment, is concerned primarily with offenders. Any benefit to victims is a bonus, gravy, but not the meat and potatoes of the process.

Today, however, as neuroimaging has evolved, numerous empirical studies using the technique have demonstrated that neuro-cognition with respect to long-term memory and emotional-affective response is much more complex with respect to victims. Neuroscientific developments clearly show that autonomous neural response forms the basis for neuro-cognitive affect to episodic recall and subsequent emotional stimuli. This negates the notion espoused by Eglash and others that society as a whole and survivors somehow have free-will to voluntarily self-actualize and rationalize emotional response without restorative justice and therapeutic intervention.

Located on both hemispheres of the brain, the limbic system or the paleomammalian cortex performs the primary role in the processing of neuro-cognition and emotional response to traumatic stimuli (Makovac, 2018). It is located on the thalamus beneath the medial temporal lobe of the cerebrum in the mesencephalon. And it consists of the amygdaloid nuclear complex (amygdala) which is a paired structure on both sides which is one of two primordial clusters of nuclei (Lanteaume et al., 2007).

There is significant lateralization within the amygdala itself, and each side of the amygdala performs a specific function with respect to anatomic-functional correlates for neuro-cognition and emotional response to valence of traumatic stimuli. However, the right side of the amygdala best predicts what the typical neuro-cognitive response of a victim would be in response to media reports, testimony or evidentiary documents which would conjure episodic memory of traumatic experiences and resultant emotional stimuli (LeDoux, 1993).

The right amygdala is linked to the victim's episodic and declarative memory (Hatfield et al., 2016). Episodic memory consists of the victim's autobiographical aspects of memory, permitting a victim to autonomously recall the sentient experience of the traumatic events. Declarative memory consists of the victim's personal knowledge of the events and must be consciously recalled.

The dominant conceptual framework is that if the amygdala is stimulated in this manner consistently without significant modulation across the prefrontal cortex, a victim is likely to experience anxiety and aggression leading to potential psychological disorders (Nelson and Trainor, 2007). That is, reduced prefrontal activity combined with heightened subcortical activity in the context of threat-related or provocative stimuli poses an increased risk for anxiety and impulsive aggression and the advent of psychological maladies (Coccaro *et al.*, 2007).

As such, when a victim is presented with a conditioned aversive stimulus such as a media report or evidentiary document that conjures a traumatic memory, it is processed within the right amygdala producing a fear response. In fact, the right side of the amygdala is involved in multiple aspects of fear processing, ranging from fear conditioning to the modulation of attention and memory for fear-related stimuli, to fear recognition and the induction of fear-related behaviors. This is presumably because the amygdala becomes active in response to an aversive stimuli and "modulates memory function of other brain regions either directly through glutamatergic projections to these brain regions or indirectly through activation of the hypothalamic-pituitary-adrenal axis," which in turn leads to the release of adrenal stress hormones such as adrenaline and cortisol which stimulate noradrenergic, glucocorticoid, or mineralocorticoid receptors (Goodman, McIntyre and Packard, 2007). Within the context of the truth process, when a victim hears a media report, gives testimony, or views evidentiary documents that reveal episodic memories which are traumatic, it is likely to stimulate this area of the amygdala and conjure an aversive stimulus creating fear (Glenn and Yang, 2012).

This perhaps explains Snyder and Vinjamuri's conclusion (2003) and the findings of David and Choi (2005). Simply put, truth processes aggressively expose a victim's episodic memory of traumatic events and conjure aversive stimuli which without additional restorative justice or therapeutic modulation, generate fear and cause anxiety and aggression.

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## **“WELFARE STATE”, SOCIAL RIGHTS AND THE STATE PARTIES’ RESPONSIBILITIES IN POST COMMUNIST ERA**

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### **Abstract:**

*The paper “Welfare state, social rights and the state parties’ responsibilities in post-communist era – the case of Albania”, addresses the way in which the government and civil society should exercise their power to ensure that citizens have equal access to social welfare services, enjoying their rights. Albania, like other Central and Eastern European countries experienced the past socialist system, which failed. After the failure of socialism, Albania embarked on the new path aimed at establishing democratic regimes through the protection of human rights and at raising the standard of living. Nevertheless, Albanian citizens live in a dire reality. Albania remains one of the poorest countries in Europe with high absolute and relative poverty rates. Albania also remains one of the most corrupted countries of the world and the most corrupted in the Balkans.*

*The paper is composed of three sections, introduction and closing remarks. Section 1 deals with Social Policy during transition in Albania. Section 2 brings evidence on social rights progress, while Section 3 addresses the role that civil society plays. After 25 years of transition, one of the main goals of reforms, “Efficient allocation of resources to boost growth and effective distribution of social welfare to enhance equity”, seems not to have been achieved. Undoubtedly, this influences the controversial opinions about the government’s and civil society’s role vis-à-vis citizens’ rights to access social welfare services advancing arguments that examine on whether it is a question of abuse rather than of concentration of power.*

**Key words:** *Welfare State, social rights, human rights, state parties*

### **1. INTRODUCTION**

Albania officially the Republic of Albania is a country in Southern and Southeastern Europe. The country spans 28,748 square kilometers (11,100 square miles) and had a total population of almost 3 million people as of 2016. Albania is located in the southwestern part of the Balkan Peninsula, bordered by Montenegro to the northwest, Kosovo to the northeast, the Republic of Macedonia to the east, and Greece to the south and southeast. The country has a coastline on the northern shore of the Mediterranean Sea, the Adriatic Sea to the west and the Ionian Sea to the southwest, forming the Albanian Riviera. Albania is less than 72 km (45 mi) from Italy, across the Strait of Otranto which connects the Adriatic Sea to the Ionian Sea.

Albania is a unitary parliamentary constitutional republic with the capital in Tirana, the country's largest city and main economic and commercial center, followed by Durrës. The country's other major cities include Vlorë, Sarandë, Shkodër, Berat, Korçë, Gjirokastër and Fier.

During the classical times, Albania was inhabited by various ancient Illyrian, Thracian and Greek tribes, as well as several Greek colonies established inside the Illyrian coast. In the third century BC, the region was annexed by Rome and became part of the Roman provinces of Dalmatia, Macedonia and Moesia Superior. The unified Principality of Arbër emerged in 1190, established by archon Progon in the Krujë, within the Byzantine Empire. In the late twelfth century, Charles of Anjou conquered the Albanian territories from the Byzantines and established the medieval Kingdom of Albania, extending from Durrës along the coast to Butrint in the south.

Falling in the mid-fifteenth century under Ottoman dominion, the modern nation state of Albania emerged in 1912 following the collapse of the Ottoman Empire and Balkan Wars. The modern Kingdom of Albania was invaded by Italy in 1939, which formed Greater Albania, before becoming a Nazi German protectorate in 1943. The following year, a socialist People's Republic emerged under the leadership of Enver Hoxha and the Party of Labour. The country experienced widespread social and political transformations in the communist era, as well as isolation from much of the international community. In the aftermath of the Revolutions of 1991, the Socialist Republic was dissolved, and the fourth Republic of Albania was established.

Albania is a democratic and developing country with an upper-middle income economy. The service sector dominates the country's economy, followed by the industrial and agriculture sector. Following the collapse of communism in 1990, Albania has been witness to almost three decades of rapid change and deep transformation since the collapse of the Berlin wall. These changes first, have influenced economic, social and political landscapes, and second, have unearthed a range of issues, which were previously hidden or suppressed by political regime. The transition period has also been marked by a series of upheavals and crises, from economic shocks and civil unrest to emigratory waves (the most significant in 1990,1991,1997–1998).

Albania characterized by the historically heterogeneous governance marked by striking disregard of the stages, spent 45 years, from 1945 until 1990, under the most oppressive, authoritarian political system in Europe, from which it has been slowly emerging for the past 27 years. Since the fall of the communist regime in 1991, the country has embarked on a new path aimed at establishing democratic regimes through the protection of human rights and at raising the standard of living.

Since then, Albania has made considerable progress, led by long-standing dream of European Integration. As such, on 24 June 2014, the European Commission granted EU-candidate status to Albania due to its demonstrated progress in legislative reform and political dialogue, and the latest decision guarantees the opening of negotiations for “Membership Status” in 2019.

## **2. SECTION 1. SOCIAL POLICY DURING TRANSITION IN ALBANIA**

There are a number of different social policy models, which have all emerged from the historical inheritance of its countries of origin. Scholars are talking about the “Germany-, Great Britain-, Scandinavian- and Japanese- models”. The post-socialist countries in the CEE/CIS do not have a model yet as it is still emerging. It is a society in transition, still finding its way.

The new economic and social situation that followed the collapse of the communist regime has exposed the problem of poverty, which requires manifest and urgent treatment. Analysis suggests that the institutional framework for social policy in countries in transition has to be transformed to respond to the changes occurring from processes of international economic integration. In particular, the state's role in regulation of social policy depends on profound governance reform. The latter has to provide a framework for civil society as a state partner in the definition of poverty alleviation strategies, in shaping and delivering services and channeling state and other resources.

Literature of the mid-1990 argues for the necessity of social protection systems in the newly emerging market economies. The literature that describes some of the models of social policy systems in Eastern European countries also describes the main goal of the transitional reforms in these countries. Despite the important steps taken by respective governments to transform social relationships, the key objective was considered to ‘maintain the macroeconomic balance’, meaning ‘there was a need for policies to contain costs’. As a result, the social protection was focused more on keeping down social unrest than promoting people

to shift actively from their situation. It was argued by the necessity to protect quantitatively the people, because of the spread of poverty in these countries. Given the peculiarities of the first stage of the transition, the models worked well.

As in other countries of the Eastern Europe, the social protection system in Albania was initiated to alleviate the shock of transition from a central to a market economy. Despite the fact that elements of social policy have existed before the 90s, the institutions of the welfare state are established from scratch. The reform of the social protection system has been part of the overall transition reforms undertaken by the government since 1991.

The social protection system in Albania includes four components: poverty alleviation, social insurance, labor market development and social care programs. The poverty alleviation component focuses on providing cash assistance to persons to guarantee a minimum standard of living. The system is based on three principles: subsidiary (insured persons are excluded from coverage), maintenance of living standards and provision of non-contribution benefits.

The Social Insurance scheme for economically active persons, provides benefits for protection against loss of income due to old age, disability, loss of life of the primary earner, unemployment, general sickness, occupation injury and work-related illnesses, and maternity leave.

Labor market development provides unemployment benefits, vocational and professional training, counseling, market research and job placement services. Social care services for people with disabilities, children who are orphaned and the elderly are provided through the Social Care program. Most services are provided through residential institutions as well as daily centers or home-based services. Along with the four components described above, health and education play a vital role in social protection and promoting social inclusion.

Despite the well-established system of social protection in the past, and the degree of security, *services* were poorly developed. The greatest weakness of that system was the low consideration given to the individuality of every person. This was the result of political limitations: the view that the state and its enterprises were responsible for the well-being of the individual, that they knew better than the person themselves about their material and social needs. Consequently, this system could not adapt to the principles of a market economy.

Since the beginning of the last century, Albania has been characterized by heterogeneous governance, marked by striking disregard for the stage of social development, which has affected the nature and the development of social capital. Today, Albania's case exemplifies a traditional society making some sporadic efforts to become a modern one. This can be seen in both the market and the state sectors where large, impersonal bureaucratic organizations break the rule of law in their operations<sup>1</sup>. Moreover, informal networks substitute for formal organizations in politics, using bribery and corruption. Communities do not oppose such informal networks, being too weak to do so. Lack of social responsibility is both an output and an input, continuously generating a loss in social capital.

Summarizing the observations, the one could conclude that the existing social policies neither contribute to poverty alleviation nor to decrease inequality. Despite the economic growth, poor people have not been able to benefit. The growth has not been transformed into social welfare.

### **3. SECTION 2. ASSESSMENT OF DEVELOPMENT AND SOCIAL RIGHTS PROGRESS**

Albania despite its wealth of natural resources, was and remains one of the poorest countries in Europe with high absolute and relative poverty rates. According to data from the World Bank

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<sup>1</sup> Rose, R. (1998) "Getting things done in an anti-modern society: Social Capital networks in Russia", p. 1.

over 2016 published in its recent Migration and Mobility report, 5.8% of the Albanian population lives in extreme poverty, while 34% live in poverty. The World Bank defines extreme poverty as living on less than \$1.90 per day, whereas poverty is defined as living \$2–\$5.50 per day.

The number of people living in poverty increased from 12.4 percent in 2008 to 14.3 percent in 2012, and extreme poverty rose from 1.2 percent in 2008 to 2 percent for both urban and rural areas in 2012 as well as child poverty from 18,5 to 20,1 percent. Compared to 2015 and 2014, there is a slight reduction of 2% of people living poverty, while the group living in extreme poverty has not shrunk significantly over the years. Compared to the other countries in the region, poverty levels in Albanian remain high.

Despite the country achievements in terms of economic growth (GDP Annual Growth Rate in Albania averaged 4.1 percent from 1996 until 2016)<sup>2</sup>, the benefits of economic development have not been evenly distributed. The country Gini coefficient of 34,5 (2013) is the third highest in the region and the pattern of the Gini index in the last two decades seem to be indicating growing inequalities<sup>3</sup>. Moreover, people’s strong expectations that the new ‘democratic’ governments, supported by International Institutions, would have been capable to bring Albania closed to the most developed countries, did not come true.

Figure 1 shows the differences in GNI per capita in some CEE countries, including the best performing ones, compared to OECD and High Developed countries. As we can observe, even Slovenia, Slovakia and the Czech Republic (the best performing economies among CEE) lag OECD and High Developed Countries.

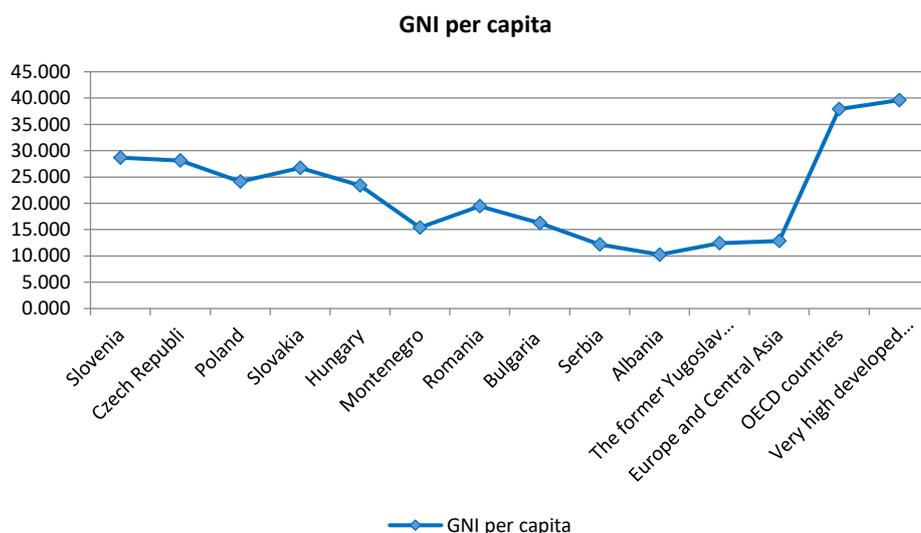


Figure 1. GNI per capita, 2015

Source: *Human Development Report, 2016*

Health and education indicators are among the lowest within CEE countries. Although life expectancy in Albania has increased steadily in the past twenty years in both sexes (in males: from 67 years in 1990 to 73 years in 2012; in females: from 71 years in 1990 to 75 years in 2012<sup>4</sup>, child mortality, infant mortality and maternal mortality rates are high in comparison with average rates for EU countries<sup>5</sup>.

<sup>2</sup> <http://www.tradingeconomics.com/albania/gdp-growth-annual>

<sup>3</sup> Analysis of policies and reforms affecting the situation of children in Albania, UNICEF, 2015.

<sup>4</sup> World Health Statistics, World Health Organization (WHO), 2014.

<sup>5</sup> Common Country Assessment, UN, 2015

In Albania, the education system lags behind of being “inclusive for all”. Discrimination partly stem from mentality/social norms as well as the low attention to the implementation of antidiscrimination law and other normative disposition on disability. However, social protection mechanism bears the burden of not providing adequate support to groups of children already excluded or at risk of exclusion from the enjoyment of the right to education.

Data show that alongside the transformation, inequalities increased. Figure 2 demonstrates gaps in some key welfare indicators like income, life expectancy and education. With some exceptions, like Slovenia, Czech Republic and Slovakia, almost all CEE countries experience similar problems.

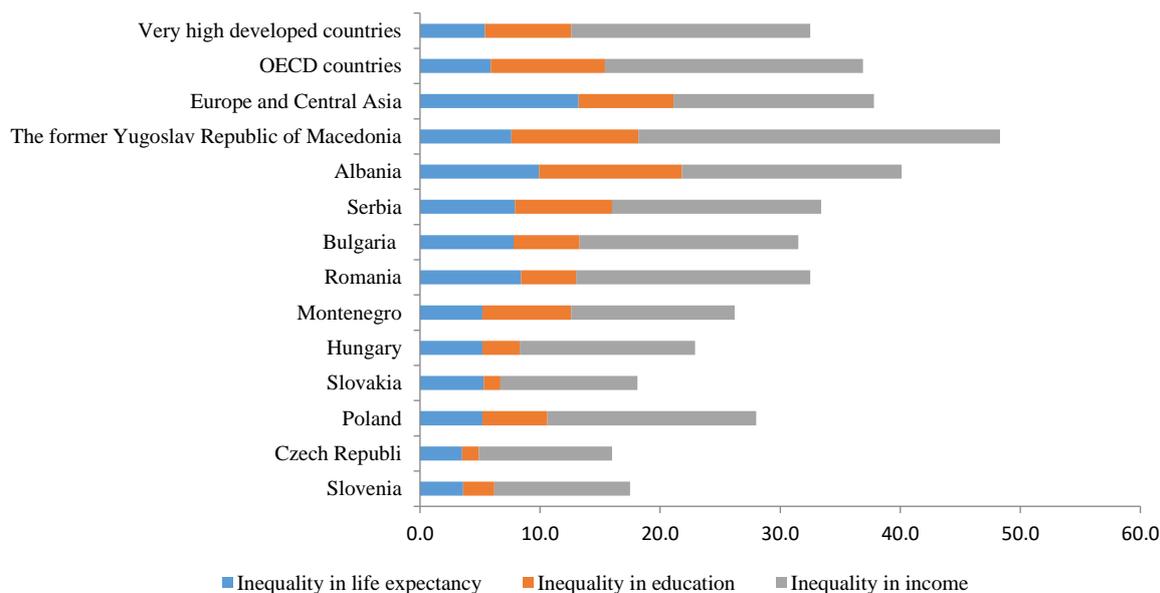


Figure 2. Inequalities in welfare indicators in EEC<sup>6</sup> countries compared with OECD and High Developed countries, 2015

Source: *Human Development Report, 2016*

Albania also remains one of the most corrupted countries (figure 3) of the world and the most corrupted in the Balkans, together with Kosovo, ranked 110 out of 175 countries<sup>7</sup>. The October 2016 EU Progress report on Albania recognizes that law enforcement remains a particularly serious problem, whilst the politicization of public services, dominates the functioning of public administration at all levels of governance.

<sup>6</sup> Eastern European countries.

<sup>7</sup> <http://www.transparency.org/>

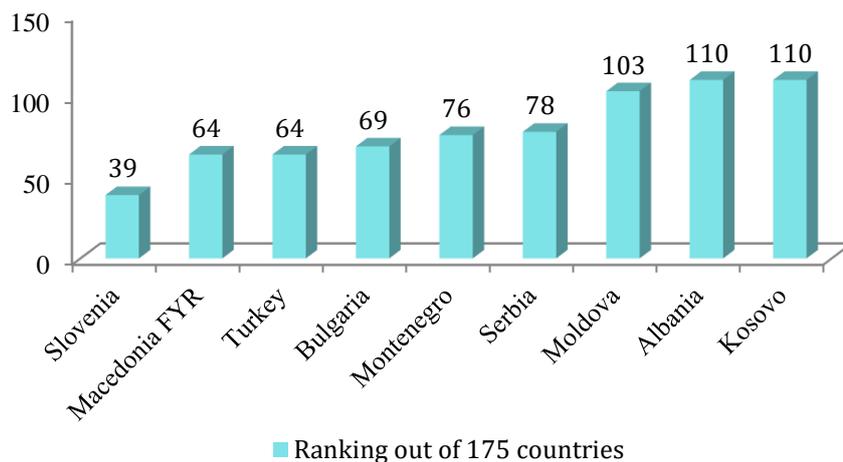


Figure 3. Corruption Perception Index, 2017

Source: <http://www.transparency.org/>

In general, the fragile growth rates as well as structural economic reform are not sufficient to ensure country's strategic objectives. The failure to address chronic and extensive unemployment, disparities and social exclusion, poor levels of government investments in social and human development as well as informality of the economy, are considered critical weaknesses vis-a-vis the sustainable development of the country. Above all, Albanian citizens live in a dire reality.

Therefore, after 27 years of transition, one of the main goals of reforms, "Efficient allocation of resources to boost growth and effective distribution of social welfare to enhance equity", seems not to have been achieved. Undoubtedly, this influences the controversial opinions about the government's and civil society's role vis-à-vis citizens' rights to access social welfare services advancing arguments that examine on whether it is a question of abuse rather than of concentration of power.

#### 4. SECTION 3: CIVIL SOCIETY

Despite the far-reaching reforms undertaken in 1991 towards democratization, Albania is still far being a democratic and open society. While the legislative and institutional structures are totally reformed, the social legacy of the past cannot be ignored and will play a major role in the coming decades. Albanian society used to consider the state and the party as the only actors in any process of development and could not adjust easily to the new reality. Moreover, the people were fed up with the idea of 'volunteer work', strongly encouraged by the party in the context of false democracy: the term was simply a replacement for the 'unpaid work' that generations carried out for 50 years, living in extreme poverty. Such arguments explain why civil society could not be identified through communities.

As in many transition societies, civil society in Albania is a newly-emerging social actor with only a limited role. The concept of civil society in Albania refers to the non-governmental sector that includes associations, 'think tanks' and foundations. Religious institutions have traditionally played a minor role in the country's life: having been completely banned for 30 years (1960-1990), religious institutions today barely have a formal and ceremonial existence, tenuously linked with the culture and the interests of individuals and society<sup>8</sup>. While

<sup>8</sup> Ruli, G. (2002, May) Country report – Albania.

Trade Unions as pressure groups do almost exist, their independence from political parties is questionable: besides lacking an historical tradition, their weakness results from the structural reforms of privatization or the closure of most state enterprises, which formerly ensured a massive presence of workers, thus facilitating institutional organization. Even private entrepreneurs, although representing a newly active and energetic social group, have demonstrated limited capabilities of acting in organized forms such as business associations and lobbying groups. Private business ensures the protection of its own interests, and the exertion of influence on decision-making, by resorting to direct personal or political connections, bribery and the corruption of high-ranking government officials.

The NGO sector in Albania did not emerge from the need of communities to increase their participation – reducing social exclusion – nor from the willingness of informal leaders to assist the population. NGOs were created in particular social circumstances, not for the sake of human and democratic principles, but for pragmatic reasons. This may also have been the case in most other Eastern European countries. Regardless of the reasons that pushed the process forward, NGOs today are part of social development, a key factor in the process of democratization, and a strong partner in the struggle for human rights. The question which needs to be addressed is how to involve them and make their participation as effective as possible, in the sense that the involvement of NGOs must necessarily force communities and people to become involved. Only in this way will they have an impact on social evolution

NGOs first came into existence in Albania after 1991. In ten years, they have grown fast, both quantitatively and qualitatively. Initially, NGOs were created according to the civil code, which was amended in 2001. At the same time, the Albanian Parliament adopted two other laws concerning not-for-profit organizations and their registration, thus completing the legislative framework. Compared to the civil code, the new law creates more space for the activity of NGOs. It encourages the implementation of new principles giving them more independence and paves the way for transforming them into sustainable partners for development.

Albanian NGOs and policy ‘Centrex’ have played a particularly active role during the last five years. They have contributed to an increase in public awareness on democracy, the market economy, respect of human rights and gender issues. The involvement of civil society in policy formulation has impacted positively upon drafting modern legislation. Of particular importance is their contribution towards building political consensus, a critical issue in Albania during recent years. The value of ‘think tanks’ and NGOs has had more to do with the personality and credibility of their leaders than the quality of their research and recommendations. They have also played a positive social role: during the difficult years of transition they have served as job providers to many qualified professionals who have left public institutions and administration or were obliged to do so because of political changes in the government. It could be said that NGOs have, to a certain extent, ‘fettered the worrying brain drain of the last years’<sup>9</sup>.

Today there are about 800 formally registered NGOs (foundations, associations and centers), working in different fields of social development, offering a broad range of services all over Albania. The quality of services they provide has considerably improved and this sector now represents a reliable partner for community donors and the government alike. Because NGOs have accumulated an adequate amount of qualified capital in research, policy formulation and training, they have started being hired by several international foundations to contribute to the preparation of many essential strategic documents such as: the programme for Albania’s integration into Euro-Atlantic structures (2001); the NSDI (National Strategy for

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<sup>9</sup> Ruli, G. (2002, May) Country report – Albania.

Development and Integration – 2015); the National Strategy for Social Inclusion (2014); and many sector development and modernization programmes and strategies.

Albanian NGOs have contributed to establishing and strengthening regional networking, a sensitive issue in the Balkans due to the extremely difficult circumstances of the last decade. Taking into account the existing barriers and periodic conflicts within the region, the personalities running regional NGOs have become successful interlocutors and promoters of free communication. However, despite progress, there is still room for criticism. Listing some basic features will help towards a better understanding of how the NGO sector functions and what problems exist.

The sector has grown fast. Despite the positive impact it has had on overall development, the inflated proliferation of the sector shows a greater but sometimes artificial interest, including the making of personal profit. In most cases, donors themselves have promoted an exaggerated cloning of NGOs. Some donors, when starting their projects in Albania, establish new local NGOs, or select existing ones, often with no concrete activity or experience.

The structuring of local NGOs according to Western standards, their sponsoring by foreign agencies and the long-lasting collaboration with them has inescapably produced NGOs with an elitist profile. Sometimes they have highly formalized and bureaucratic operational standards, which suit the donors' practice but create a substantial gap with the culture and mentality of local society or the actual social groups which are supposed to be the target of the NGOs work. This explains the inefficiencies, just short of outright failure, of many grass-roots projects aimed at promoting and strengthening the local community or other community-based initiatives.

NGOs are concentrated mainly in Tirana and a few major cities. Logically, this relates to existing capacities, which are also visibly concentrated in Tirana. Competition is unequally shared between Tirana and the rest of Albania: thus, some NGOs, in order to be competitive in the market, tend to offer services far from their original locations which, given the existing conditions of the Albanian infrastructure, seems unrealistic. The uneven spread of NGOs negatively affects the social development of the rest of Albania, especially the problematic rural areas. These districts either remain without services or have to rely on benefiting from services provided centrally.

The sector is donor-oriented and not needs-oriented, which means that NGOs prepare and implement projects that donors are interested in. As a result, there is an unequal representation of different social groups through NGOs: thus 36% of all NGOs are concerned with gender equality agenda, 25% work to set up institutional capacity, to improve legislation and to train human resources, while only 2% work in social relief.

Many NGOs have been unable to create a representative identity and strengthen their own public accountability. The most extreme example is the existence of a one-person or 'ghost' NGO. A lack of transparency is quite common, as regards activities, sources of financing and their use, particularly in local or foreign NGOs dealing with charity and humanitarian aid.

The relationship and collaboration between the state and NGOs is still weak. This limits the scope of NGOs' work and reduces opportunities to identify the priority needs of the country. It is a barrier to the institutional development of NGOs, creating a gap between the level of professionalism and qualifications in the state and in non-state institutions. As a result, the NGO sector is under-developed. However, donor organizations must understand that the increase in the number of NGOs and their level of activity cannot complement or replace the absence of state operations.

The activity of NGOs is neither coordinated nor harmonized. The concept of partnership does not apply, with NGOs appearing more as competitors than partners. It is more likely that NGOs will be seen as 'consultancy companies', operating as businesses. Legally the mission

and the status of NGOs are extremely ambiguous and there is no clear-cut distinction between the status of NGOs dealing with different issues.

Each major donor has developed its individual approach which often creates confusion in the state's programs, resulting in an inconsistent legal framework and the application of inadequate institutional models. Reforms are oriented towards contradictory priorities, often mirroring the specific vision of different international organizations. Coordination between different agencies should be a positive effect of foreign aid but too often it results in competition, destroying the effectiveness of projects and their sustainability.

Monitoring and evaluation is carried out by donors themselves, not by Albanian agencies. Monitoring units are established on an 'ad hoc' basis, being temporary and insufficiently qualified. A horizontal and coordinated monitoring system, extended over all ministries and main Government agencies, would ensure an accurate and timely evaluation of policy indicators' achievements, including the efficiency and misappropriation of resources; would enable their periodic adjustment; and would allow for measurement of the impact of foreign assistance programmers. The lack of such monitoring institutions adversely influences the chances for sharing experience, analyzing concerns and drawing lessons.

The real challenges that Central and Eastern European countries face is social reform, with the state's contribution being all-important. In all countries, the policy of income distribution or transfer is both political and economic, operating from different sides. Although theory suggests using two types of service, in kind and in cash benefits, former socialist countries choose cash benefits as do the highly industrialized countries. While the major purpose of the system during the early transition phase was to address emerging poverty, cash benefits were divided into three groups: social insurance, universal benefits and social assistance.<sup>10</sup>

The question of social care's pattern and its role in countries in transition is an important issue, not only for Eastern European countries but also for countries helping these governments in the process of transition. Alongside the positive effects of transition there are many problems to be solved. One negative cost of transition has been the increase in the number of socially excluded people. The official view was that poverty and social exclusion did not exist in former socialist countries, but this was a denial of reality. 'People with few skills or low motivation face incentives to acquire skills and to work harder. That said, one of the major costs of the reforms is rising unemployment and increasing poverty'.<sup>11</sup> The literature of the mid-1990s argues the necessity of reformed social care systems in the newly emerging market economies.

Almost three decades after the fall of the Berlin Wall, the earliest approach to social care is no longer relevant, most importantly because, even in Eastern European countries, the real definition of poverty has changed. The new strategy of poverty reduction is based on the new concept of the multi-dimensionality of poverty. This implies the importance of measuring indicators like health, nutrition, education, even vulnerability and powerlessness.

The social care mechanism can be used to encourage local communities to develop, to participate in the decision-making process and to join local initiatives. It can be a lever for attracting community participation, speeding up the process of decentralization, supporting education, vocational and professional training, and thus generating social capital. It should be a tool in strengthening collaboration between the government, non-governmental institutions and the community; promoting the self-responsibility of local communities; encouraging the

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<sup>10</sup> Social insurance is awarded without an income test; universal benefits are awarded on the basis of a specified event, without regard to a person's income or contribution; social assistance is awarded on the basis of an income test. This explanation is given by N. Barr (1994) in *Labor Markets and Social Policy in Central and Eastern Europe*, p. 192.

<sup>11</sup> Barr, N. (1994) *Labor Markets and Social Policy in Central and Eastern Europe*, p. 77.

feeling of social responsibility towards local communities; integrating vulnerable groups into the normal environment; and reducing social exclusion

Social assistance should act as a mechanism which helps institutions, networks and associations to interact in a common attempt to alleviate material inequality. ‘The new social policy could be focused on poverty gaps instead of prevention because it is conditioned by the financial situation’.<sup>12</sup> Nonetheless, some policy changes should be made providing services in kind, implementing an active policy of poverty reduction, following an integration approach, harmonizing different social programs, discovering in depth social capital and the ways it could be developed in Eastern European countries.

The role of the state is important in implementing policies to transform social insurance, social assistance, education, training and health. But there is no substitute for the role of the state, with regard to the promotion of the non-governmental sector and its regulation. The functioning of this sector is totally new for some former socialist countries (such as Albania, Bulgaria and Russia) and in the process of development for other countries such as the Czech Republic, Hungary and Poland. There is an apparent contradiction in the state itself needing to play the key role in creating or developing this (third) sector.

However, there is no contradiction. If the role of the state has to be reduced, another actor has to replace it, or society has to be educated to assume a high degree of individual responsibility. Such society is a civil one, which allows people to associate freely and to participate in resolving individual, group or social problems. This establishes the feeling of belonging to a community, which in turns helps to develop democracy. On the other hand, it is right to argue that replacing the state totally in the implementation of social services is impossible. Civil society can only complement the state.

The ‘how?’ question posed above has no answer as yet. A mixed model would function well. It would insert new values into the government role, because through the activity and projects designed and implemented by representatives of civil society, additional financial resources for additional social care services would be put in place. NGOs have the opportunity to deal with all social groups in need, increasing the direct participation and involvement of the beneficiaries themselves. It would represent a major change in the current approach to social care.

Another model should be considered, rather than the traditional one of ‘collaboration and coordination’ between sectors. So far, the state, donors and NGOs have, in principle, worked together. To make this happen, the community of donors must know the priorities of government: but sometimes the donors by-pass the government, due to lack of information, obstacles to identifying the partners, and the complicated procedures of working with the state. So, in practical terms, partners conduct activities independently from each other.

With the provision of services, especially those which are long-term or permanent, the current model does not work well since sustainability is not secured. That is why donors prefer to raise community awareness to participate in such services and so encourage the self-financing of those services by the community. This is not always successful, firstly because of the lack of financial resources of the community itself and, secondly, because it is developed outside the overall plan of local development. Therefore, this type of collaboration is risky, the services provided are not sustainable, the models remain pilots and experience stay within the framework of a project, resulting in low effectiveness.

If donors and the state would approach the situation through information provided by the non-government sector, the resulting analysis would be more comprehensive and reliable. A second step would be to finance concrete projects, tackling specific needs through government institutions. Donors would directly support the state, taking into account its priorities. The NGO sector would join the scheme, sharing with government institutions the

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<sup>12</sup> Barr, N. (1994) *Labor Markets and Social Policy in Central and Eastern Europe*, p. 234.

responsibility for the provision of services to people in need. This model would have the strong advantage of creating opportunities to reach the unreachable. The role of the state, then, is to prepare the conditions, legal and institutional, for the model to work.

## **5. CLOSING REMARKS**

The transition reforms in Central and Eastern European countries have shown that rapid progress from a centralized to a liberal model cannot be realized without strong intervention by the state. The government is the link between privatization, foreign investments, financial policies, and the administration that puts them into practice. The role of government is not only to focus on the legal framework, but also to apply this framework through the decentralization of services and the consolidation of individual responsibilities. Otherwise, the establishment of a legal system has no useful function and the three roles of the state – economic, social and developmental – cannot be implemented.

The answer to the question, ‘Would social reintegration apply properly?’ will come from the development of civil society and government institutions alike, which itself is a long process. As long as civil society is weak, government institutions cannot exercise their authority and vice versa: in the end, citizens cannot really participate in decision-making. It is a vicious circle where weakness, powerlessness and voicelessness impact on social development. However, demonstrating institutional weakness without solving the question is not helpful. Involving them in a broad range of activities and projects under the support of international institutions would assist them to perform better and increase their capacities. There is a role to be played by all actors: the results will depend on how the actors perform.

It is no accident that these reforms are called ‘transition reforms. The old system cannot be destroyed immediately: the process of evolution must follow in a natural and gradual way, substituting old relationships slowly only when new relations are created. The socialist system came to power through violence, damaging all previous societal values, whereas the new system aims to respect all human rights and cannot be based on imposed transformation. Whether or not the government is willing and able to respect this principle, is capable of understanding domestic conditions and reacting to them, depends on the government itself as well as on the level of responsibility of the people. So, we come full circle. The legal institutions, public services, government and state mirror the attitudes of the people and their respective representatives, chosen by the people themselves. But the most important element of this circle is the relationship between state and citizen, because it affects the well-being of people, which should be and can be better if both state and citizens work towards it.

In the process of transition, as in all processes of development, the citizens and their culture are of particular significance: the citizen is both the object and the subject of economic or social systems. Hence, the investments in the citizen’s social and professional culture, the investment in the culture of the generation, the investment in welfare, are also investments in the future. Their harmonization provides a complete picture of the future strategy for the state in Central and Eastern European countries. The passage of time will pass judgment on what is achieved, compared with what could and should have been achieved.

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