

REGIONAL PERSPECTIVES ON HUMAN RIGHTS: THE USSR AND RUSSIA, PART ONE—THE USSR

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In 1948, the year the Universal Declaration of Human Rights was passed, the USSR was in the grip of high Stalinism, whose trademarks were harsh political repression and terror. It was also a time of severe economic hardship following the destruction and dislocation caused by the Second World War. The Soviet Union was a one-party state. The Communist Party of the Soviet Union (CPSU) ruled the country in the name of the state ideology of Marxism-Leninism. Genuine civil and political rights were strictly limited, as the Gulag camps were filled with political prisoners. Freedom of religion was circumscribed and official atheism enforced. Kremlin propaganda championed the Soviet system's guarantee of economic and social rights, which it portrayed as a hallmark of a socialist society.

Totalitarian rule under Stalin would give way, after the dictator's death in 1953, to milder forms of Soviet Communist rule under Stalin's successors, Nikita Khrushchev and, from 1964, Leonid Brezhnev. Harder and softer phases of the system alternated, although without ever returning to the harshest forms of political terror as practiced under Stalin. Manifestations of political opposition were met with arrest. Political censorship was enforced, as art, science, literature, and education were subject to strict ideological scrutiny in the name of advancing the cause of socialism along the road to the final victory of communist abundance.¹

The Soviet Union advocated a conception of human rights different from the notion of rights prevalent in the West. Western legal theory emphasized the so-called "negative" rights: that is, rights of individuals against the government. The Soviet system, on the other hand, emphasized that society as a whole, rather than individuals, were the beneficiaries of "positive" rights: that is, rights from the government. In this spirit, Soviet ideology placed a premium on economic and social rights, such as access to health care, adequate and affordable basic food supplies, housing, and education, and guaranteed employment. As it acted on these guarantees during the postwar decades, the Soviet system evolved into a giant welfare state. The Kremlin proclaimed the achievement of such rights, and the benefits that Soviet citizens received from them, as evidence of the superiority of the Soviet Communist system to that of the capitalist West, where the importance of civil and political rights was emphasized, while the notion of economic and social

"rights" was viewed much less favorably.²

Universal Declaration of Human Rights

The Human Rights Commission was established by the United Nations in 1945 for the purpose of crafting a treaty devoted to human rights that would be endorsed by all UN member states. The Commission decided that the declaration of principles, which was to constitute the initial step of the process, should contain both civil and political and also economic and social rights. Conventional wisdom during the Cold War assumed that these latter rights – such as the right to work, education, health, etc – came to be included in the declaration as a concession to the Soviet Union and its Communist allies. In fact, however, the idea of economic and social rights enjoyed warm support from the Western democracies, not least from President Franklin Delano Roosevelt's administration, which intended to enlarge these types of rights in the United States in the postwar years. Despite this general consensus, however, reaching agreement on the precise content of these articles proved to be extremely difficult, in part because Soviet leaders were concerned that a written declaration of political rights would be used by the West as a weapon for interference in the affairs of the USSR. Thus, the Kremlin was adamantly against any attempt to include in the declaration any wording that could be interpreted as relegating economic and social rights to second-class status.³

On December 10, 1948, fifty-six countries gathered at the United Nations headquarters in Paris to sign the Universal Declaration of Human Rights (UDHR). Eight member states decided to abstain: the USSR, Ukraine, Belorussia, Czechoslovakia, Poland, Yugoslavia, Saudi Arabia, and South Africa. (Ukraine and Belorussia, although union republics of the USSR, had been granted separate status as member states of the United Nations, as requested by Stalin.) The final version of the Declaration made a strong case for the vital importance of economic and social rights, but ultimately this was less significant to the Soviet Union and its allies than the fear that signing the Declaration, and thus endorsing its enunciation of civil and political rights, would provide a wedge for the Western powers to interfere in Soviet domestic political affairs.⁴

The abstentions of the Soviet bloc countries did not, however, prevent those countries from subsequently attempting to use the language of the UDHR as a weapon against on the West for the latter's alleged failures in the realm of political and civil rights. In particular, the Soviets began to invoke the UDHR to score propaganda points against the United States for its treatment of its African-American citizens, especially in the years before the Civil Rights Act of 1964 ended legal racial segregation. American statesmen, including rights advocates such as Eleanor Roosevelt,

accused the Soviet bloc countries of hypocrisy for failing to sign on to the UDHR and then turning around and attempting to deploy the text of the declaration against one of its signatory states.⁵

The Covenants

The Universal Declaration was intended to be merely the first phase of the human rights process at the UN: the idea was that the Human Rights Commission would draw on the general principles advanced in the UDHR to create a binding legal treaty. Not surprisingly, negotiations to reach an agreement on the wording of a legally binding instrument proved to be much more difficult than the deliberations that had led to the formulation of the declaration. The fundamental disagreement was the by now familiar East/West divide, with the Soviet Union and its allies preferring to view the covenant as a document fundamentally about economic and social rights, while the United States and its allies continued to view political and civil rights as the essential human rights.

By 1951, the East-West deadlock within the Human Rights Commission was so severe that the UN General Assembly decided to intervene with a decision to “split” the covenant into two documents: the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Drafts of each document were presented to the General Assembly for discussion in 1954, and eventually adopted in 1966, a delay of almost eighteen years since the Universal Declaration had been signed.⁶

The provisions of the Covenant on Economic, Social and Cultural Rights had as their touchstone the text of the Universal Declaration. States that ratified the covenant obligated themselves to respect and implement a formidable list of rights. These included the right to work; the right to a safe and healthy working environment; the right to form labor unions; the right to strike; the right to social security and social insurance; the right of pregnant women, recent mothers, and children to special protection from economic exploitation; and the right to adequate food, clothing, housing, and health care. Among the cultural rights contained in the covenant was that of the right to self-determination, a source of special pride for the Soviet government, which boasted of having solved the “nationalities problem” in the USSR by devising a federative administrative system that enabled the country’s dozens of ethno-national groups to live together in harmony inside the socialist land of plenty.

The covenant’s provisions on economic rights reflect an unmistakably socialist orientation. Support for this approach gathered strength inside the United Nations in the 1950s and early 1960s, as decolonization gave birth to new states, which became new members of the General Assembly, a body that played an increasingly important role in world affairs as the Security Council became deadlocked by the use of the veto.⁷ These new states tended to sympathize with the goal of an economic redistribution from North to South. The Kremlin under Khrushchev and then Brezhnev sought to tap into this national liberation sentiment as a way to rally the support of the

Non-Aligned nations behind the Soviet bloc in its Cold War confrontation with the West. As a result, the United States and other Western democracies, even though they signed the covenant on economic, social, and cultural rights, were skeptical of its principles and its purpose, and they declined to ratify it (the United States has still not done so). Despite this lack of support, the covenant on economic, social, and cultural rights entered into force (for states that ratified it) on January 3, 1976, and the covenant on civil and political rights followed on March 23, 1976.

The Dissident Movement in the USSR

By the time these covenants entered into force, the Soviet system was having trouble upholding its image as a politically progressive country on the cutting edge in its promotion of economic, social, and cultural rights. Indications of the problem were becoming evident inside the USSR, although the symptoms always tended to manifest themselves with special force and trauma in the Soviet bloc countries of Eastern Europe. The death of Stalin in 1953 and Khrushchev’s subsequent move to end political terror and reform the Soviet system, punctuated with the high drama of his so-called Secret Speech in Moscow in February 1956, had sparked unrest inside the East bloc countries, which in Hungary inspired an uprising that was crushed by the Warsaw Pact armies. In the following decade, a tentative attempt to introduce limited market reforms to the Soviet economy had led to more instability in the bloc, this time in the form of the Prague Spring of 1968, which threatened to end the monopoly of the Communist Party in Czechoslovakia. This deviation from the Communist norm was also crushed by Soviet tanks.

Inside the USSR, meanwhile, a small but potent dissident movement had come into being, putting down roots among Soviet intellectuals in the early 1960s, and expanding in the 1970s even as the boundaries of permissible expression contracted during the last decade of the Brezhnev administration, when the political establishment became increasingly sclerotic and repressive. (Brezhnev died in November 1982.)

Aside from public protests and demonstrations, dissidence in the USSR manifested itself in a variety of ways, including open letters to Soviet leaders and the production and circulation of manuscript copies (so-called samizdat, or self-publishing) of forbidden works of literature and political and social commentary. By the early 1970s, three main political currents of Soviet dissent were discernible: democratic socialism, which still held out hope for working with reformers inside the Soviet government; political liberalism, which promoted a vigorous defense of freedom of expression and other human rights articulated most famously by the physicist Andrei Sakharov; and a conservative element personified by Aleksandr Solzhenitsyn, the novelist and author of *The Gulag Archipelago*, who championed traditional Russian (as opposed to Western) values, including Russian Orthodoxy.⁸

The Soviet human rights movement took up the cause of religious dissenters, principally Soviet Jews who had been denied permission to emigrate, and these so-called “refuseniks” became

a lightning rod in US-Soviet relations in the 1970s and served to spotlight the dissident movement as a whole in the USSR. People in the West tended to exaggerate the numbers and significance of these dissidents – genuine dissidents never totaled more than a few thousand individuals – but in fact, as would become evident only later, Soviet dissidents exerted a moral and even political influence that vastly offset their modest numbers. They served as the “conscience” of Soviet society. Their ideas, moreover, gained increasing sympathy inside the Soviet establishment during the final decade of the USSR.

The Soviet authorities responded to this dissident movement with crackdowns: they went to elaborate lengths to discredit dissidents, confiscating their literature, removing them from their jobs, prosecuting them, incarcerating them (in some cases in mental institutions), and banishing them to remote regions, or stripping them of their citizenship and exiling them abroad. The most famous case of exile abroad was that of Solzhenitsyn, who was deported from the Soviet Union in 1974.

The Helsinki Accords

The Helsinki Final Act – also known as the Helsinki Accords and the Helsinki Declaration – was the final act of the Conference on Security and Co-operation in Europe held in Helsinki, Finland, in the summer of 1975. Thirty-five states attended the conference. The Final Act, which became a symbol of the era of détente, was generally viewed as an attempt to settle the diplomatic business left over at the end of the Second World War by recognizing Eastern and Western spheres of influence in Europe. The Declaration on Principles enumerated ten points, among them respect for human rights and fundamental freedoms, including the freedom of thought, conscience, and religion.

The human rights provisions of the Helsinki Accords were very similar in language to those enunciated in the UDHR, which was why the Soviets saw no harm in endorsing them. They assumed that they would be able to continue to pay lip service to such rights without any political downside. Yet these human rights guarantees proved to be a central source of East-West friction after the accords were signed in 1975. A Moscow Helsinki Group was founded in 1976 to monitor the Soviet Union’s compliance with the Helsinki Final Act, and similar Helsinki “watch groups” sprung up in other cities inside the Soviet bloc. Soviet crackdowns on internal dissent in the late 1970s and early 1980s prompted Western nations to accuse the Soviets of having endorsed the human rights provisions of the Helsinki Accords in bad faith. The Soviets, meanwhile, insisted that its treatment of these “so-called dissidents” was purely an internal matter, and that the Western powers’ attempts to invoke Helsinki in support of the dissidents constituted interference in Soviet internal affairs, which was forbidden by international law. This had been the standard Soviet view since 1948, of course, but the Helsinki “process,” as it was called, now made this defense increasingly difficult to argue, especially as Western governments grew more aggressive and sophisticated in deploying the cause of human rights as a propaganda tool. In the United States, Presidents Jimmy Carter and then Ronald Reagan became champions of human rights, which put their administrations on a

collision course with the USSR.⁹

By the start of the 1980s, the network of underground groups set up after the Helsinki Accords of 1975 to monitor Soviet compliance with that agreement’s human rights provisions had been broken up by the intimidation, arrests, and exile of its leading figures. Andrei Sakharov was stripped of his privileges as a member of the Academy of Sciences and, in 1980, banished to internal exile in the city of Gorky. Meanwhile, the USSR continued to portray itself as the unrivaled leader in the advancement of the rights of children, women, and ethnic minorities. An official Soviet publication in 1981 quoted Secretary General Leonid Brezhnev boasting about the freedoms achieved by the USSR: “In contrast to the notions of democracy and human rights perverted and banalized by bourgeois and revisionist propaganda, we offer citizens of Socialist society the fullest and most realistic set of rights and duties. We place on the scales of history the truly epochal accomplishments of workers achieved through the power of the working class under the leadership of the Communist Party.”¹⁰

Gorbachev, Reform, and Collapse

By the time Mikhail Gorbachev became General Secretary of the CPSU in March 1985, the Kremlin leadership was becoming aware that the system was suffering from severe structural problems. Gorbachev’s reforms – glasnost and perestroika – were attempts to rescue the Communist system by reforming it politically and economically. The perestroika reforms ended up revealing the limits of the Party’s willingness to retreat from the planned economy to the market and exposed the depths of the deterioration of the Soviet economy, which went into a free-fall under the influence of the reforms in the final years of the USSR.¹¹

Glasnost, meanwhile, revealed the level of unhappiness of the Soviet people with their standard of living and the political constraints they lived under, not least their inability to travel abroad. Ultimately, Gorbachev could not control the forces he had unleashed, as a variety of independent groupings emerged – an incipient “civil society,” it seemed – to champion a multiplicity of rights causes, the effect of which was to challenge the CPSU’s monopoly on power. To the surprise of even many experts on the Soviet Union, the new openness exposed the depth of dissatisfaction among the nationalities of the USSR for autonomy, sovereignty, and, ultimately, independence from the center, sentiments that would rapidly spiral and, within a few years, tear apart the Soviet system.¹²

The collapse of, first, the East Bloc in 1989, and then the USSR in 1991 revealed, finally and indisputably, that the Soviet system had in fact achieved much less than it had boasted in the realm of economic and social rights.

1 Two standard histories are Martin Malia, *The Soviet Tragedy: A History of Socialism, 1917-1991* (Free Press, 1995), and Geoffrey Hosking, *The First Socialist Society: A History of the Soviet Union from Within* (2nd Enlarged Edition, Harvard University Press, 1992).

2 Tony Weselowsky, "USSR Breakup: Historian Explains Phenomenon Of 'Soviet Nostalgia'" (Part 3), *Radio Free Europe/Radio Liberty*, December 14, 2001. Available at: <http://www.rferl.org/content/article/1098267.html>.

3 Mary Ann Glendon and Elliot Abrams, "Reflections on the UDHR," *First Things* (April 1998). Available at: <http://www.firstthings.com/article/2008/11/002-reflections-on-the-udhr-14>.

4 Roger Normand and Sarah Zaidi, *Human Rights at the UN: The Political History of Universal Justice* (Indiana University Press, 2008), pp. 177-198.

5 *Ibid.*, p. 165.

6 *Ibid.*, pp. 197-242.

7 See Stanley Meisler, *United Nations: The First Fifty Years* (Atlantic Monthly Press, 1995), p. 74 et passim.

8 See James von Geldern, "The Dissident Movement" at the website *Seventeen Moments in Soviet History*: <http://www.soviethistory.org/index.php?page=subject&SubjectID=1973dissidents&Year=1973>.

9 Timothy Sowula, "The Helsinki Process and the Death of Communism," *Open Democracy*, July 31, 2005. http://www.opendemocracy.net/democracy-protest/helsinki_2716.jsp.

10 Quoted in *Human Rights Education in Russia: Analytical Report*, Moscow School of Human Rights, 2008 (published with the support of the UNESCO Moscow Office), p. 9. (I have revised the Russian-to-English translation slightly.) Available at: unesdoc.unesco.org/images/0017/001791/179105e.pdf.

11 See Malia, *The Soviet Tragedy*, chapters 11, 12; and Stephen Kotkin, *Armageddon Averted: The Soviet Collapse, 1970-2000* (Updated Edition, Oxford University Press, 2008).

12 Mark Beissinger, *Nationalist Mobilization and the Collapse of the Soviet State* (Cambridge University Press, 2002).