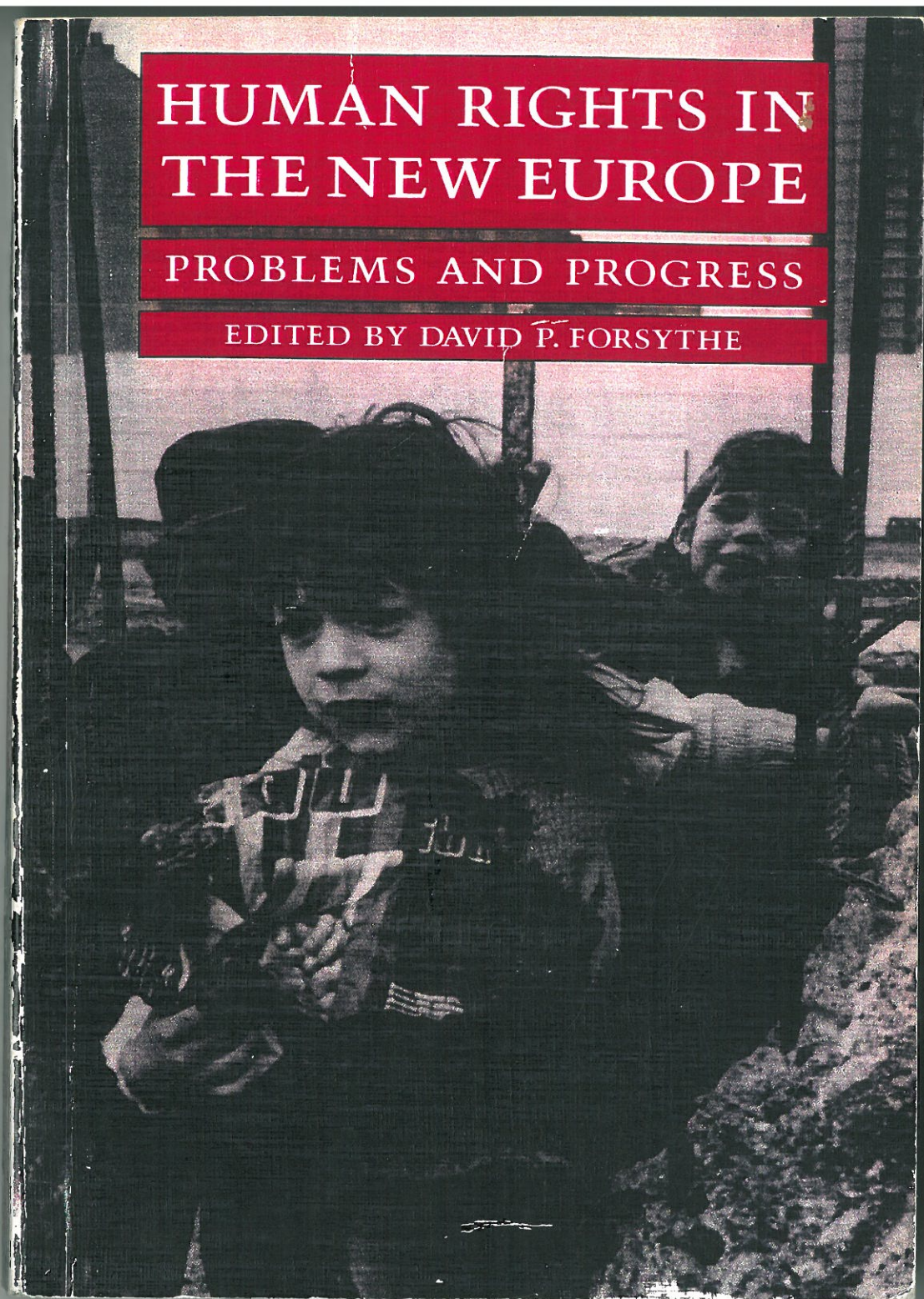# HUMAN RIGHTS IN THE NEW EUROPE

PROBLEMS AND PROGRESS

EDITED BY DAVID P. FORSYTHE

1

Human Rights in a New World Order: Implications for a New Europe

Jack Donnelly

In the wake of the orgy of national self-congratulation following Desert Storm and the collapse of the Soviet empire, many have asked if there is much substance to the often-proclaimed "new world order." The wave of Third World liberalizations and democratizations, the fall of rights-abusive regimes in Central and Eastern Europe and in the Soviet Union, and the end of cold war anti-humanitarian intervention[1] do suggest that reality at least approximates rhetoric in the area of international human rights. I will argue, however, that much of the recent human rights optimism is unjustified.

The demise of old rights-abusive regimes does not necessarily lead to the creation of new rights-protective regimes. Although some countries, such as Argentina and Czechoslovakia (or at least the Czech Republic), are likely to consolidate recent progress, many will fall back into dictatorship. Consider, for example, the coups in the fall and winter of 1991–92 in Haiti, Togo, and Algeria. Still other countries, such as Bulgaria, Guatemala, and the Philippines, seem to have settled into less oppressive yet still far from rights-protective routines. In addition, new threats to human rights are emerging, most notably ethnic violence and the suffering caused by market reforms.

Internationally, the end of the cold war has removed the principal U.S. rationale for supporting repressive regimes. The demise of the Soviet Union has eliminated the threat from the other major postwar

supporter of rights-abusive regimes. But a decline in certain foreign policy actions that harm human rights by no means ensures that these regimes will be replaced by consistently positive international human rights policies.

INTERNATIONAL HUMAN RIGHTS: THE COLD WAR BASELINE

The cold war was an international human rights paradox. An era of pervasive anti-humanitarian interventions by both superpowers, it was also the period in which human rights first became an established subject of international relations.

Before World War II, human rights were not considered a legitimate subject for international action.[2] How states treated their own nationals in their own territory was mostly their own business, a protected exercise of sovereign prerogatives. The human rights practices of states were rarely even officially discussed, and human rights were not even mentioned in the Covenant of the League of Nations. The exceptions to this rule, such as the International Labor Organization, the International Red Cross, and the League of Nations Minorities System, were few and very narrow.

Postwar reflection on the horrors of the holocaust, and the shameful lack of an international response, led to significant changes. The Nuremberg War Crimes Trials prosecuted individuals on the novel charge of crimes against humanity. The United Nations Charter explicitly listed human rights as a principal concern of the new organization. In 1946, the United Nations Commission on Human Rights was established. In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights without dissenting votes. The International Human Rights Covenants, which further developed and sought to give binding legal force to the rights in the Universal Declaration, were opened for signature and ratification in 1966 and entered into force in 1976.

A broad, although shallow, international normative consensus thus developed on the full list of fundamental rights in the Universal Declaration, including civil and political as well as economic, social, and cultural rights. In the 1950s and 1960s, during the height of the cold war, this verbal consensus had little or no discernible policy impact. Altering the terms of debate, though, marked a first step toward altering practice. At the very least, it provided human rights activists with legitimizing norms for their concerns.

There was also some limited progress on international procedures to implement international human rights norms. In 1970, the United Nations Commission on Human Rights was authorized to conduct confidential investigations of systematic human rights violations. Nearly forty countries have been subjects of such reviews. In the 1980s, the commission regularly discussed human rights practices in selected countries (in addition to South Africa, Israel, and Chile, which had been extensively discussed in the 1960s and 1970s). It also developed largely depoliticized "thematic" monitoring programs on disappearances, torture, and arbitrary and summary executions.[3] In addition, several human rights treaties required parties to submit periodic reports to independent monitoring committees.[4]

The strongest "protective" power available to any of these bodies, however, was (and remains) the adoption of a critical public resolution or report. These are monitoring and pressuring—not enforcement—procedures, which aim to bring informed international public opinion to bear. Human rights norms have been internationalized. Their implementation and enforcement, however, remain largely national.

The regional record is more varied. The regional enforcement regime covering the twenty-seven (primarily Western European) members of the Council of Europe stands at one end of the spectrum (this is discussed later in the chapter by David Forsythe). At the other end are Asia and the Middle East, which lack intergovernmental regional human rights organizations. The Americas and Africa lie between these extremes, with the inter-American system being significantly stronger, including substantial independent monitoring activities.[5] Of special interest in the context of this volume is the quasi-regional human rights regime that operates among the now-fifty-three European and North American countries involved in the "Helsinki process" of the Conference on Security and Cooperation in Europe (CSCE). (See the chapter by Forsythe.)

The last two decades of the cold war era also saw human rights become a significant issue in some bilateral foreign policy. In 1973 the U.S. Congress called for, and in 1975 legislatively mandated, a link between human rights and foreign aid. In 1979 the Netherlands explicitly incorporated human rights into its foreign policy, and in the 1980s many other countries followed suit. Although one can point to few cases in which any state, large or small, was willing to bear a significant foreign policy cost in pursuit of human rights objectives, even talk, backed by an occasional halt or reduction in foreign aid, was a major change.

Another important development during the cold war was the rise to prominence of human rights nongovernmental organizations (NGOs). Amnesty International, which was founded in 1961 and received the Nobel Peace Prize in 1977, is the best-known such organization. In the United States, Human Rights Watch and the Lawyers Committee for International Human Rights have been especially active lobbyists for international human rights. These two organizations regularly issue reports that document and seek to publicize human rights violations, testify before congressional committees and lobby legislators and staff members working on human rights issues, work extensively with the media, and produce an annual critique of the State Department country reports on human rights. Other human rights NGOs engage in similar efforts to influence policy through acquiring and disseminating information and organizing public pressure. Again, though, such activities provide only international monitoring, not direct enforcement, of human rights.

In summary, we can say that during the cold war, states lost their traditional immunity from public international scrutiny of their human rights practices. A fairly extensive system of formal and informal international human rights monitoring—by international and regional organizations, NGOs, and other states—was established. International action, however, was modest in scope and impact. Except in Europe, no procedures were used systematically to provide real international enforcement of internationally recognized human rights.

CHANGES AFTER THE COLD WAR

Since 1985, both bipolarity and ideological struggle, defining features of the cold war international order, have (for very different reasons) largely disappeared. The reality of the progress that this implies for international human rights should not be underestimated, but neither should its limits.

The End of Ideological Rivalry

We need only say "Guatemala, 1954" or "Czechoslovakia, 1968" to recall the major role of the superpowers in reversing progress toward more rights-protective regimes in their cold war spheres of influence. Marcos in the Philippines, Duvalier in Haiti, Park in South Korea, the

Shah in Iran, Pinochet in Chile, Stroessner in Paraguay, and Mobutu in Zaire are only some of the more prominent dictators who benefited from U.S. support. The Soviet record was comparably appalling. In addition to forcibly imposing rights-abusive communist regimes in Central and Eastern Europe, the Soviets were the principal backers of the Mengistu regime in Ethiopia, one of the most barbaric Third World regimes of the past two decades, as well as Afghanistan's vicious Karmal and Najibullah governments.

Whatever the root causes of U.S. foreign policy, most U.S. anti-humanitarian interventions during the cold war had a substantial element of anti-communism, and few could have been sold to Congress or the public without it. During the cold war, most unsavory dictators could acquire, or at least maintain, American support by playing on anti-communism. This simply is no longer the case. The post–cold war international environment for human rights should thus be significantly improved.

U.S. involvement in the Third World, of course, existed before, and will continue after, the cold war. Strategic and economic interests will not disappear from U.S. foreign policy. For example, the low level of official U.S. concern with human rights violations in Indonesia (including, but by no means limited to, East Timor) probably owes much to Indonesia's strategic location and oil. This self-interest is typical.[6] Nonetheless, without the overarching appeal to anticommunism, American administrations will find it much more difficult to muster domestic support for repressive foreign regimes. The Bush administration's significant reduction of aid to Kenya, perhaps the most favored African country during the Reagan years, suggests real progress.[7]

Thus, the United States no longer systematically ignores human rights in favor of ideological objectives. But neither the Bush administration nor Congress was willing to expend substantial political or financial capital on behalf of international human rights. Note, for example, Bush's courting of China, one of the world's few remaining Stalinist-style totalitarian dictatorships.

Interdependence: Material and Moral

No less important than the end of ideological rivalry is the demise of bipolarity and the rise of international interdependence. "Power" is no longer a simple, undifferentiated capacity, even as a first-order approximation. Military power today is one thing, but economic power is

something else. It is thus difficult to characterize the current distribution of international power. The "great powers" of the emerging world order are powers in very different senses of the term. And some states, such as Saudi Arabia, are significant powers in some international issues, but negligible actors in most others.[8]

As a result, international political processes and outcomes vary dramatically from issue to issue. While the end of U.S. (and Soviet) hegemonic leadership may create new opportunities for progressive international action, it also means that we cannot automatically generalize from one issue area to another. In particular, we must not jump from changes in international economic relations to a prediction of comparable changes in international human rights policies.

Some developed states are increasingly willing to relinquish significant elements of economic sovereignty. We see this not only in the increasing globalization of production, but also in formal multilateral organizations (most notably in the European Community) as well as in less formal modes of international cooperation, such as the annual economic summits. The states of Central and Eastern Europe and of the Third World are increasingly relinquishing economic sovereignty through IMF-imposed structural adjustment packages—although often out of dire necessity rather than genuine desire.

More complex and less state-centric patterns of order and cooperation, based on deeper conceptions of international interdependence, are also emerging in some non-economic issue areas. Consider, for example, the surprisingly rapid success in regulating ozone depleting emissions through the 1985 Vienna Convention and its 1987 (Montreal) Protocol. In security relations, however, conceptions of interdependence have not penetrated very far, especially in U.S. policy. In fact, sovereignty was at the core of President Bush's vision of the new world order, which, he was at pains to note, "does not mean surrendering our national sovereignty."[9]

A state-centric, sovereignty-based conception of international order also remains the norm for international human rights. Most states still jealously guard their sovereign prerogatives with respect to human rights. Even in Europe, the relatively strong regional human rights system pales in comparison to the restrictions on state sovereignty achieved through regional economic institutions.

At the UN, consequently, modest expectations should prevail. For example, in 1990 the UN Commission on Human Rights failed to adopt an embarrassingly mild draft resolution on human rights in

China that did not even explicitly condemn the Tienanmen massacre. Japan was the only Asian country, Swaziland the only African country, and Panama the only Latin American country to vote for the resolution. A draft resolution on Iraq met a similar fate. Furthermore, the Group of 77, the caucusing group for the Third World, tried to replace the independent rapporteurs and working groups on disappearances, torture, and arbitrary executions with "geographically balanced" working groups made up of professional diplomats—that is, to repoliticize the commission's human rights monitoring. They also tried to impose restrictions on the activities of human rights NGOs, because of their independence from political control. Although these efforts ultimately failed, they suggest that new regimes in the post–cold war world can be as reluctant to allow strong international monitoring of national human rights practices as their authoritarian predecessors.

International human rights policies rest largely on a perceived moral interdependence, in contrast to the material interdependence that underlies most (noncoercive) economic, environmental, or even security cooperation. A country that values the protection of human rights in other countries can enjoy that "good" only with the cooperation of the governments of those other countries. There is genuine interdependence in such situations. Nonetheless, political processes based on moral interdependence are likely to operate very differently from those based on material interdependence.

Moral interdependence is largely intangible. The harm caused by a foreign state violating the human rights of its own nationals is a moral harm, a sense of disgust or discomfort, rather than a loss of income, a deterioration in one's quality of life, or a reduction in perceived security. For better or worse, most states, like many individuals, are unwilling to pay very much to act on or assuage their moral sensibilities. This unwillingness does not mean that they do not see themselves as morally interdependent, any more than the refusal of many individuals to incur significant economic costs in order to act morally toward strangers means that private morality does not exist. It does, however, suggest that we should not expect human rights to have a high place on foreign policy agendas of all states.

But even if many states did choose to give higher priority to international human rights, there are unusually steep structural barriers to moral interdependence that do not exist with material interdependence. In a typical instance of economic interdependence, each side controls relatively comparable (i.e., monetary) values and thus each

has fairly direct (if not necessarily equal) unilateral power to prevent the enjoyment of the benefits of cooperation. Therefore, in case of non-compliance, self-help retaliation is likely to be both readily available and relatively effective. This reduces the likelihood of escaping punishment for violations of international norms, which in turn reduces the risks and increases the likelihood of agreement to relatively strong forms of international cooperation.

In the case of human rights, however, retaliatory enforcement is inherently problematic. Moral suasion, which responds directly to the nature of the international offense, is notoriously weak. Any other type of retaliation, however, must be imported from another issue-area, increasing both the cost of responding and the risk of escalating the dispute. Furthermore, because the means of retaliation are not clearly and directly tied to the violation, their legitimacy may appear questionable.

A fundamental asymmetry in the ability of outside actors to help and to harm human rights increases the difficulty of international action. The human rights impact of foreign forces has often been primarily negative. Although Vietnam, Afghanistan, and Eastern Europe suggest that even massive outside military force may ultimately fail to maintain repressive rule, they also provide striking examples of the capacities of foreign powers, in the short and medium run, to tip the political balance in favor of forces of repression. Foreign intervention, however, has rarely been central in establishing a strong and stable rights-protective regime. Even Japan and West Germany, in some ways exceptions, confirm the rule: change came only after total defeat in a devastating war that completely discredited the prior regime. Rights-protective regimes are almost always established by domestic, not international, political forces.

Furthermore, the work of establishing rights-protective regimes is much more difficult than that of maintaining or reestablishing repression. Repressive regimes need only mobilize relatively small numbers of well-placed supporters, and assure only a passive, not a mobilized, population. In addition, foreign financial and political assistance is more easily put to effective use by repressive forces that already have considerable control over or access to politics, the economy, or the military.

Taken together, these observations on the character of power and interdependence in the post–cold war world suggest that progress in international human rights remains substantially constrained by deep

structural forces. As opposed to the end of cold war ideological rivalry, the end of bipolarity is likely to have few significant short- or medium-term implications for international human rights. The impediments to effective international human rights policies rooted in an international system of sovereign states remain essentially unchanged.

The fate of human rights in the post–cold war world therefore is primarily a matter of national, not international, politics. Foreign policy initiatives must focus on responding constructively to national political processes. Our attention needs to shift now to a consideration of some of the more prominent trends in national human rights practices.

LIBERALIZATION, DEMOCRATIZATION, AND RIGHTS-PROTECTIVE REGIMES

Political change has been extensive and relatively deep in Latin America and in Central and Eastern Europe, and somewhat more uneven in Asia. Even long-entrenched authoritarian regimes in Africa have collapsed or been forced to liberalize in the 1900s. Most dramatic, perhaps, was the decisive November 1991 defeat of Kenneth Kaunda, Zambia's president for the first quarter-century of its independence.

Such changes, in addition to their immediate local impact, have helped to deepen the relatively shallow cold war normative consensus on the interdependence and indivisibility of all human rights. In Central and Eastern Europe, the so-called socialist conception of human rights stands in shambles, revealed to be largely a cover for the systematic violation of human rights. In many Third World countries, we see a similar rejection of old arguments that equated human rights with the struggle for self-determination and development. And in most countries, human rights advocates have become relatively immune to the charge that they are proponents of inappropriate foreign ideologies.

We must be careful, however, not to overestimate the extent to which international human rights ideas have penetrated national human rights practices. In particular, we must not confuse decreased tolerance for old forms of repressive rule with support for, let alone institutionalization of, rights-protective regimes.

Very roughly, we can distinguish three levels of political progress toward respect for internationally recognized human rights. "Liberalization" is the process by which human rights violations decrease and political space opens for at least some previously excluded groups.

"Democratization" is the process of establishing a regime characterized by universal suffrage, constitutional government, and relatively free and open political participation.[10] As we shall see, though, democratic regimes thus understood need not protect all internationally recognized human rights. That requires what I will call a "rights-protective regime," a political system that makes the protection of internationally recognized human rights a central element of its mission and justification, and which, through extensive, intense, and sustained effort, has had considerable success in realizing this aspiration.

Many recent liberalizations have led to only modest human rights progress. For example, in Bulgaria and Romania in 1990, the most notorious of the old guard were purged, and a few new faces appeared in the leadership. For the most part, though, last year's communists were elected as this year's new and improved non-communists. As John Hibbing notes in his chapter in this volume, about a fifth of the new Bulgarian legislature, including the leader of the opposition, had been informers in the old regime.

In other countries, not merely new individuals but new social groups and interests have been brought to power. For example, the Czech Republic and Argentina probably deserve the much-overused label "new democracy." But even in new democracies there may be significant limits on the nature and extent of political transition.

Democracy assures only popular control over the makeup and direction of government. Even genuinely democratic governments may use their power in ways that systematically violate, threaten, or fail to defend internationally recognized human rights. In the post–cold war world two important types of democratic human rights violations seem especially important: refusal to accept the limits on state power implied by human rights, and insufficient attention to economic and social rights.

OLD HABITS IN NEW DEMOCRACIES:
ACCEPTING LIMITS ON STATE POWER

Machiavelli, among many others, recognized "how difficult it is for a people accustomed to live under a prince to preserve their liberty, should they by some accident acquire it."[11] They act, he argues, like a wild beast that has been domesticated and then abruptly released. The confused and helpless creature quickly, and willingly, falls victim to

the first person who will restore it to captivity. Although Machiavelli's formulation is characteristically extreme, the problem is real. A people that has known only arbitrary rule or elite domination faces an immense problem of resocialization. (Vaclav Trojan addresses this subject in a later chapter.) The persistence of old rights-abusive ways of thinking and acting poses serious problems in establishing rights-protective regimes.

Consider Czechoslovakia, where substantial progress was made during 1989–92 toward establishing a rights-protective regime. As part of the process of coming to grips with the legacy of the communist past, a parliamentary commission was charged with exposing as many as 150,000 informers for the old secret police. The commission, however, operated without even the appearance of due process. The accused were often not even allowed to see the "evidence" against them. It was the old system of denunciations and presumption of guilt in an updated (and somewhat less devastating) form. Furthermore, an October 1991 law excluded not only informers, but anyone who has been a member of the national security forces, a party official at the district level or higher, a member of the People's Militia, or an activist in certain other bodies, from employment or participation in the state administration, army, police and security forces, the media, or state-owned enterprises (including banks, railroads, and foreign trade corporations). As in the communist persecution of "class enemies," people were being punished by an ex post facto law for immoral associations.

There may be a certain "poetic justice" in treating informers to a bit of their own medicine, or denying people public opportunities on the basis of political associations that previously brought them special advantage. The desire for vengeance and the fear of communist resurgence are understandable. Nonetheless, these are still serious and troubling violations of human rights. Rights are being denied to people on the basis of past immoral—but not illegal—acts, or even merely for having worked in or for core institutions of the old repressive regime. (Compare Czechoslovakia in this regard with Argentina, where people were prosecuted and punished not for their political views, associations, or offices, but for particular acts—kidnapping, torture, and murder—that were well-established crimes in Argentina and in virtually all other states.)

Even opportunists and morally repugnant individuals are citizens, and should have the same public opportunities as other citizens. Even if not a single innocent person had been wrongly "exposed" as an in-

former, the Czechoslovak investigatory procedure would have been profoundly unjust. All human beings, including the guilty, have the same human rights, which they are entitled to enjoy equally.[12] In fact, the way that the guilty and despised are treated provides one of the best indications of the extent to which human rights ideas and practices have penetrated society and the political system.

Establishing a rights-protective regime requires the development of an appreciation for the profound limits on government posed by individual human rights. Human rights can, and often do, impede the realization of other legitimate governmental aims. For example, investigatory procedures with procedural safeguards are slow and cumbersome. Their purpose, however, is to protect the rights of all individuals against abuses of state power, not to maximize the number of guilty that are caught. Human rights are often "inefficient." But in a democratic society they are of greatest importance precisely when considerations of efficiency would supersede individual rights and dignity in the state's pursuit of some other social good. Until rights-based limits are appreciated and accepted, human rights are likely to remain insecure. In some countries, disregard of these limits is likely to become the first step toward a re-entrenchment of rights-abusive practices. Consider, for example, Croatia's denial of full citizenship rights to those who do not have three generations of Croatian parents on both sides. Particularly as ethnic animosity intensifies, it would be easy to imagine increasingly severe denials of rights to non-Croats.

The enjoyment of human rights is precarious until the rights of even the "guilty" and despised are secure, and the state intervenes to protect, rather than restrict or infringe upon, the rights of the unpopular and the immoral. Few new democracies have come to appreciate, let alone institutionalize, this idea. Without it, however, the road to establishing a true rights-protective regime is precarious.

In communist and noncommunist regimes alike, the assignment of differential rights to different social groups has typically been associated with the concentration of arbitrary power in the hands of one individual or a relatively small corporate body. This association suggests that another important measure of progress toward a rights-protective regime is the willingness of new governments to relinquish extraordinary powers of arbitrary rule.

Consider Boris Yeltsin, whose role in the final collapse of Soviet communism brought him immense popularity both at home and abroad. Has Yeltsin made the full transition from party boss to demo-

crat? His tendency to rule by decree and through personal appointees makes this an appropriate question. If he has, does his conception of democracy recognize, even emphasize, the protection of minority rights? "Democracy" may simply mean tyranny of the majority—or, even worse, a minority that claims to speak for the majority, as in Soviet-bloc proletarian dictatorships.

Even where populist leaders do in fact speak for the people, human rights remain threatened. Free popular participation in politics can easily lead to violations of human rights. Many people, both individually and in groups, want to use their political power to harm their enemies or to unfairly advantage themselves. Proto-fascist demagoguery is one natural outgrowth of populist politics in times of crisis. Consider, for example, Croatia's revival of the symbols of the wartime Nazi regime, which massacred half a million Serbs.

Human rights are fundamentally non-majoritarian, which is why mere democratization is not enough. They are concerned with each, rather than all. Human rights aim to protect every person, not just most, against majorities no less than minorities. In fact, in democratic societies, where the majority is relatively well positioned to care for its own rights and interests, one of the most important functions of human rights is precisely to constrain the majority.

In addition, establishing a rights-protective regime requires moving beyond reliance on individuals, no matter how astute or well-intentioned, to institutionalizing new laws, practices, and attitudes. Even rights-protective democrats face the temptations and corruptions of power. Unless the guarantee of human rights fairly quickly comes to rest on institutions rather than individuals, these rights remain at very serious risk.

The dangers of relying on charismatic leaders are especially great in conditions of crisis, and in a political climate in which past divergences of opinion have typically been attributed to bad faith or evil intent. The way in which criticism is treated should provide insight into which of two paths Russia, and other recently liberalized or newly democratic countries, are following: the path of personal rule or of institutionalized rights-based practices. Unless political diversity is accepted as the norm—including a commitment to defend the rights to free expression and political participation of dissidents of all persuasions—recent progress is unlikely to be consolidated and extended into the establishment of rights-protective regimes.

NATIONALISM AND HUMAN RIGHTS

A new—or rather, renewed—threat to human rights that has been unleashed in many countries by the collapse of the old order is nationalism. Internationally recognized human rights rest on the idea that all individuals, simply because they are human beings, have certain basic rights, and that all human beings have (and ought to enjoy) these rights equally. Aggressive, exclusive nationalism often challenges this central premise of radical political equality.

Again we confront the fundamental difference between ending old forms of abuse and establishing respect for human rights. Although asserting national identity has often been an important element in struggles against outside domination, self-determination hardly guarantees the implementation or protection of internationally recognized human rights. The dreary decades following decolonization in sub-Saharan Africa remind us that self-determination may simply substitute local despots for foreign ones. A more recent example was in Georgia, where the nationalist hero, Zvia Gamsakhurdia, was freely and overwhelmingly elected in May 1991. By August he was dealing with political opponents through arbitrary arrest, censorship, and other familiar dictatorial techniques, and in September he imposed a state of emergency. In late December the opposition violently besieged Gamsakhurdia in the Parliament building, and in early January forced him from the country. A week later, those who removed him from power were firing on peaceful demonstrators seeking Gamsakhurdia's reinstatement.

Even more ominous than the change in the nationality of dictators is the risk that a sense of national difference may evolve into a rights-threatening sense of national superiority or ethnic privilege. In Central and Eastern Europe, Communist rule typically suppressed ethnic rivalry. Usually this was done by establishing the political hegemony of one ethnic group—most dramatically, of ethnic Russians in the Soviet Union. As a result, nationalism has often been seen not only as a force with which to oppose oppressive ethnic domination, but as a guarantee of liberty and respect for human rights. Furthermore, the rapid removal of repression has led to a resurgence of long pent up animosities, most dramatically in the former Yugoslavia.

Some previously dominant groups, such as Serbs in current Yugoslavia, have become even more aggressively overbearing. Others, such as Russians in the other former Soviet republics, now fear nation-

alist retribution. Some previously subordinate groups, such as the Slovaks, seem as concerned with addressing old ethnic grievances as with establishing a new democratic order. Many others remain subordinated, with their interests still ignored (e.g., ethnic Hungarians in Slovakia) or actively under attack (e.g., ethnic Turks in Bulgaria). And still other minorities, such as Ossetians in Moldova and Georgia, have simply seen new ethnic oppressors replace the old.

Especially in conditions of economic scarcity, where an expanding supply of goods and services cannot be used to help defuse intergroup rivalries, there is a relatively high probability that communal competition will lead to ethnic conflict, and in some cases, violence. Rapid economic growth allows grievances to be addressed by directing a greater share of new resources to disadvantaged groups. In times of scarcity, however, especially in poor countries, politics tends to turn into a zero-sum contest for a share in an inadequate pie. Given Africa's decline in per capita income over the past decade, we should expect particularly severe continent-wide problems in the coming years.

Separatism has been a solution of sorts in parts of the former Soviet Union and former Yugoslavia. Balkanization, however, is a real economic, political, and human rights problem. There were good (although perhaps not sufficient) reasons for trying to create a multiethnic Yugoslavia. Much the same is true of Czechoslovakia, which fell to significant pressure from Slovak nationalists. And the likely costs of fragmentation are even greater in much of Africa, where the problems of political transition and economic development are severe enough without opening up the possibility of years, even decades, of tumults that may lead to nothing more than nationalist repression or the creation of new, and even more feeble, states.

Nonetheless, separatist demands for self-determination do seem well worth taking seriously even where dominant nationalities are not oppressive, let alone when they are. Both internally and internationally, there is a genuine dilemma. The next several years are likely to see a succession of crises, many of which will be resolved, after great financial, political, and human cost, to the satisfaction of no one.

All international human rights issues are inherently problematic in a world structured around sovereign states. Questions of self-determination are perhaps the most problematic of all, because they are about defining the very units that are entitled to participate in international relations. Morally as well, claims to self-determination raise the question of defining the community within which human rights

are to be pursued and protected. It is unclear whether foreign actors have a right to do anything at all beyond encouraging the peaceful resolution of disputes and attempting to moderate the severity of conflicts that lead to violence. Once more we face the fact that foreign actors are in a particularly weak position to deal with a major threat to human rights.

MARKET REFORMS, ECONOMIC CRISIS, AND HUMAN RIGHTS

Market-oriented economic reforms present a further set of old human rights problems that are reemerging in the post–cold war world. The failure of command economies obviously played a major part in the fall of the Soviet empire. In much of the Third World as well, developmental dictatorships have been delegitimized through a similar process of economic failure (in addition to the pressures from Western lenders and Western-dominated international financial institutions). The faults of command economies, however, should not blind us to the human rights problems of markets.

Markets may be economically efficient: with a given quantity of resources, market systems of allocation and distribution usually will produce a higher total quantity of goods and services. But a market system also distributes that production on the basis of efficiency. Markets are structured to respond to the interests and demands of those with "market power" (income, wealth, and information), not to human needs. Although markets may produce more overall, they do not necessarily produce more for all. In fact, free markets typically produce gross inequalities in income, wealth, and living conditions.

We have here a different version of the conflict between perspectives that focus on each and on all. Arguments of economic efficiency deal with aggregate production and focus on average incomes (per capita gross national product). Economic and social human rights, by contrast, are concerned with distributing certain basic goods, services, and opportunities to each and every person. Even if we grant the claim of efficiency—and many markets in the Second and Third Worlds are not, and in the short run cannot be, efficient—the resulting system may systematically violate the economic and social rights of many, or even most, individuals.

In Central and Eastern Europe, we are already beginning to see some of the negative human rights consequences of markets. Consider un-

employment. The communist alternative of systematic underemployment may not have been very attractive. To many, however, it is beginning to seem preferable, even in eastern Germany, where an excellent social security system is in place. Or consider health care. Soviet bloc consumers have for many years had to provide gifts, gratuities, and simple bribes to doctors and other health care workers. Market-based health care systems, however, will lead to price rationing that will exclude many who previously had at least minimal access.

Even if the costs of structural adjustment are primarily short run, as their defenders usually assert, these costs are heavy, and weigh most heavily on women, the poor, the elderly, and the disadvantaged. Even when the transition to a market-oriented economy has been successfully completed, there is no guarantee that large numbers of people will not be left behind. And, of course, there is no guarantee that reforms will be successful, that there will be any real social payoff for the massive sacrifices being forced on the poor and disadvantaged in the name of efficiency.

All of this is particularly troubling because we have considerable, and disquieting, previous experience with development schemes that have relied on growth (efficiency) alone. The new market orthodoxy of the 1990s is disconcertingly similar to the old orthodoxy of modernization theory. Unfortunately, those praising markets today almost completely ignore the fact that a significant proportion of the state economic intervention now under attack was provoked by the dismal failure of traditional growth-oriented, "trickle down" modernization strategies.

In conditions of absolute scarcity, the efficiency of markets may be essential to creating enough to go around in a reasonably short period of time. There may be no realistic choice other than radical privatization of the economy and of social services. But not all privatizations are created equal, from a human rights perspective. For example, if state-controlled resources are simply sold off at bargain basement prices to the already rich and powerful, privatization may prove to be a net detractor from the enjoyment of human rights. Even if markets open new paths of social mobility, they are, from a human rights perspective, the lesser evil, not an intrinsic good.

Market reforms are also likely to foster social discontent that strengthens the appeal of demagogues, would-be dictators, and supporters of the old regime. Consider the rise of neo-Nazi violence in Germany, which ominously links ethnic conflict and economic disloca-

tion. And when market reforms take place in an environment of economic crisis and failure, the threat to human rights is likely to be especially severe.

Economic failure tends to weaken whatever government is in power. In the 1980s this worked in favor of human rights, for it helped to undermine numerous repressive regimes. Today, however, it threatens many newly liberalized and democratic regimes, and the human rights progress that they represent. Consider, for example, the nostalgia for the good old days that some Russians have expressed publicly.

These dangers are particularly great because in numerous countries the underlying economic problems that contributed to the collapse of the old regime persist. It is no coincidence that the past decade of democratizations began in the wake of the global recession of the early 1980s. Most observers in the late 1970s felt that South America's bureaucratic authoritarian regimes were very secure and stable. Torture, disappearances, and the systematic denial of virtually all civil and political rights did not seem to threaten their rule—until the economic crises of the early 1980s. (In fact, in Brazil in 1964 and Argentina in 1976, economic crisis was crucial to the collapse of the preceding civilian regimes as well.) Economic failure was also essential to the collapse of the Soviet empire, and has been no less central to the current wave of liberalizations and multiparty elections in Africa.

But even needed market-oriented reforms have their human rights costs and political risks. Consider, for example, the return of Romania's miners to the streets of Bucharest in September 1991. Economic reforms, which virtually all observers agree were essential (and if anything did not go far enough), had transformed government goons of the preceding year into anti-government rioters. Likewise, within days of Russia's January 1992 price increases, Yeltsin's popularity began to erode. Such popular reactions can only increase the temptation to resort to extraordinary powers or arbitrary rule.

The picture is even more discouraging when we consider that some of the economic problems that new governments face are outside their control. In Central and Eastern Europe, it may be decades before new economic systems are in place. Even when established, these national economic systems will face on-going domestic problems. In addition, there will continue to be considerable economic dependency on foreign resources and foreign decisions. Of course this problem of domestic hurdles compounded by foreign dependency is true for many states outside Central and Eastern Europe as well. The situation in Africa will remain particularly acute.

Restoring—or in some countries, initially instituting—civil and political rights may yield sufficient legitimacy to help a new government ride out even severe economic problems. For example, despite Argentina's deteriorating economy, Raul Alfonsin gave the new government of Carlos Menem credibility when he turned over power to Menem in July 1989, thus becoming the first president in Argentine history to complete his term of office and pass the presidency to an elected successor from an opposing party. A similar process may be occurring in the Czech Republic, where the commitment to democracy seems relatively strong. Acting decisively and with some prospect of success may increase the new government's perceived legitimacy. If a human rights-oriented political culture develops and becomes institutionalized, prospects are even more promising. Nonetheless, with virtually all new democracies and recently liberalized regimes facing severe economic problems today, it would be dangerous to underestimate their vulnerability.

These new democratic regimes would seem to be one area in which external assistance could have a significant positive impact. Although foreign actors can usually play only a supporting role in establishing rights-protective regimes, at crucial turning points, and in the stage of democratic consolidation, the right kind of external support can indeed make a difference. For example, foreign technical and financial assistance can in many cases make a real contribution not only through its direct impact on economic and social rights but also by generally strengthening new governments, whose legitimacy is likely to be enhanced by demonstrated economic efficacy. Such assistance is also attractive because it is likely to deflect charges of intervention.

Real support, however, will require more than words of encouragement and a reprograming of already appropriated aid. It will require a willingness to pay for further international human rights achievements. No state, and certainly not the United States, seems willing to make the sizable financial investment required.[13] Even forgiving past debt, let alone providing substantial new resources, seems more than most countries are willing to do.

Opposing systematic human rights violations is no longer enough. As we have already seen in a number of different ways, ending old forms of abuse is only a first step. Without additional steps, human rights remain at risk. Unfortunately, there is no evidence that these new needs and opportunities are being seriously explored, let alone exploited.

INTERNATIONAL HUMAN RIGHTS IN A POST COLD-WAR WORLD

What could be done, if there was the political will? On what basis should we fashion an international human rights policy for the post–cold war world? A later section of this book delves into foreign policy in detail. Here, I will stress the importance of limiting expectations, continuing commitment, clarifying moral fundamentals, and integrating human rights with other foreign policy concerns. Although my comments will focus on U.S. foreign policy, most are also more generally applicable.

We must begin by recognizing the considerable national and international constraints on even well-intentioned and well-designed international human rights policies. Such recognition deserves special emphasis today because in most countries we have already reaped the positive, sometimes even dramatic, results of withdrawing support from repressive regimes. The heady days of the fall of entrenched dictators is largely past (although a few, such as Castro and Mobutu, still cling to power). The struggle has shifted to the often slow and laborious, and certainly far less exhilarating, work of building new institutions and expectations that will provide entrenched, long-term protections for internationally recognized human rights. In some countries, simply holding the line at current levels of respect for, or abuse of, human rights will count as great success.

The prospects for a sustained American effort, however, are not bright. Both public attention and U.S. foreign policy have typically lurched from crisis to crisis, separated by long stretches of neglect. Consider, for example, the dramatic swings in U.S. policy toward Central America over the past four decades, or the tendency for sub-Saharan Africa to be in the news only when there is a coup, famine, or civil war. In the absence of dramatic short-term successes, the risks of losing interest are great. Hard economic times at home are likely to deflect attention even further.

Human rights NGOs may be able to make an important contribution in counteracting these tendencies. Over the past fifteen years, groups such as Amnesty International and Human Rights Watch have become accepted as authoritative sources of information, both in the media and in important congressional committees. They have also developed networks of relationships with important legislators and staff members. There is now a significant (if severely underfunded) human rights lobby in Washington. And their attention, like that of other spe-

cial interest groups, will not be deflected by other issues, nor are their efforts likely to be sapped by past partial successes.

In addition to this private sector human rights "infrastructure," the public sector infrastructure has also been significantly enhanced over the last fifteen years. Although human rights remain a secondary concern in the corridors of Foggy Bottom, the Bureau of Human Rights and Humanitarian Affairs in the State Department has grown in size and become increasingly professional. In addition, human rights monitoring has become a well-institutionalized part of the regular activities of most U.S. embassies. Such bureaucratic entrenchment may help to mitigate the tendency toward reduced attention. In countries other than the U.S. that participate in regional and international human rights monitoring systems, an even broader infrastructure is present, providing further reminders of the necessity for continued efforts.

Sustained commitment will be easier if we can clarify and highlight the moral fundamentals underlying international human rights policy. American policy must recapture—or, perhaps, capture for the first time—a clear sense of the meaning and importance of the international struggle for human rights.[14] It is not (and never has been) equivalent to the struggle against communism, which is but one model of systematic human rights violations. Human rights are about guaranteeing, through the institution of equal and inalienable rights for all persons, the conditions necessary for a life of dignity in the contemporary world. They are fundamentally universal rights, even if the particular implementation of those rights may legitimately vary with time and place. Systematic violations therefore demand our concern and condemnation wherever they occur. (Here, too, human rights NGOs may be able to help, because of their single-minded focus on this issue.)

Human rights, of course, are only one part of foreign policy. In some circumstances, other policy objectives appropriately take priority. Political "necessity" may require or justify cooperating with a repressive regime. Even in such a case, though, we must continue to condemn—not excuse—the human rights violations that are taking place. And we must remain painfully aware of the evil with which we are consorting, or to which we are perhaps even contributing.

Foreign policy is in part a moral undertaking. It is not, however, an entirely moral enterprise. The task we face is to integrate human rights (and other moral concerns) into foreign policy rather than to occasionally tack them on, as has been the American norm. Although the task is difficult and complex, some orienting guidelines can be suggested.

We must go beyond general rhetorical flourishes and give human rights a clear and explicit priority in U.S. foreign policy. The best way to do this is to treat gross and systematic violations of human rights as establishing a prima facie case for ending direct U.S. support of the regime in question and for reducing cultural exchanges, trade, and other voluntary cooperative ties beyond limited diplomatic contacts. This approach would shift the burden of proof to advocates of maintaining (or improving) relations with rights-abusive regimes.

Rather than ask, in effect, "Is the human rights situation bad enough that we can no longer allow business as usual?", we should ask, "Are there other, precisely defined interests that are sufficiently important to excuse cooperating with a rights-abusive regime?" The United States has already adopted a similar approach with respect to states that support international terrorism or contribute to the proliferation of nuclear weapons. There is no good reason not to do the same for international human rights.

Establishing a (rebuttable) presumption against close relations with repressive regimes, however, is only the first step toward integrating human rights concerns into foreign policy. Because of the realities of limited funds, time, interest, and attention, international human rights policy must selectively focus on some countries. Four criteria should be central in choosing the cases that will receive special attention and action: severity, trends, responsibility, and efficacy.

Although the severity of human rights violations in a country must be a central concern, it should not be the sole consideration. We should also consider trends in patterns of respect for and abuse of human rights. Consider, for example, the problem of responding to two dozen death-squad killings in a year. In Guatemala in the mid-1980s, this figure would have represented a reduction of over 99 percent from the level of the early 1980s. This pattern in Guatemala would have merited a different expression of concern and a different type of response had it occurred in Costa Rica, which had almost entirely avoided the phenomenon of death squads.

Few systematic violations of even a single right, let alone all violations, can be stopped all at once in a country with a long record of repression. The criterion of severity responds to the universality of human rights. The criterion of trends recognizes the political particularities of establishing rights-protective practices and attitudes.

A focus on trends may also encourage an international response before the situation gets entirely out of hand. Rather than wait until a

particularly brutal regime is wreaking mass havoc, international human rights policies should aim at halting the descent into repression before it reaches crisis levels. Such preventive human rights diplomacy is likely to be especially important in the post–cold war world because of the various temptations and risks of regression discussed above.

In choosing countries for special attention, we should also consider the likely effects of our efforts. Foreign policy is not only about setting ends, but also about matching means to those ends. The symbolic act of criticizing violations, even in a country where one has little or no economic or political influence, remains important (because it is morally demanded, because avoiding even the appearance of complicity is an important minimum objective, and because even words and symbolic acts may not be entirely without long-term impact). Nonetheless, we should also give consideration to achieving a discernible short- or medium-term impact on human rights practices.

This last consideration may sometimes suggest the seemingly paradoxical strategy of focusing attention on countries where the underlying human rights problems are less severe, since the task of improving human rights practices in those countries is often less difficult. It may also suggest focusing on "friends" more than either "enemies" or countries with which we do not have close relations, because we have greater influence with our friends. The Reagan administration's preference for a near-exclusive focus on human rights violations in Soviet-bloc countries, where U.S. influence was at a minimum, was perhaps the clearest sign of its largely rhetorical approach to international human rights; a sign, that is, of the absence of a real international human rights *policy*.

In choosing countries for priority attention, one's own responsibility for creating or fostering rights-repressive policies or regimes also ought to be an important consideration. This too may suggest a focus on "friends," or even special efforts on behalf of recent enemies. Past support for recently removed repressive regimes may also require a less forceful public diplomacy than might otherwise be demanded.

Looking at trends, efficacy, and responsibility will lead to treating comparably severe violations differently in different countries. Rather than a sign of debilitating inconsistency, however, this approach is necessary and desirable. True consistency means treating like cases in like manner. "Like cases," however, cannot be specified simply by looking at the particulars of human rights violations. We must also

look at other elements of the overall political situation, both national and international. Consider a legal analogy. Not every thief deserves the same punishment, even if the particulars of the crime are the same. We also look, for example, at past behavior.

Although considerations of severity, trends, influence, and responsibility suggest only rough guidelines, which may point in different directions, they do provide the basis for constructing a coherent and defensible policy. The danger, though, is that "balancing" various and at times competing considerations may degenerate into incoherent, ad hoc decisions, or even partisan inconsistency. Unfortunately, balancing concerns has been, and remains, the rule in U.S. international human rights policy.

The Bush administration, like its predecessors, failed to translate an abstract verbal commitment to human rights into a coherent human rights policy. For example, even if we allow that there were good grounds for Bush's kindness to Syria—which has not even liberalized in recent years—the administration did not present its policies as part of a carefully conceived human rights policy. Beneath the fine-sounding rhetoric, Bush, like his predecessors, had in practice combined extravagant vilification of the latest American enemy—Sadaam having replaced the Ayatollah, Qaddafi, Castro and the Soviets—with often embarrassing docility toward strategically significant countries, and an ad hoc approach elsewhere. America's noble human rights rhetoric has been supported by only fitful and inconsistent practice.

The real international human rights challenge for the United States in the post–cold war world is to develop a realistic, committed, morally sound international human rights policy and to truly integrate it into the rest of U.S. foreign policy. The end of the cold war removed one major impediment. The presence of numerous new liberalized or democratized countries creates a variety of (limited) opportunities. The work of crafting an international human rights policy to meet these new conditions, however, was not a major concern of the Bush administration or of Congress.

Rather than join in the difficult work of consolidating and deepening progress, the United States has seemed content to gloat over "winning the cold war," bombing Iraq into temporary submission, and praising the virtues of elections and markets. This pattern of policy is a significant improvement from that of the cold war era, when the United States was a major contributor to human rights violations. Nonetheless, the policy reflects a culpable moral failure and a shameful betrayal of the idea of international human rights.

Notes

1. By anti-humanitarian intervention I mean intervention that supports or establishes governments engaging in gross and systematic violations of internationally recognized human rights. In other words, it is the opposite of the familiar notion of "humanitarian intervention"; that is, intervention—typically including the use of military force—to rescue people from imminent danger, usually as a result of gross and systematic violations of human rights.

2. Human rights are ordinarily understood as the rights that one has simply because one is a human being. In contemporary international relations, human rights are usually taken to have a special reference to the ways in which states treat their own citizens in their own territory. It is therefore conventional to distinguish, for example, international terrorism, war crimes, muggings, gangland violence, and drought-caused deaths from "human rights" issues, even though all lead to denials of life and security. I will adopt this relatively narrow focus here, both because it corresponds to standard international usage and because it focuses our attention on a central problem of national and international politics.

3. For an excellent review of the activities of the Commission on Human Rights over its first forty years, see Howard Tolley, Jr., *The UN Commission on Human Rights* (Boulder, CO: Westview Press, 1987).

4. For an overview of this global human rights regime, see Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca, NY: Cornell University Press, 1989) chap. 11 or David P. Forsythe, *The Internationalization of Human Rights* (Lexington, MA: Lexington Books, 1991) chap. 3.

5. For comparative overviews of regional human rights regimes, see Donnelly, *Universal Human Rights*, and Burns H. Weston, Robin Ann Lukes, and Kelly M. Hnatt, "Regional Human Rights Regimes: A Comparison and Appraisal," in Richard Pierre Claude and Burns H. Weston, eds., *Human Rights in the World Community*, 2nd ed. (Philadelphia: University of Pennsylvania Press, 1992). See also David P. Forsythe, "Human Rights, The United States and The Organization of American States," *Human Rights Quarterly* 13.1 (February 1991) 66–98. On the African regional regime, concerning which very little information has been published, see the article by Claude Welch, "The African Commission on Human and Peoples' Rights," *Human Rights Quarterly* 14.1 (February 1992) 43–61.

6. Sanctions against South Africa may come close to being an exception (although only for Britain and the frontline states of Africa have they involved significant costs). Even in this isolated instance, however, more than a quarter of a century of intense national and international political action was required before the sanctions campaign showed any real success.

7. Even here, though, one should note the intrusion of other foreign policy concerns, for the pressure largely subsided during the gulf war.

8. These changes in the character of power, however, long predate the end of the cold war. See, for example, Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston: Little Brown, 1977).

9. *Vital Speeches of the Day* 57.15 (May 15, 1991): 450–52.

10. This is a fairly common definition of formal or institutional democracy. It should not be confused with what might be called substantive democracy (which has been variously characterized as involving an egalitarian distribution of power, opportunities, or goods), and is much closer to what I call a rights-protective regime.

11. Niccolo Machiavelli, *The Discourses*, Book I, Discourse 16. Compare Jean-Jacques Rousseau, *On the Social Contract*, Book III, chap. 8.

12. My point is that the guilty have the same rights to due process, and these rights must be respected even if it means that some guilty people evade legal punishment for their crimes.

13. Only in the former GDR has there been a massive influx of (West) German money, an "exception" that in fact strongly confirms the rule of no major increase in *foreign* assistance.

14. For an extended discussion of the problem of reconciling the moral universality of human rights with their undeniable historical particularity and differences of circumstances facing different countries in the contemporary world, see Donnelly, *Universal Human Rights* chaps. 3, 6–8. This issue is also touched on below in the discussion of "consistency" in international human rights policy.

II. RIGHTS DEVELOPMENT IN EASTERN EUROPE

4

Human Rights in Czech and Slovak History

Bruce Garver

The human rights movement of the Czech and Slovak peoples, whose most courageous and effective recent proponents were members of Charter 77 and Roman Catholic dissidents, has deep historical roots.[1] This chapter will indicate the depth of these roots and address the central question: To what extent have advocates of human rights conditioned the development of Czech and Slovak politics during the past six generations?[2]

This chapter does not aim to examine thoroughly the important and controversial question of what constitutes human rights in theory and practice. Some definition is nonetheless necessary for understanding such rights in an historical and contemporary context. For two centuries, human rights have usually been understood to include not only John Locke's "life, liberty, and property," but their enlargement by the American and French revolutions to embrace "the pursuit of happiness" and "careers open to talent." In the twentieth century, most advocates of human rights have also sought not only equal access for all citizens to education and employment but equal rights and opportunities for women and for ethnic and religious minorities. Many have further insisted on adding the right to minimal shelter and to adequate sustenance and health care. Most observers would agree that these many rights have been clearly defined but only imperfectly and incompletely realized in the countries of Western Europe, North Amer-

ica, and the British Commonwealth. Their imperfect and incomplete realization has only recently begun in Central Europe, Japan, and parts of Latin America and is only now beginning in East Central Europe and in successor states to the Soviet Union. Everywhere, "eternal vigilance" still appears to be "the price of liberty."

The history of human rights among the Czechs and Slovaks is to be found primarily in scholarly monographs and articles that address the broader history of Czech and Slovak politics, in which the struggle for human rights has been an important, but usually not the principal, activity. These are primarily works whose authors have examined the extensive archival and published sources about Czechs and Slovaks directly or indirectly engaged in advancing human rights.[3] Such sources have typically been used less frequently by authors whose principal goal has been to evaluate and understand one or more of the late authoritarian regimes of Central and Eastern Europe, especially if such authors have been to some extent sympathetic with the ideologies or policies of the regimes in question. Thus, apologists for Austria-Hungary or "the Austrian idea" have tended to play up the parochial and nationalistic, and to minimize or ignore the civil libertarian, aspects of Czech and Slovak dissatisfaction with Habsburg rule.[4] And in post-1948 Czechoslovakia, many Marxist historians who wrote about topics in Czech and Slovak history from 1848 to 1948 either downplayed or denigrated civil libertarian and human rights concerns, contending that their advocacy by the "bourgeoisie" was mere camouflage for the selfish pursuit of class interests.[5] Those Czechoslovak historians, whether Marxist or not, who wrote about the past importance of such concerns did so at risk of having some "normalizer" terminate their professional employment. Such efforts by "normalizers" to suppress public discussion of the past development of human rights were, of course, further proof of the enduring importance of these rights in Czech and Slovak history.[6]

COMMON FEATURES IN THE HISTORY OF HUMAN RIGHTS ADVOCACY

Enough continuity is evident in the long Czech and Slovak struggle for human rights to warrant identifying and examining at least twelve features of this struggle common to most times and places. The first part of this chapter succinctly describes and discusses each of these twelve

features. This topical survey of human rights in Czech and Slovak history will be followed by a second and chronological survey of Czech and Slovak advocacy of human rights that identifies the principal phases and turning points in the development of such advocacy. In conclusion, this chapter will assess the importance of human rights in Czech and Slovak history and the limited extent to which these peoples may be said to have a democratic political tradition.

1. A human rights agenda, with emphasis on "civil liberties," has been part of Czech and Slovak history since the revolutions of 1848, albeit sometimes advanced under other names and usually as an adjunct to the advocacy of national autonomy—and since the 1890s to such "rights" as education, health, housing, and employment. In 1848 Czech and Slovak patriots established political programs and parties for their respective peoples and defined much of the political and human rights agendas for the next seven decades.[7] Evident in this year of Czech and Slovak political awakening, and in subsequent discussions at Kroměříž of a proposed constitution for the Austrian Empire, are not only Czech and Slovak insistence upon civil liberties and national autonomy as natural rights of all peoples, but also an expressed willingness to work within some future constitutional monarchical system for the realization of those rights.[8]

Both this natural rights agenda and the pragmatic tactic for working within the system were well articulated by the distinguished Czech historian, František Palacký, the "father of (his) country" (otec národa), and by the nascent Czech national party.[9] After the Habsburgs refused in 1849 to accept the Kroměříž constitution and instituted autocratic imperial rule, Karel Havlíček, the most outspoken public advocate of liberal and patriotic goals, became through his continuing advocacy and his subsequent imprisonment, exile, and early death the foremost martyr of an enduring Czech struggle for human rights and national autonomy.[10] Similar objectives and tactics were advanced by Slovak political leaders at Turčiansky Svatý Martin in 1848 and reintroduced by their successors after the advent of constitutional rule in 1860.[11]

2. Czech and Slovak advocates of human rights during and after 1848 often sought inspiration, confidence, and guidance from the past, particularly from two groups of people whom they perceived to be predecessors. For Czechs, the first of these, beginning with the Přemyslid state, were the rulers, jurists, and elected representatives of the gentry and urban elites who established the rights and obligations of estates and municipalities vis-à-vis the crown.[12] Much studied in this regard

were the Desky zemské, those records of judicial and administrative decisions which, from the thirteenth century onward, defined or clarified specific rights of corporate entities or individuals.[13] Likewise studied were efforts by the diets of Bohemia and Moravia to maintain an elective monarchy and enlarge the autonomy of the kingdom of Bohemia within the Holy Roman Empire.

Fewer such individuals are found in Slovak history because the Slovaks, although usually led by an indigenous landed and educated elite, had no autonomous state of their own from the early tenth century until the clerical-authoritarian Slovak Republic of 1939 to 1945. Consequently, Slovaks, more often than Czechs, have idealized opponents of monarchical state and regional authority, including leaders of popular uprisings like Petr Császár and Gašpar Pika or rebels and outlaws like Juro Jánošík, a Slovak Robin Hood.[14]

Czech and Slovak advocates of human rights have much admired a second group of predecessors, including the influential and popular Czech proponents of freedom of conscience, notably John Hus and Jan Amos Komenský, and such later Slovak advocates of cultural and religious autonomy as Matej Bel and Anton Bernolák.[15] Still debated by historians is the extent to which there has ever been any direct and continuous development from fifteenth-century Hussites and sixteenth-century Czech and Slovak Protestant reformers to the strongly civil libertarian and frequently secular movements for human rights in the later nineteenth century. But, even if such continuity is not always demonstrable, these and other religious reformers have continued to inspire human rights activists from the mid-nineteenth century to the present.

Thus, for example, T. G. Masaryk contended that his "humanity program" for political reform at the turn of the century was, like the recently completed "national revival" (národní obrození), based on the ideals of Czech religious reformation.[16] Though distinguished contemporary critics like Josef Kaizl and Josef Pekař suggested that this interpretation was bad history, Masaryk and his Czech and Slovak colleagues employed it to good effect in helping to justify and establish Czechoslovak independence during World War I.[17]

3. Czech and Slovak human rights activists, while recognizing the extent to which their agenda might better be realized in conjunction with other popular objectives, usually remained aware of the danger of being co-opted by the advocates of other interests and ideologies like extreme nationalism and Marxism-Leninism, both of which proved

susceptible to anti-Semitism and the persecution of alleged "racial" or "class" enemies. Nonetheless, the frequent coupling by Czechs and Slovaks of national with human rights agendas is understandable in light of historical experience. In an authoritarian constitutional Habsburg monarchy that discriminated against certain nationalities in favor of others—the so-called "ruling" German and Hungarian nationalities—Czechs and Slovaks sought to enlarge their ability to use their own languages in all public institutions, notably in schools, self-government, and the courts. Czechs and Slovaks who were industrial workers or poor peasants keenly felt both their inability to use their native tongue in all public institutions and their exclusion by means of curial and class voting from representation, respectively, in provincial and local government.[18]

During the first Czechoslovak republic (1918–38), Czechs and Slovaks recognized that many advances in human rights—notably universal suffrage for both sexes in all levels of government—and social welfare legislation came only as a consequence of national independence, and that the preservation of these rights required the maintenance of independence against a rearmed and aggressive Nazi Germany.[19] Subsequently, more than four decades of communist authoritarian and discriminatory rule further demonstrated that in surrendering national independence one surrendered all heretofore imperfectly realized human rights. The rebuilding of morally and physically devastated polities is thus underway since the Velvet Revolution of 1989 on the premise that the reestablishment and enlargement of human rights can occur only within the context of the free and autonomous development of the Czech and Slovak peoples.

4. Czech and Slovak advocates of human rights in every generation have known persecution but, with few exceptions, have persevered in pursuing their *desiderata*. Imprisonment was the price many human rights dissidents from Karel Havlíček to Václav Havel paid for having publicly challenged various assumptions and practices of the ruling elite. The literature of dissidence is replete with published letters and diaries of persons incarcerated either in imperial Habsburg prisons before November 1918, in Nazi concentration camps during World War II, or in Communist prisons after February 1948. Prison diaries and letters have thus been among the most revealing and most popular publications addressing Czech and Slovak concerns for human rights beginning with Havlíček's letters from Brixen through the writings of the Omladina "conspirators" to Havel's *Letters to Olga*.[20]

5. Obstacles to the Czech and Slovak struggle for human rights have been imposed not only by foreign empires like the Habsburg Monarchy, Nazi Germany, and the Soviet Union, but also by those Czechs and Slovaks who, whether out of opportunism or conviction, helped establish and maintain the institutions and ideologies of those empires within the Czech and Slovak lands. That the secret police have had a long pedigree is evident in the popular description of Bach's Austria as a state run by "a standing army of soldiers, a kneeling army of priests, and a crawling army of informers" and in Jaroslav Hašek's contention that all Czechs are either "musicians, candidates for the doctorate, or police informers." The close ties between the educational and law enforcement establishments under communism were well illustrated by the employment of two sorts of instructors, the flesh-and-blood comrade professor and, should his efforts fail, *pan Obušek* (Mr. Billy Club), the "vulcanized teacher of Marxism-Leninism."[21] Even more insidiously destructive of trust and cooperation between citizens was the clandestine penetration of all schools and places of employment by paid informers of the State Secret Police (STB).[22]

6. Czech and Slovak advocates of human rights have been in another sense a minority among their fellow citizens, excepting the years from 1918 to 1938 and since 1989. More numerous at other times were those Czechs and Slovaks persuaded of the greater efficacy of working for limited reforms within established authoritarian laws and institutions be they of the Habsburg Monarchy, the Slovak Republic of 1939 to 1945, or the Czechoslovak Socialist Republic. Though these people achieved some limited successes in the short run, they erred in believing that the authoritarian system for which they worked could be reformed. In the long run, success came only to those human rights advocates who publicly demanded and then helped achieve the dismantling of every system whose arbitrary exercise of power rendered insecure all incremental reforms instituted "responsibly and actively."[23]

7. Human rights advocates among the Czechs and Slovaks were often persons who had made their life's work the advancement of the sciences, technology, medicine, or the arts and letters and who were among the most intelligent and articulate members of their generation. Most perceived their work on behalf of human rights to be a logical extension of their prior commitment to public service in one or more of the learned professions. Furthermore, they were well aware of the extent to which the advancement of their intellectual disci-

plines required freedom of discussion, free access to published information and opinion, travel abroad, and public support for careers open to talent.

Among Czechs and Slovaks, as among other peoples of Central and Eastern Europe who experienced many decades of censorship and restrictions on political activity, the arts and letters and theatres, like Semafor and the Balustrade, assumed many of the tasks of political and social criticism customarily handled in Western countries by a free press and political parties.[24] Elsewhere I have discussed at length the prevalence of medical doctors and mathematicians in the civil libertarian Young Czech as opposed to the more conservative Old Czech party.[25] Well known is the story of the prompt rallying in 1919 of the Czech and Slovak learned professions to the newly established Czechoslovak Republic. Six decades later, Charter 77 attracted adherents not only from Czechs and Slovaks who had been forced out of their chosen professions by "normalizers" but also from colleagues who recognized either the futility or the dishonesty of continuing to try to pursue their careers under an increasingly rigid and incompetent "normalized" communist system.[26]

8. At the same time, every movement for human rights among Czechs and Slovaks included members from all walks of life. Some emphasis upon the rank-and-file and the organizations—like Sokol or later KAN and K231—involved in the struggle for human rights is desirable both to maintain an historical perspective and to offset the typically Czech and Slovak tendency to view their history primarily as the work of courageous and intellectual leaders like Hus, Komenský, Palacký, Štur, Masaryk, Čarnugurský, and Havel.[27]

Besides, to suggest that the intelligentsia only, or even primarily, is responsible for the advancement of human rights is to ignore the presence of farmers, industrial workers, and white-collar employees within all such movements from 1848 to the present. It also ignores the fact that Czechs and Slovaks of the intelligentsia long enjoyed the many perks and privileges that came to those who, in the name of an authoritarian regime, ran state schools, universities, publishing houses, research institutes, and government offices. A famous example is the historian and former Young Czech, Zdeněk Tobolka, who wrote propaganda for Austria-Hungary during World War I and served as the librarian of parliament for the communists after the coup d'état of February 1948.

9. Every successful effort by Czechs and Slovaks at home in estab-

lishing or enlarging human rights has been assisted by the simultaneous and similar efforts of Czechs and Slovaks abroad. The indebtedness of domestic activists to political émigrés has been particularly pronounced at times when the former experienced unusually severe persecution, as in the years 1914 to 1918, 1939 to 1945, 1948 to 1953, and 1969 to 1989. The oldest prototype, despite its failure, for most subsequent Central and East European political emigrations was that of the Czech Protestant exiles during the Thirty Years War.[28] The four twentieth-century Czech and Slovak emigrations—1914, 1938–39, 1948, and 1968—helped in the first instance to create, and in all instances to keep alive, the contention that Czechoslovakia ought to be a free and independent country dedicated to maintaining civil liberties for all citizens. The right of the Slovaks to enjoy an autonomous political as well as cultural development was emphasized by Slovaks in all emigrations and by Czechs increasingly in the most recent two.

10. In their long and difficult struggle to advance human rights, Czech and Slovak civil libertarians at home, despite the encouragement of sympathetic émigrés and foreigners, could expect little direct and tangible assistance from abroad. Arguably, one strength of such activists was their recognition, be it that of T. G. Masaryk and the Progressive party before 1914 or that of the Chartists after 1977, that they could expect only limited foreign support and would consequently be obliged to rely primarily on their own efforts in working hard and patiently for reform, often in the face of indifferent or hostile fellow citizens.

Nonetheless, these activists derived considerable inspiration and encouragement not only from émigrés but from the achievements of human rights advocates in foreign countries. First, there were political parties, civil libertarian organizations, and even civic movements, like scouting, in Western European and North American countries whose citizens were long accustomed to representative national and local government. Second, within neighboring states, whether authoritarian or recently constitutional, were political parties whose programs included a civil rights agenda. Whereas the first group of parties provided encouragement and stimulated emulation by virtue of their long-standing success, the second group illustrated the efficacy of perseverance and courage of conviction against great odds. In the latter group before 1914 was the Serbian radical party, whose members had in 1903 supported the overthrow of King Alexander Obrenović and the establishment of representative constitutional government and an

anti-Habsburg foreign policy. Recently and under very different circumstances, Polish Solidarity was foremost among political movements in East European communist countries in providing inspiration and encouragement to Czech and Slovak human rights activists.[29]

11. Victory came to human rights advocates in 1918, 1945, and 1989, as indicated above, primarily from their courage of conviction and perseverance and in part from their coupling of a human rights agenda to other popular causes—notably efforts to achieve either greater national autonomy or national independence. Each victory was also to a lesser degree facilitated by the tactical mistakes and intellectual shortcomings of the opponents of human rights, such as the tendency of officials of Austria-Hungary and of the Czechoslovak Socialist Republic to believe their own propaganda, including the proposition that the majority of ordinary folk were interested exclusively in bread-and-butter issues and were otherwise content to accept all policies imposed from above.

12. Finally, as will be discussed in greater detail below, victory in each instance came about largely as a consequence of profound changes implemented from abroad, as in the Allied military defeat of Germany and her allies in 1918 and 1945, and in the attempted reform and subsequent disintegration of the Soviet empire during 1985–91. Still, much credit in every instance must be given to those Czech and Slovak advocates of freedom and equality at home who had so courageously and thoroughly laid the groundwork for the restoration of human rights: once change abroad forced change at home, they alone had the initial moral authority and necessary new political organizations with which to govern and to implement reforms.[30] Even though most were soon succeeded in political power by more practical and less ideological colleagues, their ideals prevailed in the First Czechoslovak Republic and continue to condition the policies of all Czech successor parties to the Civic Forum—the powerful ODS, the ODA, and the OH—and of all Christian Democratic and Social Democratic parties in the Czech Republic and Slovakia.[31]

PERIODS AND TURNING POINTS IN THE STRUGGLE FOR HUMAN RIGHTS

A look back over six generations of Czech and Slovak advocacy of human rights reveals at least three distinct long periods of development

(1848–1914, 1918–38, and 1948–89), each separated from the preceding period by five or more years of world war and revolution (1914–18 and 1939–45)—and in one instance also by less than three years of an incomplete and temporary restoration of national sovereignty and human rights (1945–48). Taking a longer historical view, one may simultaneously and without self-contradiction argue that the modern history of the Czechs and Slovaks may be divided into three epochs. First was that of Habsburg rule until 1918, and second was that of an independent Czechoslovak state whose seventy-four year development was interrupted by a six-year Hitlerite occupation and a forty-one-year Marxist-Leninist dictatorship. What promises to be a third epoch began on January 1, 1993 with the division of Czechoslovakia into independent Czech and Slovak republics, whose citizens perhaps now understand that if these states are to endure, they will have to do a much better job than their predecessors in advancing human rights, equality of opportunity, and economic prosperity.[32]

The Austro-Hungarian Legacy

The revolutions of 1848, as already noted, not only set much of the agenda for Czech and Slovak politics until 1914 but began seven decades of political and social conflict within the Habsburg Monarchy that ended only with that empire's disintegration in 1918 and replacement by independent territorial states. In the history of human rights, the twelve years after the revolutions of 1848 in the Habsburg lands mark a watershed between the manorial system and serfdom, abolished by the emancipation edict of September 1848, and the introduction of authoritarian constitutional rule to the Austrian Empire by the October Diploma of 1860 and the February Patent of 1861. The Habsburgs' dismissal of the decade-old centralized authoritarian Bach-Schwarzenberg regime followed defeats of the Austrian army by French and Piedmontese forces at Magneta and Solferino in 1859, just as the Habsburgs' conceding internal independence to Hungary in 1867 through the formation of the Austro-Hungarian Monarchy followed victory by Prussia and Italy over Austria in the Seven Weeks War of 1866. The Dual Monarchy survived another half-century, thanks in part to considerable economic growth, to the implementation of limited and long-postponed political reforms, and to the fact that peace prevailed in Europe.

These reforms constituted a small step toward the realization of hu-

man rights and included a gradual and slight reduction in the scope and arbitrariness of censorship, a modest increase in the authority of local self-governmental bodies, and the eventual extension of universal male suffrage to the lower house of the Reichsrat in Vienna. All such reforms, along with increased economic productivity and prosperity and the growing occupational differentiation of society, fostered popular participation in politics. This, in turn, stimulated greater public dissatisfaction with the denial of votes and of equal educational opportunities to women, and with the diminishing but still onerous imperial restriction of civil liberties and of male suffrage in elections to local and provincial representative bodies. Such dissatisfaction also addressed the fact that imperial ministers, including those responsible for law enforcement, national defense, and foreign policy, were not responsible to any parliamentary body and that the emperor was authorized in emergencies to suspend self-government and rule by degree.[33]

Within Austria-Hungary, a majority of the Czech and Slovak advocates of human rights sought to advance their agenda through political parties and patriotic societies on the one hand and through the institutions of local, district, and provincial self-government on the other. Primarily because the Slovaks lived in an economically underdeveloped Hungary politically dominated by a landed gentry, they enjoyed less material wealth and fewer civil liberties than the Czechs. Furthermore, unlike the Czechs, they had to struggle against an oppressive Magyarization by which the Hungarian authorities discouraged secondary and higher education in Slovak and proscribed many Slovak patriotic associations.[34]

Meanwhile, the Czechs, after consolidating their control over local, district, and much of provincial self-government during the 1860s, worked through their National, or Old Czech, party to try to obtain an internal independence within the Habsburg Monarchy comparable to that granted to the Hungarians in 1867. These efforts, culminating in the *tábor* campaign of 1868, met no success by 1871 and, combined with worsening economic depression and rising class conflict after 1873, helped stimulate the formation of the National Liberal, or Young Czech, party in 1874, a party that immediately took a more civil libertarian, anticlerical, and nationalistic posture toward the imperial authorities than did the Old Czechs.

In elections of 1891 to the Reichsrat and of 1895 to the Bohemian diet, the Young Czechs supplanted the Old Czechs as the dominant Czech political party. At their Nymburk congress of 1894 they reaf-

firmed their dedication to the "responsible and active" politics of working with and through imperial institutions, in association with the party of conservative great landowners, to advance national autonomy and economic growth. This policy failed in the years 1897 to 1899 when the Young Czechs were unable to obtain imperial approval for making Czech language the equal of German at all levels of Bohemian and Moravian provincial administration. Consequently, growing popular dissatisfaction with the Young Czechs stimulated the formation of new political parties by disgruntled Young Czechs or by their political opponents, to the extent that by the end of the nineteenth century a multiparty system had emerged in the Czech lands for the first time.[35] The years 1905 to 1908, beginning with Russia's defeat by Japan and ending with Austria-Hungary's instigation of the Bosnian crisis, saw universal male suffrage introduced into all elections to the lower house of the Reichsrat. These years also saw T. G. Masaryk continue to be a leading domestic advocate for human rights and for the first time become the most outspoken critic of Austro-Hungarian authoritarianism at home and imperialism abroad.[36]

The legacy of Austria-Hungary in the history of human rights is therefore twofold. On the one hand, the Austro-Hungarian experience may be said to have indirectly advanced human rights among Czechs and Slovaks in at least two respects. To the extent that the empire was constitutional as well as authoritarian, it permitted the development by Czechs and Slovaks of their first political parties, local self-governmental bodies (*samospráva*), trade unions, free and compulsory state-supported public schools, and patriotic associations like Sokol, the North Bohemian National Union, and the *Matica Slovenská*. Rights to own and develop private property and to organize corporations (mid-1850s), cooperatives (1873), and commercial banks facilitated the longest and most extensive increase in agricultural and industrial productivity in Czech and Slovak history, a growth that accelerated through the first decade of the Czechoslovak Republic and ended only in world depression. To the degree that private and corporate wealth funded Czech and Slovak civil libertarian and patriotic politics, sustained economic growth also helped promote a human rights agenda.

On the other hand, Austria-Hungary resembled later communist regimes in its supranational authoritarian government, imperialistic foreign policy, and manifold restriction of civil liberties. Two characteristics of politics under the Habsburgs—public deference to ruling elites and reliance upon police informers—anticipated and were in-

tensified by the practices of Nazis and Communists. Moreover, nazism was in part the product of racial animosities widespread since the eighteen-eighties in Germany and in the German-speaking Habsburg lands. And the intense class envy and hatred evident in Austria-Hungary and later in Czechoslovakia surely helped foster the growth of the Czechoslovak Communist party from its founding in 1921 until its seizure of power in 1948. Austria-Hungary backed up Imperial Germany in starting World War I, and Nazi Germany—of which Austria was a part—started World War II.[37] Just as Imperial German defeat and the disintegration of Austria-Hungary made possible Czechoslovak independence and the further development of human rights, so did the Allied victory over Nazi Germany in 1945 and the collapse of communism in Eastern Europe in 1989 make possible in each instance the restoration of those rights.

Communist Czechoslovakia (1948–1989)

Much less positive appears to be the legacy of more than four decades of Czechoslovak Communist totalitarian rule. Communists appear to have done only two things competently: swiftly seizing power for the first time by coup d'état, and thereafter annihilating capital. Though savage in their continued denigration and repression of human rights, they were never able to intimidate all citizens who insisted that such rights were as necessary to national as to individual freedom and prosperity. Considerable achievements in the arts and sciences appear to have occurred in spite of rather than as a consequence of communist rule. In fact, communism appears to have had very few redeeming features save, perhaps, for helping to oversee a slight reduction in infant mortality and several improvements in pediatric care. Perhaps the ugliest legacies of communism are its having destroyed much trust and understanding between citizens, and its having encouraged among the same citizens a thorough-going selfishness and disregard for community property and interests.

All such moral and physical degradation must be overcome if the human rights recently restored after 1989 are to flourish.[38] That this task will be more difficult for Slovakia as opposed to the Czech Republic was confirmed by the June 1992 elections, in which 60 percent of Slovak voters supported parties whose leaders, including former Communists or admirers of Father Josef Tiso, strongly opposed the accelerating advance of civil liberty and economic reform. These electoral re-

turns may in part be explained by 15 percent unemployment, by HZDZ and SNS advocacy of Slovak independence, by the Communists' having after 1968 spent more money per capita in Slovakia than in Bohemia or Moravia on new government jobs and new transportation and manufacturing facilities, and by the disinclination of many voters to have a bad conscience about the crimes of the Tiso and Husak regimes.[39]

The First Czechoslovak Republic (1918–1938)

The First Czechoslovak Republic was the only European state east of the Rhine to maintain parliamentary democratic institutions after 1933. It was not the first state in which Czechs and Slovaks lived together but was the first in which both enjoyed considerable civil liberties and managed foreign and military affairs. Despite its many shortcomings and its having maintained its independence for less than twenty-one years, it is, of all states under which Czechs and Slovaks have lived, the only one that still elicits much admiration, especially among Czechs.

Ninth-century Great Moravia, aside from having facilitated the Christianization of the Western Slavs, offers no secure historical foundation on which to establish Czech or Slovak national sovereignty or any common Czech and Slovak federal state. At that time, the Czech and Slovak languages and nationalities were not at all differentiated; and the short-lived and to this day little-understood political institutions of Great Moravia had no lasting influence on any that succeeded them.[40]

With the Přemyslid principality of the tenth through the thirteenth centuries, we are on surer ground in finding the oldest institution from which to trace the development of Czech sovereignty and of the notion of certain corporate entities enjoying special rights and privileges vis-à-vis the sovereign. This helps explain (1) the appropriation by the Czechoslovak Republic of the symbols, capital city, and seat of sovereignty (the *hradčany*) of Premyslid Bohemia and its successors, and (2) why this republic, the first independent Czech state since 1620, was understood by most Czechs to be the continuator and guarantor of an old tradition of national independence and certain civil rights.[41]

The Slovak relationship to this republic has always been much more complicated and problematic. Slovaks especially resented Czech advocacy of the political fiction of a common Czechoslovak nation-

ality (as opposed to the fact of a common Czechoslovak citizenship). Even the majority of Slovaks who conceded that this leadership was necessary and benevolent did not always care for the "elder brother" way in which it was sometimes exercised. Positively evaluated were the many new civil rights and opportunities for autonomous cultural development offered by the republic to Slovaks, most of whom still understand it to have been, with all its faults, a better state than either the Habsburg Monarchy, the Slovak Republic, or communist Czechoslovakia. Slovaks consider the latter to have been primarily a Czech pigsty, a harsh but basically accurate interpretation of the first twenty years of communist rule. But Slovaks must accept an equal share of responsibility for the brief Dubček era and the frightfully long "normalization" in which Husak and Bílak, among other Slovaks, played leading parts.

The short-lived Slovak Republic of 1939 to 1945—mercifully redeemed by the great Slovak National Uprising—had little to recommend it. Its viciousness is best revealed by its delivery of Slovak Jews to the Nazis, and its megalomania is best illustrated by its declaration of war upon the United States.[42]

Historians will long debate the extent to which the First Czechoslovak Republic fell as a consequence of external pressure or as the result of its own serious internal social, economic, and political problems. Having won independence only after the Allied defeat of German armies in the fall of 1918, it lost that independence after its former allies refused to stand up to German aggression in the fall of 1938.[43] Somewhat less debatable is the contention that the First Czechoslovak Republic, in two important senses, illustrates the necessary connection between state sovereignty and the realization of human rights. First, from 1848 to 1918, the supranational Habsburg Monarchy both severely restricted civil liberty and denied independence to its various peoples. Second, in 1918, as in 1945 and 1989, the restoration of Czechoslovak independence was the necessary prerequisite for the realization of extensive civil liberties and the establishment of republican institutions by which those liberties might be enlarged and additional human rights introduced. The substantial rights and opportunities introduced in 1918 included much greater freedom of expression and assembly, women's suffrage, increased access to secondary and higher education regardless of sex or income, extensive land redistribution designed to strengthen small independent farmers, and a very ambitious program of unemployment compensation and accident and illness insurance.[44]

The study of the history of the First Czechoslovak Republic and two of its successors—the Second Republic of October 1938 to March 1939 and the revived republic of May 1945 to February 1948—should be helpful to proponents of human rights in at least two regards. First, the historical events of 1938 and 1948 should especially illustrate the great extent to which the advancement of human rights must be an *international* preoccupation and responsibility. Second, the study of that history should reveal not only the utility of republican institutions in advancing human rights but the *fragility* of those very rights and institutions, thus arguing for the continued critical evaluation of the First Republic with a view to improving our understanding of the prospects and problems involved in reestablishing human rights in the Czech Republic and Slovakia.

In a related and negative sense, the history of the Czechs and Slovaks further illustrates the dangers of underestimating the fragility of human rights. During the Thirty Years War, Bohemia ceased to be a kingdom tolerant in religious matters and became the first and only predominantly Protestant country to be re-Catholicized by force. The allies of the Czech Protestants at the outset provided too little help too late and at the end sold them out to the Habsburgs in order to win concessions elsewhere. Nonetheless, the defeat and persecution of the Czech Protestants helped persuade foreign powers collectively to resist imperial aggression and reestablish an international balance of power.

Similarly, even though the betrayal of Czechoslovakia by Britain and France in the Munich pact of 1938 obliged these powers to fight Hitler under far less advantageous terms the following year, Hitler's violation of this pact by destroying Czechoslovakia in March 1939 at last awakened Britain and France to the folly of continuing to try to appease him.[45] Finally, although no foreign powers sought to stop the Czech and Slovak Communists from seizing power in February 1948, the subsequent suffering of the Czech and Slovak people aroused citizens in Western Europe and North America to the possible unpleasant consequences of not uniting to contain the spread of communism. Indeed, a stiffening of Western resistance to Soviet pressure was evident immediately after the February coup, a resistance that, further conditioned by Tito's expulsion from the Comintern and the advent of the Berlin blockade, culminated during the next year in the founding of NATO.[46]

Czech and Slovak Human Rights during Two World Wars

During both world wars, Czech and Slovak advocacy of human rights diminished as a majority of citizens adjusted to hard times and as a patriotic minority fought for Czechoslovak independence, believing it and Allied victory to be prerequisites for restoring and enlarging upon human freedoms. From the outbreak of war in 1914 until January 1917, the Habsburg authorities suspended activity by parliaments and political parties and throughout the entire war severely curtailed already limited civil liberties. To T. G. Masaryk, Germany's and Austria-Hungary's having begun a war of aggression demonstrated the futility of ever striving to establish fundamental human rights over and against the authoritarian traditions and institutions of those empires. In December 1914, this long-time proponent of human rights and women's emancipation went abroad to organize, with Milan Rastislav Štefánik and Edvard Beneš the revolutionary Czechoslovak National Council to direct the struggle for the destruction of Austria-Hungary and the establishment of Czechoslovak independence.

This chapter is not the place to summarize the well-known story of the winning of that independence. But I should indicate that prewar advocates of human rights and civil liberties constituted a majority of the leaders of the National Council abroad. Moreover, many such advocates served as its confidants within Bohemia and Moravia on the Secret Committee, or in the Czech Mafia, or abroad among the tens of thousands of rank-and-file council members drawn from Czech-American and Slovak-American organizations.[47] As postwar "President-Liberator" of Czechoslovakia, T. G. Masaryk used his enormous moral authority to help push through the civil libertarian, feminist, and limited social welfare legislation enacted by the red-green parliamentary coalition during the first four years of the new republic.[48]

In Czechoslovakia during the 1930s, efforts to enlarge human rights diminished as most citizens turned their attention to the economic problems associated with the Great Depression and to the growing threat of a rearmed Nazi Germany. At the same time, Czechoslovakia, as the only bastion of democracy left in Central and Eastern Europe, became a haven for German Jews and for other Germans, like Thomas and Heinrich Mann, who wished to continue to speak out against the increasingly routine Nazi violation of human rights. Public outrage at Britain's and France's sellout of Czechoslovakia and of republican and civil libertarian values at Munich was matched by the shame and anger of many citizens over the Beneš government's decision to accept

the Munich agreement. This rage, humiliation, and sense of isolation was adversely to influence Czechoslovak relations with the West throughout the next two generations. But none of this adequately explains why a majority of Czechs acquiesced in the Germans' creation of the Protectorate of Bohemia and Moravia and subsequent persecution or murder of Czech Jews generally and Czech patriots regardless of religious affiliation.[49] The sorry wartime record of the ostensibly independent Slovak Republic has already been mentioned.

After World War II began, with Hitler's invasion of Poland, many of the most fervent Czech and Slovak advocates of human rights were to be found in the Czechoslovak armed forces fighting with the Western Allies. These patriots understood very well that if Czechs and Slovaks were ever again to enjoy human rights, they would first have to help the Allies defeat Germany and reestablish an independent Czechoslovak republic. Other patriots, who after June 1941 fought as Czechoslovak units alongside the Red Army, also worked for Allied victory but had prepared a different postwar agenda. For a decade and a half after the Czechoslovak Communists seized power, they blackened the memory of the 1944 Slovak National Uprising and all who had helped it try to overthrow the Tiso regime. For nearly four decades, the same Communists denigrated and often persecuted Czech and Slovak patriots who had fought for their country in company with Western Allied armed forces. Innocents, like the inhabitants of Lidice, or Communists slaughtered by the Nazis, were much more often celebrated than non-Communist Czechs who had taken action against the protectorate. Today, at long last, these and other men and women, including participants and accomplices in the May 1942 assassination of Reinhard Heydrich, are being honored in their native country. The governments and most citizens of the newly independent Czech and Slovak republics are thus acknowledging the great extent to which fellow countrymen and women who fought the Nazis also fought to revive and protect human rights.[50]

CONCLUSIONS

The struggle to establish and enlarge human rights has been an integral and important part of modern Czech and Slovak history. Czechs and Slovaks have often given precedence to achieving and defending civil liberties and have usually contended that to do so successfully requires the prior establishment of state independence.

Under the First Czechoslovak Republic, Czechs and Slovaks broadened the definition of human rights to include women's rights and a safety net of health, unemployment, and accident insurance. The right to own and develop property, much touted when newly established in the 1860s and 1870s, and for half a century thereafter taken for granted, has recently been rediscovered and has been both celebrated as a human right and increasingly protected after the Velvet Revolution of 1989. That revolution, by which Czech and Slovaks began the reestablishment of democracy and freedom from outside powers, facilitated the resumption of public and private goals interrupted by fifty years of Nazi occupation and communist dictatorship.

The revolution came too late to save a united Czechoslovakia, whose good name was tarnished by four decades of communist rule and whose federal institutions after June 1992 had little support from many ambitious and nationalistic Slovak politicians—or from many Czech politicians desirous of accelerating the pace of political and economic reform.

Nonetheless, still valid is Václav Havel's assertion of 1968 that the history of the First Czechoslovak Republic has for Czechs and Slovaks an enormous moral importance, signifying both their desire and capacity for independence and self-government.[51] Recognition of that capacity and a willingness to learn from past mistakes surely helped inspire Czech and Slovak efforts to reestablish an independent Czechoslovakia in 1945 and again in 1968 and 1989. To the extent that the third effort succeeded for over three years, partial credit must be given to the sizable number of Czechs and Slovaks who have acknowledged the bankruptcy of all varieties of communism, sought to emulate the strengths and avoid the shortcomings of the First Republic, and recognized the need to establish more equitable relationships between Czechs and Slovaks, even at the price of dissolving of the federal state of Czechoslovakia.[52]

Ever difficult to assess is the question of the extent to which Czechs and Slovaks have had a democratic tradition in which the advancement of human rights took precedence over other goals. The contention that this tradition has been at the center of Czech and Slovak history since the Hussite revolution and the Protestant Reformation owes much to the scholarly and political writings of T. G. Masaryk and his admirers in succeeding generations. But this contention cannot easily be reconciled with the fact that for forty-seven of the fifty-five years since 1938, most Czechs and Slovaks have either cooperated with or deferred to dictatorial regimes.

Instead, one may plausibly suggest that any democratic tradition is much more popular (*lidová*) than civil libertarian in the sense that Czechs and Slovaks have each sought primarily to promote the interests of their nation or of particular classes within that nation. Proponents of such populist or collectivist views have usually objected to the excessive individualism or selfishness allegedly stimulated by strong emphasis upon human rights, preferring instead to stress the desirability of equality of outcomes as well as of opportunity. Such Czechs and Slovaks often gave precedence to the advancement of collective national objectives in instances where their realization might have conflicted with the exercise of free speech and public dissent. Disrespect for individual civil liberties could certainly be found among turn-of-the-century Czech proponents of *svůj k svému* boycotts of German or German-Jewish businesses. The same tendency was evident later among Czechoslovak Communists who drove alleged class enemies out of politics, the learned professions, and managerial positions in manufacturing and commerce.

Some critics skeptical of Czech and Slovak claims to possess a democratic tradition have argued that democracy and human rights were merely slogans by which Czechs, especially after 1918, sought to disguise from Western observers the least attractive aspects of Czech individualism, materialism, and imperialism—the latter ostensibly being directed primarily against Slovaks, Hungarians, Poles, and Germans. Far more plausible is the argument that Czechs and Slovaks twice formed a common state not only to realize political democracy but to overthrow and prevent any restoration of German or Hungarian rule. This in turn helps explain why, after 1989, Czechs and Slovaks could not agree to live together in one federal republic or to endorse mutual economic and civil libertarian objectives at a time when neither people feared Germany or Hungary and both sought German investment capital. Nonetheless, this chapter's survey of Czech and Slovak history since 1848 concludes with the contention that one may properly speak of a tradition of democracy and human rights among Czechs and Slovaks so long as one keeps in mind its having been important rather than dominant, and its having been extremely vulnerable to assault by domestic as well as foreign adversaries.

The success of Charter 77 and Catholic dissidents in inspiring the Velvet Revolution, and of Vaclav Klauss's ODS in organizing majority Czech support for accelerated economic and political reform, along with the achievements of Masaryk's pre-1914 Progressive party and

wartime National Council, support the assertion that Czech and Slovak work for democracy and human rights has grown more out of principled conviction than out of expediency.[53] But the long-acknowledged shortcomings of the First Republic and the many problems increasingly evident today in the Czech Republic and in Slovakia, especially in the latter, clearly indicate that advocates of human rights have their hardest work ahead of them.[54]

Notes

1. Recently published surveys of ten centuries of Czech and Slovak history include Jaroslav Krejčí, *Czechoslovakia at the Crossroads of European History* (London: I.B. Tauris, 1990); and Hans Brisch and Ivan Volgyes, *Czechoslovakia: the Heritage of Ages Past* (Boulder, CO: *East European Quarterly*, distributed by Columbia University Press, New York 1979). Among the better older surveys are Otakar Odložilík, *Nástin československých dějin*, 3rd ed. (London: 1943); and S. Harrison Thomson, *Czechoslovakia in European History*, 2nd rev. ed. (Princeton: Princeton University Press, 1953). Bibliographies may be supplemented by Rudolf Sturm, *Czechoslovakia: A Bibliographic Guide* (Washington, D.C.: Library of Congress, 1967). Seven recent studies of twentieth century problems are Miloš Hajek, Erika Kadlecová, Vojtěch Mencl, and Milan Otahal, *Křižovatkv 20. století: Světlo na bílá místa v nejnovějších dějinách* (Praha: Naše Vojsko, 1990); Josef Korbel, *Twentieth Century Czechoslovakia: The Meanings of Its History* (New York: Columbia University Press, 1977); Jan Křen, *Bílá místa v našich dějinách?* (Praha: Knihovna Lidových novin, 1990); Josef Kroutvor, *Potíže s dějinami: eseje* (Praha: Prostor, 1990); Milan Otahal, Petr Pithart, and Petr Přihoda, *Češi v dějinách nové doby* (Praha: Rozmluvy, 1991); Petr Pithart, *Dějiny a politika* (Praha: Prostor, 1990); and Norman Stone and Eduard Strouhal, eds., *Czechoslovakia: Crossroads and Crises, 1918–88* (London: Macmillan Press, 1989).

2. Among the first works to address Czech advocacy of civil liberties in the context of Bohemian State Rights politics were Jan M. Černý, *Boj za právo*

(Praha: Bursík and Kohout, 1870); Jakub Arbes, *Plač koruny České neboli Persekuce lidu českého v letech 1868–1873*, 2nd rev. ed. (Praha: Fr. Bačkovský, 1894); Jakub Arbes, *Persekuce lidu českého...1868–1873*, a supplement to the previous work (Praha: Fr. Bačkovský, 1896); Gustav Eim, *Politické úvahy*, ed. Josef Penížek (Praha: J. Otto, 1898); and Karel Sladkovský, *Výbor z politických řečí a úvah Dra. Karla Sladkovského*, ed. Servác Heller (Praha: J. Otto, 1899). I thank Joseph Svoboda, University Archivist of the University of Nebraska–Lincoln, for commenting on a first draft of this paper and Professor Gary Cohen of the University of Oklahoma for his evaluation of a related paper on the Czech intelligentsia and civil libertarian politics under Austria-Hungary.

3. English-language works based on Czechoslovak archival sources include Stanley Z. Pech, *The Czech Revolution of 1848* (Chapel Hill, NC: University of North Carolina Press, 1969); Bruce M. Garver, *The Young Czech Party, 1874–1901, and the Emergence of a Multi-Party System* (New Haven: Yale University Press, 1978); and H. Gordon Skiling, *Czechoslovakia's Interrupted Revolution* (Princeton: Princeton University Press, 1976).

4. Works of this genre very much worth reading include Robert Kann, *The Multinational Empire: Nationalism and National Reform in the Habsburg Monarchy* (New York: 1950); Hugo Hantsch, *Die Geschichte Osterreichs* (Innsbruck, 1962); and Arthur May, *The Habsburg Monarchy. 1867–1914* (Cambridge: Harvard University Press, 1951). Among studies more critical of the Habsburgs are Oscar Jaszi, *The Dissolution of the Habsburg Monarchy* (Chicago: University of Chicago Press, 1929); and A. J. P. Taylor, *The Habsburg Monarchy, 1809–1918* (London: 1948).

5. Czechoslovak Marxist surveys of aspects of nineteenth century Czech history vary considerably in quality. Among the most tendencious and superficial are František Červinka, *Český nacionalismus v XIX. století* (Praha: Svobodné Slovo, 1965); and Jurij Křížek, *T.G. Masaryk a česká politika* (Praha: S.N.P.L., 1959). Solid and more recent works include Jiří Kotalík, ed., *Povědomí tradice v novodobé české kultuře (Doba Bedřicha Smetany)* (Praha: Národní galerie, 1988) and Otto Urban, *Česká společnost, 1848–1918* (Praha: Svoboda, 1982).

6. So is the Czechoslovak Marxists' having removed from secondary and high school curricula any thorough study of political science and sociology apart from the several aspects of the disciplines included in required courses on Marxism-Leninism or in related subjects.

7. Karel Kazbunda, *České hnutí roku 1848* (Praha: Historický Klub, 1929); Oldřich Mahler and Miroslav Broft, *Události pražské červnu 1848* (Praha: Panorama, 1989); Pech, *The Czech Revolution of 1848*; and František Roubík, *Český rok 1848* (Praha: Ladislav Kuncíř, 1931) are comprehensive general surveys.

8. A comprehensive documentary collection of popular petitions from 1848 in which requests appear for extended civil liberties and improved public education in the Czech language may be found in František Roubík, ed., *Petice venkovského lidu z Čech k Národnímu výboru z roku 1848* (Praha: CSAV, 1954); and Jiří Radimský and Milada Wurmová, eds., *Petice moravského lidu k sněmu z roku 1848* (Praha: Archivní správa ministerstva vnitra, 1955).

9. On Palacký as a scholarly historian and patriot, see Joseph F. Zacek, *Palacký: The Historian as Scholar and Nationalist* (The Hague: Mouton, 1970). On Palacký's legacy as political party leader, see Bruce M. Garver, "Palacký and Czech Politics after 1876," *East European Quarterly* 15. 1, (Spring 1981): 41–56.

10. This autocratic rule was identified principally with Prince Schwarzenberg and Alexander Bach. The most recent and thorough English language study of Havlíček contains a good bibliography: Barbara K. Reinfeld, *Karel Havlíček (1821–1856): A National Liberation Leader of the Czech Renascence* (Boulder, CO: East European Monographs, 1982). Newer monographs are Jiří Morava, *C. k. disident Karel Havlíček* (Praha: Panorama, 1991), and Slavomír Ravík, *K. H. Borovský (Portrét bojovníka)* (Praha: Prazska imaginace, 1991).

11. On the Slovaks in 1848, see the survey and large documentary collection edited by František Bokes, *Dokumenty k slovenskemu narodnemu hnutiu v rokoch 1848–1914*, 3 vols. (Bratislava: SAV, 1962).

12. Recent studies of the later Přemyslid rulers in which such topics appear are Josef Žemlička, *Století posledních Přemyslovcu* (Praha: Panorama, 1986); and Josef Žemlička, *Přemysl Otakar I.* (Praha: Svoboda, 1990). On the immediate legacy of the latter Přemyslids, particularly in Prague, see Jaroslav Mezník, *Praha před Husitskou revoluci* (Praha: Academia, 1990).

13. On the *Desky zemské* and their importance in Czech and Czechoslovak history, see the interpretative essay regarding the public exhibition of the *Desky* in the fall of 1990 by Pavla Burdová, *Desky zemské království Českého* (Praha: Státní ústřední archiv, 1990); and the new inventory and registry of the *Desky* by the same author: Pavla Burdová, *Desky zemské, 1541–1869: Inventář, Seznamy kvaternu, Rejstřík věcný*, one volume in two parts (Praha: Státní ústřední archiv, 1990). The latter work also includes an analytical essay on the utility of the *Desky* to historians and on how the *Desky* have been organized and cataloged by the State Central Archive.

14. The early modern Slovak past is well revealed by Vladimir Matula, Jozef Vozar et. al. (Bratislava: Veda, 1987). The best illustrative survey of the last millenium is Matuš Kučera and Bohumír Kostický, *Slovensko v obrazoch: Historia* (Martin: Osveta, 1990).

15. T. G. Masaryk's interpretation of Hus and Komenský in this regard is well expressed in his *Jan Hus: Naše obrození a naše reformace*, 3rd rev. ed.

(Praha: "Cas," 1903); *Hus českému studentstvu: První akademická slavnost Husova v Praze, 29 června 1899* (Praha: Spolek "Jeronym," 1899); and *J. A. Komenský Přednaska T. G. Masaryka ve studenském spolku "Slavii" dne 27. března 1892. v předvečer 300. vyročí Komenského nározenín*, 2nd ed. (Praha: Státní nakladatelství, 1920). An excellent recent biography of Hus is Matthew Spinka, *John Hus: A Biography* (Princeton: Princeton University Press, 1968). A comparable work on the Slovak Reformation from a Protestant perspective is Ján Kvačala, *Dějiny reformacie na Slovensku* (Liptovský Sv. Mikuláš, Spolek Tranoscius, 1935). For several different points of view and additional information, refer to L'udovít Holotík and Anton Vantuch, eds., *Humanizmus a renesancia na Slovensku v 15.–16. storočí* (Bratislava: SAV, 1967). On Matej Bel and the age of Enlightenment and their subsequent influence on Slovak history, see the chapter by Ján Tibenský, in L'udovít Holotík and Ján Tibenský, eds., *Dejiny Slovenska*, vol. I: *Od nastarších čias do roku 1848* (Bratisava: SAV, 1961) 344–94. An introduction to Bernolák and the development of Slovak language and national consciousness through L'udovít Štúr may be found in Albert Pražák, *Dejiny spisovné Slovenstiny po dobu Štúrovu* (Praha: Gustav Voleský, 1922) 116–287; and Andrej Mraz, *Dejiny Slovenskej literatury* (Bratislava: Slovenská Akademia Vied a Umeni, 1948) 90–136. Fairly recently collected and published are many of Bernolák's polemical writings, Anton Bernolák, *Bernolákovské polemiky*, ed., Imrich Kotvan (Bratislava: SAV, 1966).

16. This "humanity program" was most succinctly expressed in its practical as well as theoretical aspects in *Rámcový program české strany lidové (realistické)* (Praha: Česká strana lidová, 1900), especially 1–18 and 9–107. More theoretical but equally indicative of the sources and directions of Masaryk's "humanity program" are the then-contemporary works *Jak pracovat: přednašky z roku 1898* (Praha: Orbis, 1926) of 1898; *Ideály humanitní: několik kapitol*, 8th ed. (Praha: Čin, 1901, 1945).

17. I discuss the mid-1890s debate between Masaryk and Kaizl on "the Czech question" in my *The Young Czech Party*, 20–216, and review the pertinent publications by both men and their supporters and opponents. For example, on page 211, I contend that "contemporaries recognized that the (following two) essays of Masaryk and Kaizl dealt primarily with the nature and course of Czech politics and only incidentally with the Czech past. Kaizl more fully understood contemporary law and political institutions and took a less present-minded view of the past. But Masaryk proved to be the better prophet. If he overestimated the power of ideas and moral values in history, Kaizl underestimated them, not least of all the strength of Masaryk's own ideals." Josef Kaizl's, *České myšlenky* (Praha: Edvard Beaufort, 1896) was in many respects a reply and critical evaluation of Masaryk's *Česká otázka: snahy a tužby Národního*

obrození (Praha: "Čas," 1895). The latter has been translated into English by Peter Kussi with an introduction by René Wellek, as *The Meaning of Czech History* (Chapel Hill, NC: University of North Carolina Press, 1974). The debate between Masaryk and Pekar and their followers on the sense and direction of Czech history is discussed in the broad context of Czech historiography by Jan Slavík, *Pekař contra Masaryk: ke sporu o smyslu českých dějin* (Praha: Čin, 1929); Otakar Odložilík, "Modern Czech Historiography," *Slavonic and East European Review* 30 (1951–52): 376–92; and S. Harrison Thomson, "T. G. Masaryk and Czech Historiography," *Journal of Central European Affairs*, 10 (1950): 7–52.

18. In *The Young Czech Party*, pages 29–59 and 88–98, I discuss the related questions of Czech politics suffrage, and the two-tracked Imperial system of government, including self-governmental institutions. Very little has otherwise been written about these questions in English, despite the enormous number of Czech publications.

19. I survey all of this legislation in my chapter "Women in the First Czechoslovak Republic," in Sharon L. Wolchik and Alfred G. Meyer, eds., *Women, State, and Party in Eastern Europe* (Durham, NC: Duke University Press, 1985) 64–81, 377–80.

20. Karel Havlíček, *Korrespondence Karla Havlíčka Borovského*, ed. Ladislav Quis (Praha: Bursík and Kohout, 1903). A comprehensive, topically organized, and thoroughly indexed work: Josef Soukup, *Omladináři: bojovníci a mučedníci za československou samostatnost: okénka do slavných a památných let devadesátych*, 2nd ed. (Praha: Josef Soukup, 1935); Bořivoj Weigert and Jan Ziegloser, eds., *Omladina: 25 let po procesu. Vzpomínky* (Praha: "Ženský Obzor," 1919); and Václav Havel, *Dopisy Olze: z autorových dopisů odesílaných v letech 1979–1982*, ed. Jan Lopatka (Praha: Atlantis, 1990), recently translated into English as *Letters to Olga* (New York: New Directions, 1988). See also Václav Havel, *Dálkový výslech (Rozhovor s Karlem Hvížd'alou)* (Praha: Melantrich, 1989), or the same text in English, Václav Havel, *Disturbing the Peace: A Conversation with Karel Hvížd'ala*, trans. Paul Wilson (New York: Alfred A. Knopf, 1990).

21. *"Vulkanizovaný učitel Marx-Leninismu"* was a frequently heard term during the *doba totality*. During the fall of 1990, I lived in Prague-Břevnov at the *kolej Hvězda* near a large and fairly new apartment complex popularly known as *sidliště "obušek"* because of the many current and former members of the STB who resided there.

22. An estimation of the extent and nature of such clandestine STB operations may be obtained by studying the list of over 110,000 paid STB collaborators (162,882 entries of names and birthdates including some more than once

and accounting for up to 90 percent of those employed) published in *Rudé krávo: necenzurované noviny*, vol. II, Nos. 13–15 (Prague: June 1992) 187 pages. *Rudé krávo* (red cow) makes fun of Czechoslovak Communists by changing one letter in the name of their daily newspaper, *Rudé právo* (red right[s]).

23. The adjectives "responsible" and "active" were those used by the Young Czech party at its congress of September 1894, in Nymburk. I discuss this congress and its consequences in the seventh chapter of my book, *The Young Czech Party*, 10–216, titled "Responsible and Active Political Work." Coincidentally, in 1971 and 1973 I heard several reform-minded communist colleagues use the same adjectives, among others, to describe their "positive" achievements, which in turn they cited in trying to justify their having stayed within "the system" after the advent of "normalization." "Positive politics" as the means to incremental improvement—"step by step"—was, in fact, the policy of the later Young Czech party under the leadership of Kramář and Škarda after the reorganization of 1905–1906. Different words, like Rieger's and the Old Czechs' "foraging for crumbs" under the imperial banquet table, at different times described the same policy of working patiently within the system to obtain gradually and one by one the objectives of one's party. But, the three times the Czechs and Slovaks came out from under dictatorial rule—1918, 1945, and 1989—they did so rapidly, by revolution, and not primarily as a consequence of earlier incremental reforms.

24. *Jonáš a doktor Matrace*, featuring Jiří Suchý and Jiří Šlitr by the Semafor Theater on June 10, 1969, appears on two long playing records (Praha: PRIMUS, 1990). Suchý's memoirs shed light on the origins of Semafor: Jiří Suchý, *Vzpomínana (od Reduty k Semaforu)* (Praha: Melantrich, 1991). The direct part played by the Semafor staff in the politics of 1989 is chronicled in Jiří Datel Novotný, Karel Černý, Marcela Kopáčková, and Petr Pražák, eds., *Semafor ve stávce* (Praha: Státní pedagogické nakladatelství, 1990).

25. "Who were the Young Czechs," 128–146, in *The Young Czech Party*. For example, the most influential of the medical doctors in the party were Edvard Grégr, the leading firebrand of the party through more than three decades, and Emanuel Engel, its chairman during the 1880s.

26. The principal published source of information about and of policy statements by Charter 77 is *Charta 77. 1977–1989: Od morální k demokratické revoluci. Dokumentace*, ed., Vilém Prečan (Bratislava: ARCHA, 1990: and Scheinfeld-Schwarzenberg: Čs. středisko nezávislé literatury, 1990).

27. Sokol worked for the advancement of human rights, primarily by encouraging individual members to become physically fit and mentally alert less for personal self-fulfillment than for facilitating their work with fellow members in community and national service. On the same grounds, the Boy Scouts

might be included among Czech and Slovak organizations that advance a human rights agenda because of their citizenship training. See the recently republished classics by Velen Fanderlik, *Listy Jurovi metodika výchovy v junáckém oddíle* (Brno: Blok, 1991); and Jarosav Foglar, *Tábor smuly: Skautské taškařice* (Praha: Novinář, 1990). The most recent monograph to address the interests and life of one of Sokol's two principal founders is Zora Dvořáková, *Miroslav Tyrš: prohry a vítězství* (Praha: Olympia, 1989). See also by the same author, Zora Dvořáková, *T. G. Masaryk, Sokol a dnešek* (Praha: Hříbal, 1991). KAN and K231, two of the most active organizations in collectively advocating the revival of civil liberties in 1968, are well discussed in H. Gordon Skilling, *Czechoslovakia's Interrupted Revolution* (Princeton: Princeton University Press. 1976), especially 25–66, 546–48, and 267–68.

28. Bruce Garver, "Americans of Czech and Slovak Ancestry in the History of Czechoslovakia," *Czechoslovak and Central European Journal* 11.2 (Winter 1993): 1–14. For information on the Czech part in the Thirty Years War and in its consequences, English-speaking readers are referred to J. V. Polišenský, *The Thirty Years War*, trans. R. J. W. Evans (Berkeley and Los Angeles: University of California Press, 1971) and R. J. W. Evans, *The Making of the Habsburg Monarchy* (Oxford: Oxford University Press, 1979).

29. On the great importance of Solidarity to Czechoslovak Chartists and other advocates of human rights, see Václav Havel's speech of January 25, 1990 in Warsaw to the Polish House of Representatives and Senate, "Projevy v polském Sejmu a Senátu," in Václav Havel, *Projevy: leden—červen 1990*, ed. Vilém Prečan (Praha: Vyšehrad, 1990), 39–46; and Havel's open letter of May 1985 to Polish President W. Jaruzelski, "Otevřeny dopis Generálu W. Jaruzelskému," in Václav Havel, *Do ruzných stran: Eseje a články z let 1983–1989*, ed. Vilém Prečan (Praha: Lidové noviny, 1990) 351.

30. Besides the above cited works by Václav Havel and the documentary collection, *Charta 77: 1977–1989*, many publications address the aims and activities of the domestic advocates of human rights who protested against dictatorial Communist practices after the advent of Charter 77. Some such works not only provided moral, philosophical, and historical justification for this advocacy and protest, but also helped intellectually undermine Communist pretensions to understand and act in accordance with "history": Jan Patočka, *Kacířské eseje o filosofii dějin* (Praha: Academia, 1990), dating from 1972; Jan Patočka, *Negativní platonismus* (Praha: Československý spisovatel, 1990). From 1953; Jan Patočka, *Přirozený svět jako Filosofický problém* (Praha: čs. spisovatel, 1992); and Radim Palouš, *Světověk neboli 1969: Hypotéza o konci novověku, ba o konci celého Eurověku a o počátku světověku* (Praha: Vyšehrad, 1990). Works relating the history of resistance and the consequent

suffering of imprisonment or persecution include Jiří Gruntorad and Petr Uhl, eds., *O Československém vězeňství (sborník Charty 77)* (Praha: Orbis, 1990); Václav Havel, *Do ruzných stran: eseje a članky z let 1983–1989*, ed. Vilém Prečan (Praha: *Lidové Noviny*, 1989); Jiří Ruml, *Znamínko na duši* (České Budějovice: Jihočeská tiskárna for the Zapadočeské nakladatelství, 1990), a work originating at the time of Ruml's imprisonment in 1981; and František Vanēček, *Deník Chartisty aneb stalo se v kraji zvykem* (Praha: Primus, 1990).

31. Successors are the ODS (Civil Democratic Party), currently the dominant party in the Czech Republic, the much smaller ODA (Civic Democratic Alliance), and the OH (Civic Movement), unrepresented in any parlimentary bodies since the June 1992 elections because it received less than 5 percent of the vote. The continued commitment of the ODS to human rights is evident in statements of its principal spokesperson, Václav Klaus, including those published in his *Proč jsem konzervativcem!* (Praha: TOP Agency, 1992), and Karel Hvížďala, *První zpráva (Rozhovor s Václavem Klausem)* (Praha: Cartoonia, 1992). That the social democratic parties support human rights is clear, even though such advocacy by former Communists like Valtr Komárek appears to smack more of opportunism than conviction.

32. Though equal opportunities for women are not yet realized, progress in that direction seems likely, at least in the Czech Republic.

33. This paragraph summarizes many themes I address at length in my book, *The Young Czech Party and the Emergence of a Multi-Party System*. A more detailed discussion of institutional and legal history of the same period and for a different perspective on some issues, see Leonard Bianchi, ed., *Dejiny štátu a práva na uzemí Československa v období kapitalizmu. 1848–1945*, 2 vols. (Bratislava: SAV, 1971 and 1973).

34. Surveys of Slovak history during the Dual Monarchy include Viktor Borodovčák, *Poliaci a slovenský národný zápas v rokoch dualizmu* (Bratislava: SAV, 1969); L'udovít Holotík and Július Mésároš, eds., *Dejiny Slovenska*, vol. II: *Od roku 1848 do roku 1900* (Bratislava: SAV, 1968); and the first of two parts of Miroslav Kropilák and Julius Mésároš, eds., *Matica Slovenská v našich dějinách: Sborník statí* (Bratislava: SAV, 1963).

35. This is the main development among many that I discuss in my book *The Young Czech Party and the Emergence of a Multi-Party System*.

36. This sentence summarizes the principal theme of my chapter in the recently published three-volume collection of studies of many aspects of T. G. Masaryk's life of extraordinary intellectual and political achievement: Bruce M. Garver, "Masaryk and Czech Politics, 1906–1914," in Stanley B. Winters, ed., *T. G. Masaryk (1850–1937)*, vol. I: *Thinker and Politician* (London: Macmillan, in association with the School of Slavonic and East European Studies,

University of London, 1990), 225–257. The other volumes in the series are Robert B. Pynsent, ed., *T. G. Masaryk (1850–1937)*, vol. I: *Thinker and Critic* (London: Macmillan, 1990); and Harry Hanak, ed., *T. G. Masaryk (1850–1937)*, vol. III: *Statesman and Cultural Force* (London: Macmillan, 1990). The principal new work on Masaryk to appear at the same time in Czechoslavkia is Jaroslav Opat, *Filozof a politik T. G. Masaryk, 1882–1893 (Prispevek k zivotopisu)* (Praha: Melantrich, 1990).

37. Much controversy still surrounds the origins of World War I and, to a much lesser extent, World War II. For my understanding of the outbreak of the first war I am most indebted to Luigi Albertini, *The Origins of the War of 1914*, 3 vols. (New York: Knopf, 1952–53); Fritz Fischer, *War of Illusions*, trans. Marion Jackson (New York: Norton, 1967); Fritz Fischer, *Germany's Aims in the First World War* (New York: Norton, 1967); and R. J. W. Evans and H. Pogge von Strandmann, eds., *The Coming of the First World War* (Oxford: Oxford Univ. Press, 1990).

38. An enormous scholarly and polemical literature addresses the history of more than forty-one years of communism in Czechoslovakia. Only a representative sample can be cited here, beginning with the already mentioned monumental work by H. Gordon Skilling, *Czechoslovakia's Interrupted Revolution*, still the most thorough study of the events of 1968 and their causes and consequences. The best single-volume collection of documents remains the famous *Black Book*, republished last year with several additions as Josef Macek et al., *Sedm pražských dnu 21.–27. srpen 1968: Dokumentace* (Praha: Academia, 1990). The largest published bibliography of this period is Z. Hejzlar and V. Kusin, *Czechoslovakia 1968–1969: Bibliography, Chronology* (New York: Garland, 1974). The best general history of the Czechoslovak Communist Party from its founding in 1921 through 1948 is Jacques Rupnik, *Histoire du parti communiste tchécolovaque: Des origines à la prise du pouvoir* (Paris: Presses de la Fondation nationale des sciences politiques, 1981). One of several witty first-hand accounts by former and soon-disillusioned participants is Otto Ulč, *The Judge in Communist State* (Athens: Ohio University Press, 1972). A comprehensive documentary collection now being republished in Prague is Antonın Kratochvíl, *Žaluji*, Vol. I: *Stalinská justice v Československu* (Praha: Edice Čas, 1990), Vol. II: *Vrátit slovo umlčeným* (Praha: Edice Čas, 1990); and Vol. III: *Cesta k sionu* (Praha: Edice Čas, 1990). Representative of recently published studies, listed here in chronological order of problems discussed, are Karel Kaplan, *Pravda o Československu, 1945–1948* (Praha: Panorama, 1990, reprint of the Munich edition of 1985); Jiří Lederer, *Jan Palach (Zpráva o životě, činu a smrti ceskéko studenta)* (Praha: Novinář, 1990); Pavel Tigrid, *Dnešek je váš, zítřek je náš: Dělnické revolty v ko-

munistických zemích (Praha: Vokno, 1990), reprint of edition by INDEX in Koln, 1982); and Milan Hübl, *Cesty k moci* (Praha: Naše Vojsko, 1990), with emphasis on the decline and first days of Czechoslovak Communist leadership.

39. The June 1992 elections and their consequences were well covered by the leading daily newspapers in Prague and Bratislava. Among the many interesting books published just before the election are Stanislav Benda and Jan Kulhavý, *Dva roky pro budoucnost: 99 parlamentních rozhovoru* (Praha: ALFA, 1992); Fedor Gal et. al., *Dnešní krize česko-slovenských vztahů* (Praha: Sociologické nakl., 1992); Václav Havel, *Letní přemítání* (Praha: Odeon, 1991); Eva Petrasová, *Případ Mečiar: Ako to bolo naozaj?* (Bratislava: Agentura CESTY, 1992); Vladimir Mikule, *Volby do federalního shromáždění: texty předpisů s komentařem* (Praha: Pravnické a ekonomické nakl., 1992); and Petr Pavlovský, *Chod'te vpravo!* (Praha: H and H, 1992).

40. Given so few primary written sources, the history of Great Moravia is based extensively on archaeological evidence. One of the few recent publications in English translation is the magnificently illustrated volume written by Ján Dekan, *Moravia Magna, The Great Moravian Empire: Its Art and Times,* trans. Heather Trebatická (Minneapolis: Control Data Arts, 1981) from the 1976 publication in Slovak by the Tatran press.

41. Sources on Přemyslid Bohemia are cited in note 12.

42. A concise survey of the Slovak Republic is Jörg K. Hoensch, "The Slovak Republic, 1939–1945," in Victor Mamatey and Radomir Luža, eds., *A History of the Czechoslovak Republic, 1918–1948* (Princeton: Princeton University Press, 1973), 271–95. A recently published memoir and evaluation of the Slovak National Uprising is Vladimír Žikeš, *Slovenské povstání bez mýtu a legend* (Praha: Univerzum, 1990).

43. The published literature on the First Czechoslovak Republic is enormous. Mamatey and Luža, eds., *A History of the Czechoslovak Republic,* is the most comprehensive single volume on this subject in English. A synthetic evaluation by one author is Věra Olivová, *The Doomed Democracy: Czechoslovakia in a Disrupted Europe, 1914–38,* trans. George Theiner (Montreal: McGill-Queen's University Press, 1972). An important problem in foreign policy is addressed by F. Gregory Campbell, *Confrontation in Central Europe: Weimar Germany and Czechoslovakia* (Chicago: University of Chicago Press, 1975). The most thorough and penetrating evaluation of Munich, with emphasis on diplomacy, is Telford Taylor, *Munich: The Price of Peace* (Garden City, NY: Doubleday, 1979), a book that also contains a large bibliography. The founding and making of the new state are very explicitly, though in a few instances inaccurately, discussed in the sometimes partisan but nonetheless still

classic work by Ferdinand Peroutka, *Budování státu: československá politika v letech popřevratových,* vols. 1–4 2nd ed. (Praha: Fr. Borový, 1934–36). For Slovak events and a more Slovak perspective, see the monumental and thoroughly documented work by K. A. Medvecký, *Slovenský prevrat,* 4 vols. (Trnava: Spolok Sv. Vojtecha, 1931).

44. On the Czechoslovak women's movement and on reform legislation generally, see Bruce Garver, "Women in the First Czechoslovak Republic." For much information and opinion about new developments in military affairs and national defense, see Rudolf Hudec, ed., *Památník československých rotmistru k pátému výročí nasi samostatnosti* (Praha: Ústřední Svaz československých rotmistru z povolání, 1923).

45. An excellent companion to Telford Taylor's *Munich* on this question is Williamson Murray, *The Change in the European Balance of Power, 1938–1939: The Path to Ruin* (Princeton: Princeton Univesity Press, 1984), the best study of military policies and capabilities of the principal powers involved.

46. On the coup of 1948, see Josef Korbel, *The Communist Subversion of Czechoslovakia, 1938–1948: The Failure of Coexistence* (Princeton: Princeton University Press, 1959); and Karel Kaplan, *Pravda o Československu, 1945–1948,* as representative works of American and Czechoslovak scholarship.

47. A large body of literature discusses the wartime struggle for Czechoslovak independence. On the Secret Committee and on Czech-Yugoslav relations especially and on domestic developments generally, see Milada Paulová, *Dějiny Maffie: Odboj Čechu a Jihoslovanu za světové války 1914–1918,* 2 vols. (Praha: Československa Grafická Unie, 1937); Milada Paulová, *Jihoslovanský odboj a česká Maffie* (Praha: A. Bečková, 1928); and Milada Paulová, *Tajný výbor (Maffie) a spolupráce s Jihoslovany v letech 1916–1918* (Praha: Academia, 1968). On efforts abroad to help achieve independence, see Karel Pichlík, *Zahraniční odboj, 1914–1918, bez legend* (Praha: Svoboda, 1968); Vojta Beneš, *Českslovenská Amerika v odboji,* Vol. 1: *Od června 1914 do srpna 1915* (Praha: "Pokrok," 1931); and the last part of Bruce M. Garver's "Czech-American Freethinkers on the Great Plains" in Frederick C. Luebke, ed., *Ethnicity on the Great Plains* (Lincoln: University of Nebraska Press, 1980) 147–169. Representative of the many publications on the Czechoslovak Legions in Russia is Bohumil Přikryl, et al., eds., *Zborov: Památník k třicátámu výročí bitvy u Zborova. 2 července 1917,* 3rd ed. (Praha: Čin, 1947); and Vojta Holecek, Rudolf Medek, Otakar Vanek, *Za svobodu: obrázková kronika československého revolučního hnutí na Rusi, 1914–1920* (Praha; Ant. Reise, 1925–29).

48. Allied support for the Czechoslovak National Council (CNC) increased in the spring of 1917 with the advent of a revolutionary provisional government in Russia and with American entry into the war against Germany. Allied recog-

nition came in the late summer of 1918 as the Allies began to take the offensive against German armies on the Western front and to smash Germany's allies by invading them and fomenting revolution by oppressed nationalities within.

49. Two among many scholarly works on this important and complicated subject are Lucy Dawidowicz, *The War Against the Jews* (New York: Holt, Rinehart and Winston, 1975); and Martin Gilbert, *Holocaust: A History of the Jews of Europe during the Second World War* (New York: Holt, Rinehart and Winston, 1985). The historical background to specifically Czechoslovak developments may be found in Guido Kisch, Livia Rothkirchen, et al., *The Jews of Czechoslovakia: Historical Studies and Surveys*, 2 vols. (Philadelphia: Jewish Publication Society of America, 1968).

50. For example, only in the past year have publications appeared extolling all Czechoslovak pilots with the RAF. Also being celebrated publicly for the first time in Czechoslovakia are Josef Gabčík and Jan Kubiš, the assassins of Reinhard Heydrich, and their partners and the hundreds of members of their families executed in reprisal by the Germans. New on this subject in Czechoslovakia is Jaroslav Čvančara, *Akce atentát* (Praha: Magnet-Press, 1991), but well known elsewhere have been Callum Macdonald, *The Killing of SS Obergruppenfuhrer Reinhard Heydrich* (New York: The Free Press, 1989); and Jan Wiener, *The Assassination of Heydrich* (New York, 1969). The large part played by Czechoslovak Jews in the armed struggle for Czechoslovak independence during World War II is being increasingly recognized, as in Erich Kulka, *Židé v Československé svobodové armádě* (Praha: Naše Vojsko, 1990), whose first publication occurred in Jerusalem in 1977 and in Toronto (by Sixty-Eight Publishers) in 1979. Emphasis on wartime collaboration will be found in Vojtech Mastny, *The Czechs under Nazi Rule* (New York: Columbia University Press, 1971). Two of the more detailed and penetrating memoirs are by Prokop Drtina, *Československo můj osud: Kniha života českého demokrata 20. století*, vols. 1 and 2 (Praha: Melantrich, 1991, reprint of the sixty-eight publishers edition of 1982); and Rudolf Kopecký, *Vzpomínky starého novináře*, 8 vols. of unpublished typescript in the Czech Heritage Collection of the Archives of the University of Nebraska-Lincoln.

51. This opinion, expressed by Václav Havel in a lecture at Yale University in 1968, is cited in Bruce Garver, "Women in the First Czechoslovak Republic," 80, 380.

52. Several recent studies of the relationship between Czechs and Slovaks include Milan Hübl, *Češi, Slováci a jejich sousedé: Úvahy, studie a polemiky z let 1979–1989* (Praha: Naše Vojsko, 1990); Jaroslav Opat, *Masaryk a Slovensko* (Banská Bystrica: Museum SNP, 1990); and Petr Pithart, *Osmašedesátý* (Praha: Rozmluvy, 1990) 83–135, "Češi a soudruzi ze Slovenska." Still useful older

studies are Ivan Dérer, *Tchèques et Slovaques*, trans., A. Kunosi (Paris: Editions Pierre Bossuet, 1938); Josef Rotnágl, *Češi a Slováci: Vzpomínky a úvahy nad dopisy a zápisky z let 1907–1918* (Praha: Josef Vilímek, 1945). A positive reassessment of Milan Rastislav Štefánik is Vladimir Zuberec, *Milan Rastislav Štefánik: Leta hvězdná a válečná* (Praha: Melantrich, "Slovo k historii," No. 23, 1990), but the most thorough—and still positive—study remains Arnošt Bareš, ed., *Štefánikův Memorial* (Praha: Památník Odboje, 1929).

53. Representative of the recent and growing literature on the Velvet Revolution are M. Otáhal and Z. Sládek, eds., *Deset pražských dnů (17.–21. listopad 1989): dokumentace* (Praha: Academia, 1990), the most comprehensive documentary collection to date: Milada Motlová and Mireia Ryšková, eds., *Listopad 89* (Praha: Odeon, 1990), one of many fine photographic albums; Marek Benda and Martin Klíma, et al., *Studenti psali revoluci* (Praha: Univerzum, 1990), typical of eyewitness accounts and emphasizing student involvement; and Matteo Perrini and Jan Rous, *Democrazia anno uno: Manifesti delle prime elezioni libere in Cecoslovacchia* (Brescia: Cooperatival Cattolico-democratica di Cultura, et. al., 1990), presenting posters and results of the elections of June 1990.

54. One among many such problems is that of relations with Germans and with the newly reunited Germany. Three scholarly studies of this subject in historical perspective have recently been published in Prague: Bohumil Černý, Milan Otáhal, et al., *Češi, Němci, odsun: Diskuse nezávislých historiků* (Praha: Academia, 1990); Jan Křen, *Konfliktní společenství: Češi a Němci 1780–1918* (Praha: Academia, 1990); and Tomáš Staněk, *Odsun Nemců z Československa 1945–47* (Praha: Academia a Naše Vojsko, 1991).

12

Human Rights in the New Europe: A Balance Sheet

Helen R. Lanham and David P. Forsythe

> Genocidal armies. Fascist gangs. Concentration camps. Dithering statesmen. Refugee throngs. Closed borders. Besieged cities. . . .
> New Europe: What new Europe?
> Same old Europe, I'd say.
>
> —Robert Hunter,
> *Washington Post*, September 1992.

Students of internationally recognized human rights are compelled to acknowledge the complexity of their subject. The brief history of analytical studies dealing with the practice of international human rights on a global scale only accentuates the problem. There is a paucity of grand theory, perhaps any theory, purporting to explain why Czechoslovakia manifested considerable rights-oriented policies between 1920 and 1938, as shown by Bruce Garver in this volume, whereas Russia did not during the same or any other era. Why did Czechoslovakia undergo a "velvet revolution" leading to the election of the distinguished intellectual and dissident Vaclav Havel as Federal President, 1989–92, whereas Romania had a more violent and incomplete revolution leading to the near-summary execution of former dictator Nicholae Ceaucescu and his wife? Many students of human rights would settle for satisfactory explanations as to why attention to a

range of human rights rose and fell within one state over time, much less why attention to rights varies by state. When taking European states as a whole, it is so difficult to summarize factors and trends that reasonable persons can disagree on whether there is a new Europe or not. It is true that there were so many human rights problems that the so-called new Europe sometimes looked very similar to the old Europe prior to 1989—or even prior to 1945.

Nevertheless, we are faced with the legitimate question of the fate of universal human rights in that part of Europe dominated by communists for forty to seventy years. To paraphrase Jack Donnelly in this volume, one can move from one type of brutal authoritarianism to another. Or one can move from authoritarianism to a more liberal regime in which at least the extent of human rights violations is reduced. Or one can move to a democracy, characterized minimally by reasonably free and fair elections, although that does not guarantee that any specified portion of universal human rights will be respected. Any number of genuinely elected governments have violated any number of universal human rights; they continue to do so. Or, finally, one can move to a rights-protective regime. When we look at the old Soviet bloc, where do we see progress towards a rights protective regime, and where do we see major problems? And, what accounts for these problems and areas of progress?

NATIONAL FACTORS

There is little reason to doubt the conventional wisdom that the key to rights behavior is found mostly within a state. The political attitudes of a people or peoples associated with a state is the primary key, most of the time, to the practice of rights. But this conventional wisdom unfortunately leads us into a murky area.

Neither political scientists dealing with the concept "political culture," nor historians dealing with the concept "national character" have been able to provide either convincing explanations of the past or sound predictions about the future. Part of the problem is that within one nation, much less within a binational or multinational state, there can be more than one political culture—meaning a set of attitudes toward government and public policy. One such set of attitudes may be dominant for a time but that can change.[1] Some comparativists in political science have given up on using "political culture" as an explana-

tory variable, believing that studies to date have not yielded sufficiently clear results. And no wonder.

Historians and political scientists told us for some time that especially Russia but also the Soviet Union had an authoritarian and deferential political culture not sympathetic to democracy or a broader range of human rights. But in August 1991, tens of thousands in Moscow and Leningrad took to the streets in support of democracy, human rights, and Boris Yeltsin, and in opposition to authoritarian communism. We are, of course, speaking of a few thousand persons out of a Soviet population of over 250 million. Nevertheless, there was a crucial degree of assertive public support for at least more civil and political rights in a supposedly deferential political culture. (It is impossible to know exactly what the street demonstrators wanted: more civil and political freedoms, more consumer goods, and end to formal ideology, all of the above.) As the well-known Soviet scholar and former diplomat, George Kennan, said on television shortly thereafter, there had never been anything like that show of public support for human rights in all of Russia's history. So, in supposedly authoritarian and deferential Russia, by 1991 we found the Soviet Congress adopting a declaration on human rights that said in its first article: "Every person possesses natural, inalienable and inviolable rights and freedoms. They are sealed in laws that must correspond to the universal declaration of human rights, the international covenants on human rights and other international norms. . . ."

While not doubting the key factor of a people's attitude toward government and public policy for the stable practice of human rights, one trying to derive systematic propositions on this subject on a global basis finds more perplexity than clarity. For example, with regard to civil and political rights, some nations have shown an affinity for the practice of democratic rights over a fair amount of time, only to find themselves in an authoritarian system. The relatively recent examples of Uruguay and Chile come immediately to mind.

In the other direction, we think we know that democratic occupation, education, and legal engineering helped transform authoritarian Germany and Japan into rights-protective regimes. In both cases, however, the previous authoritarian regime had been completely discredited. What do we know about more peaceful, less abrupt transformations not entailing foreign occupation and imposed restructuring?

Looking at Taiwan, for example, one might conclude that authoritarianism can give birth to a rights-protective regime, or something

close to it, via economic growth combined with equitable distribution of benefits, a relatively large middle class, broad education, experience with perhaps local elections, and a nonviolent transfer of leadership.[2] South Korea may be on a similar path. James Turner Johnson, however, would add, especially, the factor of civic organizations that mediate between the atomized individual and the domineering state.[3] Other scholars stress still other factors as being necessary for a rights-protective regime to emerge.[4]

There are not many areas of the old European communist world that combine encouraging factors. Moreover, in the examples of Taiwan and South Korea, rights practices emerged over half a century, not immediately after creation of the governing system. This East Asian analogy, if applicable to Eastern Europe and the former Soviet Union (which may be debated) would suggest that stable rights-protective national regimes will be arriving in many areas of the old communist Europe only after considerable time has elapsed, if ever.

In this volume, Donnelly and the editor stress national factors as primary in the practice of rights, but they do not offer us European specifics regarding this point. John Hibbing, Josef Blahož, Pavel Holländer, and Bruce Garver get into the specifics of political attitudes of peoples, but without indicating what does or does not produce a political culture supportive of democracy or extensive rights practice. Hibbing and Holländer note that many political attitudes extant in Eastern Europe give cause for alarm about, for Hibbing, legislative competence and stability, and for Holländer, attitudes in general in Slovakia.

Many observers believe that one of the greatest dangers in this part of the world is chauvinistic nationalism, in which the aggrandizement of a people supersedes all else. The Serbian example in the former greater Yugoslavia is perhaps the clearest case of this old problem, but another is the more peaceful form of the same phenomenon in Slovakia, also given attention by several authors here. Violence in several parts of the former Soviet Union has its origin in the same tendency to violate the rights of others, including the right to life, in the name of the higher good, and especially of the power and independence, of a people. Sri Lanka, for a time one of the better examples among developing countries of commitment to a broad range of rights despite poverty, has come unglued primarily because of Sinhalese assertions of majority power and prosperity, which provoked a violent reaction by many Sri Lankan Tamils.

A very relevant question is whether a combination of human rights

education and legal engineering can ameliorate the destructive appeal of chauvinistic ethnicity and nationalism, as well as other attitudes incompatible with the practice of human rights. Can legal engineering and human rights education produce the type of political culture supportive of a rights-protective regime? Hibbing, in particular, wants to see an end to constant legal tinkering on the part of East European states, so that one democratic constitution and one set of electoral and other provisions for public authority can have some impact on a state over time. Richard Claude shows clearly that East European states might well profit from looking at what the Philippines has done to institutionalize human rights education in a formal and non-formal way. Likewise, Vaclav Trojan shows what was tried by way of formal human rights education in Czechoslovakia between 1989 and 1992.

Of course, both legal engineering and education, whether formal, non-formal, or informal (as those terms are used by Claude), take time to have effect. In some cases it would seem that legal engineering produced some effects beneficial for the practice of human rights. One can think of Charles DeGaulle's Fifth French Republic and its different electoral laws and new double executive; democratic France under the rules of the Fifth has been more stable than under those of the Third or Fourth Republics. It seems something of a stroke of genius to have created two rounds of voting in France. The French can engage in their apparent passion for protest voting on the first round, then be forced into a political consensus when the protest parties and candidates do not receive enough votes to be retained on the ballot in the second round. Political stability in democratic France has been enhanced by the electoral laws since 1958. A movement in Israel is growing to rewrite that country's electoral laws in quest of majority rule and decisive policies instead of coalition government and policy immobilism.

Moreover, it may be true that in many Western democracies there has been so much education for human rights in various forms that a radical departure from extensive civil and political rights has become "subrationally unthinkable."[5] One would like to think that in most states in the North Atlantic area, for example, the probability of authoritarian government is nearly zero. Yet legal engineering and human rights education, when they occur in a socio-economic context unfriendly to rights practice, can only with difficulty lead to progress.

Moreover, we know from many empirical studies in states like the United States that even after over two hundred years of rights practice, many Americans do *not* hold attitudes compatible with international

standards on civil and political rights, much less on economic and social rights. While some Americans despair that in contemporary times certain West European democratic provinces manifest a resurgence of racist and xenophobic sentiments reaching up to about 15% of the voters in local elections, some West Europeans despair that a former fascist and Klansman like David Duke in Louisiana could poll almost 45 percent of the vote for governor. Thus, it may be more crucial for a political *elite* to hold values supportive of human rights than for the masses to do so. Paradoxically, rights have been practiced in the democratic West despite intolerant and authoritarian views on the part of many citizens.

It is unfortunately true that while many hope for a beneficial effect on human rights from post-communist laws and education, in the short term, many problems confront post-communist European leaders in the 1990s. We simply do not yet know whether the effort to construct governing and educational systems sympathetic to human rights can endure the problems of demagogic politicians, poor economic conditions, rampant nationalisms of various sorts, and the other pitfalls inherent in an attempted transformation from communist totalitarianism to rights-protective regimes.

It is impressive that states like Czechoslovakia (or at least the Czech lands), Hungary, Poland, and to a much lesser extent Bulgaria and Russia, have been led by persons committed to entrenching internationally recognized human rights in new national constitutions and statutes. One cannot read the sections by Blahož, Holländer, and Hibbing without being impressed with the attempt in East Central Europe, at least, to move toward democratic state capitalism. One does not have to believe that such a move constitutes an end to history[6] to say that the values found in the International Bill of Rights (IBR), covering civil-political and socioeconomic rights, are similar to the early state-building efforts in these post-communist states. Note that we are not saying that the influence of the IBR per se has generated broad influence, but rather that the values found in these new state constitutions are fully compatible with, and explicitly linked to, the IBR. To put it a bit crudely for reasons of emphasis, that complex of human rights instruments calls for Sweden writ large,[7] and that is what these eastern states are trying to construct.

Moreover, many of the former communist states in Europe have explicitly accepted international human rights treaties, as indicated in Annex H of this book. It was of more than passing interest that the

Commonwealth of Independent States, in Article 2 of its basic document, affirmed that "each of the agreeing parties guarantees citizens of other parties and also people without citizenship who reside on its territory, regardless of nationality or other difference, civil, political, social, economic and cultural rights and freedoms in accordance with common international norms on human rights." In the national constitutions in Eastern Europe, there is no one model of governance and rights that emerges across the region. Blahož shows that with regard to the judiciary, some West European experiences affected constitutional developments in the CSFR, Hungary, and Poland. Yet overall, one cannot say that the U.S. model, or the British model, or any continental model has dominated eastern state building after 1989. This suggests that differing national factors will lead to a variety of schemes to implement the principles of democratic state-capitalism.

At the other end of the scale, it is also quite clear not only in the former Yugoslavia but also in Romania and Albania that progress in stable rights practice has been meagre. When one broadens the picture to include Georgia, Moldavia, Albania, and Azerbaijan, among other new eastern states, it is clear that the obstacles to a rights-protective regime are major.

There *are* different categories of states in terms of the prospects for adherence to international standards of human rights. In some cases it is clear enough that history was indeed frozen by communist leaders in the sense that historical animosities were not solved or even ameliorated during repressive control. And it is clear enough that there was precious little education for human rights, whether in areas dominated by Moscow or by other forms of authoritarianism, as in Romania and Yugoslavia. This paucity was so despite the fact that most of the European communist states were technically parties to many human rights treaties. But the evident lack of serious or good faith attention to human rights values, especially via education, should remind us not to overemphasize the importance of technical adherence to those treaties. When communist totalitarianism fell, old feuds from before World War II, or even World War I, resurfaced. That is why, for example, the Balkans in 1992 looked very much like it did in 1912 or 1914. And that is why certain peoples incorporated into the Russian and Soviet empires by force were violently seeking to redress grievances from a long time ago.

These areas, with layers of problems accumulated over the years, will find it extremely difficult to do more than liberalize—that is, to

do more than curtail some of the most repressive and exploitative features of Marxism-Leninism. Some of these states may not progress much beyond the situation found in the old Soviet Union under Gorbachev: the absolute terror of the Stalin period was curtailed, but the practice of internationally recognized human rights was far from institutionalized. And where one finds civil war and/or a situation close to genocide, there may be even more fundamental rights violations than under the later stages of communism.

Even for states like the former binational state of Czechoslovakia, as well as Hungary and Poland, all of which were trying to move rapidly toward democratic state-capitalism, the problems of transition from communism to a hoped-for rights-protective regime were considerable. Perhaps the chief problem is the sad state of their economies after years of command from the party-state apparatus. Even in the long-standing stable democracies of the West, many citizens seem more interested in the pursuit of prosperity than in civil and political rights—witness low turnout for voting and a willingness to suppress the rights of those on the opposite side of an issue. Many are the democracies like Weimar Germany, not to mention those in Latin America, that have fallen in large part because of the perceived mismanagement of the economy by the government.

Mark Gibney recalls that even in the mild economic slump in the capitalist West during the late 1980s and early 1990s, there was an increased search for scapegoats and a tendency to take out frustrations on "foreigners." The right-wing fringe groups have been especially violent in the unified Germany, although public opinion polls showed that about 85 percent of all Germans opposed the violent attacks on asylum seekers. Especially in France there has been a right-wing backlash against immigrants from North Africa. More broadly speaking, we know that economic hard times lead to an increased willingness to tolerate radical authoritarian "solutions" to those problems; witness much middle-class support, at least initially, for the dictator Pinochet in Chile and the military junta in Argentina (and in Brazil previously).

Vaclav Trojan has wittily remarked that communism represents the longest way from crude capitalism back to crude capitalism, before one might arrive at progressive state capitalism with a moderating welfare system. If so, states like the Czech Republic, Hungary, and Poland may have to try to endure the problems produced by a quest for pure economic growth, in the hope that eventually one could moderate the rougher edges of capitalism—such as job insecurity—in the

long run. We should recall that the International Bill of Rights entails the socio-economic rights to education, holidays with pay, social security, adequate nutrition, clothing, shelter, and health care. Even some champions of the Reagan administrations, known for their quasi-religious belief in the miracles of unregulated private markets, acknowledged that the dynamism of capitalism was accompanied by considerable harshness for those who did not benefit from laissez-faire capitalism.[8]

Whether various peoples like the Poles would endure a relatively harsh transitional phase, during which the economy would hopefully become more globally competitive, without rejecting the democratic part of the equation, remains to be seen. One of the splits in federal Czechoslovakia was over whether one should move ahead with difficult economic privatization as quickly as possible, as favored in the Czech lands, or continue with relatively large governmental subsidies and other cushions, as favored in Slovakia. In other countries, such as Japan, many citizens had agreed to go without many consumer comforts for several decades for the sake of the national economy as a whole. Whether such sentiments would prevail in Eastern Europe could not be known for sure. After forty to seventy years of communism in the Soviet bloc, there was considerable reluctance to engage in entrepreneurship and competition. Indeed, some historians have reminded us that even before 1917, capitalism did not have the same favorable image in parts of the Russian empire that it did in most parts of the West. Gorbachev found out, as a Czech intellectual later remarked, that when the doors of the communist "zoo" were opened, many of the "animals" feared the freedom of the capitalist "jungle."[9]

It is at least somewhat encouraging that Hungary, in particular, had considerable experience with private markets during its version of "goulash communism," and that other states, like Poland, were trying to make economic efficiency one of their primary goals. (Although there was considerable debate in Poland, accompanied by strikes slowing economic growth, over the pace of economic change.)

It should also be recalled, however, that difficult economic times do not always undermine internationally recognized civil and political rights. Both Botswana and Zimbabwe managed to protect a broad range of rights despite considerable economic difficulties. Sri Lanka likewise did well for a decade or so after independence, until the conflict between the Sri Lankan Tamils and the Sinhalese Buddhists, crosscut by other conflicts, destabilized the country. Democratic Ar-

gentina has endured not just hyper-inflation but also a series of coups and even some resurgence of terrorism, without yet sliding back into military rule.[10] Costa Rica and a number of states in the Caribbean have been able to implement many human rights despite lack of national affluence.

If the political attitudes of a people determine the status of human rights practice, we are still not sure what really produces the elite tolerance and other values that underline a stable rights-protective regime. We can venture explanations as to why the situation is different in Romania from that in the Czech lands, for example, but we must admit that we still cannot predict precisely the evolution of human rights considerations. We are not alone in this limitation.[11]

INTERNATIONAL FACTORS

By and large the international factors at work on the situation in the former Soviet bloc have been secondary rather than primary for the fate of human rights. Nevertheless, in various situations some of the international efforts have generated a moderate degree of influence. In his introductory chapter, Donnelly suggested certain steps that the U.S.—and others—could take to advance the practice of rights in foreign states, without unduly raising expectations about what can be achieved. Donnelly, comparing the optimism immediately after the collapse of Stalinism with the slow building of a rights-protective regime, stressed the benchmarks of severity of rights violations, trends over time in rights protection, the responsibility of outside states for the situation, and concentrating on what can be achieved.

Congressman Doug Bereuter showed that the United States had indeed done something about human rights in the new Europe, although he acknowledged that budgetary concerns made, and will continue to make, the U.S. commitment modest as it concentrates on the practical modalities of implementing civil and political rights. Moreover, consistent with developments in Eastern Europe already noted in the previous section, Congressman Bereuter does not expect a simple export of the U.S. model of democracy, but rather believes the U.S. should defer to whatever democratic structures and leaders emerge from local politics. Bereuter's views fit well with a body of academic thought suggesting that particular models of democracy are not exportable, even though democracy in general might be promoted by foreign actors.[12]

Raphael Zariski showed quite clearly that some of the West European states, such as Britain, have not had an activist policy toward the East, whether concerning human rights or other subject matter. Some others, such as Germany or Italy, which is concerned with states close to it, are playing a much greater role. Zariski's theme is well taken: all outside states are pursuing a variety of interests and concerns in the East, and human rights considerations make up only part of each state's foreign policy agenda. Donnelly agrees on this point. And the editor notes that some West European states have tended to either shift or dump human rights issues into multilateral institutions.

Nevertheless, both Zariski and Gibney emphasize that the fate of human rights in the East has a direct bearing on West European states. Both make clear that economic failure, repression, and political instability will generate large migratory flows with concomitant pressures on, and problems for, the West. This situation is most clear concerning Germany, which has had a relatively generous asylum policy toward foreigners fleeing not just individual persecution but also instability and war. We have already noted a violent backlash by 1992 against this generous German asylum policy.

Gibney is quite correct in arguing that if Western states took a greater interest in correcting the human rights abuses giving rise to various types of refugees, they would not be faced with so many asylum seekers. Yet, like the United States in its relations with Haiti, many western states, in dealing with the East, pursued reactive policies regarding immigration rather than anticipatory problems dealing with human rights, which were frequently at the heart of migration flows.

While no individual Western state was eager to tackle Eastern problems on its own (although Germany made the clearest attempt), no multilateral institution was able to make a major impact on the Eastern situation either—at least not by early 1993. (See the Appendixes for detailed references to various multilateral institutions.)

The United Nations Security Council, as propelled by its major Western member states, was certainly deeply involved in both attempted peacemaking and traditional peacekeeping activities. As the editor showed in his chapter, UN peacekeeping in the former greater Yugoslavia had helped fighting parties disengage along the Serbian-Croatian borders and around the airport in Sarajevo. Yet the council had not manifested the political will to decisively deal with the underlying causes of violence in the Balkans, much less in several parts of

the former Soviet Union that manifested armed conflict of various sorts. Peacemaking had been attempted especially through using former U.S. Secretary of State Cyrus Vance as a special envoy, but without decisive results in the short run. The UN Human Rights Commission had appointed a special envoy to address human rights issues in the Balkans, but again without decisive results.

Even more so had other multilateral institutions failed to ameliorate to any great extent the social, economic, and political problems plaguing the East. It was somewhat ironic that the CSCE process had found a greater niche for itself in dealing with human rights during the cold war than in helping protect rights thereafter. But the CSCE lacked both the military and economic muscle that was apparently needed to reign in, particularly, the ethnic passions of the Balkans and southern sections of the former Soviet Union. There were a variety of CSCE demarches concerning human rights during 1989–92, but without decisive results.

Likewise, the presumed magnet and moderating influence of the EC seemed irrelevant to those who elevated the settling of old passionate grievances over rational calculation of future economic benefits. Extremists in Serbia, Azerbaijan, Armenia, Georgia, and elsewhere seemed not to care about the possibility of economic support from the West in the future. Unlike in other polities, the pursuit of economic prosperity took second place—or even lower—to emotional and symbolic politics.

Given the demise of the Soviet Union, if NATO and/or the West European Union (WEU) could not devise a role for themselves in counteracting violence in the Balkans in particular, one had to wonder what was their role after the cold war. Since they were no longer needed for either deterrence or fighting vis-à-vis the Soviet bloc, what was their raison d'être if not for peacekeeping, enforcement, or humanitarian police action? Yet neither organization had been brought into decisive action by early 1993.

Underlying the weakness of multilateral institutions was the apathy by, and disagreement among, their member states. As Zariski noted, multilateral arrangements mostly reflect the policies of member states. Even at the United Nations, with a secretary general in the person of Boutros Boutros Ghali of Egypt, who was prone to activism, even of an abrasive kind, his would-be leadership was constrained by member states' policies—particularly those of the permanent members of the Security Council.

There was a certain West European traditional pessimism and cynicism at work, a belief that the situation in the East would only improve when the various major players had exhausted themselves or come to dominate their neighbors. In the meantime, in this view, there was no major interest on the part of the West Europeans propelling decisive intervention, particularly of the forcible kind. For Germany in particular, this was a highly debatable notion. Had Germany been able to provide greater leadership on eastern questions (although its involvement was greater than that of its neighbors), Germany would not have been racked by such violence against foreigners. It is a fair question whether the internal peace of Germany was an "interest" sufficient to justify more pressure for an end to human rights violations in much of the East.

The U.S. commitment to correcting major human rights abuses in the new Europe was slight, despite the more mundane programs mentioned by Doug Bereuter. The United States made periodic public relations gestures, such as having the UN Security Council adopt a resolution (S/Res/770) authorizing all necessary means to ensure humanitarian assistance in Bosnia. But when it came to Serbian policies like ethnic cleansing and military attacks on civilian targets, the United States by early 1993 had done little more than endorse diplomacy backed by economic sanctions. Donnelly was all too correct when he noted that moral interdependence was still weak, and that even when it was present, most states were unwilling to pay high material and other costs to correct even gross violations of rights in other states.

If we broaden the picture, we can note that the United States did not gear up to do anything about massive starvation in Somalia, a former cold-war ally, until late August 1992. The International Committee of the Red Cross, with extensive operations in that country, had been warning of the human disaster, in reality a gross violation of both civil and socio-economic rights, from February 1992. The United Nations had endorsed that warning.

Even in the spring of 1991, when the United States undertook military action presumably on behalf of the rights of Iraqi citizens, especially the Kurds, it was not until media coverage in Western Europe, and resulting action by the British and French governments, that the U.S. government moved on that issue. And when the United States reversed policy and projected its military into the south of Iraq in August 1992, many observers speculated that the reasons seemed to have more to do with putting pressure on Sadam Hussein (if not with the

U.S. presidential election that fall) than with any genuine concern for the rights of the Shi'ites in the south of Iraq—especially since their rights had been ignored by the United States previously.

Against this broadened backdrop, U.S. policy on rights questions in the new Europe was part of a broader orientation. That U.S. orientation was a denigration of the semantics of a new world order. U.S. policies only showed that there was no substance to the rhetoric. If anything, they showed that the old world disorder prevailed. Washington, like its counterparts in Western Europe, in reality deferred to "facts on the ground." The fate of human rights was being left to internal or local or regional forces, many of them negative for the practice of rights, while the United States and other outsiders engaged in cynical diplomatic pretense. Aside from a fixation with Iraq, the United States only acted for rights, as in Somalia, when the public pressure became intolerable. Otherwise, U.S. officials spoke of the need to avoid another Vietnam-like quagmire, while being ready, of course, to take partial military measures in Iraq.

It may turn out to be the case that international economic sanctions on Serbia, made mandatory by the UN Security Council, will either be moderately influential or even decisive in curtailing Serbian policies violative of rights in the Balkans. It is at least possible that Western foreign assistance, either bilaterally or through the World Bank, not to mention the European Bank for Reconstruction and Development, will turn out to be moderately influential on the practice of rights in Russia. Thus we should not say that foreign or international factors are irrelevant for the practice of rights. In the broader perspective, we should note that international humanitarian assistance has made a difference in several situations in which social and economic rights were being grossly violated—situations like Ethiopia in the mid-1980s and Somalia, finally, in the fall of 1992.

Nevertheless, we still must conclude that the practice of rights in the new Europe will usually be only moderately affected by international factors. It is paradoxical that while there has been a great increase in diplomatic attention to human rights in international relations particularly over the past quarter of a century,[13] the actual practice of rights is still largely determined by factors within the territorial state. Spasmodic international action to guarantee the protection of human rights, as for the Iraqi Kurds or starving Somali, will be institutionalized only with difficulty and over time.

TURBULENT TENSIONS

James N. Rosenau has argued that we live in a turbulent world characterized by a large number of interdependent actors, a great deal of political volatility, and competing norms and values. If that is true, and certainly Rosenau's version is close to the truth, it is no wonder that explanation and prediction is so difficult in international relations—whether pertaining to human rights or to any other issue area.[14]

In addition to the great variety and mix of factors involved in the successful practice of human rights in the 1990s, there are two additional methodological problems worthy of note. First, as often remarked, we should recall that few, if any, scholars or public officials predicted with any precision the remarkable transformations in European communism during the period 1985–91. In part this is because of the unpredictable role of individuals in world affairs. Mikhail Gorbachev had risen through the communist ranks in his native Soviet Union as a loyal devote of the party-state system. So had Boris Yeltsin. So had Eduard Schevernadze. From the point of view of 1984, there was little if any evidence that any of these three, or many others, were in favor of radical change within the Union of Soviet Socialist Republics or would be in favor of new states to replace the Union of Soviet Socialist Republics. The pattern of behavior constituting the basis for prediction did not allow a projection of what was to transpire.

The same was true for Anwar Sadat in Egypt. He had acted as a loyal and unthreatening second in command to Gamal Nasser for years. He had not sought, nor had he exercised, independence and creativity. Yet upon replacing Nasser, Sadat became one of the more creative leaders of his time, taking risks for peace with Israel that in no way could have been projected from his public life before the events unfolded.

The same could be said of John Kennedy in the Cuban missile crisis of 1962. Given his past indecisive and lacklustre decisions pertaining to the Bay of Pigs invasion, the building of the Berlin wall, and the debate with Khruschev, there was simply no basis for prediction that he would be firm, daring, and creative in his determination to see the Soviet attack missiles removed from Castro's Cuba.

And so it is with the future of human rights in the new Europe. In 1989 it was impossible to predict that Meciar in Slovakia would emerge as a political leader, using the issue of Slovak independence to propel himself to high office. In 1989 it was impossible to predict that Gamsakhurdia in Georgia would show such traits of inflexibility and

lack of tolerance that Georgia was plunged into civil war. Would former communist leaders in Bulgaria or the Ukraine turn out to be committed to rights principles? Would a Boris Yeltsin emerge in Moldavia or Romania?

To be sure, as we have tried to suggest in this concluding chapter, there are certain historical trends and global patterns that give us some basis for *general* prediction about internationally recognized human rights. For example, as we said, where there is economic growth with equitable distribution of benefits, a growing middle class, widespread education, experience with democracy in local politics, and stable leadership transfers, there is a reasonable basis to predict greater success in the practice of many universal human rights. But beneath that general level of predicting probabilities, the variability of human perspectives and decision making makes precise prediction a very risky business.

But, and this brings us to our second methodological problem in prediction beyond turbulence and human variability, a number of situations are characterized by conflicting factors rather than one clear trend. The result is a tension between factors, or perhaps an overall paradoxical situation. Where such tensions obtain, evolution of the situation can develop in one of several directions, again defying prediction.

Consider the following tensions or paradoxes in the new Europe:

—As Donnelly noted, we have optimism over the collapse of Leninist systems of rule, but pessimism over the dictatorial and chauvinistic systems that sometimes replaced them.

—As the editor observed, we have confusion in the number of actors, including multilateral institutions, trying to influence the practice of rights in the new Europe, but this confusion allows for many possible diplomatic demarches, some of which may turn out to be at least moderately successful.

—As Holländer pointed out, quoting Dostoyevsky, "People long to be free but at the same time are afraid of what that freedom might bring."

—As Donnelly and Trojan noted, in several states there was a consensus in favor of rejecting communism, but there was disagreement over exactly how to treat past communist officials and party members—and those who had cooperated with, and been secret informers for, the ancien régime.

—As Zariski and Donnelly emphasized, there may be more talk

about human rights across borders, but states still tend to elevate economic and security interests to positions of priority on foreign policy agendas.

—As Hibbing explained, polities may make impressive starts in implementing the right of political participation, but then economic difficulties may cause citizens to bypass legislatures and other established policy-making organs in quest of extra-constitutional solutions to their problems.

Such tensions, conflicts, and paradoxes bedevil the social sciences and their attempts to precisely chart the future. What we can say for sure, and what this volume has clearly shown is the following:

1. Most of the new states in the new Europe accept the principles of democratic state capitalism in a form consistent with internationally recognized human rights, yet only some of them, particularly in East Central Europe, are making rapid progress in institutionalizing the stable practice of those rights;

2. Historical, cultural, social, and economic factors particular to the new states of the new Europe will primarily determine the future of the practice of human rights; only a few states, again those in East Central Europe and perhaps a few other selected areas, show the combination of factors that has increased serious attention to human rights in polities like Taiwan and South Korea;

3. While most states are increasingly under some international pressure to comply with internationally recognized human rights, this pressure varies from state to state, situation to situation, and era to era; a growth in international diplomacy for human rights is not always backed by a determined and sometimes costly international effort to go beyond lip service to human rights norms;

4. Finally, while there has been considerable progress in advancing the practice of human rights in many parts of the new Europe, the problems impeding that practice are sufficient to cause us to be extremely cautious about the future of rights in this part of the world; to close our circle, we repeat Donnelly's early point that the collapse of one form of repression and exploitation is not the same as the construction of a rights-protective governing system in its place.

capitalism and needed various types of assistance from public and private agencies.

9. Milos Forman, "One Czechoslovakia: The dilemma of democracy in a liberated land," *Washington Post* June 29, 1992, A19.

10. Alison Brysk, *The Politics of Human Rights: Symbolic Protest, Social Change and Democratization in Argentina* (Stanford, CA: Stanford University Press, forthcoming). Compare William C. Smith, *Authoritarianism and the Crisis of the Argentine Political Economy* (Stanford, CA: Stanford University Press, 1992).

11. Jack Donnelly, *Human Rights and International Relations* (Boulder, CO: Westview Press, 1993); and David P. Forsythe, *The Internationalization of Human Rights* (Lexington, MA: Lexington Books, for the Free Press of Macmillan, Inc., 1991).

12. James N. Rosenau, *Turbulence in World Politics* (Princeton, NJ: Princeton University Press, 1990). Compare, regarding the future of Europe, Gregory F. Treverton, ed., *The Shape of the New Europe* (New York: Council on Foreign Relations, 1992). See also Michael G. Roskin, *The Rebirth of East Europe* (Englewood Cliffs, NJ: Prentice Hall, 1991). None of these scholars is able to offer precise and persuasive predictions about the European future.

13. Thomas G. Weiss, David P. Forsythe, and Roger Cooke, *The United Nations and Changing World Politics* (Boulder, CO: Westview Press, 1994) chap. 5, forthcoming.

14. James N. Rosenau, *Turbulence in World Politics*, (Princeton, NJ: Princeton University Press, 1990).

Notes

1. Michael Thompson et.al, *Cultural Theory* (Boulder, CO: Westview Press, 1990).

2. Ramon H. Myers, "Taiwan: Building Toward a Prosperous Democracy," *International Herald Tribune* (May 30–31, 1992): 4.

3. James Turner Johnson, "Does Democracy Travel," *Ethics and International Affairs* 6 (1992): 41–55.

4. From a very large literature see especially Phillipe Schmitter and Guillermo O'Donnell, eds., *Transitions From Authoritarian Rule* (Baltimore and London: Johns Hopkins Press, 1986). By the same authors, see *Tentative Conclusions About Uncertain Democracies* (Baltimore and London: Johns Hopkins Press, 1986). See also Brad Roberts, ed., *The New Democracies* (Cambridge, MA: MIT Press, 1990).

5. The phrase is borrowed, in a different context, from John Mueller, *Retreat From Doomsday: The Obsolescence of Major War* (New York: Basic Books, 1988).

6. Francis Fukuyama, *The End of History and The Last Man* (New York: The Free Press, 1992).

7. See further David P. Forsythe, *Human Rights and World Politics* 2nd ed. rev., (Lincoln, NE: University of Nebraska Press, 1989).

8. Michael Novak, who headed U.S. delegations to the UN Commission on Human Rights frequently during the Reagan years, wrote several times about the need to recall that a number of persons did not prosper under democratic