RISKS AND CHALLENGES OF HUMAN RIGHTS IN EUROPE

Universal rights were born out of anti-fascism

Defence of universality requires a militant democracy

Paul Mason



Young cadets at the red square of Moscow, Russia, 10 Oct. 2013, in front of the Kremlin and Saint Basil's Cathedral | Photography: Alessio Mamo

When Georgy Plekhanov drafted the first ever socialist programme for Russia, he was not ambitious when it came to human rights. Exiled to Geneva in 1883, his Emancipation of Labour Group limited its demands to the basics: free elections, *habeas corpus*, and freedom of thought, the press, assembly and association. If they could introduce the basic standards of Western democracy to their country, Plekhanov assumed, social justice would follow. [1]

It is a startling fact that, 140 years later, none of these rights exists in Russia. According to Amnesty International, repression of free speech is “severe”. Arbitrary detentions are routinely accompanied by torture. All media critical of the Putin regime is suppressed. Politicians who speak against Russian aggression in Ukraine are handed severe jail sentences. [2] In addition, for the modern equivalents of Plekhanov – the liberal and progressive Russians who have fled to Western Europe in response to Putin’s crackdown – their lives are infinitely more perilous than those who fled Tsarism. They live in justified fear of intimidation, abduction or even murder.

As we celebrate the 75th anniversary of the Universal Declaration of Human Rights, not only do we see its provisions flouted on an industrial scale by authoritarian states such as Russia, we see the moral basis of universalism being openly attacked – not just casually, but systematically – by the official ideologists of Russia, China and India.

In the 1880s, a figure like Plekhanov, the "father of Russian Marxism", could assume humanity was on a one-way journey towards legal rights. Today, fighters for social justice need to face the fact that the journey could involve a return ticket. We are experiencing a tangible retreat from human rights, in both theory and practice, and failing belief in them among large numbers of people, even in the West.

For right-wing populists, having succeeded in portraying immigrants as "invaders" or "occupiers" determined to eradicate the culture of the dominant group, it is a short step to portraying human rights as something *only they themselves are entitled to*. Likewise, on modern fascism's list of targets, the human rights lawyer stands accused alongside the feminist woman as chief facilitators of alleged "white genocide".

However, the erosion of universalism is also now being driven from the left, by a mixture of Russian and Chinese influence operations, and by the profoundly anti-humanist premise of post-modernist and post-structuralist academia.

As a result, liberalism looks increasingly like a father who has built his children a magnificent sandcastle of charters and institutions, only to stand on top of it as the tide rushes in across the sand.

> We are experiencing a tangible retreat from human rights, in both theory and practice, and failing belief in them among large numbers of people, even in the West

If we are to resist the collapse –above all the threatened exit from the ECHR by Britain, which might trigger others to do so– we need a fightback on behalf of the principles of the Universal Declaration, for the existence of multilateral institutions and international law. Since 2018, I have argued that this must begin with *a radical defence of the human being*.

Origins of the Declaration

Stéphane Hessel, a French resistance fighter who helped draft the Declaration, has explained the origins of its commitment to universality. The Anglo-Saxon countries favoured an "international declaration" – leaving room for cultural relativism and special pleading – that the drafters were determined to resist:

> "This universal declaration owes much to the universal revulsion

> towards Nazism, fascism, totalitarianism, and even, through our presence, to the spirit of the Resistance. I felt that we had to act quickly, not to be fooled by the hypocrisy that was in the adherence proclaimed by the victors to these values that not everyone had the intention of promoting loyally, but that we were trying to impose on them". [3]
>
> However, the apparent tactical victory of plebeian anti-fascism in the Palais de Chaillot was the product of two decades of legal scholarship rooted in the experience of the League of Nations, the International Labour Organization and the International Court of Justice. The Greek jurist Nikolas Politis predicted that because of the Versailles Treaty, the traditional concept of state sovereignty was dead. The individual had found a voice in international law, and the inevitable result was that the human being, not governments, would become international law's subjects. [4]

René Cassin, the driving force for universalism in the debates over the Declaration, added to that the legal recognition that the human being is a ""social animal", and that therefore communities, as well as persons, could have rights and individuals could have social rights. It was to achieve agreement on these principles – the centrality of the human being, the limitations of state power and the centrality of social rights – that Cassin and his collaborators accepted the non-binding status of the Declaration. They reasoned it was better to establish a principle soundly and build it into a treaty and an institution later.

That set the tone for the next sixty years. For advocates of human rights, our "old" problem was their non-observance by states, and their non-enforceability other than by appeals to international courts after the fact. Our "new" problem is that increasing numbers of people no longer wish to be the subjects of international law: they want their community – white and Christian in Europe, Hindu in India, non-indigenous in Brazil, Jewish in Israel – to have greater rights, and for states to reclaim their sovereignty back from the human person.

This is ultimately what drives British Home Secretary to threaten a second Brexit from the ECHR, and large numbers of right-wing voters to support her.

Crisis of the neoliberal self

It is common to hear economic insecurity cited as the reason for this. In addition, there is evidence to support the claim. A Pew Institute survey in 2021, conducted across 17 countries, found that the strongest correlation with failing belief in democracy was their

feelings of economic insecurity. [5] Neoliberal capitalism has delivered rising inequality alongside economic stagnation in the developed world.

However, this alone cannot explain the sudden failure of consent for democratic government and failure of belief in human rights. Instead, we have to look to the failure of the neoliberal worldview once the system lost its internal coherence between 2008 and 2011.

Unlike Keynesian economics, neoliberalism presented itself as a theory of everything. It explained why British coal mines had to close, and why millions of respectable, skilled manual workers should be plunged into a world of insecure work and surrounded by criminality. It also explained how market principles could be used to run jails, why carbon could have a “price”, and why the most logical thing to do if you were poor was to borrow money. It even turned dating into a marketplace.

Paradoxically, neoliberalism rooted our belief in individual-*ism* firmly into mass psychology; from the Brazilian favela to the American Rust Belt town, people realised that the more they lived by the principles of dog-eat-dog, the happier they would be.

So emerged the notion of the neoliberal self, over a period from the mid-1980s to the Lehman Brothers collapse in 2008. Its central belief was that the market acts like a giant computer, working out the optimum outcomes for every individual, and that the worst thing you can do is tinker with this machine by introducing moral values or social beliefs.

However, the world that shaped the neoliberal self has collapsed. The machine has ceased to function. Though we kept the world economy on life support after 2008, with tens of trillions of extra debt and billions in confected central bank money, life support cannot keep you cannot keep an ideology alive. The human brain demands coherence.

Today, millions of human brains are grappling with five concurrent crises: the climate crisis, which mandates major changes to the way industrialised countries live; the economic crisis, with decelerating growth and rising debt; the crisis of democracies unable to deliver well-being to ordinary people; the crisis of technological asymmetry, which gives giant corporations the power to control and surveil the citizen; and finally, the COVID-19 crisis, which has accelerated all the other.

> Today, millions of human brains are grappling with five concurrent crises: the climate crisis, the economic crisis, the crisis of democracies, the crisis of technological asymmetry and the COVID-19 crisis

As they do so, they are driven into a crisis of the neoliberal self. The very person they had to become to survive liquid modernity cannot survive the sudden sludginess of reality.

And because the left refused to advance coherent answers, and because the owners of media capital like nothing better than a crowd of exhausted, confused and disillusioned people to perform to, people have begun to look backwards, to a time when the State and the self-defined community had rights over the individual.

The BRICS+ ideology

The BRICS+ are encouraged by the fact that China, with its disdain for human rights, not only has the most successful human developmental story, but has now also claimed the moral leadership of the Global South, with Russia as its spokesperson in Eurasia.

The Putin-Xi declaration of 4 February 2022, which was a kind of overture to Russia's genocidal war against Ukraine, spelled out a coherent, new anti-universalism. It says:

> "The universal nature of human rights should be seen through the prism of the real situation in every particular country, and human rights should be protected in accordance with the specific situation in each country and the needs of its population". [6]

Thus, it is for Moscow and Beijing to define what constitutes freedom of speech, or democracy, or a fair election. The principle has proved so attractive to the autocrats and dictators of the Global South that they have flocked to join the BRICS+ project in an overt repudiation of the principles of 1948.

While the far right clamours for the right of U.S. states to ban abortion, and to bounty hunt any women who travel to seek one, sections of the far left are now demanding a "multipolar world", excusing the genocidal repression of the Uighur people and decrying universality as the product of white imperialism.

What the MAGA movement and the neo-Stalinists share is a profound anti-humanism.

We know where it comes from on the right. As Arendt said of the Nuremberg criminals: they not only saw their victims as subhuman; they did not care whether they, themselves lived, died or had never been born. They were authentic nihilists. [7]

Modern left anti-humanism comes from a different source: Foucault and Althusser. It was Althusser who taught the 1968 generation that history is a "process without a subject". And Foucault insisted that humanity is a social construct, as easily washed away as a face drawn in the sand.

The destination of such thinking was illustrated last month, when an alliance of left-wing students at Harvard refused to condemn, or indeed even mention, the murder of 1,200 Israeli Jews by Hamas, on the grounds that: "The apartheid regime is the only one to blame.

Israeli violence has structured every aspect of Palestinian existence for 75 years." [8]

The idea of any agency on the part of the Palestinian people was rejected. There is only the oppressor, controlling the behaviour of the oppressed. Once you see humans as a social construct and their actions as the result of being "structured" by oppression, all notion of agency is lost. Even Karl Marx's most fundamental dictum can be ignored:

"*History* does *nothing*, it possesses *no* immense wealth, it wages *no* battles. It is *man*, real, living man who does all that, who possesses and fights; "history" is not, as it were, a person apart, using man as a means to achieve *its own* aims; history is *nothing but* the activity of man pursuing his aims. [9]

To understand the Harvard declaration, you simply have to turn each of these statements into its opposite. History does everything. It wages all battles. It is, indeed, a person apart from the puppets who perform its wishes, who are in turn simply a collection of bones and DNA.

To restore the human being to its central position in international law and justice will not be easy – above all, because the asymmetric power over technology is creating people who sense they are being controlled and surveilled and their behaviour is predicted and shaped by the four inches of titanium and glass in their pocket.

To defend universalism, we have therefore to retrace the logic of antifascists like Cassin, Politis and Hessel.

With even the most rudimentary form of international government, Politis argued, the individual will appear in its courts pleading for justice against the sovereign State. Try as you might to rule against her, or squeeze her to the margins, she is there. Where there is a system of states and international courts, the only basis on which the individual can be present is that of the universality of human experience – the biological fact that we are all members of the species Homo sapiens, despite our ethnic, linguistic and cultural differences.

> For the second time in a century we will be forced to resist and defeat fascism. We need to adopt an anti-fascist ethos, to live consciously in an anti-fascist way

Even to the far-right TikTok influencer, who wishes to defend their right to spout disinformation in return for advertising dollars, there are only two legal principles in the global marketplace: naked force or human universality. Once they understand the absolute power of the corporations they rely on to make their bucks, and the power of dictators like Putin, even such people must be susceptible to the argument that their "right to free

speech" resides in their species being, rather than in some temporary position in an unstable hierarchy.

Anti-fascist ethos

For me, the struggle to defend the Declaration, and the even more important European Convention on Human Rights whose principles it embodies, must begin at the anti-fascist roots of the project.

The Italian philosopher Enzo Traverso argues that anti-fascism emerged in the mid-1930s as a new, synthetic, civil religion, superseding and transforming its contributory ideologies of communism, liberalism and radical Christianity:

> "Against the fascist political religion of force, antifascism championed the civil religion of humanity, democracy and socialism. Such was the shared ethos that, in a historical context that was exceptional and necessarily transitory, made it possible to hold together Christians and atheist Communists, liberals and collectivists." [10]

By the time the Universal Declaration was passed, anti-fascism as an ethos was falling back into its constituent parts. As the exceptional conditions that created it re-emerge, we too attempt a new kind of synthesis, fusing social justice, universality, defence of international law and a rules-based global order into one project.

On a practical level, three tasks must be confronted, and time is tight. First, against the far-right's alliance of elite and mob, we need a temporary alliance of the centre and the left. A new version of the Popular Front designed to make tactical non-aggression pacts and even grand-strategic bargains in order to enforce the rule of law and prevent fascist aligned politicians like Trump and his imitators from ever seizing the machinery of government. It may take forms that are not pretty, like the present Spanish government, but it is necessary.

Second, we need to adopt a strategy of militant democracy. The German-American jurist Karl Lowenstein argued in 1938 that fascism is above all a technique reliant on the exploitation of weaknesses in democracy. Cut off their foreign funding, ban their uniforms, suppress their hate speech and –though you cannot kill the idea– you can disrupt the technique. For as long as they survive the institutions of supra-national justice, including the ECtHR, remain some of the most effective means of doing so. [11]

Third and finally, we need to adopt an anti-fascist ethos, to live consciously in an anti-fascist way. After two generations of market-justified amoralism, this is the hardest thing of all, especially when billions of dollars are being spent thrusting the fascist ethos into our

Twitter and TikTok timelines.

It is beyond doubt that for the second time in the space of a century we will be forced to resist and defeat fascism. It is a global phenomenon and spawns across social networks spontaneously as the neoliberal self-evaporates. An ethos is, ultimately, a vision of the self: if the left does not fight for one, preferring instead a set of "demands" or grievances, only the far right stands to benefit. That is not an argument against identity politics. It is an acknowledgement that identity has to be rooted in humanity.

As we resist, we have two lessons to learn from the progenitors of the Universal Declaration of Human Rights: that a principle embodied in a charter is good – but a legally binding convention is even better.

Moreover, to seize the time. There will come a moment when people like Trump, Elon Musk and Andrew Tate are history; when Putin and Xi Jin Ping meet the fate of all dictators. At that moment, amid the chaos, a few people armed with a legal argument in favour of universalism, and a humanistic ethos, can achieve a lot.

REFERENCES AND FOOTNOTES

1 — Plekhànov, Gueorgui (1883). *Socialism and Political Struggle*.
2 — Amnistia Internacional (2023). *Amnesty International Report 2022/23: The State of the World's Human Rights*. Report about Russia, p. 307-311. Available online.
3 — Hessel, Stéphane (2011). *Indignez-vous ! édition revue et augmentée. Ceux qui marchent contre le vent* (pp. 10–11). Indigène éditions. Kindle Edition.
4 — Winter, Jay; Prost, Antoine (2013). *René Cassin and Human Rights: From the Great War to the Universal Declaration (Human Rights in History)*. Cambridge University Press. Kindle Edition.
5 — Wike, Richard; Fetterolf, Janell (2021). *Global Public Opinion in an Era of Democratic Anxiety*. Pew Research Center. Disponible en línia.
6 — The full English text of the "Joint Statement of the Russian Federation and the People's Republic of China on the New Era of International Relations and Global Sustainable Development" is available online
7 — Arendt, Hannah (2017). *The Origins of Totalitarianism*. Penguin Classics.
8 — Harvard Palestine Solidarity Group (2023). Joint Statement by Harvard Palestine Solidarity Groups on the Situation in Palestine. Institute of Palestinian Studies. Available online.
9 — Marx, Karl i Engels, Friedrich (1845). *Die heilige Familie*.
10 — Traverso, Enzo (2007). *Fire and Blood: The European Civil War, 1914-1945*. Verso. Kindle Edition.
11 — Loewenstein, Karl (1937). *Militant Democracy and Fundamental Rights. The American Political Science Revie*w. Vol. XXXI, núm. 3 (june 1937), p. 417-432. American Political Science Association.



Paul Mason

Paul Mason is a journalist, writer and political activist in the Labour Party. He writes regular columns for *The New European and Frankfurter Rundschau* and has a Substack newsletter called *Conflict & Democracy*. He was previously economics editor of BBC Newsnight and Channel 4 News. He is the author of seven books, including *Postcapitalism* (2015) and *How to Stop Fascism* (2021). He is currently working on a global history of communism. He lives in London.