



# SOVIET HUMAN RIGHTS: AN OXYMORON?

**Anna Lukina**  
BCL candidate  
Hertford College

# WHY IS IT IMPORTANT?

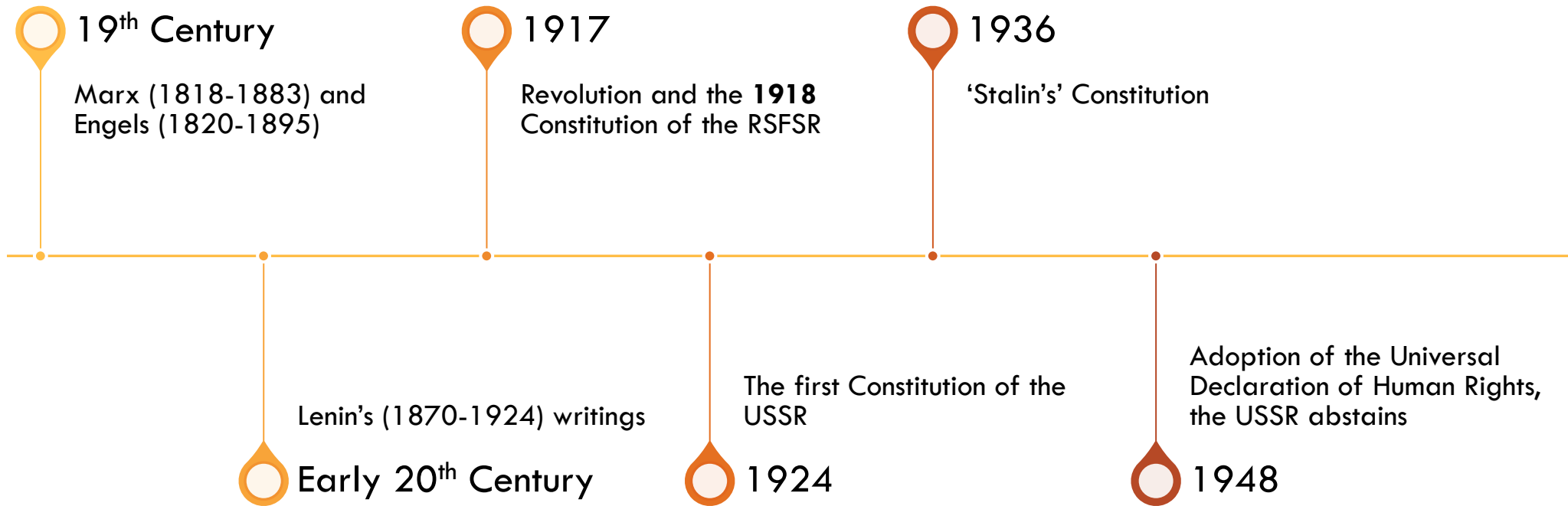
- Finding the cause of weaknesses in Soviet commitment to human rights doctrine
- Challenging universality of human rights and providing a valuable critique of the dominant conception
- Explaining modern phenomena such as Russia's problem with honoring international human rights obligations



"The striking fact is that in the protection of human rights, the Soviet system is strong where ours is weak, just as it is weak where ours is strong."

*Harold Berman*

# TIMELINE



# CONCEPTIONS OF HUMAN RIGHTS

## 'Western' (Orthodox)

- Individual rights
- Personal and political rights
- Negative rights



## Soviet

- Collective rights
- Socio-economic rights
- Positive rights



# COLLECTIVE RIGHTS

- Marx: history is perceived as a struggle between two fighting collectivities – the ‘oppressor’ class and the ‘oppressed’ class.
- Marx: the Western conception focuses on the rights of ‘egotistic man’ separated from society.
- 1918 (RSFSR): rights of the ‘labouring and exploited people’
- Vyshinsky (UN):
  - Human rights should include rights of nations to self-determination and cultural heritage
  - Individual rights (such as freedom of speech) are not limitless, overridden by public interest
  - Liberties should be equally accessible to all classes



# SOCIO-ECONOMIC RIGHTS

- Marx: history is determined by the economic 'base', social, political, legal, cultural 'superstructures' build on it
- Vyshinsky (UN): without socio-economic guarantees personal and political rights and freedoms will be useless
- *1918 (RSFSR): land ownership, emancipation of workers through arming them, abolition of private property, and an obligation to work*
- *1936 (USSR): right to work, right to leisure, right to social services, right to education*



# POSITIVE RIGHTS

## Vyshinsky (UN):

- In order to secure socio-economic rights, the state should be under a positive obligation to intervene to secure them
- Negative rights are not absolute and can be overridden by public interest
- Sovereignty can also override human rights demands

Harold Berman: "parent-child"  
relationship between the state and the citizen

## *1936 (USSR):*

- *duties of citizens (to abide by the law, to respect public property, and to defend their fatherland)*
- *duties of the state (e.g., universal, compulsory elementary education)*





# CONCLUSION

## 'Western' (Orthodox) conception

- Ignores rights of nations
- Ignores socio-economic rights, including those that facilitate full exercise of personal and political rights
- Does not put rights and freedoms in the context of social inequality

## Soviet conception

- Paternalistic, does not allow for full exercise of negative personal and political rights and freedoms
- Not followed in practice [?]

# CONTACT ME

e-mail: [anna.lukina@hertford.ox.ac.uk](mailto:anna.lukina@hertford.ox.ac.uk)

twitter: [@annvyshinsky](https://twitter.com/annvyshinsky)