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INTRODUCTION

The **66nd issue of Central European Political Science Review** treats the importance of the liberal democracy, and equal rights for every people, nations and national minorities in Central Europe. The title of **Vol. 17. No. 66** is: “HUMAN RIGHTS AND MINORITY RIGHTS IN CENTRAL EUROPE”.

When choosing this title, we regarded these 66nd issue as closely related, for the changes that occur are the consequences of their inter-relatedness. The aim of editor is to examine from many angles the relationship between international relations, institutional regulation and the stabilization of social relations in different part of the new Central Europe.

The last 25 years of transformation in the context of new challenges with which societies in Central Europe are confronted it is crucially important that political forces adhering the liberal democratic values should provide the candid democratic governance, equal rights for every nations, and national minorities and raising credibility of democratic institutions, and engaging people in public life.

The No. 66nd contain the complex **Index of Authors of CEPSR (2000-2016)** from the beginning to the actual issue.

The main reason for publishing the **CEPoliti Review** is to serve and to enhance Central-Europe, to broaden and to spread the thoughts of Central-Europeanism, and Europeanism. The editors of **Central European Political Science Review** welcome articles, conference reports and book reviews for publication, which focus on Central Europe or have message for the region.

The Editor-in-Chief



MAIN ARTICLES

**Quarterly of Central European Political Science
Alliance**

**HUMAN RIGHTS AND
MINORITY RIGHTS
IN CENTRAL EUROPE**



György Schöpflin

Liberalism, Human Rights, Populism

Introduction

There is a major tension at the heart of the European project, the tension between human rights and conflict resolution. That conflict resolution was the founding principle of European integration is incontestable, but currently that principle is increasingly marginalised in favour of human rights. The two are not the same and, while not necessarily incompatible, they prioritise different outcomes, different processes, have different consequences and affect different fields of political power, whether at the EU level or that of the member state.

The implication of this argument is that when it comes to European politics, we should shift our focus away from “populism”, “illiberal democracy”, “xenophobia”, “nativism” and other sins, because these are the surface phenomena of a much deeper conflict. And until these depths are explored and clarified, the crisis in European politics will persist and, quite likely, intensify.

The human rights discursivity

Basically both human rights and conflict resolution are based on a moral imperative – the former on a particular reading of the equality of identities, the latter on securing the consensual handling of contests of power. Both equality and consent have a moral content, even while they can be and are translated into practical action which then obscures the moral starting point. Where the two principles do diverge is in their openness to political contest.

Conflict resolution is explicitly political and calls upon the parties involved to resolve their differences through the debate and compromise that is the heart of democracy. Human rights, on the other hand, claims to

transcend politics and demands that all political action be subordinated to its moral principles. In this sense, human rights is making a truth-claim that there are values – conceivably a single value – that must normatively structure democracy. It follows, and this has grave consequences, that basing a political system on human rights makes democratic self-limitation and compromise considerably more difficult to achieve.

One way of addressing this problem of a superordinate system of moral values is to use the framework delineated by Isaiah Berlin in his New York Review essay. In this essay, Berlin argued strongly for value pluralism and against the dangers of moral monism. Crucially, he makes the point that some values are incommensurable:

“What is clear is that values can clash—that is why civilizations are incompatible. They can be incompatible between cultures, or groups in the same culture, or between you and me. You believe in always telling the truth, no matter what; I do not, because I believe that it can sometimes be too painful and too destructive. We can discuss each other’s point of view, we can try to reach common ground, but in the end what you pursue may not be reconcilable with the ends to which I find that I have dedicated my life. Values may easily clash within the breast of a single individual; and it does not follow that, if they do, some must be true and others false. Justice, rigorous justice, is for some people an absolute value, but it is not compatible with what may be no less ultimate values for them—mercy, compassion, as arises in concrete cases.”

The trouble with the human rights discursivity is that it rejects this, that it claims that human transactions (all? most?) can be, should be assessed by human rights criteria.

Note here that the human rights discursivity is dynamic, potentially protean, applicable universally and not susceptible to challenge. In this, it has come to resemble a faith-based system of norms, rather than a rational, presumably falsifiable, postulate. Certainly, human rights has become strongly sacralised, meaning that it is above questioning; indeed those who do question it, its universal applicability, are open to ever stronger condemnation.

If we look at the evolution of the rights discourse, its contingency immediately becomes evident and once the contingency is clear, it can be seen for what it has become, a particular facet of Western intellectual thought with deep historical roots, but importantly only one among many. Here is John Gray's insight:

“The overriding importance given to rights – a selective reading of them, at any rate – is one of the marks of the new liberalism. In one form or another, doctrines of human rights have been around for centuries, and a conception of universal rights was embodied in the UN Declaration of 1948. But rights became central and primary in liberal thought only in the 1970s with the rise of the legalist philosophies of John Rawls and Ronald Dworkin, which held that freedom can be codified into a fixed system of interlocking liberties that can be interpreted by judges. On the libertarian right, Friedrich Hayek proposed something similar with his constitutional proposals for limiting democracy.”

Liberal values are, then, self-evidently not universal, but are projected as such normatively; in sociological reality, they are the preserve of particular sections of society, above all, sections of the elite. By the same token, these values are rooted in the particular world of Europe and North America and, therefore, clash with the local value systems in non-Europe.

This does not in any way necessarily make them base or evil, but in common with all human endeavour, liberalism is contingent and open to interrogation. Yet there can evolve a particular cognitive situation when a set of values becomes the hegemonic, self-legitimizing ideology of a particular stratum of society which then essentialises the ideology, transforms it into a facet of its identity and insists on its universality. And that it is axiomatic. This is the current problematic.

In such processes, whatever the value system that we are assessing, they acquire a strong tendency to become inward-looking and reluctant to change. Worse, its protagonists will seldom or never engage with alternatives, critiques, questioning, but will dismiss these as hostile. Note that this sketch was equally true of other closed systems, like Marxism-Leninism, Fascism (the real one), Freudianism, some variants of Christianity, fundamentalist Islam to name a but a few. Unfortunately this essentialisation has also captured and captivated some of the representatives of contemporary liberalism. The principles elaborated by Mill and Tocqueville have been transformed into something more closed and inward looking, turned into a self-legitimizing ideology with boundaries, a metalanguage and metaphors – it bears an eerie resemblance to other identity collectives.

Note here the growing intensity, the emotionality, of the metalanguage preferred by human rights protagonists, none of which points towards the necessary understanding of the other's perspective. If anything, the language in question is *prima facie* negative, dismissive and condemnatory, more and more excluding respect for one's political opponents. Indeed, the distinction between opponent and enemy is fading (this works even better in Hungarian, "ellenzék" and "ellenség" are etymologically linked, but wholly distinct in meaning). To describe one's political opponents as "populists" etc. comes close to denying their moral worth as human beings, let alone accepting them as citizens. The dangers of this radical disavowal should be clear to all, yet – or so I see in far too many places – it is widespread and

increasingly so, whether among politicians, think tanks, civil society or the media.

Why are people listening to populists?

“Populism” is in itself a concept that is all but impossible to define coherently, other than as the binary opposite of whatever the liberal value system decrees at a particular moment. Still, here is one attempt to do so by someone with impeccable liberal credentials, Jan-Werner Müller:

“Rather, populists claim that they and they alone speak in the name of what they tend to call the ‘real people’ or the ‘silent majority’.”

What this definition does not do, however, is to take the process further and ask who are the individuals who make up the mythic people. It is here that we find paradox and contradiction. The “people” are not only the putative whole imagined (in Anderson’s sense) by politicians, but are at the same time, citizens, voters, society, public opinion, the public sphere, the nation in certain contexts. In the international context, it is a people that have the right to self-determination. The people are also those with the right to exercise popular sovereignty.

What Müller’s definition further fails to do is to ask the question “why?” Why are people listening to populists, what is missing from the message of mainstream liberalism? What effect does it have when the mainstream’s message is that the populists are “bad people”? What is there in this message that impels people to vote for populism?

Basically, the only logical response is that as the “people” voters cease to be citizens or are bad citizens, because in the liberal world-view a citizen must be a liberal and accept that liberals know best. So, the people had better be deprived of their agency, such as voting, if they don’t follow the precepts of the liberal elite. To anyone with a sense of history this is beginning to resemble a vanguard

party as Lenin constructed it. At least there are no Gulags yet, though the functional equivalent of the show trial can be found in the social media.

The argument in favour a distinctively less moralised approach to political action, whether at the European or the member state level, derives from the founding principles of European integration – conflict resolution – which in themselves are at the core of democratic theory. In sum, there will always be conflict, disagreement, disapproval, hence these cannot be expelled from human societies other than by suppression and violence.

If we begin from the proposition that suppression and violence must be excluded, we have to establish other ways to resolving conflict. It was here that the European integration process required a remarkable act of innovation, to argue that the bargaining, dealing, compromise characteristic of democracy could be raised to the higher, inter-state level if states were prepared to surrender some of their sovereignty to a supra-state institution.

That much is commonplace, as are the problems of remoteness, democratic accountability, technocratic inflexibility and the other ills associated with the European Union. What should be clear from the foregoing is that the problems listed here will not be resolved by an exclusive or hegemonic reliance on human rights. Crucially, this arises from their divergent bases in what to do with values in conflict. Following Isaiah Berlin, we can argue that democratic compromise accepts the incommensurability of certain values (justice and compassion are ones he notes) and seeks to establish an equilibrium between competing values.

Yet the transcendental moral superiority attributed to human rights points rather towards moral monism. I do not wish to be misunderstood here. The champions of human rights do not have access to Gulag or concentration camps, but their monism makes them potentially and structurally – repeat, structurally – similar to the great totalitarian systems of Twentieth Century Europe. So, to exaggerate a

bit, what we are looking at is a kind of High Authority on human rights which has begun to resemble a postmodern inquisition in its methodology. This definition of the Frankfurt School remains relevant to the liberal elite:

“The one trait that the savants of the Frankfurt School shared with Hollywood executives was a fundamental tendency to underestimate, even to hold in contempt, the common man, despite the fact that the common man was the very focus of their attention and efforts.” (Banville).

To bring this argument to a more concrete level, the proliferation of human rights instruments should be as much subject to sceptical scrutiny as any other initiative. Second, if there is to be a single standard for human rights in the EU, one that is fully legitimate, it must apply even-handedly to all member states and must remain within the realm of law. Third, the moment that human rights is touched by either leftwing or rightwing interests, it loses its legitimacy as a legally neutral process.

As far as the even-handedness is concerned, whether this was intentional or not, too much attention has been afforded to actions against Poland and Hungary. Is everyone truly satisfied that these are the only two member states where one might identify “systemic risks” to the rule of law? One can discern a “narrative of democratic backsliding” applied to Central Europe that is not applied elsewhere in the EU. This then serves to reinforce a kind of ongoing post-enlargement process that questions the full and equal EU membership that these states were promised on accession.

Hence for the EU to recover its legitimacy and élan, there will have to be a far-reaching reappraisal of what the elites are doing, why their solutions fail to resonate, where the dividing line between law and politics should be drawn and defended and, maybe above all, to avoid the temptations of power and moral legislation. This last has deep roots in

Europe and may well be the hardest to abandon. Zygmunt Bauman's assessment has not lost its validity. But if the liberal elites fail in this, other elites will transcend them. Indeed, this process is already happening.

Looked at from the bottom up, a sizeable section of society (citizens, voters, the people) has concluded that the dominant elites no longer represent their view of the world, resulting in a loss of cultural legitimacy. Hence, the moral order constructed by the liberal elite is not that of much of society. This has political consequences, most obviously in the outcomes of elections – in 2016 alone, these elites have been rejected in the Netherlands, the United Kingdom, in the USA and in Italy; in the Austrian presidential elections, the liberal elite managed to defeat the anti-establishment challenger. From the liberal perspective, this ought to be seen as a serious warning, but to date the response has been to double up, to insist that liberalism is always right. As ever, the Platonic ideal of elite rule is never far away.

To conclude, let us assume that 2016 is a hinge year in the history of the West and of the democratic order. The observable change is that the liberal hegemony has received a series of body blows, but continues to resist the conclusion that liberalism – in its current articulation – is unsustainable in a democratic environment where the electorate can express views at variance with the assumption set of the hegemony. The liberal project has failed. The assimilation of the great majority of society to liberal values has not taken place, even if the liberal elites refuse to recognise this. For sizeable swathes of society, while some liberal values may be accepted, neither the package as a whole nor the application of these values have been. Whereas liberals have spent a great deal of time on the equality of various minority groups, they have neglected the core white majority and the majority doesn't like it. The neglect has obviously been economic, but far more important has been status and moral equality. The moral legislation pursued by the elite necessarily casts the majority into an inferior position.

The rising populist elites face a different set of dilemmas

If we interpret the liberal-populist tension as a positive-negative polarity, then we can see, two things. First, by placing liberalism at the end of a polarity, its contingency becomes visible, so that its protagonists can no longer proclaim it as normal and natural. It is one set of moral claims among many others. The emergence of this polarity has, thus, helped to erode the “exemplary and binding” quality that liberalism proclaimed. Second, assuming that democratic conditions will hold, over time the liberal elite will gradually become weaker than society, given that the latter no longer accepts elite guidance so readily and, equally, has elevated counter-elites that express a divergent (non-liberal) view of the world.

The obvious implication is that there is no guarantee that any hegemony will remain in business for ever and that the protagonists of liberalism have yet to confront the realisation that their reign is not eternal. There is no end of history, in other words. Many continue to think otherwise. A further implication of this argument is that linear views of history are mistaken and that history does not have sides, hence there is no “progress”, no historical inevitability either.

The liberal thought-world does not differ from other analogous phenomena. It is constructed and works as long as it resonates. What cannot be seen at this time is what results the polarity with populism will have. Some of those inside the thought-world will be invigorated by the struggle, even when external realities are ever more remote the liberal norms. But a parallel scenario is also possible. Liberalism will evolve into a metalanguage, but its content will erode, until some new discourse will take its place. This was more or less the fate of Marxism-Leninism. No parallel is exact, of course.

The rising populist elites face a different set of dilemmas. If they are to gain power, they will have to deradicalise and find a connection to the centre; this raises

the danger of losing the radical base, but without making serious inroads in the middle ground. And then, once in power, they have to demonstrate that their policies work, that they deliver on their promises and that they do actually improve things in the eyes of the support base. Otherwise, their followers will desert them.

So, what next? If liberalism does want to remain in business, and liberal values are a necessary condition of democracy, then it must shed its increasingly closed categories and rethink what it regards as genuinely important for a democratic order. Equality – maybe equivalence is preferable – of status and mutual respect must be at the top of the list. Then, there must be a recognition of the proposition that collective identities do matter, and this includes all collective identities, not merely those that the liberals have chosen to privilege. Nationhood is very much among them.

Similarly, majorities do have rights, so that occasionally – as the outcome of debate – minorities have to give way to majorities, though not all the way, as this is and must be a case of ongoing negotiation. Then, there is the question of values. It should be evident that some values are negative and, following Isaiah Berlin, some are incommensurable. It is not enough to declaim values, they must be specified and argued.

Debate has declined. The liberal hegemony has acquired the bad habit of ignoring arguments that it does not like or cannot answer, and that includes empirical data. If liberal values are to survive and not be swamped by negatives, they must be part of a contest, which is something that liberals have forgotten, seemingly. Furthermore, it would be helpful if liberalism reconnected with its 19th century roots and abandoned its claim to the omniscience that it has taken over from Marxism-Leninism. Notably, liberalism appears to have accepted a variant of false consciousness from which the people are suffering. This notion really should end up in the dustbin of history.

The legacy of vulgarised Foucault, that all power is dubious, is similarly suspect – the legacy cannot be applied to all situations, above all state power offers predictability, security and order. Thus the state is not invariably, inherently undesirable; NGOs please pay attention.

Ultimately, if democracy is to live as a system that applies to all, then liberalism must pay heed to particularism. to local traditions and expectations. The one-size-fits-all universalism is, therefore, a threat to liberalism itself, because it empowers precisely the very authoritarians that liberalism would like to eliminate. And that scenario would be the worst irony of them all.

Conclusions

So, if my supposition that 2016 will prove to be a hinge year is correct, what are the qualitative changes that characterise it?

First, the seeming polyphony of globalisation has defaulted into a binary opposition, as is so often the case. The two polarities – liberalism and populism – are to an extent misnomers. Liberalism is not very liberal and who can say what populism really is? Third, populism in its present form has been constructed by the liberal opposition to it, it has been the liberal attributions by which this populism is defined. Another facet of this is that the binary opposition has given new strength to a much older one, the one between universalism and particularism. After about two decades of ruling the roost, the discourse of universalism has found a challenger.

Finally, precisely by defining populism through a series of negative attributions, liberalism has ensured that it has a role in the democratic system, an undesirable one for some, but still better inside it than outside.

Literature

Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Verso, 2006).

John Banville, “The View from the Tower”, *Dublin Review of Books*, December 2016

<http://www.drb.ie/essays/the-view-from-the-tower>

Zygmunt Bauman, *Legislators and Interpreters: On modernity, post-modernity and intellectuals*, (Polity, 1987).

Isaiah Berlin, “On the Pursuit of the Ideal”, *New York Review of Books*, 17 March 1988

<http://faculty.up.edu/asarnow/351/Berlin%20Pursuit%20of%20the%20Ideal.htm>

Frank Furedi, “Populism: a defence”, *Spiked* (November 2016), http://www.spiked-online.com/spiked-review/article/populism-a-defence/19042?utm_content=buffer163&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer#.WENBEpJSIU

John Gray, “The closing of the liberal mind”, *New Statesman*, 8 November 2016

http://www.newstatesman.com/politics/uk/2016/11/closing-liberal-mind?utm_source=New+Daily+Newsletter+Subscribers&utm_campaign=691e1f9d96-EMAIL_CAMPAIGN_2016_11_08&utm_medium=email&utm_term=0_4675a5c15f-691e1f9d96-81848629

Jan-Werner Müller, “Capitalism in One Family”, *London Review of Books*, 1 December 2016

<http://www.lrb.co.uk/v38/n23/jan-werner-muller/capitalism-in-one-family>