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„Playing the Law”: Polish Dissidents’ and the Mechanics of the “Helsinki Effect”

It is often stated that the democratic opposition circles in Communist East-Central Europe were using international ‘laws’ – such as the Helsinki Accords of 1975 – to empower their domestic claims for the respect of human rights and thus challenge the authorities. This, so called ‘Helsinki Effect’ is pointed out as one of the explanatory factors of the peaceful revolutions of 1989.

From a legal perspective though, such a claim is at least eyebrow-raising, because it does not say what exactly was done and what the legal strategies of the dissidents were. This research project seeks to uncover the mechanics of the ‘Helsinki Effect’, by providing insights on the general dynamics of the legal struggles between the opposition and the authorities, based on archival micro-evidence from Poland. It is suggested that the dissidents were creatively ‘playing the law’. Because of reasons that lay within the field of culture, they were also able to gain advantage over the governments, and successfully entrap them on many occasions. For this a wide perspective on law, drawing both on sociological, cultural, cinematographic and literary studies is needed.

The focus is on Poland, with regard not only to legal, but also to some sociological, historical, philosophical, cinematographic and literary sources. The project posits that apart from the phenomenon of ‘playing law’, also an attempt to ‘regain the law’ by the society was made. Finally, it concludes that all these processes were possible because a certain specific Central European ‘law culture’ was in place – making the law an effective lever, a field of political struggle. This combination of respect and at the same time – flexibility of law is explained in cultural and discursive terms.

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Human Rights Facing National History. Dissidents, Nationalism and the Democratic
Revolutions of 1989 in East Central Europe.

The paper shall address the hitherto under-researched question of the encounters and conflicts of the human rights and nationalist discourses in the democratic opposition in East Central Europe during the 1970s and the 1980s and its climax in the early democratic era after 1989. In a comparative analysis encompassing several national contexts (Czech, Hungarian, Polish, Slovak) it will focus on the dilemmas of the identity politics in the anti-communist opposition with its hardly reconcilable registers of the human and civil rights doctrine and the powerful mobilizing imagination of the traditional national historical master-narratives.

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Human Rights, Domestic Dissent and Culture: The Case of Human Rights Localization in Poland and Czechoslovakia

Human rights are universal and it is only a matter of time before they spread globally – or so the modernist argument went. What if the apparent universal and global character of human rights has to be reinforced, or even produced, through the localization of these ideas and the conscious work towards making them resonate with pre-existing discourses and narratives? In other words, what if human rights are not simply imposed from the top down, but rather retold in locally familiar ways (and so – localized) from the bottom up? I propose a look at how the HR discourse and its institutionalized form of the Helsinki Accords of 1975 was appropriated and adapted, and in fact re-written and retold by the democratic dissident circles of Poland and Czechoslovakia. The strategies of HR adaptation and localization were also creatively used throughout the 1980s by the opposition movements, and thus paved the way to the revolutions of 1989, and the democratic regimes that followed. Through an analysis of dissident texts (declarations, statements, essays but also memoirs), I intend to answer what strategies were used and

what stories told to localize the HR discourse and norms, and make it resonate with the local values and traditions (or at least – what was presented as traditions in order to resonate with HR)? The social constructivist approach in the discipline of international relations emphasizes norms, but it also adopts a top-down perspective. Is it possible to reverse the analysis and claim, that HR were universal not because they were institutionalized in international treaties and enforced by Western democracies, but also (or perhaps primarily) because they were presented as universal through local discourses, and thus their globality was produced through local agency? Using the case of Eastern Europe as an illustration, my intention is to invite the readers to rethink the typical and stagnant perspective on human rights, which are not necessarily something “up there”, but have to be reproduced and have to be made work on the ground to change the world – which was, after all, their goal since the 1789 Declaration.