

faced criminal charges. Staffers went into hiding or exile. Some NGOs saw their offices sealed.

Dissidents and the Future of Human Rights

Four decades after the signing of the Helsinki Final Act, human-rights discourse has been marginalized across Europe. Most governments have human-rights commissioners, but these are rarely positions of influence. The EU's External Action Service created a special post for human rights, which so far has played no role in shaping policy. When foreign-policy think tanks convene gatherings to discuss the continent's future, the issue of human rights seldom comes up. Academics largely ignore what is happening to pan-European human-rights institutions. There is, of course, a world of human-rights NGOs, but often these organizations end up talking mainly among themselves or to individual government officials tasked to "deal with" human rights.

In his recent book about the international human-rights movement, Samuel Moyn quoted the human-rights scholar Moses Moskowitz, who wrote in the early 1970s that the human-rights idea had "yet to arouse the curiosity of the intellectual, to stir the imagination of the social and political reformer and to evoke the emotional response of the moralist." Moyn added that "human rights as we understand them were born yesterday," referring to the breakthrough of activism in the late 1970s. And he cautioned: "Few things that are powerful today turn out on inspection to be longstanding and inevitable . . . this also means that human rights are not so much an inheritance to preserve as an invention to remake."

This is true in Europe today. Neither the Council of Europe's fate nor human-rights organizations' reports about the plight of political prisoners who languish behind bars in countries on Europe's periphery seem able to "arouse the curiosity" of many intellectuals. A 2015 paper by the Stiftung Wissenschaft und Politik (SWP) in Berlin, Germany's top think tank, is all too typical. Three leading analysts from this prestigious institution suggest that "the precept of the inviolability of national territory should be broadened to include a political component: the incontestability of the internal political order." This is a call to turn Europe's back on the legacy of Sakharov and Havel. Western governments "would have to refrain from demanding and actively promoting democratic changes in the political systems of the countries of the post-Soviet region and adjust their conduct accordingly." The SWP analysts go on to claim that "sober pragmatism in economic relations" would also "serve to stabilize energy relations and facilitate a fair balance of interests between the EU and Russia." As far as EU policy on Azerbaijan is concerned, this future is now.

Today's European landscape of human-rights protection looks markedly different from that of the 1970s. And yet today's human-rights de-

fenders in jail in Azerbaijan face the same repression as did the members of the Moscow Helsinki group and the signatories of Charter 77 back in the 1970s. Except that today, their oppressors can boast that they are members in good standing of the Council of Europe.

So what is to be done? For the human-rights movement in Europe, the situation is dire. One option is to focus on shaming “surrogate villains” across Europe: Aliyev’s apologists within PACE; governments that fail to act in the Committee of Ministers; or Secretary-General Jagland, who has stood by in conspicuous silence as an autocratic regime has captured the putatively democratic institution of which he is supposed to be the steward.

Perhaps today’s sacrifices of human-rights defenders on the edge of Europe will bring new heat to the cooling embers of emotional outrage. As the late philosopher Richard Rorty put it in a 1993 lecture at Oxford, “the emergence of the human rights culture seems to owe nothing to increased moral knowledge, and everything to hearing sad and sentimental stories.” That same year, three former political prisoners served as presidents of European countries: Václav Havel (Czech Republic), Lech Wałęsa (Poland), and Árpád Göncz (Hungary). Their stories were tales of heroism, of activists prepared to go to jail for their beliefs.

Such stories are being written again today. On their last day in court, 5 May 2014, Azerbaijani youth activists held up a mirror to outside observers by placing their nonviolent activism in the context of Soviet-era dissent—the very dissent that İlham Aliyev’s father worked to repress as a KGB general. As one young defendant said: “Solzhenitsyn in his ‘Live Not By Lies’ wrote about despotic regimes’ dependence on everyone’s participation in the lies. He wrote that the simplest and most accessible key to our self-neglected liberation lies right here: Personal non-participation in lies. This is what [the civic movement] NIDA does.”

In February 2015, journalist Khadija Ismayilova, a towering figure in the Azerbaijani dissident scene who was arrested in late 2014, wrote a “Letter from an Azerbaijani Jail” (the echo of Martin Luther King, Jr., is intentional) with a similar message:

If we can continue to reject the thinking that is imposed on us and believe that human dignity is not for sale, then we are the winners, and they, our jailers both inside and outside prison, are the losers. Prison is not frightening for those trying to right a twisted scale, or for those who are subject to threats for doing the right thing. We see clearly what we must fight for. Life is very complicated, but sometimes we get lucky and are offered a clear choice, between truth and lies. Choose truth and help us.

And what if this time no one listens? The philosopher Kwame Anthony Appiah has sought to explain instances of moral progress, such as the abolition of dueling and slavery, by pointing to changing notions of “honor.” But moral revolutions can also halt progress. In 1926, the

League of Nations promoted a Convention to Suppress the Slave Trade and Slavery. Three years later, Stalin's USSR started setting up the vast and cruel system for extracting forced labor known as the Gulag. A few years after that, Hitler came to power in Germany and began steering that powerful nation on a course that would, among its other horrors, bring the enslavement of some twelve-million people from across Europe as laborers forced to serve the Nazi Reich. In the second quarter of the twentieth century, slavery returned to the European continent in a way "that had not been seen in Europe since the time of the Roman Empire." When shame is gone, morality changes.

In a March 2015 speech, Ilham Aliyev explained that international treaties are "only a piece of paper that aren't worth anything . . . We see it and everyone else can see it too. We see this throughout the world—might is right." There are no moral principles or international human-rights obligations. There is no voice for the powerless. There is no room for shaming. Once torturers are treated with respect, even torture will cease to be considered shameful. In the past decade, Aliyev has managed to steal a series of elections with impunity. But his biggest coup was to steal the soul of the Council of Europe. He locked it up, along with his country's dissidents, in an Azerbaijani prison. There it sits, waiting to be rescued.

NOTES

1. Azerbaijani Latif Huseynov was elected chairman of the Committee for the Prevention of Torture in 2011. "Latif Huseynov Elected Chairman of European Committee for Prevention of Torture," *News.az*, 12 March 2011, www.news.az/articles/32756. In public, he has consistently supported President Aliyev and praised prison conditions in Azerbaijan: "I can state with the whole responsibility, as for how employees of local penitentiary institutions treat prisoners, the situation in Azerbaijan is better than that in an overwhelming majority of European countries"; see Eynulla Fatullayev, "Head of European Committee: 'Azerbaijani Prison Conditions Are Better Than in Most European Countries' (Exclusive)," *Azeri Daily*, n.d., <http://azeridaily.com/politics/3771>.

2. "The List: 98 Political Prisoners in Azerbaijan, August 2014," 10 August 2014, www.esiweb.org/pdf/THE%20LIST%20-%2098%20political%20prisoners%20in%20Azerbaijan%20-%20August%202014.pdf.

3. Eurostat, Imports by Country of Origin, 2003 to 2012, Azerbaijan to EU-28; Vesela Tcherneva, Louisa Slavkova, and Chi Kong Chyong, "Europe's Alternatives to Russian Gas," 9 April 2015, www.ecfr.eu/article/commentary_europes_alternatives_to_russian_gas311666.

4. Quoted in European Stability Initiative, "Disgraced: Azerbaijan and the End of Election Monitoring as We Know It," ESI report, Berlin, 5 November 2013.

5. Thorbjørn Jagland, "Azerbaijan's Human Rights Are on a Knife Edge: The UK Must Not Walk Away," *Guardian*, 3 November 2014, www.theguardian.com/commentis-free/2014/nov/03/azerbaijan-human-rights-uk-tory-echr.