

# *Traditional values, family, homeschooling: The role of Russia and the Russian Orthodox Church in transnational moral conservative networks and their efforts at reshaping human rights*

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*In the last two decades, Russian state actors and the Russian Orthodox Church have come to play an increasingly important role in the undermining of established understandings of international human rights law by reinterpreting its aims and repurposing its institutions, in particular the Universal Declaration of Human Rights, the United Nations Human Rights Council, and the European Court of Human Rights. Russian state and church leaders have appropriated and coopted the language of human rights in order to advance an illiberal and nationalist agenda that undercuts democratic values and targets particular groups and their rights and freedoms—most notably liberal civil society, political opposition, and the LGBTIQ+ community. Written from the angle of a constructivist sociology of human rights, this article brings together three case studies of Russian rights appropriation around the topics of traditional values, family, and homeschooling and draws six lessons on the (mis)appropriation of human rights for illiberal purposes. The analysis of Russia’s rights appropriation sheds light on the background and build-up for current events in Russia’s war against Ukraine.*

## **1. Introduction**

Among the cases of rights appropriation analyzed in this Symposium, Russia occupies a special place. Russian state actors and the Russian Orthodox Church are relative

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newcomers to the contestation of international human rights, stepping into the scene only around 2010 after a period of learning and testing different strategies vis-à-vis international human rights. Today, Russia plays an increasingly important role in the undermining of established understandings of human rights law by reinterpreting its aims and repurposing its institutions. Russian state and church leaders have appropriated and coopted the language of human rights in order to advance a nationalist “traditional values” agenda that undercuts democratic values and targets particular groups and their rights and freedoms—most notably liberal civil society, political opposition, and the LGBTIQ+ community. Human rights have even been used to justify the Russian invasion of Ukraine, when Russian President Vladimir Putin claimed that he was defending the rights of people living in the separatist territories of Ukraine.<sup>1</sup> The reasons for the Russian rights appropriation are at least twofold: denigrating the language, concepts, and institutions of human rights in the domestic context plays to the advantage of the existing autocratic power structures; challenging the international human-rights instruments as Western-centric and biased and mobilizing an alternative, conservative human rights discourse internationally raises the status of Russia as polarizer and antagonist vis-à-vis Western liberal democracies and as potential leader of an illiberal majority in global politics. In this article, I bring together three case studies of Russian rights appropriation around the topics of traditional values, family, and homeschooling. Analyzing the involved actors and timeline in each of these cases allows me to demonstrate that the Russian conservative rights-agenda is the result of a learning process that involves a transnational network of actors and mobilizes themes and strategies hitherto associated with the American culture wars and American Christian Right activism.

## 2. Sociology of human rights and conservative norm entrepreneurship

A political sociological and social constructivist approach to human rights moves two features of the contemporary human rights regime into focus: first, human rights are socially constructed, and second, they are sustained through political action. The meanings given to the provisions contained in human rights treaties are the result of a constant application and interpretation of human rights law through judges, lawyers, state representatives and advocacy groups over time. The meaning of human rights is therefore not static. As historical, social, and political contexts change, also the direction and range of human rights law changes.<sup>2</sup>

There is a general consensus in the literature that the protective reach of human rights has expanded over time towards ever greater egalitarian application of rights. Whereas the first human rights treaties aimed primarily at the constraint of state power by outlawing arbitrary, discriminatory, and violent treatment of persons at

<sup>1</sup> Vladimir Putin, *Address by the President of the Russian Federation*, PRESIDENT OF RUSSIA (THE KREMLIN) (Feb. 24, 2022), <http://en.kremlin.ru/events/president/news/67843>.

<sup>2</sup> See, e.g., *THE INTERNATIONAL STRUGGLE FOR NEW HUMAN RIGHTS* (Clifford Bob ed., 2009).

the hands of the state and its agents, human rights law is now also applied to rights infringements that take place not directly at the hands of the state, but under the umbrella of the state. In the past two decades, the focus of human rights has shifted away from negative obligations of the state vis-à-vis individual citizens (e.g., the prohibition of torture) to positive obligations of the state (e.g., to ensure the adequate implementation of the right to education).<sup>3</sup> In addition, violations of rights pertaining to sexual orientation and gender identity have become recognized as relevant human rights issues, and areas of law formerly regarded as private and firmly within the sphere of national sovereignty have now moved into the focus of international human rights law.<sup>4</sup>

In fact, when the Universal Declaration of Human Rights was ratified by the members of the United Nations in 1948, practices that would today count as gross human rights violations were commonly and legally in place in most countries: discrimination based on race, color, religion, sex, or national origin was outlawed in the United States only in 1964;<sup>5</sup> divorce became legal in Italy in 1970;<sup>6</sup> homosexual conduct was a penal offence in Austria until 1971;<sup>7</sup> physical violence as a legitimate aspect of parental care was outlawed in Germany only in 1980.<sup>8</sup> The combatting of domestic violence has been mainstreamed into human-rights discourse only in the last decade.<sup>9</sup> And a once-radical idea of same-sex partnership rights, which existed in no state before 1989, now adorns the legal infrastructure of over three dozen states.<sup>10</sup> Through the diffusion of human-rights standards into national legislations, provisions in terms of gender and generational equality have become standard rights instruments today. A sociology of human rights enables scholars to understand how such diffusion and application of human rights takes place. It analyzes “the range of actors involved in making human rights claims, the types of action in which they are engaged, and the organizations through which claims are addressed.”<sup>11</sup>

The interpretation and diffusion of human rights in national legislations takes place at the hands of actors that the political sociology literature calls “norm entrepreneurs” or “norm protagonists.” The terminology was coined by Martha Finnemore and

<sup>3</sup> Dinah Shelton & Ariel Gould, *Positive and Negative Obligations*, in *THE OXFORD HANDBOOK OF INTERNATIONAL HUMAN RIGHTS LAW* 562 (Dinah Shelton ed., 2013).

<sup>4</sup> Christopher McCrudden, *Human Rights, Southern Voices, and “Traditional Values” at the United Nations* 5–6 (Univ. Mich. Pub. Law Research Paper no. 419, 2014).

<sup>5</sup> Kevin Boyle & Anneliese Baldaccini, *A Critical Evaluation of International Human Rights Approaches to Racism*, in *DISCRIMINATION AND HUMAN RIGHTS: THE CASE OF RACISM* 135 (Sandra Fredman ed., 2001); Charlotte Bunch, *Women’s Rights as Human Rights: Toward a Re-Vision of Human Rights*, 12 *HUM. RTS. Q.* 486 (1990).

<sup>6</sup> MARK SEYMOUR, *DEBATING DIVORCE IN ITALY: MARRIAGE AND THE MAKING OF MODERN ITALIANS* (2006).

<sup>7</sup> Helmut Graupner, *Homosexualität und Strafrecht in Österreich: Eine Übersicht*, RECHTSKOMITEE LAMBDA (last updated Aug. 17, 2003), [www.rklambda.at/images/publikationen/209-9\\_18082003.pdf](http://www.rklambda.at/images/publikationen/209-9_18082003.pdf).

<sup>8</sup> Joan E. Durrant, *Corporal Punishment and the Law in Global Perspective*, in *THE OXFORD HANDBOOK OF CHILDREN AND THE LAW* 293 (James G. Dwyer ed., 2019).

<sup>9</sup> Susan Moller Okin, *Feminism, Women’s Human Rights, and Cultural Differences*, 13 *HYPATIA* 32 (1998); Liz Kelly, *Inside Outsiders: Mainstreaming Violence Against Women into Human Rights Discourse and Practice*, 7 *INT’L FEMINIST J. POL.* 471 (2005); Natalie Davidson, *The Feminist Expansion of the Prohibition of Torture: Towards a Post-Liberal International Human Rights Law?*, 52 *CORNELL INT’L L.J.* 109 (2019).

<sup>10</sup> KELLY KOLLMAN, *THE SAME-SEX UNIONS REVOLUTION IN WESTERN DEMOCRACIES: INTERNATIONAL NORMS AND DOMESTIC POLICY CHANGE* (2013); PAUL BOURASSA & JOE VARNELL, *JUST MARRIED: GAY MARRIAGE AND THE EXPANSION OF HUMAN RIGHTS* (2002).

<sup>11</sup> KATE NASH, *THE POLITICAL SOCIOLOGY OF HUMAN RIGHTS* 6 (2015).

Kathleen Sikkink on the grounds of the observation that norms “do not appear out of thin air; they are actively built by agents having strong notions about appropriate or desirable behavior in their community.”<sup>12</sup> Norm entrepreneurs “create” norms by calling attention to issues that hitherto have not been “named, interpreted and dramatized” as norms. Norm entrepreneurship comprises three levels: norm protagonists (activists, non-governmental organizations (NGOs)), organizational platforms (United Nations, Council of Europe), and supportive state actors (countries that lend support to the activists’ claims). Across these three levels, norm protagonists construct cognitive frames, often in opposition to rival frames, effectively causing a shift in public perceptions of appropriateness. Most studies on norm entrepreneurship focus on progressive actors that promote norms like gender equality, freedom, education, or welfare through international organizations such as the European Union or the United Nations, or through international NGOs.<sup>13</sup> However, several authors have demonstrated that the mechanisms of norm entrepreneurship apply not only to progressive actors and topics, but also to conservative groups and their strategies.<sup>14</sup>

From the perspective of a sociology of human rights, rights appropriation is not something that is specific to certain groups of actors and ideological worldviews. All actors that engage in actions and politics around human rights in one way or the other make rights “their own” and fill human-rights provisions with meanings and ends that are relevant in their concrete historical, social, and political context. The reason why rights appropriation is applied here in a way that singles out conservative, illiberal, and restrictive usages of human rights language and instruments lies, therefore, not with the understanding that these actors construct human rights language in a way that differs from an allegedly more “genuine” or “unconstructed” meaning of human rights. From a constructivist political sociological perspective, this is not the question, since all meanings of human rights are constructed in concrete social and political practice. Instead, the term “rights appropriation” highlights a different aspect of moral conservative norm mobilization, namely, its *novelty*: Whereas conservative opposition against individual human rights itself is not new, what is new is the fact that today this opposition is increasingly framed in terms of human-rights language, politicized through strategies of human rights advocacy and staged directly at human rights institutions. What is also *new* is the fact that the norm mobilization of moral conservative actors today has moved beyond local and domestic contexts and

<sup>12</sup> Martha Finnemore & Kathryn Sikkink, *International Norm Dynamics and Political Change*, 52 INT’L. ORG. 286 (1998).

<sup>13</sup> Phillip M. Ayoub, *Cooperative Transnationalism in Contemporary Europe: Europeanization and Political Opportunities for LGBT Mobilization in the European Union*, 5 EUR. POL. SCI. REV. 279 (2013); THOMAS RISSE & KATHRYN SIKKINK, *THE POWER OF HUMAN RIGHTS: INTERNATIONAL NORMS AND DOMESTIC CHANGE* (1999); Kathryn Sikkink, *Latin American Countries as Norm Protagonists of the Idea of International Human Rights*, 20 GLOBAL GOVERNANCE 389 (2014).

<sup>14</sup> CLIFFORD BOB, *RIGHTS AS WEAPONS: INSTRUMENTS OF CONFLICT, TOOLS OF POWER* (2019); CLIFFORD BOB, *THE GLOBAL RIGHT WING AND THE CLASH OF WORLD POLITICS* (2012); DORIS BUSS & DIDI HERMAN, *GLOBALIZING FAMILY VALUES: THE CHRISTIAN RIGHT IN INTERNATIONAL POLITICS* (2003); JENNIFER BUTLER, *BORN AGAIN: THE CHRISTIAN RIGHT GLOBALIZED* (2006); Kristina Stoeckl, *The Rise of the Russian Christian Right: The Case of the World Congress of Families*, 48 RELIGION, STATE & SOC’Y 223 (2020).

now takes place through transnational channels of cooperation between activists, NGOs, and political platforms. The hitherto dominant image of norm protagonism, according to which human-rights struggle is a battle of pro-democratic and progressive activists against recalcitrant governments, no longer shows the whole spectrum: moral conservative norm entrepreneurs today apply the same rights language and strategies as progressive norm entrepreneurs do, and just like them, they use organizational platforms and can count on the support of states.

The aim of this article is to exemplify rights appropriation by moral conservative actors with regard to the case of Russia and the Russian Orthodox Church. In the next section, I therefore sketch the Russian pathway to becoming a conservative norm entrepreneur, before turning, in Section 4, to the rights-claims raised by Russian actors and by the transnational networks of which they are a part.

### 3. The Russian Orthodox Church and human rights

With the dissolution of the Soviet Union, the Russian Federation became the legal successor state and thereby signatory to the Universal Declaration of Human Rights and the Helsinki Accords. In 1996, the country also entered the Council of Europe and, through the signing of the European Convention of Human Rights, fell under the jurisdiction of the European Court of Human Rights. Scholars have pointed out that Russia was objectively not ready for membership in the Council of Europe, because it failed to meet several criteria; but it was admitted nonetheless, in the hope that membership would produce a positive Strasbourg effect and bring Russia closer to Western liberal democracies.<sup>15</sup> Instead of a progressive inclusion of Russia in the international human rights system, the decades that followed actually saw an increasing divide and estrangement. As a consequence of the invasion of Ukraine, Russia was first suspended from the Council of Europe in 2014, then re-admitted in 2019, and it finally withdrew in March 2022; and it also lost its seat in the UN Human Rights Council.<sup>16</sup> The process of the inclusion of Russia in the international human rights system, that started in the early 1990s, has therefore been interrupted.

In the period of the 1990s, also the Russian Orthodox Church faced enormous internal and external challenges. For one thing, it experienced an undisputed revival. Thousands of church buildings and religious artifacts were restituted to the Church by the state; monasteries reopened; a large number of Russians discovered the Orthodox faith; symbols of Orthodoxy proliferated in the public space; and the Church restored its role as public religion in the eyes of Russian citizens.<sup>17</sup> At the same time, in terms of religious teaching, the Church was poorly prepared to address modern

<sup>15</sup> LAURI MÄLKSOO & WOLFGANG BENEDEK, *RUSSIA AND THE EUROPEAN COURT OF HUMAN RIGHTS: THE STRASBOURG EFFECT* 4 (2017).

<sup>16</sup> European Parliament, *Russia's War on Ukraine: Russia Ceases to be a Member of the Council of Europe*, EUR. PARL. (Mar. 8, 2022), [www.europarl.europa.eu/RegData/etudes/ATAG/2022/729296/EPRS\\_ATA\(2022\)729296\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729296/EPRS_ATA(2022)729296_EN.pdf); UN Aff., *UN General Assembly votes to suspend Russia from the Human Rights Council*, UN NEWS SERVICE (Apr. 7, 2022), <https://news.un.org/en/story/2022/04/1115782>.

<sup>17</sup> JOHN P. BURGESS, *HOLY RUS': THE REBIRTH OF ORTHODOXY IN THE NEW RUSSIA* (2017).

life challenges and needed to catch up in almost all areas of pastoral work and social teaching. The publication of the document *Bases of the Social Concept of the Russian Orthodox Church* was widely interpreted as a first step in this direction.<sup>18</sup> In this document, the Church laid out its position on a number of issues: church–state relations, law, family, society, biotechnology, and globalization. However, in terms of human rights, the Social Doctrine of the Russian Orthodox Church was unequivocally negative. The drafters of the Social Doctrine associated human rights with the rise of secularism and a “self-sufficient” humanism. They presented human rights as a product of Western secular legal positivism, which had started to influence the Russian legal space after the breakdown of the Soviet Union, but was essentially alien to the national legal culture.<sup>19</sup> Given this clear rejection of human rights, the Social Doctrine would not be worth mentioning in this article were it not for the fact that the Church’s stance, expressed in 2000, perfectly exemplifies a religious, conservative rejection of human rights from a standpoint that lies completely outside of the human rights discourse. From a standpoint that sees human rights as a product of a history and civilization which the Russian Orthodox Church does not share or endorse, human rights can be rejected, denigrated, and ridiculed without really entering or unsettling the existing human rights discourse.

Eight years later, however, the Church revised its teaching on religious freedom in the document *The Russian Orthodox Church’s Teaching on Human Dignity, Freedom and Rights*.<sup>20</sup> In my book *The Russian Orthodox Church and Human Rights*, I have analyzed in detail the process by which the Church’s teaching on human rights had shifted from the initial rejection and condemnation to a principled recognition.<sup>21</sup> However, this recognition of human rights by the Russian Orthodox Church was couched in a discourse on morality and traditional values, which effectively aimed at defining limits to rights and freedoms—only that these limits were no longer described in terms of apostasy, sin, and salvation, but in terms of traditional values and rights. The Human Rights Doctrine of 2008 signaled an endorsement of the human rights discourse on behalf of the Russian Orthodox Church within the limits of a rigid definition of morality and traditional values. For this rigid definition, the drafters inside the Moscow Patriarchate drew on the Universal Declaration of Human Rights itself. At a seminar entitled “The Evolution of Moral Principles and Human Rights in Multicultural Society” in Strasbourg, on October 30–1, 2006, current Patriarch Kirill—at the time Metropolitan and speaker of the External Relations Department of the Russian Orthodox Church—said:

I am convinced that the concern for spiritual needs, based moreover on traditional morality, ought to return to the public realm. The upholding of moral standards must become a social

<sup>18</sup> Alexander Agadjanian, *Breakthrough to Modernity, Apologia for Traditionalism: The Russian Orthodox View of Society and Culture in Comparative Perspective*, 31 RELIGION, STATE & SOC’Y 39 (2003).

<sup>19</sup> THE BASES OF THE SOCIAL CONCEPT OF THE RUSSIAN ORTHODOX CHURCH (2000), [www.old.mospat.ru/en/documents/social-concepts/](http://www.old.mospat.ru/en/documents/social-concepts/).

<sup>20</sup> THE RUSSIAN ORTHODOX CHURCH’S BASIC TEACHING ON HUMAN DIGNITY, FREEDOM AND RIGHTS (2008), [www.old.mospat.ru/en/documents/dignity-freedom-rights/](http://www.old.mospat.ru/en/documents/dignity-freedom-rights/).

<sup>21</sup> KRISTINA STOECKL, *THE RUSSIAN ORTHODOX CHURCH AND HUMAN RIGHTS* (2014).

cause. It is the mechanism of human rights that can actively enable this return. I am speaking of a return, for the norm of according human rights with traditional morality can be found in the Universal Declaration of Human Rights of 1948.<sup>22</sup>

The norm referred to here by Kirill is article 29 of the Universal Declaration of Human Rights:

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.<sup>23</sup>

The “discovery” of this article had an important effect on human rights debates within the Russian Orthodox Church. It allowed the church to position itself no longer simply in opposition to a Western understanding of human rights, but instead to actively present itself as the vanguard of the “original” understanding of human rights. According to the Church’s reading of article 29, this “original” understanding of human rights emphasized the importance of morality, duties, and community. The Russian Orthodox Church is, as the editors of this special issue have pointed out in their introduction, not alone pursuing a strategy of “human rights originalism.”<sup>24</sup> By elevating the Universal Declaration, more concretely article 29, as the most authoritative word on the meaning of human rights, the Russian Orthodox Church effectively arrests their development at the year of 1948. Subsequent elaborations of social and economic rights and rights to non-discrimination are excluded from the human rights framework by way of this originalism-argument.

The fact that the Russian Orthodox Church during the 2000s shifted its opposition towards human rights from a principled rejection to a historical reasoned rejection may seem like a minor shift. After all, its opposition and rejection remained the same. But in terms of the Church’s public agenda, this shift made a cardinal difference. It was the precondition for the Russian Orthodox Church to become a norm entrepreneur in the field of international morality politics.<sup>25</sup>

Why did the Russian Orthodox Church between 2000 and 2008 change its position on human rights from rejection to appropriation? It is beyond the scope of this article to go into the details of this change, but I want to point out three reasons that I consider crucial: first, the Church leadership had come to realize that international human rights law was bound to interfere with the Church’s inner workings (ecclesiastical jurisdiction cases were pending in front of the European Court of Human Rights) and that it could therefore not just ignore the world of human rights litigation;<sup>26</sup> second,

<sup>22</sup> Metropolitan Kirill of Smolensk and Kaliningrad, *The Experience of Viewing the Problems of Human Rights and their Moral Foundations in European Religious Communities*, EUROPAICA BULL., No. 108 (Nov. 6, 2006), <http://orthodoxeurope.org/page/14/108.aspx>.

<sup>23</sup> G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 29 (Dec. 10, 1948).

<sup>24</sup> Katharine Young, *Human Rights Originalism*, 110 GEO. L.J. 1097 (2022).

<sup>25</sup> Kristina Stoeckl, *The Russian Orthodox Church as Moral Norm Entrepreneur*, 44 RELIGION, STATE & SOC’Y 131 (2016).

<sup>26</sup> Sebastian Rimestad, *The Interaction Between the Moscow Patriarchate and the European Court of Human Rights*, 40 REV. CENTRAL & E. EUR. L. 31 (2015).

the Church leadership was ready to meet the expectation of the Russian government, which preferred a Church conversant with international debates and trends over one closed into its own ghetto of Orthodox traditionalism;<sup>27</sup> and third, Church leaders and Orthodox activists had learned the terms and strategies of rights appropriation from moral conservative actors in the West, in particular American Christian Right groups.

In the context of this article, the third point—Church leaders and Orthodox activists learning the terms and strategies of rights appropriation from moral conservative actors in the West—is certainly the most relevant. In the monograph *The Moralists International. Russia in the Global Culture Wars*, my coauthor Dmitry Uzlaner and I reconstruct the history of this learning process in considerable detail.<sup>28</sup> Based on interviews and documents, we analyze the contacts of Orthodox actors with the Vatican, with the Billy Graham Evangelical Association, with the World Congress of Families, and with other conservative organizations and networks. What is important to stress here is that by 2008, Russian Orthodox actors had become acquainted with the reality of progressive versus conservative norm-contestation associated with the American culture wars.<sup>29</sup> While the Church initially saw human rights as “one thing” to be rejected, the Church’s position subsequently shifted to an understanding of human rights as contestable and a clear vision of its own mission on how to make an impact on international human rights law. Just how important this mission was for the Moscow Patriarchate is made clear by the fact that it established an office in Strasbourg with the aim of following debates at the Council of Europe and European Court of Human Rights and constructing a dialogue on the understanding of human rights.<sup>30</sup>

The *first lesson* to take away from this short overview of the Russian Orthodox Church’s changing attitude to human rights is the following: Rights appropriation always requires a learning process. This is true also for norm entrepreneurs that seek progressive ends and learn to frame their claims in a way that respects human

<sup>27</sup> Alicja Curanović, *The Guardians of Traditional Values: Russia and the Russian Orthodox Church in the Quest for Status*, in FAITH, FREEDOM AND FOREIGN POLICY: CHALLENGES FOR THE TRANSATLANTIC COMMUNITY 191 (Michael Barnett et al. eds., 2015).

<sup>28</sup> KRISTINA STOECKL & DMITRY UZLANER, *MORALIST INTERNATIONAL: RUSSIA IN THE GLOBAL CULTURE WARS* (2022).

<sup>29</sup> The phrase “American culture wars” was coined by James D. Hunter in his 1991 landmark publication: JAMES DAVISON HUNTER, *CULTURE WARS. THE STRUGGLE TO DEFINE AMERICA* (1991). He takes the term “culture war” from the German “Kulturkampf,” where it refers to the resistance of political elites (especially in Germany and France) against the efforts of the Catholic Church to continue to dominate public and political affairs in the period from, roughly, the 1860s to the 1920s. Hunter’s argument that American society is divided chiefly between progressive and conservative views on moral issues has been discussed controversially (see ROGER CHAPMAN, *CULTURE WARS: AN ENCYCLOPEDIA OF ISSUES, VIEWPOINTS AND VOICES* (2014)) and it has also been used by right-wing activists as an affirmation of their own conservative strategies (interviews in KRISTINA STOECKL & DMITRY UZLANER, *POSTSECULAR CONFLICTS: DEBATING TRADITION IN RUSSIA AND THE UNITED STATES* (2020)). In this article, I am only concerned with the global repercussions of the American culture wars between progressivism and conservatism, building chiefly on the established terminology of “global right wing” by BOB, *GLOBAL RIGHT WING AND THE CLASH OF WORLD POLITICS*, *supra* note 14; and “transnational culture wars” by McCrudden, *supra* note 4.

<sup>30</sup> Igumen Filaret Bulekov, *Evoljutsiya ponyatiya prav cheloveka: Poisk dialoga*, REPRESENTATION RUSSIAN ORTHODOX CHURCH IN STRASBOURG (NOV. 6, 2006), [www.strasbourg-reor.org/?topicid=226](http://www.strasbourg-reor.org/?topicid=226).



rights language. But it is even more the case for conservative norm entrepreneurs who, by their default position, could as well just reject the very idea of human rights on normative, religious, or cultural grounds. Just like the rights turn in conservative Christian politics in the United States,<sup>31</sup> also Russian conservative Christian politics make a rights turn. Scholars of human-rights debates can learn a lot from the timelines of engagement and the documents produced by conservative and religious actors. Further, the scrutiny of the institutions and personal relations that cluster around human rights topics and events are an important resource for analysis. During my own fieldwork with Russian Orthodox actors, I repeatedly came across evidence of a constant dialogue between Orthodox actors and politicians, lawyers, and activists in Brussels, Strasbourg, and Washington. On one occasion, an interviewee had to cut our meeting short because he had to prepare for his flight to Washington the next day to attend the National Prayer Breakfast; in other cases, workshops and seminars dedicated to human-rights topics included the names of American Christian Right lawyers and Orthodox clerics. Evidence of such encounters underscores the fact that conservative actors undergo a learning process and gather expertise on conservative rights-contestation, before becoming norm entrepreneurs themselves.

#### 4. Rights appropriation: Three case studies from Russia

In what follows, I provide a concise analysis of three cases of rights appropriation that took place either directly at the hands of Russian actors or with Russian involvement and support. The debates in question concerned the topics of traditional values, family, and homeschooling. As just made clear, I consider the Russian Christian conservative rights turn the result of pervasive transnational influences; therefore, the instances of rights appropriation analyzed here are not exclusively “Russian”; they are part of a broad transnational moral conservative agenda.

##### 4.1. Traditional values

Article 29(2) of the Universal Declaration of Human Rights states that, “[i]n the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of . . . meeting the just requirements of morality. . . .” The discovery of article 29 of the Universal Declaration of Human Rights not only changed the attitude of the Russian Orthodox Church to human rights, it also became the cornerstone of the first human-rights-inflected foreign policy initiative enacted by the Church and Russian state diplomacy. Between 2009 and 2013, the Russian Federation tabled a series of resolutions on “Promoting human rights and fundamental freedoms through a better understanding of traditional values of

<sup>31</sup> ANDREW R. LEWIS, *THE RIGHTS TURN IN CONSERVATIVE CHRISTIAN POLITICS: HOW ABORTION TRANSFORMED THE CULTURE WARS* (2017).

humankind” at the United Nations Human Rights Council.<sup>32</sup> These resolutions had their origin in the Russian Orthodox Church’s discourse on human rights described above; namely, in the Church’s interpretation of article 29 of the Universal Declaration of Human Rights with its emphasis on duties and just requirements of morality and how these can set limits to human rights.

Resolutions at the United Nations Human Rights Council constitute a form of transnational soft politics. They do not create new laws and treaties, but they point out possible directions for policy initiatives. They are, in particular, opportunities to test the support for certain ideas among member states and the accredited NGO community. The Russian-led traditionalist agenda before the UN Human Rights Council mobilized a stable coalition of supporters from among non-Western UN member states, in particular the countries of the Islamic Organization and from the Global South. It has also acquired considerable support from conservative, mostly Christian, civil society actors in the West.

As part of the traditional values initiative, Russian diplomats organized a workshop at the UN Commission on Human Rights in Geneva in 2010, which was attended by a representative of the Moscow Patriarchate, who stated that the Russian Orthodox Church wanted to counteract efforts to promote a new generation of human rights, such as “the right to sexual orientation, euthanasia, abortion, experimentation with human nature”:

It is about time that the ideological monopoly in the sphere of human rights is over. . . from the point of view of democracy, it is important to provide an opportunity for representatives from different philosophical and moral views to participate in the development of the institution of human rights.<sup>33</sup>

In March 2011, the UN Human Rights Council adopted a resolution entitled “Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind.”<sup>34</sup> Resolution 16/3 affirmed that “dignity, freedom and responsibility are traditional values.” It also noted “the important role of family, community, society and educational institutions in upholding and transmitting these values.” Resolution 16/3 contained the request to the Human Rights Council Advisory Committee to prepare a study on how a better understanding and appreciation of traditional values could contribute to the promotion and protection of human rights, and to present that study to the Council before its twenty-first session.

Inside the Advisory Committee, the Russian rapporteur for the report, the diplomat Vladimir Kartashkin, presented a preliminary study in February 2012. This study

<sup>32</sup> Several articles have been published on this episode, Stoeckl, *supra* note 25; Kristina Stoeckl & Kseniya Medvedeva, *Double Bind at the UN: Western Actors, Russia, and the Traditionalist Agenda*, 7 *GLOBAL CONSTITUTIONALISM* 383 (2018); Robert Horvath, *The Reinvention of “Traditional Values”: Nataliya Narochitskaya and Russia’s Assault on Universal Human Rights*, 68 *EUR.-ASIA STUD.* 868 (2016); McCrudden, *supra* note 4.

<sup>33</sup> Igumen Filip Ryabykh, *V Sovete OON po pravam cheloveka proshel seminar posvyashchennyj pravam cheloveka i traditsionnym tsennostyam [A seminar Dedicated to Human Rights and Traditional Values Took Place at the United Nations Human Rights Council]*, REPRESENTATION OF THE RUSSIAN ORTHODOX CHURCH IN STRASBOURG (Oct. 8, 2010), [www.strasbourg-reor.org/?topicid=649](http://www.strasbourg-reor.org/?topicid=649).

<sup>34</sup> Hum. Rts. Council Res. 16/3, U.N. Doc. A/HRC/RES/16/3 (April 8, 2011).

repeated in an almost verbatim way the argument advanced by the Russian Orthodox Church based on Article 29 of the Universal Declaration of Human Rights, stating: “Any society or State, has a system of ‘law—obligation—responsibility,’ without which the fundamental rights and freedoms of the individual cannot be guaranteed. This close link is underlined in article 29 of the Universal Declaration of Human Rights.”<sup>35</sup>

The link between article 29 and traditional values was not well received by the non-Russian members of the Advisory Committee of the UNHRC. In response, the Committee presented its own “Study of the Human Rights Council Advisory Committee on Promoting Human Rights and Fundamental Freedoms through a Better Understanding of Traditional Values of Humankind,” substantially rewriting Kartashkin’s study and interpreting the traditionalist agenda strictly in contextualist terms, associating traditional values with debates on rights of indigenous people and not even mentioning article 29. Already with its first sentence, the study sank the ship of the traditional values agenda:

There is no agreed definition of the term “traditional values of humankind.” The study invents a new term “positive traditional values,” in order to emphasize that only some forms of traditional values consistent with the Universal Declaration of Human Rights can be instrumental in the promotion, protection and implementation of international human rights in diverse social and cultural contexts, whereas others can be harmful.<sup>36</sup>

The study represented the concluding response of UN institutions to the Russian initiative, and it basically dismantled the argument of promoting human rights through traditional values. Nevertheless, the resolutions had sent out a powerful signal to conservative actors across the globe. Horsford concludes that, from the point of view of the traditionalists, the Advisory Board’s dismissive study was “the hegemonic international human rights discourse reasserting its power. It is the voice of ‘these fellows’ who reflect ‘the opinion of a narrow circle of experts, functionaries, or noisy but well-organized minorities.’”<sup>37</sup> This view—that the international human rights regime is in the hands of a progressive elite—is shared by moral conservatives in many Western countries as well as by many actors in countries of the Global South, where it becomes intermingled with the postcolonial critique of Western hegemony. Through the so-called Traditional Values resolutions (and even through its failure), Russia sent a message to all of them that it was now on their side and ready to lead their cause.

Two lessons can be taken away from the Traditional Values episode at the United Nations Human Rights Council in terms of illiberal rights appropriation.

*Second Lesson:* rights appropriation requires the collaboration of norm entrepreneurs (in this case: the Russian Orthodox Church) with one or more

<sup>35</sup> Hum. Rts. Council, Advisory Comm., Preliminary Study on Promoting Human Rights and Fundamental Freedoms through a Better Understanding of Traditional Values of Humankind, U.N. Doc. A/HRC/AC/9/2, at 9 (2012).

<sup>36</sup> UNHRC, Study of the Human Rights Council Advisory Committee on Promoting Human Rights and Fundamental Freedoms through a Better Understanding of Traditional Values of Humankind, U.N. A/HRC/RES/22/71, at 4 (2012).

<sup>37</sup> Vebjorn L. Horsford, *Negotiating Traditional Values: the Russian Orthodox Church at the United Nations Human Rights Council*, in *RELIGION, STATE AND THE UNITED NATIONS* 62, 74 (Anne Stensvold ed., 2017).

supporting states (here: Russia and other countries that supported the initiative) and it requires an organizational platform where the rights claim can be staged (in this case: the United Nations Human Rights Council). This structure—norm entrepreneurs, supporting states and organization platform—corresponds to the classical model of advocacy networks by Keck and Sikkink.

*Third Lesson:* rights appropriation frequently rests on a deliberate distortion of human rights norms. The Patriarch of Moscow and other representatives of the Church and Russian state had reiterated time and again the argument that article 29 of the Universal Declaration of Human Rights legitimized parameters such as morality, responsibility, and obligations as guiding norms for the implementation of human rights. They thereby interpreted human rights not in an individual, but in a social and public light. The focus was not on how human rights protect individuals, but on how they enable them to do things. The Russian Orthodox Church wanted to set a limit to the enabling side of human rights, and it defined this limit in terms of “traditional morality.” However, article 29 of the Universal Declaration, which was usually cited as the source of this idea by Church officials, does not contain the term “traditional morality”; it speaks, instead, of “just requirement of morality. . . in a democratic society.” In other words, the Universal Declaration does indeed envision limits to human rights, but these limits are understood as the fruit of a democratic process. The speakers for the Moscow Patriarchate deliberately distorted the meaning of article 29 when, by using the term “traditional morality,” they sealed public morality off from change through democratic deliberation, preferring instead past practice and traditional mores as sources of legitimacy. The incomplete citation of article 29(2) can be interpreted as a form of bad faith usage of human rights norms. From the perspective of the conservative actors, however, it is presented as a legitimate interpretation.

## 4.2. Family

Article 16(3) of the Universal Declaration of Human Rights states that “[t]he family is the natural and fundamental group unit of society and is entitled to protection by society and the state.” The second case of rights appropriation which I present from the angle of Russian involvement is the pro-family agenda of the World Congress of Families (WCF), a transnational NGO that advocates conservative family values. The WCF was founded in 1997 under the umbrella of the Howard Center for Family, Religion and Society; in 2016, the organization merged with the International Organization for the Family under a new president, Brian Brown.<sup>38</sup> The pro-family

<sup>38</sup> There is an increasing literature on this organization, including several reports and pieces of investigative journalism. See, e.g., Miranda Blue, *Globalizing Homophobia, Part 4: The World Congress of Families and Russia's “Christian Saviors.”* RIGHT WING WATCH (Oct. 4, 2013), [www.rightwingwatch.org/post/globalizing-homophobia-part-4-the-world-congress-of-families-and-russias-christian-saviors/](http://www.rightwingwatch.org/post/globalizing-homophobia-part-4-the-world-congress-of-families-and-russias-christian-saviors/); Cole Parke, *Natural Deception: Conned By the World Congress of Families.* POL. RES. ASSOCIATES (2015), [www.politicalresearch.org/2015/01/21/natural-deception-conned-by-the-world-congress-of-families/](http://www.politicalresearch.org/2015/01/21/natural-deception-conned-by-the-world-congress-of-families/); Chrissy Stroop, *A Right-Wing International? Russian Social Conservatism, the World Congress of Families, and the Global Culture Wars in Historical Context.* 1 PUB. EYE 4 (2016); Masha Gessen, *Family Values: Mapping the Spread of Antigay Ideology.* HARPER'S MAG. 35 (Mar. 2017), <https://harpers.org/archive/2017/03/family-values-3/>.

claims of this organization are built around article 16(3) of the Universal Declaration of Human Rights, which defines the family as “the natural group unit of society.” The mission statement of the WCF’s parent organization, the International Organization for the Family, includes the “Article 16 Initiative,” which “empowers leaders in worldwide institutions to protect freedom, faith, and family as the natural and fundamental group unit of society consistent with Article 16 of the United Nations’ Universal Declaration of Human Rights.”<sup>39</sup> In their *The Natural Family: A Manifesto*, the founder of the World Congress of Families, Allan Carlson and Paul Mero turn the Universal Declaration of Human Rights into a manifesto for the traditional family: “We object to current attacks on the Universal Declaration of Human Rights, a document which proclaims fundamental rights to family autonomy, to a family wage for fathers, and to the special protection of mothers.”<sup>40</sup>

The WCF originated in a meeting between the Russian sociologist Anatoli Antonov and Carlson in Moscow in 1995.<sup>41</sup> The Howard Center for Family, Religion and Society, for which Carlson was working at the time, was a typical example of a Christian Right NGO in the context of the American culture wars. Taking the next step of going abroad and establishing ties with conservative actors in other countries, and thereby “globalizing” the American culture wars, was nothing unique to the WCF. It was in line with parallel developments across the conservative spectrum.<sup>42</sup> The mid-1990s were a period when conservative norm mobilization against issues of sexual orientation and gender identity in the human-rights context became transnational. The 1994 UN Cairo Conference on Population and Development and the 1995 UN Conference in Beijing are widely considered to be the starting point for global activism by Christian Right networks supported by the Vatican and American Christian Right foundations and NGOs.<sup>43</sup>

The WCF moved into the focus of researchers only in 1999, on the occasion of a congress organized in Geneva. Clifford Bob quotes extensively from the proceedings of that conference in his *Global Right Wing*, and highlights the central role of American actors in the creation of a pro-family bloc at the United Nations.<sup>44</sup> The Geneva meeting drew the attention of scholars, because it was a networking event in the backyard of the world’s most powerful international organization. Yet, in reality, the congress in Geneva was only one in a long string of events organized by the WCF. Indeed, the World Congress of Families has held fourteen international events as of 2022.<sup>45</sup> Through these congresses, the WCF has acted as a facilitator and promulgator of

<sup>39</sup> *Mission*, INT’L ORG. FOR THE FAMILY, [www.profam.org/mission/](http://www.profam.org/mission/) (last visited March 2, 2023).

<sup>40</sup> ALLAN C. CARLSON & PAUL T. MERO, *THE NATURAL FAMILY: A MANIFESTO* 26 (2007).

<sup>41</sup> Stoeckl, *supra* note 14.

<sup>42</sup> JEFFREY HAYNES, *FAITH-BASED ORGANISATIONS AT THE UNITED NATIONS* (2014); ROMAN KUCHAR & DAVID PATERNOTTE, *ANTI-GENDER CAMPAIGNS IN EUROPE: MOBILIZING AGAINST EQUALITY* (2017).

<sup>43</sup> Katherine Marshall, *Religious Voices at the United Nations: American Faith Perspectives as an Example*, in *RELIGION, STATE AND THE UNITED NATIONS*, *supra* note 37, at 127; Jennifer Butler, *For Faith and Family: Christian Right Advocacy at the United Nations*, 11 *PUBL. EYE* 1 (2000).

<sup>44</sup> BOB, *THE GLOBAL RIGHT WIND*, *supra* note 14, at 37.

<sup>45</sup> Similar events were held in Prague (1997); Geneva (1999), Mexico City (2004), Warsaw (2007), Amsterdam (2009), Madrid (2012), Sydney (2013), Moscow (2014), Salt Lake City (2015), Tbilisi (2016), Budapest (2017), Chisinau (2018), Verona (2019), and Mexico City (2022).

conservative family ideas in different national contexts, and provided a platform for networking across boundaries and party platforms.

From the Russian perspective, the pro-family agenda addressed a grievance that was different from the American culture wars setting: the 1990s were crucial years for questions around family and society in Russia. With the collapse of the Soviet Union, Russia had plunged into a deep economic and social crisis and experienced a sharp demographic decline. For Russian actors, in particular for the Russian Orthodox Church, the reason for the malaise was to be found in a crisis of faith and culture, which only a restoration of “traditional values” would be able to cure.<sup>46</sup> The pro-family agenda of the WCF was a perfect match for this program of restoration of traditional values and has acted as agenda-setter on family issues inside the Russian Orthodox Church. Since around 2009, the WCF has made slow but steady incursion into the agenda of the Moscow Patriarchate: The Russian Orthodox Church acted as a co-convenor of the Family Congress of 2014 in Moscow and hosted the event in the conference rooms of Christ Savior Cathedral. Members of the WCF have become involved in Church activities like the annual Christmas readings, and WCF activities started to feature regularly as news items on the Church’s press service. A particularly evident example of the WCF’s increasing influence on policies of the Moscow Patriarchate is the official statement of the Patriarchal Commission for Family against legislative changes in the area of domestic violence. On this occasion, the Patriarchal Commission cited an expert report prepared by the WCF.<sup>47</sup>

The WCF is an example for “conservative ecumenism,”<sup>48</sup> a type of interfaith cooperation which sees conservative Christians unite against common foes (liberalism, secularism, feminism etc.) while ignoring or taking a distance from doctrinal and theological topics and questions. In the context of the WCF, the Russian Orthodox pro-family activists collaborate not only with American Protestants, but also with champions of the European Catholic Right. However, the reach of the WCF network goes beyond religious circles and religiously motivated civil society. The organization is also a networking platform for European populist right-wing politicians. When the Russian coordinator of the WCF, Alexey Komov, was invited to speak at the party convention of the Italian Northern League, he spoke not simply as pro-family activist, but as representative of the Russian conservative political spectrum.<sup>49</sup>

<sup>46</sup> Elena Stepanova, “The Spiritual and Moral Foundations of Civilization in Every Nation for Thousands of Years”: *The Traditional Values Discourse in Russia*, 16 POL., RELIGION & IDEOLOGY 119 (2015); Alexander Agadjanian, *Tradition, Morality and Community: Elaborating Orthodox Identity in Putin’s Russia*, 23 RELIGION, STATE & SOC’Y 39 (2017).

<sup>47</sup> Patriarchal Comm’n for Family, Defence of Motherhood and Childhood of the Russian Orthodox Church, *Zaiavlenie Patriarshei komissii po voprosam sem’i, zashchity materinstva i detstva v svyazi s obsuzhdeniem proekta Federal’nogo zakona “O profilaktike semeino-bytovogo nasiliya v Rossijskoj Federatsii”* [Statement of the Patriarchal Commission for Family Affairs Concerning the Discussion of the Federal Law “On the Prevention of Domestic Violence in the Russian Federation”] (Dec. 3, 2019), <http://pk-semya.ru/novosti/item/7669-o-profilaktike-semejno-bytovogo-nasilija-v-rossijskoj-federatsii.html>. See also STOECKL & UZLANER, *supra* note 28, at 2–3.

<sup>48</sup> Andrey Shishkov, *Two Ecumenisms: Conservative Christian Alliances as a New Form of Ecumenical Cooperation*, 4 STATE, RELIGION & CHURCH 58 (2017).

<sup>49</sup> STOECKL & UZLANER, *supra* note 28, at 111–12.

There are two more lessons that can be taken away from the pro-family agenda of the WCF with regard to the (mis)appropriations of human rights studied in this special issue.

*Fourth lesson:* rights appropriation frequently relies on an ostensibly literal reading of human rights norms. The article 16(3) agenda revolves around the term “group unit,” which is interpreted in a way that turns the family into a sealed-off unit, with which the state must not interfere. Conservative norm entrepreneurs frequently claim that the Universal Declaration is a more authoritative and superior source of human rights law than UN documents, protocols, and treaties elaborated in later years, which, from a conservative viewpoint, distort the spirit of the Declaration. In fact, the authors of the *Natural Family Manifesto* “object to current attacks on the Universal Declaration of Human Rights, a document which proclaims fundamental rights to family.”<sup>50</sup> Through the ostensibly literal reading of selected terms contained in the Universal Declaration, and by deliberately ignoring subsequent elaborations of legal terminology, conservative actors attempt to “freeze” human rights in a past semantic and historical context in which human rights were applied only to negative obligations of the state vis-à-vis individual citizens.

*Fifth lesson:* the goals of illiberal norm entrepreneurs engaged in rights appropriation frequently go beyond the context of human rights advocacy and they do not stop at politics around the UN and Council of Europe. The Russian participation in the World Congress of Families shows clearly that the family-values discourse becomes a platform for political lobbying and agenda setting among political actors on the right. The pro-family agenda functions, first, as an entry ticket into the world of conservative and right-wing politics, it is a kind of *lingua franca* that creates a transnational bracket for groups which otherwise pursue nationalist goals. Second, the pro-family agenda can be employed for repressive purposes domestically. In Russia, the conservative distortion and instrumental usage of the language, concepts and institutions of human rights plays to the advantage of the existing undemocratic regime. It bestows a veneer of legitimacy to the discourse of “traditional values” which has been used by the Russian government to curtail freedoms of speech, expression, and assembly.

### 4.3. Homeschooling

The third case of (mis)appropriation of human rights at the hands of moral conservative actors that I want to introduce from the angle of Russian involvement is homeschooling.<sup>51</sup> Just like the Moscow Patriarchate with article 29(2) and the WCF with article 16(3), also the global homeschooling movement champions an article of the Universal Declaration of Human Rights. This is article 26(3): “Parents have a prior right to choose the kind of education that shall be given to their children.”

<sup>50</sup> CARLSON & MERO, *supra* note 40, at 27.

<sup>51</sup> This section is based on findings I have elaborated in greater detail with Julia Mourão Permoser. See Julia Mourão Permoser & Kristina Stoeckl, *Reframing Human Rights: The Global Network of Moral Conservative Homeschooling Activists*, 21 GLOBAL NETWORKS: J. TRANSNAT'L AFF. 681 (2021).

In the United States, homeschooling is today associated chiefly with conservative Evangelicals.<sup>52</sup> Since the late 1960s, Evangelicals had been fighting (and losing) a political battle to instill a Christian worldview into public school curricula and ensure the legality of prayer and devotional Bible readings in schools. From the mid-1980s onwards, the Christian Right had shifted its tactics and started advocating homeschooling as the best model for conservative Christians to educate their children and fight the evils of secularism, moral relativism, defiance of authority and libertinism that, in their view, plagued the public school system.<sup>53</sup> By the early 1990s, through a mixture of lobbying and strategic litigation, homeschooling advocates had managed to achieve the liberalization of homeschooling in all US states. One actor that was crucial in this achievement was the Home School League Defense Association (HSLDA). Founded in 1983 and with, by own account, over 80,000 members, HSLDA promotes the legalization of homeschooling and offers legal support to homeschooling families facing prosecution. Around 2010, HSLDA started to establish a global homeschooling network through the organization Global Home Education Exchange (GHEX), founded by the Chair of the Canadian Home School League Defense Association, Gerald Huebner. GHEX describes its goals as “advocacy, outreach, and research”<sup>54</sup> and has organized global congresses in Berlin (2012), Rio de Janeiro (2016), St. Petersburg and Moscow (2018), and the Philippines (2020).<sup>55</sup> The international activities of HSLDA include accepting international memberships and publishing reports on the homeschooling situation in other countries, helping to organize global conferences, offering legal advice and support for international homeschoolers facing prosecution, providing support to lobbying initiatives abroad, and helping in the establishment of national homeschooling associations outside the United States.

Homeschooling advocates interpret article 16(3) of the Universal Declaration in the historical context of 1948, namely as referring chiefly to a rejection of political indoctrination at the hands of the state. Fascist education was a recent memory at the time, and political indoctrination in communist countries was still a reality. Therefore, the article encapsulates the idea that parental authority with regard to children’s education should be shielded from undue state-interference. In the “Rio Principles” of GHEX, this idea is stated explicitly:

The state must respect the person, the family, the cultural context and the right of the individual and of peoples to self-determination. As demonstrates the dramatic history of the 20th century, lack of such respect easily leads to the abuse of state power, transforming compulsory education into compulsory totalitarian ideological indoctrination which destroys rather than develops human personality. To avoid the repetition of that sorrowful “disregard and contempt for human rights which have resulted in barbarous acts which have outraged the conscience of mankind” the Universal Declaration of Human Rights intentionally and solemnly proclaimed that “parents have a prior right to choose the kind of education that shall be given to their

<sup>52</sup> JAMES DWYER & SHAWN PETERS, *HOMESCHOOLING: THE HISTORY AND PHILOSOPHY OF A CONTROVERSIAL PRACTICE* (2019); Milton Gaither, *Why Homeschooling Happened*, 86 *EDUC. HORIZONS* 226 (2008).

<sup>53</sup> See SETH DOWLAND, *FAMILY VALUES AND THE RISE OF THE CHRISTIAN RIGHT* 78–108 (2015).

<sup>54</sup> *About Us*, GLOBAL HOME EDUC. EXCHANGE, <https://gheworld/about/> (last visited March 3, 2023).

<sup>55</sup> The scheduled GHEX conference in 2020 in the Philippines took place remotely due to the Covid-19 pandemic; a smaller European Home Education Summit took place in October 2022.



children.” Respect to this fundamental right of the family in education is, therefore, the necessary prerequisite for genuinely free and democratic society.<sup>56</sup>

The passage above confirms what I have above called the *fourth lesson* on the conservative appropriation of human rights: rights appropriation frequently relies on an ostensibly literal reading of human rights norms and claims to be the original and historically correct understanding of human rights. It attempts to “freeze” human rights in semantic and historical context in which human rights were applied only to negative obligations of the state vis-à-vis individual citizens. The “trick” lies not in the interpretation of the rights obligation itself, but in the historical analogy: “compulsory totalitarian ideological indoctrination which destroys rather than develops human personality” for conservative Christian activists can also mean education on gender rights and the teaching of values of pluralism and equal tolerance.

The quoted passage from the Rio Principles is also representative of instruments used in rights entrepreneurship. Human rights advocates (on both sides of the political spectrum) frequently use declarations in order to present their standpoint. Both the WCF and the global homeschooling movement have passed “Declarations” and “Principles,” in which they stake a claim on a certain issue (family, homeschooling) and outline a certain argumentative human-rights strategy. Through these declarations, the activists “map” the discursive space of international human rights law, situate their claims in relation to specific articles in the human rights documents and treaties, and develop a consistent strategy and terminology in which to present these claims.

The choice of locations for GHEX events is usually strategic. After Berlin and Rio de Janeiro, Russia was a logical continuation of their global activities. The 2018 conference in Russia was the biggest ever international homeschooling event. It brought hundreds of international homeschooling parents, organizations, academic experts, and researchers from over thirty countries to St. Petersburg and Moscow. The Americans even went as far as to “predict Russia will become the second largest homeschooling population after the United States.”<sup>57</sup> This was, of course, a gross exaggeration, given the very small number of active homeschooling families in Russia. Nonetheless, the conference also had global strategic significance, with the creation of an African subcommittee of GHEX. In addition, the commercial homeschooling curricula provider, Classical Conversations, took part in the Russian event for the launch of a Russian-language version of their curriculum. The “biggest ever” event in Moscow thus became a springboard for the expansion of homeschooling organizations and businesses to new countries.

The homeschooling case highlights a *sixth lesson* about rights appropriation: Norm-protagonists have a strategic interest in expanding and developing their organization and transnational networks. The norm-entrepreneurship literature works under the assumption that rights-protagonism originates from grievances on the

<sup>56</sup> Global Home Educ. Exchange, *Rio Principles* (Mar. 2016), <https://ghex.world/advocacy/declarations/rio-principles/>.

<sup>57</sup> Michael Donnelly, *Biggest-ever GHEC Boosts Global Homeschooling* (Aug. 1, 2018), <https://hslida.org/post/biggest-ever-ghex-boosts-global-homeschooling>.

ground (e.g., rights violations vis-à-vis discriminated groups), which come to be addressed as international human rights issues through local activists and their transnational partners. The homeschooling example shows that this is not always the case. In Russia, homeschooling is legal and there was no public controversy around school choice. Homeschooling as a practice and policy issue was created from scratch by the Russian homeschooling partners of GHEX and HSLDA. From the homeschooling example, we can deduce that human-rights advocacy organizations may, to some extent, function like businesses: they benefit from expanding memberships, high visibility, and transnational contacts, and they create “new markets.”

## 5. Conclusion

In this article, I have presented three cases of (mis)appropriation of human rights from the perspective of Russia as a rights-entrepreneur. All three cases derive directly from rights claims based on the Universal Declaration of Human Rights, and specifically on articles 29, 16, and 26. A close examination of the Russian pathway to transnational human rights contestation and its role as norm protagonist has led me to draw six lessons on illiberal rights appropriation:

- (1) Rights appropriation always requires a learning process.
- (2) Rights appropriation generally entails the collaboration of norm entrepreneurs with one or more supporting states, and it requires an organization platform where the rights-claim can be staged.
- (3) Rights appropriation frequently rests on a deliberate distortion of human rights norms through the intentional use of incomplete quotations of legal text.
- (4) Rights appropriation frequently relies on an ostensibly literal and historical reading of human rights norms.
- (5) The goals of illiberal norm entrepreneurs engaged in the (mis)appropriation of rights frequently go beyond human rights advocacy and include foreign and domestic policy aims.
- (6) Norm-protagonists have a strategic interest in expanding and developing their organization and transnational networks.

Some of these lessons do not apply only to conservative norm protagonism. Also progressive human-rights advocacy requires a learning process, the support of states, and the presence of organizational platforms (lessons 1 and 2). Lessons 3 and 4, instead, are specific to conservative rights appropriation: the tactics of deliberate distortion and ostensibly literal and historical reading both serve the purpose of blocking the evolution of the international human rights system *from within*. Finally, the last two lessons (5 and 6) go beyond the context of human-rights advocacy and open up to a panorama of a more general political (and geopolitical) contestation of democracy and liberal values. The goal of the actors engaged in (mis)appropriation of human rights studied in this article is not only the shaping of the international human rights

system, but the building of a global conservative vocabulary and a political playbook of illiberalism.<sup>58</sup> Morality, family, and education are building blocks for a conservative political agenda that prioritizes the collective over the individual, national legal sovereignty over international law, and homogeneity over plurality. The “Russian lens” on the (mis)appropriation of human rights helps to see this dual purpose: denigrating the language, concepts and institutions of human rights plays to the advantage of the existing undemocratic regime; and mobilizing a conservative human rights discourse internationally raises the status of Russia as global polarizer and antagonist vis-à-vis Western liberal democracies. With the onset of the full-fledged war against Ukraine in 2022, these two motives of Russian rights-appropriation stand out in great clarity. First, the repressive nature of the state vis-à-vis its citizens has increased; and with Russia no longer a member of the European Court of Human Rights, Russian citizens are hitherto deprived of the possibility to appeal for their rights to an international court. Second, on the international level, Russia has switched from antagonizing the West on questions of traditional values, family, and education to challenging the international order with a real war. The analysis of Russia’s rights appropriation in this article sheds light on the background to, and build-up toward, these current events.

<sup>58</sup> Marlene Laruelle, *Illiberalism: A Conceptual Introduction*, 38 E. EUR. POL. 303 (2022).