

**Human Rights in
Translation**
Intercultural Pathways

Edited by
Michal Jan Rozbicki

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Shazia Ahmad

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Chapter 9

Defending Liberty from Tyranny in Dostoevsky's Siberia

The Impact of Captivity on an Intercultural Consensus Regarding Human Rights

Elizabeth Blake

In looking to Russia, both past and present, the concepts of *universal* human rights and an inalienable right to liberty seem peripheral to public discourse, and may be associated more with dissidents and the marginalized than with those in the center of the political spectrum.¹ A recent study of these movements by a political scientist at the University of Rennes, Cécile Vaissié, attests to their lasting significance by recalling a slogan, "For your Freedom and Ours," brought by dissidents to Red Square on August 25, 1968, in protest against the Soviet invasion of Czechoslovakia. With a nod to the slogan's roots in nineteenth-century Polish liberation movements, Vaissié clarifies that the twentieth-century "Russian democrats" here recognize that "the struggle for freedom of one nation extends the freedom of all other nations."² While Vaissié characterizes the movement for freedom for both one's own and another's nation as "one of the most noble humane acts of the twentieth century," she does not reflect upon the human atrocities in this same century in labor, prison, and concentration camps in Poland and Russia that attest to traditions of nationalisms and exceptionalisms rooted in nineteenth-century histories that, when infused with twentieth-century Realpolitik (bolstered by technological advances), at the very least threatened the universality of human rights, and at their worst sanctioned genocides.³ The recent discovery of lost pages from the diary of Heinrich Himmler (head of the SS in Nazi Germany) in a Russian military archive and its publication in a German newspaper underscore both the international cooperation frequently required to violate human rights on a mass scale as well as the multinational effort to expose the abuse of such rights. At the same time, the tenacity of certain

slogans demanding human rights (not only "Za naszą i waszą wolność [For your freedom and ours]" but also "Liberté, Egalité, Fraternité!") appeal to multiple generations across a multicultural socio-economic spectrum thereby suggesting that some common thirst for liberty that transcends ages and continents may be found among dissenters on the margin, and among those whose voices they represent.

The international community recognized its shared failure to provide even minimal human rights protections in the wake of World War II when the European Convention on Human Rights was formed and the United Nations General Assembly voted in 1948 to safeguard the fundamental dignity and equal rights of each person with the Universal Declaration of Human Rights (UDHR). Nevertheless, freedom of movement, a spirit of brotherhood, and freedom from arbitrary detention were not effectively protected by the United Nations: however, the Final Act (1975) of the Conference on Security and Cooperation in Europe in Helsinki did advance human rights even behind the Iron Curtain by outlining specific cooperative educational exchanges and economic initiatives on which the signatories resolved to collaborate to promote peace and security.⁴ This experience suggests that the attempt to define the rights of the person may be less effective at supporting basic rights of individuals than a commitment to engage in intercultural endeavors that promote a shared protection of the well-being of citizens residing in a nation other than one's own. This concept of inalienable natural rights that transcend national borders emboldened those within the nineteenth-century Russian Empire who preferred France's revolutionary *Declaration of the Rights of Man and of the Citizen* (*Déclaration des droits de l'homme et du citoyen*, 1789) and *Code Napoléon* (1804) to the arbitrary will of the sovereign that governed the tsar's realm. At the same time, more conservative Russian intellectuals, especially those with Slavophile tendencies, expressed skepticism about the language of rights transcending national borders, as is evident in the ironic appeals to an individual's welfare [*blago cheloveka*] or the common good [*blago*]—invoked by Lev Tolstoy in *War and Peace* (*Voyna i mir*)—which were the sentiments that motivated the parvenu Napoleon Bonaparte's bloody invasion of Russia.

Ardent nationalism espoused by many Russian nineteenth-century intellectuals of various political views impeded the recognition of universal rights. For example, according to Vissarion Belinsky (and later Fyodor Dostoevsky), the Russian nationality would create "a pan-human world culture" instead of the cosmopolitanism lacking in national character.⁵ With European culture decisively distinct from Asia and with Pan-Slavism on the rise, the Russian press encouraged intercultural dialogue but displayed less enthusiasm for universalist concepts. Such Russocentrism marginalized underrepresented ethnic groups in the Empire, for example, Poles,

Lithuanians, Belarusians, Ukrainians, Karbadians, and Circassians, whose subversive activities could earn them a sentence to Siberian penal servitude or exile. In the 1840s and 1850s, several uprisings and conspiracies in historically Polish lands resulted in the imprisonment and exile of Polish, Lithuanian, Belarusian, and Ukrainian intellectuals into the Russian wilderness of Siberia or the forts on the Orenburg line, where they shared prison fortresses and military duties with members of the Russian army and with Russian political prisoners, such as the Petrashevsky conspirators, including Dostoevsky and Aleksei Pleshcheev. Many of the writers of Polish, Ukrainian, and Russian from this generation, who shared exile in Western Siberia or the forts on the Orenburg line, collaborated when advocating for basic human rights after their Siberian captivity, thereby reflecting a transnational dedication to these rights.

DEPRIVATION OF RIGHTS

In the middle of the century (1830–1860), Poles and Lithuanians supporting liberation from occupation by Prussia, Austria, and Russia understood that if the rights of men [*les droits de l'homme*], were to be extended to them, nationalists in Poland would have to convince those in the West to support their cause of independence against the interests of the Russian tsar. The expectation that a Napoleonic dynasty that had once established the Duchy of Warsaw could effectively champion human rights is expressed in Bolesław Prus's novel *The Doll* (*Lalka*, 1890), in which the dynasty is depicted as God's agent of justice: "Remember that God sent the Bonapartes to put the world to rights, and as long as there is no order and no justice in the world, then the Emperor's last testament will not have been carried out."⁶ Although Alexander II's general amnesty (1856) restoring to Polish, Lithuanian, and Russian political prisoners some rights (but not necessarily property) allowed many former exiles to return, most prisoners, unlike Fyodor Dostoevsky, arrived home without support for the absolute authority of the Russian tsar. Many of these exiles who authored texts advocated for greater freedoms not only for their compatriots but for a range of nationalities represented in the Russian Empire (e.g., Ukrainian, Lithuanian, Polish, Belorussian, or Russian). Dostoevsky's comrade in Omsk, Józef Bogusławski, recalls an instinctive mutual sympathy arising between the Poles and their fellow Karbadian and Circassian inmates, despite their difficulty communicating, because the latter understood that "we are sons, like they, of an oppressed people."⁷ In addition, the Russian anarchist in London, Mikhail Bakunin, and Polish exile in Paris, Bronisław Zaleski—both of whom experienced imprisonment and exile in Nicholas I's Russia—recognized the importance of common freedoms. At the same

time, some national particularities are preserved as is evident when Zaleski reminds Bakunin in *Mikhail Bakunin and His Appeal to Polish and Russian Friends* (*Michał Bakunin i odezwa jego do przyjaciół rosyjskich i polskich*) that although liberty is dear to multiple cultures, it was Polish nationalists who recognized the interdependency of freedom by writing on their banners, “for your freedom and ours.”⁸

Poles were in the unique position of having their native land partitioned among three empires which cooperated closely with one another to monitor and arrest conspirators who crossed borders in order to engage in armed conflict and to flee from authorities. For example, two of the inmates from Poland who shared Dostoevsky’s prison camp in Omsk and left remembrances of the Russian author in the Dead House—Bogusławski and Szymon Tokarzewski were both implicated in cross-border flight to avoid tsarist authorities.⁹ Of course, these cooperative agreements between nations also impacted Russian revolutionaries, as Russian journalist in exile Alexander Herzen protests when characterizing Bakunin’s transfer from authorities in Saxony through Austria into the hands of Nicholas I as a multinational government conspiracy.¹⁰ Therefore, the former political prisoners residing in the West (including Herzen, Bakunin, and Zaleski) understood that the defense of their liberties required an international recognition of fundamental rights, which would protect them from detention by security forces in multiple nations. In other words, Herzen’s publication of many articles about the tsar’s secret police and Siberian atrocities, including Rufin Piotrowski’s vivid description of the flogging death of a priest in Omsk, in his famous journal *The Bell* (*Kolokol*) could be partially motivated by a desire to protect himself and his circle of émigrés from expulsion or deportation.¹¹

Perhaps Polish exiled author and sketch artist Bronisław Zaleski, a co-conspirator of Bogusławski who was also arrested for his connection to Jan Röhr, best articulates the absence of rights in remote Russian regions, when demonstrating in his *Polish Exiles in Orenburg* (*Wygnańcy Polscy w Orenburgu*, 1866), that in Russia there existed “not the least idea and sense of law and duty,” since “almost everything depends on the will of the individuals, on their caprice or various instincts.”¹² As an example, Zaleski recalled that Ukrainian poet and painter Taras Shevchenko was forbidden “to write, to sing, and to draw,” as a way of reminding the reader of how the unfortunate artist’s sketches, tolerated by local authorities but not by Tsar Nicholas I, earned him a prolongment of his sentence and a relocation from Orenburg to the remote fortress of Novopetrovsk.¹³ In Novopetrovsk, Shevchenko endured harsh treatment by a capricious officer in the same way that Dostoevsky and his comrades in Omsk suffered the abuse of the often drunk and petty Major Krivtsov. For this reason, after his release from prison, Dostoevsky fearfully writes his brother about concerns that in his weakened condition he will not

survive military service: “It is possible to fear only one thing: people and tyranny. If you fall under a superior, who takes a disliking to you (there are such), he will pick on you, destroy you, or make service a misery, and I am so feeble” (*Pss*, 28.1:172).

Immediately after his return from exile to St. Petersburg, Dostoevsky subtly supported former Siberians, who more visibly advocated for human rights. In the early 1860s, Dostoevsky worked in the midst of former and future Russian, Ukrainian, and Polish exiles, and his appearance alongside the very popular poet Shevchenko at a benefit for Sunday school instruction for the masses advanced Dostoevsky’s public reputation as an exile and martyr, thereby reminding the attendees of Nicholas I’s repression.¹⁴ Dostoevsky’s subsequent presence at the well-attended funeral of Shevchenko in St. Petersburg gave him the opportunity to celebrate publicly the life of a beloved literary figure ruined by exile, whom Apollon Grigoriev soon thereafter celebrated as “the first great poet of the new great literature of the Slavonic world” in the April 1861 issue of the Dostoevsky brothers’ journal *Time* (*Vremia*).¹⁵ In attendance at the funeral were Shevchenko’s co-conspirator the Ukrainian historian Nikolai Kostomarov and an Orenburg exile Paweł Krumiewicz as well as the soon-to-be arrested Mikhail Mikhailov. The 1861 arrest of Mikhailov for his involvement in the composition and circulation of the political pamphlet “To the Young Generation” (“K molodomu pokoleniu”) sent shockwaves through the progressive literary community, which submitted a petition protesting the arrest that included the signature of Dostoevsky’s older brother and co-editor, Mikhail.¹⁶ Fyodor Dostoevsky’s participation alongside soon-to-be future progressive political martyr Nikolai Chernyshevsky in a March 1862 benefit performance for Mikhailov (then in Siberia) allowed Dostoevsky to warn the younger generation about the trials of Siberian exile by reading from the second part of *House of the Dead* (*Zapiski iz mirtvogo doma*) a story about a soldier named Mikhailov dying from consumption in the prison hospital. A recollection of the event demonstrates that Dostoevsky’s reading enhanced his reputation among the student radicals viewing him primarily as a victim of a state repression and *House of the Dead* as a historical document: “Then the public, especially the young, looked at him only as at a former convict, as an ex-political prisoner [. . .] *Dead House* appeared liked an unprecedented document of Russian hard labor [. . .] then Dostoevsky was still considered almost a revolutionary.”¹⁷

Dostoevsky’s contemporaries appreciated that the travails of *katonga* (penal servitude)—those that crippled Dostoevsky’s co-conspirator in Omsk, Sergei Durov, and made manifest the effects of epilepsy on Dostoevsky’s physique—were far more difficult to endure than Zaleski’s, Pleshcheev’s, and Shevchenko’s sentences to Orenburg as soldiers.¹⁸ Durov’s ill health evoked the sympathy of fellow inmates, and later in 1857 necessitated his

move to Southern Russia to live with fellow former Petrashevsky conspirator Alexander Palm. With his legs crippled by heavy labor and the weight of his prison chains, Durov continued to advocate for freedom and truth in his poetry: "How did we value rectitude?! What pay did we give her?! Indeed, all cried: death to Christ! Death to the seducer Socrates!"¹⁹ Yet, exposure to the caprice of petty tyrants in Siberia encouraged Dostoevsky to seek solitude in the Omsk prison: "his antisocial behavior arose from a fear that some relations with people or illegal indulgences would be made known to a superior and would, as a consequence, aggravate his position."²⁰ Later this concern motivated the writer to appeal to authorities for a restoration of his rights. Indeed, Dostoevsky is ridiculed in fellow inmate Józef Bogustawski's memoirs for writing a "laudatory poem for Tsar Nicholas in which he [Dostoevsky] extols his [the tsar's] greatness and the power of his intellect."²¹ The narrative of Dostoevsky's autobiographical novel *House of the Dead* suggests that he, even while deprived of his rights in Omsk, still defended privileges associated with the Russian nobility, as is evident in the recollections of a fellow inmate Szymon Tokarzewski:

"Nobility . . . Gentleman . . . Nobility, I am a gentleman . . . We noblemen," he constantly repeated. Every time that he addressed us Poles saying "we noblemen," I always interrupted him. "Excuse me sir, I think that in this jail there are no noblemen; there are only people deprived of their rights [*są tylko ludzkie prawa pozbawieni*], there are convicts."²²

Thus, although Dostoevsky displays empathy for fellow Siberians, he nevertheless emerges from Siberia with a desire to protect his noble privilege and a certain cynicism regarding the language of rights, which is associated with Western-leaning youth in his novels *Crime and Punishment* (*Prestuplenie i nakazanie*) and *The Idiot*. Perhaps his strongest advocate for individual (yet not universal) political rights is the murderous admirer of Napoleon, Rodion Raskolnikov, who maintains according to his extraordinary man theory that men like Sir Isaac Newton would have had the "right [pravo]" and even would have been obliged to destroy the lives of others if it had been necessary to bring their discoveries to humanity (*Pss*, 6:199). When Raskolnikov later admits that his murder of the pawnbroker was motivated not by the promotion rights but by his individual will, he eviscerates a foundational principle for Western Europe, which is mocked in *The Idiot* when Lizaveta Prokofievna censures the young men who claim to seek truth while demanding a share of the Prince's inheritance based not on a "juridical right [pravo iuridicheskoe]" but "a human right, a natural one, the right of common sense and of the voice of conscience [pravo chelovecheskoe, natural'noe, pravo zdravogo smysla i golosa sovesti]" (*Pss*, 8: 223, 238).

THE STRUGGLE FOR RIGHTS AFTER DEPORTATION

In the 1850s and 1860s, many former deportees understood that a greater recognition of shared rights was not the stuff of parlor talk but a means by which exiles might enjoy better protections from the caprice of Russian authority figures. These men, sentenced for subversive political activities to deportation as prisoners, soldiers, or settlers, keenly felt the deprivation of their rights, resulting in daily hardships that encouraged them to examine critically the systems of political authority and the ways in which they limit rights. After the 1856 amnesty, former deportees with a connection to the circle of exiles in Orenburg (including Pleshcheev, Shevchenko, Zaleski, Polish poet Edward Żeligowski, and Polish revolutionary Zygmunt Sierakowski), sought to advance by a variety of means the rights and protections of citizens within the empire. The inter-ethnic cooperation that helped sustain these exiles, many of whom were writers and artists, as they experienced deprivation and isolation while serving their sentences at Orenburg, Orsk, Ufa, Perovsky, or Ak-Mechet in the late 1840s and 1850s, is highlighted by Zaleski: "At that time the Moscow government sent to various provinces situated in the depths of Russia, an entire circle of people busying themselves with our literary production."²³ Although following the completion of their sentences, this mobile group of former exiles settled in Moscow, St. Petersburg, Warsaw, Vilnius, and Paris, they were united in their attempts to challenge various human rights abuses by addressing protection from corporal punishment, the right to life, and freedom of movement.

Pleshcheev, for example, helped Shevchenko with publishing connections in St. Petersburg, translated the poetry of fellow Ukrainian and Polish exiles from Orenburg (Shevchenko and Edward Żeligowski), and became friendly with influential Polish nationalist Sierakowski.²⁴ When Pleshcheev left for St. Petersburg in the spring of 1858, he re-established connections with several of these former political exiles (Shevchenko, Sierakowski, and Żeligowski) who were already residing in the capital city and further networked with liberal Russians like Chernyshevsky, Nikolai Nekrasov (editor of the progressive journal *The Contemporary* [*Sovremennik*]), and Mikhailov who knew them.²⁵ Pleshcheev's poem "The Decembrist" (1860) recalls the famous 1825 conspirators, many of whom shared the Siberian landscape with the Petrashevtsy, and connects their legacy to one of human rights:

Blessed the one, who old in years
Retains all the freshness of feeling [. . .]
Who is a friend not of slavery, but of freedom,
In whom a faith in truth [*istina*] lives
And who does not dispassionately gaze upon,

how the rights of humanity

The strong one arrogantly tramples.²⁶

Pleshcheev invokes the phrase “rights of man [pravo cheloveka]” in his 1861 poem “To the Poet [Poëtu]” when describing the desirable qualities in an artist whose song must remain strong even when his voice is silenced:

And be a dauntless fighter,

A fighter for the rights of man;

Do not let your soul fall

Into a shameful sleep, into the vice of ages.²⁷

At the same time, Pleshcheev displays compassion for the poet broken in Siberia in his poem “S. F. Durov,” which Pleshcheev sent to their co-conspirator Alexander Palm upon the release of Durov to the “warm south” for recovery, where Pleshcheev—his “colleague in exile”—hopes that Durov can leave behind “malicious ailment” and “malicious grief.”²⁸

Zaleski’s literary talents displayed in his reminiscences of servitude (especially those of Shevchenko and Żeligowski), reminded his readership of the consequences resulting from the deprivation of rights in the tsar’s realm. His political polemics with Russian anarchist Mikhail Bakunin, soon after the latter’s escape from Siberia enabled him to participate in the planning for the January 1863 Uprising in Warsaw, reminded the Russian anarchist that some Polish nationalists were more cautious when using force to shape a new Europe. Zaleski’s sustained dedication to publishing about human rights violations in the depths of Russia differs strikingly from Bakunin’s grand displays of armed resistance and perpetual revolutionary agitation. Zaleski maintains that “everyone has the right to live [prawo żyć]” so that while he concedes “to the Russian people the right to the sympathy of the civilized world” he still demands in exchange “the never-expiring rights of freedom.”²⁹ Zaleski argues that violence, in the name of the tsar or the people, still brings death with it but includes Bakunin when asserting that “we the buried for many years but living” know “that eternally alive is justice, only.”³⁰ In other words, in defense of life Zaleski rejects the use of violent force in exchange for the realization of certain rights in keeping with criticisms of political systems raised by Jean-Jacques Rousseau in *On the Social Contract or Principles of Political Right* (*Du contrat social ou Principes du droit politique*) when he demonstrates that even though the powerful transform force into right to ensure their continued dominance “force does not bring about right [force ne fait pas droit].”³¹ For Zaleski, a sense of right is rooted in “duty, justice, and devotion” to God and to fatherland, which had motivated him while in Orenburg to arrange the relocation of his friend and national poet Edward Żeligowski

to this place of exile.³² Shevchenko, who shared a few months of exile with Zaleski at the fort of Novopetrovsk in 1851 and thereafter exchanged letters with him, likewise reiterates in his late poetry the faith of the cross and “a holy free soul.”³³ In the poem he dedicates to Zaleski, “In the Days When We Were Cossacks” (“Shche iak budi mi kozakami”) Shevchenko romantically recalls the days when their nations lived freely as brothers before the arrival of the Catholic priests who sought to punish and burn. In this respect, both Zaleski and Shevchenko supported intercultural exchange that promoted freedom—not only from the Russian tsar but also from other historic forces threatening the liberty that they, having been deprived of their rights, now keenly cherished.

For Żeligowski, the development of an independent national literature depended upon Poland’s political freedom, so in a letter to Zaleski in February 1863 he underscores liberty as the first goal of the January uprising and asserts the need for a political spectrum to arrive at this conclusion: “Remember my conversation with Herzen in London, whom I convinced [1] that political figures in Poland must allow all parties, since each has its force and influence on the country, and we are mainly interested in this force, and [2] that we have no time today to play with theory and to think about absolute progress.”³⁴ Like Zaleski, Żeligowski feared the more radical elements among the Russian exiles, even though they represented the best hope for Polish independence, but he envisioned that once the forces of liberation were unleashed in the Congress Kingdom of Poland they would spread to all segments of Polish society thereby uniting the nation around the cause of freedom.³⁵ Drafts of a letter by Żeligowski to Victor Hugo describe the Polish coup as part of a universal history against tyrants on their thrones victimizing “the heart of a people” and the soldier who “fights for the nation and the liberty of the world.”³⁶

Another comrade, Zygmunt Sierakowski, after returning from his exile to Orenburg and Ak-Mechet, dedicated himself to ending the practice of corporal punishment—that is the use of sticks, rods, and whips—in the Russian army.³⁷ Because corporal punishment was considered incompatible with Enlightenment principles, it had already been abolished in much of Europe.³⁸ The various descriptions of beatings and whippings of exiles and prisoners in many remembrances of Dostoevsky’s contemporaries attest to the shock of those witnessing the spectacle. Before focusing on this issue as part of his responsibilities at the War Ministry in St. Petersburg, Sierakowski had studied at the Academy of the General Staff, where he had organized a conspiratorial circle of Poles (who knew both Mikhailov and Chernyshevsky).³⁹ For this reason, when Sierakowski was sent to research penal systems in Western Europe (1860–62), he met with various proponents of Polish liberation, including Zaleski and Herzen.⁴⁰ According to Herzen, while in England,

in an attempt to reduce the practice of corporal punishment, Sierakowski shared with high-level British public officials his research maintaining a direct relationship between the severity of corporal punishment and an increased frequency in crime.⁴¹ Even though Alexander II enacted limitations on corporal punishment in April 1863, Sierakowski was not to benefit from them, since when he participated in the 1863 Polish armed struggle against the Russian army, he was wounded, captured, and hung in Vilnius by order of General Governor Mikhail Muraviev, popularly called the "Hangman of Vilnius."⁴²

TRANSCENDING BARRIERS TO ADVANCE RIGHTS

Thus, although many former exiles invoke the language of rights in their poetry and prose, through their dissent and rebellion, in political tracts and memoirs of captivity, their understandings of human rights vary widely not only by nationality but also by political and social identities. Still, when they recall the hardships borne in imprisonment and exile, they can find common ground in a desire to protect others from their own sufferings and those to which they were witness by defending a universal right to life and liberty. The rebellion against the poor quality of prison food in *House of the Dead*, the failed escape attempt by Polish prisoners known as the Omsk affair (1832–33), or the Balkal Insurrection of Polish exiles (1866) reveal that already in captivity convicts and the conscripted responded to their maltreatment under extreme conditions with collective movements against the mass violation of their rights. Those who visibly displayed the physical effects of servitude or who suffered premature death as a result of it, for example, Bogusławski, Shevchenko, Durov, and Żeligowski, particularly inspired their friends as well as sympathetic readers to challenge the absolute authority of the tsar. The civil unrest stemming from the January uprising of 1863, in which many former deportees like Sierakowski and Tokarzewski participated, displays well, as the UDHR recognizes, that in the absence of basic human rights, one may "be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression."⁴³ In a similar manner, but with a focus on liberation rather than on rebellion, the prominent civil rights leader Martin Luther King, Jr. recognized in his own famous prison letter: "Oppressed people cannot remain oppressed forever. The urge for freedom will eventually come."⁴⁴

The way in which the Petrashevtsy communally received notice of their impending death sentences on the scaffold on Semonovsky Square differs strikingly from those narratives exploring the solitude of a man

condemned to death, such as in Victor Hugo's *The Last Day of a Condemned Man* (*Le dernier jour d'un condamné*, 1829) to which Dostoevsky referred while awaiting his execution on the square (*Pss*, 28.1:162).⁴⁵ In his own account of these shared last moments in extremis, awaiting death, Dostoevsky recalls that he hugged Pleshcheev and Durov and thought of his older brother, Mikhail.⁴⁶ This sense of community may account for why, although the mature Dostoevsky objected to Pleshcheev's liberal politics, he continued to use the familiar address "ty" in their correspondence, even though he infrequently used it outside of his family circle.⁴⁷ For many of the Petrashevtsy, the subsequent sentences they served strengthened their bonds of friendship as they sought to survive the adverse living conditions in imprisonment and exile. For Pleshcheev, the desire to communicate with his new comrades even motivated him to learn Polish.

Bogusławski's remembrances suggest that non-verbal communication may suffice in the absence of a common language when victims of a diverse nature share a common abusive enemy. In such cases, intercultural cooperation may be achieved without agreement on, or even discussion of, human rights. This would suggest that when personal survival is at stake, language, political affiliation, and geographical borders do not present insurmountable barriers to intercultural collaboration on the part of those traumatized by tyranny. The way in which these former prisoners supported each other professionally and personally following exile also speaks to a camaraderie built on similar deprivation of rights in repeated and sustained life-threatening situations that defy the authors' ability to describe them using common words. Dostoevsky displays non-verbal, intercultural, and transhistorical communication when he presents the imprisoned and silent Christ kissing his tormented captor, the Grand Inquisitor, who denies him the right to speak or edit his written, recorded, and published testament (a ban on free speech that Dostoevsky and his fellow exiles understood well). A gesture's potential for intercultural communication can also be embedded in a well-worn slogan or oft-cited quotation—even if it is presented in a language incomprehensible to the speaker—especially when its historical referent situates it within a particular time of extraordinary cultural import. The otherness of the language can highlight the necessity for distinctive words to describe overwhelming, uncharted realities, whose experience may be communicated most effectively by invoking parallel situations through famous utterances like "Za naszą i waszą wolność" and "Liberté, Egalité, Fraternité!" that transcend their localized conflicts, reaching across the expanses of time and place to embolden successive generations from various cultures to take up the tricolor of human rights.

NOTES

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2. Sisiľ Vess'e, *Za vashu i nashu svobodu! : Dissidentenskoe dvizhenie v Rossii* (Moscow: Novoe literaturnoe obozrenie, 2015).
3. Sisiľ Vess'e, *Za vashu i nashu svobodu!* 14.
4. Daniel C. Thomas argues in *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton, 2001) that the act undermined the dominant ideology of communism in Eastern Europe.
5. Joseph Frank, *Dostoevsky a Writer in his Time* (Princeton: Princeton University Press, 2009), 135.
6. Bolesław Prus, *The Doll*, trans. David Welsh (Central European University Press, 1996), 14.
7. Józef Bogusławski, "Wspomnienia Sybiraka: Pamiętniki Józefa Bogusławskiego," *Nowa reforma* 294 (1896): 1.
8. [Zaleski, Bronisław], *Michał Bakunin i odezwa jego do przyaciół rossyjskich i polskich* (Paris: W księgarni polskiej, 1862), 10.
9. Bogusławski concealed and brought Jan Röhr (implicated in the Poznan Uprising of 1848) to the Lithuanian border on his own horses (Rossiiskaia natsional'naia biblioteka, rukopisnyi otdel', fond 629, opis' 188, folio 45), while Tokarzewski himself fled to Galicia where he lived under an assumed name according to his testimony printed in *Rewolucyjna konspiracja w Królestwie Polskim w latach 1840-1845: Edward Dembowski* (Wrocław: Wydawnictwo Polskiej Akademii Nauk, 1981), 714-716.
10. A. I. Gertszen, *Sobranie sochinenii v tridsiati tomakh*. 30 vols (Moscow: Akademiia Nauk SSSR, 1954-65), 7: 304-305.
11. Selections from Piotrowski's *Pamiętniki z pobytu na Syberji* (*Memoirs from a Sojourn in Siberia*, 1860-1861) appeared in *The Bell* in 1862.
12. Bronisław Zaleski, "Wygnańcy Polscy w Orenburgu," *Wspomnienia z Uralu i stepów Kazachskich*, ed. Andrzej Zieliński (Wrocław: Polskie Towarzystwo Ludoznawcze, 2008), 37. Information about Zaleski's part in Röhr's conspiracy may be found in Rossiiskaia natsional'naia biblioteka, rukopisnyi otdel' (fond. 629, opis' 188, folio 45-46).
13. Zaleski, "Wygnańcy Polscy," 38.
14. Joseph Frank, *Dostoevsky: The Stir of Liberation, 1860-1865* (Princeton University Press, 1986); V. Anisov and É. Sereda, *Litopys zhyttia i tvorchosti T. H. Shevchenka* (Kiev: Derzhavne Vydavnistvo, 1959), 347.
15. A. A. Grigor'ev, "Taras Shevchenko," *Vremia* 4 (April 1861): n. pag. *Philolog.ru Biblia*, accessed January 3, 2016, <http://smalt.karelia.ru/~filolog/vremja/1861/APRIL/taras.htm>; Vladimir A. D'iakov, *Taras Shevchenko I ego pol'skie druž'ia* (Moscow: Izdatel'stvo Nauka, 1964), 124-125.

16. V. S. Nechaeva, *Zhurnal M. M. i F. M. Dostoevskikh "Ėpokha," 1864-1865* (Moscow: Izdatel'stvo "Nauka," 1975), 291.
17. P. D. Boborykin's memoirs are cited in: N. F. Budanova and G. M. Fridlender, eds., *Letopis' zhizni i tvorchestva F. M. Dostoevskogo v trëkh tomakh 1821-1881*, 3 vols. (St. Petersburg: Gumanitarnoe agentstvo "Akademicheskii proekt," 1995), 1: 352.
18. A. P. Milinukov, "Fedor Mikhailovich Dostoevskii," *Russkaia Starina* 31, no. 5 (May 1881): 33-34.
19. This is the second stanza of Durov's poem "Who became, beside the eternal lies" ("Kto stal, pomimo vechnykh lzhei," 1863) included in V. V. Zhdanov and V. L. Komarovich, eds. *Poëty-Petrashchevtsy* (Leningrad: Sovetskii pisatel', 1957), 238.
20. P. K. Mart'ianov, "V perelome veka. (Otryvki iz staroi zapisnoi knizhki)," *Istoricheskii vestnik* 62 (November 1895): 451. His sentence read: "lishit'...vsekh prav sostoiannia [deprived of all rights of situation]" (*Pss*, 18: 189).
21. Bogusławski, "Wspomnienia Sybiraka: Pamiętniki Józefa Bogusławskiego," 1.
22. Dostoevsky wrote three patriotic Siberian poems (1854-1856) in order to reclaim from tsarist authorities a right to publish (*Pss*, 2: 403-10; 520).
23. Szymon Tokarzewski, *Siedem lat katoggi: Pamiętniki Szymona Tokarzewskiego 1846-1857 g.*, 2nd ed. (Warsaw: Gebethner i Wolff, 1918), 167-168.
24. Bronisław Zaleski, "Zmarli na wychodztwie od 1861 roku: Żeligowski, Edward," *Rocznik towarzyswa Historyczno-Literackiego w Paryżu* (Paris: Księgarnia Luksemburska, 1867), 370.
25. Żeligowski, who helped organize the Polish language journal *Słowo* in St. Petersburg in the late 1850s, was trying to find common ground among the Polish, Ukrainian, and Russian nationalists with *Słowo*, but the journal was banned when its editor Jozafat Ohryzko published a letter by a Polish revolutionary exile, Joachim Lelewel. Turgenev petitioned Tsar Alexander II for his release.
26. M. K. Lemke, *Politticheskie professy: M. I. Mikhaïlova, D. I. Pisareva, N. G. Chernyshevskogo: Po neizdannyim dokumentam* (St. Petersburg: Izdatel'stvo O. N. Popovoi, 1907), 195.
27. A. N. Pleshcheev, *Polnoe sobranie stikhotvorenii*, ed. M. Ia. Poliakov (Moscow/Leningrad: Sovetskii pisatel', 1964), 143.
28. Pleshcheev, *Polnoe sobranie*, 152.
29. Pleshcheev, *Polnoe sobranie*, 106-108; Zhdanov and Komarovich, *Poëty-Petrashchevtsy*, 153.
30. [Zaleski, Bronisław], *Michał Bakunin*, 19.
31. Zaleski, *Michał Bakunin*, 20.
32. Jean-Jacques Rousseau, *On the Social Contract: Discourse on the Origin of Inequality*, *Discourse on Political Economy*, trans. and ed. by Donald A. Cress (Indianapolis: Hackett Publishing Company, 1983), 20; http://classiques.uqac.ca/classiques/Rousseau_jj/contrat_social/Contrat_social.pdf.
33. Zaleski, *Michał Bakunin*, 53; Wiesław Caban, *Z Orenburga do Paryża: Bronisław Zaleski 1820-1880* (Kielce: Wydawnictwo Akademii Świętokrzyskiej, 2006), 77.
34. Taras Shevchenko, "Kobzar'," *Osnova* (May 1862): 2.

34. G. Pisarek, "Rol' russkikh i ukrainskikh v zhizni i tvorchestve Edvarda Zhe-ligovskogo," in *Svitazi revoliutsionerov Rossii i Pol'shi*, eds. V. A. D'iakov, I. S. Miller, and L. A. Obushenkovaia (Moscow: Izdatel'stvo Nauka, 1968), 238.
35. Andrzej Walicki writes that Herzen connected socialism and the "rise of Slav-dom" in *Russia, Poland, and Universal Regeneration: Studies on Russian and Polish Thought of the Romantic Epoch* (University of Notre Dame Press, 1991), 40.
36. Archiwum Hotelu Lambert, MS 6976. Edward Żeligowski. Korespondencja. Listy od osób różnych. B-Z. Biblioteka Czartoryskich w Krakowie.
37. Gertsen, *Sobranie sochinenii v tridsati tomakh*, 218.
38. Bruce Adams, *The Politics of Punishment: Prison Reform in Russia 1863-1917* (DeKalb: Northern Illinois University Press, 1996), 13.
39. V. A. D'iakov and I. S. Miller, *Revolutsionnae dvizhenie v russkoi armii i vosstanie 1863 g.* (Moscow: Izdatel'stvo "Nauka," 1964), 120-125.
40. S. D. Gurvich-Lishchiner, *Letopis' zhizni i tvorchestva A. I. Gertsena 1859-iiun' 1864* (Moscow: Izdatel'stvo Nauka, 1983), 131.
41. Gertsen, *Sobranie sochinenii*, 219.
42. Adams, *The Politics of Punishment*, 13. When he emancipated the serfs, Alexander II reformed the penal system.
43. "The Universal Declaration of Human Rights," <http://www.un.org/cn/univ/ersal-declaration-human-rights/>.
44. James Melvin Washington, ed., *A Testament of Hope: The Essential Writings of Martin Luther King, Jr.* (New York: Harper Collins Publishers, 1991), 297. This quotation is from his "Letter from Birmingham City Jail."
45. Frank, *Dostoevsky: The Stir of Liberation*, 24. Hugo here is also objecting to forms of capital punishment.
46. F. M. Dostoevskii, *Polnoe sobranie sochinenii* (Leningrad: Izdatel'stvo "Nauka," 1985), 28, no. 2: 161-162.
47. Boris N. Tikhomirov made this observation to the author.

Chapter 10

The ASEAN Declaration of Human Rights as a Case of Human Rights Translation

Marcella Ferri

The complicated relationship between the universality of human rights and the respect of cultural diversity has been greatly debated since the adoption of the Universal Declaration of Human Rights (UDHR).¹ Already during its elaboration, the genuinely "universal" nature of the Declaration has been questioned by some scholars, and especially by the supporters of cultural relativism, asserting that it was actually based upon the Western human rights notion.²

As noted by several scholars, the universal recognition of human rights does not imply that they have to be implemented in a uniform and homogeneous manner.³ In particular, some authors highlight the necessity to promote "cross-cultural legitimacy" of human rights.⁴ Recognizing that universal standards of human rights refer to a specific paradigm of the human being, Eva Brems points out the need to remedy the exclusion of people not included in this paradigm; she proposes the concept of "inclusive universality"⁵ which allows to bridge the "gap" between the universal human rights system and non-Western cultures.

This process is not a one-way street; it needs a twofold movement. On the one hand, the flexibility of human rights and their dynamic nature make it possible to transform the universal human rights standards and adapt them to different cultural claims. On the other hand, the evolutionary and heterogeneous nature of cultures involves significant practices and traditions contrary to human rights;⁶ to this end it is necessary to promote an internal debate within all societies about their cultures and fundamental values, assuring the free and effective participation of all members of societies.

Within this theoretical framework, this chapter will briefly analyze the Declaration on Human Rights adopted in 2012 by States belonging to the