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THE UNDERSTANDING OF HUMAN RIGHTS IN THE NEO-EURASIANIST DOCTRINE

ABSTRACT

Neo-Eurasianism as a political doctrine is a descendant of the Eurasianist thought in the interwar period and L.N. Gumilev's ethnological speculations during the Soviet era. Similarly to the oldest generation, Neo-Eurasianists, respond to the trauma of the lost empire in their thought: denying the leading position of the victorious competitor, they also deny the Western understanding of human rights. The polemic is conducted by a group of Russian visionaries, such as A. Panarin, A. Dugin, V. Korovin, as well as by much more pragmatic Kazakh theoreticians of law led by Z. Busurmanov. The Neo-Eurasianist narrative generally rejects the Lockean absolutization of inalienable individual's rights and emphasizes the communitarian aspect instead. Russian Neo-Eurasianists blame the Western ideologists for treating human rights as a diplomatic weapon against foreign independent powers and try to present the liberal concept as a speculative idea. However, contrary to the Russian tradition, the idea of individual rights is not rejected in the Kazakh legal theory; it is presented in the light of a necessity to protect the right to cultivate one's identity in the realities of a multiethnic state.

Keywords: Eurasianism, human rights, Russia, Eurasia, Kazakhstan

INTRODUCTION

The present study provides a brief insight into the understanding of human rights among contemporary Eurasianists. This is valuable due to the ongoing discussion on human rights in the various legal and political fora in today's world, including the post-Soviet area.

The issue of the relationship of Neo-Eurasian views with the essence and function of human rights has been explored very little, despite the fact that much attention has been paid to the issue of human rights and Eurasianism as such. So far, the only researcher who has reviewed the issue of understanding human rights in terms of the Neo-Eurasianist doctrine is Zhumabek Busurmanov, Director of the Institute of Legislation of the Republic of Kazakhstan and member of the Academy of Legal Sciences. In 2006, he published a basic monograph concerning the topic, indicating important differences in the understanding of human rights in the West and the post-Soviet area.¹ The book was followed by a set of articles referring to various aspects of the main problem, however, they did not enrich the main argument in a significant way. More than a mere researcher, Busurmanov is rather a leading theoretician who has devoted several texts to the issue of understanding human rights in Eurasian realities.

The research questions of this article serve three goals. The first is to demonstrate the Eurasianists' attitude to the dominant Western understanding of human rights. The second is to show the specificity of the Eurasian view of the problem, that is, to point out the essential differences between the Western and Eurasian perceptions of the meaning of human rights. The third goal is the attempt to explain what underlies the differences between the two paradigms and the inherent discrepancy in the approach to the subject.

SELECTED PROBLEMATIC ISSUES IN HUMAN RIGHTS

The tradition of human rights as inalienable principles, different from the regulations of written law, goes back to the heritage of John Locke's *Second Treatise of Government* (1689) and the *Declaration of the Rights of Man and of the Citizen*, which came into existence a century later, in the summer of 1789. Throughout the following decades, many efforts were made to develop a theoretical background of the idea of human rights and to implement them in practice so that they could find a legal, constitutional embodiment. The most obvious one was the Universal Declaration of Human Rights, which was accepted by the UN General Assembly as Resolution 217 on December 10, 1948 in Paris.² What became an even more interesting and effective document in terms

¹ Ж.Д. Бусурманов, *Евразийская концепция прав человека*, Алматы 2006.

² *Universal Declaration of Human Rights*, United Nations, Paris 1948, at <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>>, 19 May 2021.

of international politics was Article VII of the Helsinki Final Act (1975), the initiating document of the Organization for Security and Cooperation in Europe, where freedom of thought, conscience, religion, and belief received (at least theoretically) legal protection in the Old Continent.³

The idea of inalienable human rights appeared in specific historical circumstances: in the atmosphere of the Glorious Revolution of 1689/90 in England and at the beginning of its (less glorious and peaceful) equivalent in France ten decades later. The criticism of the spirit of the early documents was somewhat justified, given the glaring hypocrisy of the authors and the controversial immediate outcomes of the new ideological offensive. Locke, proclaiming the sublime idea of inalienable rights (such as the right of life, liberty, or property) secured by the Creator himself, did not hesitate to accept slavery or child labor (similar accusations have appeared in reference to the Founding Fathers). Moreover, England and later, after the Acts of Union, the Kingdom of Great Britain, was by no means a tolerant country, excluding non-conformists and Catholics from public office and university education. Revolutionary France soon became a stage for incredible atrocities, decapitating thousands of real or imaginary opponents of liberty, equality, and fraternity.

The idea of human rights, however, was still victorious and (not without reason) provoked the theoreticians of law to contrast the universal principles of providential provenance with numerous principles of statutory law. This concerned both arbitrary decrees of monarchs, and acts of any democratically elected legislative body. Interestingly, the idea of universal human rights actually arose in the environment of *common law*, which shows that human rights, despite being the most basic and stemming from *natural law*, may not be included automatically in the practice of administering justice to the community.

Let us bear in mind that, despite the external similarity of the Anglo-Saxon and French approaches to human rights, we are rather dealing with their different empowerments, which affected their permanence and independence in the legal tradition. In Locke's terms, we are dealing with the independence of these rights from any instance; the thinker merely affirms their existence. In the case of the continental tradition, it is the collegiate body that adjudicates the content of human rights, therefore they only acquire the value of statutory law.

In this light, the content of Article VIII of the CSCE Final Act seems interesting. It states that *by virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.*⁴ This raises the question of how to deal with hypothetical cases where the principle of political and cultural self-determination of peoples leads them to create a statutory law (or implement a common

³ Conference on Security and Co-operation in Europe Final Act. Article VII, Helsinki 1975, at <<https://www.osce.org/files/f/documents/5/c/39501.pdf>>, 19 May 2021.

⁴ Ibid., Article VIII.

law practice) which clearly contradicts the provisions of Article VII of CSCE Final Act or any articles of the Universal Declaration of Human Rights.

RUSSIA'S PROBLEM WITH HUMAN RIGHTS

The problem with this contradiction has a decent tradition in Russia, or, more generally, in the Eurasian area. Human rights have rarely had good press there, with positive opinions usually being restricted to relatively narrow intellectual circles.

In the Russian Empire, several ideologists criticized the Western concern for human rights and parliamentary democracy. In the 19th century, nationalist thinkers (mainly Slavophiles, and later the Neo-Byzantinists and Pan-Slavists) rejected the Western understanding of individual freedom as being deprived of the context of the national and ecclesial community. The Western version of freedom and equality was associated by the Slavophiles and Pan-Slavists with atomization, and by the Neo-Byzantinists with the artificial homogenization of societies and therefore having nothing to do with their sense of mission and traditional convictions.

In the pre-revolutionary period, monarchical, anti-constitutional, and nationalist unions (fitting more or less with the heritage of the Black Hundreds) fiercely attacked the liberal concept of human rights. The most classic criticism, however, came from Konstantin Pobedonostsev, the chairman of the Holy Synod of the Russian Orthodox Church. He was an outstanding lawyer with widely recognized competencies, indebted to the tradition of such thinkers as Frederic La Play and Thomas Carlyle. Pobedonostsev's *Московский сборник* (Moscow collection) of 1896, with its provocative chapter *Великая ложь нашего времени* (The great lie of our times), contained a devastating critique of the idea of inalienable rights, especially the freedom of the press. In his perception, the unrestrained possibility of exercising the right to pursue happiness could effectively turn against human freedom. The media, on the other hand, by no means give a free reflection of public opinion (it is not known to journalists). What they rather do is manipulate by taking over one's free thought via an external source of influence.⁵

Soviet Russia and the USSR perceived even more clearly the incompatibility of its system and political realities with the understanding of human rights established in the European tradition. It was obvious that, in the Russian internal discourse, the meaning of freedom, equality before the law, or the rights of the individual differed significantly from what was appropriate for the 'bourgeois society.'

Mary Hawkesworth rightly noted years ago that classical Marxism staunchly opposed the imposition of any dogmatic ethics with fixed and ever-binding principles. On the contrary, for Marxists, human rights did not arise from being rooted in some abstract 'humanity' but depended on the social entanglement of a human being. Thus,

⁵ К.П. Победоносцев, *Великая ложь нашего времени*, at <https://bookscafe.net/book/pobedonostsev_konstantin-velikaya_lozh_nashego_vremeni-223678.html#google_vignette>, 19 May 2021.

socialism was supposed to lead people to 'real' freedom, not to the choice between exploitation or the lack of a job. In other words, the verbal fervor around human rights was merely a weapon in the campaign against socialist ideology. On the one hand, after adopting the Final Act of the CSCE, the USSR gained prestige as one of the founding countries of the European international legal order. At the same time the presence of Article VII gave the West an invaluable opportunity to enforce what was the ideological basis of this order. However, it was always perceived by the Soviets as an attack on the socialist system. According to the Soviet narrative, the real intention behind the rhetoric of 'pluralism' was in fact to introduce an internal division in the Eastern camp.⁶

The Soviet rejection of the Western narrative was generally based on the distinction between 'true' human rights and their erroneous, Western interpretation. From the Soviet perspective, human rights could not be separated from the liberation of the working class. By demanding freedom of speech, press, and conscience, the Western powers applied 'double standards,' making pressure on socialist societies only in order to weaken a competitor, that is, the USSR with its satellites. As a result, the West would be left to freely exploit their own working class, as well as less developed countries and societies. Thus, the question remains whether the Soviet opposition to the 'dictatorship' demonstrated by the United States and its allies in imposing traditionally-understood individual rights resulted more from the principles of Marxism-Leninism, or rather had deeper roots, going back to the cenobitic, self-righteous, and Slavophilic traditions of Russian communitarianism.

NEO-EURASIANISM AS A CHILD OF AN OLD DOCTRINE AND NEW RESENTMENT

The Eurasian ideology, one of the manifestations of assertive Russian anti-individualism, appeared in the community of Russian emigrants after the Russian Revolution of 1917. Initially, the main center of the movement was Sofia. Later, the Eurasianists moved to various places, of which Paris became the most important center. Duke Nikolai S. Trubetzkoy, Petr Savitsky, and Petr Suvchinsky were the most significant contributors to the development of this early form of the Eurasianist doctrine. The collection *Исход к Востоку* (The exodus to the East) was the group's flagship manifesto where the leading ideas of the doctrine were specified.⁷

The most important of these was *Eurasia*, understood as a specific, separate continent that was neither Europe (that is, the Western world) nor Asia (that is, Chinese, Japanese or Indian exoticisms). The borders of Eurasia basically coincided with the territories of the Russian Empire and the USSR. Additionally, it is also difficult not to

⁶ M. Hawkesworth, "Ideological Immunity: The Soviet Response to Human Rights Criticism", *Universal Human Rights*, vol. 2, no. 1 (1980), pp. 69-75.

⁷ *Исход к Востоку. Предчувствия и свершения*, София 1921.

notice the convergence of this area with what Sir Halford Mackinder referred to as the *pivot area* or the *Heartland*.⁸

Another fundamental idea cultivated by the Eurasianists was the *Empire*, whose political form was not clearly defined. As a result, the 'empire' became a value in itself, and the contradictory efforts of Genghis Khan, the Grand Duchy of Moscow, the Russian Empire, and the Soviet Union were justified. The latter deprived numerous Russian intellectuals of their homeland, annihilated many of them physically, and opposed the old national and religious traditions of the Russian people. Nevertheless, in the writings of Eurasianists, it was criticized much less than the West, which, in their opinion, appropriated the right to establish universal ethical and civilization rules. By a strange coincidence, most representatives of the movement found shelter in the West and from there argued about the uniqueness and distinctiveness of the Eurasian world. According to this concept, Russia-Eurasia was perceived as the successor of the Mongol tradition of no lesser importance than the Kievan Rus.

The Eurasian civilization was associated with an illusory subject – the 'Eurasian nation' – and Eurasianism was supposed to become 'Eurasian nationalism.' No matter how unclear the vision of the great nation and the great empire was, the Eurasianists recognized the necessity of an 'ideocratic state,' where the 'idea' itself was predominantly communitarian and demanded sacrifice.⁹

Lev N. Gumilev, the only Eurasianist of the Soviet Union, whose works became wildly popular in the post-Soviet period, constructed another, quasi-scientific theory, in which the history of humanity is essentially a history of *ethnoses* (nations, ethnic groups). *Ethnoses* are supposed to originate as a result of extraordinary events in space, which incite the emission of the 'passionary energy.' This kind of energy fills ethnic units with mental force and allows them to function until their batteries go flat. This theory is much less idealistic than the Eurasianism of the interwar era: the *ethnoses*, however, still have a strictly communitarian instinct of expansion and greatness. Their ethics boils down to anthill imperatives. The feelings of hostility and strangeness toward particular *ethnoses* are thus solely caused by the differences in their levels of passionary energy. The rights of individual people are obviously of no importance.¹⁰

After the collapse of the USSR, Marxism was generally *passé* in Russian intellectual discourse. The initial period of the 1990s was associated with various forms of liberal tendencies rather than imperialist communism. However, the actually quasi-liberal privatization, which led large masses of the Russian population into poverty and to the sense that the Russian nation was in a way deceived and split into distinct states, caused

⁸ H.J. Mackinder, "The Geographical Pivot of History", *The Geographical Journal*, vol. 23, no. 4 (1904), pp. 421-437.

⁹ Н.С. Трубецкой, *Об идее правительнице идеократического государства*, in Н.С. Трубецкой, *История, культура, язык*, Москва 1995.

¹⁰ The structure of the theory is explained in the most concise way in: Л.Н. Гумилев, *Этногенез и биосфера Земли*, Ленинград 1979.

an important change of minds. Similarly to Weimar Germany, Russia expressed its resentment toward the West and its spiritual foundation. Some pro-Soviet sentiments resulted in a greater popularity of the newly created Communist Party, but there was also another alternative: the Neo-Eurasianist trend was present in the newest strains of Russian political thought and organizational endeavors.

Interestingly enough, the nascent third wave of Eurasianism, although not genetically derived from Marxism or other forms of leftist thought, not only remained far from attacking the communist heritage, but incorporated the USSR's achievements into its ideology. Among the supporters of Neo-Eurasianism, one can find former apologists of the Soviet state. However, it would be wrong to think that there is some closeness of Marxism with the Eurasian doctrine. Neo-Eurasianism was created, as its predecessor, by a relatively small group of thinkers of quite diverse origins who shared their traumas and ambitions. In its most general terms, Neo-Eurasianism had at least two, if not more, sources. The first was the disappointed Russian 'orphans after the USSR.' It can be said that their relation to this legacy ought to be perceived in analogy to the similar relationship of the first generation of Eurasianists to the murdered tsarist empire: as it was impossible to enter the same river again, they looked for a substitute for the Soviet state; some new greatness and a new ideology, so that everything would be changed to remain the same.

The most prominent representatives of Russian Neo-Eurasianism were/are Alexandr Sergeevich Panarin (1940-2003), Alexandr Gelevich Dugin (born 1962) and the founder of the Eurasian Youth Movement, Valerii Mikhailovich Korovin (born 1977). The political and organizational platform of the movement is the International Eurasian Movement with Dugin at the helm. Apart from the activists of the main organization, Russian Eurasianists are supported to an extent by a larger number of thinkers who represent 'patriotic,' imperialistic, as well as aggressively anti-Western and anti-liberal convictions. Many of them, such as Mikhail Delyagin, Zakhar Prilepin, or Sergey Chernyakovsky, joined Dugin and Korovin in the influential Izborsky Club, established in September 2012.

The Russian Eurasianists of the post-Soviet era are famous for their idea of historical revanchism (Alexandr Panarin), and even more so for their geopolitical doctrine that was created by Dugin and embodied in his cult book *Основы геополитики* (Foundations of geopolitics). According to Dugin, the basic opposition is the traditional geopolitical struggle between the Sea power and the Land power, but with a specific axiological spice. The Atlantic 'thalassocracy' represents *progress* embodied in democracy, capitalism, and individualism. Conversely, Eurasia, the geopolitical Land, with its 'tellurocracy,' is preoccupied with *tradition* embodied in autocratic policies, socialism, and communitarian imperatives.¹¹

A similar kind of mysticism is evident in the Islamic form of Neo-Eurasianism, with Geydar Dzhemal (1947-2014) being the best-known representative. This kind of doctrine is equally traditionalistic and critical of the secularized modern Western world.

¹¹ А.Г. Дугин, *Основы геополитики*, Москва 1997, pp. 214 nn.

However, instead of proclaiming the mission of Eurasian Russia, it instead searches for the common powerful niche of the Abrahamic religions.¹²

Eurasianism, from the Islamic perspective, takes quite different forms. One of them was the political practices of Abdul-Vakhed Niyazov, a clever businessman playing on several sides, the leader of the quite ephemeral Eurasian Party of Russia in the 2000s, and later the President of the European Muslim Forum.¹³ The general tone of the EPR profile can be summarized as a pragmatic and friendly union between all Eurasian forces, building an effective platform of cooperation between the more European and more 'Asian' (predominantly Muslim) parts of the Old World. An even more pragmatic form of Eurasianism, deprived of messianism and any Russo-centric ideology, was presented by Nursultan Nazarbaev, the President of the Republic of Kazakhstan in 1991-2019. In his policies and lectures, he clearly stated that his vision of the Eurasian area was based on the advanced ties of cooperation between the post-Soviet states resting upon the pillars of equality, freedom of choice, and pragmatism, as well as obvious benefits for each party.¹⁴

HUMAN RIGHTS AS A WEAPON AGAINST OPPONENTS

The emergence of political and legal doctrines occurs most often as a result of the long-term discomfort of certain social groups and theorists who speak on their behalf with high, but unfulfilled, expectations. Feudal dependence, and the king's monopoly of decision regarding all aspects of social life in the state, gave rise to such phenomena as liberalism or the bloody French Revolution, which led to the beheading of the king. The atrocities of the revolution encouraged the emergence of conservatism. The degrading provisions of the Versailles Treaty were accused of breeding Nazism. Similarly, the disgrace of losing the Cold War with the Western opponents led many Russian political thinkers, especially Neo-Eurasianists, to a sophisticated resentment and the rejection of the legal tradition represented by the more successful party.

Actually, there is a logic to criticizing the Western concept of human rights by the Neo-Eurasianists. They do not avoid the most basic questions about the human being and draw clear conclusions. Alexandr Panarin, the oldest representative of the movement (who later abandoned Eurasianism in favor of his own concept, proclaiming the path for a new Orthodox civilization), claimed that the West puts forth the idea of human rights by defining humans in a way that moves away from the older European tradition. Moreover, it was also a dangerous experiment that led to the justification of colonial conquests. The colonization was based on the famous sophism of the

¹² See his: Г. Джемал, *Освобождение ислама*, Москва 2004.

¹³ European Muslim Forum, *Structure*, at <<http://euromuslimforum.org/about/emf-board-members/>>, 18 May 2021

¹⁴ Н. Назарбаев, "Выступление Президента Республики Казахстан Н.А.Назарбаева в Московском государственном университете имени М.В.Ломоносова о евразийской интеграции", 29 Apr 2014, *Strategy 2050*, at <<https://strategy2050.kz/ru/news/8210/>>, 19 May 2021.

Enlightenment which identified the Western man with 'natural man' and declared everything that was different from him to be a 'deviation.'¹⁵ In this way, Panarin in fact supported the akin position of Alain de Benoist, who noted that *the ideologues of human rights were constantly resorting to the principles of 1789 not to condemn colonialism, but rather to legitimize it.*¹⁶

Panarin went even further, believing that the West would have to endure a new "revolt of the fierce Kshatriyas against sentimental Brahmanism," the revival of the cult of the gods of war and thunder, and the revenge of paganism over Christianity. In what guise these kshatriyas and idolaters, "blond beasts" and "supermen," will appear is a question for the scriptwriters of the near future. For the United States, as he claims, this undoubtedly means transforming republican institutions into imperial ones; liberal messianism (armed with the idea of human rights) into a racist messianism (armed with the idea of the Western Superman's rights).¹⁷

This position only opened a Pandora's box of accusations. Several groups, especially former activists of the communist state, conservatives, and Neo-Eurasianists began to criticize the Western concept of human rights. Their programs differed on many points; one thing, however, remained common to them: the conviction that there is no such thing as universal human rights, and even if they could be imagined as a blurry concept, it is not the West that is in possession of that secret knowledge. The most severe accusation was probably expressed by Dugin, who believes that the theory of human rights emerged in the 18th-century Masonic lodges as a project of a global world revolution which aimed to eradicate Christianity, destroy the European elite and build a civil society without traditional borders and states.¹⁸ Not all opinions, however, were so radical. Other Neo-Eurasianists were much more interested in the international perspective of the human rights narrative.

The supposition that the idea of human rights is not an expression of a genuine belief in human dignity, but rather a cunning device for expansion, is strictly linked to another accusation, which has been willingly voiced by Russian diplomacy, especially after the end of the Yeltsin era. As Panarin states, it is the application of 'double standards.' In some cases, such as the European Union, integration was welcomed by the West, in others, especially in the post-Soviet area, it was condemned as a relapse of Russian imperialism. In Yugoslavia, the fight against separatism and the extremism of national minorities was not only condemned, but also suppressed with the use of military force; elsewhere, as was the case of Turkish Kurdistan, it was publicly and secretly supported. When the Soviet regime, repugnant to the West, persecuted a dozen dissidents and obstructed freedom of speech, the West severely condemned it. When the

¹⁵ А.С. Панарин, *Глобальное политическое прогнозирование*, Москва 1999, p. 9, at <https://royallib.com/book/panarin_aleksandr/globalnoe_politicheskoe_prognozirovanie.html>, 19 May 2021.

¹⁶ A. de Benoist, *Europe, Tiers – Monde, tème combat*, Paris 1986, p. 51.

¹⁷ А.С. Панарин, *Глобальное...*, p. 53.

¹⁸ А. Дугин, "О Декларации прав человека", *Изборский Клуб. Аналитика. Оценки и комментарии*, at <<https://izborsk-club.ru/10098>>, 16 May 2021.

Yeltsin regime, pleasing the West and dependent on it, did not pay the majority of the population even those wages that had been cut to a miserable level (dooming people to starvation and extinction), no one, according to Panarin, saw this as a violation of human rights.¹⁹

HUMAN RIGHTS AS A SPECULATIVE CONCEPT

The Western understanding of human rights has not only been accused by the Neo-Eurasianists of instrumentalizing legal terms and values with the intention of realizing the particular interests of the Atlantic powers. It has also been perceived as a conceptually artificial and improperly constructed theory. According to Valerii Korovin, the founder of the Eurasian Youth Union, Western institutions, even if they make themselves out to be free of ideology, in fact adhere to the ideology of globalization, 'open society,' a non-polar world, dictatorship of post-liberalism, and the primacy of 'human rights.' The latter is of particular importance to Amnesty International. The concept of 'human rights' is perceived in many countries of the world, including Russia, in a completely different way from what has been laid down in the definition of the concept by its creators. Whereas in traditionalistic societies the community's right to identity is inalienable, the Western actors aim at a melting pot.

That is why one should have no illusions: Western networks bear no trace of any freedom from ideology. And any alternative to their ideology of 'human rights' is declared to be totalitarian, aggressive, unfree, undemocratic, and its bearer falls either into the category of 'fascism' or 'communism,' which for a liberal is the same and equally demonic. Anything else is not even considered. And the absence of an alternative is thought to be a non-ideological, non-alternative, globalist, liberal, modernist, non-polar ideological model, which is accepted as a kind of absolute matrix of a modern Western project. The liberalism of 'human rights' is actually totalitarian and intolerant, and organizations such as Amnesty International vigilantly stand guard over its interests, accusing all living things of 'fascism' and the imposition of the lack of freedom left and right. And their mission continues, inexorably creeping into Russia.²⁰

Sergey Cherniakhovsky, a prominent political scientist of Moscow State University, who is not a member of the Neo-Eurasianist movement but accompanies Dugin and Korovin in the Izborsky Club, strongly emphasizes the speculative character of the West's understanding of human rights. In his understanding, the French Revolution affirmed the ideas of political rights and political democracy, and the October Revolution, the idea of social equality and social democracy. These two revolutions pursued different tasks at different stages of sudden transformations in both countries, but

¹⁹ Ibid., p. 96.

²⁰ В. Коровин, "Тоталитаризм «прав человека»", *Изборский клуб. Статьи*, at <<https://izborsk-club.ru/16441>>, 15 May 2021.

they were transitions to the world of accelerated development. The French Revolution, with a developed and practically formed bourgeois-market system, shattered the political form that hindered the development of this device. In Russia, it was necessary to change not only the political structure, but also the economic system. The Revolution of 1917 managed to create a material pillar for a new society on the basis of everything that was created by the industrial development of old Russia.

While storming the walls of the Bastille, the French Third Estate, inspired by the ideas of the philosophers of the Enlightenment, sincerely believed that the ideals of freedom and human rights were to be achieved in the foreseeable future. Two centuries later, however, the ideological heirs of the sans-culottes, who came from the United States and pro-American Europe, used these ideals as means of speculative political rhetoric and linguistics. An arsenal of expressions in the spirit of 'for all good, against all bad' was intended to legitimize virtually unlawful and anti-humanist actions in other countries. At the beginning of the 21st century, the Western states, through 'humanitarian interventions' under the pretense of 'protecting human rights and freedoms,' wreaked havoc in the Middle East. The reasons for the foreign armed intervention were bold presuppositions about the danger of the use of chemical weapons and the violation of the rights of the local population. This is an embodiment of Machiavellianism: the West (within which the United States has the primary influence) cooperates with the dictator only if he is beneficial for it. If he is not, the Western powers do their best to overthrow him, striving to appear as 'champions of democracy' in the eyes of the world public.²¹

CITIZEN'S RIGHTS OR HUMAN RIGHTS?

If human rights in the Western version are treated by the Neo-Eurasianist doctrine as a device used for the justification of colonial conquests or a moral destruction of hostile powers in the East, and if they only constitute an artificial and erratic speculative concept, what, then, is the correct understanding of human rights? The search for a positive version turned out to be a much more complex task, especially if one considers the relation of human rights to a more straightforward and legally anchored concept of citizen's rights. It would seem that citizen's rights, as a 'post-1789' idea, should evoke even rougher accusations from Neo-Euroasianists than more 'natural' human rights. However, even a superficial look at the Neo-Eurasianist considerations reveals some complexity and ambiguity in the matter.

Alexandr Dugin is generally quite reluctant toward the importance of citizen's rights. In his narrative, citizenship does not solve basic problems in various places around the globe: *Who is a Frenchman in the European Union? Citizen of Europe? Okay. But how can he be aware of himself as a Frenchman when France as a state no longer exists? This*

²¹ С. Черняховский, "Права человека приобретают характер спекулятивной идеи", *Изборский Клуб. Аналитика. Оценки и комментарии*, at <<https://izborsk-club.ru/9880>>, 16 May 2021.

*is only possible if the French become an ethno-political category with the appropriate legal form. This is just as relevant to Eurasia both on a small (Russian) and a wide (CIS) scale. Who are Russians in Kazakhstan? Kazakhs in Russia? Only citizens?*²² That is why Neo-Eurasianists, who understand the specific position of the Russians and other nations in the post-Soviet area, put forward the idea of Eurasia. There, today's problematic issues concerning nationality and citizenship could be solved by a kind of confederative project with traditional nationality under special protection.

This does not mean, however, that citizenship as such and citizen's rights are of no importance to Neo-Euroasianists. For Korovin, the value of citizenship rights becomes especially interesting, but with a specific understanding. The Neo-Eurasianists accuse the West of alienating people from their natural social environment and treating everybody in the same way, regardless of their nationality. Human rights are supposed to equalize people, looking at them as if they were all members of the same community. The concept implies that non-citizens, migrants who find themselves in a particular country, should have the same rights as that country's citizens because of their status as human beings. This requires equating the rights of a migrant with the rights of an indigenous resident of the state, which, according to globalists, should stimulate migration, the process of promoting a homogenized human congerie. And this, in turn, is the main mechanism for creating an atomized, discrete, and chaotic society of human biomass, consequentially bringing out an individual with severed ties with their former collective identity.

According to Korovin, the seemingly innocuous notion of human rights conceals the desire of the ideologists of globalism to dehumanize the human race. The goal itself, as the thinker claims, is rather sinister, despite its seemingly harmless label. This 'mixing and dehumanization' is suspected of being strictly monitored by Amnesty International and a whole brood of similar organizations.²³

HUMAN RIGHTS AS COMMUNITY RIGHTS

The most evident trait of the Neo-Eurasianist concept of human rights can be found in its critical, resentful attitude toward the so-called 'double standards' applied by Western politicians and commentators. However, it would be a great mistake to treat the Russian or Kazakh considerations as only a 'hater's' stream of consciousness. The wave of criticism depends on a certain conviction or rather general attitude or approach. Panarin quite clearly claims that all the rhetoric of Westernizing democracy concerning inalienable human rights and other deviations from the humanistic 'standard' immediately subsides when it is not about violations of the rights of individual representatives

²² А.Г. Дугин, "Права народов и права человека". Интервью А.Г. Дугина казахстанской газете «Навигатор», апрель 2002, at <<http://med.org.ru/article/811>>, 19 May 2021.

²³ В. Коровин, "Тоталитаризм «прав человека»", *Изборский клуб. Статьи*, at <<https://izborsk-club.ru/16441>>, 15 May 2021.

of the democratic vanguard, but instead about the violation of the rights of a people to an independent existence and existence in general.²⁴

In other words, the Neo-Eurasianist approach to the problem of human rights is oriented to an entirely different aspect of legal protection, which is the community rather than the individual. Alexandr Dugin, the leading figure of Russian Neo-Eurasianism, has suggested that 'the rights of peoples' is an international legal norm that has recently become sharply inferior to the concept of 'human rights.' In fact, it is 'peoples' rights' that should be considered the axis of Eurasian jurisprudence, while 'human rights' are the 'battle cry' of Atlanticism and Westernization, hidden behind the universalist slogan of globalism. In the Western style, *the people* is understood as a whole of individuals, i.e. citizens. When people regroup (migrate to another country or change their citizenship), they form another *people*, since *the people*, in such an understanding, is something artificial and divorced from any qualitative nature.

For Russian Eurasianists, *the people*, on the contrary, is prior to the individual. It is the people that makes the man. Man himself is rather a clone, golem, biorobot, mechanism, or machine. The treasury of life is contained in ethnic groups, in languages, in culture, in a specific attitude to space and time, as well as to the challenges of nature and history. A melting pot is an artificial civilization of artificial people with an artificial legal construction under the label of 'human rights.' The 'rights of the people' imply the most important issue, which is the preservation of their identity and uniqueness, the possibility to determine their own way of development, which must be protected from erosion in the aggressive globalist 'ersatz culture.'

Dugin states that his views are far from supporting any kind of segregation and 'mixophobia' since ethnic groups sometimes mix and so they participate in the process of *ethnogenesis* to form other peoples. So-called 'organic mixing' with another group ought to be secured by the 'rights of the people,' on the condition, however, that it is not imposed in an artificial way. Dugin supposes that the idea of 'peoples' rights' will soon come to the forefront in Europe, as only in this way can the French, Germans, or Italians preserve their national identity in the European Union, where the borders of nations-states, which until recently served this identity, are gradually being abolished. Europe will face the same conundrum as Eurasia, and the Eurasian principle of 'peoples' rights' will become relevant in both civilizational circles. Ethnic groups should be recognized as an independent category – including certain forms of 'collective responsibility': Russians are responsible for Russians, Kazakhs for Kazakhs, Tatars for Tatars, and Armenians for Armenians. According to Dugin, people must organize themselves in politically independent and natural ways within the framework of their ethnic systems on the principle of 'organic democracy.'²⁵

Such a vision of human rights as 'the rights of peoples' inevitably raises the question of the limits of rights. This theme has been delineated in various contexts in classical liberal theories, beginning with Locke's *Letter of Toleration*. To that end,

²⁴ А.С. Панарин, *Глобально...*, p. 119.

²⁵ А.Г. Дугин, "Права народов и права человека".

his *Treatises on Government* also indicated the exclusion of an individual from one's rights in the event of their violation. In the Neo-Eurasianist tradition, however, the problem is posed a bit differently, which is exactly stated by Cherniakhovsky, who is close to this group. In his words, *If we recall the Universal Declaration of Human Rights (...), then the first point there is the postulate of treating each other in a spirit of brotherhood. And the other two are the assertion that if human rights are contrary to public morality, then they can be limited. That is, human rights cannot contradict the established morality in the society. And second, since it is reliably known that ensuring human rights is possible only in a society and through a society, then everyone bears obligations to the society. Therefore, strictly speaking, if a person does not belong to others in the spirit of brotherhood, if they violate morality and do not fulfill their duties to the society, then they thereby violate human rights. The freedom of everyone to expand is limited by the nose of another.*²⁶

According to the Neo-Eurasianist circle, there is no such thing as a state of nature with separate individuals as subjects of human rights. In the natural development of mankind, people have always grown up among others in a certain tribe or ethnic group. People's security and the fulfillment of their pursuit of happiness is only possible within the community, and this leads to obligations the whole community and each of its members must bear.

THE KAZAKH PROPOSAL: SYNERGY AND PLURALISM

The concept of modern Eurasianism, aimed at the multilaterally beneficial integration of the post-Soviet states, is attributed (not unjustly) to the President of Kazakhstan (in 1991-1919), Nursultan Nazarbayev. He presented his ideas in two famous lectures given at the Moscow State University and in some additional statements. His most interesting assertion about human rights in Kazakhstan and Europe was made in 2014, when he said that the situation of ensuring human rights and freedoms in his country was, in some ways, better than in some European states. Nazarbayev made this statement at a press conference in Astana following the talks with the French President Francois Hollande.

According to Nazarbayev, human rights in Kazakhstan are provided for more comprehensively than in a number of European countries, 'where prohibitive laws are being adopted, precisely on ethnic principles.' Nazarbayev said that the representatives of dozens of nationalities living in Kazakhstan have the same rights, their languages and cultures are being equally protected. Schools in the republic teach classes in 18 languages. The same can be said about religious freedom: 40 religious confessions are allowed to be practiced in the country 'completely freely.' From the point of view of Nazarbayev, there is no censorship or political persecution in Kazakhstan. *Respecting democracy in the world, moving in this direction, we do not want to lose our own identity. We have*

²⁶ С. Черняховский, "Права человека..."

*different thoughts, we can say we see different dreams than Europeans. And we are committed to our traditions. If we take this into account for each other, life will become more beautiful and better.*²⁷

Nazarbayev uses some of the Russian Eurasianist rhetoric. By emphasizing the difference between the 'European Dream' and the one in Central Asia, he expresses his disagreement with the idea of losing identity by nations. Moreover, he speaks about securing the rights of ethnic and religious groups in Kazakhstan. However, he also promotes respect for democracy 'in the world,' which might be slightly problematic as it is not clear whether democracy is attributed to individuals or the state as an international actor.

Nazarbayev's position was explained to some extent by a legal analyst, Maydan K. Suleymenov, who claimed that the natural-legal approach should still be considered as predominant in the Kazakh legal reality, at least in the light of the Constitution and its customary interpretation in Kazakhstan. However, one can speak of a practical merger of approaches to human rights in this country since human rights, despite being natural, acquire legal protection only when enshrined in the Constitution of the Republic of Kazakhstan. Moreover, the principle of the limitation of rights when they affect the rights of another party has also become part of the basic document in Kazakh statutory law: Art. 12, clause 5 states that the exercise of human and civil rights and freedoms *should not violate the rights and freedoms of others, infringe on the constitutional order and public morality*. This means that human rights and freedoms are inextricably linked with the rights and freedoms of others and that human rights and freedoms are inextricably linked with law and morality.

According to Suleymenov, human rights are natural, in contrast to the rights of a citizen, which arise only in connection with a person's citizenship or alternative legal status (foreigner, stateless person). If so, can the inclusion of natural rights in the Constitution of the Republic of Kazakhstan affect the discussion of the concept of law? Among the three main approaches to human rights, Suleymenov listed the natural-legal, statist, and the sociological perspective. The first approach, although relatively diverse, is generally idealistic and independent of the state. Natural law is permanent and invariable, not subject to 'tinkering with' within any social chronotope.²⁸

As Suleymenov remarked, the natural law school proceeded from the existence of two systems of law: natural law and positive law, with the latter being often stigmatized as hostile or inadequate when concerning the inalienable rights of the individual. Therefore, natural law is justified and fair, not constrained by the boundaries of individual states, and extends to all times and peoples. It is eternal and unchanging, as the nature and mind of man are eternal and unchanging.²⁹

²⁷ Н. Назарбаев, "Права человека в стране обеспечиваются", *Радио Азаттык*, 5 декабря 2014, 15:43, at <<https://rus.azattyq.org/a/26726569.html>>, 19 May 2021.

²⁸ Сопр. А.В. Поляков, *Общая теория права: Проблемы интерпретации в контексте коммуникативного подхода*, Санкт-Петербург 2004, pp. 82-85.

²⁹ See also: М.И. Байтин, *Сущность права: Современное нормативное правописание на грани двух веков*, Москва 2005, pp. 24-26.

The other two approaches are less sublime: the statist approach refers to the classic version of legal thinking, formed on grounds of classical scientific rationality. According to this approach, law is always a product of the state or is mediated by the state and understood as a set of norms (rules of conduct) established or sanctioned by the state in the form of a law. The sociological approach arose at the end of the classical type of 'scientific rationality' (the second half of the 19th century). Law is understood here as a social phenomenon that reflects the natural conditions of social life and is relatively independent of the state. Law is not what is expressed in legal codes, but instead what determines the behavior of subjects, their rights and obligations, and is embodied in legal relations.³⁰

Suleymenov admits his belief in two provisions. One is that all existing types of legal thinking can be reduced to two: narrow (normative, legalistic) and broad (rather anti-legalistic). The other is that no concept of legal thinking does reject the normativity of law. Moreover, norms are based on positive law, start from it, and build their concepts of legal thinking on its basis. This position, of course, is undeniable for the continental systems of law, as only the modern American realistic school of law denies its normativity.

For Suleymenov, the inclusion of human rights in the Constitution of the Republic of Kazakhstan means that natural rights are included in the regulatory legal system. In other words, it is not the laws of Kazakhstan that determine the content of human rights, but human rights and freedoms determine the content and application of laws.³¹

Suleymenov's position is shaped to a great extent by the Neo-Eurasianist Kazakh approach that was developed by Zhumabek Busurmanov, whose heritage is generally described as a fusion of universal Western European values, rationalism with Eastern traditions, legal awareness, and culture.³² There is no doubt that Busurmanov adhered to the Eurasianist 'communitarian *ratio*.' According to his belief, calling the absolute value of the Western, individualistic tradition of human rights into question does not mean a complete denial of human rights as the Kazakh theoreticians only consider different variations of the theory. In the post-Soviet territory, as Busurmanov believes, the Eurasian concept of human rights is more understandable and cannot be ignored; its supporters emphasize collectivism in the exercise of rights. Therefore, human rights must still be perceived from the standpoint of their adequacy to collectivist, public interests and expectations, as well as mutual responsibility of individuals to each other.³³

In his *opus magnum*, Busurmanov explained his theoretical conviction (very likely the most important of his ideas) concerning the understanding and the application of

³⁰ See also: А.В. Поляков, *Общая теория права...*, pp. 79-80, 85-88.

³¹ М.К. Сулейменов, "Права человека и гражданина в Конституции и в Гражданском кодексе Республики Казахстан", *Закон.кз*, at <<https://www.zakon.kz/4749473-prava-cheloveka-i-grazhdanina-v.html>>, 19 May 2021.

³² Ж.Д., Бусурманов, "Евразийская концепция прав человека: новый взгляд на проблему", *Евразийский юридический журнал*, vol. 11, no. 18 (2009), pp. 18-28.

³³ Ж.Д. Бусурманов, *Евразийская концепция прав человека*, Астана 2010, p. 157.

human rights. He claimed that it is not possible to separate the idea of human rights from the reality of the society where they have been explicated. The call for human rights is a response to the situation and needs of a particular group. That is why the international community is in a position where, at each level, the tasks of ensuring uniformity in the system of international legal norms for the protection of human rights are genuinely solved – on one essential condition, though. Those who decide on the canon of fundamental human rights must take into account the peculiarities, originality, and uniqueness of particular states, societies, or peoples.³⁴

From the Eurasianist point of view, one should not fetishize only the rights, thereby forgetting the complementary aspect of the legal order, which consists of duty and responsibility. Due to the fact that the nations of Central Asia are descendants of nomadic ancestors, there are collectivist social principles in the Kazakh mind. They are conspicuous even in the current conditions of free market relations. Hence, in Busurmanov's opinion, individual rights and freedoms are respected in this or that society and state when and where individual rights and freedoms adequately meet the collectivist and social expectations, and they also presuppose a mutual obligation and responsibility to each other. The latter is especially important, since the excessive and overwhelming enthusiasm for individual rights and freedoms has fetishized and exalted them, consequently violating the interconnection of rights and obligations and effectively contributing to the formation of selfish individualism.³⁵

A consistent theoretician should not forget that this approach is only one of many possible options. Busurmanov does not follow the Weberian intuition of regarding the capitalist West as a universal source of legal norms.³⁶ On the contrary, he evokes an entire range of different legal traditions, all of which are very different from one another. In addition to the European concept of human rights, there are also Islamic, Chinese, Japanese, traditionalist, and socialist concepts, as well as the Eurasian experience, which significantly complements and enriches the European one. The Islamic concept of human rights, harmoniously woven into the system of universally binding prescriptions of Muslim law, allows the citizens of the Islamic world to perceive positively and reckon with human rights and freedoms providing they do not contradict the dogmas of the Islamic faith. In the countries of the 'Confucian cultural area' (China and Japan), a preference was given to the norms of morality, ethics, duty, and honor. Law was considered here to be a consequence of the axiological framework existing in the mind, and therefore, there was no admiration or reverent attitude towards legal prescriptions. Conversely, in the European West, on the basis of Christian virtues, statutory positive law was fetishized, not that it helped to prevent the emergence of tyrants in France and Germany or the world wars.

³⁴ Ibid., p. 167.

³⁵ Ж.Д. Бусурманов, "Я пытаюсь посмотреть на идею прав человека глазами евразийца", *Юрист*, no. 2 (2012), at <<https://journal.zakon.kz/4478362-ja-putajus-posmotret-na-ideju-prav.html>>, 19 May 2021.

³⁶ Ж.Д. Бусурманов, *Права человека через призму евразийства*, at <<http://repository.enu.kz/bitstream/handle/data/9133/prava-cheloveka-cherez-prizmu.pdf?sequence=1>>, 19 May 2021.

The Asian concept of human rights was built on the position of its compliance with the principles of 'humanity,' 'correctness,' 'fairness,' and 'usefulness,' thus helping the Asian countries to achieve the greatness and well-being of the individual, family, and state, as well as their mutual duty to each other. Perhaps this can explain the impressive successes accomplished in the modernization of the economies of Japan and China, where 'collectivist Confucian values' are more significant and influential than legally enshrined human rights and freedoms, which do not always guarantee an accompanying stable peace.

The socialist concept of human rights that is based on Marxist doctrine, proclaiming the priority and domination of the collective, is just a cog in the mechanism of the state. In this, it went to the absolute extreme and argued that there are no natural inalienable human rights. Any rights and freedoms were supposed to be granted to an individual by the state, to the extent that it considered necessary. It was overlooked that, to begin with, the state is only a product of the delegation of power from its citizens, called upon to serve them and satisfy their needs.

For the Western European world, which stands in contradistinction to the Asian concept, individualism presupposes a complete autonomy or even a 'dictatorship of individuals,' and with it the priority of their individual rights and freedoms. It is based on rigid pragmatism and is focused on obtaining the greatest economic benefits at the lowest cost with the rationality of actions. This approach formed the basis of the concept of 'Eurocentrism,' and the theory of the individual person as the only subject of human rights.³⁷

For the multiethnic Eurasian society of Kazakhstan, however, as Busurmanov claims, it is especially important to ensure and guarantee its collective rights, such as 'interethnic harmony and peace.' Therefore, from this point of view, the Eurasian concept of human rights appears to be the most relevant intellectual construct that meets the challenges of the time. These challenges necessitate the need for the adoption of a kind of Eurasian Declaration of Human Rights and the Rights of Peoples as a new regional document.³⁸

Similarly to the other Neo-Eurasianists, Busurmanov demands that the postulated charter or declaration proclaim the right to civilizational identity, the right to have a historical memory, and the right to express a national spirit. The policy of unifying the model of human rights categorically does not respect these values, assuming that to be different means to be conservative. The Kazakh school of human rights does not reject universal, unified norms and standards. Rather, it looks at them through the prism of facts and the empirical world, taking as a theoretical basis the philosophy of *nominalism* as one of the types of intellectual narratives which are entitled to exist in parallel to *realism*. This approach allows for the move towards the universal through the recognition and respect for the diversity, uniqueness, and identity of peoples and their

³⁷ Ж.Д. Бусурманов, *Права человека...*

³⁸ Idem, "Я пытаюсь посмотреть на идею прав человека глазами евразийца", Юрист, no. 2 (2012), at <<https://journal.zakon.kz/4478362-ja-pytajus-posmotret-na-ideju-prav.html>>, 19 May 2021.

statehood. In addition to the universal level, the expected Eurasian Declaration of Human Rights and the Rights of Peoples should emphasize the recognition of the regional and national levels of human rights standards.³⁹

CONCLUSIONS

It is not difficult to realize that the Neo-Eurasianist thought concerning human rights uses the Western concept as a point of reference, but does it in a fairly negative sense. Russian Neo-Eurasianists, supported by a group of other 'patriotic' thinkers (including most functionaries of Russian diplomacy), generally interpret the narrative of human rights as a selfish and destructive ideology, which is used as a weapon against non-Western states or 'civilizations.' They criticize the primacy of the natural rights of the human individual because they do not understand that those are fundamental to Western societies. The Kazakh theoreticians, however, only illustrate the inadequacy of the absolutization of individual rights as a universal model. They avoid rejecting them, suggesting that an exhaustive theory could be enriched by the communitarian aspect. The latter is the most characteristic element of the Neo-Eurasianist theory of human rights. To be more precise, it does not exactly approach the Marxist position but does indicate the necessity to account for the experience of particular social entities.

When, after 1917, Old Russia collapsed together with its values (which are usually summed up, according to Count Sergei Uvarov, as Orthodoxy, Autocracy, and Nationality), the first generation of Eurasianists had a sense they had been unlawfully deprived of a valuable thing they had an inalienable right to. Although they did not describe it directly, their writings clearly show the resentment of a people who had lost their own environment, which was a point of reference in creating their ideas and which they could influence somehow. Since they had little to offer abroad, they tried to adapt to some acceptable vision of their own country, even if this meant the Soviet state that not only exiled them but physically annihilated millions of their compatriots. As historically formed communitarians, they perceived it as a fundamental human right to have their own country with its community mentality and greatness. They also seemed to be under the illusion that it was an external factor that robbed them of the only environment they could normally develop in.

The third generation of Eurasian thought also arose in an atmosphere of defeat. As before, the empire collapsed, and the temptation to accuse external forces of the disintegration of the state, economic disaster, and reduced influence in international relations were even greater. A critical attitude to the victorious West inevitably entailed the rejection of its deepest legal foundations, i.e. the idea of the inalienable rights of the human being motivated by natural law. After all, the liberal respect for the individual, which incited economic and mental activity, became the major temptation for

³⁹ Idem, "Евразийская декларация прав человека и народов как ответ на новые вызовы современности", *Право и судостроение*, vol. 1, no 66 (2015), p. 66.

the Soviet society. It was an important element of the West's soft power, which wiped out the Red Empire.

The intellectual achievements of the Neo-Eurasianists, including the human rights issue, can be considered from various points of view. In general, however, the conclusions made by Dugin, Korovin, or the much more pragmatic and balanced Kazakh theorists come down to implicating the need for 'the rights of the peoples.' This is the point where obligation balances individual abstract rights. However, the speculations still seem general, even more general than in the case of the liberal legal theory. Whereas the latter gives a clear answer to the question of the situation of a person who decides to leave his/her original national or religious community and join another world of values, the Neo-Eurasianists provide no clear answer. They preach obligations and an impossibility of removing an individual from their native political, legal, and cultural contexts. However, while attempting to balance the Christian idea of individual responsibility and the requirements imposed by Shariah Law, they are unable to pronounce which community a converted neophyte actually belongs to.

Whereas the traumatic background of the human rights theory among the Russian Neo-Eurasianists is quite gloomy (and quite transparent at the same time), this is not so in the case of the Central Asian theorists. Supported by the apparatus of political experience and the education of their apparatchiks, the Kazakh representatives of Neo-Eurasianism seem, firstly, to embrace the Western concept of individual rights fundamentally, while making, as they say, important additions that are necessary for the successful development of their own society. In other words, they draw attention to the fact that the point of view in politics, including the issue of human rights, depends on the historical conditions of the state and its specific situation.

The Kazakh narrative, therefore, is justified by a particular starting point, which is evidently different from the one that accompanied the creation of Locke's *Treatises* or the Declaration of the Rights of Man and of the Citizen. The Kazakh lawmakers had to account for the reality of their multi-ethnic state, which emerged as a splinter of an empire that had collapsed because of national ambitions. Drawing from a specific, pragmatic version of Neo-Eurasianism, the local policymakers and theoreticians of law seem to argue that, in the situation of triumphant Islamic fundamentalism or any other totalistic ideology knocking on the country's door, it is quite likely that smaller ethnic groups would be marginalized and even persecuted. The basic rights that require immediate legislative action in this situation are equality before the law, regardless of religious or ethnic affiliation, and the right to freely develop one's culture within the complex of the new state. In a country with several ethnic groups, where aggressive or unfavorable comments could bring out a nationalistic or fundamentalist fire, freedom of speech should not be expected to be a priority; it ought to give way to the tiny nations' rights to exist in secure conditions while being surrounded by bigger groups which have different languages and religious traditions.

The polemic about human rights, taken up by the Neo-Eurasianists as well, is obviously an extension of the old opposition 'Rawls vs the Communitarians.' In other words, we are entitled to ask (anywhere: in the US, in Europe, in post-Soviet Eurasia,

etc.) whether the lawmakers ought to attribute rights only to individuals or rather grant them to communities. By accepting the communitarian approach, we could actually arrive at a new type of imperial system of *milletts* instead of Roman or American legal universalism. This kind of multiculturalism, where the national and religious group is responsible for exterritorial members, is somewhat present in Neo-Eurasianism, especially in the Russian version.⁴⁰

Surprisingly, the Kazakh version of the doctrine (namely, in its approach to human rights) seems to be much more statist, putting the state in the position of a guarantor of rights. Thus, as the Kazakh theorists declare, it is more of a supplement to the Western vision: the community is guaranteed all rights to maintain its identity, but it is a supra-ethnic and supra-confessional structure that remains the ultimate arbiter for the citizen.

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⁴⁰ Сomp. А.А. Сурков, “Мультикультурализм в свете справедливости по Ролзу”, *Вестник РУДН*, Серия Философия, no. 1 (2012), pp. 153-154.

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