

THE RIGHT TO KNOW,
THE RIGHT TO ACT

DOCUMENTS OF HELSINKI DISSENT FROM THE SOVIET UNION
AND EASTERN EUROPE

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CZECHOSLOVAKIA

An Introduction to Charter '77

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Charter '77 is a changing phenomenon; trying to give it a definitive description is like trying to shoot down a moving target. In the 15 months of its existence, it has been characterized from many different perspectives. Its objectives have been defended, for instance, against official efforts to outlaw and liquidate it. Some foreign observers have erred in viewing it as an opposition group, an organization of dissidents, whose stress on the rule of law is merely camouflage. Even among Charter members, the debate has been continual over how Charter members can or should realize its aims. The discussion occurred last summer, resumed in March, 1978, and is apparent in many Charter documents.

The initial Charter proclamation of January 1, 1977, for instance, termed the group "a loose, informal and open association of people of various shades of opinion, faiths and professions, united by the will to strive individually and collectively to promote in our own country and throughout the world respect for the civic and human rights embodied in the U.N. Universal Declaration of Human Rights and accorded to all by the International Covenants and the Final Act of the Helsinki Conference."

Professor Jiri Hajek, one spokesman for Charter '77, has spoken of "an association of interest born of the effort to examine whether or not the laws and regulations to which a state is committed are being put into practice." He stressed that "the essence of the Charter is a call to full and active citizenship." Another spokesman, Dr. Ladislav Hejdanek, held that "the main aim of Charter '77 is to spotlight the situation of the society in which we live." And the late Professor Jan Patocka, who was inextricably associated with the early phases of the Charter and its highly moral nature, closed the essay which is rightly called his political testament with these words: "From the Charter we may expect a new spiritual orientation to enter our life – an orientation towards basic human rights, towards morality in political and private life. The Charter will not stop reminding us – or people abroad – no matter what risk such activities entail."

The importance of the Charter and of its continuing activity can only be appreciated against the background of Czechoslovakian reality. After eight years of so-called consolidation (since the Soviet invasion of August, 1968), that society remained crippled by the failure to achieve fundamental democratic reforms. The majority of its citizens not only inwardly disagree with the policies of the small governing elite; they actually oppose them. Externally, however, they have resigned themselves to passive accommodation, unable to hope in any chance for the better. The governing elite is also a prisoner of the new situation imposed after the defeat of the Prague Spring. Discredited and compromised, it does not dare to decrease its pressure for fear of bringing the collapse of the precarious structure of "consolidation."

Under these circumstances and especially after the sweeping police action of January 1972, and the political trials which followed it, dissent was confined to a small group of people – individuals or ad hoc groups – who could only express their criticism of the political establishment by publishing their protests and proclamations abroad. Unlike the dissidents in the U.S.S.R., those in Czechoslovakia did express the opinions of the majority of the dissatisfied population, although they were mainly intellectuals and some politicians still defending the 1968 reforms. Their protests continued into 1975 and, after the publication abroad of a letter by Alexander Dubcek, more public pronouncements emerged without spurring direct confrontation with the regime. After the Helsinki Conference as well, several such individuals and small groups of people voiced the demand that Czechoslovakia implement the Final Act principles.

Disappointed that détente did not automatically bring that hoped-for internal liberalization, these lonely and isolated voices lacked sufficient influence to pressure the regime to provide the basis for broader community action. Those who spoke up were mainly already prominent dissidents or former Communists out of touch with other circles in the society – particularly with young adults.

In the second half of 1976, however, events took a different turn in connection with the trial of 14 young people. Members of underground musical groups, they had been brought to trial only because their compositions expressed an existentialist opposition to hypocritical morals, to conformity, and to consumerism. Their trial was meant to be a warning to all nonconformist youth, but it in fact spurred several spontaneous joint actions, in which people of different generations, political views, and religious faiths became friends. Crucially, this action was not political in nature but merely the defense of the basic rights of a group of young people to sing what they wanted to sing and to define their own philosophy of life. The defense of the “singers” – as Patočka called them – created the basis for further unified activity in defense of human rights. Warm feelings of solidarity grew during this common search for truth and strength as it was discovered how many people refused to be silent in the face of injustice.

Unable to remain patient and fearless of further consequences, these people would no longer wait for change to come from above or outside. The long years since 1968 had made them realize that freedom and human rights are indivisible. And that only by claiming a right does one make it real.

Jan Patočka later expressed this realization: “Passivity only makes the situation worse. The greater the fear and servility, the more brazen the authorities become. Only when the authorities are convinced that injustice and discrimination will not be ignored, will they lessen the pressure.”

The achievements of those whose discontent with the status quo brought them to a firm resolve to act through systematic public criticism brought in August and September, 1976 the liberating realization that change in a society must begin with the people themselves. Advancement of human and civic rights was seen as THE primary problem affecting the lives of ALL citizens. It is the will of people to be citizens – with all the

risks such a stand involves – that makes possible the enforcement of human and civil rights.

At this societal turning point, at the birth of the first mass movements since 1969 to oppose persecution, a legal program appeared. In November, 1976, the two International Covenants on Human Rights were published (although quietly) in the Law Code and thus became a formal part of the Czechoslovakian legal system. Not even a superficial reader of the Covenants could fail to see the flagrant discrepancy between their provisions – assumed as obligations by the Czechoslovakian government – and the daily practice of the state, police, judicial and other agencies. This discrepancy was actually a challenge; to demonstrate the real state of affairs, to spotlight it, and to reveal the discrepancies fully. The challenge consisted not only in offering suggestions for improvement but in continuing the struggle beyond single protests. The challenge, as Charter '77 proclaimed, was not only to make the state accept its own laws, but to require that “everyone share responsibility for the present situation and, accordingly, for the implementation of the enacted Covenants.”

Thus, Charter '77 was born.

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In Czechoslovakia, the basic obstacle to the resolution of civic and human rights problems is in the nature of the regime, a dictatorship based in the Communist monopoly of power, perpetuating itself at the expense of the independent role of citizens or civil institutions. The built-in inflexibility of that situation is compounded by the fact that through the post-1968 consolidation process, the authorities have failed to solve the problems which brought on the crisis of the late 1960's. Thus, it was hardly surprising that the regime reacted with near hysteria to the civic initiative of Charter '77, to the criticisms it voiced, to its restrained program of citizen involvement. In its defense of human and civil rights, the Charter struck the Achilles heel of the regime.

Unable to discuss or debate with the Charter – for the Charter principles of inalienable human rights are irrefutable – the regime could not straightforwardly gainsay the Charter's claim to be defending the state's own pledges to observe minimum international standards. (According to the Czechoslovak Interior Minister, indeed, Charter '77 is so cunningly written that only one person in ten could recognize the danger it represents.) Instead, the regime chose to use ideological argumentation in its propaganda campaign against the Charter and to increase repression against its supporters.

As a matter of principle, however, the Charter is non-ideological in its approach to human rights, and Charterists refuse to engage in polemics. As long “as people feel there are issues worth suffering for” (Patočka) and as long as détente continues, at least in its present form, the challenge of the Charter will remain. The state may answer criticism of human rights violations by their further violation. It may try to ruin people by depriving them of their livelihood. It may intimidate them and -- through police terror –

isolate this civic initiative and break it up. But the struggle between Charter '77 and the state will still remain undecided.